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Plan finalisation report – PP-2022-1169

445 Canterbury Road Campsie

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Canterbury Bankstown Local Environmental Plan 2023 (Amendment No. 2).

1.1.2 Site description

The planning proposal applies to land at 445 Canterbury Road, Campsie and has a total site area of 4,414m². It has an 86m frontage to Canterbury Road to the south; 60m frontage to Stanley Street to the west; and a 2.5m slope from Canterbury Road to the north-west. The site includes the following:

- Lot 3, DP 337683
- Lots A & B, DP 355656
- Lots A & B, DP 416123
- Lot 15, DP 3995
- Lot A & B, DP 391661
- Lot 13 DP 3995

A single storey commercial development currently occupies the site. It contains three commercial tenancies fronting Canterbury Road, a vehicle repair station on the site's Stanley Street frontage, and at-grade car parking.

The site is bounded by low density residential and commercial uses to the north, Canterbury Road (a regional classified road managed by TfNSW) to the south, low density residential to the east, and Stanley Street to the west. The site is well serviced by public transport, located in close proximity to Campsie Railway Station, Canterbury Railway Station and bus services which operate along Canterbury Road, Beamish Street and Bexley Road.



Figure 1 Subject site (Source: Nearmap)

1.1.3 Purpose of plan

The proposal seeks to introduce site specific controls that will only apply to the development of a hospital. This is intended to be implemented through a site-specific provision that only applies to the subject site. There are no intended amendments to LEP mapping.

The table below outlines the current and proposed controls outlined in the exhibited planning proposal to apply only to a hospital as part of a site specific provision.

Table 1: Current and proposed controls

Control	Current	Proposed
Zone	B6 Enterprise Corridor	Unchanged – B6 Enterprise Corridor
Maximum height of the building	12m	44.1m – 45.5m (RL 72.75m)
Floor space ratio	N/A	5.1:1
Number of jobs	N/A	453 health and medical services jobs

Land use Outcomes

The proposal intends to facilitate redevelopment of the site for a private hospital including:

- a part 10 and 11 storey hospital comprising of:
 - 218 beds, eight operating theatres and a total GFA of approximately 22,478m²;
 - inpatient and outpatient services such as emergency, intensive care, maternity, day surgery, cardiac care, dialysis and oncology;
 - ancillary uses including a 650m² retail/café;
 - 1,350m² allied health, ambulatory care and medical retail;
 - 3000m² medical office space; and
 - front and back of house areas.
- servicing area for accommodating four loading bays.
- five levels of basement car parking for 382 cars.
- a 9m wide public lane along the rear of the site, providing the sole vehicle access point to the future private hospital for staff, patients, and emergency vehicles, with a drop-off/ pick up point off the future rear lane.
- building setbacks as shown in Figure 4.
- a small (approximately 200m²) pocket park in the north western corner of the site
- 883m² of landscaping along the northern, western and southern site boundaries
- 13 trees along the Canterbury Road and Stanley Street frontages.

A concept plan supporting the proposal and photomontages are included below.

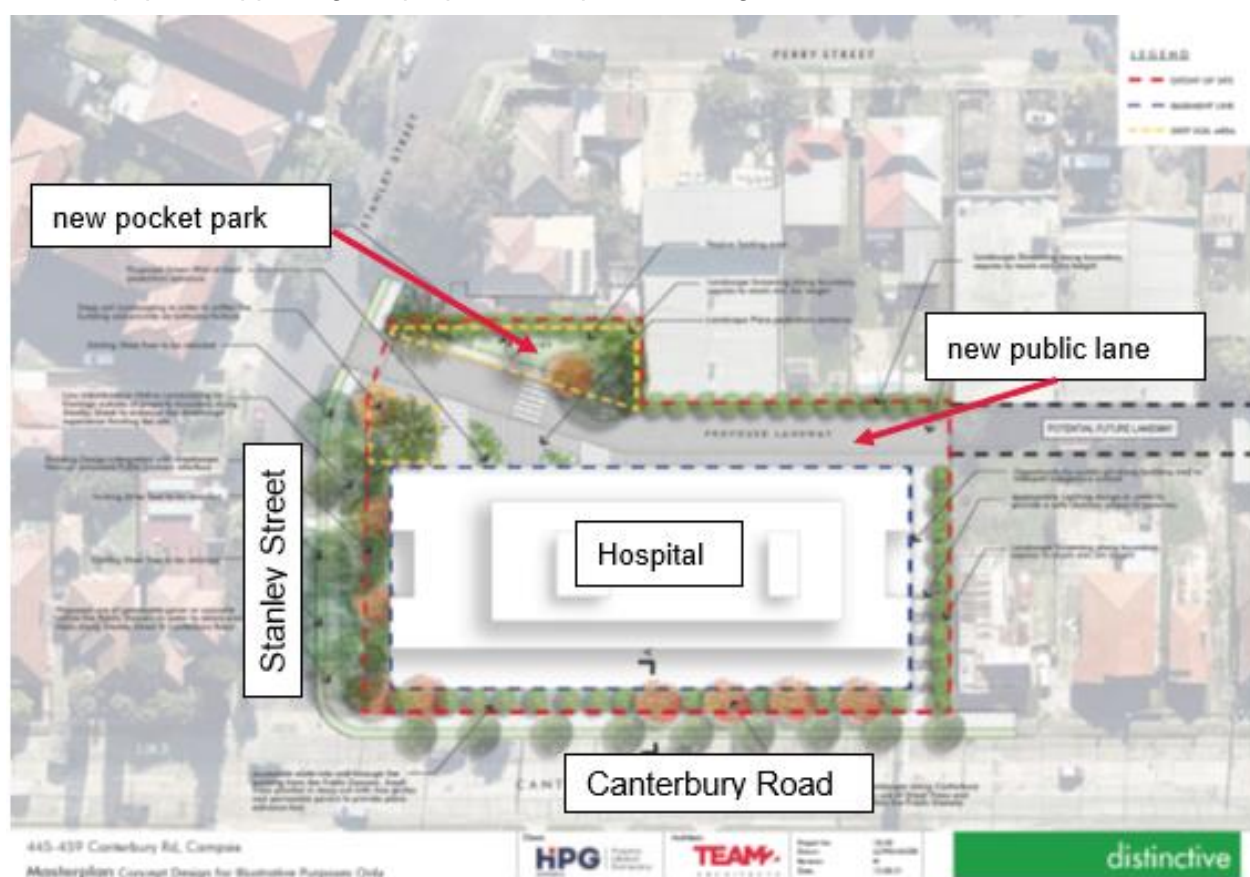


Figure 2: Concept Scheme Plan (Source: Planning Proposal)



Figure 3: Concept Scheme Photo Montage (Source: Planning Proposal)

