

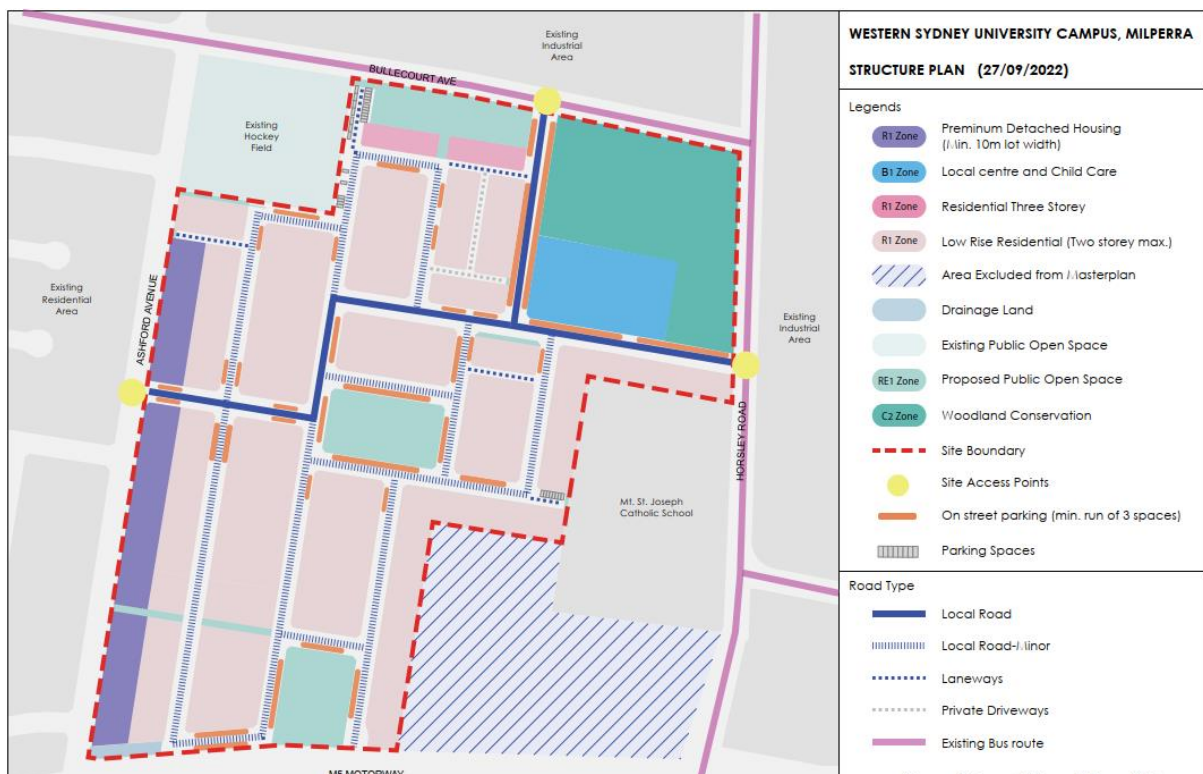
City of Canterbury Bankstown Council

# Responses to submissions Summary Report

## Public exhibition of PP-2021-5837

## Western Sydney University Milperra

February 2023



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# Question today *Imagine tomorrow* Create for the future

## Responses to submissions received during the public exhibition of PP-2021-5837

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# 1 Summary

The purpose of this report is to provide an evaluation and responses to submissions received by the Department of Planning and Environment (the Department) during the public exhibition of the Planning Proposal for the redevelopment of the Western Sydney University, Milperra Campus (Ref. PP-2021-5837). The Planning Proposal was on exhibition between 1 November 2022 and 14 December 2022 with a total of 108 submissions received, 100 of which were from the community, six submissions from government agencies and two submissions from organisations. Further details in relation to submissions from government agencies and organisations are provided in Section 4 of this report.

This report includes a summary of the responses to matters raised in those submissions. In addition, detailed responses against each individual submission have been provided in the 'Submissions Review Table' provided under a separate cover.

## 2 Description of the Planning Proposal

The Planning Proposal seeks to rezone the Western Sydney University (WSU) Milperra Campus at 2 and 2A Bullecourt Avenue, Milperra. The Proposal seeks to amend the Bankstown Local Environmental Plan (BLEP) to create a master planned residential community supported by a small-scale local centre inclusive of a childcare centre, open space and supporting infrastructure.

The redevelopment of the Milperra campus contributes to the delivery of the new Bankstown City campus. Consistent with WSU's Western Growth Strategy, current courses and capabilities are currently being transitioned from Milperra to the new state-of-the-art vertical campus in the Bankstown CBD.

In the initial phases of site planning, WSU considered a range of potential land uses before seeking a rezoning to allow for much needed housing variety in a low rise (predominately two storey) built form.

Specifically, the Planning Proposal seeks to amend the Bankstown Local Environmental Plan (BLEP) 2015 to:

- rezone the site from 'Zone SP2 Educational Establishment' and 'Zone SP2 Electricity Transmission or Distribution Network', to:
  - predominantly Zone R1 General Residential,
  - part Zone B1 Neighbourhood Centre,
  - part Zone RE1 Public Recreation,
  - part Zone C2 Environmental Conservation, and
  - part Zone SP2 Infrastructure (Drainage).
- introduce maximum building heights of part 9 metres (majority of the site) and part 11 metres (neighbourhood centre zone and select land fronting Bullecourt Avenue)
- introduce maximum floor space ratio (FSR) controls being part 0.5:1 (for land fronting Ashford Avenue), part 1:1 (for land in the neighbourhood centre zone) and a 'sliding scale' FSR control for the remainder of the site,
- introduce a minimum lot size control of 300m<sup>2</sup> (for the general residential zone),
- include a provision to permit variations to the minimum lot size control of 300m<sup>2</sup> to permit small lot housing (140m<sup>2</sup> – 300m<sup>2</sup> lots),
- include a provision to limit the residential yield to 430 dwellings,
- include the R1 General Residential zone as an exclusion from the minimum lot size control for community title and strata subdivision in the existing LEP,
- amend the Terrestrial Biodiversity Map to clarify the extent of the mapped biodiversity area.

### 3 Background

In 2017 Western Sydney University announced the development of a new state of the art Campus in the Bankstown CBD which initiated planning for the repurposing of the Milperra Campus.

In 2019 Mirvac had carried out community consultation sessions at the Milperra Campus which presented masterplanning and technical analysis completed at that time.

The Planning Proposal was submitted to Council in July 2020. During the assessment of the Planning Proposal, Council engaged specialist consultants commissioned to review elements of the Planning Proposal. Further, Council's planners had referred the Planning Proposal to various departments within Council for review and feedback. Responses to the subsequent requests for information were provided and Council's planning department prepared a report to the Canterbury Bankstown Local Planning Panel (held 7 July 2021) who subsequently resolved that the Planning Proposal shall proceed subject to certain requirements being met.

Council staff then prepared a report to Council recommending that the Planning Proposal proceeds to the next milestone; consideration by the Department of Planning (DPE) and Gateway Determination.

The Planning Proposal was considered by Council at its meeting of 27 July 2021, whereby Council resolved to defer its consideration of the Planning Proposal pending further information about any meetings held with the NSW Government Ministers and/or Local State Federal members about the site.

At its meeting of 24 August 2021, Council considered the Planning Proposal and additional information provided in response to Council correspondence. Council resolved not to support the Planning Proposal proceeding to Gateway Determination. No reasons for refusal were provided in Council's meeting minutes.

On 22 September 2021, the proponent lodged a rezoning review request with the Department. On 10 December 2021, the Sydney South Planning Panel considered the rezoning review request and determined that the proposal demonstrated strategic and site-specific merit and should be submitted for a Gateway Determination.

