

Shelter NSW submission on *Draft Planning Proposal 1 & 1A North Terrace, Bankstown – Bankstown Central (July 2023)*

A secure home for all

8 September 2023



About Shelter NSW

Shelter NSW has been operating since 1975 as the State's peak housing policy and advocacy body. Our vision is to create a sustainable housing system that provides secure homes for all. We provide systemic advocacy and advice on policy and legislation for the whole NSW housing system to resolve housing inequality.

We are especially concerned for low-income households which struggle to afford good-quality and well-located housing in the private market. We consider a sustainable housing system one that delivers what we call Triple-A housing and Triple-P outcomes.

Affordable and diverse homes	Accessible, well-located housing	Appropriate, high-quality development
Housing supply and demand	Proximity to jobs and services	Amenity and aesthetics
Tenure forms and rights	Access to public transport	Energy and environment
Housing types and sizes	Accessibility and adaptability	Standards and maintenance
Productive cities and regions	Poverty-free communities	Protected neighbourhoods
Access to jobs and services	Housing stress and homelessness	Energy use and consumption
Housing costs and consumption	Physical and mental health	Urban heat
Financial and economic stability	Education access and attainment	Climate resilience and adaptation

At Shelter NSW, we believe that all people deserve to live in housing that delivers these priorities and objectives. We believe the housing system should deliver safe, secure, and affordable living outcomes for all, regardless of tenure type. Ahead of the NSW 2023 State election, Shelter NSW developed a comprehensive policy platform. Central to that platform was our call for a better deal for renters.



1. About our submission

Shelter NSW (Shelter) welcomes and appreciates the opportunity to comment on the Bankstown Central Planning Proposal (BC PP). We thank Canterbury Bankstown City Council for its previous consideration of Shelter NSW's previous submissions. These include:

Campsie and Bankstown Town Centre Masterplans (May 2021), Canterbury-Bankstown Draft Affordable Housing Strategy (May 2020) and Canterbury Bankstown Draft Local Strategic Planning Statement to the Local Housing Strategy (October 2019).

2. Executive Summary

Shelter NSW welcomes the opportunity to comment on the "*Bankstown Central*" Planning Proposal which sets out the justification for a concept plan for a staged, mixed use redevelopment through increased employment floor space and housing diversity within the Bankstown CBD on the site at 1 and 1A North Terrace, Bankstown¹.

As the peak housing policy and advocacy body in NSW, Shelter NSW concerns itself resolution of housing inequalities, especially for those lower income households which struggle with the lack of certainty in the private housing market over appropriately located, affordably priced, secure housing options of quality.

Shelter notes, when fully redeveloped, the intent of the Planning Proposal, is to focus density for an additional 1,949 residential dwellings² from the 147,501m² total residential floor area³ and 10,215 additional jobs (from the 158,748m² of additional non-residential floor area)⁴, along with 25,000 students within walking and cycling distance around the Bankstown City Centre and the future Metro Station (opening 2024). The CB Housing Strategy target is 12,500 dwellings by 2036 of which the proposal is expected to contribute 10%.

¹ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from https://hdp-au-prod-app-cbnks-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/9616/9029/2957/Bankstown_Central_Planning_Proposal_July_2023.pdf

² ibid

³ ibid

⁴ ibid

A key feature of the proponent's Letter of Offer and draft Planning Agreement⁵ is the provision of affordable housing predicated on a shortfall of 40% employment generating floor space across the Bankstown Central site (including 50% within the Town Centre Precinct)⁶ to accelerate urban renewal so that the Bankstown Central site can be more fully let and trade as the resolution of site specific issues.

A genuine commitment is sought from Council to implement appropriate affordable housing growth following on from the decade long downward trend for the lowest 40% of income earner renters in Canterbury Bankstown²², coupled with further deterioration in five year span between 2016 and the most recent 2021 ABS data²³, and the anticipated 12, 500 new dwellings, 25 000 jobs within the Bankstown CBD by 2036. For these concrete reasons, it is difficult to reconcile how Council has accepted a shortfall in EGF is required to provide for affordable housing to be a mandatory requirement of the planning proposal²⁴.

Further, the Bankstown Central site is outside of the operational area of the Council advertised Affordable Housing Contribution Scheme Area of the Bankstown Masterplan⁷ and as such cannot draw contributions from redevelopment of the site. A re-negotiated planning agreement is the only way to acquire affordable housing on the site as an additional public benefit and is a critical recommendation of this submission.

This submission concerns itself with an assessment of the merits of the Planning Proposal, including supporting Planning Agreement, which have direct impacts for those in the private rental market. The key observations from the proponent led Planning Proposal for a mix of uses and economic considerations relate issues to affordable housing provision (including key worker housing), student accommodation, public interest, staging of public benefits and urban design.

The main intention of Shelter NSW's submission is to highlight where removal of real or perceived barriers to create better planning outcomes than as currently envisaged for those in the community most in need, particularly with regard to:

- guarantees sought from Council over the delivery of additional public benefits realised as additional affordable housing in a dense urban environment characterised by lower income households (including for key workers).

⁵ ibid

⁶ ibid

⁷ Draft Affordable Housing Contribution Scheme Map (2022). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

- guarantees sought from Council over the delivery of bona fide student accommodation to meet the type of demand generated by the emerging health and education hub of Bankstown city centre
- guarantees sought from Council over improved staging of public domain improvements to deliver the main park and pedestrian through links sooner (within Stage 1 or maximum Stage 2 (2031) to improve pedestrian connectivity and accessibility to the surrounding community.

In recognition affordable housing is a critical and intractable problem in Canterbury Bankstown, Shelter asserts the proponent should be responsible for providing additional public benefits, (limited to affordable housing), associated with the 397,339m²⁸ additional floor area from an unprecedented uplift in zoning, FSR and Height, which only benefits a single land owner.

