

Our Ref: 0117/13lt5

14 February 2014

Marian Pate
NSW Department of Planning and Infrastructure
PO Box 39
SYDNEY 2001

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
84 KAREENA ROAD, CARINGBAH**

We advise that we act on behalf of the owner of the above property and have been instructed to make a submission to be included as part of the independent review of the Draft Sutherland Shire LEP 2013. In accordance with the terms of reference set out by the Minister for Planning and Infrastructure, this submission relates to a site that was included in Mayoral Minute No. 6/13-14 dated 29 July 2013.

As conveyed to the Panel during recent Public Hearing sessions, it is critical that a distinction is made between matters referred to in the Mayoral Minute of 29 July 2013 as to whether they were matters supported by Council's professional staff following submissions made on the initial public exhibition period or were changes instigated by the Mayor. We note that in relation to this submission, the Mayoral Minute was consistent with the recommendations of staff contained in their report relating to the first round of exhibition.

By way of background, Planning Ingenuity made a submission to Council in response to the first exhibited Draft LEP requesting that the proposed zoning under Draft SSLEP 2013 be changed to enable future medical facilities on the site and provide opportunity for the rational expansion of the hospital site by enabling medical uses to be permissible as of right. The most appropriate planning response would be to rezone the subject site *SP1 – Heath Services Facility* zone under Draft Sutherland LEP 2013.

Staff was supportive of the request to allow medical facilities on the subject site. Council's report summarising submissions made the following recommendation:

" *Add the subject land (84 Kareena Road, Caringbah (Lot 9A 420748), to „Schedule 1 Additional permitted uses“ for the purpose of health service facilities with consent.
This will require changes to the current map series and the re-exhibition of the DSSLEP.*"

As discussed, the subject site was mentioned in the Mayoral Minute as follows:

" *i. 'Health services facilities' be added as a permissible use on specific land through the following additions to Schedule 1: Additional Permissible Uses
X. Use of certain land at 84 Kareena Road, Caringbah
(1) This clause applies to 84 Kareena Road, Caringbah being Lot 9A DP 420748.
(2) Development for the purpose of health services facilities is permitted with consent.*

The changes to the Draft LEP, as exhibited in the second round, were therefore made as a result of thorough analysis and the request by Planning Ingenuity in their submission on behalf of the land owner.

The request was considered by professional Council staff and was supported. The site was included in the Mayoral Minute to reinforce the views of staff.

It is therefore abundantly clear that the changes to the LEP in relation to the subject site are both appropriate and are agreed as acceptable by Planning Ingenuity, professional staff and the Mayoral Minute.

We therefore request that the panel endorse the Mayoral Minute as it relates to the subject site, that is, provide an additional permitted use clause to identify medical facilities as permissible on the subject site.

Should you wish to discuss any of the above, please feel free to contact the undersigned.

Yours faithfully,
Planning Ingenuity Pty Ltd

A handwritten signature in black ink, appearing to read 'J. Mead'.

Jeff Mead
DIRECTOR



ANNEXURE A

COPY OF INITIAL SUBMISSION ON DRAFT SUTHERLAND LEP 2013

Our Ref: 0134/13lt1
Your Ref: LP/03/252376

26 June 2013

Environmental Planning Unit
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND LEP 2013
NO. 84 KAREENA ROAD, CARINGBAH**

INTRODUCTION

We refer to the *Draft Sutherland Shire LEP (SSLEP) 2013* which was on exhibition from 19 March to 1 May, 2013. Council staff have indicated that a "late submission" will be considered in review of the Draft LEP.

We act on behalf of the owner of land adjoining the subject site and have been instructed to make a submission in relation to the Draft LEP to request that Council enable medical uses to be permissible on the abovementioned site. Negotiations are in progress for the conditional purchase of the subject site for amalgamation with Kareena Private Hospital.

In our opinion and for reasons outlined in this submission, the most appropriate planning response in this instance would be to zone the subject site *SP1 – Medical Services Facility* under the *Draft SSLEP 2013*.

In forming our opinion on the suitability of rezoning the subject site we have visited the site and locality and considered the *SSLEP 2006* and *Draft SSLEP 2013* controls in the context of the local and state strategic planning framework. We have also considered Council's *Employment Strategy – January 2013* and the *Fact Sheet – Caringbah Medical Precinct* which are supplementary documents also publicly exhibited.

