



# **AGENDA FOR THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**7 July 2021 - 6.00pm**

---

## **ORDER OF BUSINESS**

---

### **ORDER OF BUSINESS**

### **APOLOGIES AND DECLARATIONS**

### **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **REVESBY WARD**

- 1        Planning Proposal for Western Sydney University Milperra Site at 2 and 2A  
         Bullecourt Avenue, Milperra (RZ-3/2020) 3**

---

## Canterbury Bankstown Local Planning Panel - 07 July 2021

---

<b>ITEM 1</b>	<b>Planning Proposal for Western Sydney University Milperra Site at 2 and 2A Bullecourt Avenue, Milperra (RZ-3/2020)</b>
<b>APPLICANT</b>	<b>Mirvac Residential NSW Development Pty Ltd</b>
<b>OWNERS</b>	<b>Western Sydney University</b>
<b>AUTHOR</b>	<b>Planning</b>

### REPORT

---

Council is in receipt of an application to prepare a Planning Proposal for the site at 2 and 2A Bullecourt Avenue, Milperra. The site currently comprises the Western Sydney University's Milperra Campus. The application seeks to rezone the site from SP2 Infrastructure (Educational Establishment) and SP2 (Electricity Transmission or Distribution Network) to R1 General Residential, B1 Neighbourhood Centre, RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure (for stormwater drainage reserve).

The proposed changes to planning controls at the site are designed to deliver a low scale residential precinct with a maximum of 430 dwellings including a mix of dwelling types and sizes, three new local parks, a community hub, and protection of a parcel of a significant stand of Cumberland Plain Woodland.

The application is supported by a Letter of Offer which outlines the proponent's commitment to dedicate parks and roads to Council, embellish Milperra Reserve and renovate the Milperra Community Centre either through a works in kind arrangement or financial contribution to Council.

A detailed assessment of the application indicates that it does present strategic and site specific merit in order to proceed to the next step in the plan making process and seek Gateway approval subject to undertaking further analyses with regard to traffic and parking, flood planning, contamination and , arboricultural to enable the preparation of a site specific Development Control Plan that will set out the detailed planning and development controls for the site and would be exhibited concurrently with the planning proposal.

### ISSUE

---

In accordance with the Local Planning Panels Direction, issued by the Minister for Planning and Public Spaces in 2018, the Canterbury Bankstown Local Planning Panel is requested to provide advice for Council's consideration on whether a Planning Proposal for the site at 2 and 2A Bullecourt Avenue, Milperra should proceed to Gateway.

## **POLICY IMPACT**

---

Council's adopted Local Strategic Planning Statement (LSPS) – 'Connective City 2036' guides the future growth and development of the City of Canterbury Bankstown to 2036. This Planning Proposal is consistent with the LSPS vision for the WSU Milperra campus to be 'renewed' to create an 'innovative and sustainable community area'.

## **FINANCIAL IMPACT**

---

Council's assessment of the application and its independent peer reviews have identified a number of public domain improvements, community assets/facilities and traffic works required to ensure that the precinct would continue to function well if the proposal was to proceed.

A formal Letter of Offer has been submitted by the applicant identifying a number of items that would be funded or undertaken as works in kind by the applicant through a planning agreement. Council and the applicant are yet to reach agreement on the quantum of the affordable housing contribution, and this needs to be resolved prior to exhibition and incorporated into a draft planning agreement that will be exhibited alongside the Planning Proposal.

Contributions ordinarily made under Section 7.11 and 7.12 will not be waived under the planning agreement and would continue to be paid at the development stage.

## **COMMUNITY IMPACT**

---

- This application when delivered will present as an extension of the surrounding locality with respect to scale and height with a number of positive planning, social and environmental impacts that it would deliver to the surrounding community and broader city. These include unlocking of the land for a mix of residential, community, and environmental uses, which the current zoning does not permit and providing a diverse range of dwelling types to cater for a variety of housing needs, and a sensitive transition to existing housing on Ashford Ave and surrounding industrial areas to minimise land use conflict.
- Creation of three new public parks that will be embellished and dedicated to Council (total area approx. 1.5ha)
- Embellishment of Milperra Reserve to increase its capacity including landscaping, new turf, seating, lighting, and public art.
- Protection of critically endangered Cumberland Plain Woodland in the north east corner of the site (approx. 2.035ha), which contains significant trees and vegetation.
- Repair and renovation to the Milperra Community Centre, via works in kind arrangement or monetary contribution.
- Reservation of land in the south east corner of the site for educational uses.
- A monetary contribution to Council for affordable housing, equivalent to 22 new dwellings. This will allow Council to build or purchase dwellings in future to provide reduced rents for low income residents such as key workers.
- A new shared cycleway on the proposed local roads to encourage active transport.
- Additional local retail to service the day-to-day needs of residents and workers in the area.

## RECOMMENDATION

---

1. The application to amend the draft Canterbury Bankstown Local Environmental Plan 2021 proceed to Gateway subject to:
  - (a) Inclusion of a Floor Space Ratio control for all R1 zoned residential land, consistent with Council's policy approach throughout the rest of the Local Government Area. This may be a scaled control to allow more density for dwellings on smaller lots and may impose an overall floor space density cap for the site. This is to be resolved prior to reporting this application to Council.
  - (b) Prior to public exhibition occurring the following additional information is submitted by the applicant:
    - i. Additional flooding and stormwater related information to confirm:
      - a. Consistency with the State-led Flood Prone Land planning changes effective from 14 July 2021.
      - b. The minimum floor levels of future development required to address 1 in 100 year and Probable Maximum Flood events on the site.
      - c. Details of the types of stormwater treatment measures.
      - d. Calculations of the stormwater detention requirements and to clarify post-development stormwater discharge rates.
    - ii. Further arboricultural assessment to confirm trees to be retained based on the revised site structure plan. This may inform additional street tree planting and canopy cover in the draft DCP.
    - iii. Further ecological analysis to confirm the extent and location of ecologically significant land on the site and that the draft CBLEP 2021 Terrestrial Biodiversity Map be amended accordingly.
    - iv. An updated Remediation Action Plan to include additional testing and development of the recommended remediation strategy and a Site Audit Statement that verifies the Remediation Action Plan methodology and data, is to be provided to Council.
2. Council prepare a site specific DCP Amendment as outlined in Section 4 of this report, and exhibit the DCP Amendment concurrently with the Planning Proposal, subject to the following:
  - i. The road reserves being 18m wide for local roads, 17.2m for minor local roads, and 8.5m for laneways as outlined in Section 4.9 of this report.
  - ii. Further solar access modelling on smaller lots to confirm that private open space and living areas receive suitable sunlight.
3. A planning agreement be prepared and exhibited alongside the Planning Proposal, subject to the following:
  - i. Agreement being reached by the applicant and Council on the affordable housing monetary contribution and other issues prior to the matter being considered by Council.
  - ii. Development contributions under s7.11 and s7.12 being payable in addition to any public benefit offer, consistent with Council's Planning Agreement Policy.

4. The applicant updating the supporting studies prior to exhibition to reflect the amendments to the Planning Proposal.
5. Council seek authority from the Department of Planning, Infrastructure and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.

## **ATTACHMENTS** [click here for Attachments B – H](#) [Click here for Attachments I - X](#)

---

- A. Assessment Findings
- B. Applicant's Planning Proposal
- C. Applicant's Revised Structure Plan Rev\_R4B1 TZ
- D. Applicant's Stage 2 Detailed Site Investigation
- E. Applicant's Ecological Assessment
- F. Applicant's Arboricultural Impact Assessment
- G. Applicant's Bushfire Planning Assessment
- H. Applicant's Amended Bushfire Planning Assessment
- I. Applicant's Statement of Heritage Impact
- J. Applicant's Traffic and Transport Impact Assessment
- K. Applicant's Social Impact Assessment
- L. Applicant's Acoustic Report
- M. Applicant's Draft Site Specific Development Control Plan
- N. Applicant's Infrastructure Report
- O. Applicant's Stormwater Concept Plan
- P. Applicant's Remedial Action Plan
- Q. Applicant's Affordable Housing Contributions Strategy
- R. Applicant's Response to Traffic and Transport Peer Review
- S. Council's Community Needs Peer Review Report
- T. Council's Social and Economic Impact Peer Review Report
- U. Council's Value Uplift Analysis Report
- V. Council's Traffic and transport peer review
- W. Council's Urban Design Peer Review Report
- X. Applicant's Letter of Offer

## DETAILED INFORMATION

---

### 1. SITE DESCRIPTION

The subject site (site) at 2 and 2A Bullecourt Avenue, Milperra comprises the following properties as shown in Figure 1.

**Table 1:** subject site details

Property Address	Property Description	Current Zone	Site Area
2 Bullecourt Avenue	Lot 103 DP 874035	SP2 Infrastructure (Educational Establishment) Zone	19.64ha (excluding 3.68ha in south east corner to be sold to adjoining Mt St Joseph High School)
2A Bullecourt Avenue	Lot 1 DP 101147	SP2 Infrastructure (Electricity Transmission or Distribution Network) Zone	202m <sup>2</sup> (approx.)

The site is currently occupied by the Western Sydney University Milperra campus, established in 1977. The existing buildings on the site comprise a mix of single storey administration buildings, student accommodation and educational buildings of up to four storeys in height. Four at-grade car parks are located within the site. A playing field is to the south of the site with two smaller open spaces in the north east and north west corners of the site. The site has a fall from the north eastern corner down to the south western corner. There is a large group of mature Cumberland Woodland in the north eastern part of the site with mature trees and scattered vegetation over other parts of the site.

The site has boundaries to Ashford Avenue to the west, Bullecourt Avenue to the north and the M5 Motorway to the south. The eastern boundary of the site is to Horsley Road and the Mt St Joseph High School.

Adjacent to the south is the M5 Motorway, to the west is the established residential suburb of Milperra and to the north is general industrial zoned land including warehouse and distribution centre operations. Abutting the site to the east is the Mt St Joseph High School and beyond on the opposite side of the Horsley Road to the east is light industrial zoned land.

In relation to the local context, the site is adjacent to the Milperra Village Centre (B1 Neighbourhood Centre Zone). The site is also located approximately 1.6 kilometres north west of Panania Railway Station and 1.3 kilometres south of Bankstown Airport. The site is well serviced by bus infrastructure with bus stops located on the site's frontages along Bullecourt Avenue and Horsley Road that provide services to East Hills, Bankstown, Miranda, Liverpool, Burwood, Padstow and Panania.

**Figure 1: Site Map**



## **2. PROPOSAL**

In July 2020, Council received an application to amend Bankstown Local Environmental Plan 2015. The application included the following supporting documents:

- Concept structure plan
- Planning proposal report
- Detailed site investigation
- Preliminary ecological assessment
- Arboricultural impact assessment
- Bushfire protection assessment
- Statement of heritage impact
- Transport assessment
- Stormwater concept plan
- Social impact and community needs assessment
- Acoustic assessment, and
- Infrastructure report.



A site-specific draft Development Control Plan (DCP) has been submitted by the applicant that provides objectives and development controls to guide the future development of the site. Council has considered the applicant's site-specific draft DCP however will prepare its own draft DCP. It is intended that the preparation of the draft DCP is a condition of the Gateway and that it is prepared and made available for public comment concurrently with the Planning Proposal.

On 15 May 2021, the applicant submitted a revised application in response to Council's preliminary assessment and the urban design, traffic and parking and social and community needs peer reviews commissioned by Council. These peer review documents are available at Attachments S to W. The additional information submitted by the applicant includes:

- Revised Bush Fire Protection Assessment.
- Revised Structure plan.
- Remediation Action Plan
- Draft Affordable Housing Contributions Strategy (as part of the Letter of Offer).
- Response to Traffic and Transport Peer Review.

The additional information submitted by the applicant addresses most of Council's concerns, however as outlined in this report, additional information is required from the applicant and should be submitted to Council's satisfaction, prior to public exhibition of the Planning Proposal.

The revised application seeks to enable redevelopment of the site to accommodate a low-scale diverse housing residential precinct comprising the following elements:

- Up to a total of 430 dwellings comprising a mix of attached, detached, semi-detached, multi dwelling and dual occupancy dwellings (capped maximum).
- A small commercial neighbourhood centre (8,200m<sup>2</sup>) on the location of the existing childcare centre.
- Retention of existing childcare centre (reduction of spaces from 67 to 40 spaces).
- Majority of dwellings being two storeys (9m building height) with a small portion being three storey attached dwellings in the northern end of the site facing Bullecourt Avenue (11m building height).
- Dwellings with a frontage to Ashford Avenue must be detached dwellings, have a maximum FSR of 0.5:1 and minimum lot size frontage width of 10m.
- A road network within the site comprising new local roads (18m road reserve), 'minor' local roads (17.2m road reserve) and laneways (8.5m road reserve).
- Minimum residential lot sizes ranging from 124m<sup>2</sup> to 300m<sup>2</sup>.
- Retention of the existing remnant Cumberland Plain Woodland (approx. 2.035ha) in the north eastern corner of the site and zoning that land E2 Environmental Conservation.
- Provision of three public parks to be dedicated to Council (total area approx. 1.49ha).
- Total 1,481 car parking spaces (comprising 374 spaces on-street, 1,107 car spaces on private land either driveways or lock up garages).

A description of the objectives and intended outcomes of the application is provided in Table 2. A summary of the current controls and proposed changes to draft CBLEP 2021 is provided in Section 3.

The applicant has submitted a Letter of Offer, at Council's request, that comprises the following items agreed in principle between Mirvac and Council:

1. Monetary contribution for affordable housing in perpetuity (equivalent to 5% dwelling yield or approx. 22 dwellings).
2. Local park with children's playground equipment, outdoor fitness, walking/cycling tracks and sheltered picnic tables, BBQs within subject site.
3. Pathways around remnant bushland (e.g. raised boardwalk, signs, replanting) within subject site subject to further ecological assessment.
4. Provision of off-road shared cycleway along collector roads linking site to external road/cycle network.
5. Monetary contribution to repair and renovate Council's existing Milperra Community Centre (128 Ashford Avenue, Milperra).
6. Monetary contribution for open space shortfall to embellish Milperra Reserve including amenity block, footpaths, picnic tables, bins, flood lighting, turf etc (Crown Land).
7. Enter into agreement with Mt St Joseph Catholic College Milperra for shared use of school facilities outside of school hours.
8. Dedication of land zoned RE1 Public Recreation to Council in perpetuity.

A draft Planning Agreement will be progressed subject to agreement being reached on the above public benefit offer items. Refer to Section 4.10 for details of the monetary value of the proposed public benefit offer.

Since the lodgement of the application, Council has progressed the finalisation of the draft Consolidated Canterbury Bankstown Local Environmental Plan 2021 (CBLEP 2021) which has been publicly exhibited and is with the Department of Planning, Industry and Environment for making. To avoid any doubt, this application seeks to amend the draft CBLEP 2021 given the imminent gazettal of that instrument. Any references to the Bankstown LEP 2015 or Canterbury LEP 2012 should be taken to mean the draft CBLEP 2021.

The proposal includes amendments to CBLEP 2021 as detailed in Table 3.

**Table 2:** Description of proposed LEP amendments – proposed provisions and intended outcomes

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes (new wording in <i>italics</i> )
Amended LEP Maps	<p>Amend the following draft CBLEP 2021 maps:</p> <p><u>Zoning Map</u></p> <ul style="list-style-type: none"> <li>• R1 General Residential – applied to most of the site.</li> <li>• B1 Neighbourhood Centre – approximately 8,200m<sup>2</sup> in the northern part of the site accommodating the existing child-care facility.</li> <li>• RE1 Public Recreation – applied to the proposed public parks.</li> <li>• E2 Environmental Conservation – applied to the area containing the remnant Cumberland Plain Woodland.</li> <li>• SP2 Infrastructure – applied to the drainage reserve along the southern boundary.</li> </ul>

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes (new wording in <i>italics</i> )
	<p><u>Floor Space Ratio Map</u></p> <ul style="list-style-type: none"> <li>• An FSR of 0.5:1 is applied to the western boundary of the site along Ashford Avenue.</li> <li>• An FSR of 1:1 is to the proposed B1 Neighbourhood Centre located in the north-east corner of the site.</li> </ul> <p>A 'sliding scale' FSR is proposed to be applied to the remainder of the R1 zoned site that is not subject to the 0.5:1 FSR along Ashford Avenue. Refer to the 'Amended Clause 4.4 – Floor Space Ratio' below.</p> <p><u>Height of Buildings Map</u></p> <ul style="list-style-type: none"> <li>• R1 General Residential – 9m with an area permitting 11m height adjacent to open space at the north of the site near Bullecourt Avenue.</li> <li>• B1 Neighbourhood Centre – 11m.</li> </ul> <p>No maximum building height controls is applied to the RE1 Public Recreation, E2 Environmental Conservation and SP2 Infrastructure zone.</p> <p><u>Minimum Lot Size Map</u></p> <p>Minimum 300m<sup>2</sup> applied to the R1 zone with variations to this minimum lot size depending on housing type. Refer to 'Additional Local Provision' clause below for variations to permit a diverse housing range on the site with lots smaller than 300m<sup>2</sup>.</p> <p><u>Special Provisions Map</u></p> <p>Amend the Special Provisions Map to include Area 5 (the subject site, the number to be confirmed at drafting stage). This map will be associated with the proposed new 'Additional Local Provision' clause (Clause 6.XX referred below).</p> <p><u>Terrestrial Biodiversity Map</u></p> <p>In the addition to the above maps, the Terrestrial Biodiversity Map is proposed to be amended, subject to further ecological and arboricultural analysis to confirm the extent to which the site should be mapped as 'Terrestrial Biodiversity'. This will be undertaken prior to public exhibition of the Planning Proposal.</p>
New General Residential Zone	<p>R1 Proposed R1 General Residential Zone (red text denotes changes to Standard Instrument Local Environmental Plan):</p> <p><b><i>Zone R1 General Residential</i></b></p> <p><b><i>1 Objectives of zone</i></b></p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community.</i></li> <li>• <i>To provide for a variety of housing types and densities.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul>

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes (new wording in <i>italics</i> )
	<ul style="list-style-type: none"> <li><i>To provide housing that is compatible with the character, style and pattern of surrounding buildings, streetscapes, works and landscaped areas</i></li> <li><i>To enable non-residential land uses that support the viability of adjoining or nearby commercial centres</i></li> </ul> <p><b>2 Permitted without consent</b> <i>Home occupations</i></p> <p><b>3 Permitted with consent</b> <i>Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Home-based child care; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation area; Recreation facility (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture</i></p> <p><b>4 Prohibited</b> <i>Any other development not specified in item 2 or 3</i></p>
New E2 Environmental Conservation Zone	<p>Proposed E2 Environmental Conservation Zone:</p> <p><b>Zone E2 Environmental Conservation</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li><i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i></li> <li><i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i></li> </ul> <p><b>2 Permitted without consent</b> <i>Nil</i></p> <p><b>3 Permitted with consent</b> <i>Environmental facilities; Environmental protection works, Oyster aquaculture; Roads</i></p> <p><b>4 Prohibited</b> <i>Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3</i></p>

