

ITEM 5.3 Planning Proposal, Planning Agreement and Development Control Plan for 74 Rickard Road, Bankstown

AUTHOR Planning

PURPOSE AND BACKGROUND

A planning proposal and site specific Development Control Plan (DCP) for land at 74 Rickard Road, Bankstown have been prepared and publicly exhibited. The application is requesting to increase the building envelope controls from 4.5:1 FSR / 53 metre building height to 8:1 FSR / 83 metre building height for the purposes of an educational establishment (university). This report outlines submissions received, responses to them, and seeks Council endorsement for the planning proposal and DCP to be finalised.

The planning proposal and draft site specific DCP were exhibited from 14 October 2020 – 13 November 2020. A total of twelve submissions were received from the community, State agencies and the proponent. Five of the six community submissions were in support of the proposal. Submissions from State agencies and the proponent primarily related to minor changes to the DCP and housekeeping amendments to the planning proposal document.

Additionally, this report seeks Council endorsement to prepare and exhibit a draft planning agreement for the required infrastructure to support the proposal offered by Walker Corporation, who have been engaged by Western Sydney University. These include design and construction of works along Appian Way, stormwater infrastructure upgrade contribution and car parking contribution. A concept reference design for Appian Way and a revised letter of offer is provided at Attachment C.

ISSUE

Council endorsement is required to finalise the planning proposal and site specific DCP, and to exhibit a draft planning agreement.

This report recommends that Council support the planning proposal and draft DCP controls to guide the future development of the site. Minor amendments are proposed in response to submissions from the community, proponent and State Agencies. It is also recommended that Council endorse the preparation and exhibition of a draft planning agreement, which will be reported back to Council after it is exhibited.

RECOMMENDATION That -

1. Council adopt the planning proposal as shown in Attachment A – Planning Proposal and that it be referred to the NSW Department of Planning, Infrastructure and Environment for finalisation.

2. The General Manager be authorised to make minor mapping or wording changes to the planning proposal arising from the finalisation process so long as these do not alter its intent or substance.
3. The proposed amendments to the exhibited draft site specific development control plan for 74 Rickard Road, Bankstown as shown in Attachment B are adopted and brought into effect once the LEP has been finalised.
4. Council prepare and exhibit a draft planning agreement for 74 Rickard Road, Bankstown on the basis of the revised letter of offer and concept reference design as shown in **Attachment C**.

ATTACHMENTS

[Click here for attachments](#)

- A. Planning Proposal Post Exhibition
- B. Draft Site Specific DCP Post Exhibition
- C. Planning Agreement Letter of Offer and Reference Design
- D. Summary of Community Concerns

POLICY IMPACT

This report proposes no changes to Council policies.

With respect to the relevant state and local planning strategies that apply to the site, the planning proposal is consistent with the Greater Sydney Commission's Greater Sydney Region Plan and South District Plan, which outline the vision for the Bankstown CBD as a strategic centre as a commercial, health and education precinct.

The proposal realises the aspirations of Council's Local Strategic Planning Statement, *Connective City 2036* as well as the priorities and actions of the *Bankstown CBD and Bankstown Airport Place Strategy* through facilitating planning changes to accommodate a vertical campus in the heart of the Bankstown CBD. The university is a catalytic development and key city shaper to enliven Bankstown as a health and education strategic centre.

The amendments to the *Bankstown Development Control Plan 2015* will ensure appropriate site specific issues will be addressed as part of the assessment by the Department of Planning, Industry and Environment of the live State Significant Development Application.

Council is both the land owner and assessor for this planning proposal, and this dual role has been carefully managed through the implementation of a probity plan which separates the assessment functions from the commercial functions of the organisation.

