



12 October 2018

Ms Amanda Harvey
Director, Sydney Region East
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
12 OCT 2018
Scanning Room

Dear Ms Harvey,

Section 3.34 Notification—Nos. 297–299 Canterbury Road in Revesby

In accordance with section 3.34 of the Environmental Planning & Assessment Act 1979, please be advised:

(a) Decision to submit a planning proposal

At the Ordinary Meeting of 25 September 2018, Canterbury–Bankstown Council resolved to submit a planning proposal to the Department of Planning & Environment to seek a Gateway determination. The intended outcome is to provide a site specific framework that enables the development of the site for the purpose of a hospital.

Council also resolved to seek authority to exercise the delegation in relation to the plan making functions under section 3.36 of the Environmental Planning and Assessment Act 1979.

(b) Attached information

The planning proposal and the Council Report of the Ordinary Meeting of 25 September 2018 are attached for your information.

If you have any enquiries or require further information, please contact Council officer Mauricio Tapia on 9707 9923.

Yours sincerely,



Mauricio Tapia
Team Leader Strategic Planning

If you need help understanding this document
please contact Council on 9707 9000.

إذا كنت تحتاج لمساعدة في فهم هذه الوثيقة يرجى منك الاتصال
بالبلدية على الرقم 9707 9000

Εάν χρειάζεστε βοήθεια για να καταλάβετε αυτό
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Δημαρχείο στο 9707 9000.

Nếu quý vị cần người giải thích tài liệu này, xin
điện thoại đến Hội đồng Thành phố qua số
9707 9000.

Se ha bisogno di aiuto per comprendere questo
documento, telefona al Comune al numero
9707 9000.

如果你需要幫助理解這份文件，
請聯絡市政府。電話：9707 9000。

문서를 이해하는데 도움이 필요하시면 전화 9707 9000 로
카운슬에 연락하십시오.

Доколку ви треба помош да го разберете овој
документ, ве молиме телефонирајте во
Општината на 9707 9000.

Ako Вам је потребна помоћ да разумете овај
докуменат молимо назовите Општински Одбор
на 9707 9000.

Ako trebate pomoć da biste razumjeli ovaj
dokument, molimo nazovite Općinu na 9707 9000.

Jeśli potrzebujesz pomocy w zrozumieniu
niniejszego dokumentu, skontaktuj się
telefonicznie z Radą Miejską (Council) pod
numerem 9707 9000.

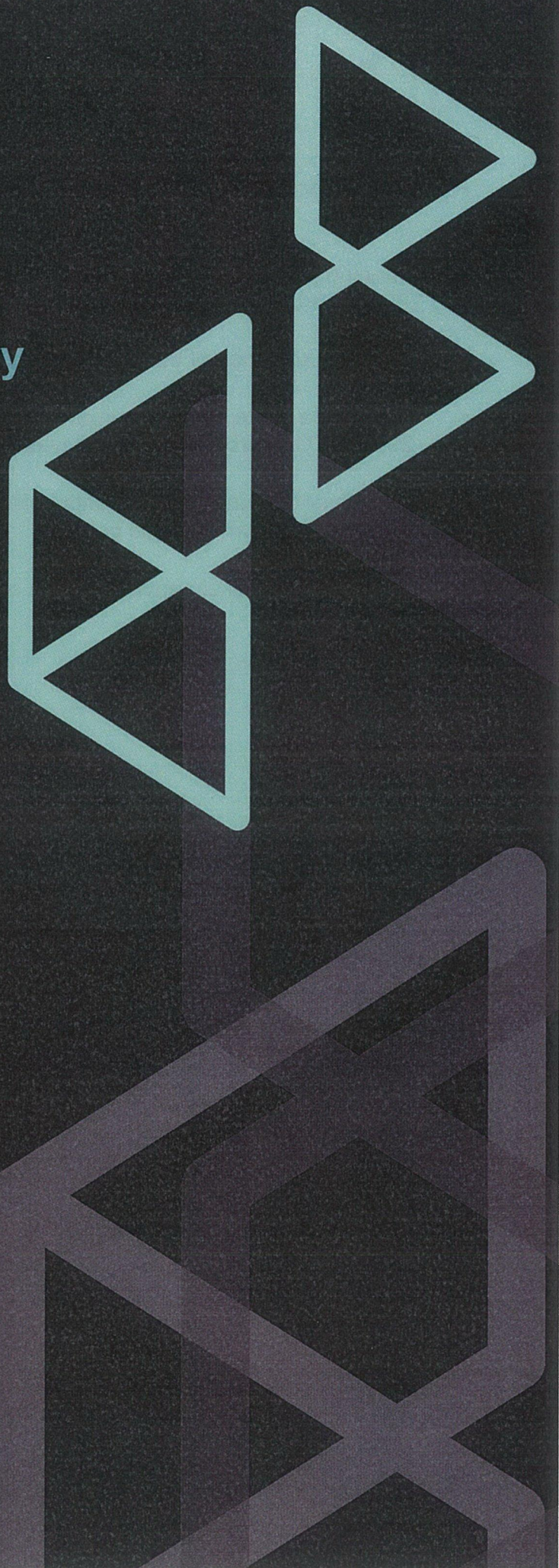
Si usted necesita ayuda para entender este
documento, le rogamos contactar al Municipio
llamando al 9707 9000.

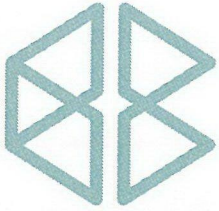


Planning Proposal

Nos. 297–299 Canterbury
Road in Revesby

October 2018





Part 2–Explanation of Provisions

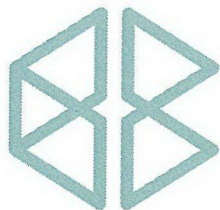
To achieve the intended outcomes of this planning proposal, it is proposed to amend Bankstown Local Environmental Plan 2015 by providing an ‘alternative’ development control regime for the site at 297–299 Canterbury Road in Revesby.

The ‘alternative’ development control regime may only permit development for the purposes of a hospital to achieve a floor space ratio up to 2.3:1 if the development delivers the following public benefits to the satisfaction of Council:

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.
- The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artegall Street) given that the proposal is looking to share resources and knowledge between the two facilities. The improvements must comply with the Disability Discrimination Act 1992.

The ‘alternative’ development control regime may also only permit development for the purposes of a hospital to achieve a floor space ratio up to 2.3:1 if the building and rooftop structures (such as plant rooms, lift motor rooms, fire stairs, signage, antennas and low impact telecommunication facilities) do not encroach into the prescribed airspace (i.e. a maximum height of 51 metres AHD) as it may constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.

If the development does not deliver these public benefits to the satisfaction of Council, then the current maximum floor space ratio of 1:1 (clause 4.4) under Bankstown Local Environmental Plan 2015 will continue to apply to the site.

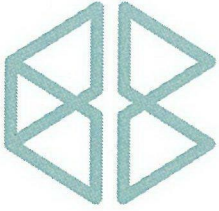


The 'alternative' development control regime as outlined above can be achieved by way of a new site specific clause in Part 4 of Bankstown Local Environmental Plan 2015 as follows, or wording to this effect:

297–299 Canterbury Road, Revesby–Alternative Building Envelope and Public Benefits

- (1) *This clause applies to the site at 297–299 Canterbury Road in Revesby.*
- (2) *The objective of this clause is to allow development for the purposes of a hospital with a floor space ratio greater than that otherwise permitted under this Plan but only if the development includes certain public benefits.*
- (3) *Despite clause 4.4 of this Plan, development consent may be granted to the erection of a hospital with a floor space ratio up to 2.3:1 to which this clause applies but only if the consent authority is satisfied that the development includes the following public benefits:*
 - (a) *The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with Council and the Roads & Maritime Services.*
 - (b) *The installation of new bus shelters on both the northern and southern sides of Canterbury Road (adjacent to the Canterbury Road / Mavis Street intersection).*
 - (c) *The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.*
 - (d) *The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artegall Street) given that the proposal is looking to share resources and knowledge between the two facilities.*
- (4) *Buildings and rooftop structures (such as plant rooms, lift motor rooms, fire stairs, signage, antennas and low impact telecommunication facilities) must not exceed a maximum height of 51 metres AHD.*

It is noted the proposed site specific clause has not been the subject of legal drafting and may be altered in the legal drafting process.



Part 3–Justification

Section A–Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The proposal is not the result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In October 2017, the proponent submitted a Concept Development Application to the Department of Planning & Environment to assess the proposal as state significant development. The proposal is to construct a six storey hospital with a 2.67:1 FSR (251 beds and 433 parking spaces).

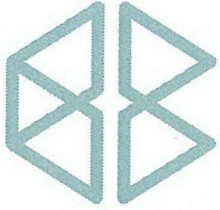
In March 2018, the Department issued the Secretary's Environmental Assessment Requirements. The SEARs recommends the planning proposal as the best means to achieve the intended outcome, and requires the proponent to *'provide justification for any contravention of the development standards, including the nature and timing for any proposed Local Environmental Plan amendments to facilitate the proposed development'*.

For this reason, the proponent submitted an application to Council with a request to amend the Floor Space Ratio Map by applying a maximum 2.9:1 FSR to the site. According to the proponent, the request for a 2.9:1 FSR is *'in the event changes are required to be made to the 2.73:1 scheme as a result of any further consultant design input'*.

Based on the assessment, the preferred option is to proceed with a planning proposal should Council and the proponent enter into a planning agreement to realise the public benefits of this development.

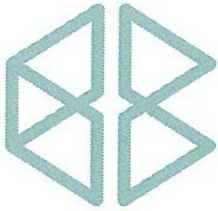
Alternative options are to amend the Floor Space Ratio Map, or to allow a variation of the development standards under clause 4.6 of Bankstown Local Environmental Plan 2015. However, these options will set an undesirable precedent and do not provide certainty to the delivery of the public benefits under the planning agreement.

In light of the above, a planning proposal is the best means of achieving the intended outcomes, giving the Council, the community and the proponent certainty as to the development outcomes envisioned for the site.



Based on the site conditions and the information submitted, Council's assessment indicates a six storey building envelope below the prescribed airspace restriction is possible (assuming the storey at basement level can meet the requirements outlined in this planning proposal). This equates to a maximum 2.3:1 FSR subject to confirmation as to whether the risks associated with habitable uses below the flood planning level (ground floor) may be dealt with via an evacuation management plan, in consultation with NSW Health and NSW State Emergency Service.

Should the proponent pursue a FSR greater than 2.3:1, Council would need additional information to further test if that is appropriate for the site, namely confirmation on the location of the right-of-way corridor in relation to the building footprint. If it is proposed to relocate the right-of-way corridor to the northern boundary, this would require an amendment to the property title before any changes to the floor space ratio is considered. The additional information may be submitted as part of the Gateway process.



Section B—Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional, subregional or district plan or strategy (including any exhibited draft plans or strategies)?

3.1 Greater Sydney Region Plan ‘A Metropolis of Three Cities’

This planning proposal is consistent with the Greater Sydney Region Plan subject to additional information to address the following objectives:

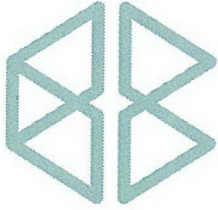
Objective 22: Investment and business activity in centres

According to this objective, Bankstown is a strategic centre comprising an emerging health and education precinct. The precinct contains the Bankstown–Lidcombe Hospital and the proposed WSU Campus. As the precinct grows and evolves, the principle is to ensure new hospitals are *‘located within or directly adjacent to the precinct and ideally co-located with supporting transport infrastructure’*.

The site is located at the edge of the emerging health and education precinct, in proximity to the Bankstown–Lidcombe Hospital. Council’s investigations identify the site as having the potential to support the emerging health and education precinct.

However, adequate infrastructure provision is critical if the proposal is to justify a higher FSR on the site. Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.
- The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.



- The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artega Street) given that the proposal is looking to share resources and knowledge between the two facilities. The improvements must comply with the Disability Discrimination Act 1992.

In this regard, an appropriate infrastructure delivery mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.

Objective 37: Exposure to natural and urban hazards is reduced

According to this objective, it is important to reduce the exposure of sensitive land uses to urban hazards such as contaminated land, noise and air pollution.

Additional information is required to address this objective, namely a detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.

3.2 South District Plan

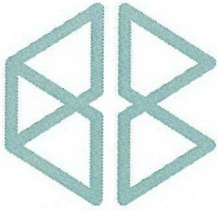
This planning proposal is consistent with the South District Plan subject to additional information to address the following planning priorities:

Planning Priority S8: Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District and Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres

According to these planning priorities, Bankstown is a strategic centre comprising an emerging health and education precinct. The precinct contains the Bankstown–Lidcombe Hospital, the proposed WSU campus and Sydney Metro Line, TAFE Bankstown College and a range of allied health care providers and services.

As the precinct grows and evolves, the actions are to create the conditions for the continued co-location of health / education facilities and to support links to the Bankstown–Lidcombe Hospital. The jobs target is 17,000–25,000 jobs in Bankstown by 2036.

The site is located at the edge of the emerging health and education precinct, in proximity to the Bankstown–Lidcombe Hospital. Council's investigations identify the site as having the potential to support the emerging health and education precinct.



However, due to the predominantly industrial context of the site, adequate infrastructure provision is critical if the proposal is to justify a higher FSR on the site. Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

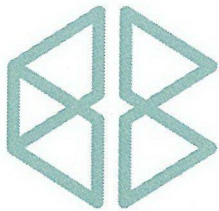
- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.
- The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artegall Street) given that the proposal is looking to share resources and knowledge between the two facilities. The improvements must comply with the Disability Discrimination Act 1992.

In this regard, an appropriate infrastructure delivery mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.

Planning Priority S18: Adapting to the impacts of urban and natural hazards and climate change

According to this planning priority, it is important to reduce the exposure of sensitive land uses to urban hazards such as contaminated land, noise and air pollution. Additional information is required to address this objective, namely a detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.

This planning priority also suggests an urban tree canopy along busy roads to reduce exposure to noise and air pollution.



4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

4.1 Community Plan 'CBCity 2028'

The vision of the Community Plan 'CBCity 2028' is to have a city that is 'thriving, dynamic and real'. The 'Prosperous & Innovative' Direction will achieve this by promoting a smart and evolving city with exciting opportunities for investment and creativity. Council and other Government will work together to support private investment, employment and growth. The proposal is consistent with the Community Plan.

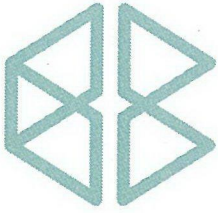
4.2 Bankstown Employment Lands Development Study

On 22 September 2009, the former Bankstown City Council adopted the Employment Lands Development Study. The intended outcome of the study is to provide recommendations for the renewal of key employment precincts.

