
Planning Matters - 22 October 2019

ITEM 5.1 **Application to Amend Bankstown Local Environmental Plan 2015: 74 Rickard Road and Part 375 Chapel Road, Bankstown**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report considers a planning proposal application to amend the floor space ratio and building height controls for land at 74 Rickard Road and part 375 Chapel Road, Bankstown to facilitate a university.

ISSUE

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 with an emerging health and education precinct. The proposed university 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.

Council's assessment indicates the proposal has strategic merit subject to undertaking further built form analysis to ensure overshadowing and wind impacts meet the required planning rules as outlined in this report.

The Local Planning Panel considered Council's report on 30 September 2019 and endorsed the report's recommendation to proceed to Gateway. The Local Planning Panel's recommendations have informed the recommendations presented to Council in this report.

RECOMMENDATION That -

1. The application to amend Bankstown Local Environmental Plan 2015 for the site at 74 Rickard Road and part 375 Chapel Road, Bankstown 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 following solar access and wind impact requirements prior to the exhibition of the planning proposal:
 - (i) 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 the Council Chambers).

- (ii) 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.
2. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.
 3. Council request the applicant to provide a detailed response and/or justification for Council's consideration on the following issues and these supplementary studies be incorporated into the DCP as appropriate:
 - (a) 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);
 - (b) how the proposal may address the bike parking requirement and associated end-of-trip facilities on the site;
 - (c) an updated SIDRA traffic model to address the identified gaps for the purposes of consultation with the Roads and Maritime Services;
 - (d) 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);
 - (e) how the proposal may address the on-site loading space requirements; and
 - (f) require active street frontages at The Appian Way, Rickard Road and Paul Keating Park.
 4. A draft site specific DCP Amendment be prepared and exhibited, and the matter be reported to Council following the exhibition. The DCP would address the relevant site specific planning matters referred to in the Report to the Panel, the Panel minutes and any necessary outcomes from Council's consideration of the above mentioned (item 3) reports and information to be submitted by the applicant.
 5. The applicant to contribute to an additional culvert at North Terrace. This infrastructure improvement is required to support the proposal.

ATTACHMENTS

- A. Existing Land Zoning, Floor Space Ratio and Building Height Maps
- B. Local Planning Panel-Council Report
- C. Application-Planning Proposal Report (Urbis, dated 18 December 2018)
- D. Application-Urban Design Report (Lyons Architecture, dated 20 December 2018)
- E. Application-Supplementary Planning Information Package (Lyons Architecture, dated 12 August 2019)
- F. Application-Email-Additional Information (Urbis, dated 27 August 2019)

- G. Application–Letter–Additional Information (WSU, dated 30 August 2019)
- H. Application–Transport Management and Accessibility Plan (Arup, dated 17 July 2019)
- I. Application–Academic Plan (WSU, dated September 2019)
- J. Application–Vertical Campus Benchmarks (Lyons Architecture, dated 26 October 2018)
- K. Application–Updated Architectural Design Concept Drawings (Lyons Architecture, dated 12 August 2019)
- L. Application–Aeronautical Impact Assessment (Landrum & Brown Worldwide (Aust) Pty Ltd, dated 26 March 2019)
- M. Application–Shadow Diagrams (Lyons Architecture, dated 25 July 2019)
- N. Application–Survey Plan (RPS, dated 2 August 2018)
- O. Application–Urban Design Review–The Appian Way Alignment (Lyons Architecture, dated 9 July 2019)
- P. Application–The Appian Way Realignment Mark–up (Lyons Architecture, dated 1 August 2019)
- Q. Application–Landscape Concept Plans (Aspect Studios, 13 December 2018)
- R. Application–Pedestrian Wind Environment Study (Windtech, dated 28 May 2019) (Attachment R)
- S. Application–Heritage Impact Statement (Urbis, dated 23 August 2019)
- T. Application–Interior Narrative Concept (Lyons Architecture, dated 1 August 2019)
- U. Application–Document ‘Not lazy learning, how informal spaces power students’ (Hassell, dated September 2017)
- V. Council–Site Flood Assessment Report
- W. Council–Peer Review of Transport and Traffic
- X. Council–Urban Design Peer Review Report
- Y. Council–Best Practice Research–Open Spaces in City Centres, Solar Amenity Controls (City Design Unit, dated 13 September 2019)
- Z. Council–Solar Amenity Study, Case Study: Paul Keating Park (City Design Unit, dated 16 August 2019)
- AA. Local Planning Panel–Minutes

POLICY IMPACT

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

Council's 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 focus for this precinct.

