



AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

6 November 2023 – 6.00pm

**Location: Council Chambers
Cnr Chapel Road and The Mall
Bankstown**

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

DARANI / BANKSTOWN WARD

1 80 & 80A North Terrace, Bankstown

Subdivision to allow road closure of Terrace Lane under Roads Act,
1993 and creation of one (1) new lot 3

BUNYA / REVESBY WARD

2 Unit 1, 2 Louie Street, Padstow

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Canterbury Bankstown Local Planning Panel - 06 November 2023

ITEM 1	80 & 80A North Terrace, Bankstown
	Subdivision to allow road closure of Terrace Lane under Roads Act, 1993 and creation of one (1) new lot
FILE	DA-228/2023 – Darani / Bankstown
ZONING	B4 Mixed Use
DATE OF LODGEMENT	22 March 2023
APPLICANT	City of Canterbury Bankstown
OWNERS	City of Canterbury Bankstown
ESTIMATED VALUE	0.00
AUTHOR	Jeremy Swan – Independent Assessment Officer

SUMMARY REPORT

This matter is reported to the Canterbury-Bankstown Local Planning Panel as required under Schedule 2 of the Local Planning Panels Direction as the applicant and land owner is City of Canterbury Bankstown.

Development Application No. DA-228/2023 proposes subdivision to allow Road Closure of Terrace Lane under the Roads Act, 1993 and creation of one (1) new lot. The application does not propose to erect any new structures.

The proposal has been assessed against the Roads Act 1993 and the matters for consideration contained in Section 4.15 of the Environmental Planning and Assessment Act 1979, which include being assessed against the relevant provisions of the following:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Bankstown Local Environmental Plan 2015; and
- Canterbury-Bankstown Development Control Plan 2015.

It is noted that the Canterbury Bankstown Local Environmental Plan (CBLEP) had not commenced at the time of lodgement. In accordance with Section 1.8 of the CBLEP, saving provisions apply as this development application was made prior to the commencement of the plan. An assessment is undertaken against the Draft CBLEP as it was publicly exhibited and adopted by the Canterbury Bankstown Local Planning Panel on 30 June 2020.

An assessment is also undertaken against the Canterbury-Bankstown Development Control Plan 2023 (CBDPCP) which came into effect on 23 June 2023. It is noted that the savings provisions do not apply to the CBDPCP.

The application was notified for a period of 14 days between 24 March 2023 and 6 April 2023. No objections were received during this period.

The application has been referred to internal/external departments including Council Development Engineers, traffic team, Sydney Trains and Crown Lands. No objections were raised subject to imposition of recommended conditions attached to this report.

POLICY IMPACT

The matter being reported has no direct policy implications

FINANCIAL IMPACT

The matter being reported has no direct financial implications

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

ATTACHMENTS

- A. Assessment Report
- B. Conditions of Consent

DA-228/2023 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site comprises a road reserve located south of 80 - 80A North Terrace, Bankstown and north of Bankstown Railway Station. The road reserve is an irregular shape with a total area of approximately 571.1m².

The existing structures on the site include the following:

- Part of a single storey community facility;
- Stone retaining wall; and
- Access facilities for Bankstown Station including paving, ramps, stairs and a landing.

Whilst the lane is dedicated as a road reserve, the subject site has been utilised for an extended period as landscaped area and pedestrian access servicing Bankstown Station and adjoining commercial tenancies. The site also contains part of a single-storey community facility. The entire site is zoned B4 Mixed Use pursuant to the Bankstown Local Environmental Plan 2015 and spans across two precincts being the Bankstown City Plaza and Northern CBD.

Surrounding development generally comprise of commercial land uses along North Terrace. To the rear of the site is Bankstown Train Station.



Figure 1: Aerial of subject site in blue. Source: Near Maps 2023

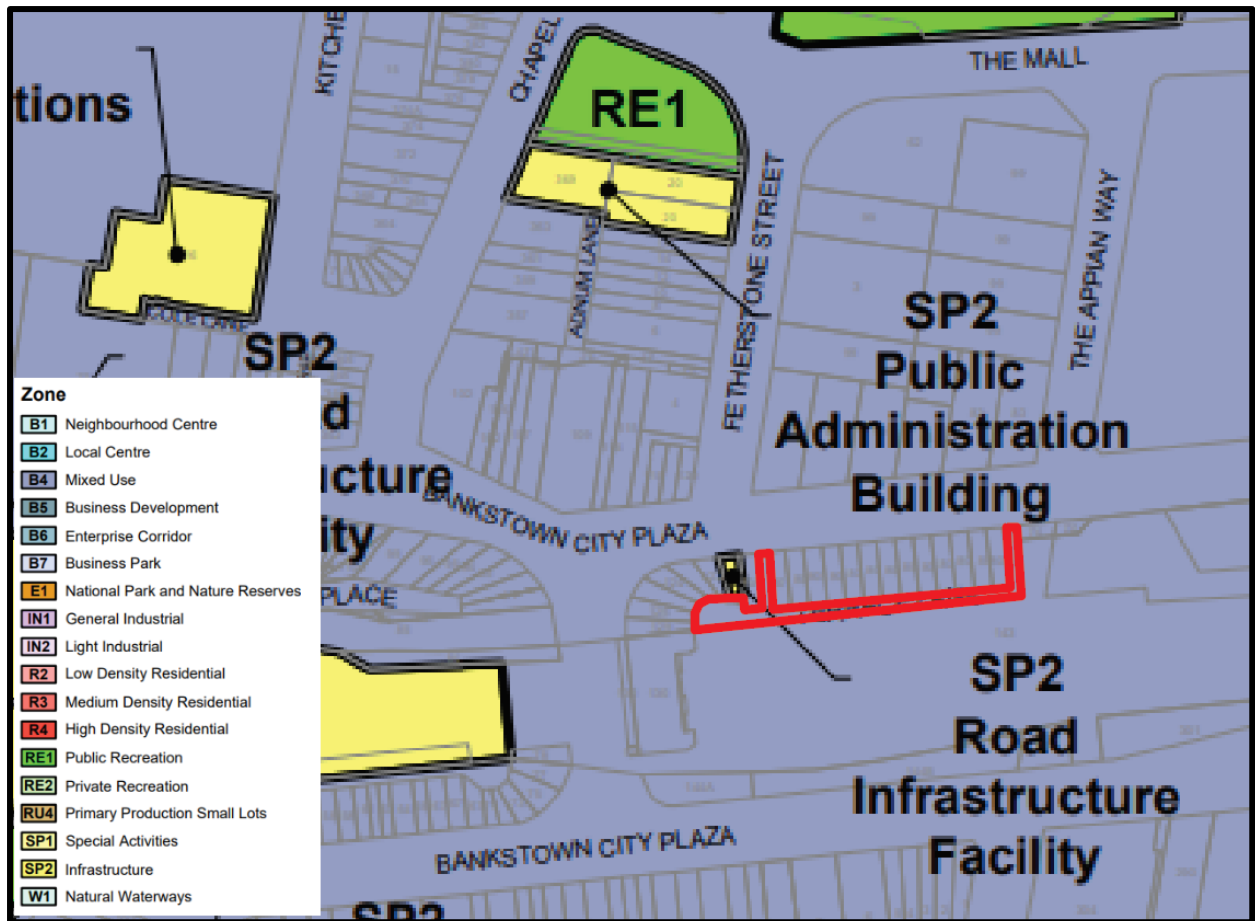


Figure 2: Zoning Map Excerpt BLEP 2015.



Figure 3: View from North Terrace. Source: Google Maps.

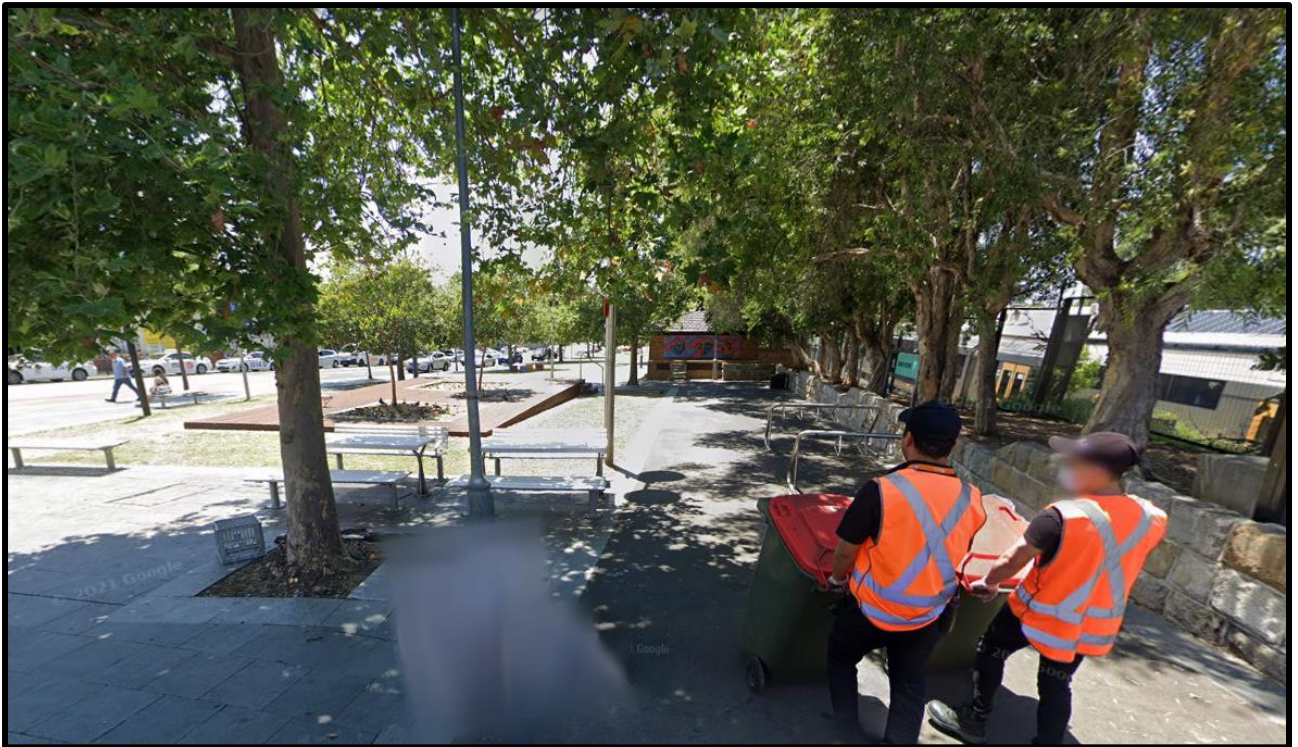


Figure 4: View south east from the Bankstown Station entrance. Source: Google Maps.



Figure 5: View towards Bankstown Station entrance. Source: Google Maps.

BACKGROUND

On 22 March 2023 the subject Development Application (DA) for the road reserve adjoining 80 - 80A North Terrace, Bankstown (DA-228/2023) was lodged proposing subdivision to allow Road Closure of Terrace Lane under the Roads Act, 1993 and creation of one (1) new lot. The application does not propose to erect any new structures.

An initial assessment was undertaken on 23 May 2023. A request for additional information letter (RFI) was issued to the Applicant outlining matters that needed to be addressed. The requested information was to be submitted to Council by 6 June 2023. A summary of the matters raised is provided below:

We are of the opinion that the incorrect pathway has been undertaken. Specifically, a separate application is required with consultation with Councils Property Team. If the application has merit and is supported by Council's internal stakeholders, staff will generally undertake a road status search, construction investigation and public notification in accordance with the Roads Act 1993. A report is then submitted to Council for consideration of the proposed road closure.

Council staff will advise the applicant in principle approval of the road closure and will authorise the survey plan with conditions. The applicants shall then lodge the survey plan and documentation (easements, covenants or restrictions to use and Form CL 45-36) with NSW Land Registry Services, identifying the road closure. Upon registration of the plan, Council completes the formal closure of the road by way of a gazette and completion of Request form 11R for lodgement with the NSW Land Registry Services.

An extension was requested by the applicant to provide additional information by 16 June 2023 which was subsequently granted.

Additional information was received from Council Property Services Specialist on 8 June 2023. A summary of the applicant's response is provided below:

- The DA for 80 Terrace Lane was submitted to allow Council the opportunity to approve the proposed survey created for the closure of the road. The survey plan cannot be submitted to Land Registry Services without the approval from the delegated Council officer.*
- In order to submit the plan it needs to be signed by the delegated officer (just like any subdivision plan).*
- In order for this to take place (although not legislation) Council's internal process requires a DA and will provide 'conditions of consent' which will lead to a subdivision certificate and signatures on the relevant documents.*
- In conclusion, in order for me to proceed with this Road Closure I need DA approval and signatures on the survey plans and administration sheet. Only after I have these signatures can I submit these to LRS.*

The applicant has requested that the DA be progressed to determination by the Local Planning Panel in order to obtain relevant conditions of consent, a subdivision certificate and relevant signatures. Council is of the opinion that only then can plans, and other relevant forms be lodged to the Land Registry Service (LRS).

On 8 September 2023, an RFI was issued to the Applicant requesting further clarification on the internal processes undertaken regarding notification of proposal. Specifically, Clause 38B of the Roads Act 1993 requires the following:

- (1) A council that is proposing to close a council public road must cause notice of the proposal—*
 - (a) to be published in a local newspaper, and*
 - (b) to be given to—*
 - i. all owners of land adjoining the road, and*
 - ii. all notifiable authorities, and*
 - iii. any other person (or class of person) prescribed by the regulations.*
- (2) The notice—*
 - (a) must identify the road that is proposed to be closed, and*
 - (b) must state that any person is entitled to make submissions to the council with respect to the closing of the road, and*
 - (c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.*

On 12 September 2023, the applicant subsequently advised that all steps relating to Clause 38B of the Roads Act 1993 have been undertaken. Specifically, the applicant provided example letters that were issued to owners of adjoining properties and the department of Crown Lands as a notifiable authority. Furthermore, the applicant advised that the proposal was published in a local newspaper with an example of the notice provided.

It is satisfied that the notification process prescribed under Clause 38B of the Roads Act 1993 has been undertaken separately by the applicant and this application only seeks consent for the subdivision component of the wider road closure.

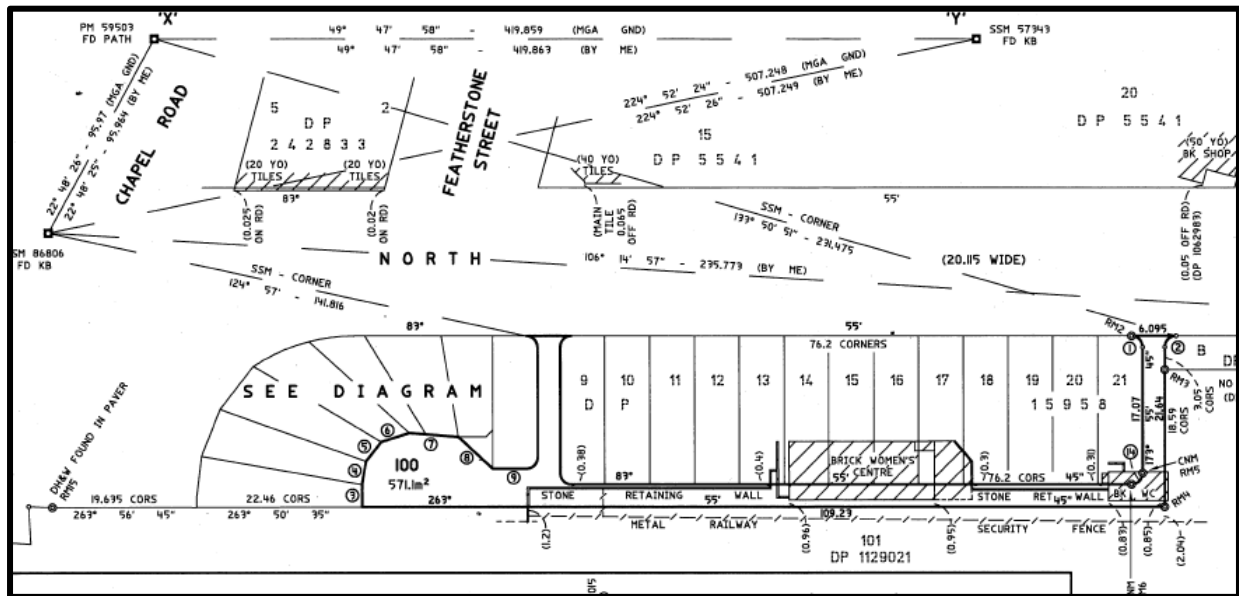
Based on the information provided and the lack of impacts arising from the proposed road closure, it is recommended that the application be approved subject to the attached conditions.

PROPOSED DEVELOPMENT

The DA proposes subdivision to allow Road Closure of Terrace Lane under the Roads Act, 1993 and creation of one (1) new lot.

This DA was progressed to allow Council the opportunity to approve the proposed subdivision plan created for road closure. Once conditions of consent, subdivision certificate and relevant signatures are obtained, the Council will then progress with lodgment to the LRS to register the plan.

Proposed lot 100 is intended to have a total site area of 571.1m².



STATUTORY CONSIDERATIONS

When determining this application, the relevant matters listed in the Roads Act 1993 and Section 4.15 of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Bankstown Local Environmental Plan 2015 (BLEP2015); and
- Canterbury-Bankstown Development Control Plan 2015.

Roads Act Assessment

Roads Act 1993

The *Roads Act 1993* is the key legislation that establishes the procedures for the opening and closing of a public road within the state of New South Wales.

The following table provides an assessment of the development application against the applicable controls contained in the Roads Act 1993.

