

Explanatory Note:

Draft Planning Agreement – Bankstown Private Hospital

Canterbury Bankstown Council

Canterbury-Bankstown Private Hospital Pty Ltd

**Prepared in accordance with clause 25E of the
Environmental Planning and Assessment Regulation 2000**

March 2021

Clause 25E(1) of the Regulation requires that an explanatory note must accompany a VPA that:

- a) summarises the objectives, nature and effect of the proposed VPA, amendment or revocation, and
- b) contains an assessment of the merits of the proposed VPA, an amendment or revocation including the impact (positive or negative) on the public or any relevant section of the public.

Clause 25E(2) of the Regulation requires that in preparing the explanatory note, the planning authority must consider any relevant practice note prepared by the Planning Secretary under clause 25B(2).

Note: This template has been drafted for a proposed draft planning agreement, but applies equally to a proposed amendment or revocation of a VPA Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Proposed draft Planning Agreement

Under s7.4 of the Environmental Planning and Assessment Act 1979

1 Parties

CANTERBURY-BANKSTOWN COUNCIL (ABN 45 891 846) (Planning Authority)

CANTERBURY-BANKSTOWN PRIVATE HOSPITAL PTY LTD (ACN 619 483 457) (*Proponent*)

2 The Land

297 Canterbury Road, Revesby in the State of New South Wales being Lot 9 in Deposited Plan 663160 (Folio Identifier 9/663160)

and

299 Canterbury Road, Revesby in the State of New South Wales being Lot 202 in Deposited Plan 840245 (Folio Identifier 202/840245)

3 The Development

The Development pursuant to the Planning Proposal applying to the Land is the proposed amendments to the Bankstown Local Environmental Plan 2015 to amend the Floor Space Ratio (FSR) applying to the Land from 1:1 to 2.3:1 for the sole purposes of a hospital.

Developer Works means

- (a) The installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Transport of NSW (TfNSW).
- (b) The installation of new bus shelters on both the northern and southern sides of Canterbury Road (next to the Canterbury Road/Mavis Street intersection) to cater for staff, patients and visitors using public transport. The locations will be determined in conjunction with the proposed Canterbury Road/Mavis Street intersection design in (a). The shelters must be accessible for seniors and people with disabilities and comply with the Disability Discrimination Act 1992.
- (c) The embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures.
- (d) The construction of new pedestrian crossings, footpaths and associated public domain improvements (e.g street lighting and seating) between the Land and the Bankstown-Lidcombe Hospital (via Claribel Road and Artigall Street). The improvements must comply with the Disability Discrimination Act 1992.

These developer Works are subject to agreement by TfNSW.

4 Summary of objectives, nature and effect of the proposed draft Planning Agreement

Objectives of the proposed planning agreement:

The objectives of the proposed planning agreement is to facilitate public benefit referred as “Developer Works” in this document.

Nature and effect of proposed Planning Agreement:

- a) The proposed Planning Agreement will not come into effect until the proposed instrument change comes into force.
- b) The proposed Planning Agreement will require the Developer to carry out works for a public purpose, referred as “Developer Works” in this document.

5 Timing of delivery of the public community benefit

The Developer is required to provide the Council with the public benefit, referred as “Developer Works” in this document prior to the issue of an Occupation Certificate.

6 The planning purposes served by the proposed draft Planning Agreement

The planning purposes of the Agreement is to provide an opportunity to facilitate improvements to the public domain, referred as “Developer Works” in this document, as part of the construction of a private hospital on the Land. The proposed FSR uplift will permit an appropriately sized private hospital to be constructed on the Land.

The Agreement provides a reasonable means of achieving that purpose because there are limits on what the Developer can be required to do as a condition of a development consent. By entering into

the Agreement, the Council is able to secure benefits for the community that would not otherwise be available. The Agreement achieves these benefits for the community without the need for public funds to be expended.

7 How the proposed draft Planning Agreement promotes the public interest and objects of the Environmental Planning and Assessment Act 1979

The Agreement promotes the following objects of the Act:

- Section 1.3(b)
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
- Section 1.3(c)
To promote the orderly and economic use and development of land.
- Section 1.3(g)
To promote good design and amenity of the built environment.
- Section 1.3(h)
To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- Section 1.3(j)
To provide increased opportunity for community participation in environmental planning and assessment.

The Agreement promotes the above objects of the Act, and the public interest, by providing for:

- new footpaths, pedestrian crossings and public domain improvements between The Land and the Bankstown-Lidcombe Hospital as part of a planning proposal to assist in meeting the growing demands for health infrastructure in the Canterbury Bankstown LGA.
- embellishment of Mavis Street to improve the public domain, street lighting, road line markings and other safety measures associated with the future private hospital on the Land which is ideally located in proximity to the existing Bankstown-Lidcombe Hospital.
- installation of traffic signals and slip lanes at the intersection of Canterbury Road and Mavis Street, in consultation with the Transport for NSW (TfNSW) to significantly improve traffic safety measures and activation of the industrial area.
- installation of new bus shelters along Canterbury Road to improve accessibility of the Land and to cater for staff, patients and visitors using public transport.
- proposed works which are to comply with the Disability Discrimination Act 1992.

8. What is the impact of the proposed Agreement on the public or any relevant section of the public

The Agreement has a positive impact on the public as this would facilitate a number of public domain improvement works between the Land and the Bankstown Private Hospital which will improve accessibility between these two destinations and bring improvements to the industrial outlook of the Land.

The proposed private hospital to which this Agreement applies intends to provide increased choice in healthcare facilities which are currently not present in the immediate vicinity and within the context of the Canterbury Bankstown LGA; and to provide substantial increase in employment opportunities,

both during construction and in its future operation.

There may be some relatively minor impacts on the public during the construction of the works however these impacts will be offset by the longer-term benefits that the Agreement intends to bring about.

9. How the proposed draft Planning Agreement complies with and promotes guiding principles for Councils under Chapter 3 of the Local Government Act 1993

The Council is a public authority constituted under the *Local Government Act 1993*. The Agreement complies with the following purposes of the *Local Government Act 1993*:

- Section 7(a)
To provide the legal framework for the system of local government for New South Wales; and
- Section 7(d)
To facilitate engagement with the local community by councils, councillors and other persons and bodies that constitute the system of local government.

Section 8 of the *Local Government Act 1993* sets out the 'council's charter'. The Agreement promotes the following elements of the council's charter:

- to plan strategically and work with others for the provision of effective and efficient services to meet the diverse needs of the local community and to secure appropriate services for local community needs.
- to provide strong and effective representation, leadership, planning and decision-making.
- to recognise diverse local community needs and interests and to consider the long term and cumulative effects of actions on future generations.
- to carry out functions in a way that provides the best possible value for residents and ratepayers.

The Agreement promotes the above purposes of the Act in the same way that is set out in section 7 above.

10. Whether the proposed draft Planning Agreement conforms with Council's capital works program

The works proposed under the Agreement have not been identified under the Council's current capital works program. However, should the development proceed, the works identified under the draft Agreement will be required to support the development and to help provide an appropriate level of infrastructure to the existing and in-coming community. This draft Agreement provides a mechanism by which these works can be secured.

11. Whether the proposed draft Planning Agreement specifies that certain requirements of the agreement must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued.

The Proponent is required to provide the Council with the public benefit, referred as "Developer Works" in this document prior to the issue of an Occupation Certificate.

12. Preparation of this explanatory note

This explanatory note has been prepared jointly by the parties proposing to enter into the Agreement.

Signed and Dated by All Parties

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