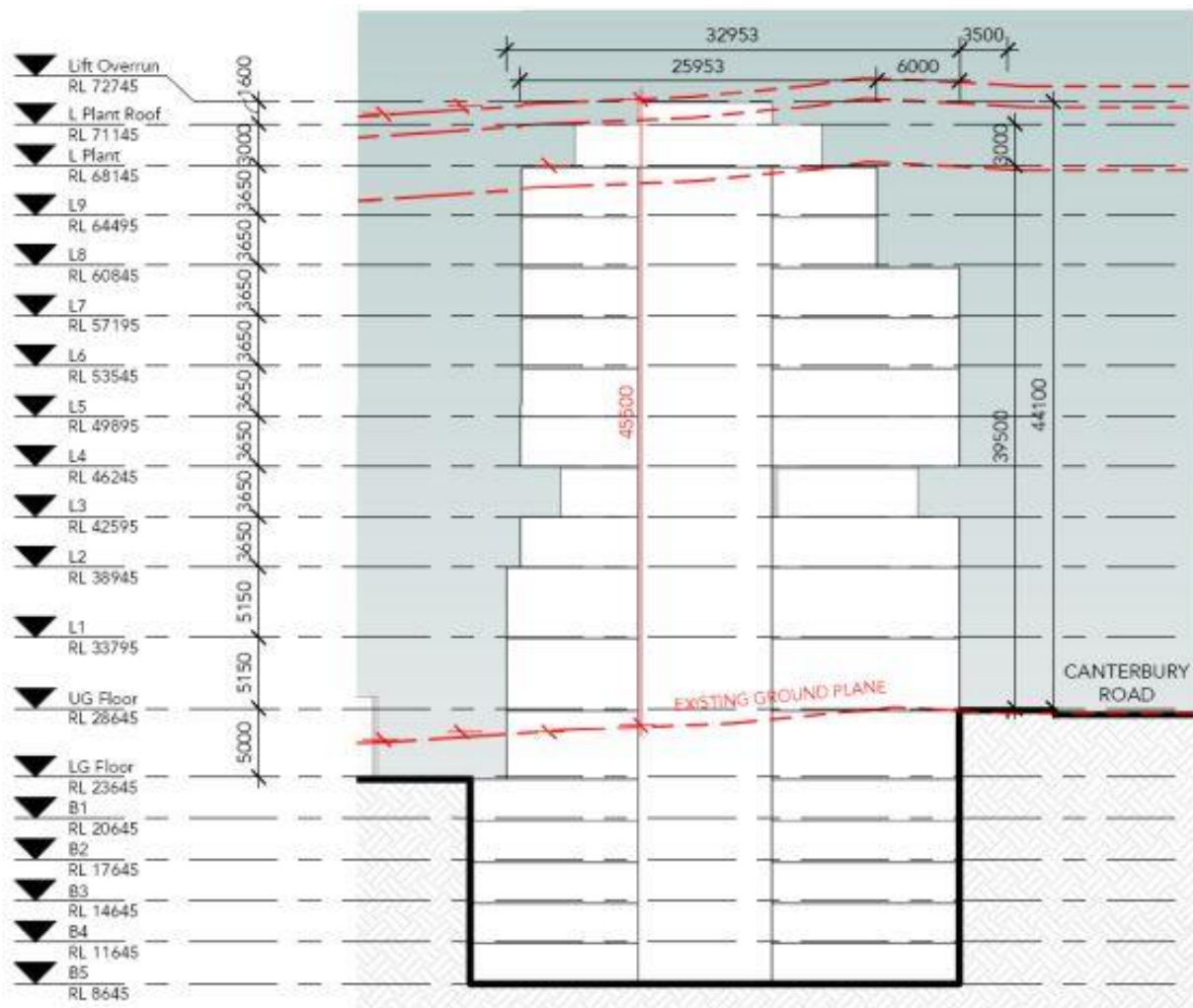


Figure 4: Concept Scheme Heights (Source: Planning Proposal)

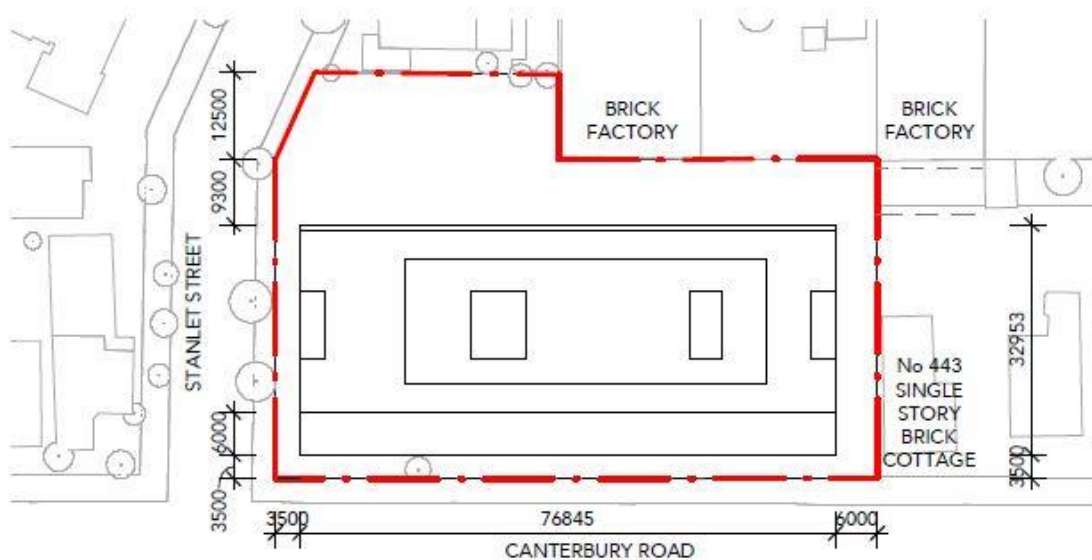


Figure 5: Concept Scheme Setbacks (Source: Planning Proposal)

Site Specific LEP provisions

The exhibited planning proposal outlined an intention to deliver a number of specific requirements in the LEP as part of the planning proposal for a hospital use only. This includes:

- a maximum building height of 44.1m (equivalent to RL 72.75m on the Canterbury Road frontage) when measured from the Canterbury Road boundary and a maximum building height of 45.5m, when measured from the future rear laneway along the northern side of the site.
- a maximum FSR of 5.1:1
- objectives in a local provision as follows:
 - to encourage the development of a hospital to enhance the delivery of health services to the local community;
 - to ensure that the development is compatible with surrounding land uses and site constraints and maintains acceptable solar access to future residential development along Canterbury Road.
 - a single area to be dedicated as a small pocket park in the north-western corner of the site.

