

**SYDNEY SOUTH
PLANNING PANEL REF**

PPSSSH-24

ADDRESS

1 North Terrace, Bankstown

**DESCRIPTION OF
DEVELOPMENT**

Demolition of the existing bus interchange and associated buildings near the north-west corner of the site, and the construction of a new mixed-use development comprising two eight-storey commercial office towers with rooftop plant and one part five/part six-storey commercial office tower, with ground levels containing retail, wellness and food & beverage uses in an 'Eat Street' configuration, along with changes to the existing shopping centre and existing at-grade car parking, as well as the provision of access, basement car parking, and associated public realm works and landscaping

FILE

DA-528/2020

ZONING

B4 Mixed Use

DATE OF LODGEMENT

29 June 2020

APPLICANT

Vicinity Centres PM Pty Ltd

OWNERS

Vicinity Bankstown Pty Ltd

**CAPITAL INVESTMENT
VALUE**

\$165,564,255 (excl. GST)

AUTHOR

**Canterbury-Bankstown Council – Planning
Directorate – Development Unit**

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with Section 4.5 (b) of the *Environmental Planning and Assessment Act 1979* for regionally significant development, being works with a capital investment value exceeding \$30million, in accordance with Clause 20(1) and Schedule 7 – Regionally Significant Development of State Environmental Planning Policy (State and Regional Development) 2011.

Development Application No. DA-528/2020 proposes the following:

- demolition of the existing bus interchange and associated buildings near the north-west corner of the site;
- the construction of a new mixed-use development comprising two eight-storey commercial office towers with rooftop plant and one part five/part six-storey commercial office tower, with ground levels containing retail, wellness and food & beverage uses in an 'Eat Street' configuration;
- changes to the existing shopping centre and existing at-grade car parking;
- the provision of access, basement car parking, and associated public realm works and landscaping

(a detailed description of the proposal including site layout, building arrangement, etc. can be found in the 'Proposed Development' section of this report).

DA-528/2020 has been assessed against Bankstown Local Environmental Plan 2015 (BLEP 2015) and Bankstown Development Control Plan 2015 (BDCP 2015) Parts A1 (Centres) and B5 (Parking), among other planning instruments/legislation. The application fails to comply in regard to height of buildings (pursuant to BLEP 2015) and car parking (pursuant to Part B5 of the BDCP 2015). Although there are various building heights proposed across the site, the maximum height proposed is 36.98m (at the worst point) which fails to comply with the maximum height of 35m. Car parking is provided for 322 vehicles, whilst 805 are required.

The application has undergone some significant changes from the original scheme lodged with Council and as presented to the Sydney South Planning Panel in August 2020. These changes have been made in response to Council's original assessment, which raised issues focused mainly around urban design as well as other issues like traffic and car parking. The two items above are the only remaining areas of non-compliance, however are considered acceptable in the context of the broader site and proposal.

Despite these non-compliances, it has been demonstrated that the variation to the height of buildings is worthy of support in this instance in accordance with Clause 4.6 of the BLEP 2015. Furthermore, it is considered that the provision of parking spaces under the proposed development is appropriate, especially when considering the existing oversupply of parking on the subject site demonstrated at peak times. Notwithstanding the existing oversupply of parking on the subject site, the quantum of parking also aligns with an emphasis on less private vehicle and greater public transport use in the Bankstown CBD, as identified in Council's relevant strategic planning documents.

The application was advertised and notified for two separate periods of twenty-one (21) days, the first from 15 July until 5 August 2020, and the second from 12 May to 2 June 2021. No submissions were received during these periods.

POLICY IMPACT

The matter being reported has no direct policy implications. Variations are valid and worthy of support in this instance, and will not set an undesirable precedent, as is detailed in the report.

FINANCIAL IMPACT

The matter being reported has no direct financial implications for Council however will deliver an important contribution of high quality commercial floor space and jobs to the Bankstown CBD consistent with Council's Local Strategic Planning Statement (LSPS) and Employment Lands Strategy

In this regard, the proposal is considered to represent a valuable long-term investment into the Bankstown CBD and support its function as a centre of regional importance in metropolitan Sydney.

RECOMMENDATION

As per the Panel's request, the conditions have been provided to the applicant for review. The applicant has raised no objections to the conditions as recommended.

As such, it is recommended that the application be approved subject to the attached conditions, and the following specific conditions as discussed in the body of the report:

Condition 2) b)

Updated plans shall be lodged with Council which illustrate the stairwell on the eastern side of the pavilion building to be set back within the building line to allow for a minimum 6m separation between the eastern face of the stairwell/Pavilion Building and the western face of the proposed Tower 1. To facilitate no net loss of gross floor area (GFA) as part of this requirement, the updated plans to be lodged with Council can include a design modification to offset any loss of GFA, through either extending the pavilion building line northwards across four floors to a maximum extent of 0.75m and/or extending the enclosed part of the Pavilion Building at Level 4, with an overall maximum of 55sq m GFA to be permitted as part of this updated design.

Condition 2) c)

The driveway entry and exit point in Jacobs Street shall be in accordance with the plan prepared by GTA Consultants, marked as "N186965-02-P5 (Preferred Option)". The supporting column adjacent to the driveway exit in Jacobs Street shall be relocated, preferably within the site along the same alignment as the driveway as shown in purple on the above plan, so as not to sit in the pedestrian sight triangle for the exit driveway, as per AS2890.1. Sight triangle is to be marked on the Basement 1 Floor Plan and provided on the exit driveway, in accordance with AS 2890.1:2004 Figure 3.3 – Minimum Sight Lines for Pedestrian Safety. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. This shall be illustrated on plans submitted with the relevant construction certificate.

Condition 29)

Prior to any works commencing, evidence shall be provided to the certifier

demonstrating that works associated with DA-529/2020 for the relocation of the existing bus interchange on the subject site have been completed.

