

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
<b>Council submission</b>			
City of Canterbury Bankstown Council	The exhibited planning proposal did not include the additional traffic assessment information that proponent provided to Council in response to an RFI issued in May 2021.	<p>The initial transport and traffic assessment report was submitted with the planning proposal application. This was due to the findings of that report maintaining relevancy to the proposal.</p> <p>The request for information (RFI) from Council had specific queries which were addressed and considered by Council as part of their assessment. The responses did not materially change the conclusions in the report, rather they were specific to Councils request at that time. The RFI response and associated SIDRA traffic modelling data was sent to DPE for their consideration.</p> <p>The planning proposal has incorporated the findings of the updated traffic assessment including the worst-case scenario intersection performance level of service.</p>	<p>Transport for NSW (TfNSW) have advised that the proposed development is unlikely to have a significant impact on the state road network. SIDRA traffic modelling data was provided to TfNSW for review.</p> <p>Both the initial transport and traffic assessment report and RFI updated traffic assessment have been made available on the planning portal.</p> <p>The Agile Planning team is satisfied the proponent has satisfactorily addressed matters relating to additional traffic assessment information, that TfNSW has raised no objections and that the planning proposal can proceed to finalisation.</p>
	Council has prepared a draft development control plan (DCP) for the site to supersede the proponent prepared draft DCP. Council has exhibited this document for 28 days between 1	Council continues to workshop planning guidelines for implementation into the DCP. The next iteration will be exhibited providing the public an opportunity to comment.	<p>Council has indicated that it is working with the proponent to finalise the DCP. The finalisation of the DCP can progress separately to the proposal and will ultimately be approved by the Council.</p> <p>The Agile Planning team is satisfied that this matter has been sufficiently addressed</p>

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
	November and 29 November 2022.		and does not prevent the progression of the planning proposal.
	Further contamination investigation work as identified in the Site Audit Statement needs to be undertaken before the planning proposal is finalised.	At this stage of the planning process, the primary requirement is to determine whether the site can be made suitable for the proposed uses. This is confirmed by the Site Audit Statement.	The NSW Environmental Protection Agency (EPA) was consulted as part of the public exhibition and raised no concern in relation to the suitability of the site from a contamination standpoint, pending further detailed testing at development application stage.  The Agile Planning team is satisfied that the issues raised in Council's submission relating to contamination have been sufficiently addressed at this stage and do not prevent the progression of the planning proposal.
	Council is still in negotiations with the proponent regarding a draft Voluntary Planning Agreement (VPA).	The proponent and Council continue to liaise regarding any outstanding matters, including the use and dedication of open space and developer contributions. The intent is to re-exhibit an amended VPA with execution of the agreement at rezoning gazettal.	Council has indicated in writing that it is working with the proponent to finalise the VPA. The finalisation of the VPA can progress separately to the proposal.  The Agile Planning team is satisfied that this matter has been sufficiently addressed and does not prevent the progression of the planning proposal.
	Council requests the Department consult with them	Site testing has been carried out to determine maximum FSR's. Council is continuing to provide feedback in relation to acceptable	The request for further consultation will be forwarded on to the PLUS team within the Department will be responsible for the

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
	regarding the sliding scale Floor Space Ratio (FSR).	controls to ensure adequate amenity. This assessment is being conducted concurrently with DCP refinement and finalisation.	finalisation of the amendment to the LEP. They will consider further consultation with Council regarding the wording of the draft LEP instrument.  The Agile Planning team is satisfied that this matter has been sufficiently addressed for the planning proposal to progress to finalisation.
	Council requests a sunrise clause of at least 4 weeks, for the LEP controls become effective.	No comment.	The wording of the draft LEP instrument will be determined at drafting stage by Parliamentary Counsel. The appropriateness of a sunrise clause will be determined during legal drafting at the finalisation stage.  The Agile Planning team is satisfied that this matter has been sufficiently addressed and does not prevent the progression of the planning proposal.
Agency submissions			
<b>Environment and Heritage Group – The Department of Planning and Environment (EHG)</b>	EHG is concerned that the area of Cumberland Plain Woodland on the site is likely to have been underestimated. EHG notes that there are areas mapped as 'landscaped native vegetation' on the site, which may still contain	The proposal preserves a significant area of high value CPW, which is identified as a critically endangered Ecological Community (EEC) under Commonwealth and State biodiversity legislation. The protection of this remnant vegetation will be preserved through	The proponent's response to EHG's comments included additional information provided by Ecological Australia. This additional information concluded, among other things, that attempts to determine the age and therefore if the vegetation was