FINANCIAL IMPACT

The planning proposal and state significant development application necessitate a number of infrastructure works in order to support the vertical campus university. Western Sydney University, through their development partner Walker Corporation, have submitted a planning agreement letter of offer. The letter of offer proposes:

- Stormwater infrastructure upgrade works contribution of \$2 million;
- Public domain contribution including works along Appian Way to a value of \$2.6 million and a Council contribution of \$1.5 million (\$4.1 million total); unless otherwise agreed. This value of works may be subject to change with the agreement of Council; and
- Car parking contributions in lieu of a portion of parking spaces (50) in the State Significant Development Application (approximately \$1,713,632 subject to indexation).

An offset of developer contributions is proposed, which requires a planning agreement with the Minister for Planning and Public Spaces.

It is also noted that at the Council Meetings in December 2017 and June 2018, it was resolved to negotiate a 99 year ground lease with WSU on Council's land at 74 Rickard Road and part 375 Chapel Road, Bankstown with respect to the project. In accordance with the Council's Probity Plan, both the property and/or commercial terms have been resolved and/or negotiated independent of any planning consideration.

COMMUNITY IMPACT

The proposal represents a major education investment that will transform Bankstown. The proposed university is a major infrastructure project that would inject a significant number and variety of jobs to the Bankstown CBD, as well as a positive economic boost to existing and future local businesses.

The planning proposal was exhibited from 14 October 2020 – 13 November 2020 in accordance with the requirements of the Department of Planning and Environment's Gateway conditions.

A total of 12 submissions were received, including:

- Six community submissions (five in support)
- Five State agency submissions
- One submission from the proponent

The community submissions and State agency submissions raised matters relating to DCP changes or DA matters. The majority of requested DCP changes have mostly been supported as set out in the below report. The proponent's submission requested deletion of the solar access control in the LEP and replacement in the DCP, raised housekeeping changes to the planning proposal document and requested some changes to the DCP. With the exception of the solar access request, the majority of the requested changes are supported.

DETAILED INFORMATION

Background

This report details the public exhibition of a planning proposal and site specific development control for the land at 74 Rickard Road, Bankstown. It is noted that since Council's original resolution to proceed with the proposal, the site has been subdivided and has a new address and Lot and DP.

The site is legally known as Lot 15 DP 1256167 with a street address of 74 Rickard Road, Bankstown. The site is located in the core of the Bankstown CBD and civic precinct, and is approximately 3,678m². The site is bound by Rickard Road (north), Appian Way (east), Paul Keating Park (south) and Council's Bankstown Library and Knowledge Centre (west). The site is currently under construction in accordance with the early works development application approved by the Sydney South Regional Planning Panel (DA-697/2019) on 31 August 2020.



Figure 1 | Subject Site Source: NearMap 2020

The site is zoned B4 Mixed Use and a university (educational establishment) is currently a permitted use, subject to development consent. The building is subject to approval by the Department of Planning, Industry and Environment through a separate SSDA process (SSD-9831). An image of the current amended building is shown below:



Figure 2 | Amended WSU building, perspective from Paul Keating Park **Source:** Lyons Architectural Design Report Addendum August 2020.

The planning proposal (RZ-7/2018) seeks to amend the height, floor space ratio (FSR) and solar access controls for the site through the following amendments to the *Bankstown Local Environmental Plan 2015*:

- Increase in maximum height of buildings from 53m to 83m
- Increase in FSR from 4.5:1 to 8:1
- Creation of a new solar access control to determine a reasonable impact of overshadowing on Paul Keating Park:

Development must allow for 4 hours of continuous solar access to a consolidated area of Paul Keating Park between 10am and 3pm on 21 June (inclusive of existing shadow). The size of the consolidated area must be a minimum 50% of the area of Paul Keating Park (not including the footprint of the Council Chambers).

On 10 June 2020, the Department issued a Gateway determination to proceed to exhibition subject to receipt of further information from Council. After the submission of further information, Council also requested an amended Gateway to remove some of the imposed Gateway conditions relating to solar access on adjoining sites and confirm flooding infrastructure contributions after exhibition. An amended Gateway was issued on 2 October 2020 and allowed exhibition of the planning proposal.

