



Our ref: Sydney South Planning Panel - Planning Proposal (PP-2021-5837) - Ministerial Directions Compliance (1)

Your ref: Ministerial Directions Compliance

3 May 2023

For internal use

Helen Lochhead
Chair - Sydney South Planning Panel
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Ms Lochhead

Re: Planning Proposal at 2 & 2A Bullecourt Avenue Milperra, NSW 2214, (PP-2021-5837) – Ministerial Directions Compliance

I write on behalf of the proponents of PP-2021-5837 (Mirvac Residential Developments NSW P/L and Western Sydney University) to provide advice to the South Sydney Planning Panel regarding how the Planning Proposal is consistent with the applicable Ministerial Directions (Division 9.1 Directions).

The *Environmental Planning and Assessment Act 1979*, Division 9.1 enables the Minister for Planning and Public Spaces to issue directions regarding the content of Local Environmental Plans to the extent that the content must achieve or give effect to principles, aims, objectives or policies set out in those directions.

Each planning proposal must identify which, if any, Division 9.1 Directions are relevant to the proposal, and whether the proposal is consistent with the direction.

Appendix A of this letter provides a summary of the Planning Proposal and its consistency with the Directions. Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies have been explained and justified in the Planning Proposal.

If you require any further information, please do not hesitate to contact Callum Sangkuhl on (02) 9927 6546 or callum.sangkuhl@wsp.com

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WSP acknowledges that every project we work on takes place on First Peoples lands.
We recognise Aboriginal and Torres Strait Islander Peoples as the first scientists and engineers and pay our respects to Elders past and present.



Yours sincerely

A handwritten signature in black ink, appearing to read 'Callum Sangkuhl'.

Callum Sangkuhl
Associate, Planning and Approvals



Appendix A – Ministerial Directions Compliance

The relevant directions are considered in the below table. **Directions not listed are not applicable to the Planning Proposal.**

Table 1 Ministerial Directions

Ministerial Direction and Objective	Consistency
Focus Area 1 – Planning Systems	
1.1 Implementation of Regional Plans To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	Consistent The PP had addressed and is consistent with the relevant Regional Plan – <i>A Metropolis of Three Cities – The Greater Sydney Region Plan</i>
1.3 Approval and Referral Requirements Ensure that LEP provisions encourage the efficient and appropriate assessment of development	Consistent The proposal does not contain provisions that will require additional requirements for concurrence in approvals.

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Ministerial Direction and Objective	Consistency
<p>1.4 Site Specific Provisions</p> <p>To discourage unnecessarily restrictive site-specific planning controls</p>	<p>Justified inconsistency</p> <p>The PP includes local provisions to enable the delivery of the site in an orderly manner and to allow for a diverse range of housing, a key objective of Councils Housing Strategy.</p> <p>The provisions are necessary in that it sets appropriate controls relating to lot size, floor space ratios, maximum number of permissible dwellings (a dwelling cap) to ensure externalities are measurable and dwelling density is controlled.</p> <p>The local provision provides additional certainty for the existing residents over and above that which could be achieved through a DCP alone.</p> <p>The PP includes amendments to Land Reservation Acquisition mapping to enable acquisition of the land for public parks and drainage by Council.</p>
<p>Focus Area 3 – Biodiversity and Conservation</p>	
<p>3.1 Conservation zones</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas</p>	<p>Consistent</p> <p>The Preliminary Ecological Assessment prepared for the Planning Proposal confirms the presence of Cumberland Plain Woodland in the north eastern corner of the site (approx 2.05ha).</p> <p>The planning proposal facilitates the protection and conservation of the environmentally sensitive area by rezoning the relevant area from SP2 Infrastructure to C2 Environmental Conservation.</p> <p>An amendment to the Terrestrial Biodiversity map is proposed to ensure the associated provisions within the Bankstown LEP relating to Terrestrial Biodiversity apply to the land.</p> <p>The PP complies with this direction as it will not reduce the conservation standards that apply to the land.</p>

Ministerial Direction and Objective	Consistency
3.2 Heritage Conservation Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent Bullecourt Avenue and Ashford Avenue are both locally listed heritage items. The proposal does not reconfigure the road alignment and therefore does not impact the significance of these items. The site itself is not heritage listed.
Focus Area 4 – Resilience and Hazards	

4.1 Flooding

The objectives of this direction are to:

- a) 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
- b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