Roads Act 1993			
Standard	Requirement	Comment	Complies (Y/N)
Part 4 Closing of Public Road			
Division 3 Closing of council public roads by council			
Section 38A When council may close council public road	A council may propose the closure of a council public road for which it is the roads authority if—		
	(a) The road is not reasonably required as a road for public use (whether for present or future needs), and	Whilst the lane is dedicated as a road reserve, the subject site has been utilised for the purpose of landscaped area and pedestrian access servicing Bankstown Station and adjoining commercial tenancies for an extended period. It is satisfied that the road is not reasonably required as a road for public use.	Yes
	(b) the road is not required to provide continuity for an existing road network, and	The road is not required to provide continuity for an existing road network.	Yes
	(c) if the road provides a means of vehicular access to particular land, another public road provides lawful and reasonably practicable vehicular access to that land.	The road reserve does not provide vehicular access to particular land. It is noted that the road is currently used for the purpose of landscaped area, pedestrian access and contains part of a single storey community facility;.	Yes
Section 38B Notification of proposal to close council public road	(1) A council that is proposing to close a council public road must cause notice of the proposal—		
	(a) to be published in a local newspaper, and	Separately from this development application, the applicant has advertised the proposed road closure within a newspaper article. An example of the advertisement has been provided as a part of this application.	Yes
	(b) to be given to—		
	(i) all owners of land adjoining the road, and	Separately from this development application, the applicant has given notice to all owners of adjoining properties and example letters have been provided.	Yes
	(ii) all notifiable authorities, and	Separately from this development application, all	Yes

Roads Act 1993			
Standard	Requirement	Comment	Complies (Y/N)
Part 4 Closing of Public Road			
	(iii) any other person (or class of person) prescribed by the regulations.	<p>notifiable authorities have been notified. Separately from this development application, all other persons prescribed in the regulations have been notified separately by the applicant.</p> <p>It is satisfied that the notification process prescribed under Clause 38B of the Roads Act 1993 has been undertaken separately by the applicant and this application only seeks consent for the subdivision component of the wider road closure.</p>	Yes
	(2) The notice -		
	(a) must identify the road that is proposed to be closed, and	The plans notified identify the road that is proposed to be closed.	Yes
	(b) must state that any person is entitled to make submissions to the council with respect to the closing of the road, and	The notice provided details that 'Council intends to retain the land for community purposes'.	Yes
	(c) must indicate the manner in which, and the period (being at least 28 days) within which, any such submission should be made.	The notice included the manner in which, and the period (being at least 28 days) within which, any submission should be made.	Yes
Section 38C Public submissions and formal objections	(1) Any person may make submissions to the council with respect to the closing of the road in the manner and within the period specified in the notice published under section 38B.	Noted. No submissions were received during this period.	Yes
	(2) Without limiting subsection (1), a notifiable authority in relation to the road may include a statement in the authority's submission to the effect that the authority formally objects to the closing of the road. The authority may withdraw the objection any	Based on information provided, a notifiable authority did not formally object to the closing of the road.	Yes

Roads Act 1993			
Standard	Requirement	Comment	Complies (Y/N)
Part 4 Closing of Public Road			
	time by written notice given to the council.		
	(3) The council may appeal to the Land and Environment Court against a formal objection made by a notifiable authority against the closing of the road.	As above	N/A
	(4) On any such appeal, the Land and Environment Court may— (a) affirm the objection, or (b) set aside the objection.	As above	N/A
	(5) In deciding whether to affirm or set aside the objection, the Land and Environment Court must have regard to the public interest.	As above	N/A
Section 38D Decision of proposal	(1) After considering any submissions that have been duly made with respect to the proposal, the council may, by notice published in the Gazette, close the public road concerned.	No objections were received during this period. If consent is granted by the Local Planning Panel, Council will progress with lodgment to the LRS to register the plan and by notice published in the Gazette, close the public road concerned.	Yes
Section 38E Effect of notice of closure	(1) On publication of the notice closing the council public road concerned— (a) the road ceases to be a public road, and (b) the rights of passage and access that previously existed in relation to the road are extinguished.	Noted.	Yes
	(2) The land comprising a former road— (a) in the case of a public road that was previously vested in a council (other than a public road in respect of which no construction has ever taken place)—remains vested in the council, and	Noted. The road reserve will remain vested in the council.	Yes

Roads Act 1993			
Standard	Requirement	Comment	Complies (Y/N)
Part 4 Closing of Public Road			
	(b) in any other case— becomes (or, if previously vested in the Crown, remains) vested in the Crown as Crown land.		
Section 38F Appeals to Land and Environment Court against decision	(1) A person referred to in section 38B (1) (b) may appeal to the Land and Environment Court against the closure of a council public road by a council.	Noted.	Yes
Division 6 Miscellaneous			
Section 43 Disposal of land comprising former public road owned by council	(1) This section applies to land vested in a council and forming part of a former public road.	Noted. This section applies to the proposed development.	Yes
	(2) Land to which this section applies is operational land for the purposes of the Local Government Act 1993 unless, before the land becomes vested in the council, the council resolves that it is to be community land, in which case the land is community land.	The applicant details that 'Council intends to retain the land for community purposes'.	Yes
	(3) If the land is disposed of by sale, the proceeds of sale (less the costs of the sale) are to be paid to the council.	The land is not proposed to be disposed of by sale.	Yes
	(4) Money received by a council from the proceeds of sale of the land is not to be used by the council except for acquiring land for public roads or for carrying out road work on public roads.	As above.	Yes

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy (Resilience and Hazards) 2021

This State Environmental Planning Policy aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other

aspect of the environment. The SEPP states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

A review of the history of the site shows that the subject site has been used for the purpose of landscaped area and pedestrian access for an extended period. The site also contains part of a single storey community facility. Given the application does not propose any works and retains the current use of the site, the site is considered to be consistent with State Environmental Planning Policy (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The SEPP aims to facilitate the effective delivery of infrastructure across New South Wales. The subject site has is directly adjacent to the rail corridor and therefore the SEPP applies to the subject site and proposed development.

Sydney Trains

The proposed development involves development within 5m of an exposed overhead electricity power line. In accordance with section 2.98 of SEPP (Transport and Infrastructure) 2021, a referral to the rail authority for the rail corridor is required. The relevant authority is Sydney Trains.

Sydney Trains have been notified as part of the development application and raised no objections.

The proposed development is consistent with the provisions of SEPP (Transport and Infrastructure) 2021.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

The site is located within the catchment area of the Georges River and is subject to Chapter 6 of the Biodiversity and Conservation SEPP 2021.

The proposal does not propose any physical works and will impact on existing means of Stormwater disposal. Therefore, it is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the aims, objectives and controls specified in the Biodiversity and Conservation SEPP 2021.

Bankstown Local Environmental Plan 2015

The following table sets out the development standards and provisions of the Bankstown Local Environmental Plan (BLEP) 2015 that were taken into consideration in the assessment of the development application.

BLEP 2015		
Clause	Requirement/Provision	Comment
1.2 Aims of Plan	This Plan aims to make local environmental planning provisions for land in Bankstown in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.	The proposal has been assessed as being consistent with all relevant aims of the BLEP 2012.
2.2 Zoning of land to which Plan applies	For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.	The zoning of the land is specified within the land zoning map as B4 Mixed Use.
2.3 Zone objectives and Land Use Table	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone	The proposal has been assessed as being consistent with the objectives of the zone. Subdivision for the purpose of road closure is permitted with consent.
2.6 Subdivision – consent requirements	Land to which this Plan applies may be subdivided, but only with development consent.	Subdivision is proposed under this application.
4.1 Minimum Lot Size	The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.	The site is not subject to a minimum lot size.
5.10 Heritage conservation	To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,	The development adjoins item I3 being Bankstown Railway Station building and platform as identified in the Bankstown LEP 2015. The proposed development relates to a road closure where no physical works are proposed. It is satisfied that the proposed development will not impact or detract from the heritage significance of the item.
6.2 – Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Earthworks are not proposed.

An assessment of the Development Application revealed that the proposal complies with the matters raised in each of the above clauses of BLEP 2015.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

Canterbury Bankstown Local Environmental Plan 2023

The Canterbury Bankstown Local Environmental Plan (CBLEP) 2023 had not commencement at the time of lodgement. In accordance with Section 1.8 of the CBLEP, saving provisions apply as this development application was made prior to the commencement of the plan.

Prior to the lodgement of the development application, the Draft CBLEP 2020 was publicly exhibited and adopted by the Canterbury Bankstown Local Planning Panel on 30 June 2020. While the draft instrument proposed the introduction of some additional provisions, in the most part, the Draft CBLEP 2020 provided for an administrative conversion of both the BLEP 2015 and CLEP 2012 into a combined document under the Standard Instrument LEP template.

With respect to the proposed development, the proposal is considered to be consistent with the aims and provisions of the draft instrument.

Development control plans [section 4.15(1)(a)(iii)]

Canterbury Bankstown Development Control Plan 2023

An assessment is undertaken against the Canterbury-Bankstown Development Control Plan 2023 (CBDCP) which came into effect on 23 June 2023. It is noted that the savings provisions do not apply to the CBDCP.

The proposed development relates only to subdivision to allow Road Closure of Terrace Lane under the Roads Act, 1993 and creation of one (1) new lot. No building or structures are proposed to be constructed under this development application. The following table provides a summary of the development application against the applicable controls contained in CBDCP 2023

Canterbury-Bankstown Development Control Plan 2023			
STANDARD	REQUIRED	Proposed	Y/N
Part B General Controls			
Chapter 3 General Requirements			
3.1 Development Engineering Standards			
Section 2 – Civil Engineering Requirements			
Vehicular footway crossing design and construction	2.1 Development requiring vehicular access across the Council footpath area must provide a vehicular footway crossing (VFC) with maximum and minimum widths in accordance with the following table.	Alterations are not proposed to the existing means of access.	Yes
Section 3 – Stormwater Drainage Systems			
Disposal of stormwater runoff	3.2 Site stormwater drainage systems should be designed to flow under gravity, and be connected to Council's stormwater drainage system at the nearest suitable location or CDL benefiting the site. Site drainage design should follow the natural fall of the catchment to a pipeline connection point that has been designed for the runoff.	Alterations are not proposed to the existing means of stormwater drainage.	Yes
3.5 Subdivision			
Section 2 – Battle-axe lots			
Lot dimensions and access handles	2.1 Council may allow the subdivision of land to create not more than four battle-axe lots provided that: (a) the area of each lot, exclusive of any access corridor, is not less than 450m ² ; and (b) each lot contains a rectangle with sides of 10m and 15m behind the setbacks of the proposed building.	It is noted that the lot is considered to be with a battle axe arrangement with access to the street provided of 2 access handles. The site is used for the purpose of landscaped area, pedestrian access and contains part of a single storey community facility. No physical works are proposed, and the existing subdivision layout is retained. A variation to this section is considered acceptable noting development is not proposed within the site.	Considered acceptable
	2.2 Where the subdivision of land is creating: (a) a single battle-axe lot, the minimum width of an access handle is 3.5m; or (b) two or more battle-axe lots, the minimum width of an access handle is	Alterations are not proposed to the existing means of access.	Yes

Canterbury-Bankstown Development Control Plan 2023			
STANDARD	REQUIRED	Proposed	Y/N
Part B General Controls			
	3.5m plus a passing bay at 30m intervals.		
	2.3 Vehicle access to battle-axe lots must be provided via access handles and not rights-of way.	Alterations are not proposed to existing means of access.	Yes
	2.4 The access handle must be constructed in concrete, be unobtrusive in colour and be designed to enable vehicles to enter and leave the site in a forward direction	Vehicle access is not proposed under this application.	Yes
Chapter 4 Heritage			
4.4 Development in the Vicinity of Places of Heritage Significance			
Section 1 – Development in the Vicinity of Places of Heritage Significance	<p>The design of development must:</p> <ul style="list-style-type: none"> (a) respond to the setting, setbacks, form, scale and style of nearby places of heritage significance; (b) maintain significant views to and from the place of heritage significance; (c) ensure adequate setbacks from the site of the place of heritage significance to retain its visual setting; (d) retain original or significant landscape features that are associated with the place of heritage significance or that contribute to its setting; (e) use materials, finishes and colours selected to avoid strong contrast with the place of heritage significance in order to retain its visual importance or significance. 	The development adjoins item I3 being Bankstown Railway Station building and platform as identified in the Bankstown LEP 2015. The proposed development relates to road closure where no physical works are proposed. It is satisfied that the proposed development will not impact or detract from the heritage significance of the item.	Yes
Chapter 6 Strategic Centres			
6.2 Bankstown City Centre			
Section 2 Desired Character			
C1 Northern CBD Core	Part of the site is located within the Northern CBD Core locality. The proposed development is considered to be consistent with the desired character of the precinct in that the proposed road closure will not impact existing pedestrian movements or access to and from the station. This is a key consideration within the DCP which aims to establish future character that strengthens amenity and connectivity for pedestrians.		Yes

Canterbury-Bankstown Development Control Plan 2023			
STANDARD	REQUIRED	Proposed	Y/N
Part B General Controls			
	Furthermore, the proposed development will not impact on the overall mix of retail and commercial activities, street alignment, or building within the precinct.		
C3 Bankstown City Plaza	Part of the site is located within the Bankstown City Plaza locality. The proposed road closure will not impact on the desired future character of the area which seeks to retain the low-density shopping strip, renowned for the consistent two storey street wall and Art Deco buildings.		Yes

Planning agreements [section 4.15(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 4.15(1)(a)(iv)]

The proposed development is consistent with the relevant provisions of the Environmental Planning and Assessment Regulation 2021.

The likely impacts of the development [section 4.15(1)(b)]

The proposed development is not considered likely to result in any significant environmental, social or economic impacts on the locality. As detailed in this report, the development generally complies with the applicable requirements and in review is considered worthy of support. As such, it is considered that the impact of the proposed development on the locality will be acceptable.

Suitability of the site [section 4.15(1)(c)]

The site is considered suitable for the proposed development. There are no constraints, hazards or risks that would prevent the development from proceeding subject to the recommended conditions.

Submissions [section 4.15(1)(d)]

The application was notified for a period of 14 days between 24 March 2023 and 6 April 2023. No objections were received during both periods.

Based on the information provided, all notification requirements prescribed within the Road Act have been undertaken by the application. No objections were received from adjoining land owners and notifiable authorities.

The public interest [section 4.15(1)(e)]

Approval of the proposed development is not considered to contravene the public interest as it does not result in any adverse impacts on adjoining properties in terms

of pedestrian and vehicular access and the like. Additionally, the proposed road closure will maintain the existing community use of the site.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of the *Roads Act 1993*, Section 4.15 of the *Environmental Planning and Assessment Act 1979*, *Bankstown Local Environmental Plan 2015* and *Canterbury-Bankstown Development Control Plan 2015*.

It is considered that the conditions placed on the determination notice ensure that an acceptable form of development is permitted and that impacts of adjoining properties can be appropriately mitigated and where necessary managed.

RECOMMENDATION

It is recommended that the application be approved subject to the attached conditions.

SCHEDULE 1 – CONDITIONS

These consent conditions have been imposed after taking into account the matters for consideration in determining a development application pursuant to s4.15 and in accordance with s4.17 of the Environmental Planning & Assessment Act 1979.

1. Approved Development.

- 1.1 Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No.	Plan Name	Issue	Prepared By
12806-3	Plan of Terrace Lane for Road Closure – Sheet 1	May 2022	Geometra Consulting Pty Ltd
12806-3	Plan of Terrace Lane for Road Closure – Sheet 2	May 2022	
-	Statement of Environmental Effects	March 2023	Geometra Consulting Pty Ltd

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

- 1.2 No approval is granted for any physical construction works or any change in the way the site is currently used.

2. Conditions to be Satisfied Before the Issue of a Subdivision Certificate

- 2.1. An application for a Subdivision Certificate shall be lodged with Council and registered with NSW Land Registry Services for the purpose of road closure. The created lot is to remain vested in the council as Community or Operational Land for the purposes of the Local Government Act 1993.
- 2.2. An application and appropriate fees for the issue of a subdivision certificate shall be submitted to Council. An application for the issue of a subdivision certificate must be submitted to Council on the NSW Planning Portal and appropriate fees must be paid to Council at the time of submitting the information required by in this condition. The subdivision certificate must not be issued until the requirements of this condition have been satisfied.
- 2.3. A Restriction as to User and Positive Covenant under the provision of Section 88B of the Conveyancing Act 1919 and in accordance with the terms described in Council's Development Engineering Standards shall be registered on the title of the subject property containing all existing easements and right of footways as described on the 'Plan of Terrace Land for Road Closure' prepared

by Geometra Consulting, dated May 2022'. These covenants shall not be altered and shall be maintained in good working order to the satisfaction of Council.

Canterbury Bankstown City Council shall be the only authority empowered to release, vary or modify the Restriction.

-END-

ITEM 2	Unit 1, 2 Louie Street, Padstow
	Change of use of Unit 1 to a place of public worship
FILE	DA-578/2023 – Bunya / Revesby
ZONING	R2 Low Density Residential
DATE OF LODGEMENT	5 June 2023
APPLICANT	Paul Jabez
OWNERS	Cipolla Bros Holdings Pty Limited
ESTIMATED VALUE	\$6050.00
AUTHOR	Planning

SUMMARY REPORT

This application is referred to Council's Local Planning Panel in accordance with Schedule 2 of the *Local Planning Panels Direction – Development Applications*, issued by the Minister for Planning under section 9.1 of the EP&A Act 1979 on 23 February 2018, as the application seeks consent for a 'contentious development' that is the subject of ten (10) or more unique submissions by way of objection. The development also contravenes development standards imposed by an environmental planning instrument by more than 10%.

The development application has been assessed in accordance with the provisions of Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* requiring, amongst other things, an assessment against the provisions contained within State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, Bankstown Local Environmental Plan 2015, Canterbury Bankstown Local Environmental Plan 2023 and Bankstown Development Control Plan 2015.

The development fails to comply with a number of standards and controls, in particular, the minimum lot area and allotment width for the proposed typology, minimum required on-site parking spaces and insufficient information has been provided with regard to access and mobility and acoustic privacy.

As such, the proposed development does not meet the objectives of the R2 zone as it does not propose a non-residential development which is compatible with the subject site or locality. Conversely, the proposal demonstrates an overdevelopment of the site and a poor outcome for future occupants.

