



Riverlands Golf Course site in Milperra— Planning Proposal



December 2010

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Introduction

A planning proposal is a document that explains the intended effect of a proposed local environmental plan and sets out the justification for making that plan.

According to the Department of Planning's publication 'A guide to preparing planning proposals', the justification must be founded on an accurate assessment of the likely impacts of the proposal and supported where necessary by technical studies and investigations.

The preparation of a planning proposal is the first step in preparing a LEP, and is likely to evolve throughout the course of preparing the proposed LEP. As the studies and consultation are undertaken, this may see updates and amendments to relevant parts of the planning proposal.

A planning proposal is comprised of four parts:

- Part 1—A statement of the objectives or intended outcomes of the proposed LEP.
- Part 2—An explanation of the provisions that are to be included in the proposed LEP.
- Part 3—The justification for those objectives, outcomes and provisions and the process for their implementation.
- Part 4—Details of the community consultation that is to be undertaken on the planning proposal.

The preparation of a planning proposal must be consistent with the Environmental Planning & Assessment Act 1979, and the Department of Planning's publications 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals'.

Part 1–Intended Outcomes

Part 1 is a concise statement setting the objectives or intended outcomes of this planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved. The objectives or intended outcomes will be the basis for the drafting of the legal instrument (LEP).

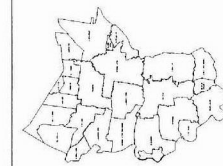
Council is in receipt of a spot rezoning application, which is proposing to rezone certain land in Milperra, known as the Riverlands Golf Course site as shown in the Land Application Map.

The intended outcome of this planning proposal is to enable the redevelopment of the Riverlands Golf course site as a golf course (and associated club building) and low density housing, except for a corridor of public open space and ecologically sensitive areas along the river frontage. The rezoning proposal is based on the following guiding principles:

- To ensure the location and extent of the proposed land uses fully respond to the flood risks, land contamination, acid sulfate soils, bush fire risks and other environmental constraints that affect the site.
- To ensure the location and extent of the proposed land uses fully protect the existing vegetation that is classified as ecologically endangered communities or having biodiversity value, and the ecological processes necessary for their continued existence.
- To ensure the location and extent of the proposed land uses integrate effectively with the topography of the site and the established character of the Milperra neighbourhood area, and enable the impacts to be managed appropriately.
- To ensure there is appropriate access and infrastructure (and associated funding mechanism) to accommodate the proposed land uses.
- To ensure the location and extent of the proposed land uses comply with metropolitan and citywide strategic studies, if Council is to achieve the Department of Planning's directions to focus residential development around centres and achieve an 80:20 centres to infill ratio in the City of Bankstown.



1 - LAND Application Map

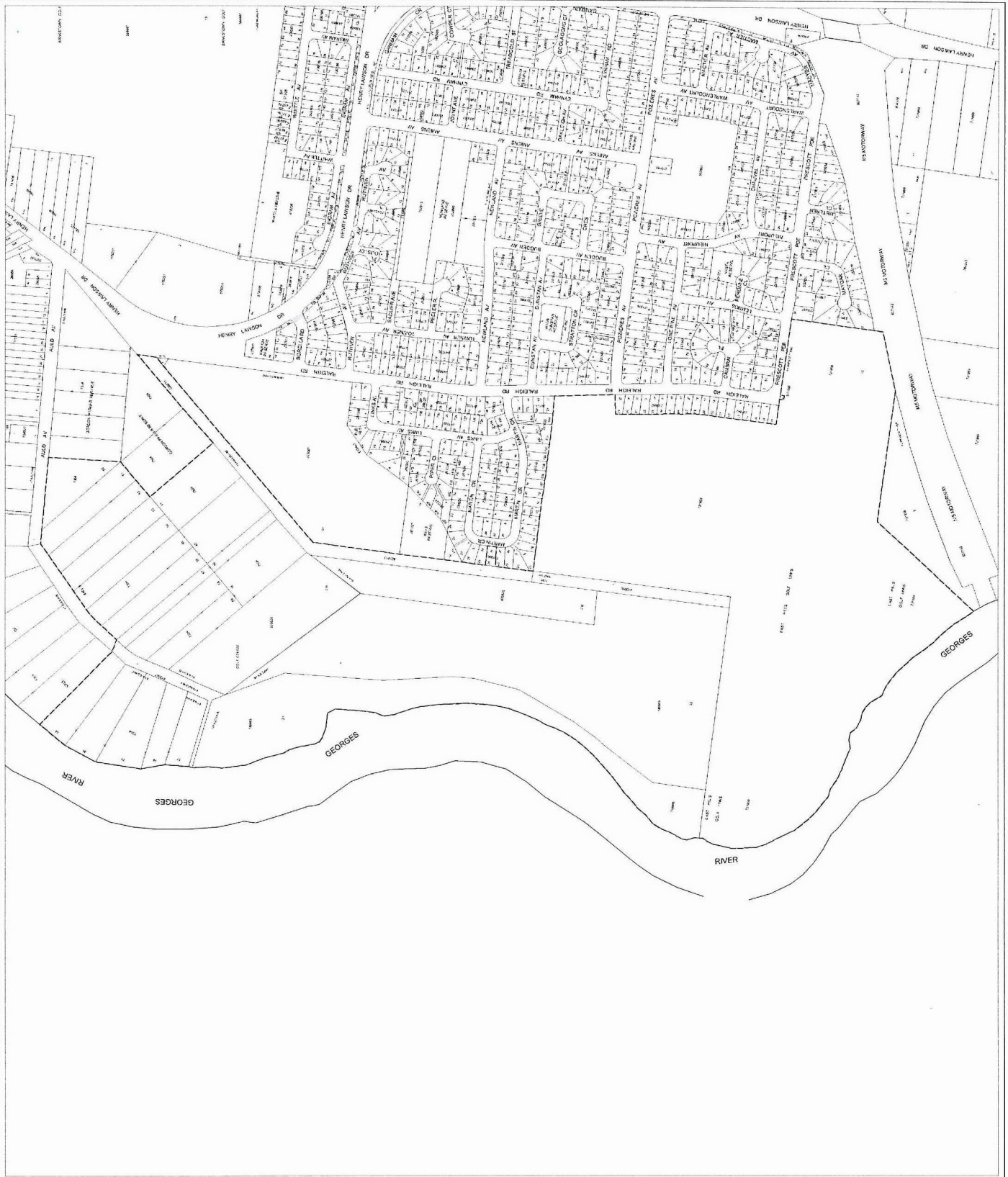


Z

Approximate Scale:
Not To Scale

Map Projection:
MGA Zone 56
(GDA 1994)

Produced By: Land Information Management



Part 2–Explanation of Provisions

Part 2 is a concise statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

Council is submitting this planning proposal based on amendments to Bankstown Local Environmental Plan 2001. Bankstown LEP 2001 is the current statutory planning framework that establishes development standards such as land use zonings, floor space ratios and building heights for development in the City of Bankstown.

This is the preferred option given that Council is yet to complete a Standard Instrument Principal LEP.

