

31 May 2023

Kelly McKellar
Agile Planning
Delivery, Coordination, Digital and Insights Planning Group
Department of Planning and Environment

Dear Kelly

RE: Proposed Zone RE1 Public Recreation land to be dedicated – WSU Milperra Planning Proposal (PP-2021-91)

I refer to the abovementioned planning proposal and the Gateway determination issued by the Department of Planning and Environment on 1 June 2022. Gateway Condition 2b as provided below seeks evidence that measures are implemented to allow the reservation of land zoned RE1 Public Recreation within the site:

'Condition 2b - Confirm that land proposed Zone RE1 Public Recreation land will have appropriate arrangements to ensure the land is reserved for a public purpose.'

Council confirms that the mechanism for reserving and receiving dedication of the RE1 zoned land will be administered through the draft Planning Agreement (draft PA) and amendments to the Bankstown Local Environmental Plan 2015 (LEP) Land Reservation Acquisition (LRA) maps. Within the draft PA is the inclusion of a clause that will allow Council to acquire the RE1 zoned land for \$1 in the event that the land is not dedicated prior to the agreed draft PA timing threshold.

Council has taken into account the following matters, which are considered to be *'appropriate arrangements'* in reserving public land in accordance with Gateway Condition 2b subject to Council resolving to execute the Planning Agreement:

- Appropriate clauses within the draft PA to allow for dedication of the land to Council at a nominal cost to Council (i.e. \$1)
- Draft PA includes mechanisms to ensure the delivery of required embellishment items including play and fitness equipment, sheltered seating, landscaping, cycle paths etc prior to dedication to Council
- In principle agreement of both parties regarding the design and functioning of drainage facilities within RE1 zoned land including Basin 1 (southern open space) and Basin 3 (northern open space)
- Draft PA provisions to ensure embellishment and drainage designs specifications are to be reviewed and accepted by Council prior to works commencing
- Draft PA provisions which relate to the condition of the land and timing of land dedication
- Proposed update to the planning proposal to amend the LEP LRA maps to include RE1 zoned land. This will allow to acquire the RE1 zoned land if dedication does not occur by the specific threshold outlined in the draft PA schedules, and
- The progressed status of the draft PA which is in a final legal review by Council's lawyers. Once the draft PA is agreed between Council and Mirvac, Council will re-exhibit the document (initial exhibition held in December 2022).



While it is not specified in Condition 2b, the draft PA includes the SP2 Infrastructure (Drainage) land in the south western corner of the site within the clause to allow Council to acquire that land, along with the RE1 zoned land, for \$1. Council requests that the Department ensures the SP2 zoned land is also included within the LRA maps before the planning proposal is finalised.

Council advises that the draft PA has yet to be finalised and re-exhibited. Therefore, this letter is to advise the Department only and Council is not able to confirm acceptance of being nominated the public acquisition authority until the draft PA is reported to Council and Council resolves to enter into the agreement with Mirvac and to become the acquisition authority.

Should you require any further clarification on any of the matters addressed above, please feel free to contact Jackson Caires, Strategic Planner at Canterbury Bankstown Council, on 9707 9411 or alternatively via email at Jackson.Caires@cbc.city.nsw.gov.au.

Yours sincerely

Patrick Lebon
**Coordinator, Strategic Assessments
City Strategy and Design
Canterbury Bankstown Council**