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13 May 2022

Mr Anthony Witherdin  
Director – Key Sites  
NSW Department of Planning, Industry and Environment

Via Major Projects Portal

Dear Anthony,

## **SECTION 4.55(1A) MODIFICATION APPLICATION – SSD-9831 MOD 2 WESTERN SYDNEY UNIVERSITY BANKSTOWN CITY CAMPUS**

This Section 4.55(1A) Modification Application has been prepared by Urbis Pty Ltd (Urbis) on behalf of Western Sydney University (the Applicant) to amend SSD-9831 which applies to the Western Sydney University (WSU) Bankstown City Campus at 74 Rickard Road, Bankstown.

The application seeks:

- A modification to increase the width of the approved signage zone on the southern façade of the building from 20.7m to 25.6m.

The modification is sought to make the WSU Bankstown City Campus more identifiable from Bankstown Train Station, along the Appian Way and across Paul Keating Park. Bankstown Train Station, which is located approximately 250 metres to the south of the subject site is the main access to the WSU Bankstown City Campus via public transport.

The application has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

This modification letter is accompanied by the following documentation:

- Attachment 1: Revised Architectural Plan
- Attachment 2: Computer Generated Images

### **1. SITE BACKGROUND**

The site is located within the 'Civic Precinct' of the Bankstown Central Business District (CBD) within the Canterbury-Bankstown Local Government Area. It is situated at 74 Rickard Road, Bankstown, legally identified as Lot 15 DP 1256167.

The site has an area of 3,788m<sup>2</sup>, is relatively flat and is situated on the southern side of Rickard Road (see **Figure 1**). The site is bound by Rickard Road (to the north), the Bankstown Library and Knowledge Centre (to the west), The Appian Way and Bankstown Civic Tower (to the east) and Paul Keating Park (to the south).

Figure 1 Subject Site



Source: Nearthmap/Urbis (2019)

## 2. PROJECT CONSENT HISTORY

The following table provides an overview of the site’s development history.

Table 1 Project History

Application History	Development	Date determined
SSD-9831	<p><b>SSD-9831</b></p> <p>On 18 February 2021, the Minister for Planning granted approval for a new campus building for the Western Sydney University at Bankstown. The consent permitted:</p> <ul style="list-style-type: none"> <li>construction of a new 19-storey campus building with two levels of basement parking.</li> </ul>	18 February 2021

Application History	Development	Date determined
	<ul style="list-style-type: none"> <li>▪ use as a university including learning spaces, research, library, administration and ground floor retail.</li> <li>▪ landscaping works, including planting on terraces within the building and ground level planting.</li> <li>▪ associated road and public domain works, including upgrade of The Appian Way and upgrade of Richard Road footpath; and</li> <li>▪ four signage zones.</li> </ul>	
SSD-9831-Mod 1	<p><b>SSD-9831 MOD 1</b></p> <p>A modification application to SSD-9831 was lodged on 4 March 2021 to correct a minor error related to the Lot and DP number of the consolidated site at 74 Rickard Road, Bankstown.</p>	8 April 2021

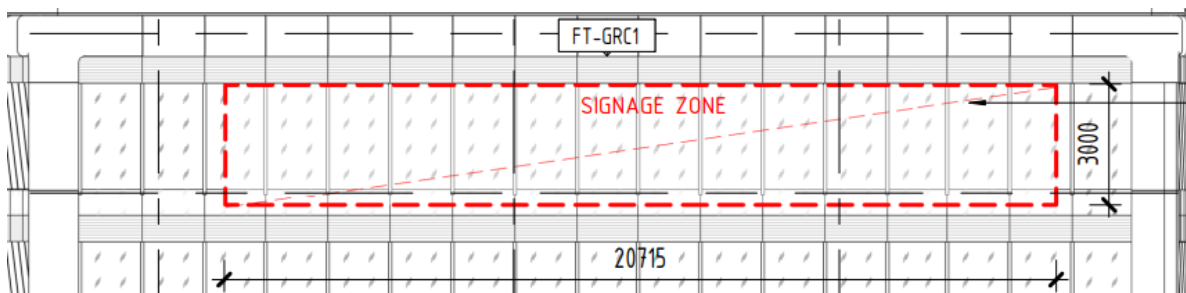
A pre-modification scoping letter was provided to the Department of Planning and Environment (the Department) on 8 February 2022 outlining the scope of the modification. The Department confirmed that a Scoping Meeting was not required and that the proposed modification could progress to lodgement.