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes (new wording in <i>italics</i> )										
Amended Clause 4.4 – Floor Space Ratio	<p>Amend the draft CBLEP 2021 Clause 4.4 to include FSR controls for new development on a sliding scale based on lot size. The smallest lots permitted on the site are intended to have the higher FSR and the largest lots to have the smallest FSR on the sliding scale range. Council intends to work with the applicant to devise the proposed FSRs prior to reporting this matter to at the next Ordinary Council Meeting.</p> <p>This FSR sliding scale approach will be similar to other Council LEPs including the Canada Bay LEP 2013, Leichhardt LEP 2013 and Marrickville LEP 2011. It is also noted that Clause 4.4(2A) in Council’s Canterbury LEP 2012 includes a similar sliding scale approach for dwelling houses and semi-detached dwellings.</p>										
New Clause 6.XX additional local provision – setting maximum dwelling yield and minimum subdivision lot size requirements	<p>Amend the draft CBLEP 2021 to include a new ‘Additional Local Provision’ 6.XX ‘Development on the former Western Sydney University Milperra Campus site’ clause (clause number to be confirmed at time of drafting).</p> <p>The intent of the new ‘Additional Local Provision’ clause will be:</p> <ul style="list-style-type: none"> <li>• Set a maximum dwelling cap across the proposed R1 zone of 430 dwellings.</li> <li>• Specifies a 0 ‘nil’ yield for residential flat buildings for the site.</li> <li>• Include exceptions to the Minimum Lot Size Map for diverse housing outcomes on the site.</li> <li>• Make reference to the Special Provisions Map (Area 5) to identify the land where this new clause will apply.</li> </ul> <p>The new clause will allow the subdivision of land to achieve a lot size that has an area that is less than the minimum lot size on the draft CBLEP 2021 Lot Size Map provided that the proposed new lots:</p> <ul style="list-style-type: none"> <li>• Do not include lots that front to Ashford Avenue,</li> <li>• Includes the creation of a minimum of four lots at a time to avoid ad hoc single lot subdivision and development across the site, and</li> <li>• Includes a dwelling design for each proposed lot to provide certainty for Council of the dwelling outcome.</li> </ul> <p>The minimum lot sizes proposed in this application are linked to the housing types delivered on the lot and include the following minimum lot sizes:</p> <table data-bbox="443 1787 1010 1977"> <tr> <td>Attached dwellings*:</td><td>124m<sup>2</sup></td></tr> <tr> <td>Semi-detached dwellings:</td><td>210m<sup>2</sup></td></tr> <tr> <td>Detached dwelling:</td><td>250m<sup>2</sup></td></tr> <tr> <td>Dual occupancies:</td><td>350m<sup>2</sup></td></tr> <tr> <td>Multi dwelling housing:</td><td>450m<sup>2</sup></td></tr> </table>	Attached dwellings*:	124m <sup>2</sup>	Semi-detached dwellings:	210m <sup>2</sup>	Detached dwelling:	250m <sup>2</sup>	Dual occupancies:	350m <sup>2</sup>	Multi dwelling housing:	450m <sup>2</sup>
Attached dwellings*:	124m <sup>2</sup>										
Semi-detached dwellings:	210m <sup>2</sup>										
Detached dwelling:	250m <sup>2</sup>										
Dual occupancies:	350m <sup>2</sup>										
Multi dwelling housing:	450m <sup>2</sup>										

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes (new wording in <i>italics</i> )
	<ul style="list-style-type: none"> <li>*Note: Prior to public exhibition, further solar access testing will be undertaken to determine whether the smallest lot size is acceptable or is required to be increased in size to 150m<sup>2</sup> as recommended by Council's independent Urban Design Peer review to ensure acceptable internal amenity for occupants.</li> </ul>
Amend Clause 4.1AA – minimum subdivision lot size for community title schemes	<p>Clause 4.1AA requires community title scheme subdivision in the R2 Low Density Residential Zone to be compliant with the minimum lot size shown on the minimum lot size map in the draft CBLEP 2021. The clause does not apply to a strata subdivision.</p> <p>It is intended to amend Clause 4.1AA to include the R1 General Residential zone.</p>

**Figure 2: Applicant's revised site structure plan**



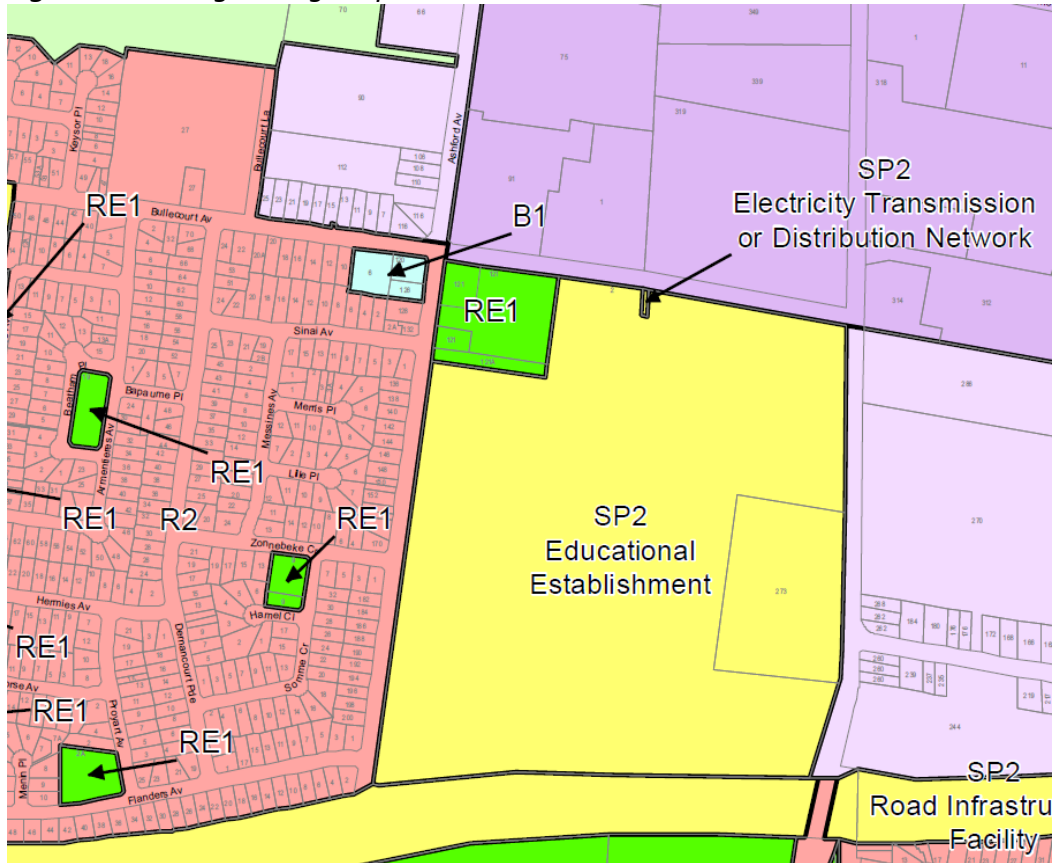
**Legend**

- |   |  |  |
|---|--|--|
| <span style="background-color: #800080; color: white; padding: 2px 5px;">R1 Zone</span>                                     | Premium Housing: Min. 10m lot width      |  |
| <span style="background-color: #0000FF; color: white; padding: 2px 5px;">B1 Zone</span>                                     | Commercial Zone and Child Care           |  |
| <span style="background-color: #FF00FF; color: white; padding: 2px 5px;">R1 Zone</span>                                     | Residential Three Storey                 |  |
| <span style="background-color: #FFB6C1; color: black; padding: 2px 5px;">R1 Zone</span>                                     | Low Rise Residential (Two storey max.)   |  |
| <span style="background-color: #ADD8E6; padding: 2px 5px;"></span>  | Area Excluded from Masterplan            |  |
| <span style="background-color: #90EE90; padding: 2px 5px;"></span>  | Existing Public Open Space               |  |
| <span style="background-color: #20B2AA; color: white; padding: 2px 5px;">RE1 Zone</span>                                    | Proposed Public Open Space               | <b>Road Type</b>   |
| <span style="background-color: #008000; color: white; padding: 2px 5px;">E3 Zone</span>                                     | Woodland Reserve                         | <span style="background-color: #0000FF; border: 1px solid black; display: inline-block; width: 20px; height: 10px;"></span> Local Road     |
| <span style="border-top: 2px dashed red; width: 20px; display: inline-block;"></span>                                       | Site Boundary                            | <span style="border-top: 1px dashed blue; width: 20px; display: inline-block;"></span> Minor Local Road                                    |
| <span style="background-color: yellow; border-radius: 50%; width: 15px; height: 15px; display: inline-block;"></span>       | Site Access Points                       | <span style="border-top: 1px dotted blue; width: 20px; display: inline-block;"></span> Laneway   |
| <span style="background-color: orange; width: 15px; height: 10px; display: inline-block;"></span>                           | On street parking (min. run of 4 spaces) | <span style="background-color: pink; border: 1px solid black; display: inline-block; width: 20px; height: 5px;"></span> Existing Bus route |
| <span style="background-color: #d3d3d3; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> | Public Parking Bays                      |  |

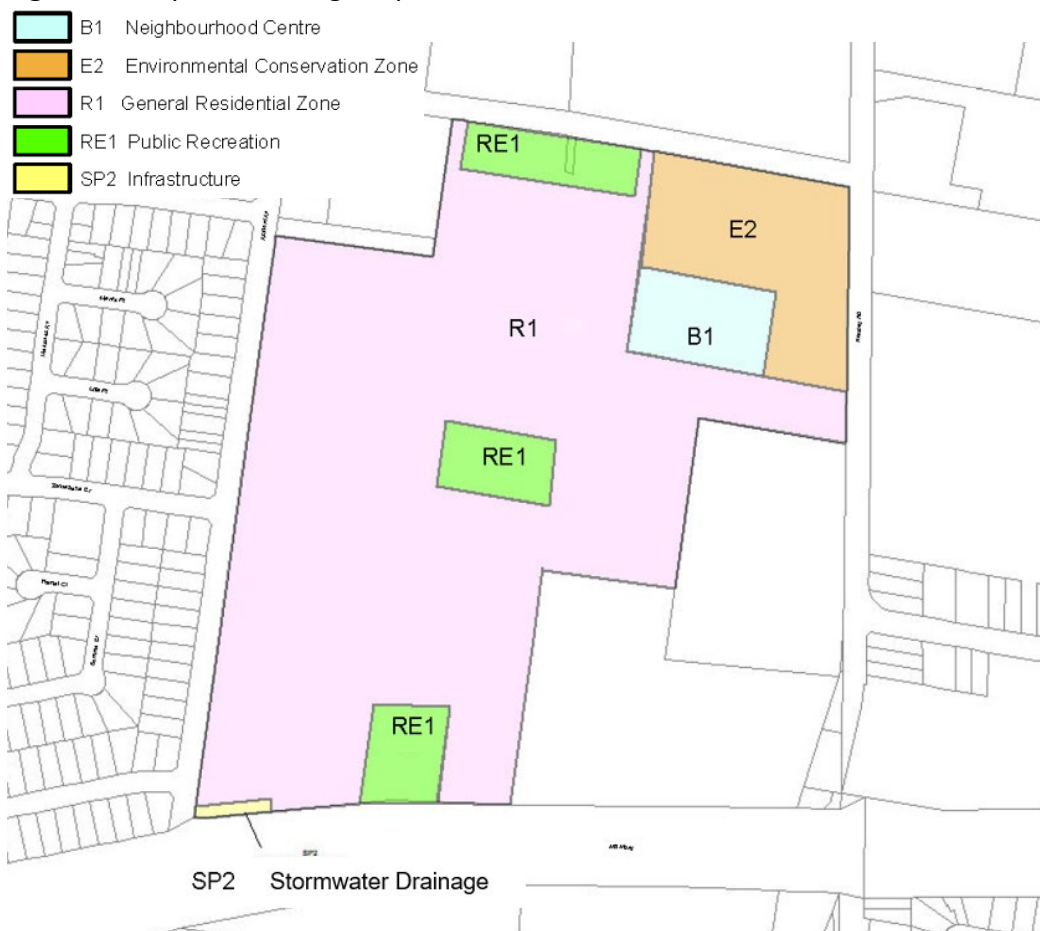
0m 50m 100m 150m 200m



**Figure 3: Existing Zoning Map**



**Figure 4: Proposed Zoning Map**





**Figure S7: Existing Floor Space Ratio Map**

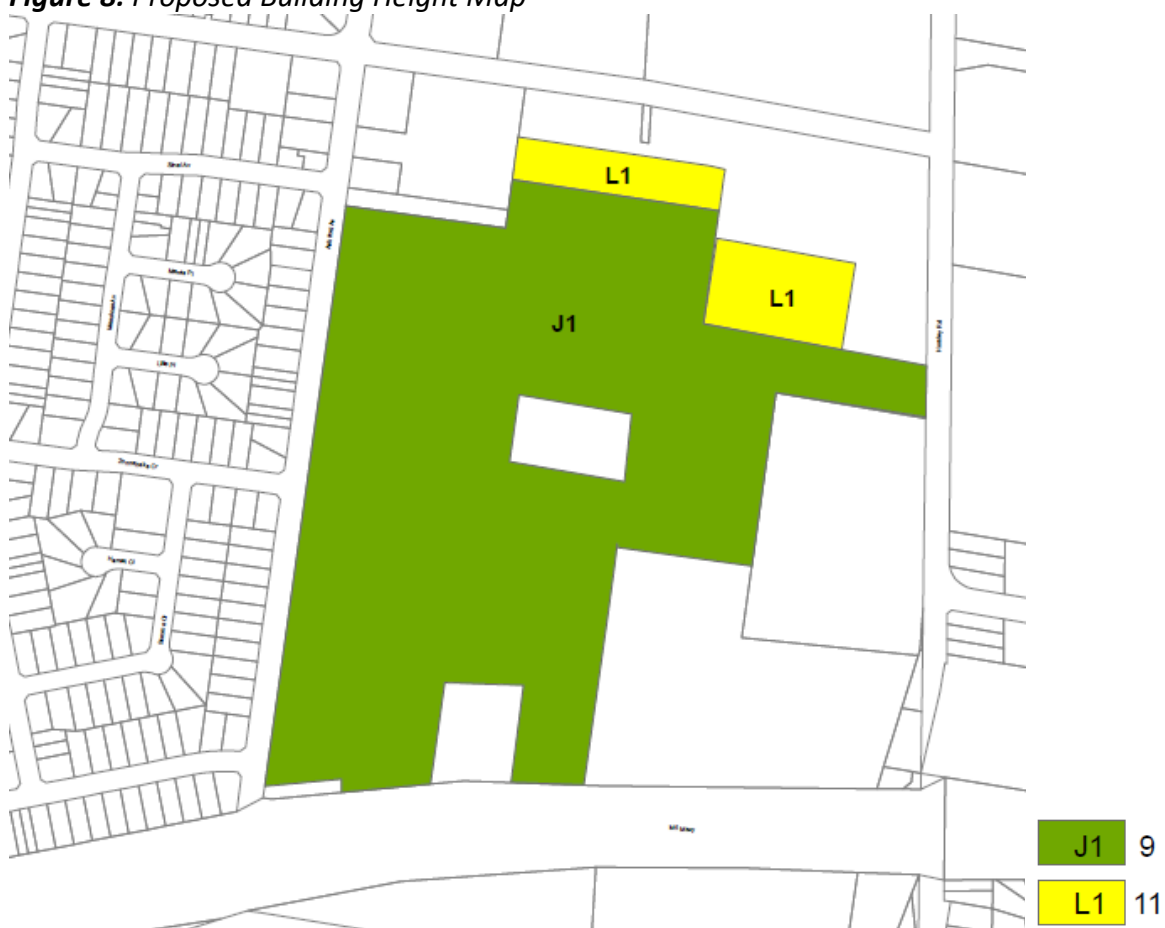
B	0.4
D	0.5
F	0.6
H	0.7
I	0.75
N	1
P	1.25
S1	1.5
S2	1.75
T	2
U	2.5
V	3
Y	4.5

[illegible]

**Figure 7: Existing Building Height Map**



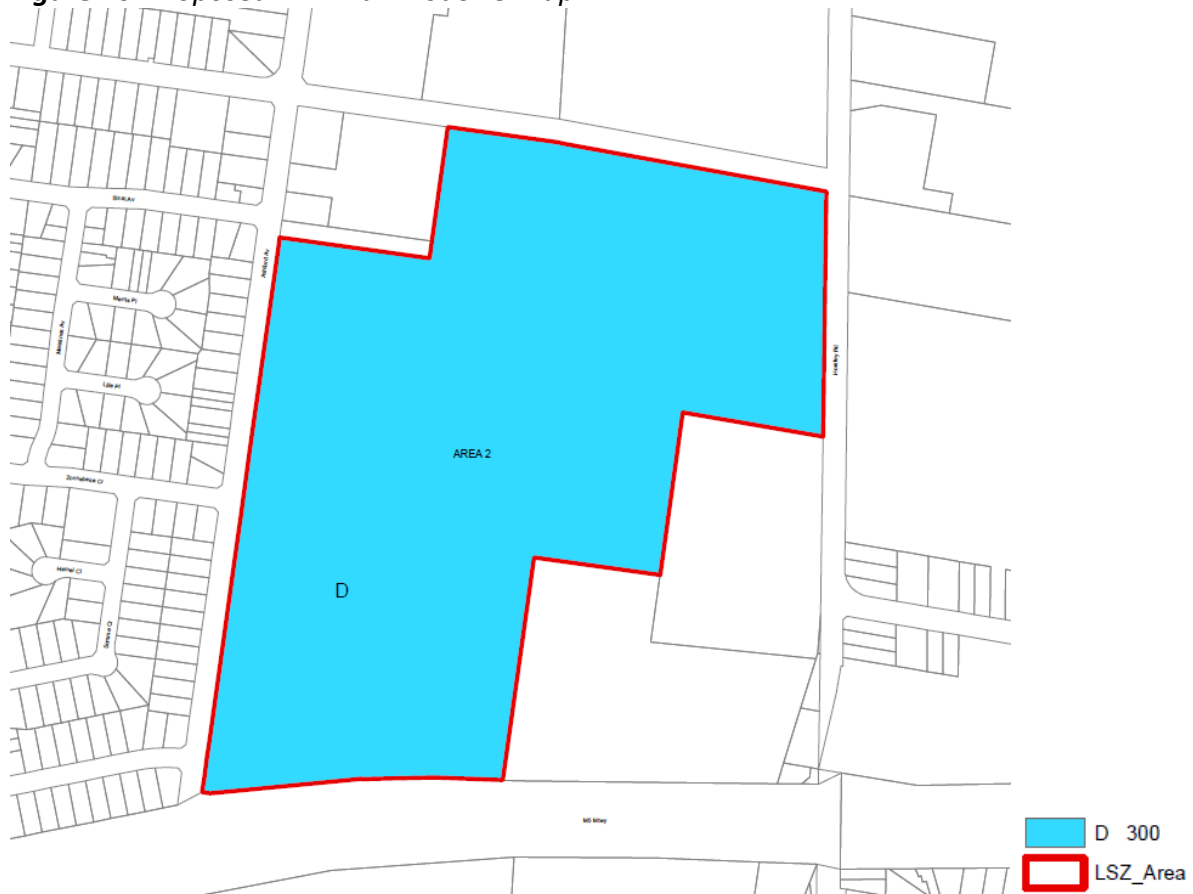
**Figure 8: Proposed Building Height Map**