Public Exhibition

The planning proposal (Attachment A), draft development control plan (Attachment B) and a letter of offer were exhibited from 14 October 2020 – 13 November 2020. The following engagement measures were taken, being mindful of COVID-19 safety requirements:

- Written notification to owners of surrounding sites in Bankstown that may be affected;
- Dedicated Have Your Say webpage on Council's website;
- Over 300 views of the proposal on Council's Have Your Say webpage;
- Public notice in the Council Column; and
- Notification through the NSW Planning Portal and email to public authorities, including Transport for NSW, Sydney Water, Sydney Metro, State Emergency Services and NSW Environment, Energy and Science.

Community submissions

Six community submissions were received in response to the planning proposal, DCP and letter of offer. Five stated that they supported the proposal, with the following comments received:

Issue

Staff and student parking must be a major concern and extra foot pedestrian between railway and uni. Are there any street closures?

Comment

There will be some interim street closures as part of construction of the building, including associated public domain improvements and stormwater infrastructure construction work. These will be temporary and will improve the street quality of Appian Way for the increased pedestrian foot traffic to Bankstown train station and bus stops, but will not close it to vehicular traffic.

Issue

The road network surrounding the proposal has large traffic flows. Supportive that public transport will be the primary form of access for students, teachers and administration, but will there be an increase in traffic in surrounding streets? Also, why is the area proposed for high-rise?

Comment

Council agrees that it is preferable to rely on public transport, consistent with the aims of the Bankstown CBD and Bankstown Complete Streets, given the close proximity to train and bus infrastructure and the incoming Sydney Metro in 2024.

Council also received a submission from Transport for NSW who are requesting for Council to limit the amount of car parking provided on site to minimise traffic generation and encourage use of public transport.

The draft DCP parking controls were also formulated on low levels of private transport and reliance on public transport, in order to minimise traffic impacts on the road network.

Consistent with Council's LSPS, it is appropriate to locate higher density development and uses within the CBD and town centres, instead of suburban areas where the low density character should be protected. This also promotes co-location of commerce, services and facilities.

Issue

Welcome local higher education opportunities.

Comment

It is agreed that the university will deliver a positive outcome for higher education and ancillary support services in the LGA.

Issue

The project should be well built and keep future transport in mind. More bus bays and better connections to Bankstown train station is paramount to making this University Campus well established in the CBD. Request to integrate with Paul Keating Park instead of divided up by roads and car parking zones.

Comment

Design excellence is a key consideration and has formed part of Council's submission to the State Significant DA (SSDA). The amended design of the building has been positively received by the NSW Government Architect's Office, and can comply with Council's requirements for solar access to Paul Keating Park. The campus also capitalises on public transport and encourages student travel on the train network and buses. Council is currently working with the proponent to ensure the building integrates with the surrounding public domain, including Paul Keating Park. The proponent has stated that they are committed to achieving integration with the park and public domain adjoining the subject site.

Issue

Please consider directional tactiles for vision impaired, student disability parking spaces and high Contrasting colours for surface level changes to assist people with depth perception problems.

Comment

These items are matters for development application which is currently under assessment by the Department of Planning, Industry and Environment. It is expected that the development would be required to comply with the relevant access codes and regulations.

State Agencies

In accordance with Section 56(2) of the EP&A Act 1979, the following state agencies were consulted following issue of the Gateway Determination by the Department of Planning, Industry and Environment. The State agencies that responded supported the planning proposal and provided feedback for Council's consideration.

