
Planning Matters - 25 July 2017

ITEM 5.2 **83–99 North Terrace and 62 The Mall in Bankstown**

AUTHOR **Planning**

ISSUE

This report provides an update on the planning proposal for the site at 83–99 North Terrace and 62 The Mall in Bankstown.

RECOMMENDATION That -

1. The planning proposal as shown in Attachment A be amended.
2. The planning proposal as outlined in this report be re-exhibited.

BACKGROUND

In 2015, the former Bankstown City Council resolved to submit a planning proposal to the Department of Planning & Environment to seek a Gateway Determination.

The intended outcome of the planning proposal is to provide an ‘alternative’ development control regime which may allow development to achieve the maximum building envelope (i.e. 83 metre building height, 5:1 FSR and dwellings on the first floor) if the development provides a Council administration building and associated car parking as well as a high standard of architectural, urban and landscape design to the satisfaction of Council. Otherwise the current controls would continue to apply.

In 2016, the Department issued a Gateway Determination, which enabled Council to proceed to exhibit the planning proposal.

In 2017, Council exhibited the planning proposal concurrently with the planning agreement and development application under section 72K of the Environmental Planning and Assessment Act 1979.

REPORT

Exhibition

Council exhibited the planning proposal, planning agreement and development application from 5 April to 12 May 2017. The exhibition process included:

- Displays at Council's Customer Service Centre (Bankstown Branch) and corporate website.
- Public notices in the local newspapers.
- Notification letters to property owners and occupiers of neighbouring properties.
- Notification letters to Commonwealth and State agencies, Bankstown Airport Limited, Taxi Council and bus operators.
- Notification sign on the site.

Council received 28 submissions from property owners, residents, public authorities and key stakeholders in response to the exhibition.

Planning Proposal

The key issues raised in submissions in relation to the planning proposal include:

- **Strategic Basis**

Some submissions question the strategic basis for the proposed building envelope and Council administration building, and request that the use of the former library site be retained for public purposes.

Comment:

In relation to the proposed building envelope, the Department of Planning & Environment's Draft Sydenham to Bankstown Urban Renewal Corridor Strategy sets the State Government's desired character for the Bankstown CBD in the context of the new Sydney Metro Line and metro station.

The draft strategy proposes high rise mixed use development (25 storeys) above the railway station and certain sites immediately north of the railway station. The proposal is consistent with the draft strategy as it is one of the sites identified for 25 storeys.

In relation to infrastructure, Council considered the Bankstown CBD Local Area Plan. The Local Area Plan sets Council's desired character for the Bankstown CBD. A key action is to reinforce the Civic Precinct as the primary location for Council's civic and administration services.

The proposal forms part of the Civic Precinct, and the siting of Council's administration building at this location is consistent with the Local Area Plan. The need for an administration building is also timely given the merger of the former Bankstown and Canterbury City Councils. The planning agreement policy allows Council to consider additional infrastructure needs that are not identified in the contributions plan.

Based on the above and given the strategic location of the proposal, Council seeks to ensure the proposal provides public benefits to the redevelopment of the Civic Precinct, namely an administration building as well as a high standard of architectural, urban and landscape design. If the proposal does not deliver these public benefits to the satisfaction of Council, then the current controls would continue to apply.

- **Airspace Protection**

Some submissions raise airspace protection as an issue.

Comment:

Bankstown Airport and aviation authorities are assessing the proposal to respond to this issue.

- **Road Network Assessment**

Most submissions raise the impact on the road network as an issue.

Comment:

The exhibition process consulted state agencies in relation to the transport and road network. In response to the planning proposal, Transport for NSW and Roads & Maritime Services request additional information to assess the impact on certain signalised intersections within the local network. It is proposed to seek this information to respond to this issue.

- **Planning Agreement**

A submission requests the inclusion of other community benefits in the planning agreement, namely a catchment wide solution to flooding in the centre.

Comment:

Council's Section 94A Development Contributions Plan (Bankstown) contains proposed drainage system upgrades for the Bankstown CBD in the works schedule. On this basis, it is not proposed to change the planning agreement.

- **Development Application**

Most submissions raise issues in relation to the development application.

Comment:

The development assessment process will consider these issues.

Next Steps

Following a review of submissions and recent developments in the State Government's planning policies, it is proposed to make the following amendments to the planning proposal (as shown in Attachment A):

- **Amend Part 2 by deleting the reference to clause 4.4A of Bankstown LEP 2015.**

Reason:

The planning proposal proposes to insert a clause that requires development to provide public benefits if it is to achieve the maximum building envelope controls, namely an administration building as well as a high standard of architectural, urban and landscape design.

The reference to clause 4.4A is an extension to the requirement for a high standard of architectural, urban and landscape design.

Since the issue of the Gateway Determination, Council finalised the planning agreement. The planning agreement incorporates the environmental performance for the administration building. The development assessment process would consider the environmental performance for dwellings. In this context, it is considered that the reference to clause 4.4A is no longer required.

This proposed amendment does not change the overall intended outcome of the planning proposal, which continues to provide an 'alternative' development control regime which may allow development to achieve the maximum building envelope if the development provides an administration building as well as a high standard of architectural, urban and landscape design to the satisfaction of Council.

- **Amend Part 3 by deleting the reference to the peer review.**

Reason:

The planning proposal process commenced in 2015 and made reference to a peer review of the proposed scheme. It is proposed to delete this reference to clearly indicate Council's current focus on the review outcome of the Gateway process to determine whether the proposed building envelope is appropriate.

- **Amend Part 3 by updating the consistency with applicable State strategies.**

Reason:

The planning proposal must demonstrate consistency with applicable regional or subregional strategies (including exhibited draft strategies). It is proposed to update the planning proposal to demonstrate consistency with the exhibited Draft South District Plan and the revised Draft Sydenham to Bankstown Urban Renewal Corridor Strategy.

The next step would be to re-exhibit the planning proposal. According to the Department of Planning & Environment's publication 'A Guide to preparing local environmental plans', Council must inform the Department, who may issue a revised Gateway determination, depending on the nature of the variations.

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

This matter has no financial implications for Council.

RECOMMENDATION That -

1. The planning proposal as shown in Attachment A be amended.

2. The planning proposal as outlined in this report be re-exhibited.

ATTACHMENTS

- A. Planning Proposal