This submission from Shelter NSW constitutes an objection to the Bankstown Central Planning proposal as exhibited in relation to the proponent led notion of affordable housing contingent on shortfalls in employment generating floorspace.

The reasons for objections raised by Shelter NSW and or any amendments sought to render the Planning Proposal adequate are detailed below.



Figure 1: Photomontage of Bankstown Central Site, 1 and 1A North Terrace, Bankstown. Source: Bankstown Central Shopping Centre – Planning Proposal. Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

⁸ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

3. The Subject Site

The Bankstown CBD is 16 km south west of the Sydney CBD, 10km from Liverpool City Centre and 10km south from Parramatta CBD⁹. The site located at 1 and 1A North Terrace Bankstown is at the heart of the CBD, comprising 12 lots (total site area of 114,073m²), is the largest privately owned landholding within the Bankstown CBD¹⁰ (see **Figure 2**).

Shelter notes Bankstown Central Planning Proposal is within walking distance of retail, employment, leisure, public transport facilities within the Bankstown city centre. where 25,000 jobs and 25,000 students by 2036 are proposed¹¹.

The T3 Bankstown Railway Line earmarked for conversion to a Metro rail line, opening 2024, between Sydenham and Bankstown is targeted by the Canterbury Bankstown Local Strategic Planning Statement (CB LSPS) for 50,000 additional dwellings¹² and has the largest concentration of lower income renters¹³.

A bus interchange within the boundary to the site with a permanent location concurrently under negotiation between the Proponent, Council and TfNSW¹⁴. Stacey Street, the main arterial corridor to and from Sydney on its western side.

⁹ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023 Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

¹⁰ ibid

¹¹ ibid

¹² ibid

¹³ Affordable housing Strategy Background Report_V1.pdf February 2020. Retrieved from: <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

¹⁴ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>



Figure 2: Site Location (Source: Page 6 of Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Source: Bankstown Central Shopping Centre Planning Proposal. Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>)

4. Overview of the Planning Proposal

Shelter NSW has reviewed the exhibition documents retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal> including:

- Canterbury Bankstown LEP 2023 (heights of building up to 86m, apply a FSR ratio range (3.4:1 to 7:1), require a minimum 40% employment generating floor space across the site and 50% in the town centre precinct)
- Canterbury Bankstown DCP 2023 built form controls (landscaping, solar access, setbacks, through site links, open space requirements)
- Letter of Offer (commitments by the developer) to enter into a Planning Agreement with Council and the Explanatory note for the monetary contributions and public infrastructure works from the PP and delivery mechanisms.

Shelter NSW notes the intended outcomes of the Planning Proposal are the result of a request by the landholder of a 114,073m² single, landholding for urban renewal to provide employment growth and additional housing. The proponent led growth strategy necessitates amendments to existing Canterbury Bankstown planning controls

(Canterbury Bankstown Consolidated Local Environmental Plan 2023 – CB LEP 2023) to reflect the uplift sought (50% non-residential floor space within the town centre precinct and 40% across the entire site (40%).

As summarised, Shelter NSW understands the exhibited Planning Proposal seeks approval for:

- variation to the mix of land uses across the site. Approximately 63% of the site will now accommodate non-residential land use (249,838m² including existing shopping centre) and 37% residential uses (147,501m²)¹⁵
- additional built form (greater density and heights of buildings) focused along North Terrace and around the existing Bankstown Railway Station and South West Metro Station (due to open in 2024¹⁶)
- reconfiguration of the existing shopping centre layout to accommodate staged construction of 19 towers designed as 4-5 precincts (**Figure 2** with the existing shopping centre core is shaded) with an indicative staging plan of 20 – 30 years¹⁷
- an increased public domain including a main park (5,000m² in area along Rickard Road) and adjoining publicly accessible plaza and playground (5,615m² in size) and indoor multi-purpose facility (two courts 1,000m² in area) and 200m² start up office space
- relocation of the existing bus interchange within the site to a permanent location within or outside of site (subject to proponent, Council and TfNSW agreement)
- shared bus and pedestrian way by extending Jacobs Street between The Mall and Northern Terrace
- the number of car spaces on the site will reduce to a maximum adopted provision (compliant with CB Car parking requirements)
- shared bus and pedestrian way by extending Jacobs Street between The Mall and Northern Terrace
- cycleway along Rickard Road and Appian Way frontage to the site (in compliance with the Bankstown Complete Streets requirements)
- minimum 5 Green Star rating for residential / commercial / retail buildings and sustainability bonus provisions to redevelopment in B3, B4 zones.