None of the State agencies objected to the development, with some requesting minor changes to the DCP or are relevant to the DA. The submissions are addressed below:

State Agency	Submission	Comment
Transport for NSW (including former RMS)	TfNSW supports limiting onsite parking, use of public transport and reduction of traffic from private vehicles. TfNSW recommends the wording that the parking control provisions are maximums to support the associated DCP objectives.	<p>The response from TfNSW focuses on the DCP letter of offer submitted by the proponent and raises no concerns about the planning proposal. The submission also recommends that Council adopt maximum car parking rates to encourage public transport and lower traffic generation from the proposal.</p> <p>Council has adopted a car parking rate based on the campus' CBD location, and analysis undertaken by transport experts. The adoption of a maximum car parking rate is intended for other development types in the CBD, where a low parking generation rate has not been specifically adopted in the controls (for example - residential development).</p> <p>Due to the low rate already assumed, it would be inappropriate to apply a maximum car parking rate, which could result in zero parking required, disregarding the technical investigations and advice from independent traffic specialists.</p> <p>The proponent has the option to not provide parking in accordance with Council's VPA policy and pay contributions. This will allow Council to accommodate the required parking demand that is forecast for the proposal elsewhere in the Bankstown CBD.</p> <p>No changes are recommended to the DCP.</p>

	<p>Council may wish to consider that there is a risk in the availability of unmetered car parking and contributions towards additional car parking infrastructure may undermine the achievement of mode share targets for the development.</p>	<p>Noted. The planning proposal and letter of offer strikes a reasonable balance between TfNSW's objective to reduce car parking in the CBD and increase reliance on public transport, whilst providing an acceptable level of car parking to service staff and visitors.</p>
	<p>Any future redesign of Appian Way to be a shared zone requires TfNSW approval.</p>	<p>Noted, and will occur as required in a future DA for the Appian Way works proposed in the letter of offer.</p>
	<p>The exhibited reports have not assessed the number of students arriving by walking from bus and train (only mentioned as modes of access). Universities tend to have high numbers of students arriving at the same time from public transport and will potentially result in reduced levels of service on footways and safety concerns, especially during morning and afternoon peak periods. Consideration should be given to ensuring that adequate pedestrian and cycling links are provided to and from key destinations (e.g. Bankstown Station and bus stops) to ensure there are sufficient crossings and footpath space for students to and from the university.</p> <p>In this regard, it is appreciated that the VPA Letter of Offer has included proposed contributions to pedestrian enhancements. The above demands should also be considered and addressed in relevant DCP controls (e.g. additional setbacks etc.) to ensure the provision of adequate pedestrian and cycling infrastructure to cater for the additional demands.</p>	<p>The proponent has agreed to design, fund and construct the required footway and pedestrian linkages along parts of Appian Way to support the increased foot traffic from students in peak periods.</p> <p>A new cycleway consistent with Bankstown Complete Streets along Rickard Road will form part of the SSDA. Appropriate setbacks of the building have already been provided to enable adequate space for cycleways and pedestrian areas to meet the aspirations of Bankstown Complete Streets.</p> <p>Cycleways throughout the CBD will continue to be augmented either by Council or proponents through respective DAs.</p> <p>This comment has been addressed though the letter of offer, DCP and SSDA.</p>

Sydney Metro Authority	No issues raised.	Noted
NSW Department of Planning, Industry and Environment - Environment, Energy and Science Group (former Office of Environment and Heritage) (EES)	Details of different species and other requirements for landscaping for Council's reference as part of the EES's SSDA submission.	Noted
	The DCP be amended to: - Include an additional objective about native tree species and local biodiversity, - Replace the trees that are to be removed at ground level at a ratio of greater than 1:1 to mitigate the urban heat island effect, - Utilise a diversity of local native tree species, use of minimum 100 litre plant container pot size or similar if a native species pot size is not available - Landscape Plan shall be provided showing various details above and 12 month maintenance schedule.	Changes made to DCP.
	Proposed amendment to control 1.12 C5 relating to submission of a flood emergency response plan to be prepared in consultation with SES and Canterbury Bankstown Council.	Change made to DCP.
Sydney Water	Potable water and waste water servicing is available, with some adjustments potentially required.	Noted, this is a matter for the DA.
	No buildings or permanent structures are allowable over or within 1m from the outside wall of the stormwater assets. Elevations are to be provided for Sydney Water to review. A section 73 application is also required.	Noted, all matters for the DA.
NSW State Emergency Services	None received	Noted.