The Draft Local Strategic Planning Statement also proposes to improve the public domain in the Bankstown CBD (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 this report.

FINANCIAL IMPACT

As Councillors will recall, Council, at its Ordinary Meetings in December 2017 and June 2018 resolved to negotiate a 99 year ground lease with WSU on Council's land at 74 Rickard Road and part 375 Chapel Road, Bankstown, with respect to the project.

In accordance with the Council's Probity Plan, both the property and/or commercial terms are being considered and/or negotiated independent of any planning issues and will be the subject of a separate report, when finalised.

COMMUNITY IMPACT

The proposal represents a major education investment and will transform the energy and experience of Bankstown. According to the application's Planning Proposal Report, the delivery of a proposed university to the Bankstown CBD constitutes a significant 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.

The proposal also provides opportunities to:

- Establish an educational anchor that would draw the community and local students into career pathways;

- Transform the Bankstown CBD into a place to innovate, with support services for local start-ups, social enterprises and creative industries.
- Grow the night time economy and support local businesses in the Bankstown CBD.
- Attract facilities such as conferencing facilities, restaurants and cafes to support the growth in workers, students and visitors.

Should the proposal proceed to Gateway, this report recommends further discussions with the applicant in relation to the funding and delivery arrangements for supporting infrastructure, namely (but 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), Civic Drive, Jacobs Street and Rickard Road to public transport and shops.

The applicant would need to provide a detailed response and/or justification for Council's consideration prior to the exhibition of the planning proposal.

DETAILED INFORMATION

Site Description

The site is Council owned land (3,678m² 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 ²	Operational	63 at-grade public car spaces, driveway and lawn
375 Chapel Road (part), Bankstown	Lot 6, DP 777510	B4 Mixed Use	349m ²	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



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

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

Building design	Proposal
Gross floor area	29,270m ²
Number of storeys	19 (refer to Figure 2)
Enrolment number	10,000
Student load capacity of the building	3,400 (estimated 2,000 students at any one time)
Staff load capacity of the building	600–650 (estimated 350–650 staff and 150 visitors at any one time)
Off-street car parking spaces	84–94 (including 4 DDA bays) subject to the final basement design
Off-street bicycle parking spaces	32 (staff)

The application is supported by a range of documents as provided in Attachments C–U.

Figure 2: Proposed university viewed from Paul Keating Park



Source: Western Sydney University

Local Planning Panel

Council carried out an assessment of the application and engaged independent specialists to undertake peer reviews of the flooding, traffic, transport and urban design information submitted by the applicant. Council's assessment report is provided in Attachment B and the peer reviews are provided in Attachments V–X.

Council's assessment indicates the proposal has strategic merit to proceed to Gateway subject to:

- 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), Civic Drive, Jacobs Street and Rickard Road 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.

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 planning 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.

In accordance with the Department of Planning, Industry and Environment's Direction, the Local Planning Panel considered the assessment report and peer reviews on 30 September 2019 to recommend whether the matter should proceed to Gateway. The Panel's recommendations, as provided in Attachment AA, are:

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 amendments to BLEP2015 consider using Clause 2.5 to create more certainty around the linking FSR and height to the proposed university use.*
3. *Council to complete the Paul Keating Park Masterplan to gain a deeper appreciation of the eventual built outcome of the park (including the provision of active street frontage of The Appian Way, Rickard Road and the Park).*
4. *Council request the applicant to provide the following detailed responses and/or justifications for Council's consideration and any outcomes from these studies be incorporated into the DCP as appropriate. This work and the DCP is to occur prior to exhibition of the planning proposal and DCP (post gateway):*
 - (a) *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),*
 - (b) *how the proposal may address the bike parking requirement and associated end-of-trip facilities on the site,*
 - (c) *an updated SIDRA traffic model to address the identified gaps for the purposes of consultation with the Roads and Maritime Services,*

- (d) *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),*
 - (e) *how the proposal may address the on-site loading space requirements, and*
 - (f) *further analysis to demonstrate how the proposal would comply with the proposed 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 design issue).*
5. *Council prepare a draft site specific DCP to be exhibited concurrently with the planning proposal. The DCP would address all the relevant site specific planning matters referred to in the Report to the Panel, these minutes and any necessary outcomes from Council's consideration of the above mentioned (item 4) reports and information to be submitted by the applicant.*

In considering the Panel's comments, it is proposed to proceed with the Panel's recommendations with the exception of recommendations (2) and (3).

