

ITEM 5.3 Planning Proposal for 11 Harp Street, Campsie (RZ-3/2019)

AUTHOR Planning

PURPOSE AND BACKGROUND

This report seeks Council's approval to proceed with the recommendations from the Canterbury Bankstown Council Local Planning Panel (LPP) regarding the property at 11 Harp Street, Campsie. The goal is to progress a planning proposal for Gateway consideration by the Department of Planning, Housing, and Infrastructure (DPHI). The proposal aims to transform an industrial site into a private hospital area with additional health services and public facilities, including new open spaces.

ISSUE

Council has received an application to prepare a planning proposal for the site 11 Harp Street, Campsie to transform the site into a private hospital. The site is currently zoned IN2 Light Industrial and comprises a car storage facility.

Health service facilities (i.e. Hospital) are prohibited under the IN2 zone at present. In order to facilitate the intended development outcome, the planning proposal does not seek to rezone the land, but rather seeks to introduce an additional permitted use for the site through amending Schedule 1 of the CBLEP – that being of ‘hospital’.

Further, the application seeks to introduce a maximum height of building control (noting there is currently no maximum building height) of up to 38.5m to facilitate the redevelopment of the site for the purposes of a 3 to 10 storey private hospital with approximately 200 beds, as well as numerous ancillary uses such as an integrated ambulatory health hub, day procedure centre, rehabilitation and respite care, ‘Medi Hotel’ for patients and their families, a hospital-based childcare centre and specialist health consulting suites. The proposal will rely on the use of two properties at 5 and 11A Elizabeth Street, Campsie to the east of the site to improve access to and from the site and manage the reliance on the vehicle entrance off Harp Street. These two properties are included as part of the planning proposal.

The planning proposal seeks to increase the Floor Space Ratio (FSR) to 2.1:1 and building height to a maximum of 38.5m. There are no proposed land use changes however, the additional permitted use of ‘Health services facility’ and ‘Hotel and motel accommodation’ is proposed to be added to Schedule 1. The height and floor space ratio controls will apply to any permissible development on the site (that is, industrial or hospital development).

The redevelopment of the site for a new private hospital and health precinct will have significant positive social, economic and health related benefits. Its construction will enable 338 jobs, with approximately 425 Full Time Equivalent (FTE) staff to be employed once operational. The private hospital will provide health services to support the nearby Canterbury Public Hospital, including provision of health services not offered at the existing

public hospital. At present there are no operational private hospitals in the Canterbury Bankstown Local Government Area (LGA) and there is strong demand for such health facilities to operate within the LGA.

The planning proposal is consistent with Council's Local Strategic Planning Statement (LSPS) and will make an important contribution towards realising the vision for the corridor between Campsie and Kingsgrove as an 'Eastern Lifestyle and Medical Precinct'.

The planning proposal is supported by a Letter of Offer which outlines the Applicant's in principle commitment to provide a monetary contribution towards the design and construction of new cycleways in Campsie and pedestrian improvements in the vicinity of the site to improve access for users of the site in the future. The letter of Offer will form the foundations of a forthcoming Planning Agreement, to be exhibited and reported back to Council prior to finalisation.

A detailed assessment of the application indicates that there is strategic and site-specific merit to proceed to the next step in the plan making process and seek Gateway approval from DPHI. Council will prepare a site-specific Development Control Plan amendment (DCP) that will set out the detailed planning and development controls for the site and would be exhibited concurrently with the planning proposal.

The LPP considered Council's assessment report at a public meeting on 6 November 2023 and advised they supported the recommendation to proceed to a Gateway determination, subject to Council's endorsement. The LPP's advice has informed the recommendations presented to Council in this report.

RECOMMENDATION

That Council resolves to proceed with the planning proposal to amend the Canterbury Bankstown Local Environmental Plan 2023 and seek a Gateway determination in accordance with the following:

1. Prior to the planning proposal being publicly exhibited (after the Gateway determination) the following documentation be prepared to the satisfaction of the council:
 - a) a comprehensive and updated transport management and traffic assessment (including the public transport connection to Campsie) for future development and given the proposed hospital and ancillary uses, all assessments need to address the 24 hours, 365 days per year situation and include construction and operation phases of future development,
 - b) update the assessment of the extent of flooding on the site (having regard to proposed finished ground levels) and the impacts of this flooding on the proposed development including evacuation procedures assessment of potential increased risk of flooding from the changed climate conditions; the extent of excavation of and impacts on the existing filling on the site; how site stormwater may be affected and controlled and impacts on flood behaviour in relation to adjoining and nearby lands and the wider catchment,
 - c) the site contamination documentation be reviewed by a site auditor to:
 - (i) confirm that the site can be remediated to allow the proposed development including a proposed child care centre, and

- (ii) assess the potential for any leachate dispersal off the site having regard to the disturbance or removal of any fill and the flooding of the site as assessed in the updated flooding assessment referred to in item (b) above,
 - d) in conjunction with (c) above initial geotechnical and civil engineering advice about what works may be required to ensure structural stability of the site and the proposed buildings and whether this would impact on the extent of excavation and how this may impact on any proposed underground parking including the extent of that parking, and
 - e) Council prepare a site specific DCP Amendment as outlined in Section 4 of the report to the Panel.
2. The documents referred to in item 1 above are to be part of the document package available to the public in the post gateway public exhibition process.
 3. Council prepare and exhibit a site specific DCP Amendment as outlined in this report.
 4. Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.
 5. A draft Planning Agreement be prepared subject and exhibited to the following:
 - a) Council undertakes further negotiations with the developer to seek increased public benefits, to confirm the total value of each works and monetary contribution item in the Letter of Offer. This may include further analysis and an independent peer review being undertaken by Council prior to exhibition.
 - b) Council engages with NSW Health and Transport for NSW to understand opportunities for pedestrian and cycling connectivity improvements between the site and the Canterbury Public Hospital and require the draft Planning Agreement to progress concept plans at a future date.
 6. Subject to the issue of a Gateway Determination, Council exhibit the Planning Proposal, draft site specific DCP amendment and draft Planning Agreement and the matter be reported to Council following the exhibition.
 7. Prior to the planning proposal being publicly exhibited, Council be provided with evidence of a binding long-term agreement to purchase the properties at numbers 5 and 11A Elizabeth Street for access (subject to commercial in confidence).

ATTACHMENTS

[Click here for Attachments A to G](#)
[Click here for Attachments H to W](#)

-
- A. CBLPP Meeting Report and Attachments (6 November 2023)
 - B. Minutes of CBLPP Meeting (6 November 2023)
 - C. Applicant's Planning Proposal (February 2024)
 - D. Applicant's Draft Letter of Offer (September 2023)

- E. Applicant's response to Greater Cities Commission Alignment with Draft Guiding Principles Industrial Land Review (September 2023)
- F. Applicant's Urban Design Report (August 2020)
- G. Applicant's Updated Urban Design Report (November 2023)
- H. Applicant's Acoustic Review (July 2019)
- I. Council's revised Urban Design Scenarios (July 2023)
- J. Applicant's Health Context Review (August 2019)
- K. Applicant's Community Context Review (June 2019)
- L. Correspondence from Sydney Local Health District (July 2023)
- M. Comparative Report - Health Assessment Addendum (February 2024)
- N. Applicant's Economic Impact Assessment (July 2020)
- O. Applicant's updated Economic Impact Assessment (January 2024)
- P. Applicant's Interim Site Audit Advice: Statement on Site Contamination and Remediation (August 2023)
- Q. Applicant's updated Flood Advice Memo (September 2023)
- R. Transport for NSW Referral Comments and Council's Traffic Engineer Comments (2019)
- S. Peer Review of Traffic Impact Assessment (December 2020)
- T. Applicant's Traffic Impact Assessment (August 2019)
- U. Applicant's Transport Assessment Addendum (January 2024)
- V. Letter of support from 5 Elizabeth Street, Campsie (November 2023)
- W. Letter of support from 11a Elizabeth Street, Campsie (November 2023)

POLICY IMPACT

Council's adopted Local Strategic Planning Statement – 'Connective City 2036' (LSPS) guides the future growth and development of the City of Canterbury Bankstown to 2036. The proposal responds to the key directions by reinforcing the role of Campsie as a Strategic Centre and supporting the development of the Eastern Lifestyle and Medical Precinct through social infrastructure in close proximity to Campsie and along the Corridor between Campsie and Kingsgrove. The proposal will also facilitate achievement of Evolution Three – Places for Commerce and Jobs by promoting employment growth near the Campsie Master Plan area and providing health services to support the City's growing population.