Canterbury Bankstown Council declined the role as the Planning Proposal Authority (PPA) and the Panel appointed itself as the PPA on 4 February 2022. The Planning Proposal was submitted to the Department for Gateway Determination on 17 February 2022.

An updated Planning Proposal was submitted to the Department on 23 March 2022 to clarify the proposed changes made in response to additional assessment and to reflect the resolution of the South Sydney Panel meeting.

The DPE issued a Gateway Determination on 1 June 2022 stipulating the timing and duration of the public exhibition period and the public authorities required to be consulted. The Gateway Determination also included requirements for further technical analysis and updates to the Planning Proposal.

The updated Planning Proposal and technical studies were exhibited from 1 November to 14 December 2022.

## 4 Public exhibition and public authority consultation - Assessment of Submissions

The public exhibition period was administered by the Department from 1 November to 14 December 2022 with copies of all submission provided to Mirvac for evaluation and consideration.

The Department received a total of 108 submission out of which six were from government agencies listed below:

- Office of Strategic Lands/Planning Ministerial Corporation (PMC)
- Sydney Water
- School Infrastructure NSW (SINSW)
- NSW EPA
- Canterbury Bankstown Council
- The Environment and Heritage Group (EHG)

Two submissions were received from the following organisations:

- Bankstown Bushland Society
- Mount St Joseph Catholic College

The remaining 100 submissions were received from the community. Copies of government agencies' submissions and organisations' submission are provided in Appendices A and B to this report.

The common themes shared by the majority of submissions and the relevant responses are provided in the following sections of this report. In addition, detailed responses against each individual submission, have been included in the 'Submissions Review Table' provided under a separate cover.



# 5 Common themes in community submissions

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## 5.1 Ecology and landscaping

The public generally supported that over two hectares of Cumberland Plains Woodland would be preserved as part of the proposal. There has also been a consistent view that the designated conservation area and bushland remain a public asset so that the community can access this space.

Other matters raised in submissions include:

- the project interface and potential impacts on native flora and fauna,
- the loss of mature trees and bushland,
- the reduced visual amenity associated with tree removal, and
- future ownership and land management

### **Proponent's responses:**

The proposal preserves a significant area of high value remnant vegetation i.e. Cumberland Plain Woodlands, 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 rezoning over 2 hectares of the site to Zone C2 Environmental Conservation. Further, this part of the site has also been proposed to be incorporated into the Terrestrial Biodiversity control map under the amended BLEP 2015.

Over 88% of mature trees within the campus (1554 of 1776) will be retained. More importantly, over 99% of the higher order ecologically significant vegetation (Cumberland shale plain woodlands in either good or low condition) will be retained and maintained. The removal of 0.54% of Cumberland plain tree species is proposed to be offset via biodiversity credits.

The proposed central and northern open space areas have been positioned to maximise tree retention (approx. 24 trees) within these locations alone. There are also further opportunities for tree retention within rear yards, verge areas, and the proposed commercial land surrounding the existing childcare centre. The final quantum of tree retention will depend on the proposed cut and fill levels and utility infrastructure required to service the residential proposal.

The proposal will include planting of at least 540 trees along proposed roads and parks. Additionally, medium sized trees are proposed within residential lots with total trees planted far outweighing the number being removed.

The site-specific Development Control Plan (DCP) will include guidelines to promote tree retention, protection of trees to be retained during construction, provision of minimum landscaped areas on residential lots, tree planting requirements etc.

The proposal incorporates three publicly accessible open space areas totalling over 14,400m<sup>2</sup> which is to be embellished with seating, bicycle paths, BBQ facilities, sheltered areas, play equipment etc. Once embellished and established, it is intended these parks are dedicated to Council in perpetuity.

In terms of the proposed conservation area, Council, and the Department of Planning's branch PML, have cited ongoing maintenance costs as prohibitive. In the event a government entity is not willing to accept ownership, the land may be included within the proposed commercial center's community or strata scheme. Ongoing funding from the scheme would be allocated to the required bushland maintenance in perpetuity.

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## 5.2 Land Use

Public submissions shared concerns that the proposal will result in over-crowding, that the proposed housing density is too high and that the existing open space areas, sport facilities and Campus gardens provide considerably higher value to the community compared to housing.

Further, a consistent theme in the submissions is the desire to retain the existing/historical use of the site as an education facility (either as a university or K-12 co-education school) due to the lack of such facilities in the locality.

The relocation of the university campus from the site and the provision of public K-12 schools demand is discussed under Section "5.5 - Educational Facilities and Childcare" of this report.

Other matters raised relating to the proposed land use focus on the interface to the existing residential housing along Ashford Avenue and proposed residential density, the latter is considered in section 5.3 of this report.

Matters raised in submissions relating to the proposed land use and built form include:

- Utilisation of the R1 General Residential Zone noting the Council has not applied this zone to land within the local government area previously.
- The R1 zone permits land uses that are incompatible in the area including residential flat buildings, boarding houses, shop top housing etc.
- The proposal will result in the loss of valuable open space, a sporting field and gardens which provide amenity.
- WSU should not be able to sell/develop/dispose of the land for monetary gain.
- The proposed interface with Ashford Avenue is not appropriate.
- The proximity of proposed homes to the existing employment/industrial land uses will limit the amenity of future residents due to traffic, noise and other externalities.

### **Proponent's responses:**

#### *5.2.1 Utilisation of R1 General Residential Zone*

The site requires rezoning to support the development for residential purposes. Council currently applies three of the five residential zones available in the Standard Instrument Local Environmental Plan Order, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential. Each of these zones result in a specific urban form with the R3 and R4 zones generally applied in specific geographical locations.

The Department of Planning Standard LEP Instrument established the R1 General Residential land use zone and is adopted by several Councils across NSW. This land use zone however has not been adopted in the BLEP to date.

Given the diversity of housing typologies envisaged for the site, the objective of the R1 land use zone is deemed the most appropriate for the site. An analysis of existing housing stock and demographic analysis shows an obvious mismatch between the homes required for the local community compared to those currently available and promoted under Councils existing BLEP and DCP. This is particularly the case in Milperra where the R2 zone prevails. The application of the R1 zone will provide flexibility to provide the housing types required for emerging communities.

In response to the Department land use zoning guide that the R1 zone should be applied close to mass transit, the proposal seeks a maximum dwelling yield resulting in a housing density similar to that achievable under the R2 Low Density residential zone via dual occupancy controls. The proposed density has considered the public transport options (outlined in the Section 5.6 of this report and in greater detail within the Planning Proposal).

In addition to the zone objectives, site specific LEP provisions provides greater degree of certainty in outcome, particularly in terms of ultimate dwelling yield which is capped at 430.

#### *5.2.2 Incompatibility of land uses under zone R1*

Each land uses zone (including R2 and R3) contain a list of mandatory land uses which must be included in the LEP. Note that any development for such land uses requires development consent and therefore such proposals are subject to an assessment under the relevant planning framework. It is not intended to develop the proposed residential areas for residential flat buildings, boarding houses, shop top housing, hostels, manor houses while a small number of attached three storey homes may be delivered at the northern periphery of the site (facing open space and Bullecourt Avenue).

#### *5.2.3 Loss of Open Space*

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 University grounds are purpose built for the use of university staff and students. Due to the ability to comprehensively masterplan the entire site up front, public open space/parks are distributed throughout the site and totals approximately 14,440m<sup>2</sup>. The parks are to be purpose-built for future and existing residents and will be embellished as follows:

- pathways and seating in all parks,
- children's playground equipment in the Central Park,
- outdoor fitness equipment in the Central or Southern Park,
- sheltered picnic tables and a BBQ facility in the Central Park,
- landscaping and turf in all parks,
- kick around play area in the Southern Park,
- Shared pathway connecting each park within the masterplan.

The local open space embellishment works are to be provided under a Work In Kind (WIK) arrangement outlined in the draft Voluntary Planning Agreement (VPA).

