

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

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17 August 2023

Nicholas Aley
Canterbury Bankstown Council
PO Box 8
Bankstown NSW 1885

Dear Nicholas,

SECTION 4.55(1A) | APPLICATION TO AMEND DA-279/2019/A | 1 NORTH TERRACE, BANKSTOWN

This letter has been prepared by Urbis Pty Ltd on behalf of Vicinity Centres PM Pty Ltd (the Applicant) in support of a section 4.55(1A) application to modify DA-279/2019/A, dated 30 November 2020 which applies to the approved development at 1 North Terrace, Bankstown.

The application seeks to modify Condition 2 in the consent (DA-279/2019/A) relating to the approval for:

Implementation of controlled parking scheme at Bankstown Central Shopping Centre, with associated infrastructure and landscape works

This modification has been prepared to modify the approved plans as set out in Condition 2.

The modification is for amendments to the approved managed parking scheme and alterations to the operation of the existing car park within Bankstown Central Shopping Centre.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulations 2021*.

This letter is accompanied by the following documentation:

- Owner's consent
- Updated plans prepared by CBRK;
- Updated Traffic Report prepared by CBRK;
- Updated Engineering Plans prepared by Baigents; and
- Cost Report prepared by MBM.

1. SITE DESCRIPTION

The site is located in the northern quadrant of the Bankstown Central Shopping Centre. The key features of the site are summarised in Table 1 and the site is shown in

Figure 1 below.

Table 1 Site description

Feature	Description
Street Address	1 North Terrace, Bankstown
Legal Description	<p>The lots of the site include:</p> <ul style="list-style-type: none"> ▪ Lot 1 DP 795649 ▪ Lot 45 DP 618721 ▪ Lot 1 DP 128989 ▪ Lot 83 DP 703356 ▪ Lot 1 DP 1289891 ▪ Lot 1 DP 237386 ▪ Lot 11 DP 746201 ▪ Lot 89A DP 405477 ▪ Lot 23 DP 1117290 ▪ Lot 26 DP 1142237 ▪ Lot 31 DP 1142236 ▪ Lot 18 DP 1117290
Total Site Area	The total site area is 113,920m ² .
Site Topography	This part of the site is relatively flat, given it is an existing car park.

Figure 1 Aerial photograph of the site



Source: Six Maps

2. PROPOSED MODIFICATION

2.1. OVERVIEW OF CHANGES

This Section 4.55(1A) application seeks to modify the development consent issued 30 November 2020 for DA-279/2019/A.

The proposed amendments to the approved plans are minor and relate to changes to the approved managed parking scheme and alterations to the operation of the existing car park within Bankstown Central Shopping Centre.

The proposed amendments are summarised below:

- Removal of the car park entry lane (Location 5) at the western end of the Rickard Road at-grade car park;
- Provision of two new entry lanes from Jacob Street (new Location 5) accessing the new extended at-grade car park;
- Reconfigure car park circulation and traffic measures within the existing Rickard Road at-grade car park;
- Provision of a new single egress lane (Location 5A) onto Jacob Street at The Mall;
- Removal of the car park access controls (Location 6) at the western end of the North Terrace multi-deck car park, including the removal of B2 exit ramp at this location;
- Reconfigure car park circulation and traffic measures within the western part of the existing North Terrace multi-deck car park.

The proposed cost of works for the modifications is \$81,090. The proposed locations of the modifications are shown below in plan extracts, refer to **Figure 2**, **Figure 3** and **Figure 4**.