The proposal, if developed, is anticipated to contribute 338 jobs during the construction and 425 jobs during the operation of the Health Precinct which will indirectly support flow-on job opportunities to achieve the target of 2,700 additional jobs in the Campsie Town Centre.

The proposal also aligns with the following planning priorities within the South District Plan which identifies that Canterbury Bankstown LGA will accommodate 70% of population growth in the South District, and that planning must provide services and social infrastructure to meet this growth and changing needs. The proposal which comprises a health services facility and associated ancillary hotel and motel accommodation will facilitate employment growth in Campsie which is identified in the District Plan as is the principal underlying economic goal for metropolitan and strategic centres.

FINANCIAL IMPACT

There is no financial impact to Council for this proposal as it is supported by a Letter of Offer that ensures appropriate infrastructure upgrades are provided to accommodate the intensification of the site for the public interest. The infrastructure upgrades proposed will be delivered through a Planning Agreement as outlined in this report in addition to ordinary conditions of any development approval.

In addition to the infrastructure delivered by the proponent in a future Planning Agreement, any future development on the site would be required to pay Section 7.12 Development Contributions in accordance with Council's Local Infrastructure Contributions Plan 2022.

COMMUNITY IMPACT

This application will enable the delivery of a new private hospital and associated health related uses that aligns with the strategic vision set out in Council's LSPS. The proposal will deliver a number of positive social, economic and health related benefits to the surrounding community and broader city.

There are currently no operational private hospitals within Canterbury Bankstown LGA. There is an unmet demand for private hospital beds in the LGA which this proposal will assist with filling. Refer to the Applicant's Community Context review in Attachment K for a more detailed summary.

If a development is realised, the subject planning proposal will facilitate at least 425 direct FTE jobs during operation, including skilled medical related professional roles and essential support jobs and act as a catalyst for future investment in health and allied services in Campsie. Its construction will enable an additional 338 jobs.

The building will have a significant change to the existing built form of the current development on the site and will change the character of the surrounding area. While the change will be significant when compared to the currently minimal development on the site, the planning proposal and associated Development Control Plan (DCP) will ensure that the redevelopment is sensitive to the adjoining residential interfaces, and less intrusive when compared to the currently permissible industrial development and activity that can occur on the site that would interface with immediately adjacent residential development.

The planning proposal includes a Letter of Offer from the proponent that will include provision of pedestrian upgrades and a monetary contribution towards delivery of a future pedestrian and stormwater upgrades and provision of roundabouts. Council will continue to negotiate the terms of the Letter of Offer to ensure the public benefits are proportionate to the significant development potential for the site.

DETAILED INFORMATION

1. SITE DESCRIPTION

The subject site (site) comprises the following properties as shown in **Figure 1** and **Table 1**.

Table 1. Subject site details.

Property Address	Property Description	Current Zone	Site Area
11 Harp Street, Campsie	Lot 3 DP270114	IN2 Light Industry	29,996m ²
5 Elizabeth Street, Campsie	Lot 1051 DP789344	IN2 Light Industry	2,238m ²
11A Elizabeth Street, Campsie	Lot 14 DP262535	IN2 Light Industry	2,739m ²
Total			34,973m ²

The site has a frontage of 22.5 metres to Harp Street, and a depth of 377 metres. The properties on Elizabeth Street have frontages of 26.6 metres (no.5) and 10 metres (no.11A). The site currently comprises a car storage facility on a filled platform approximately 8 metres above street level.

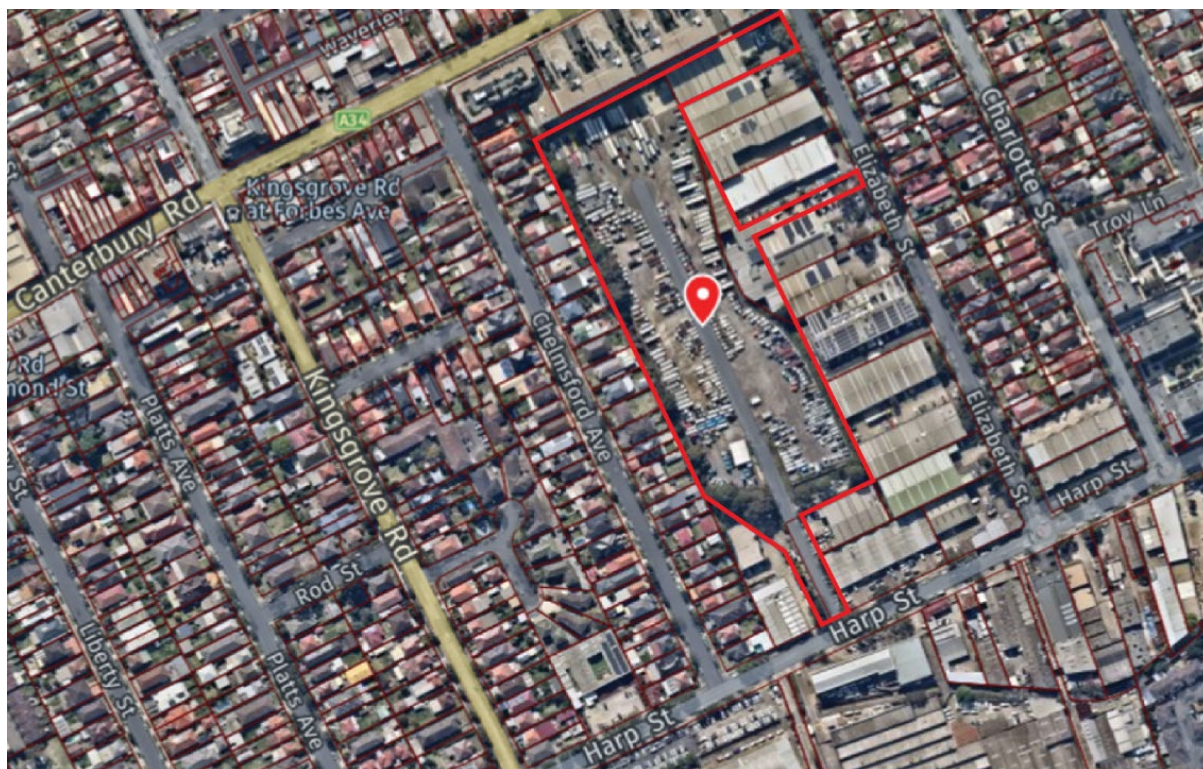


Figure 1: Site Map – 11 Harp Street, 5 and 11A Elizabeth Street, Campsie

Photos of the site and surrounding area are provided below.