**Figure 9: Existing Minimum Lot Size Map**



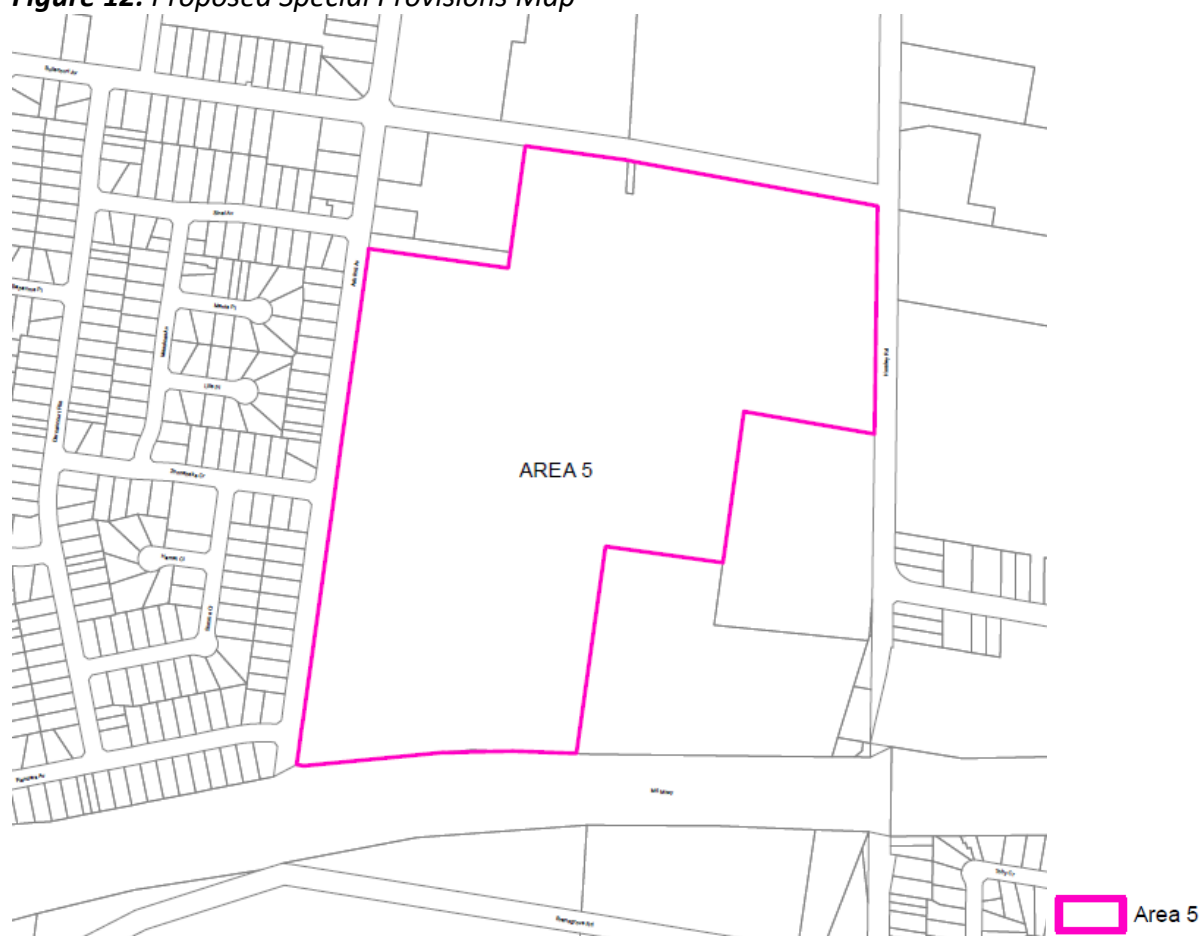
**Figure 10: Proposed Minimum Lot Size Map**



**Figure 11: Existing Special Provisions Map**



**Figure 12: Proposed Special Provisions Map**



### 3. SUMMARY

Based on the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning, Industry and Environment's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan.
- South District Plan.
- State Environmental Planning Policies.
- Ministerial Directions.
- Council's LSPS 'Connective City 2036'.
- Council's South West Local Area Plan.
- The Department's publications: A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

In relation to the proposed amendments to the draft Canterbury Bankstown Local Environmental Plan 2021 (CBLEP 2021), Council's assessment findings indicate (summarised in Section 5 below and detailed in Attachment A) the application does present strategic merit as it will:

- Provide new housing, housing choice and diversity that contributes to Council's LSPS targets.
- Deliver zoning that will be compatible with the adjoining residential, education and industrial zonings.
- Contribute to the jobs growth target in the LSPS and South District Plan.
- Provide approximately 1,200 new residents within the Bankstown Airport and Bankstown CBD Collaboration Area proximate to employment opportunities.
- Retain the existing remnant bushland on the site and not propose any development within the bushland area.
- Provide new off-road cycling connections with the surrounding area.
- Make provision of 5% affordable housing via a monetary contribution to Council.
- Contribute towards local community services and facilities.

**Table 3** below summarises the current controls and the changes proposed by the revised application.

**Table 3:** summary of current and proposed controls

Current controls		Proposed controls
Zone	SP2 Infrastructure (Educational Establishment) and SP2 Infrastructure (Electricity Transmission or Distribution Network)	R1 General Residential Zone B1 Neighbourhood Centre Zone RE1 Public Recreation Zone RE2 Private Recreation Zone SP2 Infrastructure (Stormwater Drainage)
FSR	N/A	0.5:1 for R1 Zone along Ashford Avenue 1:1 for B1 Zone



Current controls		Proposed controls
		An FSR is being developed between the applicant and Council to apply to all R1 zoned land other than fronting to Ashford Avenue. Details to be included in the report for the next Ordinary Council Meeting.
Building height	N/A	9m and 11m for R1 Zone 11m for B1 Zone
Minimum subdivision lot size	N/A	300m <sup>2</sup>
Local provision clause	N/A	A maximum capped dwelling yield of 430 and exceptions to minimum lot size to provide a mix of diverse housing on lots smaller than 300m <sup>2</sup>  It is proposed to identify the site on the Special Provisions Map

Should Council resolve to proceed with a Planning Proposal, this report and the assessment at Attachment A identifies the need for the following information to be provided prior to public exhibition:

- Applicant to provide additional flooding and stormwater related information to confirm:
  - Consistency with the State-led Flood Prone Land planning changes effective from 14 July 2021.
  - The minimum floor levels of future development required to address 1 in 100 year and Probable Maximum Flood events on the site.
  - Details of the types of stormwater treatment measures.
  - Calculations of the stormwater detention requirements and to clarify post-development stormwater discharge rates.
- Applicant to provide further arboricultural assessment to confirm trees able to be retained based on the revised site structure plan. This may inform additional street tree planting and canopy cover in the draft DCP.
- Applicant to provide further ecological analysis to confirm the extent and location of ecologically significant land on the site and that the draft CBLEP 2021 Terrestrial Biodiversity Map be amended accordingly.
- Council prepare a site specific DCP Amendment as outlined in Section 4 of this report, and exhibit the DCP Amendment concurrently with the Planning Proposal, subject to the following:
  - The road reserves being 18m wide for local roads, 17.2m for minor local roads, and 8.5m for laneways as outlined in Section 4.9 of this report.
  - Further solar access modelling on the smaller lots to confirm that private open space and living areas receive suitable sunlight.
- A planning agreement be prepared and exhibited alongside the Planning Proposal and site specific DCP Amendment.

The strategic and site specific merit of the proposal is able to be met subject to implementing the recommendations informed by the urban design, economic, social and traffic and transport peer reviews as follows in Section 4 of this report.

## 4. ASSESSMENT

### 4.1 Proposed Zonings

This application intends to introduce two new zones into the CBLEP 2021:

- R1 General Residential Zone.
- E2 Environmental Conservation.

The rationale for the proposed zones is provided below.

#### R1 General Residential Zone

The proposal seeks to deliver a new infill housing development with a diverse mix of housing types. The application will facilitate a mix of housing on the site including:

- Semi-detached.
- Attached.
- Dual occupancy.
- Detached.
- Multi-dwelling housing.

In conjunction with the housing typology mix, it is proposed to deliver housing on lots ranging from 124m<sup>2</sup> to 300m<sup>2</sup>. The R2 and R3 Medium Density Residential zones were considered as alternative zonings for the site however were not supported due to the following factors:

- The R1 Zone objective *“To provide for a variety of housing types and densities”* is a clear signal for support for housing diversity. The objectives for the R2 and R3 Zones do not have a similar objective that encourages housing diversity.
- Given the variety of housing types proposed, and out of centre location, the R1 zone provides a better fit, more certainty and clarity for the future development outcome for the site.
- A mix of R2 and R3 for the site would not necessarily result in the best urban design outcome and would dictate development outcomes that may not align with market need.
- The R1 zone addresses the need for a diverse range of housing at different price points that will cater to all segments of the housing market. Housing diversity and choice is supported by Council’s Housing Strategy and in the State Government South District Plan (Planning Priority S5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport).
- Council’s independent urban design peer review supported the use of the R1 Zone on the site.

Residential flat buildings are a mandated land use within the R1 Zone with Council’s development consent under the Standard Instrument LEP template. In accordance with the Department’s Practice Note PN 07-001, the following measures are proposed to limit the possibility of residential flat buildings being developed on the site through a suite of LEP and DCP controls:

- Specific objective in the R1 Zone that will require development on the site to be compatible with the character, style and pattern of surrounding buildings and streetscapes.
- Inclusion of an 'Additional Local Provision' clause in Part 6 of the CBLEP 2021 that specifies a 'nil' yield for residential flat buildings for the site.
- Provisions to be developed in the site specific DCP that will include development controls such as setback, private open space, car parking and landscaped area requirements that would make residential flat building difficult to develop and achieve compliance on the site.
- A new LEP clause that places a maximum cap on the number of dwellings able to be constructed on the site (430 dwellings).
- The maximum building height of 9m (two storeys) across the majority of the site will discourage residential flat building development due to low yields at likely relatively high costs for developers.

It is noted that SEPP 65 Design Quality of Residential Apartment Development and the Apartment Design Guide will not apply to development on the site on the basis the maximum building height will be 9m, equivalent to a two-storey dwelling.

### E2 Environmental Conservation Zone

The application seeks to introduce the E2 Zone into the CBLEP 2021 to apply to the remnant Cumberland Plain Woodland located in the north eastern corner of the site, an area of approximately 2.035ha. Cumberland Plain Woodland is classified as a critically endangered ecological community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and the State Biodiversity Conservation Act 2016.

The applicant originally proposed an RE2 Private Recreation zoning for the vegetated area in the north eastern corner of the site. Following an assessment by Council, the RE2 zoning was not considered to provide sufficient protection of the critically endangered ecological community. In response to Council's advice, the applicant proposed to zone the remnant bushland E3 Environmental Management. Council does not support the E3 zone on the basis that 'dwelling houses' are mandated as 'permitted with consent' and it does not reflect the high ecological values of the land.

Council advised the applicant that the E2 Environmental Conservation Zone was appropriate for that part of the site and was consistent with the Department's guidance in Practice Note PN 09-002 to zone land E2 where the protection of the environmental significance of the land is the 'primary consideration' and is supported by a study that demonstrates the high environmental status of the land.

As noted earlier in this report in Table 2, it is proposed to permit *Environmental facilities* and *Environmental protection works* (defined below) to allow for limited public access to the bushland along raised boardwalks with information signage and the like. Any rehabilitation and public access, information signage and pathways over the remnant bushland will be informed by more detailed design and ecological analysis as part of the future DA process.



<b>environmental facility</b>	<i>“means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.”</i>
<b>environmental protection works</b>	<i>“means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.”</i>

## 4.2 Flooding

The southern end of the site is located in a low flood risk precinct with some localised medium stormwater flood risk in the lower areas of the site around the existing playing field and open space along the southern boundary. Refer to Figure 13.

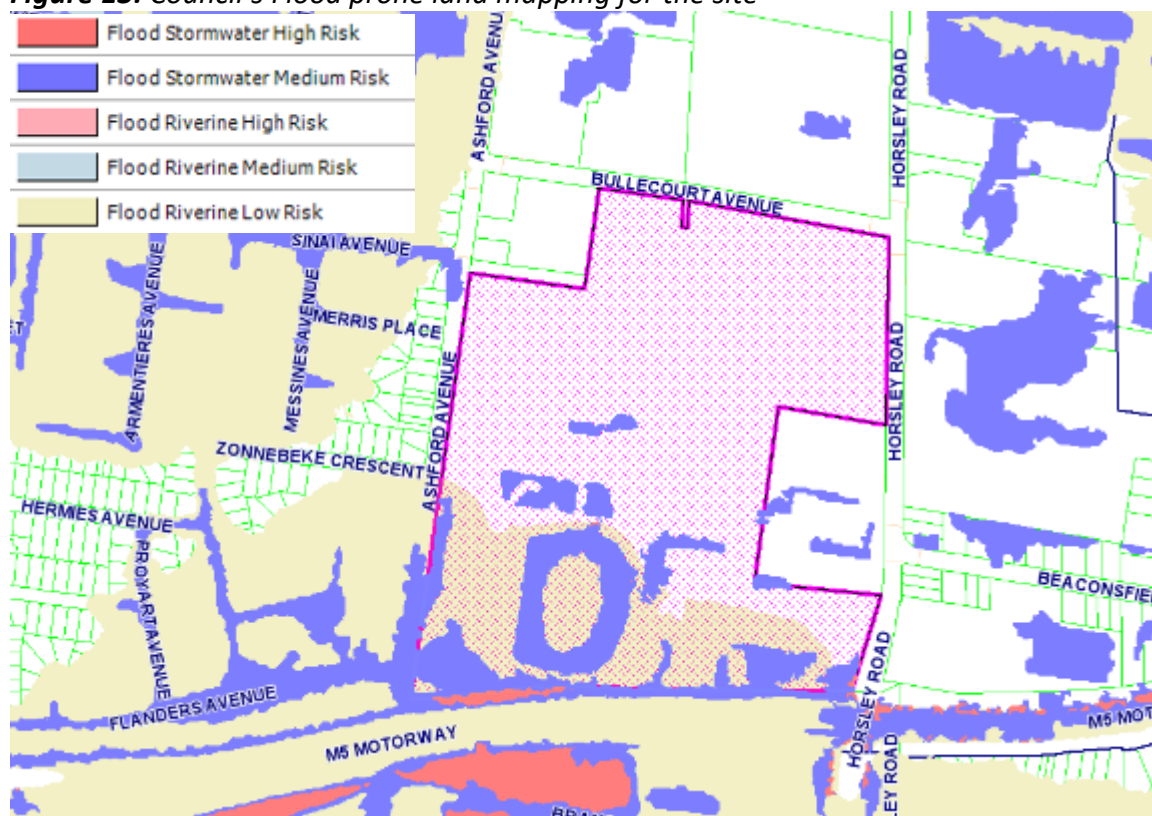
The applicant has provided a concept stormwater report that provides the following management measures to minimise flooding impact:

- Provision of 6,100m<sup>3</sup> of stormwater detention basin storage connected with an underground stormwater drainage system connecting runoff from streets.
- Regrade the southern end of the site to reduce the flood affectation in that area and direct overland flow into future detention basis to be constructed.
- Ensure all development on the site is located above the Flood Planning Level (FPL), being the 1 in 100 year flood event plus 500mm freeboard.

In principle, Council is supportive of the proposed flood mitigation measures and the flooding information provided by the applicant however some further information will be required from the applicant before public exhibition of the Planning Proposal, including:

- Confirm proposed floor levels of future development.
- Confirm the FPL and hazard impacts to ensure future development is compatible with the 1 in 100 year flood event and Probable Maximum Flood (PMF).
- Address the requirements and recommendations of the Stormwater NSW Maintenance Guidelines for Stormwater Treatment Measures (“Yellow Book”).
- Assessment of the hydrograph (flow vs. time graph) to ensure that the proposed detention basins are not prolonging flooding longer than pre-development conditions.

**Figure 13:** Council's Flood prone land mapping for the site



Further analysis is required to ensure the Planning Proposal is consistent with Council's flooding development controls and the State-led changes to flood prone land that become effective on 14 July 2021. It is proposed that further analysis is undertaken once the new flood prone land changes become effective, prior to public exhibition.

The site specific DCP will include provisions for localised water recycling facility to support reduced potable water use and use recycled water for all toilet flushing, car washing, clothes washing, irrigation etc. Water Sensitive Urban Design (WSUD) principles will also be included such as permeable or semi permeable pavement for footpaths, rain gardens along roads, deep soil landscaping around buildings throughout the development site.

#### 4.3 Site Contamination

Prior to its use as an educational establishment, the site has a history of agricultural uses, importation of contaminated fill and construction and demolition of buildings containing asbestos materials.

Prior to the use of the land for residential purposes, the site is to be remediated. The Detailed Site Investigation and Remediation Action Plan (RAP) prepared with the application identifies the following site contamination:

- Localised lead contamination in surface soils exceeding residential human health criteria.
- Cadmium and zinc exceeding ecological criteria.
- Friable asbestos/asbestos fines in depths ranging from 0.2m to 1.1m.
- Asbestos Containing Materials (ACM) in fill materials.
- Potential hazardous ground gas generated by methanogenic degradation from landfill along the southern site boundary.

The remediation options associated with the contaminated soil are extensive and the RAP has considered capping and isolation/on-site treatment and excavation for off-site disposal. The RAP recommends that further work is required to develop a site-wide remedial strategy that may comprise a combination of 'excavation and offsite disposal' of selected areas and 'capping and isolation' of impacted soils. Noting the additional future work required, the RAP concludes that the remedial strategy and goal can be achieved and the site *'made suitable in informing land use planning and rendering the site suitable for [the] proposed land use'*.

Council will require a Site Audit Statement from an NSW Environment Protection Authority (EPA) accredited site auditor prior to public exhibition to ensure the RAP methodology is satisfactory and to verify that the information provided by the applicant in the RAP adheres to appropriate standards, procedures and guidelines.