The site is located within the Bankstown Industrial Precinct and is in proximity to the Bankstown–Lidcombe Hospital.

The study recognises the Bankstown–Lidcombe Hospital is relatively isolated from other activities. If the Bankstown–Lidcombe Hospital is to achieve long term success, it is important to improve the links to other activities. Action 9 of the study therefore recommends expanding the health and medical specialisations around the hospital precinct and to consider extending the precinct to the Bankstown CBD.

Council's investigations identify the site as having the potential to support the emerging health precinct, in keeping with Action 9 of the study.



5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

This planning proposal is consistent with applicable State Environmental Planning Policies as shown in Attachment A.

However, this planning proposal is inconsistent with the following State Environmental Planning Policies:

State Environment Planning Policy No. 55–Remediation of Land

This SEPP requires Council to consider land contamination where it is proposed to enable development for sensitive land uses such as hospitals. Part 7A of the EP&A Act reinforces this direction.

According to the preliminary site investigation report submitted with the application, a detailed site investigation is required to determine whether the site is suitable for the proposed development. A detailed site investigation report (undertaken or approved by an accredited site auditor) is required to address this SEPP. This report should be undertaken prior to exhibition.

State Environment Planning Policy (Infrastructure) 2007

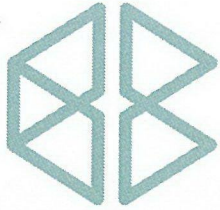
This SEPP identifies matters for consideration in relation to development adjacent to classified roads, such as Canterbury Road.

According to the traffic report submitted with the application, 81% of trips to and from the proposed hospital will be by car. This equates to a daily traffic generation of 1,939–2,303 vehicles.

The issues are the Canterbury Road / Mavis Street intersection currently experiences excessive traffic delays; B–Double trucks use Canterbury Road and Mavis Street to access industrial sites; public transport is limited to bus services; and there is limited walking and cycling facilities within the vicinity of the site.

Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

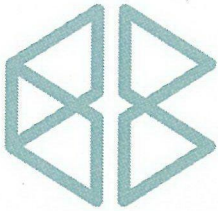
- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be



considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.

- The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artegall Street) given that the proposal is looking to share resources and knowledge between the two facilities. The improvements must comply with the Disability Discrimination Act 1992.

In this regard, an appropriate infrastructure delivery mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.



6. Is the planning proposal consistent with applicable Ministerial Directions?

This planning proposal is consistent with applicable Ministerial Directions (as shown in Attachment B), namely:

Direction 1.1–Business and Industrial Zones

The objectives of this direction are to encourage employment growth in suitable locations, and to protect employment land in business and industrial zones. The proposal is consistent with this direction as it retains the existing industrial zone, and does not reduce the total potential floor space area for industrial zones.

Direction 3.5–Development near Licensed Aerodromes

The objectives of this direction are to ensure the effective and safe operation of airports, and to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. Clause 4(d) requires Council to obtain permission from the Commonwealth Government (or delegate) if a planning proposal is to allow (as permissible with consent) development that encroaches above the Obstacle Limitation Surface.

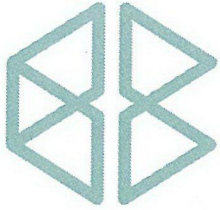
The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport. Buildings and rooftop structures (such as plant rooms, lift motor rooms, fire stairs, signage, antennas and low impact telecommunication facilities) cannot encroach into the prescribed airspace as it may constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.

In May 2018, the proponent submitted an airspace study as recommended by the Local Planning Panel. According to the Panel, *'establishment of the height control for the site would then assist in determining the appropriate FSR for the site'*.

In August 2018, Bankstown Airport confirmed the prescribed airspace restriction is 51 metres AHD following a review of the airspace study. This planning proposal makes reference to the height limit.

Direction 7.1–Implementation of A Plan for Growing Sydney

The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in the Metropolitan Plan, *'A Plan for Growing Sydney'*. The proposal is consistent with the directions of the Metropolitan Plan, *'A Plan for Growing Sydney'*, namely Direction 1.10 to plan for education and health services to meet Sydney's growing needs. The proposal supports the growth of complementary health activities in strategic centres.



However, this planning proposal is likely to be inconsistent with certain Ministerial Directions, namely:

Direction 3.4—Integrating Land Use and Transport

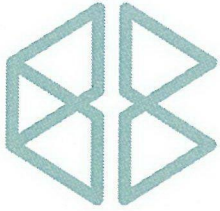
The objective of this direction is to ensure building forms improve access to jobs and services by walking, cycling and public transport.

To date, the proposal is inconsistent with this direction, in particular the accessible development principles as outlined in the publication *'Improving Transport Choice – Guidelines for planning and development'*.

Given the size of the proposed hospital, the assessment identifies the need for supporting traffic and transport infrastructure works to improve the walking and cycling access arrangements in the vicinity of the site, and to improve connections to public transport services. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.
- The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artegall Street) given that the proposal is looking to share resources and knowledge between the two facilities. The improvements must comply with the Disability Discrimination Act 1992.

In this regard, an appropriate infrastructure delivery mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.



Direction 4.3–Flood Prone Land

The objective of this direction is to ensure the provisions of a LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The site is affected by the medium stormwater flood risk precinct. According to Bankstown Development Control Plan 2015–Part B12, the medium flood risk precinct is defined as *'land below the 100 year flood that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties. There would still be a significant risk of flood damage in this precinct. However, these damages can be minimised by the application of appropriate development controls'*.

To date, the proposal is inconsistent with clause 6 of this direction as it permits a significant increase in the development of the site. However, in accordance with clause 9(b), the proposal may be inconsistent as any risks resulting from the future redevelopment of the site may be satisfactorily addressed by:

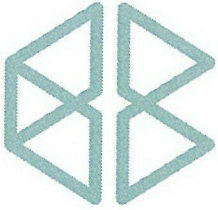
- Applying the provisions of Bankstown Development Control Plan 2015–Part B12 as part of the development application process.
- Confirming that the risks associated with habitable uses below the flood planning level (ground floor) may be dealt with via an evacuation management plan, in consultation with NSW Health and NSW State Emergency Service. This plan should be undertaken prior to exhibition.

Direction 6.3–Site Specific Provisions

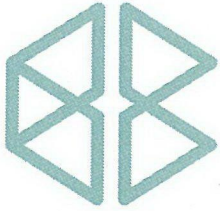
The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The application requests an amendment to the Floor Space Ratio Map. Based on the assessment, the proposal to amend the Floor Space Ratio Map is not supported as the higher FSR would apply to all land uses permitted in the zone, and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct. It also does not provide certainty to the delivery of the public benefits under the planning agreement.

The preferred option is to proceed with an 'alternative' development control regime should Council and the proponent enter into a planning agreement to realise the public benefits of this development. The 'alternative' development control regime, which may allow a higher FSR to be applied to the site, would solely apply for the purposes of a hospital.



It is noted this scenario may be inconsistent with clause 4 of this direction as it proposes to impose a site specific provision in addition to the current provisions of Bankstown Local Environmental Plan 2015. However, it is considered the most appropriate way to ensure the delivery of the required infrastructure.



Section C–Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal is consistent with the Ministerial Direction 2.1 as it does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

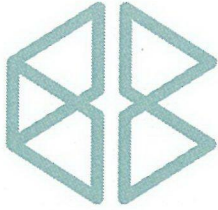
8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Based on the site conditions and the information submitted, Council's assessment indicates a six storey building envelope below the prescribed airspace restriction is possible. This equates to a maximum 2.3:1 FSR subject to confirmation as to whether the risks associated with habitable uses below the flood planning level (ground floor) may be dealt with via an evacuation management plan, in consultation with NSW Health and NSW State Emergency Service.

Should the proponent pursue a FSR greater than 2.3:1, Council would need additional information to further test if that is appropriate for the site, namely confirmation on the location of the right-of-way corridor in relation to the building footprint. If it is proposed to relocate the right-of-way corridor to the northern boundary, this would require an amendment to the property title before any changes to the floor space ratio is considered. The additional information may be submitted as part of the Gateway process.

9. Has the planning proposal adequately addressed any social and economic effects?

In relation to social and economic effects, this planning proposal is consistent with the Greater Sydney Region Plan and the South District Plan (see Section B(3) of this planning proposal for details).



Section D–State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

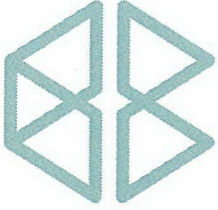
Given the size of the proposed hospital, the assessment identifies the need for supporting traffic and transport infrastructure works to improve the walking and cycling access arrangements in the vicinity of the site, and to improve connections to public transport services. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.
- The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artagall Street) given that the proposal is looking to share resources and knowledge between the two facilities. The improvements must comply with the Disability Discrimination Act 1992.

In this regard, an appropriate infrastructure delivery mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway Determination?

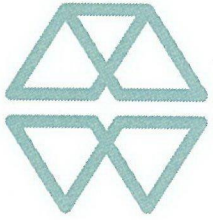
An update to this section of the planning proposal will occur following consultation with the State and Commonwealth public authorities in accordance with the Gateway determination.



Part 4–Maps

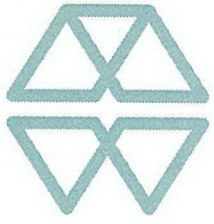
The maps accompanying this planning proposal are:

- Map 1–Land Application Map
- Map 2–Current Land Zoning Map
- Map 3–Current Floor Space Ratio Map
- Map 4–Current Aerial Image