ATTACHMENTS/APPENDIX

Attachment A - DA-528/2020 Assessment Report
Attachment B - Conditions of Consent DA-528_2020
Attachment C - Locality Plan
Appendix A – Survey Plan v1
Appendix B – Revised Demolition Plan
Appendix C1 UPDATED – Revised Architectural Plans v2
Appendix D – Revised Landscape Plans
Appendix T – Clause 4.6 Variation Request
Appendix W – Jacobs Street Entry-Exit Layout

ATTACHMENT A - DA-528/2020 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 1 North Terrace, Bankstown. The site is an irregular allotment that is currently zoned B4 Mixed Use under the Bankstown Local Environmental Plan 2015. The site has frontages to Rickard Road, Jacobs Street, The Mall, The Appian Way, North Terrace and Lady Cutler Avenue, and encompasses a site area of 89,820m². The site contains a shopping centre known as “Bankstown Central”, with multiple levels of retail tenancies and car parking

The part of the site being developed, represents an area of approximately 10,900m², located in the north-western corner of the site (see aerial photo below). The portion of the shopping centre sought to be re-developed currently contains on-site parking, vehicular access arrangements off Jacobs Street, a bus interchange, a car servicing centre, vehicular egress arrangements provided to the intersection of Jacobs Street and The Mall and unoccupied commercial and retail tenancies adjacent Jacobs Street. A separate DA has been approved for the relocation of the bus interchange to a new location on the site. The land to be developed falls steadily from North to South and from East to West with the lowest point provided at the intersection of The Mall with Jacobs Street. On site vegetation primarily occupies the north western corner of the development site, essentially where Tower 2 is proposed to be sited.

The surrounding development consists of office, retail and commercial developments of varying size, scale and purpose. Of particular relevance to this application is the site’s proximity to the Bankstown Railway Station, which is located to the south-west of the shopping centre, and can be seen in the bottom left of the aerial photo below (approximately 300m from that part of the site being developed).

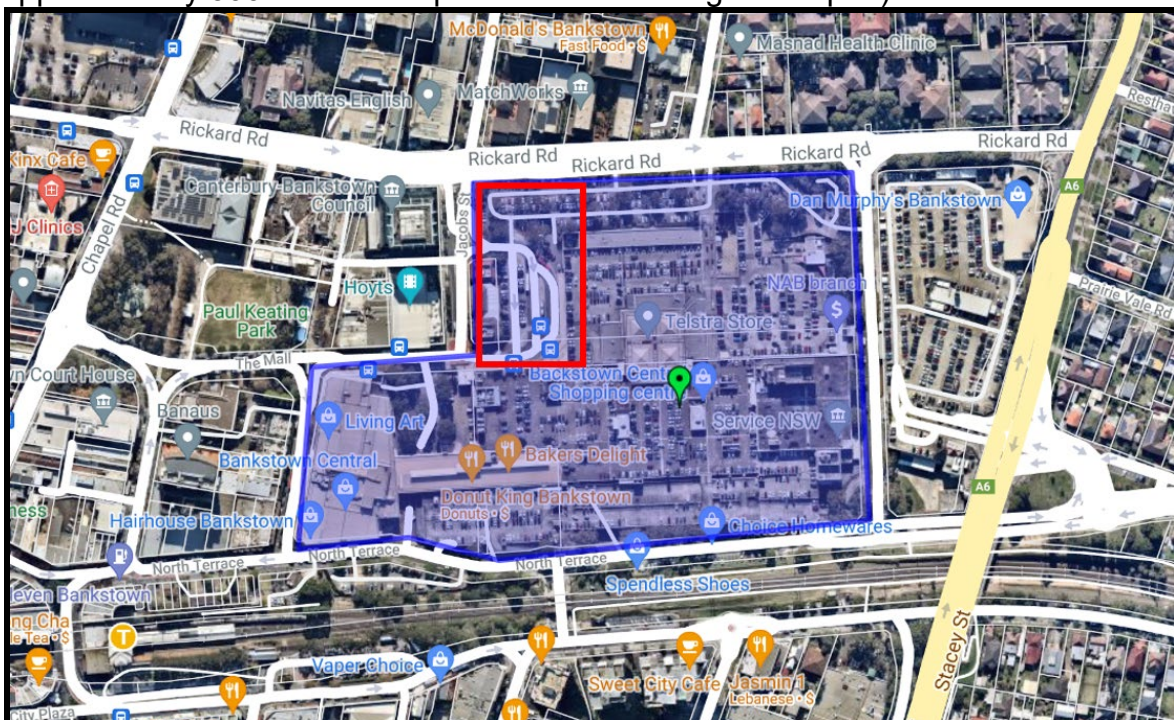


Figure 1: Aerial of subject site in blue. **Source:** NearMap 2019. Location of proposed works in red

PROPOSED DEVELOPMENT

The development application proposes the following:

- demolition of the existing bus interchange and associated buildings near the north-west corner of the site;
- the construction of a new mixed-use development comprising two eight-storey commercial office towers with rooftop plant and one part five/part six-storey commercial office tower, with ground levels containing retail, wellness and food & beverage uses in an 'Eat Street' configuration;
- changes to the existing shopping centre and existing at-grade car parking;
- the provision of access, basement car parking, and associated public realm works and landscaping

The proposed development incorporates three new buildings:

- Tower 1, running on a north-south axis on the southern part of the development site, comprising 8 storeys with rooftop plant. The ground floor of this building incorporates a commercial lobby, end of trip facilities, bicycle storage, retail tenancies and food and beverage tenancies contributing to an Eat Street concept along the eastern side. The upper floors each accommodate office floor space.
- Tower 2, running on an east-west axis across the northern part of the development site, comprising 8 storeys with rooftop plant, fronting Rickard Road. The ground floor of this building incorporates a commercial lobby, end of trip facilities, bicycle storage, retail tenancies fronting Rickard Road, and food and beverage tenancies contributing to an Eat Street concept along the southern side. The upper floors each accommodate office floor space.
- Pavilion Building, running on a north-south axis along the western side of the development site fronting Jacobs Street, comprising a part 5-/part 6-storey building with rooftop open space. The ground floor fronting Jacobs Street incorporates a commercial lobby with a café, end of trip facilities and a food and beverage tenancy. The upper ground floor level sits at ground level for the internal part of the site, and incorporates a gym and another food and beverage tenancy. The floors above each accommodate office floor space, with a rooftop terrace of approximately 375m².

