CANTERBURY BANKSTOWN

AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

30 September 2019 - 6.00pm

Location:

Council Chambers
Cnr Chapel Road and the Mall,
Bankstown

ORDER OF BUSINESS

APOLOGIES AND DECLARATIONS

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

BANKSTOWN WARD

1 **Planning Proposal: 74 Rickard Road and Part 375 Chapel Road, Bankstown** 3

ITEM 1 **Planning Proposal: 74 Rickard Road and Part 375 Chapel Road, Bankstown**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

Council is in receipt of a planning proposal application for the site at 74 Rickard Road and part 375 Chapel Road, Bankstown. 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).

The Greater Sydney Commission has classified Bankstown as a strategic centre, which aims to locate a university and hospital within the emerging health and education precinct. The proposed university (650 staff and 10,000 students) is a City shaping infrastructure project that aligns with the Commission's initiative and would inject a significant number and variety of jobs to the Bankstown CBD.

A detailed assessment of the application submitted to Council indicates the proposal has strategic merit to proceed to Gateway subject to undertaking further built form analysis to ensure overshadowing and wind impacts meet the required planning rules as outlined in this report.

ISSUE

The Local Planning Panel is requested to recommend whether a planning proposal for the site at 74 Rickard Road and part 375 Chapel Road, Bankstown should proceed to Gateway in accordance with the Local Planning Panels Direction, issued by the Minister for Planning and Public Spaces.

RECOMMENDATION That -

1. The application to amend Bankstown Local Environmental Plan 2015 proceed to Gateway subject to the following:
   (a) Permit a maximum 83 metre building height subject to consultation with Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
   (b) Permit a maximum 8:1 FSR subject to the proposal satisfying the solar access and wind impact requirements as outlined in section 5 of this report.

2. The applicant demonstrates how the proposal would comply with the car and bike parking requirements and loading facility requirements as outlined in section 5 of this report. If the applicant is unable to meet these requirements, Council's Planning Agreements Policy may be applied to address the shortfalls.

3. Council prepare a site specific DCP Amendment as outlined in section 5 of this report, and exhibit the DCP Amendment concurrently with the planning proposal.

4. Council request the applicant to update the supporting studies prior to exhibition to reflect the amendments to the planning proposal.

ATTACHMENTS

Click here for Attachments A-L Click here for Attachments M-Q
Click here for Attachments R-Z

Attachment A – Existing Land Zoning, Floor Space Ratio and Building Height Maps
Attachment B – SEPPs and Ministral Directions
Attachment C – Application – Planning Proposal Report
Attachment D – Application – Urban Design Report
Attachment E – Application – Supplementary Planning Information Package
Attachment F – Application – Email - Additional Information
Attachment G – Application – Letter - Additional Information
Attachment H – Application – TMAP
Attachment I – Application – Academic Plan
Attachment J – Application – Vertical Campus Benchmarks
Attachment K – Application – Updated Architectural Design Concept Drawings
Attachment L – Application – Aeronautical Impact Assessment
Attachment M – Application – Shadow Diagrams
Attachment N – Application – Survey Plan
Attachment O – Application – The Appian Way Alignment
Attachment P – Application – The Appian Way Realignment Mark–up
Attachment Q - Application–Landscape Concept Plans
Attachment R – Application – Pedestrian Wind Environment Study
Attachment S – Application – Heritage Impact Statement
Attachment T – Application – Interior Narrative Concept
Attachment U – Application – 'Not Lazy Learning' Report
Attachment V – Council – Site Flood Assessment Report
Attachment W – Council – Peer Review of Traffic and Transport
Attachment X – Council – Best Practice Rsearch – Sola amenity Controls
Attachment Y – Council – Urban Design Peer Review Report
Attachment Z– Council – Solar Amenity Study – Paul Keating Park

POLICY IMPACT

The location of the proposed university is consistent with Council's policies, namely the Draft Local Strategic Planning Statement, Draft Bankstown Complete Streets Transport and Place Plan, and Bankstown CBD Local Area Plan.

Council prepared the Draft Local Strategic Planning Statement to guide the future of the City of Canterbury Bankstown to 2036.

The Draft Local Strategic Planning Statement classifies Bankstown as a major centre for intensive jobs and commerce, including those relating to education (Metropolitan Direction, page 21). The assessment of the application submitted to Council indicates the proposal would act as a catalyst to achieve this direction and would provide an education hub for the community.

The Draft Local Strategic Planning Statement also proposes to improve the public domain (Evolution 8, page 83). Paul Keating Park and The Appian Way are acknowledged as primary urban spaces in the Bankstown CBD. The assessment identifies the need for the proposal to undertake further analysis to confirm that the overshadowing and wind impacts on these public spaces align with the planning rules set out in section 5 of this report.

FINANCIAL IMPACT

Council and the Western Sydney University (applicant) have identified a suitable site for the proposed university, consistent with State and local polices. The site is Council owned land at 74 Rickard Road and part 375 Chapel Road, Bankstown. The applicant is proposing to relocate the existing university at Milperra to this site as part of their 'Western Growth Program'.

At its Ordinary Meeting of 12 December 2017, Council resolved to negotiate lease terms with the applicant, which includes a proposed 99 year ground lease over the Council owned land. At this point, the negotiation of the lease terms is ongoing. This report has been prepared independent of any commercial agreement entered into between Council and the applicant.

Council also prepared a probity plan to clearly separate the commercial negotiation of the lease terms from Council's regulatory function in assessing planning proposals. The probity plan was prepared with regard to the Independent Commission against Corruption (ICAC) guidance material and other legislation requirements to manage the perception risk associated with Council's dual roles, and to certify the assessment and determination process remains transparent and decisions are made in the public interest.

The probity plan notes that it may be desirable, where there is the option, that an external decision body be given responsibility for determining significant applications in which Council has a direct interest. To this extent, the following external decision bodies will consider the current applications associated with the proposed university:

Planning Proposal Application RZ–7/2018

In December 2018, the applicant submitted a planning proposal application to Council to amend the FSR and building height controls for Council owned land at 74 Rickard Road and part 375 Chapel Road, Bankstown. Section 3 of this report outlines the application.

The Department of Planning, Industry and Environment requires Council to forward the planning proposal to the Local Planning Panel for advice prior to Council deciding whether to proceed to Gateway. Should the Department issue a Gateway Determination, Council would exhibit the planning proposal and consider submissions consistent with the Gateway conditions and legislative requirements. The determining authority for this planning proposal is the Department of Planning, Industry and Environment.

State Significant Development Application SSD–9831

In December 2018, the applicant submitted a state significant development application to the Department of Planning, Industry and Environment under State Environmental Planning Policy (State and Regional Development) 2011.

The development application proposes to construct a 19 storey university (8:1 FSR) on the site at 74 Rickard Road and part 375 Chapel Road, Bankstown. The determining authority is the Minister for Planning and Public Spaces. Council's role is limited to providing land owner's consent and providing comments on the development application.

Development Application 697/2019

In September 2019, the applicant submitted a development application to Council, which proposes early works on the site for the proposed university. The early works include demolition, tree removal, bulk excavation, shoring and temporary anchors, services division and alterations to The Appian Road layback at Rickard Road.

As Council is the land owner, this application will be assessed independent of Council. The determining authority is the Sydney South Planning Panel as the development application is council related and has a capital investment value over $5 million.

COMMUNITY IMPACT

The proposal represents a major education investment and will transform the energy and experience of Bankstown, bringing up to 650 staff and 10,000 students.

The Planning Proposal Report comments that the delivery of a proposed university to the Bankstown CBD constitutes a public benefit (Attachment C, page 16), together with the following community benefits (Attachment C, page 79):

- The proposal includes public domain improvements adjacent to the site boundaries i.e. Rickard Road and The Appian Way;
- The proposal would have flow–on economic benefits to existing and new commercial and retail businesses that would service the proposed university;
- The proposal would provide increased capacity to conduct and showcase research and teaching relevant to the region;

- The proposal would provide a unique opportunity for local businesses to exchange knowledge and link with other national and international research precincts; and
- There is the potential for partnerships with Council to expand social infrastructure by making spaces within the building publicly accessible.