On 23 June 2023 the consolidated Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023) came into force after being publicly exhibited and adopted by Council as the Draft Canterbury Bankstown Local Environmental Plan 2020. The CBLEP 2023 includes clause 1.8A a savings provision which requires that *if a development application has been made before the commencement of the plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if this plan had not commenced*. Accordingly, the determination of this application is to be made subject to the provisions of the former Bankstown Local Environmental Plan 2015 which applied to the subject site at the time of lodgement (5 June 2023) as well as the Bankstown Development Control Plan 2015.

The application was advertised and notified for a period of 21 days ending on 12 July 2023. During this notification period, Council received eleven (11) submissions raising concerns with the amount of on-site car parking and the proposals potential impact on noise and general amenity. These issues are addressed below in this report.

POLICY IMPACT

This matter has no direct policy implications

FINANCIAL IMPACT

The matter being reported has no direct financial implications

RECOMMENDATION

It is recommended that the application be refused, for the reasons stated in attachment B

ATTACHMENTS

- A. Assessment Report
- B. Reasons for Refusal

Attachment A – Section 4.15 Assessment Report - DA-578/2023

SITE & LOCALITY DESCRIPTION

The subject site is known as unit 1, 2 Louie Street, Padstow and is legally described as lot 50 in DP 28838. The site is a regular shaped allotment that is currently zoned R2 Low Density Residential. The site is a corner allotment with access to the rear units through the secondary frontage facing the lane way to the east.

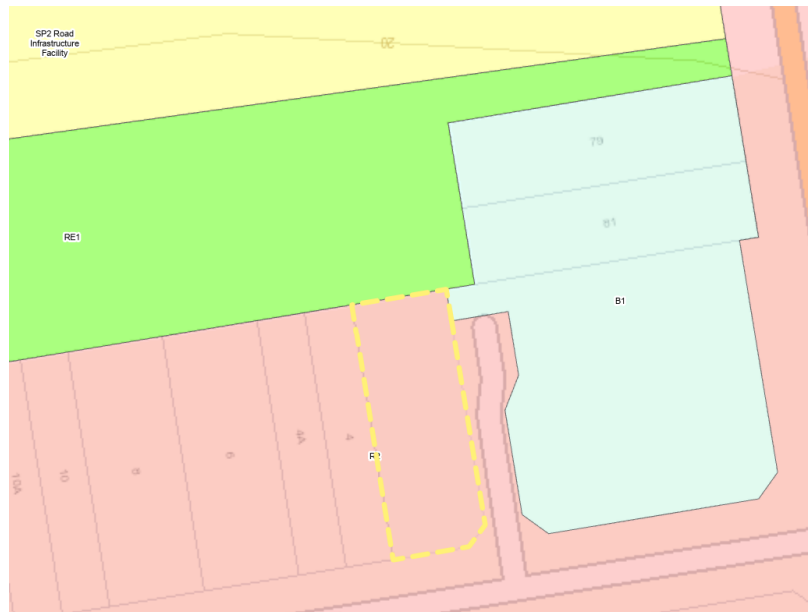


Figure 1: Land zoning of the site and surrounding area. Source: Spatial Viewer 2023

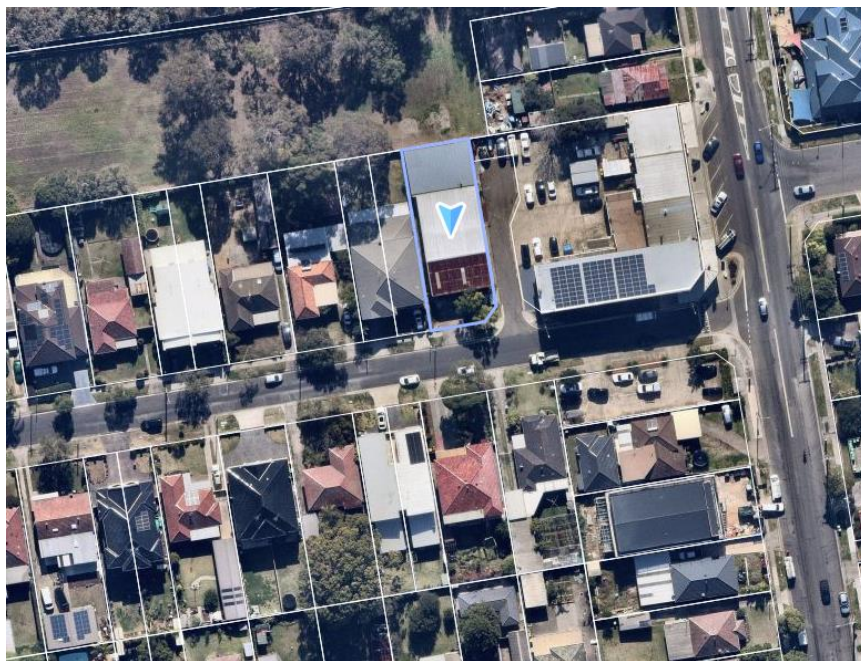


Figure 2 : Aerial of subject site lot in blue. Source: NearMap 2023



Figure 3: Aerial of subject unit site in blue. **Source:** NearMap 2023

The unit (Unit 1) has an area of 98m² while the subject lot, encompassing three units, has a total area of 613.5m² and an allotment width as measured at the front building line of 15m to Louie Street. The site contains three (3) warehouse style commercial units. Unit 2 and Unit 3 do not form part of this application. Unit 1 is currently vacant, while unit 2 and unit 3 are used for warehousing and manufacturing.

The site is located on the northern side of Louie Street, between Gibson Avenue to the east and Mackenzie Street to the west. The surrounding development consists of land zoned B1 Neighbourhood Centre directly to the east, and R2 Low Density Residential to the west and south. The rear boundary of the site adjoins RE1 Public Recreation.



Figure 4: Primary frontage of 2 Louie St, Padstow - including the 3 proposed car parking spaces **Source:** Google 2023



Figure 5: Car parking spaces at the adjacent property, also owned by the applicant **Source:** Google 2023

PROPOSED DEVELOPMENT

Development Application No. DA-578/2023, proposes a change of use of Unit 1, 2 Louie Street, Padstow to a place of public worship.

Hours of operation

The proposed hours of use of the development for Pastoral and Counselling Sessions are on call from Monday to Saturday from 8am-5pm.

Weekly Service on Sundays 9.30am-11am.

The development also proposes Good Friday and Christmas Day service from 9:30am-10:30am.

Additionally, special programs are to take place on Friday and Saturday afternoons from 6pm-8:30pm on Fridays, and 5pm-7pm on Saturdays.

The maximum proposed number of people at the development at any one time is 20 patrons and 1-3 volunteers.

The proposed use will utilise musical instruments consisting of: Electric Keyboard, Electric Drums and Electric Guitar with a speaker system.

These instruments will be used on Sunday mornings from 9.30-11am.

Parking

There are three (3) parking spaces in front of Unit 1, with direct access from Louie Street for use by the volunteers and patrons to the community worship centre.

Adjacent to the site to the east is an existing car parking area which is privately owned. The owner of the carpark also owns the subject premises and has given consent for any overflow parking from the use of the subject site to be accommodated within the existing carpark area as this is likely to occur after normal business trading hours.

BACKGROUND

On 5 June 2023, the subject Development Application for Unit 1, 2 Louie Street, Padstow (DA-578/2023) was lodged proposing a change of use of Unit 1 to a place of public worship.

An initial assessment was undertaken with a request for additional information letter (RFI) issued to the applicant on 11 August 2023. The letter outlined reasons as to why the proposal would be unable to be supported and provided the applicant the opportunity to withdraw the application within 14 days. A summary of the matters raised is provided below:

- *The development is not permissible as it fails to comply with clause 4.1B(2) regarding minimum lot sizes and special provisions for certain dwellings. Development consent must not be granted for Places of public worship, in land zoned R2 Low Density Residential, unless the subject lot of land has a size of at least 800 square metres and a frontage of 20 metres.*
- *The development fails to demonstrate compliance with Part B5 of the Bankstown Development Control Plan 2015, which requires that places of public worship provide a minimum rate of 1 off-street car space per 5m² of assembly area.*
- *The development fails to demonstrate compliance with Part B8 of the Bankstown Development Control Plan 2015, regarding Acoustic Privacy and Management.*

The applicant responded to the above letter on 24 August 2023 stating their disinclination to withdraw. The applicant did not submit amended plans, however did provide a written statement pursuant to Clause 4.6 seeking to address the variations to the site area and lot width development standards.

STATUTORY CONSIDERATIONS

When determining this application, the relevant matters listed in Section 4.15(1) of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Bankstown Local Environmental Plan 2015 (BLEP 2015)
- Bankstown Development Control Plan 2015 (BDCP 2015)
- Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023)

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water Catchments

The site is located within the catchment area of the Georges River and is subject to Chapter 6 of the Biodiversity and Conservation SEPP.

The proposal is considered to be consistent with Council's requirements for the disposal of stormwater in the catchment. Therefore, it is considered that the proposed development will not significantly impact upon the environment of the Georges River, either in a local or regional context, and that the development is not inconsistent with the aims, objectives and controls specified in the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

This State Environmental Planning Policy aims to promote the remediation of contaminated land for the purposes of reducing risk to human health or any other aspect of the environment. The SEPP states that a consent authority must not consent to the carrying out of development unless it has considered whether the land is contaminated. If the land is contaminated, it must ascertain whether it is suitable in its contaminated state for the proposed use or whether remediation of the land is required.

A review of the history of the site shows that the subject site has generally only been used for commercial and clothing manufacturing purposes. Given that the site has been used for only commercial and clothing manufacturing purposes, the site is considered to be consistent with State Environmental Planning Policy (Resilience and Hazards) 2021.

As such, no further investigation with regards to contamination is considered warranted for this application. The requirements of the SEPP are therefore considered to be satisfied in this regard.

Canterbury Bankstown Local Environmental Plan 2023

On 23 June 2023 the consolidated Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023) came into force. Relevantly Clause 1.8A of this LEP states;

If a development application has been made before the commencement of this plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if this plan had not commenced.

This particular development application was formally made on 5 June 2023, which predates the commencement of CBLEP 2023. Therefore, the development application must be assessed against the provisions contained within the Bankstown Local Environmental Plan 2015.

Bankstown Local Environmental Plan 2015 (BLEP 2015)

This site is zoned R2 Low Density Residential under BLEP 2015. The controls applicable to this application are discussed below.

Clause 1.2 Aims of Plan

This Plan aims to make local environmental planning provisions for land in Bankstown in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

The proposed development is inconsistent with the relevant aims of the BLEP 2015.

The proposed development does not provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown, as demonstrated by the number of variations proposed and impact on the general amenity of the locality.

Clause 2.3 Zone objectives and Land Use Table

Clause 2.3(2) of BLEP 2015 outline that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The objectives of the R2 Low Density Residential Zone are as follows:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*
- *To allow for the development of low-density housing that has regard to local amenity.*
- *To require landscape as a key characteristic in the low-density residential environment.*

The proposed development does not meet the objectives of the R2 zone as it does not propose a non-residential development which is compatible with the subject site or locality.

Clause	Requirement	Proposed	Compliance								
Cl. 4.1B Minimum lot sizes and special provisions for certain dwellings	<table border="1"> <tr> <td>Type</td><td>Zone</td><td>Lot Size</td><td>Lot Width</td></tr> <tr> <td>Place of public worship</td><td>R2</td><td>800m²</td><td>20 metres</td></tr> </table>	Type	Zone	Lot Size	Lot Width	Place of public worship	R2	800m ²	20 metres	<p>The site area is 613.35m² which is less than the minimum required lot size of 800m². The proposal seeks a 23.3% variation from the development standard.</p> <p>The lot width is 15m at the front building line which is a 25% variation from the development standard</p> <p>The application is accompanied by two (2) cl. 4.6 variation requests which pertain to BLEP 2015 clause 4.1B with regard to the minimum site area and allotment width. An address of these requests follows within this report.</p>	N
Type	Zone	Lot Size	Lot Width								
Place of public worship	R2	800m ²	20 metres								

Request to vary BLEP 2015 Clause 4.1B Minimum lot sizes and special provisions for certain dwellings

As addressed above, the subject site does not achieve the minimum 800m² lot area or the 20-metre lot width required by Clause 4.1B. The site is 613.35m² which is a 23.3% departure in lot size, and 15 metres in width which is a 25% departure from the standard.

The request to vary the minimum lot requirements for the development typology proposed within the R2 Low Density Residential zone does not satisfy the necessary requirements to permit the consent authority to contravene the subject development standard. In particular the written request to depart from the LEP standard notes that:

“the proposed development is considered to respond to the objectives and constraints of the site” and, “the development is entirely consistent with the objectives of the development standards of the zone within the development is located...”

However, with regard to the relevant objectives of Clause 4.1B under the BLEP 2015 the proposed development fails to demonstrate compliance.

Objective (d) of Clause 4.1B is reproduced below:

(d) to minimise any likely adverse impact of the development on the amenity of the area,

Moreover, the proposed development does not meet the objectives of the R2 zone as it does not propose a non-residential development which is compatible with the subject site or locality.

The relevant objective of the R2 Low Density Residential Zone is reproduced below:

- To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*

The proposal for a place of public worship fails to demonstrate its compliance with the abovementioned objective. In particular, the development fails to demonstrate that it is compatible with the residential uses and does not adversely affect the amenity of the area.

While the development does not seek to make any physical changes to the existing built form on the site, it does propose a change of use which substantially differs from the existing use. As such, it has not been demonstrated that the subject site is of sufficient size to accommodate the proposed use. Additionally, the several non-compliances within Part B8 of the Bankstown Development Control Plan 2015 (BDCP 2015) further demonstrate a lack of amenity for the users of the site and neighbouring area.

Furthermore, the variation request claims that, “*the development does not create any traffic or parking impacts upon the locality*” due to the overflow parking agreement with the owners of the adjacent carpark belonging to 83-95 Gibson Avenue who also own the subject site, 2 Louie Street. The request claims that the use of the carpark by the proposed development will likely occur outside of normal business trading hours. However, the Statement of Environmental Effects mentions that pastoral services will operate on call from Monday to Saturday from 8am-5pm. No traffic impact study has been provided to demonstrate the feasibility of this arrangement. As such, the standard parking rates from the BDCP 2015 for places of public worship apply.

Lastly, the request notes that there is ‘no public benefit’ in maintaining the development standards in question. In fact, contravention of these standards would result in a number of sites within the immediate area with a loss of amenity with regard to the objectives of the R2 Zone, as has been vocalised by the several public objections to the proposed development.

As such, the consent authority cannot be satisfied that the applicants written request has adequately addressed the matters required to be demonstrated, and approval of the proposed development would not be in the public interest, as the proposed development is inconsistent with the objectives of the standard and the objectives of the zone.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

At the time of lodgement, the Draft Canterbury Bankstown Local Environmental Plan 2023 applied to the subject site. Since lodgement this Plan has come into force.

No further draft environmental planning instruments are applicable to the subject site or the development typology.

Development control plans [section 4.15(1)(a)(iii)]

Bankstown Development Control Plan 2015 (BDCP 2015)

As the development application relates to a change of use and does not propose any works, there are many controls which are not applicable. The applicable controls are assessed in the below tables. Where Controls are noted as not being complied with, a discussion follows the table.

BDCP 2015 – PART B5			
CLAUSE	REQUIRED	PROPOSED	COMPLIANCE:
2.1	<p>Car parking must be provided on-site at a minimum rate of 1 car space per 5m² of the assembly area.</p> <p>Car parking for ancillary uses and social / special events must be provided on-site on the basis of a Parking Study, to be submitted with the development application.</p> <p>The proposed assembly area within the building is 61sqm which in accordance with the schedule requires 12 car parking spaces.</p>	<p>The development proposes 3 off-street parking spaces within the front setback, which is a non-compliance of 9 parking spaces.</p>	N

CI 2.1 of Part B5 of the BDCP 2015 - Car Parking

The proposed development fails to comply with CI 2.1 of Part B5 of the Bankstown Development Control Plan 2015, which requires on-site parking at a minimum rate of 1 car space per 5m² of assembly area within the place of public worship.

The proposed assembly area within the building is 61m², which in accordance with the schedule requires 12 car parking spaces. The proposal only offers 3 car parking spaces, which is a non-compliance of 9 spaces.

No parking study has been submitted with the subject application. As such, insufficient information has been provided to accurately assess the number of parking spaces required for ancillary uses and social or special events.

