

Planning and Assessment

IRF19/7739

Gateway determination report

LGA	Canterbury-Bankstown
PPA	City of Canterbury Bankstown
NAME	Western Sydney University Campus
NUMBER	PP_2019_CBANK_004_00
LEP TO BE AMENDED	Bankstown Local Environmental Plan 2015
ADDRESS	74 Rickard Road and Part 375 Chapel Road Bankstown
DESCRIPTION	Lot 5 DP 777510 and Lot 6 DP 777510
RECEIVED	31 October 2019
FILE NO.	IRF19/7739
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Bankstown Local Environmental Plan (LEP) 2015 for land at 74 Rickard Road and part 375 Chapel Road, Bankstown to:

- increase the maximum height of buildings from 53m to 83m;
- increase the maximum floor space ratio (FSR) from 4.5:1 to 8:1; and
- insert a provision requiring the preservation of appropriate solar access to Paul Keating Park.

1.2 Site description

The site is in the 'Civic Precinct' of the Bankstown CBD located at 74 Rickard Road and part 375 Chapel Road, Bankstown (**Figure 1**). The site comprises two adjoining lots with a slightly irregular shape and a combined area of approximately 3,678 square metres (m²). The lots are owned by Canterbury-Bankstown Council and legally identified as:

- 74 Rickard Road, Bankstown:
 - Lot 5 DP 777510 with a total area of 3,329m²; and
- 375 Chapel Road, Bankstown:
 - part Lot 6 DP 777510 with a total area of 349m².

The land at 74 Rickard Road, Bankstown is classified as Operational Land and is currently used as a part at-grade, 59-space carpark and part landscaped grassed

area (**Figure 1 to 3**). Part 375 Chapel Road, Bankstown is a strip of land bordering the southern edge of 74 Rickard Road and is used as a driveway entrance to the carpark and a walkway (**Figure 2**). The subject site is relatively flat with a one metre (m) fall from the north-west to the south-east corner.



Figure 1: Aerial view of subject site (Source: Near Map – overlay by DPIE)

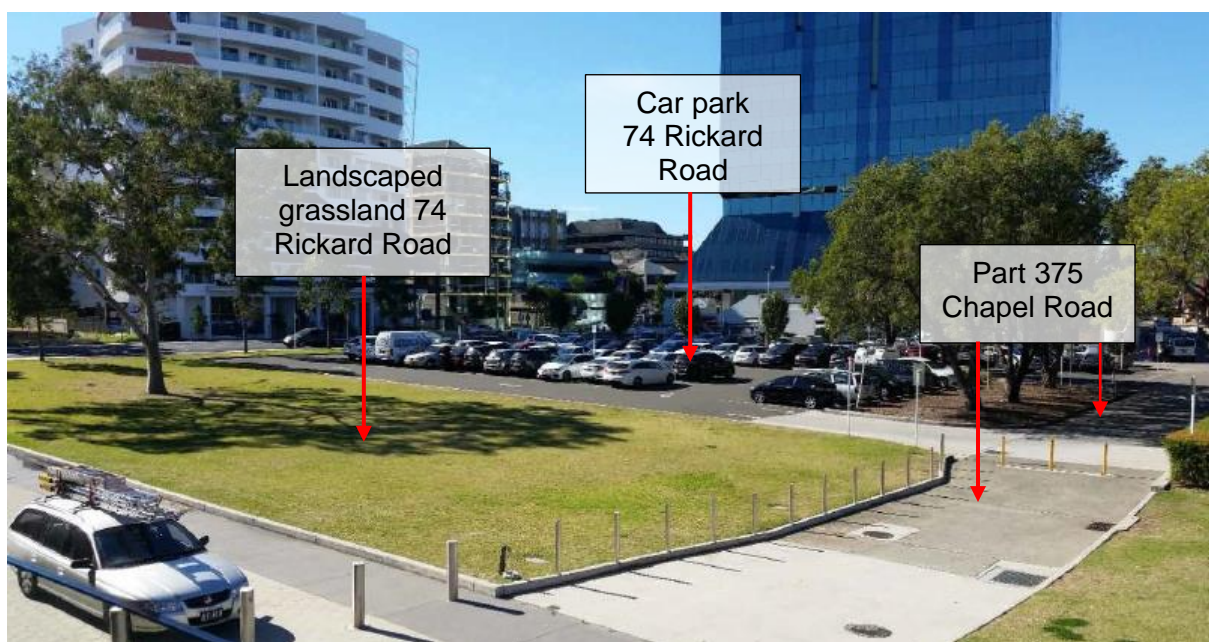


Figure 2: View looking north-east from Paul Keating Park of the eastern side of the site (Source: Google Maps – overlay by DPIE)

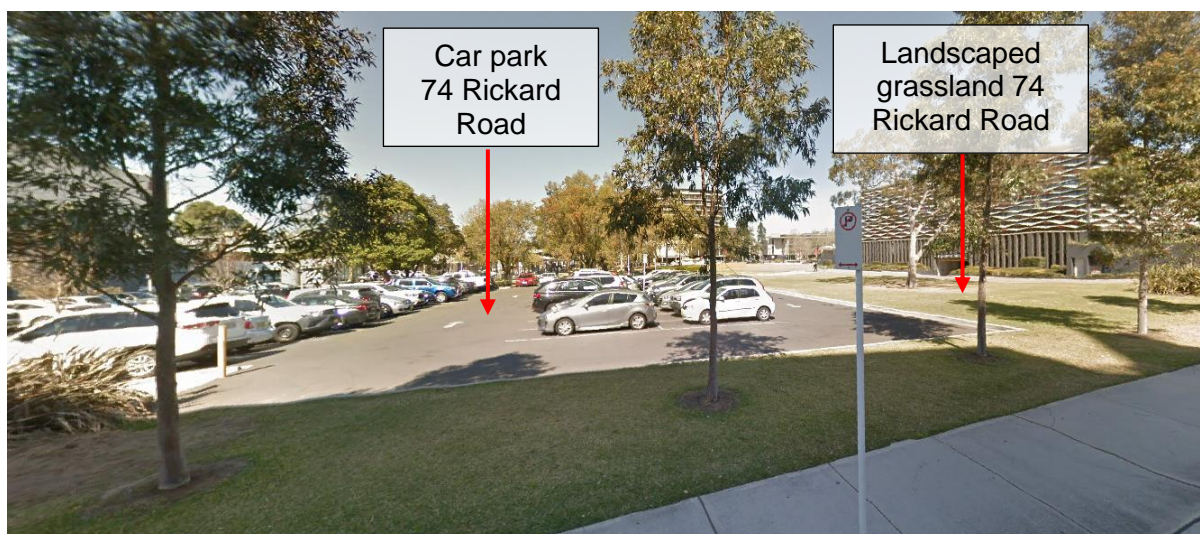


Figure 3: View of the site from Rickard Road looking south-west towards to Paul Keating Park
(Source: Google Maps – overlay by DPIE)

1.3 Existing planning controls

Under the Bankstown LEP 2015, the site:

- is zoned B4 Mixed Use (**Figure 4**);
- has a maximum building height of 53m (**Figure 5**); and
- has a maximum FSR of 4.5:1 (**Figure 6**).

The site is classified as ‘Area 3’ in clause 6 of the Bankstown LEP 2015 (**Figure 8**). The objectives of this clause are to reinforce the status of the Bankstown CBD as a major centre and a place for employment. It is to encourage economic growth by retaining commercial floor space and promoting active street frontages in the core. Residential uses are restricted on the ground and first floors of commercial premises in this area.