DETAILED INFORMATION

1. SITE DESCRIPTION

The site is Council owned land (3,678m^2 in area) and comprises the following properties:

Property Address	Property Description	Existing Zone	Site Area	Land Classification	Existing Uses
74 Rickard Road, Bankstown	Lot 5, DP 777510	B4 Mixed Use	3,329m²	Operational	63 at–grade public car spaces, driveway and lawn
375 Chapel Road (part), Bankstown	Lot 6, DP 777510	B4 Mixed Use	349m²	Operational	Driveway

The site is zoned B4 Mixed Use under Bankstown Local Environmental Plan 2015. Educational establishments (including universities) are permitted in this zone subject to consent. The maximum floor space ratio is 4.5:1 and the maximum building height is 53 metres. The existing Land Zoning, Floor Space Ratio and Building Height Maps are provided in Attachment A. The site is subject to an overland flow path and prescribed airspace restrictions. Vehicle access to the site is from Rickard Road.

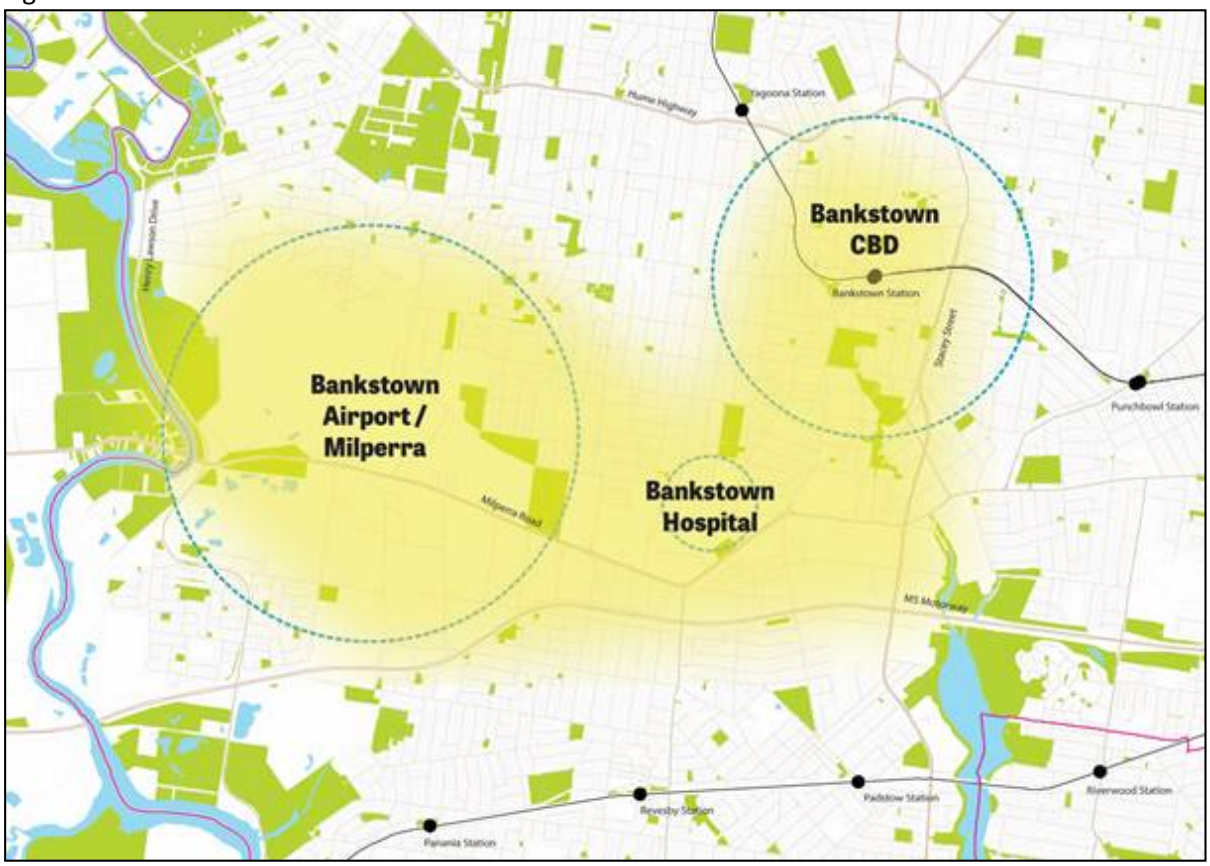
Figure 1: Site Map

2. STRATEGIC CONTEXT

The Greater Sydney Region Plan aims to broaden Sydney's global economic footprint to support net jobs growth of 817,000 to 2036. The major centres, defined as metropolitan and strategic centres, account for 50% (2011) of all Sydney's jobs and play a significant role in providing jobs close to home. Facilitating the growth of metropolitan and strategic centres will be important in growing jobs.

The Greater Sydney Commission is further facilitating this growth by identifying the Bankstown CBD (strategic centre), Bankstown Airport and Bankstown–Lidcombe Hospital as a Collaboration Area (refer to Figure 2).

Figure 2: Bankstown Collaboration Area



Source: Greater Sydney Region Plan (GSC, page 20)

The Greater Sydney Commission is currently collaborating with Council and government authorities to finalise the Bankstown Collaboration Area Place Strategy. The intended outcome is to coordinate investment and infrastructure to achieve 25,000 jobs and 25,000 students in the Collaboration Area by 2036.

To date, there are a number of projects that have been committed to, approved or are at preliminary planning stages that signal significant transport, education, health and employment generating development consistent with the Collaboration process. These projects include (refer to Figure 3):

- Western Sydney University Bankstown Campus;
- $1.3 billion commitment to Bankstown–Lidcombe Hospital redevelopment;
- Complete Streets, a transport and movement plan for the Bankstown CBD;

- Paul Keating Park Masterplan;
- Compass Centre: Planning Proposal approval (25 storeys). DA under assessment;
- Bankstown Sports: New 11 storey commercial office building;
- Bankstown RSL: New club focused on dining with Stage 2 to deliver 200 hotel rooms;
- Road improvements: Stacey Street and Henry Lawson Drive (current and ongoing);
- Bankstown Central: Ongoing masterplan discussions.

Figure 3: Bankstown strategic centre and current projects

Source: South District Plan (GSC, dated March 2018) and Council (dated 2019)

The next step in the Collaboration process is to facilitate the growth of the emerging health and education precinct in the Bankstown CBD. The Greater Sydney Commission recognises Council and the applicant have identified a suitable site for the proposed university at 74 Rickard Road and part 375 Chapel Road. The benefits of this site are:

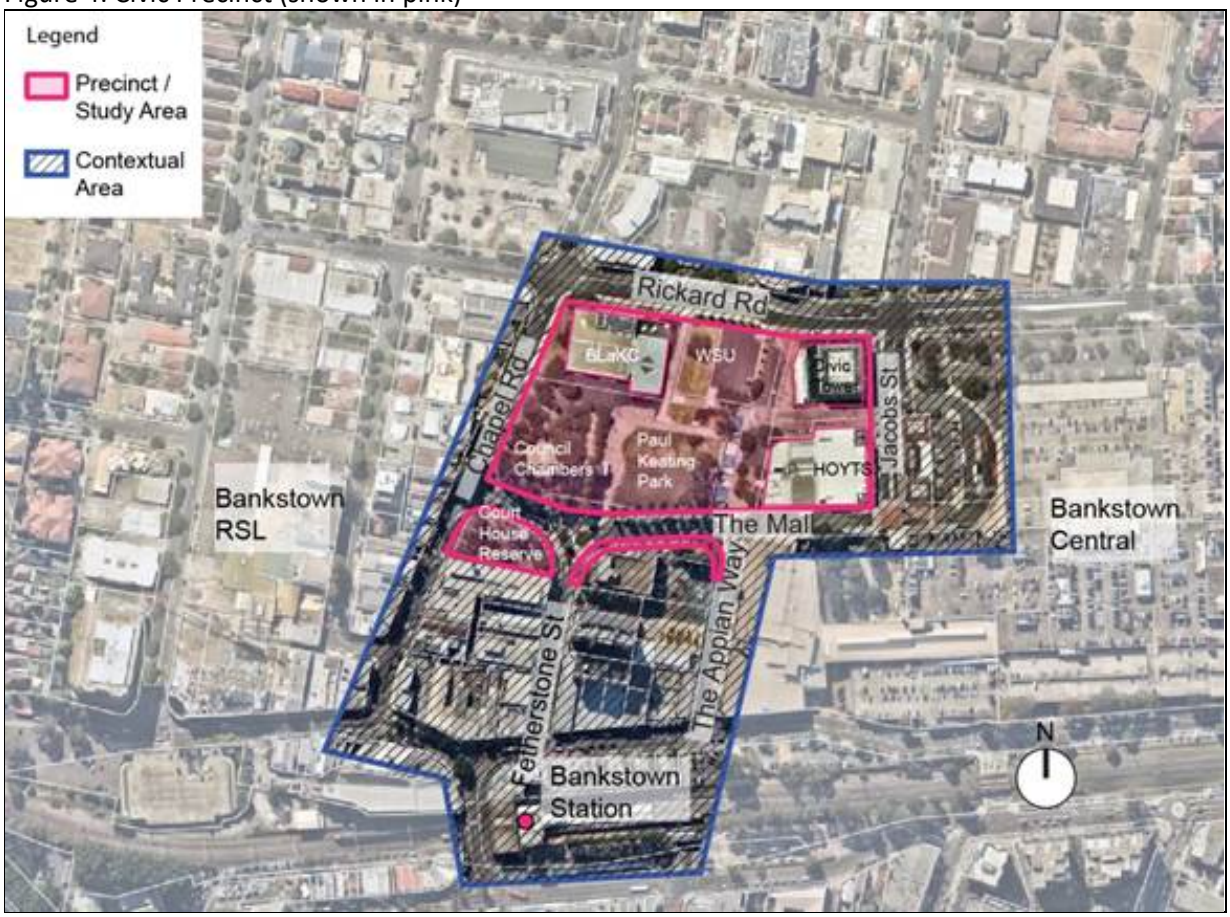
- The proposed university is located within the emerging health and education precinct, in proximity to the Sydney Metro station, TAFE Campus and Bankstown Library and