Clause	Explanation of Provisions
8(2)	Amendment of ‘the map’ definition in accordance with the proposed zoning map, shown at attachment 1. Explanation: The intended outcome of this planning proposal is to enable the redevelopment of the Riverlands Golf course site as a golf course (and associated club building) and low density housing, except for a corridor of public open space and ecologically significant areas along the river frontage.
13(8)	Amendment of Schedule 2 by repealing item (24) to ensure consistency with the proposed zoning map, shown at attachment 1. This amendment also recognises the proposed demolition of the existing club building as part of the planning proposal. Explanation: The intended outcome is to rationalise the schedule of additional uses applicable to the site.
18	Amendment of clause 18 by replacing the wording with the Department of Planning's biodiversity model provision, shown at attachment 2. Explanation: The intended outcome is to protect the native flora and fauna, and the ecological processes necessary for their continued existence in accordance with the proposed provision and Natural Resource–Biodiversity Map, shown at attachment 2. This is consistent with Council's adopted Biodiversity Strategy, and the requirements of the Department of Planning and the Department of Environment, Climate Change and Water.
30	Amendment of the Floor Space Ratio Map in accordance with the proposed floor space ratio map, shown at attachment 3. Explanation: The intended outcome is to apply a floor space ratio to the proposed residential zone, which is consistent with the floor space ratio of the established Milperra neighbourhood area.

36A	Insertion of an additional provision, which will indicate the maximum permissible building heights for the residential and private recreation zones in accordance with the Height of Buildings Map, shown at attachment 4. Explanation: The intended outcome is to apply a maximum permissible building height of 8.5 metres, which is consistent with the building height of the established Milperra neighbourhood area and in keeping with the scenic amenity of the Georges River foreshore area.
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Part 3–Justification

Part 3 sets out the case for changing the zones and/or development controls on the land affected by the proposed LEP. Within the justification are a number of questions that must be discussed with reasons explained. The aim is to ensure the planning proposal is comprehensive, yet is also concise for the benefit of a wider audience.

Section A–Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The proponent of the spot rezoning application submitted a draft planning proposal, together with a fauna and flora study, traffic management study, flood study and site contamination report primarily based on a previous scheme that is not the subject of this spot rezoning application. This information forms the basis for this assessment. The proponent is looking to update these studies to reflect the current proposal and submit other relevant technical studies to justify the proposal once the Gateway Process commences.

Part 3 explains in more detail the key technical studies that the Gateway Process would require if the Relevant Planning Authority is to fully consider the impact of the planning proposal. The key technical studies would need to be based on the current proposal and planning requirements, and would include:

- (a) An updated flood study and evacuation plan, to comply with the Ministerial (117) Direction 4.3–Flood Prone Land. The study tasks would include:
 - (i) To identify the revised location of the 100 year flood line and associated areas of high, medium and low risk flooding. The study should provide details of:
 - The pre–development scenario (i.e. existing site conditions without cut or fill or development).
 - The post–development scenario based on the proposed masterplan, including any proposed cut or fill.
 - (ii) To confirm the impacts of the proposed development in relation to the new Kelso Creek and Milperra Drain catchment flood studies.
 - (iii) To confirm the implications of the NSW Sea Level Rise Policy and associated guidelines for flood risk management and coastal planning on the proposed development.
 - (iv) To confirm whether the introduction of residents to the floodplain compromises the flood evacuation capability of the existing community in Milperra. The flood evacuation strategy should consider access from Keys Parade, Pozieres Avenue and Prescott Parade. The preference is to have Keys Parade at existing ground level.

- (v) To confirm whether the proposed fill in the flood storage areas (as defined in the NSW Flood Manual) is consistent with the NSW Floodplain Development Manual and Bankstown Development Control Plan 2005–Part E3 (Flood Risk Management). Any inconsistency with these documents will require adequate justification.
- (b) An updated site contamination report, to comply with SEPP 55 and Part 7A of the Environmental Planning and Assessment Act. The report tasks would require a NSW EPA accredited site auditor to:
 - (i) Provide an opinion and advice regarding remedial options (i.e. a review of the Remedial Action Plan) for this site.
 - (ii) Provide an opinion regarding the suitability of the site for a low density residential land use i.e. residential land use with accessible soil, in the form of a site audit statement.
- (c) An updated flora/fauna and biodiversity study, to comply with the Ministerial (117) Direction 2.1–Environment Protection Zones and Commonwealth/State legislation. The study tasks would include:
 - (i) To compile the data previously collected on the site (various flora and fauna surveys and assessments) to produce an agreed baseline set of data upon which to evaluate the impact of the proposal in accordance with legislative requirements.
 - (ii) To identify any gaps in the previous flora and fauna data, or changes to legislation and associated schedules which may influence the interpretation of the data (e.g. changes in the schedules associated with the NSW Threatened Species Conservation Act 1995 and the Commonwealth Environment Protection & Biodiversity Conservation Act 1999).
 - (iii) To identify the Key Threatening Processes (as scheduled under the NSW Threatened Species Conservation Act 1995) present on the site or with the potential to be introduced/exacerbated on site as a result of the proposal.
 - (iv) To utilise the agreed baseline information and any updated information to inform the proposed land use and development options for the site in a manner which ensures the proposal has a minimal environmental impact on ecologically sensitive areas and corridors.
 - (v) To compile a list of the issues previously raised by Government agencies (e.g. DECCW and Primary Industries–Fisheries) and Council in regards to the ecological values and constraints present on the site and identify how these issues can be resolved or addressed in the proposal.

- (vi) To assess the impact of the proposal on identified ecologically constrained or ecologically sensitive areas on the site to ensure:
 - The proposal complies with the Commonwealth Environment Protection & Biodiversity Conservation Act 1999, the NSW Threatened Species Conservation Act 1995 and other relevant legislation.
 - The proposal protects the endangered ecological communities, the areas/corridors of biodiversity and species habitat values, and the ecological processes necessary for their continued existence, including appropriate buffers.
 - Appropriately manage the conservation areas (including corridors) in perpetuity to maintain the biodiversity conservation values.
 - (vii) To confirm the locations and dimensions of appropriate buffers by:
 - Evaluating any proposed buffers between proposed urban areas, private open space, areas of ecological sensitivity and proposed ecological corridors. The evaluation is to take into account the objective of ensuring that buffer width and management adequately mitigates the impact of proposed land uses on the environmentally sensitive areas and ensures that the biodiversity values of these areas are maintained.
 - Proposing additional or modified buffer widths based on a sound ecological basis and assessment.
 - (viii) To incorporate a stormwater management strategy which:
 - Identifies the range of point or diffuse source stormwater generated by the proposed optimum urban and private open space uses of the site.
 - Identifies the measures required to ensure minimal impact on the environment as a result of modifications to stormwater quality or quantity arising from the proposal.
- (d) An Aboriginal heritage study, to comply with the Ministerial (117) Direction 2.3—Heritage Conservation. The study tasks would require an Aboriginal heritage survey.
- (e) An acid sulfate soils study, to comply with the Ministerial (117) Direction 4.1—Acid Sulfate Soils. The study tasks would require an assessment of the intensification of land uses and excavation works in relation to the constraints of acid sulfate soils.
- (f) A bushfire risk assessment study, to comply with the Ministerial (117) Direction 4.4—Planning for Bushfire Protection. The study tasks would need to identify appropriate locations and dimensions for the asset protection zones within the subject land. The asset protection zones should not extend into neighbouring public bushland.

