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## Canterbury Bankstown Local Planning Panel - 30 September 2019

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**ITEM 1**                      **Planning Proposal: 74 Rickard Road and Part 375 Chapel Road, Bankstown**

**AUTHOR**                      **Planning**

### **PURPOSE AND BACKGROUND**

Council is in receipt of a planning proposal application for the site at 74 Rickard Road and part 375 Chapel Road, Bankstown. The application is requesting to increase the building envelope controls from 4.5:1 FSR / 53 metre building height to 8:1 FSR / 83 metre building height for the purposes of an educational establishment (university).

The Greater Sydney Commission has classified Bankstown as a strategic centre, which aims to locate a university and hospital within the emerging health and education precinct. The proposed university (650 staff and 10,000 students) is a City shaping infrastructure project that aligns with the Commission's initiative and would inject a significant number and variety of jobs to the Bankstown CBD.

A detailed assessment of the application submitted to Council indicates the proposal has strategic merit to proceed to Gateway subject to undertaking further built form analysis to ensure overshadowing and wind impacts meet the required planning rules as outlined in this report.

### **ISSUE**

The Local Planning Panel is requested to recommend whether a planning proposal for the site at 74 Rickard Road and part 375 Chapel Road, Bankstown should proceed to Gateway in accordance with the Local Planning Panels Direction, issued by the Minister for Planning and Public Spaces.

### **RECOMMENDATION** That -

1. The application to amend Bankstown Local Environmental Plan 2015 proceed to Gateway subject to the following:
  - (a) Permit a maximum 83 metre building height subject to consultation with Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
  - (b) Permit a maximum 8:1 FSR subject to the proposal satisfying the solar access and wind impact requirements as outlined in section 5 of this report.
2. The applicant demonstrates how the proposal would comply with the car and bike parking requirements and loading facility requirements as outlined in section 5 of this report. If the applicant is unable to meet these requirements, Council's Planning Agreements Policy may be applied to address the shortfalls.

3. Council prepare a site specific DCP Amendment as outlined in section 5 of this report, and exhibit the DCP Amendment concurrently with the planning proposal.
4. Council request the applicant to update the supporting studies prior to exhibition to reflect the amendments to the planning proposal.

## **ATTACHMENTS**

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Nil

## **POLICY IMPACT**

The location of the proposed university is consistent with Council's policies, namely the Draft Local Strategic Planning Statement, Draft Bankstown Complete Streets Transport and Place Plan, and Bankstown CBD Local Area Plan.

Council prepared the Draft Local Strategic Planning Statement to guide the future of the City of Canterbury Bankstown to 2036.

The Draft Local Strategic Planning Statement classifies Bankstown as a major centre for intensive jobs and commerce, including those relating to education (Metropolitan Direction, page 21). The assessment of the application submitted to Council indicates the proposal would act as a catalyst to achieve this direction and would provide an education hub for the community.

The Draft Local Strategic Planning Statement also proposes to improve the public domain (Evolution 8, page 83). Paul Keating Park and The Appian Way are acknowledged as primary urban spaces in the Bankstown CBD. The assessment identifies the need for the proposal to undertake further analysis to confirm that the overshadowing and wind impacts on these public spaces align with the planning rules set out in section 5 of this report.

## **FINANCIAL IMPACT**

Council and the Western Sydney University (applicant) have identified a suitable site for the proposed university, consistent with State and local policies. The site is Council owned land at 74 Rickard Road and part 375 Chapel Road, Bankstown. The applicant is proposing to relocate the existing university at Milperra to this site as part of their 'Western Growth Program'.

At its Ordinary Meeting of 12 December 2017, Council resolved to negotiate lease terms with the applicant, which includes a proposed 99 year ground lease over the Council owned land. At this point, the negotiation of the lease terms is ongoing. This report has been prepared independent of any commercial agreement entered into between Council and the applicant.

Council also prepared a probity plan to clearly separate the commercial negotiation of the lease terms from Council's regulatory function in assessing planning proposals. The probity plan was prepared with regard to the Independent Commission against Corruption (ICAC) guidance material and other legislation requirements to manage the perception risk associated with Council's dual roles, and to certify the assessment and determination process remains transparent and decisions are made in the public interest.

The probity plan notes that it may be desirable, where there is the option, that an external decision body be given responsibility for determining significant applications in which Council has a direct interest. To this extent, the following external decision bodies will consider the current applications associated with the proposed university:

In December 2018, the applicant submitted a planning proposal application to Council to amend the FSR and building height controls for Council owned land at 74 Rickard Road and part 375 Chapel Road, Bankstown. Section 3 of this report outlines the application.

The Department of Planning, Industry and Environment requires Council to forward the planning proposal to the Local Planning Panel for advice prior to Council deciding whether to proceed to Gateway. Should the Department issue a Gateway Determination, Council would exhibit the planning proposal and consider submissions consistent with the Gateway conditions and legislative requirements. The determining authority for this planning proposal is the Department of Planning, Industry and Environment.

#### State Significant Development Application SSD-9831

In December 2018, the applicant submitted a state significant development application to the Department of Planning, Industry and Environment under State Environmental Planning Policy (State and Regional Development) 2011.

The development application proposes to construct a 19 storey university (8:1 FSR) on the site at 74 Rickard Road and part 375 Chapel Road, Bankstown. The determining authority is the Minister for Planning and Public Spaces. Council's role is limited to providing land owner's consent and providing comments on the development application.

#### Development Application 697/2019

In September 2019, the applicant submitted a development application to Council, which proposes early works on the site for the proposed university. The early works include demolition, tree removal, bulk excavation, shoring and temporary anchors, services division and alterations to The Appian Road layback at Rickard Road.

As Council is the land owner, this application will be assessed independent of Council. The determining authority is the Sydney South Planning Panel as the development application is council related and has a capital investment value over \$5 million.

### **COMMUNITY IMPACT**

The proposal represents a major education investment and will transform the energy and experience of Bankstown, bringing up to 650 staff and 10,000 students.

The Planning Proposal Report comments that the delivery of a proposed university to the Bankstown CBD constitutes a public benefit (Attachment C, page 16), together with the following community benefits (Attachment C, page 79):

- The proposal includes public domain improvements adjacent to the site boundaries i.e. Rickard Road and The Appian Way;
- The proposal would have flow-on economic benefits to existing and new commercial and retail businesses that would service the proposed university;
- The proposal would provide increased capacity to conduct and showcase research and teaching relevant to the region;
- The proposal would provide a unique opportunity for local businesses to exchange knowledge and link with other national and international research precincts; and

- There is the potential for partnerships with Council to expand social infrastructure by making spaces within the building publicly accessible.

## DETAILED INFORMATION

### 1. SITE DESCRIPTION

The site is Council owned land (3,678m<sup>2</sup> in area) and comprises the following properties:

Property Address	Property Description	Existing Zone	Site Area	Land Classification	Existing Uses
74 Rickard Road, Bankstown	Lot 5, DP 777510	B4 Mixed Use	3,329m <sup>2</sup>	Operational	63 at-grade public car spaces, driveway and lawn
375 Chapel Road (part), Bankstown	Lot 6, DP 777510	B4 Mixed Use	349m <sup>2</sup>	Operational	Driveway

The site is zoned B4 Mixed Use under Bankstown Local Environmental Plan 2015. Educational establishments (including universities) are permitted in this zone subject to consent. The maximum floor space ratio is 4.5:1 and the maximum building height is 53 metres. The existing Land Zoning, Floor Space Ratio and Building Height Maps are provided in Attachment A. The site is subject to an overland flow path and prescribed airspace restrictions. Vehicle access to the site is from Rickard Road.

Figure 1: Site Map



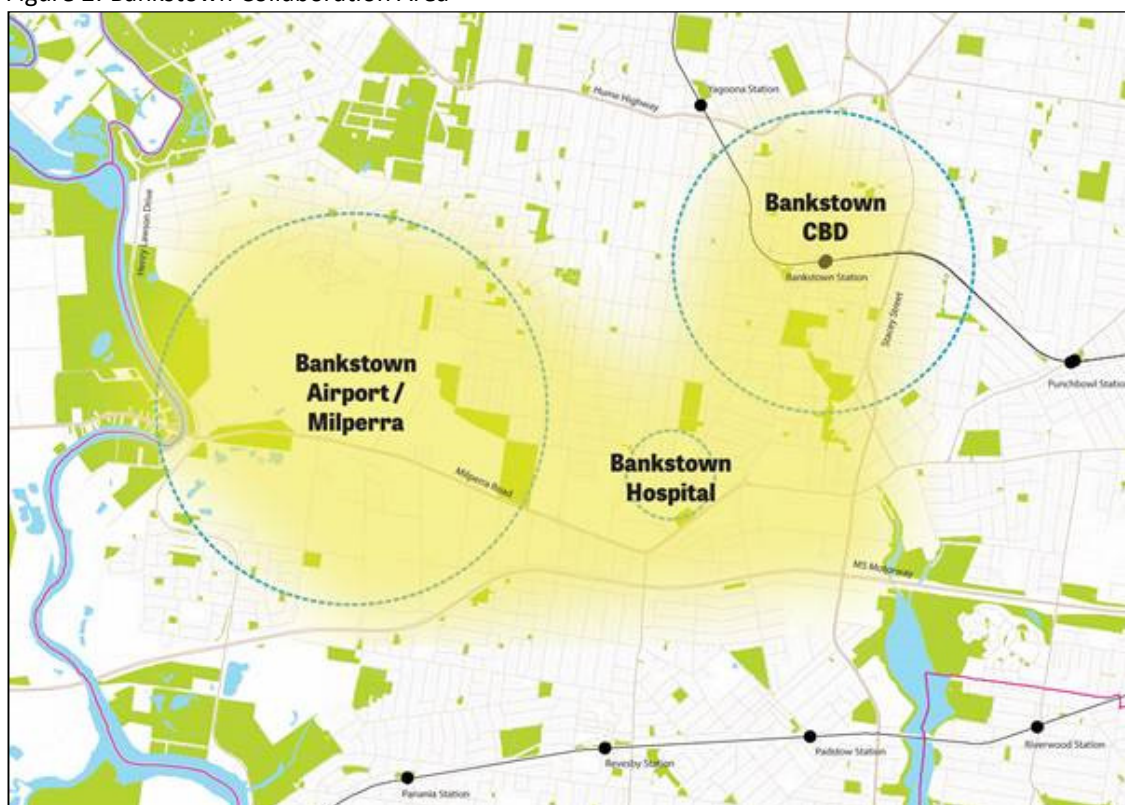


## 2. STRATEGIC CONTEXT

The Greater Sydney Region Plan aims to broaden Sydney's global economic footprint to support net jobs growth of 817,000 to 2036. The major centres, defined as metropolitan and strategic centres, account for 50% (2011) of all Sydney's jobs and play a significant role in providing jobs close to home. Facilitating the growth of metropolitan and strategic centres will be important in growing jobs.