Knowledge Centre (BLaKC). The desired future character of the emerging health and education precinct is to co–locate health and education facilities in proximity to the Sydney Metro station.

- The proposed new university would form an anchor in the Civic Precinct. The Civic Precinct and Paul Keating Park form the central focus of the Northern CBD Core. The established character is distinctly commercial due to a concentration of major civic and office buildings including the Council Chambers (heritage item), Town Hall, BLaKC, Civic Tower, Bankstown Court House, Compass Centre and Bankstown Central. The precinct is highly accessible to public transport, and as a result, this precinct is characterised by taller buildings and higher densities compared to the other precincts in the Bankstown CBD.

  The desired future character is to have Sydney's best local Civic Precinct, serviced by a high quality pedestrian environment and mid–block connections. Redevelopment within the Civic Precinct will enable Council to use the site as a catalyst for future investment in the broader strategic centre, and to demonstrate a high quality sustainable precinct and built form design which Council could use as a demonstration for other parts of the City (Bankstown CBD Local Area Plan, page 32).

Figure 4: Civic Precinct (shown in pink)



Source: Council (dated 2019)

3. PROPOSAL DESCRIPTION

In December 2018, the applicant submitted a planning proposal application (RZ–7/2018) to Council to amend Bankstown Local Environmental Plan 2015 as follows:

	Existing Controls	Proposed Controls
Maximum FSR	4.5:1	8:1
Maximum building height	53 metres	83 metres

The application includes:

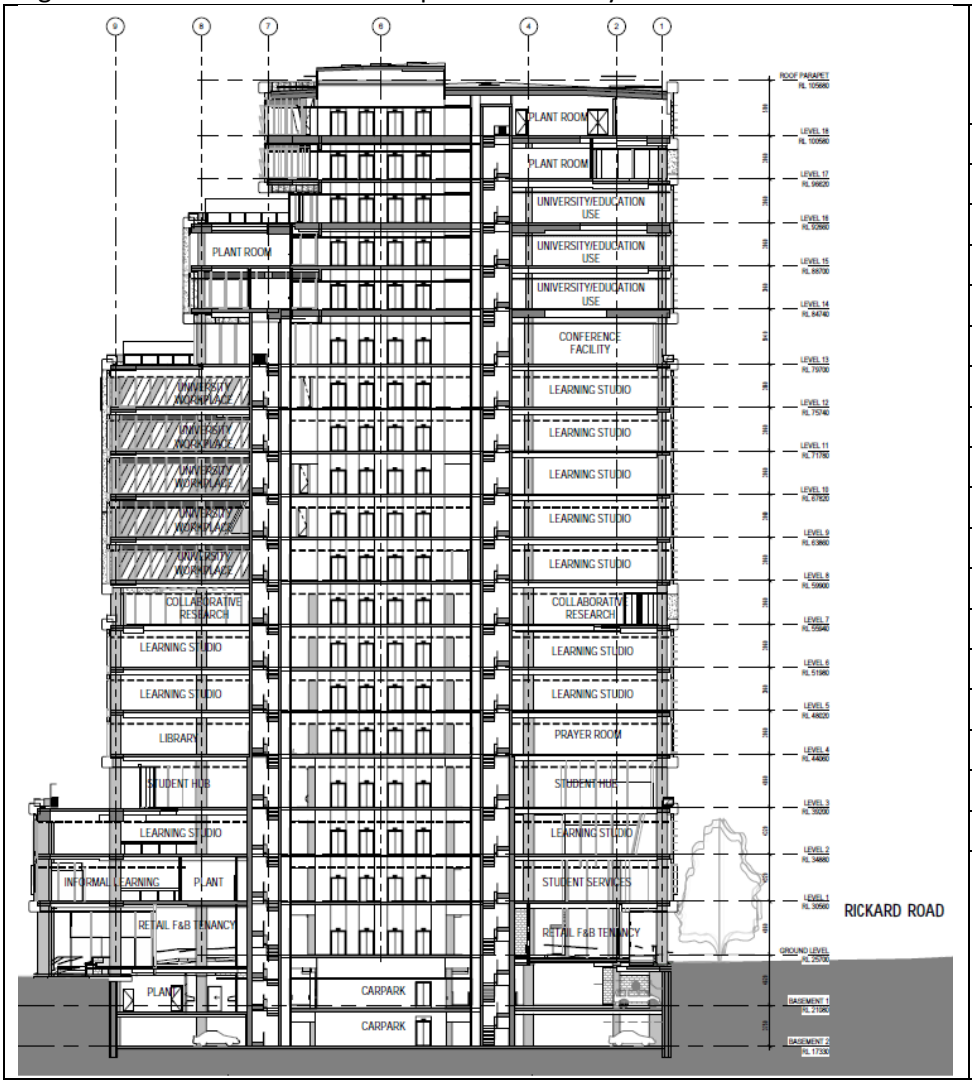
- Planning Proposal Report (Urbis, dated 18 December 2018) (Attachment C)
- Urban Design Report (Lyons Architecture, dated 20 December 2018) (Attachment D)
- Supplementary Planning Information Package (Lyons Architecture, dated 12 August 2019) (Attachment E)
- Email–Additional Information (Urbis, dated 27 August 2019) (Attachment F)
- Letter–Additional Information (WSU, dated 30 August 2019) (Attachment G)
- Transport Management and Accessibility Plan (Arup, dated 17 July 2019) (Attachment H)
- Academic Plan (WSU, dated September 2019) (Attachment I)
- Vertical Campus Benchmarks (Lyons Architecture, dated 26 October 2018) (Attachment J)
- Updated Architectural Design Concept Drawings (Lyons Architecture, dated 12 August 2019) (Attachment K)
- Aeronautical Impact Assessment (Landrum & Brown Worldwide (Aust) Pty Ltd, dated 26 March 2019) (Attachment L)
- Shadow Diagrams (Lyons Architecture, dated 25 July 2019) (Attachment M)
- Survey Plan (RPS, dated 2 August 2018) (Attachment N)
- Urban Design Review–The Appian Way Alignment (Lyons Architecture, dated 9 July 2019) (Attachment O)
- The Appian Way Realignment Mark–up (Lyons Architecture, dated 1 August 2019) (Attachment P)
- Landscape Concept Plans (Aspect Studios, 13 December 2018) (Attachment Q)
- Pedestrian Wind Environment Study (Windtech, dated 28 May 2019) (Attachment R)
- Heritage Impact Statement (Urbis, dated 23 August 2019) (Attachment S)
- Interior Narrative Concept (Lyons Architecture, dated 1 August 2019) (Attachment T)
- Document 'Not lazy learning, how informal spaces power students' (Hassell, dated September 2017) (Attachment U).

