



IRF22/2539

Gateway determination report – PP-2022-1898

1 and 1A North Terrace, Bankstown (Bankstown Central Shopping Centre)

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Contents

1	Introduction.....	1
1.1	Overview.....	1
1.2	Site and surrounding area.....	1
1.3	Bankstown City Centre Master Plan.....	3
1.4	Background	4
1.5	Recent planning proposals in proximity to site	4
2	Planning Proposal	5
2.1	Objectives.....	5
2.2	Explanation of provisions	6
2.3	Mapping.....	10
3	Need for the planning proposal	13
4	Strategic assessment	13
4.1	Regional Plan	13
4.2	District Plan.....	13
4.3	Bankstown CBD and Bankstown Airport Collaboration Area Place Strategy	15
4.4	Local Plans	16
4.4.1	Local Strategic Planning Statement	16
4.4.2	Bankstown City Centre Master Plan.....	18
4.4.3	Local Housing Strategy.....	19
4.4.4	Affordable Housing Strategy	20
4.4.5	Employment Lands Strategy	21
4.4.6	Bankstown Complete Streets CBD Transport and Place Plan.....	21
4.5	Local planning panel (LPP) recommendation and Council meeting.....	22
4.6	Section 9.1 Ministerial Directions	23
4.7	State environmental planning policies (SEPPs)	28
5	Site-specific assessment	29
5.1	Environmental.....	29
5.1.1	Biodiversity	29
5.1.2	Urban Structure and Connectivity	29
5.1.3	Building Height and Density	31
5.1.4	Public Open Space	32
5.1.5	Solar Access and Overshadowing	32
5.2	Social and economic.....	32
5.2.1	Social Impacts	32
5.2.2	Economic Impacts	33
5.3	Infrastructure.....	33
5.3.1	Transport and Traffic.....	33

5.3.2	Public Infrastructure	34
5.3.3	Utilities, Waste Management and Recycling Services	34
6	Consultation.....	34
6.1	Community	34
6.2	Agencies.....	34
7	Timeframe	35
8	Local plan-making authority	35
9	Assessment summary	35
10	Recommendation.....	35

Table 1: Reports and plans supporting the proposal

Relevant reports and plans
Aeronautical Impact Assessment (2019) prepared by Landrum & Brown Worldwide Pty Ltd
Bankstown Central – Becoming The Magnetic Centre of the Region (2019) prepared by Urbis
Bankstown Central Community Infrastructure Needs Peer Review (2020) prepared by Cred Consulting
Bankstown Central Peer Review of Economic Supply and Demand Analysis (2020) prepared by AEC Group Ltd
Bankstown Central Planning Proposal Traffic and Transport Peer Review Report (2020) prepared by Bitzios Consulting
Community Needs Assessment (2019) prepared by Urbis
Letter of Offer (2022) prepared by Vicinity Centres
Transport Aspects of Planning Proposal for Proposed Mixed Use Development, Bankstown Central Shopping Centre (2019) prepared by Colston Budd and Kafes Pty Ltd
Vicinity Centres Bankstown Masterplan – Landscape Concept Master Plan (2022) prepared by Urbis and fjmt studio
Vicinity Centres Bankstown Masterplan Urban Design Statement (2022) prepared by Urbis and fjmt studio

1 Introduction

1.1 Overview

Table 1 Planning proposal details

LGA	City of Canterbury-Bankstown
PPA	City of Canterbury-Bankstown
NAME	1 and 1A North Terrace, Bankstown (Bankstown Central Shopping Centre)
NUMBER	PP-2022-1898
LEP TO BE AMENDED	Bankstown Local Environmental Plan 2015 (Bankstown LEP) Note: The consolidated Canterbury Bankstown LEP (PP_2019_CBANK_005) is currently with the Department of Planning and Environment (the Department) for finalisation.
ADDRESS	1 and 1A North Terrace, Bankstown
DESCRIPTION	Lot 1 DP 795649; Lot 89A DP 405477; Lot 45 DP 618721; Lot 1 DP 237386; Lot 1 DP 1289891; Lot 23 DP 1117290; Lot 11 DP 746201; Lot 26 DP 1142237; Lot 1 DP 128989; Lot 31 DP 1142236; Lot 22 DP 1117290; and Lot 18 DP 1117290
RECEIVED	24/05/2022
FILE NO.	IRF22/2539
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

The planning proposal seeks to facilitate the development of a large landholding within Bankstown City Centre for commercial and residential purposes. This is intended to be achieved by increasing the permissible height and density of the site to support delivery of new housing, commercial and employment opportunities on a site that is well served by public transport.

1.2 Site and surrounding area

The site is located within Bankstown City Centre and approximately 16km south west of the Sydney Central Business District. It has a total land area of 114,073sqm and bounded by North Terrace to the south; Jacobs Street, The Mall and The Appian Way to the west; Rickard Road to the north; and Stacey Street to the east. It is divided by Lady Cutler Drive which connects Rickard Road to the north and North terrace to the south (**Figure 1**).

The site currently contains a shopping centre known as “Bankstown Central”, which was originally established in 1966. The shopping centre is a 2-3 level retail development with associated car parking, loading facilities and landscaped areas. It is the largest privately owned landholding within the Bankstown CBD and currently anchored by a number of major retailers and speciality stores.

Extensive at grade car parking is contained with a number of loading docks serving existing retailers. The existing centre provides approximately 3,300 parking spaces and has vehicular access from, Stacey Street, Rickard Road, Jacobs Street, The Mall, The Appian Way, North Terrace and Lady Cutler Avenue.

The site is located within the Bankstown City Centre which currently contains a mix of retail, hospitality, services and housing as well as civic spaces such as the Bankstown Library and Knowledge Centre, local courthouse and Bankstown Arts Centre. Bankstown City Centre is located approximately 3km east from Bankstown Airport and approximately 9km east from Liverpool Central Business District

The T3 Bankstown railway line adjoins the site to the south, while the Sydney Metro City and South line which runs along the T3 Bankstown Line will be operational by 2024. To the west is the established commercial shops and offices of the Bankstown City Centre, to the north is a mix of medical centres and allied health services and residential apartments, and to the east is the arterial road Stacey Street with a low-density residential housing area further to the east.



Figure 1: Subject site (red outline) (Source: Nearmap, 2022)

1.3 Bankstown City Centre Master Plan

The land that is subject to this planning proposal is within the area covered by the Bankstown City Centre Master Plan (**Figure 2**). The Master Plan was adopted by Council on 28 September 2021 and aims to have more people living, working, studying, visiting and investing in Canterbury-Bankstown's largest strategic centre.

The Master Plan directly responds to a number of drivers for change, including:

- jobs growth, which leverages off key government and institutional investments in transport, education and health;
- housing affordability, by providing a range of housing types, and introducing mechanisms for the delivery of affordable housing;
- a growing population, with diverse needs in terms of housing types and access to infrastructure and services;
- demand for sustainability and resilience, improving the environmental performance of the City Centre and managing the impacts of climate change; and
- moving better, by creating more people focused streets and capitalising on Bankstown's strong rail, future Metro and bus connectivity.

A separate planning proposal has been prepared to implement the Bankstown City Centre Master Plan under PP-2022-1153 which can be accessed via the Planning Portal link below.

<https://pp.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>.

While the Bankstown Shopping Centre site is within the Bankstown Master Plan area, it proposes specific planning outcomes to the subject site that are not captured under the Bankstown City Centre planning proposal (PP-2022-1153).

Further discussion is provided in **Section 4.4.2** of this report.

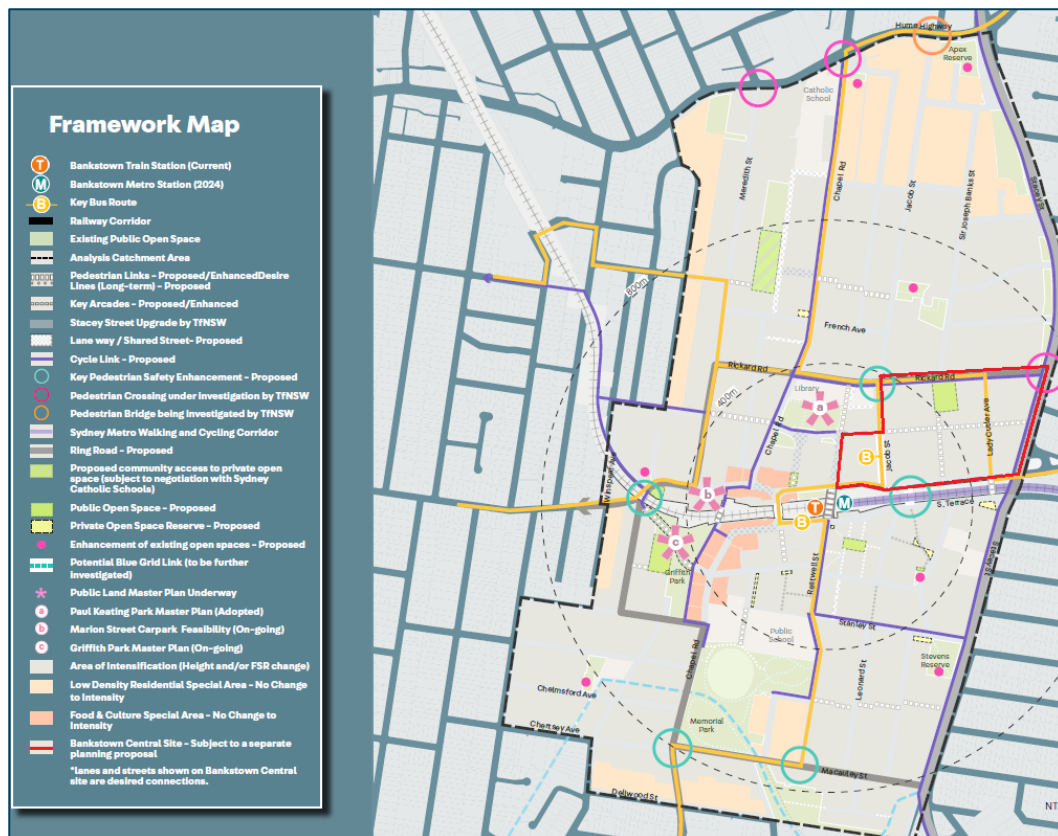


Figure 2: Bankstown City Centre Master Plan Urban Design Framework (Bankstown Shopping Centre Site in red outline) (Source: Master Plan, 2021)

1.4 Background

The planning proposal indicates that the proponent has been in discussions with Council since 2017 regarding a possible redevelopment of the site. It is understood that prior to the lodgement of the planning proposal with Council for assessment, it had commissioned an urban design study (prepared by SJB Planning) to guide redevelopment of the site. The planning proposal states that this urban design study was provided to the proponent and a pre-lodgement meeting was held on 13 December 2019 where the proponent and Council discussed the concept scheme and opportunities for the site. Since the pre-lodgement meeting, the proponent and Council have been in discussions to evolve the planning proposal.

The revised planning proposal was reported to the Canterbury Bankstown Local Planning Panel (LPP) in March 2022. The LPP voted in favour of the Council Officer's recommendation for the proposal to proceed to Gateway determination. See **Section 4.3** of this report for further detail.

1.5 Recent planning proposals in proximity to site

83-99 North Terrace and 62 The Mall, Bankstown (Compass Centre)

This planning proposal (PP-2021-1072) was approved and published on 13 May 2020. It relates to the Compass Centre site shown in **Figure 1**. The planning proposal sought amendments to the Bankstown LEP 2015 to:

- increase maximum floor space ratio from 4.5 to 5.1 across the site;
- increase maximum height of buildings from 41m to 83m for:
 - 83 North Terrace, Bankstown (Lots 19-20 DP 5541);
 - 85 North Terrace, Bankstown (Lot 18B DP 412699);
 - 99 North Terrace, Bankstown (Lots 15-17, 21-24 and 27 DP 5541); and
 - 62 The Mall, Bankstown - former Library site (Part of Lot DP 777510)
- increase maximum height of buildings from 53m to 83m for:
 - 99 North Terrace, Bankstown (Lot 1 DP 207810); and
 - 62 The Mall, Bankstown - former Library site (part of Lot 9 DP 777510).
- allow for residential uses at first floor level contrary to existing clause 6.9 which requires commercial uses on ground and first floor level in this location

74 Rickard Road and 375 Chapel Road (part) Bankstown (Western Sydney University Campus)

This planning proposal (PP-2020-871) was approved and published on 2 February 2021. The planning proposal sought amendments to the Bankstown LEP 2015 to:

- permit a maximum 8:1 floor space ratio on the site; and
- permit a maximum 83m building height on the site.

The Western Sydney University Campus site is located to the west of the Bankstown Central Shopping Centre, as shown in **Figure 1** above.