Overall, the buildings incorporate 29,686m² of office floor space and approximately 6000m² of retail (and other) floor space. The three buildings are designed using a common pallet, as illustrated in the photomontages that follow. It is also proposed to construct two levels of basement car parking, providing 322 parking spaces.

Between the buildings are 5 different dedicated open space areas:

- a Civic Plaza, located at the western side of the development site, to the north of the Pavilion Building, offering approximately 600m² of open space

incorporating paved areas and landscaping, open to the sky and with good solar access.

- a Garden Boulevard, running east from the Civic Plaza between Towers 1 and 2, with a width of 15.48m and servicing new food and beverage tenancies on either side.
- an Eat Street, along the eastern side of Tower 1, 7.445m wide, servicing new food and beverage tenancies on either side.
- The Mews, a space that can best be described as a 'mixed retail street', between Tower 1 and the Pavilion Building, 7.88m wide, with a mixture of food and beverage tenancies, other retail tenancies and a gym.
- The Mall extension, located on the southern side of the site between Tower 1 and the existing shopping centre, 20m wide and extending from the existing The Mall road reserve in the SW corner of the development site, through to the existing entrance to the shopping centre in the SE corner of the development site, representing more than 1200m² of landscaped external open space, open to the sky.

The building layout and open space locations are identified on the ground floor plan, below. Photomontages of the proposed development follow the ground floor plan.



Figure 2: Ground floor plan



Figure 3: View from SW Corner, showing The Mall extension to the right



Figure 4: View from SE (from existing Centre entry/exit) showing Eat Street on the right and The Mall extension in the foreground



Figure 5: View from W (from Civic Drive exit to Jacobs St), showing Civic Plaza in the foreground



Figure 6: View from W (from the adjoining Civic Tower - Level 5 approx.)

Statutory Considerations

When determining this application, the relevant matters listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* must be considered. In this regard, the following environmental planning instruments, development control plans, codes and policies are relevant:

- State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP)
- State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP 2)
- Bankstown Local Environmental Plan 2015 (BLEP 2015)
- Bankstown Development Control Plan 2015 (BDCP 2015)
- Bankstown Development Contributions Plan

SECTION 4.15 ASSESSMENT

The proposed development has been assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 4.15(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011 (State and Regional Development SEPP)

The development is defined as 'regionally significant development', being works with a capital investment value exceeding \$30million, in accordance with Clause 20(1) and Schedule 7 – Regionally Significant Development of State Environmental Planning Policy (State and Regional Development) 2011.

As such, the matter is reported to the Sydney South Planning Panel, as the consent authority in accordance with Section 4.5 (b) of the *Environmental Planning and Assessment Act 1979*.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 – Remediation of Land requires the consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

The applicant has submitted a contamination report. Council's Environmental Health Officer has reviewed the document and is satisfied subject to the imposition of suitable conditions of consent. Accordingly, the submitted documentation demonstrates that the site is suitable for the purpose of the proposed development in accordance with SEPP 55 – Remediation of Land.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The proposal is Traffic Generating Development in accordance with Clause 104 of the Infrastructure SEPP, being development that proposes more than 200 car parking spaces.

The application was referred to Transport for New South Wales (TfNSW) who, on 14 September 2020, advised as follows:

TfNSW has reviewed the submitted application and notes that development will only have significant impact on the local road network and within the subject property. TfNSW considers the development to have minimal impact upon the traffic signals at the Rickard Road / Jacob Street intersection and the state classified road of Stacey Street. As such, TfNSW raises no objection to the application.

As such, TfNSW are satisfied, and the local road impacts referred to above will be discussed in later sections of this report.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The subject application involves the removal of existing trees on site, subject to the Vegetation in Non-Rural Areas SEPP.

The application has been referred to Council's Tree Management Officer, who is satisfied that the trees can be removed, subject to conditions, and such removal does not trigger any thresholds or other provisions of the SEPP.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (GMREP 2)

The site is located within land identified as being affected by Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, (being a deemed SEPP under Clause 120 of Schedule 6 of the *Environmental Planning and Assessment Act, 1979*, as in force on 1 July 2009).

The GMREP 2 contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications. An assessment of the proposal indicates that the development is generally consistent with the aims and objectives of the plan, as well as the planning principles as set out in Clause 8 of the GMREP 2.

Bankstown Local Environmental Plan 2015

The following clauses of the Bankstown Local Environmental Plan 2015 were taken into consideration:

- Clause 1.2 – Aims of the Plan
- Clause 2.1 – Land use zone
- Clause 2.3 – Zone objectives and Land Use Table
- Clause 2.7 – Demolition requires development consent
- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio
- Clause 4.5 – Calculation of floor space ratio and site area
- Clause 4.6 – Exceptions to development standards

Clause 6.2 – Earthworks

Clause 6.9 – Restrictions on development in Zone B4 Mixed Use

An assessment of the development application has revealed that the proposal fails to comply with the provisions of Bankstown Local Environmental Plan 2015 relating to height of buildings (Clause 4.3).

