

## Post-Exhibition Report – PP–2021–5718

*Camperdown Health Facility at 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale (provision of 179 jobs)*

### 1 Introduction

The purpose of this report is to provide a summary of the key matters raised by members of the public, Inner West Council (Council) and public agencies during the public exhibition of the planning proposal for 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale (the site).

Element	Description
Date of request to exhibit PP	20 May 2022
Date of panel determination on rezoning review	30 November 2021
Planning Proposal no.	PP-2021-5718
LGA	Inner West
LEP to be amended	Inner West Local Environmental Plan 2022
Address	122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale
Brief overview of the timeframe/progress of the planning proposal	<p>30 June 2021 – Planning proposal submitted by proponent to Council</p> <p>21 September 2021 – Inner West Local Planning Panel considered proponents and Council's revised planning proposal. The Panel recommended that Council's proposal be supported for Gateway.</p> <p>28 September 2021 – The proponent lodged a rezoning review request with the Department.</p> <p>30 November 2021 – The rezoning review was considered by the Sydney Eastern City Planning Panel. The Panel recommended the planning proposal proceed with modification to be generally consistent with Council's proposal.</p> <p>22 December 2021 – Council requested an extension to accepting the PPA role. The Department requested the Sydney Eastern Planning Panel appoint itself the PPA.</p> <p>14 March 2022 – The proponent submitted a revised planning proposal addressing the Sydney Eastern City Planning Panel's rezoning review decision.</p>

Element	Description
	<p>25 March 2022 – The Sydney Eastern City Planning Panel determined to appoint itself the PPA.</p> <p>29 March 2022 – The Sydney Eastern City Planning Panel lodged the proposal with the Department for a Gateway determination.</p> <p>12 May 2022 – Gateway Determination was issued.</p> <p>20 May 2022 – The proponent submitted a revised planning proposal addressing the gateway determination conditions.</p> <p>9 June 2022 – The Sydney Eastern City Planning Panel endorsed the planning proposal for public exhibition.</p> <p>23 June 2022 to 22 July 2022 – Public exhibition of the planning proposal and supporting studies.</p> <p>2 August 2022 – The Department forwarded consolidated submissions to the proponent for response.</p> <p>25 August 2022 – The proponent provided a response to the submission.</p> <p>31 August 2022 – Inner West LEP 2022 comes into force, replacing the Leichhardt LEP 2013.</p>
<b>Finalisation date required by Gateway Determination</b>	11 January 2023
<b>Department contact:</b>	Kavana Ramachandra, Planning Officer

## 1.1 The Site and Local Context

The site (**Figure 1**) is located at the corner of Pyrmont Bridge Road and Parramatta Road with additional road frontages to Cahill Street to the north and Mathieson Street the west. The site comprises 7 lots, with a total site area of approximately 2,570m<sup>2</sup>. The existing buildings at the site include three commercial buildings (each two storeys) with ground level car parking to the rear of 130 Pyrmont Bridge Road.

The site is zoned IN2 Light industrial.

The area surrounding the site is characterised by a range of commercial, residential and mixed residential buildings.

The site is located approximately:

- 350m from major bus routes on Parramatta Road
- 400m from Camperdown Park
- 1km from the Royal Prince Alfred Hospital
- 2km from The University of Sydney and Victoria Park
- 1.5km from the closest train station (Stanmore)
- 4km from Sydney CBD and Central train station.



**Figure 1 – Subject site (source: Gateway Determination Report – May 2022)**

The site is located within the Camperdown Precinct of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (**Figure 2**) and the Camperdown Ultimo Place Strategy (the Place Strategy). The site is located on the western periphery of the Tech Central Precinct, within the Camperdown activity node.



**Figure 2 – Site Context with PRCUTS (source: Gateway Determination Report – May 2022)**



## 1.2 Planning Proposal

The planning proposal (**Attachment A** and **Table 1**) seeks to amend the Inner West LEP 2022 to facilitate the redevelopment of the site for the purpose of health service facility, by:

- rezoning the site from IN2 Light Industrial to B5 Business Development (B5 zone)
- introducing a maximum building height control of 35m
- increasing the maximum Floor Space Ratio (FSR) control from 1:1 to 4:1
- identifying the site on the Key Sites Map
- introducing a new local provision to provide greater certainty regarding land uses and built form outcomes
- introducing a requirement for a site-specific development control plan (DCP) to be prepared prior to the approval of any development application at the site.

The proposal is supported by a concept scheme which demonstrates development up to 8 storeys and a total GFA of 10,216m<sup>2</sup>, comprising:

- medical uses such as a physio and hydrotherapy pool
- ancillary ground level retail uses including a café and pharmacy
- private hospital and associated uses on levels 1-7
- medical related consulting rooms on level 8.

**Table 1 – Overview of planning proposal**

Element	Description
Site Area	2,570m <sup>2</sup>
Site Description	<p>The site comprises of 7 allotments as described below:</p> <ul style="list-style-type: none"><li>• 122 – 128 Pyrmont Bridge Road<ul style="list-style-type: none"><li>○ Lot 3 DP 976387</li><li>○ Lot 4 DP 976387</li><li>○ Lot 5 DP 976387</li><li>○ Lot 6 DP 976387</li><li>○ Lot 12 DP 976387</li></ul></li><li>• 130 Pyrmont Bridge Road<ul style="list-style-type: none"><li>○ Lot 100 DP 1101482</li></ul></li><li>• 206 Parramatta Road<ul style="list-style-type: none"><li>○ Lot 1 DP 539271</li></ul></li></ul>
Proposal Summary	<p>The objectives of the planning proposal are to:</p> <ul style="list-style-type: none"><li>• amend the planning controls which apply to the site to align with the recommendations of PRCUTS</li><li>• establish site-specific development controls to guide future development on the site</li><li>• develop the site for a health services facility to support the strategic objectives for the Place Strategy to establish a Camperdown</li></ul>