Photo 1: View of the entrance to the site looking south towards Harp Street



Photo 2: The south eastern part of the subject site



Photo 3: The north eastern corner of the site with residential flat buildings on the adjoining site to the north that front to Canterbury Road

2. Description of Proposal

The application seeks to enable redevelopment of the site to facilitate a private hospital development comprising the following elements:

- A mix of 3-10 storey building envelopes providing a total Gross Floor Area of approximately 64,734m² across six (6) buildings that will accommodate the following uses:
 - Private Hospital comprising approximately 200 beds;
 - Hotel accommodation referred as a 'Medi Hotel' comprising approximately 100 rooms;
 - Integrated Ambulatory Health Hub (i.e. Renal Dialysis, Chemotherapy etc)
 - Rehabilitation and Respite Care
 - Hospital Based Childcare Centre comprising approximately 150 spaces
 - Medical Centre and Specialist Suites
 - Day Procedure Centre
 - Clinical Teaching and Learning Centre, and
 - Clinical Support Services (i.e. Diagnostic Imaging, Pathology, Pharmacy).
- A maximum building height ranging from 16.5m to 38.5 metres to Harp Street.
- Consolidated basement providing parking for approximately 700 vehicles.

- A centrally located public park, providing open space for patients, visitors, and employees.



Figure 1: Applicant's render of the initial concept development for the site, aerial view from Chelmsford Avenue, Belmore

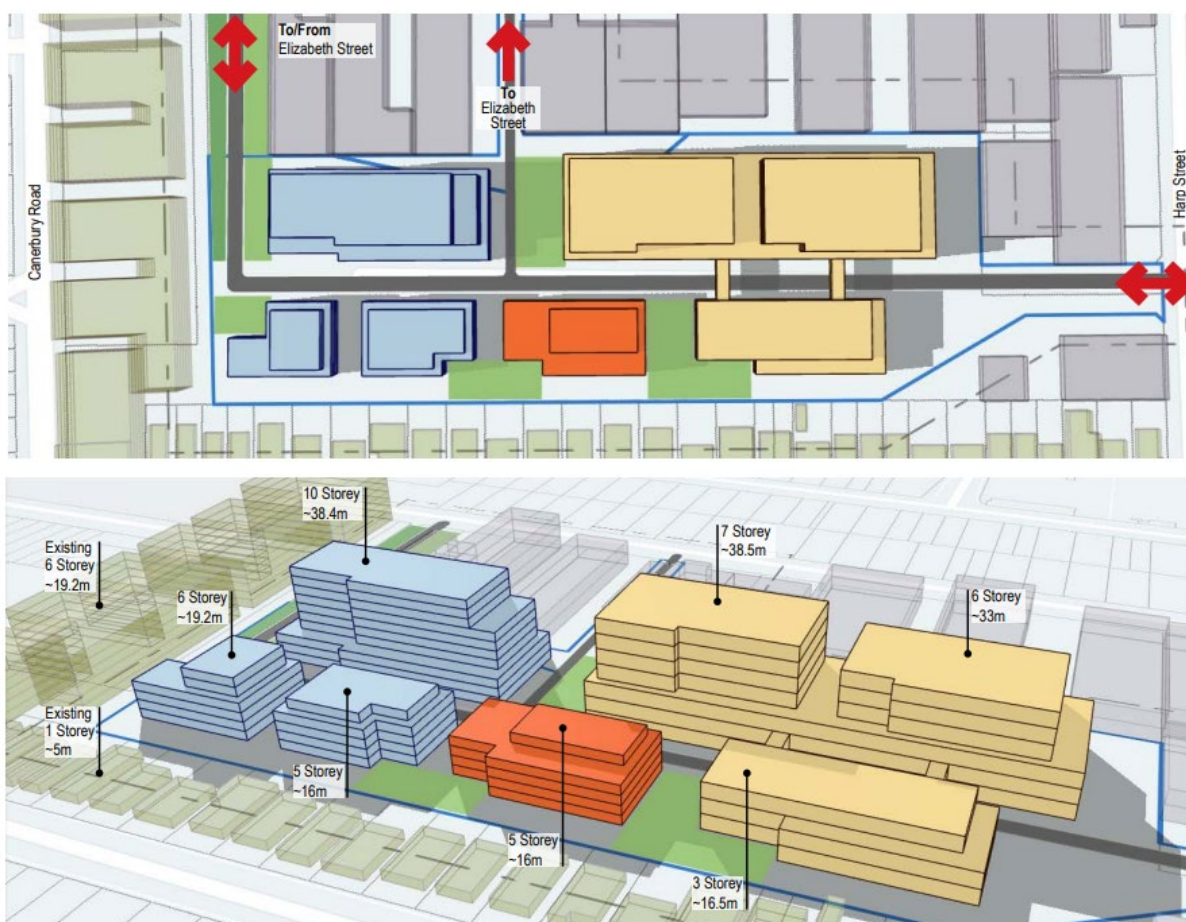


Figure 3: The revised development scheme as developed through Council’s Urban Design Review and Assessment and adopted by the proponent (Dated September 2023)

Table 2. Description of proposed LEP amendments – proposed provisions and intended outcomes.

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes
Additional Permitted Use	Amend Schedule 1 to include <i>Health Services Facilities and Hotel or Motel Accommodation</i> as a permissible land use.
Floor Space Ratio	Update the Floor Space Ratio Map for an FSR of 2.1:1 to reflect the proposed maximum Gross Floor Area of 64,734 m ² on the site.
Height of Buildings	Update the Building Height Map to introduce a maximum building height, accommodating buildings ranging from three (3) to ten (10) storeys, with heights ranging from 16.5 metres to 38.5 metres;
Additional Local Provision	Update Part 6 Additional Local Provisions to apply to the site including: <ul style="list-style-type: none"> • Use of hotel or motel accommodation referred as a ‘Medi Hotel’ on the subject site, provided that the consent authority, prior to granting development consent, is satisfied that it is ancillary to a Health Services Facility and operates in a way that primarily serves the health services facilities on the site. • Use of childcare centre, referred as ‘Hospital Based Childcare Centre’ on the subject site, provided that the consent authority, prior to granting development consent, is satisfied that it is ancillary

to a Health Services Facility and operates in a way that serves the health services facilities on the site.

- Add new objectives to apply to future hospital development including:
 - development for the purposes of a hospital is to enhance health services to the local community
 - to ensure the development is compatible with surrounding land uses and site constraints and maintains acceptable solar access to adjoining residential development.



