



CONNECTING PEOPLE,
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Appendix C – Statutory Compliance Table

Table 1. Mandatory Considerations of the Consent Authority

Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
Considerations under the EP&A Act and EP&A Regulation				
<i>Environmental Planning and Assessment Act 1979</i>	Section 1.3 – Objects of the Act	<i>(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,</i>	The proposal delivers substantial social and economic welfare by creating 234 new permanent operational FTEs and providing critical acute healthcare capacity (new ED and 155 beds) for the South District. It manages resources properly by consolidating high-density infrastructure on a Strategic Centre site with a Very High PTAL 6 rating, optimising land and transport resources.	N/A
		<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	ESD is actively integrated by prioritising environmental performance over purely economic cost. This includes a design targeting 4-star Green Star equivalence, utilising an all-electric strategy, and achieving an estimated 67.8% reduction in embodied carbon against industry benchmarks through responsible material selection.	Refer to Section 6.1.7 of the EIS.



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		<i>(c) to promote the orderly and economic use and development of land,</i>	The project promotes the orderly and economic development of land by intensifying the established Kogarah Health and Education Precinct. This directly fulfills the South District Plan's HERI objectives, concentrating high-value employment and essential tertiary health services in a centrally located, transit-oriented Strategic Centre.	N/A
		<i>(d) to promote the delivery and maintenance of affordable housing,</i>	Whilst the hospital development does not directly provide housing, it strongly supports this objective by reinforcing Kogarah as a Strategic Centre. This role is essential for supporting future housing growth targets within the area by ensuring new residential developments have access to high-order, co-located employment and critical social infrastructure.	N/A
		<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</i>	Environmental protection is confirmed by the BDAR Waiver issued by DPHI, which determined the project is unlikely to have any significant impact on biodiversity values. Furthermore, the Remedial Action Plan (RAP) ensures the Clinical Tower site is remediated to protect the environment and human health from identified contamination.	Refer to Section 6.1.9 of the EIS.



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		<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	This objective is met through the sensitive design that respects the neighboring locally listed heritage items by aligning its massing to the two-storey street datum. It further promotes cultural heritage by embedding the Connecting with Country framework into the design through specific features like the Bank Lane mural, Indigenous art, and a commitment to manage unrecorded archaeological finds.	Refer to Section 6.1.17 and Section 6.1.18 of the EIS.
		<i>(g) to promote good design and amenity of the built environment,</i>	The project demonstrates a high standard of Design Excellence under the 'Better Placed' policy. Amenity is promoted through the integration of the Level 2 therapeutic garden, contextual design derived from the local sandstone allegory, and the functional rationalisation of the Hogben Street interface to create a safer pedestrian priority zone.	Refer to Section 6.1.3 of the EIS.
		<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</i>	The proposed development would be implemented through best-industry practice standards and measures. The proposal has been designed in accordance with the NCC. This incorporates into the design, all statutory and functional requirements, regarding access, egress and fire, which are deemed necessary to safeguard the safety of building occupants and the longevity of the development.	N/A



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		<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</i>	This objective is demonstrated by the State Significant Development (SSD) process itself, which involves DPHI (as the consent authority) working collaboratively with key agencies like Transport for NSW (on traffic management) and Georges River Council (on local public domain works) to ensure a cohesive outcome.	N/A
		<i>(j) to provide increased opportunity for community participation in environmental planning and assessment.</i>	This is fulfilled by the exhibition of this EIS, which forms the mandatory public contribution framework. The extensive preliminary engagement process—which involved community surveys and consultation with local stakeholders and Registered Aboriginal Parties (RAPs)—further demonstrates the commitment to public participation.	Refer to Part 5 of the EIS.
	Section 4.15(1)(a) – Matters for consideration – general	<i>(i) any environmental planning instrument, and</i>	The EPIs relevant to the proposed development include: • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Refer to Part 4 of the EIS.