¹⁵ ibid

¹⁶ ibid

¹⁷ ibid

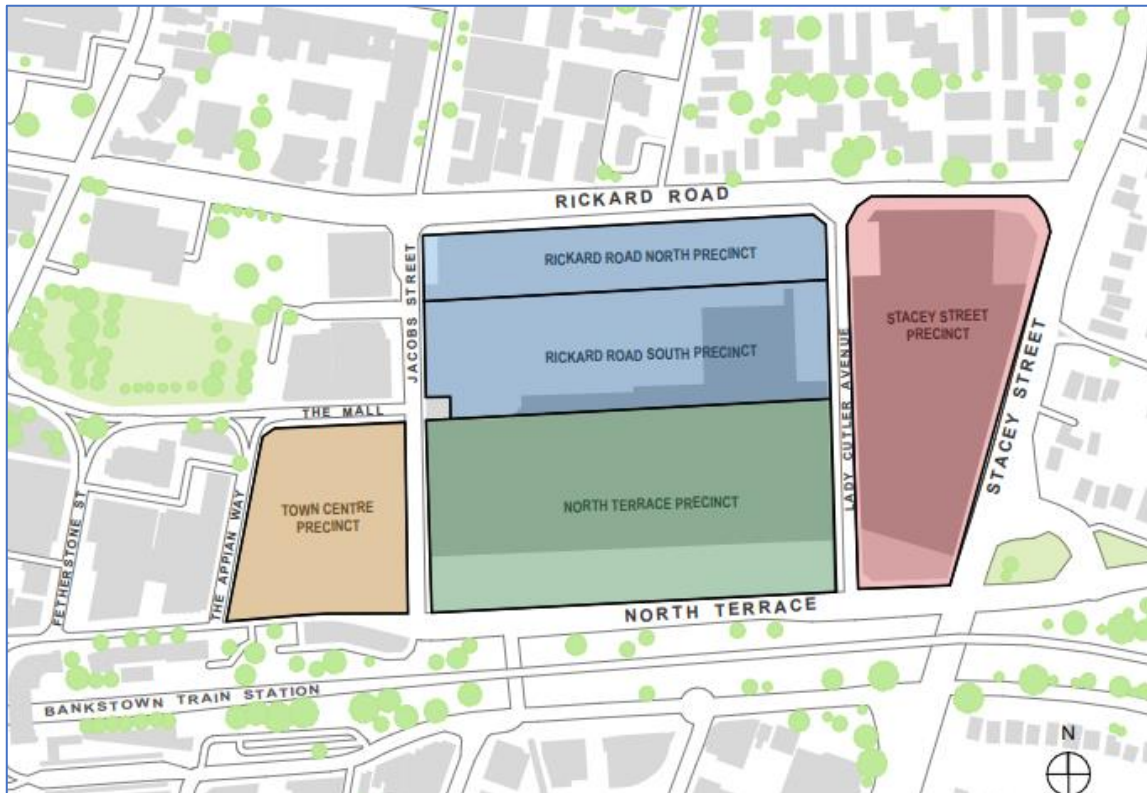


Figure 3: Bankstown Central site. Retrieved from [https://hdp-au-prod-app-cbnks-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/9516/9032/9009/Draft Site Specific DCP - Chapter 6 Strategic Centres Key Site Bankstown Central.pdf](https://hdp-au-prod-app-cbnks-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/9516/9032/9009/Draft%20Site%20Specific%20DCP%20-%20Chapter%206%20Strategic%20Centres%20Key%20Site%20Bankstown%20Central.pdf)

5. Key Issues

6. The need for Affordable Housing provision on site

Shelter NSW notes the proponent led Planning Proposal relies on incentive heights of buildings and FSR provided contributions to enable the delivery of affordable housing based on the Economic and Land use study prepared by SGS Economics and Planning (2021)¹⁸ for the Bankstown CBD.

Shelter NSW notes the proponent will commit to affordable housing if a minimum 40% employment generating floor space (EGF) is not delivered on the site¹⁹. Shelter NSW notes the details to deliver affordable housing in Bankstown City Centre are not publicly available for commercial for in confidence reasons²⁰. Further, Shelter NSW raises particular concern and objection with enabling proponent led evidence of viability of how EGF can be delivered across the entire Bankstown Central site (over 100,000m2 in

¹⁸ SGS Bankstown City Centre & Campsie Town Centre Economic and Land Use Study, (August 2021). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

¹⁹ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

²⁰ ibid

area) with close to 400,000m² of additional floor area to after lodgement of the first DA for the site²¹. In principle approval for a planning proposal which lacks a clear EGF strategy is clearly not in the public interest and needs to be provided up front through this planning proposal.

Shelter also understands it is the proponent's intention to retain ownership of any affordable housing delivered on the site linked to a shortfall in EGF, reflected in both the Planning Proposal and site specific DCP. This distinction is important because Shelter NSW notes the Bankstown Central site is outside of the operational area of the Council advertised Affordable Housing Contribution Scheme Area of the Bankstown Masterplan²² and as such cannot draw contributions from redevelopment of the site. Refer to **Figure 4**.