Figure 4: Existing Zoning Map – to remain unchanged

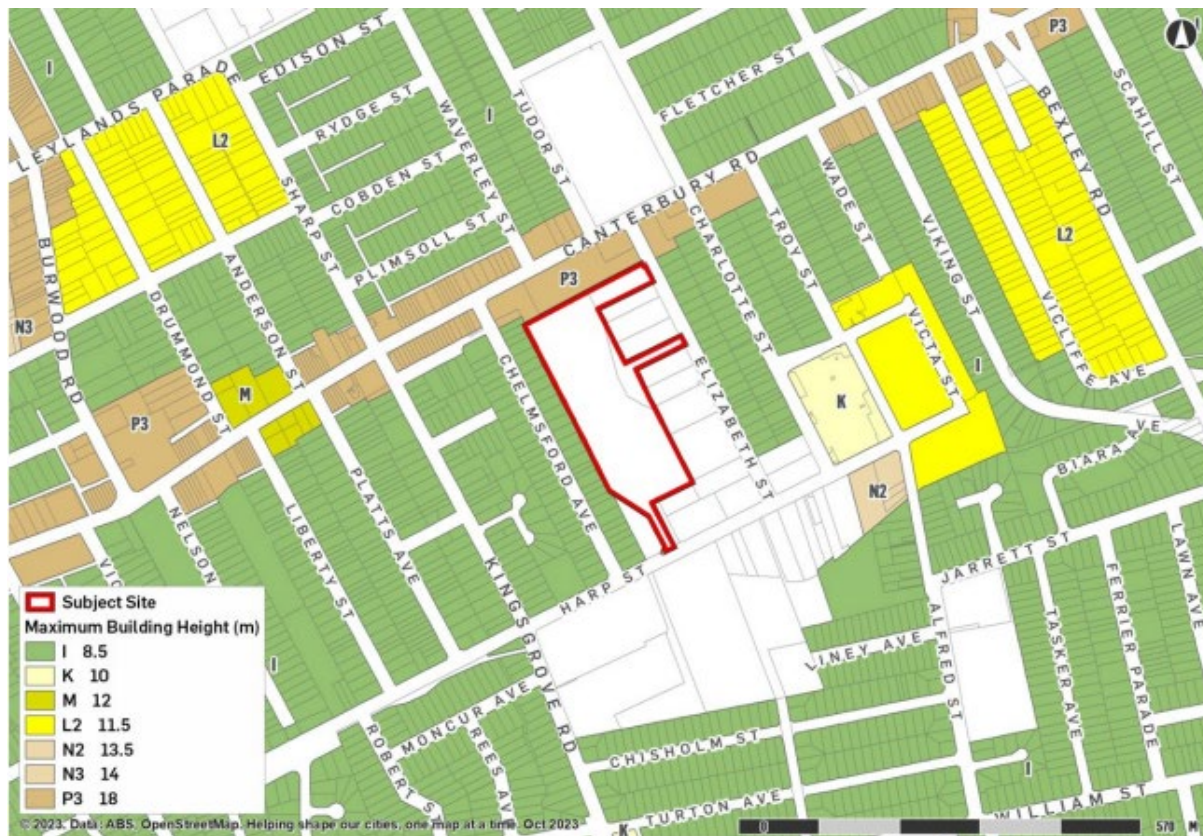


Figure 5: Existing (above) and Proposed (below) Height of Buildings Map



Figure 6: Existing (above) and Proposed (below) Floor Space Ratio Map



Figure 7: Proposed Additional Permitted Uses Map

2.1 Additional Permitted Use

The planning proposal seeks to add two additional permitted uses on the site, being Health Services Facilities, and Hotel or Motel Accommodation. The additional permitted uses will ensure that the development will be permissible on the currently zoned IN2 Light Industrial land, which at present does not permit the abovementioned uses.

The site encompasses 11 Harp Street, being the primary site – however the applicant is in discussions to acquire nos. 5 and 11A Elizabeth Street to allow additional ingress and egress to the site from Canterbury Road, by vehicles, pedestrians and cyclists. While the applicant is yet to formally acquire the two sites on Elizabeth Street, they are to be considered in the assessment of the planning proposal as they make a significant contribution to the agreed development scenario.

The site layout of 11A Elizabeth Street indicates that it will contribute to the overall site area that is allocated for the proposed development, and as such the additional permitted uses will be extended to the property. 5 Elizabeth Street is likely to be used for the purposes of access to 11 Harp Street and possibly car parking, it is not proposed for buildings to be located on the property.

2.1.1 Nos. 5 and 11A Elizabeth Street

The planning proposal seeks to incorporate the sites at No. 5 and 11A Elizabeth Street to use as a 'Road' allowing additional access to the site. The inclusion of these sites is imperative to the proposal as it relieves additional traffic impacts from Harp Street and will disperse traffic to the surrounding road network to provide orderly access to the site. No. 11A Elizabeth

Street will include the Additional Permitted Uses (APU) of health services facility and hotel or motel accommodation as part of the site will form part of the hospital built form. No. 5 Elizabeth Street is understood to contain no buildings or structures and will only host an access road.

It is proposed to extend the abovementioned APUs to No.5 Elizabeth Street as it will primarily function as an access road to service the proposed future hospital development, thus facilitating the operation of that use. Therefore it is required to have the same land use as 11 Harp Street.

In order to ensure the future redevelopment of the site, including nos. 5 and 11A Elizabeth Street are in association with or ancillary to development of a new hospital at 11 Harp Street, it is proposed that a conditional APU will be imposed. The condition APU will detail that the provisions will not apply unless the proposed development on No. 11 Harp Street is undertaken. The intent is to ensure if the proposed development does not eventuate, it does not result in an ad hoc land use that would otherwise be unsuitable for nos. 5 and 11A Elizabeth Street.

Council will liaise with DPHI to confirm the final wording for this planning mechanism to prior to finalisation of the planning proposal.

2.1.2 Hospital Based Childcare Centre

The planning proposal seeks to include a 'Hospital Based Childcare Centre' to the site which would be equivalent to a 'centre-based child care facility' as defined in the CB LEP 2023. Centre-based child care facilities are not currently permissible in the IN2 Light Industrial Zone, however neither Council nor the applicant intend for the use to be added as an Additional Permitted Use. While a 'Hospital Based' childcare centre is not a formal land use, it is the Applicant's intention that the child care facility will be provided for the staff of the Hospital. This approach will be resolved in discussion with DPHI to ensure a hospital based child care centre can be developed.

2.2 Additional Local Provision

The planning proposal also seeks to add an additional local provision to the site to ensure that the use of a Medi Hotel on the site is permissible only if it is ancillary to a Health Services Facility and operates in a way that serves the health services facilities on the site, not for general hotel accommodation. It is Council's intention that this will be added to 'Part 6 – Additional Local Provisions' of the CB LEP 2023 and include the following key requirements to be addressed to the satisfaction of the consent authority in the future Development Application for the site:

- Evidence provided at DA stage by applicant that demonstrates hotel is used for genuine health related purposes and operational plans that will be put in place to manage the hotel accommodation use;
- The operator is to consider the broader accommodation needs of the Campsie to Kingsgrove 'Eastern Lifestyle and Medical Precinct'; and
- Require that the consent authority must be satisfied with the above prior to granting development consent.

Further, an additional local provision under Part 6 of the CB LEP 2023 may also be required to ensure the use of a 'Hospital Based Childcare Centre' will be appropriately serviced as an ancillary use to the Health Services Facility. Should it be required, Council's intention is that it will also be added to Part 6 of the CBLEP 2023 and include the following key elements:

- Evidence provided at DA stage by applicant that demonstrates childcare centre is used for the children of staff members employed and working within the health services facility; and
- Require that the consent authority must be satisfied with the above prior to granting development consent.

The legal drafting of the clauses will be finalised subject to submissions received during public exhibition, as well as discussions between Council, DPHI and the Parliamentary Counsel's Office.

2.3 Letter of Offer to enter into a Planning Agreement

The applicant has submitted a Letter of Offer, at Council's request, that comprises the following items agreed in principle between the developer, Neetan Investments Pty Ltd, and Council:

Table 3. *Proposed list of infrastructure to be delivered in conjunction with the planning proposal by the applicant as part of a future Planning Agreement.*

Item No.	Description	Estimated Value
1.	A reasonable local monetary contribution to be provided toward the construction of, or improvements to local infrastructure and the public domain in the vicinity of the Land.	\$4.3 Million
2.	Footpath upgrades along Harp Street and surrounding streets (i.e. Elizabeth Street), to provide improved connectivity to Clemton Park and Canterbury Hospital, as well as assisting with secondary vehicle access. Also, provision of various Pedestrian Crossing upgrades.	Final value subject to further discussions
3.	Construction of Roundabout on Elizabeth Street/Harp Street	Final value subject to further discussions
4.	Provision of Cycleways in accordance with Key Route 7 of the Active Transport Action Plan – Croydon Park to Earlwood North/South link	Final value subject to further discussions
5.	Public Park on site - retained in private ownership with an easement for public access	Final value subject to further discussions
6.	Provision of floor space to allow Council, or affiliated organisations access to facilitate services/programs	Final value subject to further discussions
7.	Funding of design and/or construction of potential footbridge over Canterbury Road (subject to consultation with Transport for NSW)	Final value subject to further discussions

Item No.	Description	Estimated Value
8.	Upgrades to Stormwater Drainage	Final value subject to further discussions

It is noted that supplementary to the above, in the proponent's Letter of Offer is an item relating to the acquisition of nos. 5 and 11A Elizabeth Street, Campsie to enable vehicular access to the proposed development. While Council acknowledges the proposed roads will enable the community to efficiently access the development, whilst also mitigating traffic impacts along Harp Street and nearby residential streets, this offer is considered to be critical to the operation of the development, rather than a broader community benefit.