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
	remnant CPW species. EHG considers the CPW (landscaped) which is adjacent to CPW in low and good condition be considered as representative of CPW	the rezoning over 2 hectares of CPW C2 Environmental Conservation. Ecological Australia has provided additional advice, which was peer review by Cumberland Ecology, that concluded it was unlikely that the vegetated areas identified by EHG contained CPW communities.	remnant, were inconclusive due to the degradation, quality and type of vegetation. Given the status of the vegetation on site, it is recommended to insert a site-specific objective, or similar mechanism to reflect the aspiration to ensure maximum tree retention and conservation of CPW. This objective will allow for further assessment of the CPW on the site as part of the future Development Assessment.  With this recommended site specific objective being included the Agile Planning team is satisfied that the issues raised by EHG have been sufficiently addressed and does not prevent the progression of the planning proposal.

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
	Avoiding impacts on CPW should not be deferred and should be addressed as part of the planning proposal.	<p>Over 88% of mature trees within the campus (1554 of 1776) will be retained and over 99% of the higher order ecologically significant vegetation (CPW) will be retained and maintained. The removal of 0.54% of Cumberland plain tree species is proposed to be offset via biodiversity credits. The proposal will include planting of at least 540 trees along proposed roads and parks. The final quantum of tree retention will depend on the proposed cut and fill levels and utility infrastructure required to service the residential proposal.</p> <p>In terms of ownership of the C2 zoned land, should Council or government agencies not want to take on ownership of the conservation land, the land will likely be included and owned by the proposed neighbourhood centre's community or strata title scheme. Funding from the scheme (via levies) would be allocated to cover the costs of any necessary bushland maintenance. It is unlikely public access would be provided if the land is owned privately, which would support its ongoing conservation and protection.</p> <p>Ecological Australia review of the preliminary ecological assessment reconfirmed that</p>	<p>While the proposal will result in the loss of minor areas of existing CPW vegetation, the proponent has offered a number of management solutions to offset the loss of this vegetation, including purchasing and retiring biodiversity credits and revised basin designs to reduce the removal of trees.</p> <p>The proponent has advised that the C2 Environmental Conservation land will likely be privately managed through a community title scheme and management actions can be taken to limit the impact of development on the CPW land, include limiting public access. This approach is consistent with EHG proposed management of the land and common management practices of other privately held parcels of C2 Environmental Conservation zoned land.</p> <p>The Agile Planning team is satisfied that the issues relating to CPW management raised by EHG have been sufficiently addressed and do not prevent the progression of the planning proposal.</p>

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
		offsetting any loss of CPW through retiring biodiversity credits still remains appropriate.	
	<p>The flood assessment has not considered the Georges River Flood Study 2019.</p> <p>The flood assessment must also consider the flood impact of the proposed development, on and adjacent to the site. This should include any mainstream and overland flooding for the full range of floods and consider climate change impacts.</p>	<p>Flood and Stormwater Advice was prepared to support the exhibition of the proposal. This advice concludes that the site can be developed with no impact on flood behaviour and that the proposed stormwater design will manage flows within the site.</p> <p>The flood evacuation plan shows that development is achievable to a level above the PMF event for all residents during evacuation should the need arise. The evacuation risk is not considered to have increased with the change of use and thus</p>	<p>The proponent has prepared an additional Flood Risk Impact Assessment (May 2023, J Wyndham Prince) that considers the flood impact of the proposed development in a range of scenarios, both on site and the adjacent areas. This assessment models several flood events and scenarios.</p> <p>Whilst EHG have raised concern about the completeness of the exhibited flood reporting and modelling, the revised post exhibition period floods report contains consideration of existing flood studies, including the Georges River Flood Study.</p>