Element	Description
	<p>Biomedical and Biotechnology Hub and to enhance medical innovation, research and health services to support the RPA hospital</p> <ul style="list-style-type: none"> <li>• provide for ancillary café and retail uses at the ground floor to enhance street activation and passive surveillance</li> <li>• deliver design excellence for this important gateway site</li> <li>• enhance the streetscape and public domain and increase canopy cover and green cover through provision of new street trees along Mathieson Street and rooftop green cover at podium level</li> <li>• deliver infrastructure contributions appropriate to the proposed use.</li> </ul>
<b>Relevant State and Local Planning Policies, Instruments</b>	<p>A Metropolitan of Three Cities                      Eastern City District Plan                      Camperdown – Ultimo Collaboration Place Strategy                      Parramatta Road Corridor Urban Transformation Strategy                      Section 9.1 Ministerial Directions                      Transportation and Infrastructure SEPP                      Inner West Local Strategic Planning Statement                      Inner West Local Environmental Plan 2022 (current LEP)                      Leichhardt Local Environmental Plan 2013 (former LEP)                      Leichhardt Development Control Plan 2013.</p>

The planning proposal seeks to amend the Inner West LEP 2022 as per the changes in **Table 2**.

**Table 2 – Current and proposed controls**

Control	Current	Proposed
<b>Zone</b>	IN2 Light Industrial	B5 Business Development zone
<b>Maximum height of the building</b>	N/A	35m
<b>Floor space ratio</b>	1:1	4:1
<b>Additional permitted uses</b>	N/A	Permits ground floor retail
<b>Additional site-specific provision</b>	Clause 6.14 – development control plans for certain development. This provision does not	<ul style="list-style-type: none"> <li>• a minimum of 75% of the floorspace as uses associated with health, education, research, technology and creative uses</li> <li>• limit retail uses to the ground floor</li> <li>• not include any tourist or visitor accommodation</li> </ul>

Control	Current	Proposed
	apply as it is <3,000sq.m.	<ul style="list-style-type: none"> <li>• apply to the entire site as an amalgamated land parcel</li> <li>• provide active street frontages to Mathieson Street, Parramatta Road and Pyrmont Bridge Road</li> <li>• include end of journey facilities to support walking and cycling</li> <li>• include a requirement for a site-specific DCP to be in place prior to the approval of any development application at the site</li> <li>• require the Secretary's concurrence to be obtained for the purpose of assessing the need for contributions towards designated State Public Infrastructure.</li> </ul>
<b>Number of jobs</b>	Approx. 25	179

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

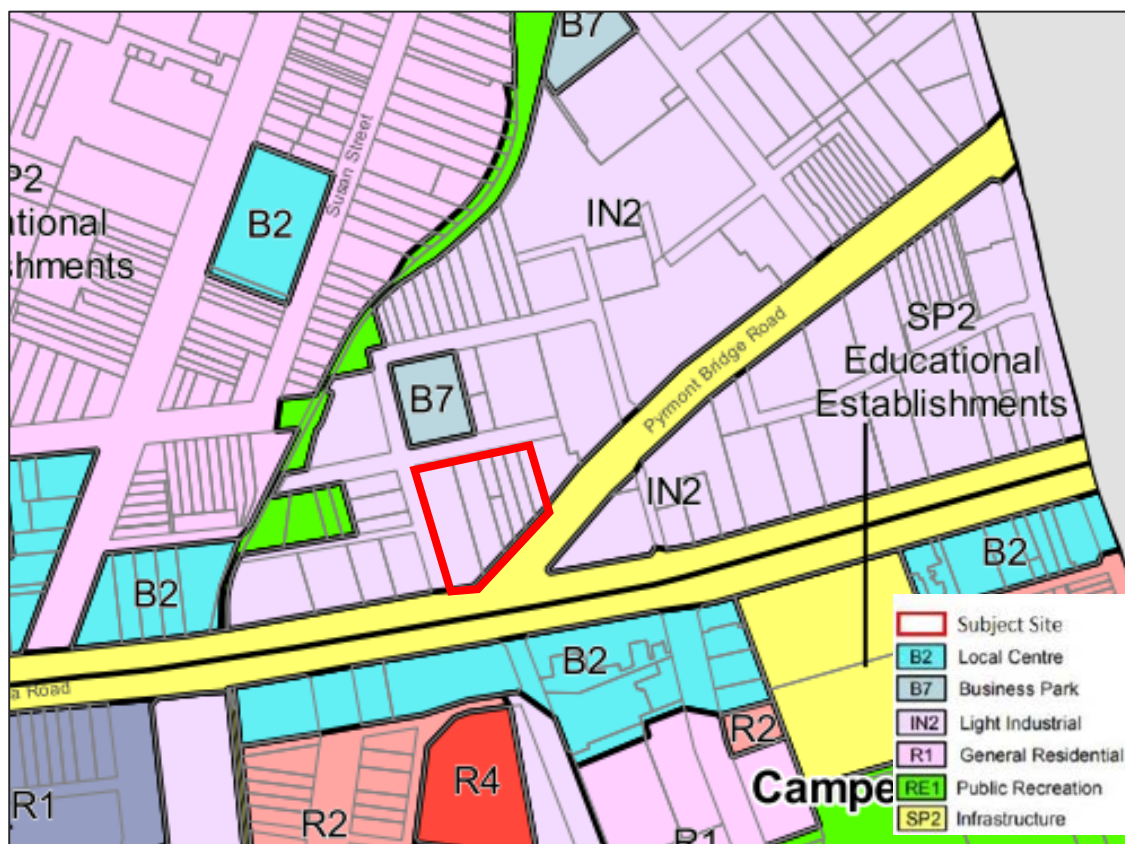


Figure 3. Current zoning (source: Inner West LEP 2022)