The Greater Sydney Commission is further facilitating this growth by identifying the Bankstown CBD (strategic centre), Bankstown Airport and Bankstown–Lidcombe Hospital as a Collaboration Area (refer to Figure 2).

Figure 2: Bankstown Collaboration Area



Source: Greater Sydney Region Plan (GSC, page 20)

The Greater Sydney Commission is currently collaborating with Council and government authorities to finalise the Bankstown Collaboration Area Place Strategy. The intended outcome is to coordinate investment and infrastructure to achieve 25,000 jobs and 25,000 students in the Collaboration Area by 2036.

To date, there are a number of projects that have been committed to, approved or are at preliminary planning stages that signal significant transport, education, health and employment generating development consistent with the Collaboration process. These projects include (refer to Figure 3):

- Western Sydney University Bankstown Campus;
- \$1.3 billion commitment to Bankstown–Lidcombe Hospital redevelopment;
- Complete Streets, a transport and movement plan for the Bankstown CBD;

- Paul Keating Park Masterplan;
- Compass Centre: Planning Proposal approval (25 storeys). DA under assessment;
- Bankstown Sports: New 11 storey commercial office building;
- Bankstown RSL: New club focused on dining with Stage 2 to deliver 200 hotel rooms;
- Road improvements: Stacey Street and Henry Lawson Drive (current and ongoing);
- Bankstown Central: Ongoing masterplan discussions.

Figure 3: Bankstown strategic centre and current projects



Source: South District Plan (GSC, dated March 2018) and Council (dated 2019)

The next step in the Collaboration process is to facilitate the growth of the emerging health and education precinct in the Bankstown CBD. The Greater Sydney Commission recognises Council and the applicant have identified a suitable site for the proposed university at 74 Rickard Road and part 375 Chapel Road. The benefits of this site are:

- The proposed university is located within the emerging health and education precinct, in proximity to the Sydney Metro station, TAFE Campus and Bankstown Library and Knowledge Centre (BLaKC). The desired future character of the emerging health and

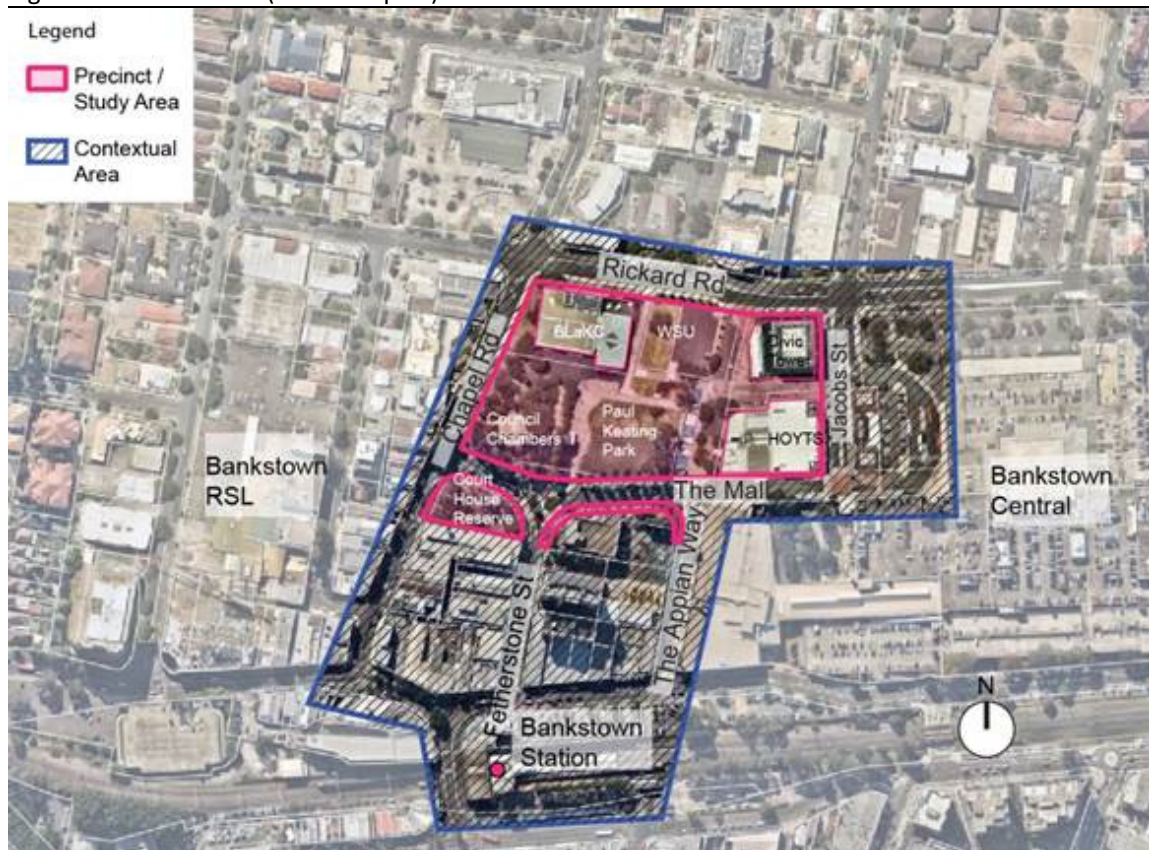


education precinct is to co-locate health and education facilities in proximity to the Sydney Metro station.

- The proposed new university would form an anchor in the Civic Precinct. The Civic Precinct and Paul Keating Park form the central focus of the Northern CBD Core. The established character is distinctly commercial due to a concentration of major civic and office buildings including the Council Chambers (heritage item), Town Hall, BLaKC, Civic Tower, Bankstown Court House, Compass Centre and Bankstown Central. The precinct is highly accessible to public transport, and as a result, this precinct is characterised by taller buildings and higher densities compared to the other precincts in the Bankstown CBD.

The desired future character is to have Sydney's best local Civic Precinct, serviced by a high quality pedestrian environment and mid-block connections. Redevelopment within the Civic Precinct will enable Council to use the site as a catalyst for future investment in the broader strategic centre, and to demonstrate a high quality sustainable precinct and built form design which Council could use as a demonstration for other parts of the City (Bankstown CBD Local Area Plan, page 32).

Figure 4: Civic Precinct (shown in pink)



Source: Council (dated 2019)

### 3. PROPOSAL DESCRIPTION

In December 2018, the applicant submitted a planning proposal application (RZ-7/2018) to Council to amend Bankstown Local Environmental Plan 2015 as follows:

	Existing Controls	Proposed Controls
Maximum FSR	4.5:1	8:1
Maximum building height	53 metres	83 metres

The application includes:

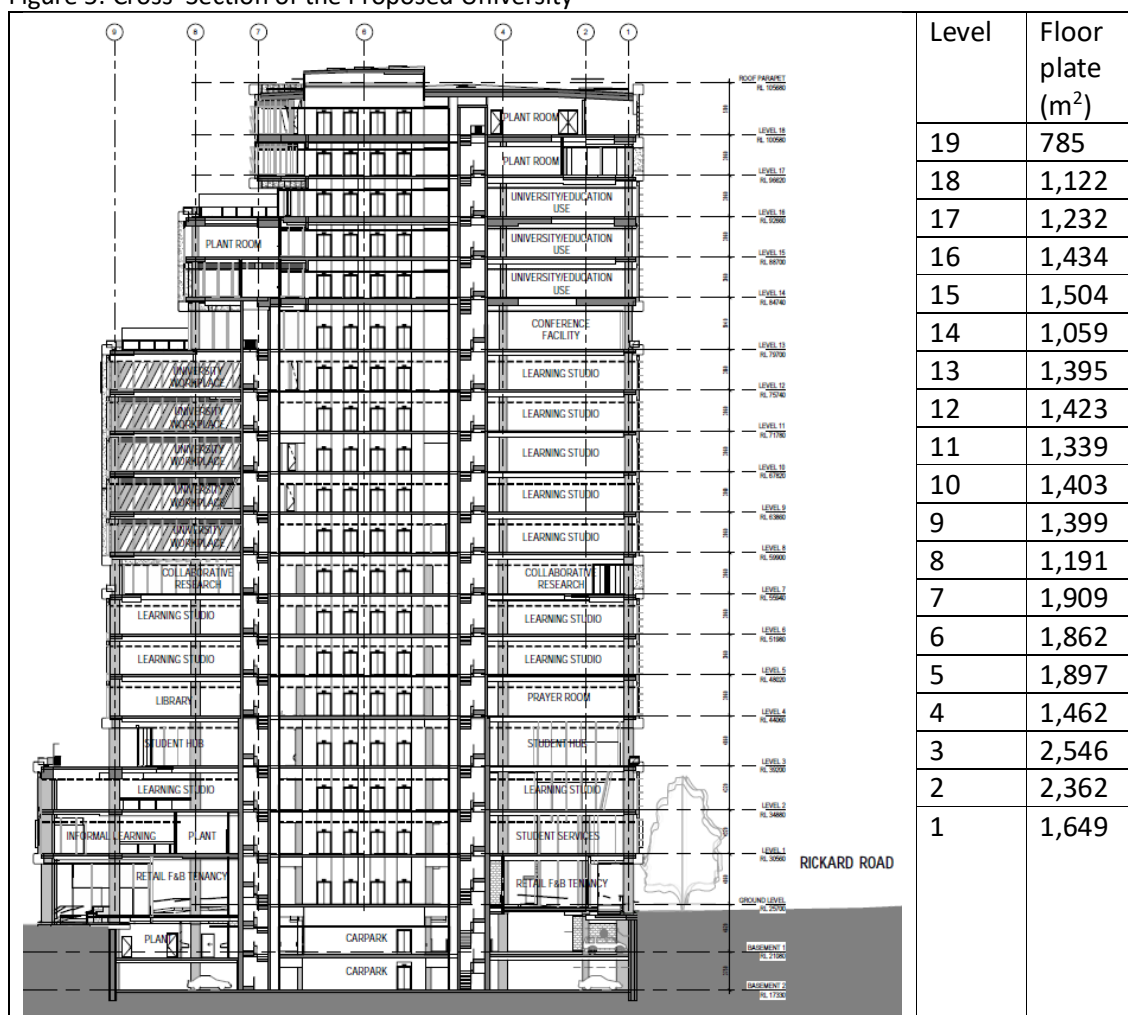
- Planning Proposal Report (Urbis, dated 18 December 2018) (Attachment C)
- Urban Design Report (Lyons Architecture, dated 20 December 2018) (Attachment D)
- Supplementary Planning Information Package (Lyons Architecture, dated 12 August 2019) (Attachment E)
- Email–Additional Information (Urbis, dated 27 August 2019) (Attachment F)
- Letter–Additional Information (WSU, dated 30 August 2019) (Attachment G)
- Transport Management and Accessibility Plan (Arup, dated 17 July 2019) (Attachment H)
- Academic Plan (WSU, dated September 2019) (Attachment I)
- Vertical Campus Benchmarks (Lyons Architecture, dated 26 October 2018) (Attachment J)
- Updated Architectural Design Concept Drawings (Lyons Architecture, dated 12 August 2019) (Attachment K)
- Aeronautical Impact Assessment (Landrum & Brown Worldwide (Aust) Pty Ltd, dated 26 March 2019) (Attachment L)
- Shadow Diagrams (Lyons Architecture, dated 25 July 2019) (Attachment M)
- Survey Plan (RPS, dated 2 August 2018) (Attachment N)
- Urban Design Review–The Appian Way Alignment (Lyons Architecture, dated 9 July 2019) (Attachment O)
- The Appian Way Realignment Mark–up (Lyons Architecture, dated 1 August 2019) (Attachment P)
- Landscape Concept Plans (Aspect Studios, 13 December 2018) (Attachment Q)
- Pedestrian Wind Environment Study (Windtech, dated 28 May 2019) (Attachment R)
- Heritage Impact Statement (Urbis, dated 23 August 2019) (Attachment S)
- Interior Narrative Concept (Lyons Architecture, dated 1 August 2019) (Attachment T)
- Document ‘Not lazy learning, how informal spaces power students’ (Hassell, dated September 2017) (Attachment U).