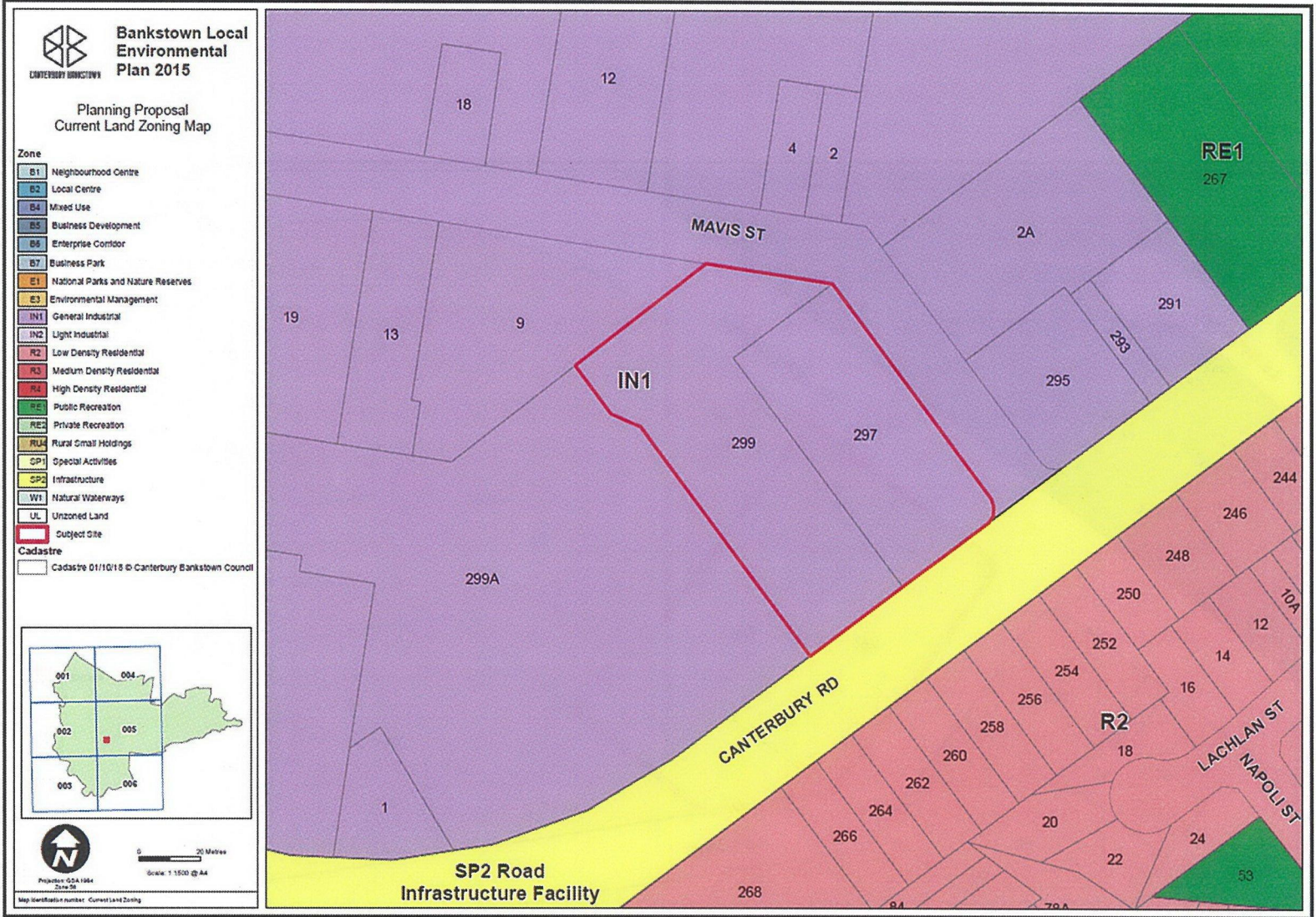


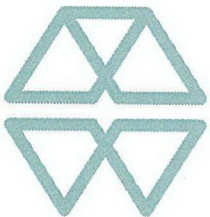
Map 1—Land Application Map



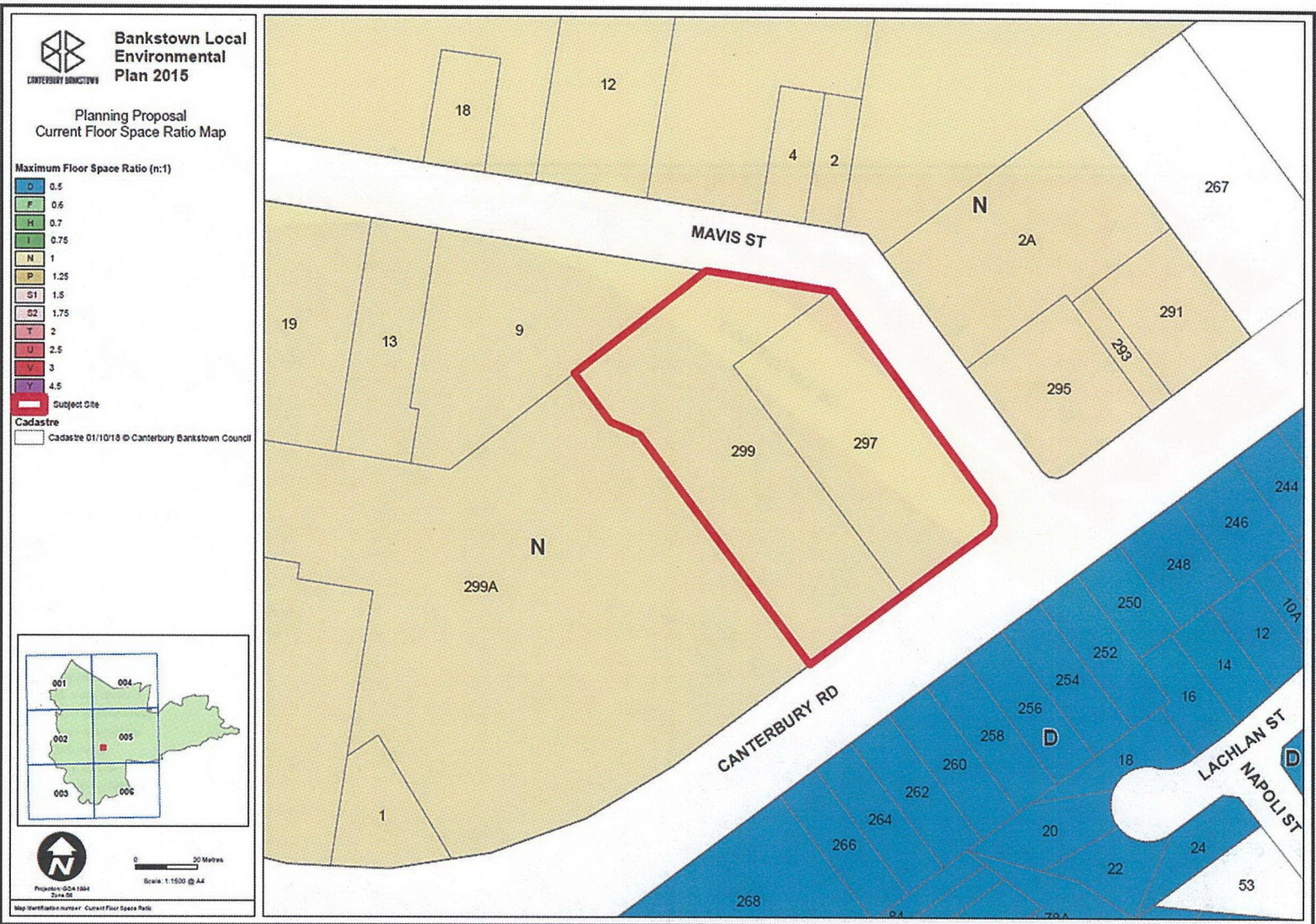


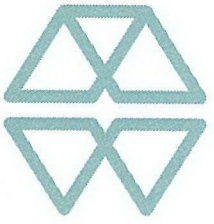
Map 2-Current Land Zoning Map





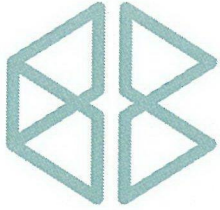
Map 3—Current Floor Space Ratio Map





Map 4—Current Aerial Image

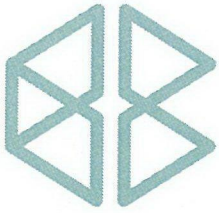




Part 5–Community Consultation

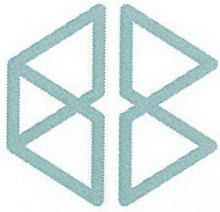
Although the Gateway Determination will confirm the public consultation that must be undertaken, the exhibition period for this planning proposal is likely to take 28 days and would comprise:

- Notification in the local newspaper that circulates in the area affected by the planning proposal.
- Displays at the Council administration building (Bankstown Branch) and corporate website.
- Written notification to affected and adjoining property owners where practical.
- Written notification to state and Commonwealth public authorities including:
 - Ausgrid
 - Greater Sydney Commission
 - NSW Environment Protection Authority
 - NSW Health
 - NSW Health Infrastructure
 - NSW Office of Environment & Heritage
 - NSW State Emergency Service
 - Roads & Maritime Services
 - South Western Sydney Local Health District
 - State Transit
 - Sydney Water
 - Transport for NSW
 - Bankstown Airport
 - Commonwealth Department of Infrastructure, Regional Development and Cities.



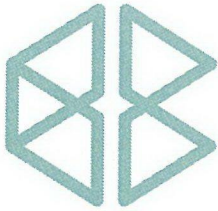
Part 6–Project Timeline

Dates	Project timeline
January 2019	Issue of Gateway Determination.
June 2019	Exhibit planning proposal.
August 2019	Report to Council following the exhibition.
September 2019	Submit Draft Local Environment Plan to the Parliamentary Counsel's Office to seek an Opinion.
November 2019	Submit Local Environment Plan to the Department of Planning & Environment for notification purposes.

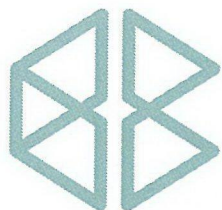


ATTACHMENT A–State Environmental Planning Policies

SEPPs (as at September 2018)		Applicable	Consistent
1	Development Standards	Yes	Yes
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
30	Intensive Agriculture	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
52	Farm Dams & Other Works in Land & Water Management Plan Areas	No	N/A
55	Remediation of Land	Yes	No, subject to detailed site investigation report
62	Sustainable Aquaculture	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	Yes	Yes
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Coastal Management) 2018	No	N/A
	(Educational Establishments & Child Care Facilities) 2017	Yes	Yes

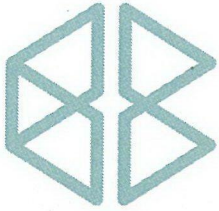


(Exempt & Complying Development Codes) 2008	Yes	Yes
(Housing for Seniors or People with a Disability) 2004	Yes	Yes
(Infrastructure) 2007	Yes	No, subject to consultation with RMS and infrastructure delivery mechanism
(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
(Kurnell Peninsula) 1989	No	N/A
(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
(Miscellaneous Consent Provisions) 2007	Yes	Yes
(Penrith Lakes Scheme) 1989	No	N/A
(Rural Lands) 2008	No	N/A
(State & Regional Development) 2011	Yes	Yes
(State Significant Precincts) 2005	Yes	Yes
(Sydney Drinking Water Catchment) 2011	No	N/A
(Sydney Region Growth Centres) 2006	No	N/A
(Three Ports) 2013	No	N/A
(Urban Renewal) 2010	No	N/A
(Vegetation in Non–Rural Areas) 2017	Yes	Yes
(Western Sydney Employment Area) 2009	No	N/A
(Western Sydney Parklands) 2009	No	N/A
Greater Metropolitan REP No.2–Georges River Catchment	Yes	Yes

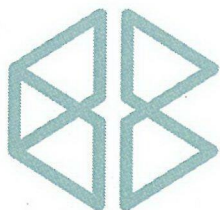


ATTACHMENT B–Ministerial Directions

Direction & Issue Date		Applicable	Consistent
Employment and Resources			
1.1	Business and Industrial Zones [01/05/17]	Yes	Yes
1.2	Rural Zones [14/04/16]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [01/07/09]	No	N/A
Environment and Heritage			
2.1	Environment Protection Zones [14/04/16]	Yes	Yes
2.2	Coastal Protection [03/04/18]	No	N/A
2.3	Heritage Conservation [01/07/09]	Yes	Yes
2.4	Recreation Vehicle Areas [14/04/16]	Yes	Yes
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
Housing, Infrastructure and Urban Development			
3.1	Residential Zones [14/04/16]	No	N/A
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	Yes	Yes
3.3	Home Occupations [01/07/09]	Yes	Yes
3.4	Integrating Land Use & Transport [14/04/16]	Yes	No, subject to consultation with RMS and infrastructure delivery mechanism
3.5	Development Near Licensed Aerodromes [14/04/16]	Yes	Yes



3.6	Shooting Ranges [16/02/11]	No	N/A
Hazard and Risk			
4.1	Acid Sulfate Soils [01/07/09]	No	N/A
4.2	Mine Subsidence & Unstable Land [14/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	No, subject to evacuation management plan
4.4	Planning for Bushfire Protection [01/07/09]	No	N/A
Regional Planning			
5.1	Implementation of Regional Strategies [Revoked]	No	N/A
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) [Revoked]	No	N/A
5.6	Sydney to Canberra Corridor [Revoked]	No	N/A
5.7	Central Coast [Revoked]	No	N/A
5.8	Second Sydney Airport: Badgerys Creek [14/04/16]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	No	N/A



Local Plan Making			
6.1	Approval & Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	Yes	Yes
6.3	Site Specific Provisions [01/07/09]	Yes	No, however it is the most appropriate way to ensure the delivery of the required infrastructure
Metropolitan Planning			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy [09/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use & Infrastructure Implementation Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use & Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use & Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A

Planning Matters - 25 September 2018

ITEM 5.2 **Planning Proposal: 297–299 Canterbury Road,Revesby**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report considers an application to amend Bankstown Local Environmental Plan 2015 for the site at 297–299 Canterbury Road in Revesby. The application seeks to amend Bankstown Local Environmental Plan 2015 by increasing the maximum floor space ratio from 1:1 to 2.9:1 for the purposes of a 6 storey private hospital.

ISSUE

The Local Planning Panel considered Council's assessment report on 7 May 2018. The Panel's recommendation is the application may proceed to Gateway, subject to an airspace study and planning agreement offer to demonstrate strategic merit. The proponent has since submitted this information for Council's consideration.

Based on the site conditions and the information submitted, Council's assessment indicates a 6 storey building envelope is possible. This equates to a maximum FSR of 2.3:1. Should the proponent pursue a FSR greater than 2.3:1, Council would need additional information to further test if that is appropriate for the site. The additional information may be submitted as part of the Gateway process, should Council decide to proceed with a planning proposal.

This approach is supported by an independent peer review of Council's assessment of the application. The peer review concludes Council's assessment process and merit considerations are in accordance with legislative requirements. The peer review also highlights some additional matters that Council may consider in the next steps of the process. These matters are addressed in this report.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
 - (a) Increase the maximum FSR from 1:1 to 2.3:1 solely for the purposes of a hospital provided the development delivers public benefits as outlined in this report. Otherwise a maximum 1:1 FSR will apply to the site.
 - (b) Apply a maximum height of 51 metres AHD to the rooftop structures.
2. Council seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
3. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.

4. Council prepare and exhibit DCP amendments to support the planning proposal, and the matter be reported to Council following the exhibition.
5. Council prepare and exhibit a planning agreement to support the planning proposal on the basis that:
 - (a) The planning agreement covers the full cost of the proposed infrastructure works in addition to the required contribution under the Bankstown Section 94A Development Contributions Plan.
 - (b) The planning agreement is finalised in time for public exhibition alongside the planning proposal.
 - (c) The matter be reported to Council following the exhibition.
6. Council delegate authority to the General Manager to fulfil the obligations outlined in the recommendations of this report.

ATTACHMENTS

- A. Local Planning Panel Meeting–Council Report
- B. Local Planning Panel Meeting–Minutes
- C. Independent Peer Review Report
- D. Letter of Offer

POLICY IMPACT

This matter responds to a state significant development application submitted to the Department of Planning & Environment under the State Environmental Planning Policy (State and Regional Development) 2011. The Department is currently assessing the application, and the consent authority is the Minister for Planning.

The development application proposes to construct a 6 storey private hospital (2.67:1 FSR) at 297–299 Canterbury Road in Revesby, comprising 251 beds, consulting rooms, cafe and ancillary tenancies, and 433 parking spaces.

For comparison purposes, the proposed 251 bed private hospital is similar in size to the Canterbury Hospital, which contains 215 beds.

In March 2018, the Department issued the Secretary's Environmental Assessment Requirements (SEARs) to inform the development assessment process. The SEARs recommended a planning proposal as the best means to achieve the proposed FSR, and requires the proponent to *'provide justification for any contravention of the development standards, including the nature and timing for any proposed Local Environmental Plan amendments to facilitate the proposed development'*.

Based on this requirement, the proponent submitted a planning proposal request to Council, which is the subject of this report.

FINANCIAL IMPACT

Should Council decide to proceed with a planning proposal, the next step is for Council and the proponent to finalise the terms of a planning agreement to ensure the public benefits outlined in this report can be delivered in a timely manner.

COMMUNITY IMPACT

The proposal forms part of the emerging health and education precinct in Bankstown and contributes to social infrastructure in the City.

DETAILED INFORMATION

SITE DESCRIPTION

The site is located at the corner of Canterbury Road and Mavis Street in Revesby and comprises the properties at 297 Canterbury Road (Lot 9, DP 663160) and 299 Canterbury Road (Lot 202, DP 840245). The site area is 9,175m².

The site is within Zone IN1 General Industrial under Bankstown Local Environmental Plan 2015. Hospitals are permitted in this zone subject to consent. The maximum FSR on the site is 1:1. The industrial zones do not have a maximum building height standard.

The site is occupied by industrial buildings including warehouses, offices and showrooms. The site is subject to drainage easements and a right-of-way corridor, which provides freight truck access to the neighbouring site at 299A Canterbury Road.

In relation to local context, the site is located within the Bankstown Industrial Precinct and is surrounded by industrial development. Mavis Street is a cul-de-sac and B-Double trucks use this road to access industrial properties. The site is also subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport. The Bankstown-Lidcombe Hospital is a 1km walking distance to the north via Claribel Road and Artegall Street. Public transport is limited to bus services.



Figure 1: Site and its surrounding locality



Figure 2: Proposed hospital viewed from Canterbury Road



Figure 3: Proposed hospital viewed from Mavis Street

PROPOSAL

In February 2018, Council received an application requesting to amend Bankstown Local Environmental Plan 2015 as follows:

Property Address	Current FSR	Proposed FSR
297 Canterbury Road	1:1	2.9:1
299 Canterbury Road	1:1	2.9:1

According to the proponent, *'the planning proposal is to facilitate the redevelopment of the subject site to accommodate a new 251 bed private hospital. The proposal will include operating theatres, associated services and tenancies. The proposal will also include car parking for approximately 433 vehicles, located within three basement levels and landscaping along the street frontages to Canterbury Road and Mavis Street. The proposal will have a height of six storeys above ground level and will have an FSR of 2.73:1. Vehicle access to the car park is from Mavis Street'*.

In March 2018, the proponent further explained that the request for a 2.9:1 FSR is *'in the event changes are required to be made to the 2.73:1 scheme as a result of any further consultant design input'*.

PRELIMINARY ASSESSMENT AND LOCAL PLANNING PANEL

Council carried out a preliminary assessment of the application for the purposes of reporting the matter to the Local Planning Panel. In accordance with the Department of Planning & Environment's Direction, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination.