#### **4.4 Biodiversity and Tree Removal**

The site is identified as containing Cumberland Plain Woodland in the north eastern corner of the site with additional stands of Cumberland Plain across the western and central areas of the site. The ecologist report submitted with the application identifies a variety of requirements in determining vegetation impact including offsetting requirements such as purchasing biodiversity credits, securing a stewardship site or payment into a Biodiversity Conservation Trust. These details will be the subject of future ecological analysis and addressing comments provided by the NSW Environment, Energy and Science during public exhibition of the Planning Proposal.

In response to potential tree loss identified in the application, Council's urban design peer review has informed the relocation of the central public park to the east to be located on land where a large stand of mature trees is located, thus reducing the number of trees likely requiring removal. An updated arboricultural report will be required to be submitted prior to exhibition to reflect the revised structure plan.

Additional analysis by an ecologist is required to determine the retention, mitigation and/or loss offset approach to existing vegetation on the site in response to redevelopment of the site. It is recommended that this further work is undertaken prior to public exhibition.

The entire site is mapped as Terrestrial Biodiversity under the CBLEP 2021. The abovementioned ecologist work should also clarify the extent of environmentally significant land and recommend any changes required to the Terrestrial Biodiversity Map for the site.

**Figure 14: Terrestrial biodiversity map (CBLEP 2021)**



#### 4.5 Indicative Site Layout, Building Height and Density

A review of the proposed structure plan, building heights, density, lot size, solar access, tree retention, location of open space and interfaces with surrounding residential and non-residential land was undertaken by an independent urban design specialist engaged by Council. Changes recommended by the urban design specialist have generally been incorporated into the amended application. These changes include:

- Applying a minimum 20% landscaped area clause in the site specific DCP to all private owned property.
- Reduced FSR for the residential properties fronting Ashford Avenue from 0.6:1 to 0.5:1.
- Relocated central public open space further to the east to be located where a significant stand of mature trees are located and to take advantage of the higher land elevation at that point for district views.
- Recommendations for development standards and objectives to include in the future site specific DCP including provisions relating to dwelling setbacks, acoustic amenity, solar access and street tree canopy.

A maximum building height of 9m will apply to the majority of the site zoned R1 with the exception of an 11m building height to a small portion of R1 zoned land in the northern side of the site facing Bullecourt Avenue and B1 zoned land near the centre of the site (refer to Figure 8). The proposed height maintains consistency with the 9m building height adjoining Mt St Joseph School and the existing residential area to the west and will ensure compatible building form outcomes with the surrounding area.

The proposed density for future development on the R1 zoned land will be controlled by 'sliding scale' FSR controls in the draft CBLEP 2021 that will apply a higher FSR for the smaller lots and lower FSR for the larger lots. This approach has been implemented in various local government areas and Council and the applicant will work towards establishing the FSRs that will apply to the site and include the FSRs in the report to be considered by Council.

The proposal will include a maximum FSR of 0.5:1 and minimum lot size frontage width of 10m for all future dwellings that have frontages to Ashford Avenue. The site specific DCP will also require all dwellings fronting Ashford Avenue to be detached dwellings only. These controls will provide a sensitive transition to the established streetscape with the 10m minimum property width reflects a mid-point between the existing properties on the western side of Ashford Avenue opposite the site that have widths of around 15m and attached dual occupancies with lot frontage widths of around 7.5m.

In addition to the proposed FSR settings, the site specific DCP will require all residential land on the site to provide a minimum 20% of each individual residential property as landscaped area. This DCP provision, in addition to street tree planting and tree planting within the proposed public parks, will assist in achieving the 40% tree canopy target for suburban areas in Council's LSPS.

#### **4.6 Bush Fire Risk**

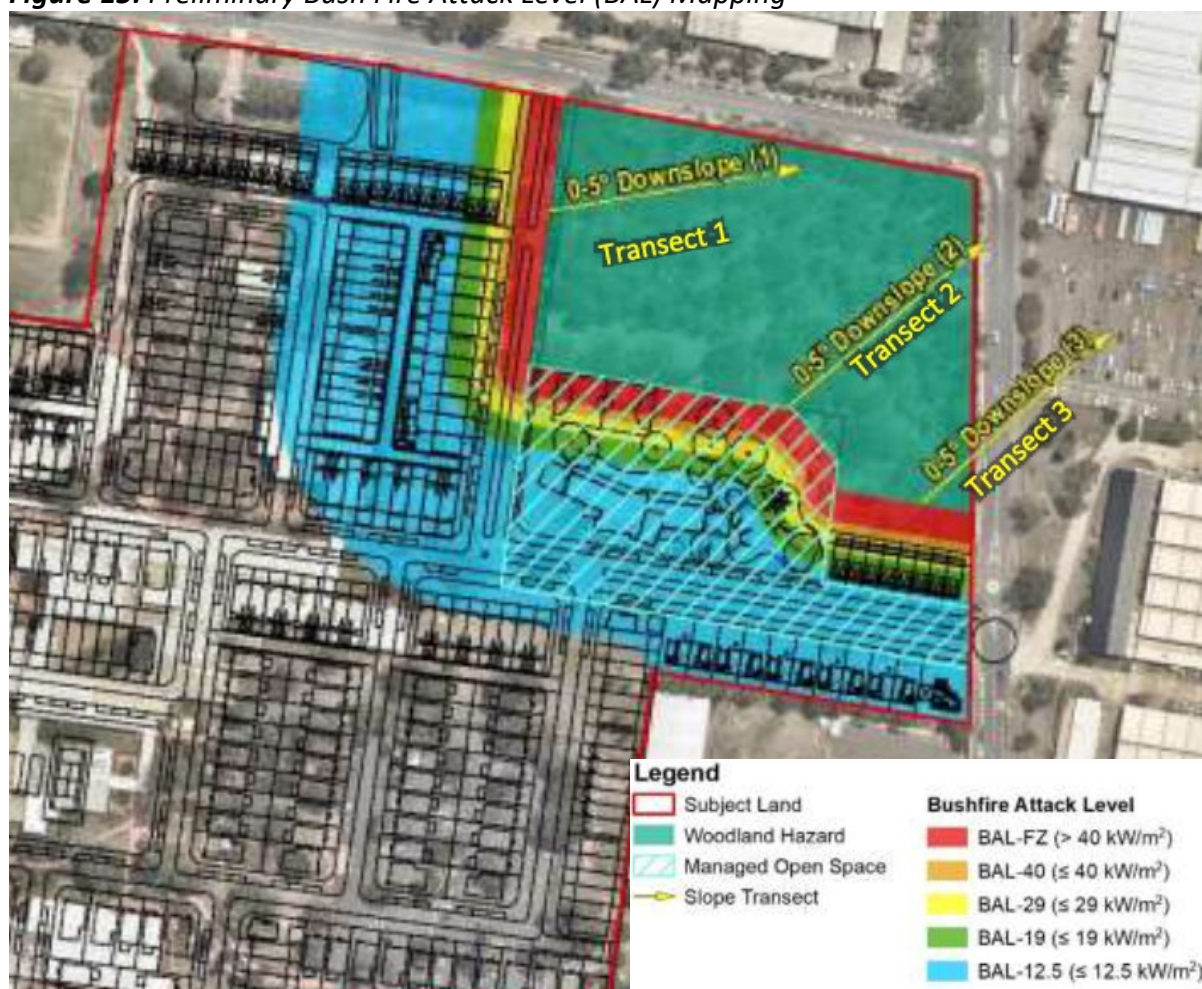
The site is not currently identified as bush fire prone land. A bush fire impact analysis undertaken by the applicant identifies the potential bush fire risk from the remnant Cumberland Plain Woodland located in the north eastern corner of the site and shows the dimensions of the required Asset Protection Zone (APZ) to manage bush fire impacts. The report concludes that the development bush fire protection solutions and recommendations regarding the following matters are deemed acceptable solutions:

- Asset Protection Zones
- Landscaping
- Construction standards
- Access
- Water supply
- Electricity service
- Gas service.

Due to the barriers created by Bullecourt Avenue and Horsley Road, there are no bush fire impacts envisaged outside of the site. Notwithstanding, the report recommends that further bush fire input is provided during the more detailed design of the future development on the site including preparation of APZ management specifications for future landscaping and ongoing management within the subject site.



**Figure 15: Preliminary Bush Fire Attack Level (BAL) Mapping**



#### 4.7 Heritage

Ashford Avenue and Bullecourt Avenue are heritage items listed in Schedule 5 of the CBLEP 2021 as *'Milperra Soldier Settlement (former)'* (Item I182). The Statement of Heritage Impact submitted with the application advises that, with the exception of the remnant Cumberland Plain Woodland in the northeast of the site, development work for the majority of the subject area may proceed with caution and low risk of Aboriginal objects being present within the site.

Whilst Council's assessment of the proposal has deemed there to be minimal heritage impacts, Council's Heritage Advisor endorses the recommendations of the applicant's Statement of Heritage Impact which are:

- Future development takes into consideration the existing street character of Bullecourt Avenue and Ashford Avenue. This would be addressed in the site specific DCP and include controls such regarding height, setbacks, landscaping and external finishes and materials.
- An Interpretation Plan is prepared as part of a future Development Application on the site to showcase its history.
- An Aboriginal Cultural Heritage Assessment (ACHA) is prepared prior to any ground disturbances in the area of the remnant Cumberland Plain Woodland.
- Management measures are implemented (e.g. unexpected finds protocol) prior to remediation, earthworks and construction for any disturbed Aboriginal objects found on the site.

## 4.8 Affordable Housing

Consistent with the Council's adopted Affordable Housing Policy, the applicant has agreed in principle to a monetary contribution to Council for provision of affordable housing equivalent to 5% of the total proposed dwellings (equivalent to 22 affordable housing dwellings). Council has received a Letter of Offer noting that Council and the applicant have not yet agreed on the appropriate amount of the affordable housing contribution and that this needs to be resolved prior to exhibition of the draft Planning Agreement. The letter is provided at Attachment X.

## 4.9 Traffic and Transport

### Road Design

The proposed road network to service the future development on the site includes a hierarchy of three different roads, each with differing road carriageway widths, verges and footpaths. Table 5 below summarises the details of each proposed road and includes Council's road design requirements in response to the revised proposal submitted by the applicant.

The concept structure plan (Figure 2) shows the proposed road network. Council's road design requirements are specified in the Bankstown DCP 2015 and adopted Consolidated DCP 2021 as follows:

**Table 4:** Council DCP requirements for local road and laneway design

Road type	Total road reserve width	Road Carriageway	Verge (incl. Footpath)
Local road	18m	11m	3.5m each side
Laneways	9m	6m	1.5m each side

The traffic and parking peer review undertaken for Council by GTA Consultants provided a review of the road design and carriageway widths. The advice of GTA Consultants concluded:

- Landcom's Design Guidelines were used as a reference point to guide the analysis. Based on the Landcom guidelines, 'Local Streets' should have a minimum carriageway of 9.6m.
- Minor Local Streets can have a reduced carriageway width of 7.6m, with the careful placement of driveways.
- The Landcom guidelines assume a minimum two-way circulation width of 5.0m. which GTA considers allows for simultaneous passing at a slow speed (well below posted speed limit).
- A 9m carriageway (originally proposed) with reduced parking widths on each side of 2.1m would result in a remaining 4.8m carriageway but would not be compliant for two-way passing. GTA notes "while two vehicles could technically pass at slow speed it could not generally be considered appropriate for day to day operations."
- Laneways are to have a minimum carriageway of 6m (not 5.5m as proposed originally by the applicant).

Council's Traffic Engineers and Infrastructure Specialist reviewed the GTA Consultant peer review report and provided comments that have informed the assessment of the application. Based on Council's review, a reduced road carriageway width of 10.2m (from 11m) is supported by Council on the following basis:

- Council will not support 'minor' local roads that fail to provide car parking on each side and allow comfortable two-way movement of vehicles without one car pulling over.
- 10.2m allows for parking on each side of the road (2.1m wide x 2) and a 3m travel lane in each direction.
- The 3m travel lanes will allow two vehicles to pass each other comfortably but remains relatively narrow to encourage slower speeds by drivers.
- 10.2m is the narrowest width able to be supported to allow cars to travel without requiring to pull-over to allow the car in the opposite direction to pass. This ensures the road adheres to the Council's policy set out in the DCP requirements for local roads.
- A 3m travel lane provides slightly improved widths for Council's waste collection vehicles during bin collection and allows for cars to overtake waste collection vehicles when safe to do so.

**Table 5:** Applicant's proposed roads with Council's response and amendments in red. The proposed minor local road category is not envisaged in Council's DCP nor specifications for roads in new residential subdivisions.

Road type proposed	Total road reserve width	Road Carriageway	Verge (incl. Footpath)
Local road (was 'Collector road')	18m	11m	3.5m each side (incl. 1.2m wide footpath & 2m shared path)
<i>Council Response</i>	<i>Supported</i>	<i>Supported</i>	<i>Acceptable subject to increased shared path to 2.5m</i>
Minor local road	16.2m	9.2m	3.5m each side
<i>Council Response</i>	<i>Not supported – 17.2m required</i>	<i>Not supported – minimum 10.2m required to allow two vehicles to comfortably pass without one car pulling over and cars to park on each side of road</i>	<i>Acceptable</i>
Laneway Option 1	8m	6m	1m each side
Laneway Option 2	8m	6m	0.75m (one side) and 1.25m (other side)
<i>Council Response</i>	<i>Not supported – 8.5m required</i>	<i>Acceptable</i>	<i>Partially supported – 1.25m verge required on both sides to provide adequate space for bin placement for Council collection</i>



In response to the traffic and parking peer review, the applicant increased the road carriageway for the minor local road by 200mm, to a total 9.2m, and an overall road reserve of 16.2m. Mirvac provided the following justification to support the 9.2m road carriageway width for the proposed minor local roads:

- *“Parking on both sides can be achieved while allowing garbage truck to pass.*
- *Street parking can occur on both sides of the road whilst the resultant carriageway remains functional; allowing for safe passing of vehicles albeit at a reduced speed appropriate with the local road environment.*
- *Minimising unnecessary construction of additional pavement adding to Council maintenance costs whilst contributing to the Urban Heat Island effect, a key consideration in Governments draft Greener Place Design Guide.*
- *The proposed road design can cater for projected traffic volumes for local and local minor roads within the identified road hierarchy.*
- *Council's peer review by GTA and states that a 5m two way circulation width (provided with a 9.2m carriageway when assuming 2.1m for each parked car) allows for simultaneous passing at low speed.*
- *Under Landcom Guidelines, the proposed roads can be considered an in-between a Local Road and Local Minor Road when considering target travel speed, types of housing density and associated traffic volumes. The suggested carriageway widths for these roads are 9.6m and 7.6m respectively while the proposed widths are 9.2m.*
- *The DPIE through a number of State Environmental Planning Policies and Development Control Plans have established appropriate road design parameters after detailed consultation. These have underpinned significant land release projects over the past 15 years. The proposed Local road carriageway width exceed those requirements.”*

Despite the above reasons provided by Mirvac, Council’s position is to maintain the 10.2m carriageway and overall 17.2m road reserve for the minor local roads for the reasons discussed in this report.

#### Analysis of Traffic Impacts and Recommended Changes

The application will facilitate a low scale residential precinct with some commercial uses that will be accessible from multiple entry and egress points located on Horsley Road, Bullecourt and Ashford Avenues. The pedestrian movements, traffic generation and vehicle access in and around the site will be managed through new pedestrian crossings and road infrastructure works such as roundabouts and traffic signals. The site will continue to be served by existing bus services.

The applicant’s traffic assessment that shows the proposal will result in increased traffic generation during the morning peak (8am-9am) and afternoon peak times (5.15pm-6.15pm) when compared to the traffic generated by the current university use. The key reason for the increase is the change in the use of the site from an education precinct, which generates low levels of traffic all day, compared to a residential neighbourhood has two concentrated peaks as people leave for work and return home. The table below provides a summary of the potential increased traffic.

**Table 6: Net traffic generation estimate (vehicle movements)**

Scenario	Morning Peak (8am-9am)	Afternoon Peak (5.15pm-6.15pm)
Proposed development traffic	440	457
Less existing development traffic	282	195
Net additional traffic	158	262

Importantly, the traffic modelling and analysis undertaken during the assessment of the application concludes the intersections near the site will operate well during the network peak hours (AM and PM), with a Level of Service (LoS) of B or better, which is consistent with the existing overall LoS.

The traffic impact assessment and road design has been reviewed by an independent specialist and by Council's Traffic Services Officer. While the layout and design of the road network is generally supported, some key issues have been raised during the assessment that require further information or revision:

- The proposed Ashford Avenue access point to the site is to be made left turn in only to address concerns raised in traffic peer review report. Vehicles exiting the site must do so via the proposed Bullecourt Avenue and Horsley Road vehicle access points.
- A new/relocated pedestrian crossing facility (signalised or unsignalised) is to be provided at the Bullecourt Avenue in coordination with Transport for NSW.
- Additional traffic survey data is required to confirm traffic movement data earlier than 5.15pm-6.15pm and to include Mt St Joseph School afternoon peak pick up.

Council considers that further traffic analysis and design amendments to the proposal can be undertaken prior to public exhibition of the Planning Proposal. Further changes may result from the Gateway Determination issued by the Department and from comments received from Transport for NSW during the formal exhibition of the Planning Proposal.

#### **4.10 Public Infrastructure**

Council has received a Letter of Offer from the applicant that details the public benefits and infrastructure that would be delivered as part of the LEP amendments for the site. The Letter of Offer has been informed by Council's assessment of the demands placed on the surrounding infrastructure by the projected 430 dwellings and around 1,100 people living on the site once fully developed.

In principle, Council agrees with the items included on the Letter of Offer, however it is Council's intention to further negotiate with the applicant on these matters as part of the preparation of a draft Planning Agreement to be agreed upon by Council and the applicant for public exhibition concurrently with the Planning Proposal and site specific DCP. It is noted that Council and the applicant have not yet agreed on the appropriate amount of the affordable housing contribution and that this needs to be resolved prior to exhibition of the planning agreement. Table 9 below summarises the public offer.