Based on the updated architectural design concept drawings, the proposed university is to comprise:

Building design	Proposal	Source
Gross floor area	29,270m^2	Letter (Attachment G)
Building envelope efficiency ratio	84% (not including basement levels)	Letter (Attachment G)
Enrolment number	10,000	Planning Proposal Report (Attachment C)

Student load capacity of the building	3,400 (estimated 2,000 students at any one time)	Email (Attachment F)
Staff load capacity of the building	600–650 (estimated 350–650 staff and 150 visitors at any one time)	Email (Attachment F) and TMAP (Attachment H)
Off–street car parking spaces	84–94 (including 4 DDA bays) subject to the final basement design	TMAP (Attachment H) and Supplementary Planning Information (Attachment E)
Off–street bicycle parking spaces	32 (staff)	TMAP (Attachment H)

Figure 5: Cross–Section of the Proposed University



Level	Floor plate (m^2)
19	785
18	1,122
17	1,232
16	1,434
15	1,504
14	1,059
13	1,395
12	1,423
11	1,339
10	1,403
9	1,399
8	1,191
7	1,909
6	1,862
5	1,897
4	1,462
3	2,546
2	2,362
1	1,649

Source: Updated Architectural Drawings (Attachment K)

According to the Planning Proposal Report (Attachment C, page 41) and additional letter (Attachment G), the proposed floor space and floor plates are required:

- To provide the full scope of facilities and amenities in accordance with the academic plan. The academic plan includes undergraduate programs in teacher education, psychology, arts and humanities, business, accounting, information technology and non–clinical health areas. It also includes post–graduate courses in teacher education, arts, humanities, non–clinical nursing and ICT.

- To accommodate teaching and research spaces in collaboration with industry partners. These will be interspersed within the campus.
- To accommodate floor plate sizes that are necessarily larger than the floor plates of ordinary commercial tower forms in the vicinity of the site. The university needs to support larger room sizes and circulation spaces to suit cohorts of students, as well as additional vertical circulation and building services infrastructure.
- To provide capacity for future enrolment growth.

According to the Vertical Campus Benchmarks Report (Attachment J), the proposed floor space and floor plates are comparable with other vertical campuses in Australia to meet the immediate and future needs of the university:

	RMIT, Swanston Academic Building	**University of Adelaide, Health/Medical Schools**	**NeW Space, University of Newcastle**	**WSU Peter Shergold Building, Parramatta**	**Silvia Walton, La Trobe University**
Storeys	11	13	9	17	5
Floor–to–ceiling height (m)	4–4.8	4.2–4.7	4.2	3.6–4.8	4.1
Gross floor area (m^2)	35,000	30,500	14,200	30,500	7,118
Typical floor plate (m^2)	2,860	1,775	1,150	2,360	1,215

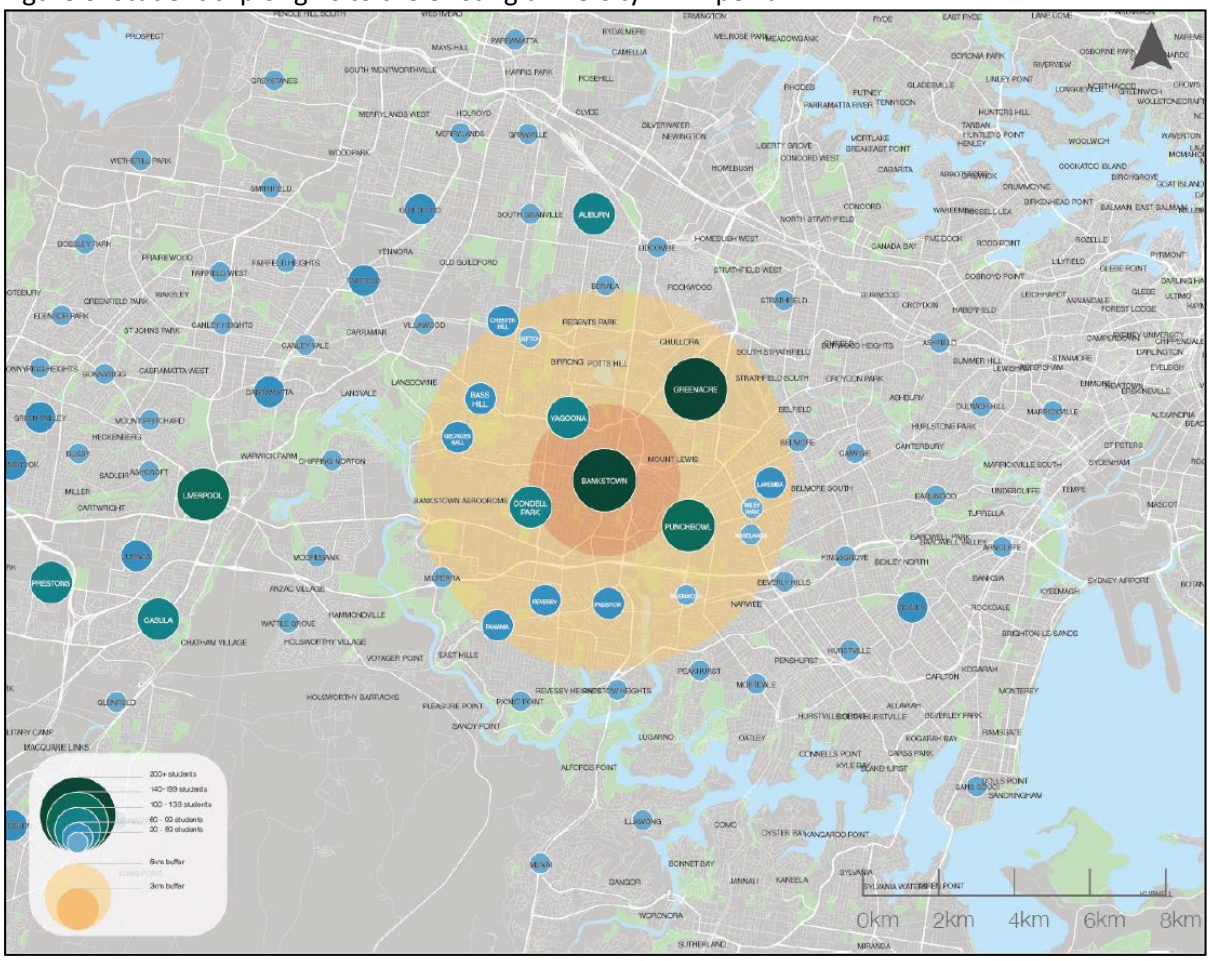
In relation to the proposed student catchment, the TMAP highlights that many students attending the existing university in Milperra reside within the 2km and 5km catchment of the proposal, commuting from suburbs such as Bankstown, Greenacre, Punchbowl, Yagoona and Condell Park (refer to Figure 6). Over time, the university may attract students residing along the Sydney Metro.

In relation to the proposed staff catchment, the TMAP recommends travel surveys of staff once the university is operational to allow for an accurate catchment area.

Based on the trip origin data, the TMAP (Attachment H, page 39) estimates that 20% of students would walk and cycle to the proposed university, 65% would commute by public transport, 5% would drive in their cars, 5% would travel as car passengers, and 5% other. The TMAP also estimates that 15% of staff would walk and cycle to the proposed university, 62% would commute by public transport, 15% would travel in their cars, 3% would travel as car passengers, and 5% other forms of transport. Staff are more likely to drive than students given greater access to a car, as well as having access to the on–site car parking spaces.

The TMAP proposes public domain improvements adjacent to the site boundaries i.e. Rickard Road and The Appian Way.

