



Statement of Environmental Effects


56 Prescott Parade, Milperra

Construction of sixteen dwellings and associated
subdivision of Stage 7a

Prepared by Apotel Planning Pty Ltd

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1. Introduction

This Statement of Environmental Effects (SEE) has been prepared by Apotel Planning Pty Ltd to accompany a Development Application for the development of land at 56 Prescott Parade Milperra (Lot 10 DP731859) (the site).

The proposal seeks to develop proposed lots 72-79 approved under DA 4-2020 (Refer to Figure 1). The area subject to the proposal has been the subject to clearing, earthworks and civil infrastructure including road construction and provision of utility services. Refer to Figure 2 for site photo.

The SEE has been prepared pursuant Part 3 Division 1 of the Environmental Planning and Assessment Regulation 2021 (EP&AR 2021) and Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The SEE report describes the site and locality, previous approvals, proposed development works including built form and identifies the statutory planning framework and key planning considerations.

2. Background

2.1 Approval History

Recent development approvals which relate to the proposed residential development are outlined in the following table.

Table 1 Development approvals history

Approval history	Description
DA-1107/2019	Re-subdivision of existing 27 lots into 6 lots under Torrens title (no works).
DA 108-2020 DA 108-2020A	Construction and extension of Keys Parade roadway and associated works connecting to an upgraded signalised intersection at Keys Parade and Henry Lawson Drive. Section 4.55 amendment to scope of Keys Parade and timing for delivery
DA 370-2020	Bank stabilisation works along the Georges River, and remediation and environmental rehabilitation works.
DA 4-2020 DA 4-2020/A	Subdivision of proposed Lot 1 (proposed to be created under DA-1107/2019) into 180 residential allotments and five (5) residue lots, with bulk earthworks, construction of internal roads, drainage and associated services over three (3) construction stages, including the construction of a temporary sales office on the site fronting Prescott Pde community title subdivision creating 180 residential allotments.

Approval history	Description
	<p>Minor modification to the existing approved subdivision plan to adjust lot boundaries, lot layouts and the deletion of one (1) lot, and amendment of Condition</p> <p>74(b) to reflect the correct date of the Molino Stewart Flood Risk Assessment Report</p> <p>Section 4.55 amendment to scope of Keys Parade and timing for delivery</p>
1515/2023	Construction of five detached dual occupancies, two attached dual occupancies and one dwelling-house on lots proposed to be created under DA-4/2020, with the subdivision of each of the dual occupancies into two (2) Torrens title lots, upon completion.
796/2023	Exhibition home and temporary sales office
127/2024	Construction of a dwelling-house and two detached dual occupancies, with a single storey detached garage for the dual occupancy dwelling on the corner of Road 4 and Road 6, on lots proposed to be created under DA-4/2020, with the subdivision of each of the dual occupancies into two (2) Torrens title lots, upon completion.
1524/2023	Construction of publicly accessible shared cycleway and pedestrian access path along the Georges River.
928/2024	Construction of four detached dual occupancies, one detached dwelling with a detached garage and subdivision of each dual occupancy into a total of nine lots upon completion.
1081/2024	Construction of four attached dual occupancies, one detached dual occupancy and four detached dwelling-houses resulting in a total of fourteen lots upon completion.

2.2 Compliance Orders

There are no compliance orders relating to the current proposal.

3. Site Analysis

3.1 Site Location and Description

The subject site is known as 56 Prescott Parade Milperra and is legally identified as Lot 10 49 DP 731859.

The subject lots are clear of structures and geographical features due to recently completed earthworks under DA 4/2020. The proposed lots are relatively flat with slight grade towards Road 01 (14 lots) and Road 06 (two lots) which have been constructed to service this portion of the master planned subdivision. The grade has been designed to allow for stormwater flow towards the road and wider stormwater infrastructure network.

In terms of existing public roads, access is provided via Raleigh Road and recently constructed Road 01 and 06.

For this purpose of this DA, the lots subject to the proposed dwellings have been numbered 7A-081 to 7A-152. Refer to Figure 4 for subdivision plans.



Figure 1. Site identification map (lots subject to this proposal shaded green)



Figure 2. Post civil works site condition (general location)



Figure 3. Site identification within subdivision masterplan

3.2 Surrounding Development

The land which forms part of the site was utilised as golf course site which is currently the subject to bulk earthworks and civil works per DA 4-2020. Directly west of the subject land is land zoned RE2 Private Space and Road No 1 which serves as the periphery road to the western edge of the residential subdivision. Land to the north, east and south are under development as part of the Riverland by Mirvac master planned community.

The existing residential areas of Milperra which date back to late 1960's bounds the larger development site to the north and east. The suburb character is generally low density residential with homes of up to two stories in height. The suburbs contain a mixture of detached homes and attached dual occupancy dwellings. To the west is the Georges River and associated foreshore area while the M5 Motorway is located over 400m to the south.

The site is located approximately 1.6km from Bankstown Airport and 6km from Bankstown Central Business District. Multiple small neighbourhood and local centres within 1.6km service the site.

3.3 Description of proposal

The proposal seeks to develop eight proposed lots (ref. 72-79 under DA 4-2020) for 16 two storey homes in the following configuration.

- Three detached dual occupancies
- Five attached dual occupancies.

The proposal includes landscaping, hardscape works including retaining walls, driveway, footpaths patios associated with each dwelling.

The lot and road layout relates to the subdivision (approved under DA 04-2020) which approved the parent lots subject to this proposal.

3.3.1 Subdivision

The proposal consists of a community title subdivision of proposed lots 72-79 numbered 7A-081 to 7A-152 under this proposal. (Refer to Figure 4).

The final number of lots total 16 and are to be registered after the completion of the dwellings and ancillary works within each allotment. These will be considered as the 'final lots'.

The order of lot registration is outlined in Table 2 from left to right.

'Final lot' widths range from 7.52m to 13.3m wide at the primary road frontage and follow the intended development pattern approved under DA 4-2020.