Further, the VPA proposes upgrades to the Council operated Milperra Reserve (corner Ashford and Bullecourt Avenues) consistent with 'Neighbourhood Sportsground' category as outlined in the CBCity Generic Plan of Management and consist of the following:

- New lawn/turf and irrigation to expand the footprint of the existing playing area to allow for more sporting codes soccer/rugby etc (currently set up for hockey),
- Basic seating around the periphery of playing area,
- Rubbish Bins,
- Lighting,
- Shaded seating (under trees),
- Upgrade to amenities (toilets etc),
- Drinking fountains,
- Some areas of shade trees on periphery of playing fields memorials and public art,
- Landscaping treatments, paths to better integrate Milperra reserve with development site.

#### *5.2.4 Retain Education*

See section 5.5 of this report for an assessment against the concerns raised in relation to Educational Facilities and Childcare.

#### *5.2.5 Developing the land for monetary gain*

Western Sydney University has been providing higher education opportunities for the people of the Canterbury-Bankstown region since the establishment of the Milperra campus in 1975 when it was part of a teacher's college. With the approval by the Department of Planning and Environment for the delivery of Western Sydney University's new \$340 million high-rise Bankstown City campus and nearby Liverpool CBD Campus, it is evident that Western Sydney University 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. (refer to Section 5.5 of this report).

#### *5.2.6 Residential Interface and proximity to employment and industrial land uses*

In order to provide an appropriate interface to the existing residential area, attached and semi-detached residential homes will not be permitted on lots addressing Ashford Avenue. Built form will consist of detached homes on lots measuring at least 10m wide and 300sqm in area. Note that land within the existing R2 residential zone in Milperra permits attached dual occupancies on 7.5m wide, 250m<sup>2</sup> lots.

In terms of the consideration of alternate uses for the site, for example industrial land, it is deemed that a residential master planned community is a positive outcome for the existing residents within Milperra as it is likely to present a significantly lower environmental impact. Further the proposal

provides community fostering facilities such as public parks, cycle ways, a small commercial centre to service day to day needs and enhance liveability.

Regarding the proposal's interface with the industrially zoned land, existing roads provide a distance buffer to those uses. Further, a minimal number of residential lots address the industrial zones; there is one residential lot adjacent to Horsley Rd while the proposed dwellings addressing Bullecourt Avenue are separated from the road reserve via open space.

In terms of future residential amenity, an Acoustic Assessment was undertaken by Renzo Tonin & Associates which notes that the industrial noise levels do not exceed that emanating from road traffic, and as such, the façade systems detailed in the Acoustic Assessment to attenuate road noise is sufficient to address industrial related noise transmission.

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## 5.3 Site Density and Site Character

Matters raised in submissions relating to the proposed dwelling density and site character include:

- The proposal is incompatible with the existing suburban character of Milperra, which is predominantly low density, and includes one to two-storey built form.
- The proposed number of dwellings will result in overcrowding.
- The proposed FSR does not allow for enough landscaping and visual amenity across the subject site.

### **Proponent's responses:**

It has been reported in early 2022 that Canterbury Bankstown Council is tracking with a deficit of over 5,000 dwellings against their housing targets for the 2021-2026 period. This adds significant upwards pressure on house prices thus reducing affordability.

The subject site provides a unique opportunity to contribute up to 430 dwellings of the 10,000 dwellings target for 2036 attributed to housing outside of centres under Council's LSPS, Connective City 2036.

### *5.3.1 Incompatibility with the existing suburban character of Milperra*

The proposed planning framework seeks to deliver a diverse range of housing types including low rise detached, attached (terrace style) and semi-detached dwellings that is in line with a key objective of Council's housing strategy that requires the delivery of housing diversity within the LGA.

The need for housing diversity is backed by demographic analysis which conclude that housing stress is a major issue in Bankstown Canterbury LGA. Further, an analysis of existing and proposed housing stock compounds the lack of choice evidenced by new dwellings primarily consisting of a concentration of apartments, secondary dwellings and dual occupancies while only a very limited supply of small to mid-sized homes on moderate lot sizes. Hence, the new neighbourhood will create its own unique neighbourhood character whilst providing a sensitive interface to the existing residential area on Ashford Avenue. This is achieved through minimum lot widths (10m), lot size (300m<sup>2</sup>) and prohibition of attached homes along this interface. Refer to section 5.2 of this report for further details regarding the proposed sensitive interface.

The site is a consolidated land holding where there is single ownership representing an invaluable opportunity to delivery of housing that meets the needs of emerging communities. The single ownership allows for master planning to be undertaken cohesively and in consideration of precinct wide impacts. This provides the ideal environment to deliver diverse housing types, particularly when

compared to small lot housing forms (e.g. dual occupancies and secondary dwellings) being introduced in an ad hoc fashion within long-established suburbs.

### *5.3.2 Overcrowding of the site*

The total project yield of 430 dwellings reflects a residential density comparable to that permissible within the adjacent residential area zone R2 Low Density Residential.

The development density, scale and total floor areas will be managed by a suite of planning controls, including a maximum building height, landscaping ratios, building setbacks and a dwelling maximum of 430.

### *5.3.3 Proposed FSR does not allow for enough landscaping and visual amenity*

The proposal has been master planned from the initial stages ensuring streetscape, connectivity and amenity are considered upfront and holistically. The proposed density for the Planning Proposal has been distributed throughout the site allowing a comprehensive analysis of streetscape and character at the development application stage when compared to ad hoc infill developments such as dual occupancies being delivered throughout the R2 Low Density Residential zone.

The proposed density for the site has been planned properly to allow for a variety of open space areas in the form of three local parks totalling approx. 14,440m<sup>2</sup> (around 4.5 times the size of Beatham Reserve). The characteristics and qualities of the proposed open space is discussed under section 5.2 above.

The proposal is planned so that smaller housing will be located adjacent to public parks that will be embellished and dedicated to Council with no home located further than 250m from a local park or reserve.

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## **5.4 Growth and infrastructure capacity**

Concerns were raised around the lack of infrastructure to service population growth including roads, education facilities (public schools), childcare centres, supermarkets, public transport and health services.

The cumulative impacts of the Riverlands Golf Course redevelopment (312 lots) combined with the Planning Proposal were also mentioned in the submissions.

### **Proponent's response:**

#### *5.4.1 Local Infrastructure*

The Voluntary Planning Agreement associated with the Planning Proposal contributes to the maintenance and upgrading of the existing local infrastructure and provides additional public benefits to be delivered via a works in kind arrangement or monetary contributions. These include:

- Repair and renovation to the Milperra Community Centre.
- Embellishment of Milperra Reserve to increase its capacity including landscaping, new turf, seating, lighting, and upgrade to the amenities block.
- Provision of shared paths within the master planned community in addition to a contribution towards a shared path to Panania Rail Station.



- A monetary contribution to Council for the provision of affordable housing/reduced rents for lower-income residents including key workers.
- Provision of three publicly accessible open space areas totalling approx. 14,440m<sup>2</sup> which is to be embellished with seating, bicycle paths, BBQ facilities, sheltered areas and play equipment

The complete details of proposed public benefits are contained within the draft VPA submitted with the Planning Proposal.

#### *5.4.2 District/regional infrastructure*

In relation to the potential cumulative impacts of the future population growth in the area, the Planning Proposal has been referred to the relevant state agencies during the exhibition period to allow their assessment of infrastructure capacity required to accommodate the additional demand. Further consultation may also be required during the subdivision and housing Development Application assessment phase.

In terms of public transport there are 11 bus stops within 400m of the site which provide access to activity centres which include jobs, healthcare, general services and rail stations in accordance with State Governments '30-minute city' principle. Centres within 30-minute travel include Bankstown, Panania, East Hills and Liverpool CBD.

The establishment of a new Campus in the Bankstown CBD also leverages the continued investment of infrastructure in major transport hubs.