### 3. PROPOSED MODIFICATION

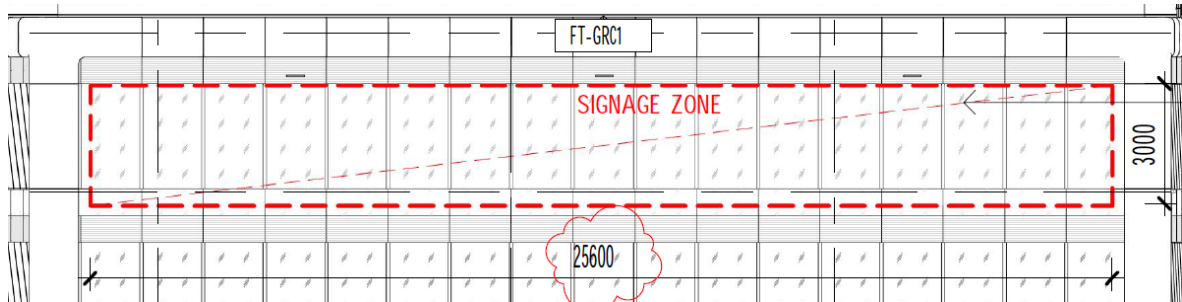
This Section 4.55(1A) modification seeks consent for:

- Increase in width of the approved signage zone on the southern façade zone of the building from 20.7m to 25.6m shown in **Figure 2** and **Figure 3**.

Figure 2: Comparison of approved v proposed sky signage zone on southern elevation



Picture 1: Approved signage zone [DA40-03 Rev 6]



Picture 2: Proposed signage zone [DA40-03 Rev 7]

Source: Lyons

Figure 3 Comparison of approved signage zone and modified signage zone on the southern facade



Picture 1 Approved Signage Zone



Picture 2 Modified Signage Zone

Source: Lyons

## 4. PROPOSED MODIFICATIONS TO CONSENT

The conditions of SSD-9831 outlined below are required to be amended as part of this modification application. Text with a ~~strike through~~ is to be replaced with **red text**.

Amendments to Condition A2 (Terms of Consent) are outlined in the following table.

Table 2 Architectural Drawings by Lyons

Drawing No.	Rev	Name of Plan	Date
DA40-03	6	Building Elevations – South	17/12/2020
	<b>7</b>		<b>27/01/2022</b>

## 5. SECTION 4.55(1A) ASSESSMENT

Section 4.55(1A) of the EP&A Act provides a mechanism for the modification of development consents granted by the consent authority and sets out the statutory requirements for consideration by the consent authority in the assessment of such applications.

Section 4.55(1A) provides that a consent authority may, subject to and in accordance with the Regulations, modify a development consent if the development as modified meets the following tests:

### 5.1. MINIMAL ENVIRONMENTAL IMPACT

This application results in minor changes to the approved development and will have negligible environmental impact for the following reasons:

- The land is zoned B4 Mixed Use zone under the Bankstown LEP 2015. The proposed signage zone is permissible with consent and directly aligns with the land use objectives of B4 zone;
- The proposed signage zone is consistent with the approved signage strategy in terms of materiality, location and form. The minor amendment will not alter the height of the signage zone, overall theme or character of the southern façade.
- The increase in width of the signage zone from 20.7m to 25.6m will extend across the horizontal distance of the southern façade of the building and will not protrude from the building.
- The contents, illumination of the proposed signage and its visual impact on the surrounding streetscape will not be altered from that already approved by SSD-9831.

It is therefore considered that the modification will be of minimal environmental impact and can be assessed in accordance with Section 4.55(1A) of the EP&A Act.

