

Mr Matthew Stewart
General Manager
City of Canterbury-Bankstown Council
PO Box 8
Bankstown NSW 1885

Our ref: IRF22/1416

Dear Mr Stewart

Planning proposal PP-2022-1169 to amend Canterbury Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal PP-2022-1169 to introduce a new local provision to permit (with consent) a new private hospital with a maximum FSR of 5.1:1 and maximum permissible building heights of 44.1m and 45.5m on land at 445 Canterbury Road, Campsie.

I am pleased to advise that as the delegate of the Minister for Planning and Homes, I have now determined that the planning proposal should proceed, subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, with the inconsistency of the planning proposal with Direction 1.4 Site Specific Provisions, as it is considered of minor significance. No further approval is required in relation to this Direction.

Council will still need to obtain agreement of the Secretary to comply with the requirements of Direction 4.1 Flooding. I have conditioned the Gateway determination to require further justification for the inconsistency with this Direction. This is to be satisfied prior to finalisation.

It is noted that the planning proposal applies to flood prone land, and that its flooding impacts are considered to be unresolved. The Department wrote to Council's on 1 April 2022 providing advice in relation to planning proposals and the recently announced Flood Inquiry.

The Inquiry will report to the Premier on causation, land use planning and management and related matters by 30 June 2022. In the meantime the Department will continue to issue gateway determinations noting that the requirement for flooding may need to be updated pending the findings and recommendations of inquiry.

Given the nature of the proposal and the outstanding inconsistency with section 9.1 Ministerial Direction 4.1 Flooding, I have determined not to authorise Council as the local plan-making authority.

Council's intent to prepare a site-specific Development Control Plan (DCP) to support the proposal is supported. The Department has identified a number of matters that Council may want to consider in the preparation of this site-specific DCP. These include:

- further investigation around the access to and from the site to determine whether a single access point for the proposed use of this laneway is considered sufficient
- the cumulative traffic impacts of the proposal and surrounding development, and the adequacy of the road network and capacity, as well as any mitigation measures

- the introduction of controls for the proposed pocket park, to ensure suitable location and access
- the proposed built form and upper-level setbacks, together with the location and size of the rooftop plant to secure solar access to properties to the south
- the emergency egress and evacuation routes, as the proposal notes the north-western corner of the site is in 1% AEP and PMF events, where the only vehicular access point is located.

The planning proposal has been prepared as an amendment to the draft consolidated Canterbury-Bankstown Local Environmental Plan (draft consolidated LEP). As the draft consolidated LEP is still in the finalisation stage of the plan-making process, the proposal must be prepared as an amendment to Canterbury Local Environmental Plan 2012 (the local environmental planning instrument that is currently in force).

The proposed local environmental plan (LEP) is to be finalised within 9 months of the date of Gateway determination. Council should aim to commence exhibition of this planning proposal as soon as possible.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the planning proposal and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the timeframes outlined in this Gateway determination are not met.

Should you have any enquiries about this matter, I have arranged for Claire Mirow, Senior Planning Officer, Eastern and South Districts to assist you. Miss Mirow can be contacted on 02 9274 6472 or via email at claire.mirow@planning.nsw.gov.au.

Yours sincerely



23 June 2022
Laura Locke
Director, Eastern and South Districts
Metro East and South

Encl: Gateway determination