In addition, the exhibited planning proposal outlines building setback requirements which “may be included in the site specific DCP, and site specific LEP clause” as shown in Figure 4 including:

- 3.5m setback from the front side boundary with Canterbury Road and continuing up to the eight storey.
- above this, an additional 6m setback from the street for storeys 9 and 10.
- 6m from the eastern boundary.
- 3.5m from Stanley Avenue.
- a datum or horizontal ‘indent’ at approximately 17m to refer to the Canterbury Road emerging context street wall height.

Site Specific Development Control Plan

The proposal states that Council has prepared a site-specific Development Control Plan (DCP) that will include controls relating to:

- built form
- design and materiality
- landscaping
- tree canopy
- setbacks
- sustainability
- Water Sensitive Urban Design (WSUD)
- through site links
- open space design requirements

Council has exhibited the draft site-specific DCP for community consultation with the planning proposal and made amendments following consultation. On 23 May 2023, it was endorsed by Council and will come into effect should the subject LEP amendment be made.

Public Benefit Offer

The proposal states that the proponent and Council have entered into a Voluntary Planning Agreement (VPA). The VPA has been exhibited with the planning proposal and amended based on

community consultation. On 23 May 2023, it was endorsed by Council authorising the Chief Executive Officer to enter into the VPA. The following items are offered as part of the VPA:

- Dedication of land:
 - for a 300m², 3.5m wide frontage to Canterbury Road
 - a pedestrian through site link
 - a laneway at the rear of the site
- Payment of monetary contribution:
 - \$25,000 for contribution to a cycle way from the site to the Cooks River
 - \$75,000 contribution to assist Council with future acquisition of 80 Duke Street Campsie to create a new public park
- Carrying out of works:
 - provision of public art on the Land (approx. \$150,000 incl. GST)
 - a pocket park
 - a kerb ramp pair
 - new zebra pedestrian crossing
 - two bus stops
- provision of other material public benefit
 - easement for passive recreation
 - positive covenant for maintenance and repair.

1.1.4 State electorate and local member

The site falls within the Canterbury state electorate. Sophie Cotsis MP is the State Member.

The site falls within the Watson federal electorate. Tony Burke MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal. There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 23 June 2022 (**Attachment B**) determined that the proposal should proceed subject to conditions.

The Gateway determination was altered on 2 March 2023 (**Attachment C**) to alter the overall timeframe for completion. In accordance with the Gateway determination (as altered) the proposal is now due to be finalised and the conditions of the Gateway have been satisfied.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the planning proposal (including draft DCP and draft VPA) was publicly exhibited by Council from 21 September 2022 to 25 November 2022.

A total of 14 submissions were received, comprising five general submissions indicating support, six objections and three neutral submissions. Following exhibition of the planning proposal, amendments were made to the draft VPA and the draft DCP in response to the submissions. Subsequently, the draft DCP and draft VPA were re-exhibited from 29 March to 1 May 2023.

Council prepared a post-exhibition report which was presented at the Council meeting of 23 May 2023. Council considered the matters raised in community and agency submissions and resolved to forward the planning proposal to the Department requesting that the LEP be made.

3.1 Submissions during exhibition

There were 14 public submissions received from individuals. Of the individual submissions, four objected to the proposal, four supported the proposal and six were neutral on their position.

The key issues raised in submissions related to:

- built form and character;
- community benefit;
- parking and traffic; and
- amenity and open space.

3.1.1 Submissions supporting the proposal

The submissions that were supportive of the proposal were mostly supportive of the community benefit that a private hospital could bring to the Campsie area and wider Canterbury Bankstown LGA.

3.1.2 Submissions objecting to and/or raising issues about the proposal

The submissions to the proposal that objected to or raised issues with the proposal are summarised in **Table 2**. Council's response and the Department's position are also provided.

Table 2: Summary of Key Issues

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
Built Form & Character	50%	<p>Community Concerns:</p> <p>Community submissions raised concern with:</p> <ul style="list-style-type: none"> the bulk, scale, setbacks and relationship of the intended built form to lower scale residential uses to the north; and the use of the site for a hospital. <p>Council Response:</p> <p>Hospitals are permitted with consent within the B6 Enterprise Corridor. Whilst it is acknowledged the surrounding context is partly residential, the Campsie Master Plan supports an intensification in density in this location, particularly given the location within the Campsie Medical precinct and Campsie town Centre – close to Canterbury Hospital.</p> <p>The built form is compatible with the envisaged built form and transition to adjacent sites under the adopted Campsie Town Centre Master Plan 2022.</p> <p>Council and the applicant have agreed to a 3.5m setback dedication for the subject site fronting Canterbury Road. This was informed by the Canterbury Road review and urban design modelling by Council to demonstrate the indicated setback would be appropriate for future development envisaged in the Campsie Masterplan.</p> <p>Department Response:</p> <p>The Department notes that the proposed building height responds to the recommendations of the Campsie Town Centre Master Plan. The Master Plan envisages a future built form of up to 20 storeys in Campsie and clusters of 10-12 storey buildings around the Beamish Street/Canterbury Road intersection to signify the approach to Campsie Town Centre.</p> <p>The Department is satisfied that the intended built form outcome responds appropriately to the intentions of the Campsie Town Centre Master Plan.</p> <p>Further detailed built form analysis can occur as part of the development assessment process.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
Community Benefit	40%	<p>Community Concerns:</p> <p>Community submissions raised concern that the hospital was not providing community benefit since it is private and would not benefit majority of the local populace. The submissions indicated that the majority of the community would not be able to afford private hospital services.</p> <p>Council Response:</p> <p>The proposed hospital will deliver several significant social and economic benefits to the area, including private investment and enhanced medical and healthcare services to the community. Positive economic and social impacts include:</p> <ul style="list-style-type: none"> • long term improvements to existing health care provision by providing 218 hospital beds that will sustain 453 direct Full Time Equivalent Jobs at full occupancy • ongoing jobs at the proposed hospital will generate significant economic output including a net gain of approximately + \$ 50 million in value added or \$83 million in gross regional product. <p>Council acknowledges that there will be some adverse social impacts from the planning proposal:</p> <ul style="list-style-type: none"> • loss of the four existing businesses and associated 12 FTE jobs. • impacts from Demolition and Construction • loss of 'The Staples Bag' retail premises on the site which provides a range of low-cost retail goods to low income earners <p>These issues will be mitigated through appropriate communication and project updates to community members and to businesses with enough time to relocate. The Environmental Impact Statement (EIS) as part of future development application(s) will be required to undertake a further social impact assessment.</p> <p>Department Response:</p> <p>The Department is satisfied with the response of Council noting that the planning proposal has the potential to generate a variety of positive social and economic benefits.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
Parking	30%	<p>Community Response:</p> <p>Community submissions raised concerns with the potential rise in competition for parking spots from hospital workers and visitors in an area which they consider already lacks car parking.</p> <p>Council Response:</p> <p>It is acknowledged that the proposed private hospital will generate 453 new full-time jobs and provide 382 car spaces to serve the precinct.</p> <p>Council is satisfied that the car parking provision shown within the concept development scheme is consistent with Council's DCP parking requirements and has been modelled with regard to other Sydney Metropolitan Area hospitals with similar site contexts and constraints, and accommodates the car parking demands of staff, patients, and visitors to the future hospital. Further detailed traffic analysis will be undertaken as part of the future development assessment process.</p> <p>Department Response:</p> <p>The Department is satisfied with the response of Council noting:</p> <ul style="list-style-type: none"> the concept scheme is consistent with Council's DCP Parking requirements and has been modelled in relation to other Sydney Metropolitan Area hospitals. parking requirements will be refined further as part of the development assessment process.
Traffic	50%	<p>Community Response:</p> <p>Community submissions raised concern with the additional traffic that a new hospital will bring to the area, particularly on Canterbury Road and the streets surrounding the hospital that have access to Canterbury Road.</p> <p>Council Response:</p> <p>The planning proposal is accompanied by a Transport Assessment which has been review by TfNSW and independent traffic experts engaged by Council. The assessment concludes that traffic generation from a future hospital can be accommodated by the surrounding road network subject to road improvements and upgrades.</p> <p>Department Response:</p> <p>The Department is satisfied with the response of Council noting:</p> <ul style="list-style-type: none"> TfNSW have not objected to the proposal. further detailed assessment can be undertaken as part of the development application process.