BDCP 2015 – PART B8			
CLAUSE	REQUIREMENT	PROPOSED	COMPLIANCE:
SECTION 3 – LOCAL AND TRAFFIC MANAGEMENT			
3.1	The proposed development must maintain the general amenity of the area	The proposal does not maintain the general amenity of the area	N
3.2	The proposed development must optimise the use of surrounding and potential infrastructure, with a particular emphasis on public transport.	The site is serviced by public transport options (bus).	Y

3.3	A place of public worship may not be within reasonable view of a sex services premises ('reasonable view' shall be determined taking into account factors such as topography, vegetation, signage, intervening development and similar factors).	There are no sex service premises within reasonable view of the subject site.	Y
3.4	The boundary of a place of public worship should not be within a 100-metre radius of a sex services premises	The subject site is not within 100m radius of a sex service premise	Y
3.5	Development for the purpose of places of public worship must not result in a street in the vicinity of the development site to exceed the environmental capacity maximum. If the environmental capacity maximum is already exceeded, the development must maintain the existing level of absolute delay of that street. This clause applies to places of public worship in the residential zones, the special use zone and the industrial zones.	Insufficient information has been provided with the application to accurately assess traffic impacts.	N
3.6	Development for the purpose of places of public worship must not result in a street intersection in the vicinity of the development site to have a level of service below Level B. If the existing level of service is below Level B, the development must maintain the existing level of absolute delay of that street intersection. This clause applies to places of public worship in the residential zones, the special use zone and the industrial zones.	Insufficient information has been provided with the application to accurately assess traffic impacts.	N
3.7	Development applications must submit a Traffic Impact Study based on the RTA Guide to Traffic Generating Developments to determine existing conditions and proposed conditions	No traffic impact study has been prepared and submitted with the application	N
3.8	To ensure adequate traffic flow, worship services shall not commence until thirty minutes have elapsed following the completion of any preceding service. This requirement may be imposed as a condition of development consent.	The development does not propose multiple services on a single day. If approved, a condition would be imposed.	Y
SECTION 4–LOT SIZES AND BUILDING ENVELOPES			

4.3	The maximum area of the assembly area in a place of public worship within Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential is 400m2 .	Complies – the proposed assembly area is approximately 61sqm	Y
4.9	Setbacks from the street frontage shall apply to residential, special uses and industrial zones as follows: R2 zone primary road frontage : 7.5m secondary road frontage: 7.5m	Existing building with no proposed works – 7.9m primary setback. Nil secondary road frontage setback	N/A
SECTION 5–ENERGY EFFICIENCY AND URBAN DESIGN			
5.2	Development must articulate the facades to achieve a unique and contemporary architectural appearance that: (a) unites the facades with the whole building form; (b) composes the facades with an appropriate scale and proportion that responds to the use of the building and the desired contextual character; (c) combines high quality materials and finishes; (d) considers any other architectural elements to Council's satisfaction.	Existing building – no external works proposed. The existing warehouse style building does not achieve any contemporary architectural appearance that responds to the proposed use of the building.	N
5.3	Development must provide an active frontage to the street.	Existing building – no external works proposed. The development does not provide an active frontage to the street (primary and secondary).	N
5.4	Development must incorporate an innovative roof design that: (a) achieves a unique and contemporary architectural appearance; and (b) combines high quality materials and finishes.	No external building works proposed.	N/A
SECTION 6–ACCESS AND PARKING			
6.1	Development must comply with Part B5 of this DCP	The development fails to comply with Part B5 of the BDCP 2015	N
6.2	The car park / manoeuvring areas and the set-down and pick-up areas must locate separately behind the front building line.	The car park / manoeuvring areas and set-down and pick-up areas are located within the primary setback.	N
SECTION 7–ACOUSTIC PRIVACY AND MANAGEMENT			
7.1	Air conditioning, mechanical ventilation or any other continuous		N

	noise source must not exceed the ambient level at any specified boundary by more than 5dB(A).		
7.2	The location and design of places of public worship must consider the projection of noise from various activities to avoid any adverse impacts on the residential amenity of adjoining land. For the purpose of this clause, Council requires development applications to submit an Acoustic Report prepared by a suitably qualified acoustic consultant	No acoustic assessment report has been submitted with the application.	
7.4	Council may limit the hours of operation of places of public worship, public access to places of public worship, and special occasions or events.	Hours of operation would be imposed as a condition of consent.	Y
7.5	Council requires development applications to submit a Management Plan to determine: (a) hours of operation and days of operation; (b) special events (c) number of persons attending at any one time; (d) expected 'catchment area' from which the congregation will travel; and (e) any proposed street parades and road closures.	A management plan has not been submitted to Council.	N
7.6	Council must require the operator of a place of public worship in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R4 High Density Residential to organise and chair a Neighbourhood Liaison Committee.	Condition of consent would be imposed to require the operator to organise and chair a Neighbourhood Liaison Committee.	Y
SECTION 11–SAFETY AND SECURITY			
11.1	The front door to a building should face the street.	The front door of Unit 1 faces the primary street frontage	Y
11.2	An external entry path and the foyer to a building should be direct to avoid potential hiding places.	Front entry path to the building is direct and avoids hiding places.	Y
11.5	A security alarm system should be installed in a building	A security alarm system is proposed to be installed in the building.	Y
11.6	All windows and doors on the ground floor should ordinarily be made of toughened.	The existing building has limited window openings with no windows facing any street frontage.	N/A

11.9	Lighting must be provided to the following areas of a building to promote safety and security at night: (a) an external entry path, foyer, driveway, and car park to a building; and (b) the main entrance. This may be in the form of motion sensitive lighting or timer lighting	No visible external lighting proposed.	N
11.10			
11.11			
11.14	Development must be easily accessible to people with disabilities and must comply with the Building Code of Australia, AS 1428 Parts 1 and 4—Design for Access and Mobility.	The development does not comply with the recommendations of the Access report provided	N

CI 3.1 of Part B8 of the BDCP 2015 - Amenity

The overdevelopment of the site as demonstrated by the number of variations proposed is indicative of a poor urban design outcome, and lack of general amenity.

Parking

The development fails to provide sufficient off-street parking spaces.

Noise

No acoustic report has been submitted to assess the acoustic impact of the development.

CI 3.5, 3.6, & 3.7 of Part B8 of the BDCP 2015 – Traffic

Insufficient information has been provided with the application to accurately assess the traffic impacts of the development. Places of public worship in residential zones, must demonstrate that they will not negatively impact the traffic conditions in the vicinity of the development site. No traffic impact study has been prepared and submitted with the application to allow for a full and proper assessment of the impact of the traffic generating development.

CI 5.2 & 5.3 of Part B8 of the BCDP 2015 – Urban Design

Although no building works are proposed, the failure to achieve the desired character of the proposed development type is demonstrated through the existing non-compliances with the controls relating to contemporary architectural appearance.

The existing warehouse style building does not achieve any contemporary architectural appearance that responds to the proposed use of the building, nor does the development provide an active street frontage to either the primary or secondary frontage. The existing building fails to demonstrate suitability to the proposed typology as it contravenes basic character and design requirements.

CI 6.1 & 6.2 of Part B8 of the BDCP 2015 – Access and Parking

As discussed above, the development fails to comply with Part B5 of the BDCP 2015 with regard to the provision of on-site car parking spaces. Furthermore, the development fails to provide adequate set-down and pick-up areas, which must be located separately behind the front building line. The existing building does not allow for any vehicular access behind the front building line and thus, fails to demonstrate compliance with this control. Again, this emphasises the site's lack of suitability to the proposed building use.

CI 7.1 & 7.2 of Part B8 of the BDCP 2015 – Acoustic Privacy

Insufficient information has been provided to accurately assess acoustic privacy. No acoustic assessment report has been submitted with the application. As such, it is not possible to ascertain whether the development meets the requirements necessary for a place of public worship.

CI 7.5 of Part B8 of the BDCP 2015 – Management Plan

A management plan has not been submitted to Council with this application. Consequently, insufficient information has been provided to accurately assess the impact of the development.

CI 11.9, 11.10, & 11.11 of Part B8 of the BDCP 2015 – Lighting

The development fails to conform to Australian Standards 1158.1, 1680, and 2890.1 with regard to lighting in car park areas. Furthermore, the development fails to provide any visible external lighting for the development, and is dependent on street lighting. The Statement of Environmental Effects that accompanied the development application notes that *the building and car parking area is well-lit due to the existing street lights, and from the lights from the adjoining commercial development*. This is not considered a sufficient form of lighting as per the Australian Standards.

CI 11.14 of Part B8 of the BDCP 2015 – Access and Mobility

The access report prepared by 'design by RVJ pty ltd', recommends the provision of a fully compliant unisex accessible toilet and line marked allocated accessible parking spaces as per AS2890.6.

The development does not provide any detail of works required to be undertaken in order to comply with the recommendations of the report.

Conclusion

An assessment of the Development Application has revealed that the proposal fails to comply with a number of the provisions of the Bankstown Development Control Plan 2015 some of which demonstrate an overdevelopment of the site and a poor outcome for future occupants. In particular, the development does not comply with the minimum car parking requirements and it has not been demonstrated that this non-compliance will not result in adverse impacts on the neighbouring sites. Additionally, insufficient information has been provided to demonstrate that the development will be accessible

for persons with mobility impairments, or that the development will comply with acoustic privacy.

Planning agreements [section 4.15(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 4.15(1)(a)(iv)]

The proposed development is inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2021.

Of note, conditions cannot be imposed as required under Clause 69 of the Regulations, that the work be carried out in accordance with the requirements of the Building Code of Australia, as Council has identified that:

1. There are no details of works required to be undertaken to ensure the fire protection and structural capacity is appropriate to the buildings proposed new use;
2. There are no details of any existing or new category 1 fire safety provisions applicable to the buildings proposed new use; and
3. There are inadequate sanitary facilities for male and female the occupants of the building.

The likely impacts of the development [section 4.15(1)(b)]

The key potential impacts of the development have been discussed throughout this report. Based on the above findings, it is considered that the proposed development will result in an undesirable impact.

Suitability of the site [section 4.15(1)(c)]

The application has been assessed under Section 4.15 of the Act, and as demonstrated throughout the body of this report, the application is poorly resolved with significant areas of concern. It is acknowledged that there has been some attempt by the Applicant to address some of the concerns raised by Council. However, the proposal involves development standard variations as well as several non-compliances with development controls. Accordingly, it is considered that the site is not suitable for the development.

Submissions [section 4.15(1)(d)]

The application was advertised and notified for a period of 21 days ending on 12 July 2023. Eleven (11) objections were received during this period, with regard to this application. These submissions raised the following concerns

Objection: Increased traffic congestion

Comment: The application was not accompanied by a traffic assessment report and therefore insufficient information has been provided to demonstrate that the development does not negatively impact the flow of traffic. The potential traffic congestion contributes a reason to not support this proposal.

Objection: *Lack of on-street parking available*

Comment: The proposed development fails to comply with Part B5 of the Bankstown Development Control Plan 2015 which requires 12 off-street parking spaces for the development. This contributes a reason to not support this proposal.

Objection: *Noise pollution*

Comment: The development application was not accompanied by an Acoustic Report prepared by a suitably qualified professional. As such, insufficient information has been provided in regard to noise pollution and contributes a reason to not support this proposal.

Objection: *Size of lot insufficient*

Comment: The development application fails to meet the minimum numerical size requirements for allotment width and lot size for places of public worship as set out in the Bankstown Local Environmental Plan 2015. This constitutes as a reason for refusal.

The public interest [section 4.15(1)(e)]

The proposed development, in its current form, is considered to contravene the public interest. The proposed departures from the key planning controls will result in a development that is not in keeping with the current and future desired character of similar development within the locality.

CONCLUSION

The Development Application has been assessed in accordance with the provisions of Section 4.15 of the *Environmental Planning and Assessment Act*. As outlined within this report, the development fails to comply with a number of standards and controls, in particular, the minimum lot area, and allotment width for the proposed typology, minimum required parking spaces, and insufficient information has been provided with regard to access and mobility and acoustic privacy.

As such, the proposed development does not meet the objectives of the R2 zone as it does not propose a non-residential development which is compatible with the subject site or locality and demonstrates an overdevelopment of the site and a poor outcome for future occupants. As is demonstrated by the number and nature of the non-compliances proposed, and the interconnected nature of the development standards which are proposed to be breached, it is evident that the proposal is not suitable for the site, does not represent a good planning outcome and is not within the public interest and therefore should be refused.

RECOMMENDATION

It is recommended that the application be refused, for the reasons set out in Attachment B

George Telo

DEVELOPMENT ASSESSMENT OFFICER

Reasons for refusal

It is recommended that the application be refused for the following reasons:

1. It is considered that the proposed development does not satisfy Clause 4.1B (2) of the Bankstown Local Environmental Plan 2015 relating to Minimum lot sizes and special provisions for certain dwellings, [pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with Control 2.1 of Part B5 of the Bankstown Development Control Plan 2015, due to the development failing to provide sufficient off-street parking. [Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*].
3. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with Control 3.1 of Part B8 of the Bankstown Development Control Plan 2015, regarding the general amenity of the area. [Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*].
4. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as fails to demonstrate compliance with Control 3.5, 3.6 and 3.7 of Part B8 of the Bankstown Development Control Plan 2015, with regard to traffic management. [Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*].
5. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with Section 6 of Part B8 of the Bankstown Development Control Plan 2015, regarding the access and parking. [Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*].
6. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with Control 7.5 of Part B8 of the Bankstown Development Control Plan 2015, with regard to a management plan. [Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*].
7. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with Control 11.9, 11.10 and 11.11 of Part B8 of the Bankstown Development Control Plan 2015, regarding external lighting. [Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*].

8. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with Control 11.14 of Part B8 of the Bankstown Development Control Plan 2015, regarding access to people with disabilities. [Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*].
9. Having regard to the above non-compliances with Council's Bankstown Development Control Plan and pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory and represents an overdevelopment of the subject site. [Pursuant to the provisions of Section 4.15(1)(a)(iii) and (b) of the *Environmental Planning and Assessment Act 1979*].
10. The proposed development fails to satisfactorily address the relevant requirements of the Building Code of Australia [pursuant to Section 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*].
11. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development. [Pursuant to the provisions of Section 4.15(1)(b) and (c) of the *Environmental Planning and Assessment Act 1979*].
12. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, providing an undesirable and unacceptable impact on the streetscape and adverse impact on the surrounding built environment. [Pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*].
13. Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest. [Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*].

-END-

Canterbury Bankstown Local Planning Panel - 06 November 2023

ITEM 3	Planning Proposal for 11 Harp Street, Campsie (RZ-3/2019)
APPLICANT	Urbis
OWNERS	Neetan Investments
AUTHOR	Corporate

PURPOSE AND BACKGROUND

The purpose of this report is to seek the Local Planning Panel's advice on proposed changes to the *Canterbury Bankstown Local Environmental Plan 2023*.

Council is in receipt of a Planning Proposal for the site at 11 Harp Street, Campsie. The application includes the acquisition of 5 and 11A Elizabeth Street, to provide vehicular access to the proposed private hospital on the site.

The site is zoned IN2 Light Industrial and currently comprises a car storage facility on a filled platform approximately 8 metres above street level. The Planning Proposal seeks to include *Health Services Facility* and *Hotel and Motel Accommodation* as an Additional Permitted Use on the site, in order to enable development of a private hospital and supporting Medi Hotel, as well as amend the maximum permissible FSR from 1:1 to 2.1:1, and introduce maximum building heights to the site ranging from 16.5 metres to 38.5 metres to allow for a 3 to 10 storey private hospital and health precinct. There is currently no maximum building height for this site.

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 redevelopment of the site for a new private hospital and health precinct will have significant positive social, economic and health related benefits. Approximately 425 Full Time Equivalent staff will be employed once operational and 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 LGA and there is strong demand for such health facilities to operate within the LGA.

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 the Department of Planning and Environment (DPE). Council will prepare a site-specific Development

Control Plan (DCP) that will set out the detailed planning and development controls for the site and would be exhibited concurrently with the Planning Proposal.

ISSUE

In accordance with the Local Planning Panels Direction, issued by the Minister for Planning and Public Spaces in 2018, the Canterbury Bankstown Local Planning Panel is requested to provide advice for Council's consideration on whether a Planning Proposal for the site 11 Harp Street, Campsie should proceed to the Department of Planning and Environment for a Gateway Determination.

RECOMMENDATION that -

1. The application to amend the *Canterbury Bankstown Local Environmental Plan 2023* proceed to the Department of Planning and Environment for a Gateway Determination, subject to the matter being reported to Council for a resolution to proceed and the following matters being addressed prior to exhibition:
 - a. Updated Traffic Impact assessment
 - b. Site Auditor to be engaged to review the site contamination documentation
2. Council prepare a site specific DCP Amendment as outlined in Section 4 of this report and exhibit the DCP Amendment.
3. A draft Planning Agreement be prepared and exhibited, subject 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.
4. Subject to the issue of a Gateway Determination, Council prepares and exhibits the planning proposal, draft site specific DCP and draft Planning Agreement and the matter be reported to Council following the exhibition.

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

ATTACHMENTS

[Click here for attachments A-R](#)

- A. Applicant's Planning Proposal (October 2023)
- B. Applicant's Draft Letter of Offer (September 2023)
- C. Applicant's Response to Greater Cities Commission with Draft Guiding Principles Industrial Land Review (September 2023)
- D. Applicant's Statement on Site Contamination and Remediation (September 2023)
- E. Applicant's Updated Flood Advice Memo (September 2023)

- F. Correspondence from Sydney Local Health District (July 2023)
- G. Site Survey Plan
- H. Applicant's Urban Design Report (August 2020)
- I. Applicant's Community Context Review (2019)
- J. Applicant's Economic Impact Assessment (2019)
- K. Applicant's Servicing Strategy Report (2019)
- L. Applicant's Fire Engineering Letter (2019)
- M. Applicant's Acoustic Review (2019)
- N. Transport for NSW Referral Comments and Council's Traffic Engineer Comments (2019)
- O. Peer Review of Traffic Impact Assessment (December 2020)
- P. Applicant's Traffic Impact Assessment (August 2019)
- Q. Council's Urban Design Referral Comments (July 2023)
- R. Council's Revised Urban Design Scenarios (July 2023)

POLICY IMPACT

Council's adopted Local Strategic Planning Statement (LSPS) – 'Connective City 2036' 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 growing population envisaged in Evolution 6 – Urban and Suburban Places, Housing a City from the LSPS. The proposal, if developed, is anticipated to contribute 425 jobs, during the construction and operation of the Health Precinct which will indirectly assist with the 2,700 target established in the Campsie Master Plan.

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.

- Planning Priority S3 – Providing services and social infrastructure to meet people's changing needs.
- Planning Priority S4 – Fostering healthy, creative, culturally rich and socially connected communities.
- Planning Priority S9 – Growing investment, business opportunities and jobs in strategic centres.

FINANCIAL IMPACT

There is little 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.

COMMUNITY IMPACT

- This application will enable the delivery of a new private hospital and associated hotel accommodation that will operate ancillary to the health use on the site 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 Local Government Area (LGA). There is an unmet demand for private hospital beds in the LGA which this proposal will assist with filling.
- If a development is realised, the subject planning proposal will facilitate at least 425 direct FTE jobs during construction and 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.
- 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 will ensure that the redevelopment is sensitive to the adjoining residential interfaces, and less intrusive in terms of industrial activity interfacing with residential development.
- The planning proposal includes a Letter of Offer that will include provision of pedestrian upgrades and a monetary contribution towards delivery of a future cycleway in Campsie as well as stormwater upgrades and provision of roundabouts.

DETAILED INFORMATION

1. SITE DESCRIPTION

The subject site (site) at 11 Harp Street, Campsie comprises the following properties as shown in **Figure 1** and **Table 1**.