Table 2 Lot reference and subdivision summary

Approved lot reference (DA 4-2020A)	Area (sqm)	Proposed Final lot and area (sqm)	Development outcome
72	Lot size- 700.08 sqm	7A-081 Lot size- 350.1 sqm	One dwelling (part of a detached dual occupancy)
		7A-082 Lot size- 350.7 sqm	One dwelling (part of a detached dual occupancy)
73	Lot size- 512.4 sqm	7A-091 Lot size - 256 sqm	One dwelling (part of an attached dual occupancy)
		7A-092 Lot size - 256.4 sqm	One dwelling (part of an attached dual occupancy)
74	Lot size- 512.6 sqm	7A-101 Lot size - 256.1 sqm	One dwelling (part of an attached dual occupancy)
		7A-102 Lot size - 256.5 sqm	One dwelling (part of an attached dual occupancy)
75	Lot size- 521.6 sqm	7A-111 Lot size 256.9 sqm	One dwelling (part of an attached dual occupancy)
		7A-112 Lot size - 264.7 sqm	One dwelling (part of an attached dual occupancy)
76	Lot size- 758.7 sqm	7A-121 Lot size - 378.1 sqm	One dwelling (part of a detached dual occupancy)
		7A-122 Lot size - 380.6 sqm	One dwelling (part of a detached dual occupancy)
77	Lot size- 513.6 sqm	7A-131 Lot size - 256.8 sqm	One dwelling (part of an attached dual occupancy)
		7A-132 Lot size- 256.8 sqm	One dwelling (part of an attached dual occupancy)
78	Lot size- 615.6 sqm	7A-141 Lot size- 277.3 sqm	One dwelling (part of an attached dual occupancy)

Approved lot reference (DA 4-2020A)	Area (sqm)	Proposed Final lot and area (sqm)	Development outcome
		7A-142 Lot size- 338.3 sqm	One dwelling (part of an attached dual occupancy)
79	Lot size- 749 sqm	7A-151 Lot size- 383.9 sqm	One dwelling (part of a detached dual occupancy)
		7A-152 Lot size- 365.1 sqm	One dwelling (part of a detached dual occupancy)

The proposed lot layout is shown in the indicative subdivision plan in Figure 4 below.

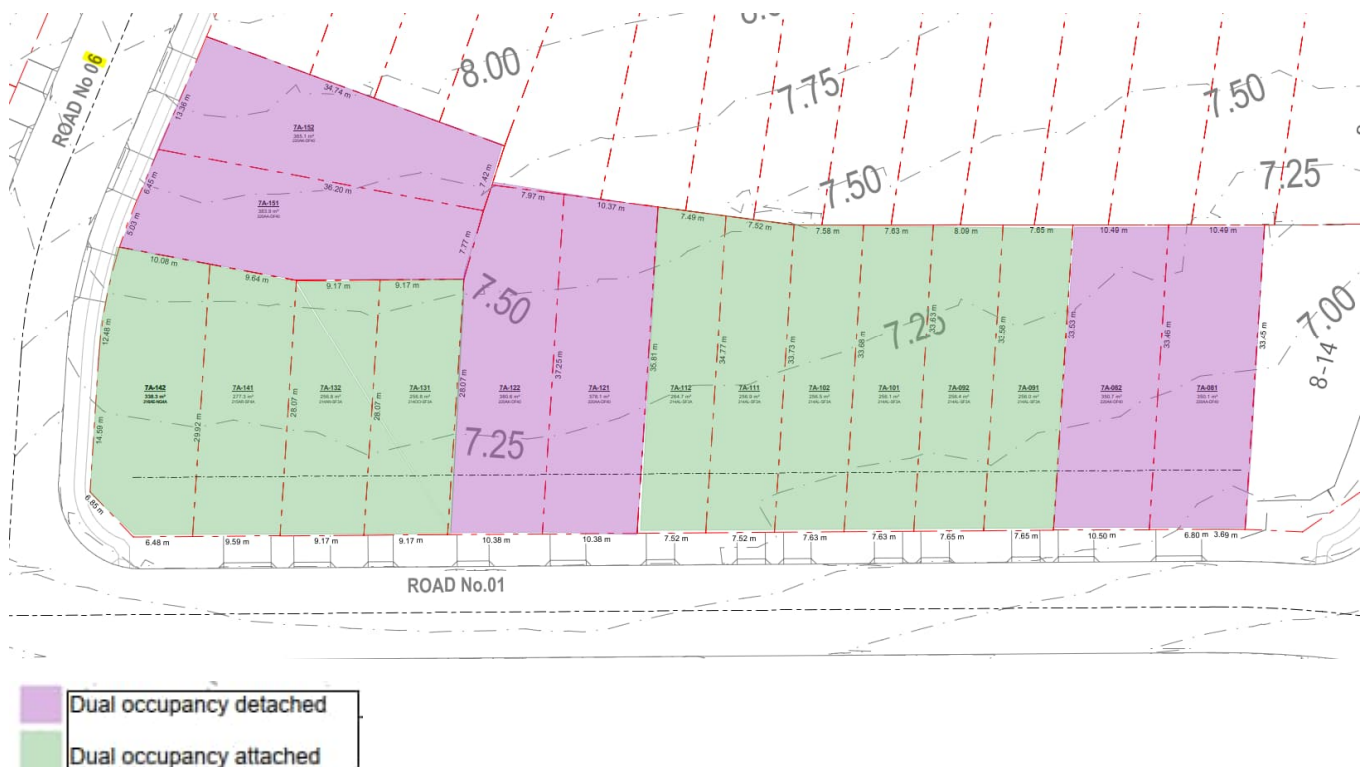


Figure 4. Proposed subdivision plan of proposed dual occupancy lots

3.3.2 Dwelling construction

A total of 16 dwellings are proposed within proposed Lots 72-79 in the following configuration.

- Three detached dual occupancies
- Five attached dual occupancies.

The proposal includes landscaping and hardscape works including retaining walls, driveway, footpaths patios associated with each dwelling.

The dwelling materials and finishes are provided within the enclosed architectural pans and finishes schedule. The external finishes consist of a combination of brickwork, Hebel, cladding (of various materials) and either tile or sheet metal roofing.

A siting plan for the proposed dwelling is provided in Figure 6 below.