- (g) A cut and fill assessment study, to comply with various Ministerial (117) Directions, namely Acid Sulfate Soils, Flood Prone Land and Environment Protection Zones, and REP No 2–Georges River Catchment. It is critical for the study to provide details and cross-sections of:
 - The pre-development scenario (i.e. existing site conditions and AHD levels without cut or fill or development).
 - The post-development scenario (i.e. proposed site conditions and AHD levels, including any proposed cut or fill).
- (h) A community facilities and open space needs study, to ensure the planning proposal addresses any social and economic effects.
- (i) Any required Voluntary Planning Agreement or other funding mechanism to enable infrastructure works and embellishment, to ensure there is adequate infrastructure for the planning proposal.
- (j) Any other studies as identified by this planning proposal.

The Gateway Determination may specify the need for further studies to ensure the planning proposal is technically competent and founded on an accurate assessment of the likely impacts of the proposal.

In terms of whether there is a need for the planning proposal, the proposal is not the result of any citywide strategic studies that apply to the land such as the Department of Planning's Metropolitan Strategy and Draft West Central Subregional Strategy, and Council's Residential Development Study (part funded by the Planning Reform Fund as part of a Memorandum of Understanding with the Department of Planning).

The studies identify the need to accommodate 22,000 dwellings in the City of Bankstown by 2031. The focus is to locate the dwellings around existing centres with good access to public transport. The studies do not identify the Riverlands Golf Course site in Milperra as a priority area to achieve this dwelling target.

However, a letter by the Department of Planning dated 4 May 2010 suggests that the expansion of residential areas into areas already served by existing infrastructure is a critical part to meet the needs of a growing population. This proposal may help to meet the infill housing demand.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is currently zoned rural and open space, which does not permit residential land uses or other urban purposes. The proposal is therefore the best means of achieving the intended outcome, which is to introduce a residential zone to accommodate housing development. However, it is recognised that the proposal would also allow a range of other land uses in the residential zone such as schools, child care centres, seniors housing, hospitals and other sensitive land uses, which should be taken into consideration in the assessment.

3. Is there a net community benefit?

According to the Department of Planning's guidelines, an analysis of the net community benefit should include the costs and benefits that have a net impact on community welfare and not the benefits between individuals and businesses in the community.

Based on the criteria, the analysis of the net community benefit indicates further detailed technical studies are required to properly assess whether the proposal will contribute to a more sustainable urban environment, and whether there are environmental impacts resulting from the proposal. This includes the need to further assess the impacts of the proposal on flooding and the ecologically sensitive areas.

A possible net community benefit is the enhancement of the public access along the river frontage from a 10 metre wide corridor (as required by the deed) to a 20 metre wide corridor together with some riparian corridors. However, there is the need to formalise the public access routes through the site to enable residents in the Milperra neighbourhood area to walk or cycle to the open space corridor along the river frontage.

The assessment does not consider the provision of a golf course as a net community benefit as it will remain in private ownership for private recreational use.

Section B—Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Ministerial (117) Direction 7.1 gives legal effect to the vision, land use strategy, policies and actions contained in the Metropolitan Strategy. This direction applies where a Relevant Planning Authority is looking to prepare a planning proposal.

As such, the proposal is consistent with some of the objectives and actions of the Metropolitan Strategy and the Draft West Central Subregional Strategy, namely:

- Action C1.3—Plan for increased housing capacity targets in existing areas: This proposal provides sufficient zoned land to contribute to the dwelling target, although it is not possible to commit to a specific yield for the site at this early stage.
- Action D3.1—Improve local and regional walking and cycling networks: This proposal may identify opportunities to improve pedestrian and cycle connections along the Georges River foreshore.

However, the proposal is inconsistent with more key actions, namely Actions C2.1 and C2.3, which aim to focus residential development and housing mix around centres. The Department of Planning is aiming to achieve an 80:20 centres to infill ratio in the City of Bankstown. The Riverlands Golf Course site in Milperra is not located in the vicinity of a centre identified by these strategies or Council's Residential Development Study.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The vision of Council's Management Plan "CITYPLAN", is to have "a strong, attractive City which values its people, its environment and its community. There are opportunities to grow, achieve and live in an environment of compassion and understanding".

In 2009, Council adopted the Residential Development Study to achieve this vision by identifying the priority areas where population and housing growth may occur in a sustainable way, and where government agencies could upgrade infrastructure to keep pace with the population growth e.g. rail transport upgrades.

The Department of Planning and Council agreed to implement the Residential Development Study via a series of Local Area Plans. The Plans would focus on certain priority centres and surrounding areas to demonstrate how Council would achieve the Department of Planning's required 80:20 centres to infill ratio in the City of Bankstown to 2031. This process would inform the conversion of Bankstown LEP 2001 to the Standard Instrument Principal LEP, which the Department of Planning views as a priority project.

At the request of the Department of Planning, the Residential Development Study also adopted a policy as to the types of spot rezoning applications that Council may accept whilst preparing the Local Area Plans and Standard Instrument Principal LEP. Council may consider spot rezoning applications within centres depending on:

- (a) consistency with the Metropolitan Strategy and the Residential Development Study;
- (b) ability to contribute to the dwelling target of 22,000 in the long term; and
- (c) relevant planning investigations and infrastructure capacity.

Although the Residential Development Study does not identify the Riverlands Golf Course site as forming part of a centre or as a priority area to achieve the dwelling target, the letter from the Department of Planning dated 4 May 2010 suggests otherwise. The Department suggests the proposal is consistent with the Metropolitan Strategy and could help to meet the dwelling target.

It remains for Council (as the Relevant Planning Authority) to consider the relevant planning investigations and infrastructure capacity as part of the Gateway Process.

6. Is the planning proposal consistent with applicable state environment planning policies?

There are several state environmental planning policies that would apply to this proposal. The assessment indicates further detailed technical studies are required to properly assess whether the proposal is consistent with the state environmental planning policies, namely SEPP 55–Remediation of Land and the Greater Metropolitan REP No 2–Georges River Catchment.

SEPP 55 requires the Relevant Planning Authority to consider site contamination when rezoning land. Part 7A of the EP&A Act reinforces this direction.

The application includes a site contamination report, which found the previous land uses (such as the former sand refinery and trade waste operation) resulted in some site contamination. The report considers the potential for sub-surface soil contamination to be low and the area to unlikely pose any significant risk to human health.

However, an assessment indicates this report does not conclude whether the entire site is suitable for the proposed land uses. The Gateway Process would need to consider this issue to satisfy the SEPP requirements.

The assessment also took into consideration the Greater Metropolitan Regional Environmental Plan No 2–Georges River Catchment. The REP (otherwise known as a SEPP) aims to set the planning principles to protect the environmentally sensitive areas around the river when the Relevant Planning Authority considers a local environmental plan.

