
Planning Matters - 25 May 2021

ITEM 5.1 Exhibition of Planning Agreement: 74 Rickard Road, Bankstown (WSU Bankstown Campus)

AUTHOR Planning

PURPOSE AND BACKGROUND

This report summarises the exhibition of a draft planning agreement for 74 Rickard Road, Bankstown related to the WSU Bankstown Campus.

ISSUE

At Council's Ordinary Meeting held on 8 December 2020, Council resolved to finalise the planning proposal and draft DCP for 74 Rickard Road, Bankstown in relation to the WSU Bankstown City Campus. To support the planning proposal, Council also resolved to prepare and exhibit a planning agreement for the required infrastructure outlined in a letter of offer from Walker Corporation who have been engaged by Western Sydney University. These included design and construction works along The Appian Way, stormwater infrastructure upgrade contribution and car parking contribution.

Following the exhibition, Council received two submissions, one in support and one against the draft planning agreement. In considering the submissions, it is recommended that Council enter into the planning agreement, as exhibited.

RECOMMENDATION That -

Council enter into the Planning Agreement as provided in Attachments A to E.

The General Manager be given authority to make minor changes to the document that may be required for the purposes of execution, so long as these do not alter the intent or substance of the planning agreement.

ATTACHMENTS [Click here for attachments](#)

- A. Planning Agreement
- B. Stormwater Infrastructure Upgrade Works
- C. Reference Design
- D. Clarification Schedule
- E. Explanatory Note
- F. Council Report - Ordinary Meeting of 8 December 2020

POLICY IMPACT

This report proposes no changes to Council policies.

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 university campus. Western Sydney University, through their development partner Walker Corporation, submitted a draft planning agreement which was placed on exhibition. The draft planning agreement proposes:

- Stormwater infrastructure upgrade works contribution of \$2 million.
- Public domain contribution including works along The Appian Way to a value of \$2.6 million. This will be balanced with a co-contribution by Council of \$1.5 million to complete the works at a total value of \$4.1 million. This value of works may be subject to change with the agreement of Council.
- Contributions towards car parking in Bankstown CBD (approximately \$1,797,418 subject to indexation).

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 draft planning agreement was exhibited for 34 days from 24 March 2021 – 26 April 2021 in accordance with the requirements of Council's community participation plan and the *Environmental Planning and Assessment Regulation 2000*.

A total of two submissions were received, including:

- one community submission in support.
- one community submission against.

The community submissions raised matters relating to car parking and open space provision.

DETAILED INFORMATION

STATUS OF PLANNING PROPOSAL AND STATE SIGNIFICANT DEVELOPMENT APPLICATION

On 8 December 2020 Council resolved to submit a Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for finalisation to amend the planning controls on the site to permit a maximum building height to 83m (from 53m) and a maximum Floor Space Ratio (FSR) of 8:1 (from 4.5:1). Council also resolved at this meeting to adopt the site specific Development Control Plan for the site. On 2 February 2021, the Planning Proposal was made and published on the NSW Legislation website.

On 18 February 2021 the Minister for Planning and Public Spaces granted approval to the SSDA Application (No. SSD-9831) for the construction of a 19 storey building (including two basement levels) for a new Western Sydney University education use and associated research space, conference facilities and ancillary retail uses. The approved SSDA includes a portion of public domain and landscape works around the building and new building signage. Construction of the new building commenced in October 2020 and is scheduled for completion in the second half of 2022. Condition B34 of the SSDA approval requires public domain works beyond the SSDA approval scope to be delivered through a Planning Agreement between the applicant and Council.

EXHIBITION

Council exhibited the draft planning agreement from 24 March 2021 – 26 April 2021. This exhibition process included a display on Council's website, notification in the local newspaper and letters to nearby land owners. This is consistent with the State planning legislation, which only requires the exhibition material to be made available on Council's website during the COVID 19 pandemic period.

Council received two submissions, one against and one supporting the draft Planning Agreement. The submissions made the following comments:

Parking and Open Space

Issue:

Parking offsets does not address the parking problem. An increased population in Bankstown needs more parking and open space.

Response:

The proposed car parking contribution within the Planning Agreement is 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. The site specific DCP parking controls were also formulated on low levels of private transport and to encourage a reliance on public transport, in order to minimise traffic impacts on the surrounding 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.

During the public exhibition of the now finalised Planning Proposal, Council received a submission from Transport for NSW that requested Council limited the amount of car parking provided on site to minimise traffic generation and encourage use of public transport. The Planning Agreement is consistent with these State Government objectives.

In regard to open space provision, the planning agreement would secure a \$2.6 million contribution towards a new public domain corridor to align The Appian Way which would add approximately 4,500sqm of new or upgraded high quality public open space. The Planning Agreement also facilitates public benefits associated with delivery of an attractive and functional new open space for the Bankstown CBD, is consistent with the Paul Keating Park Master Plan and will improve access to the new Bankstown Metro Station.

University funds

One submission expressed their view that universities don't pay rates or corporate tax and profit from foreign student education.

This is not a relevant consideration for the planning agreement.

In considering the submissions, it is recommended that Council enter into the planning agreement as exhibited.

NEXT STEPS

Should Council decide to enter into the planning agreement, the next steps are for Council to execute the planning agreement and to register the deed to the land title of the affected lots.