We note that our firm has also prepared a submission on behalf of the owner of No. 437 Kingsway, to the east of the existing hospital. The justification set out in this submission is consistent with that submission and it would be prudent for both properties to be treated in a similar manner. In fact, acceptance of the recommendations made in both submissions would in our view go a long way to meeting the objectives for the Caringbah Medical Precinct, as they relate to Kareena Hospital.

We have also considered Council's resolution of 19 November 2012 and the subsequent formal nomination of the *Miranda-Caringbah* as an Urban Activation Precinct for consideration by the Department of Planning and Infrastructure.

SITE & LOCATION

The subject site is located on the eastern side of Kareena Road and shares a boundary with the northern edge of the car parking area to Kareena Private Hospital. The site is identified as Lot 9A DP 420748 No. 84 Kareena Road, Caringbah (Figure 1).



Figure 1: Location Plan



Figure 2: Subject site as viewed from Kareena Road (Kareena Hospital to right)

The site features a single storey brick and tile detached dwelling. The site has a gentle slope downwards to the north with established trees and shrubs along the southern boundary and within the rear yard. Figure 2 shows the front of the subject site. In Figure 2 Kareena Private Hospital can be seen in the right hand side of the photo.

The neighbouring property to the north is of similar dimensions to the subject site and is occupied by a fibro and tile single storey dwelling shown in Figure 3.



Figure 3: Neighbouring property to the north

Opposite the site in Kareena Road is a paediatric practice which occupies No. 85 and No. 2/83 Kareena Road. The neighbourhood north of the site comprises predominantly single and two storey detached dwellings. Southern Cardiology occupies the building on the southern corner of Minnamurra Street and Kareena Road, being 70 metres north of the subject site.

DEVELOPMENT HISTORY FOR KAREENA PRIVATE HOSPITAL

Previous development consents for additions and alterations to Kareena Private Hospital include:

- Development Consent DA06/0340 for Additions and Alterations to the hospital including a temporary demountable gymnasium and twenty-seven (27) new car spaces. Development Consent was granted on 29 June, 2006; and
- Development Consent DA11/0857 for Additions and Alterations to the hospital approved on 21 November, 2011.
- Part 3A Major Project Approval MP08_0169 approved on 9 June, 2009 and modified 6 May, 2009. This proposal includes an additional seventy-two (72) patient beds, two (2) additional operating theatres and additional administrative floor space. The increased capacity of the

hospital equates to an additional 100 staff, a building height of between two and three storeys, a gross floor area of approximately 4,123 square metres and 127 on-site car parking spaces.

PLANNING CONTEXT / BACKGROUND

The subject site is located within Zone 4 - Local Housing pursuant to SSLEP 2006 and is identified in the Draft LEP 2013 as within Zone R2 – Low Density Residential. The subject site and several other properties zoned for residential purposes adjoin Kareena Private Hospital. Kareena Private Hospital is one of two private hospitals in the Sutherland Shire and offers regionally significant private hospital services.

Planning Ingenuity recently made a submission to Council regarding the *Draft SSLEP 2013* with respect to the property shown edged Orange as No.435-437 Kingsway in Figure 4 below. In a similar manner to that current request, the owners of Kareena Private Hospital are requesting Council to consider changes to the provisions of *Draft SSLEP 2013* to assist in the much needed expansion of the hospital site and its functional capacity to the property to the north.

The following table summarises the details of the subject site, the private and public hospital sites and the nearby properties discussed in a separate submission.

TABLE 1: DESCRIPTION OF ADJOINING DEVELOPMENT			
Colour	ADDRESS	LAND USE	SITE AND BUILDING FEATURES
Red	84 Kareena Road, Caringbah	Dwelling	A single storey brick and tile dwelling with vehicle access direct to Kareena Road. Adjoins the existing car park to Kareena Hospital
Black	86 Kareena Road, Caringbah	Private Hospital	The existing Kareena Hospital is one of two private hospitals in the Sutherland Shire. The area immediately adjoining the boundary to the subject site is used for car parking. Expansion of the site is constrained by land zoned and used for residential purposes.
Orange	435-437 The Kingsway, Caringbah	Medical Practice	A medical practice which has been in operation for many years. Suitable for amalgamation with Kareena Private Hospital. The property gains vehicular access from Karoola Crescent to the north and fronts the Kingsway.
Purple	126 Kareena Road, Caringbah	Public Hospital	Sutherland Hospital, a large public hospital with associated access and parking. Sutherland Hospital has been the subject of recent expansion and plays a regionally significant role in providing public hospital facilities. The Hospital site occupies a large land parcel. Draft SSLEP 2013 provides opportunities for the expansion of this hospital to the east and south.