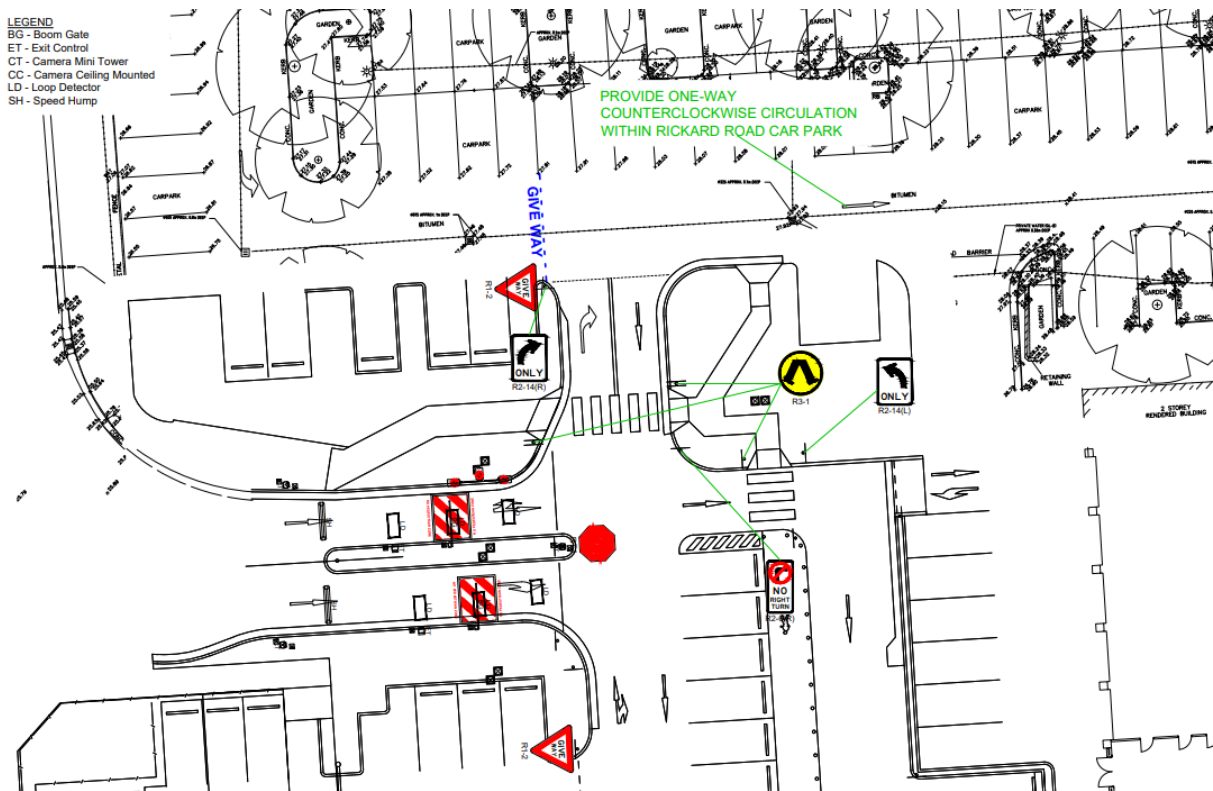
2.1.1. Revised Car Parking Access Controls

New Location 5

- The existing entry lane from Jacob Street has been reconfigured in association with DA-26/2021, to provide two entry lanes, including one left and through traffic lane and one right turn only traffic lane;
- The two entry lanes will include an LPR system and boom gate controls. Speed humps will be located on the entry lanes to control travel speeds;
- The boom gates will be reverse logic (boom gates maintained in an opened position, unless activated by loop detectors to prevent vehicles exiting the car park from the proposed entry controls);
- Raised kerbs/medians and line marking have been provided to channelise traffic entering the car park at this location;
- Reconfigure car park circulation within the existing Rickard Road at grade car park, to provide counter-clockwise traffic circulation;

- All traffic entering the Rickard Road at-grade car park from the new Jacob Street car park will be required to turn right onto the internal car park circulation aisle;
- Install Give Way signage and line marking within the Rickard Road at grade car park, to ensure priority to traffic entering from the new
- Jacob Street car park connection, in order to minimise traffic queues and traffic delays at this location;
- Maintain the existing pedestrian access and marked pedestrian facilities within the new Jacob Street at-grade car park.