#### *5.4.3 Hospital*

The proposed Bankstown Lidcombe Hospital is a \$1.3B project being carried out by the State Government and is now nearing conclusion of the site selection phase. This project is key to increasing capacity of care. The existing Bankstown-Lidcombe Hospital will continue to operate whilst planning and construction of the new hospital is ongoing.

#### *5.4.4 Collector/Arterial Roads*

Projects on major state-owned roads are determined by NSW Government and consider future population growth and capacity throughout the process of due diligence and design. Transport for NSW has commenced upgrades to the Henry Lawson Drive. Works have been carried out in stages to focus on key areas of congestion and to minimise impact to motorists and the community along the corridor.

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## 5.5 Educational Facilities and Childcare

Many submissions expressed a desire to maintain or repurpose the university campus into a public school/s or other education facilities rather than demolishing it, given that the buildings, facilities and gardens are functional and in good condition.

The proposal to potentially reduce capacity of the existing childcare centre due to the increasing population has also been raised as a concern. It is considered that the reduction in the capacity of childcare centres would significantly limit choices for existing and future families in the area, who require access to suitable early childhood care facilities. The wait lists for acceptance/enrolments at the existing facilities are considered, by residents, to be excessive.

### **Proponent's responses:**

In relation to existing schools, the suburb of Milperra contains one primary school and one secondary school; Milperra Public School and Mount St Joseph Catholic College. In the wider Panania-Milperra-Picnic Point, there are an additional six primary schools and three secondary schools.

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. Correspondence from the Minister for Skills and Tertiary Education confirming the government's position was provided in early 2020.

During this time, the University also engaged with Mount St Joseph Catholic College and negotiated the sale of a portion of the Campus land (i.e. 3.69ha) to allow for the future expansion of the school. The land area transferred more than doubles the existing school site area and includes buildings which are suitable to enable the delivery of an education presence into the long term.

The Department of Education were also consulted during the recent exhibition of the Planning Proposal. School Infrastructure NSW (SINSW), a component of the Department, feedback via letter dated 30/09/22. The main points are summarised below.

- The number of students projected to be generated by the proposal can be accommodated by the surrounding primary and secondary schools (subject to upgrades and intake area adjustments)
- In addition to the four high schools located within this part of the LGA, the intake area for Sir Joseph Banks High School also includes part of Bankstown, Punchbowl and Riverwood.
- Projects have been announced at Picnic Point and Sir Joseph Banks High School which will provide additional enrolment capacity to meet future demand in the area.
- SINSW identifies that the appropriate solution to cater for future growth is to ensure that existing schools are fully utilised before new schools are considered.
- Due to projected residential growth, SINSW request ongoing consultation with Council regarding any future growth and change identified in the locality.

In terms of university capacity in the region, the delivery of the new Bankstown City campus, equipped with state of the art teaching, learning and research environments, will serve the educational needs of the Bankstown LGA and wider western Sydney. The ongoing investment to optimise educational opportunities for the region is a key pillar of WSU's Western Growth Strategy. Through this transformation program the University is reshaping the campus network, aligned with regional growth and infrastructure development.

WSU has expanded its presence and significantly increased educational capacity in South Western Sydney with vertical campuses in Bankstown and Liverpool CBD's. This brings substantial social and economic benefits including supporting an increase in the levels of educational attainment for local communities.

With regards to childcare facilities, there are currently two (2) long day care centres, one (1) pre-school and one (1) out-of-school hours care facility within Milperra.

The WSU campus currently operates the 'Western Sydney University Early Learning Bankstown' on site, and has a capacity of 67 places, half of which are allocated to children of WSU students and staff.

It is intended that the B1 zone facilitates small scale uses in addition to a childcare offering.

The Social Impact and Community Needs Assessment prepared by Architectus concludes that a childcare offering of around 40 places was sufficient to cater for projected demand.

The proposed rezoning of the childcare precinct to B1 Neighbourhood centre will permit locality serving commercial uses; potentially including a café, retail premises, shared office space etc. The final quantum of childcare places, and introduction of other businesses will be subject to a further



demand analysis at the Development Application stage, noting the objective at this stage of the planning process is to permit a range of uses via the proposed zoning change and associated planning controls.

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## 5.6 Traffic and Transport

Matters raised in relation to traffic and transport include:

- the existing road (local and arterial) network does not have sufficient capacity with the proposed increased population,
- the limited access and egress from the site may add to the existing traffic issues,
- Narrow road reserves and on-street parking currently restricts vehicle movements, manoeuvrability and safe passing. This situation will be exacerbated by the proposal,
- Vehicles from the proposal will utilise adjoining residential roads as a short cut to Henry Lawson Drive,
- Access and manoeuvrability for large trucks and emergency/service vehicles (e.g. garbage trucks, ambulances and fire trucks) will be insufficient,
- The traffic from the existing local transport depot and industrial businesses will conflict with the higher volumes of residential traffic,
- The lack of public transport services and low utilisation of existing bus services particularly during peak hours will add to congestion,
- Cycle paths should be incorporated into the proposed design.

### Proponent's responses:

#### 5.6.1 Road capacity

Traffic modelling by TTPP concludes that although the development of the campus to 430 dwellings results in a small increase in traffic volumes during peak times, 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. Therefore, the proposal is not expected to significantly compromise the existing intersection performance of the surrounding road network, nor result in any safety or operational issues.

In respect to collector/arterial roads nearby, Transport for NSW have commenced upgrades to the Henry Lawson Drive. These are being carried out in stages to focus on key areas of congestion and to minimise impact to motorists and the community along the corridor. This and other such projects on major State-owned roads are determined by NSW Government and consider future population growth and capacity throughout the process of due diligence and upgrade design.

#### 5.6.2 Traffic conflict

The proposed vehicle entry points to the proposed community are generally in alignment with existing access to the campus. Assessment to date suggest the turning movements can occur in accordance with the Australian Standards. Detailed intersection treatment design will be refined and included in the initial subdivision development applications.

### 5.6.3 Parking

In terms of the provision of parking, the proposal seeks to provide on and off-street parking. This includes public parking bays located in strategic areas, that is adjacent to Milperra Reserve, the proposed local parks and the proposed commercial centre. The Proposal will provide approximately 355 on-street car parking spaces via parking bays and on-street parking, which exceeds the rate of 1 space per 5 dwellings (approximately 86 spaces in this instance) currently sought by Council's DCP (noting this control applies for multi dwelling housing).

### 5.6.4 Shortcut to Henry Lawson Drive

Regarding travel short cut to Henry Lawson Drive, traffic analysis by TTPP anticipates that traffic volumes and distribution are not expected to exceed the environmental capacities of the surrounding residential streets to the west of the site (i.e. Ashford Avenue, Hermies Avenue, Zonnebeke Crescent and Sinai Avenue). In order to limit the possibility of vehicles utilising the abovementioned local roads, local area traffic management measures (e.g. physical devices to ensure left in- right turn out movements only into the new neighbourhood on Ashford Avenue) can be incorporated during the development application/ detailed design stage in consultation with Council.

### 5.6.5 Manoeuvrability of large Trucks

The proposed road carriageway widths of 11m and 10.2m as proposed satisfies the requirements for local roads in terms of garbage collection, emergency vehicles whilst allowing parking on both sides. A 10.2m carriageway allows for two vehicles to pass while passing a single parked car; or for a single moving car or a garbage collection vehicle to pass between two (2) parked cars. The proposed road widths exceed many of the surrounding residential streets in the area, some of which have a carriageway width of 8.5m in width with parking on both sides of the road (e.g. Sinai Avenue and Zonnebeke Crescent) Council have stipulated the roads widths proposed in the masterplan.