Based on the updated architectural design concept drawings, the proposed university is to comprise:

Building design	Proposal	Source
Gross floor area	29,270m <sup>2</sup>	Letter (Attachment G)
Building envelope efficiency ratio	84% (not including basement levels)	Letter (Attachment G)

Enrolment number	10,000	Planning Proposal Report (Attachment C)
Student load capacity of the building	3,400 (estimated 2,000 students at any one time)	Email (Attachment F)
Staff load capacity of the building	600–650 (estimated 350–650 staff and 150 visitors at any one time)	Email (Attachment F) and TMAP (Attachment H)
Off-street car parking spaces	84–94 (including 4 DDA bays) subject to the final basement design	TMAP (Attachment H) and Supplementary Planning Information (Attachment E)
Off-street bicycle parking spaces	32 (staff)	TMAP (Attachment H)

Figure 5: Cross-Section of the Proposed University



Source: Updated Architectural Drawings (Attachment K)

According to the Planning Proposal Report (Attachment C, page 41) and additional letter (Attachment G), the proposed floor space and floor plates are required:

- To provide the full scope of facilities and amenities in accordance with the academic plan. The academic plan includes undergraduate programs in teacher education, psychology, arts and humanities, business, accounting, information technology and

non-clinical health areas. It also includes post-graduate courses in teacher education, arts, humanities, non-clinical nursing and ICT.

- To accommodate teaching and research spaces in collaboration with industry partners. These will be interspersed within the campus.
- To accommodate floor plate sizes that are necessarily larger than the floor plates of ordinary commercial tower forms in the vicinity of the site. The university needs to support larger room sizes and circulation spaces to suit cohorts of students, as well as additional vertical circulation and building services infrastructure.
- To provide capacity for future enrolment growth.

According to the Vertical Campus Benchmarks Report (Attachment J), the proposed floor space and floor plates are comparable with other vertical campuses in Australia to meet the immediate and future needs of the university:

	<b>RMIT, Swanston Academic Building</b>	<b>University of Adelaide, Health/Medical Schools</b>	<b>NeW Space, University of Newcastle</b>	<b>WSU Peter Shergold Building, Parramatta</b>	<b>Silvia Walton, La Trobe University</b>
Storeys	11	13	9	17	5
Floor-to-ceiling height (m)	4–4.8	4.2–4.7	4.2	3.6–4.8	4.1
Gross floor area (m <sup>2</sup> )	35,000	30,500	14,200	30,500	7,118
Typical floor plate (m <sup>2</sup> )	2,860	1,775	1,150	2,360	1,215

In relation to the proposed student catchment, the TMAP highlights that many students attending the existing university in Milperra reside within the 2km and 5km catchment of the proposal, commuting from suburbs such as Bankstown, Greenacre, Punchbowl, Yagoona and Condell Park (refer to Figure 6). Over time, the university may attract students residing along the Sydney Metro.

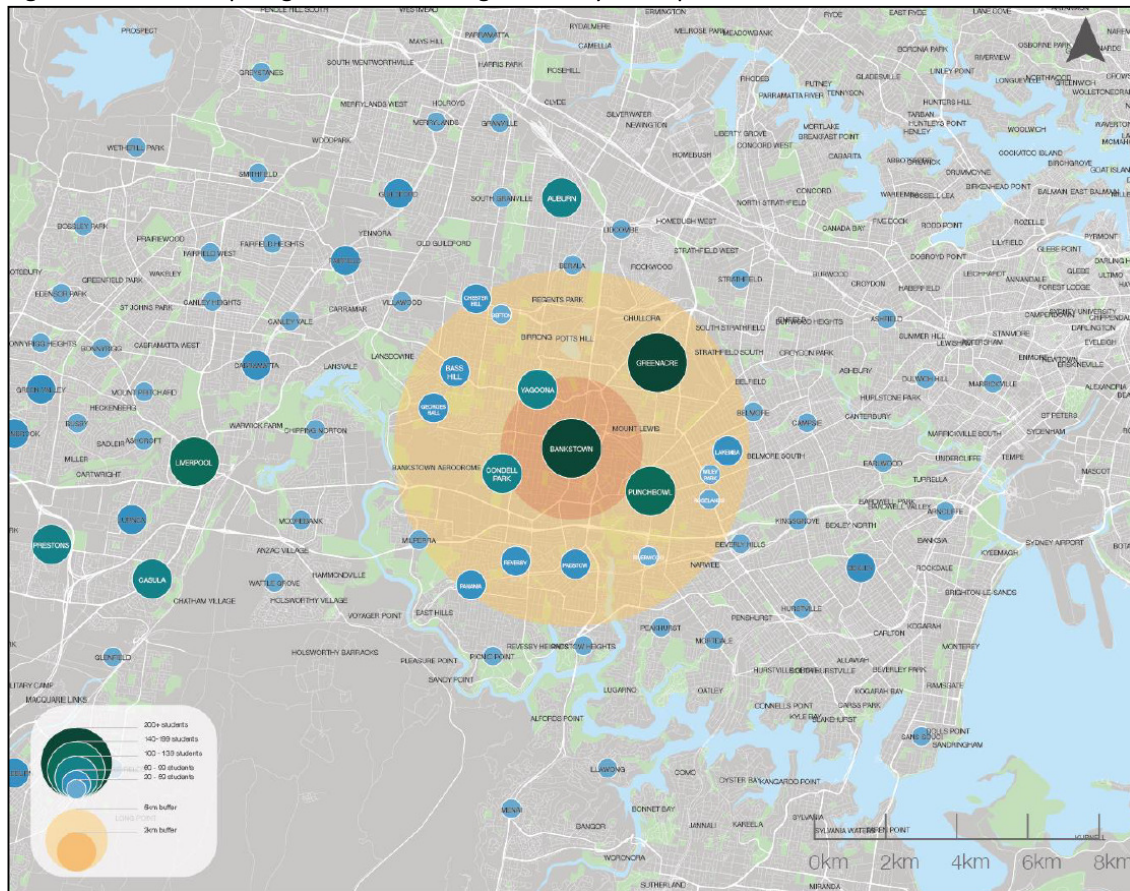
In relation to the proposed staff catchment, the TMAP recommends travel surveys of staff once the university is operational to allow for an accurate catchment area.

Based on the trip origin data, the TMAP (Attachment H, page 39) estimates that 20% of students would walk and cycle to the proposed university, 65% would commute by public transport, 5% would drive in their cars, 5% would travel as car passengers, and 5% other. The TMAP also estimates that 15% of staff would walk and cycle to the proposed university, 62% would commute by public transport, 15% would travel in their cars, 3% would travel as car passengers, and 5% other forms of transport. Staff are more likely to drive than students given greater access to a car, as well as having access to the on-site car parking spaces.

The TMAP proposes public domain improvements adjacent to the site boundaries i.e. Rickard Road and The Appian Way.



Figure 6: Student trip origins to the existing university in Milperra



Source: TMAP (Attachment H, page 36)

Figure 7: Proposal viewed from the south (The Mall)



Source: Updated Building Views (Lyons Architecture, dated August 2019)



Figure 8: The proposal viewed from the south (Paul Keating Park)



Figure 9: The proposal viewed from the south (The Appian Way)



Source: Updated Building Views (Lyons Architecture, dated August 2019)

Figure 10: The proposal viewed from the west (Chapel Road)



Source: Updated Building Views (Lyons Architecture, dated August 2019)

Figure 11: The proposal viewed from the north (Rickard Road)



Source: Updated Building Views (Lyons Architecture, dated August 2019)

#### 4. SUMMARY

The assessment considered the proposal based on the Department of Planning, Industry and Environment's Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic merit to proceed to the Gateway, namely:

- Does the proposal give effect to key policies, including:
  - Greater Sydney Region Plan and South District Plan;
  - State Environmental Planning Policies, namely SEPP (Educational Establishments and Child Care Facilities) 2017 and SEPP (Infrastructure) 2007 (refer to Attachment B);
  - Ministerial Directions, namely 1.1 (Business and Industrial Zones), 2.3 (Heritage Conservation), 3.4 (Integrating Land Use and Transport), 3.5 (Development near Licensed Aerodromes) and 4.3 (Flood Prone Land) (refer to Attachment B);
  - Government Architect NSW's Better Placed Design Policy;
  - Draft Sydenham to Bankstown Urban Renewal Corridor Strategy;
  - Council's Draft Local Strategic Planning Statement;
  - Council's Bankstown CBD Local Area Plan;
  - Council's Draft Bankstown Complete Streets Plan;
  - Department of Planning, Industry and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*?
- Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the proposed university?
- Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

To inform the assessment, Council engaged independent consultants to undertake peer reviews of the flooding, traffic, transport and urban design information submitted by the applicant to support the proposal. The key issues are:

- The applicant to confirm the delivery of supporting infrastructure. Based on the submitted studies and peer reviews, the infrastructure required to support the proposal includes (but is not limited to):
  - Water infrastructure to enable the development to adequately deal with flooding constraints;
  - Public domain works at The Appian Way (between Rickard Road and The Mall) to public transport and shops.

The delivery mechanism would ordinarily involve a planning agreement to legally deliver the public benefits. However, Council is currently in discussions with the

applicant and Bankstown Central in regard to the funding and delivery arrangements for stormwater infrastructure works that would have broader benefits to the Bankstown CBD while reducing the level of flooding on the site.

- The applicant to undertake further analysis to test the overshadowing and wind impacts as a result of the proposal. This analysis may also assist in addressing / concept massing visual bulk, which has been raised as an issue by Council's City Design Unit, Council's Peer Review and the State Design Review Panel.

A key issue throughout the assessment process has been the need to balance public amenity requirements against the city shaping nature of the proposal. While there is strong strategic merit in relation to the strategic context, the compatibility of the proposed building with its surroundings will need to be further addressed prior to the exhibition, with particular respect to overshadowing on Paul Keating Park.