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
	Consultation with the NSW SES is recommended due to district flooding and challenges in evacuating	consultation with the SES isn't considered necessary at this stage of the planning phase.	<p>However, it is noted that the report has been prepared since the release of the 2022 NSW Flood Inquiry report. The Department is in the process of responding to the recommendations of the 2022 NSW Flood Inquiry report which recommended taking a risk-based approach to flooding. In this regard, the Department may require further updates to the proposal at finalisation.</p> <p>The Agile Planning team is satisfied that the proponent has met this condition sufficient to proceed to finalisation.</p>
	There is residential zoning proposed adjacent to the retained bushland areas mapped as Bushfire Attack Levels (BAL) 40. It is unclear whether this is an adequate bushfire management solution and whether the retained bushland would be affected if residential lots were proposed in this location.	The proposed residential and commercial development are located in areas of moderate and low BAL. The extent of the development has considered the Asset Protection Zones (APZ) developed within the Bushfire Report.	<p>The proposal was referred to the NSW Rural Fire Service who raised no objections at this stage in relation to bushfire risk on site.</p> <p>Any future development would be subject to further bushfire assessment in accordance with the relevant legislation and guidelines, including the location of and suitability of APZ's.</p> <p>The Agile Planning team is satisfied the proponent has addressed the issues raised by EHG in relation to bushfire risk. The</p>

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
			Agile Planning team considers that the issues raised do not prevent the progression of the proposal to finalisation stage.
<b>NSW Environment Protection Authority (EPA)</b>	Potential Land-use conflict with Kelso Waste Facility (KWF)	<p>The KWF has been repurposed to restrict the intake of general 'red bin' waste as it transitions from waste disposal to resource recovery.</p> <p>There are existing residential developments in closer proximity to the facility compared to the proposed residential area on site, which measures 220m from the closest point of the landfill area. The repurposing of the site will significantly reduce the risk of amenity issues.</p> <p>Future capping and rehabilitation of landfill areas are to be commissioned by Council as the operator of the facility. Dust suppression</p>	<p>Whilst, the Department's Landfilling EIS guidelines identify that residential should be 250m from landfill sites. Part of the site is 30m within this at the closest point to the KWF, however it is separate by the M5 motorway.</p> <p>It is also noted that the KWF is in the process of changing operations on site from landfill to resource recovery which should reduce some concerns raised by EPA.</p> <p>The site will be subject to further odour and dust assessment as part of any future development assessment.</p>



# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
		measures should be undertaken during any such works.	Given the distance between the subject site and the waste facility and the change in landfilling operation, the Agile Planning team is satisfied that the proponent has sufficiently addressed these concerns in relation to the rezoning for the planning proposal to progress to finalisation stage. And that further detailed assessment and design refinements to address the separation and concerns raised by EPA can be undertaken at development stage.
	The EPA has reviewed the documents related to site contamination and notes that further investigation is needed to fill data gaps identified by the contaminated land site auditor.	<p>A Detailed Site Investigation (DSI), Remedial Action Plan (RAP) and Site Audit Statement (SAS) has been prepared to support this proposal. The DSI found the site contains some contaminants, however, these can be addressed through several remediation strategies that can be implemented as part of any future development.</p> <p>The SAS concludes that the nature and extent of the site contamination has been appropriately determined that the RAP is appropriate and that the site can be made suitable for the proposed uses provided it is remediated in accordance with the RAP.</p>	<p>The supporting reports identify that some contaminants are present and conclude that the site can be made suitable for the proposed uses provided it is remediated in accordance with the RAP.</p> <p>The Agile Planning team is satisfied that the proponent has sufficiently addressed site contamination requirements needed at this stage of the process. Further more detailed assessment of contamination and required remediation will be undertaken as part of any future development assessment.</p> <p>The Agile Planning team is satisfied the proponent has addressed the issues raised by the EPA and that the proposal may progress to the finalisation stage.</p>

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
Office of Strategic Lands (Planning Ministerial Corporation (PMC))	<p>Without adequate funding PMC cannot be the acquisition authority for this land as it does not have the funding to manage and operate the land as public open space.</p> <p>Given the scale of the site, even if PMC was to acquire the land, it would directly transfer it to Council.</p>	<p>It is acknowledged that PMC have cited ongoing maintenance costs as prohibitive to the ongoing ownership and management of the proposed conservation area. Further consultation with other government agencies exploring potential ownership is continuing.</p> <p>In the event a government entity does not accept ownership, the land will likely be included and owned by the proposed neighbourhood centre's community or strata title scheme. Ongoing funding from the scheme (via levies) would be allocated to the ongoing bushland maintenance.</p>	<p>The Agile Planning team accepts PMC's position about not accepting the land without adequate funding in place to acquire and manage the site.</p> <p>The proponent has provided additional information (<b>Attachment L</b>) on 14 April 2023 providing information and maps on how the Community Title Scheme will operate.</p> <p>The Agile Planning team is satisfied that the proponent has adequately addressed PMC's submission. The Agile Planning team considers that the issues raised do not prevent the progression of the proposal to finalisation stage.</p>
NSW Rural Fire Service (RFS)	<p>RFS have raised no issue with the proposal subject to future development demonstrating compliance with Planning for Bush Fire Protection 2019.</p>	No Comment	<p>The Agile Planning team referred the NSW RFS's submission to the proponent as it was received post exhibition. No action was required by the proponent.</p> <p>The proponent has advised that it does not intend to update its response to submissions to provide a further response to this submission.</p> <p>The Agile Planning team is satisfied that RFS raised no issues that would prevent</p>

