

Gateway determination report

LGA	City of Canterbury Bankstown
PPA	Canterbury Bankstown Council
NAME	Bankstown Private Hospital
NUMBER	PP_2018_CBANK_007_00
LEP TO BE AMENDED	Bankstown LEP 2015
ADDRESS	297-299 Canterbury Road, Revesby
DESCRIPTION	Lot 9 DP 663160 and Lot 202 DP 840245
RECEIVED	12 October 2018
FILE NO.	IRF18/6900
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The proposal seeks to amend the floor space ratio (FSR) controls in the Bankstown Local Environmental Plan (LEP) 2015 from 1:1 to 2.3:1 and apply a height control of 51m (Australian Height Datum – AHD) for the purposes of a private hospital. The hospital would accommodate 251 beds, operating theatres, 433 car spaces, associated services and tenancies. Figure 1 shows the concept for the hospital as viewed from Mavis Street.



Figure 1: Bankstown Private Hospital concept viewed from Mavis Street (FSR of 2.73:1 is shown).

1.2 Site description

The subject site is at the corner of Canterbury Road and Mavis Street, Revesby and comprises the properties at 297 Canterbury Road (Lot 9 DP 663160) and 299 Canterbury Road (Lot 202 DP 840245) (Figure 2). The site area is 9175m².



Figure 2: Site location.

The site is subject to a drainage easement on the south-west boundary and a right-of-way corridor in the north-west part of the site, which provides freight access to the neighbouring 299A Canterbury Road (Figure 3). The site is occupied by industrial buildings including warehouses, offices and showrooms (Figure 4 and Figure 5, next page).

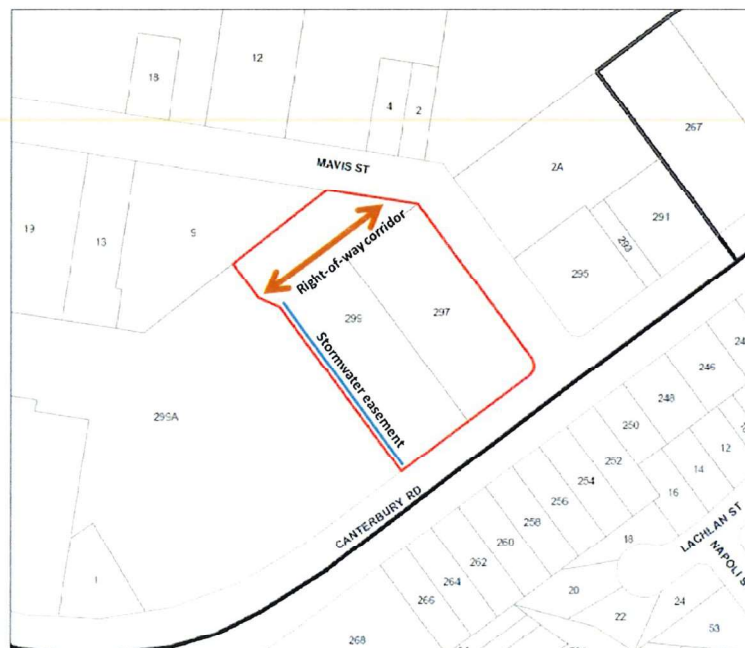


Figure 3: Easements.



Figure 4: View of the site from Canterbury Road.



Figure 5: View of the site from Mavis Street.

Development surrounding the subject site largely comprises industrial warehouse-style buildings on the northern side of Canterbury Road and low-density residential development on the southern side of Canterbury Road. Further to the north, on Eldridge Road, is Bankstown-Lidcombe Hospital.

1.3 Current planning controls

Under the Bankstown LEP 2015, the site is zoned IN1 General Industrial (Figure 6), which permits hospitals, has a maximum FSR of 1:1 (Figure 7, next page) and is not subject to height of building, heritage or flooding controls. A minimum lot size of 1500m² applies to the site.