2 Planning Proposal

2.1 Objectives

The objectives of this planning proposal are to:

- transform the Bankstown CBD, through the development of a modern and innovative mixed-use precinct which envisions a site where people can live, learn, work and shop within a very close proximity to public transport and services;
- redevelop an aging retail asset which is in need of revitalisation aligned with the current market trends of the retail industry and demographics shifts in Bankstown and the broader Southern District;
- deliver a new retail, commercial, student accommodation, serviced apartments, hotel and residential accommodation in the Bankstown CBD to help meet Greater Sydney Commission employment and housing targets without adversely impacting the potential achievement of overall employment targets for the centre;
- encourage investment and development activity in Bankstown, supporting the diverse mixed-use nature of the precinct and contributing to a rejuvenation of the Bankstown CBD;
- revitalise the Bankstown CBD through the provision of new retail and complementary land uses which will boost employment and economic development within this important centre;
- enable the provision of synergies between potential future student accommodation on site with the development of the Western Sydney University Bankstown Campus within a close proximity;
- leverage the site's strategic location proximate to rail and bus networks and the proposed metro by demonstrating consistency with 'Transit Oriented Development' principles by providing high levels of accessibility for workers, students and residents to the broader metropolitan area;
- enable improved permeability through and across the site, in various forms, thereby improving accessibility and liability standards generally in this part of the Bankstown CBD.
- provide a significant contribution to open space provision within the Bankstown CBD, which is safe and accessible, serving the needs of the future students, worker and visitor population; and
- realise the redevelopment of the land in a manner consistent with the existing land use zoning set by the Bankstown LEP 2015.

2.2 Explanation of provisions

Table 2 summarises the current and proposed controls.

Table 2: Proposed amendments

LEP Provision	Proposed LEP Amendments
Zoning	Retain existing B4 Mixed Use zoning (unchanged)
Height of buildings	<p>Amend the 'Height of Buildings Map' (Refer to Figure 10) to increase building height from 35m/41m to a variety of heights across the site as follows:</p> <ul style="list-style-type: none"> • Rickard Road Precinct: Part 50m/ 67m/ 70m; • Town Centre Precinct: 86m; • North Terrace Precinct: 83m; and • Stacey Street Precinct: Part 55m / 46m / 35m.
Floor space ratio	<p>Amend the 'Floor Space Ratio Map' (FSR) (Refer to Figure 8) to from 3:1 (plus a 0.5:1 sustainability bonus under via Clause 4.4A) to an FSR of 3.9:1 across the entire site. This is distributed across the four precincts (see Figure 4) as follows:</p> <ul style="list-style-type: none"> • Rickard Road Precinct: 3.4:1; • Town Centre Precinct: 7:1; • North Terrace Precinct: 3.8:1; and • Stacey Street Precinct: 3:1.
<p>Additional gross floor area for more sustainable development in Bankstown CBD commercial core (Clause 4.4A)</p> <p>This clause provides a bonus of 0.5:1 for development that meets the sustainability criteria.</p>	<p>Insert a subclause to exclude the subject site from the application of this clause. The basis for this is that the proposed FSRs include uplift that already factors in the maximum FSR sought to ensure certainty that future development will be able to achieve the FSRs proposed.</p> <p>The planning proposal states that sustainability requirements will be included in the site-specific Development Control Plan (DCP) and BASIX will continue to apply to the residential component of the mixed-use development or residential apartment buildings on the site.</p>
<p>Restrictions on development in Zone B4 Mixed Use (Clause 6.9)</p> <p>This clause requires the ground and first floors of new buildings, or changes of use of existing buildings, to be used for commercial or other non-residential uses.</p>	<p>Remove the site from the existing Special Provisions Map and amend Clause 6.9 to achieve the following intended outcomes:</p> <ul style="list-style-type: none"> • enable residential development within the Rickard Road Precinct without the need to provide commercial premises or other non-residential purposes on the ground and first floor levels; and • stipulate (a) a minimum 50% of non-residential floor space within the Town Centre Precinct and (b) a minimum 40% non-residential floor space across the entire site.

The planning proposal is supported by various documents including a concept scheme and a masterplan to outline the intended built form outcome for the site (see **Figure 3**). A 30 year vision is envisaged for the site delivered in stages to enable the following:

- reconfiguration of the existing shopping centre layout to accommodate the proposed additions and staged construction of approximately 19 towers around the retained central core of the shopping centre with exception of the Town Centre Precinct (**Refer to Figure 4**) which will involve construction of new towers following demolition of all existing structures within that precinct;
- provision of new public open spaces such as a new public park and pedestrian focused plazas throughout the site and boulevards including the east-west pedestrian link along the northern end of the site between Jacob Street and Lady Cutler Drive;
- extension of Jacob Street between The Mall and Northern Terrace for road traffic and pedestrians; and
- relocation of the bus interchange and layover to a new permanent location either within or outside of the subject site. The planning proposal states that this will be subject to ongoing discussions with Transport for NSW (TfNSW) and an agreement between the proponent, Council and TfNSW on the new location.

Figure 3 shows the indicative concept site plan. **Figure 4** shows the proposed precinct map including proposed maximum FSRs and height of buildings. **Figure 5** and **6** shows the proposed building height sections.

Key features of the intended development outcome as outlined in the planning proposal includes:

Land Use	Gross Floor Area (GFA)	Yield
New Retail	15,041sqm	N/A
Retail (retained from current provision)	91,091sqm	N/A
Commercial	119,117sqm (additional)	N/A
Hotel	17,957sqm	439 hotel rooms
Residential	128,525sqm	1,255 apartments
Residential (Student Accommodation)	18,976sqm	694 Student Accommodation Rooms
Serviced Apartments	5,742sqm	89 Serviced Apartments
Childcare	891sqm	N/A
Publicly accessible open space (not zoned for this purpose)	10,615sqm	N/A

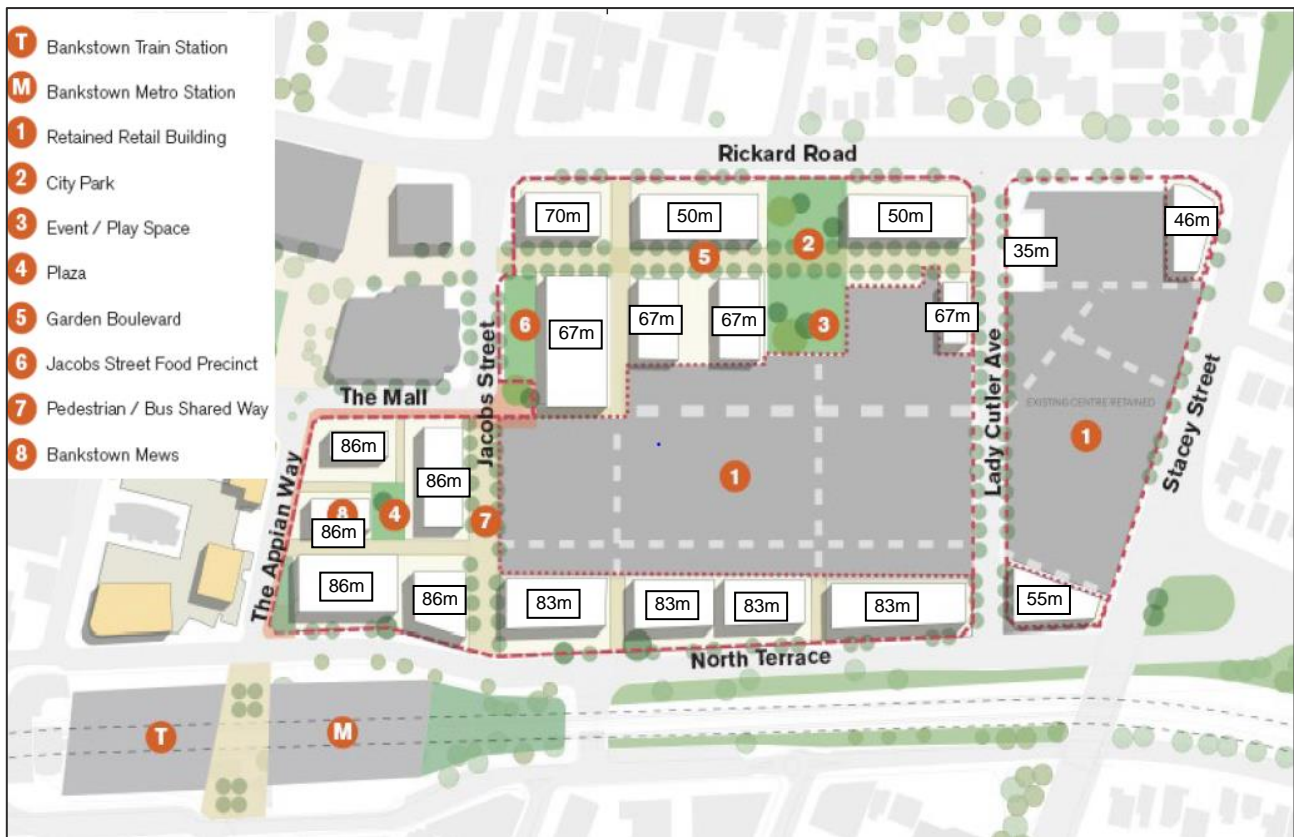


Figure 3: Indicative concept plan (Source: Planning Proposal, 2022)

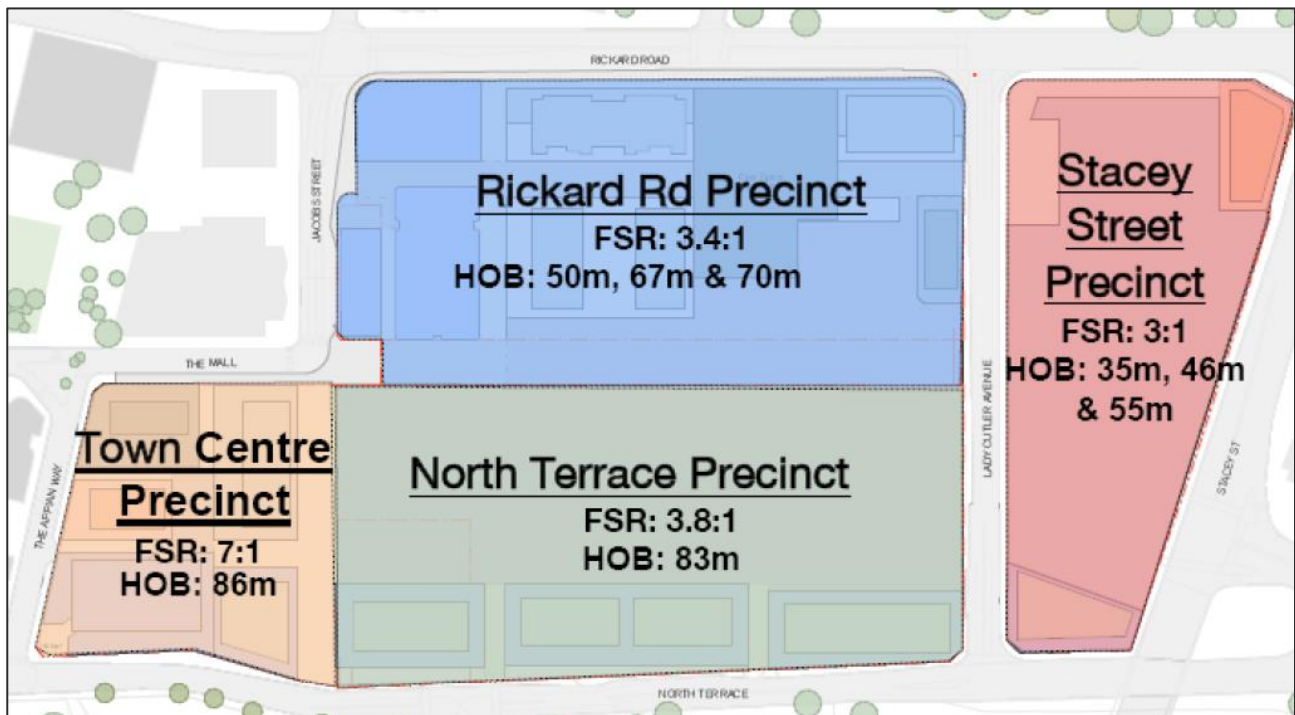


Figure 4: Proposed precinct map including proposed maximum FSRs and height of buildings (Source: Planning Proposal, 2022)