In relation to recommendation (2), the purpose for clause 2.5 is to enable additional permitted uses for particular land. According to the Department of Planning, Industry and Environment's Practice Note 11-001, wherever possible, land uses should be governed by the Land Use Table, and clause 2.5 should only be used where Council has demonstrated why this cannot be achieved.

Given that the B4 Mixed Use zone on the site currently permits educational establishments and the proposal is not seeking an additional permitted use, the use of clause 2.5 is not necessary in this case. In addition, Council has control over the future use of the land as it is the land owner and will be required to provide land owner's consent for development applications.

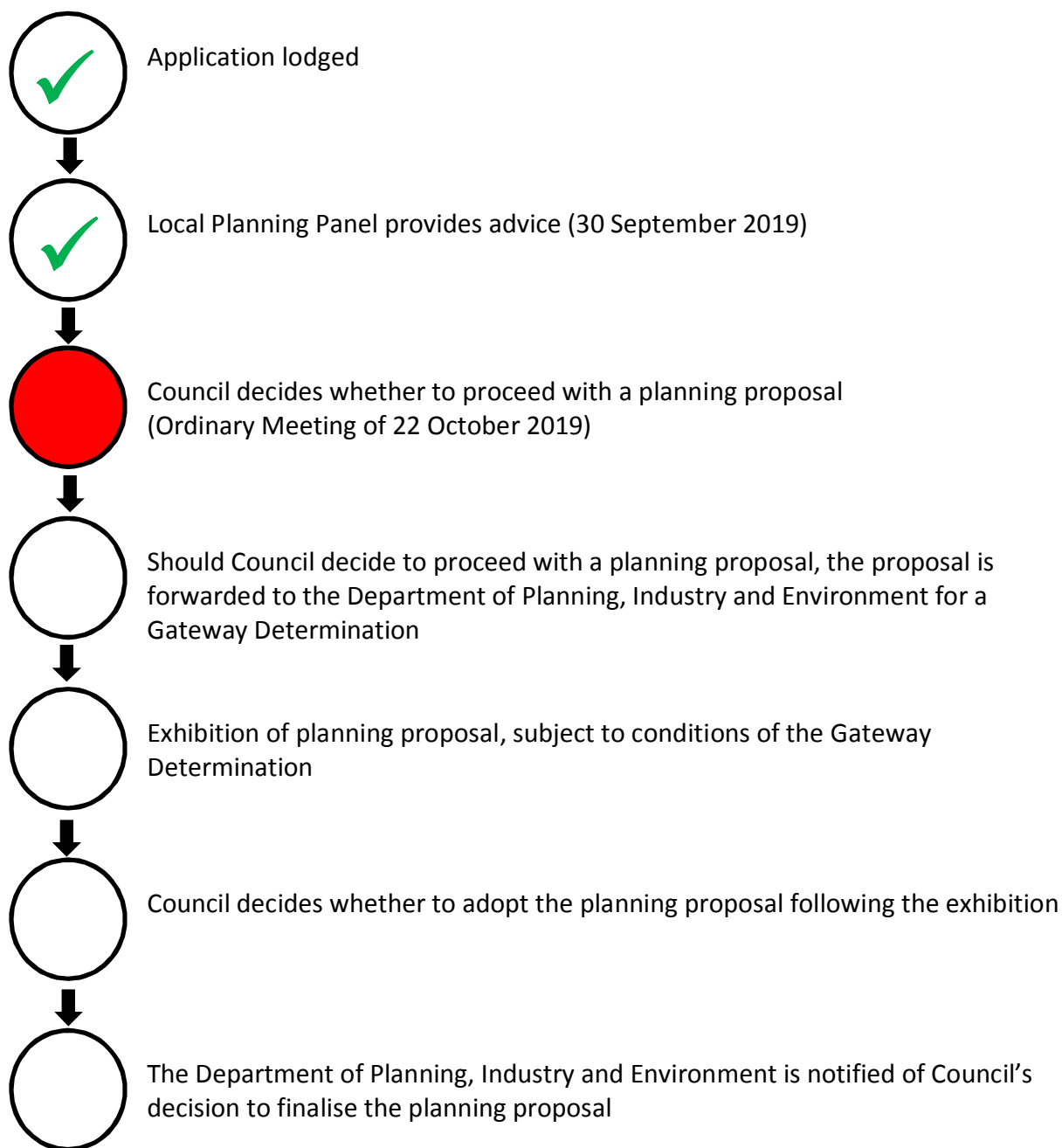
In relation to recommendation (3), the preparation of the Paul Keating Park Masterplan is independent of the planning proposal, and would be subject to separate consideration by Council and exhibition.