Figure 6: Student trip origins to the existing university in Milperra



Source: TMAP (Attachment H, page 36)

Figure 7: Proposal viewed from the south (The Mall)

Source: Updated Building Views (Lyons Architecture, dated August 2019)

Figure 8: The proposal viewed from the south (Paul Keating Park)

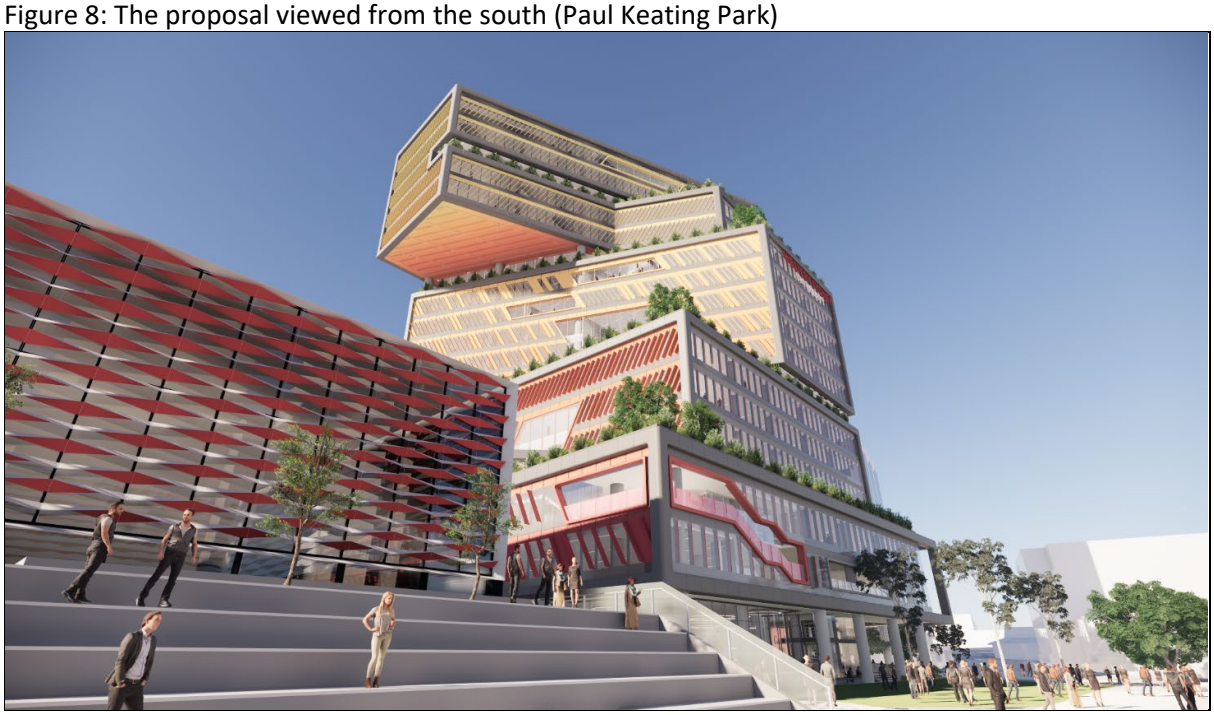


Figure 9: The proposal viewed from the south (The Appian Way)

Source: Updated Building Views (Lyons Architecture, dated August 2019)

Figure 10: The proposal viewed from the west (Chapel Road)

Source: Updated Building Views (Lyons Architecture, dated August 2019)

Figure 11: The proposal viewed from the north (Rickard Road)

Source: Updated Building Views (Lyons Architecture, dated August 2019)

4. SUMMARY

The assessment considered the proposal based on the Department of Planning, Industry and Environment's Strategic Merit Test as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*. The intended outcome is to determine whether a proposal demonstrates strategic merit to proceed to the Gateway, namely:

- Does the proposal give effect to key policies, including:
  - Greater Sydney Region Plan and South District Plan;
  - State Environmental Planning Policies, namely SEPP (Educational Establishments and Child Care Facilities) 2017 and SEPP (Infrastructure) 2007 (refer to Attachment B);
  - Ministerial Directions, namely 1.1 (Business and Industrial Zones), 2.3 (Heritage Conservation), 3.4 (Integrating Land Use and Transport), 3.5 (Development near Licensed Aerodromes) and 4.3 (Flood Prone Land) (refer to Attachment B);
  - Government Architect NSW's Better Placed Design Policy;
  - Draft Sydenham to Bankstown Urban Renewal Corridor Strategy;
  - Council's Draft Local Strategic Planning Statement;
  - Council's Bankstown CBD Local Area Plan;
  - Council's Draft Bankstown Complete Streets Plan;
  - Department of Planning, Industry and Environment's publications: *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*?

- Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the proposed university?
- Does the proposal have regard to the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?

To inform the assessment, Council engaged independent consultants to undertake peer reviews of the flooding, traffic, transport and urban design information submitted by the applicant to support the proposal. The key issues are:

- <u>The applicant to confirm the delivery of supporting infrastructure.</u> Based on the submitted studies and peer reviews, the infrastructure required to support the proposal includes (but is not limited to):

  - Water infrastructure to enable the development to adequately deal with flooding constraints;
  - Public domain works at The Appian Way (between Rickard Road and The Mall) to public transport and shops.

  The delivery mechanism would ordinarily involve a planning agreement to legally deliver the public benefits. However, Council is currently in discussions with the applicant and Bankstown Central in regard to the funding and delivery arrangements for stormwater infrastructure works that would have broader benefits to the Bankstown CBD while reducing the level of flooding on the site.

- The applicant to undertake further analysis to test the overshadowing and wind impacts as a result of the proposal. This analysis may also assist in addressing / concept massing visual bulk, which has been raised as an issue by Council's City Design Unit, Council's Peer Review and the State Design Review Panel.

A key issue throughout the assessment process has been the need to balance public amenity requirements against the city shaping nature of the proposal. While there is strong strategic merit in relation to the strategic context, the compatibility of the proposed building with its surroundings will need to be further addressed prior to the exhibition, with particular respect to overshadowing on Paul Keating Park.

It is therefore considered that the proposal has strategic merit to proceed to the Gateway subject to addressing the key issues outlined in section 5 of this report.

5. ASSESSMENT

In August 2016, the Department of Planning, Industry and Environment introduced the Strategic Merit Test to determine whether a proposal should proceed to Gateway as outlined in the Department's publication *A Guide to Preparing Local Environmental Plans*.

The proposal demonstrates strategic merit to proceed to Gateway subject to addressing the likely impacts as a result of the proposal. This is critical to a successful urban outcome for the site and its surroundings. Should the proposal proceed to Gateway, the assessment identifies the following key issues to be addressed prior to exhibition.

5.1 INFRASTRUCTURE REQUIREMENTS TO SUPPORT THE PROPOSAL

5.1.1 Infrastructure requirements to address flood impacts

Proposal: The site is subject to medium risk stormwater flooding with some high risk stormwater flooding in The Appian Way. According to the Planning Proposal Report (Attachment C, page 52), the proposal seeks to protect the building and basement levels without a freeboard or on–site detention. A freeboard is impractical due to site constraints and other design criteria such as providing active street frontages to Rickard Road and The Appian Way. The installation of a rainwater tank will contribute to the detention of the roof run–off.

Assessment: The assessment considered Ministerial Direction 4.3 (Flood Prone Land). The objective is to ensure the proposal is commensurate with flood hazards and includes consideration of the potential flood impacts both on and off the site. To date, the proposal is inconsistent with clause 6 as it seeks to permit an increase in the development of the site.

However, in accordance with clause 9(b), the proposal may be inconsistent only if Council can satisfy the Department of Planning, Industry and Environment that the proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

In this case, the relevant plan is the Salt Pan Creek Catchments Floodplain Risk Management Plan (adopted by the former Bankstown City Council at the Ordinary Meeting of 17

December 2013). The Floodplain Risk Management Plan requires the redevelopment of sites along The Appian Way to maintain or enhance the capacity of existing overland flow paths.

Council commissioned a Site Flood Assessment Report (Attachment V) to review the flood impacts as a result of the proposal and the infrastructure that would be required to mitigate the flood impacts.

In relation to existing conditions, the site forms part of the Salt Pan Creek upper catchment and is affected by an overland flow path, stretching from Rickard Road to the open channel at North Terrace. The maximum water depth on the site is 0.61 metres in a 100 year flood event (Attachment V, page 8). This is due to the inadequate capacity of the existing stormwater system and blockages that occur to stormwater pits and culverts, in particular at North Terrace which impacts on the drainage capacity of The Appian Way.