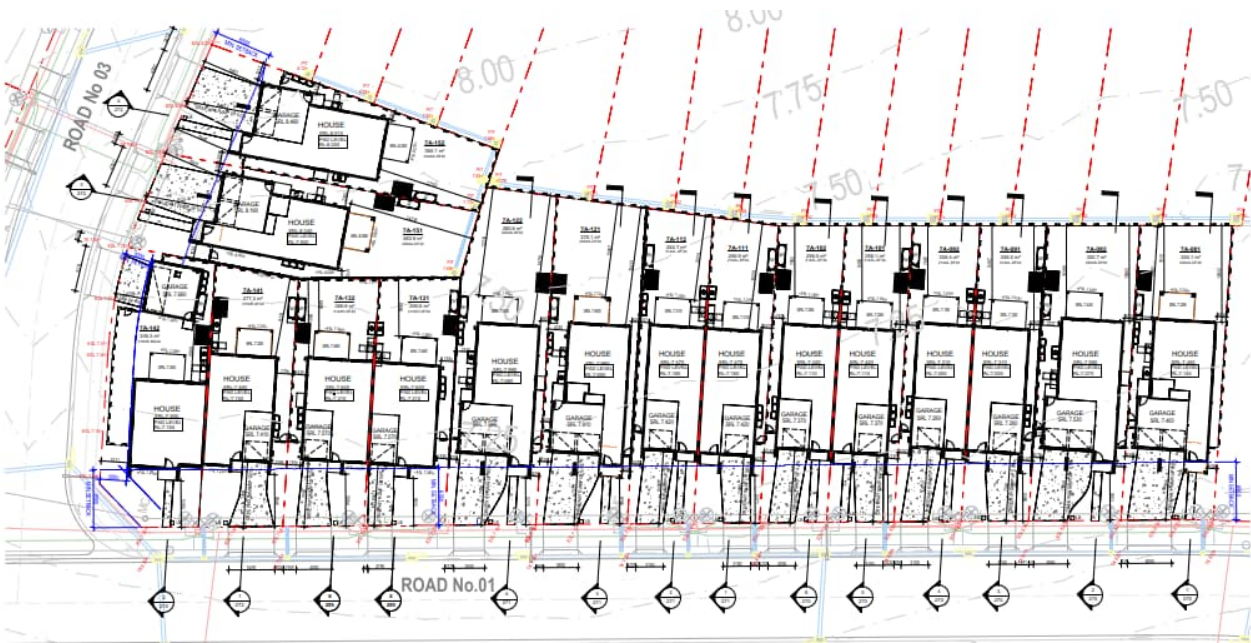


Figure 5. Siting Plan

3.3.3 Development statistics summary

The key statistics and elements of the project are shown in the table below:

Table 3. Development statistics summary

Item description	Proposal
Site Area	4881.5 sqm
Dwellings and proposed lots	Subdivision of eight approved lots into 16 dwellings each on a lot of land at final subdivision. Construction of 16 attached and detached dwellings;

Item description	Proposal
	<ul style="list-style-type: none"> • 7 x 4 bedroom • 9 x 3 bedroom
Proposed lot size range	256 sqm-383 sqm
Overall Gross Floor Area (GFA)	2352.2 sqm
Overall Floor Space Ratio (FSR)	0.48:1
Maximum Building Height	8.23m
Earthworks and retaining	<p>Maximum retaining wall height <500mm</p> <p>Cut and fill to achieve benching of lots to allow for home construction and landscaping.</p>
Landscaped coverage	<p>Range across lots: 44%- +52%</p> <p>Front setback avg: 52.7%</p>
Landscaping	<p>2x 100L trees per lot</p> <p>Additional shrubs, ground covers and turf completed prior to occupation of homes</p>
Access/road construction	<p>Roads constructed as part of DA 4-2020</p> <p>Driveway to each dwelling per Council engineering specifications</p>
Stormwater	Rainwater tanks are provided for each dwelling. Overflow and other surface runoff is directed to the road drainage system provided per DA 4-2020.
Parking	<p>Each detached/freestanding home: 2x car spaces within enclosed garages</p> <p>Attached dwelling: 1 car space within an enclosed garage</p>

3.3.4 Demolition

No demolition is required.

3.3.5 Tree Removal

Tree removal has been undertaken in accordance with preceding approval DA 4-2020. There are no trees located within the development footprint of the proposed homes.

3.3.6 Excavation and Filling

Existing ground levels are provided under the detailed bulk earthworks design approved under DA 4-2020.

The proposal includes minor civil works which consist of the benching of lots in preparation of dwelling construction and trenching for drainage and utility services. The maximum height of retaining walls is up to 500mm.

3.4 Site suitability

3.4.1 Character and density

The proposed dwelling designs have considered the existing and emerging development forms in the area (which consist of both hipped and flat roof forms) of various finishes and materials.

The proposed density of housing is appropriate for the site and is consistent with the R2 land use zone objectives. The proposal achieves a positive balance in that it provides contemporary homes with access to private open space and landscaping.

The integrated nature of each development application ensures that each stage of development does not compromise the delivery of subsequent stages; both in architectural quality, character, density and layout. Lot and dwelling sizes achieve a balance of providing for contemporary accommodation needs whilst facilitating high levels of amenity for occupants and visitors.

Housing variety in terms of dwelling sizes and designs is provided throughout the masterplan.

3.4.2 Waste Management

A Waste Management Plan (WMP) has been prepared and submitted with this application using Council's WMP template. The WMP outlines the waste management measures during construction.

In terms of the provision of waste storage in between Council collection, bin storage areas are provided along either the side boundary setbacks or rear yards. Each dwelling has suitable frontage to Road No.1 and 6 and path of travel for presentation of bins for kerb side collection.

3.4.3 Environmental Impacts

The proposal is consistent with intended development outcomes of preceding determinations including DA-2020 which included the consideration of all facts of impacts. A summary of potential impacts and mitigation is provided below. Further details assessment is provided within the LEP and DCP analysis tables provided within this Statement.

3.4.3.1 Sustainability

The proposed dwellings are architecturally designed to ensure thermal massing, cross flow, strategically placed windows and shading devices promoting a reduced reliance on active cooling and heating methods. Basix and NatHERS certification have been provided for each home.