Figure 2 Proposed modifications – Location 5



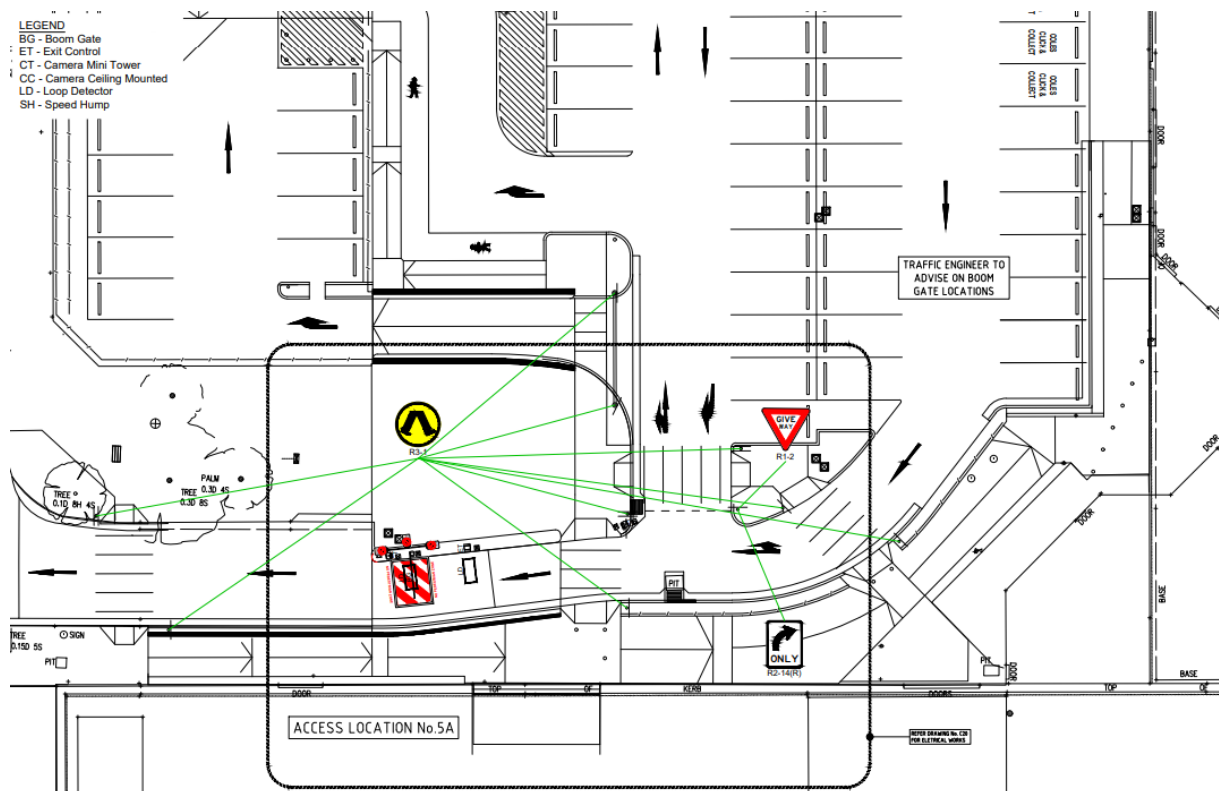
Source: CBRK

Location 5A

- The existing egress lane from the Jacob Street car park has been reconfigured in association with DA-26/2021, to provide a single egress lane onto Jacob Street at The Mall;
- The egress lane will include an LPR system and boom gate controls. Exit payment controls will also be available for customer who choose to pay on exit from the car park;
- Raised kerbs/medians and line marking have been provided to channelise traffic exiting the car park at this location;

- Provide for the recirculation of vehicles within the new Jacob Street at-grade car park, past the proposed egress lane;
- Maintain the existing pedestrian access and marked pedestrian facilities within the new Jacob Street at-grade car park.

Figure 3 Proposed modifications – Location 5A.