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
Amenity & Solar Access	40%	<p>Community Response:</p> <p>Community submissions raised concern with amenity impacts including overshadowing to properties within the proximity of the development.</p> <p>Council Response:</p> <p>The planning proposal facilitates the redevelopment of the site to be part of a more activated local precinct, creating opportunities for enhanced social connections through improvement of local amenity such as the pocket park, new pedestrian improvements, public open space and additional landscaping, and providing new jobs.</p> <p>In addition, the site-specific DCP has been drafted to provide development controls to manage the potential effects of the proposal on the amenity of neighbouring lower density residential development.</p> <p>A shadow analysis finds that the ADG requirement for living rooms and private open spaces of at least 70% of all apartments to receive a minimum of 2 hours of direct sunlight from 9am to 3pm on the Winter solstice is achieved. The solar access modelling prepared for the planning proposal demonstrates that this is also achieved when modelled with possible heights achievable as part of the Campsie Master Plan.</p> <p>Department Response:</p> <p>The Department is satisfied that sufficient information and analysis has been provided to demonstrate that the intended development can respond to amenity requirements including solar access. This can be further considered as part of detailed analysis undertaken as part of a future development assessment.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
Privacy	30%	<p>Community Response:</p> <p>Community submissions raised concern with the potential loss of privacy to properties immediately adjacent to the development.</p> <p>Council Response:</p> <p>The Canterbury DCP provides principle and controls for privacy (B7.3.1 Crime Prevention Through Environmental Design Principle: Surveillance). As noted in the DCP, windows, doorways and balconies are to be offset to allow for natural observation while protecting privacy and windows are to mount security devices internally.</p> <p>Council is satisfied that concerns raised around privacy will be satisfactorily met through Council's DCP controls and detailed design development as part of the development assessment process.</p> <p>Department Response:</p> <p>The Department is satisfied with the response of Council and this matter can be further addressed as part of the development assessment process.</p>
Urban Canopy & Street Trees	30%	<p>Community Response:</p> <p>Community submissions suggested that more green open space and tree canopies should be included as part of the proposal. One submission requested the inclusion of native plants where practicable.</p> <p>Council Response:</p> <p>Council notes the landscaping provided will contribute a significant increase from the current minimal landscaping on the site. This includes:</p> <ul style="list-style-type: none"> the concept development plan shows an increase in the total landscaped area and tree canopy for the site. the Planning Agreement details a 3.5m setback on Canterbury Road and a 205m² pocket park. landscaping in the setbacks amounts to approximately 883m² with 13 trees. <p>Department Response:</p> <p>The Department is satisfied with the response of Council and this matter can be further addressed as part of the development assessment process.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
Lack of Consultation	10%	<p>Community Response:</p> <p>Community submissions raised concern that Council's Have your say website limits the ability of certain community members to ascertain what the development is about and provide a response.</p> <p>Council Response:</p> <p>Council has undertaken community consultation as per Council's Community Plan.</p> <p>Department Response:</p> <p>The Department is satisfied that consultation has been undertaken in accordance with the Gateway determination.</p>
Provision of Cycleways	10%	<p>Community Response:</p> <p>One community submission raised the potential to provide cycle ways connecting the proposed development to the Campsie town centre and future metro station.</p> <p>Council Response:</p> <p>Council agrees with the submission that a cycleway connecting the proposed link along the metro line down to the precinct would have merit and will investigate the potential to implement cycleways in conjunction to the East West Pedestrian Cycle link proposed by Sydney Metro.</p> <p>Department Response:</p> <p>The Department is satisfied with the response of Council.</p>

Issue raised	Submissions (%)	Council response and Department assessment of adequacy of response
First Nations Reconciliation Plan	10%	<p>Community Response:</p> <p>One community submission raised that the proposal does not include a Reconciliation Action Plan and an Aboriginal Advisory Sub-committee had not been consulted.</p> <p>The submission considers there should be guidelines to show artwork and murals that represent indigenous Australians and their art. It was also raised that at least one floor be dedicated to an Aboriginal Medical Service.</p> <p>Council Response:</p> <p>It is not a requirement of the Gateway Determination that Council consult with an Aboriginal Advisory Sub-committee or devise a Reconciliation Act Plan.</p> <p>Council is aware that there are opportunities for integrating 'Designing with Country' as part of the development assessment process and through the Public Art Strategy.</p> <p>Department Response:</p> <p>The Department is satisfied that further consideration of matters relating to 'Designing with Country' can be considered and addressed at the development application stage.</p>
The Laneway	10%	<p>Community Response:</p> <p>One submission indicated that the laneway would lead to a 'dead end' and the potential expansion of the laneway is not certain.</p> <p>Council Response:</p> <p>As part of the Campsie Town Centre Master Plan, the laneway dedicated within the site is intended to form part of a longer laneway that will connect to Gould Street.</p> <p>Council will ensure the development is able to satisfy the 9m dedication required as part of the proposal with a 6.5m carriage way that allows dual Heavy Rigid Vehicle movements.</p> <p>Department Response:</p> <p>The Department is satisfied with that the intended dedication of a 9m wide laneway responds to the vision of the Campsie Town Centre Master Plan. The future expansion of the laneway through adjoining sites will be subject to future planning processes and can be further addressed at that stage.</p>

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below in **Table 3** who have provided the following feedback.