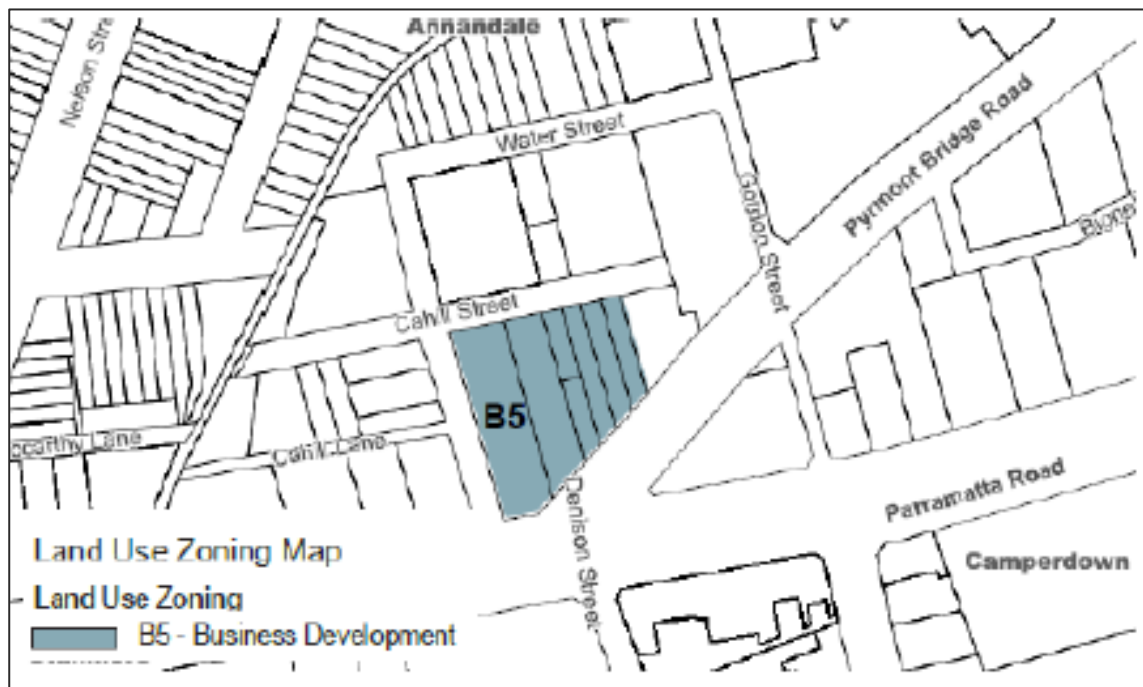


Figure 4: Proposed Zoning Map (source: Proponent Planning Proposal 2022)

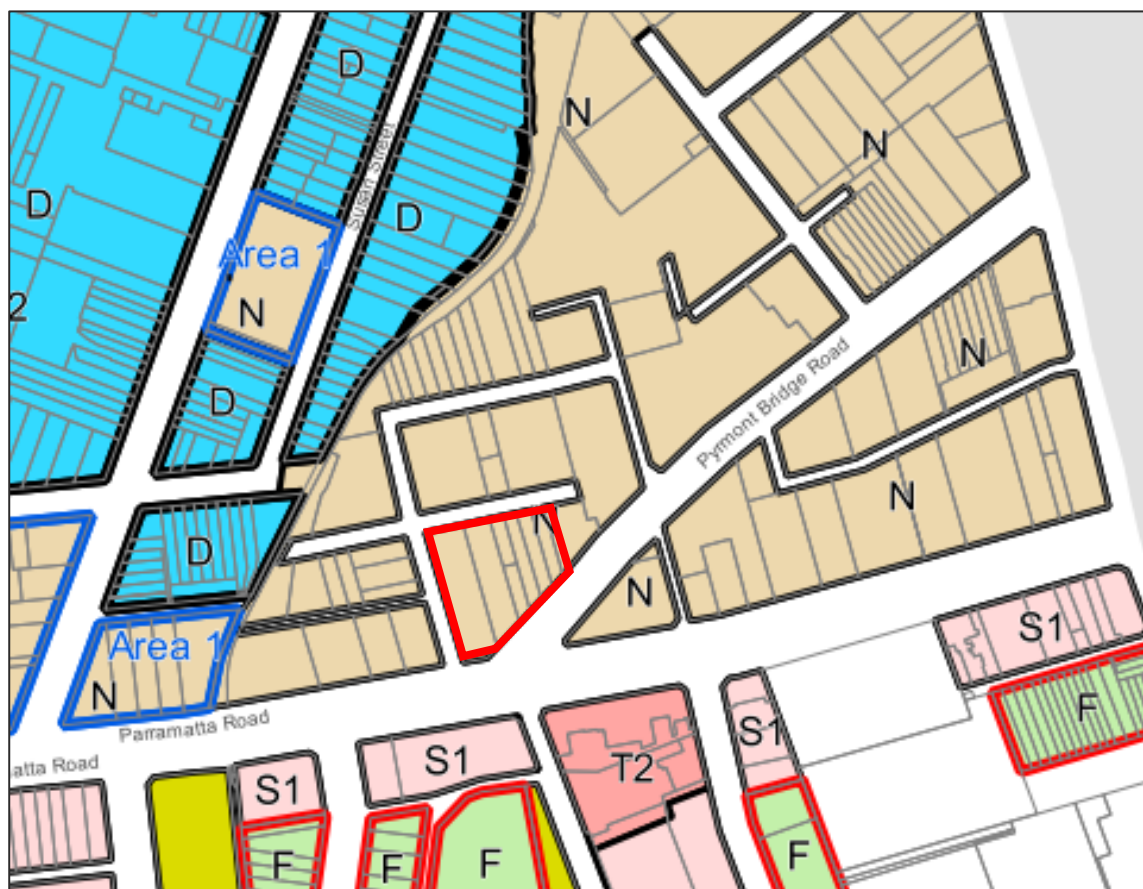


Figure 5: Current floor space ratio (source: Inner West LEP 2022)