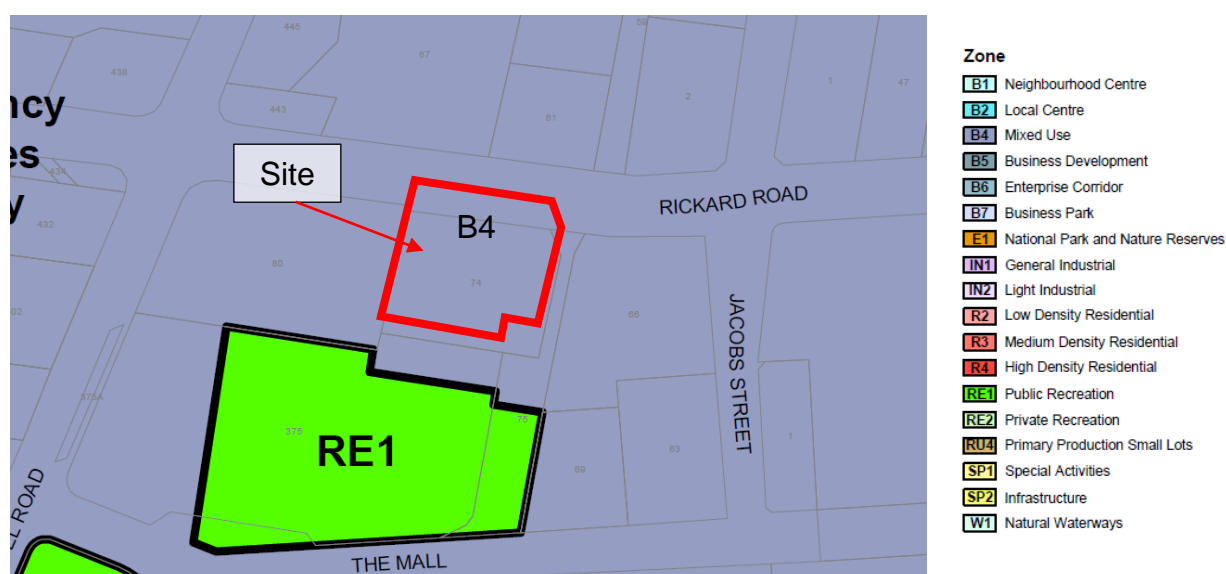
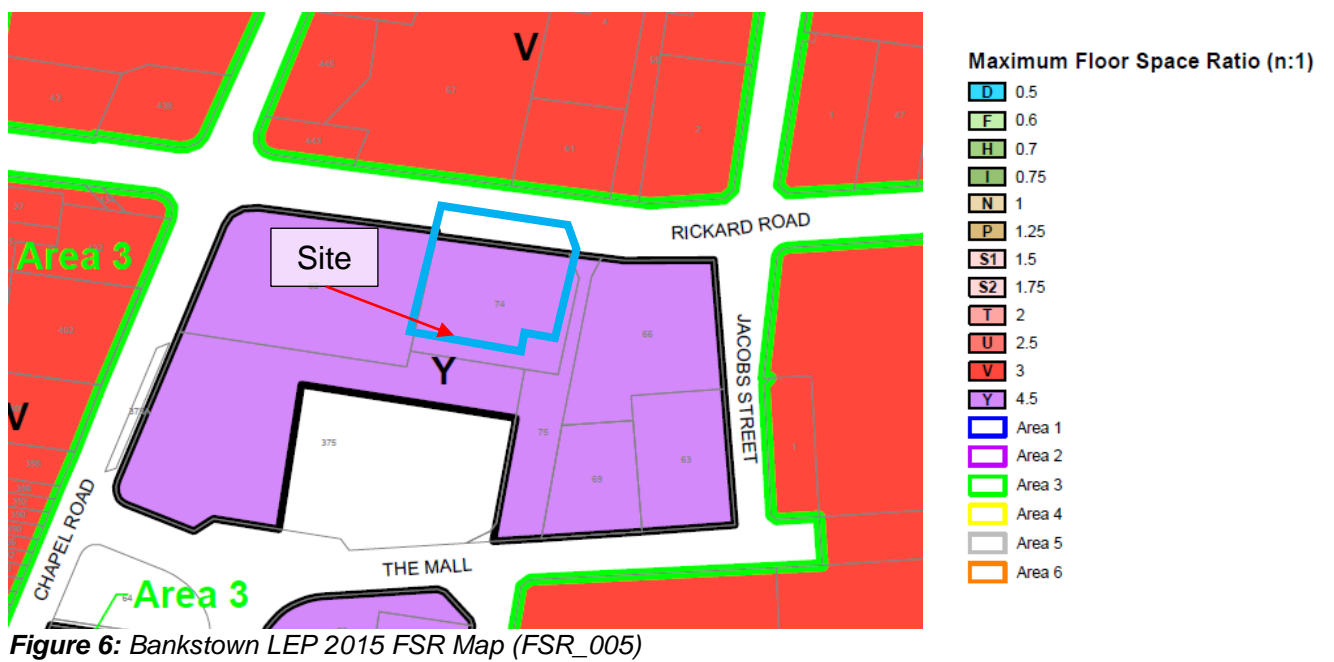
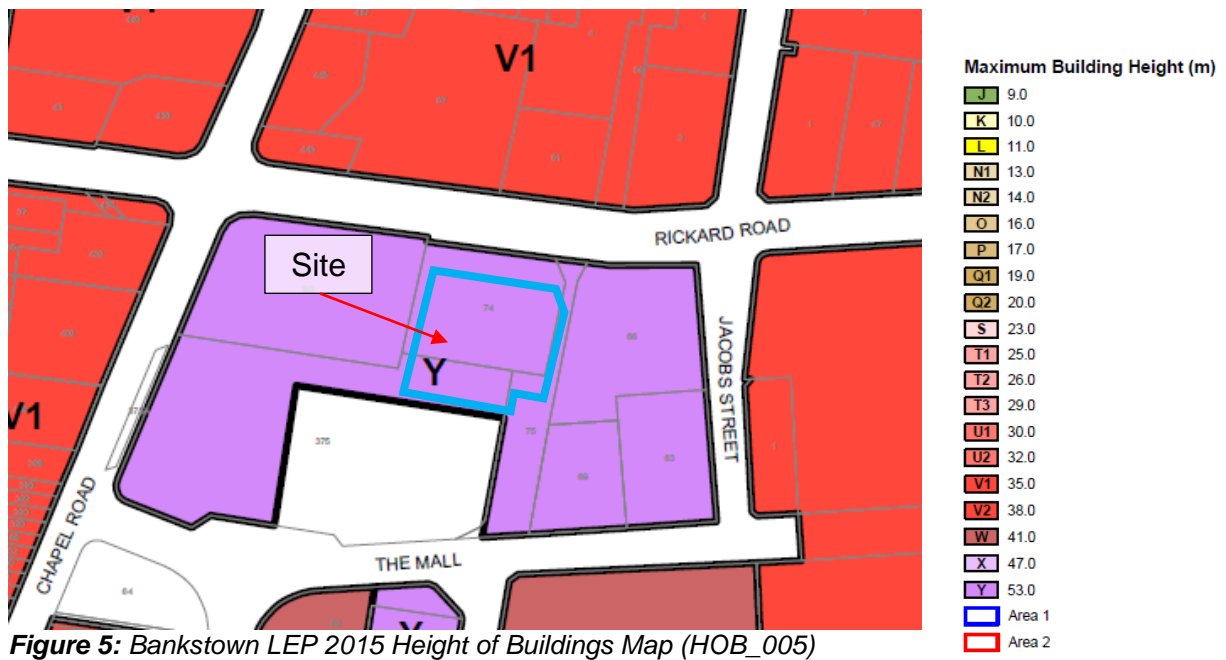


Figure 4: Bankstown LEP 2015 Land Zoning Map (LZN_005)



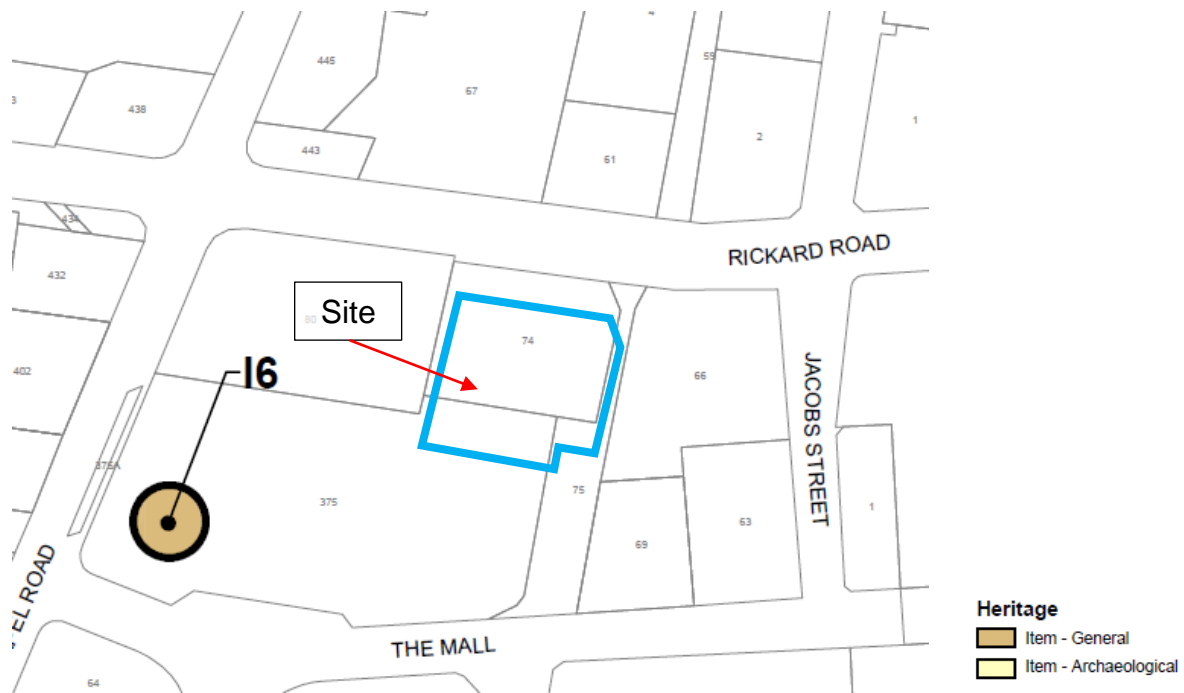


Figure 7: Bankstown LEP 2015 Heritage Map (HER_005)

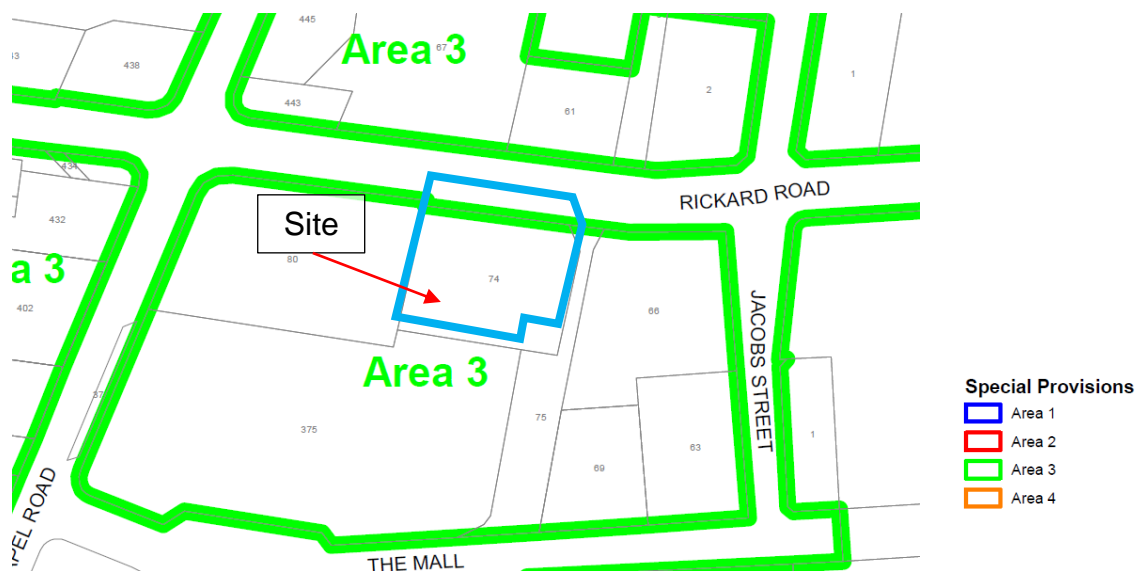


Figure 8: Bankstown LEP 2015 Special Provisions Map (SPV_005)

1.4 Surrounding area

The surrounding area is mostly zoned B4 Mixed Use except for the area directly to the south, which is zoned RE1 Public Recreation (**Figure 4**).

The site is approximately 200m west of Bankstown Central shopping centre and approximately 340m north of the Bankstown Railway Station which is planned for redevelopment as part of the Sydney Metro project. Bankstown Library and Knowledge Centre are directly to the west of the site. Bankstown Court House and two to three storey commercial buildings of varying ages are further to the west (**Figure 13**).

To the north, along Rickard Road is a mixed-use building of approximately nine storeys with commercial premises at ground level and residential dwellings above, a two-storey medical centre and a ten-storey building with ground floor commercial premises and residential dwellings above.

To the east, adjacent to the site in Rickard Road is the Bankstown Civic Centre of approximately 11 storeys in height (**Figure 9 and 10**). Behind the Civic Centre on the corner of Civic Drive and The Appian Way is a two-storey commercial complex with the multi-storey Hoyts cinemas beyond.

Paul Keating Park is directly to the south of the site that is the key piece of open space for the Bankstown CBD. Beyond Paul Keating Park to the south is a six-level office tower and a retail arcade consisting of 56 specialty stores. Also forming part of this site, is the former Bankstown Library, a hardstand car park and a landscaped reserve in the north-east corner which wrap around an existing 12-storey, mixed use building. Most of this block, bounded by the Appian Way, North Terrace, Featherstone Street and the Mall forms the Compass Centre which has recently been the subject of a separate planning proposal which increased the maximum height of buildings to 83m and the maximum FSR to 5:1 (**Figure 11-13**). This planning proposal has been finalised and an LEP notified.

As well as Bankstown train station and the proposed metro station, there are two bus interchanges, one within 200m east of the site serviced by seven regional bus routes to Parramatta, Lidcombe, Burwood, Liverpool, Fairfield and Hurstville. The other interchange is located on the south side of Bankstown train station.

There are no heritage items on the subject site and the site is not within a heritage conservation area. The site is approximately 100m from the local heritage listed Council Chambers (item I6) (**Figure 7**) at 375 Chapel Road, Bankstown.