Subject to the resolution of Council, a draft Planning Agreement will be progressed by Council subject to agreement being reached on the above public benefit offer items.

Negotiations with the proponent will continue, and an assessment undertaken by Council to prepare a draft Planning Agreement. Through this process, the above items may be amended and/or additional public infrastructure and benefit items may be added. The draft Planning Agreement will be reported to Council post-exhibition.

2.4 Site Specific Development Control Plan

A draft site-specific DCP amendment will be prepared by Council and exhibited. Following exhibition, it will be reported back to Council. The draft DCP amendments will include controls relating to:

- Distribution of height across the site to manage impacts of development
- Setbacks and landscaping requirements, particularly to manage the interface of the site with surrounding residences
- Open space requirements
- Access and servicing requirements
- Other standards to appropriately manage impacts on the surrounding sites and locality.

2.5 Canterbury Bankstown Local Planning Panel

In accordance with the Minister for Planning's *Local Planning Panels Direction* for planning proposals, the Local Planning Panel considered Council's assessment report and planning proposal on 6 November 2023 to provide advice to Council whether the matter should proceed to Gateway. The Panel's recommendations support the progression of the planning proposal to Gateway determination, as provided in Attachment B, are:

Council resolve to proceed to a gateway determination the proposed planning proposal to amend the Canterbury Bankstown LEP 2023 in accordance with the following:

- 1. Council request that the gateway determination must require that the planning proposal be public exhibited.*
- 2. Prior to the planning proposal being publicly exhibited (after the gateway determination) the following documentation be prepared to the satisfaction of the council:*

- a. *a comprehensive and updated transport management and traffic assessment (including the public transport connection to Campsie) for future development and given the proposed hospital and ancillary uses, all assessments need to address the 24 hours, 365 days per year situation and include construction and operation phases of future development,*
 - b. *update the assessment of the extent of flooding on the site (having regard to proposed finished ground levels) and the impacts of this flooding on the proposed development including evacuation procedures assessment of potential increased risk of flooding from the changed climate conditions; the extent of excavation of and impacts on the existing filling on the site; how site stormwater may be affected and controlled and impacts on flood behaviour in relation to adjoining and nearby lands and the wider catchment,*
 - c. *the site contamination documentation be reviewed by a site auditor to:*
 - d. *confirm that the site can be remediated to allow the proposed development including a proposed child care centre, and*
 - e. *assess the potential for any leachate dispersal off the site having regard to the disturbance or removal of any fill and the flooding of the site as assessed in the updated flooding assessment referred to in item (b) above,*
 - f. *in conjunction with (c) above initial geotechnical and civil engineering advice about what works may be required to ensure structural stability of the site and the proposed buildings and whether this would impact on the extent of excavation and how this may impact on any proposed underground parking including the extent of that parking,*
 - g. *evidence of a binding long term agreement to purchase the properties numbers 5 and 11A Elizabeth Street for access, and*
 - h. *Council prepare a site specific DCP Amendment as outlined in Section 4 of the report to the Panel.*
3. *The documents referred to in item 2 above are to be part of the document package available to the public in the post gateway public exhibition process*
 4. *Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.*
 5. *A draft Planning Agreement be prepared subject to the following:*
 - c) *Council undertakes further negotiations with the developer to seek increased public benefits, to confirm the total value of each works and monetary contribution item in the Letter of Offer. This may include further analysis and an independent peer review being undertaken by Council prior to exhibition.*
 - d) *Council engages with NSW Health and Transport for NSW to understand opportunities for pedestrian and cycling connectivity improvements between the site and the Canterbury Public Hospital and require the draft Planning Agreement to progress concept plans at a future date.*
 6. *The exhibition and public notice of the draft planning agreement referred to in item 5 above take place at the same time as (and in association with) the post gateway public exhibition of the planning proposal.*

The Panel agreed with the proposed recommendation to the Council from the Council staff including the provision of the three access points (two along Elizabeth Street and one in Harp Street). In this regard, it was advised that the applicant will need to enter into long term binding purchase option agreements with the owners of numbers 5 and 11A Elizabeth Street before the planning proposal is exhibited.

The Panel noted that the site has been identified by the Council LSPS as part of the Campsie medical precinct and the Panel accepts the statements in the report on the proposal's consistency with the strategic planning framework for the site and surrounding area including acceptance of the conversion of the relatively small area of industrial zoned land.

3. COMMUNITY SUBMISSIONS

Community interest has been expressed in relation to this proposal with sixteen (16) written submissions being received by Council prior to the Local Planning Panel meeting taking place, as well as four speakers present at the meeting. The key issues raised are addressed in Table 4.

It is important to note that formal community engagement and consultation with Government agencies does not occur at this stage in the plan making process. Engagement with the community will occur after a decision by Council to proceed with the application, and a Gateway Determination being issued by DPHI. A detailed response to all submissions received would be included in a post-exhibition report to Council.

The proposal is in its initial steps in the planning process and holds no formal status with additional studies, analyses, and testing to be undertaken before a proposal is available for formal notification (post Gateway). Notwithstanding, and in the interest of full transparency, the following comments have been provided in response to issues that have been raised with the proposal to date.

Table 4. Summary of issues raised in public submissions in response to Local Planning Panel Meeting.

Issue	Council response
Noise impacts due to construction and operation of Private Hospital	<p>A preliminary acoustic report has been submitted by the applicant and reviewed by Council. The preliminary report provides details on potential noise generated by the future operation of a hospital on the site and how these impacts could be managed.</p> <p>The operational impacts relating to noise and other emissions are a detailed design issue resolved at the DA stage. An acoustic and vibration report will be submitted with a future DA which will be exhibited and will detail the required mitigation and management measures.</p>
Structural Impacts	<p>It is unlikely that future development of the subject site will structurally affect residential properties within Clemton Park due to the subject site being a 700 metre walk from Liney Avenue. Standard conditions of consent require appropriate</p>

Issue	Council response
	measures to be undertaken to protect structural integrity of the land and surrounding sites.
Solar access impact on surrounding properties	<p>The planning proposal seeks to introduce a maximum height of 38.5m as well as an increased FSR of 2.1:1. The existing residential properties to the west of the site (Chelmsford Avenue) are single and double storey detached dwellings. In accordance with the approach taken for the planning proposal, the height and consequential solar access impacts are considered appropriate based on the uplift that will occur on land surrounding the site. Properties along Chelmsford Avenue will be impacted by overshadowing between 9am and 11am on June 21 (Winter Solstice) with no impacts to solar access thereafter as a result of the development stepping down to three to six storeys and setback from the rear of the residential boundaries of Chelmsford Avenue and the north-south orientation of the site.</p> <p>Detailed design will be considered at the DA stage including an assessment under Council's DCP controls for solar access.</p>
Decrease in property value	Property values are not a consideration in the assessment of planning proposals under the <i>Environmental Planning and Assessment Act 1979</i> .
Excessive height and density	<p>The proposed FSR of 2.1:1 applies to the Private Hospital and other ancillary uses, in recognition of the significant positive impact that medical and health services will have on the site, Campsie and the Canterbury Bankstown Local Government Area. Furthermore, the distribution of height and FSR across the site has been arranged to appropriately manage the impacts to surrounding sites, ensuring impacts such as overshadowing, privacy and visual bulk is focused away from adjoining residential development.</p> <p>The proposed new LEP clause under Part 6 will include objectives for future hospital development on the site to ensure is compatible with surrounding land uses and site constraints and maintains acceptable solar access to adjoining residential development. The proposed development will also be subject to the Design Excellence Clause within the CBLEP.</p>
Preservation of Local Character	While in close proximity to Clemton Park, the subject site is located within an industrial precinct in Campsie and is zoned IN2 Light Industrial (see Figure 4). Industrial land in the vicinity of Kingsgrove Road, Canterbury Road and Harp Street has been specifically identified for transformation of the extended hospital precinct, inclusive of allied health services – as