Table 3: Advice from public authorities

Agency	Advice raised	Council and Department response
Environment and Heritage Group of NSW Department of Planning and Environment (EHG)	<ul style="list-style-type: none"> EHG recommends further consultation with NSW SES and recommends that shelter in place strategies be endorsed by the SES. EHG support Section 4.9, Control C1 of the draft DCP relating to detailed design and setting up levels to protect building entries and basement carparking against flooding events up to the PMF. EHG supports the requirement for preparation of a Flood Emergency Management Plan (FERP) but recommends that the draft DCP specify that this plan be prepared in consultation with the SES. 	<p>Council Response:</p> <p>No response provided from Council.</p> <p>Department Response:</p> <p>The Department notes that a response to matters raised are covered in the response to the SES submission which is discussed further below.</p>
Sydney Water	<ul style="list-style-type: none"> No objections raised Development will be subject to assessment in terms of servicing requirements in a Section 73 application. 	<p>Council Response:</p> <p>No response provided from Council.</p> <p>Department Response:</p> <p>The Department notes that no matters have been raised that would preclude the finalisation of the planning proposal.</p>
Environmental Protection Agency (EPA)	<ul style="list-style-type: none"> No comment required Further consultation required at State Significant Development Application (SSDA) stage if contamination meets certain triggers under the State Environmental Planning Policy (Resilience & Hazards) 2021 	<p>Council Response:</p> <p>No response provided from Council.</p> <p>Department Response:</p> <p>The Department notes that no matters have been raised that would preclude the finalisation of the planning proposal.</p>
Transport for NSW (TfNSW)	<p>During Pre-Gateway consultation TfNSW raised the following comments:</p> <ul style="list-style-type: none"> Right turn ban should be provided from Stanley and Northcote Streets onto Canterbury Road during weekday peak periods Left in, left out arrangement to be put in place at Canterbury Road-Una Street Modify existing traffic signal arrangements at Canterbury Road-Duke Street Suggest 12.5m rigid truck movements should be used to 	<p>Council Response:</p> <p>Council will further consider requested traffic design amendments subject to a traffic management plan being submitted to the Council's local traffic committee for approval.</p> <p>Matters raised can be further assessed in consultation with TfNSW as part of the development assessment process.</p> <p>Department Response:</p> <p>The Department is satisfied that traffic design amendments will be subject to a</p>

Agency	Advice raised	Council and Department response
	<p>model site access since this is the largest vehicle expected to access the site.</p> <p>TfNSW's final submission noted there were no further comments on the Updated Traffic Assessment Report if Council will address TfNSW's earlier comments on the proposal and ensure that a detailed traffic study is undertaken to satisfy the conditions of the Secretary's Environmental Assessment Requirements (SEARs) in future.</p>	<p>traffic management plan at the development application stage.</p> <p>Discussion of Rigid Vehicle access is addressed in Section 4.1.3</p>
State Emergency Service (SES)	Refer to Section 3.2.1	Refer to Section 3.2.1

3.2.1 NSW SES Submission and Flood Emergency Response Plan

Extensive consultation occurred with SES as discussed in **Table 4** which includes comments regarding the flood impact assessment and Flood Emergency Response Plan (FERP) (**Attachment E**). The response of Council and its consultant Northrop Engineers is also included.

Table 4: Summary of Issues raised in SES Letter and Response from Council

SES Submission	Council / Northrop Response
<p>Opposes the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management.</p> <p>The Floodplain Development Manual 2005 specifically precludes the practice of consent conditions requiring a site plan if that plan is trying to overcome a flood risk that would otherwise be too high to permit approval.</p>	<p>Only minor parts of the site are affected by the 100 Year Average Recurrence Interval (ARI) and Probable Maximum Flood (PMF) being isolated to the north-western corner of the site with low flood water depths of 10 to 30 cm.</p> <p>To mitigate the impacts of flooding on the site, Council has introduced DCP objectives and controls that require the proposed development to have water sensitive design and the basement flood treated to the PMF level.</p> <p>Council's view is that the application of a FERP during the operation of a hospital on the site is justified on the basis that the flooding impact to the site is not significant and the development will be protected against flooding.</p>

SES Submission	Council / Northrop Response
<p>Zoning should not enable development that will result in an increase in risk to life, health or property of people living on the floodplain.</p> <p>Although the site is above the mainstream PMF extent of Cooks River, a portion of the site is subject to overland flash flooding in a PMF mostly at the boundaries. The duration of the flooding is in the order of hours and the onset is as quickly as 15 minutes.</p>	<p>Rezoning is not proposed as the planning proposal is restricted to amendments to the permissible height and FSR for a hospital use. The roads surrounding the proposed development would only be affected for a short time (likely 1-2 hours at most) during the peak of the PMF event due to the small size of the catchment.</p>
<p>The hazard on the roadways in the vicinity of the site is high during a PMF. Whilst refuge-in-place is noted as the primary means of management during a PMF flood, it is recommended emergency vehicle access during a PMF event is provided.</p>	<p>The duration of the flooding is likely to be less than two hours in a PMF event. This is considered an appropriate duration to shelter in place. Emergency evacuation through low hazard flood behaviour is also available along Canterbury Road during the PMF, if required.</p>
<p>It is recommended that basement entrances are above the PMF due to increased risk of entrapment and hazard during flooding.</p>	<p>It is recommended that the basement is protected against flooding for events up to the PMF. This includes all potential entry points for water ingress including the main driveway, stairwells and vents.</p> <p>Emergency evacuation through low hazard flood behaviour is also available along Canterbury Road during the PMF, if required.</p>
<p>Shelter in place is not an endorsed flood management strategy by the NSW SES for future development. The flood evacuation constraints in an area should not be used as a reason to justify new development by requiring the new development to have a suitable refuge above the PMF.</p> <p>Shelter in place strategies are considered suitable to allow existing dwellings that are currently at risk to reduce their risk, without increasing the number of people subject to such risk.</p>	<p>Cancellation of non-essential services / operations and early evacuation of non-essential staff is recommended prior to rainfall commencing. Evacuation prior to rainfall commencing, is expected to reduce the strain on evacuation routes.</p> <p>The FEMP recommends anyone still on-site following commencement of rainfall are to remain in the upper levels of the facility. Evacuation following commencement of rainfall is not recommended due to the potential for the remainder of the road network to be compromised during the peak of the PMF. The facility is expected to be designed to withstand flood forces during events up to the PMF to enable on-site refuge during extreme events.</p> <p>If required, emergency evacuation is expected to be possible for large vehicles during the PMF via Canterbury Road, continuing east.</p>