Figure 4: Aerial photograph of properties in the vicinity of Kareena Private Hospital

Kareena Private Hospital has no ability to expand to adjoining land to accommodate future growth due to it being land-locked by residential properties in the current and draft Local Environmental Plans. The owners of Kareena Private Hospital have expressed interest in acquiring adjoining lands including the

subject site for medical purposes such as medical consulting rooms, oncology treatment or for the expansion of the hospital's on-site car park.

Kareena Private Hospital and Sutherland Hospital are identified as regionally significant medical infrastructure. Council has recognised the potential for urban development of the Caringbah Medical Precinct and resolved on 19 November 2012 to identify the area as an Urban Activation Precinct for consideration by the Department of Planning and Infrastructure.

The Draft LEP contains local provisions aiming to reinforce and encourage expansion of the Caringbah Medical Precinct. However, health services facilities are not permitted with consent on the subject site and on surrounding land within Zone R2 Low Density Residential. This does not enable the orderly expansion of Kareena Private Hospital. Council's *Fact Sheet – Caringbah Medical Precinct* acknowledges that the growth of the medical services sector would encourage employment opportunities and also benefit the wider community through provisions of expanded local services. The Draft LEP however provides no expansion opportunities for Kareena Hospital.

We acknowledge that the objectives of the Caringbah Medical Precinct intend to promote mixed use development that incorporates medical uses and that these provisions apply to a consolidated area adjoining Sutherland Hospital. The Caringbah Medical Precinct does not make comparable provisions for Kareena Private Hospital. It is our view that the facilitation of future expansion of Kareena Hospital is critical to achieve the overriding objectives under Clause 6.22. In fact, objective (b) refers specifically to Kareena Hospital as being important for employment opportunities and economic growth however the planning controls effectively inhibit any future expansion to meet this objective.

THE REQUEST

It is requested that the proposed zoning under Draft SSLEP 2013 for Lot 9A DP 420748 (No.84) Kareena Road, Caringbah be changed to enable medical uses to be permissible. This change shall provide opportunity for the rational expansion of the Kareena Private Hospital and tends towards greater consistency with the draft provisions for Sutherland Hospital. The most appropriate provision would be to zone the subject site *Zone SP1 – Health Services Facility* under Draft Sutherland LEP 2013.

STRATEGIC PLANNING

In preparing this submission, we have considered the strategic planning framework within which the Draft LEP has been prepared. It is our opinion, that this framework at state and local level supports the rezoning of the subject site to facilitate the urban regeneration of Caringbah as a centre of Medical Excellence. We make the following observations in relation to the strategic planning framework:

1. *South Subregion of the Draft Metropolitan Strategy:*

The Metropolitan Strategy identifies Caringbah and Miranda as Major Centres. The Strategy recognises the medical precinct between the two centres with the two hospitals representing regionally significant medical infrastructure. The precinct is an opportunity for land uses which facilitate further innovation and skills development, increased employment capacity and new urban development for medical related uses to build on the existing medical industry cluster.

2. Employment Strategy – January 2013

Council's *Employment Strategy* was exhibited with Draft SSLEP 2013. The purposes of the Strategy include the evaluation of the underlying potential for employment growth and creating a planning framework to support good economic, employment and social outcomes. It states that "Council has a responsibility to ensure employment growth can be facilitated at the local levels".

Of direct relevance to the subject request is *Objective 5 – To support existing magnet infrastructure*. It states, inter alia:

" Local magnet infrastructures include the Australian Nuclear Science and Technology Organisation (ANSTO) and associated facilities, Sutherland Public Hospital and Kareena Private Hospital and related medical facilities, the Loftus Education Precinct and TAFE Gynea. These institutions are already amongst Sutherland Shire's major employers. They also offer transferable competencies that benefit a broad spectrum of the local workforce. Hence, providing the planning incentives to support the appropriate expansion of these facilities could make a significant contribution to meeting both Sutherland Shire's employment targets, and the skill needs of future employers."