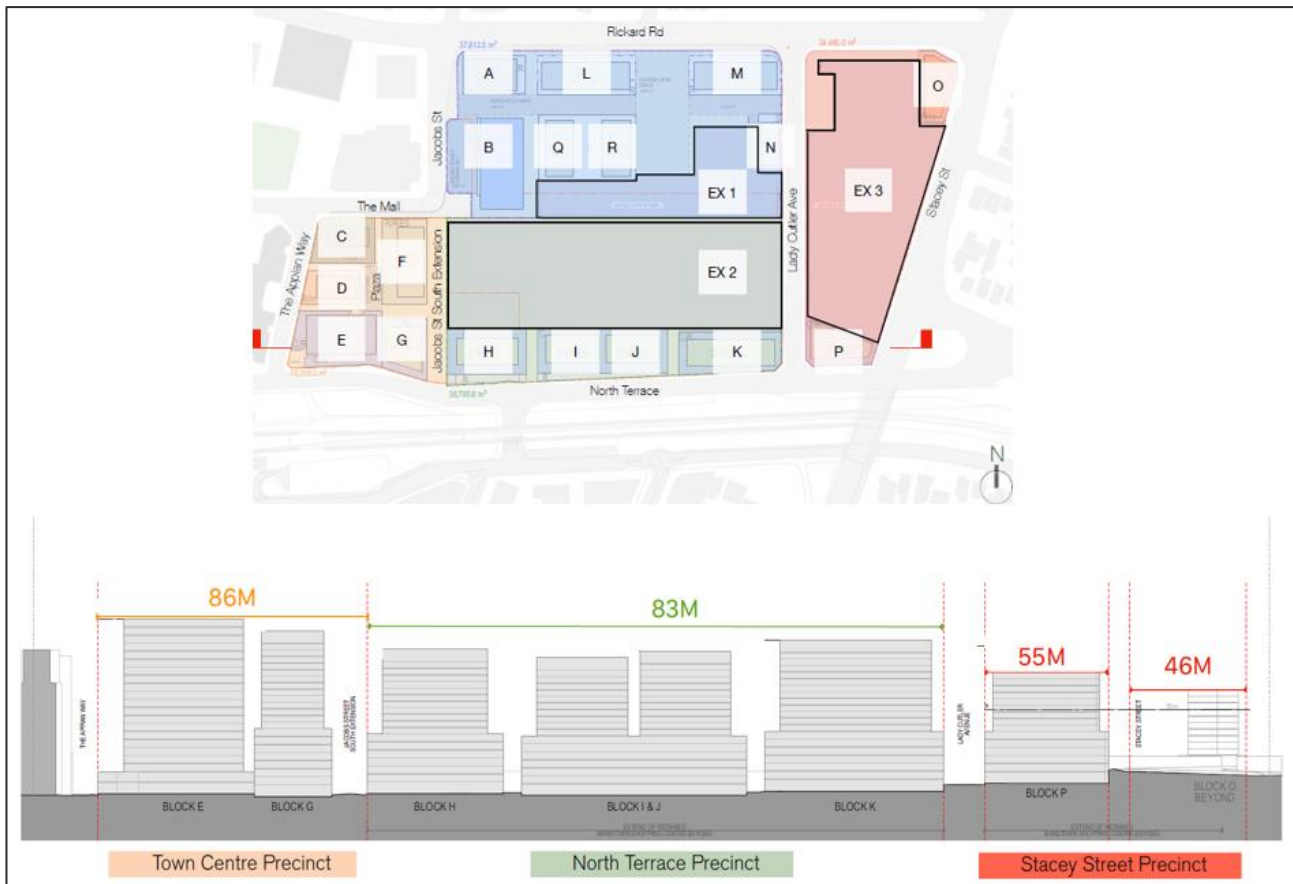


Figure 5: Proposed building height sections (Source: Planning Proposal, 2022)

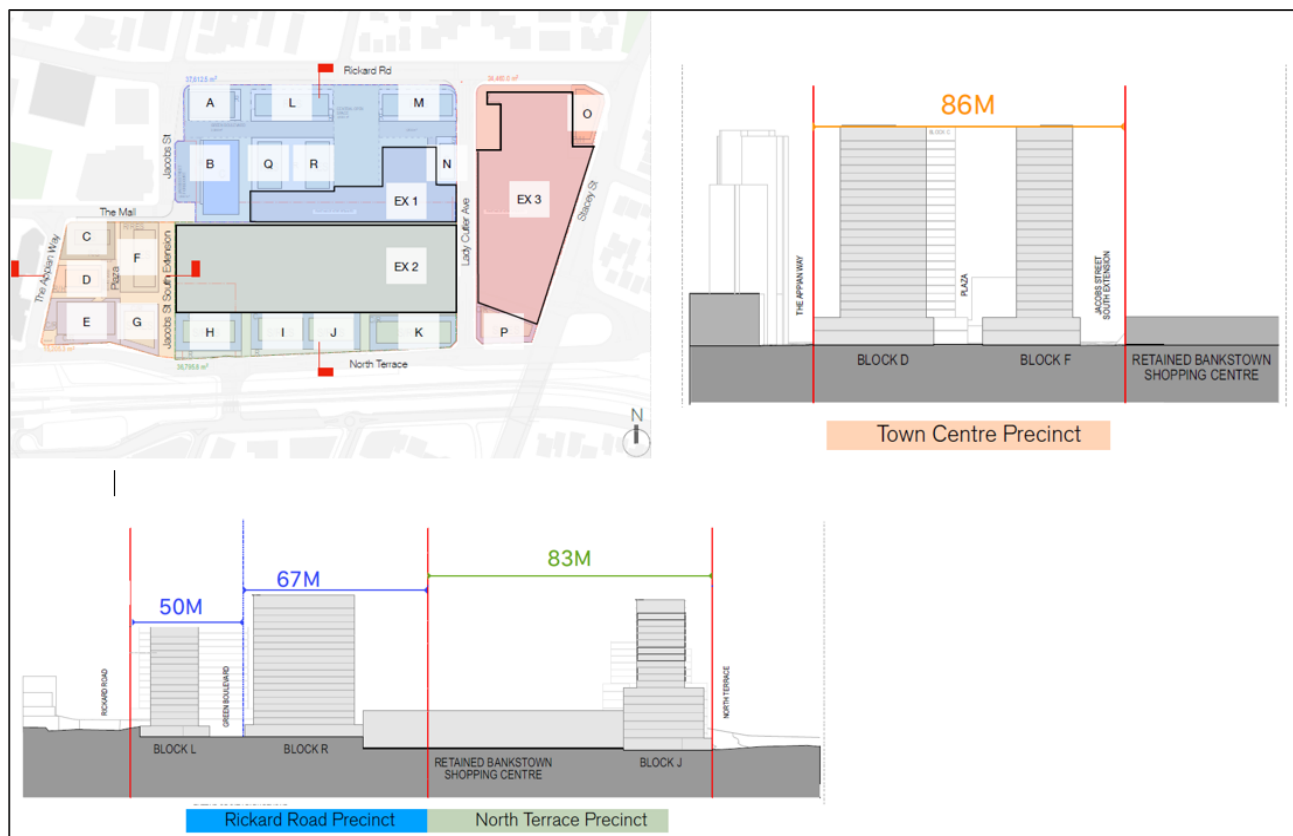


Figure 6: Proposed building height sections (Source: Planning Proposal, 2022)

Site-specific Development Control Plan and Letter of Offer

The planning proposal indicates that a site-specific Development Control Plan (DCP) will be prepared by Council that will include more detailed controls relating to built form, design and materials, local character, setbacks, landscaping and tree canopy, sustainability, building performance, open space and design excellence. The planning proposal states that the DCP will be placed on public exhibition alongside the planning proposal.

The proponent has also submitted a Letter of Offer to support the planning proposal and is subject to the preparation of a Voluntary Planning Agreement (VPA) between Council and the proponent. The Letter of Offer indicates that following public infrastructure will be delivered to support the intensification of the site:

- an easement over a 5,000sqm publicly accessible open space (Public Park) along Rickard Road including a playground and urban plaza. The proponent will deliver the works and create an easement over the park in favour of Council to facilitate public access;
- extension of Jacobs Street between The Mall and North Terrace into a shared bus and pedestrian way to North Terrace by dedicating land with an approximate area of 2,500sqm;
- deliver a 1,000sqm multi-purpose facility for 2 indoor courts and enter into long term lease with Council to operate;
- deliver 200sqm of incubator space to be fitted out as an open plan layout suitable for use as office space and enter into long term lease with Council to operate; and
- completion of proposed town centre separated cycleway along Rickard Road and Appian Way frontages to the site in accordance with Bankstown Complete Streets CBD Transport and Place Plan.

2.3 Mapping

Existing Bankstown LEP Maps that the planning proposal seeks to amend are:

- Floor Space Ratio Map;
- Height of Buildings Map; and
- Special Provisions Map.



Figure 7: Existing Floor Space Ratio Map (Source: Planning Proposal, 2022)

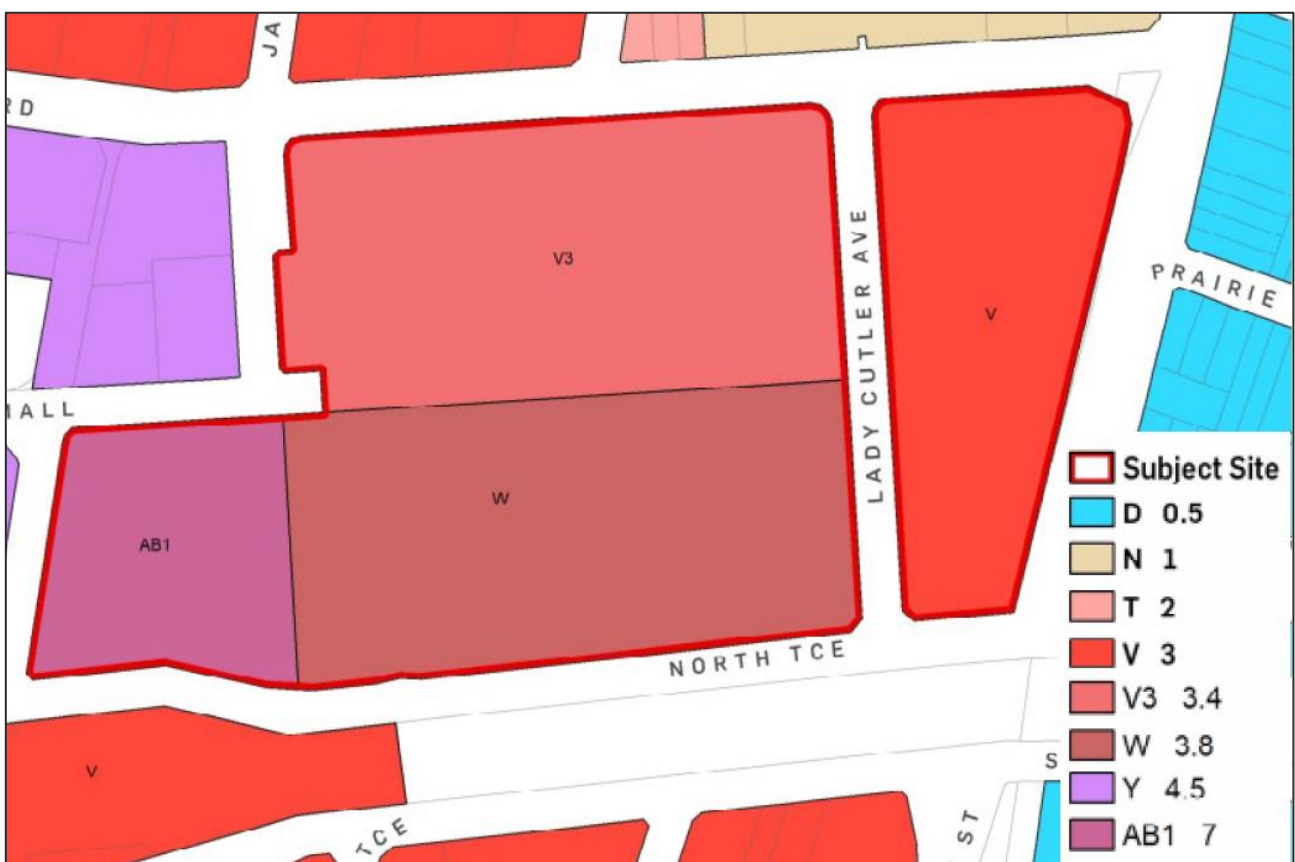


Figure 8: Proposed Floor Space Ratio Map (Source: Planning Proposal, 2022)