Ausgrid	Recommends preliminary enquiries for supply of electricity through a substation.	Noted, this is a matter for the DA. A substation is also shown on the SSDA plans.
	Where required, streetlighting replacement is to be discussed with Ausgrid.	Noted, this is a matter of the DA.
	There are existing underground electricity network assets in 74 Rickard Road Bankstown. Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Should ground anchors be required in the vicinity of the underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.	Noted, this is a matter of the DA.

Proponent's submission

Western Sydney University have lodged a submission and additional feedback to Council through their planning consultants Urbis and development partner, Walker Corporation. The following requests were made:

Planning Proposal

Issue

The subject site has been recently subdivided and is now known as 74 Rickard Road Bankstown, Lot 15 DP 1256167.

Comment

Planning proposal amended.

Issue

The solar access control should be moved out of the LEP and into the DCP, consistent with South Sydney DCP, Burwood DCP and Chatswood CBD Planning and Urban Design Strategy 2036.

Comment

Council considers the proposed solar access control is essential to the suite of planning controls applying to the site and warrants inclusion in the LEP, given it will protect the amenity of the principal piece of open space in Bankstown CBD. The retention of the proposed control in the LEP is consistent with Council's own studies and investigations, and similar controls within the City of Sydney LEP and City of Parramatta LEP.

Consequently, this change is not recommended.

Issue

The planning proposal document states that the proponent is to confirm stormwater infrastructure works, public domain works and car parking requirements. Works along Civic Drive have not been included due to the planning proposal and DAs lodged for Bankstown Central, which includes relocation of the bus interchange from off Civic Drive. Civic Drive is therefore not required from WSU.

It is noted that the car parking assumptions for the number of staff on site at one time has now reduced from 650 to 245. A loading zone on Rickard Road is no longer proposed in the SSDA. The planning proposal should be updated to reflect these changes.

Comment

It is agreed that the planning proposal should be updated to reflect recent commitments in the letter of offer from the proponent to provide stormwater infrastructure contributions, public domain works along part of Appian Way (and Rickard Road as part of the SSDA) and parking contribution in lieu of deficient parking proposed on site.

As part of the letter of offer, the public domain reference design will plan and design works along Civic Drive. The delivery of upgrades along Civic Drive and Jacobs Street needs to be considered in the context of the Vicinity planning proposal and current development applications. The relocation of the bus interchange and other proposed elements from the Vicinity site will deter pedestrians from Western Sydney University moving along Jacobs Street and instead down Appian Way.

The revised staff numbers on site at any one time has also been accepted and the change made accordingly. Changes to the loading zone location are noted and this change has also been made.

Issue

Amendments to Attachment B, relating to the consistency of the proposal with SEPPs, to show alignment with state policy and adjust the map in the planning proposal of Paul Keating Park to be consistent with Council's Urban Design Peer Review definition shown in the Local Planning Panel report.

Comment

Agreed. The intent was always to align the mapping with Council's Urban Design Peer Review. The amendment has been made in Attachment A and is intended to be consistent with the mapping that will be inserted in the Bankstown LEP 2015.

Development Control Plan

Issue

Address and Lot and DP requires updating due to recent subdivision.

Comment

Change made.

Issue

Request to remove bicycle parking restriction to allow more than 20 spaces in the public domain, consider more spaces in Paul Keating Park and promote active transport as desired by Council.

Comment

Since the lodgement of this submission, dated 13 November, Council and the proponent have agreed through the SSDA process to allow a maximum of 20 bicycle spaces.

Notwithstanding, the impact of upwards of 100 bicycle spaces in the public domain would mean that bicycle parking dominates the public domain area. Whilst there is a desire to promote active transport, there are other means to accommodate more bicycle spaces within the building or on the subject site. In light of this, a change to the DCP on this matter is not recommended.

Issue

Request to modify the DCP to allow building projections over Council's land for architectural features and building sun shading (excluding awnings already allowed into Council's airspace). Parramatta DCP allows projections for these features in the CBD.