The Strategy states that this objective is met through provision of a "medical cluster". Specifically the Strategy states, inter alia:

" Caringbah centre lacks a distinct role, and despite the last two construction booms has received little retail or residential redevelopment. In 2008, a comprehensive urban design review was carried out to establish a revitalisation strategy for the centre. An outcome of that review was the recommendation for a range of building envelope and height controls to deliver a higher standard of residential development than is currently possible. The review also made recommendations for improving Caringbah's retail and dining options, and other strategies to gain comparative advantage over the other centres, including capitalising on the centre's proximity to both Sutherland Public Hospital and Kareena Private Hospitals.

The DSILEP supports the review recommendations including, making changes to the planning framework between Sutherland Hospital and Caringbah centre to encourage mixed-use developments that can provide new flats, housing suitable for older people and specialist medical businesses. It is envisioned that a medical cluster here has the potential to attract approximately 1,000 new, high-skilled employment opportunities. Provision of a health precinct would have a multiplier effect, attracting complementary businesses and services, which could assist the regeneration of the Caringbah centre. It would also allow a greater portion of the population to work locally, leading to reduced commuting and an improved lifestyle for those workers. Additionally, it would benefit the wider community, particularly the ageing community, because more expertise and a greater range of services would be available locally."

Whilst this initiative will likely assist with meeting the objective of promoting the Caringbah Centre, it is our view that it does little to facilitate the needs of Kareena Hospital to grow in the longer term to meet the underlying objective of attracting 1,000 new high-skilled employment opportunities. Given that Kareena Hospital is an established facility of regional significance, in our view it is commonsense to protect and facilitate its ability to grow and evolve.

Clearly, the surrounding land uses and development pattern in the vicinity of Kareena Hospital presents some constraints to the hospital's long term growth. However in our view, simply enabling expansion of the SP1 zone to a limited number of additional properties would provide a significant impetus for expansion. Possibilities that have been considered for the use of the site for an oncology wing or for miscellaneous specialist services or the relocation of car parking which

enables additions to the existing building. Such changes can be designed to be harmonious with surrounding residential development.

3. *Urban Activation precinct*

Urban activation precincts are a State Government initiative that seeks to target and facilitate growth in housing and jobs through strategic, precinct based approach to planning. The State Government is seeking nominations for Urban Activation Precincts. A report was put to Council on 19 November 2012 identifying the potential public and private benefits of identifying Miranda and Caringbah as an Urban Activation Precinct.

The report identified a specific area (*Miranda-Caringbah*) which includes the subject site as shown in Figure 5. The report noted that an Urban Activation Precinct would create capacity for significant growth, to deliver quality living environments and more employment opportunities. The employment opportunities within the Caringbah portion of the nominated area clearly relate to the existing medical facilities and the ability to provide for their rational expansion.

Council resolved to nominate *Caringbah-Miranda* as an Urban Activation Precinct. If the Minister decided to proceed with *Caringbah-Miranda* as an Urban Activation Precinct, it is likely that the precinct plan prepared by the State Government would provide opportunity for the growth and expansion of Kareena Private Hospital. This has been limited in the past due to the existing zoning regime which effectively land-lock the hospitals.