It is therefore considered that the proposal has strategic merit to proceed to the Gateway subject to addressing the key issues outlined in section 5 of this report.

## **5. ASSESSMENT**

In August 2016, the Department of Planning, Industry and Environment introduced the Strategic Merit Test to determine whether a proposal should proceed to Gateway as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*.

The proposal demonstrates strategic merit to proceed to Gateway subject to addressing the likely impacts as a result of the proposal. This is critical to a successful urban outcome for the site and its surroundings. Should the proposal proceed to Gateway, the assessment identifies the following key issues to be addressed prior to exhibition.

### **5.1 INFRASTRUCTURE REQUIREMENTS TO SUPPORT THE PROPOSAL**

#### **5.1.1 Infrastructure requirements to address flood impacts**

Proposal: The site is subject to medium risk stormwater flooding with some high risk stormwater flooding in The Appian Way. According to the Planning Proposal Report (Attachment C, page 52), the proposal seeks to protect the building and basement levels without a freeboard or on-site detention. A freeboard is impractical due to site constraints and other design criteria such as providing active street frontages to Rickard Road and The Appian Way. The installation of a rainwater tank will contribute to the detention of the roof run-off.

Assessment: The assessment considered Ministerial Direction 4.3 (Flood Prone Land). The objective is to ensure the proposal is commensurate with flood hazards and includes consideration of the potential flood impacts both on and off the site. To date, the proposal is inconsistent with clause 6 as it seeks to permit an increase in the development of the site.

However, in accordance with clause 9(b), the proposal may be inconsistent only if Council can satisfy the Department of Planning, Industry and Environment that the proposal is in

accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

In this case, the relevant plan is the Salt Pan Creek Catchments Floodplain Risk Management Plan (adopted by the former Bankstown City Council at the Ordinary Meeting of 17 December 2013). The Floodplain Risk Management Plan requires the redevelopment of sites along The Appian Way to maintain or enhance the capacity of existing overland flow paths.

Council commissioned a Site Flood Assessment Report (Attachment V) to review the flood impacts as a result of the proposal and the infrastructure that would be required to mitigate the flood impacts.

In relation to existing conditions, the site forms part of the Salt Pan Creek upper catchment and is affected by an overland flow path, stretching from Rickard Road to the open channel at North Terrace. The maximum water depth on the site is 0.61 metres in a 100 year flood event (Attachment V, page 8). This is due to the inadequate capacity of the existing stormwater system and blockages that occur to stormwater pits and culverts, in particular at North Terrace which impacts on the drainage capacity of The Appian Way.

The proposal would block part of the overland flow path, making flood conditions more hazardous between the proposal and the Civic Tower (refer to Figure 13). The maximum water depth would increase from 0.61 metres to 0.87 metres in a 100 year flood event and would increase the extent of high risk stormwater flooding (Attachment V, page 8).

While a freeboard is a common safeguard to minimise risk on the site, it is recommended that further infrastructure works be delivered that would mitigate flooding impacts associated with the building, noting that these works would include broader stormwater infrastructure beyond the site.

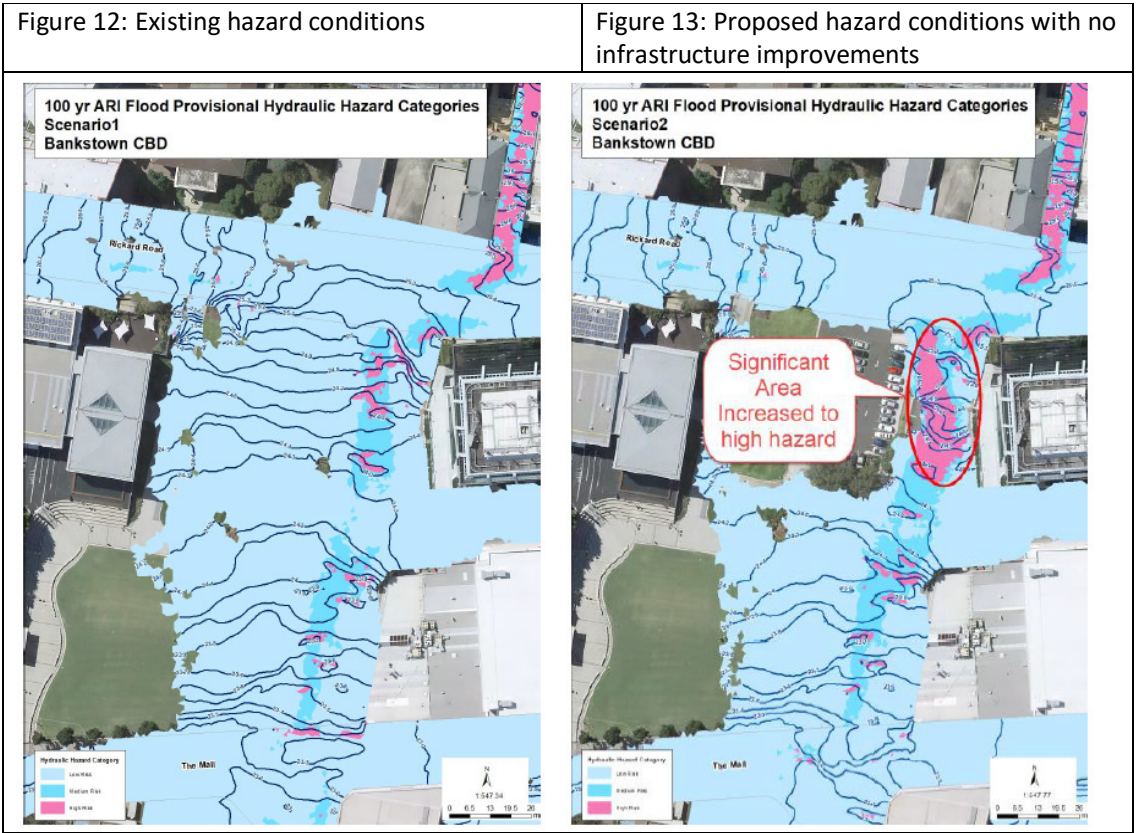
The report recommends the following infrastructure improvements to mitigate the flood impacts as a result of the proposal:

Proposal	Peer Review Recommendations
<p>The proposal does not propose infrastructure improvements to mitigate the impacts as a result of the proposal.</p> <p>The proposal comments that Council should request Sydney Water to upgrade the Stacey Street canal and investigate ways to upgrade the canal along The Appian Way to minimise the potential flood impact on the site (Attachment C, page 39).</p>	<p>Introduce capacity improvements to the existing stormwater system to manage increased flood water levels as a result of the proposal.</p> <p>This would require an additional culvert at North Terrace, which would significantly reduce the flood impacts both on and off the site (refer to Figure 15). The maximum water depth would reduce from 0.61 metres to 0.52 metres in a 100 year flood event and would reduce the extent of high and medium risk stormwater flooding (Attachment V, page 11).</p>

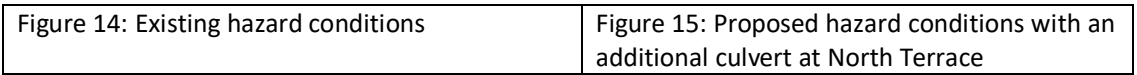
The applicant would therefore need to contribute to this infrastructure improvement if the proposal is to be consistent with Ministerial Direction 4.3 and the Floodplain Risk Management Plan. Council is currently in discussions with the applicant and Bankstown

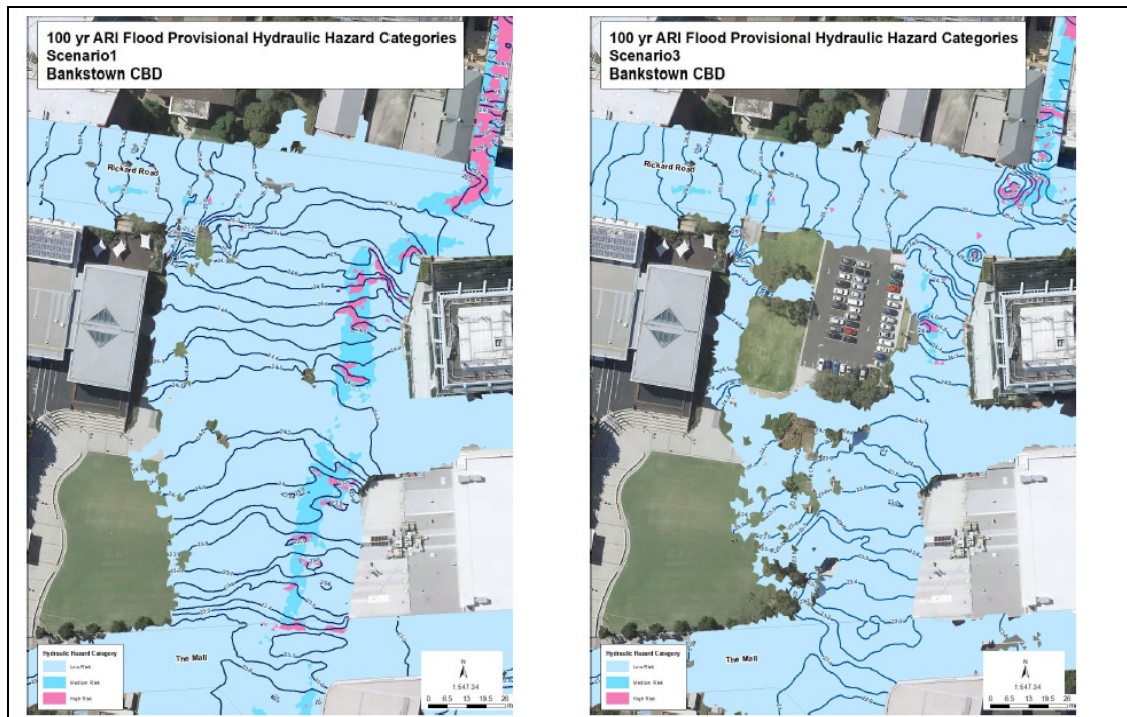


Central in relation to the funding and delivery arrangements for the stormwater infrastructure works.



Source: WSU Site Flood Assessment Report (Attachment V, page 9)





Source: WSU Site Flood Assessment Report (Attachment V, page 12)

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- The applicant to contribute to an additional culvert at North Terrace. This infrastructure improvement is required to support the proposal.

### 5.1.2 Infrastructure requirements to address transport and traffic impacts

Proposal: The Transport Management and Accessibility Plan (TMAP, Attachment H) states that the proposal would service 2,000 students and 650 staff at any one time. The TMAP aims to provide limited off-street car parking to encourage travel by sustainable modes (public transport, walking and cycling) while mitigating the impacts of the proposal on the surrounding road network.