The lot orientation and provision of soft landscaping and deep soil zones ensure heat island effects are minimised in the context of the urban area.

3.4.3.2 Stormwater

The reuse of stormwater is provided to each home via rainwater tanks and reticulation while overflow will be directed to the wider drainage network which will include WSUD measures per consent DA 4-2020 and other granted approvals. The proposed development complies with the runoff assumptions within the approved precinct wide drainage infrastructure design

3.4.3.3 Biodiversity and landscape

The proposal seeks to develop land that was subject to civil and bulk earthworks undertaken under DA 4-2020. Precinct wide biodiversity has been considered during the assessment of that proposal and include foreshore rehabilitation works, flora and fauna assessments against Councils policies, State and Federal legislative requirements.

All hard and softscape landscaping is delivered as part of the dwelling construction and completed prior to occupation of each dwelling. This ensures consistency in landscaped outcomes all contributing to amenity for occupants, meeting environmental objectives and quality of streetscape.

On a precinct wide basis, higher order vegetation and biodiversity areas are being embellished under DA 4-2020 and subsequent consents. Several mature trees located in the rear yards of some of the proposed lots are being retained as part of this proposal.

3.4.4 Utility services and access

Power supply is currently available from Raleigh Road with underground lead ins provided within Road 1 and 6 road verges (under DA 04/2020).

Telecommunications- NBN service is available from Raleigh Road with underground lead ins provided within Road 1 and 6 road verges (under DA 04/2020).

Potable water supply- Trunk potable water mains will be extended to the proposed dwellings within Road 1 and 6 road verges (DA 04-2020). Each dwelling will have access from the verge supply via tap into each individual dwelling.

Wastewater- Reticulated sewer connection the Sydney Water sewer network has been completed for each home under the stage wide civil works.

Road layout and vehicular access- Access to each dwelling will be provided off Road No.1 and 6 designed and constructed under DA 04-2020. All roads have been designed and approved in accordance with the DCP and Council's Development Engineering Design Guideline under DA 04-2020.

In terms of the wider master planned road system, the road connections to the existing network and construction of Keys Parade under DA 108-2020 has been designed to accommodate the proposed lots/dwellings.

The proposal does not increase the anticipated traffic generation from that considered under previous determinations.

Open Space- Separate approvals deliver access for the wider neighbourhoods to the foreshore and will deliver a community facility for owners and their guests.

4. Environmental Planning Assessment

An assessment against the relevant planning and environmental legislation is provided below.

4.1 Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

4.1.1 Section 4.15 – Evaluation

Section 4.15(1) of the Act as amended specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 of the Act are addressed in the Table below.

Table 4. EP&A Act 1979 - Section 4.15 (1) Assessment

Clause	Assessment
<i>(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application— (a) the provisions of:</i>	
<i>i) any environmental planning instrument</i>	An assessment has been provided against relevant State Environmental Planning Policies (SEPP) and the Canterbury Bankstown LEP 2023 within this statement
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	Not applicable as no draft environmental planning instruments are applicable to the assessment of this proposal.
<i>iii) any development control plan, and</i>	The proposal has been considered against the provisions of the Canterbury Bankstown DCP. Refer to Attachment 1.
<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	<p>A Voluntary Planning Agreement (VPA) that applies to the wider development site includes bank stabilisation works, construction of Keys Parade, road infrastructure upgrades, public recreation works (walkways and crossings), riparian works and land dedication.</p> <p>This DA does not trigger the timing threshold for completion of these works.</p>

Clause	Assessment
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),</i>	This report considers the environmental consequences of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021. There are no prescribed matters, which hinder the development. The proposal is in accordance with the relevant State Environmental Planning Policies.
<i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	<p>The preceding proposal (DA-4/2020) underwent a thorough assessment pertaining to any impacts on the environment, social, and economic factors.</p> <p>The proposal is considered to deliver the outcomes of the facilitating DA which is to deliver housing. The proposal is not considered to detrimentally impact the environment.</p> <p>The proposal has positive social outcomes in providing much needed housing that is consistent with density and future desired character.</p>
<i>(c) the suitability of the site for the development,</i>	<p>The preceding proposal (DA-4/2020) underwent a thorough assessment pertaining to any impacts on the environment, social, and economic factors.</p> <p>The proposal is considered to deliver the outcomes of the facilitating DA which is to deliver housing.</p> <p>The subject site is not affected by natural hazards and is in line with the objectives of the EPIs that apply to the site. Integrated housing development is suitable for the site.</p>
<i>(d) any submissions made in accordance with this Act or the regulations,</i>	It is envisaged that any submissions made in relation to the proposal will be appropriately assessed by Council.
<i>(e) the public interest.</i>	The proposal is not in contravention to the public interest as it provides orderly development without detrimental impacts to the environmental, or social and economic considerations.

4.2 Environmental Planning & Assessment Regulation 2021

This report considers the environmental considerations of the development as required under Part 3 Division 1 of the Environmental Planning & Assessment Regulation 2021 (the Regulations).

Any environmental impacts of the development have been identified through a review of applicable planning instruments as outlined below, review of the site and review of other related documents. The assessment of the proposal against the planning instruments concludes that the environmental impacts are deemed acceptable in terms of the site and its surrounds.

4.2.1 Section 4.46 – Integrated Development

This section of the Act defines integrated development as matters which require consent from Council and one or more approvals under related legislation. In these circumstances, prior to granting consent Council would seek to refer the proposal to relevant statutory authorities.

The proposal may require referrals to the following public authorities.

- Sydney Water
- Ausgrid
- NSW Department of Environment and Heritage (*bushfire)

*Whilst the subject land is not considered bushfire prone, the wider lot subject to the proposal is Lot 10 DP731859 which is partially mapped as bushfire prone land. The bushfire mapping is over 200m from the land subject to this proposal and does not impact the design or construction of the home.

