

10 July 2023

Canterbury Bankstown City Council
PO Box 8
BANKSTOWN NSW 1885

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

Attention: Patrick Lebon, Coordinator Strategic Assessments

Dear Patrick,

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

Vicinity PM Pty Ltd (the **Proponent**) has prepared the following revised 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 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 including 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 over time.

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

- Reconfiguration of the existing shopping centre layout to accommodate additions and deletions 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 boulevard 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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and Vicinity Centres RE Ltd
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 UAP for Vicinity dated September 2022, 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 city 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.
- The Proponent has worked with Council to incorporate affordable housing provision at the site into the site specific Development Control Plan (DCP), noting this will not be a mandatory requirement if employment generating floor space of 40% across the site, including the existing shopping centre, will be delivered.

Proposed development to which the VPA relates

The public benefits proposed in the VPA will be required for future development that relies on the Planning Proposal, if the Planning Proposal (and associated DCP) is approved in its current form (**Development**). It also assumes and relies on TfNSW not requiring more than a 20m road width for the Jacobs Street extension upon which the concept masterplan has been designed.

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 outlined in Annexure A of this letter. The value of the contributions will be indexed with the Incubator Space and Multi-Purpose Facility indexing to commence from 1 January 2027.

Timing and commencement

The VPA will be agreed and entered into before gazettal of the amendment to the local environmental plan (**LEP**) that gives effect to the Planning Proposal. The VPA would take effect upon execution but with key obligations not coming into effect until the gazettal of the amendment to the LEP as contemplated in the Planning Proposal and 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 as indicated in Annexure A. The VPA will apply to any development application that relies on the LEP amendment as outlined in the Planning Proposal (**Development**) 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.

Offsets

There are certain items that are being provided as part of the VPA offer and Planning Proposal masterplan, that are specifically nominated in the s7.11/12 Contributions Plan. An agreed offset against those contributions is to be provided to the Proponent under the relevant Development Applications in respect of the works undertaken under the VPA (if applicable) on Rickard Road (Item 3) with respect to a separated cycle way and The Appian Way (Item 4) with respect to a shared path zone.

Conditions of the VPA offer

The Proponent's offer is contingent on the requirements set out with this offer. It is anticipated the planning agreement will have additional details (without limitation and subject to agreement of the parties) such as defects liability for 12 months, facilitation of access to Council land where necessary, ability to defer the works, dispute resolution and enforcement clauses.

Conclusion

The Proponent understands the next steps are to include this offer in the documentation to be put to public exhibition on or about 26 July 2023. It is intended for the draft VPA to be finalised over the coming weeks and to then be placed on separate public exhibition as soon as possible.

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".

Chris Pratt
Project Director
Vicinity Centres

Annexure A – Contribution items and timing
Annexure B – Specifications
Annexure C – Building Layout Plan
Annexure D – Jacobs Street Extension Dedication Plan
Annexure E - Extent of Rickard Road and Appian Way Cycle Way

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Annexure A – Contribution Items

Note: references to Precincts and Tower letters in this Annexure are as per the Building Layout Plan in Annexure C of this letter.

Column 1 – Contribution Item	Column 2 – Manner, Extent & Specifications	Column 3 – Timing	Column 4 – Estimated Contribution Value	Column 5 – Timing for provision of security
Carrying out of Work				
1. Construction of Stage 1 Public Park	Carrying out and completion of Stage 1 Public Park in the location and in accordance with the Park Specifications in Annexure B of this letter.	Prior to the issuing of the Occupation Certificate for the Development which, when added to all prior Occupation Certificates that have been issued, authorises the occupation of the 65,000 th sqm of GFA for residential purposes in the Development or prior to the issuing of the Occupation Certificates for both Towers L and M, being the two towers immediately to the west and east of the Stage 1 Public Park along Rickard Road, whichever is earlier.	\$1,815,000 excluding GST and excluding demolition.	Prior to the issue of the Construction Certificate that authorises the construction of the 65,000 th sqm of GFA for residential purposes in the Development or prior to the issue of the Construction Certificate for either Tower L and M, being the two towers immediately to the west and east of the Stage 1 Public Park along Rickard Road, whichever is earlier