The TMAP submitted with the application estimates that 20% of students would walk and cycle to the proposed university, 65% would commute by public transport, 5% would drive in their cars, 5% would travel as car passengers, and 5% other. The TMAP also estimates that 15% of staff would walk and cycle to the proposed university, 62% would commute by public transport, 15% would travel in their cars, 3% would travel as car passengers, and 5% other forms of transport. Staff are more likely to drive than students given greater access to a car, as well as having access to the on-site car parking spaces.

The proposal would provide between 84–94 off-street car parking spaces for staff across two basement levels (subject to final basement design) and no student or visitor parking. Other assumptions behind the mode share targets are:

- Based on the trip origin data, most students are expected to live within the walking and cycling catchments of the proposal;

- Experience with the WSU Parramatta Campus shows that students and staff would choose public transport if there is limited parking provision;
- The Sydney Metro will be an attractive travel mode for both staff and students once operational in 2024;
- Changes to the parking policy in Bankstown and new cycling infrastructure as part of the Draft Bankstown Complete Streets Transport and Place Plan should reduce driving and encourage other, more sustainable forms of transport;
- Students are more likely to be dropped-off or car share with other students; and
- It is proposed to undertake travel surveys once the university is operational to review the mode share targets and allow for an accurate baseline mode split.

The peak arrival hour is expected to be between 8am and 9am, with almost 50% of staff and one third of student arriving in that time. In terms of departure times, there is a peak between 5pm and 6pm for staff (45% departing at this time). The peak is less pronounced for students, with departures occurring consistently over a four hour period between 3pm and 7pm.

Assessment: Council engaged an independent transport consultant to peer review the traffic, transport and parking information submitted by the applicant to support the proposal (Attachment W).

In principle, the peer review supports the aim to minimise off-street car parking as a way to support more sustainable modes of transport, subject to the implementation of a range of off-site measures to change travel behaviour. The peer review does not consider that the proposed measures on the site alone can achieve the mode share targets.

The peer review recommends that the applicant contribute to the following off-site measures if the proposal is to achieve the mode share targets:

**(a) Pedestrian infrastructure requirements**

Proposal: The TMAP (Attachment H) expects the key pedestrian route to be in a north-south direction between the proposal and the Sydney Metro station. Civic Drive is also likely to be a popular pedestrian route towards the bus interchange and Bankstown Central. The crossing opportunities are poor at the intersection of Jacobs Street and Civic Drive, and the TMAP expects that pedestrians will cross further south near The Mall.

In relation to pedestrian infrastructure, the TMAP proposes public domain improvements adjacent to the site boundaries i.e. Rickard Road and The Appian Way. The TMAP relies on Council to improve pedestrian routes to accommodate the anticipated demand.

Assessment: The peer review highlights the need for high quality pedestrian connections if the proposal is to maximise walking trips and discourage car use to/from the proposed university (Attachment W, page 28).

If the proposal is to achieve the mode share targets, the peer review recommends that the applicant contributes to public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road to improve pedestrian connections to public transport and shops. The public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan.

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the need for public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road, to improve pedestrian connections to public transport and shops. The public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan.
- Following the above review, the applicant to update the supporting studies if required.

#### **(b) Cycling infrastructure requirements**

Proposal: The TMAP (Attachment H) proposes end of trip facilities and bike parking (32 staff bike parking spaces within the basement and 100 bike parking spaces in the surrounding public domain) to meet the demand for bike parking for the staff and students over the course of the day. The TMAP comments that cycling infrastructure to and throughout Bankstown is limited, and cyclists will need to travel along existing roads with traffic. The TMAP does not propose off-site cycle infrastructure improvements and relies on Council to improve the future bike network to accommodate the anticipated demand.

Assessment: The peer review applied the 'NSW Planning for Walking and Cycling Guideline' in relation to the proposed off-street bike parking spaces. The proposed university would generate the need for 153–298 spaces (i.e. 120–133 short-term and 33–65 long term spaces). The proposal would need to provide up to 298 spaces and associated end-of-trip facilities on the site (Attachment W, page 14).

The peer review also highlights the need for high quality cycle links if the proposal is to maximise cycle trips and discourage car use to/from the proposed university. If the proposal is to achieve the mode share targets, the peer review recommends that the applicant contributes to improved bike paths in the vicinity of the site (Attachment W, page 28).

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the bike parking requirement and associated end-of-trip facilities on the site.
- Following the above review, the applicant to update the supporting studies if required.

#### **(c) Public transport infrastructure requirements**

Proposal: The TMAP (Attachment H) comments that there is sufficient capacity on the rail and bus networks to accommodate the anticipated demand. The TMAP does not propose infrastructure improvements in relation to public transport.

Assessment: The peer review (Attachment W) considers existing and future public transport services would adequately serve the proposal.

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- No action required.

#### **(d) Road infrastructure requirements**

Proposal: The TMAP (Attachment H) indicates the intersections will continue to operate with a satisfactory Level of Service, and the impact of the proposal on the surrounding road network is relatively low. While certain movements such as the right–turn from Rickard Road to Chapel Road are at capacity in the existing PM peak, this is not the result of additional development traffic. The TMAP does not propose road infrastructure improvements and relies on Council to improve the future road network to accommodate the anticipated demand.

Assessment: The peer review recommends an update to the SIDRA traffic model to address the following gaps:

- Recalibrate the model to reflect actual conditions (i.e. vehicle queuing).
- Widen the study area to surrounding intersections to assess the wider implications arising from the proposal.

While the peer review indicates that the updated SIDRA traffic model is unlikely to register any noticeable traffic impacts at intersections, the update may affect the traffic modelling results and should be documented accordingly for the purposes of consultation with the Roads and Maritime Services (Attachment W, page 12).

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to update the SIDRA traffic model to address the identified gaps for the purposes of consultation with the Roads and Maritime Services.
- Following the above review, the applicant to update the supporting studies if required.

#### **(e) Parking infrastructure requirements**

Proposal: The TMAP (Attachment H) proposes the following off–street parking provision:

Proposal	Off–street parking provision
3,400 student load capacity (estimated 2,000 at any one time)	No parking to be provided.
600–650 staff load capacity (estimated 350 staff and 150 visitors / industry partners at any one time)	84–94 (including 4 disability spaces) subject to the final basement design.
Visitors	No parking to be provided.



Removal of existing 63 public car parking spaces on the site	Not replaced.
Loading facilities	3 loading dock bays in the basement and a loading zone at Rickard Road.
Drop-off / pick-up spaces	Drop-off / pick-up spaces at The Appian Way shared zone.
Total gross off-street parking spaces	84–94 car parking spaces + 3 loading bays

The intended outcome is to encourage staff and students to travel by other modes. This is consistent with the aspiration of the Draft Bankstown Complete Streets Transport and Place Plan. Any students or visitors wishing to drive will need to utilise existing off-street public or private car parking spaces within Bankstown. The TMAP suggests that the wider area could accommodate student car parking demand. The TMAP estimates there are 7,500–8,000 spaces including commuter car parks, Bankstown Central and Bankstown Sports Club.

Assessment: The peer review notes that Council’s DCP does not contain specific car parking rates for tertiary educational establishments. The peer review undertook a comparison with 15 other universities in Sydney and Newcastle. The key findings are:

- People driving to universities can range from 11–75% staff and 5–40 % students.
- Most universities do not provide off-street car parking for students, particularly those located within close proximity to public transport.

Based on the above findings, the peer review provides the following recommendations:

Student parking: In relation to the proposed mode share target of 5% students driving to the proposed university, the peer review estimates the parking demand to equate to 100 car parking spaces assuming there will be 2,000 students on the site at any one time.

While the peer review considers the provision of no on-site student car parking to be acceptable, the peer review indicates the wider area cannot accommodate the 100 space demand as existing parking demand in the area is very high, with limited parking capacity available throughout the day. An option is to apply Council’s Planning Agreements Policy to address the shortfall. This would enable Council to use the funds to construct public car spaces within the Bankstown CBD (Attachment W, page 17). The proposal would need to demonstrate how it would address this issue.

Staff parking: In relation to the proposed mode share target of 15% staff driving to the proposed university, the peer review estimates the parking demand to equate to 98 car parking spaces assuming there will be 650 staff on the site at any one time. The proposal to provide 84–94 spaces (subject to final basement design) for staff represents a shortfall of 4–14 spaces (Attachment W, page 30). The proposal would need to demonstrate how it would address this issue.

Visitor parking: The peer review recommends that the proposal provides some visitor car parking spaces e.g. 1–2 spaces (Attachment W, page 28). The proposal would need to demonstrate how it would address this issue.

Existing car park: The proposal does not replace the existing 63 public car parking spaces to be removed as a result of the proposal. The proposal would need to demonstrate how it would address this issue (Attachment W, page 21).

Loading facilities: The peer review recommends that all loading activities associated with the proposal be undertaken on the site. An off-site loading zone on Rickard Road would not be desirable from a traffic capacity perspective (Attachment W, page 19). The proposal would need to demonstrate how it would address this issue.

Drop-off / pick-up spaces: The peer review indicates that drop-off / pick-up activity would need to occur at The Appian Way (Attachment W, page 22), consistent with the proposal.

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the car parking requirements for students, staff and visitors. If the applicant is unable to meet these requirements, Council's Planning Agreements Policy may be applied to address the shortfalls.
- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the on-site loading space requirements.
- Following the above review, the applicant to update the supporting studies if required.

## **5.2 COMPATIBILITY OF THE PROPOSED BUILDING ENVELOPE WITH ITS SURROUNDINGS**

The proposal may be considered appropriate provided the proposed building envelope can demonstrate compatibility with its surroundings, and ensure that Paul Keating Park remains a high amenity and high performing public space. Compatibility meaning '*capable of existing together in harmony ... where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:*

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?' (NSW Land & Environment Court, Project Venture Developments v Pittwater Council).*

To inform the assessment, Council engaged independent consultants to undertake a peer review of the urban design information submitted by the applicant (Attachment Y). Council also reviewed additional overshadowing advice by Council's City Design Unit in relation to the preparation of the Paul Keating Park Masterplan (Attachment X), and the State Design Review Panel's comments in relation to the state significant development application.

While it is within the scope of the Local Planning Panel and Council to consider the concept drawings to gain a deeper appreciation of what may be delivered on the site, it needs to be

acknowledged that the Department of Planning, Industry and Environment is the determining authority of the state significant development application.

### **5.2.1 Proposed building height**

Proposal: The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport. According to the Aeronautical Impact Assessment Report (Attachment L, page 5), the Obstacle Limitation Surface (OLS) level is 108.1 metres AHD. This means, as a starting point, the proposed building height would need to be below 108.1 metres AHD. The submitted concept design shows the proposed building height at 83 metres (19 storeys). This equates to 106.78 metres AHD, which is compliant with the OLS level.

Assessment: The assessment considered the urban design advices of Council's City Design Unit, Council's Peer Review and the State Design Review Panel. The urban design advices do not raise concern with the proposed building height. The peer review (Attachment Y, page 23) comments that the proposed building height is considered to be appropriate for the following reasons:

- The proposal is compatible with the desire to establish a landmark building in the Civic Precinct; and
- Council adopted a maximum 83 metre building height at 83–99 North Terrace and 62 The Mall (known as the Compass Centre site and the former library site, respectively), which sets a built form character for the Civic Precinct.