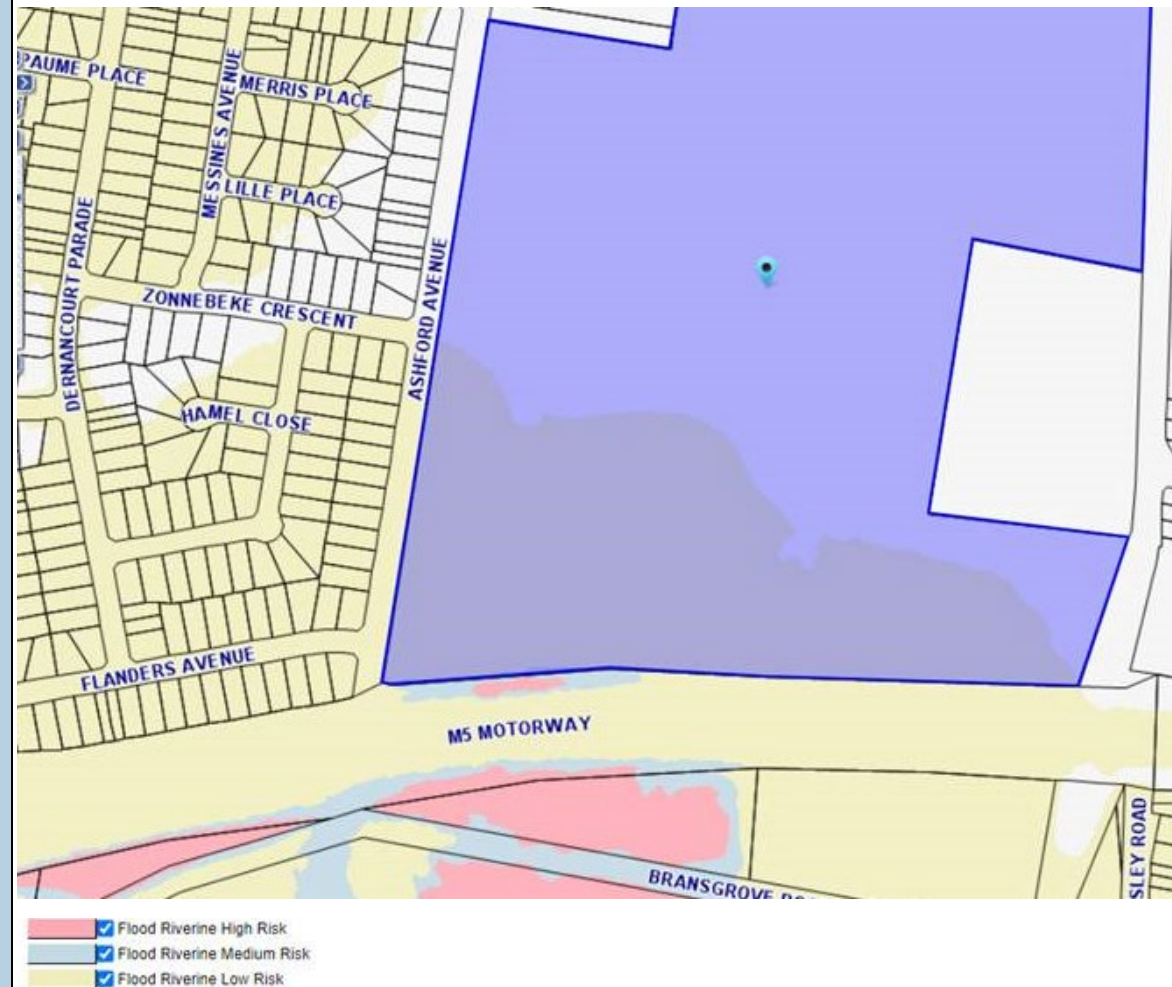
Consistent

This Ministerial Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Small, irregular portions of the Masterplan area is identified as "Flood Stormwater Medium Risk", according to Council's flood mapping records (extracted below, demarcated in dark blue). These areas represent reshaped topography in the delivery of the WSU Campus facilities (parking, sports field, open space)



The south, south-western portion of the masterplan area is mapped as “Flood Riverine Low Risk” (extracted below, demarcated in yellow).



Our review of the current flood mapping suggests that the majority of the site remains non-flood affected, with some of the lower southern portions identified as low flood risk.

A Flood and Risk Impact Assessment has been completed to address the Gateway Determination (PP-2021-5837) and the submission by the Environment and Heritage Group (EHG) (DOC22/956174) dated 20 December 2022. The Assessment integrates the findings from the stormwater management strategy completed in consultation with Council. The stormwater management strategy provides a basis for the future detailed design and future development of the site to ensure that the environmental, urban amenity, engineering and economic objectives for stormwater management and site discharge can be achieved.

The Flood and Risk Impact Assessment by JWP May 2023 has identified the following:

- Two (2) detention basins in the southern portion of the site with a combined 1% AEP detention volume of approximately 2,310 m³ will ensure that developed conditions stormwater flows are no greater than existing conditions flows external to the site.
- the latest site regrading design has reduced the overall catchment in the north-western portion of the site and the hydrologic assessment confirms that no detention is required in that portion of the site.
- Future detailed design stages will need to consider the various site constraints and ensure that appropriate freeboard is provided from the basin top water level to the finished floor and garage levels of future proposed dwellings.
- Four (4) Gross Pollutant Traps (GPTs) and three (3) bio-retention raingardens provide stormwater quality management for the proposed subdivision to ensure pollutant removal targets are met prior to discharge from the site.