The planning principles require the consent authority to consider issues such as the management of acid sulfate soils, bank disturbance, flooding, land degradation and urban stormwater, particularly as the stormwater run-off and nutrient load from the urban development may impact on neighbouring land, the endangered ecological communities, and the water quality of the Georges River. The Gateway Process would need to consider these issues to satisfy the SEPP requirements.

7. Is the planning proposal consistent with applicable Ministerial (117) directions?

The Environmental Planning & Assessment Act sets out the Ministerial Directions, which the Gateway Process must consider when assessing planning proposals. There are several Ministerial Directions that would apply to this proposal. The assessment of some of the key applicable directions are summarised below:

▪ **Direction 1.2–Rural Zones**

This direction does not allow the rezoning of rural land to residential land unless there is a study to support the proposal. The proposal is considered to be consistent with this direction as the Metropolitan Strategy does not identify this site as essential agricultural land to meet Sydney's food production needs.

▪ **Direction 2.3–Heritage Conservation**

This direction aims to conserve items and places of environmental and indigenous heritage significance. Given the location alongside the Georges River, the Gateway Process would need to consider an Aboriginal heritage survey to satisfy this direction.

▪ **Direction 3.1–Residential Zones**

This direction encourages a variety of housing types to provide for existing and future needs, and to make more efficient use of existing infrastructure and services. The proposal is considered to be consistent with this direction given the proximity to infrastructure in the Milperra neighbourhood area such as the school and shops.

The access points to the site is also an important consideration to ensure the proposal makes more efficient use of the existing road infrastructure, and provides safe and easy access to the nearby services. These access points may also serve as evacuation routes during flooding.

The preferred option is to have the proposed residential traffic use Keys Parade, Pozieres Avenue and Prescott Parade to access Henry Lawson Drive. This option promotes good connectivity with the Milperra neighbourhood area, and provides safe and easy vehicle access to the shops and school. This is consistent with the Ministerial Direction and best practice.

This option also means Keys Parade would not be the sole route in and out of the development site, and diminishes the need for an elevated accessway for evacuation purposes during flooding. This will be an important issue when discussing the ownership of this proposed road given that previous advice did not support an elevated Keys Parade accessway.

According to the updated traffic assessment submitted by the proponent, in terms of the performance level of intersections, the assessment indicates the intersections may operate within capacity for the next 10 years subject to certain traffic mitigation works such as the installation of traffic signals at the intersection of Keys Parade and Henry Lawson Drive with turning lanes. Council would need to investigate whether there is an appropriate funding mechanism to ensure the proponent contributes towards the works as part of the Gateway Process.

In terms of environmental capacity, the Roads and Traffic Authority's 'Guide to Traffic Generating Developments' sets out recommended environmental capacity performance standards. Environmental capacity takes into account both amenity and safety considerations, which are important planning issues when considering the impact of increased traffic in residential areas. In the performance standards, two levels are given to manage traffic volumes and achieve good practice – one for the desirable maximum (environmental goal) to address safety and amenity, and one for the absolute maximum.

The updated traffic assessment indicates it is possible to satisfy the safety consideration subject to traffic mitigation works. This includes:

- Improved lane delineation along the full length of Pozieres Avenue.
- A roundabout at the intersection of Raleigh Road/Pozieres Avenue and the proposed development access road.
- Raised junction platforms at the intersection of Pozieres Avenue/Bugden Avenue and Pozieres Avenue/Warrencourt Avenue.
- Improvements to existing school zone including improved (flashing) school zone signage and slow points.

Council would need to investigate whether there is an appropriate funding mechanism to ensure the proponent contributes towards the works as part of the Gateway Process.

However, the assessment also indicates the proposal does not fully satisfy the amenity consideration when looking at environmental capacity. The 'Guide to Traffic Generating Developments' sets out the recommended environmental goals to achieve appropriate amenity in residential areas i.e. a desirable maximum peak hour volume of 200 vehicles in local roads and a desirable maximum peak hour volume of 300 vehicles in collector roads.

The results indicate the proposal would exceed the RTA criteria for environmental amenity, and may result in a loss of amenity for residents and school children in Pozieres Avenue and surrounding streets during peak hours. The results are as follows:

Road	Maximum peak hour volume (vehicles/hour)	AM Peak		PM Peak	
		Existing	Proposed	Existing	Proposed
Pozieres Avenue (collector)	300 environmental goal	284	520	410	553
	500 maximum				
Keys Parade (local)	200 environmental goal	–	367	–	338
	300 maximum				
Prescott Parade (local)	200 environmental goal	–	360	–	318
	300 maximum				
Raleigh Road (local)	200 environmental goal	115	231	276	398
	300 maximum				

To respond to the amenity consideration, an alternative option is to reduce the extent of the proposed residential zone to a capacity that addresses the environmental goals for traffic movements in residential areas, in keeping with state policies.

This option reduces the traffic generation potential of the proposal, and helps to minimise the amenity impact on residents and school children in the locality. This option also recognises that the extent of the residential zone is not critical to meet the dwelling target under the Metropolitan Strategy and Council's Residential Development Study.

This is the preferred option rather than upgrading the locality to a series of collector roads or restricting movement in the locality with more traffic calming methods.

The Gateway Process is likely to extend the traffic assessment to look at the impacts on Henry Lawson Drive such as environmental capacity and the level of service at other intersections (such as Raleigh Road, Hermies Avenue and Bullecourt Avenue). This would be relevant when discussing the proposal with the Roads and Traffic Authority as Henry Lawson Drive is a state road.

▪ **Direction 3.4–Integrating Land Use and Transport**

The Department of Planning is aiming to achieve an 80:20 centres to infill ratio in the City of Bankstown to ensure the location of new housing supports existing public transport services, and reduces dependence on cars. For this reason, the Draft West Central Subregional Strategy and Council's Residential Development Study do not identify the Riverlands Golf Course site as a priority growth area given the distance to rail transport and regional bus routes. The proposal is inconsistent with this direction.

▪ **Direction 3.5–Development Near Licensed Aerodromes**

The Gateway Process would need to consult the Commonwealth Government and Bankstown Airport Limited to confirm whether the proposal encroaches the prescribed airspace surrounding the airport.

▪ **Direction 4.1–Acid Sulfate Soils**

This direction aims to avoid an intensification of land uses on land identified as having a probability of containing acid sulfate soils. The site is affected by a range of acid sulfate soils–Classes 1, 2, 3 and 5.

The Gateway Process would need to consider an acid sulfate soils study to assess the appropriateness of the land use changes, and excavation works associated with the proposed flood mitigation works.

▪ **Direction 4.3–Flood Prone Land**

The objectives of this direction are:

- to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005; and
- to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This direction does not permit the Relevant Planning Authority to rezone flood planning areas to residential zones, unless it can satisfy the Department of Planning that the planning proposal is consistent with the Floodplain Development Manual.

An assessment indicates there are two types of flooding affecting the site: Georges River flooding and stormwater flooding.