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Column 1 – Contribution Item	Column 2 – Manner, Extent & Specifications	Column 3 – Timing	Column 4 – Estimated Contribution Value	Column 5 – Timing for provision of security
2. Construction of Stage 2 Public Park	Carrying out and completion of Stage 2 Public Park in the location and in accordance with the Park Specifications set out in Annexure B of this letter.	Prior to the issuing of the Occupation Certificate for the Development which, when added to all prior Occupation Certificates that have been issued, authorises the occupation of the 155,000 th sqm of GFA for residential purposes in the Development.	\$3,685,000 excluding GST and excluding demolition.	Prior to the issue of the Construction Certificate that authorises the construction of the 155,000 th sqm of GFA for residential purposes in the Development.
3. Construction of separated cycle way on Rickard Road	Construction and completion of a 2.5m wide separated cycle way zone along Rickard Road in the location and to the extent identified in Annexure E of this letter. Council may elect to construct this in lieu of the Developer in which case this contribution item will not apply.	Prior to the issuing of the first Occupation Certificate for the first building in the part of the Development within the Rickard Road (North) Precinct that has a frontage to Rickard Road (Towers L and M) but excluding Stage 1 (Bankstown Exchange).	If completed by the Developer, the entire contribution value is to be offset against Development Contributions under s7.11/s7.12 of the Act as per clause 3.9(c) at a rate of \$1,938.10 (excluding GST) per linear metre of the cycle way.	Prior to the issue of the first Construction Certificate for the Development within the Rickard Road (North) Precinct that has a frontage to Rickard Road (Towers L and M) but excluding Stage 1 (Bankstown Exchange).
4. Construction of shared path zone on The Appian Way	Construction and completion of a 3.6m wide shared path zone along The Appian Way between The Mall and North Terrace in the location and to the extent identified in Annexure E of this letter. Council may elect to construct this in lieu of	Prior to the issuing of the first Occupation Certificate for the first building in part of the Development within the Town Centre Precinct that has a frontage to The Appian Way.	If completed by the Developer, the entire contribution value is to be offset against Development Contributions under s7.11/s7.12 of the Act as per clause 3.9(c) at	Prior to the issue of the first Construction Certificate for the first building in part of the Development within the Town Centre Precinct that has a frontage to The Appian Way.



Column 1 – Contribution Item	Column 2 – Manner, Extent & Specifications	Column 3 – Timing	Column 4 – Estimated Contribution Value	Column 5 – Timing for provision of security
	the Developer in which case this contribution item will not apply.		a rate of \$2,802.85 (excluding GST) per linear metre of the cycle way.	
5. Construction of Incubator Space	Construction and completion of 200sqm of Incubator Space within a building in the Development within the North Terrace Precinct in accordance with the Incubator Space Specifications in Annexure B of this letter. In the alternative to this contribution item, the monetary contribution in item 10 may be provided instead at the Proponent's election.	Prior to the issuing of the first Occupation Certificate for the third building in the part of the Development within the North Terrace Precinct or the last building if three or less buildings are approved in the Development in that precinct.	\$106,707 (excluding GST)	Prior to the issue of the Construction Certificate for the third building in the part of the Development within the North Terrace Precinct or the last building if three or less buildings are approved in the Development in that precinct
Dedication of Land, Registration of Easements and Positive Covenants				
6. Easement for Passive Recreation and Positive Covenant for Stage 1 Park	<p>The granting and registration of an easement for passive recreation and positive covenant for maintenance and repair:</p> <ul style="list-style-type: none"> • over the stratum of land comprising the Stage 1 Park; • requiring maintenance and replacement (but not upgrades) to be the responsibility of the landowner 	As soon as practicable following completion of Item 1 and in any event within 3 months of completion of Item 1.	Subject to Valuation	N/A