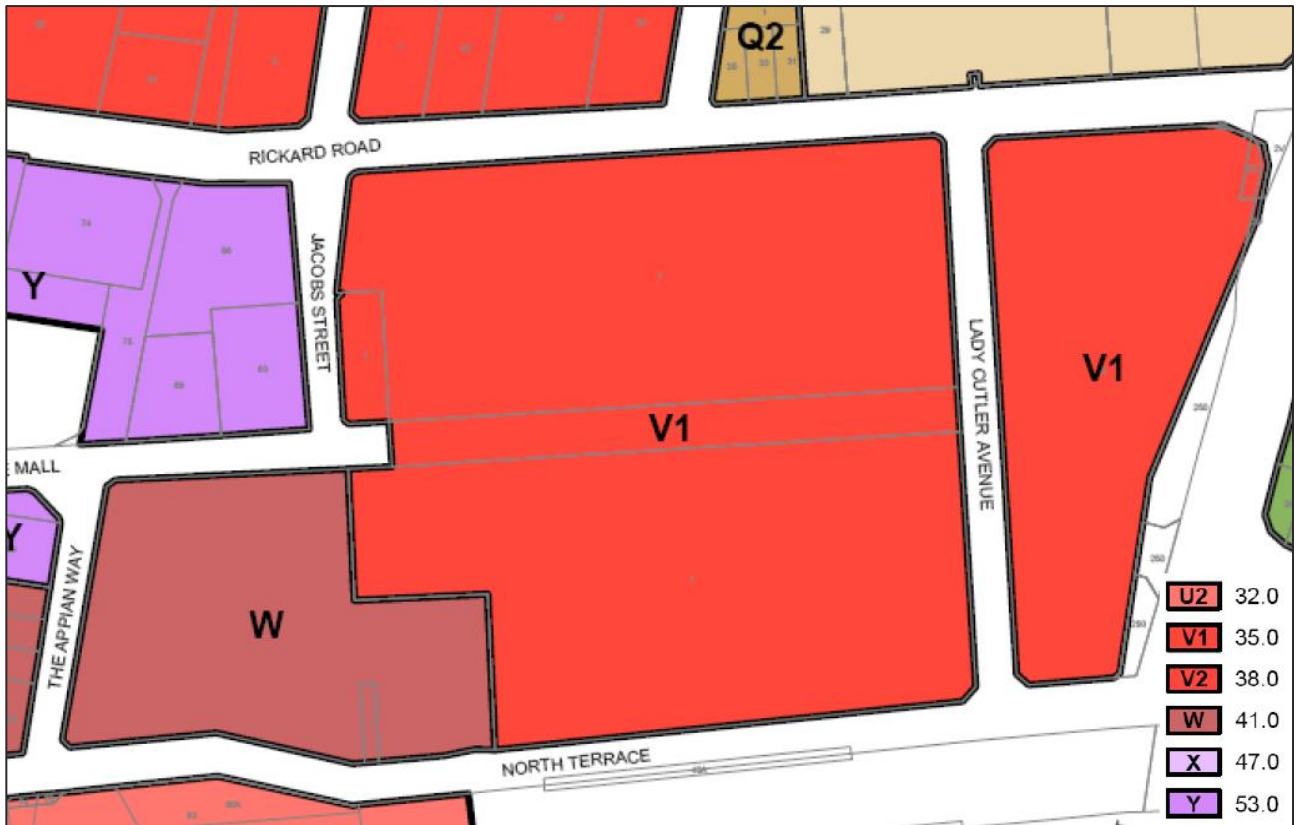


Figure 9: Existing Height of Buildings Map (Source: Planning Proposal, 2022)

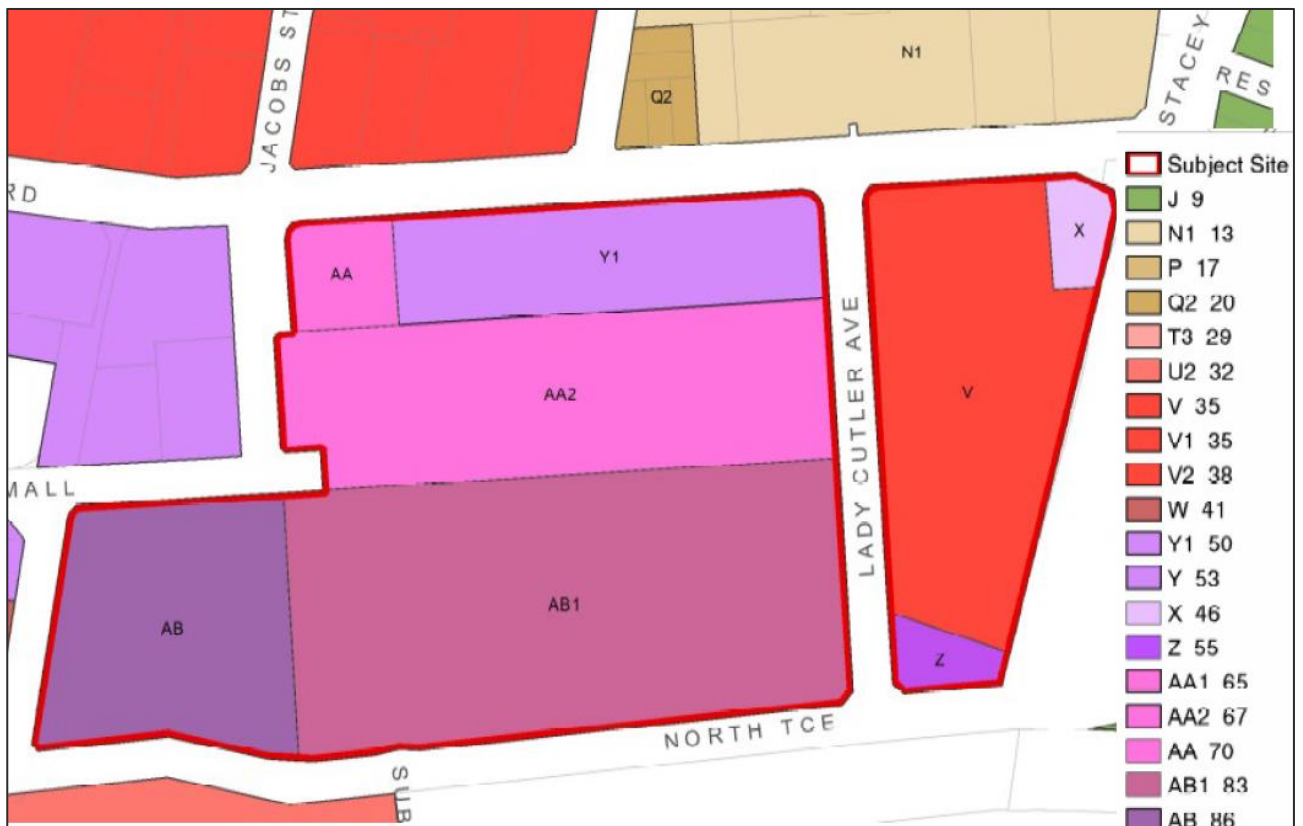


Figure 10: Proposed Height of Buildings Map (Source: Planning Proposal, 2022)

3 Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is a result of a request from the landowner to change the building height and floor space ratio planning controls and Clauses 4.4A and 6.9 of the Bankstown LEP 2015 applicable to the site.

While the Bankstown Shopping Centre site is technically within the Bankstown Master Plan area, the Bankstown Shopping Centre planning proposal proposes specific planning outcomes to this land that are not captured under the Bankstown City Centre planning proposal.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the objectives and intended outcomes for the site in a manner which will provide for housing and jobs growth, as well as an opportunity for significant public benefits.

A Gateway condition is recommended to ensure the proposal adequately considers the Bankstown City Centre planning proposal.

4 Strategic assessment

4.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Bankstown is identified as a strategic centre and health and education precinct. The planning proposal provides strategic alignment with the Region Plan by facilitating residential and commercial growth in an area identified for significant economic growth. More detailed assessment of this alignment is discussed under the assessment of the South District Plan.

4.2 District Plan

The site is within the South District and the GSC released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3: Assessment against District Plan

District Plan Priorities	Justification
Liveability Planning Priority S1: Providing services and social	The planning proposal is consistent with the priorities as it delivers new employment floor space and housing within a strategic centre which is located near public transport infrastructure.

District Plan Priorities	Justification
<p>infrastructure to meet people's changing needs</p> <p>Planning Priority S2: Fostering healthy, creative, culturally rich and socially connected communities</p> <p>Planning Priority S3: Providing housing supply, choice and affordability, with access to jobs and services</p>	<p>The proposal intends to improve public domain and walkability via creating publicly accessible through-site connections and open space.</p> <p>The proposal intends to facilitate the opportunity for dwellings to be provided on the site within walking distance to public transport (rail and bus) and in proximity to a range of services and infrastructure.</p>
<p>Productivity</p> <p>Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres</p> <p>Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>The planning proposal contributes to the jobs growth target set out in the Local Strategic Planning Statement and South District Plan. It is consistent with the District Plan's emphasis on bringing jobs closer to where people live by providing new retail and office development in an accessible location.</p> <p>The site is well serviced by existing transport and the proposal will benefit from the new Metro line which is scheduled to be operational by 2024.</p> <p>A Gateway condition is recommended for further consultation with TfNSW to address traffic modelling issues.</p>
<p>Sustainability</p> <p>Planning Priority S15: Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>Planning Priority S16: Delivering high quality open space</p>	<p>The planning proposal outlines the intention to deliver a 5,000sqm publicly accessible open space (Public Park) along Rickard Road including a playground and urban plaza.</p> <p>The planning proposal is supported by a concept landscape plan submitted which appears to show tree planting along the proposed pedestrian east west pedestrian boulevard link, around the perimeter of the site and to the proposed public park. However, it is currently unclear how deep soil planning will be accommodated as part of any future development</p> <p>A Gateway condition is recommended to require the planning proposal to be updated to clarify the extent of deep soil planting intended to be delivered across the site.</p>

4.3 Bankstown CBD and Bankstown Airport Collaboration Area Place Strategy

The Greater Sydney Region Plan identifies the Bankstown CBD as a strategic centre and a health and education precinct. Together with the Bankstown Airport and Milperra Industrial Area, these places anchor the Bankstown CBD and Bankstown Airport Collaboration Area. The Greater Cities Commission released the Bankstown CBD and Bankstown Airport Collaboration Area Place Strategy in December 2019.

Bankstown City Centre is identified as a 'key place' under the strategy, as shown in **Figure 11**.

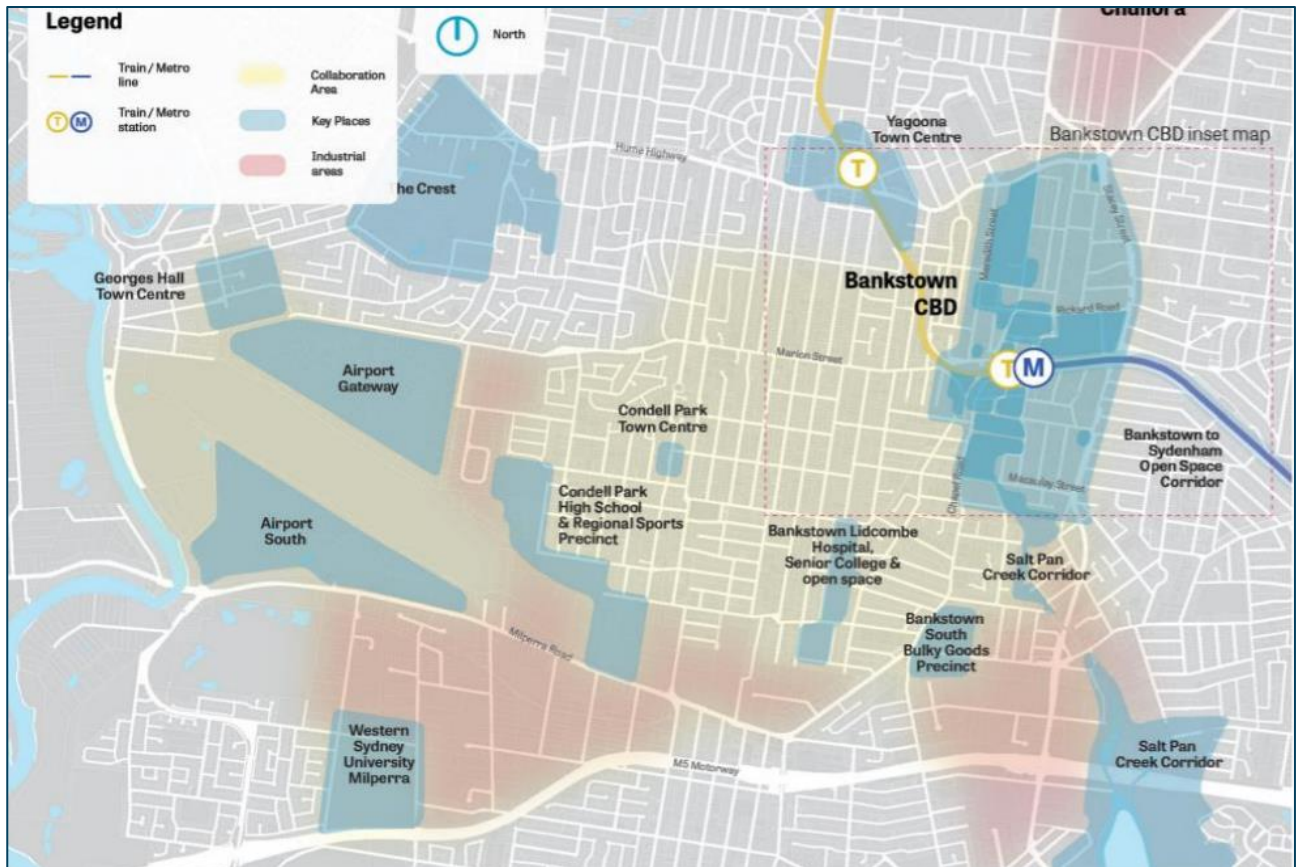


Figure 11: Collaboration area key places map (Source: Greater Cities Commission, Collaboration Area Bankstown CBD and Bankstown Airport Place Strategy, 2019)

The objectives for the Bankstown CBD and Bankstown Airport Collaboration Area are as follows:

- a centre well connected to the rest of Greater Sydney via mass transit links;
- a place where people can easily choose to walk or cycle;
- an industrial precinct, aviation centre and training ground and hub for emergency air services;
- a health, academic, research and training precinct anchored by institutions including a new Bankstown Hospital and Western Sydney University Bankstown Campus;
- an incubator for entrepreneurial culture where technology and innovation are embraced;
- a place known for its distinctive culture, diversity and arts;
- a liveable, socially connected, inclusive and healthy place; and
- a sustainable strategic centre that interacts with Salt Pan Creek and Georges River.