In 2004, Council adopted a Flood Risk Management Study and Plan for the Georges River, which indicates the site is affected by low, medium and high risk riverine flooding. In 2010, Council adopted the Kelso Stormwater Catchment Flood Study, which shows the site is affected by medium risk stormwater flooding. Council has also completed a flood study for the Milperra Stormwater Catchment. The results of this study are relevant to the northern portion of the site.

According to the updated flood study submitted by the proponent, flood levels within the site will increase as a result of the proposal. The study recommends land fill to raise the residential zone (as originally proposed) up to 6.3 metres above existing ground level if it is to overcome the flood risk. In considering the updated flood study, the proposed land fill is not supported as a method to overcome the flood risk as:

- The proposed fill within flood prone land and flood storage areas are inconsistent with the principles of the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.
- The proposed fill is inconsistent with the Greater Metropolitan Regional Environmental Plan No 2–Georges River Catchment, which sets a specific planning principle of recognising the cumulative environmental effect of development on the behaviour of flood water and the importance of not filling flood prone land.
- The proposed fill is inconsistent with Council's development controls, which sets a maximum permissible height of 1 metre of fill.

To respond to the flood risk, an alternative option is to reduce the extent of the proposed residential zone to an area that respects the flood and topography constraints of the site, in keeping with state and local policies.

This option ensures the proposal adapts to the topography alongside the Georges River rather than the topography having to adapt to the proposal, and minimises the impact on upstream and downstream properties. This option also recognises that the extent of the residential zone and associated land fill (as submitted by the proponent) is not critical to meet the dwelling target under the Metropolitan Strategy and Council's Residential Development Study.

Despite the alternative option, this proposal remains inconsistent with this direction as the application does not include an updated flood study which contains:

- The results of the Kelso Stormwater Catchment Flood Study and the Milperra Stormwater Catchment Flood Study.
- The amended ground levels of the proposal. The flood study submitted by the proponent is based on the previous scheme and indicates that without lowering the ground level through the golf course, riparian corridor and marina, a general increase in peak flood levels may result. As the current proposal does not contain the marina, it is important to determine the revised peak flood levels.
- The implications of sea level rises of both 0.6 and 0.9 metre in line with the Draft Sea Level Rise Policy issued by Department of Environment Climate Change and Water (December 2009). This should also consider a 10% increase in rainfall.

An updated study (based on current data) is crucial if the Relevant Planning Authority is to be in a position to accurately determine the revised location of the 1 in 100 year flood line and the areas of high risk flooding. This information would help:

- To determine whether there is appropriate land (and the extent of that land) to locate the range of land uses that would be permitted in a residential zone such as housing, schools, child care centres, seniors housing, hospitals and other sensitive land uses.

- To complete the land use mapping that must accompany a planning proposal.

The Gateway Process would need to consider an updated flood study to satisfy this direction.

- **Direction 4.4–Planning for Bushfire Protection**

This direction discourages the establishment of incompatible land uses in bushfire prone areas, such as the area adjacent to the Deepwater Regional Park. The Gateway Process would need to consider a bushfire risk assessment study and consult with the NSW Rural Fire Service to satisfy this direction, although provision is made for an asset protection zone within the site.

- **Direction 6.3–Site Specific Provisions**

The proponent of the spot rezoning application is proposing to rezone part of the site to Zone 2(a) Residential, with the aim to accommodate up to 650 Torrens Title residential lots.

However, the responsibility of the Relevant Planning Authority is to determine whether there is appropriate land (and the extent of that land) to locate the range of land uses (other than housing) that would be permitted in a residential zone. These include schools, child care centres, seniors housing, hospitals and other sensitive land uses. This is important as:

- This direction requires a planning proposal to rezone the site to an existing zone already applying in the LEP without limiting the range of permitted land uses or imposing any development standards in addition to those already contained in the zone.
- This direction states a planning proposal must not contain or refer to drawings that show details of the development proposal. This is consistent with the EP&A Act, which does not recognise masterplans in environmental planning instruments.

Section C–Environmental, social and economic impact

8. 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?

The spot rezoning application includes a flora and fauna assessment, which indicates there are endangered ecological communities and threatened species habitat on the site. An assessment of the proposal indicates there will be some loss of the endangered ecological communities and threatened species habitat.

The Gateway Process would need to consider the Ministerial (117) Direction 2.1–Environment Protection Zones and an updated flora/fauna and biodiversity study to ensure:

- The proposal complies with the Commonwealth Environment Protection & Biodiversity Conservation Act 1999 and the NSW Threatened Species Conservation Act 1995.
- The proposal protects the endangered ecological communities, the areas/corridors of biodiversity and species habitat values, and the ecological processes necessary for their continued existence, including appropriate buffers.
- Appropriately manage the conservation areas (including corridors) in perpetuity to maintain the biodiversity conservation values.

This would be relevant when discussing the proposal with the Department of Environment, Climate Change and Water.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Cut and Fill

The proponent of the spot rezoning application is looking to utilise a cut and fill technique to raise the residential zone and the Keys Parade accessway above existing ground level. This is the proposed method to reduce the flood risk to the residential area and the northern evacuation route. The extent of land fill ranges up to 6.3 metres above the existing ground level.

In considering the updated flood study, the proposed land fill is not supported as a method to overcome the flood risk as:

- The proposed fill within flood prone land and flood storage areas are inconsistent with the principles of the State Government's Flood Prone Land Policy and Floodplain Development Manual 2005.

- The Greater Metropolitan Regional Environmental Plan No 2–Georges River Catchment, which sets a specific planning principle of recognising the cumulative environmental effect of development on the behaviour of flood water and the importance of not filling flood prone land.
- Council's development controls, which sets a maximum permissible height of 1 metre for fill.

To respond to the flood risk, an alternative option is to reduce the extent of the proposed residential zone to an area that respects the flood and topography constraints of the site, in keeping with state and local policies. This option ensures the proposal adapts to the topography alongside the Georges River rather than the topography having to adapt to the proposal, and minimises the need for cut and fill.

Despite this option, it is not possible to fully assess the likely environment effects based on the information submitted by the proponent.

The proposal must model the current proposal on the flood prone land to determine overland flow paths, floodways, flooding depths, flood risk, proposed flood mitigation works and evacuation routes. Similar to the assessment of the Ministerial Direction 4.3, this information is crucial if Council is to be in a position to determine:

- Whether there is appropriate land (and the extent of that land) to locate the range of land uses that would be permitted in a residential zone.
- Whether cut and fill on the site is consistent with the Floodplain Development Manual. The Manual uses a broad risk management hierarchy of avoidance, minimisation and mitigation to reduce the risks associated with occupying a floodplain, and may involve adopting appropriate development limits.

The updated modelling should consider the following matters:

- Incorporate the changes as a result of the proposal, including final design ground levels of landforms to ensure there are no unacceptable impacts within each of the floodplains of the Georges River, Kelso Creek and Milperra drain either separately or cumulatively.
- Review the need for land fill if there are evacuation routes other than Keys Parade. If the Keys Parade accessway is not raised, a traffic and evacuation capability assessment should be undertaken to describe the size of the affected population, warning timeframes, flood behaviour and the other available evacuation routes. The assessment should show that all residents from the site can evacuate adequately through Pozieres Avenue and Raleigh Road. The assessment should also:
 - Look at evacuation requirements for the existing residents of the Milperra and Kelso catchments.