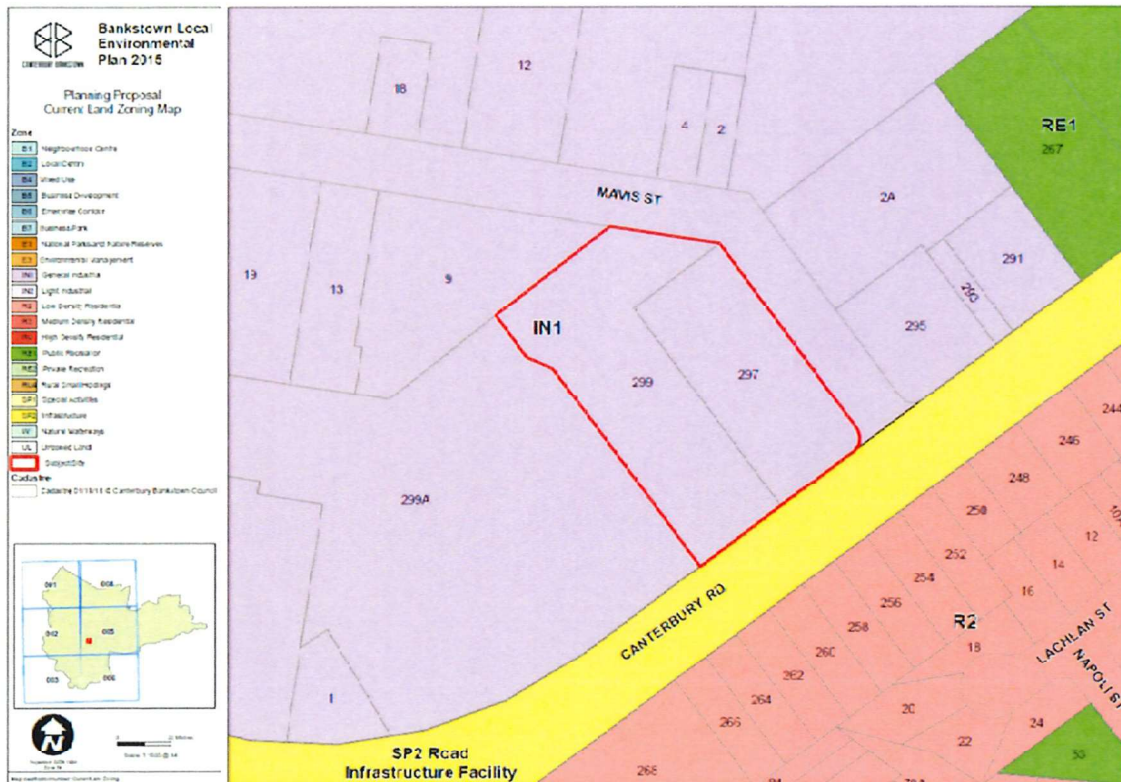


Figure 6: Current zoning.

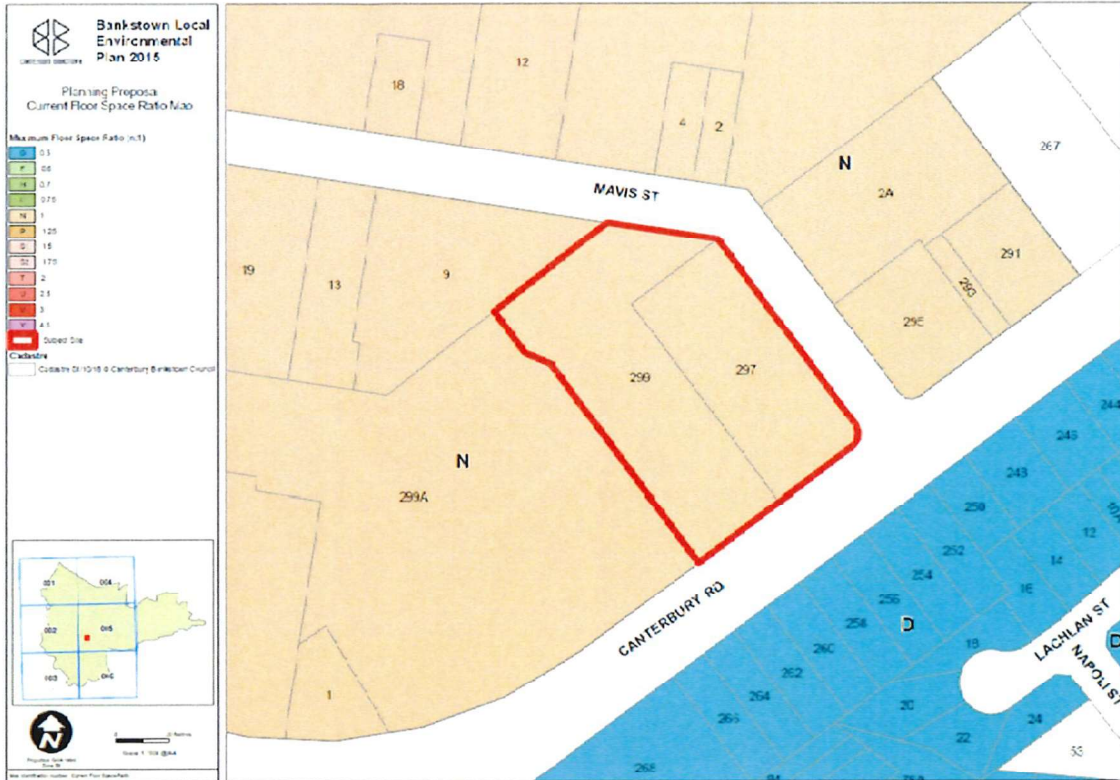


Figure 7: Current FSR.

1.4 Surrounding area

The site is in the Canterbury Bankstown local government area (LGA) in the Bankstown industrial precinct. It is 300m south of Bankstown-Lidcombe Hospital (Figure 8).