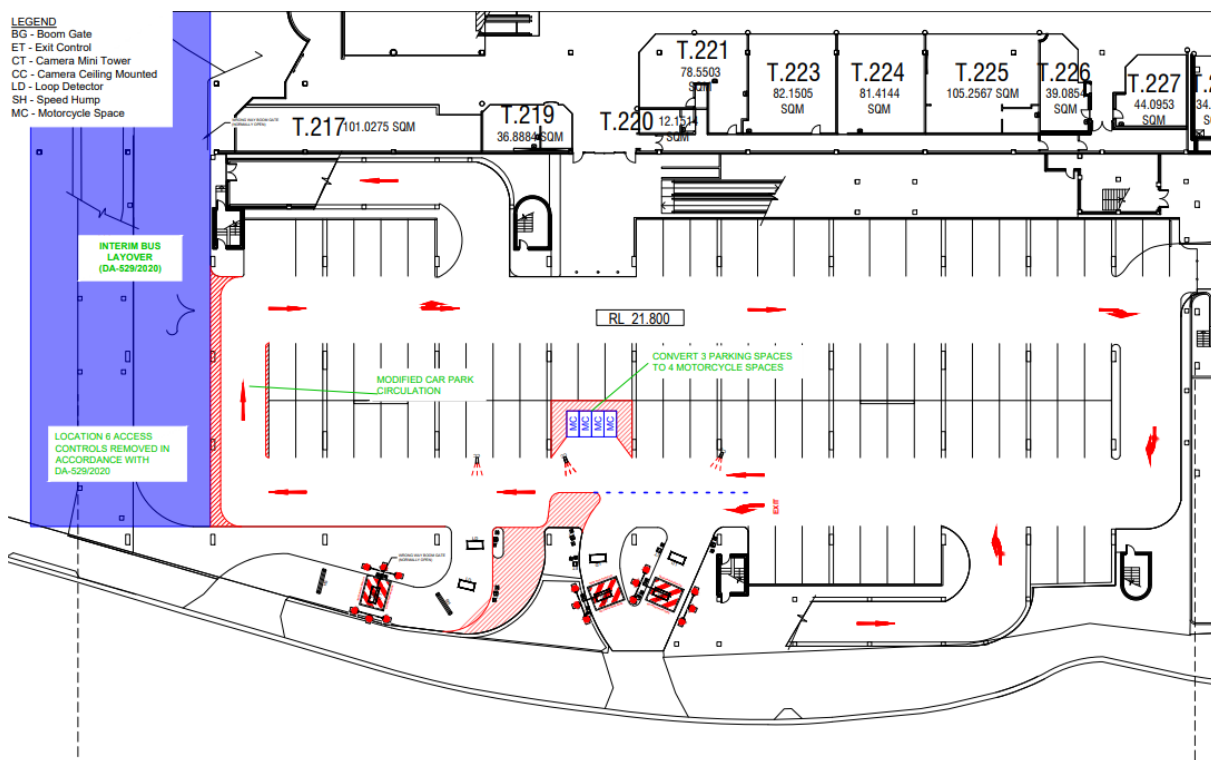


Source: CBRK

Location 6

- The existing entry and exit lanes at the western end of the North Terrace multi-deck car park and the B2 exit ramp have been removed in association with DA-529/2020, to provide for the new interim bus layover within the site;
- Car parking arrangements and internal circulation within the North Terrace multi-deck car park have been reconfigured to cater for the changed traffic arrangements and traffic recirculation;
- Modified structure, raised kerbs/medians and line marking have been provided to channelise traffic through the car park at this location;
- Maintain the existing pedestrian access and marked pedestrian facilities within the new interim bus layover and modified North Terrace car park.

Figure 4 Proposed modifications – Location 6



Source: CBRK

2.2. CONDITION 2 – APPROVED DRAWINGS

The following amendments are proposed to Condition 2 of the consent to reflect the proposed changes.

Strikethrough text has been used to demonstrate the proposed deletions to the conditions, with **red text** highlighting the proposed inclusions.

2) Development shall take place in accordance with Development Application No. DA-279/2019, submitted by Vicinity Centres and Modification Application DA279/2019/A, submitted by Vicinity Centres, accompanied by the drawings as listed in the table below, and affixed with Council's approval stamp except where otherwise altered by the specific amendments listed hereunder and/or except where, amended by the conditions contained in this approval.

Table 2 Drawing table

Plan No.	Plan Name	Date	Issue	Prepared by
2	Bankstown Vicinity Shopping Centre Access Control Locations – Level 3	06/04/2020	E	CBRK Pty Ltd

Plan No.	Plan Name	Date	Issue	Prepared by
	Bankstown Vicinity Shopping Centre Access Control Locations – Level 3	06/01/2023		
3	Bankstown Vicinity Shopping Centre Access Control Locations – Level 2 Bankstown Vicinity Shopping Centre Access Control Locations – Level 2	06/04/2020 06/01/2023	E	CBRK Pty Ltd
4	Bankstown Vicinity Shopping Centre Access Control Locations – Level 4 Bankstown Vicinity Shopping Centre Access Control Locations – Level 1	06/04/2020 06/01/2023	E	CBRK Pty Ltd
9	Bankstown Vicinity Shopping Centre Access Control Location 5 Bankstown Vicinity Shopping Centre Access Control Location 5	28/01/2020 25/05/2023	A	CBRK Pty Ltd
	Bankstown Vicinity Shopping Centre Access Control Location 5A	25/05/2023	A	CBRK Pty Ltd