Issue	Council response
	<p>highlighted in the Canterbury Bankstown Local Strategic Planning Statement.</p> <p>Further, the subject site and industrial zoned land in its periphery, currently does not have a maximum height limit, allowing potential for the site to be developed at even taller heights. A proposed height limit ensures that the proposed development will be bound by the control.</p>
Lack of supporting public infrastructure	<p>The provision of adequate public transport is within the State Government's jurisdiction however, Council continues to advocate for improvements to transport infrastructure and will work collaboratively with TfNSW to ensure the locality is adequately serviced.</p> <p>The applicant has provided a Letter of Offer which details public domain improvements to be delivered as part of this proposal. These include comprehensive upgrades to the surrounding pedestrian network such as upgrades along Harp Street and improved connectivity to Clemton Part and Canterbury Hospital. Given the proposal is in its early stages, there will be more opportunities to refine this offer. The site is also in the vicinity of a new local hospital and the Campsie Master Plan area which will include extensive infrastructure upgrades.</p>
Inadequate contribution to community facilities	<p>The applicant has submitted a Letter of Offer and is the starting point of negotiations regarding the provisions of community facilities. Once a full draft Planning Agreement has been prepared, it will be exhibited, and the community will have the opportunity to review and provide feedback.</p>
Lack of Community Consultation	<p>Council wrote to all properties within a 500-metre radius of the subject site to advise that the planning proposal was to be considered at the 6 November 2023 Local Planning Panel Meeting. Should the planning proposal be endorsed by Council and subsequently be issued a Gateway determination by DPHI, a more detailed and formal public exhibition will be held for a period of 28 days, where the community will be able to voice their opinions on the planning proposal.</p>
Environmental Impacts: Sustainability, Hazardous Materials, Excavation, Flooding	<p>The applicant has provided Interim Site Audit Advice in relation to the contaminants present on the site and the suitability for the proposed use. The advice notes that specific details of the development are yet to be established, which prevents detailed designs of protection measures, specifically in relation to the management of hazardous gases. The details required to design such measures are too specific for the planning proposal stage, which focuses on the development at a high level. The advice is satisfied design elements can be incorporated into the building design at the development application stage to manage hazardous materials appropriately and effectively.</p>

Issue	Council response
	<p>The advice recommends a Remediation Action Plan, and a development-specific Gas Management Plan is made a requirement for any future development application on the site. This will be mandated through site-specific development controls. Overall, the Interim Site Audit Advice found the site is suitable for the proposed land use subject to appropriate controls and design requirements. The full advice can be found in Attachment F.</p> <p>In relation to flooding, the applicant provided a Flood Impact Assessment and supplementary memo which demonstrates sufficient protection from flooding can be achieved through effective design and grading of the site. Flood mitigation and protection measures have also demonstrated these design requirements and grading will not have a detrimental impact on adjoining properties and the surrounding locality. It is noted that the inclusion of nos. 5 and 11A Elizabeth Street provide access to and from the site should the Harp Street entrance be impacted by flood waters. The Flood Impact memo can be found in Attachment Q.</p>
Car parking impacts and traffic congestion	The development concept make provision for around 700 car spaces on the site. In principle support from TfNSW has been obtained on the traffic management measures, with further analysis to be undertaken as the planning proposal progresses and as part of future DAs.
View loss from private properties	Currently under the CB LEP 2023, 11 Harp Street Campsie has a 1:1 FSR with no maximum height limit. Given the current LEP and DCP controls for development on industrial land, and the topography of the subject site, a feasible and permissible potential industrial development would likely result in view loss. Further, State Significant Development Applications being lodged within the LGA, proposing industrial development – of which would typically involve demolition of existing structures, remediation of the site, and the construction of an industrial facility, with maximum building heights likely to be within a broad range due to there being no maximum building height control.
Residents' financial recompense via developer acquisition of property – to allow additional access to the site.	It has been determined that the most appropriate traffic management approach is to focus access into and out of the site via streets in the industrial area. Opening access to Chelmsford Avenue would generate significant additional traffic and street parking demand along a low-density residential street – which Council considers inappropriate.

4. ASSESSMENT OF KEY ISSUES

Overview

In relation to the proposed amendments to the draft CBLEP, Council's assessment findings detailed below indicate the application has strategic merit as it will:

- Provide a new 200 bed private hospital use on the site that directly aligns with the Council's LSPS intent for an Eastern Lifestyle and Medical Precinct and fills an important gap in health infrastructure where no operating private hospital currently exists in the Canterbury Bankstown LGA. Sydney Local Health District has advised that it supports in principle the development of the site to facilitate a health precinct.
- Contribute 425 operational jobs towards the growth target in the LSPS and South District Plan, specifically knowledge intensive jobs linked to health and medical services, as well as 338 jobs during the construction phase of the development
- Deliver a building envelope that will facilitate a private hospital use and that is compatible with the adjoining residential and industrial zonings, and
- Contribute towards improved pedestrian activity and establishing new cycling connections within the surrounding area.

Health and Community Context

Community Context Review

The Community Context Review prepared by the applicant (Attachment K) found that the suburb of Campsie, like other parts of Sydney, was experiencing economic challenges and that the proposed development may provide opportunities for local residents to access high wage employment and boost skill sets and that it can be expected that the proposal can deliver positive benefits for the Canterbury Bankstown LGA and local community.

In response, Sydney Local Health District advised in July 2023 (Attachment L) that there is support in principle for the development of the site to facilitate a health precinct, noting that the establishment of synergistic health services near Canterbury Hospital aligns with the Campsie Town Centre Master Plan.

Health Context Review

A Health Context Review submitted with the planning proposal noted that establishing an integrated health precinct in Campsie would be of a significant benefit to the community. The report states that the future proposed hospital development on the site and the continued operation of the Canterbury Hospital demonstrates that a balance can be achieved in relation to provision of critical care services, specialised services, and outpatient care. It concludes that the two facilities can provide a well-rounded and interconnected healthcare ecosystem for the local community. (Please refer to Attachment M)

4.1 Consistency with Strategic Planning Framework

4.1.1 Local Strategic Planning Statement

The planning proposal is consistent with Council's LSPS and will make an important contribution towards realising the vision for Campsie to Kingsgrove as an 'Eastern Lifestyle and Medical Precinct'.

One of the central components of this vision is optimising and leveraging the existing medical and support services, retail, and other commercial services along Canterbury Road to create an extended and cohesive medical precinct. Industrial land in the vicinity of Kingsgrove Road, Canterbury Road and Harp Street has been specifically earmarked as a potential location for the transformation of the extended hospital precinct, inclusive of allied health services.