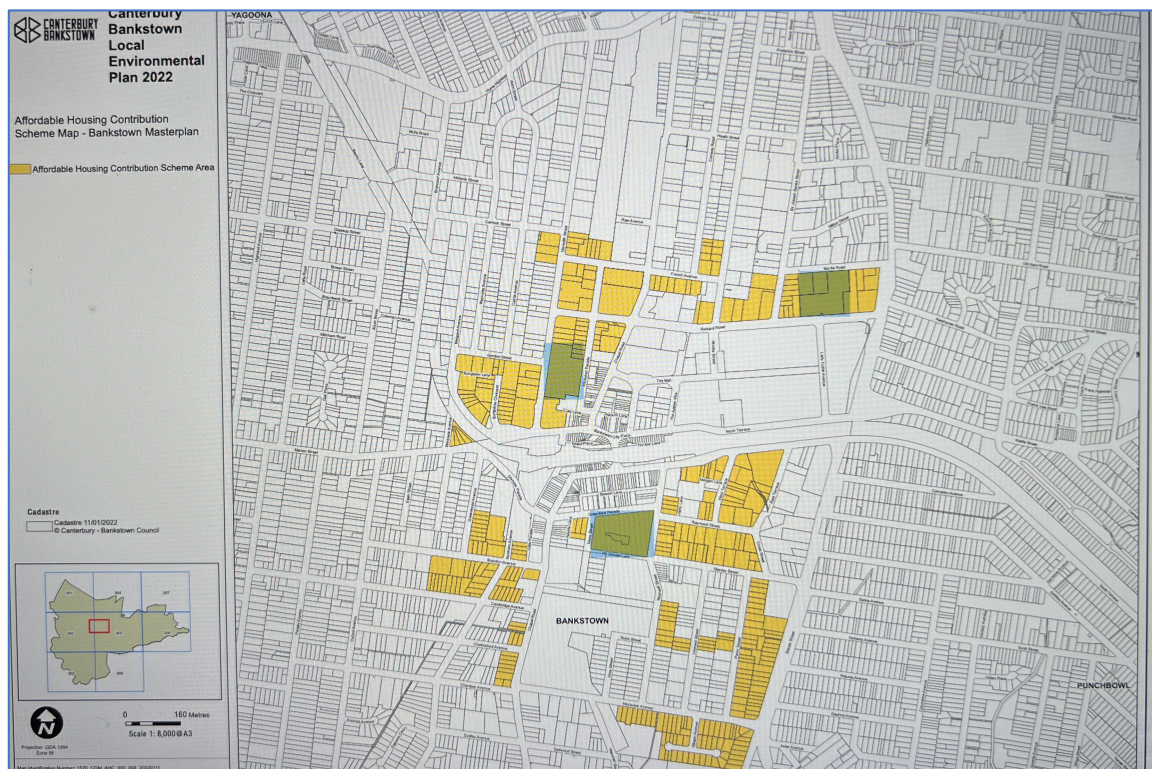


Figure 4: Draft Bankstown City Centre and Affordable Housing Contribution Scheme Map. Retrieved from: <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

Shelter NSW asserts a clearer and unambiguous implementation design framework (which needs to be defined by a re-negotiated Planning Agreement and signed alongside the Planning Proposal) to require affordable housing provision or contributions to be spent on affordable housing within the Bankstown CBD not elsewhere in the LGA. The

²¹ *ibid*

²² Draft Affordable Housing Contribution Scheme Map (2022). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

intended development outcome from the uplift in zoning, FSR and height will create an urban renewal project almost three times the size of the existing shopping centre (91,090m² in area). As calculated 397,339m² in additional floor area (comprising 244,096m² of commercial / retail space and 153,243m² residential floorspace) is proposed compared with 91,090m² associated with the existing shopping centre²³. The estimated floor space (yield breakdown) is detailed in **Figure 5**.

Land Use	Gross Floor Area (GFA)	Assumed Accommodation Yield
New public open space	10,615m ²	N/A
Childcare	891m ²	N/A
New Retail	15,041m ²	N/A
Retail (retained from current provision)	91,090m ²	N/A
Commercial	119,117m ²	N/A
Hotel	17,957m ²	439 Hotel Rooms
Residential	128,525m ²	1255 Apartments
Residential (Student Accommodation)	18,976m ²	694 Student Accommodation Rooms
Serviced Apartments	5,742m ²	89 Serviced Apartments

Figure 5: Estimated floor space/yields resulting from the intended development outcome – Retrieved from <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

A genuine commitment is sought from Council to implement appropriate affordable housing growth following on from the decade long downward trend for the lowest 40% of income earner renters in Canterbury Bankstown²⁴, coupled with further deterioration in five year span between 2016 and the most recent 2021 ABS data²⁵, and the anticipated 12, 500 new dwellings, 25 000 jobs within the Bankstown CBD by 2036. For these concrete reasons, it is difficult to reconcile how Council has accepted a shortfall in EGF is required to provide for affordable housing to be a mandatory requirement of the planning proposal²⁶.

Shelter NSW observes the noted failure of the 0.5:1 FSR bonus provision to adequately stimulate urban renewal²⁷ under Bankstown LEP (predecessor LEP) generated 5% affordable rental housing (48 rental units)²⁸ under the original planning proposal (2019) for the same site. How is it that 48 affordable housing units were generated on the same site for a less ambitious proposal than as proposed?

²³ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

²⁴ Affordable Housing Strategy Background Report_V1.pdf. Retrieved from: <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

²⁵ Canterbury-Bankstown 2021 ABS All Persons Quick Stats – Retrieved from: <https://abs.gov.au/census/find-census-data/quickstats/2021/LGA11570>

²⁶ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

²⁷ ibid

²⁸ ibid

Further, Shelter NSW points to affordable housing delivery as a public benefit delivered under a planning agreement which needs to be disentangled from the shortfall in EGF given that EGF does not in and of itself promote and provide housing choices or schemes which reflect the needs of very low, low and moderate income households, nor, does it create a net community benefit for the Canterbury Bankstown community (strengthening the diversity of income level, household types and cultural groupings) it is designed to serve.

Testing opportunities for EGF, Build to Rent housing provision (discussed below), without opportunities for Council ownership / CHP management and lack of clarity over staging of provision lacks proper and full consideration of a genuine need for AH provision to meet the specific breath of demand for housing supply for lower income households within the right location and is a genuine source of public concern.

In light of the nature and effect of the affordable housing performance by the planning proposal, Shelter is calling for a coherent intervention by Council to implement a range of mechanisms identified in its Affordable Housing Strategy Background report (2020).

Shelter NSW asserts the range of mechanisms offer a superior public benefit for acquiring and fostering bona fide affordable housing stock within the Bankstown Central site over the proposed testing opportunities for increasing employment generating uses and need due consideration for transparency of process before a decision is taken on the proponent led planning proposal.

Furthermore, affordable housing should be provided on site regardless of the proponent led staging of the project which is seeking to delay details of EGF strategy until the first DA is lodged.

6. Recommendation

Amendments are sought of the draft Planning Agreement to be entered into between Council and the developer to reflect a re-negotiated alternative to the proponent's Statement of Intent to permit a PA for affordable housing, regardless of shortfalls in EGF and regardless of staging of the project within the Bankstown Central site to cater to the largest concentration of lower income renters in Sydney²⁹. All details for the EGF strategy

²⁹ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

need to be provided and considered through this planning proposal application. These amendments are to be evidenced by Council prior to determination of the Planning Proposal.