**Table 7: Proposed list of public benefits and infrastructure to be delivered in conjunction with the Planning Proposal by the applicant as part of a future Planning Agreement**

Item No.	Description	Estimated Value
1	Monetary contribution for affordable housing in perpetuity (equivalent to 5% dwelling yield or approx. 22 dwellings).	\$3,347,390 offered by Mirvac – to be confirmed
2	Local park with children’s playground equipment, outdoor fitness, walking/cycling tracks and sheltered picnic tables, BBQs within subject site.	To be confirmed
3	Pathways around remnant bushland (e.g. raised boardwalk, signs, replanting) within subject site subject to further ecological assessment.	To be confirmed
4	Provision of off-road shared cycleway along collector roads linking site to external road/cycle network.	To be confirmed
5	<p>Monetary contribution to repair and renovate Council’s existing Milperra Community Centre (128 Ashford Ave, Milperra). Works to include:</p> <ul style="list-style-type: none"> <li>• Repairs and cleaning of the existing building façade.</li> <li>• Alterations to internal layout to ensure an active frontage is provided to Ashford Street.</li> <li>• Upgrade to existing building to current standards such as disabled access and egress.</li> <li>• Smart building elements such as access control, energy, water saving improvements.</li> <li>• Upgraded security measures.</li> <li>• Alterations to current car parking arrangements to improve vehicular entry and exit from the site.</li> <li>• Landscaping improvements.</li> </ul>	\$392,400 (based on IPART costing, to be refined)
6	Monetary contribution for open space shortfall to embellish Milperra Reserve incl. amenity block, footpaths, picnic tables, bins, flood lighting, turf etc (Crown Land under the care and control of Council).	\$1,041,921 (based on IPART costing, to be refined)
7	Enter into agreement with Mt St Joseph Catholic College Milperra for shared use of school facilities outside of school hours. Initial meeting between Mirvac and the school to be initiated by Council.	-
8	Dedication of land zoned RE1 Public Recreation to Council in perpetuity.	To be confirmed

## 5. OTHER CONSIDERATIONS

In relation to other considerations, Council assessed the proposal against the justification matters outlined in DPIE's publication *A Guide to Preparing Planning Proposals*. The purpose of the assessment is to demonstrate whether there is justification for a proposal to proceed to Gateway based on consistency with the relevant state environmental planning policies and Ministerial Directions.

A key matter for consideration is managing the likely effects as a result of the proposal to flooding, traffic management, ecological preservation, management of contamination issues and delivery of affordable housing.

The assessment concludes that the proposal presents both strategic and site specific merit and identifies the need for further information to be provided prior to and post Gateway, should Council decide to proceed with a Planning Proposal:

**Attachment A** outlines the assessment findings.

## ASSESSMENT FINDINGS

Attachment A outlines the assessment findings and is based on the justification of matters as set out by *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environment's guidelines. The following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan.
- South District Plan.
- State Environmental Planning Policies.
- Ministerial Directions.
- Council's Local Strategic Planning Statement "Connective City 2036".
- Council's South West Local Area Plan.
- Department of Planning, Industry and Environment's publications: A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

## SUMMARY OF TECHNICAL INVESTIGATIONS

The application included the following supporting technical investigations:

- Attachment D – Applicant's Stage 2 Detailed Site Investigation Report.
- Attachment E – Applicant's Preliminary Ecological Assessment.
- Attachment F – Applicant's Arboricultural Impact Assessment.
- Attachment G – Applicant's Bushfire Protection Assessment.
- Attachment H – Applicant's Amended Bushfire Protection Assessment.
- Attachment I – Applicant's Statement of Heritage Impact.
- Attachment J – Applicant's Transport Assessment.
- Attachment K – Applicant's Social Impact and Community Needs Assessment.
- Attachment L – Applicant's Acoustic Assessment.
- Attachment M – Applicant's Draft Site Specific Development Control Plan.
- Attachment N – Applicant's Infrastructure Report.
- Attachment O – Applicant's Stormwater Drainage Report.
- Attachment P – Applicant's Remediation Action Plan.
- Attachment Q – Applicant's Affordable Housing Contributions Strategy.
- Attachment R – Applicant's Response to Traffic and Transport Peer Review.

Council subsequently engaged relevant specialists to undertake independent reviews of number of these studies to assess their adequacy and make recommendations on any further investigations required. These include:

- Attachment S – Council's Community Needs Peer Review.
- Attachment T – Councils Social and Economic Peer Review.
- Attachment U – Council's Value Uplift Analysis.
- Attachment V – Councils Traffic and Transport Peer Review.
- Attachment W – Councils Urban Design Peer Review.

In addition, the applicant's Letter of Offer is held at Attachment X.

The findings of these reports are summarised as follows:

## ASSESSMENT FINDINGS

The assessment findings are based on the matters set out by the Department of Planning, Industry and Environment in *A Guide to Preparing Local Environmental Plans*.

### 1. Strategic Merit Test

Section 1 assesses the proposal based on the Department of Planning & 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 and site specific merit to proceed to the Gateway. A proposal that seeks to amend controls that are less than 5 years old will only be considered where it clearly meets the Strategic Merit Test.

#### 1.1 Does the proposal give effect the relevant district plan within the Greater Sydney Region, or corridor / precinct plans applying to the site, including any draft regional, district or corridor / precinct plans released for public comment?

##### 1.1.1 Greater Sydney Region Plan (*A Metropolis of Three Cities*)

Objectives	Applicant's Submission	Consistent
<b>A city supported by infrastructure</b>		
Objective 4: Infrastructure use is optimised	<p>The site is not located proximate to any railway station. Panania Railway Station is located approximately 1.5km to the south east.</p> <p>The proposal will encourage increased public transport use by providing increased housing located near existing bus services. However the site will be largely dependent on private motor vehicle use due to poor linkages to existing commercial/retail and services infrastructure within walking distance.</p> <p>There are bus services to the nearest Strategic Centres of Liverpool and Bankstown every 10-30 minutes during peak times.</p> <p>There may be opportunities for the applicant to implement a private shuttle bus service or car share facilities to connect the site with Panania Railway Station to strengthen the access of the site to the Sydney CBD. The applicant should develop and implement travel plans to encourage the use of sustainable transport choices for residents and workers on the site.</p>	Yes.

Objectives	Applicant's Submission	Consistent
<b>A collaborative city</b>		
Objective 5: Benefits of growth realised by collaboration of governments, community and business	<p>This objective deals with more formalised collaboration between different levels of government. This application is developer-led.</p> <p>The application will support the following Priorities and Actions of the Collaboration Area – Bankstown CBD and Bankstown Airport Place Strategy:</p> <ul style="list-style-type: none"> <li>• Priority 2: Improve walking and cycling throughout the Collaboration Area.</li> <li>• Action 9: Develop minimum standards and review mechanisms to ensure a well-designed built environment.</li> <li>• Action 31: Adopt a water-sensitive city approach to precinct planning and urban design with sustainable urban water management as a core element.</li> </ul>	Yes.
<b>A city for people</b>		
Objective 6: Services and infrastructure meet communities' changing needs.	<p>There is a need to deliver social infrastructure that reflects the needs of the community now and in the future.</p> <p>The proposal satisfies the objective on the basis it will:</p> <ul style="list-style-type: none"> <li>• Maintains the existing child care centre on the site.</li> <li>• Provides a new neighbourhood centre with potential for small scale retail and other commercial uses including small supermarkets (up to 1,000 sqm GFA)</li> <li>• Medical centres would be permissible in the B1 zone and could be established in the new neighbourhood centre.</li> <li>• Provides new publically accessible open space (three parks). Open space has been previously only made available for university use.</li> </ul>	Yes.
Objective 7: Communities are healthy, resilient and socially connected	The application seeks to increase housing density by providing up to 430 additional dwellings in close proximity to existing public transport (bus services), new publically accessible outdoor recreation space, new retail and local community services (proposed B1 Neighbourhood Centre Zone).	Yes.

Objectives	Applicant's Submission	Consistent
<b>Housing the city</b>		
Objective 10: Greater housing supply	<p>The previous housing target for Milperra to 2031 as established in Council's adopted South West Local Area Plan (LAP) was 500 additional dwellings. This target was superseded by Council's Local Strategic Planning Statement, which favoured an LGA wide housing target over centre specific targets. It is noted that the South West LAP was prepared before WSU committed to relocating the campus to the Bankstown CBD.</p> <p>The South District Plan specifies a target of 58,000 dwellings within the Canterbury Bankstown LGA by 2036. The Connective City 2036 LSPS sets a target of 50,000 dwellings by 2036.</p> <p>The application would provide up to 430 additional dwellings, a large portion of the target in the South West LAP (approximately 93%) and a small portion of the 50,000 dwellings in the LSPS (approximately 1%).</p>	Yes.
Objective 11: Housing is more diverse and affordable	<p>The applicant has offered to provide a monetary contribution (via a Planning Agreement) in lieu of providing 5% dwellings as affordable housing on the site (equivalent to 22 dwellings).</p> <p>Although the GSRP sets a target of between 5-10% of new residential floor space for affordable rental housing for very low and low-income households "noting that these parameters will be tailored to each nominated area" it is considered that the offer is acceptable having regard to the compliance with the lower range specified in the GSRP.</p>	Yes.
<b>A city of great places</b>		
Objective 12: Great places that bring people together.	<p>The proposal includes three public parks that provide opportunities for passive and active recreation for the local community. The parks will be accessible via existing and proposed public footpaths and shared cycleways.</p> <p>The proposed lot sizes include small blocks in comparison to the surrounding residential area, whilst maintaining the same density controls.</p> <p>It also includes a modest neighbourhood centre that will permit small scale retail such as small supermarkets, neighbourhood shops and shops as permissible development. These commercial uses will support the local community.</p>	Yes.



Objectives	Applicant's Submission	Consistent
	The abovementioned features will facilitate social gatherings and provide opportunities for social interaction.	
Objective 13: Environmental heritage is identified, conserved and enhanced	<p>Bullecourt Avenue and Ashford Avenue are locally listed heritage items under Schedule 5 of draft CBLEP 2021. The roads have heritage value through their existence as the original road alignments for the residential subdivision established for returned World War II soldiers. The proposal does not propose any alterations to either road that would affect the heritage significance the heritage items.</p> <p>Whilst Council's assessment of the proposal has deemed there to be minimal heritage impacts, Council's Heritage Advisor endorses the recommendations of the applicant's Statement of Heritage Impact as detailed in Section 11.2 of that report. The recommendations include the following which can be included as part of the site specific DCP:</p> <ul style="list-style-type: none"> <li>• Developing provisions for future development to take into consideration the existing character of Bullecourt and Ashford Avenues.</li> <li>• An Interpretation Plan is prepared as part of a future DA.</li> <li>• Construction management plans, such as an unexpected finds protocol, are implemented to deal appropriately with any Aboriginal objects found on site.</li> </ul>	Yes.
<b>A well-connected city</b>		
Objective 14: A Metropolis of Three Cities - integrated land use and transport creates walkable and 30 minute cities	<p>This proposal would deliver a new neighbourhood centre that will permit small scale retail such as small supermarkets, neighbourhood shops and shops as permissible development. These commercial uses will support the local community.</p> <p>Includes footpath network with outdoor active/passive recreation areas within walking distance (within 5 minute walk).</p> <p>Bus links to Panania Railway Station is a 30 minute walk or an 8 minute cycle from the site. Existing bus services adjacent to the site provide links to Liverpool and Bankstown Strategic Centres within 30 minutes every 15-30 minutes.</p>	Yes.

Objectives	Applicant's Submission	Consistent
<b>Jobs and skills for the city</b>		
Objective 22: Investment and business activity in centres	While this proposal does not provide for significant employment growth due to its location, modest commercial and retail floor space will be provided to serve the local population.	Yes.
Objective 23: Industrial and urban services land is planned, retained and managed	<p>The objective identifies industrial and urban services land in the LGA as being under a “retain and manage” approach. The proposal provides residential housing in a non-industrial and urban services zoned lot and therefore does not create any additional pressure for industrial zoned land in the LGA.</p> <p>While industrial land is situated to the North and East of the site, the setbacks and vegetated buffers to these areas would be sufficient to avoid land use conflict.</p>	Yes.
<b>A city in its landscape</b>		
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>The proposal will retain and protect the existing remnant critically endangered Cumberland Plain Woodland in the north east corner of the site through imposition of a E2 Environmental Conservation zoning.</p> <p>The applicant originally proposed an RE2 Private Recreation zoning for the remnant woodland. Following an assessment by Council, the RE2 zoning was not considered to provide sufficient protection of the critically endangered ecological community.</p> <p>In response to Council's advice, the applicant proposed to zone the remnant bushland E3 Environmental Management. Council does not support the E3 zone on the basis 'dwelling houses' are a mandated 'permitted with consent' use and the E3 zone does not reflect the high ecological values of the land.</p> <p>Environmental protection works are proposed be permissible in the E2 zone which will allow “works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation and includes bush regeneration works.”</p>	Yes.

Objectives	Applicant's Submission	Consistent
Objective 30: Urban tree canopy cover is increased	<p>The proposal includes allowance for street tree planting and landscaping to parks. However, the applicant has not stipulated quantum of tree canopy that will be provided on site and in response, Council proposes a new clause within the site specific DCP to require a minimum 20% landscaped area for all residential properties across the site.</p> <p>The existing remnant Cumberland Plain bushland in the north east corner of the site will be retained by the proposal. Provisions requiring street tree planting will be provided in the site specific DCP to be prepared by Council.</p>	Yes.
Objective 31: Public open space is accessible, protected and enhanced	<p>This objective requires planning new neighbourhoods with a sufficient quantity and quality of new open space. The proposal includes three public parks with a combined area of 1.48ha. All dwellings will be within 400m of open space on the basis the site measures approximately 560m (north-south) by 490m (east-west). This is considered appropriate, particularly given the low density nature of the proposal.</p>	Yes.
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	<p>A Green Grid running along the M5 Motorway is identified in the GSRP. The site has opportunities to include additional planting along the southern boundary of the site and throughout the site with new trees and landscaping.</p> <p>The site specific DCP will require all residential land on the site to provide a minimum 20% of each individual residential property as landscaped area. This DCP provision, in addition to street tree planting, and tree planting within the proposed public parks, will assist in achieving the 40% tree canopy target for suburban areas in Council's LSPS.</p>	Yes.
<b>An efficient city</b>		
Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	<p>This objective deals with achieving net-zero emissions by 2050. The application claims this is achieved by implementing Mirvac's "Planet Positive" action plan which includes commitments and a strategy to achieve net positive carbon by 2030 and zero waste to landfill in the same timeframe.</p>	Yes.

Objectives	Applicant's Submission	Consistent
Objective 35: More waste is re-used and recycled to support the development of a circular economy	<p>The objective seeks to support innovative solutions to reduce the volume of waste and reduce waste transport requirements.</p> <p>The applicant has advised it will implement "Planet Positive: Waste and Materials" action plan for zero waste to landfill by 2030.</p>	Yes.
<b>A resilient city</b>		
Objective 36: People and places adapt to climate change and future shocks and stresses	<p>This objective deals with supporting initiatives that respond to the impacts of climate change. Initiatives that will be undertaken by the applicant include:</p> <ul style="list-style-type: none"> <li>• Increase tree canopy.</li> <li>• Use light coloured roofs for heat reflection and minimise heat absorption.</li> <li>• Line hard surfaces/cycleways and footpaths with trees.</li> <li>• Use WSUD design principles to slow the movement of water through the urban landscape.</li> <li>• Reducing waste to landfill and associated truck movement and emissions.</li> </ul>	Yes.
Objective 37: Exposure to natural and urban hazards is reduced	<p>This objective deals with avoiding new development in areas exposed to natural and urban hazards.</p> <p>The site is located within a low flood risk precinct and further analysis will be prepared prior to public exhibition to confirm consistency with the new flood prone land Section 9.1 Ministerial Direction that will become effective on 14 July 2021.</p> <p>Asbestos and other contaminants have been found on-site. A Remediation Action Plan (RAP) has been submitted by the applicant and reviewed by Council's Environmental Health Officers. The RAP recommends that further work is required to develop a site-wide remedial strategy that may comprise a combination of 'excavation and offsite disposal' of selected areas and 'capping and isolation' of impacted soils. Noting the additional future work required, the RAP concludes that the remedial strategy and goal can be achieved and the site <i>'made suitable in informing land use planning and rendering the site suitable for [the] proposed land use'</i>.</p> <p>On this basis Council has noted the conclusion of the RAP and considers the Section 9.1 Ministerial Direction 2.6 'Remediation of Contaminated Land' has been satisfied, however Council will require some additional ground sampling and the closure of data gaps in an updated RAP submitted prior to public exhibition of the Planning Proposal. Further, Council will also require a Site Audit Statement (SAS) to be prepared to ensure the RAP methodology is acceptable</p>	Yes.

Objectives	Applicant's Submission	Consistent
	<p>and to verify the information provided by the applicant. The SAS is to be provided prior to public exhibition.</p> <p>The proposal includes a bush fire assessment that includes provision of bush fire protection provisions to ensure future residential and non-residential development is protected and manages potential future bushfire risk appropriately.</p>	
Objective 38: Heatwaves and extreme heat are managed	This objective deals with mitigating the heat island effect. The applicant's submission highlights the additional opportunities for increased urban tree canopy through street tree planting and new landscaping associated with the new parks within the site. Council's proposal to require 20% of individual properties to be landscaped area is consistent with this objective.	Yes.

#### Council's Assessment:

The application seeks to deliver a new residential precinct that will offer a range of diverse housing on smaller lot sizes than typically offered elsewhere in the Council's LGA. The proposal includes provision of a small amount commercial B1 zoning that will provide services and retail opportunities anchored by retention of the child care use on site. As a mixed use precinct dominated by new housing the proposal has strategic planning merit as it accords with the key GSRP objectives under "A city for people" (Objectives 6, 7 and 8) and "Housing the city" (Objectives 10 and 11). The applicant has committed to providing a monetary contribution to Council for provision of affordable housing in the Council LGA.

The proposal provides a network of internal streets, public footpaths and shared cycleways that connect to the proposed public parks on the site and adjoining roads. The proposal has the attributes of a walkable community by virtue of the proposed road and laneways having pedestrian paths and all dwellings on the site being located within 400m of the three proposed public parks as shown on the applicant's revised structure plan. Further, the site will be supported by a B1 Zone centre focussed on the existing childcare centre and provides opportunities for small scale retail, café/restaurant and community uses. The proposed B1 Zone will be centrally located and within 400m of a majority of new dwellings and accessible via a footpath and off-road cycleway. Bus stops are located along Bullecourt Avenue and Horsley Road, within 5-10 minutes walking distance of the future dwellings on the site.

Some jobs will be generated following completion of the development within the commercial precinct. The quantum of commercial floor space is considered acceptable for the site and will not lead to any significant economic impacts on nearby centres nor affect the established hierarchy of centres within the LGA.

Whilst the site is served by an existing bus service along Bullecourt Avenue, there is an overall lack of other existing or proposed mass transit public transport infrastructure within walking distance and consequentially the proposal is likely to continue the pattern of high levels of private vehicle use in this area. The nearest railway station located at Panania is a

30 minute walk. Notwithstanding the site will be located within 30 minutes bus ride from Bankstown and Liverpool CBDs (both nominated Strategic Centres and Health and Education Precincts) and therefore will achieve consistency with Objective 14 “A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities”.

Careful and sensitive design is required for this scale of development located adjacent to a low density residential area to the west. The implementation of a site specific DCP amendment to include the design revisions recommended by the urban design peer review, as well as the design principles within *Better Placed* by Government Architect NSW, will enable high standard urban design outcomes.