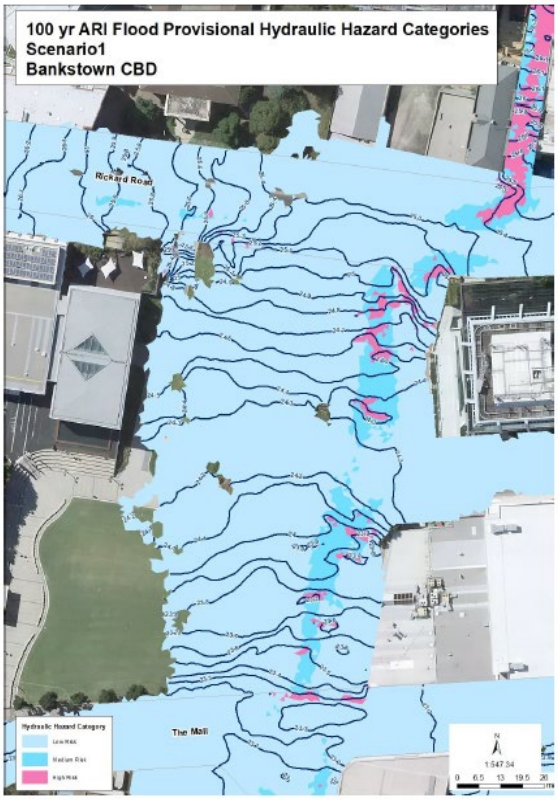
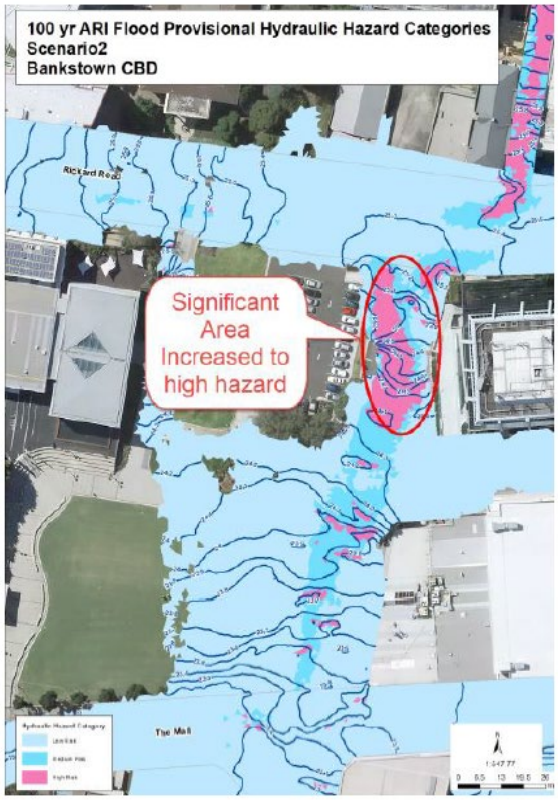
The proposal would block part of the overland flow path, making flood conditions more hazardous between the proposal and the Civic Tower (refer to Figure 13). The maximum water depth would increase from 0.61 metres to 0.87 metres in a 100 year flood event and would increase the extent of high risk stormwater flooding (Attachment V, page 8).

While a freeboard is a common safeguard to minimise risk on the site, it is recommended that further infrastructure works be delivered that would mitigate flooding impacts associated with the building, noting that these works would include broader stormwater infrastructure beyond the site.

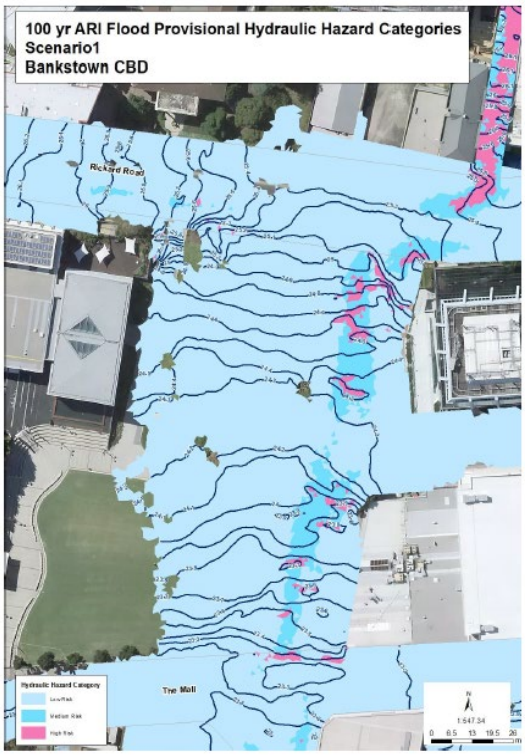
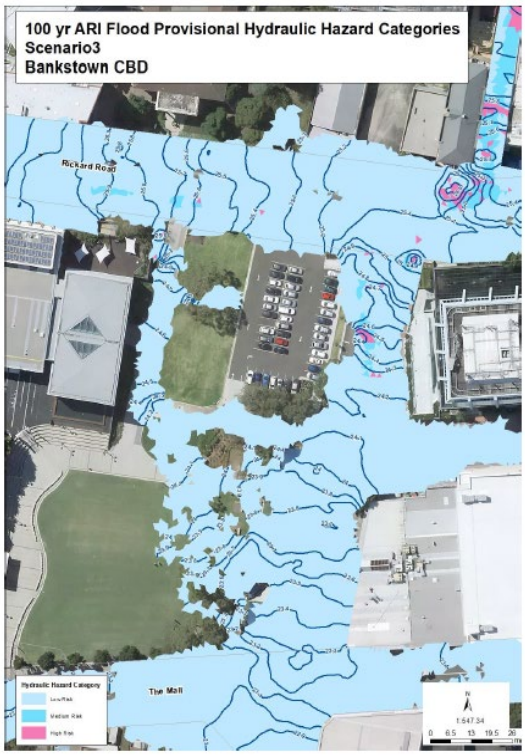
The report recommends the following infrastructure improvements to mitigate the flood impacts as a result of the proposal:

Proposal	**Peer Review Recommendations**
The proposal does not propose infrastructure improvements to mitigate the impacts as a result of the proposal. The proposal comments that Council should request Sydney Water to upgrade the Stacey Street canal and investigate ways to upgrade the canal along The Appian Way to minimise the potential flood impact on the site (Attachment C, page 39).	Introduce capacity improvements to the existing stormwater system to manage increased flood water levels as a result of the proposal. This would require an additional culvert at North Terrace, which would significantly reduce the flood impacts both on and off the site (refer to Figure 15). The maximum water depth would reduce from 0.61 metres to 0.52 metres in a 100 year flood event and would reduce the extent of high and medium risk stormwater flooding (Attachment V, page 11).

The applicant would therefore need to contribute to this infrastructure improvement if the proposal is to be consistent with Ministerial Direction 4.3 and the Floodplain Risk Management Plan. Council is currently in discussions with the applicant and Bankstown Central in relation to the funding and delivery arrangements for the stormwater infrastructure works.

Figure 12: Existing hazard conditions	Figure 13: Proposed hazard conditions with no infrastructure improvements
	

Source: WSU Site Flood Assessment Report (Attachment V, page 9)

Figure 14: Existing hazard conditions	Figure 15: Proposed hazard conditions with an additional culvert at North Terrace
	

Source: WSU Site Flood Assessment Report (Attachment V, page 12)

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- The applicant to contribute to an additional culvert at North Terrace. This infrastructure improvement is required to support the proposal.

5.1.2 Infrastructure requirements to address transport and traffic impacts

Proposal: The Transport Management and Accessibility Plan (TMAP, Attachment H) states that the proposal would service 2,000 students and 650 staff at any one time. The TMAP aims to provide limited off–street car parking to encourage travel by sustainable modes (public transport, walking and cycling) while mitigating the impacts of the proposal on the surrounding road network.

The TMAP submitted with the application estimates that 20% of students would walk and cycle to the proposed university, 65% would commute by public transport, 5% would drive in their cars, 5% would travel as car passengers, and 5% other. The TMAP also estimates that 15% of staff would walk and cycle to the proposed university, 62% would commute by public transport, 15% would travel in their cars, 3% would travel as car passengers, and 5% other forms of transport. Staff are more likely to drive than students given greater access to a car, as well as having access to the on–site car parking spaces.