The proposal will facilitate development of a modern health facility that meets the community's health needs and supports specialist knowledge intensive and highly skilled jobs. The redevelopment of the site facilitated by the planning proposal would generate approximately 338 jobs during the construction phase, and 425 FTE jobs in health care services once operational, which contributes over 10% of the total jobs target of 7,500 by 2036.

4.1.2 GCC – Industrial Retain and Manage Policy Review

The Greater Cities Commission's draft Guiding Principles for industrial lands, published in June 2022, were developed following consultation and technical analysis as a part of the Industrial Lands 'Retain and Manage' Policy Review.

The applicant's submission prepared by Urbis dated September 2023 (Attachment E) provides a response to both the draft Guiding Principles of June 2022 and Information Note of March 2023. This is also addressed in the CBLPP Report (Attachment B). In summary, as the site has been specifically earmarked in Council's LSPS for a medical precinct, the proposal is considered to be appropriately located within industrial land.

4.1.3 Employment Lands Strategy

The Canterbury-Bankstown Employment Lands Strategy provides the basis for a planning framework that proactively guides future growth and support the delivery of employment to the LGA. The Employment Lands Strategy was adopted was considered by Council in June 2020, post-exhibition. It is recognised within the Strategy that the direction of Council is to advance the Eastern Lifestyle and Medical Precinct as outlined in the Council's LSPS, as well as the need to support a health and medical precinct around Canterbury Hospital.

The strategic direction for the Clemton Park Centre Precinct, of which the subject site is located, is to retain and manage the precinct. The planning proposal has been assessed in context of the Employment Lands Strategy and can progress as a standalone planning proposal given it will facilitate all proposed uses within the site with no adverse off-site impacts for the surrounding precinct and has demonstrated that there is strategic and site-specific merit to proceed.



Figure 8: The LSPS 'Connective City 2036' plan showing the location of the site in context of the Eastern Lifestyle and Medical Precinct (line shown in red)

4.2 Building Envelope Impacts

Floor Space Ratio

The concept development scheme for the planning proposal has a total GFA of approximately 64,734m² which equates to an FSR of 2.1:1. The application seeks to therefore include this maximum FSR control to limit the floor area permitted on the site for Health Services Facilities uses recognising the specialised nature of hospital uses requiring large, unencumbered floor plates and building envelopes compared to other uses normally permitted in the IN2 Light Industrial zone.

A maximum FSR of 2.1:1 together with the building height of between 16.5 and 38.5m will be supported by site specific DCP controls to guide the transition of height and scale from the proposed development to the existing lower scale and lower density residential development along Chelmsford Avenue, through appropriate setbacks, and providing visual buffers such as landscaping and vegetation. Any future development application must demonstrate how future development on the site does not result in an unreasonable adverse environmental impact on adjoining land.

Solar Access Impacts

The site is oriented in a north-south alignment. The north-south placement of buildings will maximise solar access to the site.

The overshadowing impacts to the residential dwellings along the south-western border of the site and along Chelmsford Avenue will be minimised, as there would only be minimal overshadowing impacts to the rear yards of some of the residential dwellings located on the eastern side of Chelmsford Avenue during the morning at 9am on the Winter Solstice (21 June) and no overshadowing after 11am onwards.

It is proposed that the site specific DCP to be prepared and exhibited by Council will include detailed building controls such as minimum setbacks for all building levels to ensure acceptable solar access is achieved within the site and to adjoining residential properties to the west of the site.

4.3 Site Contamination

The subject site was historically used as a clay and shale quarry for the manufacturing of bricks between 1914 and the early 1980s. By 1982, landfilling operations at the site commenced with indications that the site was used as a non-putrescible waste disposal site from 1985 to 1986 and for putrescible waste landfilling until 1994. It is estimated that the former putrescible landfill underlying the site extends to as much as 31 metres below ground surface.

Given the previous uses, it is indicated that the site is contaminated. The proponent has submitted extensive information to Council regarding the previous use of the site including site investigation reports. Council has reviewed the documentation provided by the applicant and considers that the contamination advice within the expert reports is generally satisfactory, subject to an NSW Environment Protection Authority accredited site auditor be appointed to audit all the reports compiled as part of the contaminated land assessment undertaken to date.

4.4 Flooding

The site is partially impacted by flooding. The flooding of this part of Campsie is concentrated along Cup and Saucer Creek and the streets within 300m to the north and south of the creek which includes Harp Street, Alfred Street and Kingsgrove Road. The land to the south of Harp Street is more significantly impacted than the land to the north side of Harp Street due to the topography of the area.

The vehicle access driveway to the site from Harp Street and the central area of the site is affected by 1 in 100 year flood mapping. The proposed vehicle and pedestrian access points to the site from 5 and 11A Elizabeth Street are not impacted by 1 in 100 year flooding incidents and therefore will remain safe routes a 1 in 100 year flood event.

As the site is not within a substantial overland flow path, level changes to the site as a result of earthworks and redevelopment are unlikely to affect neighbouring or downstream properties and can be managed through local infrastructure and on site detention provisions. Such details would be confirmed as part of the preparation of the site specific DCP.

As part of the preparation of the site specific DCP, Council recommends a number of requirements to be addressed by the applicant prior to exhibition. These include a Flood Impact and Risk Assessment (FIRA) and a Site Stormwater Strategy. More detailed information in relation to flooding can be found in Attachments A and Q.

4.5 Traffic Generation, Vehicle Access and Parking

The applicant's initial development scheme included a total of five levels of basement car parking with a total of approximately 600 car parking spaces. All vehicle access to the site would be via 11 Harp Street, and Nos. 5 and 11A Elizabeth Street, Campsie.

TfNSW's comments confirm that the above matters would be required for TfNSW's consideration as part of any post Gateway lodgment of the planning proposal in addition to the written comments received in March 2022 (Attachment R). It is noted that further to the above, Council's Traffic Engineers provided feedback on the initial development scheme, outlining the proposal was generally acceptable subject to the below matters be addressed in an updated Traffic Impact Assessment:

- Pedestrian and Bicycle Access;
- Traffic Volumes & Intersection analysis - Discrepancies in the traffic volumes;
- Access Arrangement;
- Internal on-street parking;
- Off-Street Car Parking or Trip Generation;
- Deliveries; and
- Traffic Impact Assessment.

Based on the feedback of TfNSW and the comments from Council's Traffic Engineers it is Council's recommendation that the applicant will submit a revised Traffic Impact Assessment prior to exhibition of the planning proposal that addresses the matters raised by TfNSW and Council. The applicant's preliminary response to these matters is contained at Attachment U.

4.6 Public Benefit Offer

Council has received a draft Letter of Offer from the applicant that details the public benefits and infrastructure that would be delivered as part of the LEP amendment for the site. The items within the draft Letter of Offer (refer to Table 3) have been informed by Council's assessment of the demands placed on the surrounding infrastructure by the site once fully developed as an operating private hospital with 200 beds, 100 Medi Hotel rooms, and up to 425 operational staff.

