

4 February 2022

Canterbury Bankstown City Council
PO Box 8
BANKSTOWN NSW 1885

By Email:
Patrick.Lebon@cbc.city.nsw.gov.au

Attention: Patrick Lebon, Senior Strategic Planner

Dear Patrick,

Bankstown Central Shopping Centre Planning Proposal, 1 and 1A North Terrace, Bankstown

Vicinity PM Pty Ltd (the **Proponent**) has prepared the following offer to enter into a voluntary planning agreement (**VPA**) under section 7.4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* with Canterbury-Bankstown City Council (**Council**) in connection with the planning proposal for Bankstown Central Shopping Centre lodged in December 2019 (**Planning Proposal**)

Land to which the VPA relates

This offer relates to the land known as Bankstown Central Shopping Centre which comprises the following allotments (the **Land**):

Lot 1 DP 795649; Lot 45 DP 618721; Lot 1 DP 1289891; Lot 11 DP 746201; Lot 1 DP 128989; Lot 22 DP 1117290; Lot 89A DP 405477; Lot 1 DP 237386; Lot 23 1117290; Lot 26 DP 1142237; Lot 31 DP 1142236; Lot 18 DP 1117290.

Background

The Planning Proposal seeks to retain the existing B4 zoning but establish site-specific height, FSR and setback controls for the Land with an increase to the overall maximum density available to be obtained under *Bankstown Local Environmental Plan 2015 (BLEP 2015)* from 3.5:1 to 3.923:1. It will also introduce residential uses to the northern parts of the Land at ground level – noting that residential flat buildings are already permissible in the B4 zone. The Planning Proposal is accompanied by a detailed concept masterplan, development control plan and an indicative staging plan that allows a staged redevelopment of the shopping centre so that it can continue to function and provide key community services whilst parts of the Land are developed and revitalised.

The concept masterplan included in the Planning Proposal also contemplates, among other things:

- Reconfiguration of the existing shopping centre layout to accommodate additions and upgrade to the retail experience.
- Development of approximately 19 towers containing a mixture of uses across the Land.
- Provision of open spaces such as a 5,000sqm city park and green boulevards acting as places of recreation and through site links which will be activated and contribute to placemaking and the night-time economy.
- The Town Centre Precinct will deliver a minimum 50% employment generating floor space and the overall masterplan will generate 40% employment generating floor place including the existing retail centre.

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ABN 88 149 781 322
as responsible entity for:
Vicinity Centres Trust ARSN 104 931 928

- Delivery of public art under the site specific DCP within the site which will be informed by a Public Art Plan prepared by Vicinity prior to exhibition, including Aboriginal heritage interpretation.
- Upgrade of the footpaths along the frontages of the new buildings around the perimeter of the site to the Complete Streets requirements between the boundary of the Land and the new kerb alignment, with immediately adjacent portions of intersections upgraded to the extent they require modification to facilitate the development of the site over time.
- In addition to the main 5,000sqm park, various open spaces are proposed and will be further developed as part of Development Applications for each Precinct of the development of the site.
- A high standard of sustainability which allows the base FSR to increase from 3:1 to 3.5:1 under Council's sustainability bonus scheme currently available via clause 4.4A.
- The Proponent intends to provide a Statement of Intent in January 2022 regarding future affordable housing provision at the site, noting this will not be a mandatory requirement if employment generating floor space of 50% for the Town Centre Precinct and 40% across the site, including the Town Centre Precinct and existing shopping centre, will be delivered. However, this will be explored by the Proponent as residential uses are originated in accordance with the detailed concept masterplan.

Proposed development to which the VPA relates

The proposed VPA relates to future development that relies on the Planning Proposal, if the Planning Proposal is approved in its current form, noting responses provided by Urbis on 24 December 2021 on the final items regarding the Planning Proposal.

Parties to the VPA

The parties to the VPA will be the registered proprietors of Bankstown Central being Vicinity Bankstown Pty Ltd ACN 154 325 158 in its capacity as trustee of the Vicinity Bankstown Trust ABN 77 007 413 771 and Fidante Partners Services Limited ACN 119 605 373 in its capacity as trustee of The Bankstown Trust ABN 31 934 700 534.

Nature and timing of public benefits/contributions offer under the VPA

The nature and extent of the contributions offered under the VPA and the time and manner by which the contributions will be made, are as follows:

Item	Description	Milestone / Comment
1	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.	<p>To be delivered in stages with the northern portion of the park to be delivered prior to the issue of the Occupation Certificate (OC) for Towers L and M.</p> <p>The southern portion of the park to be delivered prior to the issue of the OC for Towers Q and R.</p> <p>An easement is to be created to allow public access to the Public Park. The easement will include a public positive covenant requiring maintenance to be the responsibility of the landowner</p>