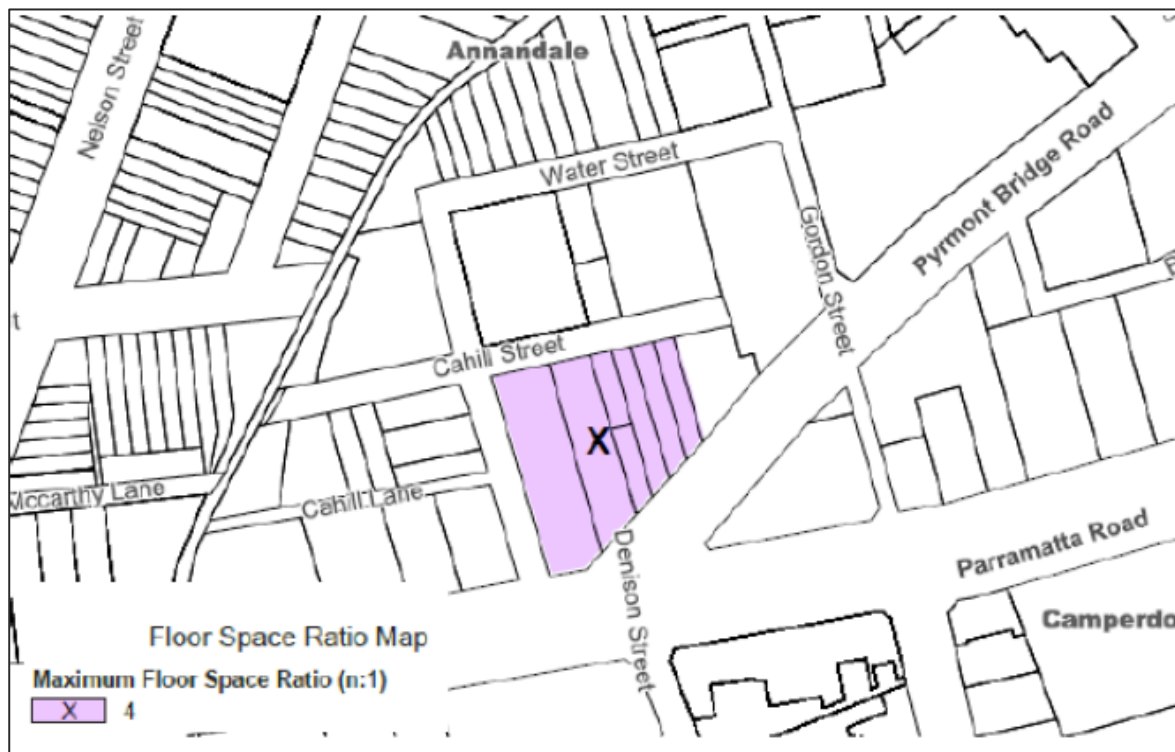


Figure 6: Proposed Floor Space Ratio (source: Proponent Planning Proposal 2022)



Figure 7: Proposed Height of Buildings (source: Proponent Planning Proposal 2022)



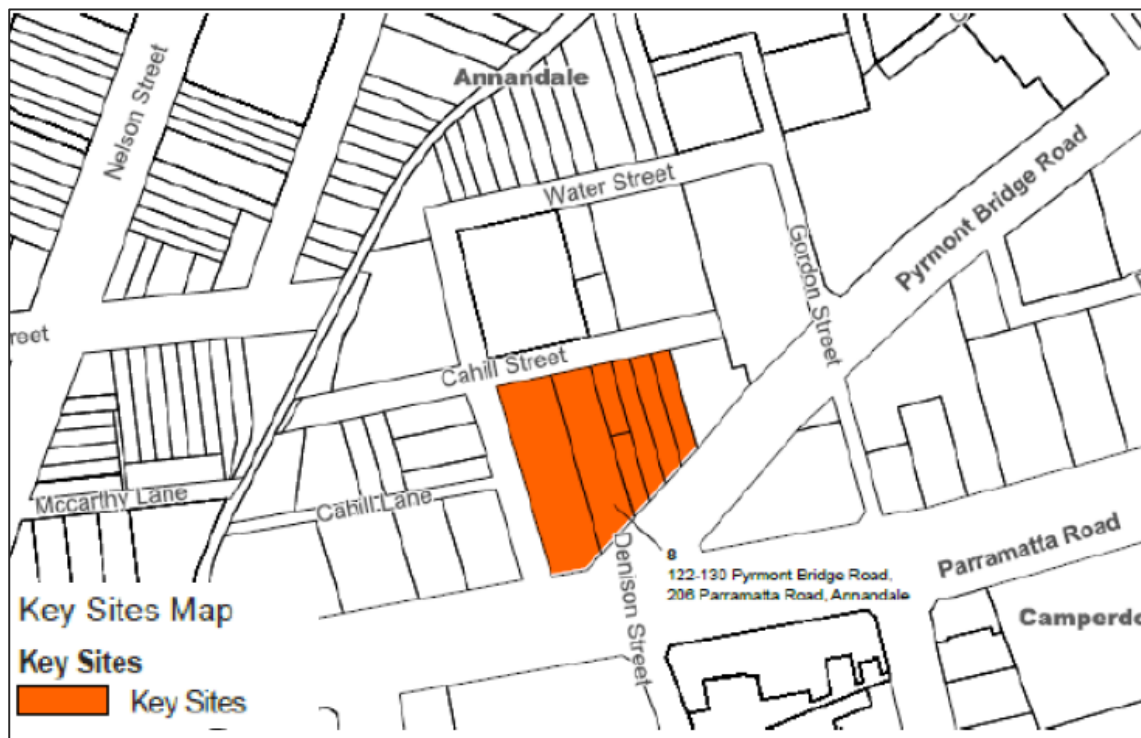


Figure 8: Proposed Key Sites Map (source: Proponent Planning Proposal 2022)