Plan No.	Plan Name	Date	Issue	Prepared by
10	Bankstown Vicinity Shopping Centre Access Control Locations 6 & 7 Bankstown Vicinity Shopping Centre Access Control Locations 6 & 7	28/01/2020 25/05/2023		CBRK Pty Ltd
C14	Access Control Location No.'S 3, 4 and 5 Civil Works Plan Sheet 3	03/08/2023	4	Baigents Consulting Engineers
C19	Access Control Location No. 5 Electrical Works Plan	03/08/2023	2	Baigents Consulting Engineers
C22	Access Control Location No. 7 Civil Works Plan	03/08/2023	4	Baigents Consulting Engineers
C23	Access Control Location No. 7 Electrical Works Plan	02/08/2023	3	Baigents Consulting Engineers

Reason for Modification – The access arrangements and car park control measures are being modified to the balance of the Bankstown Central car park, in accordance with the approved development (DA-279/2019). The revised car park access controls will cater for the expected peak hour traffic flows and will operate better with manageable queue lengths during peak operating times at the shopping centre.

3. SECTION 4.55 ASSESSMENT

The proposed modifications have been assessed in accordance with Section 4.55(1A) of the EP&A Act in the following sections of this correspondence. Section 4.55(1A) specifies:

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Justification for the application being submitted under Section 4.55(1A) is outlined in the following subsections, demonstrating that the application can be determined by Council under this section of the Act.

3.1. MINIMAL ENVIRONMENTAL IMPACT

The proposed modifications will have minimal environmental impact for the reasons listed below:

- The proposal will not impact the proposed use of this part of the site as a car park ancillary to a shopping centre.
- The proposed modifications will not result in any detrimental impacts to the public domain.
- The proposed modifications will not lead to any adverse environmental impacts given the application is minor and can be conducted without compromising the level of safety at the centre.
- The proposed modifications relate specifically to the site and approved development.

Based on the above, the proposed modifications can be assessed in accordance with Section 4.55(1A) of the EP&A Act.

3.2. SUBSTANTIALLY THE SAME DEVELOPMENT

The development as modified will remain substantially the same as the approved development as outlined below:

- The modifications do not introduce any new development or land use that has not previously been approved on this site.
- The modifications will not result in an increase in floor area or height.
- The form and type of development remains unchanged.

Accordingly, the proposed modifications can be assessed in accordance as a modification to the original development in accordance with section 4.55 of the EP&A Act.

3.3. PUBLIC NOTIFICATION AND SUBMISSIONS

It is acknowledged that any submissions arising from the public notification of this application will need to be assessed by Council.

4. SECTION 4.15 ASSESSMENT

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

4.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments, including:

- *Environmental Planning and Assessment Act 1979 (EP&A Act);*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *Bankstown Local Environmental Plan 2015;*
- *Bankstown Development Control Plan 2015.*

4.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

The Bankstown Central Planning Proposal (PP-2022-1898) is on exhibition until 8th September 2023. This planning proposal seeks to amend the height and FSR controls across the site owned by Vicinity Centres. However, the planning proposal will facilitate the ongoing operation of the shopping centre at the site and this current development application would not conflict with this intention or the amended controls.

4.3. STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

This SEPP requires the planning authority to consider whether the land is contaminated, if the land can be suitably remediated for the proposed use and that the authority is satisfied that this remediation is sufficient for the proposed uses on the land.

The site has been historically used as a shopping centre since the year 1961 and there is a low possibility of the site being historically contaminated.

It is anticipated that a relevant 'unexpected finds protocol' condition would be applied to any development consent for the proposal, to ensure that any potential contamination found during the construction period can be adequately addressed.

4.4. CANTERBURY-BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

Bankstown Local Environmental Plan 2023 (CBLEP) is the primary environmental planning instrument applying to the site and the proposed development. An assessment against the relevant provisions has been undertaken in Table 3 below.

Table 3 LEP Compliance table

Clause	Provision	Proposed	Complies
Zoning	B4 Mixed Use	The proposed modifications are associated with the existing commercial premises which is permitted with consent in the zone.	Yes.
Clause 4.3 – Height of building	41m	The proposal is for minor modifications to an existing car park. The proposal does not seek to develop any building element above the height limit.	Yes.
Clause 4.4 – Floor Space Ratio	1:1	The proposed modifications do not propose any changes to the existing FSR.	Yes.
Clause 5.10 – Heritage Conservation	The subject site is not identified as a heritage item nor is it located within a heritage conservation zone.		Yes.
Clause 6.1 – Acid sulfate soils	The subject site is not affected by acid sulfate soils.		Yes.
Clause 6.9 – Restrictions in zone B4 mixed use	The subject site is identified as 'Area 3' in B4 Mixed Use Zone. However, as the proposal is for small scale modifications to an existing car park, this Clause will not be triggered, as it does not involve ground level activation.		Yes.