The proposal represents an opportunity for the renewal of the subject site to set a new benchmark for infill residential development.

### 1.1.2 South District Plan

Planning Priority	Applicant's Submission	Consistent
<p><b><u>Infrastructure and Collaboration</u></b></p> <p><u>A city supported by infrastructure</u></p> <p>Planning Priority S1: Planning for a city supported by Infrastructure</p> <p><u>A collaborative city</u></p> <p>Planning Priority S2: Working through collaboration</p>	<p>The proposal utilises existing road access and the traffic generated can be accommodated by the existing road network. Public transport bus services are readily accessible and provide connections to the two nearest strategic centres of Bankstown and Liverpool.</p> <p>The proposal includes provision of three public parks and establishment of a small commercial precinct that will support the new dwellings on the site and the surrounding area.</p> <p>Priority S2 is to “Identify, prioritise and deliver Collaboration Areas” and is the responsibility of the GSC. Notwithstanding the proposal envisages an infill development that is not inconsistent with the objectives of the <i>Bankstown CBD and Bankstown Airport Collaboration Area Place Strategy</i>.</p>	Yes.
<p><b><u>Liveability</u></b></p> <p><u>A city for people</u></p> <p>Planning Priority S3: Providing services and social infrastructure to meet people's changing needs</p>	<p>The application is consistent with the stated priorities as it is specifically aimed at improving housing diversity and choice and renewal of a large land holding within the local area.</p> <p>The proposal includes retention of the existing child care centre that will be within the small commercial neighbourhood centre in the northern end of the site. Co-locating the commercial zoning with the child care is consistent with the Planning Priority S3.</p>	Yes.

<p>Planning Priority S4: Fostering healthy, creative, culturally rich and socially connected communities</p> <p><u>Housing the city</u></p> <p>Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs and services</p> <p><u>A city of great places</u></p> <p>Planning Priority S6: Creating and renewing great places and local centres, and respecting the District's heritage</p>	<p>The Proposal will facilitate the delivery of a substantial quantum of residential accommodation and a small amount of employment floor space on a site that is suitable for the scale and intensity proposed given the size of the site, the minimal overall impacts to the adjacent residential area and its connectivity to nearby centres.</p> <p>The proposal will facilitate a development that will assist in achieving housing diversity, choice and affordability on a site that is reasonably accessible and located to services and facilities. In particular the proposal targets an unmet demand for single person households in the area situated on smaller residential lots in comparison to the R2 Zoned land in Milperra.</p> <p>The public domain plan preparation and undertaking development in accordance with the site specific DCP will achieve design excellence.</p>	
<p><b><u>Productivity</u></b></p> <p><u>Jobs and skills for the city</u></p> <p>Planning Priority S7: Growing and investing in the ANSTO research and innovation precinct (<i>not applicable to this Planning Proposal</i>)</p> <p>Planning Priority S8: Growing and</p>	<p>The site is not identified as a Local or Strategic Centre in the South District Plan. The nearest local centres are Panania and Revesby (1.6km and 2.4km to the south west) and the nearest Strategic Centre is Bankstown located 4.4km to the north east.</p> <p>The proposal includes a small quantum of business zoned land (approximately 8,500m<sup>2</sup>) in context of the surrounding Milperra area. The proposal therefore provides an opportunity to increase local jobs, enhancing the public domain and access to public parks and providing housing in an appropriate location close to an identified Collaboration Area and accessible within 30 minutes to the two nearest Strategic Centres.</p> <p>The proposed increase of both housing accommodation and employment floor space within 30 minutes of a Strategic Centre and the Bankstown</p>	Yes.



<p>investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District</p> <p>Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres</p> <p>Planning Priority S10: Retaining and managing industrial and urban services land</p> <p>Planning Priority S11: Supporting growth of targeted industry sectors</p> <p><u>A well-connected city</u></p> <p>Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Airport-Milperra Industrial Area (Collaboration Area) is consistent with the District Plan's emphasis on bringing jobs closer to where people live by providing new retail and possible office development locally.</p> <p>The site abuts "Industrial and Urban Services Land" located 1km south of Bankstown Airport which is a "Trade Gateway". The proposal provides good local access for future residents to travel to these areas. The proposal accords with the "retain and manage" approach for all existing industrial and urban services land to be safeguarded from competing pressures from residential and mixed use zones.</p> <p>The economic peer review demonstrates that the proposed increases in additional retail and commercial floor space should not hinder the creation of jobs in identified Strategic Centres, being Bankstown and Liverpool or adversely impact the viability of the nearest neighbourhood centres.</p> <p>The proposal provides improved walking and safe off-street cycling links, improvements to the public domain and increased tree canopy which will encourage people to walk or cycle to and from public transport which supports Planning Priority S12.</p>	
<p><b><u>Sustainability</u></b></p> <p><u>A city in its landscape</u></p>	<p>The application is consistent with sustainability priorities as it will facilitate future development on the site that will ensure the protection of the environment. The developer, Mirvac, has committed to implementing the "Planet Positive: Waste and Materials" action plan for zero waste to landfill by 2030.</p>	<p>Yes.</p>

Planning Priority S13: Protecting and improving the health and enjoyment of the District's waterways	By providing additional housing and employment floor space on a large infill site, the proposal maximises the efficiency of existing infrastructure and reduces pressure on the fringe of Sydney and other sensitive locations.	
Planning Priority S14: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas	Any future building on the site would be required to be consistent with the principles of ecological sustainable design and a BASIX certificate would need to accompany any future development applications and Complying Development Certificates for residential development.  WSUD will be featured in the detailed design including a stormwater concept plan that provides basins to attenuate stormwater flow and reduce the pollutant runoff from the site.	
Planning Priority S15: Increasing urban tree canopy cover and delivering Green Grid connections	Trees will be planted along the proposed local street network and the existing remnant bushland in the north east of the site will be retained and preserved. The site specific DCP will require preparation of a Vegetation Management Plan as part of a future DA to enhance and safeguard the ecological integrity of this remnant bushland.	
Planning Priority S16: Delivering high quality open space	The application would not result in any adverse impacts on bushland or any waterways and is unlikely to impact on any other aspects of the South District's environment that the District Plan seeks to protect.	
<u>An efficient city</u>		
Planning Priority S17: Reducing carbon emissions and managing energy, water and waste efficiently	In addition to mandatory BASIX compliance in the DA or CDC stage, increased sustainability measures can be achieved through the site specific DCP.	

## 1.2 Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

### 1.2.1 Local Strategic Planning Statement (*Connective City 2036*)

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The applicant's submission addressed the 10 evolutions of Connective City 2036 that will assist in achieving the objective of Council's LSPS.</p> <p>Evolution 1: Coordination, Community, Collaboration and Context  Evolution 2: Movement for Commerce and Place  Evolution 3: Places for Commerce and Jobs  Evolution 4: Blue Web  Evolution 5: Green Web  Evolution 6: Urban and Suburban Places, Housing the City  Evolution 7: Cultural Places and Spaces  Evolution 8: Design Quality</p> <p>Evolution 9: Sustainability and Resilience  Evolution 10: Governance and Funding</p>	Yes.
<p><b>Council's Assessment:</b></p> <p>The LSPS establishes a hierarchy of centres within the LGA and seeks to focus new development within and around existing centres. The LSPS sets a housing target of 50,000 more dwellings accommodating 80% of increased housing supply in centres along the Sydenham to Bankstown Metro line and sustainable growth in local village and small village centres.</p> <p>The site is not nominated as a centre, however it is identified as an opportunity site within the Bankstown Aviation and Technology Precinct that will be subject to future master planning due to the departure of the WSU. The LSPS outlines the following broad vision for the site:</p> <p><i>"As Western Sydney University transitions from its Milperra campus, the site can be renewed to create an innovative and sustainable community area, with open space, community facilities and infrastructure and potential new educational uses. Further master planning and community engagement will inform the area's future."</i></p> <p>The application aligns with the LSPS by:</p> <ul style="list-style-type: none"> <li>• Facilitating new open space and potential community infrastructure on the site, in close proximity to the Milperra Employment Lands.</li> <li>• Presenting an opportunity to provide new housing, jobs and amenities within 30 minutes of Bankstown and Liverpool Strategic Centres.</li> <li>• Achieving consistency with the objectives of the LSPS in relation to Housing the City (Evolution 6).</li> </ul>	

The delivery of several new public spaces will provide high levels of amenity for new residents and can serve nearby workers in the Milperra Employment Lands. The application will also protect the woodland reserve on the northeast corner of the site, ensuring that this existing conservation corridor remains intact. These elements of the application align with the objectives of the LSPS in relation to the Green Web (Evolution 5).

The LSPS clearly identifies that any future changes to this site should be subject to a more detailed master planning process. This application provides a concept structure plan and allows both Council and the community to provide feedback to inform the final outcomes for this opportunity site.

### 1.2.2 South West Local Area Plan

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The applicant's submission does not address the South West Local Area Plan.</p>	<p>No, however is consistent with the other aims and objectives of the SW LAP. In addition, the LAP was made prior to the decision to relocate the WSU Milperra Campus, as such this strategic plan no longer reflects current circumstances.</p>
<p><b>Council's Assessment:</b></p> <p>The SW LAP was finalised prior to the decision being made by WSU to relocate the university campus to the Bankstown CBD. As such the LAP suggests that the current special use zone be maintained and that the site will continue its function as an educational institution.</p> <p>While the SW LAP is not relevant to the proposal and has been superseded by Council's Local Strategic Planning Statement and the decision of WSU to relocate to Bankstown CBD, the SW LAP identifies opportunities for transport accessibility improvements for the site. The proposal includes provision of bicycle links and pedestrian paths through the site which will support improved access for the future and existing residents to access bus stops on Bullecourt Avenue and Horsley Road.</p>	

**1.3 Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?**

	Consistent
<p><b>Applicant's Submission:</b></p> <p>No comment.</p> <p><b>Council's Assessment:</b></p> <p>There have been no new infrastructure investments or changes in demographic trends locally that warrant a review of the planning controls as established by the detailed studies that support the LAP.</p> <p>However, since the adoption of the SW LAP, WSU confirmed its intentions to relocate the education function of the site to a newly established campus in the Bankstown CBD. This decision was not reflected in the South West LAP but has been recognised in the Council's LSPS. This change in circumstances warrants a review of the existing planning controls for the site in accordance with the LSPS.</p> <p>As such, the application represents an opportunity for the renewal of the subject site to provide new housing and amenities in an accessible location.</p>	Yes.

**1.4 Does the proposal have regard to the natural environment (including known significant environmental values, resources or hazards)?**

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The applicant's submission addresses statutory matters relating to Hazard and Risk including Ministerial Directions relating to acid sulphate soils, mine subsidence, flooding and bush fire protection.</p> <p>The application includes an Ecological Assessment prepared by Ecological Australia (Attachment E). The report identifies remnant Cumberland Plain Woodland, which is listed as a critically endangered Ecological Community under both the Biodiversity Conservation Act 2019 and the Environment Protection and Biodiversity Conservation Act 1999. The application excludes the Cumberland Plain Woodland area from the land proposed to be developed for urban purposes and is proposed to be zoned E2 Environmental Conservation zone on the basis the applicant's proposed RE2 Private Recreation and E3 Environmental Management zones are not supported by Council because those zones do not provide the same level of protection of</p>	Yes.

the ecological values of the site as the E2 Environmental Conservation Zone.

The application includes a detailed site investigation prepared by Alliance Geotechnical to determine the potential for contamination to be present at the site (Attachment D) and a Remediation Action Plan (RAP) (Attachment P).

The Arboricultural Assessment submitted by the applicant as part of the application identifies trees likely to be impacted by the structure plan (307 of 327 trees surveyed).

The Bushfire assessment submitted with the application (Attachment G) found that the only bushfire hazard is attributed to the remnant woodland on the northeast corner of the site. The report recommended the following protection measures:

- Asset protection zones with specific performance criteria related to different site conditions.
- Landscaping should comply with 'Planning for Bushfire Protection'.
- Identifying the bushfire attack level for future dwellings at the time of the future DA.
- Ensuring adequate water supply is made available.
- Ensuring gas and electricity supplies are appropriately located and protected.

Stormwater Concept Plans were prepared by Calibre Consulting (Attachment O). These plans recommended the following stormwater management strategy be implemented:

- Provision of 3 detention or bio-retention basins to provide adequate water quality treatment for stormwater runoff
- Basins are to provide a total of 6,100m<sup>3</sup> of detention volume and bio-retention areas measuring 50m<sup>2</sup>, 500m<sup>2</sup> and 600m<sup>2</sup>
- Basins and rainwater tanks are to provide sufficient water quality treatment to meet target levels

#### **Council's Assessment:**

Council agrees with the conclusion of the Ecological Assessment that identifies the land as comprising highly critically endangered Cumberland Plain Woodland, however, the proposed RE2 zoning for the Cumberland Woodland areas is not supported by Council as this zoning would permit certain types of residential development and the intent of the zone is not to preserve the high ecological value of the land.

In response to Council's advice, the applicant proposed to zone the remnant bushland E3 Environmental Management. Council does not support the E3 zone on the basis 'dwelling houses' are a mandated 'permitted with consent' use and the E3 zone does not reflect the high ecological values of the land.

Council proposes an E2 Environmental Conservation Zone to protect the ecological significance of this part of the site. Council does not agree with the zones proposed by the applicant, and should Council decide to proceed with this application, it is recommended that the Cumberland Woodland areas be zoned E2 Environmental Conservation for the reasons discussed above.

Council accepts the conclusions and recommendations of the applicant's site investigation. Provided that the further works identified (such as Groundwater Management Plan and asbestos removal) the RAP concludes the site can be remediated to support the proposed use however some additional ground testing and further development of a remediation strategy is required before the RAP can be finalised. Council will require submission of a Site Audit Statement and Report prior to any development occurring on the site as part of a future DA. Council accepts that hazards from contamination can be safely managed.

Council acknowledges the recommendations of the Arboricultural assessment and notes the significant loss of trees that is expected (307 or 94% of trees surveyed). A revised arboricultural report is required to be provided to reflect amended site structure plan and to reassess the tree loss on the site and recommend any mitigation measures to retain as many trees as possible on the site.

Council accepts the conclusions of the bushfire assessment. The potential hazards from bushfire associated with this Planning Proposal can be adequately managed provided that the identified protection measures are implemented.

The potential environmental impacts of this application can be adequately managed provided these recommendations are implemented and subject to additional reports being submitted.



**1.5 Does the proposal have regard to the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?**

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The areas to the north and east of the site are characterised by general industrial uses, with buildings of various sizes and scales. The Bankstown Aerodrome is located to the north of the site (approx. 1.2km). The land to the west of the site is characterised by low density housing with 1 and 2 storey detached dwellings and dual occupancies. The M5 Motorway is immediately south of the site.</p> <p>The application states that:</p> <p><i>Larger lots and single detached dwellings will front Ashford Ave and interface with the existing low-density residential development located to the west of the site. Appropriate development buffers will be created to the northern, eastern and southern boundaries to protect the new dwellings from the impacts from the surrounding employment area and motorway.</i></p> <p><i>Proposed housing will address the existing sporting field bordering the site's north-western corner while the existing vegetation to the north-east (including significant woodland species) will be retained.</i></p> <p><i>Along the eastern boundary of the site is the Mount St Joseph Catholic secondary school. This existing school, together with 3.68 ha of WSU campus land to its immediate south, will not be affected by or subject to land use policy change within the PP."</i></p> <p><i>The Planning Proposal makes use of a former educational site to deliver new housing, open spaces and community facilities. The proposal will create an appropriate interface between the site and surrounding land uses.</i></p> <p><b>Council's Assessment:</b></p> <p>The application includes provisions to ensure that the development of the site is sympathetic to the neighbouring residential area to the west, including a minimum lot of width of 10m, a maximum FSR of 0.6:1 and only detached dwellings permitted for new housing fronting Ashford Avenue.</p> <p>Council's independent Urban Design peer review recommended an FSR of 0.5:1 and a varying lot frontage width of 7.5m and 15m for new dwellings that front Ashford Avenue, to reflect the similar varied</p>	<p>Yes.</p>

lot widths existing along the western side of Ashford Avenue as a result of a mix of older detached dwellings and newer attached dual occupancy development.

In response, the applicant sought to maintain the 10m lot frontage and reiterated that all dwellings along Ashford Avenue would be detached houses and that a 10m lot frontage struck the right balance between the 7.5m and 15m lots existing along Ashford Avenue. In light of this, Council has supported a 10m lot frontage permitting detached dwellings only and, to ensure a compatible scale with the existing streetscape, a maximum 0.5:1 FSR will apply to the dwellings that front Ashford Avenue.

Further mitigation measures may be necessary for dwellings located on the eastern, southern and northern parts of the site, including noise and air quality mitigation measures due to emissions from the adjacent industrial area, school and M5 Motorway. However, these issues can be addressed as part of the site specific DCP.

**1.6 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?**

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The applicant's submission states that:</p> <ul style="list-style-type: none"> <li>• For water supply no significant adjustments are likely to be required to support the new development.</li> <li>• For wastewater there is sufficient capacity in the network to accommodate the new development.</li> <li>• The existing electricity infrastructure has sufficient capacity to service the additional dwellings (with the addition of 6 to 8 new substations)</li> <li>• The existing gas main along Bullecourt Avenue and Horsley Road is sufficient to service the development.</li> <li>• Existing NBN Services along Bullecourt Avenue and Horsley Road will be sufficient to service the new development.</li> </ul> <p><b>Council's Assessment:</b></p> <p>Council accepts that the necessary servicing infrastructure is in place to support the proposal.</p>	<p>Yes.</p>

Council has received a formal letter of offer which indicates a commitment from the applicant to enter into a Planning Agreement with Council to provide affordable housing, noting that Council and the applicant have not yet agreed on the appropriate amount of the contribution and that this needs to be resolved prior to exhibition of the planning agreement.

Council's traffic and transport peer review and traffic engineers have raised matters that require further analysis which can be appropriately dealt with prior to public exhibition.

## 2. Planning Proposals–Justification Matters

Section 2 assesses the proposal based on the justification matters as outlined in the DPIE publication *A Guide to Preparing Planning Proposals (December 2018)*. The intended outcome is to demonstrate whether there is justification for a proposal to proceed to the Gateway.

### 2.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The application is not the result of a Council initiated strategic study or report. However, the site is of such a large size that it is strategically significant within the context of Milperra and also the broader LGA, such that consideration of a Planning Proposal for the site in the absence of a strategic study is warranted.</p> <p>The proposal aligns with the objectives of <i>Connective City 2036</i> in that it will contribute to the 2036 housing target through provision of additional housing and a diversity of housing types.</p> <p><b>Council's Assessment:</b></p> <p>Refer to section 1.2.1 of this attachment.</p> <p>Council agrees that the application is not the result of any strategic study or report. However, the LSPS identifies the site as an opportunity site to deliver enhanced open spaces and community facilities subject to more detailed master planning. In this regard the application gives effect to the objectives of the LSPS.</p> <p>Based on the subject site's large size and location, as well as public benefits proposed, the proposal is consistent with the objectives and aims of <i>Connective City 2036</i>.</p>	Yes.