Comment

Consistent advice has been provided to the proponent that the building needs to be wholly designed within its own site, with the exception of awnings. The proposed control is more appropriate to be considered as part of Council's LGA wide consolidated DCP as its application at Parramatta is for the CBD not just a particular building, and a change of this nature needs to be considered holistically across the LGA as a clear policy change.

Since this submission, it has been agreed to modify the building to be wholly within the site as part of the SSDA. No changes are recommended to the DCP in relation to this issue.

Issue

Request to insert a figure showing Paul Keating Park and reference to the figure into the solar access control to clarify definition of the park for the purposes of the solar access control.

Comment

Agreed, this change is recommended.

Issue

Request to clarify that Section 1.8 control C1 relating to active frontages totalling 75% is an average.

Comment

Changes have been made to the draft DCP to clarify the active street frontage controls.

Planning Agreement

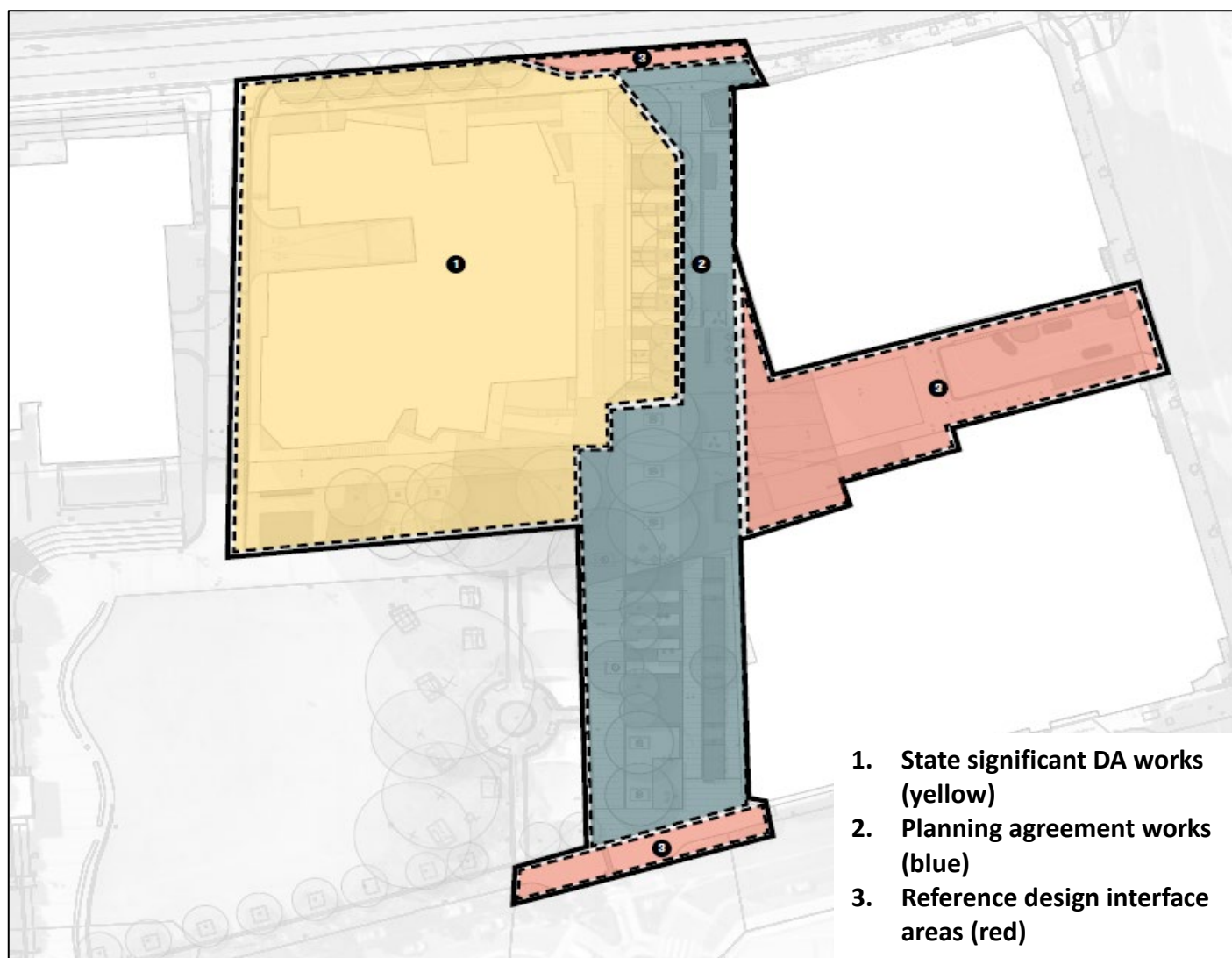
A draft letter of offer that provides the basis for a planning agreement from the university development partner, Walker Corporation, was exhibited alongside the planning proposal and draft DCP. The letter of offer included high level detail about the infrastructure contributions and public domain works that would be delivered by Western Sydney University in order to satisfy Council's resolution at the 22 October 2019 Meeting.