### 5.6.6 Bus services

In terms of public transport, there are 11 bus stops within 400m of the site which provide access to activity centres which include jobs, healthcare, general services and rail stations in accordance with State Governments '30-minute city' principle. Centres within 30-minute travel include Bankstown, Panania, East Hills and Liverpool CBD.

Panania Station is approximately 3.5km by car, East Hills is located 3.8km by car from the site which allows for access to mass transit public transport.

### 5.6.7 Cycle paths

A new shared cycleway on the proposed local roads will be provided as part of the planning proposal to encourage active transport and to connect the three proposed parks. Each local road will incorporate a footpath within at least one road verge.

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## 5.7 Flooding

Some concerns were raised that the existing flooding issues may be compounded by increased surface coverage and surface water runoff. In addition, it was noted that the Proposal has a lack of consideration or planning for Climate Change.

**Proponent's responses:**

The majority of the site is non-flood affected, with some portions of the lower southern portion of the site (currently playing fields) are identified as 'low flood risk' and "Flood Stormwater Medium Risk". The Stormwater Concept Plan addresses the medium risk as follows; "the basins will manage the larger storm event to ensure that flooding in Georges River is not worsened as a result of the development in WSU Milperra". The report details that modelling has determined the required stormwater detention capacity which has informed the location and sizing of certain drainage and open space areas contained within the Planning Proposal.

Flood Advice prepared by J W Prince, notes:

- Overland flooding is not an issue for the proposed development as the site is located at the upper reach of the catchment, and the three detention basins have adequate storage and retention to manage stormwater sufficiently,
- 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
- 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.

The Proposal is consistent with Climate Change priorities as it is supported by a preliminary flood assessment that ensure that risks can be suitably mitigated.

Ashford Avenue is deemed to be low to medium risk flooding at the southern and northern ends noting the northern end is significantly more flood prone. Evacuation from the site as designed in an extreme flood event can be achieved over a rising grade.

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## 5.8 Construction

Concerns were raised in relation to the proposal's construction phase, most notably that the impact of additional road congestion, noise and dust. The impacts would be exacerbated by cumulative impacts with the multiple construction projects being undertaken currently or scheduled to start imminently.

**Proponent's responses:**

Construction operation hours, traffic management, acoustic attenuation, dust suppression and sediment control are planned considered by Council and implemented via conditions of development consent. A comprehensive construction and traffic management plan is to be prepared and approved prior to works commencing. Such plans consider the predominant vehicle movements in the area including that of the nearby industrial areas and any other construction sites that are operating concurrently.

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## 5.9 Heritage

The submissions raised concerns with regards to the lack of Aboriginal and non-Aboriginal Cultural Heritage Surveys of the area.

**Proponent's responses:**

A Statement of Heritage Impact (SoHI) has been prepared and submitted with the Planning Proposal. Although the site does not contain any items of heritage significance, the site is bounded by a locally listed heritage item: Milperra Soldier Settlement (former) Item No. I29 under the BLEP that relates to the street alignments of the former Milperra Soldiers Settlement.

The report concludes that existing buildings do not have any heritage significance and their demolition is supported. The SoHI provides that any new residential development proposed for the site should be consistent with the surrounding heights of buildings. This will ensure that any future development has a negligible impact on the heritage item I29.

In terms of proposed building heights, over 98% of the proposed residential land area will be limited to two storey building height. A small parcel of land addressing the industrial area is proposed to allow three storey dwellings. These homes won't be visible from existing residential homes nearby.

Furthermore, it is unlikely that any new residential or commercial development within the confines of the site will impact any existing views and vistas.

There is a low risk of Aboriginal objects being found due to the site's highly disturbed history, however, should future disturbance of the site uncover an artefact, an Aboriginal Heritage Impact Permit (AHIP) may be required under section 90 of the National Parks and Wildlife Act 1974 (NPW Act).

## 6 Submissions by Organisations and Government Agencies

A total of eight submissions were received from government agencies and organisations as listed below:

Six submissions were from government agencies:

- Office of Strategic Lands/Planning Ministerial Corporation (PMC)
- Sydney Water
- School Infrastructure NSW (SINSW)
- NSW EPA
- Canterbury Bankstown Council
- The Environment and Heritage Group (EHG)

Two submissions were from organisations:

- Bankstown Bushland Society
- Mount St Joseph Catholic College

A summary of the concerns raised in these submissions and the relevant responses prepared by the proponent are provided below. Copies of government agencies' submissions and organisations' submission are provided in Appendices A and B to this report.

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### 6.1 Government agencies:

#### 6.1.1 Office of Strategic Lands (Planning Ministerial Corporation PMC)

The Planning Ministerial Corporation (PMC) stated that it does not have funding available to maintain the two hectares of critically endangered Cumberland Plain Woodland in the north-east corner of the site (proposed to be zoned C2). Additionally, PMC noted that the land size is more consistent with the requirements of 'local' than 'regional' open space and needs to be acquired and managed by Council.

#### **Proponent's responses:**

Council and the Office of Strategic Lands have cited ongoing maintenance costs of the proposed conservation area as prohibitive. Further consultation with other government agencies exploring potential ownership is continuing.

In the event that a government entity is not willing to accept ownership, the land will likely be included and owned by the proposed neighbourhood center's community or strata title scheme. Ongoing funding from the scheme (via levies) would be allocated to the ongoing bushland maintenance.

### 6.1.2 Sydney Water

Sydney Water highlighted that potable water and wastewater infrastructure should have adequate capacity to service the proposed development. If amplification or adjustments are required, Sydney Water would advise at the Section 73 application stage. Per the usual process, the proponent is to contact Sydney Water after the determination of the Planning Proposal to discuss the necessary servicing requirements.

#### **Proponent's responses:**

Noted. Assessments to date indicate sufficient capacity for potable and wastewater. Further assessment will be undertaken during detailed design stage and any necessary adjustments to services will be undertaken per Sydney Water requirements.

### 6.1.3 School Infrastructure NSW (SINSW)

SINSW stated that based on a review of the proposal and the future projections of this locality, enrolment demand resulting from the proposed development can be accommodated by the surrounding primary and secondary schools, subject to upgrades and intake area adjustments. SINSW also advises that;

- The number of students projected to be generated by the proposal can be accommodated by the surrounding primary and secondary schools (subject to upgrades and intake area adjustments)
- In addition to the four high schools located within this part of the LGA, the intake area for Sir Joseph Banks High School also includes part of Bankstown, Punchbowl and Riverwood.
- Projects have been announced at Picnic Point and Sir Joseph Banks High School which will provide additional enrolment capacity to meet future demand in the area.
- The appropriate solution to cater for future growth is to ensure that existing schools are fully utilised before new schools are considered.
- Due to projected residential growth, SINSW request ongoing consultation with Council regarding any future growth and change identified in the locality.

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 during the inception phase of the proposal.

SINSW has also requested that the assessment be updated to consider pedestrian travel opportunities within the Precinct as well as identify active transport links to existing school travel paths. In addition, SINSW has also requested that transport planning for the draft Proposal be guided by the NSW Governments Movement and Place Framework (MAPF) and its Built Environment Performance Indicators, particularly the 'Amenity and Use' and 'Primary Schools' indicators.

#### **Proponent's responses:**

The proposal facilitates active travel via the following.

- The provision of footpaths on all proposed minor local roads as well as shared pathways on proposed local roads
- The construction of a footpath on the western side of Ashford Avenue
- A financial contribution towards a shared pathway from Horsley Road to Panania Rail station
- Pedestrian links between Milperra reserve and proposed residential area
- A pedestrian only thoroughfare from Ashford Avenue into the proposed community
- A community fostering commercial hub

#### 6.1.4 NSW Environment Protection Authority (EPA)

The NSW Environment Protection Authority (NSW EPA) noted the potential impact of the Kelso Waste Facility (KWF) upon the proposed residential development considering the proximity of the KWF being 220m from the proposal. The NSW EPA requires that potential conflicts be thoroughly assessed and carefully considered.