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			State Environmental Planning Policy (Sustainable Buildings) 2022	
		(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	None.	N/A
		(iii) any development control plan, and	Despite the relevance of Clause 2.10 of the State Environmental Planning Policy (Planning Systems) 2021, the Georges River Development Control Plan 2021 has been considered and assessed.	Refer to Appendix 41.
		(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Not applicable – no planning agreements apply to the development sites or to the proposed development.	N/A
		(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).	Refer below.	N/A



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	Section 4.15(1)(b) –	<i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	-	Refer to PART 6 of the EIS.
	Section 4.15(1)(c) –	<i>the suitability of the site for the development,</i>	-	Refer to PART 2 of the EIS.
	Section 4.15(1)(d) –	<i>any submissions made in accordance with this Act or the regulations,</i>	Will be addressed as part of the forthcoming public exhibition and response to submissions phase.	N/A
	Section 4.15(1)(e) –	<i>The public interest.</i>	-	Refer to Part 5 of the EIS.
<i>Environmental Planning and Assessment Regulation 2021</i>	Clause 190 – Form of an Environmental Impact Statement	<i>(1) An environmental impact statement must contain the following information – a. the name, address and professional qualifications of the person who prepared the statement, b. the name and address of the responsible person, c. the address of the land – i. to which the development application relates, or</i>	-	Refer to whole EIS.



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		<i>ii. on which the activity or infrastructure to which the statement relates will be carried out,</i> <i>d. a description of the development, activity or infrastructure,</i> <i>e. an assessment by the person who prepared the statement of the environmental impact of the development, activity or infrastructure, dealing with the matters referred to in this Division.</i>		
		<i>(2) The person preparing the statement must have regard to –</i> <i>a. for State significant development – the ‘State Significant Development Guidelines’, or</i> <i>b. for State significant infrastructure – the ‘State Significant Infrastructure Guidelines’.</i>	-	Refer to whole EIS.
		<i>(3) An environmental impact statement must also contain a declaration by a relevant person that –</i>	-	Refer to EIS Declaration on page 3 of the EIS.



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		a. the statement has been prepared in accordance with this Regulation, and b. the statement contains all available information that is relevant to the environmental assessment of the development, activity or infrastructure, and c. the information contained in the statement is not false or misleading, and d. for State significant development or State significant infrastructure—the statement contains the information required under the ‘Registered Environmental Assessment Practitioner Guidelines’.		
	Clause 191 – Compliance with environmental assessment requirements	<i>The Environmental Impact Statement must comply with the environmental assessment requirements notified under section 176 or the Act, section 5.16(4).</i>	The SEARs (reference: SSD-86969958) issued by the NSW DPHI on 30 June 2025 identify the following key issues: 1. Statutory Context 2. Estimated Development Cost and Employment 3. Design Quality 4. Built Form and Urban Design	Refer to PART 6 of this EIS.

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Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
			5. Environmental Amenity 6. Visual Impact 7. Public Space 8. Trees and Landscaping 9. Ecologically Sustainable Development 10. Traffic, Transport and Accessibility 11. Biodiversity 12. Noise and Vibration 13. Ground and Water Conditions 14. Water Management 15. Flood Risk 16. Hazards and Risk 17. Contamination and Remediation 18. Waste Management 19. Aboriginal Cultural Heritage 20. Environmental Heritage 21. Social Impact 22. Infrastructure Requirements and Utilities 23. Bush Fire Risk 24. Aviation 25. Construction, Operation and Staging 26. Contributions and Public Benefit	

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			27. Engagement	
Considerations under EPIs				
<i>State Environmental Planning Policy (Planning Systems) 2021</i>	Part 2.2 – State Significant Development	<i>2.6(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</i>	In accordance with Schedule 1, Clause 14 of the Planning Systems SEPP, development for “hospitals, medical centres and health research facilities” with an EDC exceeding \$30m constitutes SSD. As noted at Section 1.5 of this EIS, the EDC of the proposed development exceeds \$30m. The power to grant approval lies with the Minister for Planning (NSW DPHI) as the consent authority for SSD, pursuant to Section 4.5 of the EP&A Act. The Minister may delegate this function to staff within the DPHI.	Refer to Section 1.5 of the EIS.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Clause 3.58 – Traffic Generating Development	Schedule 3 of the Transport and Infrastructure SEPP requires certain traffic generating developments to be referred to TfNSW. This includes the proposed development based on the number of additional beds to be provided (with the referral threshold being 100 or more beds on sites with access to a classified road i.e. Princes Highway). The SSDA will be referred to TfNSW as a traffic generating development.	The proposed development would constitute traffic generating development, as described in Schedule 3 of the Transport and Infrastructure SEPP.	Refer to Section 6.1.8 of the EIS.