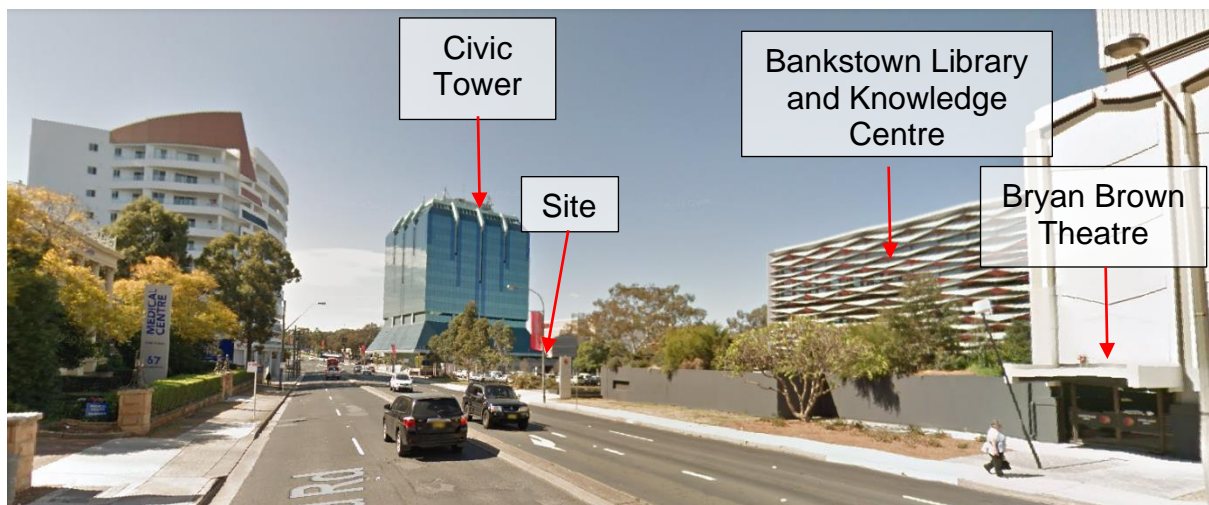


Figure 9: Looking east along Rickard Road (Source: Google Maps)



Figure 10: Looking north east from the northern side of Paul Keating Park (Source: Google Maps)



Figure 11: View looking south-east across Paul Keating Park with the former Bankstown Library and the proposed Compass Centre site beyond (Source: Google Maps)

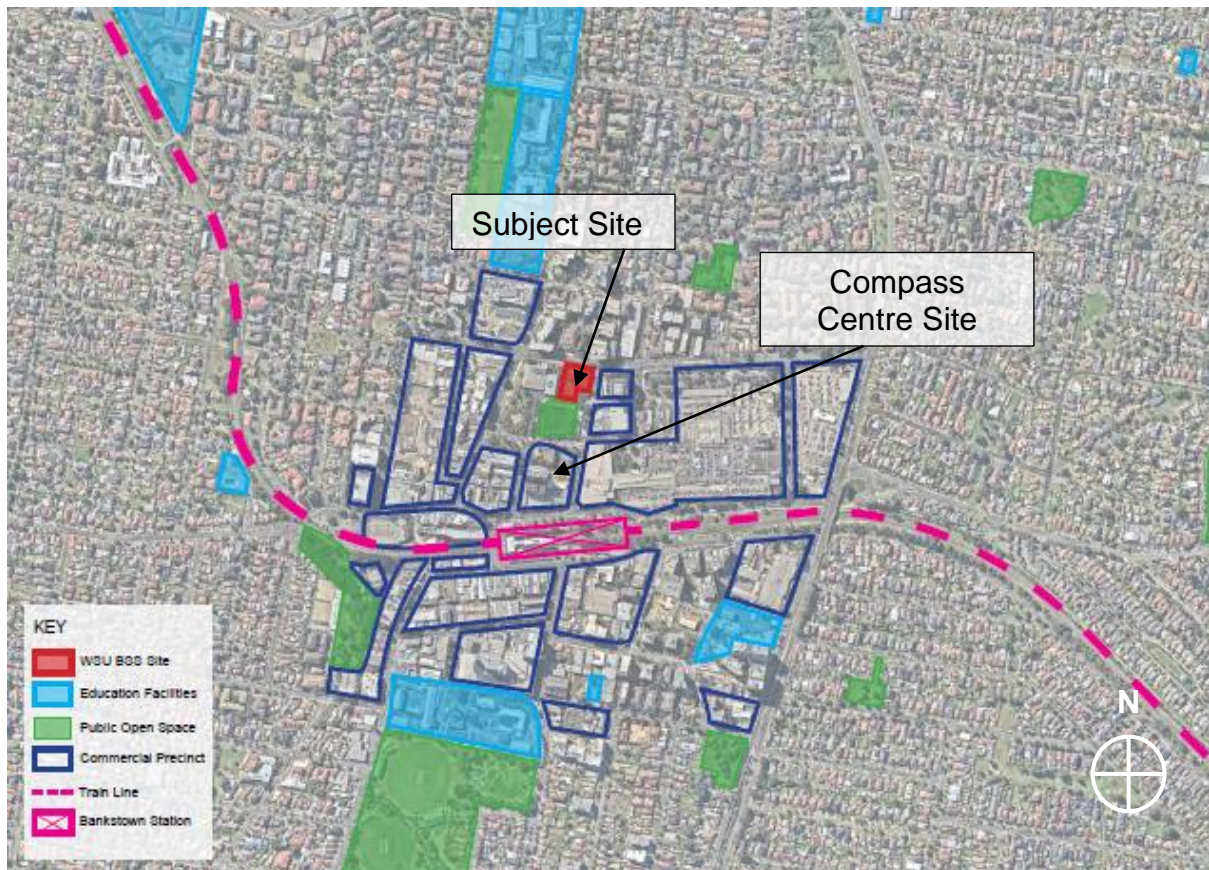


Figure 12: Aerial view of the Bankstown CBD showing key commercial, educational and open green space (Source: Lyons Architecture)

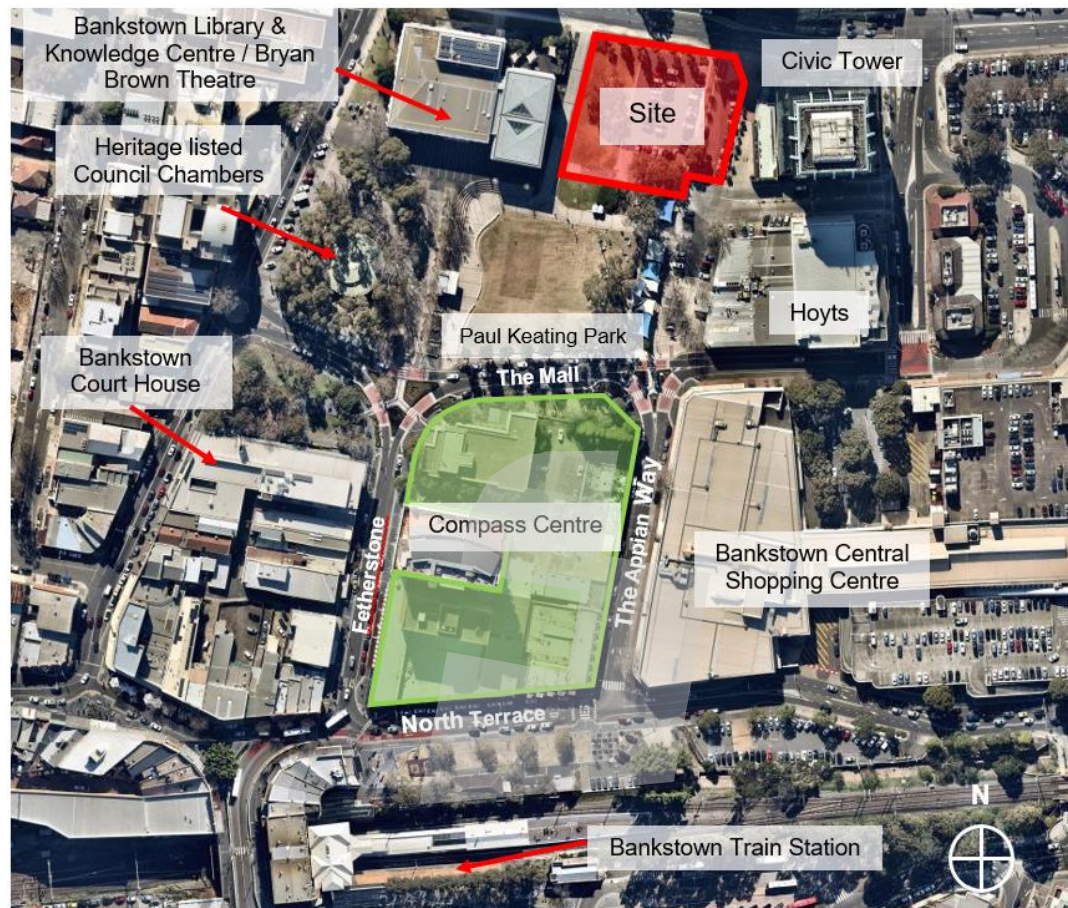


Figure 13: Aerial view of the site and the Compass Centre (Source: Near Maps – overlay by DPIE)



Figure 14: View of the proposed Compass Centre concept scheme looking south from The Appian Way with Paul Keating Park at right (Source: H3 Architects)

1.5 Background

As part of the 'Western Growth Program', Western Sydney University is proposing to relocate its existing site at Milperra to Council owned land at 74 Rickard Road and part 375 Chapel Road, Bankstown.

At its Ordinary Meeting on 12 December 2017, Council resolved to negotiate terms, including a 99-year ground lease for the site. Council has prepared a probity plan in accordance with the Independent Commission Against Corruption (ICAC) guidelines for the subject site to ensure planning and commercial matters were independent of one another.

On 19 December 2018, a planning proposal (RZ-7/2018) for the site was submitted to Council to amend the FSR to a maximum 8:1 and height of buildings to 83m. The concept plan proposed a 29,270m² gross floor area (GFA) vertical university to cater for an anticipated enrolment of 10,000 students. At any one time, it is estimated up to 2,000 students, 350-650 staff and 150 visitors would be on campus.

In December 2018, the applicant submitted a state significant development application (SSD-9831) to the Department for the site. The proposal is for a 19-storey university building with an FSR of 8:1. Council will be providing landowner consent and comments on the development application.

In a letter dated 30 August 2019, Western Sydney University (WSU) (**Attachment F**) stated that the Bankstown City Campus design had been developed through a design review process for State Significant Development with the NSW Government Architect chairing the State Design Review Panel (SDRP).

The SDRP identified a range of key considerations including:

- *maintaining a clear Appian Way alignment;*
- *defining a clear civic datum and alignment of building elements of adjoining civic buildings;*

- *privatisation of public space;*
- *overshadowing of Paul Keating Park and solar access to adjoining public spaces; and*
- *overall size and bulk of the building.*

The initial scheme presented to the SDRP was similar to a WSU vertical campus in Parramatta but was not supported by the SDRP who required that the building be expressed for its purpose as a university. The revised design for the Bankstown City Campus is purely for educational purposes with circulation and social spaces.

On 6 September 2019, the proponent submitted a development application (DA 697/2019) to Council for site works including, tree removal, bulk excavation, demolition, shoring and temporary anchors, service division and alterations to the Appian Way layback at Rickard Road. The application is currently under assessment by the South Sydney Planning Panel (PPSSH-8).