Next Steps

Planning Proposal

The next step is to prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination (refer to Figure 3). Following the exhibition of the planning proposal, the matter would be reported to Council.

Figure 3: Gateway process



DCP Amendments

Should the proposal proceed to Gateway, it is proposed to prepare DCP Amendments to support the planning proposal. The DCP Amendments would address the following matters (but is not limited to):

- 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);
- how the proposal may address the bike parking requirement and associated end-of-trip facilities on the site;

- an updated SIDRA traffic model to address the identified gaps for the purposes of consultation with the Roads and Maritime Services;
- 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);
- how the proposal may address the on-site loading space requirements;
- require wind mitigation measures;
- require active street frontages at The Appian Way, Rickard Road and Paul Keating Park; and
- demonstrate the link between the FSR and height and the proposed university use.

Following the exhibition of the DCP Amendment, the matter would be reported to Council.

Supporting Infrastructure

Should the proposal proceed to Gateway, it is proposed to discuss with the applicant the funding and delivery arrangements for supporting infrastructure, namely (but 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), Civic Drive, Jacobs Street and Rickard Road to public transport and shops.

The applicant would need to provide a detailed response and/or justification for Council's consideration prior to the exhibition of the planning proposal.

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HELD IN COUNCIL CHAMBERS
ON 22 OCTOBER 2019

PUBLIC ADDRESS

(738) CLR. TUNTEVSKI:/CLR. WAUD

RESOLVED that permission be granted to Mr Bill Parasiris to address Council for five minutes in respect of Item 5.1 – Application to amend Bankstown Local Environmental Plan 2015: 74 Rickard Road and Part 375 Chapel Road, Bankstown.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 74 RICKARD ROAD AND PART 375 CHAPEL ROAD, BANKSTOWN

MR BILL PARASIRIS (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

(739) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that an extension of two minutes be given to Mr Parasiris to address Council.

- CARRIED

MOTION CLR. DOWNEY:/CLR. KUSKOFF

That the matter be deferred to the next Ordinary Meeting of Council for further consideration.

- LOST

(740) CLR. EL-HAYEK:/CLR. ISHAC

RESOLVED that

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 - (b) Permit a maximum 8:1 FSR, subject to the proposal satisfying the following solar access and wind impact requirements prior to the exhibition of the planning proposal:
 - (i) 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

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Keating Park (not including the footprint of the Council Chambers).

- (ii) 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.
2. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.
 3. Council request the applicant to provide a detailed response and/or justification for Council's consideration on the following issues and these supplementary studies be incorporated into the DCP as appropriate:
 - (a) 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);
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 5. The applicant to contribute to an additional culvert at North Terrace. This infrastructure improvement is required to support the proposal.

- CARRIED

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For:- Clrs Asfour, Eisler, El-Hayek, Harika, Ishac, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Clrs Downey and Kuskoff

ITEM 5.2 DRAFT HOUSEKEEPING AMENDMENTS TO BANKSTOWN DCP 2015 AND CANTERBURY DCP 2012

(741) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that

1. Council exhibit the draft amendments to Bankstown Development Control Plan 2015 and Canterbury Development Control Plan as provided in Attachment A.
2. The matter be reported to Council following the exhibition period.

- CARRIED

For:- Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:- Nil

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 DISCLOSURE OF INTEREST RETURNS 2018/19

(742) CLR. EISLER:/CLR. ZAKHIA

RESOLVED that the tabling of the Disclosure of interest Returns for 2018/19 be noted.

- CARRIED