The assessment found the proposal to be generally consistent with the Greater Sydney Region Plan and the South District Plan. The site is located at the edge of the emerging health and education precinct, in proximity to the Bankstown–Lidcombe Hospital. Council's investigations identify the site as having the potential to support the emerging health and education precinct.

However, quality design and adequate infrastructure provision is critical if the proposal is to justify a higher FSR on the site. The assessment identified the need for a prescribed airspace study to determine the maximum building height, and an appropriate mechanism to realise the supporting infrastructure in a timely manner. Council's assessment report is shown in Attachment A.

The Local Planning Panel considered Council's assessment report on 7 May 2018. As shown in Attachment B, the Panel's recommendation is:

The Panel is of the opinion that the applicant should now:

- (a) carry out the required airspace study in conjunction with Bankstown Airport Limited so that a height limit can be determined for the site;*
- (b) provide a Voluntary Planning Agreement (VPA) offer to the Council, outlining the traffic and pedestrian matters that would be included in the VPA.*

Further, the Panel agrees that any planning proposal would be a site specific proposal for a hospital, and that any new FSR and height controls would relate only to a hospital use on this site, to avoid any undesirable precedents for other sites. Upon the submission of this information to the satisfaction of the Council, the matter could then proceed to a Gateway determination.

ASSESSMENT FINDINGS

This section considers the additional information submitted to Council following the Local Planning Panel Meeting of 7 May 2018.

Prescribed Airspace

The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport. Buildings and rooftop structures (such as plant rooms, lift motor rooms, fire stairs, signage, antennas and low impact telecommunication facilities) cannot encroach into the prescribed airspace as it may constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.

In May 2018, the proponent submitted an airspace study as recommended by the Local Planning Panel. According to the Panel, *'establishment of the height control for the site would then assist in determining the appropriate FSR for the site'*.

In August 2018, Bankstown Airport confirmed the prescribed airspace restriction is 51 metres AHD following a review of the airspace study. The planning proposal will make reference to this height limit.

FSR Assessment

An objective of the FSR control is to establish a building envelope that is compatible with the capacity and character of the site and its surrounding locality. It is noted the site is constrained by prescribed airspace restrictions, flood affectation, drainage easements and a right-of-way corridor which provides freight truck access to the neighbouring site at 299A Canterbury Road.

Based on the site conditions and the information submitted, Council's assessment indicates a 6 storey building envelope below the prescribed airspace restriction is possible (refer to Figure 4). This equates to a maximum 2.3:1 FSR subject to addressing the risks associated with habitable uses below the flood planning level (ground floor).

According to the proponent, *'the floor levels below the Flood Planning Level (Basement 01 – 04) comply with the Flood Planning Level requirement and do not need to be evacuated as they are protected from flood events up to and including the probable maximum flood'*. Although this argument is acceptable in-principle, Council's assessment and the independent peer review require confirmation as to whether the risks associated with habitable uses below the flood planning level (ground floor) can effectively be dealt with via an evacuation management plan, in consultation with NSW Health and NSW State Emergency Service. This additional information may be submitted as part of the Gateway process, should Council decide to proceed with a planning proposal.

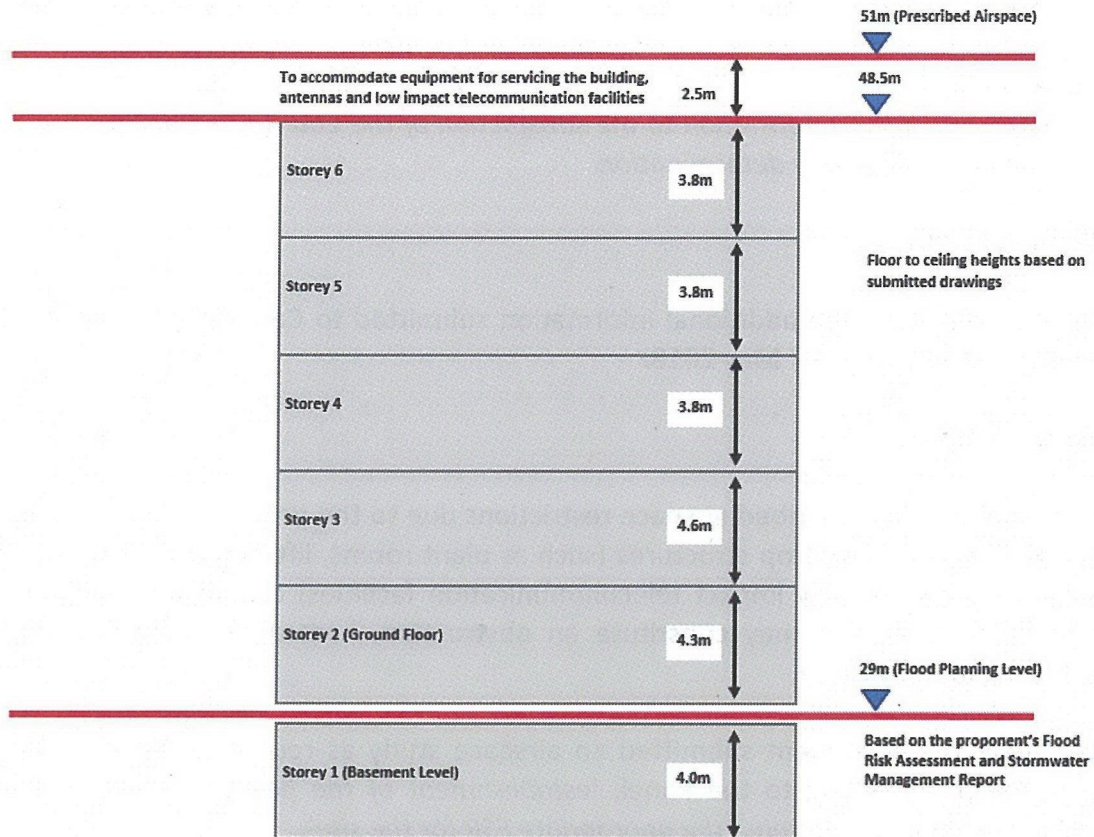


Figure 4: Cross-section of the proposed building envelope within the site constraints

Should the proponent pursue a FSR greater than 2.3:1, Council would need additional information to further test if that is appropriate for the site, namely confirmation on the location of the right-of-way corridor in relation to the building footprint. If it is proposed to relocate the right-of-way corridor to the northern boundary, this would require an amendment to the property title before any changes to the floor space ratio is considered. This additional information may be submitted as part of the Gateway process, should Council decide to proceed with a planning proposal.

This approach is supported by an independent peer review of Council's assessment of the application, as shown in Attachment C. The independent peer review considers that 'Council has undertaken a methodical and comprehensive approach to evaluating the site's constraints and its ability to accommodate an appropriate building envelope. In this regard, we consider that Council's approach is prudent in the circumstances, as it demonstrates that the FSR of 2.9:1 sought in the planning proposal may not be able to be accommodated on the site'.

The independent peer review also recommends some additional matters that Council may consider in the assessment of the application, which are addressed below:

Matters for consideration to test an appropriate FSR for the site	Council's comments
<p>Consider greater flexibility in the application of building setbacks in Council's DCP. Reduced or varied setbacks may be reasonable, without compromising desired design and amenity outcomes.</p>	<p>Council's FSR calculation is based on the site conditions and setback controls under Council's DCP.</p> <p>Should the proponent pursue a FSR greater than 2.3:1, Council would need additional information to further test if that is appropriate for the site, namely confirmation on the location of the right-of-way corridor in relation to the building footprint. If it is proposed to relocate the right-of-way corridor to the northern boundary, this would require an amendment to the property title before any changes to the floor space ratio is considered. This additional information may be submitted as part of the Gateway process, should Council decide to proceed with a planning proposal.</p>
<p>Consider whether a 2.5 metre height allowance for rooftop structures is sufficient.</p>	<p>In September 2018, the proponent confirmed <i>'that a zone of 2.5m at the top of the building will be suitable to accommodate services should this be necessary'</i>.</p>
<p>Clarify the proposed uses below the flood planning level.</p>	<p>In September 2018, the proponent indicated the services in the basement level are likely to include imaging, pathology, back of house areas and other ancillary functions.</p>
<p>Confirm whether the risks associated with habitable uses below the flood planning level could be dealt with via an evacuation management plan in consultation with the NSW State Emergency Service.</p>	<p>Council's assessment indicates this arrangement may be possible subject to confirmation that the risks associated with habitable uses below the flood planning level (ground floor) may be dealt with via an evacuation management plan, in consultation with NSW Health and NSW State Emergency Service. This additional information may be submitted as part of the Gateway process, should Council decide to proceed with a planning proposal.</p>
<p>Consider the commercial viability of the proposed development if a maximum FSR of 1.9:1 is applied.</p>	<p>Council's assessment addresses this issue as it recommends a FSR greater than 1.9:1.</p>

Infrastructure Delivery and Planning Agreement

Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.

- The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.
- The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artagall Street) given that the proposal is looking to share resources and knowledge between the two facilities. The improvements must comply with the Disability Discrimination Act 1992.

In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits to be delivered by the proposed development standard.

Section 7.4(1)(a) of the Environmental Planning & Assessment Act 1979 enables the proponent to provide a material public benefit through entering into an agreement with Council. Planning agreements are voluntary and must be freely entered into by Council and the proponent.

This approach is supported by an independent peer review of Council’s assessment of the application, as shown in Attachment C. The independent peer review considers that *‘the process taken to determine a voluntary planning agreement is appropriate and well considered. The works are consistent with Council’s recommendation to the Planning Panel in May 2018. We recommend the Council liaise with the RMS in relation to the relevant traffic and transport infrastructure works to ensure the scope of works proposed is supported’*.

In September 2018, the proponent submitted a letter of offer to enter into a planning agreement, as shown in Attachment D. The letter of offer provides in-principle agreement to cover three quarters of the infrastructure costs, in addition to the required contribution under the Bankstown Section 94A Development Contributions Plan. This is subject to negotiation and finalisation of the details of the proposed works.

Following a review, it is recommended that Council and the proponent negotiate a planning agreement as part of the Gateway process, subject to:

- The planning agreement covering the full cost of the proposed works in addition to the required contribution under the Bankstown Section 94A Development Contributions Plan.
- The planning agreement being finalised in time for public exhibition alongside the planning proposal.

Council would consult with the Roads & Maritime Services during the preparation of the planning agreement.

NEXT STEPS

Planning Proposal

Should Council decide to proceed with a planning proposal, the next step is to prepare and submit a planning proposal to seek a Gateway Determination. The planning proposal would request:

- (a) The following amendments to Bankstown Local Environmental Plan 2015:
- (i) Increase the maximum FSR from 1:1 to 2.3:1 solely for the purposes of a hospital provided the development delivers the following public benefits to the satisfaction of Council:
- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with Council and the Roads & Maritime Services.
 - The installation of new bus shelters on both the northern and southern sides of Canterbury Road (adjacent to the Canterbury Road / Mavis Street intersection).
 - The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
 - The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artegal Street) given that the proposal is looking to share resources and knowledge between the two facilities.
- If the development does not deliver these public benefits to the satisfaction of Council, then a maximum FSR of 1:1 will apply to the site.
- (ii) Apply a maximum height of 51 metres AHD to the rooftop structures.
- (b) Additional information to confirm that the risks associated with habitable uses below the flood planning level (ground floor) may be dealt with via an evacuation management plan, in consultation with NSW Health and NSW State Emergency Service.
- (c) Should the proponent pursue a FSR greater than 2.3:1, additional information to further test if that is appropriate for the site, namely confirmation on the location of the right-of-way corridor in relation to the building footprint. If it is proposed to relocate the right-of-way corridor to the northern boundary, this would require an amendment to the property title before any change to the floor space ratio is considered.

Supporting Documents

It is proposed to commence the preparation of the supporting documents to the planning proposal, which include:

- Site specific development controls in Bankstown Development Control Plan 2015 to achieve a well–designed development.
- A planning agreement to deliver the infrastructure improvement works required for the planning proposal. As Council and the proponent are not yet in a position to finalise the terms of a planning agreement – required to legally capture the public benefit of the proposal – the recommendation requests that Council prepare a planning agreement ready for public exhibition alongside the planning proposal.

Following the public exhibition, the outcomes will be reported to Council.

Canterbury Bankstown Local Planning Panel - 7 May 2018

ITEM 1 **Application to amend Bankstown Local Environmental Plan
2015: 297–299 Canterbury Road in Revesby**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

Council is in receipt of an application to prepare a planning proposal for the site at 297–299 Canterbury Road in Revesby.

To date, the assessment identifies the need for additional information to determine whether the proposal demonstrates strategic merit to proceed to the Gateway. The additional information includes the need for a prescribed airspace study to determine the maximum building height, and an appropriate mechanism to realise the supporting infrastructure in a timely manner.

ISSUE

In accordance with the Local Planning Panel's Direction, the purpose of this progress report is to request the Panel to identify any other matters that Council should consider prior to determining whether the proposal should proceed to the Gateway.

RECOMMENDATION

That the Local Planning Panel identifies any matters that Council should consider prior to determining whether the proposal proceeds to the Gateway.

RECOMMENDATION

That the Local Planning Panel identifies any matters that Council should consider prior to determining whether the proposal proceeds to the Gateway.

ATTACHMENTS

- A. Assessment Findings

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

At this stage, this matter has no financial implications for Council.

COMMUNITY IMPACT

Hospitals are an important piece of infrastructure and this proposal presents the opportunity to deliver a facility, which may benefit the community.

DETAILED INFORMATION

SITE DESCRIPTION

The site is located at the corner of Canterbury Road and Mavis Street in Revesby and comprises the following properties:

Property Address	Lot and DP Description	Site Area
297 Canterbury Road	Lot 9, DP 663160	3,712m ²
299 Canterbury Road	Lot 202, DP 840245	5,467m ²

The site is within Zone IN1 General Industrial under Bankstown Local Environmental Plan 2015. Hospitals are permitted in this zone subject to consent. The maximum FSR on the site is 1:1. The industrial zones do not have a maximum building height standard.

The site is occupied by industrial buildings including warehouses, offices and showrooms. The site is also subject to drainage easements and rights-of-carriageway.

In relation to local context, the site is located within the Bankstown Industrial Precinct and is surrounded by industrial development. Mavis Street is a cul-de-sac and B-Double trucks use this road to access industrial properties. The site is also subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport.

The Bankstown-Lidcombe Hospital is a 1km walking distance to the north via Claribel Road. Public transport is limited to bus services. The nearest railway station is Bankstown (3.5km) to the north.