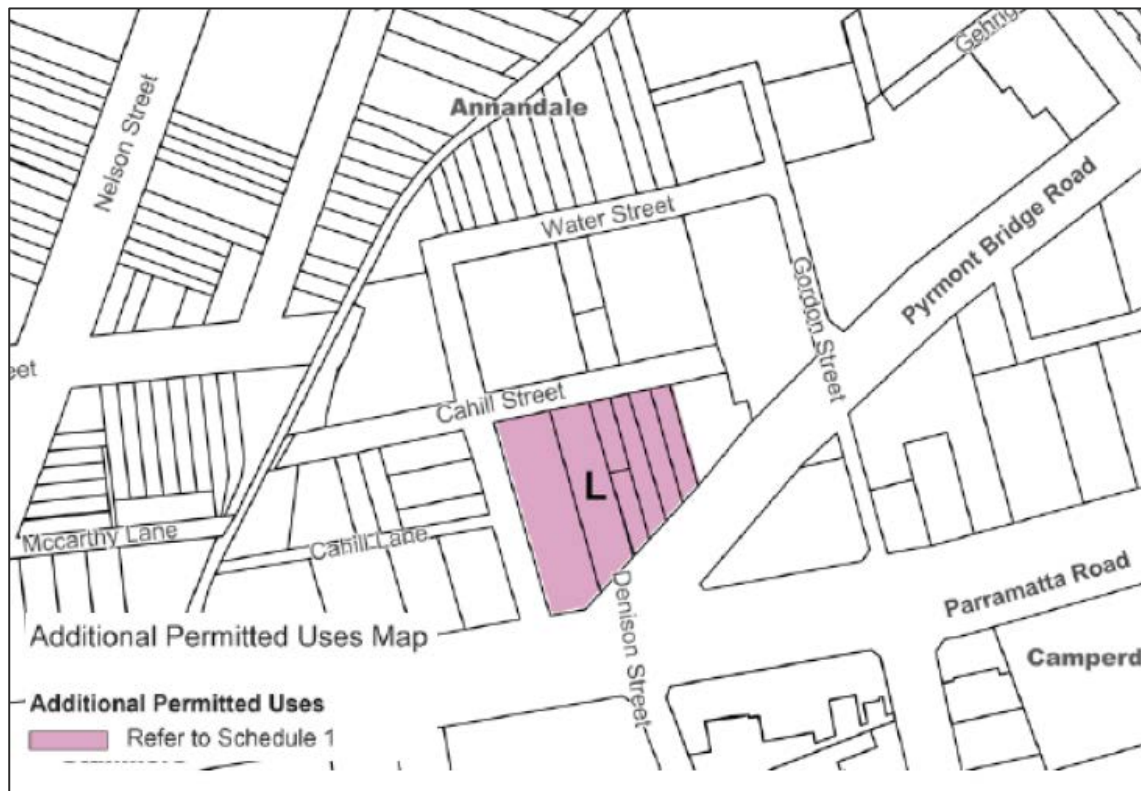


Figure 9: Proposed Additional Permitted Uses Map (source: Proponent Planning Proposal 2022)

## 1.3 Rezoning Review

On 30 November 2021, the Sydney Eastern City Planning Panel considered a rezoning review for this planning proposal. Council failed to indicate support for the proposal within 90 days.

The panel determined to support the planning proposal with modification because the proposal has demonstrated strategic and site-specific merit and is consistent with State and Local Government strategies. The panel made the following recommendations:

- *The Panel is concerned that adoption of an unrestricted B5 zoning could lead to development that is inconsistent with the 'Camperdown/Ultimo Collaboration Area Place Strategy'. This identifies that the site is located within an area for broader medical and educational purposes as opposed to a hotel, motel or commercial uses that are also permissible in the B5 zone under the draft Inner West LEP 2020.*
- *The Panel considers the Planning Proposal must provide certainty with respect to permissible use in accordance with the priorities and actions as identified in the above Place Strategy, and supports a clause to require, say 75-80% of GFA, to be for the uses as identified in the Strategy, potentially by GFA/Height incentive provisions.*
- *The Panel considers that a draft design guideline/detailed built form outcomes document should be exhibited concurrently with the Planning Proposal.*

The panel's determination and reasons for its decision are provided in **Attachment B**.

The panel appointed itself as the planning proposal authority (PPA).

The proponent updated the proposal in light of the panel decision, the Panel submitted the updated proposal to the Department for a Gateway determination on 14 March 2022.