## **5.2. SUBSTANTIALLY THE SAME DEVELOPMENT**

The proposed modification will result in a development that is substantially the same as that approved under SSD-9831 for the following reasons:

- The nature of the development will remain as that approved, being a new 19-storey university campus building with two levels of basement car parking, landscaping works and associated road and public domain works.
- The proposed modifications will not alter the architectural quality of the university campus building and its setting.
- The modification will not result in any perceivable visual impacts from the public domain.
- The modifications will not result in any detrimental impact on surrounding land uses.

Accordingly, the proposed modifications can be assessed as a modification to the original development in accordance with Section 4.55 of the EP&A Act.

## **5.3. PUBLIC NOTIFICATION AND SUBMISSIONS**

In accordance with Section 4.55(1A) of the EP&A Act the Department can undertake any relevant notification of the proposed modification in accordance with the Regulation.

It is acknowledged that any submissions arising from the public notification of this application will need to be assessed by the Department.

## **6. SECTION 4.15 ASSESSMENT**

The application has been assessed in accordance with the relevant matters for consideration listed in Section 4.15 of the EP&A Act.

### **6.1. ENVIRONMENTAL PLANNING INSTRUMENTS**

The proposed modifications have been assessed in accordance with the relevant State and local environmental planning instruments and are detailed below

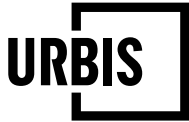
#### **6.1.1. Bankstown Local Environmental Plan 2015 (BLEP 2015)**

Bankstown LEP 2015 is the primary environmental planning instrument that applies to the site. The development as modified will continue to comply with the relevant provisions of BLEP 2015 as summarised below:

- The proposed modification is permissible with consent in the B4 Mixed Use zone.
- No change is proposed to the maximum height of the building (Clause 4.3)
- No change is proposed to the approved gross floor area or resulting floor space ratio (Clause 4.4)

#### **6.1.2. State Environmental Planning Policy (Industry and Employment) 2021**

Chapter 3 of the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) sets out the planning controls for advertising and signage in NSW. It requires

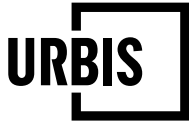


signage to be compatible with the future character of an area and provides effective communication in suitable locations and is of high-quality design and finish. An assessment of the proposed modification against Schedule 5 of the Industry and Employment SEPP is provided in Table 3.

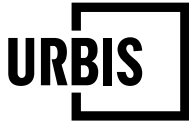
Table 3 Schedule 5 of Industry and Employment SEPP Assessment

ASSESSMENT CRITERIA	COMPLIANCE	COMMENT
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	✓	The proposed modification maintains consistency with the civic and commercial character of the Bankstown CBD. The signage will promote the provision of educational use within the precinct and highlight the public services promoted in the area.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	✓	The proposed modification will not alter consistency with the predominantly minimalistic and capitalised identification signs at various service buildings nearby the WSU Bankstown City Campus.
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	✓	The proposed modification will not intrude or detract from the heritage listed Council Chambers located to the south-west of the site as detailed by the Heritage Impact Statement prepared as part of the SSD-9831 EIS.
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	✓	The proposed modification will not result in signage protruding from the approved building, therefore not obscuring any views.

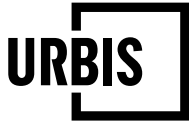
ASSESSMENT CRITERIA	COMPLIANCE	COMMENT
Does the proposal dominate the skyline and reduce the quality of vistas?	✓	The proposed modification will ensure the signage is visible from the skyline. It's attached to the approved building and will not protrude from the approved building and therefore will not reduce the quality of vistas than that already impacted by the approved building.
Does the proposal respect the viewing rights of other advertisers?	✓	The proposed modification will not alter the viewing rights of other surrounding advertisers.
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	✓	The proposed modification is considered appropriate given the desired streetscape character of the precinct.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	✓	The proposed modification will not alter the colouration and lighting of the approved signage and how it contributes to the visual interest of the streetscape and Bankstown skyline.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	✓	There is no existing signage or advertising on the site. The approved signage has also not been installed.
Does the proposal screen unsightliness?	✓	The proposed modification will not screen any unsightly elements.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	✓	The proposed modification will not result in signage protruding above or to the side of the approved