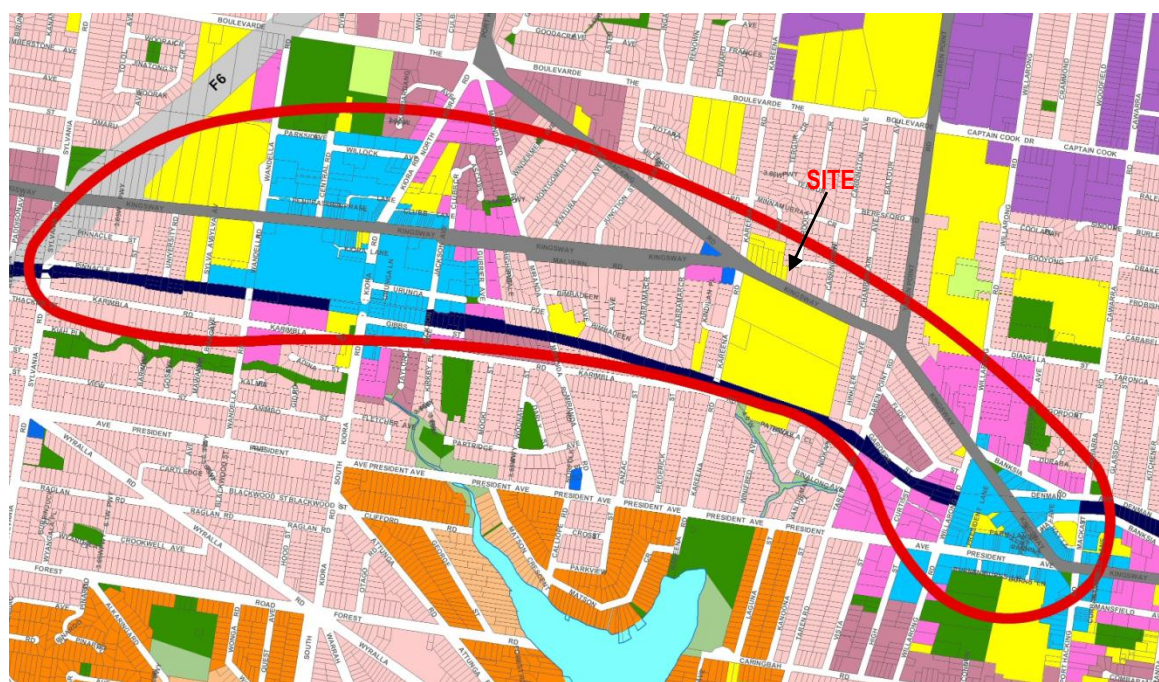


Figure 5: Caringbah-Miranda area identified for nomination as an Urban Activation Precinct

4. *State Environmental Planning Policy (Infrastructure) 2007*

This State Environmental Planning Policy (SEPP) introduces simplified planning controls for essential infrastructure such as roads, railway, education, utilities and medical/hospital uses. Under SEPP (Infrastructure) 2007, 'health service facilities' are permissible in specified residential and business zones. However, pursuant to Division 10 Health Services Facilities are only permitted

within a “prescribed zone” which does not include Zone R2. Therefore, any future expansion of the hospital could not occur under the provisions of the SEPP.

5. Draft LEP 2013

The subject site is located within the R2 Low Density Residential Zone pursuant to Draft Sutherland LEP 2013. The zone objectives and permissible uses are stated as follows:

- “
- 1 Objectives of zone**
- 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 ensure the single dwelling character, landscaped character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi dwelling housing or seniors housing.
 - To protect and enhance existing vegetation and other natural features and encourage appropriate bushland restoration.
 - To protect and restore trees and bushland particularly along ridgelines and in areas of high visual significance.
 - To allow the subdivision of land only where the size of the resulting lots retains natural features and allows sufficient area for development.
- 2 Permitted without consent**
Home occupations
- 3 Permitted with consent**
Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Seniors housing
- 4 Prohibited**
Any development not specified in item 2 or 3”

Accordingly, health consulting rooms are a permissible use on the subject site. The LEP defines health consulting rooms as follows:

- “ **health consulting rooms** means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.”

A hospital use is not permitted on the site. A hospital use falls within the definition of a health services facility as follows:

- “ **health services facility** means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:
- (a) a medical centre,
 - (b) community health service facilities,
 - (c) health consulting rooms,
 - (d) patient transport facilities, including helipads and ambulance facilities,
 - (e) hospital.”

In contrast, Zone SP1 – Special Activities is specifically tailored to particular infrastructure uses. In the case of the immediately adjoining land occupied by the Kareena Private Hospital, this specific use is a “health services facility”. The zoning table under Draft SSLEP 2013 states the following:

- “ **Zone SP1 Special Activities**
- 1 Objectives of zone**
- To provide for special land uses that are not provided for in other zones.
 - To provide for sites with special natural characteristics that are not provided for in other zones.
 - To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- 2 Permitted without consent**
Nil
- 3 Permitted with consent**
Roads
The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose
- 4 Prohibited**
Any development not specified in item 2 or 3”

It is requested that the subject site be included within Zone SP1 for the reasons outlined throughout this submission.

We note also that the Draft LEP specifically aims to provide impetus for expanding the Caringbah Medical Precinct as an area of medical excellence. Clause 6.24 of the Draft LEP relates to the Caringbah Medical Precinct identified by Areas 7, 8 and 9 (Figure 6). Within the identified areas, the Clause 6.24 identifies Health Service Facilities as permissible and provides height and FSR incentives where a development contains a Health Service Facility.