Column 1 – Contribution Item	Column 2 – Manner, Extent & Specifications	Column 3 – Timing	Column 4 – Estimated Contribution Value	Column 5 – Timing for provision of security
	<p>with temporary and limited interruptions allowed for maintenance and pop-up events; and</p> <ul style="list-style-type: none"> that is in the form of an easement in gross. 			
7. Easement for Passive Recreation and Positive Covenant for Stage 2 Park	<p>The granting and registration of an easement for passive recreation and positive covenant for maintenance and repair:</p> <ul style="list-style-type: none"> over the stratum of land comprising the Stage 2 Park; and requiring maintenance (but not replacement or upgrades) to be the responsibility of the landowner with temporary and limited interruptions allowed for maintenance and pop-up events; and that is in the form of an easement in gross 	As soon as practicable following completion of Item 2 and in any event within 3 months of completion of Item 2.	Subject to Valuation	N/A



Column 1 – Contribution Item	Column 2 – Manner, Extent & Specifications	Column 3 – Timing	Column 4 – Estimated Contribution Value	Column 5 – Timing for provision of security
8. Dedication of land for the extension of Jacobs Street	An approximate area of 2,500m ² and 20m wide between The Mall and North Terrace as shown in the Dedication Plan in Annexure D.	Upon completion of road works to TfNSW and Council requirements (responsibility and timing to be determined) and before the last Occupation Certificate is issued for the last building within the Town Centre Precinct of the Development.	Subject to Valuation	Nil
Monetary Contributions				
9. Monetary contributions towards multi-purpose facility	Payment of \$4 million excluding GST towards the provision of publicly accessible recreation and community facilities in Bankstown.	Prior to the issuing of the first Construction Certificate for the first building in the part of the Development within the Town Centre Precinct.	\$4,000,000 excluding GST	Nil
10. Monetary contributions towards an incubator space in Bankstown or other community facility as agreed	Payment of \$106,707 excluding GST towards the provision of an incubator space or by agreement can be allocated towards another community facility within Bankstown. This is in the alternative to the contribution in item 5 (at the Proponents election).	Prior to the issuing of the first Construction Certificate for the third building in part of the Development within the North Terrace Precinct or the last building if three or less buildings are approved in the Development in that precinct.	\$106,707 excluding GST	Nil



Annexure B Specifications

STAGE 1 CITY PARK

- Refer Figure 1 for Masterplan showing Open Space Stage 1 and Stage 2 extent.

Facilities

- Outdoor exercise equipment (10 stations)
- Multipurpose (half) Sports Court.
- Small and medium scale gathering spaces for studying and passive recreation.
- Covered outdoor food and beverage areas (around the perimeter of the park interfacing with adjoining buildings where viable).
- Open flexible lawns
- Refer Figure 2. Urbis Landscape – Public Park Programmes & Activation Plan for detail on locations.

Soil depth

- 1,200mm setdown (for 1,000mm soil + 100mm drainage layer + 75mm mulch) for medium size trees (6-12m high). This is not technically 'deep soil', but Vicinity will work with relevant technical consultants and Council to confirm soil volume once trees species are confirmed.
- Refer Figure 3. Urbis Landscape Tree Set Down Areas

Tree Canopy

- The 15% tree canopy cover



Hardscape

- Precast concrete paving.
- Multipurpose (half) Sports Court (as per above).

Furniture

- Fitness equipment (10 stations as per above).
- Park benches (8).
- Visitor bike racks.
- Covered awning to buildings (where required under the DCP).

Softscape

- Trees 400L (Refer Figure 3. Urbis Landscape Set Down Areas).
- Lawn.

Further Council specifications

- Compliance with BCA/NCC and requirements for DD Act



STAGE 2 CITY PARK

- Refer Figure 1 for Masterplan showing Open Space Stage 1 and Stage 2 extent.

Facilities

- Kids Playground.
- Small and medium scale gathering spaces for studying and passive recreation.
- Covered outdoor food and beverage areas (around the perimeter of the park interfacing with adjoining buildings where viable).
- Open flexible lawns
- Amphitheatre seating steps and stage for events and social gatherings (see hardscape materials below).
- Refer Figure 2. Urbis Landscape – Public Park Programmes & Activation Plan for detail on locations.