ASSESSMENT CRITERIA	COMPLIANCE	COMMENT
		building. The signage will be attached to the building façade.
Does the proposal require ongoing vegetation management?	✓	The proposed signage does not require ongoing vegetation management.
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	✓	The proposed modification will ensure the signage is compatible with the scale of the approved building and its unique cantilevered design.
Does the proposal respect important features of the site or building, or both?	✓	The proposed modification will not alter the respect of the site's history of providing public services.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	✓	The proposed modification presents innovation and imagination with its distribution and scale to the different, distinct segments of the proposed building including podium and cantilevered levels.
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	✓	The proposed modification will not alter the lighting devices for the signage. The WSU logo has been wholly integrated within the campus structure.
<b>7 Illumination</b>		



ASSESSMENT CRITERIA	COMPLIANCE	COMMENT
Would illumination result in unacceptable glare?	✓	The proposed modification will not alter the illumination of the approved signage.
Would illumination affect safety for pedestrians, vehicles or aircraft?	✓	The proposed modification will not alter the illumination of the approved signage which confirms it will not affect the safety of pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	✓	The proposed modification will not alter the illumination of the approved signage which confirmed that the illumination will not detract from the amenity of adjoining residential properties.
Can the intensity of the illumination be adjusted, if necessary?	✓	The intensity of the illumination can be adjusted if required.
Is the illumination subject to a curfew?	✓	The proposed modification will not alter the signage's curfew.
<b>8 Safety</b>		
Would the proposal reduce the safety for any public road?	✓	The proposed modification will ensure that road safety is not impacted.
Would the proposal reduce the safety for pedestrians or bicyclists?	✓	The proposed modification will not reduce safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	✓	The proposed modification will not alter the positioning of the sign on the campus' facades which will not obscure any sightlines.



## **6.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

No draft environmental planning instruments are relevant to this proposal.

## **6.3. PLANNING AGREEMENT**

There is no relevant planning agreement for this proposal.

## **6.4. REGULATIONS**

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulation 2000*.

## **6.5. LIKELY IMPACTS OF THE PROPOSAL**

The proposed modifications have been assessed considering the potential environmental, economic and social impacts as outlined below:

- The proposed modifications will not result in any social impacts compared to that assessment completed for SSD-9831, notably there is no change in building height, FSR or use proposed.
- The proposed modifications will not impact the natural environment of the site compared to the assessment completed for SSD-9831.
- The proposed modifications will result in minimal impact as outlined in Section 5.1.

## **6.6. SUITABILITY OF THE SITE**

The proposed modifications do not change the suitability of the approved development for the site. The site remains suitable for the approved used, inclusive of the modification sought by this application.

## **6.7. SUBMISSIONS**

It is understood that any submissions received from the public notification period of this application will need to be assessed by the Department.

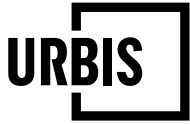
## **6.8. PUBLIC INTEREST**

The proposed modifications are considered in the public interest for the following reasons:

- The proposed modifications are consistent with relevant State and local strategic plans and complies with the relevant State and local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.

## **7. CONCLUSION**

The proposed modifications have been assessed in accordance with Section 4.55(1A) and Section 4.15 of the EP&A Act and are considered appropriate as summarised below:



- The proposal is of minimal environmental impact;
- The proposal is substantially the same development as that approved;
- The proposal satisfies the applicable planning controls and policies;
- There are negligible social and economic impacts resulting from the modifications;
- The proposal remains suitable for the site; and
- The proposal is in the public interest.

Having considered all relevant matters, we conclude that the proposed modifications are appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

Please do not hesitate to contact the undersigned should you require any additional information regarding this modification application.

Yours sincerely,

A handwritten signature in black ink that reads "Genevieve Beard". The signature is written in a cursive style with a large, sweeping initial "G".

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