- Consider the impacts of stormwater catchment flooding on evacuation routes with particular reference to timing and extent of inundation.

The preferred option is to provide this information as part of the updated flood study. The Gateway Process would also need to consider other key issues relating to the extent of cut and fill, such as the combined effect of the cut and fill on acid sulfate soils, the endangered ecological communities, the ecologically sensitive areas and topography. This impact assessment may require further changes to the planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

- **Access and equity to infrastructure, services and facilities**

This proposal presents the opportunity to achieve an integrated social and economic renewal of the Milperra neighbourhood area. The renewal process should consider how the existing and future residents may have greater access and equity to infrastructure, services and facilities, especially to meet the needs of the growing population.

The Gateway Process would need to consider a community facilities and open space needs study to cater for the growing population. The recommendations are likely to be the subject of a voluntary planning agreement or other funding mechanism to enable infrastructure works and embellishment.

- **Dwelling yield**

In considering the suitability of the residential zone, the assessment primarily looked at whether the land is capable of accommodating the range of land uses permitted within this zone.

Under this proposal, the area of the residential zone would be around 15 hectares (although this would need to be accurately defined as the process proceeds), and would achieve an approximate yield of:

- Approximately 350 dwellings if the site is developed solely with dwelling houses; or
- Approximately 490 dwellings if the site is developed with a reasonable mix of dwelling houses (50%) and dual occupancies (50%).

It is noted that other scenarios may occur within the residential zone (e.g. villas, seniors housing, schools, child care centres and roads) which may change the yield figures and would need to be assessed as part of future development applications.

Section D–State and Commonwealth interest

11. Is there adequate public infrastructure for the planning proposal?

To date, the proponent has submitted a traffic assessment, which suggests the following safety road improvements:

- Installation of traffic signals at the intersection of Keys Parade and Henry Lawson Drive with turning lanes.
- Improved lane delineation along the full length of Pozieres Avenue.
- A roundabout at the intersection of Raleigh Road/Pozieres Avenue and the proposed development access road.
- Raised junction platforms at the intersection of Pozieres Avenue/Bugden Avenue and Pozieres Avenue/Warlencourt Avenue.
- Improvements to existing school zone including improved (flashing) school zone signage and slow points.

However, the proponent has not submitted sufficient information to fully consider whether there is adequate public infrastructure to cater for the growing population and to mitigate the likely impacts.

For this reason, it is important for the Relevant Planning Authority to consider relevant technical studies (such as the updated flood study, the community facilities and open space needs study, and a traffic impact assessment of Henry Lawson Drive) to identify:

- If there is adequate infrastructure for the planning proposal.
- The funding mechanisms to ensure the delivery of any required local and regional infrastructure as part of the rezoning process.

The State Government may need to co-ordinate the kinds of agencies and resources needed to achieve these infrastructure works at a regional level.

12. What are the views of State and Commonwealth public authorities consulted in accordance with this gateway determination?

This section of the planning proposal is completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination and must summarise any issues raised by public authorities not already dealt with in the planning proposal, and address those issues as appropriate.

Part 4–Community Consultation

Part 4 outlines the community consultation that is to be undertaken in respect of the proposal, having regard to the requirements of the Department of Planning's publication 'A guide to preparing local environmental plans'.

Although the Gateway Determination will confirm the public consultation that must be undertaken, the exhibition period for this planning proposal is likely to take 28 days and would comprise:

- Advertisements in the local newspapers.
- Displays at the Council administration building, library and corporate website.
- Display at a location in Milperra.
- Written notification to land owners and occupants in the surrounding area.

Should the Gateway Determination specify a different set of consultation requirements, this part of the proposal would be revised to reflect the terms of the Gateway Determination.

ATTACHMENT 1

Summary of proposed amendments to the Zoning Map

Property	Current zone	Proposed zone	Explanation
No 67 Auld Avenue in Milperra	Part 6(a)–Open Space Part 6(b)–Private Recreation	Part 6(a)–Open Space Part 6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course, and the corridor of public open space along the river frontage.
No 67A Auld Avenue in Milperra	6(b)–Private Recreation	6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course.
No 80 Auld Avenue in Milperra	Part 1–Rural Part 6(b)–Private Recreation	6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course.
No 80A Auld Avenue in Milperra	1–Rural	6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course.
Nos 90 & 100 Auld Avenue in Milperra	Part 6(a)–Open Space Part 6(b)–Private Recreation	Part 6(a)–Open Space Part 6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course, and the corridor of public open space along the river frontage.
No 25 Martin Crescent in Milperra	2(a)–Residential	6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course.
No 123 Raleigh Road in Milperra	1–Rural	6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course.
No 123A Raleigh Road in Milperra	6(b)–Private Recreation	6(b)–Private Recreation	This portion of the site forms part of the proposed Riverlands Golf Course.

Property	Current zone	Proposed zone	Explanation
No 56 Prescott Parade in Milperra	Part 6(a)–Open Space Part 6(b)–Private Recreation	Part 2(a)–Residential Part 6(a)–Open Space Part 6(b)–Private Recreation	The intended outcomes are: - Firstly, to protect the existing vegetation that is classified as ecologically endangered communities or having biodiversity value, and the ecological processes necessary for their continued existence. - Secondly, identify the portion of the site which forms part of the proposed Riverlands Golf Course, and the corridor of public open space along the river frontage. - Thirdly, ensure the location and extent of the residential zone: - Responds to the flood risks, acid sulfate soils, bushfire risk and asset protection zones, land contamination and other environmental constraints, particularly as the residential zone permits a range of sensitive land uses such as housing, schools, child care centres, seniors housing and hospitals. - Adapts to the topography of the site and responds to the constraints of cut and fill.

			▪ Protects the existing vegetation that is classified as ecologically endangered communities or having biodiversity value, and the ecological processes necessary for their continued existence, including appropriate buffers. ▪ Integrate effectively with the Milperra neighbourhood area whilst ensuring the traffic generation is in keeping with the environmental capacity of the residential streets. ▪ Ensure the intended outcome of the proposal is to contribute to a more sustainable urban environment.
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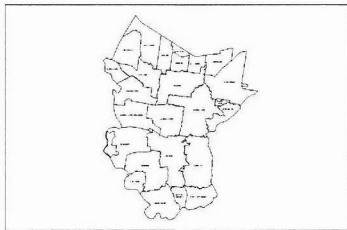