Soil depth

- 1,200mm setdown (for 1,000mm soil + 100mm drainage layer + 75mm mulch) for medium size trees (6-12m high). This is not technically 'deep soil', but Vicinity will work with relevant technical consultants and Council to confirm soil volume once trees species are confirmed.
- Refer Figure 3. Urbis Landscape Tree Set Down Areas

Tree Canopy

- The 15% tree canopy cover

Hardscape

- Precast concrete paving.
- In situ concrete bleachers, amphitheatre steps and stage.
- Kids Playground (as per above)



- Softfall to playground.

Furniture

- Park benches (12).
- Visitor bike racks.
- Covered awning to buildings (where required under the DCP).

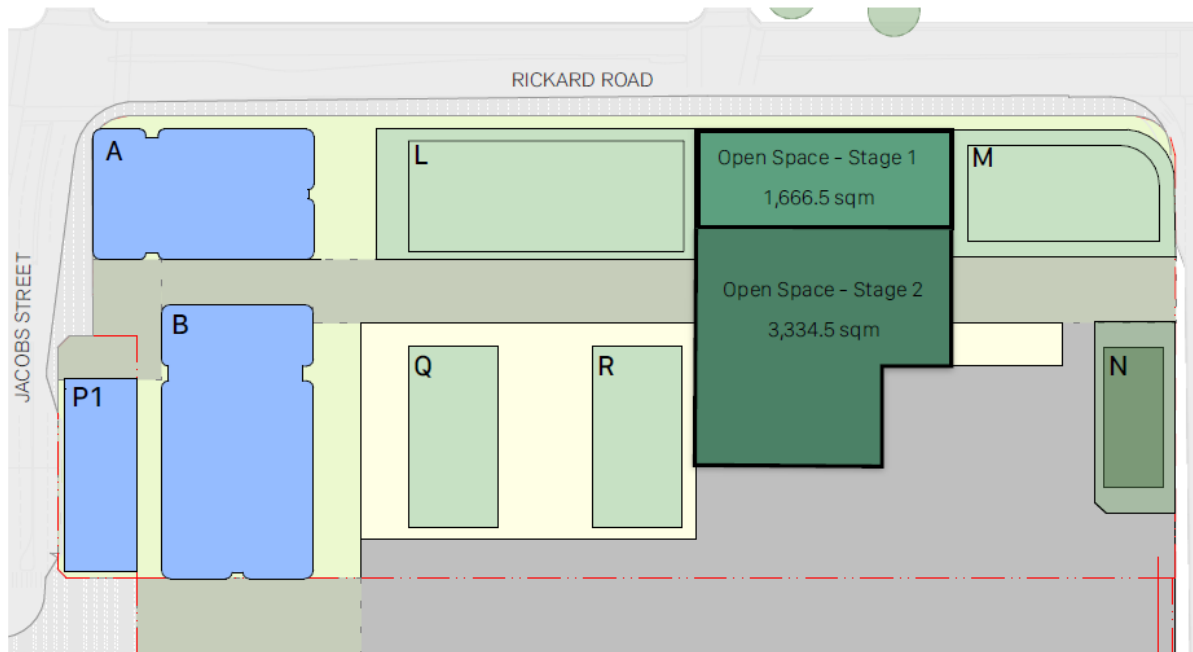
Softscape

- Trees 400L (Refer Figure 3. Urbis Landscape Set Down Areas).
- Lawn.

Further Council specifications

- Compliance with BCA/NCC and requirements for DD Act

CITY PARK MASTERPLAN



Masterplan showing Open Space Stage 1 & Stage 2 extent

Figure 1 for Masterplan showing Open Space Stage 1 and Stage 2 extent.