The proposal would provide between 84–94 off–street car parking spaces for staff across two basement levels (subject to final basement design) and no student or visitor parking. Other assumptions behind the mode share targets are:

- Based on the trip origin data, most students are expected to live within the walking and cycling catchments of the proposal;
- Experience with the WSU Parramatta Campus shows that students and staff would choose public transport if there is limited parking provision;
- The Sydney Metro will be an attractive travel mode for both staff and students once operational in 2024;
- Changes to the parking policy in Bankstown and new cycling infrastructure as part of the Draft Bankstown Complete Streets Transport and Place Plan should reduce driving and encourage other, more sustainable forms of transport;
- Students are more likely to be dropped–off or car share with other students; and
- It is proposed to undertake travel surveys once the university is operational to review the mode share targets and allow for an accurate baseline mode split.

The peak arrival hour is expected to be between 8am and 9am, with almost 50% of staff and one third of student arriving in that time. In terms of departure times, there is a peak between 5pm and 6pm for staff (45% departing at this time). The peak is less pronounced for students, with departures occurring consistently over a four hour period between 3pm and 7pm.

Assessment: Council engaged an independent transport consultant to peer review the traffic, transport and parking information submitted by the applicant to support the proposal (Attachment W).

In principle, the peer review supports the aim to minimise off–street car parking as a way to support more sustainable modes of transport, subject to the implementation of a range of

off–site measures to change travel behaviour. The peer review does not consider that the proposed measures on the site alone can achieve the mode share targets.

The peer review recommends that the applicant contribute to the following off–site measures if the proposal is to achieve the mode share targets:

(a) Pedestrian infrastructure requirements

Proposal: The TMAP (Attachment H) expects the key pedestrian route to be in a north–south direction between the proposal and the Sydney Metro station. Civic Drive is also likely to be a popular pedestrian route towards the bus interchange and Bankstown Central. The crossing opportunities are poor at the intersection of Jacobs Street and Civic Drive, and the TMAP expects that pedestrians will cross further south near The Mall.

In relation to pedestrian infrastructure, the TMAP proposes public domain improvements adjacent to the site boundaries i.e. Rickard Road and The Appian Way. The TMAP relies on Council to improve pedestrian routes to accommodate the anticipated demand.

Assessment: The peer review highlights the need for high quality pedestrian connections if the proposal is to maximise walking trips and discourage car use to/from the proposed university (Attachment W, page 28).

If the proposal is to achieve the mode share targets, the peer review recommends that the applicant contributes to public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road to improve pedestrian connections to public transport and shops. The public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan.

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the need for public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road, to improve pedestrian connections to public transport and shops. The public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan.

- Following the above review, the applicant to update the supporting studies if required.

(b) Cycling infrastructure requirements

Proposal: The TMAP (Attachment H) proposes end of trip facilities and bike parking (32 staff bike parking spaces within the basement and 100 bike parking spaces in the surrounding public domain) to meet the demand for bike parking for the staff and students over the course of the day. The TMAP comments that cycling infrastructure to and throughout Bankstown is limited, and cyclists will need to travel along existing roads with traffic. The TMAP does not propose off–site cycle infrastructure improvements and relies on Council to improve the future bike network to accommodate the anticipated demand.

Assessment: The peer review applied the 'NSW Planning for Walking and Cycling Guideline' in relation to the proposed off–street bike parking spaces. The proposed university would generate the need for 153–298 spaces (i.e. 120–133 short–term and 33–65 long term spaces). The proposal would need to provide up to 298 spaces and associated end–of–trip facilities on the site (Attachment W, page 14).

The peer review also highlights the need for high quality cycle links if the proposal is to maximise cycle trips and discourage car use to/from the proposed university. If the proposal is to achieve the mode share targets, the peer review recommends that the applicant contributes to improved bike paths in the vicinity of the site (Attachment W, page 28).

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the bike parking requirement and associated end–of–trip facilities on the site.
- Following the above review, the applicant to update the supporting studies if required.

(c) Public transport infrastructure requirements

Proposal: The TMAP (Attachment H) comments that there is sufficient capacity on the rail and bus networks to accommodate the anticipated demand. The TMAP does not propose infrastructure improvements in relation to public transport.

Assessment: The peer review (Attachment W) considers existing and future public transport services would adequately serve the proposal.

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- No action required.

(d) Road infrastructure requirements

Proposal: The TMAP (Attachment H) indicates the intersections will continue to operate with a satisfactory Level of Service, and the impact of the proposal on the surrounding road network is relatively low. While certain movements such as the right–turn from Rickard Road to Chapel Road are at capacity in the existing PM peak, this is not the result of additional development traffic. The TMAP does not propose road infrastructure improvements and relies on Council to improve the future road network to accommodate the anticipated demand.

Assessment: The peer review recommends an update to the SIDRA traffic model to address the following gaps:

- Recalibrate the model to reflect actual conditions (i.e. vehicle queuing).
- Widen the study area to surrounding intersections to assess the wider implications arising from the proposal.

While the peer review indicates that the updated SIDRA traffic model is unlikely to register any noticeable traffic impacts at intersections, the update may affect the traffic modelling results and should be documented accordingly for the purposes of consultation with the Roads and Maritime Services (Attachment W, page 12).

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to update the SIDRA traffic model to address the identified gaps for the purposes of consultation with the Roads and Maritime Services.
- Following the above review, the applicant to update the supporting studies if required.

(e) Parking infrastructure requirements

Proposal: The TMAP (Attachment H) proposes the following off–street parking provision:

Proposal	Off–street parking provision
3,400 student load capacity (estimated 2,000 at any one time)	No parking to be provided.
600–650 staff load capacity (estimated 350 staff and 150 visitors / industry partners at any one time)	84–94 (including 4 disability spaces) subject to the final basement design.
Visitors	No parking to be provided.
Removal of existing 63 public car parking spaces on the site	Not replaced.
Loading facilities	3 loading dock bays in the basement and a loading zone at Rickard Road.
Drop–off / pick–up spaces	Drop–off / pick–up spaces at The Appian Way shared zone.
Total gross off–street parking spaces	84–94 car parking spaces + 3 loading bays

The intended outcome is to encourage staff and students to travel by other modes. This is consistent with the aspiration of the Draft Bankstown Complete Streets Transport and Place Plan. Any students or visitors wishing to drive will need to utilise existing off–street public or private car parking spaces within Bankstown. The TMAP suggests that the wider area could accommodate student car parking demand. The TMAP estimates there are 7,500–8,000 spaces including commuter car parks, Bankstown Central and Bankstown Sports Club.

Assessment: The peer review notes that Council's DCP does not contain specific car parking rates for tertiary educational establishments. The peer review undertook a comparison with 15 other universities in Sydney and Newcastle. The key findings are:

- People driving to universities can range from 11–75% staff and 5–40 % students.
- Most universities do not provide off–street car parking for students, particularly those located within close proximity to public transport.

Based on the above findings, the peer review provides the following recommendations:

Student parking: In relation to the proposed mode share target of 5% students driving to the proposed university, the peer review estimates the parking demand to equate to 100 car parking spaces assuming there will be 2,000 students on the site at any one time.

While the peer review considers the provision of no on–site student car parking to be acceptable, the peer review indicates the wider area cannot accommodate the 100 space demand as existing parking demand in the area is very high, with limited parking capacity available throughout the day. An option is to apply Council's Planning Agreements Policy to address the shortfall. This would enable Council to use the funds to construct public car spaces within the Bankstown CBD (Attachment W, page 17). The proposal would need to demonstrate how it would address this issue.

Staff parking: In relation to the proposed mode share target of 15% staff driving to the proposed university, the peer review estimates the parking demand to equate to 98 car parking spaces assuming there will be 650 staff on the site at any one time. The proposal to provide 84–94 spaces (subject to final basement design) for staff represents a shortfall of 4–14 spaces (Attachment W, page 30). The proposal would need to demonstrate how it would address this issue.

Visitor parking: The peer review recommends that the proposal provides some visitor car parking spaces e.g. 1–2 spaces (Attachment W, page 28). The proposal would need to demonstrate how it would address this issue.

Existing car park: The proposal does not replace the existing 63 public car parking spaces to be removed as a result of the proposal. The proposal would need to demonstrate how it would address this issue (Attachment W, page 21).

Loading facilities: The peer review recommends that all loading activities associated with the proposal be undertaken on the site. An off–site loading zone on Rickard Road would not be desirable from a traffic capacity perspective (Attachment W, page 19). The proposal would need to demonstrate how it would address this issue.

Drop–off / pick–up spaces: The peer review indicates that drop–off / pick–up activity would need to occur at The Appian Way (Attachment W, page 22), consistent with the proposal.