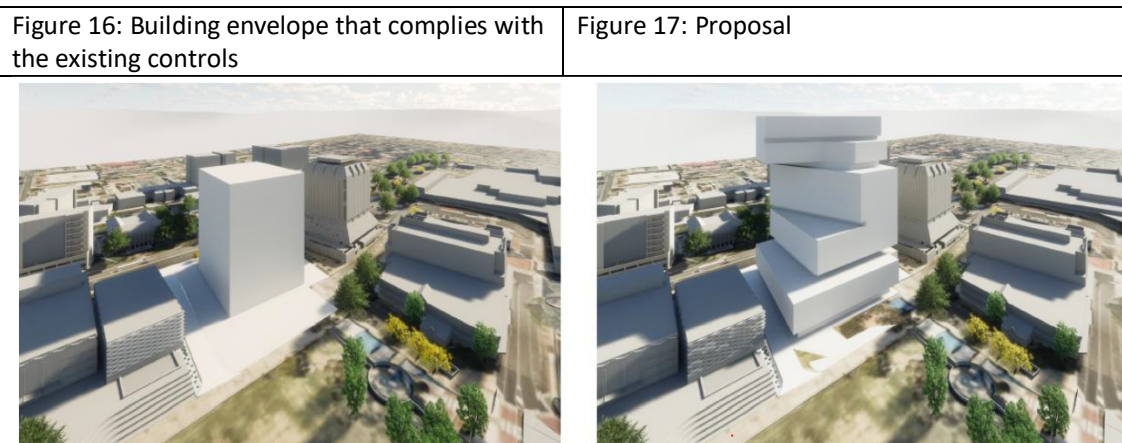
In relation to the prescribed airspace restrictions, the proposal is currently inconsistent with clause 4(d) of Ministerial Direction 3.5 (Development near Licensed Aerodromes), which requires Council to obtain permission from the relevant authorities if any structures (including construction cranes) encroach above the Obstacle Limitation Surface. Council referred the application to the relevant authorities (i.e. Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development) in January 2019 and is awaiting a formal response.

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- Permit a maximum 83 metre building height, subject to consultation with Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.

### **5.2.2 Proposed FSR**

Proposal: According to the Planning Proposal Report (Attachment C, page 43); feedback from Council and the State Design Review Panel is that the building form should reflect the typology of a vertical university campus as opposed to a commercial office building. Three dimensional studies have achieved this via an architecturally distinct built form (refer to Figure 17), while accommodating the university requirements (outlined in section 3 of this report). It is proposed to modify the Floor Space Ratio Map from the current 4.5:1 to 8:1. The public benefit in exchange for the proposed increase is the introduction of a major piece of educational infrastructure in the Bankstown CBD.



Source: Planning Proposal Report (Attachment C, page 43)

Assessment: The assessment considered the urban design advices of Council's City Design Unit, Council's Peer Review and the State Design Review Panel.

### Overshadowing impact

A key issue is the location of the proposal directly north of Paul Keating Park (refer to Figure 18). The park serves as the centrepiece of the Civic Precinct; surrounded by significant community buildings and is the location of many social, cultural and performative events and festivals. It is the heart of a centre that is transitioning to a strategic centre with more commercial uses and taller and denser buildings.

Figure 18: Diagram defining Paul Keating Park for the purposes of the review



Source: Urban Design Peer Review (Attachment Z, page 35)

Council's City Design Unit and Council's Peer Review recognise that a proposal complying with the existing controls would cause some overshadowing. However, the extent of the overshadowing is considered reasonable as a consolidated area greater than 50% of the area of Paul Keating Park would continue to receive at least 4 hours of continuous sunlight at the winter solstice.

All three sources of urban design advice recommend a reduction of the bulk and density to minimise the overshadowing, wind and visual bulk impacts. However, the advices vary in the recommended numerical requirements, making it challenging to recommend an appropriate FSR at this point.

Proposed development controls	Council's City Design Unit recommendations	Council's Peer Review recommendations	SDRP recommendations
Building height	83 metres subject to prescribed airspace approval.	83 metres subject to prescribed airspace approval.	83 metres subject to prescribed airspace approval.
Solar access control to Paul Keating Park	Development must allow for 4 hours of continuous solar access to a consolidated area of Paul Keating Park between 10am and 3pm on 21 June (inclusive of existing shadow). The size of	At least 3 hours direct sunlight to more than 50% of the total park area between 10am–2pm at the winter solstice.  (Source: Review of City of Sydney and North Sydney's DCPs)	In the absence of a solar access control for Paul Keating Park and The Appian Way, reference is made to the City of Sydney's 'The Drying Green' solar access control in the Green Square Town Centre DCP



	<p>the consolidated area must be a minimum 50% of the area of Paul Keating Park.</p> <p>(Source: Best practice research of 12 councils in Australia and New Zealand, Attachment X)</p>		<p>2012 i.e. achieve direct sunlight each hour between 11am and 2pm on June 21 for at least 50% of the park.</p>
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### Wind impact

The Pedestrian Wind Environment Study (Attachment R, page 25) indicates that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience strong winds which will exceed the relevant criteria for comfort and safety, namely at the building corners. A suggested ground level treatment is to include densely foliating evergreen trees alongside the site boundaries at The Appian Way and Paul Keating Park.

The peer review comments that the limited solar access to The Appian Way may constrain tree and vegetation growth to address the wind impacts. The proposal to present the full height of the building to The Appian Way and Rickard Road requires further consideration (Attachment Y, page 48).

The peer review recommends increasing the setback above the podium level to Rickard Road and The Appian Way. The increased setback would potentially reduce the wind impacts on pedestrian amenity in the surrounding streets.

### Analysis of the overshadowing and wind impacts

To progress this matter, the starting point is to confirm a solar access control to ensure Paul Keating Park receives appropriate solar access at the winter solstice. At this point, this report proposes to proceed with the solar access control recommended by Council's City Design Unit, to read: Development must allow for 4 hours of continuous solar access to a consolidated area of Paul Keating Park between 10am and 3pm on 21 June (inclusive of existing shadow). The size of the consolidated area must be a minimum 50% of the area of Paul Keating Park (not including the footprint of existing buildings) (Attachment X, page 23).

It is important that the solar access control does not place limitations on the preparation of the Paul Keating Park Masterplan, which is currently underway. A control that requires at least 4 hours of solar access would ensure the amenity and useability of park is more than simply satisfactory.

Visual bulk and the successful implementation of the solar access control and relevant objectives in the FSR provision are related, which may prompt a review of the maximum 8:1 FSR. This approach may simultaneously resolve these important issues i.e. the overshadowing of Paul Keating Park and the visual bulk of the proposal.

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- Council to complete the Paul Keating Park Masterplan to gain a deeper appreciation of the eventual built outcome of the park.
- Council to amend the LEP with the following solar access control: Development must allow for 4 hours of continuous solar access to a consolidated area of Paul Keating Park between 10am and 3pm on 21 June (inclusive of existing shadow). The size of the consolidated area must be a minimum 50% of the area of Paul Keating Park (not including the footprint of existing buildings).
- Council to amend the DCP to require wind impact mitigation measures.
- The applicant to undertake further analysis to demonstrate how the proposal would comply with the solar access control, and minimise wind impacts, noting that the proposed 8:1 FSR may need to be reduced to adequately address these issues. This analysis may also assist in the reduction of visual bulk, which has been raised as a design issue.

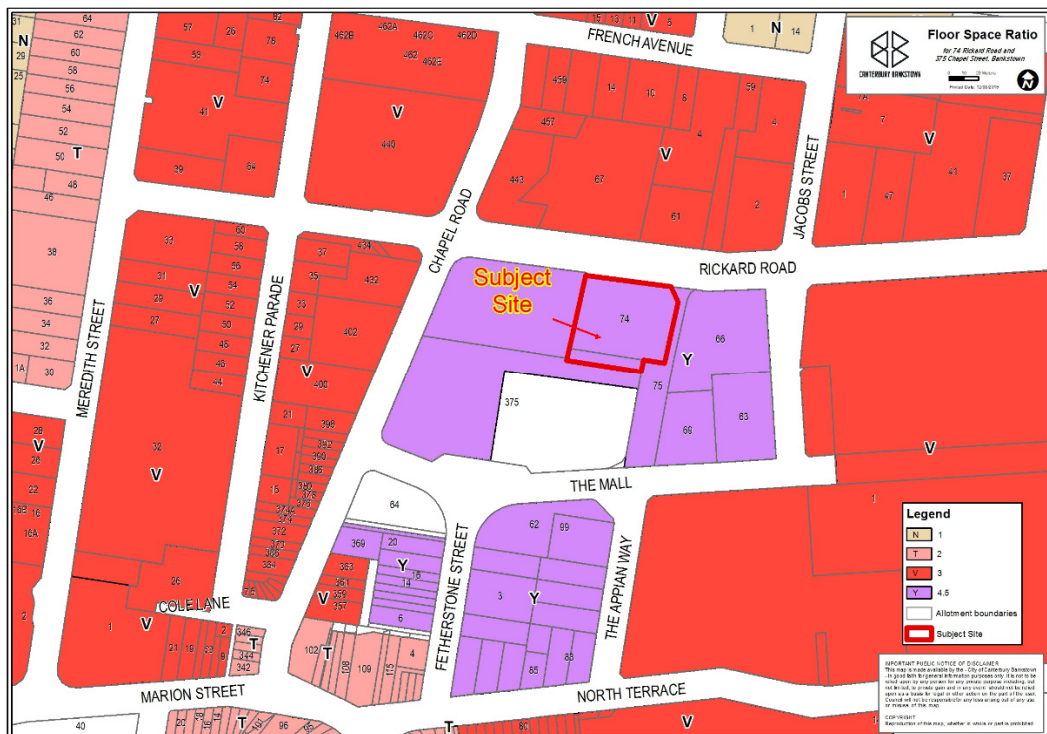
### **5.2.3 Proposed active street frontages**

Proposal: According to the Planning Proposal Report (Attachment C, page 15), ground level retail spaces are incorporated at The Appian Way and Rickard Road to activate these frontages. Key entry points are provided at the centre of the Rickard Road and Paul Keating Park frontages, connected by an internal 'University Street'.