Figure 1: Site

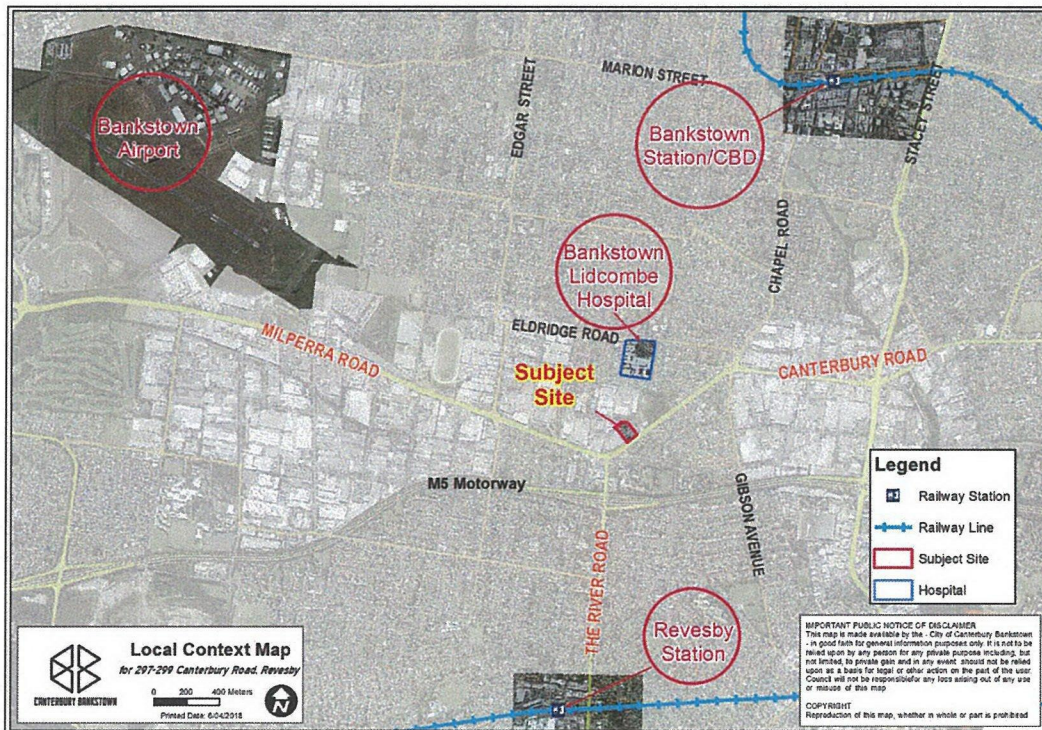


Figure 2: Locality Map

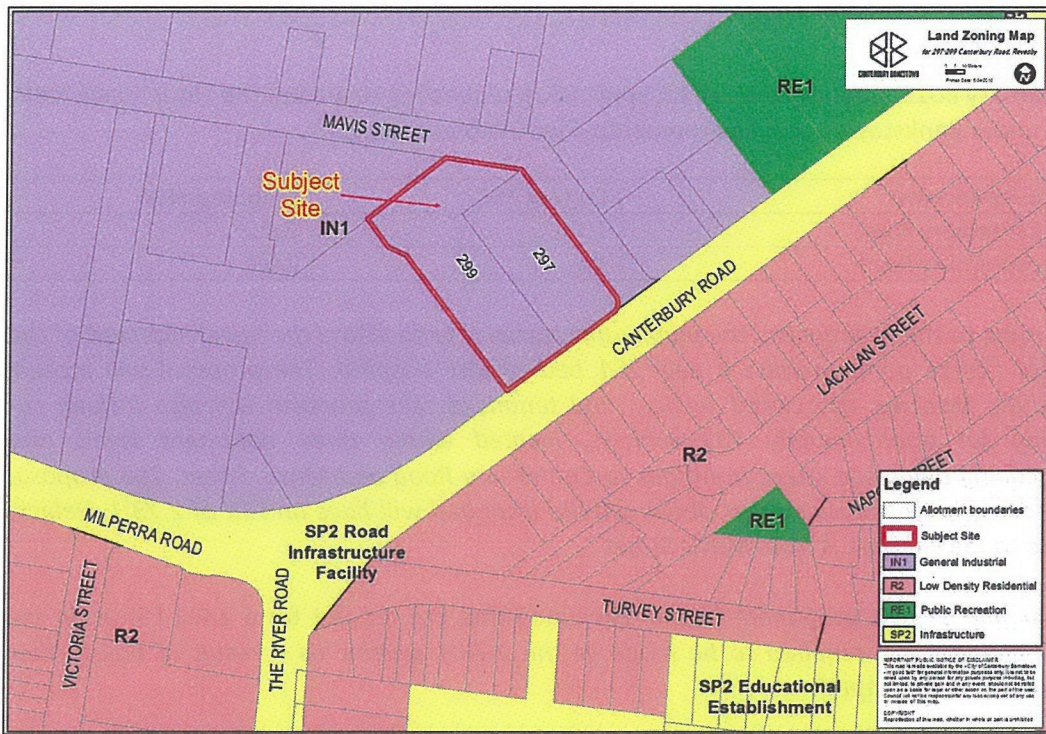


Figure 3: Current Land Zoning Map

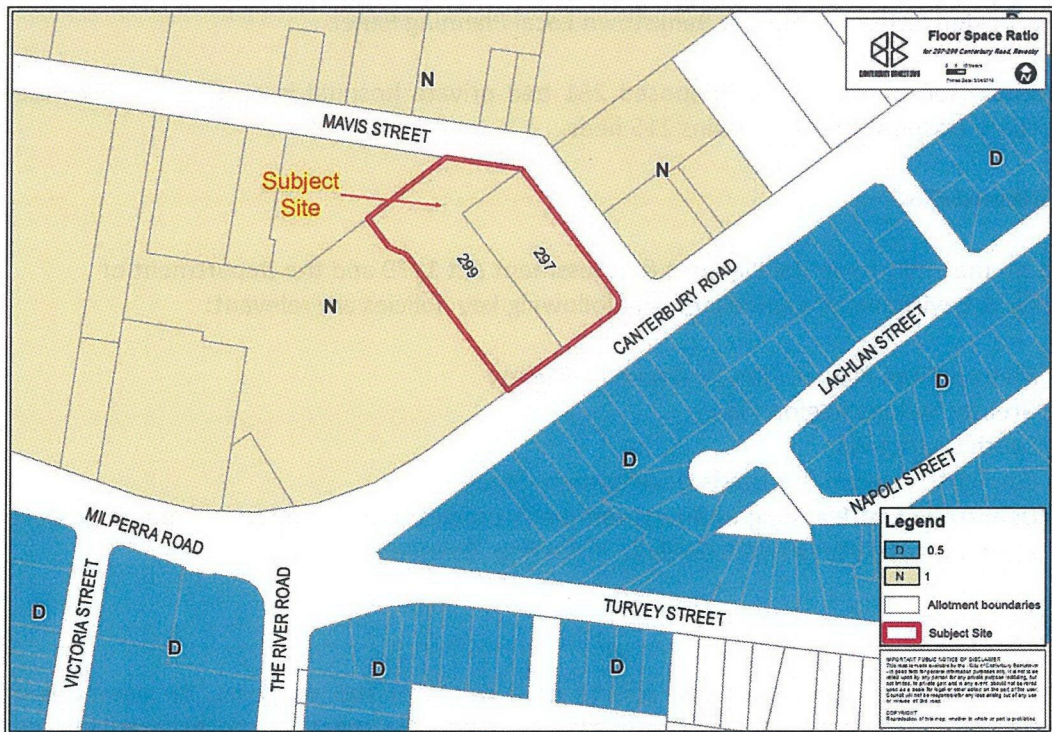


Figure 4: Current Floor Space Ratio Map

PROPOSAL

In February 2018, Council received an application requesting to amend the Floor Space Ratio Map under Bankstown Local Environmental Plan 2015 as follows:

Property Address	Current FSR	Proposed FSR
297 Canterbury Road	1:1	2.9:1
299 Canterbury Road	1:1	2.9:1

According to the proponent, *'the planning proposal is to facilitate the redevelopment of the subject site to accommodate a new 251 bed private hospital. The proposal will include operating theatres, associated services and tenancies. The proposal will also include car parking for approximately 433 vehicles, located within three basement levels and landscaping along the street frontages to Canterbury Road and Mavis Street. The proposal will have a height of six storeys above ground level and will have an FSR of 2.73:1. Vehicle access to the car park is from Mavis Street'*.

In March 2018, the proponent further explained that the request for a 2.9:1 FSR is *'in the event changes are required to be made to the 2.73:1 scheme as a result of any further consultant design input'*.

The proponent submitted a planning proposal report (prepared by GSA Planning, dated February 2018) and associated studies in support of the application, these documents have been provided to the Canterbury Bankstown Local Planning Panel.

For comparison purposes, the proposed 251 bed private hospital is similar in size to the Canterbury Hospital, which contains 215 beds.

CONSIDERATIONS

Based on the Environmental Planning & Assessment Act 1979 and the Department of Planning & Environment's guidelines, the following key policies are relevant:

- Metropolitan Plan (*A Plan for Growing Sydney*)
- Greater Sydney Region Plan
- South District Plan
- Council's Employment Lands Development Study
- Department of Planning and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

SUMMARY

A key issue is managing the likely effects as a result of the proposal. An assessment identifies the need for additional information to determine whether the proposal should proceed to the Gateway. The additional information includes:

- A prescribed airspace study to determine the maximum building height for the purposes of FSR Testing.
- An appropriate mechanism to realise the supporting infrastructure that is required to meet the demands arising from the proposal. This may involve a planning agreement

to legally capture the public benefits. The proposal does not include a planning agreement.

- Additional traffic information requested by the Roads & Maritime Services to inform the supporting infrastructure requirements.

Should the proposal demonstrate strategic merit and Council decides to proceed with a planning proposal, the assessment also identifies the need for the following information post-Gateway:

- A detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.
- Consultation with the Department of Planning and Environment to identify a site specific mechanism which may allow a higher FSR to be applied to the site solely for the purposes of a hospital.

Based on the assessment, the proposal to amend the Floor Space Ratio Map is not supported as the higher FSR would apply to all land uses permitted in the zone, and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct.

ASSESSMENT

Strategic Merit Test

In August 2016, the Department of Planning and Environment introduced the Strategic Merit Test to determine whether a proposal demonstrates strategic and site specific merit to proceed to the Gateway.

Based on the Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*, the following issues are raised:

- 1. Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?**

The proposal is generally consistent with the Greater Sydney Region Plan and the South District Plan.

According to the Plans, Bankstown is a strategic centre comprising an emerging health and education precinct. The precinct contains the Bankstown-Lidcombe Hospital and the proposed Western Sydney University Campus. As the precinct grows and evolves, the principle is to ensure new hospitals are '*located within or directly adjacent to the precinct and ideally co-located with supporting transport infrastructure*'.

The site is located at the edge of the emerging health and education precinct, in proximity to the Bankstown-Lidcombe Hospital. Council's investigations identify the site as having the potential to support the emerging health and education precinct.

However, quality design and adequate infrastructure provision is critical if the proposal is to justify a higher FSR on the site. To this extent, the following information is required to demonstrate strategic merit:

(i) Prescribed airspace study

The site is affected by prescribed airspace restrictions due to the proximity to the Bankstown Airport. A prescribed airspace study is required to determine the maximum building height for the purposes of FSR Testing. This would occur in consultation with the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport.

(ii) Infrastructure delivery mechanism

Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. The infrastructure works include (but are not limited to):

- The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Roads & Maritime Services.
- The installation of new bus stops on Canterbury Road, adjacent to the site.
- The embellishment of Mavis Street to improve the public domain, street lighting and other safety measures.
- The construction of new footpaths between the site and the Bankstown–Lidcombe Hospital (via Claribel Road) given that the proposal is looking to share resources and knowledge between the two facilities.

In this regard, an appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The proposal does not include a planning agreement.

The Roads & Maritime Services also requested certain additional traffic information to inform the supporting infrastructure requirements.

2. Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

The proposal is consistent with Council's Employment Lands Development Study.

According to the study, the site is located within the Bankstown Industrial Precinct and is in proximity to the Bankstown–Lidcombe Hospital. The proposal has the potential to support the emerging health precinct surrounding the Bankstown–Lidcombe Hospital.

3. Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

The proposal does not respond to a change in circumstances.

OTHER CONSIDERATIONS

In relation to other considerations, Council assessed the proposal based on the justification matters outlined in the Department of Planning & Environment's publication *A Guide to Preparing Planning Proposals*.

The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway based on consistency with relevant state environmental planning policies and Ministerial Directions.

A key issue is managing the likely effects as a result of the proposal. The assessment identifies the need for additional information should Council decide to proceed with a planning proposal, namely:

- A detailed site investigation report (undertaken or approved by an accredited site auditor) to address the identified contamination hazards on the site.
- Consultation with the Department of Planning & Environment to identify a site specific mechanism which may allow a higher FSR to be applied to the site solely for the purposes of a hospital. Based on the assessment, the proposal to amend the Floor Space Ratio Map is not supported as the higher FSR would apply to all land uses permitted in the zone, and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct.

Attachment A outlines the assessment findings.

CITY OF CANTERBURY BANKSTOWN
MINUTES OF THE
CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING
HELD IN THE COUNCIL CHAMBERS
BANKSTOWN
ON 7 MAY 2018

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Barbara Perry - Expert member
Mr Richard Thorp AM - Expert member
Mr Allan Winterbottom - Community Representative Bankstown
Mr Ian Stromborg OAM - Community Representative Revesby

STAFF IN

ATTENDANCE: Ms Chauntelle Mitchell (Local Planning Panel Administration Officer)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr Mitchell Noble (Manager Spatial Planning, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)
Mr Lia Chinnery (Coordinator Governance - Information and Committees, not present for the closed session)
Ms Kristy Bova (Executive Planner, not present for the closed session)
Ms Amita Maharjan (Strategic Planner, not present for the closed session)
Ms Casandra Gibbons (Senior Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the reports and the recommendation from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) and determining the development applications.

DECLARATIONS OF INTEREST

The Chairperson asked the Panel if any member needed to declare a pecuniary interest in any of the items on the agenda. There were no declarations of interest.

DECISION

1 297-299 CANTERBURY ROAD, REVESBY: APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 297-299 CANTERBURY ROAD IN REVESBY

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mr George Karavanas (Planner representing applicant)
- Ms Katherine Davies (Architect representing applicant)
- Mr Wayne Johnson (Traffic Engineer representing applicant)

Panel Assessment

Mr Ian Stromborg was the community panel member present for the deliberation and voting for this matter.

The Panel agrees that the proposed hospital, for the reasons set out in the report, is a suitable use for this site.

