



**Planning Proposal-
Nos. 83-99
North Terrace and
No. 62 The Mall
in Bankstown**



December 2015

Part 1–Intended Outcomes

This planning proposal applies to the following site as shown in Part 4 (Map 1):

Property Address	Property Description
No. 83 North Terrace in Bankstown	Lots 19–20, DP 5541
No. 85 North Terrace in Bankstown	Lot 18B, DP 412699
No. 99 North Terrace in Bankstown	Lots 15–17, 21–24 and 27, DP 5541
	Lot 1, DP 207810
	Lot 1, DP 507818
No. 62 The Mall in Bankstown	Lot 9, DP 777510

The intended outcome of this planning proposal is to provide a site specific framework that enables the development of the site at Nos. 83–99 North Terrace and No. 62 The Mall in Bankstown:

- To deliver a better built form that achieves design excellence and contributes to the urban context and business environment of the Bankstown CBD.
- To deliver a better built form that achieves a high level of environmental performance.
- To deliver certain public benefits to the Bankstown CBD.

Part 2–Explanation of Provisions

This planning proposal proposes to amend Bankstown Local Environmental Plan 2015 by providing an ‘alternative’ development control regime for the site at Nos. 83–99 North Terrace and No. 62 The Mall in Bankstown.

The ‘alternative’ development control regime may only permit development to achieve a building height up to 72 metres, a floor space ratio up to 5:1, and dwellings on the first floor if the development delivers the following public benefits to the satisfaction of Council:

- A public administration building and associated car parking spaces.
- The highest standard of architectural, urban and landscape design.
- Compliance with the energy and water targets under clause 4.4A of Bankstown Local Environmental Plan 2015.

If the development does not deliver these public benefits to the satisfaction of Council, then the current maximum building height of 41–53 metres (clause 4.3), the maximum floor space ratio of 4.5:1 (clause 4.4), and the commercial floor space (ground and first floors) requirement (clause 6.9) under Bankstown Local Environmental Plan 2015 will continue to apply to the development on the site.

The ‘alternative’ development control regime as outlined above can be achieved by way of a new site specific clause in Part 4 of Bankstown Local Environmental Plan 2015 as follows, or wording to this effect:

83–99 North Terrace and 62 The Mall, Bankstown – Alternative Building Envelope and Public Benefits

- (1) *This clause applies to the site at 83–99 North Terrace and 62 The Mall in Bankstown.*
- (2) *The objective of this clause is to allow development for the purposes of a building with a height and floor space ratio greater than that otherwise permitted under this Plan but only if the building includes certain public benefits.*
- (3) *Despite clauses 4.3, 4.4 and 6.9 of this Plan, development consent may be granted to the erection of a building with a building height up to 72 metres, a floor space ratio up to 5:1, and dwellings on the first floor on the land to which this clause applies but only if the consent authority is satisfied that the building includes the following public benefits:*
 - (a) *public administration building and associated car parking spaces,*
 - (b) *the highest standard of architectural, urban and landscape design, and*
 - (c) *compliance with the energy and water targets under clause 4.4A of Bankstown Local Environmental Plan 2015.*

Part 3–Justification

Section A–Need for the planning proposal for the proposed rezoning

1. Is the planning proposal a result of any strategic study or report?

The land owner has submitted a proposed scheme which combines the properties at Nos. 83–99 North Terrace and No. 62 The Mall in Bankstown into a single development site. The proposed scheme is a mixed use development (commercial and residential floor space) which dedicates a component of the commercial space for the purposes of a public administration building. As part of this arrangement, the amount of floor space being utilised by the public administration building (no more than 0.5:1) would transfer to the remainder of the site, resulting in a building height up to 72 metres, a 5:1 FSR, and dwellings on the first floor.

The proposed scheme is the result of the land owner testing several development options. Council commissioned an architectural peer review of the proposed scheme which found the additional floor space and height for this large site will continue to provide high amenity apartments without significantly impacting on the amenity of surrounding buildings.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The preferred option is to proceed with a planning proposal should Council and the land owner enter into a voluntary planning agreement to realise the public benefits of this development.

Alternative options are to amend the Height of Buildings Map and the Floor Space Ratio Map, or to allow a variation of the development standards under clause 4.6 of Bankstown Local Environmental Plan 2015. However, these options will set an undesirable precedent and do not provide certainty to the delivery of the public benefits under the voluntary planning agreement.