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Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	Clause 4.6 – Contamination and remediation to be considered in determining development application	Clause 4.6 states that the consent authority must consider the following: • Whether the land is contaminated; • Whether the land is suitable in its current state for the proposed use; and • If the land is not suitable, whether it can be made suitable by remediation. The consent authority must not grant consent unless it is satisfied that the land is either suitable or will be made suitable before the development is carried out.	Detailed site investigations of the clinical tower site have identified that remediation is required to make the land suitable for the proposed development.	Refer to Section 6.1.15 of the EIS.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	Clause 3.2 – Development consent for non-residential development	Clause 3.2 states that the proposed development must satisfy the consent authority that it effectively enables the following: • Minimising the demand for electricity and the consumption of artificial heating/ cooling; • Generating and storing renewable energy, metering and monitoring of energy consumption; • Minimising waste during construction and operation; and • Minimising the consumption of potable water.	Through the implementation of the initiatives noted within the Sustainability Management Plan, the project demonstrates its commitment to the principles of Ecologically Sustainable Development throughout the design, construction, and operation of the proposed development.	Refer to Section 6.1.7 of the EIS.



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Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
<i>Georges River Local Environmental Plan 2021 (GRLEP 2021)</i>	Clause 4.3 – Height of Buildings	Applies a maximum height of building control to certain sites within the Georges River LGA.	The main hospital campus site is not subject to a maximum Height of Building control. However, the small MU1 zoned portion of the clinical tower site (Lot 5 in DP8864) has a 39m height limit.	Refer to the Architectural package enclosed at Appendix 4.
	Clause 4.4 – Floor Space Ratio	Applies a maximum Floor Space Ratio (density) control to certain sites within the Georges River LGA.	The main hospital campus is not subject to a maximum FSR control. However, the small MU1 zoned portion of the clinical tower site (Lot 5 in DP8864) has a 4.5:1 FSR maximum. This is denoted as 'Area 4' on GRLEP 2021 mapping (see Clause 4.4B below). Based on a site area of 299.29sqm, Lot 5 has a maximum permitted FSR of 1,346.8sqm. The provided architectural plans show approximately 840sqm of GFA across Lot 5, which equates to a FSR of 2.7:1.	Refer to the Architectural package enclosed at Appendix 4.
	Clause 4.4B – Exceptions to Floor Space Ratio (Non-residential use)	Clause 4.4B applies to development that is for the erection of a new building or alterations or additions to an existing building. Part (4) confirms that development consent must not be granted for development on land identified as 'Area 4' unless the non-residential floor space ratio is at least 1:1.	The proposed development of the clinical tower site accords with Clause 4.4B.	Refer to the Architectural package enclosed at Appendix 4.



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Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
	Clause 5.10 – Heritage Conservation	Clause 5.10 operates across four main objectives to manage heritage: • Protecting heritage items and conservation areas; • Managing development impact (views and context); • Promoting appropriate design and schedule; and • Supporting cultural and scientific value.	Neither site is identified as a heritage item nor are they within a heritage conservation area pursuant to the GRLEP 2021. They are however proximate to: • 1193 (Local) Shop and residence, 111 Princes Highway, Kogarah (20m north); and • 1176 (Local) Shop and residence, 22 Hogben Street (71m west). A Statement of Heritage Impact has been prepared by Umwelt to assess the degree of effect arising upon the heritage significance of these nearby heritage items.	Refer to Section 6.1.18 of the EIS.
	Clause 5.21 – Flood Planning	Clause 5.21 is the core legislative tool that guides the consent authority (DPHI) in determining whether development on flood prone land is appropriate. The clause has a dual focus: ensuring the safety of occupants and assets on the site, and ensuring the development does not worsen flooding elsewhere. The clause requires the consent authority to be satisfied that the proposal meets the following objectives: • Risk and safety: to minimise the flood risk to life and property associated with the use of the land, ensuring that safety is paramount.	The proposed development at the main hospital campus comprises external works that are not in a flood affected area, and these will not have an adverse impact on flood behaviour. Furthermore, egress routes are available from the ground floor to external areas and higher floor levels in the event of overland flow. The floor levels of the clinical tower shall be above the Flood Planning Level for the PMF. Overland flow will be of short duration and not of unacceptable flood hazard in adjacent streets.	Refer to Section 6.1.13 of the EIS.