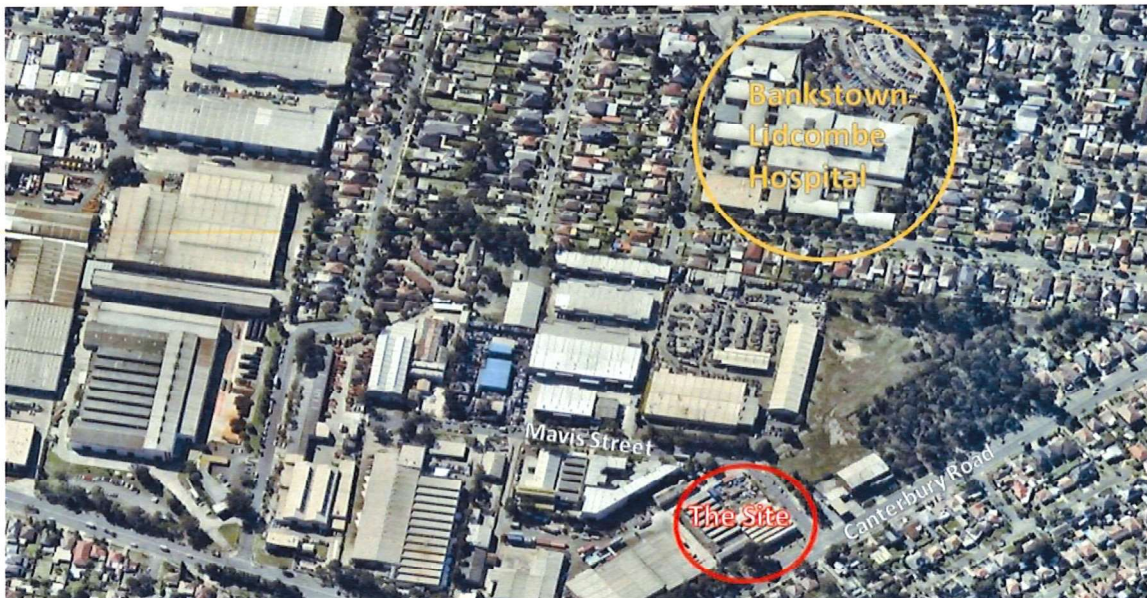


Figure 8: Surrounding area.

The site is surrounded on three sides by land zoned IN1 General Industrial. To the south of the site is Canterbury Road, which is zoned SP2 Infrastructure and is a classified road managed by Roads and Maritime Services (RMS) in accordance with the *Roads Act 1993*.

1.5 Background

The current planning controls permit a hospital with an FSR of 1:1 with no height limit. The proponent submitted a state significant development (SSD) application in October 2017 requesting Secretary's Environmental Assessment Requirements (SEARs) for a six-storey hospital with a 2.67:1 FSR.

The SEARs were issued on 17 November 2017. In a letter accompanying the SEARs, the Department advised the proponent that, given the noncompliance with development standards in the Bankstown LEP 2015 and the advised intention to undertake a planning proposal through Canterbury Bankstown Council to resolve this matter, the Department will not exhibit the SSD application until a Gateway determination has been issued for the planning proposal. The proponent submitted a planning proposal to Council with a request to amend the FSR controls by applying a maximum 2.9:1 FSR to the site to provide for a six-storey hospital.

Council officers assessed the planning proposal and concluded that further information was required before progressing. The assessment report was referred to the Canterbury Bankstown Local Planning Panel on 7 May 2018. The panel recommended that the proponent provide a draft voluntary planning agreement (VPA) offer to Council outlining the traffic and pedestrian matters that would be included in the draft VPA.

On 31 May 2018, the proponent made a draft VPA offer to Council for the provision of infrastructure, including:

- traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street;
- the installation of bus stops on Canterbury Road;
- the embellishment of Mavis Street to improve the public domain, street lighting and other safety measures; and
- the construction of footpaths between the site and the nearby Bankstown-Lidcombe Hospital.

On 27 August 2018, Council prepared an internal memorandum outlining its analysis for the recommended maximum building envelope, which was informed by the following factors:

- Sydney Metro Airports' advice that the site is affected by an obstacle limitation surface (OLS) prescribed airspace of 51m (AHD);
- a review of the plans (including floor to ceiling heights) provided in the proponent's planning proposal;
- an allowance of 2.5m for the height of rooftop structures such as lift overruns;
- the flood planning level for the site;
- the presence of a right-of-way corridor in the north-western part of the site;
- the presence of a drainage easement along the western boundary;
- a review of hospital developments in NSW and the potential for habitable floor space in the basement level; and
- a 15m setback along the street frontage as prescribed in the Bankstown Development Control Plan 2015.

Council concluded that based on the building envelope defined by the factors listed above, a maximum FSR of 1.9:1 would be most suitable for the site.

Council engaged Keylan Consulting Pty Ltd to undertake an independent review of Council's process and consideration of the proponent's planning proposal. The review was provided to Council in September 2018 and concluded that Council undertook a methodical and comprehensive approach to evaluating the site's constraints and its ability to accommodate an appropriate building envelope. It was not in the scope of the review to comment on the suitability of the FSR for the site.