On 30 September 2019 (**Attachment G and H**), the planning proposal was submitted to the Canterbury Bankstown Local Planning Panel for consideration of Council's report. Council's report recommended that the planning proposal had strategic merit and should proceed to Gateway stating that the following key issues needed to be addressed:

- infrastructure requirements to address flooding impacts;
- the applicant to confirm:
 - the delivery of supporting infrastructure to address transport and traffic impacts including pedestrian connections and cycling links;
 - public domain works at The Appian Way (Between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road to improve connections to public transport and shops;
- updated traffic modelling be provided to address identified gaps for the purposes of consultation with Transport for NSW;
- the provision of a detailed response in respect to car parking requirements for students, staff and visitors as well as on-site loading requirements;
- a response from the relevant authorities concerning Ministerial Direction 3.5 Development Near Licenced Airports;
- Council to complete the Paul Keating Park Masterplan to determine the eventual built outcome of the park;
- Council to implement a specific solar access control;
- the proponent is to undertake further analysis to demonstrate how compliance with the solar access could be achieved, and wind impacts minimised;
- a draft site-specific DCP be prepared by Council to be exhibited concurrently with the planning proposal.

The Canterbury Bankstown Local Planning Panel, at their meeting on 30 September 2019 (**Attachment H**) voted unanimously in favour of the proposal subject to:

- permit a maximum height of 83m subject to consultation with Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development;

- permit a maximum 8:1 FSR subject to satisfying solar access and wind impact requirements;
- consider using Clause 2.5 *Additional permitted uses for particular land* of the LEP to create more certainty around linking the development standards to the proposed university use;
- complete the Paul Keating Park Masterplan
- Council request the applicant provide the following responses and/or justifications and that any outcomes be incorporated into the site specific DCP:
 - how the proposal may address the need for public domain works to improve pedestrian connections;
 - how the proposal may address bike parking requirements and end of trip facilities on site;
 - updated SIDRA traffic modelling;
 - address car parking requirements for students, staff and visitors;
 - address loading requirements; and
 - provide further analysis to demonstrate how the proposal could comply with the proposed solar access control, and minimise wind impacts, noting that the proposal FSR may need to be reduced.
- Council prepare a draft site specific DCP to be exhibited concurrently with the planning proposal.

The planning proposal was reported to Council on 22 October 2019, with similar recommendations to those made to the Local Planning Panel (**Attachment I**). At the meeting, Council resolved that the planning proposal should proceed to Gateway, adopting the recommendations of both the report to the Local Planning Panel and Council, including a site specific solar access control as follows:

'the 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).'

On 31 October 2019, Council wrote to the Department advising of their decision to forward a planning proposal to seek a gateway determination.

1.6 Summary of recommendation

It is recommended that the proposal proceed subject to conditions on the basis that it:

- is consistent with the Greater Sydney Region Plan and South District Plan;
- will facilitate the growth of the emerging health and education precinct in an accessible strategic area;
- will enable the Western Sydney University to provide services in an accessible location;

- will support existing and proposed public transport and increase economic activity in the Bankstown CBD with up to 2,000 students and approximately 230 staff on campus at any one time;
- will increase employment opportunities in the Bankstown CBD; and
- will provide community benefit with the provision of public domain improvements and pedestrian amenity.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcome of the planning proposal is to increase the development standards on the site to support the construction of a vertical campus for the Western Sydney University (WSU), who are to relocate from their current site in Milperra.

2.2 Explanation of provisions

The planning proposal seeks to amend the Bankstown LEP 2015 to:

- amend the maximum height of buildings from 53m to 83m;
- amend the maximum FSR from 4.5:1 to 8:1; and
- insert a provision to provide appropriate solar access to Paul Keating Park at 375 Chapel Road, Bankstown as follows:
 - *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 building footprint of the Council Chambers);*
- no change is proposed to the land-use zone.

Scenarios were tested to assess the bulk and scale of the WSU proposed built form. The preferred option is shown in **Figure 15 – 17 and 19**. Concept drawings of the preferred proposal have been provided in the Urban Design Report (**Attachment L**) and the Heritage Impact Statement (**Attachment P**).



Figure 15: The preferred option for the proposed WSU. (Source: Lyons Architecture)

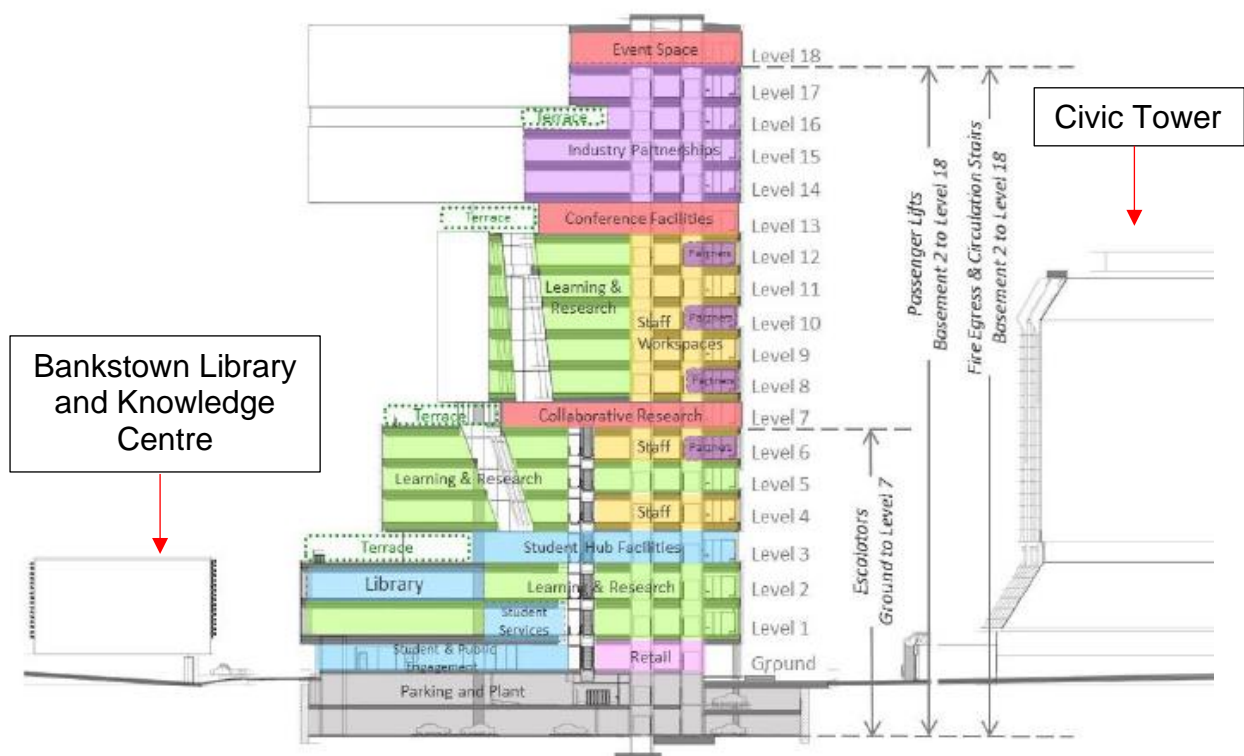


Figure 16: Section of the proposal showing the indicative stacking of the campus (Source: Lyons Architects – overlay by DPIE)



Figure 17: View of the concept looking north-east across Paul Keating Park (Source: Urbis)



Figure 18: Existing view across Paul Keating Park (Source: Lyons Architecture)



Figure 19: Proposed view across Paul Keating Park (Source: Lyons Architecture)

2.3 Mapping

The proposed amendments to the FSR and building height controls require amendments to the corresponding LEP maps. The proposal includes extracts from current maps and the proposed maps which are adequate for the purposes of the planning proposal.

Draft LEP Maps have been provided as part of the proposal (**Attachment V and Figures 20 and 21**). However, the maps will be required to be updated to Department standard prior to public exhibition and the exact extent of Paul Keating Park should be included in the planning proposal.

The heritage and special provisions maps have not been included in the planning proposal. The inclusion of the maps in the planning proposal for information purposes is recommended prior to public exhibition and is to be a condition of the Gateway determination.

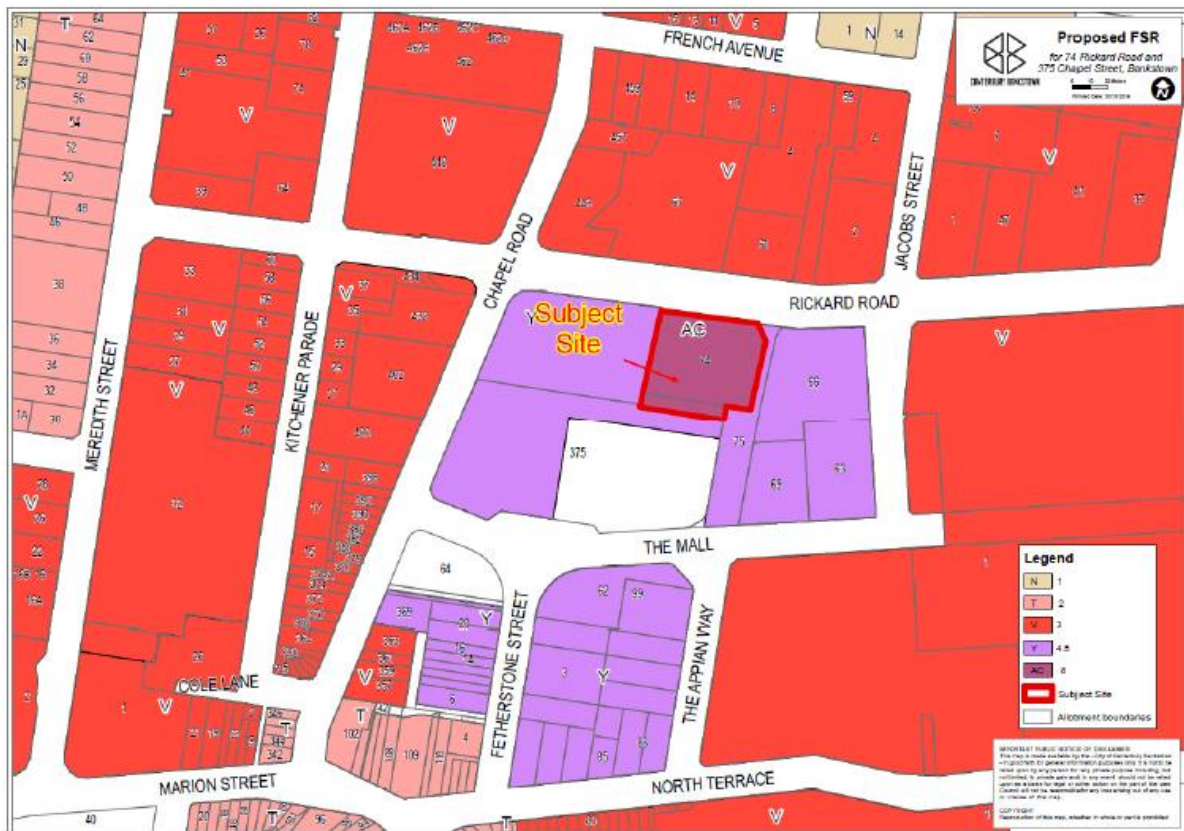


Figure 20: Proposed Bankstown LEP 2015 FSR Map (Source: Council)