SES Submission	Council / Northrop Response
<p>The NSW Floodplain Development Manual 2005 specifically precludes the practice of consent conditions requiring a site plan if that plan is trying to overcome an underlying flood risk that would otherwise be considered too high to permit approval.</p> <p>Even well written plans are dependent on human application and often rely on technical support systems. Most plans will rely on the actions of one or more third parties and all plans require regular maintenance and review. These conditions are difficult enough to implement and monitor over the long term and are unlikely to be achieved in a private ownership context where there is no external audit or monitoring.</p>	<p>It is anticipated that flood mitigation and protection measures will be incorporated into the design of the facility.</p> <p>The FEMP is considered an extra cover to assist with improving occupier and community awareness and education, site preparation and response prior to, and during major or extreme flood events.</p> <p>This strategy is considered the most appropriate strategy to limit the risk to life on the subject site and takes into consideration localised flooding on evacuation routes by preventing evacuation during the peak of the flood event.</p>
<p>The draft Emergency Plan provided for the proposed hospital refers to “Floods Near Me”, “Evacuation Orders” and “Evacuation Warnings”. This should now refer to “Hazard Watch”, “Emergency Warnings”, “Watch and Act” and “Advice”.</p>	<p>This will be updated in the FEMP prior to Construction Certificate and occupation of the facility.</p>

The response of Northrop Engineers was provided to SES to review and provide further comment. In response, SES provided the following additional comments:

- it is acknowledged that the issues raised in the correspondence have been addressed by Northrop’s response dated 17 November 2022 and incorporated (or to be incorporated) in the revised FERP;
- NSW SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use planning and flood risk management; and
- the NSW SES also does not have statutory authority to endorse or approve flood emergency response plans.

Department Response

The Department is satisfied that the comments of SES have been adequately addressed and there is no outstanding objection. Further consultation can occur with SES as part of the detailed design analysis at the development application stage.

3.3 Post-exhibition changes

3.3.1 Council post exhibition changes

On 23 May 2023, Council resolved to:

- adopt the exhibited planning proposal and submit to the department for finalisation;
- endorse the draft site-specific Development Control Plan and that it be brought into effect once the LEP amendment is finalised and published.
- endorse the draft Planning Agreement and authorise the Chief Executive Officer to enter into the Planning Agreement.

On 21 June 2023, Council wrote to the Department to request finalisation and provided clarification to assist with the drafting of the intended LEP amendment. This includes the following:

Building Height

The exhibited planning proposal notes that the site slopes approximately 2.5m from the Canterbury Road frontage down to the rear (northern) side of the site. It states that a single height control applying to the entire site will not recognise the height difference across the site which is needed. In this regard, the following was noted as required:

- a maximum building height of 44.1m (equivalent to RL 72.75m on the Canterbury Road frontage) when measured from the Canterbury Road boundary; and
- a maximum building height of 45.5m when measured from the future rear laneway along the northern side of the site.

Council's request for finalisation states the following:

In recognition of the subject site's slope which falls from Canterbury Road to the rear boundary by approximately 2.5m, Council supports the use of an RL height control (RL 72.75m) that would apply to the site only for a hospital use via a new clause in Part 6 of the LEP.

The site specific DCP provides further detail as follows:

The maximum building height on the Canterbury Road frontage shall be 44.1m (RL 72.75m Australian Height Datum (AHD)). The maximum building height on the northern side of the building shall be 45.5m (also RL 72.75m AHD). The maximum building height is inclusive of rooftop mechanical plant in accordance with the height of building definition in the [Draft] Canterbury Bankstown Local Environmental Plan [Date].

Council has clarified that a single LEP maximum height control of RL 72.75m is sought to apply to the site for a hospital use. Supporting guidance for the maximum height in metres difference is articulated in the site specific DCP.

Public Accessibility to Pocket Park

Condition 1(i) of the Gateway Determination states:

- (i) *Include a provision in the LEP for the proposed pocket park on the site to be publicly accessible.*

In response to this, Council states that the public accessibility of the intended pocket park has been satisfactorily addressed through the executed Planning Agreement and site specific DCP and does not warrant the need for a provision in the LEP to specify its provision on the site. This includes the following:

Voluntary Planning Agreement

- the provision of a public park within the Land by way of embellishment, an easement in gross to provide for public access and a positive covenant to provide for ongoing maintenance and repair
- provision of public art (to the sum of \$150,000 incl. GST) for the new pocket park in the north west corner of the site (and the site pedestrian thoroughfares)

Development Control Plan

- an objective to provide a public pocket park to the west of the site to provide amenity for patients, the public, staff and visitors
- design principles in relation to adequate deep soil, landscaping, lighting and signage on the site provided in the pocket park
- development controls to provide a new landscaped public pocket park of 205m² that will *"provide a place of repose, be safe and easy to access and have high amenity using*

planting, street furniture, public art and lighting. Planting must be selected carefully to ensure that surveillance is ensured.”

Building Level Setbacks

Council’s finalisation request states that the intended built form and upper-level setbacks has been adequately addressed in the site specific DCP. This includes:

- minimum setback controls specified in the DCP and,
- objectives to include setbacks to allow for landscaping and trees, provide adequate solar access and minimise bulk and scale.

Council has clarified that it does not seek to introduce any setback requirements into the LEP as these requirements have been appropriately addressed in the DCP.

3.3.2 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes:

- will ensure a single maximum height control applies to the site with further supporting guidance in the supporting DCP. This is an appropriate approach for a site-specific planning proposal and remove any ambiguity regarding the maximum height control that applies to the site. The use of a DCP will provide further detailed guidance to ensure the intended outcomes of the planning proposal can be achieved through further detailed assessment as part of the development assessment process.
- is supported with adequate explanation to ensure that an acceptable alternate mechanism is in place to ensure a future pocket park is publicly accessible.
- will ensure appropriate guidance regarding building setbacks is articulated in the site specific DCP.

4 Department’s assessment

The proposal has been subject to detailed review and assessment through the Department’s Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council’s Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment H**), the planning proposal submitted to the Department for finalisation:

- remains consistent with the Greater Sydney Regional Plan the South District Plan.
- remains consistent with the Council’s Local Strategic Planning Statement.
- has been amended to be justifiably inconsistent with the Section 9.1 Ministerial directions.
- has been amended to be consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1.

Table 1: Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 2: Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Infrastructure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable. The following sections addresses the conditions of Gateway determination.

The planning proposal's consistency with these unresolved matters are discussed below:

4.1.1 Section 9.1 Directions

The Gateway assessment undertook an assessment of the planning proposal applicable 9.1 Directions. The only remaining unresolved 9.1 Direction is discussed below.

4.1 Flooding

The direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and principles of the Floodplain Development Manual 2005. The direction also seeks to ensure that LEP provisions are commensurate with flood behaviour and include consideration of the potential flood impacts on and off the subject land.

The site is in the Cooks River Catchment within the Canterbury-Bankstown LGA. Supporting flood analysis is provided with the planning proposal which summarises the following flood behaviour:

- The site is only affected by shallow flood water at the north-western corner in the 1% AEP event.