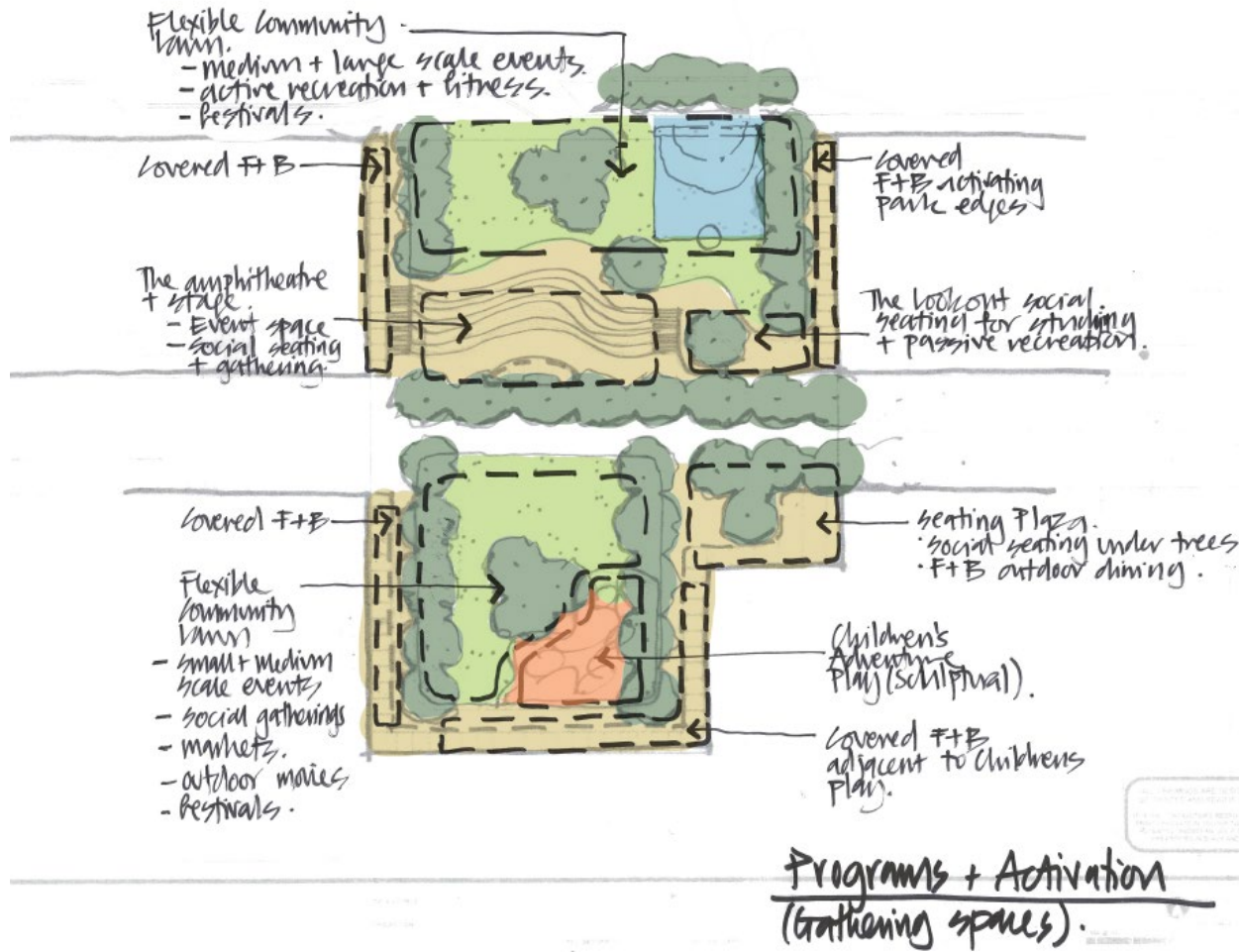


Figure 2. Urbis Landscape – City Park Programmes & Activation Plan

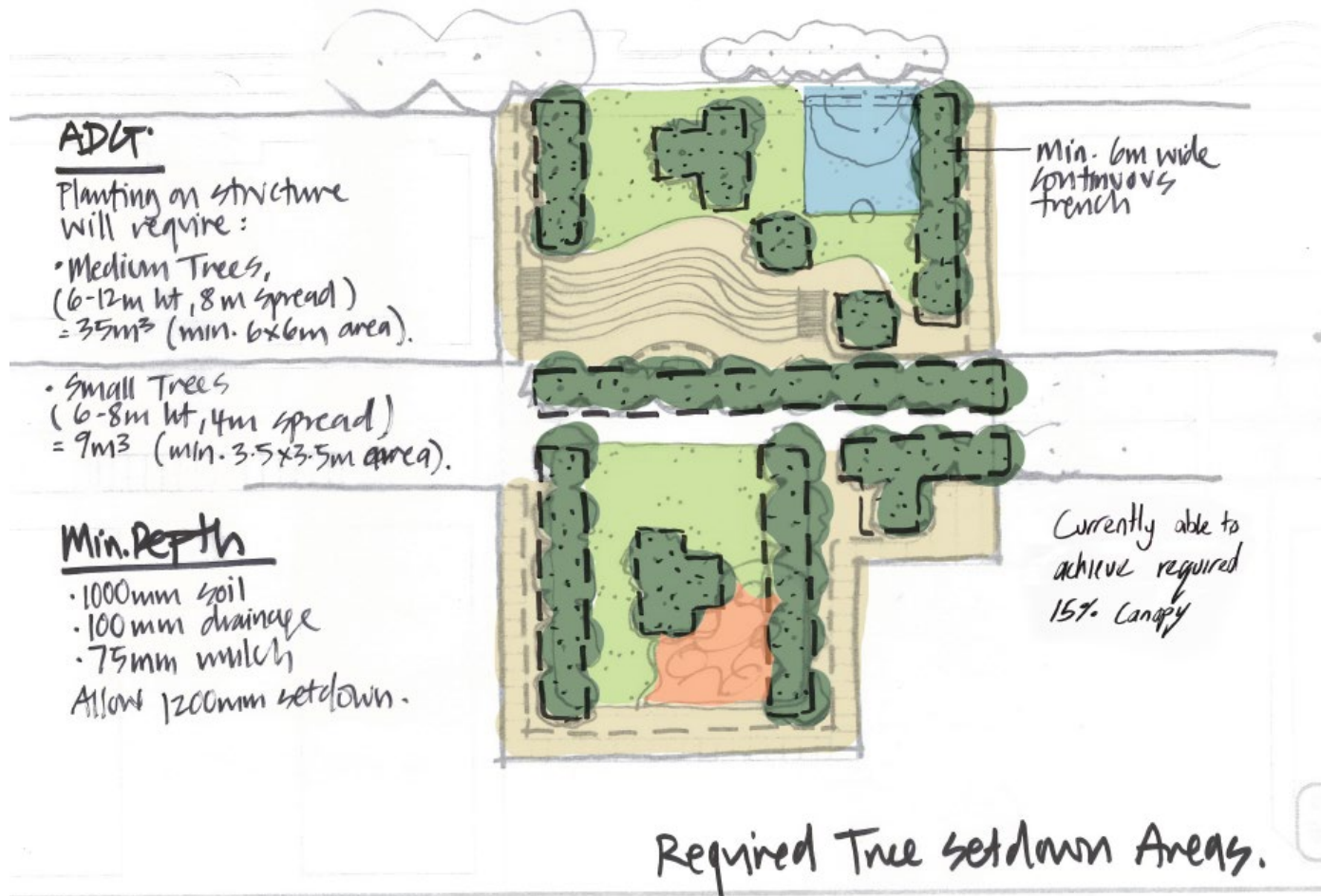


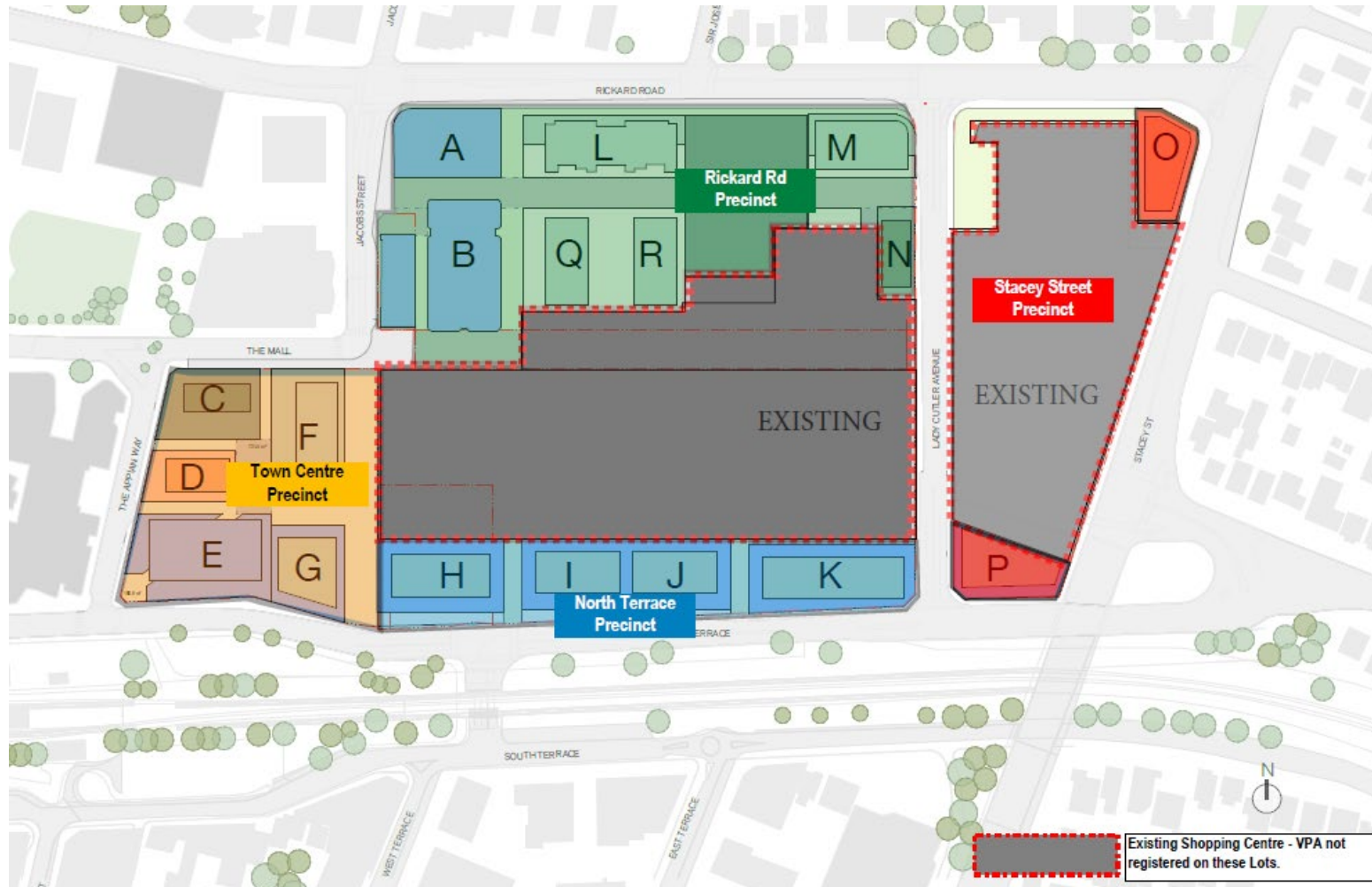
Figure 3. Urbis Landscape City Park Tree Set Down Areas



INCUBATOR SPACE SPECIFICATIONS

- 200sqm to be fitted out as a warm shell open plan layout suitable for use as a suburban office space and includes:
 - Wall finishes (painted)
 - Floor finishes (carpet)
 - Ceiling finishes (acoustic ceiling tile)
 - Services to open plan layout including
 - Hydraulic services
 - Fire services
 - Mechanical services; and
 - Preliminaries and Margin.
- The fit-out of the space will be by Council as Lessee.
- The Proponent will enter into a long term lease with Council upon completion to operate and the key long term lease clauses will include:
 - 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.
 - The Incubator Space is to be located on the ground floor of a building within the North Terrace Precinct or an alternative location by agreement.