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Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		• Compatibility (flood function): to ensure the development is compatible with the flood function and behaviour on the land. This means the building must not unduly impede flood flows or increase the velocity of water, especially in floodways. • No adverse impact: to ensure the development will not adversely affect flood behaviour elsewhere (i.e., it must not increase the potential flood affectation or flood hazard for other development or properties). • Safe evacuation: to ensure the development will not adversely affect the safe occupation and efficient evacuation of people, or exceed the capacity of existing evacuation routes. • Future resilience (climate change): to ensure that consideration has been given to potential flood impacts arising from projected changes to flood behaviour as a result of climate change.		



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	Clause 5.22 – Special Flood Considerations	Clause 5.22 imposes extra diligence on projects based on their nature or potential to cause significant off-site harm during a flood event. The two primary concerns are the safety of critical infrastructure and the environmental risk of hazardous materials. This clause requires the consent authority to be satisfied that the development: • Protects critical infrastructure: will not impact the operational capacity of emergency response facilities and critical infrastructure during a flood event. • Manages hazardous materials: will not cause adverse effects of hazardous development on the environment during a flood.	Following on from Clause 5.21, the proposed development at both sites will not impact the operational capacity of emergency response facilities and critical infrastructure during flood events. Moreover, the proposed development will not create adverse effects of hazardous development on the environment during flood events.	Refer to Section 6.1.13 of the EIS
	Clause 6.2 – Earthworks	Clause 6.2 operates by ensuring the planning authority is satisfied that the earthworks will achieve several environmental, structural, and social safeguards: • Environmental protection; • Geotechnical and structural stability; and • Visual and amenity control.	Bulk earthworks are proposed as part of this SSDA, requiring consideration of this clause.	Refer to Section 6.1.12 of the EIS.



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	Clause 6.7 – Airspace Operations	Clause 6.7 establishes a mandatory requirement for the consent authority (DPHI) to ensure that development does not infringe upon protected airspace surrounding airports and helicopter landing sites.	This is addressed within the Aviation Impact Assessment Report enclosed at Appendix 38 and is summarized at Section 6.1.21 of the EIS.	Refer to Section 6.1.21 of the EIS.
	Clause 6.9 – Essential Services	Clause 6.9 seeks to ensure that new development can be appropriately serviced in terms of water, electricity, and telecommunications, together with the disposal and management of sewage and stormwater.	An Infrastructure Requirements and Utilities Plan, prepared by DSA Consulting is enclosed at Appendix 36 and is summarised at Section 6.1.19 of the EIS.	Refer to Section 6.1.19 of the EIS.
	Clause 6.10 – Design Excellence	Clause 6.10 aims to ensure that buildings of a certain scale and prominence within key commercial areas achieve a level of design quality that is above the ordinary. In making this determination, the authority must have regard to a list of specific design matters: Architectural standard: whether a high standard of architectural design, materials, and detailing appropriate to the building type and location will be achieved.	Part (2) of Clause 6.10 advises that the requirement for 'design excellence' applies to development for the erection of a new building on land in the MU1 Mixed Use zone if the building is 3 or more storeys or has a height exceeding 12m. The small MU1 zoned portion of the clinical tower site (Lot 5 in DP8864) triggers the requirement for the proposed development to demonstrate 'design excellence'.	Refer to Section 6.1.1 of the EIS.