An assessment follows against the most relevant of the clauses of the Bankstown Local Environmental Plan 2015 listed above:

Clause 2.1 – Land Use Zone

The subject site is zoned B4 Mixed Use. An excerpt of the zoning map is reproduced below:

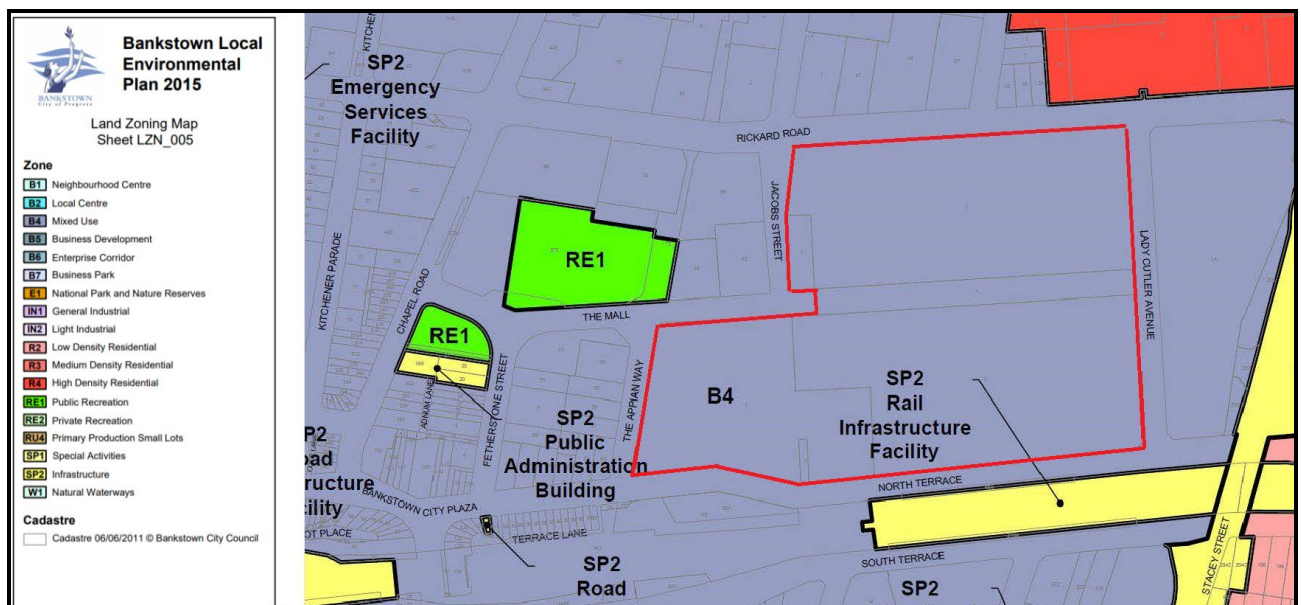


Figure 7: Excerpt of BLEP 2015 Zoning Map (subject site shown in red outline)

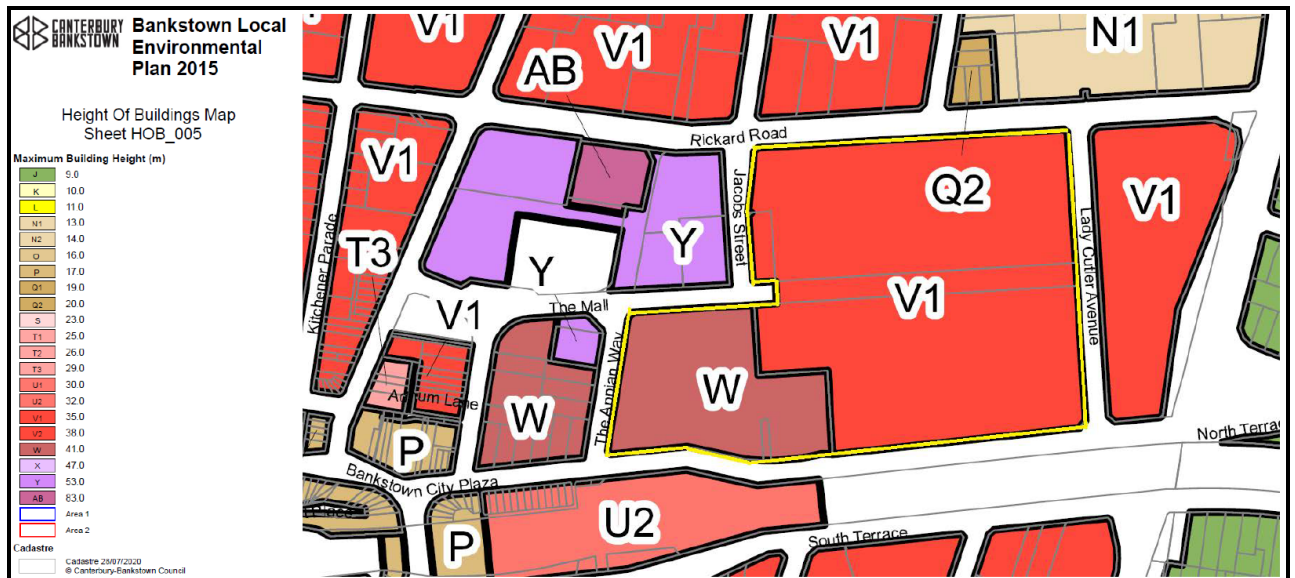
The proposed commercial retail and office space is a permissible form of development in the B4 Mixed Use zone.

Clause 4.4 – Floor space ratio

It is noted that the Floor Space Ratio (FSR) of the development on the existing site (as outlined in red on the zoning map above) would increase to 1.4:1 as a result of the proposed development. The maximum permitted FSR is 3:1, under Clause 4.4.

Clause 4.3 – Height of buildings

The subject site has a maximum building height of 35m. An excerpt of the height of buildings map is reproduced below:



The proposed development has a maximum building height of 36.98m above natural ground level at the point of worst case, rising up from 35.92m where the breach begins. The maximum permissible building height for this part of the development site is 35m under the BLEP 2015, meaning the proposal exceeds the maximum height of buildings development standard by 0.92m at the point of best case, rising up to 1.98m at the point of worst case, as illustrated below:

Clause 4.6 – Exceptions to development standards

The applicant has made a submission pursuant to Clause 4.6 of the BLEP 2015, in response to the breach of the height of buildings development standard, as outlined above. The written submission is attached to this report as Appendix T.

For the purposes of Clause 4.6(4), development consent cannot be granted for development that breaches a development standard unless:

- a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

b) the concurrence of the planning secretary has been obtained

For item b) above, Planning Circular PS 18-003 advises when the Planning Secretary's concurrence can be assumed. Relevantly, the Planning Circular states as follows:

"Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened.