Item	Description	Milestone / Comment
		<p>with temporary and limited interruptions allowed for maintenance and pop-up events.</p> <p>The works will generally align with the Landscape Concept Master Plan in the Planning Proposal. The scope of works to be finalised prior to commencement of works in agreement with Council provided that the estimate costs of those works to design and construct the park is no more than \$5.5m excluding demolition and costs associated with reconfiguring the Centre to construct the park.</p>
2	<p>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.</p>	<p>The Proponent to demolish improvements within the nominated extension area and hand over to Council prior to OC being granted for the Town Centre Precinct development to allow TfNSW or Council to construct the road and configure the land as a shared pedestrian and bus stop area with the final design and configuration to be agreed between the three parties.</p> <p>Upon completion of the road reserve improvements, the land will be subdivided, and ownership transferred to Council. All costs associated with the land subdivision will be borne by the Proponent.</p>
3	<p>Deliver a 1,000sqm Multi-Purpose Facility (MPF) for 2 indoor courts and enter into long term lease with Council to operate.</p>	<p>Council to provide the Proponent with a 30-year triple net lease for \$1 net rent plus outgoings including land tax in relation to the MPF. The intention being the MPF is leased with a “peppercorn” rent with ongoing maintenance and operational costs to be borne by Council and offset with income generated from its operation.</p> <p>The Proponent and Council are to mutually agree a suitable location for the MPF that does not impact the delivery of the Planning Proposal outcomes and the operation of the existing retail centre. In this respect it is anticipated that the work scope of the facility will be in the order of \$4 million. Once a suitable location and detailed work scope is agreed between the parties, the delivery of the MPF would be concurrent with the development of the proposed precinct stage within the detailed concept masterplan. The delivery of the MPF will be subject to DA approval and the MPF GFA is to be allocated based on bonus GFA over and above the FSR allocated to the Land as shown on the FSR map or otherwise available to the site.</p> <p>Should a suitable location not be identified and agreed between the parties by the time of issue of the construction certificate for the Rickard Road Precinct (excluding those relating to existing development applications and development consent DA 528/2020 and that don’t rely on the Planning Proposal), the Proponent will provide a monetary contribution of up to a maximum of \$4 million</p>

Item	Description	Milestone / Comment
		towards the construction of a similar facility to be delivered elsewhere within the Bankstown area by Council. Payment timing will be subject to Council entering into a formal agreement for the construction of the new facility.
4	Deliver 200sqm of Incubator Space to be fitted out as a warm shell open plan layout suitable for use as office space and enter into long term lease with Council to operate.	<p>Council to provide the Proponent with a 30-year triple net lease for \$1 net rent plus outgoings including land tax. The intention being the Incubator Space is leased with a “peppercorn” rent with ongoing maintenance and operational costs to be borne by Council and offset with any income generated from its operation.</p> <p>The Proponent and Council are to mutually agree a suitable location for the facility that does not impact the delivery of the Planning Proposal outcomes and the operation of the existing retail centre. Once a suitable location is agreed between the parties, the delivery of the Incubator Space would be concurrent with the development of the proposed precinct stage within the detailed concept masterplan. The delivery will be subject to DA approval and the Incubator Space’s GFA is to be allocated based on bonus GFA over and above the FSR allocated to the Land as shown on the FSR map or otherwise available to the site.</p>
5	Completion of proposed town centre separated cycleway along Rickard Road and Appian Way frontages to the site in accordance with Complete Streets requirements.	Extension of cycleway along the southern side of Rickard Road between Stacey Street and Jacobs Street and along the eastern side of Appian Way between The Mall and North Terrace. Works to be delivered in accordance with Complete Streets requirements and staged to align with the delivery of each adjoining building within the detailed concept masterplan.

Timing and commencement

The VPA will be agreed and entered into before gazettal of the amendment to the local environmental plan that gives effect to the Planning Proposal. The VPA would take effect upon execution but with key obligations not coming into effect until development is pursued pursuant to the amended LEP.

The obligations to provide any security and contributions will occur in stages upon implementation of future development consents (prior to issue of construction or occupation certification) and prior to finalisation of works. The VPA will apply to any development application that relies on the LEP amendment as outlined in the Planning Proposal and will not apply to any exempt and complying development, demolition works, including (but not limited to) approved development applications; Mixed-use DA ref: 528/2020 and Bus Relocation DA ref: 529/2020.

Enforcement

Enforcement will be by way of caveat or registration of the VPA on the title of the Land, and a bond or guarantee to be issued for the value of the works in each proposed development stage prior to release of the construction certificate for the stage in which the public benefit is to be delivered. The Proponent retains the right to amend the staging of the development in the future.

Conditions of the VPA offer

The Proponent's offer is contingent on the requirements set out with this offer. Please note that there are certain items that are being provided as part of the VPA offer and Planning Proposal masterplan, that are specifically nominated in the s7.12 Contributions Plan. An agreed offset against those contributions is to be provided to the Proponent under the relevant Development Applications.

Conclusion

The Proponent understands the next steps are to circulate the offer presented in this letter to the relevant Council officers and for Council to prepare the relevant report for the February 2022 Local Planning Panel. Following the Council's endorsement of the essential terms of the Letter of Offer, the Planning Proposal can be issued to the Department for Gateway determination. Post Gateway determination, a draft VPA can be prepared and placed on public exhibition with the Planning Proposal.

If you require any additional information or wish for us to meet and elaborate further on the above items, please do not hesitate to contact the undersigned.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Chris Pratt", is written over a light blue horizontal line.

Chris Pratt
Project Director
Vicinity Centres