The Flood and Risk Impact Assessment has identified that during modelled storm events the proposed development sought through the Planning Proposal has insignificant change to the flood behaviour external to the site, moreover, it decreases the flood levels to the northwest of the site by 26 mm in 1% AEP event.

The developed condition outlines that the existence of the detention basins within the site confirms that there is the capacity to provide regional flood storage of 9600 m³ during 1%AEP flood events without affecting detention basin performance. Due to this there is no net loss of floodplain storage in the locality associated with the proposal.

Ministerial Direction and Objective	Consistency
	<p>The proposed development has resulted in insignificant change in flood behaviour during climate change scenarios of 0.5% AEP and 0.2% AEP up to PMF flood events.</p> <p>Accordingly, the Planning Proposal is consistent with the Ministerial Requirements as future permissible development :</p> <ul style="list-style-type: none"> — Will not result in any significant increases in off-site flood levels in the surrounding proximity or significant changes to the flood behaviour external to the site. — Will not increase the potential flood affectation on other development or properties, either individually or cumulatively. — Will not occur on any land considered a high hazard or floodway area. — Will not result in the requirement for government spending on flood mitigation measures as all localised required measures (ie basin construction, minor land filling etc) will be funded by the proponent. Further, the site grading design allows for ease of evacuation during catastrophic flood events (e.g. above 1% AEP) without the need for upgrades to existing road infrastructure. — Does not include high risk land uses on flood affected land — Can comply with the requirements of Councils DCP 2015 and draft consolidated DCP 2021. <p>The Planning Proposal does not impose flood related development controls above the residential flood planning level as outlined in the NSW Guidelines and is consistent with those guidelines. Flood hazard and evacuation requirements are in accordance with the NSW Floodplain Development Manual.</p> <p>Overall, the Flood and Risk Impact assessment by JWP and Planning Proposal demonstrate compliance with Government's flood risk policies, development manual and requirements of the Ministerial Direction.</p>

Ministerial Direction and Objective	Consistency
<p>4.2 Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>Consistent</p> <p>The southern part of the site is identified as being within the “proximity area for coastal wetlands” by the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) .</p> <p>The Division 9.1 Ministerial Direction No. 4.2 “Coastal Management” therefore applies to the proposal.</p> <p>The Planning Proposal meets the applicable objectives and requirements of the Coastal Management Act 2016 and the Resilience and Hazards SEPP, where:</p> <ul style="list-style-type: none"> — The M5 motorway currently provides a hard and significant barrier between the subject and the land mapped as ‘Coastal Wetlands’, therefore there is no physical interface with the identified Coastal Wetland. — The existing trees and landscaping within the M5 motorway road reserve are to be retained, maintaining a sufficient buffer to the Coastal Wetland area. — The Ecological and Arboricultural Impact Assessments, undertaken by Ecological Australia, did not identify any coastal / riparian vegetation on the site. — Surface and ground water flows to the adjacent wetland will be suitably managed, as detailed in the stormwater and flood risk assessment. — The proposed development is not likely to cause increased risk of coastal hazards on that land or other land and is not currently the subject of any certified coastal management program. — The Planning Proposal does not seek to amend the Coastal Wetland Area Map. <p>Accordingly, the Planning Proposal and subsequent future redevelopment of the site will have negligible impact upon:</p> <ol style="list-style-type: none"> a. The biophysical, hydrological or ecological integrity of the adjacent coastal wetland, and b. The quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

Ministerial Direction and Objective	Consistency
<p>4.3 Planning for Bushfire Protection</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and b) encourage sound management of bush fire prone areas 	<p>Consistent</p> <p>Ecological Australia’s bushfire assessment of the site prepared for the Planning Proposal found that the only bushfire hazard is attributed to the remnant woodland located at the north-eastern corner of the site. In all other interface areas, there are managed lands in the form of existing residential and industrial land uses and road reserves.</p> <p>The report provides recommendations which would be implemented at the detailed design/Development Application stage and some bushfire measures will be incorporated into the site specific DCP, including landscaping, APZ management and required construction standards.</p> <p>It is noted that the managed APZ zones are located within the proposed B1 zoned land (to be managed under the proposed community title plan applying to that land), and road reserves of areas zoned for urban purposes.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>Reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Consistent</p> <p>A Detailed Site Investigation and associated Remedial Action Plan (RAP) has been completed. This Investigation found that although not significant, the site contains some contaminants while the associated RAP details the required remediation strategies.</p> <p>A Site Audit Statement (SAS) was also completed which 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. . The SAS also outlined the need for further testing (to close the identified data gap) and that due to the scale and type of testing, it is best completed after the demolition of existing hard stand areas and buildings.</p> <p>The implementation of SAS and RAP recommendations will ensure that the PP is consistent with this Ministerial Direction.</p>