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Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		- Public domain impact: whether the form and external appearance will improve the quality and amenity of the public domain. - Contextual fit: how the development addresses heritage issues, streetscape constraints, and the surrounding character (bulk, massing, and modulation). - Sustainability: the achievement of the principles of Ecologically Sustainable Development (ESD) and minimizing environmental impacts (e.g., overshadowing, wind). - Amenity: the preservation of amenity for occupants and neighbours.	The Design Report prepared by Fitzpatrick + Partners enclosed at Appendix 5 details the proposed development's compliance with the 'Better Placed' policy (also refer to Section 6.1.1) and the NSW Government Architect's nine (9) principles of 'design excellence', which is also summarised at Section 6.1.1 of this EIS.	
	Clause 6.11 Environmental Sustainability	– Clause 6.11 mandates that the consent authority (DPHI) must consider whether the development demonstrates commitment across several key sustainability pillars: Minimising resource consumption: focusing on the efficiency of how the building uses energy and water during its life.	As with Clause 6.10 (Design excellence), the small MUI zoned portion of the clinical tower site (Lot 5 in DP8864) triggers the requirement for the proposed development to demonstrate 'environmental sustainability'.	Refer to Section 6.1.7 of the EIS.



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Statutory Document	Section Reference	Mandatory Consideration	Relevance	Section in the EIS
		- Waste and materials management: addressing the environmental impact of construction materials and demolition. - Indoor Environmental Quality (IEQ): ensuring the building design promotes a healthy and comfortable indoor environment for occupants, reducing reliance on mechanical systems.	The proposed development's adherence to the principles of 'environmental sustainability' are detailed within the ESD Report (Appendix 15) and Net Zero Statement (Appendix 16), prepared by DSA Consulting, and is summarised at Section 6.1.7 of this EIS.	
	Clause 6.13 – Development in zones E1, E2 and MU1	Clause 6.13 primarily aims to impose additional controls to ensure that development in these zones – especially in key commercial areas like Kogarah (MU1)—is appropriate in type and design, and respects environmental constraints where applicable. The main goal regarding the MU1 zone is to prohibit residential accommodation and tourist and visitor accommodation on the ground floor of new buildings.	No part of the clinical tower ground floor is to comprise either residential or tourist and visitor accommodation.	N/A
Considerations under other legislation				
<i>Biodiversity Conservation Act 2016</i>	Section 7.9 – Biodiversity assessment for State significant development or infrastructure	Clause 7.9 mandates that an SSD application assessed under the Environmental Planning and Assessment Act 1979 (EP&A Act) must be accompanied by a Biodiversity Development Assessment Report (BDAR).	A BDAR Waiver was issued by DPHI on 29 September 2025 (Appendix 19).	Refer to Section 6.1.9 of the EIS.



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		However, pursuant to Clause 7.9(2), the requirement for a BDAR can be waived if the consent authority determines that the proposed development is not likely to have any significant impact on biodiversity values.		
<i>National Parks and Wildlife Act 1974</i>	Part 6, Division 1	The National Parks and Wildlife Act 1974 (NPW Act) is the primary NSW legislation protecting Aboriginal objects and places. As a State Significant Development (SSD) assessed under the EP&A Act, the project is exempt from the requirement for a physical permit (AHIP) to impact Aboriginal objects. However, the Proponent remains subject to the Duty of Care and mandatory protocols outlined in the Act.	The Aboriginal Cultural Heritage Assessment Report (ACHAR) enclosed at Appendix 33 has found no Aboriginal sites or objects on the clinical tower site (which is a heavily disturbed urban landscape), but has confirmed that the area holds Aboriginal cultural significance for the Bidjigal community. The ACHAR has assessed the potential for impact to unrecorded sub-surface objects as 'low', provided rigorous mitigation is implemented during the bulk excavation.	Refer to Section 6.1.17 of the EIS.



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			Compliance is achieved through the mandatory adoption of an Unexpected Finds Protocol, which serves as the statutory management framework. This protocol mandates that if any Aboriginal object is discovered during excavation: (1) all work must cease immediately in the vicinity; (2) Heritage NSW and all Registered Aboriginal Parties (RAPs) must be notified; and (3) a qualified consultant must assess the finds for significance. This commitment ensures the project adheres to the NPW Act's prohibition on harm and fulfils the RAPs' cultural request that Aboriginal heritage be respected and acknowledged.	