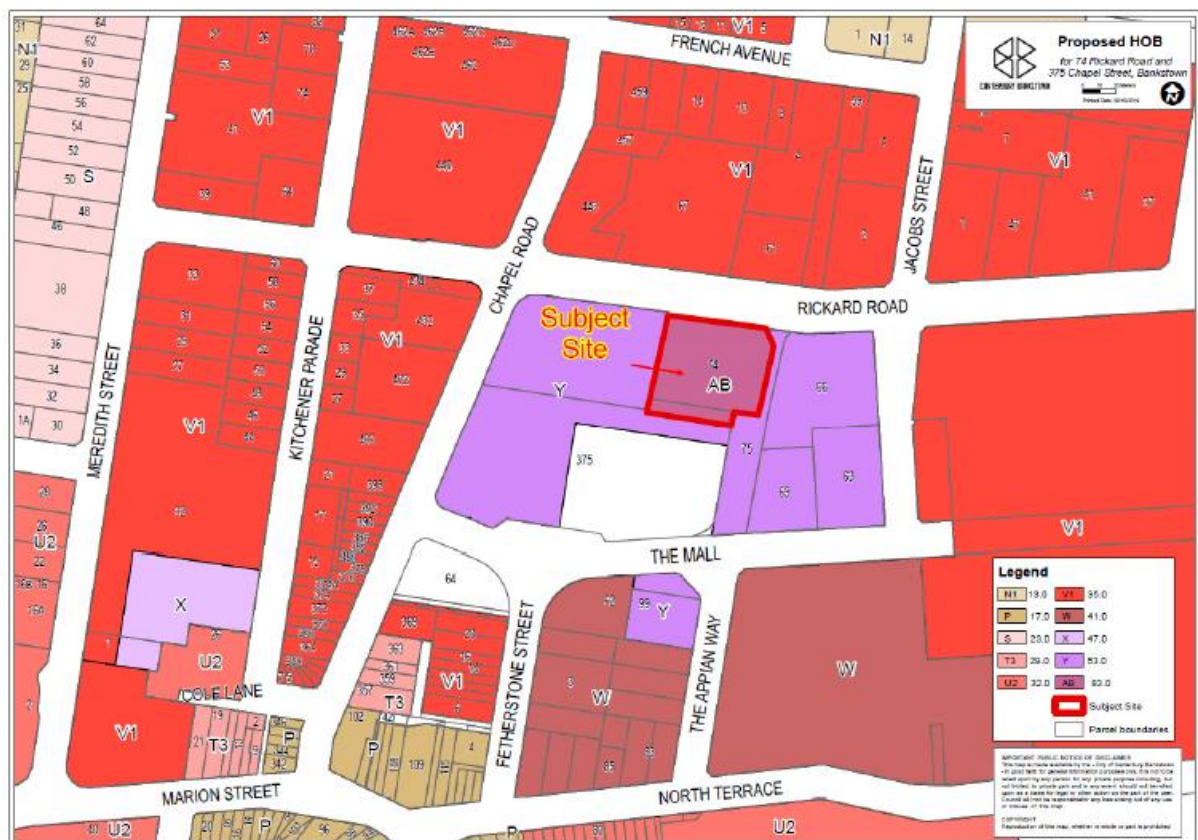


Figure 21: Proposed Bankstown LEP 2015 Height of Buildings Map (Source: Council)

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is a response to the Greater Sydney Region Plan which aims to broaden Sydney's global economic footprint to support net jobs growth of 817,000 to 2036.

Objective five of the plan facilitates this growth by identifying Bankstown CBD as a health and education precinct and as a collaboration area along with the Bankstown Airport.

The Greater Sydney Commission has identified collaboration areas across Greater Sydney because of their potential to grow into centres of increased productivity and innovation, attracting jobs and creative industries.

The planning proposal report from Urbis (**Attachment D**) states that it responds to the South District Plan and the former draft Sydenham to Bankstown Urban Renewal Corridor Strategy which identified this part of Bankstown as a potential renewal area. The draft strategy identified the site as an area intended for schools and community activities.

The planning proposal is the appropriate means to amend the height and FSR controls to facilitate the intended outcomes to enable an educational establishment. The proposal will:

- facilitate the growth of the emerging health and education precinct in Bankstown;
- provide an educational establishment close to existing and proposed public transport;
- encourage active transport and car share;
- provide community benefit with the provision of public domain improvements and pedestrian amenity; and
- increase employment opportunities in the Bankstown CBD.

4. STRATEGIC ASSESSMENT

4.1 District

South District Plan

The South District Plan, released in March 2018, identifies 20 planning priorities and associated actions for improving the quality of life for residents. The Plan contains planning priorities and actions to guide the growth of the South District while improving the district's social, economic and environmental assets.

Council's planning proposal document does not adequately address the relevant planning priorities and consequently, a condition is recommended requiring the planning proposal to be updated prior to exhibition. Even so, the Department's consideration of the proposal against the relevant priorities is provided in the table below.

Planning Priority	Response
<i>Planning Priority S1 – Planning for a city supported by infrastructure</i>	The increased activity generated by the proposal will support the existing and planned public transport and creating opportunities for people to work closer to their homes.

Planning Priority	Response
<i>Planning Priority S2 – Working through collaboration</i>	The Greater Sydney Commission has brought together various parties to improve planning outcomes for the Bankstown Collaboration Area. WSU's involvement helps deliver the outcomes of the South District Plan.
<i>Planning Priority S6 – Creating and renewing great places and local centres, and respecting the District's heritage</i>	<p>The proposal is consistent with this objective as it is located adjacent to Paul Keating Park which is the centre of the Civic Precinct and the location of many social, cultural events and festivals.</p> <p>The proposal intends to ensure Paul Keating Park remains an activated and attractive location through the inclusion of appropriate development controls to manage solar access.</p>
<i>Planning Priority S8 – Objective 21 Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalyst for the District</i>	The proposal is consistent with this priority as Bankstown has been identified as a strategic centre with an emerging health and education precinct. The proposed university aligns with this objective and would add to the number and variety of jobs in Bankstown.
<i>Planning Priority S9 – Growing investment, business opportunities and jobs in strategic centres</i>	Bankstown is a strategic centre which will focus on public transport investments to help deliver a 30-minute city. The site is within walking distance to Bankstown train station and the proposed Sydney Metro (South West Line) link. Public domain works at The Appian Way, Civic Drive, Jacobs Street and Rickard Road will improve the pedestrian connections to public transport and shops.
<i>Planning Priority S11 – Supporting growth of targeted industry sectors</i>	This planning priority reinforces the need to support the growth of internationally competitive industry sectors which the provision of the university aligns with.
<i>Planning Priority S12 – Delivering integrated land use and transport planning and a 30-minute city</i>	<p>The proposal is consistent with this priority as it seeks to provide an educational establishment in the Bankstown Commercial Centre close to existing and proposed public transport.</p> <p>Access to the Sydney CBD and other strategic centres can be achieved by public transport from the site in 30 minute improving access to workplaces, services and community facilities.</p>

4.2 Local

Connective City 2036 - Local Strategic Planning Statement (LSPS)

The LSPS is a 20-year plan to guide Canterbury-Bankstown's renewal and growth to accommodate an increased population of residents, workers and visitors by 2036. It contains a set of initiatives to ensure a successful and prosperous city.

The document contains 10 Directions to integrate and coordinate land use and infrastructure and 10 Evolutions that detail major technical disciplines to achieve the vision of the plan.

The Metropolitan Directions under the LSPS identify Bankstown as a major centre for intensive jobs and commerce, including those relating to education. This proposal is consistent with the LSPS as it would support the Direction and provide an education hub for the community.

‘Evolution 2 – Movement for Commerce and Place’ sees the university as a key opportunity for growing the Bankstown City Centre near public transport. In particular, noting that the Sydney Metro Southwest will drive the transformation of transport options across the local government area.

‘Evolution 3 – Places for Commerce and Jobs’ and the associated actions, identify Western Sydney University as an anchor for growing the commercial core in Bankstown City Centre.

‘Evolution 6 – Urban and Suburban Places, Housing the City’ identifies the university as a key contributor to the growth of the Bankstown CBD, which will in turn be a catalyst for residential development in, and around the centre.

‘Evolution 8 – Design Quality’ seeks to improve the public domain. Paul Keating Park and The Appian Way are both identified as primary urban spaces in Bankstown by the LSPS.

The planning proposal to increase the height and FSR of the subject site to facilitate the WSU - Bankstown Campus is consistent with the LSPS, subject to the protection of solar access to Paul Keating Park.

Community Strategic Plan - CBCity 2028

This is a 10-year plan to guide the City of Canterbury Bankstown and was formulated with resident, business and government collaboration. This guide will enable Bankstown to accommodate some of Sydney’s growing population while continuing to provide a thriving liveable city.

The proposal is consistent with the Community Strategic Plan as it will achieve its vision by providing opportunities for economic and employment growth.

4.3 Section 9.1 Ministerial Directions

The proposal is consistent with the following relevant Section 9.1 Ministerial Directions:

1.1 Business and Industrial Zones

The objectives of Ministerial Direction 1.1 are to encourage employment growth in suitable locations, and to protect employment land in business zones.

This planning proposal is consistent with the Ministerial Direction as the existing business zone is to be retained and the total potential floor space area for employment use will not be reduced.

2.3 Heritage Conservation

The objective of Ministerial Direction 2.3 is to conserve items and places of environmental heritage significance.

The site contains no listed heritage items and it is not within a heritage conservation area. However, the proposal is in the vicinity of the Council Chambers (local heritage item I6) at 375 Chapel Road, Bankstown.

The Heritage Impact Statement (HIS) (**Attachment P**) considers the proposal will not encroach on the local heritage listed Council Chambers curtilage. Council's Heritage Advisor also raised no concerns after reviewing the HIS. This planning proposal is consistent with the Ministerial Direction.

3.4 Integrating Land Use and Transport

The objective of this Direction is to ensure transport and land use align to reduce the dependence on car usage and public transport modes are supported.

The proposal will improve access to jobs and services near existing and planned public transport. This will encourage active transport and reduce car usage.

No student parking is provided in the concept proposal and there is a reduced amount of parking for staff encouraging users of the university to use alternative methods of transport, including public transport, rideshare and active transport modes. As such the proposal is consistent with this direction.

3.5 Development near Regulated Airports and Defence Airfields

The objective of this Direction is to ensure the effective and safe operation of airports and to ensure that their operation is not compromised by development.

The Aeronautical Impact Assessment Report (**Attachment U**) indicates that the site is located within the Bankstown Airport Inner Horizontal Surface (IHS) of the Obstacle Limitation Surface (OLS) which is at a height of 51m AHD. Further, the Procedures for Air Navigation Services – Aircraft Operations (PANS OPS) surface above the site for Bankstown Airport is 108.1m AHD.

The proposal has a maximum height of 83m (19 storeys) at an estimated equivalent of 106.78m AHD.

Council has consulted Bankstown Airport, Civil Aviation Authority (CASA) and the Department of Infrastructure, Transport, Cities and Regional Development (DITCRD). On 18 November 2019, the DITCRD issued a controlled activity approval for the construction of a building to a maximum height of 106.78m AHD and a second approval was also given for construction cranes.