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
			the progression of the planning proposal to the finalisation stage.
Schools Infrastructure NSW (SINSW)	Future enrolment demands	SINSW's position that the existing school network has sufficient capacity for existing and future growth scenarios is consistent with previous analysis undertaken by the proponent.	SINSW have identified that there is existing capacity to meet the needs of the future population generated from future redevelopment of the site.  The Agile Planning team is satisfied that no further action is required at this stage in relation to this matter and that the issues raised don't prevent the progression of the proposal.
	The Transport Assessment excludes consideration of pedestrian prioritisation measures, NSW Governments Movement and Place Framework and its Built Environment Performance Indicators.	Although not expressed in the Transport Assessment, the proposal facilitates active travel through various built form treatments and social infrastructure.	Although the proponent has not updated the Transport Assessment to address SINSW concerns, TfNSW has raised no concerns regarding the need for an updated assessment.  The Agile Planning team is satisfied that no further action is required at this stage in relation to this matter and the issues raised do not prevent the progression of the proposal.
Sydney Water	Potable water and wastewater system should have adequate capacity to service the proposed development, however amplifications, adjustments, and/or minor	Assessments to date indicate sufficient capacity for potable and wastewater. Further assessment will be undertaken during detailed design stage and any necessary	Sydney Water has not raised any concern about the proposal. The Agile Planning team is satisfied that no further action is required at this stage that would prevent progression of the proposal.

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
	extensions may be required once a final design has been determined.	adjustments to services will be undertaken per Sydney Water requirements.	
Transport for NSW (TfNSW)	TfNSW have advised that the proposed development is unlikely to have a significant impact on the state road network.	Not required	<p>The Agile Planning team referred TfNSW submission to the proponent as it was received post exhibition. No action was required by the proponent. The proponent has advised that it does not intend to update its response to submissions to provide a further response to this submission.</p> <p>The Agile Planning team is satisfied that TfNSW raised no issues that would prevent the progression of the proposal to finalisation.</p>
Ausgrid	<p>The developer has identified that 6-8 new substations would be required to service the new development. The developer is to submit the connection application to Ausgrid via their referral mechanisms on the website.</p> <p>Ausgrid has no further submission at this stage.</p>	Not required	<p>Ausgrid provide a submission post exhibition and it is noted that it raised no matters for consideration by the proponent. The Agile Planning team did not refer Ausgrid's submission to the proponent for comment.</p> <p>The proponent has advised that it does not intend to update its response to submissions to provide a further response to this submission.</p> <p>The Agile Planning team is satisfied that Ausgrid raised no issues that would prevent</p>

# Summary of Submissions

PP-2021-5837



Submission name	Issues raised	Proponent response	Agile Planning team response
			the progression of the proposal to finalisation.
<b>Organisation Submissions</b>			
Bankstown Bushland Society	The Society maintains that the bushland should be retained in public hands either by Council, the Department of Education, NSW National Trust or other appropriate government agency..	<p>Council and the PMC have cited ongoing maintenance costs of the proposed conservation area as prohibitive and therefore do not want to accept ownership of the land. Further consultation with other government agencies (including the National Trust) will continue.</p> <p>In the event a government entity is not willing to accept ownership, the land will likely be included and owned by the proposed neighbourhood centre's community or strata title scheme. Ongoing funding from the scheme (via levies) would be allocated to the necessary bushland maintenance.</p>	The Agile Planning team is satisfied that the proponent has addressed the issues raised by the Bankstown Bushland Society and that the issues raised do not prevent the progression of the proposal to finalisation.
Mount St Joseph Milperra and Sydney Catholic Schools (Combined submission)	Supportive of proposal as it will provide housing diversity. Sydney Catholic Schools have land capacity to support any future educational needs resulting from the rezoning.	Mount St Joseph have acquired 3.69ha of land from WSU which provides an opportunity to expand the school and associated infrastructure.	The Agile Planning team is satisfied that Mount St Joseph Milperra and Sydney Catholic Schools have raised no issues that would prevent the progression of the proposal to finalisation.
<b>Community submissions</b>			