Further, to ensure all affordable housing stock is managed effectively, including tenanted to people most in need at 75% (maximum) of the market rental and managed to maximise their usage for the life of the development, such developments need to be able to be monitored in real time following determination. Details of the registered CHP, rent capping, locations and duration of the affordable housing component to a development need to be provided through a publicly accessible register, maintained at the developer's expense or by Council, so that it can be monitored.

The Planning Proposal cannot be determined without such an important undertaking, as this removes any perceived ambiguity to enable affordable housing to operate as intended for the life of the development so that it remains within the public interest.

7. Key Workers

25% of the total workforce of Canterbury Bankstown are employed in key worker occupations³⁰.

Using census data for 2021, Sydney University professor Dr Catherine Gilbert (2023) has found median rents remain unaffordable for those essential workers on moderate incomes, with 70% under the age of 40 in the private rental market; more than half (>50%) of the total number of LGAs in Greater Sydney including Canterbury Bankstown³¹. Dr Gilbert's research findings reveal a case for change which sees a critical need for intervention and innovation across the housing system to improve access to housing for essential workers if our cities are to function effectively into the future³².

Shelter NSW recognises without more affordable housing options to maintain a strong employment base for key workers³³ poses a significant barrier to the largest concentration of lower income renters in Sydney located within Canterbury Bankstown. Finding

³⁰ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

³¹ *ibid*

³² Dr C. Gilbert, Dr Z. Nasreen, Dr N. Curran (2023). *Tracking the housing situation, commuting patterns and affordability changes of essential workers*, Report prepared for Hope Housing, The University of Sydney. Retrieved from: <https://urbanism.sydney.edu.au/tracking-the-housing-situation-commuting-patterns-and-affordability-challenges-of-essential-workers/>

³³ *ibid*

suitable housing supply in the private rental market of Canterbury Bankstown LGA³⁴ without a stronger intervention by Council to mandate affordable housing via a re-negotiated Planning Agreement as an effective mechanism³⁵ poses “a threat to public health and safety...and “how...cities function in the future³⁶”.

8. Social housing

Shelter NSW notes Bankstown has a higher number of renter households compared with social rented housing dwellings³⁷. However, the number of social housing applicants across the LGA is higher because it has a greater number of existing social housing in the area³⁸. The wait times (minimum 5- 10 years studio / 1 bedroom and 10+ years for 2, 3 and 4+ bedrooms) are contingent on affordable housing as social housing stock and market stock is unable to meet demand for applicants on very low and low incomes³⁹.

Further, a pipeline for around 1,700 of which 1,000 are replacement stock⁴⁰ are unlikely to deliver the housing needs for very-low income households in Canterbury Bankstown⁴¹. Shelter NSW notes the availability of additional affordable housing to very low income households is a priority, to help offset demand for social housing within Bankstown CBD.

The provision of affordable housing is contingent on a functioning centre and is not contingent on a minimum percentage of employment generating floorspace. The Planning Proposal is more likely to be fully let and trade vibrantly, resulting in a greater net community benefit for the Canterbury Bankstown community if the centre responds to the need for stronger links between the site and its context.

³⁴ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

³⁵ *ibid*

³⁶ Dr C. Gilbert, Dr Z. Nasreen, Dr N. Curran (2023). *Tracking the housing situation, commuting patterns and affordability changes of essential workers*, Report prepared for Hope Housing, The University of Sydney. Retrieved from: <https://urbanism.sydney.edu.au/tracking-the-housing-situation-commuting-patterns-and-affordability-challenges-of-essential-workers/>

³⁷ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

³⁸ *ibid*

³⁹ *ibid*

⁴⁰ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

⁴¹ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

9. Build to Rent

Shelter NSW notes the proposed introduction of a B3 Commercial Core Zone applying to the heart of the Bankstown Central site excludes housing except for Build to Rent. Shelter NSW points out Build to Rent is not an affordable housing product given that the rental yield investors need to get a return from means they will most likely continue to be a premium housing option⁴².

However, Build to Rent does offer “safe, affordable, accessible, appropriate, secure homes⁴³ if ownership of dwellings to Council or another party to manage⁴⁴ are offered. Unfortunately, Shelter is aware the proponent’s Letter of Offer will act as a barrier to ownership transfer of Build to Rent apartments to Council or another party to manage⁴⁵.

Notwithstanding, the provision of Build to Rent at the heart of the Bankstown Central site presents a real opportunity for Council to partner with either the proponent or not for profit developer to subsidise affordable rental housing to encourage affordability for all parts of the community at the very heart of the Bankstown Central Site in the Build to Rent apartment blocks arising from the Planning Proposal. The significant role of influencing the supply of affordable housing at the heart of the Planning Proposal cannot be underestimated based on accessibility to transport and land value uplift which deliver substantial land value uplift⁴⁶. Moreover, both residential and commercial properties alike increase in value near transport infrastructure hubs⁴⁷.

Shelter NSW highlights, the proponent led Letter of Offer and draft Planning Agreement will effectively prevent the unearned increment of land value uplift (associated with the B3 Commercial Core rezoning) to be captured for affordable housing in Build to Rent applications made to Council.

Specific to this is the inability to transfer ownership to Council of Build to Rent dwellings as affordable housing stock within the B3 Commercial Core zone which will have an effective impact on the high level of rental stress for both lower income households and key workers within the city centre of Bankstown⁴⁸.

