

Western Sydney University
c/- Murray Donaldson
Director
Urbis
Level 8, 123 Pitt Street
Sydney NSW 2000

17/12/2019

Dear Mr Donaldson

**Western Sydney University Bankstown City Campus (SSD-9831)
Response to Submissions**

The exhibition of the development application, including the Environmental Impact Statement (EIS), for the above proposal ended on 4 December 2019. All submissions received by the Department during the exhibition of the proposal are available on its website at <https://www.planningportal.nsw.gov.au/major-projects/project/11456>.

The Department is still awaiting comments from City of Canterbury Bankstown Council (Council) and these will be forwarded to you once received.

The Department requires that you provide a response to the issues raised in those submissions in accordance with clause 85A of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation). Additionally, the Department also requires a response to the issues outlined at **Attachment 1**.

Please provide a response to the issues raised above and in the submissions within three months.

Note that under clause 113(7) of the EP&A Regulation, the days occurring between the date of this letter and the date on which your response to submissions is received by the Secretary are not included in the deemed refusal period.

If you have any questions, please contact Megan Fu, who can be contacted on 02 9274 6531 or by email at Megan.Fu@planning.nsw.gov.au.

Yours sincerely



Karen Harragon
Director, Social And Infrastructure Assessments
Social & Infrastructure Assessments

Karen Harragon
Director, Social and Infrastructure Assessments
as delegate for the Secretary

ATTACHMENT 1

Planning Proposal

- The Department understands that Council has only recently resolved to refer the Planning Proposal for the site to the Minister for Planning and Public Spaces for a Gateway Determination. Council's resolution was also subject to the following recommendations:
 - the Applicant demonstrate compliance with car and bicycle parking requirements.
 - Council prepare a site specific development control plan (DCP) amendment and exhibit concurrently with the planning proposal.
 - the Applicant update relevant supporting studies prior to the exhibition of the planning proposal.

On this basis, the proposed amendments to the Bankstown Local Environmental Plan (BLEP) 2015 to increase the maximum permitted building height and floor space ratio are not considered 'certain or imminent'.

The Applicant must therefore provide a complete assessment of the proposal against the current relevant provisions of BLEP 2015.

- The Applicant must demonstrate how the proposal addresses the recommended actions raised in Council's assessment of the Planning Proposal, including, but not limited to:
 - contributions towards infrastructure and public domain works upgrades (i.e. stormwater/flooding infrastructure and improvements to pedestrian and cyclist connections).
 - inappropriateness of the proposed Rickard Road loading zone.
- Council's resolution to submit the Planning Proposal for a Gateway Determination included the recommendation that it prepare, and concurrently exhibit, a site specific DCP for the site. The Department is concerned that the premature lodgement of the subject SSD application forward of a site specific DCP has not allowed for the proper strategic consideration of the proposal and its impact on the surrounding locality.

Built Form and Urban Design

- The Planning Proposal for the site demonstrates a strategic intent for the redevelopment of the site. However, as outlined above, the development potential envisaged under that planning proposal is not 'certain or imminent'. In light of this, the Applicant is not able to solely rely on the envisaged BLEP 2015 amendments to support the proposal.

The Applicant must therefore submit written clause 4.6 variation requests to support the proposed departures from the maximum permitted building height and FSR development standards prescribed under clause 4.3 and clause 4.4 of BLEP 2015, respectively.

- The proposed building height and scale of the development are considered excessive in the context of the current planning controls applying to the site. The Department's consideration of any clause 4.6 variations requests submitted in the response to submissions will have close regard to the comments previously conveyed to the Applicant by the Government Architect (GA) NSW and State Design Review Panel.

Overshadowing Impacts – Paul Keating Park

- The Applicant's acknowledgment and consideration of the potential overshadowing impacts to Paul Keating Park in the design of the proposed built form has not provided any substantial public benefits or reduction in impacts to the open space.

By virtue of the park's siting south of the proposed development site, impacts in some capacity are likely to be unavoidable.

The largely hardscaped public domain space surrounding the local heritage Council Chambers has been included in the calculations of 'open space' that would be impacted. This assessment presented does not properly consider the impact of the proposal on the actual RE1 Public Recreation zoned land.

The Department therefore requires the assessment of the proposal's overshadowing impact on Paul Keating Park be revised to consider the land zoned RE1 Public Recreation under BLEP 2015 only. Any adverse impacts identified must be appropriately minimised to ensure the ongoing amenity and enjoyment of this public recreation area.

It is noted that the planning proposal includes a clause requiring a minimum of four hours of continuous solar access to a consolidated area of Paul Keating Park during mid-winter. This requirement should be addressed in the response to submissions, including whether is it a pre-requirement for determination or otherwise.

Landscape Design

- To ensure the impacts of urban heat island effect are mitigated and the biodiversity values of the site are improved, the submitted landscape design must be updated to address the comments provided by the Environment, Energy and Science Division of the Department.
- The landscape plan must include details of the proposed pavement design and any threshold treatments for the proposed pick-up/drop-off facility on the eastern side of Appian Way.

Traffic and Transport

- The design of vehicle access arrangements must be reviewed to ensure that all medium ridged vehicle movements do not conflict with kerbs and pedestrian environments (i.e. The Appian Way and basement entry ramp).
- An assessment of the adequacy and operational performance of the proposed pick-up/drop-off facility is to be provided in supporting a transport mode shift away from private vehicle usage. This assessment must also consider the potential use of the facility from other surrounding land uses and the impact of this on its operation in conjunction with the proposed university use.
- Consideration is to be given to the provision of additional end-of-trip facilities for students to encourage more active travel modes, noting the close proximity of many students living within two to five kilometres of the site.

Noise Impact

- The submitted Acoustic Report prepared by Normal Disney and Young must be updated to address the following matters:

- background noise monitoring has not been conducted in accordance with the Noise Policy for Industry, specifically seven days of valid noise monitoring data has not been recorded when taking into consideration noise affected data.
- detailed quantitative assessment of predicted construction noise impacts associated with the proposal and measures to minimise and mitigate noise impacts.
- consideration of potential road traffic noise impacts and any associated mitigation measures required to attenuate the building.
- an assessment of potential noise impacts associated with the use of the various external terrace areas and any associated mitigation measures.

Amenity

- Details must be submitted demonstrating how internal/external lighting associated with the proposal will be controlled to ensure no adverse off-site light spill impacts.

Stormwater and Flooding

- The proposal seeks to contribute to the revitalisation of the locality through the establishment of active street frontages at the ground plane interface, particularly along The Appin Way.

Details must be submitted demonstrating that necessary improvements will be made to support the establishment of such an area and to mitigate against documented hazardous flooding conditions that would only be exacerbated by the proposed siting of the development.

Signage

- Additional details of the proposed business identification signage must be submitted to ensure a thorough assessment is capable of being undertaken. The submission of such detail is also likely to assist the Applicant during any future construction certificate consistency reviews.

Site Description

- The submitted architectural and landscape plans imply works extend beyond the site into Lot 7 DP 777510. The land to which the application applies must be clarified accordingly. Where works are proposed within Lot 7 DP 777510 the relevant land owners consent must be submitted.