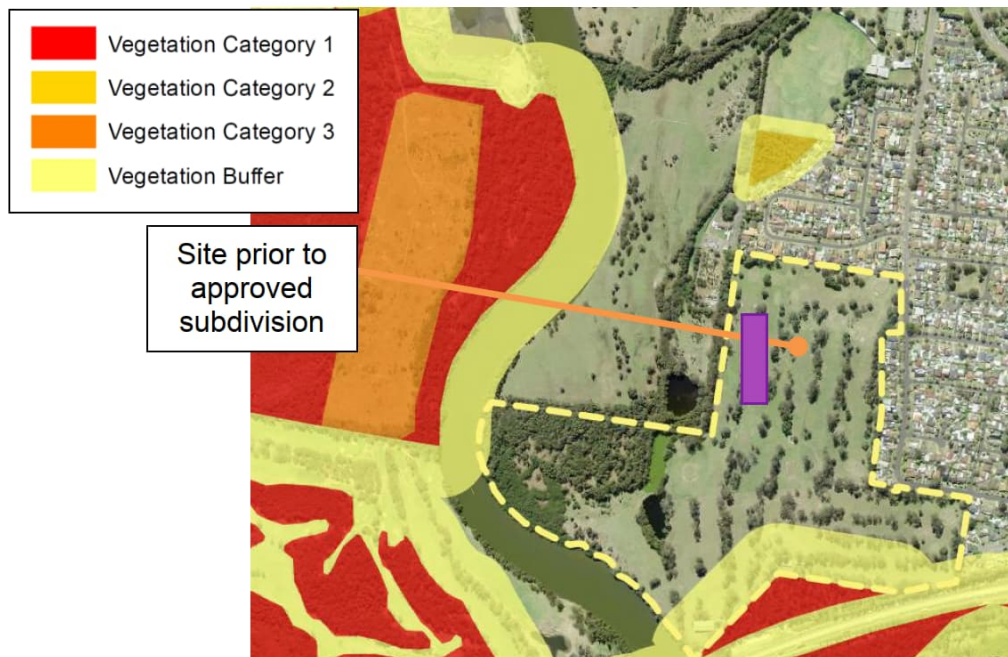


Figure 6. Bushfire mapping and indicative site location (Source: Bushfire Assessment Report 26 May 2023 by Building Code & Bushfire Hazard Solutions Pty Ltd)

4.3 Provisions of any Environmental Planning Instrument

An assessment is provided in the section of the SEE against the relevant state and local environmental planning instruments, which apply to the site in considered within Section 4.15 (1) of the EPA Act 1979.

4.3.1 State Environmental Planning Policy (Resilience and Hazard) 2021

Chapter 4 Remediation of land

4.1 Object of this Chapter

- (1) *The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) *In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—*
- (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) by requiring that a remediation work meet certain standards and notification requirements.*

SEPP requires that remediation works must be carried out in accordance with a Remediation Action Plan (RAP) as approved by the consent authority and any guidelines enforced under the Contaminated Land Management Act 1997.

A site contamination assessment and subsequent Remedial Action Plan have been developed under previous development applications DA 1107-2019 and DA 4-2020 respectively.

The required remediation has been completed and is enclosed within the application documentation.

4.3.2 State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed dwellings are accompanied by a BASIX Certificate which demonstrate compliance with the requirements of Chapter 2 and 4 of the SEPP. Refer to enclosed certificates.

4.3.3 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 Water catchment

These provisions apply as the site is within the Georges River Catchment.

The relevant provisions are detailed below.

6.6 Water quality and quantity

- (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—
- (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,

- (b) whether the development will have an adverse impact on water flow in a natural waterbody,
 - (c) whether the development will increase the amount of stormwater run-off from a site,
 - (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,
 - (e) the impact of the development on the level and quality of the water table,
 - (f) the cumulative environmental impact of the development on the regulated catchment,
 - (g) whether the development makes adequate provision to protect the quality and quantity of ground water.
- (2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—
- (a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and
 - (b) the impact on water flow in a natural waterbody will be minimised.
- (3) Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.

WSUD infrastructures are proposed to be incorporated into the bulk earthworks and civil infrastructure works approved under preceding applications including DA 4-2020. The proposed lots are to connect to the precinct wide road drainage infrastructure which includes water quality measures and rehabilitated riparian areas. The proposal is consistent with the anticipated development outcomes assumed under the granted approvals.

6.7 Aquatic ecology

- (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—
- (a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,
 - (b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—
 - (i) a controlled activity approval under the Water Management Act 2000, or
 - (ii) a permit under the Fisheries Management Act 1994,
 - (c) whether the development will minimise or avoid—
 - (i) the erosion of land abutting a natural waterbody, or
 - (ii) the sedimentation of a natural waterbody,
 - (d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,
 - (e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,

(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.

(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—

- (a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,
- (b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,
- (c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,
- (d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,
- (e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.

WSUD infrastructure is being delivered in accordance with preceding development approvals. The proposal does not require amendments to the approved water treatment design. Appropriate sediment and erosion controls are proposed which will manage any construction phase impacts.

The proposal is located further than the minimum distance (40m) from the banks of the Georges River and does not impact the pre-determined flow quantity as envisaged under DA 4/2020. As such a Controlled Activity approval is not required for the works.

6.8 Flooding

(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.

(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—

- (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or
- (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.

The land is subject to earthworks under DA 4-2020 which have been informed by detailed flooding assessment facilitated under that DA. The proposal seeks consent to develop land above the 1:100-year riverine flood level (including climate change model assumptions). See LEP and DCP compliance table for flooding commentary.

6.9 Recreation and public access

(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—

- (a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,
- (b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,
- (c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.

(3) This section does not apply to development on land in a regulated catchment if the land is in a special area under the Water NSW Act 2014.

The VPA executed under preceding rezoning and development consents provides enhanced public access to previously restricted foreshore areas. The proposal does not alter access arrangements to the foreshore or riparian areas proposed under the VPA.

4.4 Canterbury Bankstown Local Environmental Plan 2023

The Canterbury Bankstown Local Environmental Plan 2023 (Canterbury Bankstown LEP) is the primary planning instrument applicable to the subject site. The following table provides applicable clauses from the Canterbury Bankstown LEP.