# Summary of Submissions

PP-2021-5837



Key issues	Summary of issues raised	Proponent response	Agile Planning team response
<b>Built form, density and local character</b>  Number of submissions:  84 of 100 (84%)	<p>The proposed FSR, types of dwellings and lot sizes are not consistent with the surrounding built form and the wider Milperra area.</p> <p>The proposed R1 General Residential zone is not suitable for the area given its permissible uses allow for higher densities building typologies.</p>	<p>The proposed structure plan seeks to deliver a range of housing typologies, including low rise detached, attached (terrace style) and semi-detached dwellings. This is consistent with the objectives of Council's housing strategy that requires the delivery of housing diversity within the local government area (LGA). Given the diversity of housing typologies envisaged for the site, the objective of the R1 General Residential zone is deemed the most appropriate for the site.</p> <p>The site is a consolidated land holding that allows for master planning to be undertaken, which will facilitate cohesive streetscapes, connectivity and amenity. This will allow new development to set a consistent local character that is sympathetic to the existing residential dwellings near the site rather than in an ad hoc fashion.</p>	<p>The planning proposal seeks to apply an FSR of 0.5:1 for land fronting Ashford Avenue to mirror the bulk and character of the existing low density residential area to the west of the site whilst the FSR of 1:1 for the Zone E1 Local Centre reinforces the role of the new centre.</p> <p>The proposal will amend the LEP to include a new site-specific clause to allow for smaller lots for certain dwelling types, but only where certain requirements are met.</p> <p>Fine grain detail relating to local character will can be established through a site specific DCP. Council is currently working with the proponent on a draft DCP.</p> <p>The Agile Planning team is satisfied that the issues relating to built form, density and local character in relation to the proposed rezoning have been addressed and that further detailed matters will be addressed in the draft DCP and at the development stage by the proponent. These matters do not prevent the planning proposal progressing to finalisation.</p>
<b>Loss of community</b>	Concerns about a lack of infrastructure to	In relation to the potential cumulative impacts of the future population growth in the area, the proposal	Key infrastructure and services agencies such as TfNSW, Sydney Water, NSW

# Summary of Submissions

PP-2021-5837



Key issues	Summary of issues raised	Proponent response	Agile Planning team response
<b>and social infrastructure</b>  Number of submissions:  75 out of 100 (75%)	service the cumulative population growth associated with this proposal and other planning proposals in the broader area. This includes roads, education facilities (public schools), childcare centres, public transport and health services.	<p>has been referred to the relevant state agencies during the exhibition period. Further consultation may also be required during the subdivision and housing DA assessment phase.</p> <p>The site is in close proximity to 11 bus stops within which provide access to activity centres, including include Bankstown, Panania, East Hills and Liverpool CBD, which include jobs, healthcare, general services and rail stations.</p> <p>The proposed Bankstown Lidcombe Hospital project, currently being planned by the State Government, will increase hospital capacity in the LGA.</p> <p>The University has previously engaged with the NSW Government/ Department of Education who advised that the site was not required to meet future growth and primary/high school education demand for the local area.</p> <p>There are several projects on major state-owned roads, such as Henry Lawson Drive, at various levels of completeness. Works are being carried out in stages to focus on key areas of congestion and to minimise impact to motorists and the community.</p> <p>The proponent has also offered to enter into a VPA which will contribute to the maintenance and upgrading of the existing local infrastructure and</p>	<p>Health and SINSW have all been consulted as part of the exhibition of the proposal. No agencies raised concern regarding the capacity of existing services and infrastructure to meet the needs of the future population resulting from this proposal.</p> <p>SINSW, Sydney Catholic Schools and the proponent have provided submissions stating that there is sufficient capacity to accommodate demand for educational facilities generated by redevelopment of the site for predominately residential purposes.</p> <p>The structure plan seeks to retain the childcare centre located on site. The proposed zoning permits a range of community infrastructure land uses.</p> <p>The Agile Planning team is satisfied that the issues relating to infrastructure have been addressed by the proponent and do not prevent the planning proposal progressing to finalisation.</p>