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

Table 1: subject site details

The site has a frontage of 22.5 metres to Harp Street, and a depth of 377 metres. The site currently comprises a car storage facility on a filled platform approximately 8 metres above street level.

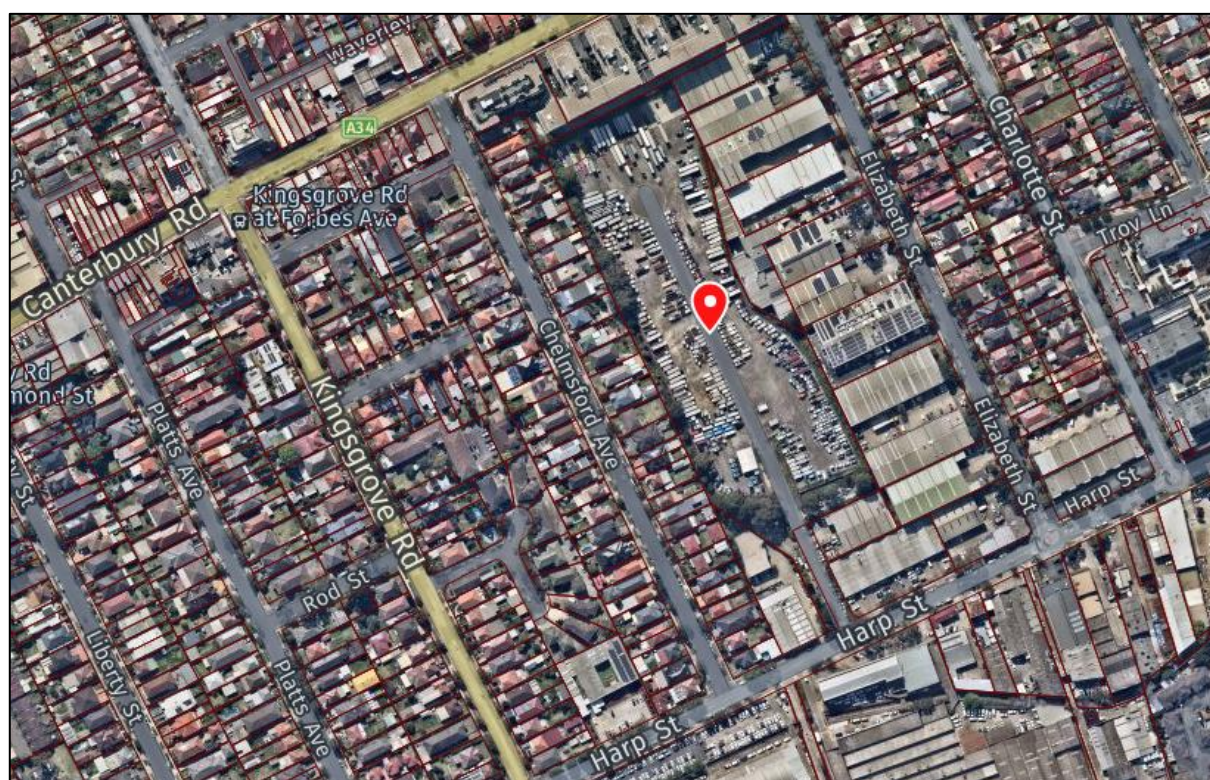


Figure 1: Site Map – 11 Harp Street, Campsie

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



Photo 4: The current use of the site for storage of trucks and other vehicles, view looking south along the existing central access driveway



Photo 5: Harp Street looking west near Elizabeth Street

2. PROPOSAL

In August 2019 Council received an application to amend the *Canterbury Local Environmental Plan 2012* to facilitate an integrated health precinct (private hospital development) at 11 Harp Street, Campsie. Further, in July 2020 the applicant submitted a revised application in response to Council's preliminary assessment.

A brief outline of the history of this planning proposal is provided below:

- September 2018 and June 2019 – Pre-lodgement meetings held with Council. Council Officers write to the applicant advising strategic and site specific issues will require further consideration before lodgement.
- August 2019 – Planning proposal lodged with Council. Council commences assessment.
- July 2020 – Planning proposal is revised at Council's request to remove the initially proposed seniors living accommodation element of the proposal.
- April 2021 – Council writes to the applicant advising the proposal has strategic merit and aligns with the LSPS and requests additional information to address contamination, traffic, urban design, geotechnical and flooding matters to enable Council to finalise its assessment.
- June 2021 – Council meets with the Greater Cities Commission (GCC) to discuss the proposal and implications for the 'retain and manage' approach to industrial/urban services land. GCC representatives advise Council and the proponent to wait for the outcome of the Industrial Lands Policy Review.
- November 2021 – Council meets with applicant to advise on GCC's response and to wait Industrial Lands Policy Review. GCC advise the Policy Review is due 'early 2022'.
- June 2022 - Industrial Lands Policy Review released by the GCC.
- December 2022 – Council meets with the applicant to discuss pathway forward following release of the GCC's Policy Review.

- September 2023 – Revised planning proposal including response to GCC's Industrial Lands Policy Review is provided to Council by the applicant.

The revised application as lodged in September 2023 intends to amend the *Canterbury Bankstown LEP 2023* to enable redevelopment of the site, to facilitate a private hospital and health precinct 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.
- Large centrally located public park, providing open space for patients, visitors, and employees.

The concept development proposal envisages the health services and 'Medi Hotel' use occupying 11 Harp Street with 5 and 11A Elizabeth Street being used solely for vehicle access, possible car parking or drop-off, pedestrian and cycling access, signage, lighting and landscaping.

To facilitate the proposed uses within an IN2 Light Industrial zone, the planning proposal seeks to include *Health Services Facility*, and *Hotel or Motel Accommodation* as additional permitted uses pursuant to Schedule 1 of the *Canterbury Bankstown LEP 2023*. Furthermore, a Part 6 Local Provision will be included to ensure that the 'Medi Hotel' operates as a use ancillary to a Health Services Facility on the site for patients that have either recently received care that no longer require constant medical supervision or persons booked in for medical services that require accommodation near the health services facility. Families of the patients may also stay in the Medi Hotel, with the eligibility criteria to be determined by the Medi Hotel provider. The detailed provisions of the Medi Hotel will be addressed via the site-specific DCP.



Figure 2: Applicant's render of the initial concept development for the site: ariel view from Chelmsford Avenue, Campsie (Dated August 2019)

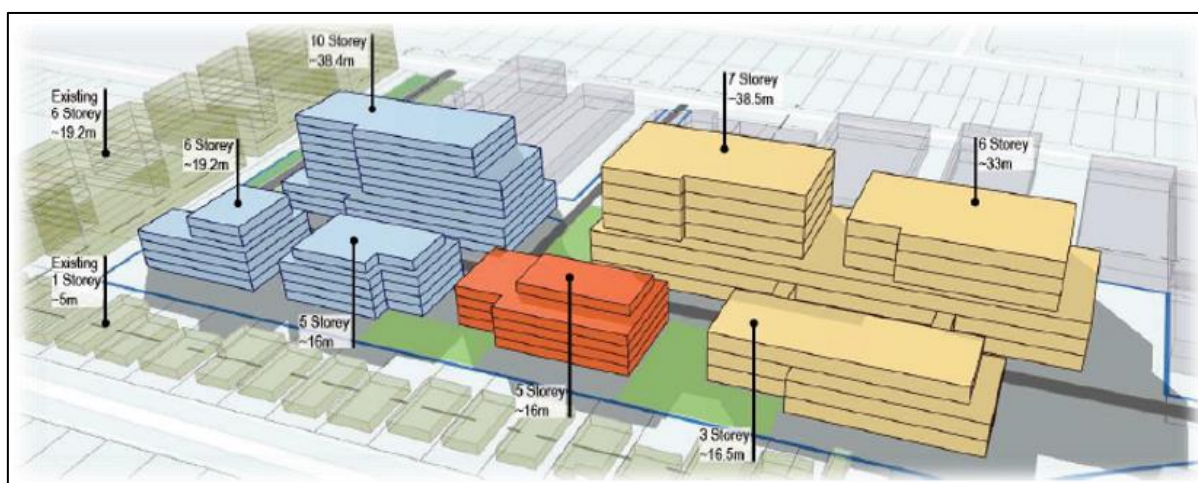


Figure 3:

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

A site-specific draft Development Control Plan (DCP) has not been submitted by the applicant, however it is intended that the draft DCP will be prepared by Council and made available for public comment during a future public exhibition period, with the aim to exhibit it alongside the planning proposal.

A description of the objectives and intended outcomes of the application is provided in Table 2. A summary of the current controls and proposed changes to CBLEP 2023 is provided in Section 3.

Table 2: Description of proposed LEP amendments – proposed additional permitted use and outcomes

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes
Additional Permitted Use	Amend Schedule 1 to include <i>Health Services Facilities</i> , and <i>Hotel or Motel Accommodation</i> as a permissible land uses.
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.

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes
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 - Use of hotel or model accommodation referred as a 'Medi Hotel' on the subject site, provided 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.

Throughout the assessment of the proposal, additional information submitted by the applicant at Council's requests which has addressed the matters raised by Council. The planning proposal demonstrates strategic and site-specific merit to proceed to a Gateway determination. As outlined in this report, some additional information is required from the applicant and should be submitted, prior to public exhibition of the planning proposal.

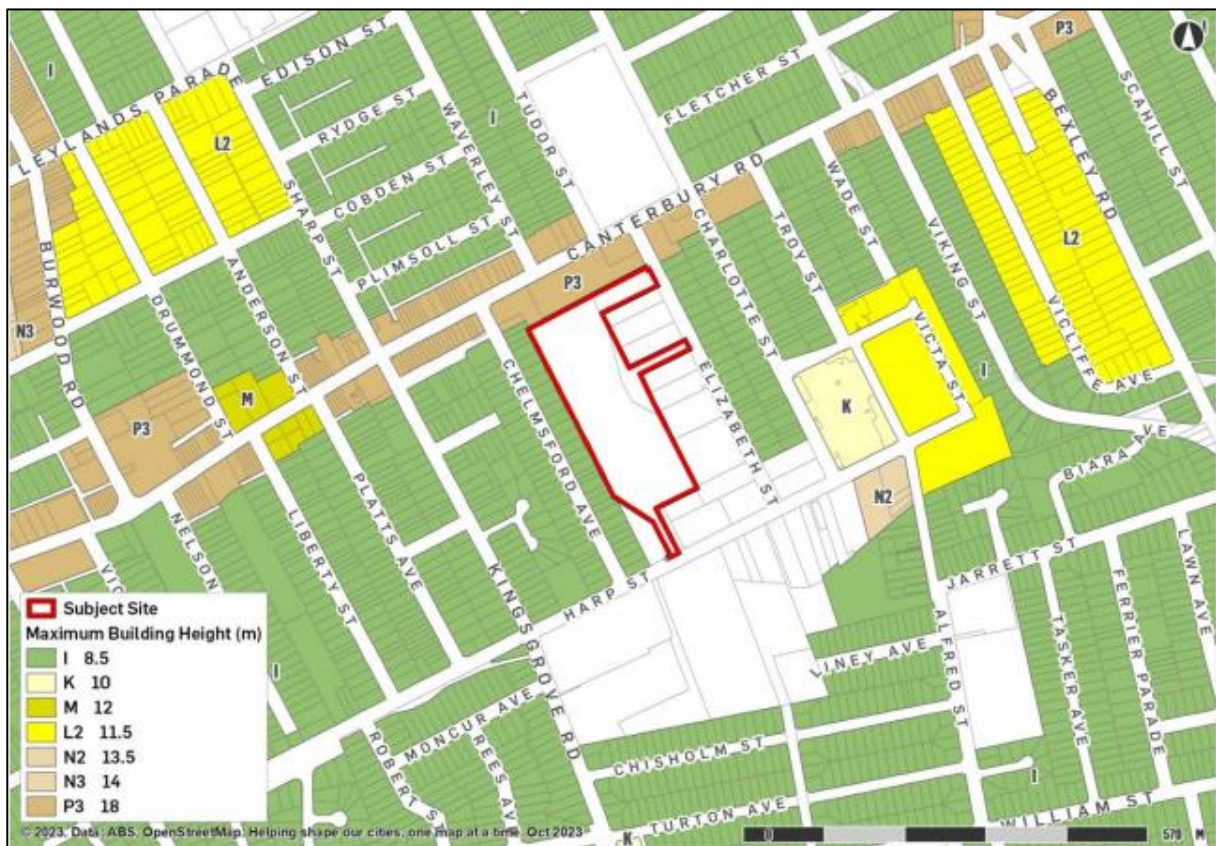
The existing and proposed LEP maps in connection with this planning proposal are shown below.



Figure 4: Existing Zoning Map – to remain unchanged



Figure 5: Proposed Additional Permitted Uses Map



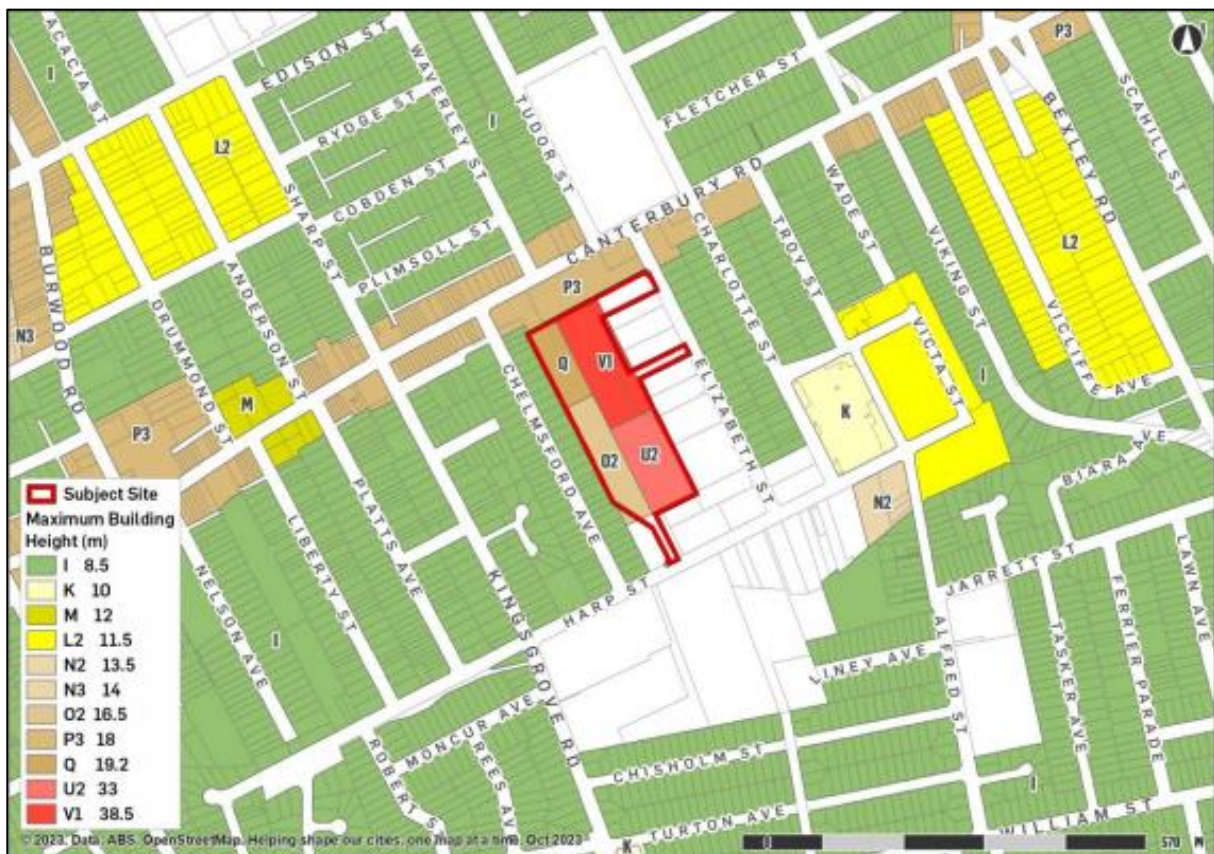


Figure 6: Existing (above) and Proposed (below) Height of Buildings Map





Figure 7: Existing (above) and Proposed (below) Floor Space Ratio Map

2.1 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:

- 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.
- Footpath upgrades along Harp Street and surrounding streets (ie 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.
- Construction of Roundabout on Elizabeth Street/Harp Street.
- Provision of Cycleways in accordance with Key Route 7 of the Active Transport Action Plan – Croydon Park to Earlwood North/South link.
- Provision of vehicle access to Elizabeth Street - via acquisition of Nos 5 and 11A Elizabeth Street.
- Public Park on site - retained in private ownership with an easement for public access.
- Provision of floor space to allow Council, or affiliated organisations access to facilitate services/programs.
- Funding of design and/or construction of potential footbridge over Canterbury Road (subject to consultation with Transport for NSW).
- Upgrades to Stormwater Drainage.

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. The further negotiations with the developer and assessment undertaken by Council may also result in the above items being amended and/or additional public infrastructure and benefit items being added to a draft Planning Agreement. Refer to Section 4.6 for details of the monetary value of the proposed public benefit offer.

3. SUMMARY

Based on the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan 'A Metropolis of Three Cities'.
- South District Plan.
- State Environmental Planning Policies.
- Section 9.1 Ministerial Directions.
- Canterbury Bankstown Council's *Local Strategic Planning Statement 'Connective City 2036'*.
- The Department's Local Environmental Planning Making Guideline (August 2023).

In relation to the proposed amendments to the *Canterbury Bankstown Local Environmental Plan 2023* (CBLEP 2023), Council's assessment findings indicate, as summarised in Section 5 below and detailed in the Applicant's Planning Proposal at Attachment A, that the application demonstrates 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 private hospital currently exists in the Canterbury Bankstown LGA. Sydney Local Health District has advised 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 in close proximity to Canterbury Hospital aligns with the Campsie Town Centre Master Plan.
- Contribute 425 jobs towards the growth target in the LSPS and South District Plan, specifically knowledge intensive jobs linked to health and medical services.
- Deliver a building envelope that will facilitate a private hospital use and that is compatible with the adjoining residential and industrial zonings.