The Panel understands that the applicant initially approached the Department of Planning with the development application. The Department then indicated that the changes to the FSR and height should be determined through a planning proposal process with the Council and this is the reason why the matter is before the Panel.

This matter has now been referred to the Panel to obtain guidance on how any site specific rezoning should proceed. The proposal is for a private hospital and the Planning Proposal would be for a site specific change to allow for a specific height and FSR for a hospital (noting that hospitals are already permissible with consent in this zone).

The Panel is of the opinion that the principal issue to determine is the height of the development, in conjunction with Bankstown Airport.

Following this, Council could then consider the urban design context so that an overall height could be established for the site.

The applicant stated that their consultant has had initial discussions with the airport. However, the Panel is of the opinion there is not sufficient certainty from the airport to establish what the appropriate height should be having regard to operational procedures for the airport.

Establishment of the height control for the site would then assist in determining the appropriate FSR for the site.

The Panel also agrees with the suggestion in the Council report that the infrastructure delivery mechanisms for the various traffic proposals, which the applicant agrees to, should be determined and the Panel agrees that this could be a Voluntary Planning Agreement. At this stage all that is necessary is for the applicant to provide a letter of offer to the Council indicating what will be proposed through the VPA mechanism. It would not be necessary for the VPA to be entered into and finalised at this time.

Further support for requesting the further height study and information arises from relevant Section 117 Ministerial Directions (now section 9.1 of the Act) to demonstrate to the Department that the application meets strategic merits for a gateway determination.

In this case consultation is required with relevant authorities (Bankstown Airport for height matters, and RMS for infrastructure matters) to demonstrate concurrence with the following S117 Directions prior to Gateway Determination:

- Direction 3.5 Development near Licensed Aerodromes
- Direction 3.4 Integrating Land Use & Transport

In accordance with these directions, Council must satisfy itself that the proposal for the site is appropriate in the context of its very close proximity to Bankstown Airport and associated aircraft movements. Given the importance of this issue when considering the merits of the proposal, it is essential that a prescribed airspace study be prepared to provide clarity about this issue early in the process. Confirmation from Bankstown Airport on the maximum height for the site will allow Council to determine the max. FSR for the site.

The Panel is of the opinion that the height should now be determined with Bankstown Airport Limited, together with the VPA offer so that the matter can then proceed to Gateway determination with the Department.

CBLPP Recommendation

The Panel is of the opinion that the applicant should now:

- (a) carry out the required airspace study in conjunction with Bankstown Airport Limited so that a height limit can be determined for the site;
- (b) provide a Voluntary Planning Agreement (VPA) offer to the Council, outlining the traffic and pedestrian matters that would be included in the VPA.

Further, the Panel agrees that any planning proposal would be a site specific proposal for a hospital, and that any new FSR and height controls would relate only to a hospital use on this site, to avoid any undesirable precedents for other sites.

Upon the submission of this information to the satisfaction of the Council, the matter could then proceed to a Gateway determination.

Vote: 4 – 0 in favour

DECISION

- 2 **280 CHAPEL ROAD, BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A THREE STOREY MIXED COMMERCIAL-RESIDENTIAL DEVELOPMENT, COMPRISING TWO RESTAURANTS AND CAR PARKING AT GROUND FLOOR LEVEL, WITH SIX COMMERCIAL TENANCIES AT FIRST FLOOR LEVEL AND THREE RESIDENTIAL UNITS AT SECOND FLOOR LEVEL**

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mr Colin De Lore (applicant/architect)
- Mr Paul Lam (representing owner)

Panel Assessment

Mr Allan Winterbottom was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation, subject to some changes to the conditions.

The Panel raised questions with regard to BCA compliance, in relation to exiting through the fire stairs, past the kitchen and down the right of way.

The approval will be subject to a deemed condition requiring strict compliance with the BCA. In the event that changes are required upon further BCA assessment for a Construction Certificate then a modification application may be required.

CBLPP Determination

THAT Development Application DA-562/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend the deferred commencement condition to read as follows:
"A Voluntary Planning Agreement (VPA) to provide for deficient seven (7) car parking spaces in accordance with the offer made by the Applicant in their letter dated 18 March 2018 to the Council shall be entered into prior to the issue of an operational consent.

The development contributions required to be paid in the operative part of the consent are not to be taken into account in the VPA, and the VPA payments are in addition to the Section payments in the operative part of the consent.

The VPA rates for the parking spaces are to be determined in accordance with the rates for parking in Bankstown Development Control Plan 2015 – Part B5, and indexed in the same way as those rates are indexed under that plan."

2. Amend advisory note 5 to read as follows:
"The consent will lapse in two years if the deferred commencement consent is not satisfied and five years from the date the consent operates after the deferred commencement condition is satisfied."
3. Amend condition 2 by amending the date "24/01/18" in row 5 of the table to read "27/02/18".
4. Amend condition 3 by inserting the words "any of" after the words "for the use of" in the second sentence.
5. Amend condition 14 by inserting an additional point (h) as follows:
"h) This condition is to be read in conjunction with condition 23."
6. Amend condition 46 by inserting the words "An operational" prior to the words "Closed Circuit Television".
7. Delete condition 47.

Vote: 4 – 0 in favour

DECISION

- 3 220 - 222 SOUTH TERRACE, BANKSTOWN: DEMOLITION OF EXISTING DWELLING, CONSOLIDATION OF TWO LOTS, RELOCATION OF EXISTING SEWER PIPE, CONSTRUCTION OF TWO STOREY BASEMENT CAR PARKING, NINE STOREY MIXED USE BUILDING COMPRISING GROUND FLOOR COMMERCIAL PREMISES (RESTAURANT) AND 91 RESIDENTIAL UNITS WITH ASSOCIATED SERVICES AND ON-SITE LANDSCAPING.
S96(2) MODIFICATION: PROPOSED ADDITION OF ONE LEVEL OF BASEMENT (B3) UNDER THE APPROVED BUILDING

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mr Harry Hirakis (objector on behalf of St Euphemia College) and Mr Hugh Rigney (Project Planner on behalf of objector)
- Mr Patrick Sim (Architect representing applicant)
Mr Terry Wu (Traffic Engineer representing applicant)

Panel Assessment

Mr Allan Winterbottom was the community panel member present for the deliberation and voting for this matter.

This is a Section 4.55 (old s96) application relating only to additional parking spaces in a third basement level.

The Panel notes the concern of the school, regarding the safety of school children from the increased numbers of cars which would be entering and exiting the development. The Panel is of the opinion that this can be addressed by an appropriate warning device, operating within school hours.

The Panel also notes that the parking spaces at the ground level should be restricted to commercial spaces, so that all residential parking is on the lower floors and that all residential spaces are to be allocated to residential units within the development and the relevant condition to be amended accordingly.

The Panel also notes that clause 30 of SEPP 65 provides that a modification of a development consent to which the SEPP applies can not be refused on the grounds of the car parking for the building being equal to or greater than the recommended minimum amount of car parking specified in the ADG. The Panel has considered the related issues that arise from the 16 additional spaces being provided.

CBLPP Determination

THAT Development Application DA-1314/2015 be **MODIFIED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Insert additional condition 45A as follows:
"45A. A car park management plan is to be submitted to Council that provides a warning system/ traffic light system within the car park and which details how such management measures will function. The plan must clearly show the area within the property complies with sight distances for approaching

pedestrians on the footpath, with the installation of the relevant system. The system shall be designed and maintained to be functional during the peak school pick and drop off times, being those times during which 40km/h school zone speed limits are in operation.

The car park management plan shall detail, to the satisfaction of Council's Traffic Engineer, how access within the site can be feasibly managed in the event of failure of the any of the proposed systems."

2. Amend condition 74 so that it reads as follows:

"74) 183 off street car spaces being provided in accordance with the submitted plans. This shall comprise of a minimum:

145 residential spaces
18 residential visitor spaces
20 business / commercial spaces (all to be provided on the ground floor level)

Car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

All residential car spaces are to be allocated to and for use by specified units within the complex, final details at strata subdivision stage."

Vote: 4 – 0 in favour

DECISION

4 CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEMBER DISCLOSURE OF INTEREST RETURNS

Canterbury Local Planning Panel Member Disclosure of Interest Returns were tabled.

CBLPP Decision

The Panel notes that as required by clause 4.15 of the code of conduct for local planning panel members all disclosure of interest documents have now been submitted to the Council.

Vote: 5 – 0 in favour

The meeting closed at 7.59 p.m.



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Review of Planning Proposal

297-299 Canterbury Road, Revesby



Prepared for Canterbury Bankstown Council

September 2018

Contact



KEYLAN
consulting pty ltd

Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095
ABN 51 45 22 11 892
ACN 613 590 775

Dan Keary
Director
E: dan@keylan.com.au

Michael Woodland
Director
E: michael@keylan.com.au

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1 Introduction

This report has been prepared by *KEYLAN Consulting Pty Ltd* on behalf of Canterbury Bankstown Council (Council) and provides an independent peer review of Council’s process and merit consideration of a Planning Proposal for land at 297-299 Canterbury Road, Revesby (the Site).

The Planning Proposal seeks to amend the *Bankstown Local Environmental Plan 2015* (BLEP 2015) to facilitate the redevelopment of the site to accommodate a new private hospital. The amendment sought is a site specific amendment to increase the site’s maximum FSR from 1:1 to 2.9:1. No rezoning of additional permitted use is required as hospitals are permissible within the IN1 General Industrial zone.

This review has been undertaken on the basis of the following:

- a review of the Planning Proposal, prepared by GSA Planning dated February 2018
- a review of Council’s report for the Canterbury Bankstown Local Planning Panel dated 7 May 2018
- a site visit on 22 August 2018
- a review of Council’s internal memos dated 27 August 2018 and 12 July 2018 relating to design analysis and the Voluntary Planning Agreement (VPA)

This report confirms Council has undertaken a thorough review of the Planning Proposal against *Section 3.33 of the Environmental Planning and Assessment Act 1979* and in accordance with the provisions of the *Department of Planning and Environment’s - A Guide to Preparing Planning Proposals October (2012)*.

1.1 Chronology of Planning Proposal

A chronology of key dates for the Planning Proposal is outlined below.

Date	Planning Proposal Event
20 October 2017	Applicant submitted a request for Secretary Environmental Assessment Requirements (SEARs) to the Department of Planning and Environment (DPE) for a concept development application for a new hospital (Bankstown Private Hospital) at the Site. The proposed private hospital has a capital investment value of more than \$30 million and is State Significant Development (SSD) under <i>State Environmental Planning Policy (State and Regional Development) 2011</i> . The proposal included an FSR of 2.67:1 and an ancillary child care centre.
February 2018	Applicant lodged Planning Proposal with Council seeking to amend the Floor Space ratio (FSR) map under BLEP from 1:1 to 2.9:1.
6 March 2018	DP&E issued SEARs to the applicant (SSD 8834). The SEARs recommended a planning proposal as the best means to achieve the intended outcome, and requires the applicant to <i>provide justification for any contravention of the development standards, including the nature and timing for any proposed Local Environmental Plan amendments to facilitate the proposed development</i> .
March 2018	The applicant provided Council with further information explaining that the request for a FSR of 2.9:1 is <i>in the event changes are required to be made to the 2.73:1 scheme as a result of any further consultant design input</i> .

Date	Planning Proposal Event
7 May 2018	<p>Council's officers' assessment of the Planning Proposal is considered by the Canterbury Bankstown Local Planning Panel. The assessment identified the need for additional information to determine whether the proposal demonstrates strategic merit to proceed to the Gateway. The additional information includes the need for a prescribed airspace study to determine the maximum building height, building envelope and an appropriate mechanism to realise the supporting infrastructure in a timely manner. The prescribed airspace study was required to determine the maximum building height for the purposes of testing the proposed FSR of 2.9:1.</p> <p>The report recommended that the Panel identify any matters that Council should consider prior to determining whether the proposal proceeds to the Gateway.</p> <p>The Panel's recommendation was that the applicant should:</p> <ul style="list-style-type: none"> ○ carry out the required airspace study in conjunction with Bankstown Airport Limited so that a height limit can be determined for the site ○ provide a Voluntary Planning Agreement (VPA) offer to the Council, outlining the traffic and pedestrian matters that would be included in the VPA. <p><i>Further the Panel agrees that any planning proposal would be a site specific proposal for a hospital, and that any new FSR and height controls would relate only to a hospital use on this site, to avoid any undesirable precedents for other sites.</i></p> <p><i>Upon the submission of this information to the satisfaction of the Council, the matter could then proceed to a Gateway determination.</i></p>
28 May 2018	Council wrote to Sydney Metro Airports to request preliminary comments on the proposal.
31 May 2018	<p>The applicant made a VPA offer to Council for the provision of infrastructure works including:</p> <ul style="list-style-type: none"> ○ traffic signals and slip lanes at Canterbury Road/Mavis Street intersection ○ installation of bus stops on Canterbury Road ○ embellishment of Mavis Street to improve the public domain, street lighting and other safety measures ○ construction of new footpaths between the site and the Bankstown-Lidcombe Hospital
12 July 2018	Council prepared an internal memo analysing the VPA offer as detailed above. Council advised the list of proposed works is consistent with Council's report to the Local Planning Panel in May 2018.
15 August 2018	<p>Sydney Metro Airports advised:</p> <p><i>the proposed development at 51.0m AHD is on the limited of the prescribed airspace but will not impact flight operations at Bankstown Airport. On that basis Bankstown Airport Limited does not need to be involved in any approval process for the proposed dwelling (sic). Please note the prescribed airspace over this address is 51.0m AHD.</i></p>
27 August 2018	Council prepared an internal memo outlining the analysis for the recommended maximum building envelope. The envelope is informed by the Sydney Metro Airports advice of a height of 51m AHD, the plans provided in the planning proposal, consideration of roof top structures such as lift overruns, the flood planning level and setbacks prescribed within Council's Development Control Plan. This analysis determines an FSR of 1.9:1 is appropriate for the site.

Table 1: Chronology of planning proposal (Base Source: Canterbury Bankstown Council)

2 The Site and Locality

2.1 Site Description

The site is located on the corner of Canterbury Road and Mavis Street and is known as 297-299 Canterbury Road, Revesby in the Canterbury Bankstown Local Government Area. The total site area is approximately 9,175m², and is legally described as:

Property address	Lot and DP	Site area
297 Canterbury Road	Lot 9 in DP 663160	3,712m ²
299 Canterbury Road	Lot 202 in DP 840245	5,467m ²
Total site area		9,175m²

Table 2: site description and site area (Source: Canterbury Bankstown Council)

The site is an irregular shaped parcel of land with a north-western boundary of 54.01 metres, a north-eastern frontage to Mavis Street of 128.54 metres, south-eastern frontage to Canterbury Road of 72.44 metres and a south-western boundary of 122.46 metres.