Table 6. Canterbury Bankstown LEP – Compliance Table

Clause	Assessment	Comply
Part 1 Preliminary		
<p>1.4 Definitions</p> <p>This clause, and the corresponding dictionary, provides definitions for the proposed land uses.</p>	<p>The proposed uses are best defined as:</p> <ul style="list-style-type: none"> <i>dual occupancy</i> means a dual occupancy (attached) or a dual occupancy (detached). <i>dual occupancy (detached)</i> means 2 detached dwellings on one lot of land but does not include a secondary dwelling. 	Noted.
Part 2 Permitted or prohibited development		
Land use zone - Zone R2 Low Density Residential	The development of dual occupancy and a dwelling house are permitted with consent	Yes
<p>Land Use Zoning Objectives</p> <p>The relevant objectives of the R2 land use zone are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low-density residential environment. To ensure suitable landscaping in the low-density residential environment. To minimise and manage traffic and parking impacts. To minimise conflict between land uses within this zone and land uses within adjoining zones. To promote a high standard of urban design and local amenity. 	<p>The proposal provides 16 dwellings on lots ranging from 256 sqm-383 sqm in area.</p> <p>The proposal incorporates suitable landscaping coverage and planting to be completed prior to the occupation of the dwellings.</p> <p>The proposal is not likely to result in traffic impacts as they provide for enclosed and onsite parking spaces.</p> <p>The proposed dwellings incorporate modern construction techniques and materials which result in a high standard of architectural design.</p> <p>The siting and scale of the homes ensures that a high level of amenity or provided to residents and nearby public spaces.</p>	Yes

Clause	Assessment	Comply
Part 4 Principal Development Standards		
<p>4.1 Minimum subdivision lot size for community title schemes</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 2021 of land in any of the following zones—</p> <p>(a) Zone R2 Low Density Residential, but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>	<p>The lots subject to the development have been approved under a preceding application and comply with the min. lot size of 450m².</p> <p>The proposed development is located on lots approved within a community title subdivision. The lots proposed as part of this application are subject to the requirements of Clause 4.1A which are discussed below.</p>	Yes
<p>4.1A Minimum lot sizes and special provisions for dual occupancies</p> <p>(2) Development consent must not be granted to development for the purposes of dual occupancies on a lot in Zone R2 in Area 1 unless—</p> <p>(a) the lot is at least—</p> <p>(i) for dual occupancies (attached)—500m², and</p> <p>(ii) for dual occupancies (detached)—700m², and</p> <p>(b) the width of the lot at the front building line is at least—</p> <p>(i) for dual occupancies (attached)—15m, and</p> <p>(ii) for dual occupancies (detached)—20m, and</p> <p>(c) each dwelling will have a frontage to a road.</p>	<p>Complies.</p> <p>For attached dual occupancy lots, the proposal complies with Area 1 controls that relate to the parent lot. The minimum size and lot width/frontage requirements of at least 500sqm and 15m width while the final subdivision lot sizes and minimum lot width comply with subclause 3.</p> <p>For detached dual occupancy lots, the controls that relate to Area 1 also apply including a parent minimum lot size and lot width/frontage requirements of at least 700sqm and 20m parent lot width while the final subdivision lot sizes and minimum lot width comply with subclause 3.</p> <p>Therefore, the proposed dual occupancies can be subdivided and comply with the requirements of Clause 4.1A.</p>	Yes

Clause	Assessment	Comply
<p>(3) Development consent must not be granted to the subdivision of a dual occupancy in Zone R2 in Area 1 unless each resulting lot will be at least—</p> <p>(a) for dual occupancies (attached)—250m², and</p> <p>(b) for dual occupancies (detached)—350m².</p>	<p>The occupation of the proposed dual occupancy is not to occur until such time road access is provided.</p>	
<p>4.3 Height of Buildings</p> <p>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>(2A) Despite subclause (2), the following maximum building heights apply—</p> <p>(a) 6m for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1,</p> <p>(b) 8.5m for a dwelling house in Zone R4 in Area 2,</p> <p>(c) 11m for a building on a lot that is less than 5,000m² on land identified as “Area 1” on the Height of Buildings Map that is in Zone B6,</p> <p>(2B) The maximum wall height for a secondary dwelling that is not attached to the principal dwelling in Zone R2 in Area 1 is 3m.</p> <p>(2C) The maximum wall height for a dwelling house or dual occupancy in Zone R2 in Area 1 is 7m.</p> <p>(2D) In this clause—</p> <p>wall height means the vertical distance between the ground level (existing) and the higher of—</p> <p>(a) the underside of the eaves at the wall line, or</p> <p>(b) the top of the parapet or the flat roof.</p>	<p>The mapped maximum height of buildings for the site is 9 metres. All structures comply with this requirement.</p> <p>All dwellings have a wall height of less than 7 metres.</p> <p>The proposal complies with Clause 4.3 of the LEP.</p>	Yes
<p>4.4 Floor space ratio</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>	<p>A maximum FSR of 0.5:1 applies to the site. All individual lots comply with the requirement (FSR range 0.43:1 to 0.5:1) . An overall FSR of 0.48:1 across all the proposed lots is achieved collectively. The proposal complies with the requirements of Clause 4.4 of the LEP.</p>	Yes

Clause	Assessment	Comply
<p>4.5 Calculation of floor space ratio and site area</p> <p>Clause 4.5(2) defines floor space ratio as "...the ratio of the gross floor area of all buildings within the site to the site area."</p>	<p>FSR calculations are provided within the enclosed architectural plans. The proposed FSR is calculated as the ratio of floor space for the dwellings to the site area, resulting in a total of 0.48:1 complying with Clause 4.4. Note that on an individual lot basis, all of the dwellings comply with the 0.5:1 FSR maximum.</p>	<p>Yes</p>
<p>5.10 Heritage conservation</p> <p>(5) <i>Heritage assessment</i></p> <p><i>The consent authority may, before granting consent to any development—</i></p> <p>(a) <i>on land on which a <u>heritage item</u> is located, or</i></p> <p>(b) <i>on land that is within a <u>heritage conservation area</u>, or</i></p> <p>(c) <i>on land that is within the <u>vicinity of land referred to in paragraph (a) or (b)</u>,</i></p>	<p>The site is considered to be in the vicinity of the listed 'Milperra Soldier Settlement (former)' being I29 in Schedule 5 of the LEP.</p> <p>The proposal does not impact on the heritage significance of the Milperra Soldier Settlement; no works proposed to Pozieres Ave alignment or configuration.</p>	<p>Yes</p>
<p>5.21 Flood planning</p> <p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p>	<p>Council's flood mapping indicates that the site is partially affected the 100-year flood level. Councils mapping however does not consider the detailed flood analysis completed as part of preceding applications, including <i>DA Flooding Assessment Subdivision</i> (GHD July 2021).</p> <p>The flooding consideration were required to aid the design and delivery of bulk earthworks and civil application (which has been approved). Works in line with DA 4-2020 have been completed.</p> <p>The land subject to this application is not impacted by the 1:100-year riverine flood (including climate change model assumptions).</p> <p>Precinct wide flood analysis concludes that all dwellings will have access to the pedestrian and public road network and flood evacuation routes. (Refer to GHD and Molino flood assessments provided under preceding approvals for the site)</p>	<p>Yes</p>