- Contribution towards improved pedestrian activity and establishing new cycling connections within the surrounding area.

Table 3 below summarises the current controls and the changes proposed by the revised application.

	Current controls	Proposed controls
Zone	IN2 Light Industry	IN2 Light Industry
FSR	N/A	Maximum FSR of 2.1:1 for Health Services Facilities and Hotel and Motel Accommodation.
Building height	12m	16.5 metres – 38.5 metres
Minimum subdivision lot size	N/A	N/A
Additional Permitted Uses	N/A	Additional Permitted Use – Health Services Facilities and Hotel or Motel Accommodation.
Part 6 Additional Local Provision	N/A	Additional Local Provision – Use of Medi Hotel on subject site, provided it is ancillary to a Health Services Facility.

Table 3: summary of current and proposed controls

The strategic and site-specific merit of the proposal can be met subject to implementing the recommendations of this report and as follows in Section 4.

4. ASSESSMENT

4.1 Consistency with Strategic Planning Framework

4.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan was released by the former Greater Sydney Commission in March 2018. It provides a 40-year vision for the Greater Sydney area and is designed to inform district and local plans and the assessment of Planning Proposals.

The Greater Sydney Region Plan identifies several key objectives around the need to ensure communities are healthy, resilient, and socially connected – while improving housing supply to all groups in the community. The proposal will facilitate economic investment in the Canterbury Bankstown LGA during the construction and operational phases and provides a new hospital facility where there is demonstrated need and a lack of any operational private hospital facilities in the LGA currently (see Section 4.1.2).

The Planning Proposal is consistent with several planning objectives in the Plan. These include:

- **Objective 4:** Infrastructure use is optimised;
- **Objective 6:** Services and infrastructure meet communities' changing needs;
- **Objective 7:** Communities are healthy, resilient, and socially connected;
- **Objective 14:** A Metropolis of Three Cities - integrated land use and transport create walkable and 30-minute cities;
- **Objective 21:** Internationally competitive health, education, research, and innovation precincts;
- **Objective 22:** Investment and business activity in centres.

4.1.2 South District Plan

The former Greater Sydney Commission released the South District Plan on 18 March 2018 to give effect to the Greater Sydney Region Plan. The South District Plan contains priorities and actions to guide the development and planning of the South District – while improving its social, economic, and environmental assets.

The redevelopment of the subject site will provide 425 FTE jobs and will increase opportunities for social interaction on the site as well as a significant health infrastructure investment, which aligns with the following South District Planning Priorities:

- Planning Priority S3 – Providing services and social infrastructure to meet people’s changing needs.
- Planning Priority S4 – Fostering healthy, creative, culturally rich, and socially connected communities.
- Planning Priority S8 – Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District;
- Planning Priority S9 – Growing investment, business opportunities and jobs in strategic centres.

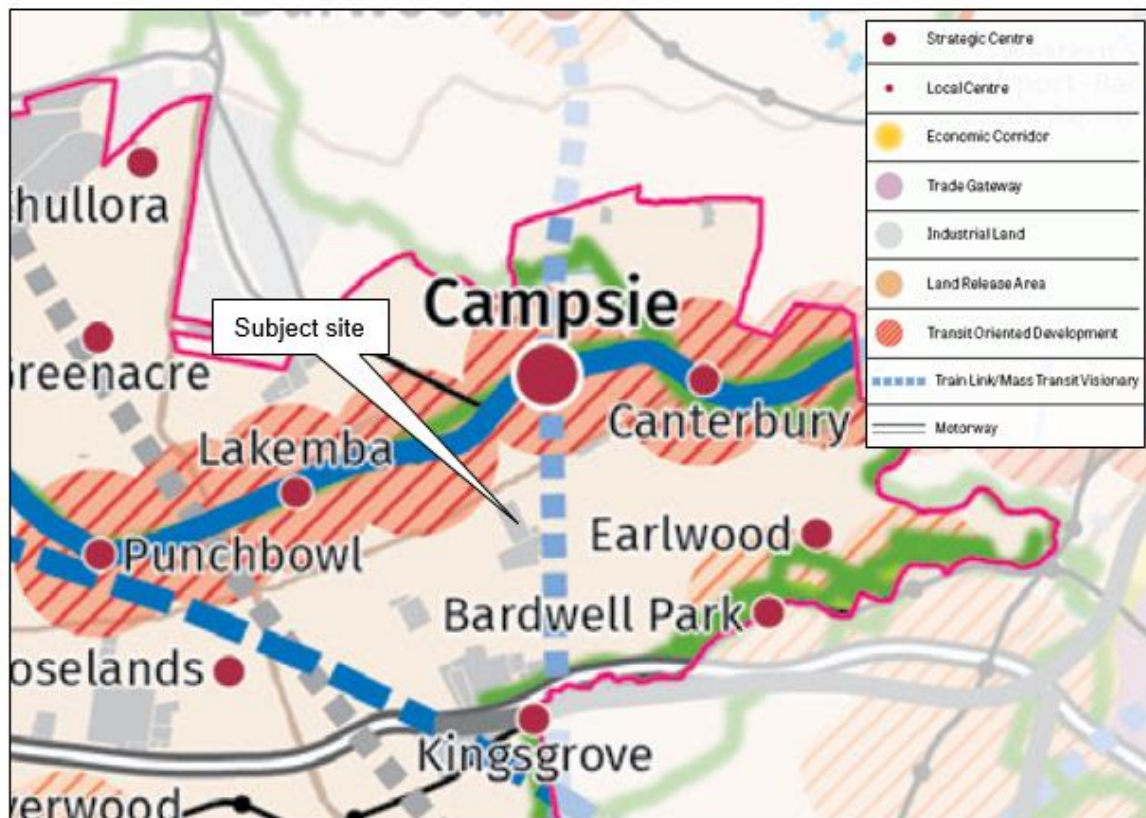
The application will facilitate delivery of transit-oriented development and co-locate facilities and social infrastructure which is consistent with the principles for strategic centres in the South District Plan and will contribute to the 30-minute city vision of the Plan by providing employment opportunities and a new health services facility in Campsie.

The site is well connected to existing and future public transport infrastructure that will serve the future workers at the private hospital. The site is located in close proximity to the Campsie Town Centre, Canterbury Hospital, as is within 1.2 km of Campsie Station, which will be a future Metro Station and have high frequency metro train services that will provide connections with the Sydney Metro and Trains network. The site is also in walking distance to Canterbury Road which is a strategic bus route that provides services to the surrounding area of Campsie and key centres to the north and south, including Burwood and Rockdale.

The location of private hospital services in Campsie will support the growing needs of the community. This is especially important as the Canterbury Bankstown LGA will need to accommodate a significant portion of future population growth as identified in the South District Plan and the 50,000 dwelling target of the Canterbury Bankstown Housing Strategy and targeted growth in the draft Campsie Master Plan (6,360 dwellings and 2,700 jobs).

Through preliminary conversations, Sydney Local Health District has advised 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.

Figure 8:
Structure
Plan for the
South
District
(Source:
South
District
Plan, page
11)



4.1.4 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 draft Guiding Principles build on the strategies and principles in the Greater Sydney Region Plan and provide clarity on 'managing' industrial lands that respond to the changing nature of land use needs in Greater Sydney. They provide a draft strategic framework to assist councils planning for 'retain and manage' categorised industrial land. They address:

- Securing capacity of industrial and urban services land;
- Supporting sustainability;
- Optimising diverse supply chains supported by infrastructure;
- Boosting economic activity to support current and emerging industries;
- Encouraging innovation;
- Providing business certainty;
- Servicing population needs; and
- Consideration of transition to alternative uses.

The applicant's submission prepared by Urbis dated September 2023 provides as a response to both the draft Guiding Principles of June 2022 and Information Note of March 2023. Please refer to Table 4 and Attachment C.

Table 4: Applicant's submission prepared by Urbis dated September 2023 – Response to Draft Guiding Principles

Draft Guiding Principle	Applicant's Response
Securing capacity of industrial and urban services land <i>"Ensure there is sufficient industrial land and allowable floor area, of the right types, to meet the State's needs now and in the future."</i>	<p>The proposal for the subject site is aligned to the expected future employment landscape of the Canterbury-Bankstown LGA, by creating health-related employment floorspace to meet growing demand, in place of industrial zoned land that is forecast to receive lower demand than most other land uses.</p> <p>As at January 2018, there were 968 hectares of zoned industrial land in the Canterbury Bankstown LGA, of which 31 hectares was undeveloped. This undeveloped land is estimated to be able to provide a 311-year supply of industrial land for the LGA, based on TfNSW annual employment projections and assuming an average utilisation of the land for general industrial use.</p> <p>The proposed rezoning of the subject site will result in the withdrawal of 3 hectares of industrial zoned land from the LGA. This withdrawal is expected to be well accounted for within the LGA by 109,200 m² of vacant industrial floorspace (as at July 2019). It is noted that the planning proposal does not rezone the land and the underlying industrial zoning will remain should the planning proposal and its LEP Amendment be finalised and made.</p> <p>The planning proposal aligns with the draft guiding principle.</p>
Supporting sustainability <i>"Industrial lands Policy should align with government environmental objectives and community expectations including minimising commute and delivery times, enabling</i>	<p>The proposal shall have negligible direct impact on the supply and demand for industrial lands within the local and regional context. Rather, the proposed development for allied purposes is strategically aligned with:</p> <ul style="list-style-type: none">▪ <i>Key recommendations set out in Council's LSPS and associated Employment Lands Strategy, with a key direction of Council to advance the Eastern Lifestyle and Medical Precinct. The need to</i>

<p>efficient freight and logistics networks, and minimising environmental and social impacts.”</p>	<p>support a health and medical precinct around Canterbury Hospital were significant recommendations.</p> <ul style="list-style-type: none"> ▪ <i>Identified community health needs</i> - The precinct provides an opportunity to expand the existing health services provided locally so that local residents only travel for services that cannot be supported locally due to the highly specialised nature or complexity of care that is required. <p>The planning proposal aligns with the draft guiding principle.</p>
<p>Optimising diverse supply chains supported by infrastructure “Ensure that Greater Sydney’s freight network (including trade gateways and corridors) and businesses’ access to intermediate goods and services are efficient and resilient.”</p>	<p>The proposal shall have negligible direct impact on the supply and demand for industrial lands within the local and regional context. Furthermore, the site in its current industrial context is delivering minimal direct and indirect investment, trade and employment outcomes.</p> <p>The planning proposal aligns with the draft guiding principle.</p>
<p>Boosting economic activity to support current and emerging industries</p>	<p>The proposed medical development at the subject site is estimated to generate 425 jobs on site under full operation, based on analysis provided by Neetan Investments. This job outcome represents:</p> <ul style="list-style-type: none"> ▪ a 420-job uplift compared to the current site operations, accounting for 2% of the projected employment for the LGA to 2036 ▪ 155 more jobs compared to an average general industrial use of the site. <p>Council’s Employment Land Strategy 2021, and in turn the District Plan, has acknowledged the district effectively is transitioning from manufacturing to professional, high-tech, scientific and creative industries, and ancillary distribution and warehousing. Increasing the number of jobs in health and education and population-serving industries has been cited as particularly important as the District’s historically strong industrial base is in decline.</p> <p>The planning proposal aligns with the draft guiding principle.</p>
<p>Encouraging innovation “Ensure industrial sites are adaptable to the evolving needs of the users, including the need for greater diversity and intensity of use and changing industry characteristics.”</p>	<p>The site itself has not considered to be suitable for industrial purposes into the future, rather it has planned since at least as far back as 2009 to transition to an emerging health precinct following the closure of the former Sunbeam factory to the east which has since been redeveloped into a residential and retail mixed use apartment development. There is opportunity (and community need) to see innovation achieved through a managed transition to health and related activities.</p> <p>Given the area is in transition with significant new development occurring along Canterbury Road including the emergence of a new medical hub being formed around the existing Canterbury Hospital, it is considered that the proposed allied health precinct will form a strong mutual connection and complement the nearby Canterbury Hospital, encouraging additional employment opportunities within the area.</p> <p>The planning proposal aligns with the draft guiding principle.</p>
<p>Providing business certainty “Ensure consistency and clarity regarding the function of each industrial area, including</p>	<p>Council’s LSPS has sought to confirm a clear strategic direction for this area and more specifically a managed transition across to an emerging health precinct.</p> <p>This is considered to be entirely aligned with the strategic direction established under the South District Plan – for increasing the number</p>

<p><i>their economic relationship with activity centres, to send clear market signals that foster business investment and productivity.”</i></p>	<p>of jobs in the health, education and scientific and professional industries, as well as population-serving industries will underpin the District's economy.</p> <p>The proposal is aligned with a planned, deliberate and managed transition of this site from a historical land uses.</p> <p>The planning proposal aligns with the draft guiding principle.</p>
<p>Servicing population needs <i>“Households and businesses should have access to the goods and services they need and access to local employment opportunities.”</i></p>	<p>As set out above, the proposed medical development at the subject site is estimated to generate 425 jobs on site under full operation, based on analysis provided by Neetan Investments. This job outcome represents:</p> <ul style="list-style-type: none"> ▪ a 420-job uplift compared to the current site operations, accounting for 2% of the projected employment for the LGA to 2036 ▪ 155 more jobs compared to an average general industrial use of the site. <p>The planning proposal aligns with the draft guiding principle.</p>
<p>Consideration of transition to alternative uses <i>“Transition of industrial lands to other uses, but only where the other seven draft Guiding Principles would not be compromised. If an industrial area (or part) is identified for possible transition to an alternative use, prioritisation must first be considered for other employment uses.”</i></p>	<p><u>The precinct has long been planned to transition</u> Towards 2032 – City of Canterbury Economic Development and Employment Strategy (Strategy) was prepared in 2009 for Council. It examined employment lands within Canterbury LGA and recommended economic and employment development strategies, with a 30-year time horizon. The strategy specifically referenced the need for a review of the zoning regiment, following the (then) completion of the neighbourhood centre at the Sunbeam site.</p> <p>Further, the following direction and priority action recommendations were provided:</p> <ul style="list-style-type: none"> ▪ Precinct 1 - Strategy Direction – consider the future of this area for low-risk, medium density housing, medical related business, and a small Neighbourhood centre, adjacent to light industry ▪ Action P 27 - ‘Redeveloping Harp Street and Canterbury Road — Restructure the Harp Street Precinct and surrounds to create a mixed use and medical precinct <ul style="list-style-type: none"> • Alignment with LSPS • Consistent with South District Plan • Strategic outcomes/alignment with ‘retain and manage’ principle <p>The planning proposal aligns with the draft guiding principle.</p>

4.1.5 Employment Zones Reform

In May 2021, the Department of Planning and Environment proposed to replace the existing business and industrial zones with five employment zones and four supporting zones under Standard Instrument (Local Environmental Plans) Order 2006. DPE developed and finalised the employment zones based on quantitative and qualitative evidence to:

- maximise productivity while minimising land use conflicts and ensuring they are fit for purpose
- address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt
- better support councils in the delivery of the strategic vision contained in their Local Strategic Planning Statements and background studies.

In December 2021, the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 came into force. The new employment zones were introduced into 134 LEPs through six self-repealing SEPPs on 16 December 2022 which commenced on 26 April 2023. Council has until 26 April 2025 to introduce the new employment zones in the CBLEP 2023.

The existing IN1 and IN2 Industrial zones will be combined and renamed as E4 General Industrial. The new E4 zone will be the primary zone for industrial precincts, and its objective will be to provide a wide range of industrial, warehouse, logistics and related land uses that encourage employment opportunities.

Council has not yet adopted an approach for rezoning employment zones within the LGA under the new framework and will progress with the amendment to the CBLEP 2023, and exhibit a planning proposal likely in 2024 to seek community feedback, before the Minister finalises and makes the changes.

4.1.3 Local Strategic Planning Statement – ‘Connective City 2036’

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’ (see Figure 9).

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. This would achieve consistency with what is set out in the District Plan in relation to the Industrial Lands Retain and Manage approach.

The proposal will provide a modern health facility that meets the community’s health needs and supports knowledge intensive jobs. The redevelopment of the site facilitated by the Planning Proposal would generate at 425 jobs in health care services once operational which contributes around 5.5% of the total jobs target of 7,500 by 2036.

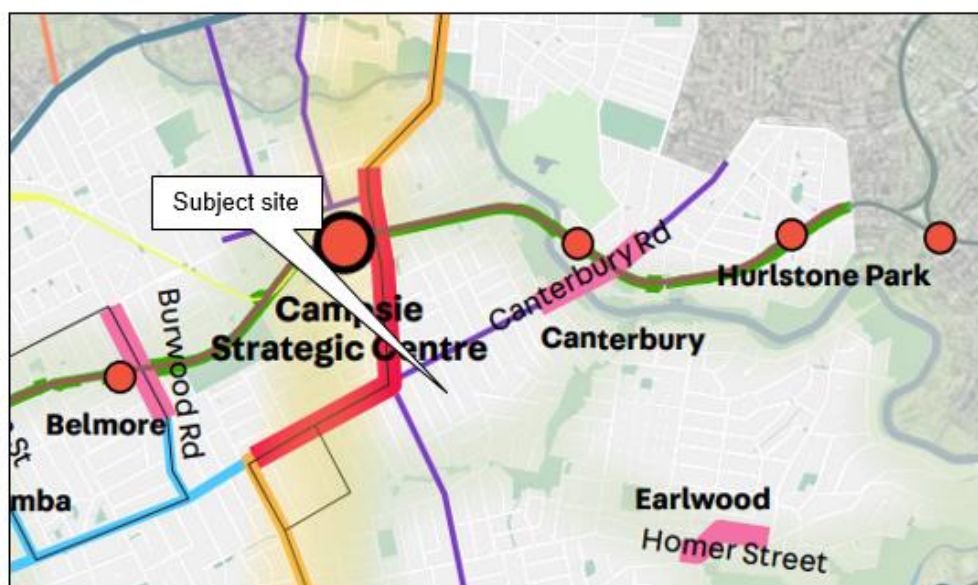


Figure 9: The LSPS 'Connective City 2036' plan showing the location of the site in context of the Eastern Lifestyle and Medical Precinct (line shown in red)

The Planning Proposal is consistent with the following key relevant LSPS objectives:

Evolution Three – Places for Commerce and Jobs

- E3.1.56: Provide capacity for 7,500 jobs in Campsie Town Centre by 2036.
- E3.2.62: Plan for a health precinct that includes urban services anchored by Canterbury Hospital in Campsie.
- E3.7.73 Build partnerships with key health and education institutions in Canterbury-Bankstown to provide pathways for local employment, focusing on both blue- and white-collar opportunities.