Council's assessment report prepared for the Council meeting of 25 September 2018 outlined how an FSR of 2.3:1 could be achieved subject to addressing the risks associated with habitable uses below the flood planning levels. Figure 9 shows the building envelope as calculated by Council, and Figure 10 (next page) shows a cross-section of Council's proposed building envelope within the site constraints.

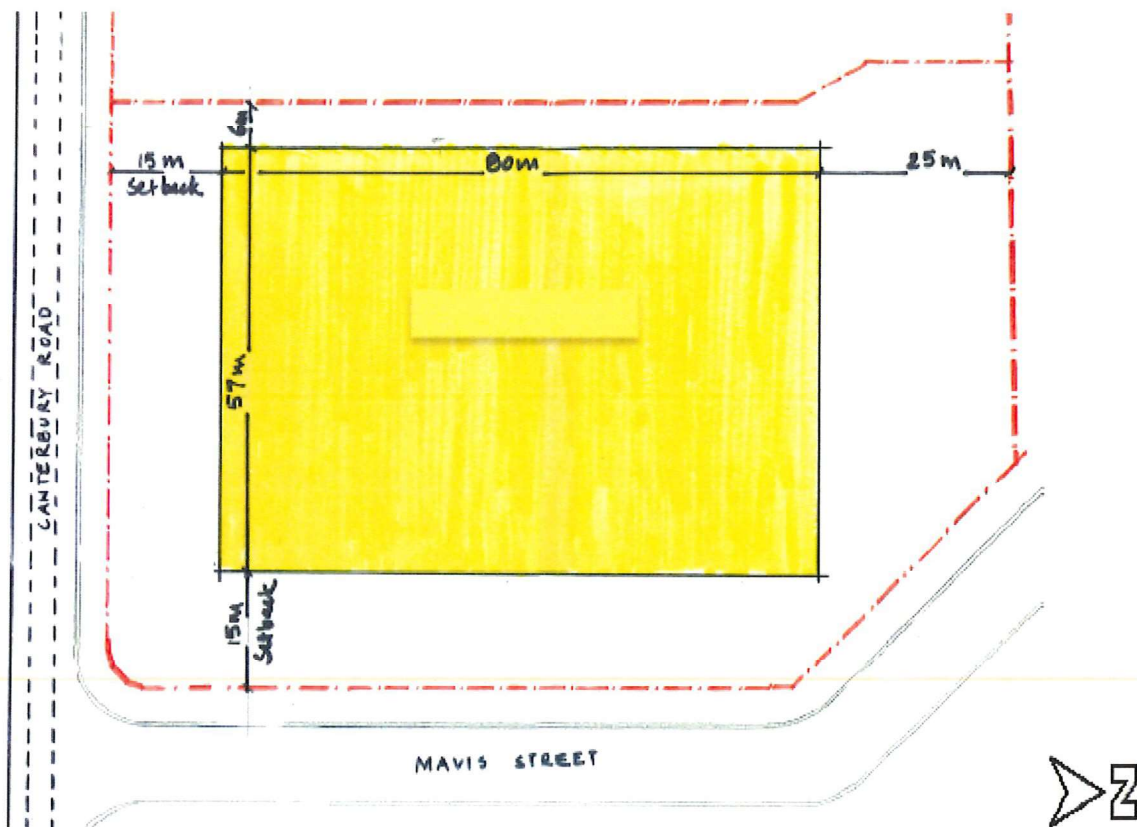


Figure 9: Council's building envelope.

