

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-9831 Western Sydney University Bankstown City Campus
Applicant	Western Sydney University
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

18 February 2021

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including provision of new tertiary education infrastructure, capital investment in the region of \$264 million, creation of 675 construction jobs and 650 operational jobs, public domain upgrades and stormwater infrastructure upgrades that will benefit the Bankstown CBD;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
 - A Metropolis of Three Cities – the Greater Sydney Region Plan.
 - Greater Sydney Commission's South District Plan.
 - NSW Future Transport Strategy 2056
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Conditions of consent are recommended to address key impacts associated with public domain and landscaping, flooding and stormwater management, traffic and mode share, noise impacts and parking;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 4 November until 4 December 2019 (30 days) and received nine public submissions, including three objections, five comments and one in support of the project. It also received comments from Council.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include parking, building height, shadowing and impacts to open space. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Parking</i></p> <ul style="list-style-type: none"> • Loss of existing public parking • Construction worker parking • Lack of parking provided on site • Impacts to nearby ALDI carpark 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The removal of public parking was approved by Council as part of the early works DA and does not form part of this approval. However, there are no controls that require replacement of lost public parking and Council's 'Complete Streets' strategy seeks to reduce traffic impacts and encourage use of public transport in the CBD rather than provide increased public car parking. • The proposal provides for parking on site and through funding to Council towards parking infrastructure. The Department is satisfied that the proposal adequately caters for the parking demand associated with the use of the site and will not result in unacceptable impacts for on-street parking or use of private carparks. <p><i>Conditions</i></p> <p>Conditions include</p> <ul style="list-style-type: none"> • A requirement to make parking available on site for staff, students and visitors. • A requirement to enter into a voluntary planning agreement to provide funding towards parking infrastructure. • A construction worker transportation strategy to minimise demand for parking in nearby public and residential streets, or public parking facilities, and to ensure construction workers do not use the nearby ALDI carpark.
<p><i>Building Height</i></p> <ul style="list-style-type: none"> • Inconsistent with the area • Sets a precedent 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • Concerns raised in relation to building height were made before the planning controls were amended. • The planning controls were amended on 5 February 2021 to permit a height of 83 metres on the site. The proposal complies with the planning controls and as such is considered to be consistent with Council's strategic objectives for the future character of the area.
<p><i>Overshadowing</i></p> <ul style="list-style-type: none"> • Of Paul Keating Park • Of the Bankstown Library and Knowledge Centre (BLaKC) 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The new planning controls set requirements in relation to sunlight access to the Park (50 per cent of the park to receive 4 hours of solar access at mid-winter). The proposal has been designed to comply with this requirement and is therefore considered acceptable. • There are no planning controls that require protection of sunlight to the BLaKC. However, by setting mid and upper-level building massing away from the BLaKC, the proposal minimises shadowing impacts on this building.
<p><i>Impacts to Open Space</i></p> <ul style="list-style-type: none"> • Amenity of park reduced, should be upgraded as part of proposal • Loss of public toilets • Safety of playground due to increased traffic impacts • Loss of open space 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • The proposal includes upgrades to the Park, including new trees in the vicinity of the site. • The proposal does not seek to remove the public toilets in the Park. • The revised public domain plan would remove traffic from The Appian Way, thereby improving safety outcomes for the playground. • The loss of the turfed area on the site was approved by Council as part of the early works DA. The area was not designated as open space and had only limited functionality and amenity. The proposal does not result in the loss of any open space from Paul Keating Park.