Riverlands Planning Proposal

2 - DRAFT Zoning Map

Zonings

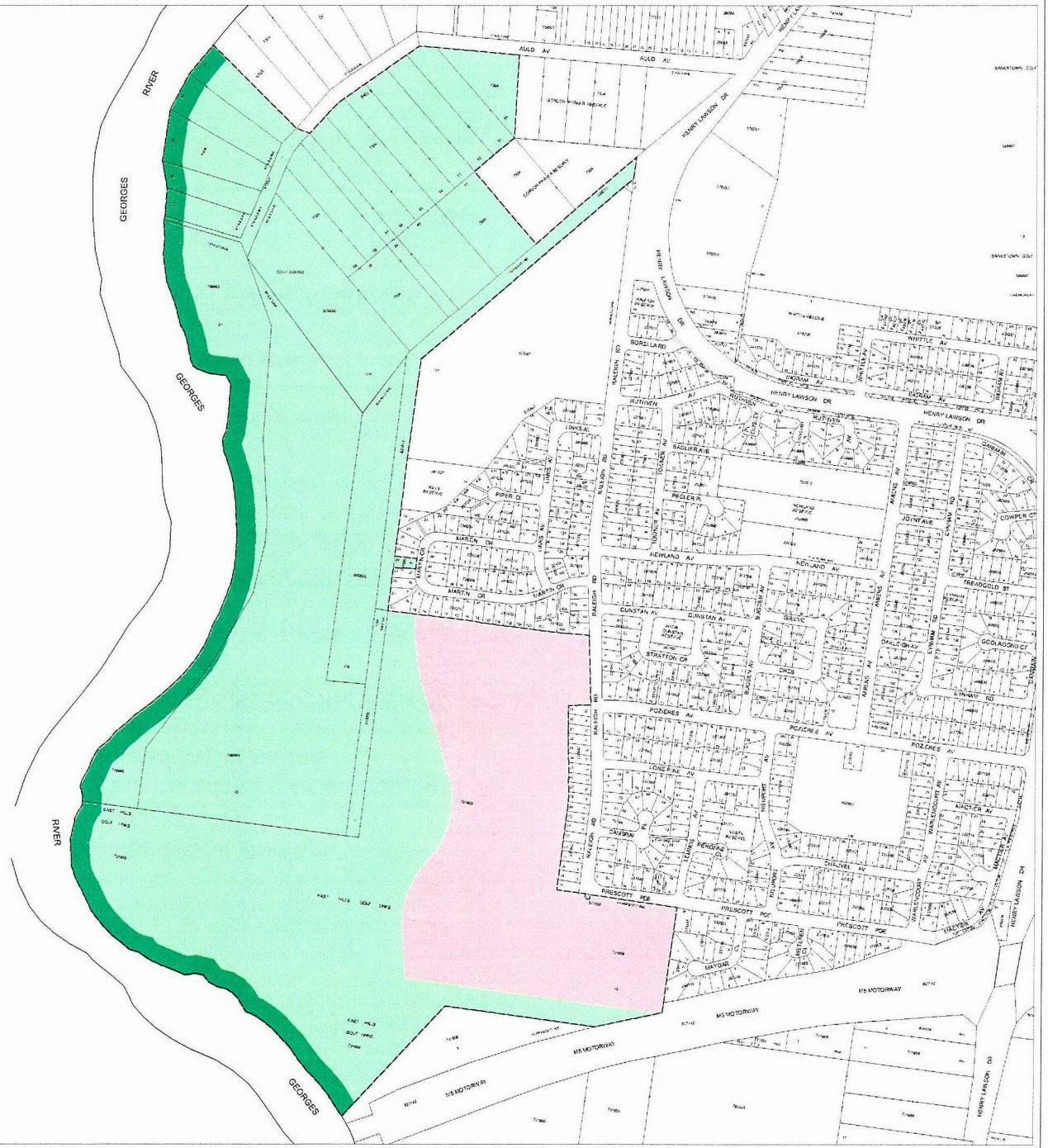
- 2(a) Residential A
- 6(a) Open Space
- 6(b) Private Recreation



Map Projection:
MGA Zone 56
(GDA 1994)

Approximate Scale:
Not To Scale

Produced By: Land Information Management



ATTACHMENT 2

Amend clause 18 of Bankstown LEP 2001 to read:

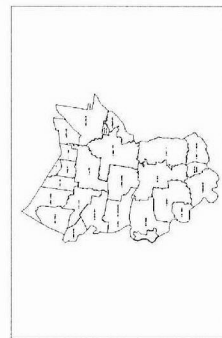
Biodiversity

- (1) The objective of this clause is to maintain terrestrial biodiversity, including:
 - (a) protecting native flora and fauna,
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of native flora and fauna, and their habitats.
- (2) This clause applies to land identified on the Bankstown Local Environmental Plan 2001 Natural Resource–Biodiversity Map.
- (3) When assessing a development application, the consent authority must consider potential adverse impacts from the proposed development on:
 - (a) the condition and significance of the vegetation on the land and whether it should be substantially retained,
 - (b) the importance of the vegetation in that particular location to native fauna,
 - (c) any potential to fragment, disturb or diminish the biodiversity values of the land, and
 - (d) the condition and role of the vegetation as a habitat corridor.
- (4) Before granting consent to development to which this clause applies, the consent authority must be satisfied that:
 - (a) the development is sited, designed and managed to avoid any potential adverse environmental impact,
 - (b) where an impact cannot be avoided, that disturbance is essential for the purpose of the development and no reasonable alternative is available, and
 - (c) the proposed construction and operational management of the development will minimise impact on the biodiversity values as much as possible.



5 - DRAFT Biodiversity Map

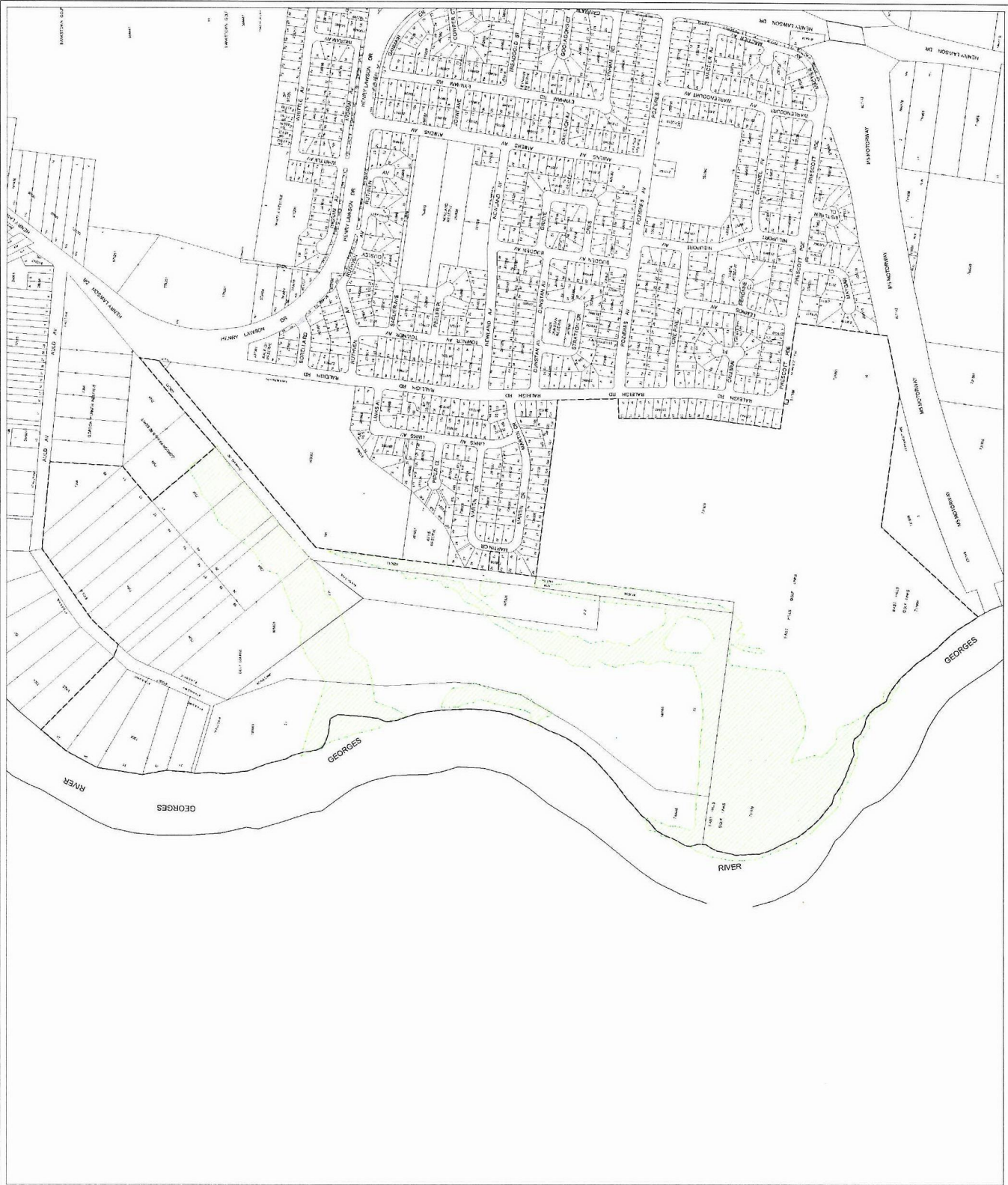
Biodiversity Mapping
Ecologically Sensitive Area