⁴² The Sun Herald (Aug 2023). *The Higher-rent option that tenants welcome*. Retrieved from: <https://www.smh.com.au/national/nsw/in-a-sydney-building-tenants-happily-pay-higher-rents-it-s-a-model-that-could-become-more-common-20230801-p5dt0d.html>

⁴³ Constellation Project (2023). *The Constellation Project*. Retrieved from: <https://theconstellationproject.com.au/more-homes/>

⁴⁴ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

⁴⁵ *ibid*

⁴⁶ Densmore, Karley and Mulley, Corinne (2012) *Accessibility and Residual Land Value Uplift: Identifying Spatial Variations in The Accessibility Impacts of ABus Transitway*. Institute Of Transport and Logistics Studies the Australian Key Centre in Transport and Logistics Management. The University of Sydney. Issn1832-570x

⁴⁷ *ibid*

⁴⁸ *ibid*

It effectively denies Council the ability to capture contributions for affordable housing (public benefit) required to meaningfully address housing affordability issues for the almost half of all households considered very low income experiencing rental stress in Canterbury Bankstown⁴⁹.

9. Recommendation

In recognition of the public benefit to the local community across Canterbury and Bankstown, Council's support and endorsement is sought via a re-negotiated planning agreement and Letter of Offer (Intent) which permits the transfer of ownership for affordable housing on any Build to Rent dwelling unit erected within the B3 Commercial Core Zone. This will directly influence the supply and maintenance of appropriate affordable housing growth, which is in the public interest. Evidence of the re-negotiated terms of the Letter of Offer and draft Planning Agreement are to be submitted to Council prior to determination of the Planning proposal.

10. Affordable housing as an additional public benefit

The proponent's Letter of Offer provides a summary of commitments to deliver public benefits to be entered into as a Planning Agreement with Council post DPE gateway determination⁵⁰. The public benefits include: a 5,000m² public park; 5,000m⁺ publicly accessible plaza; shared bus / pedestrian through links; indoor multi-purpose courts; business start-up space (200m) and cycleway along two frontages (Rickard Road and Appain Way). An indicative staging program for delivery of public infrastructure and works over 20 -30 year timeframe is also proposed.

Shelter NSW notes there is no proponent led commitment for affordable housing as a public benefit. Shelter NSW asserts the proposal is more likely to be fully let and trade vibrantly, resulting in a greater net community benefit for the Canterbury Bankstown community if the centre responds to the need for stronger links between the site and its context. If left unaddressed, declining housing supply, affordability and increasing social

⁴⁹ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

⁵⁰ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

and economic inequality for lower income households at the centre of Bankstown where housing stress is more common⁵¹ can only be expected.

Shelter NSW observes Council is responsible for leveraging affordable housing in Canterbury Bankstown to address social and economic inequality to support a strong employment base and social cohesion⁵². Further, implementation of affordable housing through the development approval process is the only way to expedite much needed affordable housing provision on this site.

Without the potential to operate a functional scheme to secure developer contributions for affordable housing through the development approval process, Council cannot expedite much needed provision of affordable housing. As noted, the site is excluded from Councils AHCS map (**Figure 4**). However, in recognition Planning Agreements are a negotiated alternative to the payment of development contributions⁵³ and give Council the ability to capture contributions to fund material public benefits including affordable housing.

A re-negotiated Planning Agreement which for affordable housing as an additional public benefit to the list of Proponent led commitments in their Letter of Offer is a viable alternative to the current administrative and procedural barrier to the mapped AHCS excluding the subject site at its heart. Further, there is no disincentive for Council to re-negotiate the terms of the Planning Agreement in recognition of the need for a clear understanding that delivering critical actions to increase affordable housing is widely supported by the co-ordinated approach adopted across the rest of Bankstown CBD (**Figure 4**).

10. Recommendation

In recognition affordable housing is a critical and intractable problem in Canterbury Bankstown, Shelter asserts the proponent should be responsible for providing additional public benefits, (limited to affordable housing), associated with the 397,339m²⁵⁴ additional floor area from an unprecedented uplift in zoning, FSR and Height, which only benefits a single land owner.

⁵¹Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

⁵² ibid

⁵³ NSW DPE (February 2021) *Planning Agreements: Practice note*. Retrieved from: <https://www.planning.nsw.gov.au/sites/default/files/2023-03/planning-agreements-practice-note.pdf>

⁵⁴ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

11. Staging of Public Benefits

The indicative staging program for Bankstown Central Site (**Figure 6**) includes delivery of public infrastructure and benefits in connection with the Planning Agreement as of 2023 through to 2040. Shelter NSW is concerned over how the delivery timeframe for public benefits associated with the proponent led Planning proposal promotes the public interest by staging delivery of the main park in connection with the Planning Agreement as part of Stage 5 (by 2036)⁵⁵. 13 years from now.

In recognition the significant delivery of public benefit associated with a 5,000m² park and its location within the Bankstown CBD needs to be prioritised within the site. The Employment Lands Strategy which identifies there is a public open space deficiency within the site and near the site and provision of a new public park will address this issue.⁵⁶ Further, it states Bankstown local centre lacks character, good quality pedestrian connections, civic spaces and public domain⁵⁷.

Shelter NSW therefore recommends bringing forward the delivery of the main park along with parts of the publicly accessible domain including pedestrian pathways that will benefit residents and workers on the site as well as those visiting from outside the site prioritises the community benefit and cultural association and improved pedestrian and cycle connectivity and accessibility from the surrounding area, delivered either in Stage 1 or by the end of Stage 2 (by 2029).