The restriction on delegates determining applications involving numerical or non-numerical standards does not apply to all regionally significant development. This is because all regionally significant development is determined by a panel and is not delegated to council staff."

For item a) above, the consent authority must be satisfied that the applicants written request has addressed the matters required to be demonstrated in subclause (3), which is reproduced as follows:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Council has formed the view that the written statement satisfactorily demonstrates both of the above requirements. Without repeating the wording of the applicant's attached written statement pursuant to Clause 4.6, in summary the applicant has outlined that the objectives of the height of building standard have been achieved notwithstanding the non-compliance (the height breach is minor at 5.6%; does not constitute any gross floor area; does not add to the perception of the buildings' visible bulk and scale, especially from the public domain; and is consistent with the character of the area – being a suburban commercial CBD), thereby demonstrating that compliance is unreasonable or unnecessary in this case.

Furthermore, the applicant has outlined that there are sufficient environmental planning grounds (floor space ratio compliance is maintained; the location of the height breach will not be visible from the immediate public domain; the additional height will not cause any additional detrimental overshadowing; and does not undermine either the achievement of the building height objectives or the transition of building height and scale across the Bankstown CBD) to justify the contravention from the standard.

As a result, Council is of the view that the SSPP, as the consent authority, can be satisfied that the applicant's written statement has adequately addressed the requirements of Clause 4.6(3) of the BLEP 2015.

In addition, the consent authority must be satisfied that the proposed development will be in the public interest as the development will be consistent with the objectives of both the height of buildings standard and the B4 Mixed Use zone, which are reproduced here:

- Objectives of the height of buildings standard (Clause 4.3 of BLEP 2015)

(1) The objectives of this clause are as follows—

- (a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,*
- (b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,*
- (c) to provide appropriate height transitions between development, particularly at zone boundaries,*
- (d) to define focal points by way of nominating greater building heights in certain locations.*

- Objectives of the B4 Mixed Use Zone

1 Objectives of zone

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To maintain the role of the Bankstown CBD as a major metropolitan centre.*

As already discussed above, Council is satisfied that the applicant has demonstrated that the objectives of the height of buildings standard have been satisfied, notwithstanding the non-compliance. The proposed development is also considered to meet the objectives of the B4 Mixed Use zone, as the development represents a mix of compatible land uses including business, office and retail in an accessible location and reinforces the role of the Bankstown CBD as a major metropolitan centre.

As such Council is of the view that the proposed development will be in the public interest and is satisfied that the relevant provisions of Clause 4.6 of the BLEP 2015 have been satisfactorily addressed.

The variation to the height of buildings development standard is therefore considered to be worthy of support in this instance.

Clause 6.9 – Restrictions on development in Zone B4 Mixed Use

This clause requires that “Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the ground floor and first floor of the building are to be used for the purposes of commercial premises or other non-residential purposes after the erection or change of use”.

In this instance, the entirety of the development meets this clause, for not only the ground and first floors, but all floors of the development.

Draft environmental planning instruments [section 4.15(1)(a)(ii)]

Draft Canterbury Bankstown Local Environmental Plan 2021

The draft Canterbury Bankstown LEP 2021 is essentially an administrative update, consolidating the provisions of the BLEP 2015 and CLEP 2012. The proposed development is not inconsistent with any relevant provisions contained within the draft CBLEP 2021, with the exception of the height of buildings development standard, to the same extent as described in detail in this report.

Development control plans [section 4.15(1)(a)(iii)]

The following table provides a summary of the development application against the controls contained in Part A1 (Centres) and B5 (Parking) of the Bankstown Development Control Plan 2015:

STANDARD	PROPOSED	BDCP 2015 PARTS A1 and B5	
		REQUIRED	COMPLIANCE
Building Form	Continuous built edge to compliant setbacks to Jacobs St and Rickard Rd; Building placement maximizes passive design opportunities	Continuous built edge for active street frontages; Compatible setbacks in Bankstown CBD; Orientation should ensure passive design	Yes – see below
Setbacks	0m to Jacobs St 3m min to Rickard Rd	0m to Jacobs St 3m to Rickard Rd	Yes Yes
Orientation	Tower 2 runs east-west, presenting maximum glazing to the north. Other buildings are orientated so as to maximizes solar access to the public domain	Maximise solar access in mid-winter	Yes
Building Design	High level of building articulation, contemporary materials and finishes	Articulate facades to achieve a unique and contemporary architectural appearance	Yes
Active Street Frontages	Ground level achieves street level despite significant level changes, incorporates significant glazing	Ground floor is at same level as footpath and provides positive street address (entries, lobbies and clear glazing)	Yes
Vehicular Footpath crossings	Minimizes width, limited to one location in secondary street at the mid-point of a building	VFCs narrow as possible; Limit number of VFCs; Avoid VFCs at street corners; Not on primary street	Yes – see below
Parking	322 spaces	805 spaces	No - See below

Building Form

The overall building form and design is considered to be of a high quality, as evidenced in the photomontages earlier in this report. It represents a significant improvement on the original scheme as presented to the SSPP Briefing in August 2020. Building modulation and the choice of materials and finishes is of a high standard and presents well in the context of the Bankstown CBD.

The modified scheme provides significant improvements in the provision of active frontage at street level, ensuring the shopping centre does not ‘turn its back’ on the street, while also effectively resolving the issue of the significant fall across the site, with universal access maintained at the ground level which effectively transitions to the existing lower levels of the existing centre to the southern part of the site being developed.

The building also incorporates a significant amount of open public domain, in the form of an ‘Eat Street’ on the eastern side of Tower 1 (focusing on the provision of food and beverage retail spaces on the ground level of the development), ‘The Mews’, a mixed retail street between Tower 1 and the Pavilion Building (providing more food and beverage spaces as well as other retail space, a commercial lobby and gym tenancy), as well as a ‘Civic Plaza’ at the western edge of the site, a ‘Garden Boulevard’ running east-to-west between Towers 1 and 2 (with more food and beverage spaces), and the preservation of a 20m ‘extension’ of The Mall road reserve from west-to-east.