## 1.4 Gateway determination

The Gateway determination issued on 12 May 2022 (**Attachment C**) determined that the proposal should proceed subject to the following conditions:

1. *Prior to public exhibition the proposal is to be updated to:*
  - *include information that clearly demonstrate consistency with, or that any inconsistency is justified and/or of minor significance, for the following section 9.1 Direction:*
    - *1.5 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) – include:*
      - *shadow diagrams which clearly demonstrate the shadow impacts from the additional 3m building height in the context of PRCUTS recommended controls on surrounding sites. This should include 3D perspectives of shadowing impacts to the residential development to the south of the site; and*
      - *clarify how the provision for end of journey facilities will be satisfied*
  - *include an explanatory note that the proposed provisions will be subject to final drafting by Parliamentary Counsel Office (PCO) at finalisation;*
  - *include extracts of the existing and proposed LEP Maps; and*
  - *include an explanatory note that future development will be subject to state/regional infrastructure contributions in accordance with the implementation actions in the Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021.*
2. *Prior to finalisation the planning proposal is to be revised to:*
  - *address the Implementation Actions in the Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021, including the recommendations and outcomes of the precinct wide traffic study.*

3. *Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*
  - a) *the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and*
  - b) *the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).*
4. *Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:*
  - *Transport for NSW;*
  - *Greater Sydney Commission;*
  - *NSW Health - Infrastructure;*
  - *City of Sydney Council;*
  - *Inner West Council; and*
  - *Sydney Airport Corporation*

*Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.*
5. *A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
6. *The proposal must be exhibited 4 months from the date of the Gateway determination.*
7. *The proposal must be reported to the Sydney Eastern Planning Panel for a final recommendation 7 months from the date of the Gateway determination.*
8. *The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.*
9. *Given the nature of the proposal, the Sydney Eastern Planning Panel should not be authorised to be the local plan-making authority.*

The Gateway determination identifies that the proposal is to be finalised before 11 January 2023.

The proponent provided an updated planning proposal in accordance with the gateway conditions on 20 May 2022. All conditions related to the exhibition of the planning proposal from the Gateway determination have been met (**Attachment D**).

## 2 Public Exhibition

### 2.1 Pre-exhibition Consultation

In accordance with the Gateway determination, Council and Transport for NSW were consulted prior to exhibition. The planning proposal was updated prior to exhibition to address several comments provided by the Council.

## 2.2 Public Exhibition

On 9 June 2022 the panel authorised the exhibition of the planning proposal (**Attachment E**).

In accordance with the Gateway determination, the planning proposal and supporting material were publicly exhibited on the NSW Planning Portal for 22 working days, from 23 June 2022 to 22 July 2022.

Notification letters, including a fact sheet of the planning proposal, were mailed to approximately 6,000 landowners adjacent to the site (within Inner West and City of Sydney local government areas).

## 3 Submissions

### 3.1 Submissions during exhibition

A total of seven submissions were received, comprising:

- one public submission
- a submission on behalf of the proponent
- submissions from Council, Greater City Commission, NSW Health, Transport for NSW and Sydney Airport.

The issues raised in submissions are summarised below. A table outlining the Proponent's response to submissions, together with a response from the Department, is provided as **Attachment F**.

#### 3.1.1 Submissions from the public

The one public submission supported the proposal, noting that the proposed additional health services vitalises a less vibrant part of Camperdown and provides additional opportunities for young professionals.

A redacted copy of this submission is provided at **Attachment G**.

#### 3.1.2 Submission on behalf of the proponent

The submission received on behalf of the proponent notes that the exhibited planning proposal is largely supported, except for the inclusion of the site provision (**Table 2**). The submission contends that the additional control on permissible uses within the B5 Business Development zone is unnecessarily restrictive, represents poor planning practice, is inconsistent with several Ministerial Directions, is inconsistent with the standard instrument LEP and does not align with the strategic planning context.

A redacted copy of this submission is provided at **Attachment H**.

#### 3.1.3 Submission from Council and Agencies

In accordance with the Gateway Determination, the following agencies were consulted:

- Transport for NSW
- Greater City Commission (former Greater Sydney Commission)
- NSW Health
- City of Sydney Council



- Inner West Council
- Sydney Airport Corporation

A submission was received from Inner West Council, the submission is provided in full at **Attachment I**. The submission raised several concerns with the proposal, including:

- potential risk of non-alignment of the proposal to the ongoing Council led Camperdown Precinct Planning and future precinct wide LEP amendment
- potential risk of non-alignment of the proposal with the Employment zone reforms
- outstanding site-specific draft Development Control Plan and Planning Agreements
- built form and urban design issues related to vehicular access, connectivity, and overshadowing
- safety concerns and potential conflict by the proposed vehicular access
- potential to contribute towards Cahill Street masterplan.

Submissions were received from the following agencies:

- Sydney Airport
- Transport for NSW (TfNSW)
- NSW Health
- Greater Cities Commission

The agencies submission is provided in full at **Attachment J**.

## 4 Key Issues from submissions

The following sections provide details of the key issues raised in submissions by Council and relevant agencies. The Department's comments are also provided below.

The proponent was given the opportunity to respond to key issues raised in submissions. The response is provided at **Attachment K** and are summarised below.

### 4.1.1 Proposed vehicular access

The planning proposal is supported with a concept plan for public domain improvements and cycling connections. TfNSW and Council have raised safety concerns of potential conflict between pedestrians, cyclists and cars with the proposed vehicular access from Pymont Bridge Road.

#### TFNSW Comments

TfNSW comments are summarised below with the full submission found at **Attachment I**.

- TfNSW Strategic Land Use Planning team have not been involved in any meetings regarding this planning proposal.
- Pymont Bridge Road is identified as a classified road and the current proposal includes vehicular access from Pymont Bridge Road. Current practice is to limit the number of vehicular conflict points along classified roads, in accordance with the *Guide to Traffic Generating Developments 2002*.
- TfNSW suggests that future vehicular access should be obtained from the available local road network (i.e Cahill and Gordon Street). TfNSW generally would not support retaining existing vehicular access from Pymont Bridge Road if access from the local road network is available.