### 2.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

	Consistent
<p><b>Applicant's Submission:</b></p> <p>Given the relocation of the WSU campus to the Bankstown CBD, the application is the best means of achieving the objectives and intended outcomes for the site.</p>	Yes.

The proposed mechanisms (including the R1 General Residential Zoning and draft DCP 2015 provisions) for delivery of new residential and commercial development are required to achieve the intended housing diversity and support infrastructure outcomes. These mechanisms will ensure the development density and scale is managed and predictable.

**Council's Assessment:**

Agreed.

Based on an assessment of the applicant's submission and consideration of the consultant peer review reports and recommendations commissioned by Council, this assessment recommends that the proposal is the best means of achieving the objectives and intended outcomes of the applicant and has strategic merit to proceed subject to further detailed analysis as part of any Gateway Determination conditions imposed by DPIE.

Council's peer reviews recommended that the application could be improved by:

- Greater passive surveillance to the woodland area of Milperra Reserve.
- The retention of a greater number of mature trees in proposed open spaces and the accommodation of larger species of canopy street trees in road corridors.
- Increases in lot sizes to allow for higher quality dwellings with a greater landscaped area
- Greater connectivity with surrounding areas through shared paths and an additional vehicle entry on Ashford Avenue
- Considering the appropriateness of existing facilities and open spaces and potential contributions to existing community facilities (Milperra Community Centre) or the provision of new facilities.
- Further justification of the location of access roads, noting the potential implications of the proposed layout for shortcuts through surrounding residential streets, restricted turning movements and intersection alignments.
- Confirmation on whether the proposed residential lots are large enough to accommodate the required parking provision.
- More detail on the design of the internal road network, and particularly the proposed road widths.
- Further assessment of the number of on-street visitor parking spaces.

Based on the conclusions of the peer reviews further refinement of the proposal has been undertaken. Council is satisfied that the above concerns have been addressed in the application or can be addressed in the site specific DCP, and the application is the best means of achieving the intended outcomes for the former WSU site as outlined in the LSPS.

**2.3 Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

**2.3.1 Greater Sydney Region Plan (*A Metropolis of Three Cities*)**

	Consistent
<b>Applicant's Submission:</b>  Refer to section 1.1.1 of this attachment.	Yes. Refer to section 1.1.1 of this attachment.
<b>Council's Assessment:</b>  Refer to section 1.1.1 of this attachment.	

**2.3.2 South District Plan**

	Consistent
<b>Applicant's Submission:</b>  Refer to section 1.1.2 of this attachment.	Yes. Refer to section 1.1.2 of this attachment.
<b>Council's Assessment:</b>  Refer to section 1.1.2 of this attachment.	

## 2.4 Will the Planning Proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

### 2.4.1 Community Strategic Plan (*CBCity 2028*)

	Consistent
<p><b>Applicant's Submission:</b></p> <p>Not addressed by the applicant.</p> <p><b>Council's Assessment:</b></p> <p>The CBCity 2028 document provides 7 City Transformations that "will define out arrival at CBCity 2028", of which the following three Transformations are deemed to be particularly relevant to the Planning Proposal:</p> <ul style="list-style-type: none"> <li>• <i>Liveable &amp; Distinctive</i>: a well designed, attractive city which preserves the identity and character of local villages.</li> <li>• <i>Moving &amp; Integrated</i>: an accessible city with great local destinations and many options to get there.</li> <li>• <i>Healthy and Active</i>: a motivated city that nurtures healthy minds and bodies</li> </ul> <p>The application is consistent with the identified "destinations" in CBCity 2028 in that it will</p> <ul style="list-style-type: none"> <li>• Accommodate population growth in a manner which contributes to housing diversity and the quality of the local housing stock while respecting the distinct character of existing suburban areas.</li> <li>• Deliver housing alongside new open spaces and community facilities.</li> <li>• Facilitate walkable and high amenity neighbourhoods</li> <li>• Has the potential to deliver attractive, sustainable and affordable build environment.</li> <li>• Protect existing ecological assets and ensure future development leads to improved environmental outcomes for this site.</li> </ul> <p>Council therefore considers this application to be broadly consistent with the aims and objectives of <i>CBCity 2028</i>. It should be noted that Council has received a letter of offer from the applicant to ensure public benefits can be delivered through a Planning Agreement and thus align the application with the vision for CBCity outlined in the Community Strategic Plan.</p>	<p>Yes.</p>



#### 2.4.2 Local Strategic Planning Statement (*Connective City 2036*)

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The proposal achieves consistency with the objectives of <i>Connective City 2036</i> by providing new housing (including housing diversity and choice) and jobs in an accessible location by public transport and within 30 minutes of a Strategic Centre (Bankstown CBD).</p> <p><b>Council's Assessment:</b></p> <p>Refer to section 1.2.1 and 2.1 of this attachment.</p>	Yes.

#### 2.4.3 Affordable Housing Strategy 2020

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The applicant has indicated that they intend to offer a 5% affordable housing monetary contribution via a Planning Agreement with Council.</p> <p>The proposal results in money to assist with delivery of affordable housing located off-site close to transport and services which is consistent with Council's <i>Affordable Housing Strategy</i> adopted in June 2020.</p> <p><b>Council's Assessment:</b></p> <p>Consistent with the Council's adopted Affordable Housing Policy, the applicant has agreed in principle to a monetary contribution to Council for provision of affordable housing equivalent to 5% of the total proposed dwellings (equivalent to approx. 22 affordable housing dwellings). The original offer of the applicant was \$2,307,500, equivalent to \$246,070/dwelling or \$5,366/lot (based on 430 lots for the site).</p> <p>An independent 'Value Uplift Analysis' review undertaken for Council concluded that a total affordable housing contribution of \$5,413,537 would be reasonable for the site, equivalent to \$246,070/dwelling (total 22 affordable housing dwellings) or \$12,824/lot (based on 430 lots for the site). This value was based on taking into consideration the value forgone by the developer if they were to build 22 affordable housing dwellings on the site.</p>	Yes.

Upon feedback from Council of this independent advice, the applicant provided a revised affordable contribution of \$3,347,390, equivalent to \$152,154/dwelling or \$7,784/lot in the formal Letter of Offer.

Council acknowledges the monetary offer, however given the \$2,066,147 difference between Council's and the applicant's figures, Council and the applicant have not yet agreed on the appropriate amount of the affordable housing contribution and that this needs to be resolved prior to exhibition of the draft Planning Agreement. The Letter of Offer is provided at Attachment X.

#### 2.4.4 Employment Lands Strategy

	Consistent
<p><b>Applicant's Submission:</b></p> <p>Not addressed by the applicant.</p> <p><b>Council's Assessment:</b></p> <p>The application introduces the B1 Neighbourhood Centre Zone to the northern part of the site. This part of the site accommodates an existing childcare facility, and the proposed zoning will retain this part of the site for employment uses.</p> <p>One of the key objectives of Council's Employment Lands Strategy is to retain the industrial and employment lands around Bankstown Aerodrome and in Milperra. The Strategy seeks to prevent any rezoning of these lands to ensure their long-term viability as employment-generating zones.</p> <p>The subject site sits outside, but adjacent to, the Milperra Employment Lands. However, given the proximity of the site to these lands there is an opportunity for the redevelopment of the site to provide additional amenities for local workers. This opportunity was identified in Council's Employment Lands Strategy.</p> <p>The site has interfaces industrial zoned land to the north (IN1 Zone) and east (IN2 Zone) which includes warehouses, distribution and manufacturing uses that generate heavy vehicle movements and some sites operating 24 hours a day. The concept plan submitted by the applicant shows dwellings will be setback 70m from the nearest industrial buildings on Bullecourt Avenue to the north and 44m from the nearest industrial buildings on Horsley Road to the east. These setbacks will provide sufficient physical separation to minimise noise impacts and the acoustic report submitted with the application includes recommendations of noise barriers and other</p>	Yes

noise mitigation measures that will be included in the site specific DCP.

The peer review economic analysis undertaken for Council concludes the proposed B1 zone will not adversely impact the economic viability of any nearby centre. The application is consistent with the Employment Lands Strategy in that it will provide additional open spaces and amenities in close proximity to the Milperra Employment Lands, supporting future employment growth in these areas.

#### 2.4.5 Housing Strategy 2020

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The application was lodged the month following adoption of the Canterbury Bankstown Housing Strategy. However, the applicant made the following points in relation to the draft Housing Strategy:</p> <ul style="list-style-type: none"> <li>• Proposing a new residential land use zone that will enable flexibility in housing size, type and design while being limited by building height and minimum lot size</li> <li>• Delivery of a site that contributes to the housing target of 10,000 dwellings outside of town centres</li> <li>• Providing areas of high amenity through the creation of connected public spaces</li> <li>• Proposing a variety of dwelling types, sizes and price points to meet the needs of the diverse population within the LGA, including changing family structures, sole occupancy housing and the ageing population</li> <li>• Providing additional housing within a consolidated site, allowing many existing areas to maintain character</li> <li>• Ensuring a good quality neighbourhood is created through the site-specific DCP controls.</li> </ul> <p><b>Council's Assessment:</b></p> <p>The application is consistent with several of the strategic directions of the Housing Strategy. These include providing greater housing choice in terms of type, tenure and size, ensuring new housing is compatible with suburban areas through proposed built form controls, and delivering housing alongside new green spaces and community facilities to support residential growth.</p>	<p>Yes, subject to community consultation and master planning of the surrounding context in the future.</p>

The site is not located within an existing centre, and as such is not supported by mass transit rail infrastructure. One of the key strategic directions of Council's Housing Strategy is to concentrate at least 80% of new housing growth in centres or places of high amenity. Council considers that although this site is not within an existing centre, the level of amenity within the area currently with the addition of the proposed green spaces and community facilities means that this application is consistent with this direction. Further, the introduction of an R1 zone for the site is deemed acceptable for the following reasons:

- The Housing Strategy does not prohibit the R1 zoning on this site, only that it does not contemplate single large sites of this scale to be developed for diverse infill housing given the rarity of such large, relatively underutilised sites remaining in the LGA.
- The large 19.64ha lot being in single ownership presents a unique opportunity for a master planned community that would be best served through an R1 zoning with greater certainty that a diverse housing offer can be delivered in a coordinated manner, through a site specific DCP and LEP clauses.
- Delivering a broad range of housing options is an important component of the Housing Strategy and the use of the R1 zone for this Planning Proposal is the best means of achieving this outcome, in this circumstance as it means a single zoning will allow for diverse housing to meet market demands, across the entire site.
- The dwelling density and dwelling typology of the site can be closely controlled through LEP and DCP controls that are suited to the R1 zone. A mixed R2 and R3 zoning would not necessarily result in the best planning outcome, particularly given Council's preferred approach is to use the R3 zone on the periphery of town centres only.
- The R1 zone would be an appropriate zoning for similar large precinct-scale urban renewal and infill housing sites in the LGA.

## 2.5 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The application is consistent with all relevant State Environmental Planning Policies.</p> <p><b>Council's Assessment:</b></p> <p>The proposal is generally consistent with the State Environmental Planning Policies as outlined in section 3.0. The key SEPPs that affect this application are discussed below.</p> <p><b>SEPP (Coastal Management) 2018</b> This Ministerial Direction states:</p> <p><i>"(6) A Planning Proposal must not rezone land which would enable increased development or more intensive land-use on land within a coastal wetlands and littoral rainforests area identified by the State Environmental Planning Policy (Coastal Management) 2018."</i></p> <p>While there are no Coastal Wetlands or Littoral Rainforests on the site, its southern portion is within a mapped proximity to Coastal Wetlands or Littoral Rainforest under the SEPP. The proposal involves intensification of the land for the purposes of new housing, roads and public open space.</p> <p>The application is generally consistent with the Coastal Management SEPP as Council is satisfied that development consent will not be granted unless the subsequent DA demonstrates that the proposed development complies with Clause 11. Considering that the site will be subject to a subsequent DA which will assess the detailed design of the development including any cut to fill drawings, Council is satisfied that the proposal is generally consistent with the SEPP.</p> <p><b>SEPP No 55—Remediation of Land</b> The proposal is consistent with SEPP No 55—Remediation of Land. Council notes that section of the SEPP related to LEP amendments was revoked on 17 April 2020 and moved into Ministerial Direction 2.6 – Remediation of Contaminated Land. Notwithstanding, Council has reviewed the RAP submitted by the applicant and whilst the RAP conclusion that the site can be remediated to support the future uses is noted, Council will require an updated RAP and a Site Audit Statement to be provided prior to public exhibition of the Planning Proposal.</p>	<p>Yes, noting a minor inconsistency with the SEPP (Coastal Management) 2018</p>

**SEPP No 19—Bushland in Urban Areas**

The application is generally consistent with SEPP No 19 – Bushland in Urban Areas as it is seeking to create an E2 Environmental Conservation Zone in the north east corner of the site to retain existing remnant Cumberland Plain Woodland. It is noted that the applicant originally proposed to zone the remnant woodland RE2 Private Recreation, and then E3 Environmental Management following Council’s feedback. The RE2 and E3 zones are not supported by Council on the basis neither zone provides the same level of protection of the high ecological value of the remnant woodland as the E2 zone.

The preliminary ecology report identifies areas of the site that are of high ecological significance. Further ecological and arboricultural studies are to be undertaken prior to public exhibition will inform what trees can be retained based on the revised structure plan and the approach for management/offsets of any loss of ecologically valuable vegetation from the site.

## 2.6 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

	Consistent
<p><b>Applicant’s Submission:</b></p> <p>The applicant has provided a response to the applicable Ministerial Directions with the exception of Direction No. 2.2 Coastal Management and No. 4.3 Flood Prone Land.</p> <p><b>Council’s Assessment:</b></p> <p>The proposal is generally consistent with the Ministerial Directions. The key ministerial directions that affect this application are discussed below.</p> <p><b>2.1 – Environmental Protection Zones</b></p> <p>This Direction states:</p> <p><i>“What a relevant planning authority must do if this direction applies (4) A Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.”</i></p> <p>Council proposes to zone the critically engaged Cumberland Plain Woodland E2 Environmental Conservation, which is consistent with this Direction.</p>	Yes

**2.2 – Coastal Management**

As discussed in Section 2.5 above, Council considers the inconsistency to be of minor significance and subject to assessment in the subsequent DA. The site does not contain wetlands or rainforest and is only affected in a minor way by the proximity to them.

**2.6 – Remediation of Contaminated Land**

The proposal is generally consistent with Ministerial Direction 2.6 – Remediation of Contaminated Land.

The applicant submitted a Stage 2 Detailed Site Investigation Report and a RAP which conclude the site will be suitable for the intended use subject to some further testing and development of a remediation strategy. An updated RAP will be required to be submitted prior to public exhibition.

In addition, Council will require a Site Audit Statement and Report to be prepared to validate the RAP methodology and data, also prior to public exhibition. With these measures in place, Council is satisfied that the land proposed for rezoning to allow residential use can be remediated for that purpose prior to use.

**6.3 – Site Specific Provisions**

Justified inconsistency – The application includes a local provision to enable the delivery of the site in an orderly manner. The provision is necessary in that it sets a dwelling target and lot size controls to allow for a diverse range of housing. The local provision provides additional certainty for the surrounding community over and above that which could be achieved through a DCP alone.

The application is consistent with following applicable Ministerial Directions and further discussion is not required. The application submitted to the Department will include further analysis of these Ministerial Directions:

- 3.1 – Residential Zones
- 3.4 – Integrated Land Use and Transport
- 4.1 – Acid Sulphate Soils
- 4.3 – Flood Prone Land
- 4.4 – Planning for Bushfire Protection
- 6.1 – Approval and Referral Requirements
- 6.2 – Reserving Land for Public Purposes



**2.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

	Consistent
<p><b>Applicant's Submission:</b></p> <p>Site contains Cumberland Plain Woodland which is listed as a critically endangered ecological community under the Biodiversity Conservation Act 2016 (BC Act 2016) and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999).</p> <p>The Biodiversity Offsets Scheme (under the BC Act 2016) is triggered on the basis the proposal involves clearing of 0.5ha or more of native vegetation on the site or if the areas of high biodiversity value as mapped on the western edge of the site is cleared.</p> <p>The preliminary ecological assessment report submitted by the applicant estimates a total offset cost of around \$200,000 may be payable as a result of the proposal.</p> <p><b>Council's Assessment:</b></p> <p>The applicant's assessment reflects the Preliminary Ecology Assessment prepared by Eco Logical Australia Pty Ltd (dated 1 July 2020) and reviewed by Council. Council has reviewed the report and supports the position proposed subject to further analysis being undertaken. The applicant is to prepare a Biodiversity Development Assessment Report (BDAR) as part of a future DA and may be required to provide a formal offer for a monetary contribution and/or planting of offsets.</p> <p>In addition to any offsets proposed for the site, three new local public parks are proposed for the development to facilitate the needs to the future community (representing 8% of the developable area). The central park has been relocated based on Council's comments to minimise loss of existing vegetation communities. The final location of these parklands and assessment of individual trees to be retained will be undertaken as part of the Development Assessment which will include detailed designs that respond to:</p> <ul style="list-style-type: none"> <li>• Detailed cut and fill analysis for bulk earthworks.</li> <li>• Further geotechnical analysis.</li> <li>• Grading analysis for estate wide infrastructure (including sewer and drainage).</li> <li>• Stormwater drainage and detention requirements.</li> <li>• Further road design and engineering.</li> </ul>	<p>Yes.</p>

	Consistent
The dedication of parklands will be captured within a Planning Agreement with Mirvac. Council will require that the draft Planning Agreement to be exhibited concurrently with the Planning Proposal.	

## 2.8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The applicant has submitted the following consultant reports as part of the application submission that identify the potential environmental effects as a result of the Planning Proposal:</p> <ul style="list-style-type: none"> <li>• Attachment D – Applicant's Stage 2 Detailed Site Investigation Report.</li> <li>• Attachment E – Applicant's Preliminary Ecological Assessment.</li> <li>• Attachment F – Applicant's Arboricultural Impact Assessment.</li> <li>• Attachment G – Applicant's Bushfire Protection Assessment.</li> <li>• Attachment H – Applicant's Amended Bushfire Protection Assessment.</li> <li>• Attachment I – Applicant's Statement of Heritage Impact.</li> <li>• Attachment J – Applicant's Transport Assessment.</li> <li>• Attachment K – Applicant's Social Impact and Community Needs Assessment.</li> <li>• Attachment L – Applicant's Acoustic Assessment.</li> <li>• Attachment M – Applicant's Draft Site Specific Development Control Plan.</li> <li>• Attachment N – Applicant's Infrastructure Report.</li> <li>• Attachment O – Applicant's Stormwater Concept Plan.</li> <li>• Attachment P – Applicant's Remediation Action Plan.</li> <li>• Attachment Q – Applicant's Affordable Housing Contributions Strategy.</li> <li>• Attachment R – Applicant's Response to Traffic and Transport Peer Review.</li> </ul> <p><b>Council's Assessment:</b></p> <p>Based on a review of the documentation submitted by the applicant, the following assessment is provided by Council:</p> <ul style="list-style-type: none"> <li>• <u>Contamination</u>: Evident in certain locations, however the site will be deemed suitable for residential use following site remediation in accordance with the Remedial Action Plan.</li> <li>• <u>Ecology</u>: Site contains Cumberland Plain Woodland which is listed as a critically endangered ecological community under the Biodiversity Conservation Act 2016 (BC Act 2016) and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999). The Biodiversity Offsets Scheme (under</li> </ul>	Yes

the BC Act 2016) is triggered on the basis the proposal involves clearing of 0.5ha or more of native vegetation on the site or if the areas of high biodiversity value as mapped are cleared. The Ecologist report estimates a total offset cost of around \$200,000 is payable as a result of the proposal.