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the car parking requirements for students, staff and visitors. If the applicant is unable to meet these requirements, Council's Planning Agreements Policy may be applied to address the shortfalls.
- The applicant to provide a detailed response and/or justification for Council's consideration on how the proposal may address the on–site loading space requirements.
- Following the above review, the applicant to update the supporting studies if required.

5.2 COMPATIBILITY OF THE PROPOSED BUILDING ENVELOPE WITH ITS SURROUNDINGS

The proposal may be considered appropriate provided the proposed building envelope can demonstrate compatibility with its surroundings, and ensure that Paul Keating Park remains a high amenity and high performing public space. Compatibility meaning '*capable of existing together in harmony … where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked:*

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*' (NSW Land & Environment Court, Project Venture Developments v Pittwater Council).

To inform the assessment, Council engaged independent consultants to undertake a peer review of the urban design information submitted by the applicant (Attachment Y). Council also reviewed additional overshadowing advice by Council's City Design Unit in relation to the preparation of the Paul Keating Park Masterplan (Attachment X), and the State Design Review Panel's comments in relation to the state significant development application.

While it is within the scope of the Local Planning Panel and Council to consider the concept drawings to gain a deeper appreciation of what may be delivered on the site, it needs to be acknowledged that the Department of Planning, Industry and Environment is the determining authority of the state significant development application.

5.2.1 Proposed building height

Proposal: The site is subject to prescribed airspace restrictions due to the proximity to the Bankstown Airport. According to the Aeronautical Impact Assessment Report (Attachment L, page 5), the Obstacle Limitation Surface (OLS) level is 108.1 metres AHD. This means, as a starting point, the proposed building height would need to be below 108.1 metres AHD. The submitted concept design shows the proposed building height at 83 metres (19 storeys). This equates to 106.78 metres AHD, which is compliant with the OLS level.

Assessment: The assessment considered the urban design advices of Council's City Design Unit, Council's Peer Review and the State Design Review Panel. The urban design advices do not raise concern with the proposed building height. The peer review (Attachment Y, page 23) comments that the proposed building height is considered to be appropriate for the following reasons:

- The proposal is compatible with the desire to establish a landmark building in the Civic Precinct; and
- Council adopted a maximum 83 metre building height at 83–99 North Terrace and 62 The Mall (known as the Compass Centre site and the former library site, respectively), which sets a built form character for the Civic Precinct.

In relation to the prescribed airspace restrictions, the proposal is currently inconsistent with clause 4(d) of Ministerial Direction 3.5 (Development near Licensed Aerodromes), which requires Council to obtain permission from the relevant authorities if any structures

(including construction cranes) encroach above the Obstacle Limitation Surface. Council referred the application to the relevant authorities (i.e. Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development) in January 2019 and is awaiting a formal response.

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- Permit a maximum 83 metre building height, subject to consultation with Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.

5.2.2 Proposed FSR

Proposal: According to the Planning Proposal Report (Attachment C, page 43); feedback from Council and the State Design Review Panel is that the building form should reflect the typology of a vertical university campus as opposed to a commercial office building. Three dimensional studies have achieved this via an architecturally distinct built form (refer to Figure 17), while accommodating the university requirements (outlined in section 3 of this report). It is proposed to modify the Floor Space Ratio Map from the current 4.5:1 to 8:1. The public benefit in exchange for the proposed increase is the introduction of a major piece of educational infrastructure in the Bankstown CBD.

Figure 16: Building envelope that complies with the existing controls	Figure 17: Proposal
	

Source: Planning Proposal Report (Attachment C, page 43)

Assessment: The assessment considered the urban design advices of Council's City Design Unit, Council's Peer Review and the State Design Review Panel.

Overshadowing impact

A key issue is the location of the proposal directly north of Paul Keating Park (refer to Figure 18). The park serves as the centrepiece of the Civic Precinct; surrounded by significant community buildings and is the location of many social, cultural and performative events and festivals. It is the heart of a centre that is transitioning to a strategic centre with more commercial uses and taller and denser buildings.

Figure 18: Diagram defining Paul Keating Park for the purposes of the review

Source: Urban Design Peer Review (Attachment Z, page 35)

Council's City Design Unit and Council's Peer Review recognise that a proposal complying with the existing controls would cause some overshadowing. However, the extent of the overshadowing is considered reasonable as a consolidated area greater than 50% of the area of Paul Keating Park would continue to receive at least 4 hours of continuous sunlight at the winter solstice.

All three sources of urban design advice recommend a reduction of the bulk and density to minimise the overshadowing, wind and visual bulk impacts. However, the advices vary in the recommended numerical requirements, making it challenging to recommend an appropriate FSR at this point.

Proposed development controls	**Council's City Design Unit recommendations**	**Council's Peer Review recommendations**	**SDRP recommendations**
Building height	83 metres subject to prescribed airspace approval.	83 metres subject to prescribed airspace approval.	83 metres subject to prescribed airspace approval.
Solar access control to 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	At least 3 hours direct sunlight to more than 50% of the total park area between 10am–2pm at the winter solstice. (Source: Review of City of Sydney and North Sydney's DCPs)	In the absence of a solar access control for Paul Keating Park and The Appian Way, reference is made to the City of Sydney's 'The Drying Green' solar access control in the Green Square Town Centre DCP 2012

	the consolidated area must be a minimum 50% of the area of Paul Keating Park. (Source: Best practice research of 12 councils in Australia and New Zealand, Attachment X)		i.e. achieve direct sunlight each hour between 11am and 2pm on June 21 for at least 50% of the park.

Wind impact

The Pedestrian Wind Environment Study (Attachment R, page 25) indicates that wind conditions for the majority of trafficable outdoor locations within and around the development will be suitable for their intended uses. However, some areas will experience strong winds which will exceed the relevant criteria for comfort and safety, namely at the building corners. A suggested ground level treatment is to include densely foliating evergreen trees alongside the site boundaries at The Appian Way and Paul Keating Park.

The peer review comments that the limited solar access to The Appian Way may constrain tree and vegetation growth to address the wind impacts. The proposal to present the full height of the building to The Appian Way and Rickard Road requires further consideration (Attachment Y, page 48).

The peer review recommends increasing the setback above the podium level to Rickard Road and The Appian Way. The increased setback would potentially reduce the wind impacts on pedestrian amenity in the surrounding streets.

Analysis of the overshadowing and wind impacts

To progress this matter, the starting point is to confirm a solar access control to ensure Paul Keating Park receives appropriate solar access at the winter solstice. At this point, this report proposes to proceed with the solar access control recommended by Council's City Design Unit, to read: 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 existing buildings) (Attachment X, page 23).

It is important that the solar access control does not place limitations on the preparation of the Paul Keating Park Masterplan, which is currently underway. A control that requires at least 4 hours of solar access would ensure the amenity and useability of park is more than simply satisfactory.

Visual bulk and the successful implementation of the solar access control and relevant objectives in the FSR provision are related, which may prompt a review of the maximum 8:1 FSR. This approach may simultaneously resolve these important issues i.e. the overshadowing of Paul Keating Park and the visual bulk of the proposal.

Should the proposal proceed to Gateway, the recommended actions prior to exhibition are:

- Council to complete the Paul Keating Park Masterplan to gain a deeper appreciation of the eventual built outcome of the park.
- Council to amend the LEP with the following solar access control: 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 existing buildings).
- Council to amend the DCP to require wind impact mitigation measures.
- The applicant to undertake further analysis to demonstrate how the proposal would comply with the solar access control, and minimise wind impacts, noting that the proposed 8:1 FSR may need to be reduced to adequately address these issues. This analysis may also assist in the reduction of visual bulk, which has been raised as a design issue.

5.2.3 Proposed active street frontages

Proposal: According to the Planning Proposal Report (Attachment C, page 15), ground level retail spaces are incorporated at The Appian Way and Rickard Road to activate these frontages. Key entry points are provided at the centre of the Rickard Road and Paul Keating Park frontages, connected by an internal 'University Street'.

Assessment: The peer review supports active street frontages at The Appian Way, Rickard Road and Paul Keating Park as it would provide an engaging environment for pedestrians (Attachment Y, page 54).

Should the proposal proceed to Gateway, the recommended action prior to exhibition is:

- Council to amend the DCP to require active street frontages at The Appian Way, Rickard Road and Paul Keating Park.

-END-