- If a vehicular access is required from a classified road (Pyrmont Bridge Road) the proponent must demonstrate that the local road network cannot practically and safely service access to and from the site in accordance with Clause 2.119 of the State Environmental Planning Policy (SEPP) (Transport and Infrastructure 2021).

## Council Comments

The proposal requires further traffic and access modelling and redesign, to ascertain how vehicle access can be best accommodated for the site, in accordance with TfNSW requirements.

## Proponent Comments

The proponent notes the TfNSW concerns regarding vehicle access from Pyrmont Bridge Road. In response, the proponent states:

- Maintaining vehicle access via Pyrmont Bridge Road is key to the proposal and the local area amenity generally.
- The existing characteristics of local roads (Gordon Street, Water Street and Mathieson Street) such as narrow widths, zero setback, property boundaries and other general constraints presents significant challenge for entry and exit points.
- Currently the intersection of Gordon Street and Pyrmont Bridge Road allows turning for low traffic volumes. With the existing characteristics of 5.5m wide Gordon Street, adding an additional two-way vehicle access could cause safety concerns.
- Council has previously raised the access interface between Pyrmont Bridge Road the proposed shared path along the site frontage. Analysis of Water Street, Gordon Street and Mathieson Street which are approximately 6.1m wide with on street parking, indicates that it is not suitable for service vehicles and traffic generally associated with a 10,400sqm health facility.
- Considering the proposed health service facilities and the associated traffic movements, the current proposal provides appropriate access for emergency vehicles to the site without risking response time.

## Department Comments

The Department notes that the intended use of the site for a health facility will need adequate traffic access for patients, emergency vehicles and associated delivery loading opportunities, which the proponent considers is best served via Pyrmont Bridge Road. The proponent has provided further commentary on the lack of potential for the use of the surrounding local road network to adequately service the vehicle movements required for a health facility.

The Department considers that further consultation with TfNSW can be undertaken with the proponent during the preparation of the site specific DCP and development application to ensure appropriate vehicular access in accordance with clause 2.119 Transport and Infrastructure SEPP.

## 4.1.2 Aligning with Camperdown Precinct Plan and Tech Central Precinct

Tech Central is identified as the largest technology and innovation hub, aiming to deliver 250,000m<sup>2</sup> of floorspace. The site is located within the Camperdown Tech Central precinct.

## Council Comments

Council, in consultation with the Greater City Commission and NSW Health are currently preparing the Camperdown structure plan to deliver PRCUTS and implement the Tech Central precinct vision. The structure plan is due for completion in late 2022 and will inform planning controls for the neighbourhood.

Council is seeking assurance that:

- the site will be redeveloped for health and education uses aligned with State and Local Government's Strategic aspirations
- design excellence in terms of architectural and urban design qualities and that the proposed built form is consistent with desired future character of the locality
- high quality public domain and sustainably uses are delivered.

Council have raised potential risks that the proposed planning controls may not align with the recommended outcomes of the precinct.

Council raised concerns over the proposed zone of the site and the implications for the remainder of the precinct with the Camperdown Structure plan still in the development phases. Currently the B5 Business Development Zone translates to E3 Productivity Support in the proposed Employment Zones Reform program being established by the Department. It is recommended that the planning proposal be deferred or the existing IN2 Light Industrial Zone by retained with an additional permissible use to align with the B5 Business Development Zone.

### Greater City Commission Comments

The Greater City Commission notes that Council is currently preparing the Camperdown Precinct Structure plan and that there may be a risk that updates to the planning controls for this site may not align with the recommendation of the work once finalised.

### Proponent Comments

The proponent states that the proposal is consistent with the recommendations of PRCUTS, the Camperdown Ultimo Place Strategy and the vision for Tech Central. They further note the proposal has demonstrated strategic and site-specific merit and accordingly consider it appropriate for the planning proposal to be finalised ahead of the Camperdown precinct plan. As noted in **Section 3.1.2**, the proponent does not support the site-specific provisions and in particular the limitation on land uses within the B5 Business Development zone.

### Department Comments

The Department notes that in the rezoning review, the Panel required a site-specific clause to require 75-80% of GFA for uses as identified in the Place Strategy. The planning proposal, to rezone the site from IN2 Light Industrial to B5 Business Development, was amended prior to Gateway determination to include a local provision that:

- requires a minimum of 75% of the floorspace to be used for health, education, research, technology and creative uses
- limits retail uses to the ground floor and does not allow tourist or visitor accommodation
- ensures active street frontages to various road frontages
- requires a site specific DCP prior to any Development Application approval.

Whilst Council and the Greater City Commission have raised concerns with regards to the timing of the development of the Camperdown Structure Plan it is considered appropriate that the proposal proceed as exhibited, as the endorsed strategic framework has not changed since the proposal has been lodged nor during the exhibition phase. In addition, the Department is satisfied that the site-specific provision will ensure that a significant majority of land uses within the development will be for health, education, research, technology and creative uses, consistent with Council's request.

It is noted that the Departments employment zones reform package is not proposed to be implemented for the Camperdown area until the Structure plan process is finalised. Further

consideration of the site can be undertaken when the structure plan is finalised and when the employment zones reform package is implemented for the area.

Based on the above, the Department considers the B5 Business Development zone and associated local provisions align with the vision of Tech Central Precinct and is satisfied the proposal exhibits strategic and site-specific merit for the site.

### 4.1.3 Draft Development Control Plan and Planning Agreement

As part of the planning proposal, a site-specific DCP is currently being assessed by Council. Council is also at the initial stages of negotiation with the proponent on a planning agreement.

#### Council Comments

Council considers the supporting site-specific DCP is critical in assessing local infrastructure matters and setting a good example for future developments in the Camperdown Health and Education precinct. Council recommends the planning proposal be delayed until the site-specific DCP is finalised.