Approximate Scale:
Not To Scale

Map Projection:
MGA Zone 56
(GDA 1994)

Produced By: Land Information Management





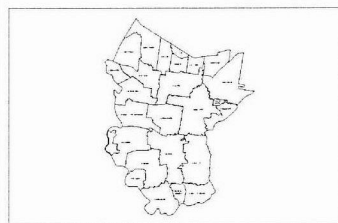
Riverlands Planning Proposal

3 - DRAFT FSR Map

Floor Space Ratios

FSR 0.5 : 1

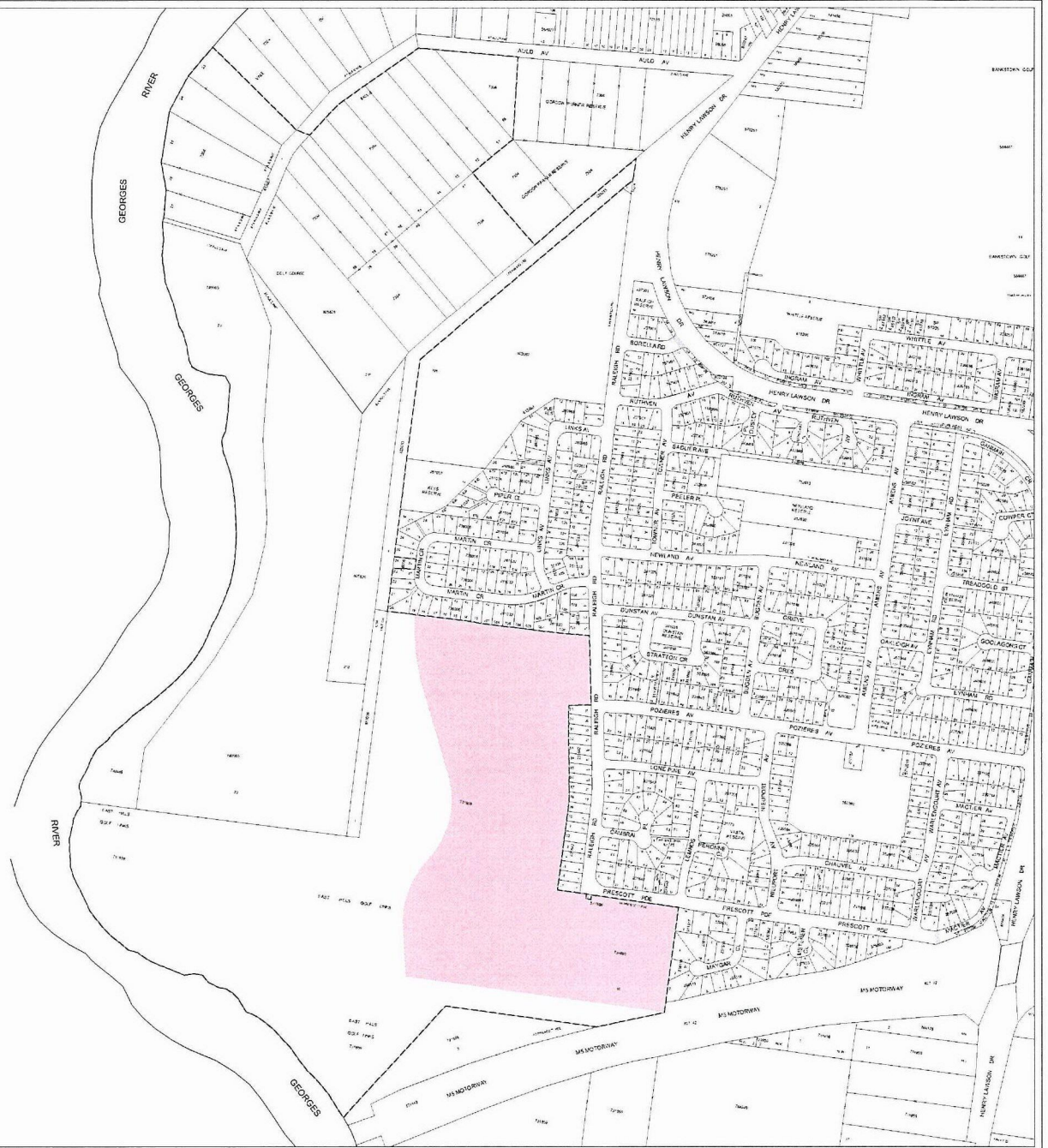
Except for single dwellings and dual occupancies that are 0.5:1 up to 700sq. m. in site area and 0.2:1 for that portion of the site exceeding 700m²



Map Projection:
MGA Zone 56
(GDA 1994)

Approximate Scale:
Not To Scale

Produced By: Land Information Management



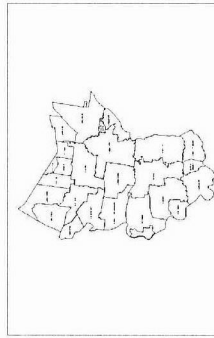


Riverlands Planning Proposal

4 - DRAFT Height of Building Map

Building Heights (m)

8.5



Approximate Scale:
Not To Scale

Map Projection:
MGA Zone 55
(GDA 1994)

Produced By: Land Information Management