The Department considers that the proposal is generally consistent with the vision and objectives of the strategy given the proposal as it:

- seeks to increase the capacity of mixed-use development in close proximity to major transport infrastructure;
- seeks to include a new exempt development provision clause for extended operating hours (including late night trading) to facilitate a more diverse night time economy; and
- permits health service facilities which could facilitate the clustering of health services in the Bankstown City Centre in the future.

4.4 Local Plans

4.4.1 Local Strategic Planning Statement

Council's Local Strategic Planning Statement (LSPS) was assured by the Greater Sydney Commission in March 2020. The LSPS sets out a 20-year land use vision to guide land use planning for the Local Government Area.

Table 4 provides an assessment of the subject proposal against the relevant LSPS evolutions.

Table 4: LSPS assessment

LSPS Evolutions	Assessment
<u>Evolution 2:</u> Movement for commerce and place	<p>This evolution identifies a transport network that supports the premier locations for change (Bankstown and Campsie) and better connections for people living in other urban and suburban areas to transport interchanges and connectivity options.</p> <p>The site is well serviced by existing transport and the proposal will benefit from the new Metro line which is scheduled to be operational by 2024.</p> <p>Refer to Section 5.3 of this report for discussion on the bus interchange locations.</p>
<u>Evolution 3:</u> Places for commerce and jobs	<p>This evolution identifies the land use context needed to stimulate jobs growth in centres and where growth in new industry sectors will attract new jobs.</p> <p>The planning proposal provides increased capacity for commercial floor space within Bankstown City Centre. The proposal contributes to the 2036 job target set out in the Employment Lands Strategy.</p>
<u>Evolution 6:</u> Urban and suburban places, housing the city	<p>This evolution identifies the most appropriate locations for growth and change where we will work with the NSW Government to focus investment.</p> <p>The planning proposal provides increased housing capacity in a strategic centre which is well serviced by public transport and public open space.</p>

LSPS Evolutions	Assessment
<p>Evolution 7: Cultural Places and Spaces</p>	<p>This evolution sets out the city-shaping and community-supporting infrastructure required to sustain and enhance Canterbury-Bankstown.</p> <p>A social and community needs peer review report commissioned by Council provides recommendations for additional community facilities to be provided on site and contribution for provision off-site.</p> <p>The planning proposal states that the delivery of social and community facilities and public infrastructure works required to support the redevelopment of the site will be delivered by the proponent as part of a Planning Agreement with Council.</p> <p>Further, on 23 June 2022, Council adopted the Canterbury Bankstown Local Contributions Plan 2022 and will apply to development applications and complying development certificates lodged on or after 1 September 2022. The Contributions Plan seeks to ensure that infrastructure needs generated for the Bankstown CBD are incorporated into the plan.</p>
<p>Evolution 8: Design quality</p>	<p>This evolution describes how development can instil the right design choices to achieve a sustainable, liveable, healthy and attractive city.</p> <p>The planning proposal states that Council will prepare a site-specific DCP comprising built form design development controls relating to building separation, setbacks, street wall/podium heights, solar access to key public spaces, views and building height diversity and variety.</p> <p>The Department recommends a Gateway condition for the proponent to provide an assessment of the proposal against the key provisions of SEPP 65 and the Apartment Design Guideline (ADG), including adequate solar access and building separation.</p>
<p>Evolution 9: Sustainable and resilient places</p>	<p>This evolution sets out place-based approaches that manage energy, water and waste efficiently to help us build resilience across the City, encourage sustainable urban living and create cooler streets that help to mitigate changes in the climate.</p> <p>The planning proposal indicates that by providing new housing and employment floor space within an existing centre, the proposal maximises efficient use of existing and proposed infrastructure.</p> <p>The planning proposal states that future buildings on the site would be required to be consistent with the principles of ecological sustainable design and a BASIX certificate would need to accompany future development applications.</p> <p>The planning proposal indicates that landscaping, tree canopy and sustainability provisions will be driven by the site-specific DCP. Council intends to place the site-specific DCP on public exhibition alongside the planning proposal.</p> <p>A Gateway condition is recommended for the proponent to provide further justification on the removal of the sustainability bonus (Clause 4.4A) for this site, particularly given the Bankstown City Centre planning proposal (PP-2022-1153) proposes to amend Clause 4.4A to apply more broadly across the Bankstown City Centre in the B3, B4 and R4 Zones and update the</p>

LSPS Evolutions	Assessment
	clause to meet current best practice standards for supporting Council's objective of achieving net zero emissions by 2050.
Evolution 10: Governance and funding	<p>This evolution sets out the funding framework and processes to ensure required infrastructure is properly staged and funded.</p> <p>The planning proposal includes a Letter of Offer to ensure that the future development of the site is linked to the delivery of required infrastructure.</p> <p>As noted previously, the adopted Canterbury Bankstown Local Contributions Plan 2022 also seeks to ensure that infrastructure needs generated for the Bankstown CBD are incorporated into the plan.</p> <p>Refer to Section 2.2 and 5.3 of this report for further detail.</p>

4.4.2 Bankstown City Centre Master Plan

As identified in Section 1.4 of this report, the Bankstown Shopping Centre site is within the Bankstown City Centre Master Plan area. The implementation of the remainder of the Master Plan is part of a separate planning proposal (PP-2022-1153), which also seeks to focus increased building heights and FSR's around major transport infrastructure.

This separate planning proposal has been prepared to implement specific planning outcomes to the land that are not captured under PP-2022-1153. Of note, the Master Plan includes indicative height principles and open space for the Bankstown Shopping Centre site as shown in **Figure 12**.

The proposed buildings heights in the planning proposal are generally consistent with the indicative maximum storey heights which range from 12 storeys to 25 storeys. The tallest building heights are proposed on the western and southern sides of the site which is intended to form a cluster of taller towers in a future CBD core further to the west of the site. The subject planning proposal states that this approach has been proposed to respond to the proximity to the Bankstown Station, which will transform into a future Metro Station and forms a synergy with potential future development on the Compass Site (83-85 and 99 North Terrace and 62 The Mall of up to 83m/25 storeys and the Western Sydney University site at 83m.

In addition, the planning proposal is generally consistent with the Master Plan in relation to the size and location of the proposed open space along Rickard Road. Objective 1.1.5 of the Master Plan identifies the infrastructure that is to be delivered in partnership with Council. This includes the delivery of a multi-purpose indoor sports facilities comprising one centre of at least 1,500sqm with courts as part of any redevelopment of the key sites such as Bankstown Central. In response to this, the proponent has submitted a Letter of Offer with the planning proposal which includes the provision of a new 1,000sqm multi-purpose facility for 2 indoor courts.

Objective 3.2 of the Master Plan seeks to maintain the B4 Mixed Use zone surrounding the proposed Commercial Core and maintain a minimum provision of employment floor space delivery in the Mixed Use Zone. Objective 3.2.3 requires strategically important sites in the B4 zone to deliver a minimum of 50% of employment floor space, including parts of the Bankstown Central Shopping Centre site. The planning proposal is generally consistent with this objective as the proposal seeks to implement a minimum 50% of non-residential floor space within the Town Centre Precinct and a minimum 40% non-residential floor space across the entire site.

It is acknowledged that the Master Plan identifies that the subject site will be subject to a separate planning proposal. However, the Department considers it is important to ensure that both town centre planning proposals are integrated and contribute to the overall vision and objectives of the Bankstown City Centre. This is particularly important in being able to understand amenity

considerations to the intended development and to the adjoining sites subject to assessment under PP-2022-1153.

A Gateway condition is recommended for Council to confirm and clearly demonstrate the planning proposal is integrated with the Bankstown City Centre planning proposal (PP-2022-1153), particularly in relation to proposed heights, densities, solar access/overshadowing, development incentives, and connectivity.



Figure 12: Bankstown City Centre Master Plan Proposed Building Heights Map (Source: Planning Proposal, 2022)

4.4.3 Local Housing Strategy

Canterbury Bankstown Council's Local Housing Strategy (LHS) was approved by the Department on 25 June 2021. The LHS contains 10 principles which seek to guide the delivery of 50,000 dwellings in the Local Government Area to 2036. **Table 5** provides an assessment of the proposal against the LHS.

Table 5: Local Housing Strategy assessment

Principle	Assessment
Land use zoning needs to allow for the delivery of new dwellings to meet housing demand	The proposal is consistent with this principle as it will contribute towards Council's housing target.
New housing should be located in walking distance to centres, open space and places of high amenity	The proposal is consistent with this principle as new housing will be in close proximity to transport and open space.
New housing will need to provide a variety of dwelling types, sizes and price points to meet the needs of a diverse and ageing population	The proposal can facilitate a variety of dwelling types and sizes to support the community.

Principle	Assessment
More affordable housing is necessary to support the community and reduce housing stress	<p>The site is not included in the draft Bankstown Affordable Housing Contributions Scheme planning proposal (PP-2022-1153).</p> <p>The planning proposal indicates that Council has accepted that affordable housing will not be a requirement of the proposal if the required minimum employment generating floor space is delivered across the site.</p> <p>Refer to Section 4.4 of this report for further detail.</p>
The transition of Bankstown to a contemporary CBD will increase the diversity of housing in the City.	The planning proposal can facilitate housing supply and choice with a mix of apartment types (including student housing) in a location that optimises the use of transport infrastructure and services.

4.4.4 Affordable Housing Strategy

Canterbury Bankstown Council's Affordable Housing Strategy (AHS) was endorsed by Council in June 2021. The strategy seeks to increase the supply of affordable housing and locate it near established centres to provide access to transport, jobs and services.

The Bankstown City Centre Master Plan and subsequent planning proposal (PP-2022-1153) includes mechanisms to incentivise new development to deliver affordable housing, new infrastructure and employment generating floor space through an incentive height and floor space system. For sites to receive a FSR uplift of more than 1:1 above the current maximum FSR controls, the delivery of one of the following will be required:

- delivery of on-site infrastructure;
- delivery of affordable housing; or
- delivery of substantial employment generating floor space (greater than 50%).

The Master Plan proposal stipulates that development that is providing onsite infrastructure, or more than 50% employment generating floor space will not be required to contribute to affordable housing. The Master Plan defines on-site infrastructure as any of the following:

- through-site links;
- open space (new or expansions of existing);
- sports and recreational facilities; and
- multi-purpose facilities.

Despite this, the subject planning proposal does not require delivery of affordable housing on the premises where it includes the delivery of 50% employment generating floor space in the Town Centre Precinct, 40% employment generating floor space across the entire site, a new public open space and a multi-purpose sporting facility. Notwithstanding, the planning proposal does not prevent any future development application proposing to deliver affordable housing if considered appropriate.

To support this approach the subject planning proposal also states that the proponent has also provided a 'statement of intent' that advises that affordable housing would be provided in the event

that a minimum of 40% employment generating floor space across the Bankstown Central site including 50% within the Town Centre Precinct is not delivered.