#### Proponent Comments

The proponent notes that it has been working with Council to establish the site specific DCP and planning agreement and will continue to work with council in finalising the DCP and planning agreement.

#### Department Comment

The Department notes that the planning proposal was updated, reflecting the Panel's decision at the rezoning review, to provide clarity and certainty on the health service uses and the requirement that a site-specific DCP be in place prior to the approval of any development application on the site.

The Department is satisfied that the planning proposal provides an appropriate level of clarity and certainty, with further details to inform future development being contained within the DCP, which will need to be in place prior to any development application approval. The Department supports the proponent and Council working to finalise the DCP and planning agreement.

### 4.1.4 Impacts of built form and urban design

#### Council Comments

Council identifies the site to have potential to deliver greater public benefits by addressing bulk, scale and urban design impacts from the proposed concept plan. Council recommends the built form incorporate the following:

- setbacks to reduce impacts of overshadowing
- appropriate separation between buildings and consideration of potential development of adjacent sites
- response to flood impacts at ground level
- LEP clause to outline built form and urban design matters for DCP consideration.

#### Proponent Comments

The proponent states that the proposal has incorporated and is consistent with the key recommendations of Council commissioned Urban Design Peer Review. The proponent notes the Leichhardt DCP solar access controls are applicable to the site and the site requires no further flood analysis as the site is above 1:100-year flood level.



## Department Comments

The Department notes the proponent's response, and that Council is continuing to work with the proponent to develop a site specific DCP, which will incorporate various built form and urban design elements. To support this the proposal was amended prior to public exhibition to ensure the site specific DCP was in place prior to any development application approval.

### 4.1.5 Site specific planning controls

As noted in **Section 4.1.2** above, the Panel's rezoning review required a site-specific clause to ensure the proposed land uses align with the Place Strategy.

## Greater City Commission Comments

The Greater City Commission supports the site-specific planning controls to ensure the land uses are consistent with those permitted in the PRCUTS, being medical innovation, research, technology and health services, creative uses and retail to activate the street frontages.

## Proponent Comment

The proponent contends that the site-specific provision is inconsistent with the relevant policy context and Ministerial Direction 1.4 Site Specific Provisions, as it results in the LEP being unnecessarily restrictive, overly complicated and contrary to the intent of the Standard LEP.

## Department Comments

As noted in **Section 4.1.2**, the Department is satisfied that the site-specific provision ensures the proposed land uses are consistent with the existing and emerging strategic planning context.

The Department also notes that the Gateway determination report considered the proposal against relevant section 9.1 Ministerial Directions, and in particular Ministerial Direction 1.4, and considered that the proposal should proceed to exhibition. In doing so, the Gateway determination report noted the proposal to be consistent with Ministerial Direction 1.4 as:

- the proposed local provision does not prohibit any permitted uses in the proposed B5 zone. This is consistent with the Department's Practice Note 07-001, which notes that development standards including height and floor space ratio should be used to regulate built form outcomes of permitted development rather than prohibiting these permitted
- it seeks to facilitate a health services facility in accordance with the Place Strategy.

### 4.1.6 Scope of health services provided on site

## NSW Health Comments

NSW Health request more information on scope of new health services provided at the site. NSW Health is concerned that the volume of services, including transfers and referrals might potentially impact on the Sydney Local Health District services.

## Proponent Comment

The proponent states that the proposal establishes the key parameters of the permissible land uses and built form. The detailed mix of health services to be provided on site will be determined during the development application stage. The proponent further confirms the health services offered on site will be determined by market research and needs analysis.

## Department Comments

The Department notes the proponent's response and considers the health services should be determined at development application stage after careful consideration and consultation with key

agencies, and in particular NSW Health. The proposal sets out the permissible land uses (at a high level), rather than the specific detailed uses to occur on the site. The Department agrees that these issues are more appropriate to be dealt with at the development application stage.

## 5 Next Steps

The Department is the Local Plan-Making Authority (LPMA) for this planning proposal.

The Panel's decision and the final planning proposal will be submitted to the Department for finalisation through the NSW Planning Portal.

The Department will prepare a finalisation report in accordance with the LEP Making Guidelines (September 2022) and will determine whether to make the LEP, with or without variation. The Department may defer the inclusion of a matter in the proposed LEP or not make the LEP.

In accordance with section 3.36(1) of the EP&A Act, the Department will arrange drafting of the LEP and finalisation of maps and will consult the Panel on any draft instrument.

## 6 Recommendation

Based on this post-exhibition report, it is recommended that the Sydney Eastern City Planning Panel determine that the planning proposal as exhibited should be submitted to the Department for finalisation.

The planning proposal is considered suitable for finalisation because:

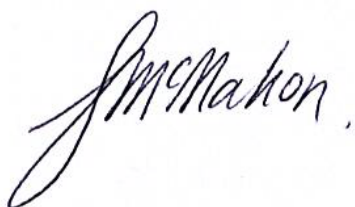
- the proposal demonstrates strategic and site-specific merit
- the conditions of the Gateway have been met
- agency and community consultation has occurred in accordance with the Gateway determination and all submissions have been adequately considered by the Department.



30/9/2022

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## Attachments

- Attachment A** – Planning Proposal (May 2022)
- Attachment B** – Rezoning Review Record of Decision (November 2021)
- Attachment C** – Gateway Determination (May 2022)
- Attachment D** – Assessment Against Gateway Determination
- Attachment E** – Authorisation of exhibition (June 2022)
- Attachment F** – Submissions table
- Attachment G** – Community submission (redacted)
- Attachment H** – Submission on behalf of proponent
- Attachment I** – Council submission
- Attachment J** – Agency submissions
- Attachment K** – Proponent response to submissions (August 2022)

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