- Arboriculture: A total of 327 trees have been surveyed, of which 307 will have a high impact by the proposal and likely to be removed to facilitate the proposal. A revised arboricultural report is to be provided prior to public exhibition to confirm the tree loss to reflect the revised structure plan. The site specific DCP will also require the residential properties to provide a minimum of 20% landscaped area and for street tree planting to be provided along local and minor local roads. The site specific DCP will include objectives to increase tree canopy above the current site condition with the aim of realising the LSPS target of 40% tree canopy in suburban settings.
- Bush fire: The only bush fire prone vegetation affecting the proposal is the remnant Cumberland Plain woodland in the north east corner of the site classified as “grassy woodland” under the *Planning for Bush Fire Protection* (2019). The report recommends provision of an Asset Protection Zone (APZ) and construction standards that can be implemented by the proposal at the DA/CDC stage.
- Heritage: Recommends further consideration of Bullecourt Avenue and Ashford Avenue of sympathetic consideration of scale. A heritage interpretation plan to showcase history of the site as part of the Milperra Soldier Settlement (1918-1975). Low risk of Aboriginal objects being present within the subject site. Works can proceed with caution and implementing an unexpected finds procedure. It is recommended an Aboriginal Cultural Heritage Assessment (ACHA) is prepared if works will disturb land within the remnant Cumberland Plain Woodland.
- Traffic and Transport: The local road network is capable of accommodating the expected traffic generation of the proposal however some further traffic analysis is required prior to public exhibition. Adequate car parking is provided on-site for the future uses however clarification is required prior to public exhibition to clarify parking design and access.

- Stormwater: Water quality from the development will be managed by three bio-retention basins to protect the water course (Georges River) downstream. The WSU site sits within a Low Floor Risk Area identified by Part B12 – Flood Risk Management in the BDCP 2015.
- Most of the existing site will remain flood free as a result of the proposal with some lower southern parts of the site will retain a Low Flood Risk. The proposed buildings will have a minimum 500mm freeboard above the 100 year ARI. The pit and pipe network and three detention basins will manage minor and major flows within the site up to the 100 year ARI. Some additional information is required to be prepared and submitted by the applicant prior to public exhibition to clarify floor levels for development in the flood prone land on the site, stormwater quality management measures and detention basin flow rates.
- Further flooding analysis is recommended prior to public exhibition to ensure consistency with the new flood prone land Section 9.1 Ministerial Direction to become effective on 14 July 2021.
- Social Impact and Community Need: The proposal responds to a demand for housing diversity/choice and a transition from low density housing in the area. Milperra is relatively advantaged suburb in the Canterbury Bankstown LGA. The proposal will result in around 1,100 new residents which generates demand for:
  - New community/multi-purpose space.
  - New local/neighbourhood park with play equipment facilities.
  - Up to 40 early childhood education and care places.
  - Up to 29 out of school hours care places.
- SIA recommends that Council explores opportunities for shared use of Mt St Joseph's school facilities such as the large multi-purpose hall outside of school hours.
- Section 7.11 development contributions will contribute to provision of community infrastructure not provided by the proposal on-site.
- A draft Planning Agreement will be prepared to ensure delivery of public benefits outlined in the Local Planning Panel Report.
- Acoustic: Recommendations are provided to achieve internal noise criteria for some dwellings within the southern end of the site as a result of road traffic noise from the M5 Motorway, noise from the Mt St Joseph School playground to the east of the site and Milperra Reserve adjacent to the site

<p>in the north west corner. Suitable development provisions will be included in the site specific DCP.</p> <ul style="list-style-type: none"> <li>• <b>Infrastructure:</b> The consultant report has identified that there is adequate potable water, sewerage, electricity, gas and internet/telecommunication services infrastructure to service the site. The existing Australia's Academic and Research Network (AARNet) traverses the site and investigations are required to potentially relocate this infrastructure into the adjacent road network.</li> </ul>	
---	--

## 2.9 Has the Planning Proposal adequately addressed any social and economic effects?

	Consistent
<p><b>Applicant's Submission:</b></p> <p>The development will provide new and diverse housing with a choice of housing types that will serve an unmet demand for single resident households and smaller lot sizes that have reduced maintenance requirements, particularly for an aging community. The proposal serves a segment of the existing and future community that is not catered for within the LGA.</p> <p>The public benefit offer will provide 5% of housing for affordable housing via a monetary contribution (Planning Agreement with Council).</p> <p>The application is accompanied by a Social Impact and Community Needs Assessment that demonstrates that the proposed development will generate economic investment and local employment opportunities.</p> <p><b>Council's Assessment:</b></p> <p>Council's position is that the proposal adequately addresses the associated social and economic effects.</p> <p>As part of Council's assessment, AEC Group Ltd was engaged to undertake a Social and Economic Peer Review (dated December 2020) of the documentation submitted by Mirvac to support this Planning Proposal. This included the Social Impact and Community Needs Assessment (SIA) prepared by Architectus (dated 22 May 2020). The peer review identified that the proposed development should produce the following economic effects:</p> <ul style="list-style-type: none"> <li>• Supports relocation of WSU Milperra Campus to Bankstown CBD in alignment with SDP health and education objectives (targeted for 2022).</li> </ul>	Yes

- 440 additional dwellings (mix of attached and detached) and around 7,500m<sup>2</sup> of commercial / retail GFA.
- Construction Phase - \$328.97 million costs approximately and 1,200 jobs (direct and indirect)
- Operational Phase - \$40.6 million contribution approximately to GRP (less than existing campus)

Council notes that the economic contribution of the WSU Milperra campus will not be leaving the Canterbury Bankstown LGA with its relocation to Bankstown CBD. In fact, the CBD location will support growth in student numbers and economic activity which the proposal site could not. The WSU Bankstown campus is currently under construction.

The Peer Review identified that the expected social effects are as follows:

- Around 1,110 additional residents to the Milperra area represents around 22% of the forecast growth by 2036.
- Retention of a childcare facility on site
- Relocation of the WSU campus from Milperra to Bankstown CBD aligns with SDP and LSPS objectives.
- Architectus' report concluded by stating the Planning Proposal is likely to have a beneficial social impact on the local area, providing new facilities and reducing the current education and residential land use conflict in the locality.
- Recommendation for Council to include a community centre within the proposed development (in the medium-long terms) could be warranted given the somewhat isolated location from amenities. However given the existing community centre opposite the site at 128 Ashford Avenue can continue to service the community, it is considered refurbishment of this existing facility has merit and Council's preferred outcome as it would be available in the short term.

Council proposes that a draft Planning Agreement that includes the following be exhibited alongside the Planning Proposal to ensure delivery of the below public benefits (subject to reaching an agreement with Mirvac prior to a Gateway request being submitted to the Department):

1. Monetary contribution for affordable housing in perpetuity (equivalent to 5% dwelling yield or approx. 22 dwellings).
2. Local park with children's playground equipment, outdoor fitness, walking/cycling tracks and sheltered picnic tables, BBQs within subject site.
3. Pathways around remnant bushland (e.g. raised boardwalk, signs, replanting) within subject site subject to further ecological assessment.

<ol style="list-style-type: none"> <li>4. Provision of off-road shared cycleway along collector roads linking site to external road/cycle network.</li> <li>5. Monetary contribution to repair and renovate Council's existing Milperra Community Centre (128 Ashford Ave, Milperra).</li> <li>6. Monetary contribution for open space shortfall to embellish Milperra Reserve incl. amenity block, footpaths, picnic tables, bins, flood lighting, turf etc (Crown Land).</li> <li>7. Enter into agreement with Mt St Joseph Catholic College Milperra for shared use of school facilities outside of school hours. Initial meeting between Mirvac and the school to be initiated by Council.</li> <li>8. Dedication of land zoned RE1 Public Recreation to Council in perpetuity.</li> </ol> <p>The application, with the inclusion of a Planning Agreement that incorporates the above items, will adequately address the economic and social effects of the proposed development.</p>	
---	--

## 2.10 Is there adequate public infrastructure for the Planning Proposal?

	Consistent
<p><b>Applicant's Submission:</b></p> <p>Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.</p> <p>The site is served by limited public transport infrastructure (bus) as it is within walking distance (800m) of a bus stop that provides services to Bankstown CBD amongst other centres. The site is not located within walking distance of any railway station.</p> <p>The proposal will retain the existing child care centre on the site to support the ongoing need for the facility by future residents. The proposal will generate demand for community facilities in the local area which will be provided indirectly by the proposal through payment of Section 7.11 Development Contributions at the DA/CDC stage of the project.</p> <p><b>Council's Assessment:</b></p> <p>Council agrees with the applicant's submission with exception of the reduction in child care spaces. Council's preference is that the existing child care centre space is maintained to support the future residential population on the site.</p>	<p>Yes.</p>



In regard to the road design, the applicant's proposed hierarchy of roads includes:

- Local road.
- Minor local road.
- Laneways.

The local road complies with Council's current DCP road design requirements. The minor local road proposed by the applicant has a road carriageway of 9.2m. This road width is not supported by Council's traffic engineers for the following key reasons:

- Council will not support 'minor' local roads that fail to provide car parking on each side and allow comfortable two-way movement of vehicles without one car pulling over.
- Council's minimum width of 10.2m allows for parking on each side of the road (2.1m wide x 2) and a 3m travel lane in each direction. A 9.2m wide road carriageway does not achieve this outcome.
- The 3m travel lanes will allow two vehicles to pass each other comfortably but remains relatively narrow to encourage slower speeds by drivers.

On this basis, a road carriageway of 10.2m is supported by Council with 2.1m car parking and 3.5m verge allocated on each side resulting in a total road reserve of 17.2m.

The laneway design proposed by the application involves two options that have a total road reserve width of 8m:

- Option 1: providing a 6m road carriageway with 1m verge each side, and
- Option 2: providing a 6m road carriageway with 0.75m/1.25m verges on either side.

While a 6m road carriageway is accepted by Council, the minimum verge supported by Council is 1.25m on both sides of the laneway to ensure acceptable space for bin storage and bin collection by Council waste vehicles. Council's requirement is for a 1.25m verge on both sides of the laneway.

The site specific DCP will include the above Council supported minor local road and laneway design requirements.

**2.11 What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

	<b>Complies</b>
<p><b>Applicant's Submission:</b></p> <p>Relevant public authorities will be consulted following the Gateway Determination. It is expected that the following public authorities will be consulted in relation to the project (to be confirmed in the Gateway Determination issued by the Department):</p> <ul style="list-style-type: none"> <li>• Environment, Energy and Science.</li> <li>• Transport for NSW.</li> <li>• Sydney Water.</li> <li>• Ausgrid.</li> <li>• Jemena.</li> <li>• AARNet.</li> <li>• NBN Co.</li> <li>• Bankstown Airport/Sydney Metro Airport.</li> </ul> <p><b>Council's Assessment:</b></p> <p>The proposal has not been the subject of formal consultation with State and Commonwealth public authorities. This would be undertaken post Gateway, should Council decide to proceed with a Planning Proposal.</p>	<p>To be confirmed post Gateway</p>

### 3.0 State Environmental Planning Policies

SEPPs (as at June 2021)		Applicable	Consistent
19	Bushland in Urban Areas	Yes	Yes
21	Caravan Parks	No	N/A
33	Hazardous & Offensive Development	No	N/A
36	Manufactured Home Estates	No	N/A
47	Moore Park Showground	No	N/A
50	Canal Estate Development	No	N/A
55	Remediation of Land	No	N/A
64	Advertising & Signage	No	N/A
65	Design Quality of Residential Apartment Development	No	N/A
70	Affordable Housing (Revised Schemes)	No	N/A
	(Aboriginal Land) 2019	No	N/A
	(Activation Precincts) 2020	No	N/A
	(Affordable Rental Housing) 2009	No	N/A
	(Building Sustainability Index: BASIX) 2004	No	N/A
	(Coastal Management) 2018	Yes	Yes
	(Concurrences and Consents) 2018	No	N/A
	(Educational Establishments and Child Care Facilities) 2017	No	N/A
	(Exempt & Complying Development Codes) 2008	No	N/A
	(Gosford City Centre) 2018	No	N/A
	(Housing for Seniors or People with a Disability) 2004	No	N/A
	(Infrastructure) 2007	No	N/A
	State Environmental Planning Policy (Koala Habitat Protection) 2020	No	N/A

SEPPs (as at June 2021)		Applicable	Consistent
	State Environmental Planning Policy (Koala Habitat Protection) 2021	No	N/A
	(Kosciuszko National Park–Alpine Resorts) 2007	No	N/A
	(Kurnell Peninsula) 1989	No	N/A
	(Major Infrastructure Corridors) 2020	No	N/A
	(Mining, Petroleum Production & Extractive Industries) 2007	No	N/A
	(Penrith Lakes Scheme) 1989	No	N/A
	(Primary Production and Rural Development) 2019	No	N/A
	(State and Regional Development) 2011	No	N/A
	(State Significant Precincts) 2005	No	N/A
	(Sydney Drinking Water Catchment) 2011	No	N/A
	(Sydney Region Growth Centres) 2006	No	N/A
	(Three Ports) 2013	No	N/A
	(Urban Renewal) 2010	No	N/A
	(Vegetation in Non–Rural Areas) 2017	No	N/A
	(Western Sydney Aerotropolis) 2020	No	N/A
	(Western Sydney Employment Area) 2009	No	N/A
	(Western Sydney Parklands) 2009	No	N/A
	Sydney Regional Environmental Plan No. 16 Walsh Bay	No	N/A
	Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River	No	N/A
	Sydney Regional Environmental Plan No. 24 Homebush Bay Area	No	N/A
	Sydney Regional Environmental Plan No. 26 City West	No	N/A
	Sydney Regional Environmental Plan No. 30 St Marys	No	N/A

SEPPs (as at June 2021)		Applicable	Consistent
	Sydney Regional Environmental Plan No. 33 Cooks Cove	No	N/A
	Sydney Regional Environmental Plan No. 8 (Central Coast Plateau Areas)	No	N/A
	Sydney Regional Environmental Plan No. 9 Extractive Industry (No 2 – 1995)	No	N/A
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	No	N/A
	Greater Metropolitan REP No.2 – Georges River Catchment	Yes	Yes



#### 4.0 Ministerial Directions

Review each Direction to confirm they are relevant

Direction & Issue Date		Applicable	Consistent
<b>Employment and Resources</b>			
1.1	Business and Industrial Zones [01/05/17]	Yes	Yes
1.2	Rural Zones [14/04/16]	No	N/A
1.3	Mining, Petroleum Production & Extractive Industries [01/07/09]	No	N/A
1.4	Oyster Aquaculture [01/07/09]	No	N/A
1.5	Rural Lands [28/02/19]	No	N/A
<b>Environment and Heritage</b>			
2.1	Environment Protection Zones [14/04/16]	Yes	Yes
2.2	Coastal Management [03/04/18]	Yes	Acceptable minor inconsistency
2.3	Heritage Conservation [01/07/09]	Yes	Yes
2.4	Recreation Vehicle Areas [14/04/16]	No	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs [02/03/16]	No	N/A
2.6	Remediation of Contaminated Land [17/04/20]	N/A – refer to Section 9.1 Direction	N/A
<b>Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones [14/04/16]	Yes	Yes
3.2	Caravan Parks and Manufactured Home Estates [14/04/16]	No	N/A
3.3	Home Occupations [Revoked 09/11/20]	No	N/A
3.4	Integrating Land Use and Transport [14/04/16]	Yes	Yes
3.5	Development Near Regulated Airports and Defence Airfields [Amended 20/08/18]	No	N/A

Direction & Issue Date		Applicable	Consistent
3.6	Shooting Ranges [16/02/11]	No	N/A
3.7	Reduction in Non-Hosted Short Term Rental Accommodation Period [15/02/19]	No	N/A
<b>Hazard and Risk</b>			
4.1	Acid Sulfate Soils [01/07/09]	Yes	Yes
4.2	Mine Subsidence and Unstable Land [14/04/16]	No	N/A
4.3	Flood Prone Land [01/07/09]	Yes	Yes
4.4	Planning for Bushfire Protection [20/02/20]	Yes	To be confirmed with NSW RFS
<b>Regional Planning</b>			
5.1	Implementation of Regional Strategies [Revoked 17/10/17]	N/A	N/A
5.2	Sydney Drinking Water Catchments [03/03/11]	No	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast [01/05/17]	No	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast [21/08/15]	No	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) [Revoked]	No	N/A
5.6	Sydney to Canberra Corridor [Revoked]	No	N/A
5.7	Central Coast [Revoked]	No	N/A
5.8	Second Sydney Airport: Badgerys Creek [Revoked]	No	N/A
5.9	North West Rail Link Corridor Strategy [30/09/13]	No	N/A
5.10	Implementation of Regional Plans [14/04/16]	No	N/A
5.11	Development of Aboriginal Land Council Land [06/02/19]	No	N/A
<b>Local Plan Making</b>			
6.1	Approval and Referral Requirements [01/07/09]	Yes	Yes
6.2	Reserving Land for Public Purposes [01/07/09]	No	N/A



Direction & Issue Date		Applicable	Consistent
6.3	Site Specific Provisions [01/07/09]	No	N/A
<b>Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney [Revoked 09/11/20]	N/A	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation [Revoked 28/11/19]	N/A	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy [09/12/16]	No	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan [15/05/17]	No	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Plan [25/07/17]	No	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Plan [05/08/17]	No	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor [22/12/17]	No	N/A
7.8	Implementation of the Western Sydney Aerotropolis Plan [13/09/20]	No	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan [25/09/18]	No	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct [25/09/18]	No	N/A
7.11	Implementation of St Leonards and Crows Nest 2036 Plan [27/08/20]	No	N/A
7.12	Implementation of Greater Macarthur 2040 [28/11/19]	No	N/A
7.13	Implementation of the Pyrmont Peninsula Place Strategy [11/12/20]	No	N/A