The proposal is consistent with Direction 3.5.

The proposal is inconsistent with the following relevant Section 9.1 Ministerial Directions:

4.3 Flood Prone Land

The objective of this Direction is to ensure the proposal responds to any flood hazards and includes consideration of the potential flood impacts both on and off the site. The Direction requires that a planning proposal must not permit a significant increase in the development of flood-prone land.

The site is flood prone and the proposal seeks to increase the planning controls on the land. Therefore, the proposal is inconsistent with this Direction.

Council states that 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.

The flood assessment report (**Attachment R**) states that future development would obstruct part of the overland flow path, making flood conditions more hazardous between the subject site and the Civic Tower. The maximum water depth is estimated to 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.

Council states that the flooding can be managed by upgrades to the existing infrastructure surrounding the site. Council is in discussions with the proponent to resolve delivery of such infrastructure improvements.

It is considered that while there is suitable justification to allow the proposal to proceed, based on the information provided, the proposal is inconsistent with this Direction and the inconsistency cannot be supported until further justification is provided.

6.3 Site Specific Provisions

Direction 6.3 seeks to discourage site specific planning controls. The proposed solar access clause is inconsistent with Clause 4(c) of the direction.

Insufficient information has been provided to demonstrate a building of the proposed height and FSR can achieve the solar access control. In the absence of further information to demonstrate the proposed control is not unreasonably restrictive, the inconsistency remains unresolved.

4.4 State environmental planning policies

The planning proposal is considered to be consistent with all relevant State Environmental Planning Policies (SEPP) with the exception of the following which requires further consideration at the development application stage:

SEPP (Educational Establishments and Child Care Facilities) 2017

The aim of this SEPP is to facilitate the effective delivery of educational establishments. The SEPP outlines specific development controls for universities and consultation requirements for traffic generating development. Consistency with the SEPP will be determined as part of the development assessment process.

SEPP (Infrastructure) 2007

The aim of this policy is to facilitate the effective delivery of infrastructure across NSW. Applicable to this proposal is identifying matters to be considered in the assessment of development adjacent to particular types of development.

The proposal is close to and well serviced by existing rail and bus services. However, the planning proposal is expected to generate significant additional traffic and as such will be required to be referred to Transport for NSW in accordance with Clause 104 and Schedule 3 of this SEPP.

This consultation will be undertaken at the development application stage once the detailed design is finalised.

Repealed and replaced SEPPs

Attachment A of the planning proposal, which illustrates the consistency of the proposal with the SEPPs, is outdated. It includes repealed SEPPs as follows:

- SEPP 1 (Development Standards) – repealed

- SEPP 44 (Koala Habitat Protection) – repealed and replaced with SEPP (Koala Habitat Protection) 2019
- SEPP (Concurrences) 2018 – released and replaced by SEPP (Concurrences and Consents) 2018
- SEPP (Miscellaneous Consent Provisions) - repealed

A Gateway condition is recommended to require the planning proposal to be updated to rectify the above issues, prior to exhibition.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The Planning Proposal Report by Urbis (**Attachment D**) states that the proposal will have a positive social impact by:

- increasing opportunities for tertiary education attainment in the Bankstown LGA and Western Sydney in a location that is highly accessible by existing and proposed public transport; and
- the proposed university facilitating relationships with local cultural institutions to develop programs to ensure the Bankstown City Campus is adaptable to the changing need of the community.

The Department considers the increased height and FSR in this location has the potential to result in a positive social impact through the provision of jobs and potential education opportunities near public transport.

5.2 Environmental

Solar Access

As the site is located to the north of Paul Keating Park, the planning proposal has the potential to significantly overshadow this important public open space. To protect solar access to Paul Keating Park, Council has recommended a site-specific clause which would require:

“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 building footprint of the Council Chambers).”

The proponent does not support the inclusion of this clause, instead recommending an alternative as follows:

“Development must maintain 4 hours of solar access to at least 50% of Paul Keating Park between 9am and 4pm on 21 June (inclusive of existing shadows as at the date of this DCP).”

The proponent recommends the alternative control on the basis of a comparison with similar public open spaces of which ‘The Drying Green’ park located in Green Square within the City of Sydney Local Government Area was found to be most comparable.

Council submitted ‘Best Practice Research’ with the planning proposal, dated 13 September 2019 (**Attachment J**) and a Solar Amenity Study dated 23 September 2019 (**Attachment K**) of Paul Keating Park comparing planning policies from local councils across Australia and New Zealand. Council found the following:

- a minimum of 4 to 5 hours of continuous sunlight to at least 50 percent of the park during the winter solstice is a common control for city centre parks and evaluated as best practice by Council;
- the existing conditions on the site provide more than 69 percent of the park with four hours of continuous sunlight on June 21st;
- less than three percent of the grass lawn area of the park is impacted by existing overshadowing between 11am and 3pm on June 21st;
- the northern portion of The Appian Way would receive less than two hours of sunlight and the southern portion would receive between two to three hours of direct solar access between 11am-3pm on June 21st; and
- maintaining current conditions would inhibit the development potential of surrounding lots in key strategic areas.

'The Drying Green' control, suggested by the proponent, was also considered as part of Council's Best Practice Research. The research concluded the 'Drying Green' to be 'poor' and consequently it is not recommended. This control allows a moving shadow each hour for three hours on winter solstice. It was found to be inadequate for supporting vegetation and is driven by development rather than providing amenity for people and nature. Council's study states that the City of Sydney is also not satisfied with this control and has not used this in any other locations.

The Department is supportive of a control which would maintain solar access to Paul Keating Park which is identified as key open space in Council's LSPS. However, Council has not provided enough evidence to demonstrate that compliance with the solar access control can be achieved if the site is developed to the proposed height and FSR.

Council's Solar Amenity Study indicates that currently 81.6% of Paul Keating Park receives at least four hours of solar access in mid-winter (**Figure 22**). The same study found that if the site was developed to its current maximum potential, 57.3% of the park would receive four hours of sunlight achieving compliance with the control (**Figure 23**). However, if the site was developed to the proposed maximum development standards adopting the built form preferred by WSU, only 41.2% of the park would achieve four hours of solar access (**Figure 24**). It is also noted that the Solar Amenity Study indicates that if all lots adjoining Paul Keating Park were developed to their current maximum potential, solar access would decrease drastically.

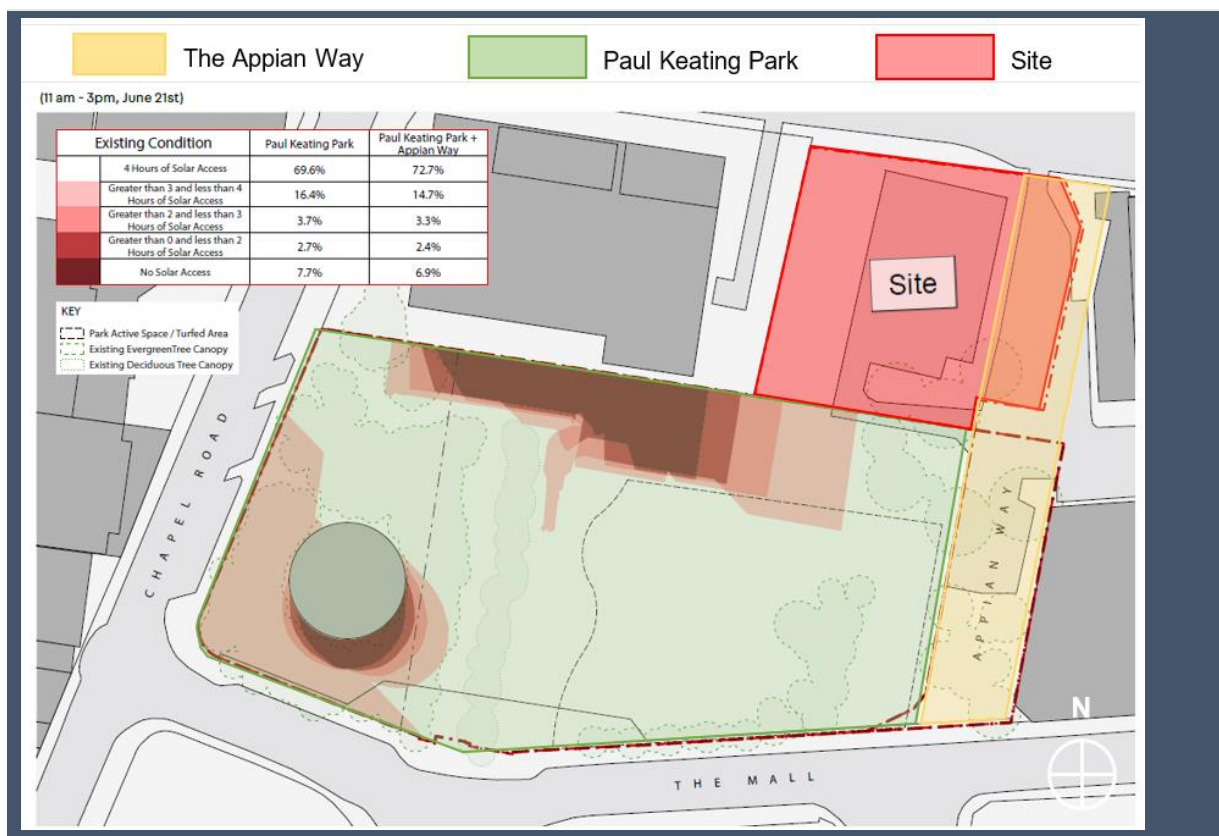


Figure 22: Existing built form. Cumulative overshadowing impact 11am to 3pm, June 21 (overlay by DPIE)



Figure 23: Site developed to current development controls. Cumulative overshadowing impact 11am to 3pm, June 21 (Source: Council – overlay by DPIE)



Figure 24: Site developed to proposed development controls with WSU preferred built form. Cumulative overshadowing impact 11am to 3pm, June 21 (Source: Council – overlay by DPIE)

It is evident that maintaining solar access to Paul Keating Park is complex and that further evidence is required before the solar access control along with the currently proposed height and FSR can be supported by the Department.

Without this evidence the proposed control appears unreasonably restrictive and is contrary to Ministerial Direction 6.3. As such, a Gateway condition is recommended requiring the submission of further evidence to demonstrate that the proposed solar access control along with the proposed height and FSR are cohesive. It is understood that the proponent and Council are already working together to produce this modelling. However, should the modelling demonstrate the solar access cannot be achieved, the Gateway condition requires the height, FSR and specifics of the control to be reviewed which may require an alteration to the Gateway in the future.

The Department also has concerns over the overshadowing impact that would result from future redevelopment of the other adjoining sites surrounding Paul Keating Park. It is noted that these sites are in Council's ownership and control, and that one is affected by a heritage listing. Even so, Council need to advise how they will in future mitigate further overshadowing from these other sites and it is recommended that the solar access control, which is to apply to the WSU site, is to be amended to apply to all land adjoining Paul Keating Park. This requirement is included as a Gateway condition.