4.5. CANTERBURY-BANKSTOWN DEVELOPMENT CONTROL PLAN 2023

Canterbury- Bankstown Development Control Plan 2023 (CBDPC 2023) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the table below.

Clause	Provision	Proposed	Complies
Chapter 3.2 Parking			
3.19 Sight Distance Requirement	For all development, adequate sight distance must be provided for vehicles exiting driveways. Clear sight lines are to be provided at the street boundary to ensure adequate visibility between vehicles on the driveway and pedestrians on the footway and vehicles on the roadway.	<p>The proposed amendments to the car park are minor and purely to reconfigure car park circulation and traffic measures within the western part of the existing North Terrace multi-deck car park. The revised car park access controls will cater for the expected peak hour traffic flows and will operate better with manageable queue lengths during peak operating times at the shopping centre.</p> <p>The revised car park access controls car park access controls will be designed in accordance with the Australian Standards for Parking Facilities (Part 1: Off-street car parking), AS2890.1-2004. Means of egress are also indicated by directional signs shown on the updated plans prepared by CBRK.</p> <p>Overall, the proposal will meet the criteria contained within this section of the CBDPC 2023.</p>	Yes.

4.6. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

4.7. REGULATIONS

The application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2021*.

4.8. LIKELY IMPACTS OF THE PROPOSAL

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

Natural Environment

- The proposal does not seek the removal of any natural landscape element.
- Any environmental impacts during the installation phase will be managed and mitigated.
- The proposal represents a positive impact on the natural environment.

Built Environment:

- The proposal will deliver a beneficial outcome for the operational
- The proposal does not adversely impact the surrounding built form given it is within a car park within an existing shopping centre.
- The proposal represents a positive impact on the built environment.

Social:

- The proposal will improve elements of the car park design to improve customer experience.
- The proposal will cater for the expected peak hour traffic flows, creating better efficiencies within the car park for customer.
- The proposal represents a positive social impact.

Economic:

- During the installation jobs will be created, which will also contribute to both the local and NSW Economy.
- The proposal represents a positive economic impact.

It is considered that the modifications will not result in any additional environmental, social, or economic impacts beyond that approved by the way of the original development consent. The proposal is minor and purely improve elements of the car park design to improve customer experience.

4.9. SUITABILITY OF THE SITE

The site will continue to be used for the purpose of a major retail centre that serves Bankstown and the surrounding region. The proposed modifications do not alter the suitability of the site for the development.

4.10. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

4.11. PUBLIC INTEREST

The modified proposal is considered in the public interest for the following reasons:

- The proposed modifications are consistent with all relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.
- The proposal will contribute to the provision of employment opportunities during the construction phase.
- The proposal responds to the changing nature of the Bankstown Central Shopping Centre, will ensure efficient operations continue at the site and contribute to a pleasant customer experience within the Bankstown Central car park.

5. CONCLUSION

The proposed modifications to the existing car park have been assessed in accordance with Section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- The proposal satisfies the applicable planning controls and policies:
 - the proposal satisfies the objectives of all relevant planning controls and achieves a high level of compliance.
- The proposal will not result in any adverse environmental impacts:
 - it has been demonstrated that the proposal will not pose any detrimental impacts from a built and natural environment.
- The proposal will result in positive social and economic impacts:
 - the proposal will assist the ongoing operations at the site which contribute to the local economy.
- The proposal is highly suitable for the site:
 - the proposal is permitted within the land use zone
 - is consistent with the zone objectives and compatible with the surrounding context.
- The proposal is in the public interest:
 - the proposal is in the public interest as it will contribute to the provision of employment opportunities during the construction phase.
 - The proposal complies with the requirements of the relevant planning controls including the Canterbury-Bankstown LEP and Canterbury-Bankstown DCP.
 - No ongoing adverse environmental, social or economic impacts will result from the proposal.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Kind regards,



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