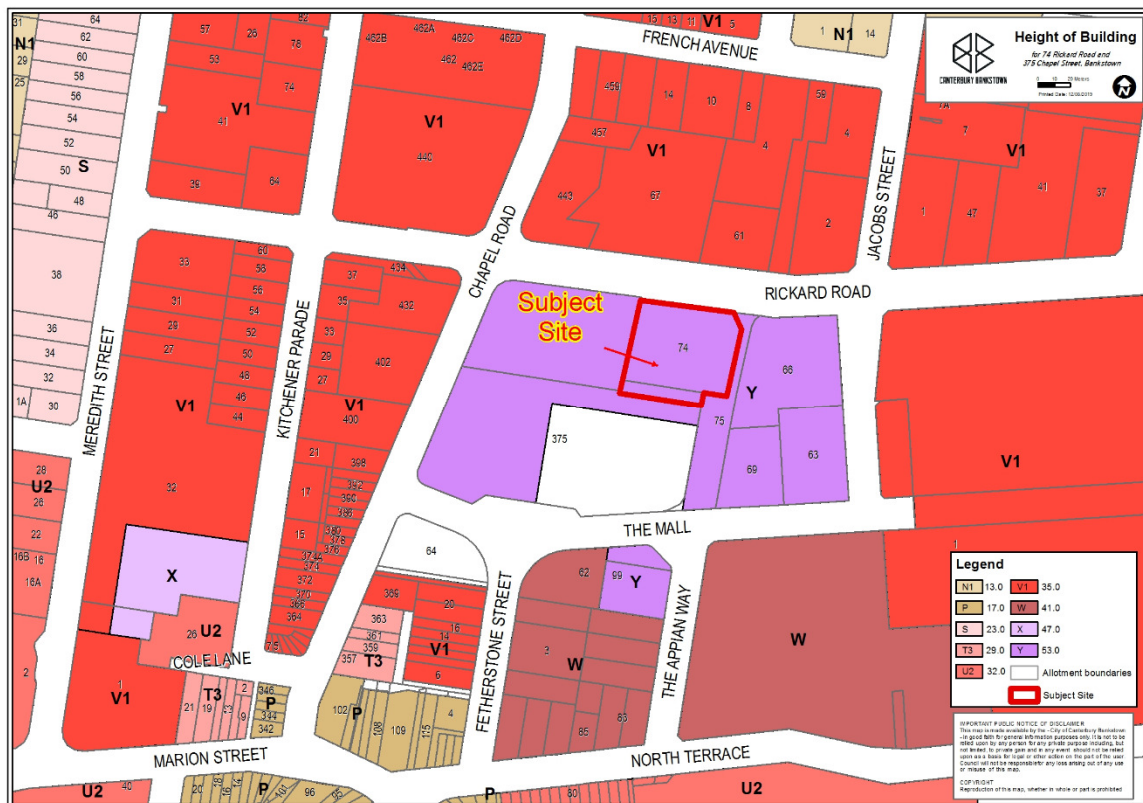
Assessment: The peer review supports active street frontages at The Appian Way, Rickard Road and Paul Keating Park as it would provide an engaging environment for pedestrians (Attachment Y, page 54).

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- Council to amend the DCP to require active street frontages at The Appian Way, Rickard Road and Paul Keating Park.



### Figure 3: Existing Building Height Map



## ATTACHMENT B–SEPPS AND MINISTERIAL DIRECTIONS

### B1. Consistency with State Environmental Planning Policies

The proposal is consistent with applicable State Environmental Planning Policies, namely:

SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent
<p><b>Application–Planning Proposal Report (Attachment C, page 65):</b> In accordance with the SEPP (Educational Establishments and Child Care Facilities) 2017–clause 45(1), development for the purpose of a university may be carried out by any person with development consent on land in a prescribed zone. The B4 Mixed Use Zone within which the site is located is a prescribed zone for the purposes of the ESEPP. Development for the purposes of a University Campus is therefore able to be undertaken with consent.</p> <p><b>Council’s Assessment:</b> The SEPP (Educational Establishments and Child Care Facilities) 2017 identifies the matters for consideration in relation to traffic generating educational establishments such as potential traffic safety, road congestion or parking implications of the development (clause 57).</p> <p>Council engaged an independent transport consultant to peer review the traffic, transport and parking information submitted by the applicant to support the proposal (Attachment W).</p> <p>In principle, the peer review supports the aim to minimise off–street car parking as a way to support more sustainable modes of transport, subject to the implementation of a range of off–site measures to change travel behaviour. Section 5 of the Council report summarises the peer review findings.</p> <p>In considering the peer review findings, the proposal is consistent with the SEPP subject to the applicant providing a detailed response and/or justification for Council’s consideration on:</p> <ul style="list-style-type: none"> <li>• How the proposal may address the need for public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road, to improve pedestrian connections to public transport and shops. The public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan.</li> <li>• How the proposal may address the bike parking requirement and associated end–of–trip facilities on the site.</li> <li>• How the proposal may address the car parking requirements for</li> </ul>	<p>Yes, subject to the applicant providing a detailed response and/or justification for Council’s consideration on how the proposal may address the delivery of supporting infrastructure.</p>



<p>students, staff and visitors. If the applicant is unable to meet these requirements, Council's Planning Agreements Policy would apply to address the shortfalls.</p> <ul style="list-style-type: none"> <li>• How the proposal may address the on-site loading space requirements.</li> </ul>	
<b>SEPP (Infrastructure) 2007</b>	
<p><b>Application–Planning Proposal Report (Attachment C, page 65):</b> The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by (amongst other things) identifying matters to be considered in the assessment of development adjacent to particular types of development. The proposed development is identified as traffic generating development to be referred to the Roads and Maritime Services in accordance with Schedule 3 of the SEPP. The Transport Impact Assessment undertaken by Arup concludes that the road network has been determined to handle the development traffic levels with minimal impacts to the road network.</p> <p><b>Council's Assessment:</b> The SEPP (Infrastructure) 2007 identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development. The site is in the vicinity of Stacey Street (state road) and Rickard Road (ring road).</p> <p>Council engaged an independent transport consultant to peer review the traffic, transport and parking information submitted by the applicant to support the proposal (Attachment W). The peer review recommends an updated SIDRA traffic model to address certain gaps. Section 5 of the Council report summarises the peer review findings.</p> <p>The proposal is consistent with the SEPP subject to an updated SIDRA traffic model for the purposes of consultation with the Roads and Maritime Services.</p>	<p>Yes, subject to an updated SIDRA traffic model for the purposes of consultation with the Roads and Maritime Services.</p>

SEPP 55 (Remediation of Land)	
<p><b>Application–Planning Proposal Report (Attachment C, page 66):</b> Clause 6 of SEPP 55 requires in the event of a change of land use, the planning authority must 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.</p> <p><b>Council’s Assessment:</b> The objective of the SEPP is to reduce the risk of harm to human health by specifying certain considerations that are relevant for rezoning proposals. In accordance with clause 6(1), Council is not to permit a rezoning proposal unless it has considered whether the land is contaminated.</p> <p>In relation to knowledge of former land use activities on the site, the Heritage Impact Statement (Attachment S, page 16) provides the following timeline:</p> <ul style="list-style-type: none"> <li>• 1831 – The site formed part of the original land grant to James Marshall.</li> <li>• 1910 – Rickard Road first appears in the Sands Directory. The Appian Way and Rickard Road appear to have been constructed at the same time the water main was extended along both roads.</li> <li>• 1922 – The earliest development in the northern portion of the block in which the site is located was the Capitol Theatre, with a frontage onto Chapel Road.</li> <li>• 1930s and 1950s – The block on which the site is located remained in relatively the same condition.</li> <li>• Early 1960s – An ambulance station was constructed on the site, consisting of a brick structure with gabled roof clad and terracotta tiles. A skillion roof structure was located at the rear of the building where the ambulances would have been parked.</li> <li>• 1994 – The ambulance station was demolished and replaced with a Council car park.</li> </ul> <p>The proposal is consistent with clause 6 of the SEPP as the proposal does not involve a rezoning to require a preliminary investigation, and the land is not known to have been used for a purpose which may have resulted in contamination. It is noted the state significant development application will assess and quantify any soil and groundwater contamination in accordance with the SEPP (Planning Secretary’s Environmental Assessment Requirements, issued 24 August 2019).</p>	<p>Yes</p>

Refer to Appendix 1 for other applicable State Environmental Planning Policies.

## B2. Consistency with Ministerial Directions

The proposal is generally consistent with applicable Ministerial Directions, namely:

Ministerial Direction 1.1 (Business and Industrial Zones)	Consistent
<p><b>Application–Planning Proposal Report (Attachment C, page 67):</b> The proposal is consistent with the Direction as it will facilitate employment generating development and economic activities near a major transport corridor. The proposal will support the economic viability of the Bankstown Strategic Centre and facilitate higher future employment densities and office spaces that will attract health and education related business which will strengthen the status of the centre. Further, the proposal will strengthen and enhance the existing employment area and related public services within the Bankstown CBD.</p> <p><b>Council’s Assessment:</b> The objectives of Ministerial Direction 1.1 are to encourage employment growth in suitable locations, and to protect employment land in business zones.</p> <p>The proposal is consistent with the Ministerial Direction as it retains the existing business zone, and does not reduce the total potential floor space area for employment uses in business zones.</p>	Yes
Ministerial Direction 2.3 (Heritage Conservation)	
<p><b>Application–Planning Proposal Report (Attachment C, page 68):</b> The subject site is not a listed heritage item under Bankstown LEP 2015, nor is it located within a heritage conservation area. The closest registered heritage item is that of the Bankstown Council Chambers/Civic Centre, located at 375 Chapel Street (LEP Heritage Item I6), on the same lot as a portion of the subject site, approximately 100m to the southwest.</p> <p><b>Council’s Assessment:</b> The objective of Ministerial Direction 2.3 is to conserve items and places of environmental heritage significance. The site is not listed as a heritage item. However, the proposal is in the vicinity of the Council Chambers (local heritage item) at 375 Chapel Road, Bankstown.</p> <p>According to the Heritage Impact Statement (Attachment S, page 29), the statement of significance for the Council Chambers is: <i>The Bankstown Council Chambers is of a local level of historical significance for its association with the activities of the Council over the last 45 years. This significance is enhanced by the fact that the item has maintained a continuity of use over that period, which continues today. The Council Chambers are also important as a component of the 1962 – 1976 Civic Centre development and for representing the aesthetic characteristics of that development, which is regarded as a competent design by a noted</i></p>	Yes

architect.

*The Chambers is aesthetically distinctive and occupies a prominent place within the Bankstown Civic Centre and can be seen to have landmark qualities. The item is of aesthetic significance at a local level.*

*The Council Chambers is likely to be important to the local community's sense of place and to be of a local level of social significance as the visible representation of the local Council. It is likely that many members of the community have attended Council meetings or interacted directly with the site. The Council Chambers also has representative values at a local level as a component of the 1962 – 1976 Civic Centre development. The Bankstown Civic Centre was one of a group of ambitious modernist Civic Centre developments that were undertaken in suburban centres throughout NSW in the 1960s. However, the loss of the Administration Building has reduced the overall significance of the Civic Centre group.*

The assessment of the heritage impact (Attachment S, page 34) concludes that: *The scale of the building is supported on the basis that is in keeping with the scale and character of the Bankstown City Centre. However, in order to ensure that the proposed building would not dominate the context of the heritage listed item the building has been designed in a modular form with 4 distinct components which splay at different angles to the south west corner of the site. This is in contrast to the more formal prismatic arrangement of the northern presentation which responds to the existing forms along Rickard Road. The substantial mature plantings surrounding the heritage item (which are outside the subject site and would be retained) would ensure that the heritage item is still able to be read in isolation, and the character of the immediate context would remain unchanged.*

While the proposal is located partly on the property that is identified as 375 Chapel Road, the Heritage Impact Statement considers the proposal would not encroach on the heritage listed curtilage. In September 2019, Council's Heritage Advisor raised no concerns following a review of the Heritage Impact Statement.