Clause	Assessment	Comply
<p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p> <p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p> <p>(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.</p> <p>(5) In this clause—</p> <p>Considering Flooding in Land Use Planning Guideline means the Considering Flooding in Land Use Planning Guideline published on the Department's website on 14 July 2021.</p> <p>flood planning area has the same meaning as it has in the Floodplain Development Manual.</p> <p>Floodplain Development Manual means the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005.</p>	<p>Generally, velocities are maintained compared to existing. On this basis environmental values through these areas are maintained.</p> <p>Flood hazard within the subject land is proximately mapped as H1-H2 which is deemed low risk and acceptable risk for residential land uses. A small section of land is mapped as H3, however considering the small area of the mapping, and limitation of finite grid mapping for modelling, the area is not considered to pose a risk not considered by the flood evacuation report; addressed in Mirvac Homes (NSW) Pty Ltd v Canterbury-Bankstown Council – Riverlands Flood Risk Assessment, Final (Molino Stewart, 2021) which concludes the following;</p> <p><i>'It is my opinion that the proposal can be developed without creating unacceptable flood risks to property or people. The whole development will be above the current flood planning level and would also be above the flood planning level if future climate change forecasts are realised.</i></p> <p><i>It satisfies every requirement of the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment, Bankstown LEP 2015 and Bankstown DCP 2015.</i></p> <p><i>The development is consistent with the principles of the NSW Floodplain Development Manual.'</i></p> <p>Dwelling floor levels are to be constructed above the 1 in 100 AEP plus future climate change plus 0.5 m freeboard riverine flood level. Council may choose to condition the consent to ensure this objective is achieved.</p> <p>No further specific design requirements are required to fencing or the dwellings.</p>	

Clause	Assessment	Comply
	Flood evacuation is addressed in Mirvac Homes (NSW) Pty Ltd v Canterbury-Bankstown Council – Riverlands Flood Risk Assessment, Final (Molino Stewart, 2021)	
<p>6.1 Acid sulfate soils</p> <p>Class 5 - Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum and by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land</p>	<p>The proposal seeks to develop land categorised as Class 5 Acid Sulfate Soils.</p> <p>The proposed development consists of minor earthworks via cut and fill to achieve site benching. Due to limited excavation (less than 600mm) and there is no expected impact on groundwater, the proposal is not deemed to warrant an acid sulfate soils management plan.</p>	Yes
<p>6.2 Earthworks (2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to—</p> <p>(i) development that is permitted without development consent under this plan, or</p> <p>(ii) development for which development consent has been granted.</p> <p>(3) In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following—</p> <p>(a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill and the soil to be excavated,</p>	<p>Site levels have been set vis earthworks completed in accordance with DA 4-2020.</p> <p>The proposed development consists of minor earthworks via cut and fill to achieve site benching. Proposed excavation is less than 600mm and does not require development consent.</p>	Yes

Clause	Assessment	Comply
<p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) the source of the fill material and the destination of the excavated material,</p> <p>(f) the likelihood of disturbing relics,</p> <p>(g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area,</p> <p>(h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>		
<p>6.3 Stormwater management and water sensitive urban design</p> <p>(1) The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland, waterways and ground water systems.</p> <p>(2) This clause applies to land in Zones R2, R3, R4, B1, B2, B4, B5, B6, B7, IN1, IN2, SP1, SP2, RE1 and RE2.</p> <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact</p>	<p>The precinct wide stormwater management system approved under DA 04-2020 incorporates the required WSUD measures to mitigate impacts of stormwater runoff to native bushland and receiving waters.</p> <p>Stormwater will be connected to the precinct wide drainage network.</p> <p>The enclosed plans outline sediment control measures and stormwater design for each dwelling.</p> <p>Each proposed dwelling is provided with rainwater storage tanks and reticulation in accordance with BASIX requirements.</p> <p>The proposed development complies with the runoff assumptions within the approved precinct wide drainage infrastructure design.</p>	Yes

Clause	Assessment	Comply
<p>cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) includes riparian, stormwater and flooding measures, and</p> <p>(e) is designed to incorporate the following water sensitive urban design principles—</p> <p>(i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,</p> <p>(ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,</p> <p>(iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.</p>		
<p>6.17 Development at Riverlands Golf Course</p> <p>(1) This clause applies to the following land at Milperra, known as Riverlands Golf Course.</p> <p>(2) The objectives of this clause are as follows—</p> <p>(a) to ensure development on the site reflects the low density residential character of the surrounding area,</p> <p>(b) to ensure traffic generated by development of the site does not adversely affect the efficiency and safety of Henry Lawson Drive and surrounding local roads,</p> <p>(c) to ensure development protects and conserves the cultural heritage, ecological and habitat values of the site and the scenic values of the surrounding waterways and riparian corridors,</p> <p>(d) to ensure development integrates with the landform, vegetation, overland flow path and landscape of the site.</p>	<p>A number of considerations detailed in this clause were addressed during the assessment of preceding applications including DA 4-2020.</p> <p>The proposal is in accordance with the expected development pattern and form anticipated by the preceding applications.</p> <p>a) The proposed density of housing is appropriate for the site and is consistent with the R2 land use zone objectives. The proposal achieves a positive balance in that it provides contemporary homes within a character reflective of Councils strategic policies and planning controls i.e. the desired future character. The proposed lot sizes range from 256sqm to 383 sqm with an appropriate subdivision pattern.</p> <p>b) The proposal does not generate traffic that will adversely affect the local and regional road network. Traffic generation is consistent with the expected outcomes of preceding approvals under which the local</p>	Yes