The site is characterised by a number of industrial buildings including warehouses, offices and showrooms. 297 Canterbury Road is occupied by a single storey rendered brick office and showroom building that addresses Mavis Street and is setback approximately 15m from Canterbury Road. 299 Canterbury Road is occupied by a two-storey brick office and showroom building which is setback from Canterbury Road. A metal clad building fronting Mavis Street is also located on the site and is separated from the warehouse by an existing driveway. A concrete and paved area is set behind an existing embankment, retaining wall and small-sub station.

The site comprises limited landscaping, with approximately 10 mature trees located in the Canterbury Road frontage.



Figure 1: Subject site highlighted in red (Base Source: Sixmaps)

The site is located with an established precinct characterised by industrial uses, warehouse style buildings and low density residential development. The Bankstown-Lidcombe Public Hospital is located approximately 1 km walking distance to the north of the site.



Figure 2: The site as viewed from Canterbury Road (Source: Google Maps)



Figure 3: The site as viewed from Mavis Road looking west along Canterbury Road (Source: Keylan)



Figure 4: The site as viewed from Mavis Street (Source: Keylan)

3 Planning Context

3.1 Bankstown Local Environmental Plan 2015

The Site is zoned IN1 General Industrial under BLEP 2015. Hospitals are permitted with consent in the IN1 zone. An FSR density control of 1:1 applies to the site. It is also noted:

- there is no applicable height of buildings control
- a minimum lot size of 1,500sqm currently applies to the site (clause 4.1C of BLEP 2015)
- there are no heritage items on the site
- there are no Schedule 1 amendments applicable to the site.

4 The Planning Proposal

The primary purpose of this Planning Proposal is to enable a site specific amendment to the Bankstown LEP 2015 to permit a maximum FSR of 2.9:1 for the purposes of a new private hospital.

The proposed private hospital comprises 251 beds, operating theatres, associated services and tenancies, and three basement levels of carparking for 433 vehicles.

5 Review of Council's process and assessment

Council has undertaken an assessment of the planning proposal as provided in the Canterbury Bankstown Local Planning Panel agenda dated 7 May 2018.

This section of the report considers Council's process and merit consideration in its evaluation of the planning proposal. We have considered strategic merit, site specific merit, the section 117 directions and justification matters outlined in DP&E's *A Guide to Preparing Planning Proposals*.

5.1.1 Strategic merit test

The strategic merit test is set out in *A Guide to Preparing Planning Proposals* and includes (in summary):

- consistency with the *Greater Sydney Region Plan, South District Plan* and *NSW Making it Happen*
- consistency with the *Draft Canterbury Bankstown Community Plan 2028 and Employment Lands Strategy*
- responding to any change in circumstances

Council's report evaluates the proposal's consistency with the Greater Sydney Region Plan, South District Plan and other relevant plans. Council concludes the proposal is generally consistent with these Plans.

Our review of Council's evaluation concludes that Council has adequately considered the relevant strategic plans (Table 3). In particular, we note that the site is appropriate for development for a private hospital given its proximity to the emerging Bankstown Health and Education Precinct. The site has potential to support and grow the emerging precinct. Furthermore, hospitals are a permitted use on the site.

We note that Council's report does not distinguish between the strategic merit and site specific merit matters listed in *A Guide to Preparing Planning Proposals*. For the purposes of consistency with this guide, we have addressed the strategic merit and site specific merit matters in separate tables (Tables 3 and 4).

Consideration	Council's assessment	Keylan comment
1.1 Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?		
Greater Sydney Region Plan	<ul style="list-style-type: none"> • Council concludes the proposal is generally consistent with the Plan, subject to additional information to address objectives 22 and 37 including prescribed airspace, the infrastructure delivery mechanism and site contamination. • The development of a private hospital on the site is appropriate given its proximity to the emerging Bankstown's Health and Education Precinct. 	<ul style="list-style-type: none"> • Council's assessment has adequately considered the Greater Sydney Region Plan. The site is appropriate to support the emerging health and education precinct. • The further information required by Council are relevant considerations under the site specific considerations (see Table 4). The prescribed airspace will inform the maximum permitted height for the development and the resultant FSR as discussed in Section 6.
South District Plan	<ul style="list-style-type: none"> • Council concludes the proposal is generally consistent with the Plan subject to additional information to address Planning Priorities S8, S9 and S18 including prescribed airspace, the infrastructure delivery mechanism and site contamination. • The site is appropriate given its proximity to the emerging Bankstown Health and Education precinct. 	<ul style="list-style-type: none"> • Council's assessment has adequately considered the South District Plan. • The further information required by Council requires are relevant considerations under the site specific considerations (see Table 4). This matter is discussed in Section 6 of this report.
1.2 Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?		
Employment Lands Strategy	<ul style="list-style-type: none"> • On 22 September 2009 the former Bankstown City Council adopted the Employment Lands Development Study (ELDS). • The site is located within the Bankstown Industrial Precinct and is in proximity to the Bankstown-Lidcombe Hospital. The study recognises for this hospital to have long term success, it is important to improve the links to other activities. Action 9 of the Study recommends expanding the health and medical specialisations around the hospital precinct and to consider extending the precinct to the Bankstown CBD. • Council's investigations identify the site as having potential to support the emerging health precinct. 	<ul style="list-style-type: none"> • Council's assessment has adequately considered the ELDS. • We agree that the development of a private hospital on the site is consistent with the ELDS.

Consideration	Council's assessment	Keylan comment
1.3 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?		
NSW Making it Happen	The proposal does not respond to a change in circumstances.	<ul style="list-style-type: none"> • Council's assessment has adequately considered whether the proposal responds to a change in circumstances. • The proposed hospital is consistent with the existing statutory and strategic planning framework applying to the site.

Table 3: Consideration of Council's strategic merit test evaluation

5.1.2 Site Specific Merit Test

Council's assessment	Keylan comment
1.4 Does the proposal have regard to the natural environment (including known significant environmental values, resources or hazards)?	
<ul style="list-style-type: none"> • The applicant confirms the proposal responds to the existing natural environment of the site including suitable drainage and landscaping provisions and is subject to investigations that will render the site suitable for a hospital use. • Council concludes the proposal has regard to the natural environment (including known significant environmental values and hazards). 	<ul style="list-style-type: none"> • Council has considered the flood levels affecting the site and considered how this will impact the resultant built form controls as discussed in Section 6. • Council's assessment has adequately considered the natural environment.
1.5 Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?	
<ul style="list-style-type: none"> • The applicant confirms the site is located near other health land uses which are likely to complement each other. The proposal is in proximity to arterial road networks and public transport in the form of buses and heavy rail stations. These facilities are available to meet the transport demands arising from the proposal, creating a more efficient use of existing infrastructure. Accordingly the proposal is considered to have strategic merit. • Council concludes the proposal has regard to the existing and likely future uses of land in the vicinity of the land. 	<ul style="list-style-type: none"> • Hospitals are already permissible within the zone. • Council's assessment has adequately considered the existing uses, approved uses and likely future uses of land in the vicinity of the land.
1.6 Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?	
<ul style="list-style-type: none"> • Given the size of the proposal, the assessment identifies the need for supporting traffic and transport infrastructure works to improve walking and cycling access arrangements in the vicinity of the site, and to improve connections to public transport services. The infrastructure works include: <ul style="list-style-type: none"> ○ traffic signals and slip lanes at Canterbury Road/Mavis Street intersection ○ installation of bus stops on Canterbury Road ○ embellishment of Mavis Street to improve the public domain, street lighting and other safety measures ○ construct new footpaths between the site and the Bankstown-Lidcombe Hospital 	<ul style="list-style-type: none"> • Council's assessment has adequately considered services and infrastructure that will be needed to meet the demands arising from the proposal. • Infrastructure will be needed to support the proposed new hospital. This is discussed in Section 6.

Council's assessment	Keylan comment
<ul style="list-style-type: none"> • An appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. • The Council conclude the proposal is not consistent with this objective but is subject to a mechanism to realise the infrastructure works in a timely manner 	

Table 4: Consideration of Council's site specific merit test evaluation

5.1.3 Planning Proposal Justification

We conclude Council's assessment has adequately considered the justification questions as outlined in the DP&E's *A Guide to Planning Proposals* as detailed in the table below.

The Planning Proposal is the result of recommendations made by the DP&E in the SEARs. The proposal is not the result of any strategic review or study. The Council's assessment considers the planning proposal the best means of achieving the intended outcomes for the site. Council considers further consultation with the DPE is required to ensure the proposed FSR is limited to the subject site and only for the purposes of a hospital.

We conclude Council's assessment adequately addresses and demonstrates that the Planning Proposal is justified, in accordance with *A Guide to Preparing Planning Proposals*.

Consideration	Council's assessment	Keylan comment
2.1 Is the planning proposal a result of any strategic study or report?		
	<ul style="list-style-type: none"> The applicant advises the proposal is the result of a recommendation by DP&E in the SEARs rather than any specific strategic study or report. The proposal is not the result of any strategic review or study. 	<ul style="list-style-type: none"> Council's assessment has adequately considered whether the proposal is the result of any strategic study or report. The proposed hospital is consistent with the existing statutory and strategic planning framework applying to the site.
2.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?		
	<ul style="list-style-type: none"> The option for rezoning was considered by the applicant however hospitals are permitted within the IN1 zone and a rezoning would disrupt the zoning along this portion of Canterbury Road. A rezoning would also not provide Council with certainty that industrial type uses would be provided on the site, as envisaged by Council. Following the SEARs issued by DP&E and advice from Council an amendment to the LEP to increase the FSR for the site is was deemed to be the most appropriate pathway to enable the development. For this reason the applicant submitted an application to Council with a request to amend the FSR by applying a maximum 2.9:1 FSR to the site. Based on its assessment, the proposed amendment to the FSR is not supported by Council as it would apply to all land uses permitted in the zone. Council recommend liaising with DP&E to identify an appropriate mechanism which may allow a higher FSR to applied to the subject site only. 	<ul style="list-style-type: none"> DP&E and Council have advised the applicant as to the appropriate pathway to facilitate the planning proposal. A site specific amendment to permit an increased FSR is considered to be appropriate and will provide certainty as to the future uses. Council's assessment has adequately considered the best means of achieving the objectives or intended outcomes. We note that there is precedent in other LEPs for site specific FSR amendments via an "exceptions to FSR" clause whereby specific sites are identified on the FSR map and allocated a site specific FSR. We recommend Council discuss this approach with DP&E
2.3 Is the planning proposal consistent with the objectives and actions of the applicable regional, sub regional or district plan or strategy (including any exhibited draft plans or strategies)?		
Metropolitan Plan (A Plan for Growing Sydney)	<ul style="list-style-type: none"> The proposal is consistent with A Plan for Growing Sydney. The site is located within the West-Central Sub-region under this plan. The proposal will facilitate consistency with Direction 1.10 of the Plan to meet the growing needs for education and health services. The proposal supports the growth of complementary health activities in strategic centres. 	<ul style="list-style-type: none"> Council's assessment has adequately considered A Plan for Growing Sydney. The Planning Proposal will support the Bankstown Health and Education Precinct.

Consideration	Council's assessment	Keylan comment
Greater Sydney Region Plan	<ul style="list-style-type: none"> Council concludes the proposal is generally consistent with the Plan subject to additional information to address Objectives 22 and 37. 	<ul style="list-style-type: none"> Council's assessment has adequately considered the Greater Sydney Region Plan. This matter is discussed in Section 6 of this report. The further information Council requires are relevant considerations under the site specific considerations. The Planning Proposal will support the Bankstown Health and Education Precinct, as identified in the Greater Sydney Region Plan.
South District Plan	<ul style="list-style-type: none"> Council concludes the proposal is generally consistent with the Plan subject to additional information to address Planning Priorities S8, S9 and S18. 	<ul style="list-style-type: none"> Council's assessment has adequately considered the South District Plan. The further information Council requires are relevant considerations under the site specific considerations. This matter is discussed in Section 6 of this report. The Planning Proposal will support the Bankstown Health and Education Precinct, as identified in the South District Plan.
2.4 Is the proposal consistent with a council's local strategy or other local strategic plan?		
Draft Canterbury Bankstown Community Plan 2028 (CBCity)	<ul style="list-style-type: none"> The vision of the Draft CBCity is to have a city that is thriving, dynamic and real. The 'prosperous and innovative' direction will achieve this by promoting a smart and evolving city with exciting opportunities for investment and creativity. The Council considers the proposal is consistent with the Draft Community Plan. 	<ul style="list-style-type: none"> Council's assessment has adequately considered the Draft CBCity
Employment Lands Development Study	<ul style="list-style-type: none"> The proposal is consistent with the Employment Lands Study. 	<ul style="list-style-type: none"> Council's assessment has adequately considered the Employment Lands Study.
2.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?		
State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)	<ul style="list-style-type: none"> The SEPP requires Council to consider whether the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used. The preliminary site investigation report confirms a detailed site investigation is required to determine the site's suitability. Should council proceed with the planning proposal, a detailed site investigation report would be required. 	<ul style="list-style-type: none"> Council's assessment has adequately considered SEPP 55. Council has identified that further investigation into the likelihood of contamination/remediation as per SEPP 55 is needed. This matter is discussed in Section 6 of this report.

Consideration	Council's assessment	Keylan comment
State Environmental Planning Policy (Infrastructure) 2007	<ul style="list-style-type: none"> • The SEPP identifies matters to be considered in relation to development adjacent to classified roads such as Canterbury Road. • Given the size of the proposed private hospital, the assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. These infrastructure works include: <ul style="list-style-type: none"> ○ traffic signals and slip lanes at Canterbury Road/Mavis Street intersection ○ installation of bus stops on Canterbury Road ○ embellishment of Mavis Street to improve the public domain, street lighting and other safety measures ○ construct new footpaths between the site and the Bankstown-Lidcombe Hospital. <p>These works may require a planning agreement</p>	<ul style="list-style-type: none"> • Council's assessment has adequately considered the Infrastructure SEPP. • The further information required by Council are relevant considerations under the site specific considerations. This matter is discussed in Section 6 of this report.
2.6 Is the planning proposal consistent with applicable Ministerial Directions?		
1.1 Business and Industrial zones	<ul style="list-style-type: none"> • The objectives of this direction are to encourage employment growth in suitable locations, and to protect employment land in business and industrial zones. • The proposal is consistent with this direction as it retains the existing industrial zone and does not reduce the total potential floor space area for industrial zones. 	<ul style="list-style-type: none"> • Council's assessment has adequately considered Direction 1.1. • We note that the Planning Proposal does not remove any land zoned for industrial purposes and relates to employment generating development.
3.4 Integrating Land Use and Transport	<ul style="list-style-type: none"> • The objective of this direction is to ensure building forms improve access to jobs and services by walking, cycling and public transport. • To date the proposal is inconsistent with this direction, in particular the accessible development principles as outlined in the publication <i>'improving transport choice – guidelines for planning and development'</i>. • Given the size of the proposal, the assessment identifies the need for supporting traffic and transport infrastructure works to improve walking and cycling access arrangements in the vicinity of the site, and to improve connections to public transport services. The infrastructure works include: 	<ul style="list-style-type: none"> • Council's assessment has adequately considered Direction 3.4. • The direction can be achieved via a VPA for infrastructure works as detailed in Section 6.