This approach is considered inadequate given that:

- the proposal has the potential to deliver approximately 1,255 new dwellings on the site (not including the student housing units);
- Council's Affordable Housing Strategy demonstrates that one of key places in the LGA that is experiencing housing affordability issues is in the Bankstown CBD, where the subject site is located; and
- the site and its future development are ideally placed where the council's affordable housing strategy seeks to deliver affordable housing – near or in established centres with good access to transport, jobs and services.

Given this and the other objectives of Council's affordable housing strategy, the intent of the District Plan to deliver on 5-10% affordable housing and the significant quantum of housing that will be generated by this proposal it is recommended that the planning proposal be revised to consider giving effect to and contributing towards the delivery of affordable housing in alignment with council's Affordable Housing Strategy.

4.4.5 Employment Lands Strategy

The Employment Lands Strategy (ELS) 2020 sets a vision that by 2036 Canterbury Bankstown's employment lands will be a network of places engaged in business, production and knowledge advancement, connected to a thriving Bankstown City Centre. Collectively this network will deliver a diversity of jobs in a prosperous local economy that services domestic and global markets.

The relevant aims of the ELS are provided below:

- elevate Bankstown City Centre's position in the centres hierarchy for South West Sydney to encourage development of a high profile mixed use CBD;
- encourage transit-oriented development in centres; and
- protect employment precincts for employment uses.

The planning proposal is consistent with the objectives of the ELS as the proposal seeks to facilitate approximately 10,215 new jobs to the strategic centre of Bankstown and encourages transit-oriented development. In addition, the planning proposal does not propose to amend the site's existing B4 Mixed Use zoning.

4.4.6 Bankstown Complete Streets CBD Transport and Place Plan

The Bankstown Complete Streets CBD Transport and Place Plan (Complete Streets Plan) was adopted by Council in October 2019 as the master plan to guide street and transport upgrades in Bankstown City Centre over the next 15-20 years.

The plan aims to achieve the following objectives:

- slower, safer CBD streets for pedestrians, cyclists and motorists;
- better access and wayfinding to key destinations and parking;
- more attractive CBD with high quality footpaths, furniture and landscaping;
- benefit to businesses with more pedestrian activity and improved city image;
- a greener CBD with more trees and shade, cooler streets and reduced carbon emissions; and
- healthier community with more active transport, reduced obesity and improved mental health.

The Complete Streets Plan is an integrated approach to prioritise pedestrian and cycle movements, flexible shared zones with a pedestrian focus, slower vehicle traffic speeds, traffic calming, and safe design.

The Complete Streets Plan includes concept drawings for the Bankstown City Centre and long-term opportunities for enhancement of the City Centre and provide a guide for the detailed design of each street. The Complete Streets Plan was informed by a Traffic Modelling Assessment Report (2019) prepared by GTA Consultants.

Council provided the proponent with the key principles of the Complete Streets Plan which informed the planning proposal. The proposal is considered to be generally consistent with the objectives of the Complete Streets Plan.

Refer to **Section 5.3** of this report for further detail on traffic modelling and transport related matters.

4.5 Local planning panel (LPP) recommendation and Council meeting

Canterbury Bankstown Local Planning Panel

On 7 March 2022, the planning proposal was reported to the Canterbury Bankstown Local Planning Panel (LPP). The LPP made the following recommendations:

1. *The application to amend the Bankstown Local Environmental Plan 2015 proceed to Gateway subject to the following (refer to Figure 4 for a map of the precincts):*
 - a. *Permit a maximum FSR between 3:1 to 7:1 in four separate precincts and an FSR of 3.9:1 for the site overall.*
 - b. *Permit a maximum building height of 86m for the Town Centre Precinct, 83m for the North Terrace Precinct, 50m, 67 and 70m for the Rickard Road Precinct and 35m, 46m and 55m for the Stacey Street Precinct.*
 - c. *Insert a subclause to exclude the subject site from obtaining up to 0.5:1 bonus FSR under Clause 4.4A 'Additional gross floor area for more sustainable development in Bankstown CBD commercial core'. This is to provide certainty regarding the maximum FSRs that will apply to the site.*
 - d. *Remove the site from the existing Special Provisions Map and amend Clause 6.9 to achieve the intended outcomes as follows:*
 - i. *Enable residential development within the Rickard Road Precinct without the need to provide commercial premises or other non-residential purposes on the ground and first floor levels; and*
 - ii. *Stipulate (a) a minimum 50% of non-residential floor space within the Town Centre Precinct and (b) a minimum 40% non-residential floor space across the entire site.*
2. *Before the plan is finalised:*
 - a. *Council exhibits a draft Planning Agreement in accordance with the Letter of Offer received from the proponent to deliver public infrastructure to meet the needs for the future worker, resident and visitor population.*
 - b. *A site specific DCP is prepared and exhibited with the Planning Proposal to define the development controls for the development and ensure close integration with the master planning for the Bankstown CBD, and specify the staging of the future development, as outlined in this report.*
 - c. *Council and the proponent continue to work with Transport for NSW (TfNSW) to address traffic and transport related matters raised in TfNSW's preliminary comments*

received on the Planning Proposal and to resolve the permanent location of the Bankstown bus interchange whether it is located on or off the subject site.

3. *The Planning Proposal and the relevant supporting reports are updated prior to the exhibition of the Planning Proposal.*
4. *After the Planning Proposal, DCP and Planning Agreement have been exhibited, a report be provided to Council outlining submissions received and the proponent's response to the issues raised in this report.*
5. *Council seek authority from the Department of Planning and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.*

The Department notes the following:

- the planning proposal that has been submitted for Gateway determination reflects the parameters outlined under Recommendation 1.
- the planning proposal states Council intends to place the draft DCP amendment on public exhibition alongside the planning proposal.
- the planning proposal states that delivery of social and community facilities and public infrastructure works required to support the redevelopment of the site will be delivered by the proponent as part of a Planning Agreement with Council. This matter will be finalised with the proponent post Gateway.
- Council and the proponent will continue to work with TfNSW to address traffic and transport related matters raised in TfNSW's comments received on the planning proposal and to resolve the permanent location of the Bankstown bus interchange whether it is located on or off the subject site. A Gateway condition is recommended to reflect the above.

Canterbury Bankstown Ordinary Council Meeting

On 26 April 2022, Canterbury Bankstown Council considered the planning proposal and resolved that the planning proposal should proceed to Gateway, subject to conditions (as per the LLP recommendations above).

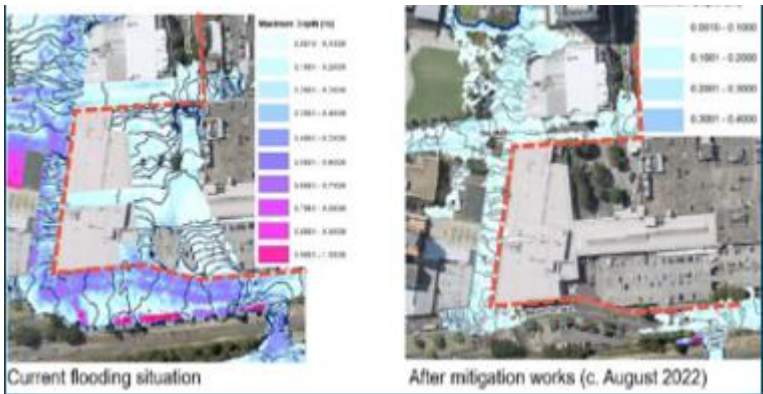
4.6 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 6: 9.1 Ministerial Direction assessment

Directions	Consistent / Inconsistent / Unresolved	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal gives effect to the South District Plan. Refer to section 4.1 for further assessment.</p>
1.4 Site Specific Provisions	Consistent	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The planning proposal seeks to exclude the site from Clause 4.4A which will remove the 0.5:1 maximum bonus applicable to the site. The basis for this is that the proposed FSRs include uplift that</p>

Directions	Consistent / Inconsistent / Unresolved	Reasons for Consistency or Inconsistency
		<p>already factors in the maximum FSR sought to ensure certainty that future development will be able to achieve the FSRs proposed. BASIX requirements and DCP sustainability controls will continue to be applied to future development applications.</p> <p>The proposal also seeks to exclude part of the site from Clause 6.9 so that the northern part of the site (within the Rickard Road Precinct) will be able to be developed with residential apartment buildings without the need to provide non-residential floor space at ground and first floor levels.</p> <p>The planning proposal removes restrictive site specific planning controls and is consistent with the requirements of the direction.</p>
3.2 Heritage Conservation	Consistent	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The site is not identified as being a heritage item or part of a conservation area. In addition, the planning proposal does not propose to introduce, alter or amend the controls applying to heritage items, areas, places or objects.</p> <p>The site is in close proximity to Local Heritage Item I3 (Bankstown Railway Station building and platform) and Local Heritage Item I13 (Shop at 290 South Terrace, Bankstown). A Gateway condition is recommended to consult with Heritage NSW.</p>
4.1 Flooding	Unresolved	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. <p>The site forms part of the Salt Pan Creek upper catchment and is affected by an overland flow path, stretching from Rickard Road to the open channel at North Terrace. Portions of the western side of the site, including the Town Centre Precinct and along Lady Cutler Avenue are classified as 'medium flood risk'.</p> <p>The planning proposal states that as part of the new Western Sydney University (WSU) Bankstown campus tower at 74 Rickard Road, Council identified the inadequate capacity of the existing stormwater system in this part of the Bankstown CBD. Council recommended that further infrastructure works be delivered that would mitigate flooding impacts associated with the WSU</p>

Directions	Consistent / Inconsistent / Unresolved	Reasons for Consistency or Inconsistency
		<p>Bankstown building, noting that these works would include broader stormwater infrastructure beyond the site.</p> <p>The planning proposal states that Council has finalised the decision of the required stormwater infrastructure works and is satisfied that the design, including the culvert works and other associated works, are consistent with the Salt Pan Creek Catchments Floodplain Risk Management Plan and will decrease flooding along the Appian Way and around the WSU Bankstown site, including western side of the Bankstown Central site, as a result of these works. The works are scheduled to commence in 2022. The outcome of these stormwater mitigation works will result in significant reduction in the flooding impacts of the Bankstown Central site, as shown in Figure 13 below.</p>  <p>Figure 13: Flooding maps showing current flooding situation (left) and after Council-led mitigation works are completed (right) (Source: Planning Proposal, 2022)</p> <p>A Gateway condition is recommended for Council to confirm the timing for the stormwater mitigation works and identify the outcomes of these works prior to exhibition. This updated information will be required to allow appropriate consultation to occur with the Department's Environment, Energy and Science team as required by the Gateway determination.</p> <p>Consistency with this direction remains unresolved to allow these requirements to be undertaken.</p>
4.4 Remediation of Contaminated Land	Consistent	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal does not seek to rezone the land to permit any new uses that are not already permissible under the existing zoning.</p> <p>Any remediation will to be managed as part of the development assessment process for future development applications.</p>

Directions	Consistent / Inconsistent / Unresolved	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Unresolved	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) improving access to housing, jobs and services by walking, cycling and public transport, and b) increasing the choice of available transport and reducing dependence on cars, and c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) supporting the efficient and viable operation of public transport services, and e) providing for the efficient movement of freight. <p>This planning proposal capitalises on the new metro station (operational by 2024) and aims to align employment and housing growth with the delivery of city-shaping transport infrastructure.</p> <p>The proposal is reliant on the Complete Streets Plan which addresses traffic and parking generally. However, TfNSW have raised concerns over the modelling used for the planning proposal and the assessment of the associated cumulative impacts.</p> <p>A Gateway condition will be included to ensure consultation is undertaken with TfNSW prior to exhibition of the planning proposal to address transport and traffic issues.</p> <p>Please refer to section 5.3 of this report for further detail.</p>
5.3 Development near Regulated Airports and Defence Airfields	Unresolved	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) ensure the effective and safe operation of regulated airports and defence airfields; b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. <p>This Direction applies as it seeks to alter development standards in proximity to Bankstown Airport. The site is located approximately 3km east from Bankstown Airport.</p> <p>The planning proposal is supported by a Preliminary Aeronautical Assessment Report. It states that the intended building height (as shown in the accompanying concept scheme) is a maximum height of 107.8m AHD which is below the PANS OPS surfaces at both Bankstown and Sydney Airports. However, it will infringe the Inner</p>

Directions	Consistent / Inconsistent / Unresolved	Reasons for Consistency or Inconsistency
		<p>Horizontal Surface of the OLS for Bankstown Airport of 51m AHD by 56.08m AHD.</p> <p>The planning proposal report appears to incorrectly state that the planning proposal complies with the Obstacle Limitation Surface of 108.2m AHD which is instead the PANS OPS.</p> <p>A Gateway condition is recommended to require the planning proposal to be updated to clearly respond to the requirements of this Direction. This should include obtaining permission from the responsible Department of the Commonwealth should the planning proposal seek to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the <i>Airports Act 1996</i>.</p> <p>The planning proposal area is not located within an Australian Noise Exposure Forecast 20 area. Acoustic attenuation considerations for future development are therefore not required.</p>
6.1 Residential Zones	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) encourage a variety and choice of housing types to provide for existing and future housing needs, b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) minimise the impact of residential development on the environment and resource lands. <p>The planning proposal increases residential capacity within a strategic centre which well serviced by transport and infrastructure.</p>
7.1 Business and Industrial Zones	Consistent	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) encourage employment growth in suitable locations, b) protect employment land in business and industrial zones, and c) support the viability of identified centres. <p>The proposal facilitates increased FSR and employment generating floor space (approximately 10,215 new jobs).</p> <p>The proposal will retain the existing B4 Mixed Use Zoning of the land that permits commercial premises and therefore the scope for employment generating uses across the site remains unaffected by the proposal.</p>

4.7 State environmental planning policies (SEPPs)

The planning proposal is generally consistent with all relevant SEPPs as discussed in the table below.