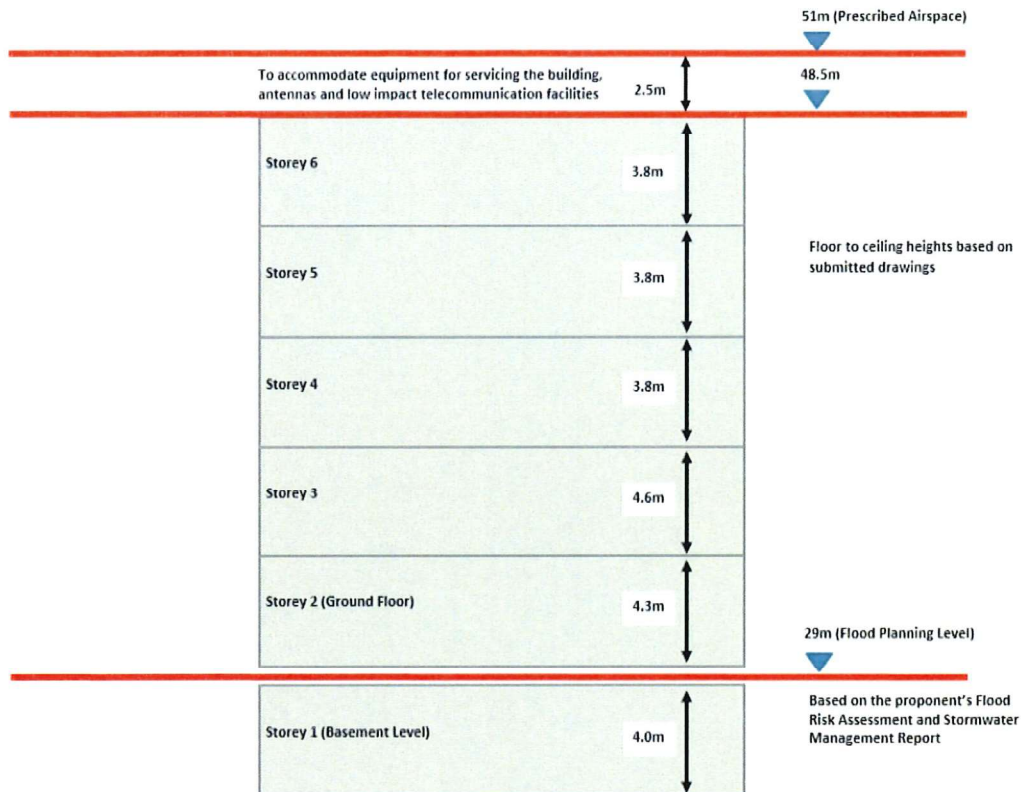


Figure 10: Cross-section of the proposed building envelope within the site constraints.

Council's assessment report also states that should the proponent pursue an FSR greater than 2.3:1, Council would need additional information to further test if it is appropriate for the site. Council's concerns are based on the location of the right-of-way corridor in relation to the building footprint.

Based on Council's assessment report, Council resolved to submit a planning proposal to the Department to seek a Gateway determination for the following amendments to the Bankstown LEP 2015:

- increase the maximum FSR from 1:1 to 2.3:1 for the sole purpose of a hospital, provided the development delivers public benefits; and
- apply a maximum height of 51m (AHD).

1.6 Summary of recommendation

The planning proposal seeks to apply an FSR of 2.3:1 and a height of 51m (AHD) to the subject site for the purposes of a hospital. A hospital is permitted with consent under the current planning controls with an FSR of 1:1.

The Department supports the planning proposal to apply a maximum FSR of 2.3:1 to the site for the purposes of a hospital. The Department does not support a height of building control of 51m (AHD) in the Bankstown LEP 2015 as airspace protection is managed by the federal government, there is no height of building control in the planning controls for land zoned IN1 General Industrial and the proponent's concept design demonstrated a height of 54m (AHD).

The Department recommends that this planning proposal proceed with conditions, including removing reference to a height limit to allow this to be determined at a later stage. The planning proposal should also be updated to remove the draft clause that lists the supporting infrastructure required given the draft clause relates to infrastructure not on the subject site.

The reason why an FSR of 1:1 for the purposes of a hospital is not suitable and the need to provide for a higher FSR should be discussed in a revised planning proposal.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal intends to provide a site-specific framework that enables the development of the site with a maximum FSR of 2.3:1 only for the purposes of a hospital, provided the height of the development does not exceed 51m (AHD).

The planning proposal also seeks to secure public benefits as part of the development of the site.

2.2 Explanation of provisions

It is proposed that an FSR of 2.3:1 and a height of 51m (AHD) apply only to the development of a hospital, provided the hospital delivers the following public benefits to Council's satisfaction:

- the installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street in consultation with RMS;
- the installation of bus shelters on the northern and southern sides of Canterbury Road to cater for staff, patients and visitors using public transport;
- the embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures; and
- the construction of pedestrian crossings, footpaths and associated public domain improvement between the site and the nearby Bankstown-Lidcombe Hospital (via Claribel Road and Artegall Street).

The planning proposal includes a draft site-specific clause intended to be included in part 4 of the Bankstown LEP 2015. This draft clause would require the proponent to deliver the above listed public benefits should development approval be sought for a hospital on the site.

This development control would only permit development for the purposes of a hospital with an FSR up to 2.3:1 and a maximum height of 51m (AHD).

2.3 Mapping

The planning proposal includes a land application map, a current land zoning map, a current FSR map and a current aerial image. The proposed controls would not apply to LEP maps as they are site-specific controls for a specific purpose.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is needed to achieve the intended outcomes to facilitate a hospital development of greater density than what the current FSR control permits for the site. The planning proposal discusses alternative pathways for achieving the intended outcomes, including:

- FSR amendments – amending the FSR on the site would set a precedent for other IN1 General Industrial-zoned land and potentially encourage development other than a hospital with an FSR greater than 1:1; and
- a clause 4.6 variation – an application to vary the current controls under clause 4.6 of the Bankstown LEP 2015. As the proponent was seeking a 2.9:1 FSR, this would result in a 190% increase in FSR, which the Department considers is too large for a clause 4.6 variation.

The Department agrees that a planning proposal is the most appropriate mechanism for achieving the intended outcomes. However, the proposed site-specific clause should be reconsidered. The Department's recommendation is discussed in section 10 of this report.

4. STRATEGIC ASSESSMENT

4.1 State

Greater Sydney Region Plan

The planning proposal is generally consistent with the Greater Sydney Region Plan.