Consideration	Council's assessment	Keylan comment
	<ul style="list-style-type: none"> ○ traffic signals and slip lanes at Canterbury Road/Mavis Street intersection ○ installation of bus stops on Canterbury Road ○ embellishment of Mavis Street to improve the public domain, street lighting and other safety measures ○ construct new footpaths between the site and the Bankstown-Lidcombe Hospital ● An appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. ● The Council conclude the proposal is not consistent with this objective but is subject to a mechanism to realise the infrastructure works in a timely manner. 	
3.5 Development Near Licensed Aerodromes	<ul style="list-style-type: none"> ● The objectives of this direction are to ensure the effective and safe operation of airports, and to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity. ● The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport. ● To date the proposal is inconsistent with this direction, namely clause 4(d) which requires Council to obtain permission from the Commonwealth Government or delegate if a planning proposal is to allow development that encroaches above the Obstacle Limitation Surface. ● A prescribed airspace study is therefore required to determine the maximum building height consistent with the Commonwealth Department of Infrastructure and Regional Development and Bankstown Airport. ● Council conclude the proposal is not consistent with Direction 3.5 and is subject to a prescribed airspace study. 	<ul style="list-style-type: none"> ● Council's assessment has adequately considered Direction 3.5. ● The Direction can be achieved via a maximum building height as detailed in Section 6.
4.3 Flood Prone Land	<ul style="list-style-type: none"> ● The objective of this direction is to ensure the provisions of a LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. ● The site is affected by the medium stormwater flood risk precinct. 	<ul style="list-style-type: none"> ● Council's assessment has adequately considered Direction 4.3. This matter is discussed in Section 6 of this report. ● We note a potential typographical error in Council's report, ie, Council's comment that "in accordance

Consideration	Council's assessment	Keylan comment
	<ul style="list-style-type: none"> The proposal is inconsistent with Clause 6 of this direction as it permits a significant increase in the development of the site. However, in accordance with Clause 9(b) the proposal may be inconsistent as any risks resulting from the future redevelopment of the site may be satisfactorily addressed by applying the provisions of Bankstown Development Control Plan 2015-Part B12 as part of the development application process. 	<p>with Clause 9(b) the proposal may be inconsistent as any risks resulting from the future development of the site may be satisfactorily addressed..." should read "in accordance with Clause 9(b) may be consistent with..."</p> <ul style="list-style-type: none"> Council has reviewed the proponent's flood study which concludes that the habitable floor level should be located above the flood planning level (29 m AHD). This has informed Council's calculation of an appropriate FSR for the site.
6.3 Site Specific Provisions	<ul style="list-style-type: none"> The objective of this direction is to discourage unnecessarily restrictive site planning controls. The application requests an amendment to the floor space ratio (FSR) by applying a maximum 2.9:1 FSR to the site. Based on the assessment the proposal to amend the FSR would apply to all land uses permitted in the zone and would set an undesirable precedent for other sites within the Bankstown Industrial Precinct. Consultation with the DP&E is recommended to identify a mechanism which will only allow a higher FSR to be applied to the site solely for the purposes of a hospital. Council concludes the proposal is consistent subject to consultant with the Department of Planning and Environment. 	<ul style="list-style-type: none"> Council's assessment has adequately considered direction 6.3. Hospitals are a permissible use and there is no height nominated for the site under BLEP 2015. The prescribed airspace study was required by Council prior to determining the suitability of the maximum building height and resultant FSR of the site. This matter is discussed further in Section 6 of this report.
7.1 Implementation of A Plan for growing Sydney	<ul style="list-style-type: none"> The proposal is consistent with the directions of the Metropolitan Plan, A Plan for Growing Sydney, namely Direction 1.10 to plan for education and health services to meet Sydney's growing needs. The proposal supports the growth of complementary health activities in strategic centres. 	<ul style="list-style-type: none"> Council's assessment has adequately considered Direction 7.1. The Greater Sydney Region Plan (GSRP) replaces A Plan for Growing Sydney. However, the proposal is consistent with the GSRP. These matters are also addressed above.
2.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?		
	<ul style="list-style-type: none"> The proposal is consistent with the Ministerial Directional 2.1 as it does not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats. 	<ul style="list-style-type: none"> Council's assessment has adequately considered direction 2.1

Consideration	Council's assessment	Keylan comment
2.8	Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	
	<ul style="list-style-type: none"> The proposal has regard to the natural environment (including known significant environmental values and hazards). 	<ul style="list-style-type: none"> Council's assessment has adequately considered the natural environment.
2.9	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	
	<ul style="list-style-type: none"> In relation to social and economic effects, the proposal is consistent with the Greater Sydney Region Plan and South District Plan for the reasons outlined in section 1.1 of this attachment. 	<ul style="list-style-type: none"> Council's assessment has adequately considered the social and economic effects.
2.10	Is there adequate public infrastructure for the planning proposal?	
	<ul style="list-style-type: none"> Given the size of the proposal, the assessment identifies the need for supporting traffic and transport infrastructure works to improve walking and cycling access arrangements in the vicinity of the site, and to improve connections to public transport services. The infrastructure works include: <ul style="list-style-type: none"> traffic signals and slip lanes at Canterbury Road/Mavis Street intersection installation of bus stops on Canterbury Road embellishment of Mavis Street to improve the public domain, street lighting and other safety measures construct new footpaths between the site and the Bankstown-Lidcombe Hospital An appropriate mechanism is required to realise these infrastructure works in a timely manner. This may involve a planning agreement to legally capture the public benefits. The Council conclude the proposal is not consistent with this objective but is subject to a mechanism to realise the infrastructure works in a timely manner. 	<ul style="list-style-type: none"> Council's assessment has adequately considered whether there is adequate public infrastructure for the planning proposal. This matter is further discussed in Section 6.
2.11	What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?	
	<p>The proposal has not been the subject of consultation with State and Commonwealth public authorities. This would be undertaken, should Council decide to proceed with a planning proposal.</p>	<ul style="list-style-type: none"> Council's has taken an appropriate approach to consultation with relevant agencies, based on its evaluation of the Planning Proposal to date. In this regard, we note that Council has since consulted Sydney Metro Airports on the issue of prescribed airspace heights and has undertaken to

Consideration	Council's assessment	Keylan comment
		further consult DP&E on an appropriate site-specific FSR mechanism.

Table 5: Assessment against A Guide to Preparing Planning Proposals

6 Additional information considered by Council

On 27 August 2018, Council provided Keylan with memos relating to the building envelope analysis and the proposed VPA. These matters are discussed below.

6.1 Building Envelope

Council officers have undertaken a design analysis to inform the recommended maximum FSR for the site. This analysis is based on:

- Sydney Metro Airports advice that the site is affected by an Obstacle Limitation Surface (OLS) prescribed airspace of 51m AHD
- review of the plans (including floor to ceiling heights) provided with the Planning Proposal
- allowance of 2.5 m for the height of roof top structures such as lift overruns
- the flood planning level for the site
- review of hospital developments (specifically, whether hospitals typically include habitable floor space in the basement level) on DP&E's Major Projects website
- setbacks prescribed within Council's Development Control Plan

This analysis determines that a maximum FSR of 1.9:1 is appropriate for the site.

Whilst we make no comment on Council's recommended FSR of 1.9:1 and whether a higher or lower FSR is appropriate (this would require an independent design review, which is beyond the scope of this report), we consider that Council has undertaken a methodical and comprehensive approach to evaluating the site's constraints and its ability to accommodate an appropriate building envelope. In this regard, we consider that Council's approach is prudent in the circumstances, as it demonstrates that the FSR of 2.9:1 sought in the Planning Proposal may not be able to be accommodated on the site.

Notwithstanding the above, we consider that Council should further consider the following matters to satisfy itself that the proposed FSR of 1.9:1 is appropriate:

- Consider greater flexibility in the application of building setbacks in Council's DCP. Reduced or varied setbacks may be reasonable, without compromising desired design and amenity outcomes.
- We have undertaken a high level review of several hospital development approvals, on the Major Projects website. This indicates roof structure heights (including lift overruns and roof plant) typically range from 4.3m to 5.5m. As such, we recommend that Council further consider whether a 2.5m allowance for rooftop structures is sufficient.
- Further consultation with the applicant in regards to:
 - clarification of the proposed uses below the flood planning level
 - whether the risks associated with habitable uses floor level below the flood planning level could be dealt with via an evacuation management plan (this issue may also require consultation with the State Emergency Service)
 - the commercial viability of the proposed development if a maximum FSR of 1.9:1 is applied.
- Council may also wish to seek independent expert advice on the issue of commercial viability, eg, from a specialist health architectural firm, a quantity surveyor, or land economist.

6.2 VPA

The Planning Proposal and Council's assessment identifies the need for supporting traffic and transport infrastructure to meet the demands arising from the proposal. These works include:

- installation of traffic signals and slip lanes at Canterbury Road and Mavis Street intersection in consultation with RMS
- installation of bus stops on Canterbury Road adjacent to the site
- embellishment of Mavis Street to improve the public domain, street lighting and other safety measures
- construction of new footpaths between the site and the Bankstown-Lidcombe Hospital (via Claribel Road).

On 31 May 2018, the applicant advised of their offer to enter into a planning agreement with Council and includes the above works.

We have reviewed Council's analysis and consider the process taken to determine a VPA is appropriate and well considered. The works are consistent with Council's recommendation to the Planning Panel in May 2018.

We recommend the Council liaise with the RMS in relation to the relevant traffic and transport infrastructure works to ensure the scope of works proposed is supported.

7 Conclusion and recommendations

This report provides a peer review of Council's process and merit consideration of a Planning Proposal for land at 297-299 Canterbury Road, Revesby, to facilitate a new private hospital. The planning proposal seeks a site specific amendment to the BLEP 2015 to increase the site's maximum FSR of 1:1 to 2.9:1.

This report concludes that Council has undertaken a thorough review of the Planning Proposal against Section 3.33 of the EP&A Act and in accordance with the provisions of DPE's *A Guide to Preparing Planning Proposals October* and *A Guide to Preparing Local Environmental Plans*. Council has appropriately evaluated:

- the objectives and justification for the proposal
- the relationship to the strategic framework
- the environmental, social and economic impacts of the proposal
- public infrastructure requirements

In this regard, we generally agree with Council's findings that the Planning Proposal demonstrates strategic merit and has appropriately addressed the justification questions in *A Guide to Preparing Planning Proposals*.

Council has also undertaken a design analysis to test the proposed FSR of 2.9:1 and has concluded that an FSR of 1.9:1 is appropriate. As outlined in Section 6.1, we consider Council's approach to this design analysis is both appropriate and reasonable in terms of the matters it considers. However, we have recommended that Council further consider several matters to satisfy itself that an FSR of 1.9:1 is appropriate. These include:

- flexibility in the application of building setbacks in Council's DCP
- whether a 2.5m height allowance for rooftop structures is sufficient
- clarification of the proposed uses below the flood planning level
- whether the risks associated with habitable uses floor level below the flood planning level could be dealt with via an evacuation management plan (this issue may also require consultation with the State Emergency Service)
- the commercial viability of the proposed development if a maximum FSR of 1.9:1 is applied

Subject to the resolution of these matters, we consider that Council officers will be in a position to report the matter to Council for a decision on forwarding the Planning Proposal for Gateway determination.

SGC Asset Management Pty LtdACN 162 801 354 Suite 303, 21-23 Burwood Road,
Burwood NSW 2134 AUSTRALIA

10 September 2018

The General Manager
Canterbury Bankstown City Council
PO Box 8 Bankstown NSW 1885**ATTENTION: MR MAURICIO TAPIA**

Dear Mauricio,

**RE: LETTER OF OFFER – VOLUNTARY PLANNING AGREEMENT
PLANNING PROPOSAL FOR 297-299 CANTERBURY ROAD, BANKSTOWN**

We refer to your email dated 5 September 2018, in respect of the above matter.

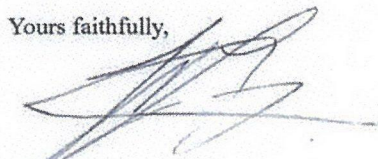
We also refer to the Canterbury Bankstown Local Planning Panel (CBLPP) Meeting resolution of 7 May 2018 for the provision of Voluntary Planning Agreement (VPA) offer to the Council, outlining the traffic and pedestrian matters that would be included in the VPA.

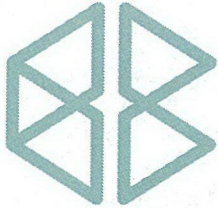
In accordance with your email and the CBLPP resolution we hereby offer to enter into a planning agreement between us (the proponent) and Council to negotiate and finalise the following works:

- Three quarters (¾) of the costs involved with the installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with Council and the Roads & Maritime Services.
- Three quarters (¾) of the costs involved with the installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road / Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations may be considered in conjunction with the proposed Canterbury Road / Mavis Street intersection design. The bus shelters must be accessible for seniors and people with disabilities, and comply with the Disability Discrimination Act 1992.
- Three quarters (¾) of the costs involved with the embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- Three quarters (¾) of the costs involved with the construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g. street lighting and seating) between the site and the Bankstown–Lidcombe Hospital (via Claribel Road and Artegall Street) in compliance with the Disability Discrimination Act 1992.

We agree that the the planning agreement is in addition to the section 94A developer contributions. We trust this information is of assistance to you and look forward to working with you further on this matter.

Yours faithfully,

Steven Spiridonidis
DIRECTOR



Part 1–Intended Outcomes

This planning proposal applies to the site at 297 Canterbury Road (Lot 9, DP 663160) and 299 Canterbury Road (Lot 202, DP 840245) in Revesby as shown in Part 4.

The intended outcomes of this planning proposal are:

- To provide a site specific framework that enables the development of the site at 297–299 Canterbury Road in Revesby for the purposes of a hospital.
- To deliver certain public benefits to the emerging health and education precinct in the Bankstown strategic centre.
- To manage the likely environmental effects as a result of the proposal.