##### **Proponent's responses:**

The KWF has been repurposed to restrict the intake of general 'red bin' waste. Such waste is only being received from Council buildings, while residential household 'red bin' waste is processed at other facilities.

Moving forward, the facility will be moving from waste disposal in landfill to resource recovery, focusing on recycling and reuse of discarded household and commercial products with the establishment of a Community Recycling Centre.

##### **Odour**

Regarding potential for odour and a complaint being received by Council in 2020, it is noted that a number of existing homes are in closer proximity to the facility compared to the proposed residential area which measures 220m from the closest point of the landfill area. The repurposing of the site as proposed by Council as mentioned above will significantly reduce the risk of amenity issues.

##### **Dust**

Future capping and rehabilitation of landfill areas are to be commissioned by Council as the operator of the facility. Dust suppression measures should be undertaken during any such works.

##### **Data gaps**

The NSW EPA stated that further investigations are required to fill the data gaps identified by the contaminated land site auditor, including:

- A detailed Asbestos Gravimetric Assessment.
- A Post Demolition Contaminated Land Assessment.
- Investigation of the potential for Hazardous Ground Gas intrusion from the landfill near the southern boundary with KWF.
- A groundwater investigation to assess the potential for groundwater contamination to be migrating onto the site from adjacent industrial land to the north and northeast of the site.
- the EPA recommends use of "certified consultants" and that reports are required to be submitted to the EPA.

The Site Audit Statement (SAS) stated 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 and the conditions outlined in the SAS.

In terms of further asbestos, groundwater and gas investigation, the appropriate investigations are detailed in the RAP and are to be carried out following building demolition.

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 on condition that a data gap assessment is actioned after the demolition of buildings and hardstand areas.



Site contamination assessment reports for the purpose of addressing planning decisions and consent conditions are submitted to the Council /PPA and not necessarily the EPA. Certified Consultants within Alliance Geotechnical have prepared the contamination investigations to date. The requirement to have reports prepared, reviewed or approved by a separate certified consultant is not deemed necessary.

#### *6.1.5 Canterbury Bankstown Council*

Council has listed the following matters in their submission to the proposal dated 9 December 2022. These matters were raised previously in a separate letter to the DPE on 7 November 2022 and are addressed below.

- 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.
- Council has prepared a draft DCP for the site to complement an earlier draft DCP prepared by the proponent for the site and exhibited this document for 28 days since 1 November 2022.
- The matters raised by EPA in relation to potential site contamination and necessity for further studies were reiterated in Council submission.
- Two of the three public parks that Mirvac intends to dedicate to Council will include the bioretention wetlands and also serve as stormwater detention basins. These functions will impact the usability of these public parks as genuine public recreation open space. Further, Council may not accept dedication of these two public reserves due to the significant financial cost for ongoing maintenance in perpetuity.
- In relation to finalising the Draft Planning Agreement, Council will continue discussions with proponent in relation to the matters raised during the public exhibition of the Agreement.

#### **Proponent's responses:**

##### **Traffic**

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.

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 Council's request at that time. The RFI response and associated SIDRA traffic modelling data was sent to DPE (acknowledging their role as the PPA) for their consideration.

The Planning Proposal has incorporated the material findings of the updated traffic assessment including the worst-case scenario intersection performance level of service of "C".

For the reasons stated above, it is not deemed necessary to update the report considering that all information has been provided and assessed the planning authorities, and that key findings in relation to level of service have been implemented into the Planning Proposal.

##### **DCP**

Council continues to workshop planning guidelines for implementation into the DCP. The next iteration will be exhibited providing the public an opportunity to comment.

##### **Contamination**

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 and is on condition that a data gap assessment is actioned after the demolition of buildings and hardstand areas.



## **Open Space dual use; Drainage and recreation**

A proposed open basin acting as On-Site Detention & bio-retention is proposed for the northern and southern open space areas. The basins would be inundated during storm events temporarily and are not intended to detain water permanently. In addition to the preliminary stormwater design work already completed, detailed calculations to provide likely duration of inundation and post-development stormwater discharge rates are to be carried out prior to the finalisation of the Planning Proposal. This is consistent with condition 3(e) of the Gateway Determination.

The likely maintenance obligation of the bioretention components will be assessed during the finalisation of the VPA.

In terms of the useability of the open space areas, the basins have been designed to incorporate gradients that allow ease of pedestrian movement and maintenance in perpetuity. The basins are integrated with the surrounding areas and allow for passive recreation and a landscaped setting. Several Council areas across the Sydney Metropolitan Region incorporate drainage functions within passive and active open space. The proposed dual use areas within the Northern and Southern open space can achieve WSUD, drainage performance and open space functionality.

## **Planning Agreement**

Council will continue to liaise with Mirvac regarding any outstanding matters including the use and dedication of open space and quantum of developer contributions generally. The intent is to re-exhibit an amended VPA with execution of the agreement at rezoning gazettal.

### **Additional concerns raised by Council**

Council has also included the following matters in their email correspondence to the DPE, as additional matters for considerations:

- Sliding Scale Floor Space Ratio: Condition 2(d) of the Gateway determination for this planning proposal states:

*“2. Prior to finalisation the planning proposal is to be revised to:*

*d. Provide urban design testing to demonstrate that the numerical controls provided under the FSR ‘sliding scale’ and new small lot size controls are appropriate. The testing should demonstrate the lots are capable of achieving suitable amenity, landscaped area, deep soil planning, tree canopy, private open space, visual and acoustic privacy and solar access.”*

Council has requested DPE to consult with them regarding the sliding scale FSR considering Council will be the consent authority for the future residential development on the site.

- Request that the LEP Amendment, if made, provides provision for at least 4 weeks before the new LEP controls become effective. This will allow time for any remaining issues regarding the draft DCP and draft Planning Agreement to be resolved and the final executed Planning Agreement to be registered by the developer before the LEP Amendment takes effect.

## **Proponent’s responses:**

### **FSR**

Site testing has been carried out to determine maximum FSR’s. Council is continuing to provide feedback in relation to acceptable controls to ensure adequate amenity with a majority of this assessment being conducted concurrently with DCP refinement and finalisation.

## **VPA**

### **DCP and VPA timing**

It is intended that the VPA is executed at the time of rezoning gazettal. The resolution of outstanding matters is a key priority to secure the delivery of substantial public benefits for the existing and future communities in the locality.

### ***6.1.6 Environment and Heritage Group – Department of Planning and Environment***

The EHG have provided comments across a number of disciplines including flood, biodiversity, bushfire and the Draft DCP. A summary of matters raised, and subsequent responses are provided below

## **Flooding**

- Consideration of the Georges River Flood Study of 2019 prepared by Liverpool City Council
- The flood assessment must consider the impact of the proposal for both mainstream and overland flooding for the full range of floods, up to the PMF
- Consider climate change impacts on proposed flood modelling
- Consultation with the NSW SES is recommended due to district flooding and challenges in evacuating

### **Proponent's responses**

As per the Gateway Determination flood risk impact assessment is to be completed prior to gazettal of the Planning proposal. This assessment is underway and will consider Georges River Flood Study. The preliminary flood assessment details that the site can be developed with no impact on flood behaviour and that the proposed stormwater design will manage flows within the site by restricting peak flow rate to existing conditions.

The flood evacuation plan shows that a continuous rising grade is achievable within the development to a level above the PMF event for all residents during evacuation should the need arise. Further, the site is currently a sensitive land use (education) with large number of students attending to the premises on site under normal operating conditions. The evacuation risk is not considered to have increased with the change of use and thus consultation with the SES isn't considered necessary at this stage of the planning phase.

