
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 Artegal 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.

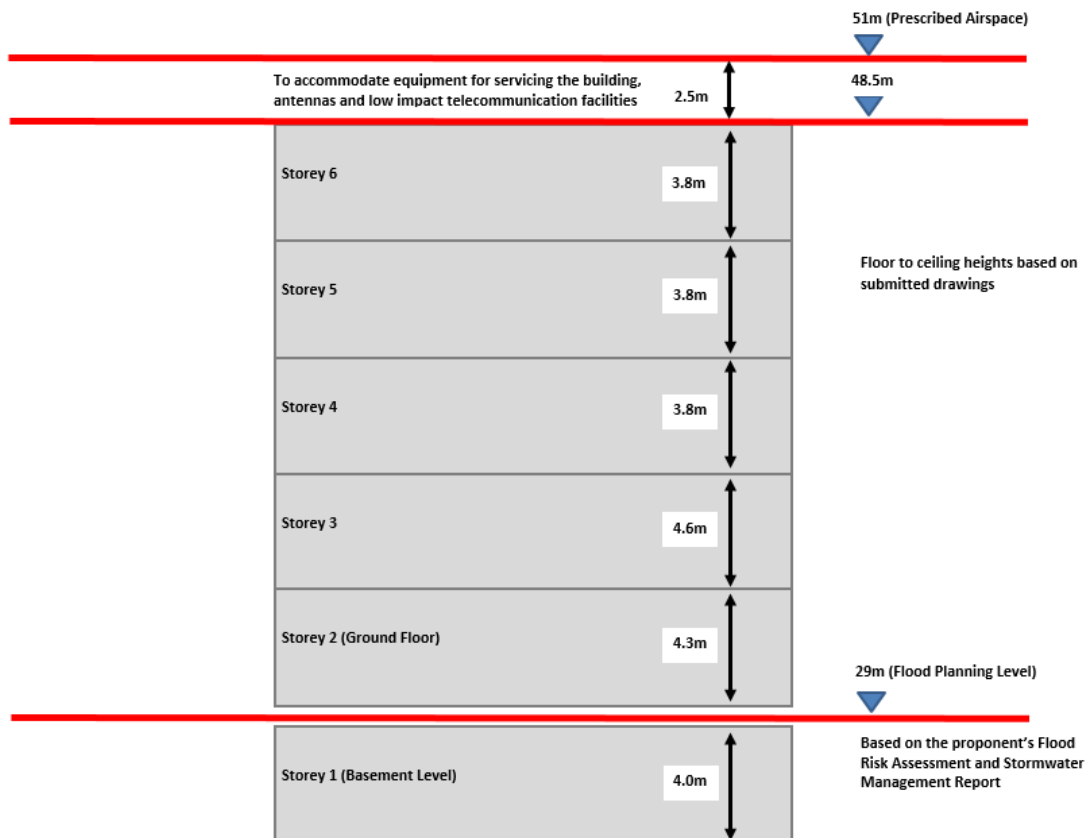


Figure 4: Cross-section of the proposed building envelope within the site constraints

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 Arteggall 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 Artegall 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
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 25 SEPTEMBER 2018

ITEM 5.2 PLANNING PROPOSAL: 297–299 CANTERBURY ROAD, REVESBY

IN RESPECT OF ITEM 5.2 – BEING THE PLANNING PROPOSAL FOR 297 – 299 CANTERBURY ROAD, REVESBY, CLR TUNTEVSKI DECLARED A NON-PECUNIARY CONFLICT OF INTEREST IN THAT THE OWNER OF THE PROPERTY HAS CONTRIBUTED TO HIS ELECTION CAMPAIGN AND FOR THE SAKE OF CAUTION, HE WILL NOT PARTICIPATE IN CONSIDERING THE MATTER AND WILL VACATE THE CHAMBER.

CLR. TUNTEVSKI TEMPORARILY VACATED THE CHAMBER AT 6.16 PM.

(357) CLR. ISHAC:/CLR. MADIRAZZA

RESOLVED 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.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 25 SEPTEMBER 2018

6. Council delegate authority to the General Manager to fulfil the obligations outlined in the recommendations of this report.

- CARRIED

For:- Clrs Asfour, Eisler, El-Hayek, Harika, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Nil

ITEM 5.3 ACCELERATED LEP PROJECT PLAN

CLR TUNTEVSKI RETURNED TO THE MEETING AT 6.18 PM.

(358) CLR. ISHAC:/CLR. ZAKHIA

RESOLVED that

1. Council endorse the Project Plan which sets out a program for successful execution of the funding agreement for preparation of a new, city-wide Local Environmental Plan by June 2020.
2. Council notes the Project Plan milestones, master program, risk identification and management framework, communications and stakeholder engagement framework and procurement strategy.
3. Council notes that this program will be subject to a number of reports to Council for information and decision making, including at key milestones.
4. A further report be provided to Council regarding possible staging of growth areas.

- CARRIED

SECTION 6: POLICY MATTERS

ITEM 6.1 COMMERCIAL USE OF FOOTWAYS POLICY

(359) CLR. MADIRAZZA:/CLR. RAFFAN

RESOLVED that