It aligns with Objective 22 – Investment and business activity in centres, which states that new hospitals should be located within or directly adjacent to centres and ideally co-located with supporting transport infrastructure. The site is on the periphery of the emerging Bankstown-Lidcombe health and education precinct, which is located around the Bankstown CBD. The site is on Canterbury Road, directly adjacent to a bus stop, providing transport connections. The planning proposal notes that supporting infrastructure is critical to justify a higher FSR on the site. This discussion on supporting infrastructure is not considered relevant in relation to Objective 22.

Council states that there is not enough supporting information to determine whether the planning proposal is consistent with Objective 37 – Exposure to natural and urban hazards is reduced. The planning proposal notes that a detailed site investigation report is required. However, given that a hospital is permitted on the site, a site investigation report would be more appropriate at the SSD stage.

South District Plan

The planning proposal is consistent with the South District Plan, particularly planning priorities S8, S9 and S18. The planning proposal is not inconsistent with planning priority S10 as it does not seek to change the zone or permitted uses on the site. The table on the next page outlines how the planning proposal is consistent with each planning priority:

South District Plan planning priority	Assessment
<p>Planning Priority S8 – Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District</p> <p>Planning Priority S9 – Growing investment, business opportunities and jobs in strategic centres</p>	<p>The site is on the periphery of the emerging Bankstown-Lidcombe health and education precinct and 2.5km from the Bankstown CBD.</p> <p>The planning proposal discusses the need for supporting infrastructure to justify a higher FSR in this industrial area. While this infrastructure is likely required, it does not prevent the planning proposal from aligning with this planning priority. Therefore, the discussion on supporting infrastructure is not considered relevant in relation to planning priorities S8 and S9.</p>
<p>Planning Priority S10 – Retaining and managing industrial and urban services land</p>	<p>This planning priority seeks to safeguard existing industrial and urban services land from competing pressures, especially residential and mixed-use zones. The site is zoned IN1 General Industrial. Hospitals are permitted under this zone. The planning proposal does not seek to change the zoning or permitted uses on the site.</p>
<p>Planning Priority S18 – Adapting to the impacts of urban and natural hazards and climate change</p>	<p>The planning proposal states that a detailed site investigation report is required to ensure alignment with this planning priority. However, given that a hospital is permitted on the site, a site investigation report would be most appropriate at the SSD stage.</p>

The South District Plan discusses the Bankstown-Lidcombe health and education precinct as an emerging hub of medical expertise. Growth of this precinct will boost the South District's skills base and economic contribution. The South District Plan does not provide a definitive boundary for the precinct; however it is centred around the proposed Western Sydney University campus in the Bankstown strategic centre.

Bankstown-Lidcombe Hospital is located close to Bankstown strategic centre. A range of allied health care providers and services are already located at the centre, as is TAFE Bankstown College. The South District Plan discusses the potential co-location of health and education facilities in the centre with access to improved transport connections. The planning proposal site is located about 2.4 kilometres south west of the strategic centre and would be considered on the periphery of the emerging Bankstown-Lidcombe health and education precinct.

The planning proposal would contribute to achieving the South District's planning priorities by growing the Bankstown-Lidcombe health and education precinct while creating jobs close to a strategic centre. The planning proposal therefore gives effect to the South District Plan.

4.2 Local

The planning proposal is considered to be consistent with Council's community strategic plan, *CB City 2028*, given it provides opportunities for investment and creativity, driving the plan's direction for prosperity and innovation.

The concept of a Bankstown-Lidcombe health precinct was first identified in the Bankstown Employment Lands Development Study (2009), which recognised that 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 recommends expanding the health and medical specialisations around the hospital precinct and considering extending the precinct to the Bankstown CBD. This recommendation is reflected in the South District Plan. Although the planning proposal would not contribute to expanding the health and medical specialisations towards the Bankstown CBD, it would provide such services around the existing hospital.

4.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with the following Ministerial Directions:

- Direction 1.1 Business and Industrial Zones – the planning proposal would encourage employment growth in a suitable location and does not seek to alter the IN1 General Industrial zoning.
- Direction 3.5 Development Near Regulated Airports and Defence Airfields – the site is subject to prescribed airspace restrictions due to the proximity to Bankstown Airport. Sydney Metro Airports confirmed the OLS is 51m (AHD). The height limit proposed in the planning proposal is 51m (AHD). However, the proponent's original concept indicates a height of 54m (AHD) is sought for the development of the hospital. This matter is discussed in section 5.3 of this report.
- Direction 7.1 Implementation of A Plan for Growing Sydney – Direction 1.10 of *A Plan for Growing Sydney* seeks 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.

The planning proposal states that there are inconsistencies with the following Ministerial Directions.

- Direction 3.4 Integrating Land Use and Transport – the planning proposal discusses the need for supporting infrastructure to ensure consistency with this Direction. The Department considers the planning proposal to be generally consistent with this Direction given the site is on Canterbury Road with access to bus services and is within walking distance of Bankstown-Lidcombe Hospital. The Department acknowledges there is a need for supporting infrastructure. However, the type and amount of supporting infrastructure should be determined at the SSD stage via an existing legislative mechanism.