Ministerial Direction 3.4 (Integrating Land Use and Transport)	
<p><b>Application–Planning Proposal Report (Attachment C, page 68):</b> The proposal is consistent with the direction. The subject site is located within the Bankstown Strategic Centre and is within walking distance of the Bankstown train station. The increased density on the site will support the patronage of the station and accords with the key direction from the State Government, which seeks to co-locate increased densities within the wider catchment of public transport nodes (Planning Proposal Report, Urbis, dated 18 December 2018, page 68).</p> <p><b>Council’s Assessment:</b> The objective of Ministerial Direction 3.4 is to improve access to jobs and services by walking, cycling and public transport. Clause 4 refers to the ‘Guidelines–Improving Transport Choice’ (DUAP 2001), which requires Council to identify infrastructure improvement opportunities early in the planning process.</p> <p>Council engaged an independent transport consultant, The Transport Planning Partnership to peer review the traffic, transport and parking information submitted by the applicant to support the proposal (Attachment W).</p> <p>In principle, the peer review supports the aim to minimise off–street car parking as a way to support more sustainable modes of transport, subject to the implementation of a range of off–site measures to change travel behaviour. Section 5 of the Council report summarises the peer review findings. In considering the peer review findings, the proposal is consistent with the SEPP subject to the applicant providing a detailed response and/or justification for Council’s consideration on:</p> <ul style="list-style-type: none"> <li>• How the proposal may address the need for public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road, to improve pedestrian connections to public transport and shops. The public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan.</li> <li>• How the proposal may address the bike parking requirement and associated end–of–trip facilities on the site.</li> <li>• How the proposal may address the car parking requirements for students, staff and visitors. If the applicant is unable to meet these requirements, Council’s Planning Agreements Policy would apply to address the shortfalls.</li> <li>• How the proposal may address the on–site loading space requirements.</li> </ul>	<p>Yes, subject to the applicant providing a detailed response and/or justification for Council’s consideration on how the proposal may address the delivery of supporting infrastructure.</p>

Refer to Appendix 2 for other applicable Ministerial Directions.



### B3. Inconsistency with Ministerial Directions

The proposal is currently inconsistent with the following Ministerial Directions:

Ministerial Direction 3.5 (Development near Licensed Aerodromes)	Consistent
<p><b>Application–Planning Proposal Report (Attachment C, page 69):</b> Consideration will need to be given at the time of detailed design for the location of the site relative to Bankstown Airport and where necessary, will be supported by an aeronautical assessment and will be referred to the relevant authority for their determination.</p> <p><b>Council’s Assessment:</b> The objectives of Ministerial Direction 3.5 are to ensure the effective and safe operation of airports, and to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p> <p>The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport. In March 2019, the applicant submitted an Aeronautical Impact Assessment Report, which indicates the Obstacle Limitation Surface level is 108.1 metres AHD. This means, as a starting point, the proposed building height would need to be below 108.1 metres AHD. The submitted concept design shows the proposed building height at 83 metres (19 storeys). This equates to 106.780 metres AHD.</p> <p>To date, the proposal is inconsistent with this direction, namely clause 4(d) which requires Council to obtain permission from the Commonwealth Government (or delegate) if any structures (including construction cranes) encroach above the Obstacle Limitation Surface. Council referred the application to the relevant authorities (i.e. Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development) in January 2019 and is awaiting a formal response.</p>	<p>No, subject to consultation with Bankstown Airport and the Department of Infrastructure, Transport, Cities and Regional Development.</p>

Ministerial Direction 4.3 (Flood Prone Land)	
<p><b>Application–Planning Proposal Report (Attachment C, page 69):</b> The site is subject to medium risk stormwater flooding with some high risk stormwater flooding in The Appian Way. According to the Planning Proposal Report (Attachment C, page 52), the proposal seeks to protect the building and basement levels without a freeboard or on-site detention. A freeboard is impractical due to site constraints and other design criteria such as providing active street frontages to Rickard Road and The Appian Way. The installation of a rainwater tank will contribute to the detention of the roof run-off.</p> <p><b>Council’s Assessment:</b> The objective of Ministerial Direction 4.3 is to ensure the proposal is commensurate with flood hazards and includes consideration of the potential flood impacts both on and off the site. To date, the proposal is inconsistent with clause 6 as it seeks to permit an increase in the development of the site.</p> <p>However, in accordance with clause 9(b), the proposal may be inconsistent only if Council can satisfy the Department of Planning, Industry and Environment that the proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.</p> <p>In this case, the relevant plan is the Salt Pan Creek Catchments Floodplain Risk Management Plan (adopted by the former Bankstown City Council at the Ordinary Meeting of 17 December 2013). The Floodplain Risk Management Plan requires the redevelopment of sites along The Appian Way to maintain or enhance the capacity of existing overland flow paths.</p> <p>Council commissioned a Site Flood Assessment Report (Attachment V) to review the flood impacts as a result of the proposal and the infrastructure that would be required to mitigate the flood impacts.</p> <p>In relation to existing conditions, the site forms part of the Salt Pan Creek upper catchment and is affected by an overland flow path, stretching from Rickard Road to the open channel at North Terrace. The maximum water depth on the site is 0.61 metres in a 100 year flood event (Attachment V, page 8). This is due to the inadequate capacity of the existing stormwater system and blockages that occur to stormwater pits and culverts, in particular at North Terrace which impacts on the drainage capacity of The Appian Way.</p> <p>The proposal would block part of the overland flow path, making flood conditions more hazardous between the proposal and the Civic Tower. The maximum water depth would increase from 0.61 metres to 0.87 metres in a 100 year flood event and would increase the extent of high</p>	<p>No, subject to discussions with the applicant in relation to the funding and delivery arrangements of an additional culvert at North Terrace. This infrastructure improvement is required to support the proposal.</p>

risk stormwater flooding (Attachment V, page 8).

While a freeboard is a common safeguard to minimise risk on the site, it is recommended that further infrastructure works be delivered that would mitigate flooding impacts associated with the building, noting that these works would include broader stormwater infrastructure beyond the site.

The report recommends the following infrastructure improvements to mitigate the flood impacts as a result of the proposal:

Proposal	Peer Review Recommendations
<p>The proposal does not propose infrastructure improvements to mitigate the impacts as a result of the proposal.</p> <p>The proposal comments that Council should request Sydney Water to upgrade the Stacey Street canal and investigate ways to upgrade the canal along The Appian Way to minimise the potential flood impact on the site (Attachment C, page 39).</p>	<p>Introduce capacity improvements to the existing stormwater system to manage increased flood water levels as a result of the proposal.</p> <p>This would require an additional culvert at North Terrace, which would significantly reduce the flood impacts both on and off the site. The maximum water depth would reduce from 0.61 metres to 0.52 metres in a 100 year flood event and would reduce the extent of high and medium risk stormwater flooding (Attachment V, page 11).</p>

The applicant would therefore need to contribute to this infrastructure improvement if the proposal is to be consistent with the Ministerial Direction and the Floodplain Risk Management Plan. In this regard, Council is currently in discussions with the applicant and Bankstown Central in regard to the funding and delivery arrangements for the stormwater infrastructure works.

**APPENDIX 1—State Environmental Planning Policies**

<b>SEPPs (as at September 2019)</b>		<b>Applicable</b>	<b>Consistent</b>
1	Development Standards	Yes	Yes
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
55	Remediation of Land	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes
70	Affordable Housing (Revised Schemes)	Yes	Yes
	(Aboriginal Land) 2019	No	N/A
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Coastal Management) 2018	No	N/A
	(Concurrences) 2018	Yes	Yes
	(Educational Establishments & Child Care Facilities) 2017	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes
	(Infrastructure) 2007	Yes	Yes
	(Kosciuszko National Park—Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
	(Miscellaneous Consent Provisions) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production & Rural Development) 2019	Yes	Yes
	(State & Regional Development) 2011	Yes	Yes
	(State Significant Precincts) 2005	Yes	Yes
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non—Rural Areas) 2017	Yes	Yes
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
	Greater Metropolitan REP 2—Georges River Catchment	Yes	Yes

## APPENDIX 2—Ministerial Directions

Ministerial Directions & Issue Date		Applicable	Consistent
<b>Employment and Resources</b>			
1.1	Business and Industrial Zones [01/05/17]	Yes	Yes
1.2	Rural Zones [14/04/16]	Yes	Yes
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	Yes	Yes
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [28/02/19]	No	N/A
<b>Environment and Heritage</b>			
2.1	Environment Protection Zones [14/04/16]	Yes	Yes
2.2	Coastal Protection [03/04/18]	No	N/A
2.3	Heritage Conservation [01/07/09]	Yes	Yes
2.4	Recreation Vehicle Areas [14/04/16]	Yes	Yes
2.5	Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
<b>Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones [14/04/16]	Yes	Yes
3.2	Caravan Parks & Manufactured Home Estates [14/04/16]	Yes	Yes
3.3	Home Occupations [01/07/09]	Yes	Yes
3.4	Integrating Land Use & Transport [14/04/16]	Yes	Yes
3.5	Development Near Licensed Aerodromes [14/04/16]	Yes	No
3.6	Shooting Ranges [16/02/11]	Yes	Yes
3.7	Reduction in Non-Hostel Short Term Rental Accommodation Period [15/02/19]	No	N/A
<b>Hazard and Risk</b>			
4.1	Acid Sulfate Soils [01/07/09]	Yes	Yes
4.2	Mine Subsidence & Unstable Land [14/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	No
4.4	Planning for Bushfire Protection [01/07/09]	Yes	Yes
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies [01/05/17]	No	N/A
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial & Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) [Revoked]	No	N/A
5.6	Sydney to Canberra Corridor [Revoked]	No	N/A
5.7	Central Coast [Revoked]	No	N/A
5.8	Second Sydney Airport: Badgerys Creek [Revoked]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	Yes	Yes



5.11	Development of Aboriginal Land Council Land [06/02/19]	Yes	Yes
<b>Local Plan Making</b>			
6.1	Approval & Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	Yes	Yes
6.3	Site Specific Provisions [01/07/09]	Yes	Yes
<b>Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney [14/01/15]	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation [22/09/15]	No	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy [09/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use & Infrastructure Implementation Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use & Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use & Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use & Infrastructure Plan [20/08/17]	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan [25/09/18]	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct [25/09/18]	No	N/A