Ministerial Direction and Objective	Consistency
<p>4.5 Acid Sulfate Soils</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>Consistent</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid Sulfate soils. Part of the site is affected by Class 5 Acid Sulfate Soils as is the majority of the urban land in Milperra. As a result, the development application will need to consider the impact on acid Sulfate soils. The Planning Proposal does not contradict this direction.</p>
<p>5.1 Integrating Land Use and Transport</p> <p>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> a) Improving access to housing, jobs and services by walking, cycling and public transport, and b) Increasing the choice of available transport and reducing dependence on cars, and c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and d) Supporting the efficient and viable operation of public transport services, and e) Providing for the efficient movement of freight. 	<p>Consistent</p> <p>The PP is supported by a Transport Assessment that addresses the accessibility of the site within the broader road and transport network.</p> <p>The site is accessible to open space and includes a neighbourhood zone and retention of a child care centre. This assists with local containment and reduce dependency on external infrastructure for convenience.</p> <p>The site is located adjacent to the Milperra Employment precincts and near Bankstown Airport providing housing choice for employees/employers.</p> <p>The site is well serviced by the existing bus network and within 2 km of Panania Station accessible by car, bus, cycleways and pedestrian links addressing the objective of a 30-minute city.</p>

Ministerial Direction and Objective	Consistency
<p>5.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. 	<p>Consistent</p> <p>The PP will facilitate the provision of public open space through the proposed rezoning to provide of approximately 1.44ha of land to RE1 Public Recreation.</p> <p>The dedication of the proposed RE1 Public Recreation land to Council will be through the proposed Voluntary Planning Agreement (VPA). In addition to the requirements to facilitate the dedication of land to Council, the VPA also includes an enabling clause to allow compulsory acquisition by Council if dedication of that land does not occur by the agreed timeframes.</p> <p>The proposed addition of the RE1 land to the LEP Land Reservation Acquisition mapping and nomination of Council as the acquisition authority under Clause 5.1 of the BLEP are considered appropriate arrangements to facilitate land reservation and dedication.</p>

Ministerial Direction and Objective	Consistency
<p>6.1 Residential Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	<p>Consistent</p> <p>The PP is consistent with the objectives of the Direction. It will facilitate the delivery of a diverse range of housing styles within a low rise built form.</p> <p>The proposed provision of a maximum of 430 dwellings of various styles and sizes will provide housing diversity which is particularly lacking in Milperra and surrounding areas. The proposed development will make efficient use of existing utility and public transport infrastructure and accords with key objectives of Councils Housing Strategy.</p> <p>Water quality measures, landscaping and minimisation of impervious areas (road carriageways), energy efficient and sustainable housing models all seek to minimise the potential impacts upon the environment.</p> <p>The PP includes a Structure Plan to drive high quality design outcomes for the site. This will be further supported by a site specific DCP that has been prepared in collaboration with Council and exhibited separate to this PP.</p> <p>The Infrastructure Report prepared as part of the Planning Proposal demonstrates the capability of the site to accommodate the development.</p>

Ministerial Direction and Objective	Consistency
<p>7.1 Business and Industrial Zones</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> a) encourage employment growth in suitable locations, b) protect employment land in business and industrial zones, and c) support the viability of identified centres. 	<p>A neighbourhood centre is proposed in the north-eastern corner of the site to be zoned as B1 Neighbourhood Centre and will enable the development of locality serving commercial uses; potentially including a café, retail premises shared office space adjoining the child-care centre.</p> <p>This neighbourhood centre will not compete against nearby commercial uses or higher order centres due to its limited scale and emerging catchment expenditure on similar goods and services as confirmed by the needs analysis and viability assessment completed by Urbis and exhibited with the PP. Furthermore, the proposed residential development will not result in land use conflicts with existing industrial land to the north and east of the site where:</p> <ul style="list-style-type: none"> — There is limited direct interface between residential and with industrial land through appropriate siting of land uses and open space — Adequate spatial separation is provided for the proposed residential properties to the north, including the width of Bullecourt Avenue and the proposed public open space and landscaping adjacent. — Adequate spatial separation is provided for the proposed residential development to the east of the site afforded by Horsley Road and the existing school — It is anticipated that the appropriate acoustic treatment and design mitigation measures to new developments would be provided at the DA stage (per recommendations in the exhibited Acoustic assessment) to mitigate impacts from the operations of the industrial land and surrounding road network including the M5 Motorway.