# Summary of Submissions

PP-2021-5837



Key issues	Summary of issues raised	Proponent response	Agile Planning team response
		provide additional public benefits to be delivered via a works in kind arrangement or monetary contributions.	
<b>Traffic and parking</b> Number of submissions: 58 out of 100 (58%)	The proposal will add to the existing traffic congestion problems in the area and will exacerbate existing on-street parking issues.	<p>Traffic modelling concludes that although the development will result in a small increase in traffic volumes, the key intersections surrounding the site would continue to operate effectively, being at level of service C or better during both AM and PM peak periods.</p> <p>The proposed vehicle entry points to the site generally align with existing access to the site.</p> <p>The proposal seeks to provide on and off-street parking. This includes approximately 355 on-street car parking spaces via parking bays and on-street parking, which exceeds current requirements.</p>	<p>The Agile Planning team has provided traffic modelling which concludes that any potential traffic impacts will be minor and not significantly reduce the operating capacity of surrounding key intersections.</p> <p>It is also noted that TfNSW's submission did not raise objections regarding the capacity of the existing road network to meet the needs of the future population resulting from this proposal.</p> <p>The Agile Planning team is satisfied that the issues relating to traffic and parking have been addressed by the proponent and do not prevent the proposal progressing to finalisation.</p>
<b>Flooding impacts on site and on adjacent properties</b> Number of submissions: 6 out of 100	Concerns related to flooding on and off site and the potential that existing flood impacts will be exacerbated by the development.	<p>The majority of the site is non-flood affected, with some portions of the southern portion of the site identified as 'low flood risk' and "Flood Stormwater Medium Risk".</p> <p>The Stormwater Concept Plan states that the basins will manage the larger storm events to ensure that flooding in Georges River is not worsened as a result of the development on site.</p>	<p>The proponent has provided a Stormwater and Flooding Report post-exhibition which considers the flood hazard on the site for climate change-based scenarios for various flooding events. This testing shows that flood hazard within the site is generally within the H1 category. It identifies that Basin 1 and Basin 2 have a flood hazard of H5 and H4 respectively, however this is</p>



# Summary of Submissions

PP-2021-5837



Key issues	Summary of issues raised	Proponent response	Agile Planning team response
(6%)		<p>Flood Advice (July 2022, prepared by J Wyndham Prince), advises that:</p> <ul style="list-style-type: none"> <li>Overland flooding is not an issue as the site is located at the upper reach of the catchment, and the detention basins have adequate storage and retention to manage stormwater sufficiently,</li> <li>The portion of the site within the 'low flood risk' precinct would not result in a change in flood behaviour or impact external to the site, and</li> <li>There is sufficient continuous rising grade within the development to a level above the PMF event for all residents should the need for evacuation arise during an extreme flood event.</li> </ul>	<p>expected as they are flood mitigation tools. There report concludes that there is no significant change to flood hazard external to the site compared to existing conditions.</p> <p>Whilst EHG have raised concern about the completeness of the exhibited flood reporting and modelling, the revised post exhibition period floods report contains consideration of existing flood studies, including the Georges River Flood Study.</p> <p>It is noted that the Department is in the process of responding to the recommendations of the 2022 NSW Flood Inquiry report which recommended taking a risk-based approach to flooding. In this regard, further updates to the proposal may be identified during the finalisation process.</p> <p>The Agile Planning team is satisfied that the issues relating to flooding have been addressed by the proponent sufficient for the proposal to progress to finalisation.</p>
<b>Loss of open space and impact on threatened and</b>	Although there was community support for the protection of identified CPW on site, there was still concern	The proposal preserves a significant area of high value CPW, which is identified as a critically endangered EEC. The protection of this remnant vegetation will be preserved through the rezoning of	It is noted that while the proposal will result in the loss of some existing CPW vegetation, the proponent has offered management solutions to offset the loss of this vegetation. This includes, purchasing