Evolution 6 – Urban and Suburban Places

- E6.2.115: Confirm the role of Campsie as the City's second strategic centre through master planning and precinct planning.

Evolution 9 – Sustainability and Resilience.

- E9.5.177: Include measures to facilitate low-emission forms of transport (public transport, cycling, walking) in place- Transport for NSW and Canterbury Bankstown Council based transport planning.

4.1.4 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 draft Guiding Principles build on the strategies and principles in the Greater Sydney Region Plan and provide clarity on 'managing' industrial lands that respond to the changing nature of land use needs in Greater Sydney. They provide a draft strategic framework to assist councils planning for 'retain and manage' categorised industrial land. They address:

- Securing capacity of industrial and urban services land;
- Supporting sustainability;
- Optimising diverse supply chains supported by infrastructure;
- Boosting economic activity to support current and emerging industries;
- Encouraging innovation;
- Providing business certainty;
- Servicing population needs; and
- Consideration of transition to alternative uses.

The applicant's submission prepared by Urbis dated September 2023 provides as a response to both the draft Guiding Principles of June 2022 and Information Note of March 2023. Please refer to Table 4 earlier in this report and Attachment C.

4.1.6 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.

Consistent with the South District Plan, Council will retain Canterbury-Bankstown's business and industrial lands to maintain capacity for future jobs. As a transitional arrangement, planning proposals that seek to rezone business and industrial lands for alternative uses that have already received a gateway determination will continue to be progressed. The renewal of employment lands for higher order employment uses will be encouraged to increase the density of jobs.

While there was acknowledgement of the overall need to consider the retention of existing industrial land, the following were both importantly recognised:

- The direction of Council to advance the Eastern Lifestyle and Medical Precinct as outlined in the Council's LSPS, and
- The need to support a health and medical precinct around Canterbury Hospital.

While the subject site is in Campsie, it is placed within the Clemton Park Centre precinct in the Employment Lands Strategy. The area is zoned IN2-Light Industrial, with one of its most prominent land uses within this employment land precinct being Pickles Auctions – located within the subject site.

The strategic direction for Clemton Park as set out in the Strategy is to retain and manage the precinct. Industrial activity and urban services are important to Canterbury Bankstown's economy. The precinct is expected to continue to change, as emerging technologies and new industries with different requirements impact on the precinct.

The evolution of industrial and manufacturing lands, and freight and logistics hubs into complex employment lands is expected to impact on this precinct. This trend is consistent with other parts of Greater Sydney. The planning proposal for 11 Harp Street, Campsie 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.

4.2 Urban Design Considerations

4.2.1 Built form Testing and Alternative Scenarios

The planning proposal has been revised since its lodgement with Council in response to Council's assessment. Council's key issues with the initial as-lodged development concept consisted of the following:

- Inadequate efficient entry points easily accessible from Canterbury Road
- Insufficient connection with the emerging Campsie Medical Precinct
- Insufficient connection with the local business centre i.e. Clemton Park Shopping Village

- Overbearing built form in particular regarding the transition to the adjoining residential zoned land to the west
- Insufficient accessibility of proposed public space
- Lack of character cohesion with building B and C within the proposal and the surrounding context, and
- Built form is not sensitive to the pedestrian experience within the development hub.

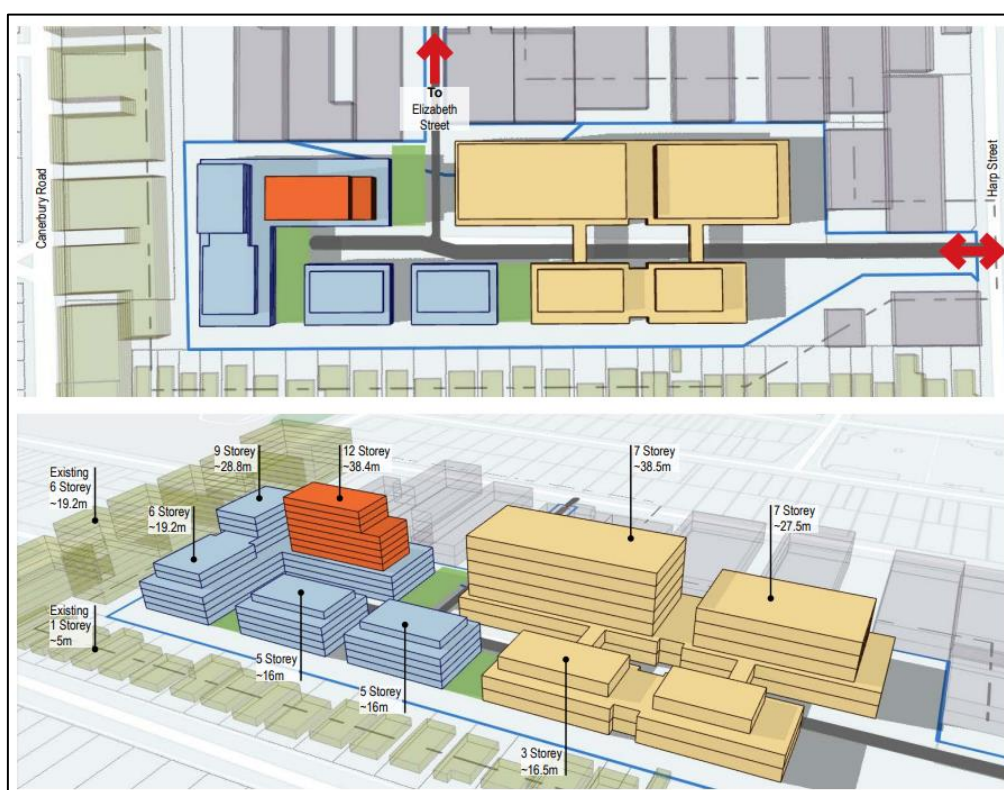
Council's assessment of the applicant's concept development scheme resulted in three alternative scenarios that would result in an improved distribution of building heights and massing across the site to address the height and bulk transition to the sensitive residential interface to the west, modulate heights to reflect the site's topography with taller buildings at the northern end and to break up the visually bulky and scale of the southernmost building envelope.

The three scenarios are also tied to the access arrangements to the site as a result of incorporating 5 and/or 11A Elizabeth Street, Campsie as part of the future redevelopment to account for different outcomes in the event 5 and/or 11A Elizabeth Street are not both acquired by the landowner of 11 Harp Street.

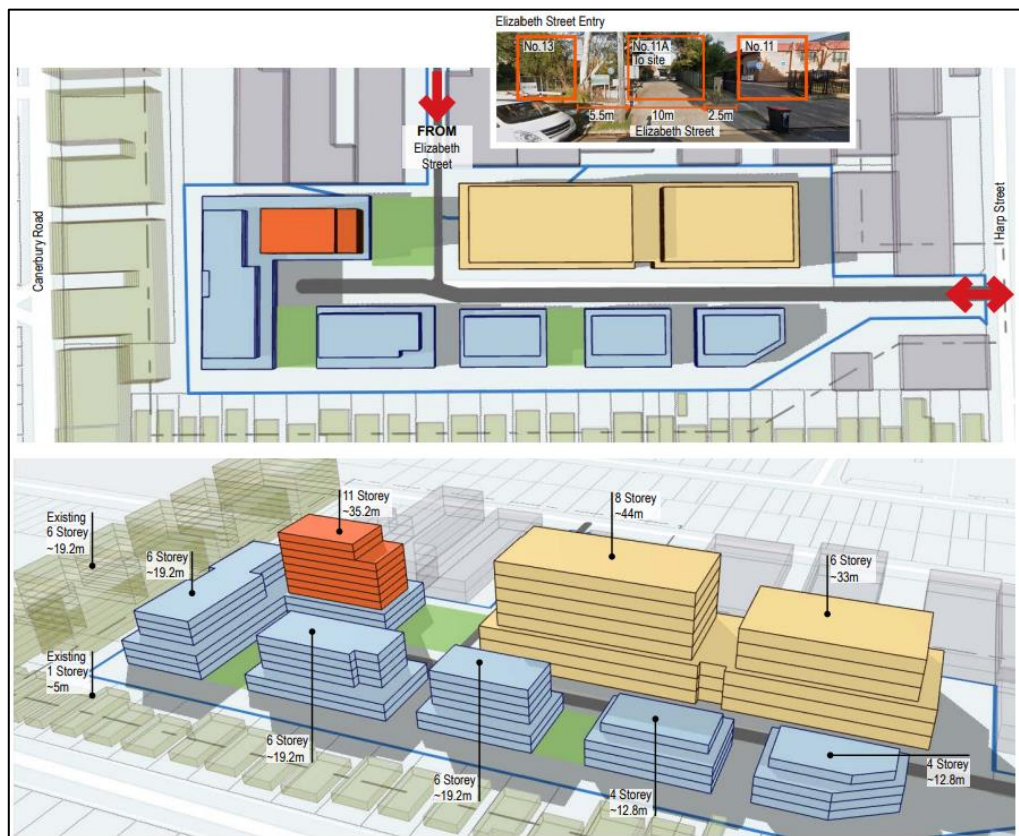
The following Scenarios were presented, indicating a strong preference for Scenario 3. Please refer to **Table 5** below.

	Scenario 1	Scenario 2	Scenario 3
Rating	No. 11A Elizabeth Street Campsie will be acquired	No. 11A Elizabeth Street Campsie will be acquired	Nos. 5 and 11A Elizabeth Street Campsie will be acquired
Pros	<ul style="list-style-type: none"> • Improved internal pedestrian amenity • More accessible open space for workers and visitors • Finer grain built form interfacing with residential buildings to the west • Relatively higher hospital floor plate 	<ul style="list-style-type: none"> • Improved internal pedestrian amenity • More accessible open space for workers and visitors • Finer grain built form interfacing with residential buildings to the west • Varied built form along residential interface 	<ul style="list-style-type: none"> • Improved pedestrian amenity • Entry visible and accessible from Canterbury Road - better connection with the rest of the Campsie Medical Precinct • Two points of entry and exit which improves vehicle circulation • More accessible open space for workers and visitors • More varied built form interfacing with residential buildings to the west •
Cons	<ul style="list-style-type: none"> • Poor entry visibility and wayfinding • Entry via industrial precinct • Pedestrian entry via industrial precinct • Poor connection with the rest of the Campsie medical precinct 	<ul style="list-style-type: none"> • Poor entry visibility and wayfinding • Entry via industrial precinct • Poor connection with the rest of the Campsie medical precinct 	<ul style="list-style-type: none"> • Still a relatively high building envelope along the eastern side of the development

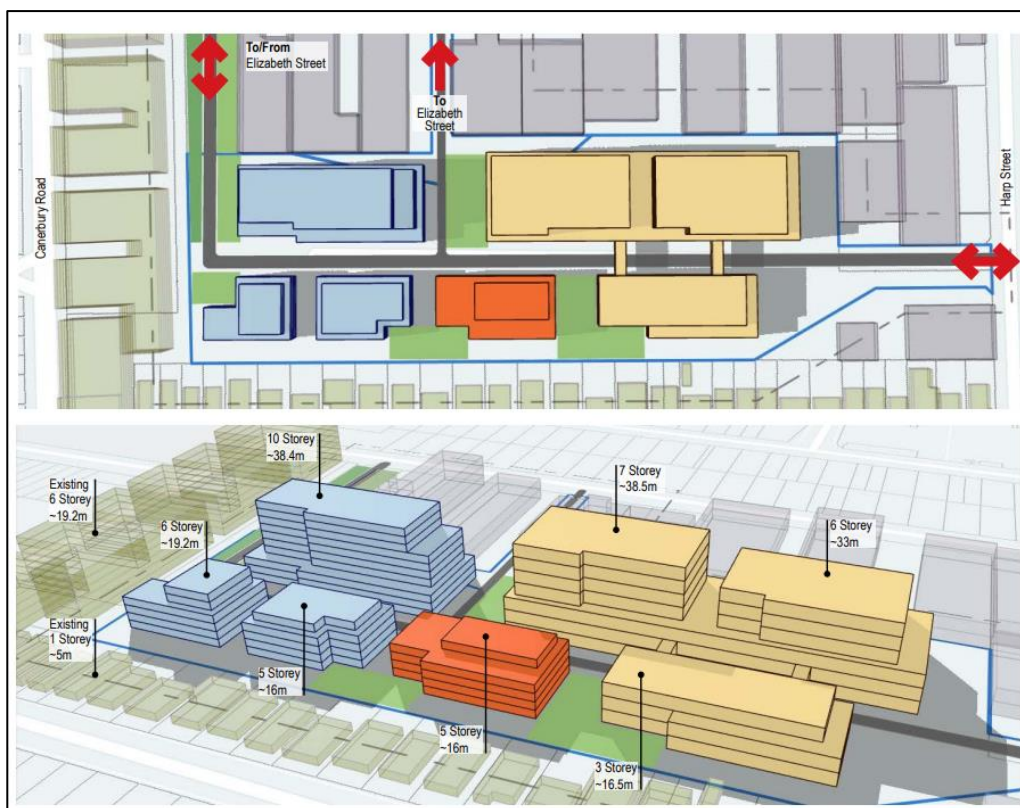
Scenario 1	Scenario 2	Scenario 3
<ul style="list-style-type: none"> • Cul-de-sac at the northern end of the internal road result in poor vehicle circulation and serviceability • Heavy overshadowing of public spaces • Bulky built form to the north to reach adequate FSR • 	<ul style="list-style-type: none"> • Cul-de-sac at the northern end of the internal road result in poor vehicle circulation and serviceability • Heavy overshadowing of public spaces • Bulky built form to the north to reach adequate FSR 	



Scenario 1 – Primary Entry via 11 Harp Street



Scenario 2 – Primary entry via 11A Elizabeth Street



Scenario 3 – Primary entry via 5 Elizabeth Street (Council's preferred scenario)

Further, key attributes of Scenario 3 consisted of the following:

- **Built Form and Visual Assessment**
 - Breaks down the built form to finer grains along the western side of the development that adjoins the residential properties, to reduce its visual impact whilst creating a much more sympathetic transition.

- The height has been distributed relatively evenly along the western edge – with the highest building in the centre of the site.
- Connection to Surrounding Development
 - 2 vehicle entry
 - 3 vehicle exit
 - 3 pedestrian entry and exit
 - Southern entry and secondary exit fronts the industrial precinct
 - Main entry on Elizabeth Street is located just before the start of the industrial precinct
- Public Open Space – Design and Location
 - Scenario creates various open space opportunities throughout the site, to improve accessibility whilst also softening the built form.
 - Additional podium spaces can also be nominated throughout the site.
- Solar Access
 - Building Façade: 44% over two hours
 - Public Open Space: 64% over two hours

4.2.2 Solar Access Impacts

The site is oriented to the north and south with a slight tilt towards the west, ensuring adequate solar amenity can be achieved. 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 (21 June at 9am) and no overshadowing after lunchtime onwards (Please refer to Figure 10). The analysis demonstrates that at June 21, the greatest impact is experienced. Even then, shadow impacts are limited to 9am only and then free of impacts on solar access from 10am onward for the rest of the day.

It is proposed that the site specific DCP to be exhibited concurrently with the planning proposal, where practical, 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.

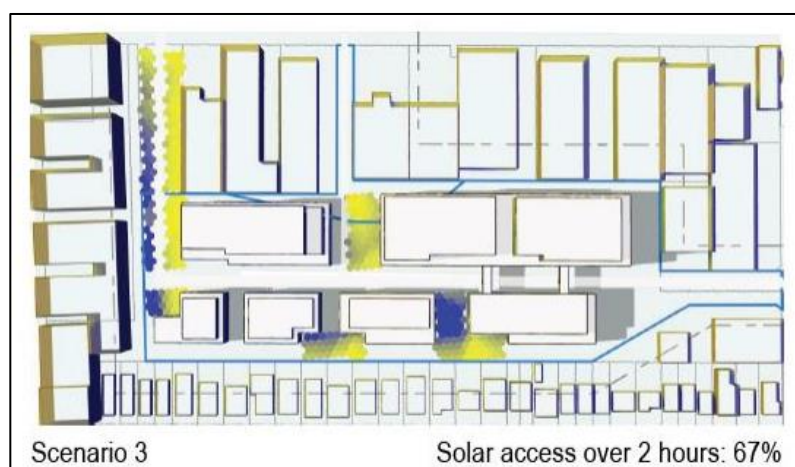


Figure 10: Winter Solstice solar access diagram at 11 Harp Street, Campsie

4.2.4 Floor Space Ratio

The concept development scheme for the planning proposal has a total GFA of 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.

It is noted that the maximum FSR is not 'as of right', and any future Development Application must demonstrate how future development on the site does not result in an unreasonable adverse environmental impact on adjoining land and the surrounding area.

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 intended development will ensure significant remediation works valued at over \$40 million are carried out to make the site suitable for the proposed uses. This is an item within the applicant's draft Letter of Offer however it is noted such remediation works would be carried out by the proponent as part of any future Development Application whether or not it is included in a Planning Agreement.

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 a 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. This is due to the conclusions regarding contamination being drawn from environmental reports that are dated between 1988 and 2018. The DSI (Detailed Site Investigation) and RAP (Remediation Action Plan) were developed in 2015 and to ensure the information is reviewed and updated where required to reflect the current site conditions. Furthermore, legislation and guidelines been updated such as NSW EPA guidelines for "Consultants Reporting on Contaminated Land 2020" which are not accounted for in the previous reports.