Clause	Assessment	Comply
<p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied of the following—</p> <p>(a) the development is consistent with the low density residential scale and character of the surrounding area,</p> <p>(b) the development will not significantly impact on the efficiency and safety of the surrounding road network,</p> <p>(c) the development of the site integrates with the road, pedestrian and cycle networks of the surrounding established Milperra neighbourhood area,</p> <p>(d) the development, including lots created by the development, will be compatible with the topography of the site and integrate with the landform, vegetation and landscape of the site,</p> <p>(e) the development is appropriate given the environmental capabilities of, and environmental constraints that affect, the site including flood risks, land contamination, acid sulfate soils and bush fire risks,</p> <p>(f) the development will protect the cultural heritage values of the site and the scenic values of the surrounding waterways and riparian and biodiversity corridors,</p> <p>(g) the development will protect and conserve the ecological communities and areas on the site,</p> <p>(h) adequate provision has been made for protecting and conserving hollow bearing trees on the site,</p> <p>(i) adverse impacts of stormwater on the site, or caused by stormwater runoff on adjoining properties, native vegetation, wetlands or waterways, are properly managed or mitigated,</p>	<p>road networks is being delivered. The proposed dwellings integrate with the road, pedestrian and cycle networks to be delivered in the wider subdivision (including connections to the Georges River Foreshore) and wider Milperra neighbourhood area.</p> <p>c) Relevant matters were considered and addressed during the detailed reporting and assessment phase of preceding proposals including DA 4-2020. The land on which this proposal relates does not contain remnant vegetation. The proposal consists of low-rise housing which does not impact upon view lines or scenic qualities. The proposal does not contravene the objectives to retain heritage, ecological, habitat, waterways and scenic values of the wider precinct.</p> <p>d) The proposal that the development, including any lots created by the development, will be compatible with the topography of the site and integrate with the landform, vegetation and landscape of the site.</p> <p>Bulk earthworks are being completed in accordance with DA 4-2020. The proposal includes minor earthworks (under 600mm in cut or fill) in order to set final slab benching and landscape levels.</p> <p>Tree removal has also been carried out in accordance with the preceding approvals.</p> <p>e) The proposal is appropriate given the environmental capabilities and environmental constraints that affect. As per the recommendations of flood assessment completed during DA 4-2020 the proposed dwelling floor levels are in accordance with the GHD flood assessment which incorporates climate change in completed modelling. If required, a certificate from a suitably qualified engineer can be requested via a condition of consent stating that the proposal complies with the recommendations provided in the Milperra Riverlands DA Flooding Assessment Subdivision Report prepared by GHD dated 23 March 2022.</p>	

Clause	Assessment	Comply
<p>(j) lots created by the development will be compatible with the stormwater management measures on the site.</p>	<p>Further the subject site are not subject to any other natural hazards or environmental constraints.</p> <p>(f) The proposed dwellings are not located on land identified as or adjoining heritage items or conservation area. The nearby Milperra Soldier Settlement is located over 100m from the subject site. The proposal does not seek to alter the road design or historical naming of the listed existing public road layout.</p> <p>The proposed low-rise development will not detract from the cultural heritage or scenic and landscape values of the site.</p> <p>(g) Precinct wide ecological qualities have been considered during the assessment of that proposal and include foreshore rehabilitation works, flora and fauna assessments against Councils policies, State and Federal legislative requirements. The proposed development will not impact ecological communities outside to that expected under previous detailed studies and assessments.</p> <p>(h) The proposal does not impact on trees retained post-civil works under approval DA 4-2020.</p> <p>(i) and (j) The proposed dwellings include a rainwater storage and reuse potential while overflow and other runoff will be directed to the wider drainage network which will include WSUD measures per consent DA 4-2020 and other approvals. The proposed development complies with the runoff assumptions within the approved precinct wide drainage infrastructure design</p> <p>The measures are proposed as part of this application were anticipated in the modelling undertaken under the approved DA 4-2020.</p> <p>The enclosed plans outline sediment control measures and stormwater design for each dwelling.</p>	

4.5 Canterbury Bankstown Development Control Plan 2023

The Canterbury Bankstown Development Control Plan 2023 (CBDCP) applies to the site.

In relation to strict numerical compliance with DCP controls, attention is drawn to Section 4.15(3A) of the EP&A Act 1979, which states:

“(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.”

Sub-clause (b) of Section 4.15(3A) is of most relevance as it emphasises that there may be alternative to strict numeric compliance in achieving the objectives of a DCP control. It compels the relevant consent authority to be flexible in the application of DCP controls where the objectives of that control are achieved.

Notwithstanding, the proposed development has been designed to adhere to the relevant controls. Where the development proposes a variation to a control, justification is provided in the DCP compliance table (refer to Attachment 1).

5. Conclusion

The SEE provides an assessment of the proposal at 56 Prescott Parade Milperra against the relevant environmental planning framework. The assessment concludes the development of the site for 16 homes and associated subdivision should be supported for the following reasons.

- The proposal demonstrates consistency with the aims and objectives contained within the Canterbury Bankstown Local Environmental Plan 2023, the Development Control Plan 2023 and relevant SEPP's.
- The proposal provides much needed additional housing supply whilst maintaining consistency with the desired future character of the locality.
- The proposal will not result in any adverse impacts on the environment or adjoining residences.
- There are no environmental constraints of such significance as to warrant refusal or amendments to the proposal.
- The proposal is consistent with the form and scale of development anticipated under previous facilitating approvals and consents.
- The proposal considers the design and amenity considerations of future dwelling proposals on land adjoining the subject site.
- The proposal provides high quality architectural design and satisfies the needs of emerging household types and structures.
- The proposed development is suitable for the site and is in the public interest.

For the reasons outline in the suite of documents accompanying this application, it is therefore recommended Council grant development consent.