In light of the above, a planning proposal is the best means of achieving the intended outcomes, giving the Council, the community and the land owner certainty as to the development outcomes envisioned for the site.

Section B–Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Plan and exhibited draft strategies)?

In December 2014, the Department of Planning & Environment released the Metropolitan Plan '*A Plan for Growing Sydney*'. This planning proposal is consistent with the directions and actions of the Metropolitan Plan, namely:

- **Action 1.7.1: Invest in strategic centres across Sydney to grow jobs and housing and create vibrant hubs of activity.**

This planning proposal unlocks developable land by consolidating fragmented sites for redevelopment and improves planning policies to encourage flexibility, higher density and a more diverse range of activities.

- **Action 1.7.3: Develop job targets for strategic centres.**

The planning proposal delivers a good supply of commercial office space to increase job opportunities and is vital to a productive economy. This planning proposal also delivers jobs at a core location that can capitalise on the proposed Sydney Metro (South Western Line) Link connecting Bankstown to the Sydney CBD.

- **Action 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment and around strategic centres.**

This planning proposal provides an opportunity for significant urban renewal in the Sydenham to Bankstown Urban Renewal Corridor. The proposed Sydney Metro (South Western Line) Link will provide improvements on the Bankstown Rail Line and will allow faster and more frequent train services. To capitalise on improved public transport, this planning proposal focusses new housing next to the Bankstown railway station.

The Bankstown railway station precinct is planned to undergo one of the biggest transformations ever seen in Bankstown when the Sydney Metro is introduced and the development of the site provides an opportunity to significantly improve the urban context and business environment of the Bankstown CBD.

- **Action 3.3.1: Deliver a healthy built environment.**

This planning proposal integrates land use and transport to encourage active modes of travel such as giving more people the option of taking public transport as part of daily commute.

4. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

In September 2011, Council adopted the Bankstown CBD Local Area Plan to transform the Bankstown CBD into the 'City for the City', a major activity and transport hub that services the City of Bankstown and the wider West Central Subregion. The Bankstown CBD will continue to be a place of strong population and economic growth.

This planning proposal is consistent with the actions of the Bankstown CBD Local Area Plan, namely:

- **Action L2: Lead the way with better standards of building design.**

Action L2 aims to achieve well-designed mixed use and residential development that makes the most of the location and provides interesting active street frontages. This is vital to distinguish the Bankstown CBD from other strategic centres and strengthen the liveability of the centre.

The Department of Planning & Environment has issued statewide policies to achieve good urban namely the Apartment Design Guide and BASIX. Council is committed to build on these policies and to customise the design controls to further enhance the character and appearance of the Bankstown CBD.

Action L2 recommends preparing more detailed design controls for key strategic sites, which would make the Bankstown CBD a model of sustainable renewal and redevelopment. The key sites (for reasons including location, lot size and building age) include the Civic Precinct (Rickard Road), the Bankstown Railway Station, and the site at Nos. 83–99 North Terrace and No. 62 The Mall in Bankstown (Compass Centre site).

This planning proposal is consistent with Action L2 as it looks to customise the height and floor space ratio for the site at Nos. 83–99 North Terrace and No. 62 The Mall in Bankstown to achieve a practical building envelope that promotes opportunities for landmark buildings and A–Grade office space.

- **Action L4: Establish Sydney's best local Civic Precinct.**

The site is at a core location with interfaces to the Bankstown Railway Station Precinct and the Civic Precinct.

Action L4 promotes the development of the Civic Precinct as the primary location for local civic and administration services in the City of Bankstown. This action identifies the need to better integrate Council's administrative office with Council's other citywide facilities in the Civic Precinct (namely the Council Chambers, Library and Knowledge Centre, and Paul Keating Park).

This planning proposal is consistent with Action L4 as it responds to the City's needs. It offers a unique opportunity to significantly reshape and add to the ongoing revitalisation of the Bankstown CBD, particularly in terms of completing the integration of Council's citywide facilities within the Civic Precinct.

5. Is the planning proposal consistent with applicable state environment planning policies?

This planning proposal is consistent with applicable state environment planning policies (as shown in Attachment A), namely SEPP 65 (Design Quality of Residential Apartment Development). This planning proposal takes into consideration the design principles and the Apartment Design Guide in developing the building envelope standards.