- Direction 4.3 Flood Prone Land – the site is affected by the medium stormwater flood risk precinct. The proposal is considered to be inconsistent with clause 6.2 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 with this Direction if the inconsistent provisions of the planning proposal are of minor significance. Council propose to address this Direction by applying the provision of the Bankstown Development Control Plan 2015 – Part B12 as part of the development application process, and by confirming the risks associated with habitable uses below the flood planning level via an evacuation management plan.

Clause 9 of this Direction states that any risks resulting from the future redevelopment of the site may be satisfactorily addressed by:

- applying the provisions of part B12 of the Bankstown Development Control Plan 2015 as part of the development application process; and
 - 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 the 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 planning proposal seeks a development control regime that would allow a greater FSR on the site for the purposes of a hospital provided certain supporting infrastructure is delivered. The Department does not support the requirement for supporting infrastructure; however, a greater FSR on the site for the purposes of a hospital is supported and therefore the planning control remains site-specific. The planning proposal therefore remains justifiably inconsistent with this direction.

4.4 State environmental planning policies (SEPPs)

SEPP No 55–Remediation of Land

The planning proposal recommends that a detailed site investigation report be prepared to address SEPP No 55. A Phase 1 Environmental Assessment was prepared to support the proponent’s planning proposal. A Phase 2 assessment is likely to be required as part of the SSD process. The Department does not identify any inconsistency with SEPP No 55 as a Phase 2 Environmental Assessment would be completed as part of the SSD stage.

SEPP (Infrastructure) 2007

The Infrastructure SEPP identifies matters for consideration in relation to development adjacent to classified roads, such as Canterbury Road. The planning proposal states that there is a need for supporting traffic and transport infrastructure. However, it does not state whether the planning proposal is consistent or inconsistent with the Infrastructure SEPP.

The Department does not identify any inconsistencies with the Infrastructure SEPP given the infrastructure required to support the proposal is the subject of a Council-supported draft VPA.

SEPP (State and Regional Development) 2011

Clause 14 of schedule 1 of the State and Regional Development SEPP states that a hospital with a capital investment value of more than \$30 million is state significant development. The proponent's planning proposal states that the proposal exceeds the \$30 million threshold and is therefore SSD.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal would result in a positive social impact by providing jobs in an expanded Bankstown-Lidcombe health precinct and increasing the options for health care in the Canterbury Bankstown LGA. Council's planning proposal does not indicate how many jobs are likely to be generated as a result of the increased FSR. The proponent's planning proposal states that the hospital is likely to generate about 300 construction jobs and 200 operational jobs.

5.2 Environmental

The site is affected by the medium stormwater flood risk precinct. According to part B12 of the Bankstown Development Control Plan 2015, 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, this damage can be minimised by applying appropriate development controls.

The planning proposal is not likely to result in adverse environmental impacts given the site is in an industrial area and a hospital development is already permitted in the zone.

5.3 Land use

Industrial land use

The site is within an industrial zone. Hospitals are permissible in this zone.

Floor space ratio

The proponent's concept plan relies on an FSR of at least 2.73:1. This would provide for a six-storey private hospital at 54m (AHD), including one storey at basement level. The proponent sought an FSR of 2.9:1 to allow for flexibility in the concept design.

Council's planning proposal seeks an FSR of 2.3:1, based on a building envelope that considers Council's setbacks outlined in the development control plan and the presence of a drainage easement and a right-of-way corridor. While these factors are important considerations, they can be considered at the SSD stage.

The Department supports an FSR of 2.3:1 for the purposes of a private hospital but has concerns regarding the ability of the proponent's concept to be realised with a lower FSR than that proposed. The planning proposal should be updated to show an appropriate concept with an FSR of 2.3:1.

Height of building

The site is within 2km of Bankstown Airport and therefore the planning proposal should consider the proposed height given the airport's published OLS.

The site also falls within the airport's inner horizontal surface, which makes up part of the OLS. The height limit permitted for structures within the inner horizontal surface is 51m (AHD). The planning proposal states that a maximum height of 51m (AHD) is possible on the site, including rooftop structures (such as plant rooms, lift motor rooms, fire stairs, signage, antennas and low-impact telecommunication facilities). Council's assessment indicates a six-storey building envelope below the prescribed airspace restriction is possible (with an FSR of 2.3:1).

The proponent's concept plan indicates a height of 54m (AHD) is required to realise the development, but this was based on the originally proposed maximum FSR of 2.9:1. Council seeks to apply a height control of 51m (AHD) in the LEP, which would restrict the development potential of the site.

The federal government administers the Airports (Protection of Airspace) Regulations 1996, which establish a framework for the protection of airspace at and around airports. Should any development for the site extend to a height greater than the OLS, it would be considered a controlled activity under the *Airports Act 1996*. Long-term controlled activities penetrating the OLS, such as that shown in the proponent's concept plan, are referred by the relevant airport to the federal government for a decision after consultation with the Civil Aviation Safety Authority, Airservices Australia and the relevant building authority.