The dimensions of these spaces are provided in the table below:

Open Area	Width at Ground Level	Separation at Upper Levels
Eat Street	7.445m	No upper levels to East
The Mews	7.88m (6.1m at pinch point)	6.1m (4.4m at pinch point)
Garden Boulevard	15.48m	12m
Civic Plaza	22.72m wide (at widest point E-W), 30m long (N-S)	
The Mall Extension	20m	20m

These spaces are considered to be well designed and provide an appropriate level of spatial segregation within the development, producing a combination of spaces that celebrate the narrow nature of active pedestrian spaces balanced with dining establishments, as well as the width and openness of public spaces with good solar access, with all these spaces open to the sky whilst still being within a CBD-style setting.

However, the placement of a set of fire stairs in the mid-point of the Pavilion Building which push out into ‘The Mews’ creates a pinch-point situation where the separation between the Pavilion Building and Tower 1 reduces to 4.4m at the upper levels of both buildings.

This constriction between the buildings is not considered to be an appropriate outcome in terms of building separation, and will promote a feeling of enclosure and accentuate the bulk of these buildings when pedestrians are within the space, more so than what would be considered acceptable, given that this area is located between an 8-storey and a part 5/6-storey buildings and is likely to be highly used by pedestrians.

The following excerpts from the architectural plans demonstrate the pinch point and building separation in this location:

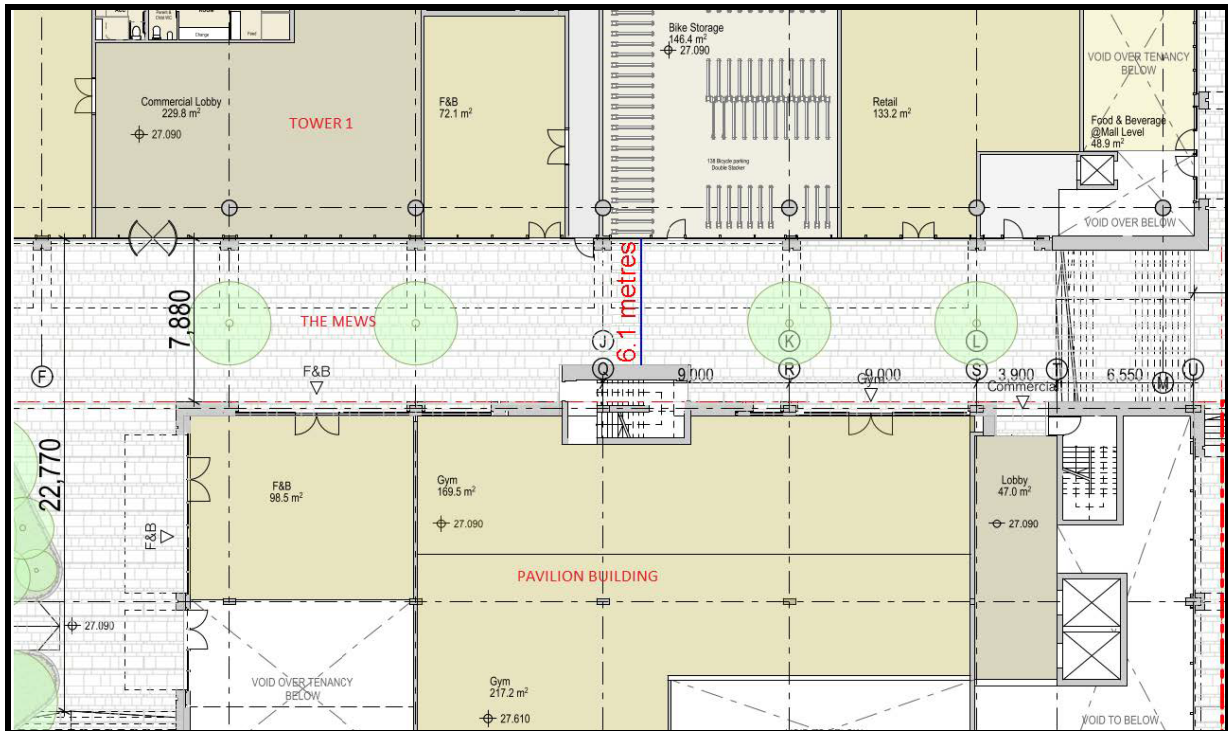


Figure 10: Ground Floor showing 7.88m width of The Mews with 6.1m pinch point at fire stair location