## **Biodiversity**

- All attempts should be made to avoid all impacts to CPW at the site (including landscaped/non-remnant). The structure plan should be amended to retain vegetation noted as landscaped CPW.
- A large portion of the native vegetation on the site is mapped under the NSW Biodiversity Values map.
- The 1943 aerial imagery shows potential remnant CPW which has been mapped as landscaped in the EA report.
- The protection of *Acacia pubescens* should be a priority.
- Retention of larger tree trunks as landscaping features to enhance habitat for the Cumberland Plain Land Snail. This will be a DCP requirement.
- Recommended that the C2 land area is owned by a public authority.
- Recommended that any pathways/walking trails are located outside the CPW C2 zoned land to minimise impacts caused by people and companion animals.
- Terrestrial Biodiversity map overlay needs to be applied to additional areas on the site to protect and conserve.
- Local native seed is collected from CPW vegetation on the site that is approved for removal and propagated as soon as possible for use in rehabilitating the CPW on the site.

## Proponent's responses

The masterplan has been developed over a number of iterations to consider site characteristics to subsequently determine opportunities and constraints. The determination of site levels via a cut and fill exercise was a key component in determining the masterplan layout, design and alignment of infrastructure and opportunities for tree retention.

The retention of consolidated areas of vegetation has been prioritized and focuses on the proposed conservation area measuring 2ha. Further the central park area has been aligned to retain a number of existing trees made possible by detailed grading of this area. Tree retention is proposed along the eastern edge of the northern park and the interface of the site with Milperra Reserve.

The result is the retention of 89% of all trees located on site. Importantly, over 99% of priority threatened species vegetation are being retained.

Based on viewing the 1943 aerial photo, the EHG response implies that some areas mapped 'CPW – Landscaped' in the BDAR may be remnant vegetation as opposed to planted landscaped PCT. Further aeriels have been assessed focusing on the area mapped planted CPW in the area around tree numbers 58, 61, 62, 199 as noted in the Arboricultural report that was exhibited.

The Geotechnical report borehole logs show that this area has fill of approximately 0.6 metres which was most likely placed during development of the site. The vegetation in the 1978 photo shows trees in a more linear arrangement. The trees are unlikely to be remnant if they have been subject to earthworks and filling. Further, the trees sit within an exotic lawn that have been maintained such that there is no understory or midstory in this area.

Therefore, the use of a 'landscaped' (i.e. planted) vegetation zone is appropriate and should not be changed in the BDAR. The impacts to the vegetation in this zone are being offset in accordance with the BAM.

Site surveys has confirmed the presence of 1.95 ha of *Acacia pubescens*. The impact to 0.02 ha of this species polygon represents 4% of the extent of this species habitat on the site. The impacts have been assumed due to the loss of two trees (Nos. 3 and 7). Depending on the extent of works in this location, it may be possible to avoid impacts to this species and generally as it is intended to retain as many trees as practical on the periphery of construction works.

In terms of ownership of the C2 zoned land, Council and the OSL/PML have cited ongoing maintenance costs of the proposed conservation area as prohibitive and therefore do not accept ownership of the land. Further consultation with other government agencies (including the National Trust) and other organizations to explore potential ownership will continue.

In the event a government entity is not willing to accept ownership, the land will likely be included and owned by the proposed neighbourhood center's community or strata title scheme. Ongoing funding from the scheme (via levies) would be allocated to the necessary bushland maintenance.

The sensitive integration of pathways allowing a limited level of public access may be pursued if the C2 land is owned and managed by a public authority. It is unlikely public access would be provided if the land is owned privately due to matters relating to liability.

Ecosystem credits are required to offset the impact of the development on certain vegetation (including landscaped/planted CPW) resulting in the requirements of 13 credits relating to vegetation removal and 13 species credits. Additional species credit species survey may be undertaken during the formal BDAR (best undertaken at DA stage).

The re-use of logs and habitat features in the north-east corner is supported and should form part of development consent conditions and the proposed Vegetation Management Plan (VMP).

## **Bushfire**

The proposed residential and commercial development are located in areas of moderate and low Bushfire Attack Levels (BALs). The extent of the development has considered the Asset Protection Zones (APZs) developed within the Bushfire Report.

## **DCP**

Amendments to the DCP shall include objectives and provisions to cover the following:

- Amend key principles in the DCP to encourage planting of native trees in the public domain, retention of existing trees and improve terrestrial connectivity.
- A Vegetation Management Plan shall be prepared for long term management of any retained CPW.
- A tree survey report shall be prepared prior to removal of any trees.
- Collect and propagate native seeds for use in revegetating the site.
- Translocate junior plants prior to earthworks.
- Reuse trees greater than 25-30cm in trunk diameter.
- Provide a nest box management plan and or artificial hollows in the C2 area prior to lopping of trees in order to minimise impacts on fauna.
- Avoid clearing of vegetation in late winter and spring.
- Relocate any captured fauna to appropriate habitat.
- Ensure the proposed tree planting (540 trees located in open space and both sides of the street etc.) are captured in DCP controls.

### **Proponent's responses**

Council shall consider the appropriateness of the DCP controls outlined in the submission. A draft DCP is currently being prepared for exhibition noting that many of the proposed DCP controls outlined in the submission usually implemented via conditions of consent and within a VMP. The preparation of a VMP for the remnant vegetation in the north-east corner is considered reasonable and can include seed collection requirements, reuse of logs and plants etc.

The suggested tree hollows and review of habitat requirements is to be undertaken during tree removal although the suggested monitoring period of 5 years is considered excessive.

The removal of habitat trees should be avoided during breeding season (late winter / spring),but is not necessary for trees that do not contain habitat.

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## **6.2 Organisations:**

### ***6.2.1 Bankstown Bushland Society***

Whilst supportive of the proposed Conservation Zone C2 for the Cumberland Plain Woodland (aka Wonga Smith's Bush), the Bankstown Bushland Society would like to see this part of the site remain a public asset managed by Council, the Education Department or other appropriate government agency. If this is not possible then consideration should be given to the NSW National Trust or Bankstown Bushland Society as title holders.

### **Proponent's responses**

Council and the OSL/PML have cited ongoing maintenance costs of the proposed conservation area as prohibitive and therefore do not accept ownership of the land. Further consultation with other government agencies (including the National Trust) and other organizations to explore potential ownership will continue.

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.

#### *6.2.2 Mount St Joseph Catholic College*

The school Principal supports the Proposal. It was noted that Sydney Catholic Schools has purchased the buildings and land to endure the needs of enrolment pressures and the wider community future demands are met as the population grows. Additionally, the school offers the use of some of its facilities to support the wider communities sporting organisations.

#### **Proponent's responses**

The submission of support is noted. The acquisition of 3.69ha of land from WSU provides a significant opportunity to expand the school and associated infrastructure. The benefits are immediate in that the acquisition also includes existing buildings and utilities that benefit future development proposals.

# Appendix A

Government agencies' submissions



## Douglas Cunningham

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**From:** Ashley West  
**Sent:** Thursday, 15 December 2022 9:25 AM  
**To:** Douglas Cunningham  
**Cc:** Stephen Dewick  
**Subject:** RE: NOTICE OF EXHIBITION – Planning Proposal (rezoning) Western Sydney University Milperra Campus site

Hi Doug

I reviewed the proposal and provide the following:

- The SRDF is used to acquired regional open space.
- The area in question has no linkages to regional open space land already acquired or to be acquired by PMC.
- The area is near 2 hectares in size and it would indicates that the land would be more associated to local open space, not regional open space.
- PMC does not any available funding now or into the future to include additional the land for acquisition under SRDF.
- The proposal would need to come with the appropriate amount of funding to cover all costs associated in the acquisition value and due diligence to allow PMC to acquire the land.
- PMC would also need adequate funding to cover the cost of ongoing management of the land.