⁵⁵ Draft CB DCP 2023 Key Site No. XX – Bankstown Central Site DRAFT July 2023. Retrieved from: https://haveyoursay.cbcity.nsw.gov.au/download_file/4836/1888

⁵⁶ *ibid*

⁵⁷ *ibid*

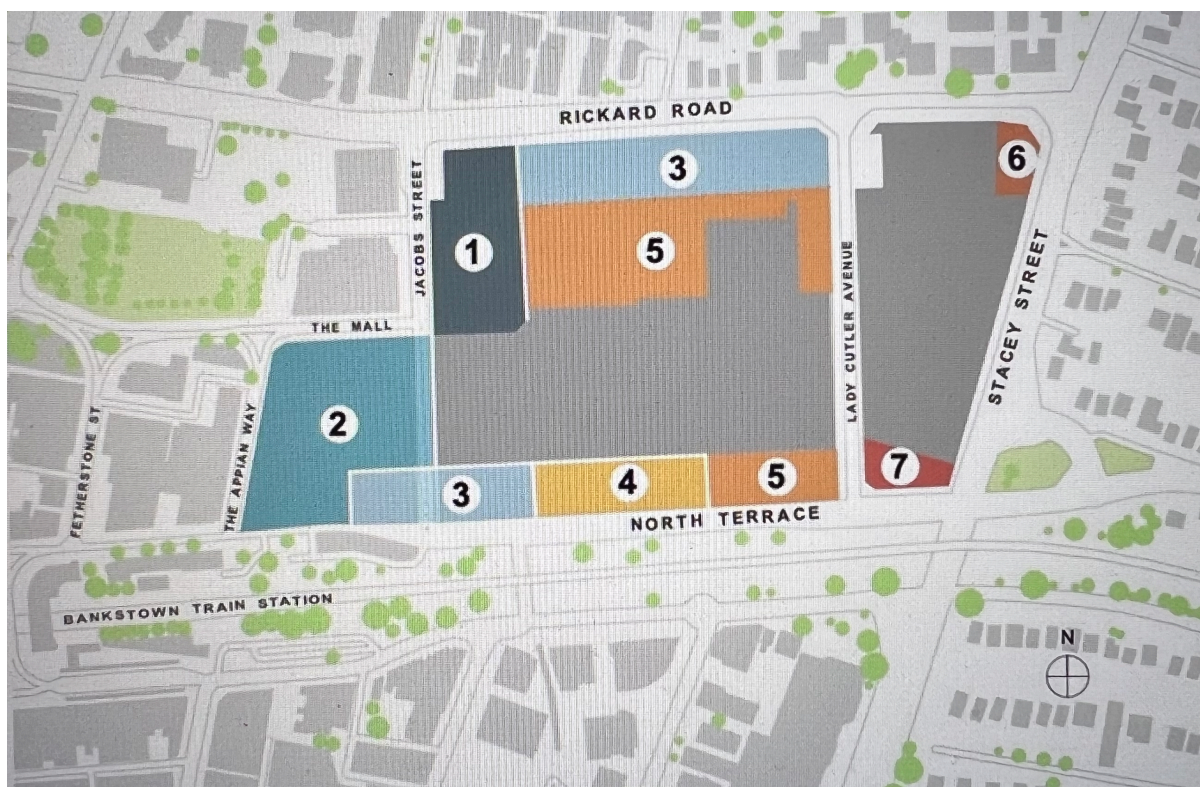


Figure 6: Indicative Staging Plan.

Source: Draft CB DCP 2023 Chapter 6 – Strategic Centres Key Site No. xx – Bankstown Central Site DRAFT July 2023. Retrieved from https://hdp-au-prod-app-cbnks-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/9516/9032/9009/Draft_Site_Specific_DCP_-_Chapter_6_Strategic_Centres_Key_Site_Bankstown_Central.pdf

Stage	Indicative Timeframe
Stage 1: Bus Precinct	2020-2026
Stage 2: Town Centre	2022-2029
Stage 3: North Terrace West + Rickard Road North	2025-2031
Stage 4: North Terrace Centre	2030-2034
Stage 5: North Terrace East + Rickard Road South	2032-2036
Stage 6: Stacey Street Precinct North	2034-2038
Stage 7: Stacey Street Precinct South	2036-2040

Figure 7: Indicative staging Program for Bankstown Central Site (as of 2023) Draft CB DCP 2023. Retrieved from: https://hdp-au-prod-app-cbnks-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/9516/9032/9009/Draft_Site_Specific_DCP_-_Chapter_6_Strategic_Centres_Key_Site_Bankstown_Central.pdf

11. Recommendation

The Planning Agreement is to be amended to demonstrate stages can be aggregated and proceeded with concurrently to bring forward delivery on the main park and public access to it brought forward before the end of Stage 2 (2029) preferably in Stage 1. This reason is to ensure good planning outcomes the community can support associated with the Planning proposal. Evidence of the timing and delivery amendments in the Planning Agreement for the public park and pedestrian access to it needs to be provided to Council prior to the determination of the Planning Proposal.

Further, clarification through the planning agreement is sought whether security for public infrastructure works to be carried out will be provided by way of a caveat over the land in favour of the Council rather than by way of a monetary payment so that there can be no impediment to on site delivery for public benefits along with DAs for each building. Evidence of confirmation through the planning agreement is sought prior to determination of the Planning Proposal.

Finally, Shelter NSW recommend Council to require a condition so that the proponent prepare a Publicly Accessible Area Management Plan (PAAMP) for embellishment of all publicly accessible areas the Planning Proposal will create, regardless of ownership. The PAAMP will document the arrangement between “private” and “public” owner and will deal with issues such as maintenance such as maintenance, hours of access, mechanisms to allow events to take place etc. Evidence of the PAAMP needs to be provided prior to the determination of the Planning Proposal.

12. Built Form / Urban Design

Shelter NSW notes a design excellence competition was is not part of the proposal but that the design has been reviewed in line with Clause 6.15 Design Excellence of the recently consolidated Canterbury Bankstown LEP 2023 by the internal CB City Design Review Panel⁵⁸. At this stage, a written response that explains the Panel’s report on their review is not publicly available and therefore it is unclear what the advice on the next steps are for the site as a whole.