- The 1% AEP floodwaters on the site are classified as ‘flood fringe’ and are located outside the proposed building footprint.
- In the PMF flood event, flood water flows on the edges of the site and the proposed building footprint lies outside the PMF events
- The peak PMF is 10 – 30cm and is low hazard on the site, but high hazard on Canterbury Road and Stanley Street
- PMF waters on the site are classified as ‘flood fringe’ and flood waters on Canterbury Road and Stanley Street are classified as ‘flood way’.
- As the proposed building is located outside of the 1% AEP and PMF extents, there will be no loss of flood storage and the proposed development will not cause material off-site impacts in the 1% AEP flood or PMF events.

The Gateway assessment noted that the proposal is inconsistent with this Direction as it seeks to:

- permit a significant increase in the development of the land; and
- permit development for the purpose of a hospital where the occupants of the development cannot effectively evacuate.

A planning proposal may be inconsistent with the terms of the Direction if the planning proposal authority is satisfied that it is supported by a flood and risk impact assessment prepared in accordance with the *Floodplain Development Manual 2005*. A Gateway condition was subsequently recommended to require the planning proposal to be updated prior to finalisation to:

- include a Flood Emergency Response Plan to demonstrate that the occupants of the hospital can effectively evacuate given the flood affection of the site and surrounding access roads to address consistency with or justify inconsistency with section 9.1 Ministerial Direction 4.1 Flooding.

The planning proposal has been updated to demonstrate justified inconsistency with the direction including:

- the proposal is supported by a flood and risk impact assessment accepted by Council (as the PPA) and prepared in accordance with the principles of the *Floodplain Development Manual 2005*; and
- a draft FERP was exhibited with the planning proposal and then further amended for finalisation in response to issues raised by the SES in their submission to the planning proposal. Issues relating to emergency evacuation can be further addressed at the development application stage where further consideration of emergency access to Canterbury Road can be addressed as part of the detailed design.

4.1.2 Consistency with Local Planning Strategies

The site is located within an area that has recently been the subject of considerable local strategic planning. This is highlighted by the following key local strategic plans:

- the Canterbury Road Review released in 2017 and identified to be implemented under Action E2.4.35 of the Canterbury Bankstown LSPS; and
- the Campsie Town Centre Master Plan which was endorsed by Council in May 2022.

Gateway conditions were recommended to require:

- an assessment against the recommendations of the Canterbury Road Review; and
- the planning proposal to be updated to reflect the current status of the draft Campsie Town Centre Master Plan and address any relevant post-exhibition changes that impact the proposal.

Canterbury Road Review

The Canterbury Road Review (the Review) was endorsed by Council in May 2018 and was prepared to address several concerns including:

- the impacts of additional approved development that exceeded and had not been contemplated under the Canterbury LEP 2012;
- Roads and Maritime Services' concerns about cumulative traffic impacts resulting from the proposed rezoning of land to B5 Business Development along the corridor;
- there were a considerable number of planning proposals for various sites along the corridor; and
- the State Government's release of plans for the former Sydenham to Bankstown Corridor and the planning directions proposed under the draft South District Plan and Greater Sydney Region Plan established a new strategic planning framework that would influence and guide planning for the corridor.

The final Canterbury Road Review report included 15 recommendations to deliver a new vision for the Canterbury Road Corridor. This includes Recommendation 2 which seeks to 'allow additional residential development in the 11 Localities, on the northern side of the road, between the 7 Junctions, and included Location F as shown in Figure 6.



Figure 6: Canterbury Road Review (Source: Canterbury Road Review, P. 24)

In response to Gateway condition 1(b), the planning proposal was updated to address the Canterbury Road Review. It identifies that *the proposal for a hospital would facilitate a land use/development that is compatible with Key Action A of Recommendation 2 by providing: 'A land use zone within these Localities which provides for mixed use development including medium and high-density forms of residential accommodation above ground level such as B2 Local Centre.'*

The planning proposal states that *although the hospital use does not align with the intended use of the parcel as resolved in Recommendation 2, the development of a hospital within the site is consistent with Key Action A.* It states that it responds to *the objective to encourage mixed use development and improvements to the amenity and open space along the corridor as outlined in the Urban Design Study for land between Canterbury Road and the T3 Bankstown Line.*

The Department is satisfied that the updated planning proposal has provided adequate justification to the intended land use outcome having regard to the recommendations of the Canterbury Road Review. The planning proposal will:

- not rezone the existing land zoning which provides for mixed use development opportunities (albeit not including residential accommodation);
- seeks to concentrate additional development opportunity within the Beamish Street/Canterbury Road node;
- intends to provide for a minimum 3.5m setback along Canterbury Road (supported by DCP controls) to respond to Recommendation 8 of the Review; and
- intends to contribute to a continuous rear lane, parallel to Canterbury Road (supported by DCP controls) to respond to Recommendation 10 of the Review.

Campsie Town Centre Master Plan

The Gateway assessment considered the draft Campsie Town Centre Master Plan and noted that the Master Plan:

- identifies that the site is subject to further testing through a separate planning proposal.
- supports an uplift in density on the site and that it recognises the benefits that the development of a private hospital could have in establishing a health cluster and attracting knowledge based and population servicing workers.
- includes an objective to *deliver a medical precinct along Canterbury Road anchored by Canterbury Hospital.*
- an indicate building height of 10 storeys (noted as subject to further testing through a separate planning proposal) as shown in Figure 7.