The proposed scheme is the result of the land owner testing several development options. Council commissioned an architectural peer review of the proposed scheme which found the additional floor space and height for this large site will continue to provide high amenity apartments without significantly impacting on the amenity of surrounding buildings.

6. Is the planning proposal consistent with applicable Ministerial (117) directions?

This planning proposal is consistent with applicable Ministerial (117) directions (as shown in Attachment B), namely:

- **Direction 1.1–Business and Industrial Zones:** This planning proposal encourages employment growth and supports the function of the Bankstown CBD as a strategic centre.
- **Direction 3.4–Integrating Land Use and Transport:** This planning proposal ensures land uses, built form and infrastructure directly relate to the walkable catchment of public transport. The development of the site will help to improve access to the proposed Sydney Metro (South Western Line) Link, and reduce dependence on cars.
- **Direction 7.1–Implementation of A Plan for Growing Sydney:** This planning proposal is consistent with the directions and actions contained in the Metropolitan Plan 'A Plan for Growing Sydney' (see Section B(3) of this planning proposal for a more detailed summary).

However, this planning proposal is likely to be inconsistent with certain Ministerial (117) directions, namely:

- **Direction 3.5–Development near Licensed Aerodromes:** Council's experience with the Commonwealth Department of Infrastructure & Regional Development and Bankstown Airport Limited on previous planning proposals indicates this planning proposal is likely to be inconsistent with this direction, specifically clause 4(d).

Clause 4(d) requires Council to obtain permission from the Commonwealth Government (or delegate) if a planning proposal is to allow (as permissible with consent) development that encroaches above the Obstacle Limitation Surface. The Department of Infrastructure & Regional Development and Bankstown Airport Limited have confirmed in writing that it cannot give permission at the rezoning stage.

The reason is the Commonwealth Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 require all penetrations of the prescribed airspace to be approved on a case-by-case basis, subject to safety assessments and advice from the Civil Aviation Safety Authority and Airservices Australia. This would occur at the development application stage.

Therefore, the Department of Infrastructure & Regional Development does not support, and the legislation does not allow blanket shielding at the rezoning stage.

Council officers have met with the Department of Planning & Environment to discuss this inconsistency between the Commonwealth and State legislation. The Department of Planning & Environment has advised Council to proceed with planning proposals despite the inconsistency with this direction.

As part of the Gateway process, an OLS / PANS–OPS airspace analysis report will be required to assess the implications of the planning proposal in more detail.

- **Direction 6.3–Site Specific Provisions:** This planning proposal is inconsistent with clause 4(c) as it proposes to add a site specific development standard in addition to those already contained in Bankstown Local Environmental Plan 2015.

In accordance with clause 6 of this direction, the inconsistency is considered to be of minor significance as the proposed development standard does not apply unnecessarily restrictive site specific planning controls or drawings that show details of the development proposal. A site specific development standard is deemed necessary to give Council comfort that the public benefits proposed will be realised in additional height and floor space are developed.

Section C–Environmental, social and economic impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The site does not contain any critical habitat or threatened species communities.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

In accordance with SEPP 65, the proposed scheme is the result of the land owner testing several development options. Council commissioned an architectural peer review of the proposed scheme which found the additional floor space and height for this large site will continue to provide high amenity apartments without significantly impacting on the amenity of surrounding buildings.

- 9. How has the planning proposal adequately addressed any social and economic effects?**

This planning proposal is consistent with the framework to achieve integrated social and economic renewal as outlined in the Bankstown CBD Local Area Plan.

This planning proposal responds to the City's needs by offering a unique opportunity to significantly reshape and add to the ongoing revitalisation of the Bankstown CBD, particularly in terms of completing the integration of Council's citywide facilities within the Civic Precinct.

Section D–State and Commonwealth interest

- 10. Is there adequate public infrastructure for the planning proposal?**

The existing local infrastructure is considered adequate to allow for the development of the site resulting from the planning proposal.

However as part of the Gateway process, a transport and traffic report will be required to assess the implications of the planning proposal in the context of the railway station and surrounding road network in more detail.

- 11. What are the views of State and Commonwealth public authorities consulted in accordance with this gateway determination?**

An update to this section of the planning proposal will occur following consultation with the State and Commonwealth public authorities following the gateway determination.