Visual impact

The Urban Design Report (**Attachment L**) prepared by Lyons on behalf of the proponent, provides that the proposed height and FSR of the WSU vertical campus is a response to the future regeneration of Bankstown and would create an 'iconic

landmark' for the city centre. The indicative built form comprises a tiered structure with rotated 'wedge' sections and increased upper floor setbacks (**Figure 25**). The Urban Design Report provides that the preferred built form includes horizontal breaks to acknowledge the existing buildings to the east and west, provides increased setbacks to reduce the bulk of the tower form when viewed from both Paul Keating Park and the Appian Way, and includes a rotation at the top of the tower form to maximise solar access to the public open space.

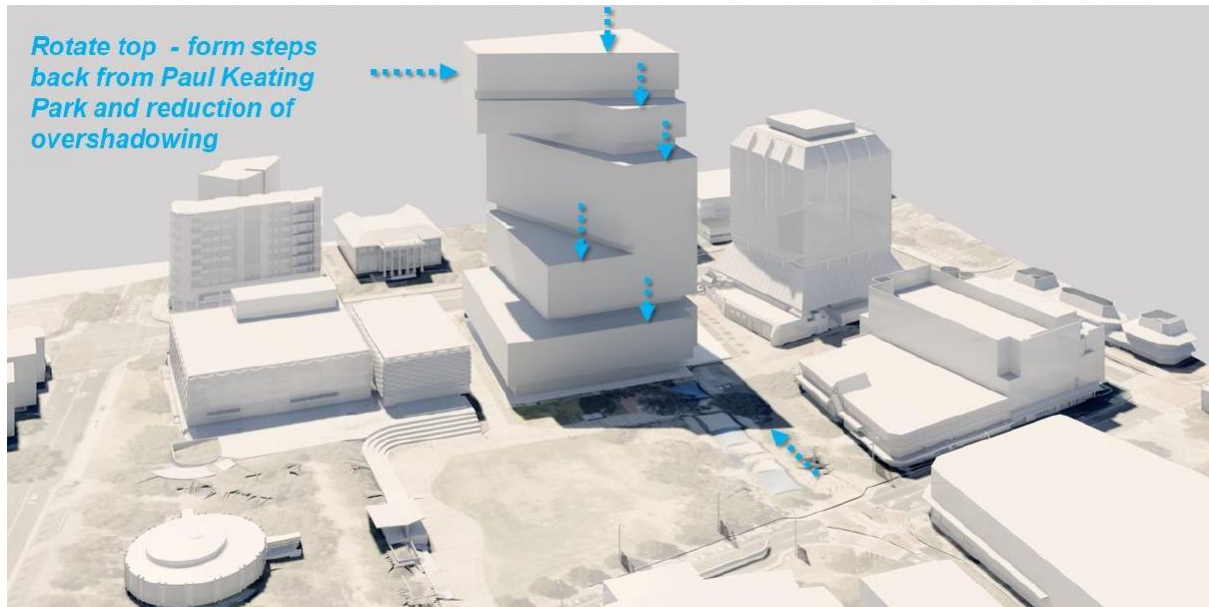


Figure 25: Massing Strategy (Lyons 2018)

The Urban Design Report includes various views of the anticipated future development from various locations (**Figures 26-29**), however minimal commentary on the visual impact of the proposal has been provided.

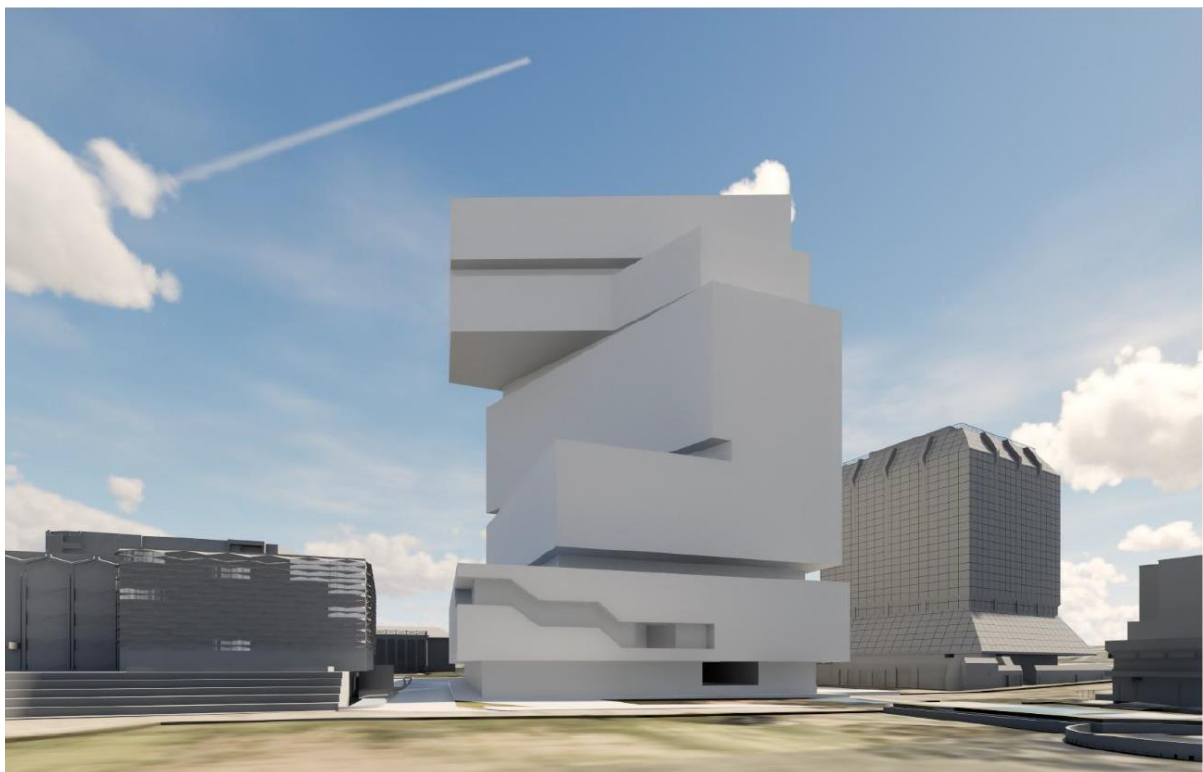


Figure 26: View across Paul Keating Park with the adjacent Council Knowledge Hub and Civic Centre (Lyons 2018)

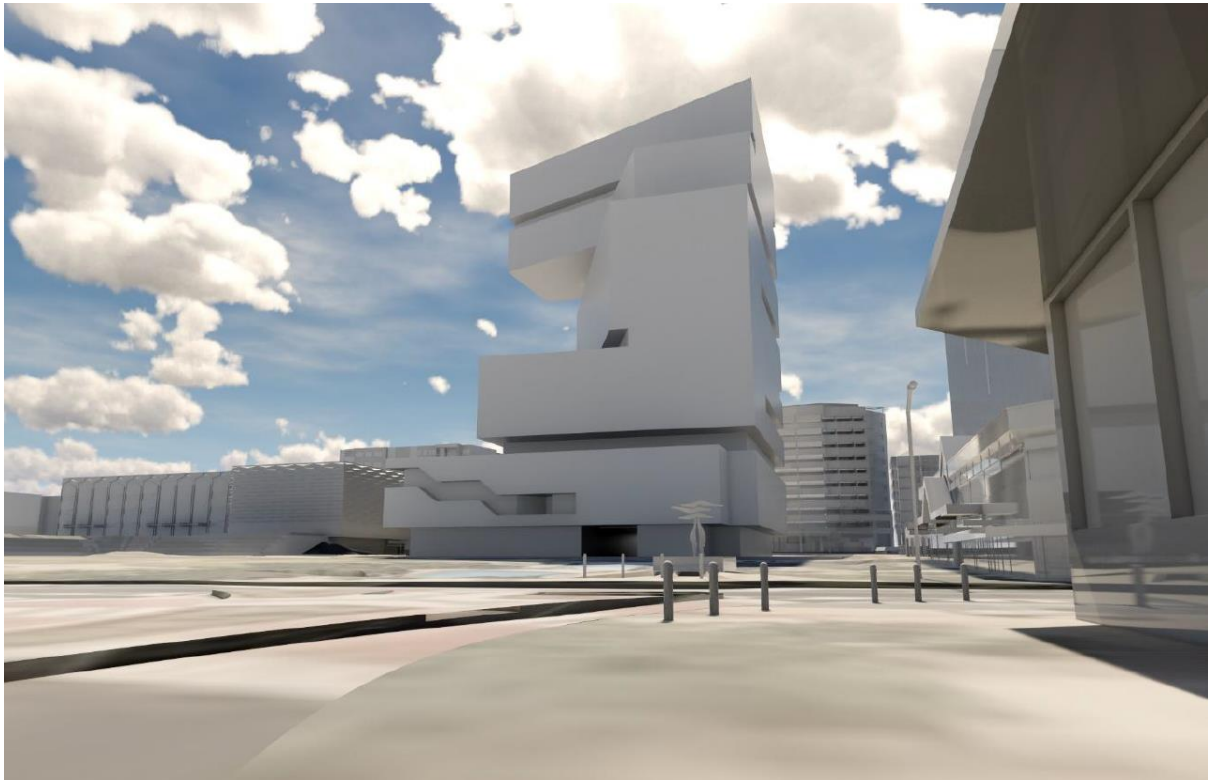


Figure 27: View of the approach from The Appian Way, south of The Mall (Lyons 2018)



Figure 28: Street view from the corner of Rickard and Jacobs Street to the north east, with the Bankstown Civic Tower in the foreground (Lyons 2018)



Figure 29: Street view along Rickard Road from the west (Lyons 2018)

Council engaged Tract to prepare an Urban Design Peer Review Report (**Attachment M**), dated 18 September 2019. The peer review reached the following findings:

- The architectural form of the building is visually striking.
- The tapered and chamfered sections of the proposal mitigate some of the overshadowing and visual challenges.
- The angle and size of the cantilevered upper floors would have an obvious visual impact on the skyline and when viewed from certain street-level vantage points, present a prominent and jutting visual form and bulk high up in the viewers' eye line and the skyline. This has a visual impact from street level and as such considered to be one of the less supported elements.
- This can be mitigated by the reduction in the size, angle and articulation of the overhanging elements of the upper levels, however this would also result in a reduced FSR to that proposed.

The Department recognises that the increased height and FSR in this location has the potential to result in a significant visual impact given the current built environment. However, consideration must be given to the designation of Bankstown as a strategic centre by the South District Plan, and the associated growth likely to occur in this location in the near future, particularly with the proposed metro station in such close proximity to the site. Further, it is noted that a recent amendment to Bankstown LEP increased the development standards on the site known as the 'Compass Centre' to the south of Paul Keating Park, to allow a building height of 83m and FSR of 5:1.

On this basis, the Department supports the planning proposal proceeding to Gateway, however the proposed height and FSR are subject to the resolution of solar access impacts discussed earlier in this report. The visual impact associated with the proposed built form can be resolved at the development application stage as part of the detailed design work.

Heritage impact

A Heritage Impact Statement (HIS) by Urbis dated 23 August 2019 (**Attachment P**) was submitted with the planning proposal. The report stated that:

- the site has no heritage significance at a local or state level;
- the site is close to the local heritage listed Council Chambers (Item I6). However, no works are proposed within the curtilage and no physical impact is anticipated as a result of the proposal;
- there are no existing significant views from Rickard Road towards the heritage item;
- the proposed building is in keeping with the character of the Bankstown City Centre and the character of existing buildings including 68 and 75 Rickard Road;
- the mature plantings around the Council Chambers, outside the subject site area, are to be retained to ensure that the heritage item is read in isolation; and
- Council's Heritage Advisor raised no concerns after reviewing the HIS.