Table 7: Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Housing) 2021	The principles of the Housing SEPP seek to provide diversity in housing and encourage affordable and rental housing. The Housing SEPP also promotes the delivery and maintenance of affordable housing and establishes a mechanism for the imposition of conditions relating to affordable housing contribution	Unresolved	<p>The proposal seeks to provide additional housing opportunities consistent with Council's Local Housing Strategy.</p> <p>The site is not included in the draft Bankstown Affordable Housing Contributions Scheme planning proposal (PP-2022-1153).</p> <p>The planning proposal indicates that Council has accepted that affordable housing will not be a requirement of the proposal if the required minimum employment generating floor space is delivered across the site.</p> <p>Refer to Section 4.4 of this report for further detail.</p>
State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development	SEPP 65 aims to improve the design quality of residential apartment development in New South Wales	Unresolved	<p>The planning proposal states that the concept masterplan has been developed in accordance with the principles of SEPP 65 and the accompanying Apartment Design Guide (ADG) with regard to amenity, building separation, solar access and impacts upon both residents and neighbouring buildings.</p> <p>There is currently insufficient information provided to demonstrate this has occurred. Therefore, a Gateway condition for the proponent to provide an assessment of the proposal against the key provisions of SEPP 65 and the ADG, including adequate solar access and building separation. The planning proposal must demonstrate that a concept design is capable of achieving general compliance with SEPP 65 and the ADG.</p>

SEPPs	Requirement	Consistent/ Inconsistent/ Unresolved	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Transport and Infrastructure) 2021	The Transport and Infrastructure SEPP establishes the requirements for proposals that are likely to place an increased demand on infrastructure, services and facilities.	Unresolved	The proposal is generally consistent with the Transport and Infrastructure SEPP, however TfNSW has raised concerns over the modelling used to assess the transport and traffic impacts. See Section 5.3 of this report for further detail.

5 Site-specific assessment

5.1 Environmental

5.1.1 Biodiversity

The site is currently developed with buildings and hard surface car parking. The planning proposal does not affect any critical habitat or threatened species, populations or ecological communities, or their habitats.

5.1.2 Urban Structure and Connectivity

The planning proposal states that Council has considered the urban design structure for the site over a number of years through discussions with the landowner. It states that the supporting concept development incorporates key urban design principles development by a Council commissioned Urban Design Study prepared by SJB Architects in 2019. This included a Structure Plan (**Figure 14**) which recommends the following:

1. Appian Way is the primary north south pedestrian link for the centre;
2. a new central open space of approximately 5,000sqm;
3. Jacobs Street extended between Rickard Road and North Terrace;
4. east West link as an extension of The Mall running between Jacobs Street and Lady Cutler Drive;
5. land bound by the Appian Way, Rickard Road, Jacobs Street and North Terrace to be reserved for commercial land uses. Residential land uses to be discouraged;
6. pedestrian linkages between North Terrace and the new east west link;
7. active frontages onto all streets and open spaces;
8. breaking up the site into smaller, finer grained blocks with new roads and internal pedestrian connections to make the site more accessible, outward facing and integrated with the surrounding area and more permeable for pedestrians;
9. arrange public transport facilities to facilitate the movement of people to the centre and interchanging with other transport modes; and
10. encourage walking by locating car parking on the periphery of the centre.

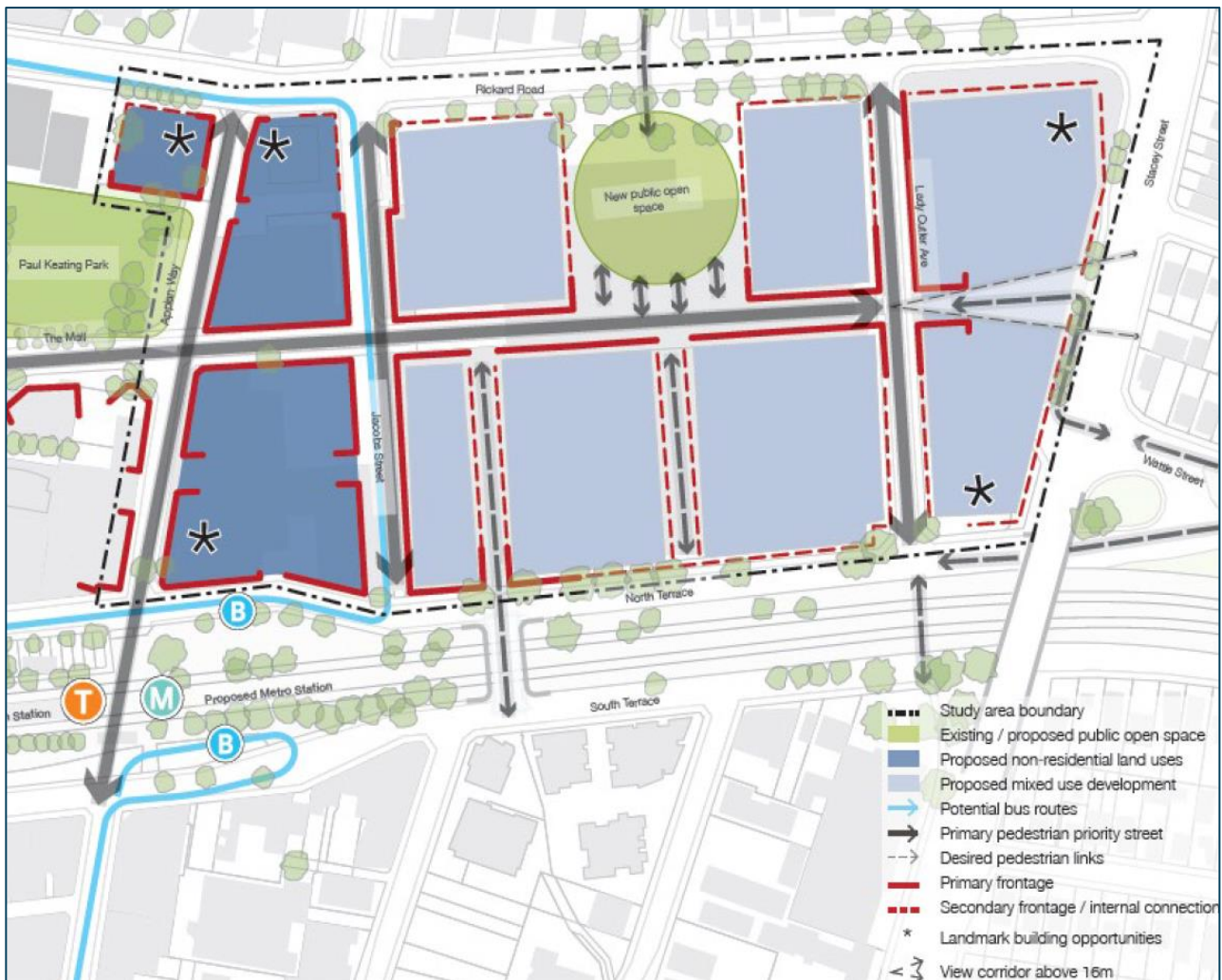


Figure 14: SJB recommended Structure Plan (Source: Planning Proposal, 2022)

The planning proposal states that most of the design principles are reflected in the proponent's scheme (see **Figure 15**). However, there are some differences including:

- the main east-west link is to the north of The Mall;
- the extension of The Mall through the site is to be pedestrian only and an internalised link through the shopping centre rather than an 'open to the air' thoroughfare;
- no new north south links between The Mall and North Terrace due to the retention of the core central areas of the existing shopping centre;
- no active street frontages are proposed to parts of the site including to Rickard Road a result of residential uses proposed at ground floor level;
- no changes to the Stacey Street Precinct in terms of providing pedestrian links.

These differences are mainly a result of the current intention to retain the existing shopping centre building footprint. Council states that whilst an "open to sky" east west link as an extension to The Mall is not proposed in the proponent's scheme, it is Council's position that this does not prevent such a thoroughfare being delivered as a longer term outcome for the site.

A Gateway condition is recommended to provide further information on this matter including providing the 2019 SJB Urban Design Study as part of the exhibited planning proposal. The planning proposal should provide a detailed response to the SJB recommendations and why the subject scheme is acceptable particularly for matters such as pedestrian connectivity. This is considered important to address as part of this planning proposal when considering an acceptable overall building density across the site.

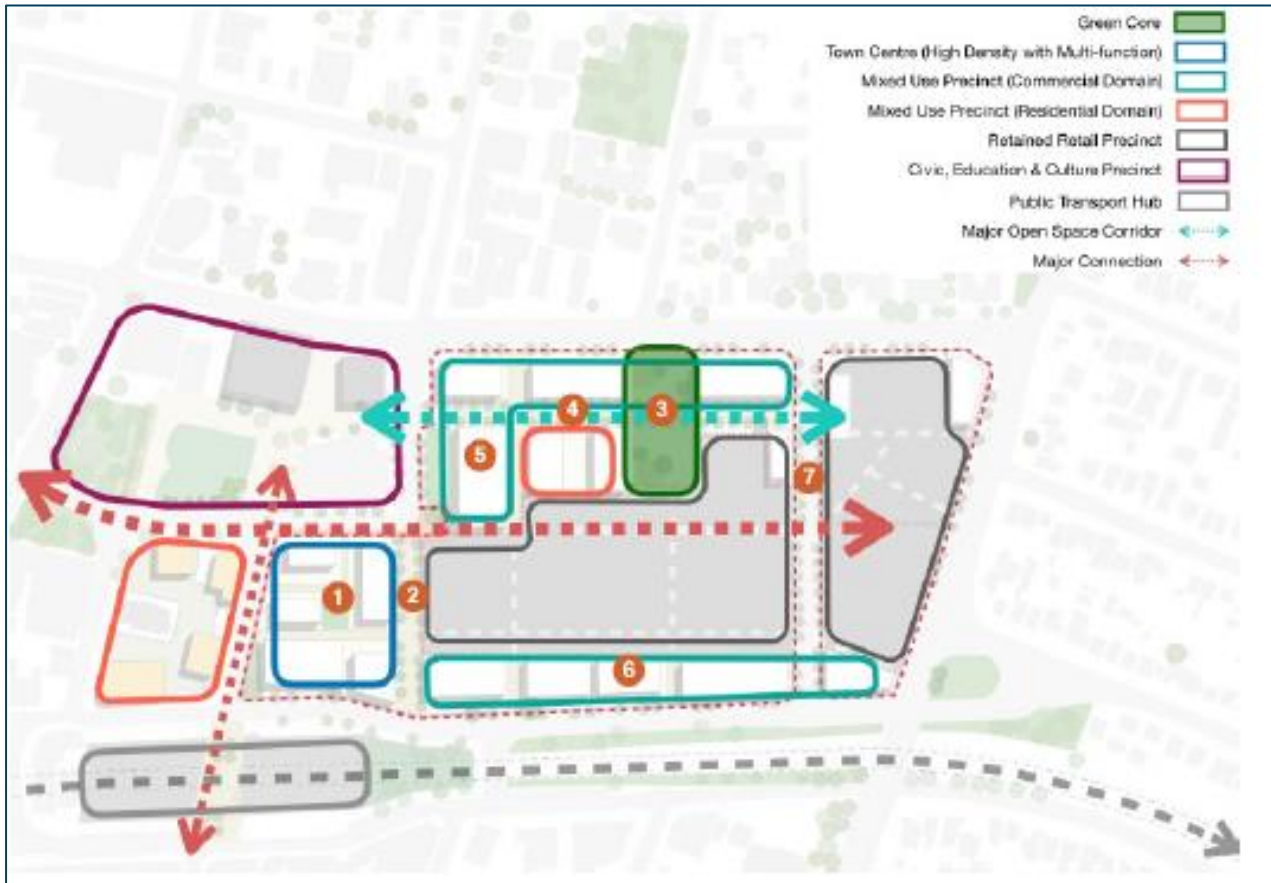


Figure 15: Proponent's site master plan (Source: Planning Proposal, 2022)

5.1.3 Building Height and Density

The proposed increase to building heights and densities across the site intends to respond to context of the site within a strategic centre. The site provides an opportunity to appropriately accommodate additional density and height that can achieve amenity for future residents and the community.