Figure 6: Draft LEP 2013 Height Map showing incentive areas for medical related uses

The objectives for the Caringbah Medical Precinct are stated as follows:

- “ **6.22 Caringbah Medical Precinct (local)**
- (1) *The objectives of this clause for the Caringbah Medical Precinct are:*
- (a) *To create a mixed use development precinct providing medical services facilities and residential development, located adjacent to the Sutherland Hospital and within walking distance of Caringbah Centre.*
 - (b) *To provide employment opportunities and promote economic growth for Sutherland Shire, through synergies with the existing medical facilities of Sutherland and Kareena Hospitals.*
 - (c) *To be a catalyst for the revitalisation of Caringbah Centre.*
 - (d) *To provide additional residential flats within walking distance of the Caringbah Centre.*
 - (e) *To provide high quality areas of private and public domain, with deep soil setbacks for the planting of substantial landscaping including large scale indigenous trees which will complement the scale of buildings up to 6 storeys, particularly in the building setbacks adjacent to the Kingsway.*
 - (f) *To protect the amenity of the adjacent areas by providing a transition to adjacent two storey residential development, including reasonable setbacks from side and rear boundaries and the maintenance of a transitional scale of building height to Flide Street.*
 - (g) *To improve safety and traffic flow by limiting vehicle access from the Kingsway to redevelopment sites.”*

The request contained in this submission is consistent with the objectives for the Precinct. Notwithstanding, the subject request is in our view far less significant than what is proposed under Clause 6.22. That is, the subject request simply relates to expanding an existing zone and its specific land use to enable the objectives of Clause 6.22 to be met. The request does not seek density incentives. In our view, to not support the subject request would in fact challenge the objectives for the precinct. That is, the promotion of synergies between Sutherland and Kareena Hospitals would be somewhat constrained with no land available immediately adjoining Kareena Hospital to facilitate expansion whereas large areas of land adjoining Sutherland Hospital give this public facility multiple expansion options.

The subject site is not constrained in any way that would preclude its use and zoning as a health services facility. Detailed design matters can be addressed under any development application for redevelopment of the site.

OPTIONS OR ALTERNATIVES

In our view, the following options are open to Council should the intent of our request be supported. These are as follows:

- 1) Include the subject site within Zone SP1 Health Services Facility;
- 2) Include the site within a “prescribed zone” under the LEP that would trigger opportunity for use of the SEPP (Infrastructure) 2007 ie. R3 or R4 zones; or,
- 3) Incorporate the subject site, through mapping, in the Caringbah Medical Precinct incentive areas.

It is our view that Option 1 represents the appropriate planning outcome. This would allow for expansion of the adjoining hospital use and the certainty of that use for a Health Services Facility. Alternatively, should use of the site by Kareena Hospital not eventuate, the zoning would allow use of the site for other medical purposes, consistent with the broader medical precinct.

CONCLUSION

We thank you for the opportunity to comment on Council's Draft LEP. For the reasons outlined in this submission, it is our view that the Draft LEP in its current form does not appropriately respond to Council's Employment Strategy, particularly as it relates to the Caringbah Medical Precinct. It is considered inappropriate to spatially constrain future expansion of Kareena Private Hospital through maintaining the low density residential zoning of adjoining properties. The Kareena Private Hospital essentially represents a "critical half" of the primary medical infrastructure in the Precinct yet will be constrained to its current land area under the proposed zoning. By comparison Sutherland Hospital stands to benefit from multiple expansion opportunities with adjoining land to the east and south being granted increased development potential.

We acknowledge the residential nature of surrounding lands and note that the subject site could be used for purposes which respect the special conditions required for an interface with residential land.

As demonstrated in this submission, the request is considered to be consistent with the Sydney Metropolitan Strategy, Council's Employment Strategy, the objectives of the Caringbah Medical Precinct and the overall economic and social objectives of the *Environmental Planning & Assessment Act, 1979*. We therefore respectfully request that the zoning of the subject site of No.84 Kareena Road (and that of and Nos. 435 and 437 Kingsway, Caringbah) be reconsidered for inclusion in Zone SP1 Health Services Facility.

We trust that this submission is self explanatory. However, should you require any further clarification, please do not hesitate to contact our office.

Yours faithfully,
Planning Ingenuity Pty Ltd



Jeff Mead
DIRECTOR