The Department is satisfied the proposed increase in height and FSR would not result in any significant, negative impact on the nearby heritage item or its curtilage. A sensitive design solution that responds to the character of the item can be resolved at the development application stage.

Wind impact

A wind impact assessment was prepared by Windtech Pty Ltd, dated 28 May 2019 (**Attachment Q**). They found that some areas will experience strong winds exceeding the criteria for comfort and safety.

Windtech suggested the following mitigating measures:

- retain dense foliating evergreen trees along Appian Way and within Paul Keating Park;
- the inclusion of a cluster of densely foliating evergreen trees in the north-western corner of Paul Keating Park;
- the inclusion of an impermeable full height screen along the eastern perimeter of the terrace located on level 13;
- the inclusion of densely foliating evergreen landscaping in the south-west corner of the terrace on level 13; and
- the inclusion of localised mobile screening on the level 13 terrace.

The report stated that the outdoor locations around the development can be made suitable for their intended uses.

The Department is satisfied that wind impacts generated by the increased height and FSR can be resolved at the development application stage.

Transport and traffic impact

A Transport Management and Accessibility Plan (TMAP) undertaken by Arup was submitted with the planning proposal and dated 17 July 2019 (**Attachment S**). This report was an updated version of a previous report submitted in December 2018 and included feedback from Council.

The report stated that a separate application for a State Significant Development (SSD) was submitted concurrently.

Arup has worked with Council and the draft Bankstown Complete Streets plan to develop a response to growing traffic congestion and to promote active and public transport within the Bankstown CBD.

The key findings from the report were:

- the area is well serviced by existing and proposed public transport with substantial capacity;
- Bankstown's bus hub has up to 58 services during peak times with connection to the train station 400m from the site and the Sydney Metro operational from 2024;
- the Sydney Metro will provide services every four minutes during peak times reducing car dependency in the Bankstown CBD in line with the Bankstown Complete Streets plan;
- the Bankstown City Campus Development (BCC) will be aligned with the Bankstown Complete Streets plan through the provision of limited on-site parking to promote active and public transport and sustainable transport;
- the loss of 16 car parking spaces in The Appian Way is considered negligible considering the future improvements to public transport and the pedestrian and bicycle network;
- proposed footpath widening along Rickard Road will improve the public domain;
- access to the basement of the BCC with 94 car parking spaces and loading dock will be off the existing access road shared with the Bankstown Library and Knowledge Centre;
- end of journey facilities will be provided in the basement with approximately 32 bike spaces and up to 100 bike spaces within the public domain of the site;
- the assessment found the development is likely to generate 53 vehicle trips in the AM peak and 49 vehicle trips in the PM peak;
- the Appian Way drop-off is likely to generate 51 vehicle movements in the AM peak and 35 vehicle movements in the PM peak;
- modelling found that surrounding intersections at peak times will continue to operate at a satisfactory level of service; and
- the Western Sydney University will prepare a sustainable travel plan for the campus and contribute to transport and planning strategies for the Bankstown CBD.

An independent peer review of the transport and traffic was conducted by The Transport Planning Partnership (TTPP) (**Attachment S**), dated 13 September 2019. The report stated that the TMAP was sound and consistent with the aims and objectives of regional and local transport policies.

The report noted that 84 parking spaces are proposed with a shortfall of 14 staff car parking spaces and recommended off-site car sharing spaces be provided in consultation with Council to reduce staff car-parking spaces.

However, the report states that a number of issues need to be addressed:

- traffic modelling:
 - additional traffic modelling is required to assess the impacts of the proposal on the surrounding road network;
 - adjustment of models is required to reflect the actual conditions such as traffic queueing;
 - modelling is required to determine the impacts of the proposal over time, for example beyond five years and beyond 10 years;
 - access to the site and the Appian Way should be included in the traffic modelling assessment; and
- measures for traffic mode share targets:
 - existing mode share for travel to Bankstown is heavily weighted to private motor vehicle;
 - the mode share target of 5 percent private car for travel to and from the WSU Bankstown campus will require a significant change in travel behaviour; and
 - changes to off-site and street parking will be required to discourage the parking demand on the surrounding road network.
 - further consideration of on-site and off-site measures to ensure that the TMAP mode share target are met.

A number of the issues raised, particularly in relation to car parking, end of trip facilities and mode share targets are detailed design elements that can be dealt with as part of the development application. In relation to the shortfalls in the traffic modelling as identified by the peer review, the Department notes that further information was provided by the proponent on this matter, however, it does not include any additional modelling and Council has not indicated that they are satisfied with this response. As such, the Department recommends a Gateway condition requiring the matters raised by the peer review in relation to the traffic modelling be addressed prior to exhibition, and that consultation is undertaken with Transport for NSW.

5.3 Economic

Council's planning proposal (**Attachment A**) and the Planning Proposal Report by Urbis (**Attachment D**), state that the potential economic impacts associated with the increased density on the site are:

- it supports the NSW Government's direction of increasing density and land uses in close proximity to existing and proposed public transport infrastructure;

- the development of the site will assist the NSW Government and Council deliver the targets of the Greater Sydney Region Plan and the South District Plan and ensure the certainty for the delivery of new education and employment opportunities;
- increase employment opportunities in the form of industry partnerships;
- benefits to existing and new commercial and retail businesses that would service the proposed university; and
- attract facilities such as conferencing facilities, restaurants and cafes to support the growth in workers, students and visitors as well as grow the night time economy in Bankstown.

The Department agrees that the proposal will have a positive economic impact on the growth of the Bankstown city centre.

5.4 Infrastructure

The site is well serviced by existing public transport, infrastructure and established road networks. Further, the Bankstown Railway Station is planned for redevelopment as part of the Sydney Metro project. It is not considered the proposal would have unreasonable impact on infrastructure demand.

6. CONSULTATION

6.1 Community

The planning proposal states that public consultation will be undertaken in accordance with the Gateway determination. An exhibition period of 28 days is considered acceptable.

Council has indicated exhibition materials include:

- notification letters to adjoining landowners and occupiers;
- displays at the Council administration building (Bankstown Branch) and website;
- online accessibility to planning proposal documentation; and
- notification in the local newspaper that circulates the area affected by the planning proposal.

The Department notes actual exhibition material may differ following recent changes to planning legislation. Exhibition is required to be undertaken in accordance with relevant legislation and Council's Community Participation Plan. A condition is included requiring the planning proposal to be updated to reflect current consultation arrangements.

6.2 Agencies

The planning proposal states that consultation with public authorities will be undertaken according to the Gateway determination requirements. It is recommended that the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW;
- Transport for NSW (former Roads and Maritime Services);

- Sydney Metro Authority;
- NSW Department of Planning, Industry and Environment - Environment, Energy and Science Group (former Office of Environment and Heritage);
- Ausgrid;
- NSW State Emergency Services and
- Sydney Water.

7. TIME FRAME

The planning proposal provides an estimated timeframe of around 10 months. The Department considers this to be appropriate given the complex nature of the proposal.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested delegation to be the local plan making authority. Due to Council's interest in the subject land, the Department considers that Council should not have plan-making delegations.

9. CONCLUSION

The planning proposal to amend Bankstown LEP 2015 is supported to proceed with conditions as:

- it will provide 29,270m² of floor space for a vertical campus to be operated by WSU which will cater for an anticipated enrolment of 10,000 students with up to 2,000 students at any one time;
- it will facilitate the growth of the emerging health and education precinct in an accessible strategic area;
- it will increase employment opportunities in the Bankstown CBD;
- the area is well serviced by existing and proposed public transport with substantial capacity;
- the site has no heritage significance at a local or state level;
- a HIS found that it will not impact the existing nearby heritage listed Council chambers and Council's heritage advisor found no issues with the proposal;
- it is consistent with multiple 'Evolutions' in Council's LSPS; and
- it is generally consistent with the Greater Sydney Region Plan, the South District Plan (subject to further information addressing the relevant planning priorities) and all relevant SEPPs.

However, the planning proposal is required to be updated to address:

- the requirements of section 9.1 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions;
- the proposed height and FSR and the relationship with the proposal solar access control;
- overshadowing of Paul Keating Park; and

- traffic modelling shortfalls as identified by the TMAP peer review.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that the inconsistency with section 9.1 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions remains unresolved until further justification has been provided.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
 - (a) correct the wording to state 'Ministerial Direction 3.5 Development Near Regulated Airports and Defence Airfields';
 - (b) address the South District Plan planning priorities:
 - i. S1 – Planning for a city supported by infrastructure;
 - ii. S2 – Working through collaboration;
 - iii. S11 – Supporting growth of targeted industry sectors; and
 - iv. S12 – Delivering integrated land use and transport planning and a 30-minute city.
 - (c) include the existing LEP maps:
 - i. Heritage Map; and
 - ii. Special Provisions Map.
 - (d) update proposed LEP maps to the Department's standards and provide a map of the exact extent of Paul Keating Park the solar access control will apply to;
 - (e) Remove reference to the repealed SEPPs [including SEPP No. 1 – Development Standards, SEPP No. 44 - Koala Habitat Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent Provisions) 2007] and make reference to the SEPPs currently in force [such as SEPP (Koala Habitat Protection) 2019 and SEPP (Concurrences and Consents) 2018];
 - (f) demonstrate consistency or justify the inconsistency with the following section 9.1 Directions:
 - i. 6.3 Site Specific Provisions by:
 1. clarifying if the proposed height and FSR standards are contingent on achieving the solar access control for Paul Keating Park;
 2. providing modelling to demonstrate the proposed solar access control for Paul Keating Park is achievable at this height and FSR, and if not, the height, FSR and solar access provisions are to be reviewed;
 3. applying the solar access control to all sites that adjoin Paul Keating Park;
 4. advising how in future, further overshadowing of Paul Keating Park by the other adjoining sites will be mitigated;
 5. clearly defining the boundary of Paul Keating Park for the purposes of calculating solar access, noting that the lot containing the heritage listed Council

Chambers has development potential and is currently zoned B4 Mixed Use;

- ii. 2.6 Remediation of Contaminated Land which has been introduced since the planning proposal was submitted for Gateway
- iii. 4.3 Flood Prone Land by providing details of flood mitigation measures;
- (g) provide further traffic modelling as outlined in the 'Peer Review of Transport and Traffic' prepared by TTPP, dated 13 September 2019;
- (h) update Part 5 – Community Consultation to reflect consultation arrangements following recent legislative changes and remove community consultation requirements that are not possible in light of the COVID-19 pandemic; and
- (i) update the project timeline.

The revised planning proposal is to be provided to the Department for review and approval for public exhibition.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- (a) Transport for NSW;
- (b) Transport for NSW (former Roads and Maritime Services);
- (c) Sydney Metro Authority;
- (d) NSW Department of Planning, Industry and Environment - Environment, Energy and Science Group (former Office of Environment and Heritage);
- (e) Sydney Water;
- (f) NSW State Emergency Services; and
- (g) Ausgrid.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, to reclassify land).

5. The time frame for completing the LEP is to be **10 months** following the date of the Gateway determination.
6. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make this plan.



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