The Department is satisfied that the intention to increase permissible building heights and density across the site responds to the context of the site in a strategic centre, particularly given the recent approvals for uplift at the Compass Centre and Western Sydney University Campus (see Section 1.4 of this report for further detail). However, further information is required to address:

- the relationship of the site to heights and densities being proposed to neighbouring land as part of the implementation of the Bankstown CBD Masterplan and associated planning proposal;
- clarification of SEPP 65 and Apartment Design Guide (ADG) analysis;
- clarification of the delivery of sufficient public open space/pedestrian connectivity; and
- clarification of aeronautical limitations for building heights.

Gateway conditions are recommended to address these matters.

5.1.4 Public Open Space

The Urban Design Study prepared by SJB Architects in 2019 for Council identified the need for the site to provide a public park of around 5,000sqm. This was further reinforced by the Community and Social Infrastructure Needs Peer Review commissioned by Council during the assessment of the planning proposal which recommended that a consolidated city park of at least 0.5ha up to 2ha is provided on site, with no walking/cycling path puncturing the centre and splitting the park in two pieces.

The Letter of Offer and concept design submitted by the proponent includes new public open spaces such as a new 5,000sqm public park along the northern portion of the site (fronting Rickard Road) as well as pedestrian focussed plazas. The proponent states that it will deliver the works and create an easement over the park in favour of Council to facilitate public access.

It is noted that the Community Infrastructure Needs Peer Review also recommends that in addition to the provision of a city park, a park of at least 0.15ha is to be provided on the eastern block (Stacey Street Precinct). This additional open space has not been included as part of the planning proposal.

A Gateway condition is recommended for Council to provide further justification on the open space provided and to address the comments and recommendations within the Community Infrastructure Needs Peer Review.

5.1.5 Solar Access and Overshadowing

The planning proposal states that based on the preliminary overshadowing modelling the building heights will not adversely impact any key existing and proposed public open space, with the highest increases in heights clustered around the train line and train station. It states that the majority of the overshadowing will fall onto the railway corridor to the south of the site, to the east of the future Metro Station.

Council indicated that development objectives and controls will be included in the site-specific DCP to ensure future development maintains acceptable solar access for adjoining public spaces, key streets within Bankstown and sensitive uses such as residential dwellings.

However, it is unclear whether the planning proposal has considered the solar access and overshadowing impacts from the Bankstown City Centre planning proposal (PP-2022-1153) or overshadowing to development south of the railway line. The Bankstown City Centre planning proposal (PP-2022-1153) seeks to increase the permissible building height along the northern side of Rickard Road which could impact the solar access for the proposed towers and open space on the Bankstown Shopping Centre site.

A Gateway condition is recommended for clear and updated solar access analysis to be provided which considers the Bankstown City Centre planning proposal and demonstrates consistency with SEPP 65 and the ADG.

5.2 Social and economic

5.2.1 Social Impacts

The planning proposal outlines the intent to facilitate the delivery of the following social outcomes:

- opportunity for residents to live closer to jobs and services;
- diverse housing for the community including students and key workers in appropriate locations;
- a new 5,000sqm public park along Rickard Road including a playground and urban plaza;
- a new 1,000sqm multi-purpose facility for 2 indoor courts;

- a new 200sqm incubator space; and
- public domain improvements to be enjoyed by residents, workers, students and visitors in Bankstown.

It is noted that some of these outcomes are intended to be delivered through a Voluntary Planning Agreement.

As discussed, a Gateway condition is recommended to require further justification of public open space provision and to address the comments and recommendations within the Community Infrastructure Needs Peer Review.

5.2.2 Economic Impacts

The planning proposal indicates that the development will facilitate approximately 10,215 additional jobs at full capacity. The jobs generated by the proposal are considered to have a considerable impact on the local economy given the proportion of jobs that could be created.

Council commissioned an independent peer review of the Market Depth Assessment and Development Potential Assessment prepared by the proponent. The peer review found that the economic analysis undertaken is generally acceptable in context of the strategic policy direction, however some clarifications are recommended to be sought from the applicant prior to finalisation of the planning proposal. These clarifications include:

- assess level of impact of proposed commercial office space on other centres in the Local Government Area;
- assess current commercial office stock and market to clarify underlying and developing demand and uptake of commercial stock;
- consideration of existing short-term accommodation in the area and clarification of how catchment share estimates were calculated to establish visitor nights;
- further details on the likely mix of tenancies in the proposed additional retail floor space; and
- refining student population numbers for the Bankstown Western Sydney University campus and longer-term targets within Council's LSPS.

A Gateway condition is included to ensure the economic feasibility matters identified above are addressed prior to exhibition.

5.3 Infrastructure

5.3.1 Transport and Traffic

To assist in assessing the proposal for Gateway determination, it was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the supporting transport impact assessment and identified technical issues required to be addressed. Gateway conditions were requested including:

- the applicant will complete, to the satisfaction of TfNSW all traffic modelling and transport planning requirements specified in its correspondence;
- the planning proposal be updated to demonstrate the site's development capacity based on transport constraints applying to the land within the wider Bankstown Town Centre Master Plan area defined by the Bankstown Town Centre Master Plan; and
- the planning proposal be updated to provide an evidence base in terms of methodology, assumptions, and calculations for the development potential reflected in proposed height and FSR standards and how there are related to traffic and transport constraints and future requirements.

Conditions of Gateway are recommended to adequately address these comments from TfNSW.

5.3.2 Public Infrastructure

Council has identified that public infrastructure will be required for traffic, public domain works and social infrastructure to support the development afforded by the planning proposal. Council resolved to undertake further work at the post-Gateway stage to determine the extent of infrastructure required, consult with the community and consult with State agencies.

The planning proposal states that a Voluntary Planning Agreement will then be prepared consistent with the commitments within the Letter of Offer to ensure that the future development of the site is linked to the delivery of required infrastructure, to be delivered over several stages for the 20-30 year timescale of the proposal.

A Gateway condition is included to ensure infrastructure requirements and funding mechanisms are clarified prior to exhibition, including consideration of the Canterbury-Bankstown Local Infrastructure Contributions Plan 2022.

5.3.3 Utilities, Waste Management and Recycling Services

The planning proposal will generate greater demand for electricity, gas, water and sewer services from higher and more intense development permitted by the new planning controls. The planning proposal indicates that consultation with key service providers will also need to occur as part of the planning proposal exhibition process.

A Gateway condition is included to ensure Council consults with relevant service providers during the exhibition of the planning proposal.

6 Consultation

6.1 Community

Council proposes a community consultation period of 30 days. The exhibition period proposed is considered appropriate.

The planning proposal states the exhibition will include:

- notification in the local newspaper that circulates in the area affected by this planning proposal;
- display on Council's 'Have Your Say' website; and
- written notification to affected and adjoining property owners.

6.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Civil Aviation Safety Authority;
- Commonwealth Department of Infrastructure, Regional Development and Cities;
- Department of Education;
- Department of Planning and Environment – Environment, Energy and Science Group;
- Heritage NSW;
- NSW Health;
- Bankstown Airport Corporation Limited;
- Relevant service providers;

- South Western Sydney Local Health District;
- Sydney Water;
- Sydney Trains;
- Sydney Metro; and
- Transport for NSW.

7 Timeframe

Council proposes a 12-month time frame to complete the LEP.

The Department recommends a time frame of 12-months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Due to the strategic importance of the site and unresolved matters, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is consistent with, and gives effect to the South District Plan and Local Strategic Planning Statement – Connective City 2036;
- is generally consistent with the section 9.1 Directions, noting Directions 4.1 and 5.1 remains unresolved;
- it is generally consistent with relevant State Environmental Planning Policies;
- any inconsistency or unresolved consistency with relevant section 9.1 Directions, will be addressed by way of Gateway conditions before public exhibition and/or during public exhibition; and
- it confirms the role of Bankstown as a strategic centre by facilitating increased capacity for commercial and residential uses in the City Centre and in close proximity to public transport.

10 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with the following section 9.1 Directions are unresolved and will require further justification:
 - 4.1 Flooding
 - 5.1 Integrating Land Use and Transport
 - 5.3 Development near Regulated Airports and Defence Airfields

It is recommended 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 updated to:
 - a. address consistency with Ministerial Direction 4.1 Flooding by confirming the timing for stormwater mitigation works and identify the flooding outcomes to the Bankstown Central Shopping Centre site.
 - b. address consistency with Ministerial Direction 5.1 Integrating Land Use and Transport by consulting and addressing matters raised by Transport for NSW including:
 - the need to satisfy TfNSW's traffic modelling and transport planning requirements;
 - the demonstration of the site's development capacity based on transport constraints applying to the subject land and within the wider Bankstown Town Centre Master Plan Area defined by Councils Bankstown Town Centre Master Plan;
 - the need to provide an evidence base in terms of methodology, assumptions, and calculations for the development potential reflected in proposed height and FSR standards and how these are related to traffic and transport constraints and future requirements; and
 - clarification on the permanent location of the Bankstown bus interchange.
 - c. address consistency with Ministerial Direction 5.3 Development near Regulated Airports and Defence Airfields to clearly respond to the requirements of this Direction. This includes clarifying any intrusions into protected airspace and subsequent approvals from the relevant Commonwealth department.
 - d. include an updated urban design assessment that:
 - provides supporting built form testing and analysis including adequate solar access and building separation to address SEPP 65 and Apartment Design Guideline requirements. Should this not be adequately demonstrated, a reduction in the proposed planning controls may be required;
 - provides further justification on the open space provided and addresses the comments and recommendations within the Community Infrastructure Needs Peer Review;
 - clarifies the extent of deep soil planting intended to be delivered across the site; and
 - addresses the integration with the Bankstown Central Shopping Centre (PP-2022-1898) planning proposal, particularly in relation to proposed heights, densities, solar access/overshadowing, development incentives, and connectivity.
 - e. provide further justification on the removal of the sustainability bonus (Clause 4.4A) for this site, particularly given the Bankstown City Centre planning proposal (PP-2022-1153) proposes to amend Clause 4.4A to apply more broadly across the Bankstown City Centre and to update the clause to meet current best practice standards for supporting Council's objective of achieving net zero emissions by 2050.
 - f. include an updated market depth/development potential assessment that:
 - assesses the level of impact of proposed commercial office space on other centres in the Local Government Area;
 - assesses the current commercial office stock and market to clarify underlying and developing demand and uptake of commercial stock;
 - considers the existing short-term accommodation in the area and clarification of how catchment share estimates were calculated to establish visitor nights;

- provides further details on the likely mix of tenancies in the proposed additional retail floor space; and
 - refines the student population numbers for the Bankstown Western Sydney University campus and longer term targets within Council's Local Strategic Planning Statement.
- g. address and consider an LEP requirement for affordable housing in accordance with the objectives and intent of council's Affordable Housing Strategy.
 - h. confirm public infrastructure requirements, funding mechanisms such as the Canterbury Bankstown Contributions Plan 2022, and staging of delivery, including details relating to the Letter of Offer by the proponent.
 - i. include a full set of draft LEP maps.
2. Prior to commencement of community consultation, Council must consult with Sydney Airport and the Commonwealth Department of Infrastructure, Regional Development and Cities. Should Council be advised that permission is required in accordance with (2)(d) of section 9.1 Direction 5.3 and/or the *Airports Act 1996*, this permission must be granted prior to commencement of community consultation.
 3. The planning proposal is to be revised to address Conditions 1 and 2 above and forwarded to the Department for review and approval prior to the commencement of community consultation.
 4. Prior to finalisation, the planning proposal is to be updated to respond to any requirements arising from the NSW Government's Flooding Inquiry.
 5. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - a. the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 30 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 5 months following the date of the gateway determination.

6. Consultation is required with the following public authorities:
 - Civil Aviation Safety Authority;
 - Commonwealth Department of Infrastructure, Regional Development and Cities;
 - Department of Education;
 - Department of Planning and Environment – Environment, Energy and Science Group;
 - NSW Heritage;
 - Bankstown Airport Corporation Limited;
 - Relevant service providers;
 - South Western Sydney Local Health District;
 - Sydney Water;
 - Sydney Trains;
 - Sydney Metro; and

- Transport for NSW.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

7. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
8. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
9. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



17 October 2022

Kris Walsh

Manager, Place & Infrastructure



20 October 2022

Laura Locke

Director, Eastern and South Districts

Assessment officer

Dean Spanos

Senior Planning Officer, East and South