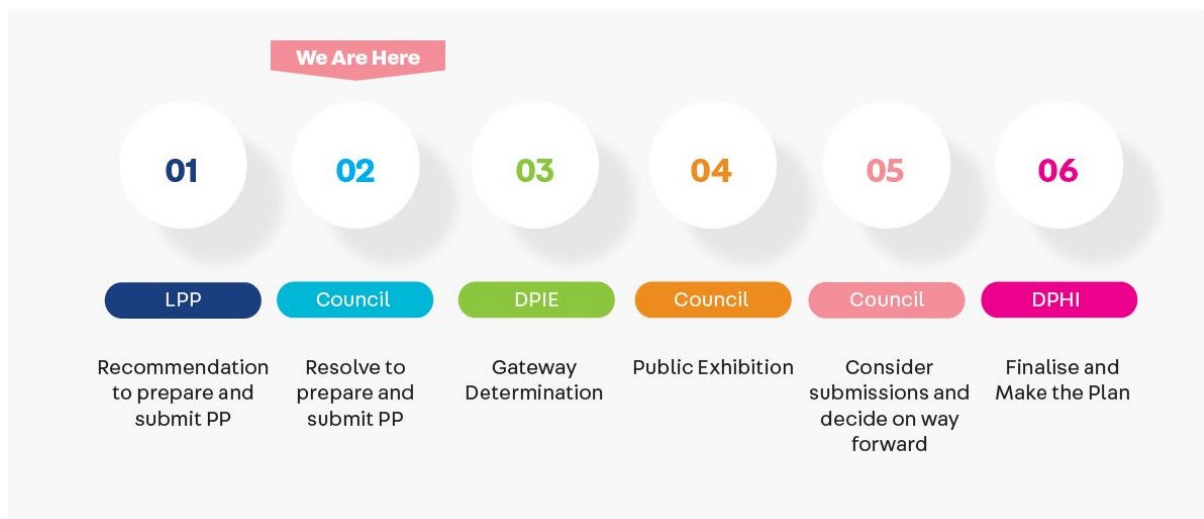
Council has reviewed the offer and it is considered some items have been undervalued and some items are infrastructure that is required to be delivered in order for the site to be redevelopment and may not provide a broader public benefit. Should Council resolve to proceed with this planning proposal to a Gateway determination, further negotiations will occur between Council and the applicant to ensure items to be delivered provides a reasonable public benefit.

Council may engage an independent consultant to review and evaluate the proponent's offer and provide advice that will assist with costing the total value of the proponent's offer and assist with and/or facilitate Council's negotiations with the proponent to prepare a draft Planning Agreement for exhibition.

5. OTHER CONSIDERATIONS

Council has assessed this planning proposal against the justification matters outlined in the Department's LEP Making Guideline. The purpose of the planning proposal is to demonstrate whether there is justification for a proposal to proceed to Gateway based on consistency with the relevant state environmental planning policies and Ministerial Directions. Council's assessment finds that the proposal presents both strategic and site-specific merit and identifies the need for further information to be provided prior to and post Gateway, should Council decide to progress this planning proposal.

6. NEXT STEPS



CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 FEBRUARY 2024

ITEM 5.2 **PLANNING PROPOSAL FOR 81-95 BORONIA ROAD, GREENACRE (RZ-1/2021)**
(653) **CLR. ASFOUR:/CLR. ZAKHIA**

RESOLVED that

1. Council endorses the advice of the Canterbury Bankstown Local Planning Panel that the planning proposal does not proceed to a Gateway determination.
2. Council writes to the applicant advising it does not support the planning proposal and that it will not proceed to a Gateway determination.
3. Council informs all persons who made a submission to the proposal when it was considered by the Local Planning Panel.

- CARRIED

For:- Clrs Abouraad, Akter, Asfour, Cahill, Coorey, Downey, El-Hayek, Harika, Ishac, Saleh OAM, Nguyen, Raffan, Walsh and Zakhia

Against:- Nil

ITEM 5.3 **PLANNING PROPOSAL FOR 11 HARP STREET, CAMPSIE (RZ-3/2019)**
(654) **CLR. ASFOUR:/CLR. CAHILL**

RESOLVED that Council resolves to proceed with the planning proposal to amend the Canterbury Bankstown Local Environmental Plan 2023 and seek a Gateway determination in accordance with the following:

1. Prior to the planning proposal being publicly exhibited (after the Gateway determination) the following documentation be prepared to the satisfaction of the council:
 - a) a comprehensive and updated transport management and traffic assessment (including the public transport connection to Campsie) for future development and given the proposed hospital and ancillary uses, all assessments need to address the 24 hours, 365 days per year situation and include construction and operation phases of future development,
 - b) update the assessment of the extent of flooding on the site (having regard to proposed finished ground levels) and the impacts of this flooding on the proposed development including evacuation procedures assessment of potential increased risk of flooding from the changed climate conditions;

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 FEBRUARY 2024

the extent of excavation of and impacts on the existing filling on the site; how site stormwater may be affected and controlled and impacts on flood behaviour in relation to adjoining and nearby lands and the wider catchment,

- c) the site contamination documentation be reviewed by a site auditor to:
 - (i) confirm that the site can be remediated to allow the proposed development including a proposed child care centre, and
 - (ii) assess the potential for any leachate dispersal off the site having regard to the disturbance or removal of any fill and the flooding of the site as assessed in the updated flooding assessment referred to in item (b) above,
- d) in conjunction with (c) above initial geotechnical and civil engineering advice about what works may be required to ensure structural stability of the site and the proposed buildings and whether this would impact on the extent of excavation and how this may impact on any proposed underground parking including the extent of that parking, and
- e) Council prepare a site specific DCP Amendment as outlined in Section 4 of the report to the Panel.

2. The documents referred to in item 1 above are to be part of the document package available to the public in the post gateway public exhibition process.

3. Council prepare and exhibit a site specific DCP Amendment as outlined in this report.

4. Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.

5. A draft Planning Agreement be prepared subject and exhibited to the following:

- a) Council undertakes further negotiations with the developer to seek increased public benefits, to confirm the total value of each works and monetary contribution item in the Letter of Offer. This may include further analysis and an independent peer review being undertaken by Council prior to exhibition.
- b) Council engages with NSW Health and Transport for NSW to understand opportunities for pedestrian and cycling connectivity improvements between the site and the Canterbury Public Hospital and require the draft Planning Agreement to progress concept plans at a future date.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 FEBRUARY 2024

6. Subject to the issue of a Gateway Determination, Council exhibit the Planning Proposal, draft site specific DCP amendment and draft Planning Agreement and the matter be reported to Council following the exhibition.
7. Prior to the planning proposal being publicly exhibited, Council be provided with evidence of a binding long-term agreement to purchase the properties at numbers 5 and 11A Elizabeth Street for access (subject to commercial in confidence).
- CARRIED**

For:- Cllrs Abouraad, Akter, Asfour, Cahill, Coorey, Downey, El-Hayek, Harika, Ishac, Saleh OAM, Nguyen, Walsh and Zakhia

Against:- Cllr Raffan

ITEM 5.4 COUNCIL'S SUBMISSION TO THE NSW GOVERNMENT'S HOUSING POLICY CHANGES

In respect to Item 5.4 – Council's Submission to the NSW Government's Housing Policy Changes, Cllr Raffan declared a pecuniary interest given that her primary place of residence being within the areas proposed for the reforms however, given its significant impact across the LGA, she has prior to the meeting submitted a Special Disclosure form, in accordance with the Code of Conduct, and as such she would remain in the chamber and vote on the matter in accordance with the Code of Conduct.

In respect to Item 5.4 – Council's Submission to the NSW Government's Housing Policy Changes, Cllr Saleh declared a significant non-pecuniary interest given that a number of persons close to him own property affected by the proposed reforms, and as such he would vacate the chamber taking no part in debate or the discussion in the matter.

In respect to Item 5.4 - Council's Submission to the NSW Government's Housing Policy Changes, Cllr Coorey declared a pecuniary interest given that she owns investment properties which is affected by the proposed reforms, and as such she would vacate the chamber taking no part in debate or the discussion in the matter.

In respect to Item 5.4 – Council's Submission to the NSW Government's Housing Policy Changes, Cllr Akter declared a pecuniary interest given that her primary place of residence being within the areas proposed for the reforms however, given its significant impact across the LGA, she has prior to the meeting submitted a Special Disclosure form, in accordance with the Code of Conduct, and as such she would