On 1 December 2020, Walker Corporation submitted a revised letter of which incorporated a public domain reference design and reflects discussions between Council officers and the proponent.

- \$2 million contribution to Council towards stormwater infrastructure upgrade works, payable to Council upon the completion of the works by Council.
- \$1,713,632 monetary contribution to Council in lieu of 50 car parking spaces
- Public domain upgrades to part of Appian Way to the Mall, including funding of the design and part of the construction up to \$2.6 million or as otherwise agreed. Council will contribute up to \$1.5 million and any costs that exceed the \$4.1 million during construction are to be borne by the proponent. The letter of offer is accompanied with a reference design for Appian Way.

Please note that, upgrades directly adjoining the site are required as part of ordinary conditions of consent for the SSDA.

The scope of public domain works is shown below:



Source: Aspect Studios

The contributions and works proposed in the letter of offer, if endorsed by Council, will form part of the draft planning agreement to be exhibited. After exhibition, a final report to Council would be required before any final endorsement.

Other Development Control Plan changes

In addition to the changes made as a result of submissions, Figure 4 of the draft DCP has also been amended to align with the scope of public domain works agreed to in the letter of offer.

Gateway Conditions and Council Resolution

The proponent has provided information to satisfy Council's resolution of 22 October 2019 and Gateway conditions issued by the Department. These matters include:

- Demonstrated concept envelope that achieves solar access control;
- Achieved concurrence from Bankstown Airport and Commonwealth Department of Infrastructure, Transport, Cities and Regional Development for the proposed height;
- Included DCP controls to mitigate wind impacts and protect Appian Way and Paul Keating Park;

- Provision of public domain upgrades for Appian Way (through planning agreement) and Rickard Road (SSDA). As discussed earlier, works along Civic Drive and Jacobs Street need to be considered based on the Vicinity planning proposal and development applications;
- Supplementary studies received and a draft DCP developed between Council and the proponent and cover all areas in Council's resolution and the Local Planning Panel minutes;
- The proponent has now formally offered a monetary contribution to stormwater infrastructure upgrades. This item also resolves the one outstanding Gateway condition that was issued in the amended Gateway of 2 October 2020.

Conclusion and Next Steps

Amendments have been made to the planning proposal document and draft site specific DCP as set out in this report in response to submissions and including general housekeeping changes. These changes are consistent with Council's resolution of 22 October 2019.

Should Council decide to endorse the planning proposal and draft site specific development control plan and proceed to exhibition with a planning agreement, the next steps are:

- Forward the planning proposal to the Department of Planning, Industry and Environment to be finalised;
- Publish the draft site specific development control plan and amended the *Bankstown DCP 2015* accordingly;
- Prepare and exhibit a draft planning agreement and return to Council for a final decision on the planning agreement.