# Summary of Submissions

PP-2021-5837



Key issues	Summary of issues raised	Proponent response	Agile Planning team response
<b>endangered ecological communities</b>  Number of submissions: 13 out of 100 (13%)	about the impact of the development on the remaining CPW and the loss of previously publicly accessible open space and bushland.	<p>2 hectares of the site to Zone C2 Environmental Conservation.</p> <p>Over 88% of mature trees within the campus (1554 of 1776) will be retained and over 99% of the higher order ecologically significant vegetation (CPW) will be retained and maintained. The removal of CPW on site will be offset via biodiversity credits. The proposal will include planting of at least 540 trees along proposed roads and parks. The final quantum of tree retention will depend on the proposed cut and fill levels and utility infrastructure required to service the residential proposal.</p> <p>The proponent continues to work with Council to revise basin designs to ensure that maximum tree retention can be achieved.</p> <p>The sporting field currently located on the WSU Campus is owned by the University and operated through a booking system (as opposed to Council owned fields which are available to the public). The proposal incorporates three publicly accessible open space areas totalling over 14,400m<sup>2</sup> which will incorporate a variety of public amenities, such as seating, bicycle paths, BBQ facilities and play equipment. It is intended these parks are dedicated to Council in perpetuity as to ensure they remain accessibly by current and future communities.</p>	<p>and retiring Biodiversity credits and revised basin designs to reduce the removal of trees.</p> <p>The proponent has advised that the C2 Environmental Conservation land will be privately managed and that this can include limiting public access to ensure conservation of the CPW is prioritised. This is consistent with EHG proposed management of the land and is consistent with management practices of other C2 Environmental Conservation zoned land.</p> <p>Given the status of the vegetation on site, it may be appropriate to insert a site-specific objective, or similar mechanism to reflect the aspiration to ensure maximum tree retention. The Agile Planning team recommends that the Department considers whether it may be appropriate to insert a site-specific objective to reflect the intent to maximise tree retention and conservation of CPW.</p> <p>In regard to the loss of open space, the proposed structure plan seeks to provide to open space in three separate locations. The planning proposal seeks to zone these sites RE1 Public Recreation to ensure they are</p>

# Summary of Submissions

PP-2021-5837



Key issues	Summary of issues raised	Proponent response	Agile Planning team response
		Council and PMC have cited ongoing maintenance costs of the conservation land as to cost prohibitive to take over ownership. In the event a government entity is not willing to accept ownership, the land may be included within the proposed commercial centre's community or strata scheme. Ongoing funding from the scheme would be allocated to the required bushland maintenance in perpetuity.	provided and protected as future development occurs across the site. It is noted that the proponent and Council are in the process of finalising the draft VPA, however it may not be completed by the time the LEP amendment is notified. Therefore, the Agile Planning team recommends that the RE1 zoned land be included in the Land Reservation Acquisition map under the CB LEP 2023.  The Agile Planning team is satisfied that the issues relating to biodiversity and open space have been addressed by the proponent and do not prevent the proposal progressing to finalisation.
<b>Site ownership and use for public purposes</b>  Number of submissions: 37 out of 100 (37%)	Submissions raised concern that given the land was gifted to Western Sydney University (WSU), it should be retained under government ownership and used for educational purposes or other community benefiting uses.	WSU have recently approved plans for two campus in the Bankstown CBD and Liverpool CBD. With the relocation of the University's activities to nearby centres, WSU continues to prioritise the importance of education in this area through its extensive investment in its facilities, the local community and educational needs.  WSU's Western Growth transformation program for the Milperra Campus was undertaken with the Minister's consent and in accordance with the Western Sydney University Act.	The proponent has undertaken consultation with relevant government agencies prior to the lodgement of the proposal with regard to the future use of the site and whether it is required for educational purposes. Although the Milperra area will see a reduction in educational facilities directly as a result of the proposal, WSU will offset this loss through the provision of other similar educational facilities in nearby local centres, including the new Bankstown CBD campus.

# Summary of Submissions

PP-2021-5837



Key issues	Summary of issues raised	Proponent response	Agile Planning team response
		In assessing the options for the site, the University had engaged with the NSW Government who advised that the site was not required to meet future growth and primary/high school education demand for the local area.	<p>SINSW's submission advises that there is capacity in educational facilities to account for the growth in population. Other government agencies, such as NSW Health, made no comment about the proposal.</p> <p>The Agile Planning team is satisfied that suitable consultation with agencies has been undertaken in relation to the future use of the site for the proposal to progress to finalisation.</p>