Part 5–Community Consultation

Although the gateway determination will confirm the public consultation that must be undertaken, the exhibition period for this planning proposal is likely to take 28 days and would comprise:

- Advertisements in the local newspaper that circulates in the area affected by the planning proposal.
- Displays at the Council administration building and corporate website.
- Written notification to affected and adjoining property owners where practical.
- Written notification to relevant state agencies including Transport for NSW, Roads & Maritime Services, Sydney Water and Ausgrid.

Part 6–Project Timeline

Dates	Project timeline
December / January 2016	Issue of gateway determination.
January / February 2016	Public exhibition period.
April 2016	Consideration of submissions. Report to Council.
May 2016	Submit planning proposal to the Department of Planning & Environment for determination.

Attachment 1**State Environmental Planning Policies**

SEPPs (as at November 2015)		Applicable	Consistent
1	Development Standards	No	N/A
14	Coastal Wetlands	No	N/A
15	Rural Landsharing Communities	No	N/A
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	Yes	Yes
26	Littoral Rainforests	No	N/A
29	Western Sydney Recreation Area	No	N/A
30	Intensive Agriculture	Yes	Yes
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	Yes
33	Hazardous & Offensive Development	Yes	Yes
36	Manufactured Home Estates	No	N/A
39	Spit Island Bird Habitat	No	N/A
41	Casino Entertainment Complex	No	N/A
44	Koala Habitat Protection	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	Yes	Yes
52	Farm Dams & Other Works Land/Water Management Plan Areas	No	N/A
55	Remediation of Land	Yes	Yes
59	Central Western Sydney Regional Open Space & Residential	No	N/A
62	Sustainable Aquaculture	Yes	Yes
64	Advertising & Signage	Yes	Yes
65	Design Quality of Residential Apartment Development	Yes	Yes

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70	Affordable Housing (Revised Schemes)	No	N/A
71	Coastal Protection	No	N/A
	Greater Metropolitan REP No 2–Georges River Catchment	Yes	Yes
	(Affordable Rental Housing) 2009	Yes	Yes
	(Building Sustainability Index: BASIX) 2004	Yes	Yes
	(Exempt & Complying Development Codes) 2008	Yes	Yes
	(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
	(Major Development) 2005	Yes	Yes
	(Mining, Petroleum Production & Extractive Industries) 2007	Yes	Yes
	(Penrith Lakes Scheme) 1989	No	N/A
	(Rural Lands) 2008	No	N/A
	(SEPP 53 Transitional Provisions) 2011	No	N/A
	(State & Regional Development) 2011	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
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A

Attachment 2**Ministerial (117) directions**

Directions		Applicable	Consistent
1.1	Business and Industrial Zones	Yes	Yes
1.2	Rural Zones	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries	No	N/A
1.4	Oyster Aquaculture	No	N/A
1.5	Rural Lands	No	N/A
2.1	Environment Protection Zones	Yes	Yes
2.2	Coastal Protection	No	N/A
2.3	Heritage Conservation	Yes	Yes
2.4	Recreation Vehicle Areas	Yes	Yes
3.1	Residential Zones	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates	Yes	Yes
3.3	Home Occupations	Yes	Yes
3.4	Integrating Land Use and Transport	Yes	Yes
3.5	Development Near Licensed Aerodromes	Yes	No
3.6	Shooting Ranges	No	N/A
4.1	Acid Sulfate Soils	Yes	Yes
4.2	Mine Subsidence and Unstable Land	No	N/A
4.3	Flood Prone Land	Yes	Yes
4.4	Planning for Bushfire Protection	No	N/A
5.1	Implementation of Regional Strategies	No	N/A
5.2	Sydney Drinking Water Catchments	No	N/A
5.3	Farmland of State/Regional Significance on Nth Coast	No	N/A

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5.4	Commercial/Retail Devt along Pacific Hwy, Nth Coast	No	N/A
5.5	Devt in the vicinity of Ellalong, Paxton and Millfield (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	No	N/A
5.9	North West Rail Link Corridor Strategy	No	N/A
6.1	Approval and Referral Requirements	Yes	Yes
6.2	Reserving Land for Public Purposes	Yes	Yes
6.3	Site Specific Provisions	Yes	No
7.1	Implementation of A Plan for Growing Sydney	Yes	Yes
7.2	Implementation of Greater Macarthur Land Release Investigation	No	N/A