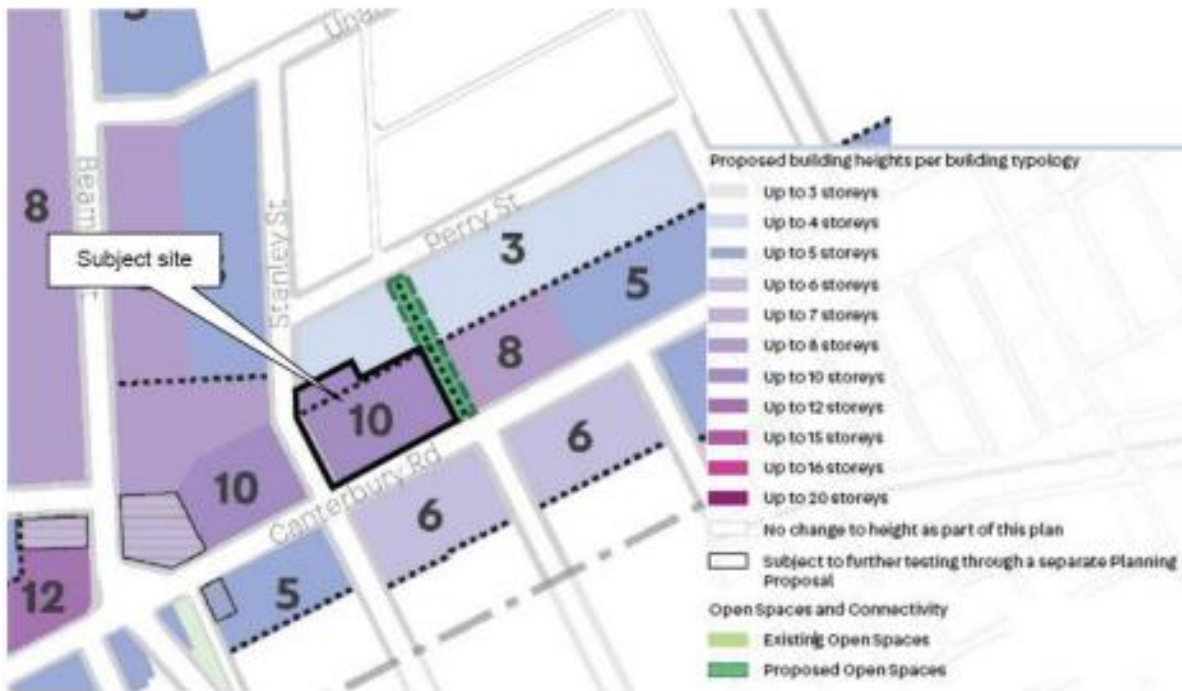


Figure 7: Draft Campsie Town Centre Master Plan Height Map

Council considers the proposed height is acceptable for the following reasons:

- the modelling undertaken demonstrates acceptable solar access is maintained in accordance with the Apartment Design Guide to the affected properties on the opposite side of Canterbury Road.
- the proposed maximum building height will result in a building height of 10 storeys when viewed from Canterbury Road and the Stanley Street/Canterbury Road intersection.
- the Master Plan does not take into account the topographic features of the site. The slope of the site is a significant factor for any building envelope on the site and the indicative building concept features a lower ground and ground level to ensure a functional building that has access from both the future rear laneway and from Canterbury Road.
- appropriate site specific DCP controls will be included to ensure the building design has articulation and architectural features to minimise the appearance of building bulk, particularly at the upper levels including rooftop plant.

As stated in the Gateway assessment, the intended built form outcome is considered acceptable for the purpose of this planning proposal having regard to the draft Campsie Town Centre Master Plan. Further detailed testing and analysis should be undertaken as part of the development assessment process.

The Department is satisfied that the intended height of the development (including mechanical plant requirements) is intended to provide for different building heights to the front and rear of the site due to respond to the site topography. A lower building height on the southern side of the site (fronting Canterbury Road) can minimise visual and amenity impacts which should be further

tested through the development assessment process. Appropriate DCP controls have been prepared to ensure this occurs.

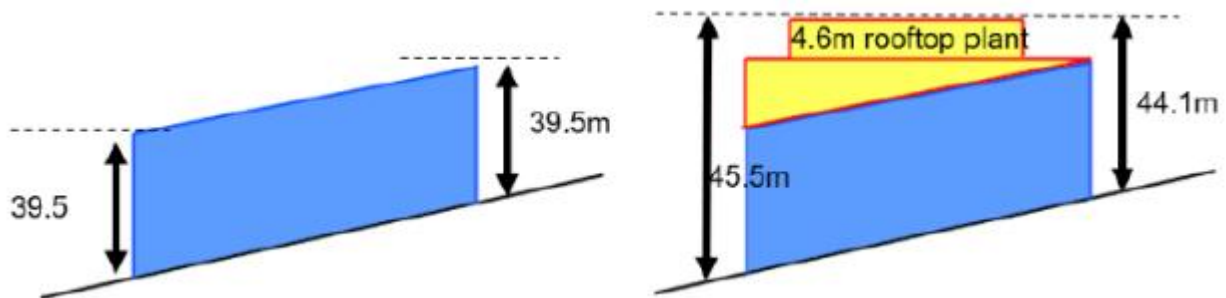


Figure 8: Proposed building height difference sloping away from Canterbury Road (Source: extract from planning proposal)

4.1.3 Vehicular Access

A Gateway condition was recommended to amend the planning panel to address the suitability of vehicular access to cater for a range of vehicular and pedestrian movements, with particular regard to emergency access and evacuation requirement. This has been addressed as follows:

- the proposal notes that it dedicates a 9m laneway from Stanley Street to the eastern site boundary.
- the laneway is serviced by a pedestrian pathway network through and around the site with slower traffic conditions that supportive opportunities for pedestrians to cross with conflict between pedestrians and vehicles.
- the suitability of vehicular access from a single access point has been investigated by a Traffic Engineer. It has been concluded that the dedication of a 9m wide lane will be acceptable, subject to showing the required manoeuvring can be accommodated.

The Department is satisfied that the site has the capacity to accommodate rigid vehicle movements into the singular access laneway. TfNSW in their initial submission to the planning proposal at the pre-Gateway stage raised the issue of the movements of rigid trucks of up to 12.5m to the site. As discussed above, vehicular access has been investigated by a Traffic Engineer and concluded that the 9m lane will accommodate manoeuvring for long rigid vehicles.

Council notes in its response to submissions that detailed traffic considerations are to be further assessed in consultation with TfNSW as part of the development assessment process. TfNSW has not raised any issues in relation to vehicle access in their final submission to the exhibition of the planning proposal and has agreed that any more detailed issues in regard to long rigid vehicle access can be assessed at development application stage.

4.1.4 Employment Zones Reform

The planning proposal refers to the B6 Enterprise Corridor zone. A gateway condition was recommended to include an advisory note indicating the equivalent zone for the B6 Enterprise Corridor Zone under the Department's Employment Zones Reform.

On 26 April 2023, the new employment zones were introduced. The existing LEPs (Canterbury LEP 2012 and Bankstown LEP 2015) were deferred from the introduction of the new employment zones because of the complexity in translating the existing LEPs whilst also working to finalise the Canterbury Bankstown LEP 2023.

This deferment of the existing LEPs is given effect through the Standard Instrument (Local Environmental Plans) Order 2006 (the Order). The Order has been updated to ensure the

deferment is transitioned to the Consolidated LEP. Council is responsible for preparing a planning proposal to implement the new employment zones. This will include consultation with the community and stakeholders.

Council has deferred their transition to the Department's Employment Zones. The planning proposal refers to land that will continue to be zoned B6 Enterprise Corridor. The planning proposal has been updated prior to exhibition to refer to the Department's Employment Zones. The proposal states that Council is yet to exhibit and formalise its position on the zoning of land under the Employment Zones Reform package, however it is possible that the subject site will be zoned E3 Productivity Support which will permit hospital uses.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 3: Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment F)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 28 July 2023, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with the
 - Greater Sydney Region Plan;
 - South District Plan; and
 - Canterbury Bankstown Local Strategic Planning Statement.
- It is consistent with the Gateway determination.
- Issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.



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Attachments

Attachment	Document
A	Planning Proposal
B	Gateway Determination
C	Alteration of Gateway Determination
D	Community Consultation Outcomes Report
E	Flood Emergency Response Plan
F	Draft LEP Consultation
G	Council Letter Requesting Finalisation
H	Gateway Assessment Report