⁵⁸Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

12. Recommendation

Shelter NSW notes given the significant size of the redevelopment area including substantial increases in height and FSR across the entire proposal site coupled with a 20 – 30 year staging timeframe, Shelter NSW recommends Council needs to give due consideration to appropriate conditions to set up a design review panel to oversee the overall development and its key features (urban design and built form responses) to ensure the proposal for the site as a whole can be constructed and operated to ensure it retains the capacity to support the necessary design integrity for coherent growth across the five precincts starting in 2023 until 2040⁵⁹ and results in a greater net community benefit for the Canterbury Bankstown community, having regard to:

- 1) surveyor endorsed A3 drawings with each future development application and all future land subdivision to ensure covenants are placed on the title to limit GFA for each development block to within the approved building envelopes and to ensure the maximum GFA for each development parcel does not exceed the total GFA for the site (397,339m²).
- 2) a City Datum Line is applied to all buildings across the entire Bankstown City Centre redevelopment site to ensure an appropriate pedestrian scale is maintained at street level throughout the centre. Details of such are to be submitted at each future Development Application stage.
- 3) the need for detailed resolution of the form and bulk for commercial offices / retail and residential buildings along all roads and pedestrian links/lanes improve the quality and amenity of the public domain including providing direct access into retail shops from pedestrian footpaths, entry lobbies to commercial offices or residential apartments; by locating services and fire exits on streets prioritising pedestrian activity to the extent possible in meeting BCA requirements; by minimising the number of driveways and their widths, network of pedestrian lands and thoroughfares that integrate strong, well defined and appropriately located embellished pedestrian paths with inviting vistas into and out of the site and to stronger links between the site and surrounding land uses and external street networks for appropriately located and timed footpath, cycle, bus, road and rail infrastructure upgrades necessary to develop and sustain a high quality town centre.
- 4) Further definition of the extent of landscaping to ensure enhanced landscaping treatment can remove impressions of strip retail, reinforce prominent corners, preserve mid-winter solar access to public open space (park and plaza) and plant species are selected in response to the local native plant context which can integrate drought resistant and water saving management outcomes.

⁵⁹ ibid

13. Rezoning of RE1 open space to IN2 Industrial

Shelter NSW notes the rezoning of 53 De Witt Street Bankstown from RE1 to IN2 will enable IN2 Light Industrial zone to reflect its current use. Further, that Council's review of the applicant's submission reveals no immediate or short term plans to review land use controls in this precinct and importantly that the full extent of the parkland site is not required for open space needs.

On closer inspection, Shelter notes 53 De Witt Street, Bankstown is clearly within the parkland setting. Shelter NSW seeks clarity from Council over the reasonableness of the proposal based on the impact to promoting the public interest.

It is presumed the whole parcel of land benefits from existing use rights (described as operational industrial use) and that the continuance of a lawful use does not necessitate a rezoning from RE1 to IN2 based on the observable and consequent comparison of quantitative and qualitative loss of public open to the wider Canterbury Bankstown LGA. The Canterbury Bankstown LGA is described as the largest in terms of population in NSW⁶⁰ Further, the CB LGA is expected to grow by 50,000 new dwellings between Sydenham and Bankstown by 2036⁶¹ with the dominant dwelling structure being high density housing in Bankstown⁶².

Shelter NSW raises particular concern with the nature and effect of the justification for the rezoning as not required in the immediate/short term based on the significant public benefit on balance to the community in the immediate, short, medium and long term over rezoning for particular interests.

The rezoning is not supported because open space is a public benefit in a dense urban environment clearly under considerable development pressure. The operation of the existing industrial use does not necessitate a permanent rezoning of the site to operate out of the site. It needs to be preserved as RE1 until the medium and longer term for the community.

⁶⁰ Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

⁶¹ Planning Proposal – 1 and 1A North Terrace, Bankstown July 2023. Retrieved from Retrieved from: <https://haveyoursay.cbcity.nsw.gov.au/bankstown-central-shopping-centre-planning-proposal>

⁶² Canterbury Bankstown Affordable Housing Strategy Background Report (June 2020). Retrieved from <https://www.planningportal.nsw.gov.au/ppr/under-assessment/bankstown-city-centre-and-affordable-housing-contribution-scheme>

13. Recommendation

Shelter NSW is now seeking clarity from Council how the loss of appropriately zoned recreational space (RE1 land) that is regularly shaped, sized and integrated, contiguous public open space within Bankstown should be rezoned from RE1 to industrial given that it will not materially change the viability of the industrial premises operating out of the site as it stands and importantly, without necessitating its loss to the community. The rezoning from open space to industrial by Council will render the site inaccessible to the local community and means the permanent loss of a much needed public benefit.

In recognition of the overwhelming public benefit to existing and future community commensurate as open space for the whole community (residents, workers and visitors) with possibilities for improved connectivity from the surrounding area it is considered rezoning of RE1 land to IN2 does not promote the public interest and should be refused.

14. Thank you

Shelter NSW appreciates the opportunity to comment on the Bankstown Central Planning Proposal (concept plan). It is hoped the submission including objections and suggested amendments designed to serve the Canterbury Bankstown community for realising affordable housing and student accommodation within the future town centre, with improvements to the experience and timing of public benefits will add to the quality of the public domain and to the community the proposal is designed to serve.

If you wish to discuss our submission in more detail, please contact Pilar Aberasturi (Planning Policy Officer) on 0450 554 659 or by email at pilar@shelternsw.org.au

Sincerely Yours,

Pilar Aberasturi

Planning Policy Planner, Shelter NSW

Pilar Aberasturi

Sincerely Yours,

John Engeler

John Engeler, Shelter NSW

John Engeler