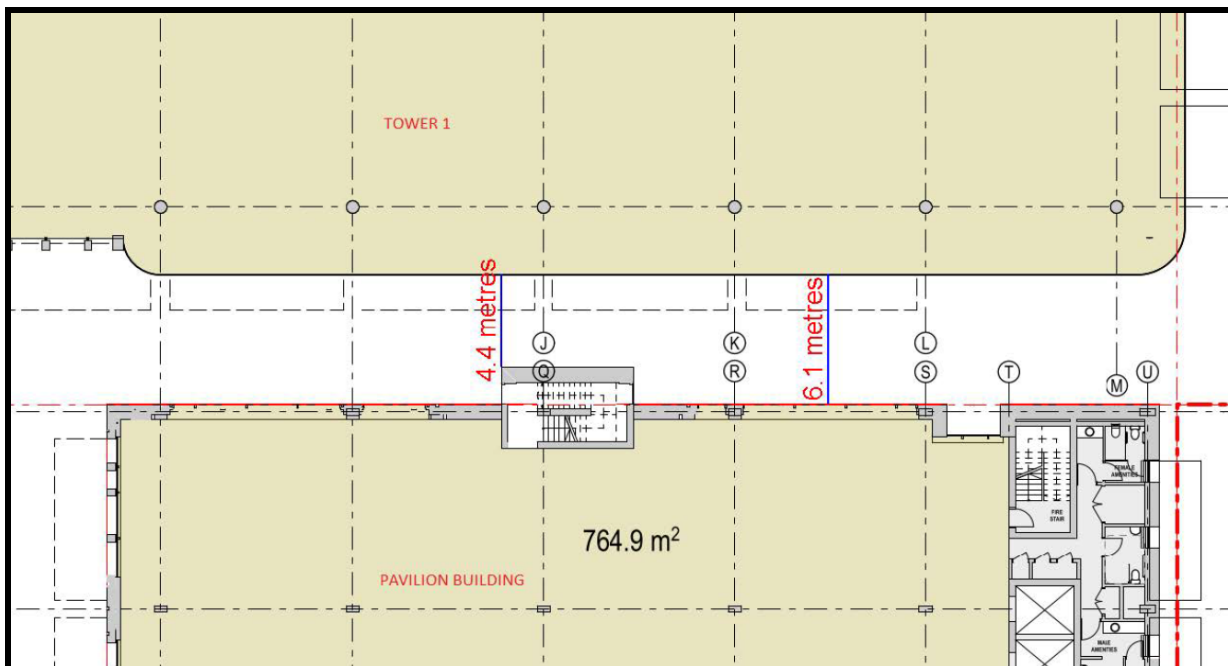


Figure 11: Upper Floors – showing 6.1m separation, with 4.4m pinch point at fire stair location

Council has suggested that a minimum separation of 6m would be more appropriate, which can be achieved by recessing the fire stairs into the Pavilion Building, resulting in a total loss of 55m² of internal floor space across 5 levels, space which could be reclaimed with a minor extension of the northern wall of the Pavilion Building by up to 0.75m to the north across the lower 4 floors, or with additional space added on Level 4. Council and the Applicant have reached an agreement for this change to form a condition of development consent, and such a condition has been included in the Recommendation section of this report.

Whilst the change is minor, it is considered to have significant benefits over the alternative, does not result in any loss in the quantum of floor space and resolves the only remaining issue in terms of building form associated with the entire design.

Vehicle Footpath Crossings

The applicant and Council have had significant discussions around the design and placement of the vehicular entry to the car park.

Elected Council recently adopted a Complete Streets document which looks to prioritise the hierarchy of streets around the Bankstown CBD, with a view to encouraging more public transport use and less private transport use, especially in streets within the CBD. Complete Streets emphasises the need to limit the amount of private vehicle parking and movements of such vehicles in the inner-CBD and concentrate these vehicles on the ring roads surrounding the CBD.

Due to the significant change in levels on the subject site, it was not possible to provide direct vehicular access to Rickard Road (being the CBD Ring Road) and still maintain a safe distance to the signalised Rickard Road/Jacobs Street intersection. The development proposes a two-level basement accessed via a left-in only entry off Jacobs Street, with a left-out only exit onto Jacobs Street, as well as a link to the existing at-grade car park fronting Rickard Road, which allows access to multiple vehicle exit options to Rickard Road and Lady Cutler Avenue. This is considered to be an appropriate solution given the challenges of the site's location relative to existing traffic infrastructure and the significant level change across the site.

The design of the entry/exit at Jacobs Street has been resolved, with an agreement reached as to the dimensions of the vehicular footpath crossing, the width of the entry and exit lanes, the physical separators between those lanes and the need for a structural column to be relocated so as to avoid sitting in the sight lines of drivers exiting the car park onto Jacobs Street (see Appendix W). A condition of consent addressing these matters is included in the Recommendation section of this report.

Car Parking

Council's long-term car parking strategy in the CBD is to discourage private vehicle use, through the reduced provision of car parking spaces for private vehicles. This is a consistent theme through Council's Complete Streets document, as well as the long-term strategic planning documents like Council's Local Strategic Planning Statement (LSPS) and Connective City 2036. Two separate Masterplanning exercises are also currently being undertaken relevant to this site, one for the Bankstown CBD as a whole and another for the Bankstown Central Shopping Centre site as a standalone masterplan (with the Shopping Centre landowner, Vicinity, as the applicant). All of these documents reinforce the need to set maximum car parking rates, as opposed to the currently used methodology of minimum car parking rates, especially in a CBD setting that is well serviced by current and future public transport (e.g. Sydenham to Bankstown Metro rail line and a regional bus network hub).

Based on the current Part B5 (Parking) of the BDCP 2015, a minimum number of car parking spaces are required to be provided on site. An opportunity exists to provide some of these as a financial contribution via a Planning Agreement. The proposed development would generate a demand for 805 car parking spaces. All of the strategic documents above would suggest that providing 805 spaces in the Bankstown CBD is not an appropriate long-term planning solution, and would serve to reinforce private vehicle trips in the CBD, when Council is actively encouraging the take up of public transport.

The subject site currently provides for an oversupply of car parking on site. There are currently 3,283 parking spaces provided across the entirety of the Bankstown Central site. A parking study undertaken at the Centre has revealed as many as 3188 spaces are occupied at the peak times of Thursdays and 3086 on Saturdays. It should be noted that there is currently no time restriction on the parking spaces at Bankstown Central. Traditionally the peak times for Shopping Centres are Thursdays and Saturdays, with Saturdays the expected highest use. In this instance, the higher peak on a Thursday when compared to the usually-dominant Saturday for a shopping centre can be attributed to parking by non-retail customers, (i.e. people not visiting the Centre) given there are no time restrictions on the parking provided at the Centre. The Centre has an approval (under DA-279/2019) to implement a paid parking scheme, providing free parking for up to 3 hours, with parking beyond this time limit attracting a fee. The applicant's traffic engineer has reviewed the likely occupancy rates of car parking based on the implementation of the paid parking scheme, which is likely to eliminate the non-retail customers and reduce the peak demand to 2558 on Thursdays and 2777 on Saturdays (a reduction of 20% and 10% respectively). Council's traffic engineers have reviewed these figures and agree with the methodology.

Under the introduction of the paid parking scheme (a loss of 17 spaces) and as a result of recent development approvals (a loss of 39 spaces) and the loss of spaces as a result of the proposed DA (111), a total of 3116 spaces would be available, prior to the additional 322 spaces as part of this development. Based on the anticipated parking demand once the paid parking scheme is introduced, in terms of oversupply, this would translate to 558 vacant spaces at peak times on Thursdays and 339 spaces at peak times on Saturdays (before the additional 322 spaces are provided under this DA).