The Department does not support applying a height limit in the LEP for the site because:

- there is already a stringent approval process for any development that may exceed the OLS;
- the proponent's concept plan demonstrates 54m (AHD), which may be necessary for the hospital development despite the reduction in the proposed FSR from 2.9:1 to 2.3:1;
- introducing a site-specific height control could potentially limit development opportunities for other permitted land uses for the site; and
- there are no height of building controls applying to all other sites in the same industrial precinct.

A suitable height limit could be resolved at the development application stage.

5.4 Economic

The planning proposal would result in a new hospital in the Canterbury Bankstown LGA, resulting in job opportunities for health professionals and other supporting professions. The proponent's planning proposal states that the proposal is likely to generate about 300 construction jobs and 200 operational jobs.

Council's planning proposal should be updated to indicate how many jobs are anticipated and provide a discussion on other economic benefits to the Canterbury Bankstown LGA.

5.5 Infrastructure

The planning proposal proposes a clause in the LEP for the provision of the following supporting infrastructure to support the hospital:

- the installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with RMS;
- the installation of bus shelters on the northern and southern sides of Canterbury Road to cater for staff, patients and visitors using public transport;
- the embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures; and
- the construction of pedestrian crossings, footpaths and associated public domain improvement between the site and Bankstown-Lidcombe Hospital (via Claribel Road and Artegaill Street).

The requirement for off-site infrastructure contravenes the *Environmental Planning and Assessment Act 1979* as this infrastructure cannot be included in a specific clause of an LEP because this development does not directly relate to the development site. However, the Act provides a legislative framework for infrastructure funding and delivery in association with a development.

Sections 7.11 and 7.12 of the Act enable monetary or work-in-kind contributions towards the provision of local infrastructure necessitated by the development under a contributions plan.

Additionally, a development application approval can include and require the provision of some of this infrastructure as part of the approval conditions. A VPA is another option to deliver the desired infrastructure.

On 11 May 2018, the Canterbury Bankstown Local Planning Panel supported the recommendation for a VPA, which was suggested in Council's assessment report. On 31 May, the proponent advised Council of their offer to enter into a VPA with Council to deliver the abovementioned works. On 10 September, the proponent submitted a draft VPA to Council for its consideration. On 25 September, Council resolved to progress with the draft VPA to support the planning proposal.

A contributions plan, VPA and/or development application are appropriate mechanisms to facilitate this and any other necessary infrastructure where it is required for the hospital development. Consequently, it is recommended that the Gateway determination be conditioned to require the removal of references in the planning proposal for a proposed LEP clause requiring the delivery of this supporting infrastructure.

6. CONSULTATION

6.1 Community

The planning proposal states that public consultation is likely to occur for 28 days and would involve notification in the local newspaper, displays at the Council administration building (Bankstown branch) and on its corporate website, and written notification to affected and adjoining property owners where practical.

This is considered appropriate given the scale of the planning proposal.

6.2 Agencies

The Department recommends consultation with the following agencies:

- Ausgrid;
- NSW Environment Protection Authority;
- RMS;
- South Western Sydney Local Health District;
- State Emergency Services
- Sydney Metro Airports;
- Sydney Water; and
- Transport for NSW.

7. TIME FRAME

The planning proposal indicates a time frame of November 2019 to finalise the LEP amendment. The Department recommends a time frame for completion of 12 months from the date of the Gateway determination.

8. LOCAL PLAN MAKING AUTHORITY

Council has not formally requested to be the local plan-making authority. Given the planning proposal is seeking a lower FSR than the proponent's proposal and the changes required to the planning proposal, it is recommended that Council not be authorised as the local plan-making authority.

9. CONCLUSION

The Department supports a site-specific planning control to allow an FSR of up to 2.3:1 for the purposes of a hospital on the subject site. The Department does not support applying a maximum height limit of 51m (AHD) for the purposes of a hospital given the stringent federal approval process for airspace protection and that there is no height limit imposed and hospitals are permitted on the site.

Given a hospital is permissible on the subject site, its proximity to Bankstown-Lidcombe Hospital and access to regular bus services, the planning proposal should proceed to exhibition, subject to the recommended amendments prior to exhibition.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions are minor or justified.

It is recommended that the delegate of the Minister for Planning and Public Spaces determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be amended to:
 - (a) remove reference to a maximum height control;
 - (b) remove reference to the proposed draft clause;
 - (c) remove repetition of reference to required supporting infrastructure;
 - (d) remove statement of need for a detailed site investigation report;
 - (e) include details on the social and economic benefits of the proposal; and
 - (f) include a concept that aligns with an FSR of 2.3:1.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Ausgrid;
 - NSW Environment Protection Authority;
 - RMS;
 - South Western Sydney Local Health District;
 - State Emergency Services;
 - Sydney Water;
 - Sydney Metro Airports; and
 - Transport for NSW.
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised as the local plan-making authority.



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