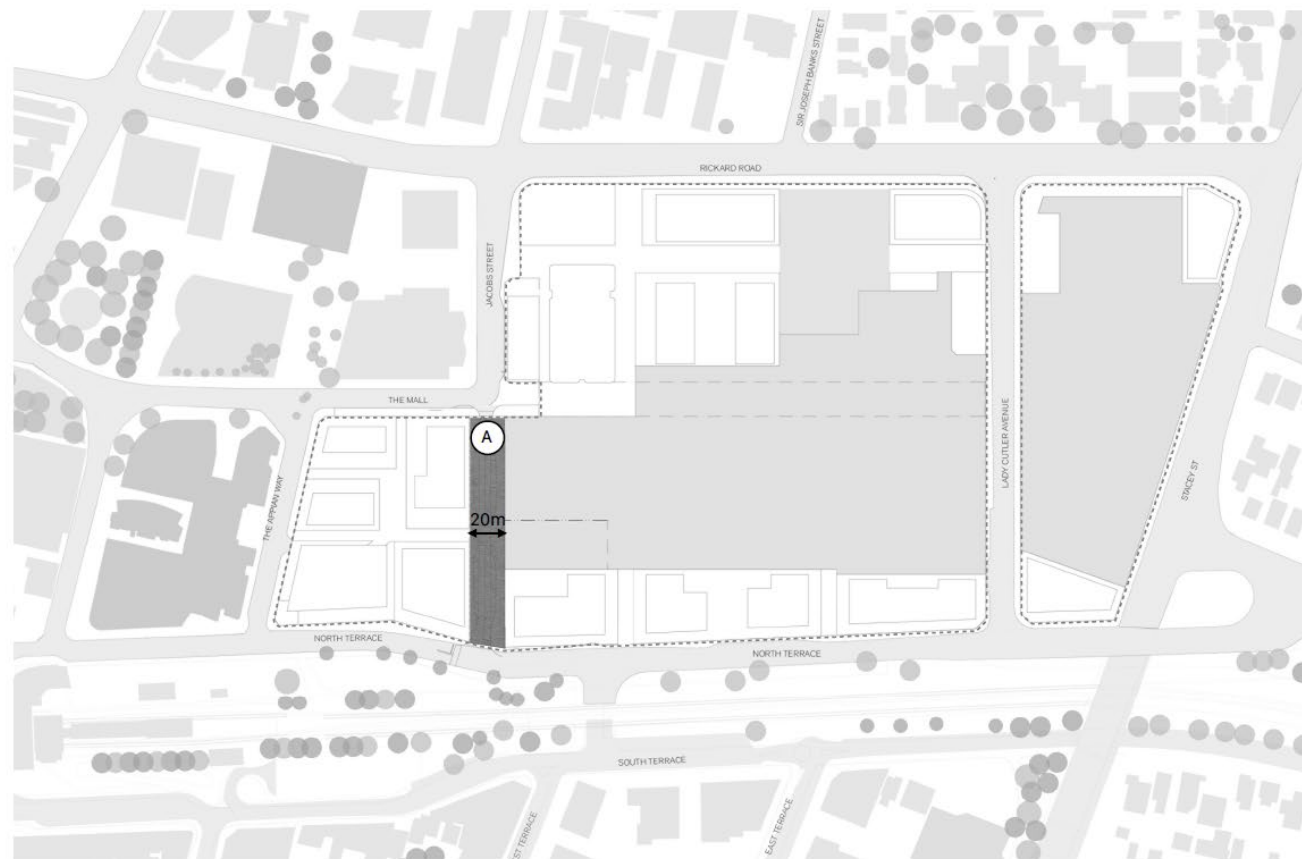
Annexure C – Building Layout Plan



Annexure D - Jacobs Street Extension Dedication Plan

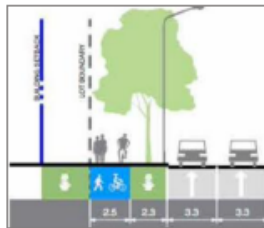
Dedication Plan

(A) Jacobs Street Extension



Annexure E – Extent of Rickard Road and Appian Way Cycle Way

Rickard Road and Appian Way Cycle Way



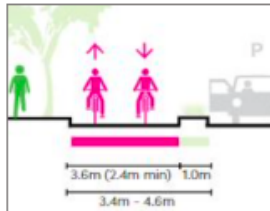
① Rickard Rd cycle path

2.5 m separate cycleway based on design in the Bankstown Complete street (sketch above)

Cycle path width: 2.5m

Cycle path length: 393m

Cycle path area: 982.5sqm



② The Appian Way cycle path

Contribution equivalent to 3.6 m shared path zone based on the two-way cycleway design in the Bankstown Complete street (sketch above)

Cycle path width: 3.6m

Cycle path length: 134m

Cycle path area: 483 sqm