When coupled with the 322 spaces provided under the proposed development, this still represents an oversupply of parking on site on Thursdays ($558+322 = 880$) when compared to the parking demand generated by the development (805) under the current minimum parking rate requirements of Part B5 of the BDCP 2015, but to a much smaller extent (75). On Saturdays ($339+322 = 661$) the proposed development would result in a shortfall of spaces (144) based on the current DCP requirement.

In the context of the current DCP requirements and the likely (but as yet unconfirmed) future move towards maximum car parking rates in the Bankstown CBD, it is considered that the provision of 322 parking spaces under the proposed development is appropriate, especially when considering the likely demonstrated oversupply of parking at peak times once the paid parking scheme is introduced, and

represents an appropriate transition to a future emphasis on less private vehicle and greater public transport use. This is especially relevant when considering the site is well serviced by public transport, in the form of buses (interchange on the site and numerous bus routes surrounding the site) and being in close proximity to the Bankstown Railway Station, due for upgrade to a Metro station in the medium term.

Planning agreements [section 4.15(1)(a)(iia)]

No planning agreements are applicable to the proposed development.

The regulations [section 4.15(1)(a)(iv)]

The proposed development is not inconsistent with the provisions of the Environmental Planning and Assessment Regulation, 2000.

The likely impacts of the development [section 4.15(1)(b)]

The proposed development is not considered likely to have any significant detrimental environmental, economic or social impacts on the locality.

The development represents a significant new addition to the Bankstown CBD, that is of a high quality built-form, with good urban design outcomes and linkages between buildings and the public space, both new (as part of the proposal) and existing (in terms of activating the street frontages to Rickard Rd and Jacobs St).

As was mentioned to the Panel at the initial Briefing of this development, Council had concerns over the possibility that works proposed as part of this development application may hinder the achievement of possible future outcomes under the current Planning Proposal and Masterplan exercises being undertaken on the Bankstown Central Shopping Centre site and in the wider Bankstown CBD. The development has been modified such that should the development be approved, it would be consistent with the principles and align with the design intent of the current planning proposal for the site and Bankstown CBD Masterplan.

Finally, the development takes place on that part of the Bankstown Central Shopping Centre site that is currently occupied by a Bus Interchange. DA-529/2020 has been approved, which allows for the Bus Interchange to be relocated to an alternative location on the site. It is recommended that a condition be imposed requiring works approved under DA-529/2020 to be completed, prior to any works commencing under the subject DA.

Suitability of the site [section 4.15(1)(c)]

Based on the assessment contained in this report, the site is considered suitable for the proposed development.

Submissions [section 4.15(1)(d)]

The application was advertised and notified for two separate periods of twenty-one

(21) days, the first from 15 July until 5 August 2020, and the second from 12 May to 2 June 2021. No submissions were received during these periods.

The public interest [section 4.15(1)(e)]

Approval of the proposed development is considered to be in the public interest

CONCLUSION

The development application has been assessed in accordance with the matters for consideration of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, requiring, amongst other things, an assessment against the provisions contained in Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015, and the application fails to comply in regards to height of buildings and car parking.

The height of buildings is 36.98m at the point of worst case which fails to comply with the maximum of 35m. Car parking is provided for 322 vehicles, whilst 805 are required. Despite these non-compliances, it has been demonstrated that the variation to the height of buildings is worthy of support in this instance in accordance with Clause 4.6 of the BLEP 2015. Furthermore, it is considered that the provision of parking spaces under the proposed development is appropriate, especially when considering the existing oversupply of parking demonstrated at peak times, and represents an appropriate transition to a future emphasis on less private vehicle and greater public transport use, as envisaged in Council's relevant strategic planning documents.

The development represents a significant new addition to the Bankstown CBD, that is of a high quality built-form, with good urban design outcomes. New open space areas are proposed with strong linkages between the proposed buildings and public spaces, both those new open spaces proposed as part of the development, and the existing public spaces in Rickard Road and Jacobs Street, through the activating of the street frontages. Despite the non-compliances, it is considered that the proposed development will make a significant positive contribution to the Bankstown CBD, and is worthy of support.

RECOMMENDATION

The conditions have been reviewed by the applicant, and no objection is raised to the conditions as recommended.

As such, it is recommended that the application be approved subject to the attached conditions, including the following specific conditions:

Condition 2) b)

Updated plans shall be lodged with Council which illustrate the stairwell on the eastern side of the pavilion building to be set back within the building line to allow for a minimum 6m separation between the eastern face of the stairwell/pavilion building and the western face of the proposed Tower 1. To facilitate no net loss of

gross floor area (GFA) as part of this requirement, the updated plans to be lodged with Council can include a design modification to offset any loss of GFA, through either extending the pavilion building line northwards across four floors to a maximum extent of 0.75m and/or extending the enclosed part of the pavilion building at Level 4, with an overall maximum of 55sqm GFA to be permitted as part of this updated design.

Condition 2) c)

The driveway entry and exit point in Jacobs Street shall be in accordance with the plan prepared by GTA Consultants, marked as “N186965-02-P5 (Preferred Option)”. The supporting column adjacent to the driveway exit in Jacobs Street shall be relocated, preferably within the site along the same alignment as the driveway as shown in purple on the above plan, so as not to sit in the pedestrian sight triangle for the exit driveway, as per AS2890.1. Sight triangle is to be marked on the Basement 1 Floor Plan and provided on the exit driveway, in accordance with AS 2890.1:2004 Figure 3.3 – Minimum Sight Lines for Pedestrian Safety. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway shall be provided to give clear sight lines of pedestrians from vehicles exiting the site and is to be kept clear of any obstacles. This shall be illustrated on plans submitted with the construction certificate.

Condition 29)

Prior to any works commencing, evidence shall be provided to the certifier demonstrating that works associated with DA-529/2020 for the relocation of the existing bus interchange on the subject site have been completed.

- END -