It is noted that the engagement of a Site Auditor to review the documentation and provide recommendations to update and address any requirements can be undertaken prior to exhibition of the planning proposal. The submission of a DSI and RAP will also be a requirement for the proponent to prepare and provide with the future Development Application on the site. This approach is consistent with the recently finalised and gazetted planning proposal to facilitate a private hospital at 445 Canterbury Road, Canterbury (PP-2022-1169).

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% AEP (Annual Exceedance Probability) flood mapping (refer to Figure 11) at the lowest 'H1' flood hazard category. An 'Annual Exceedance Probability' (AEP) is the probability that a flood of a given magnitude will occur within a one year period. For example, a 1% AEP Flood means that there is a 1 in 100 chance that a flood of that given size (or larger) could occur in any one year.

The 1% AEP flood mapping shows that a significant flow path through the site was not identified as the majority of the site is situated substantially higher than Harp Street. 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.



Figure 11: 1% AEP Hazard Rating Map (120 minute storm duration) for Southern Campsie and Clemton Park (subject site outlined in red)

The proposed vehicle and pedestrian access points to the site from 5 and 11A Elizabeth Street are not impacted by 1% AEP flooding incidents and therefore will remain safe routes of passive at all times during a 1% AEP floor event. Figures 13 and 14 show the flooding depths range of 0.15m to 1m and a low provisional hazard rating affects the site overall.

Probable Maximum Flood (PMF) is the largest flood that could conceivably occur at a particular location. It is usually based on a theoretical amount of rainfall (probable maximum precipitation) and is much greater than a 1% AEP flood. The PMF flood mapping for the site is shown in Figure 12. The PMF flood mapping generally reflects the flood affection under the 1% AEP conditions, with some additional partial flooding impacts on 5 and 11A Elizabeth Street. It is noted that the flooding within the central part of the site is reflective of the current site conditions and not reflective of the final redeveloped site layout. Flooding in the central part of the site

would be appropriately managed at the DA stage with site grading, new stormwater drainage across the entire site and building design measures that can be designed to minimise potential flooding risk. Such details can be included in the site specific DCP.

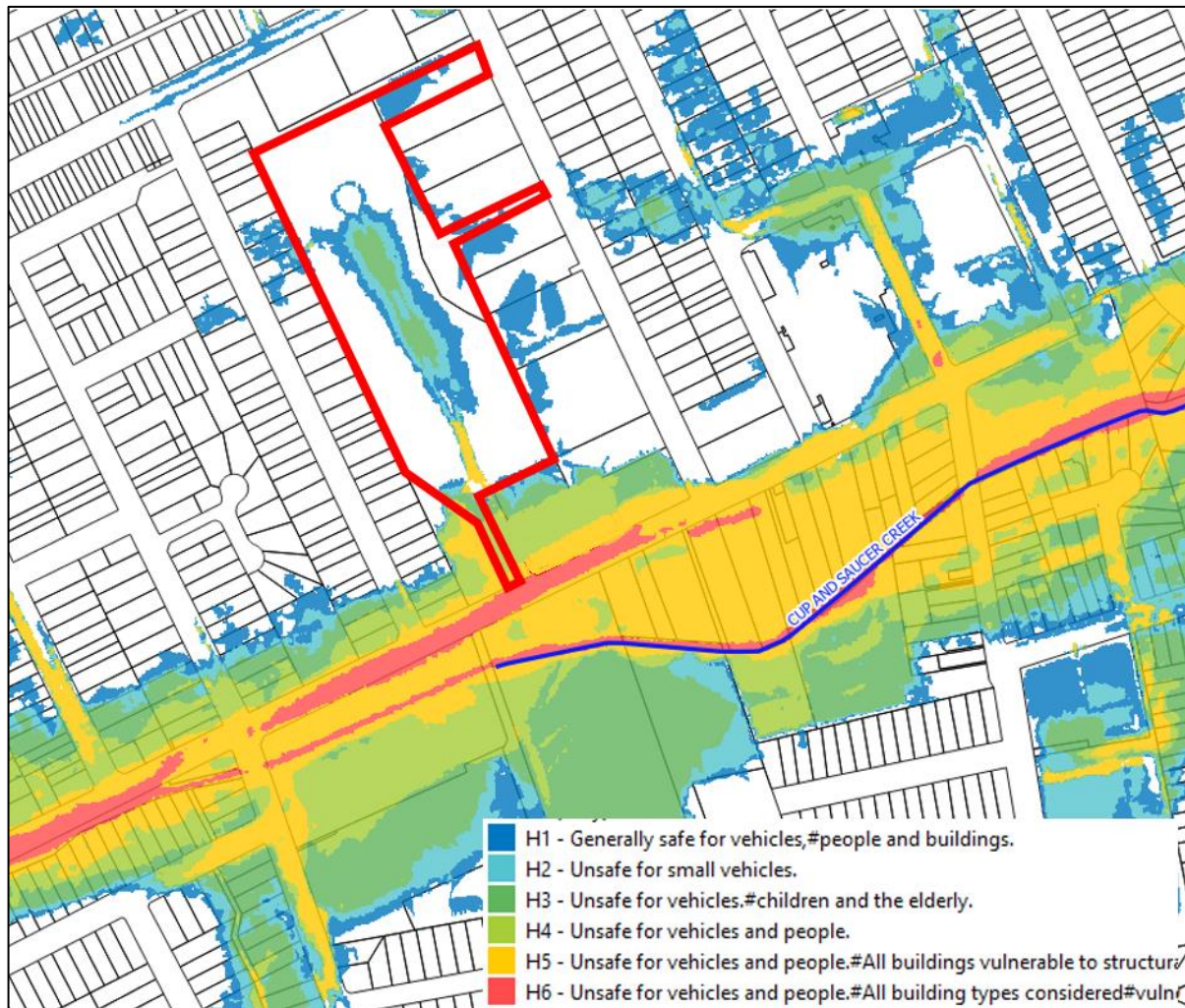


Figure 12:

*PMF Hazard Rating Map for Southern Campsie and Clemton Park
(subject site outlined in red)*

It is evident that the flood risk is localised and that the highest risk area is associated with an existing and broader floodway along Harp Street which is a long standing flooding condition that impacts properties to the southern side of Harp Street more significantly.

Council concurs with the applicant's flooding assessment which concludes:

- While the site has been identified as flood prone, the relevant flooding conditions affecting the site primarily impact vehicle access within Harp Street and can otherwise be effectively controlled within the site for safe effective operation.
- During flood events Harp Street access/egress shall have restricted use in accordance with a flood evacuation and management plan that can be developed at the Development Application stage as a site specific DCP control. As the 1%AEP event only lasts for 60 minutes in Harp Street, it is considered appropriate that this plan shall reflect a shelter in place policy for all patients and non-emergency egress. Alternative access via Elizabeth Street would also be available should Harp Street access be not possible due to flooding.

As part of the preparation of the site specific DCP, the following matters are recommended by Council to be required to be addressed by the applicant and reviewed by Council before the planning proposal and site specific DCP are exhibited:

- Flood Impact and Risk Assessment (FIRA): Taking into account the land size, topography, the type of development proposal (including a Hospital, Medical Hotel, etc), and the risk of flooding that the

proposed development may be exposed to. The FIRA must demonstrate that the proposed development is compatible with the flood hazard and does not create adverse flooding impacts on the site or neighbouring properties. Furthermore, the flood impact assessment must show compliance with the Council's LEP and DCP requirements.

- Site Stormwater Strategy: Given the size of the site, an assessment needs to be conducted to evaluate the impact of inter-allotment stormwater system connecting to Council drainage system. On-site Detention (OSD) and/or On-site Retention (OSR) may be required for this site to ensure no worsening of conditions.

It may be appropriate that the FIRA and Site Stormwater Strategy are prepared at the Development Application stage and that the key requirements and technical submission requirements are developed and included in the site specific DCP, subject to the satisfaction of Council.



Figure 13: 1% AEP Provisional Hazard Map

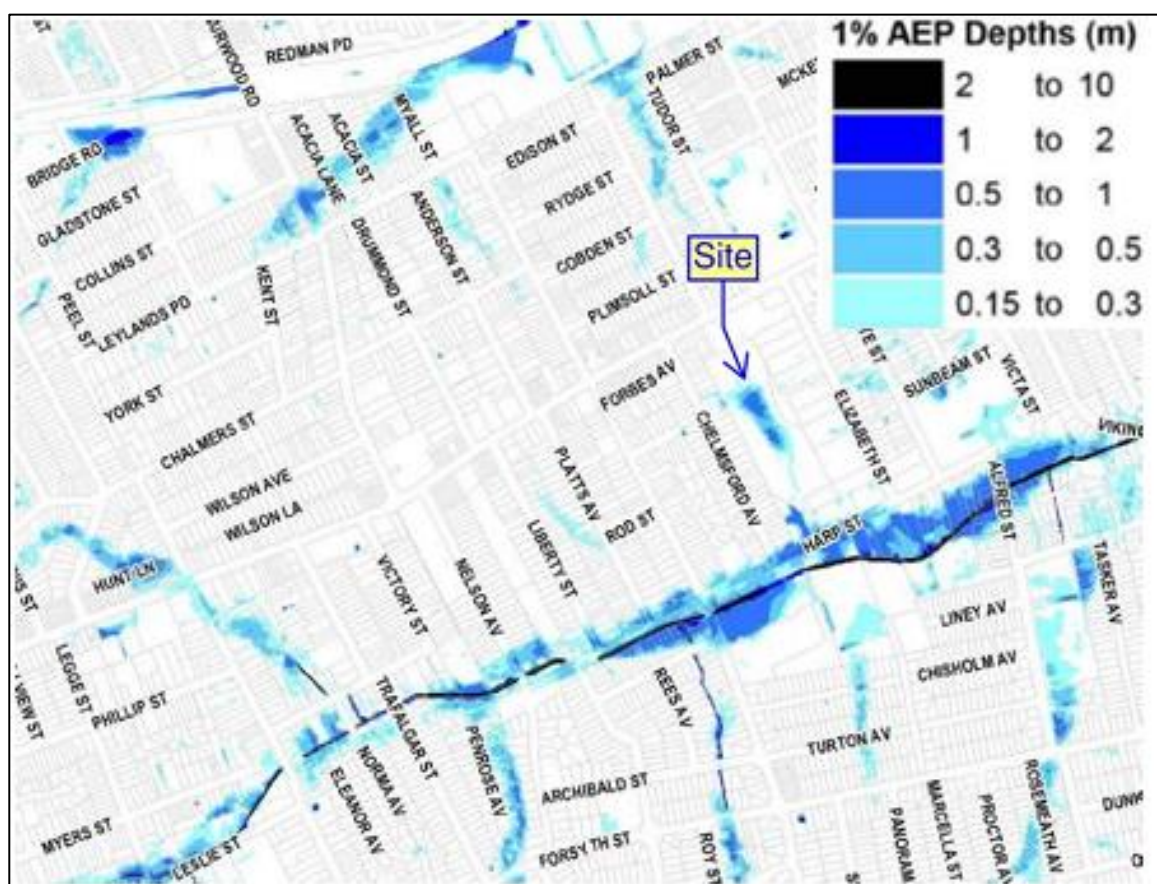


Figure 14: 1% AEP Depth Map

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 lodgement of the planning proposal. It is noted that further to the above, Council's Traffic Engineers provided feedback on the initial development scheme, outlining the below as matters that would need to 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

In addition to Council's comments, a peer review was undertaken by Bitzios Consulting in 2020, outlining several matters relating to active transport, public transport, access, parking, and traffic generation and distribution. The key recommendations can be found via Attachment O.

Further to the above, written comments were received in from TfNSW in March 2022 that requested a range of matters to be reviewed, including but not limited to:

- Assessment of intersections including Canterbury Road and Elizabeth Street, and Harp Street and Elizabeth Street
- Inclusion of movements for maximum queue lengths

- Provision of ambulance access, ensuring one entry is exclusive to ambulance vehicles, and
- Refining Trip Generation via the RMS Guide to Traffic Generating Developments.

Based on the feedback of TfNSW and the comments from Council's traffic Engineers confirming that the proposal was generally acceptable with no fundamental traffic concerns, 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.

4.6 Proponent's Letter of Offer to enter into a Planning Agreement

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 6) has 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.

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.	\$3.9 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.	\$13,000
3.	Construction of Roundabout on Elizabeth Street/Harp Street	\$40,000
4.	Provision of Cycleways in accordance with Key Route 7 of the Active Transport Action Plan – Croydon Park to Earlwood North/South link	\$90,000
5.	Provision of vehicle access to Elizabeth Street - via acquisition of Nos. 5 and 11a Elizabeth Street.	\$9 million
6.	Public Park on site - retained in private ownership with an easement for public access	\$200,000
7.	Provision of floor space to allow Council, or affiliated organisations access to facilitate services/programs	Final value subject to further discussions
8.	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
9.	Upgrades to Stormwater Drainage	Final value subject to further discussions
	Total Estimated Value	\$13,243,000

Table 6: Proposed list of public benefits and infrastructure to be delivered in conjunction with the Planning Proposal by the applicant as part of a future Planning Agreement

Council has reviewed the offer and provided the following comments in relation to each item that has been proposed in the Letter of Offer. The review identifies that some items have been underquoted 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.

Item No.	Description of proponent's item offer	Council Comment	Whether Council would accept s7.11/1 Contribution offsets (Y/N)
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.	The 7.12 Contribution amount is informed by the contributions plan as well as the cost of works definition outlined in the EP&A Regulation 2021 which include remediation costs.	No. Council notes the total value should be \$4.3 million based on a 1% s7.12 Development Contribution rate for the total estimated Capital Investment Value of \$430 million, not \$390 million (with \$40 million removed for remediation costs).
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.	<p>The majority of these works are required to service the proposed development.</p> <p>Council should not accept a monetary contribution in this instance but rather have the developer undertake the works to Council's specifications. The proposed works should not be tied to an agreed value unless the final detailed design has been approved by Council's Works and Projects teams.</p>	No
3.	Construction of Roundabout on Elizabeth Street/Harp Street	<p>Council should not accept a monetary contribution but rather have the developer undertake the works to Council's specifications. As above, the proposed works should not be tied to an agreed value unless the final detailed design has been approved by Council's Works and Projects teams.</p> <p>The final cost of in-infill development differs greatly as there are factors that are not present greenfield sites such as underground infrastructure or power poles that may need to be moved.</p> <p>It is noted that the delivery of a new roundabout should be provided as conditions of consent of any future DA.</p> <p>This aspect of potential works should give regard to green infrastructure, improved streetscape to Elizabeth and Harp Streets and undergrounding of powerlines surrounding the site.</p>	No
4.	Provision of Cycleways in accordance with Key Route 7 of the Active Transport Action Plan – Croydon Park to Earlwood North/South link	Key cycleway routes are considered within Council's Contributions Plan. There is an opportunity for the developer to contribute towards these works via a monetary contribution beyond	Council has not confirmed the final cycleway alignment with the Contributions Plan at this time. Any applicable s7.12 offsets will be further

		the value in the Council's Contributions Plan or deliver works once the route is confirmed by Council in the future.	explored during the preparation of the draft Planning Agreement.
5.	Provision of vehicle access to Elizabeth Street - via acquisition of Nos 5 and 11a Elizabeth Street.	These works are required to service the proposed future development, and there is no broader public benefit for the public (e.g. such as a through site connection).	No
6.	Public Park on site - retained in private ownership with an easement for public access	Given the characteristics of the site, users are likely to be limited to workers, patients, and visitors to the hospital. Notwithstanding, the site will improve access to Elizabeth Street and will enable surrounding workers in the IN2 zone to have access to new publicly accessible open space.	No
7.	Provision of floor space to allow Council, or affiliated organisations access to facilitate services/programs	Council is aware of a number of Non-Government Organisations in the Campsie area, some of which are in the allied health industry, that use Council's existing aging public facilities that could potentially make use of such spaces on this site.	Any applicable s7.12 offsets will be further explored during the preparation of the draft Planning Agreement.
8.	Funding of design and/or construction of potential footbridge over Canterbury Road (subject to consultation with Transport for NSW)	<p>Council will seek to broaden this works item to include road/traffic signalisation as a footbridge may not be possible given the constraints along the Canterbury Road corridor.</p> <p>Council considers that this is a reasonable addition given one of the key strategic merit considerations for the proposal is the site's proximity and 'access' to Canterbury Hospital'. Any opportunities to enhance this connectivity should be included as part of the draft Planning Agreement and delivered before the future health services facility on the site commences operation.</p>	No
9.	Upgrades to Stormwater Drainage	<p>Council will request that the proponent contributes to stormwater drainage upgrades off-site to assist with alleviating where possible flooding impacts along Harp Street as well as any non-flooding related stormwater infrastructure improvements that can be delivered near the site, as nominated by Council.</p> <p>Council will request that the developer undertake the works to Council's specifications, rather than accepting a monetary contribution.</p>	No

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Table 7:
Council

Urban Policy and Planning Unit comments on proposed list of public benefits and infrastructure to be delivered in conjunction with the Planning Proposal.

It is Council's position that will not accept the offsetting of the cost of items on the Letter of Offer and future Planning Agreement from the payment of Section 7.11/7.12 Development Contributions, and it is Council's intention to further negotiate with the applicant on the quantum of contribution and location of benefits listed in the items in the table above, in preparation of a draft Planning Agreement to be agreed upon by Council and the applicant for public exhibition with the Planning Proposal and site specific DCP. Where it is demonstrated offsetting Development Contributions is appropriate, Council may accept such an approach, providing it is consistent with Council's Planning Agreement Policy.

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 AND NEXT STEPS

Council has assessed this Planning Proposal against the justification matters outlined in the Department's LEP Making Guideline (September 2023). 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.

Key matters for consideration are the management of the likely impacts resulting from the proposal, these are primarily:

- Traffic management and road upgrades,
- Remediation of land, and
- Flooding impacts, particularly along Harp Street.

It is also noted that the Letter of Offer and subsequent Planning Agreement requires further discussion and negotiation between the Applicant and Council.

The planning proposal concludes 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.

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