PMC operations:

- PMC is not in the position to manage land for ongoing use as public open space.
- PMC does not have the legislative mandate to operate public open space.
- PMC would be transferring the land directly to an agency to manage for ongoing public use.
- Council is the most likely agency to manage the land into the future.
- Council will most likely request funding to cover the cost of ongoing management of the land and to cover any cost to upgrade the land.
- PMC does not have funds available to cover these anticipated requests by councils which PMC have previously encountered when transferring land to councils.

The transition of land to public ownership

- PMC without the appropriate funding cannot acquire the land.
- The land would need to be dedicated to PMC.
- PMC is not in the position to take the land and operate as public open space.
- PMC does not have the funds to cover ongoing management of the land.
- The land would need to go to council for the ongoing management and use as public open space.

In summary, without adequate funding PMC cannot be the acquisition authority for this land if it is to be zoned for public open space use. If the land is dedicated to PMC , PMC is not able to manage and operate the land for public open space.

Consider the land is at a size which would be normally be classified as local open space, If the land is to be dedicated or acquired for public open space the transaction will need to be undertaken directly by council as even if funding was made available PMC will not be seeking to hold the for any amount of time due to our inability to manage land for public use.

Council perform this type of transaction regularly. There is no need to have PMC acting in this matter when the end user being council can deliver the same outcome of acquiring the land.

Hope this helps

Ash

**Ashley West**  
**A/Senior Maanager Divestments and Transfers**  
**Office of Strategic Lands**  
**4 Parramatta Square**  
**9860 1486**

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**From:** Douglas Cunningham <Douglas.Cunningham@planning.nsw.gov.au>  
**Sent:** Monday, 12 December 2022 2:36 PM  
**To:** Ashley West <Ashley.West@planning.nsw.gov.au>  
**Subject:** FW: NOTICE OF EXHIBITION – Planning Proposal (rezoning) Western Sydney University Milperra Campus site

FYI

As discussed

Thanks

Doug

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**From:** Douglas Cunningham  
**Sent:** Friday, 21 October 2022 3:32 PM  
**To:** Elizabeth Parker <[Liz.Parker@planning.nsw.gov.au](mailto:Liz.Parker@planning.nsw.gov.au)>  
**Subject:** NOTICE OF EXHIBITION – Planning Proposal (rezoning) Western Sydney University Milperra Campus site

Afternooon Liz

Please be advised that the above proposal will be placed on public exhibition from 1 November until 2 December 2022. PMC is being notified as the Corporation owns two sites within the vicinity of the proposal.

The package of information can be viewed online at the planning portal. Submissions will not be able to be lodged until the 1 November 2022.

Feel free to reach out if you have any questions

Thanks

Doug

**Douglas Cunningham**  
Senior Planning Officer, Agile Planning  
Delivery, Coordination, Digital and Insights | Planning Group  
**Department of Planning and Environment**

T 02 9274 6357 | E [douglas.cunningham@planning.nsw.gov.au](mailto:douglas.cunningham@planning.nsw.gov.au)  
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)





*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*

21 November 2022

Our Ref: 203436

**Patrick Lebon**

Coordinator Strategic Assessments  
Canterbury-Bankstown Council  
[patrick.lebon@cbc.city.nsw.gov.au](mailto:patrick.lebon@cbc.city.nsw.gov.au)

**RE: Planning Proposal 2 Bullecourt Avenue Milperra PP-2021-5837**

Thank you for notifying Sydney Water of the planning proposal listed above seeking to rezone the site from SP2 Infrastructure (Educational Establishment) and SP2 (Electricity Transmission or Distribution Network) to R1 General Residential, B1 Neighbourhood Centre, RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure (for stormwater drainage reserve and set a maximum dwelling cap across the proposed R1 zone of 430 dwellings. We have reviewed the application based on the information supplied and provide the following comments for your information to assist in planning the servicing needs of the proposed development.

**Water and Wastewater Servicing**

- Potable water and wastewater system should have adequate capacity to service the proposed development.
- Amplifications, adjustments, and/or minor extensions may be required.

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our [Land Development](#) web page.

The development servicing advice provided by Sydney Water is based on the best available information at the time of referral (eg. planning proposal) but will vary over time with development and changes in the local systems. This is particularly important in systems with limited capacity and it is best to approach Sydney Water for an updated capacity assessment (especially where an approval letter is more than 12 months old). We advise that the proponent contacts Sydney Water as soon as feasible to discuss detailed servicing.

If you require any further information, please contact the Growth Planning Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,



**Kristine Leitch**

Commercial Growth Manager  
City Growth and Development, Business Development Group  
Sydney Water, 1 Smith Street, Parramatta NSW 2150

30 September 2022

Mr Mathew Stewart  
General Manager,  
City of Canterbury Bankstown  
PO Box 8  
Bankstown NSW 1885

Attn: Patrick Lebon, [patrick.lebon@cbc.city.nsw.gov.au](mailto:patrick.lebon@cbc.city.nsw.gov.au)

Dear Mr. Lebon,

**RE: SINSW SUBMISSION – WESTERN SYDNEY UNIVERSITY CAMPUS,  
MILPERRA (PP-2021-5837)**

School Infrastructure NSW (SINSW), as part of Department of Education (the Department), welcomes Canterbury Bankstown Council's invitation to provide comments on Planning Proposal for the Western Sydney University Campus, Milperra (the draft Proposal).

SINSW understand that the proposal seeks to rezone the Western Sydney University site to a mixture of Residential, Business, Recreation and Conservation uses. The draft Proposal is projected to result in approximately 430 new dwellings.

SINSW has reviewed the exhibition package and finds that the number of students projected to be generated by the proposal can be accommodated by the surrounding schools, subject to upgrades and intake area adjustments. SINSW has provided detailed commentary within the attachment below. SINSW welcome the opportunity to engage further on the planning proposal and the content contained in this submission.

Should you require further information about this submission, please contact the SINSW Strategic Planning Team at [Strategicplanning@det.nsw.edu.au](mailto:Strategicplanning@det.nsw.edu.au).

Yours Sincerely,

**Paul Towers**  
**Executive Director, Infrastructure Planning**



## **ATTACHMENT – SINSW SUBMISSION – WESTERN SYDNEY UNIVERSITY CAMPUS, MILPERRA**

### **Demand for Educational Facilities**

SINSW uses population and dwelling projection data provided by DPE as the foundation to school planning. These are analysed to produce the Department's Student by Area (SbA) projections. This data allows SINSW to assess the anticipated demand for public schools within an area or region and the best way to deliver infrastructure to support this need. The SINSW approach to identifying and evaluating the service need also includes consideration of asset suitability, equity and strategic opportunities.

Based on a review of the proposal and the SbA projections for this locality, SINSW can advise that the enrolment demand resulting from the proposed development can likely be accommodated by the surrounding primary and secondary schools.

According to the 2021 Australian Bureau of Statistics Population Census, the suburbs of Milperra, Panania, Picnic Point, Revesby and Padstow have:

- 5,253 students enrolled in a primary school (PS), with 3,292 of those students enrolled in a government primary school. There are 11 government primary schools located in this part of the Canterbury Bankstown LGA (East Hills PS, Milperra PS, Padstow Heights PS, Padstow North PS, Padstow Park PS, Panania North PS, Panania PS, Picnic Point PS, Revesby PS, Revesby South PS and Tower Street PS).
- 4,447 students are enrolled in a high school (HS), with 2,637 of these students enrolled in a government high school (including those enrolled in selective schools). There are 4 high schools located in this part of the LGA (East Hills Girls Technology HS, East Hills Boys HS, Picnic Point HS and Sir Joseph Banks HS). The intake area for Sir Joseph Banks HS also includes part of Bankstown, Punchbowl and Riverwood. Projects have been announced at Picnic Point HS and Sir Joseph Banks HS which will provide additional enrolment capacity, to meet future demand in the area.

Notwithstanding the above, the subject proposal is located in a key Local Government Area (LGA) for significant residential growth, in addition to being in close proximity to other rezoning projects. SINSW is in the process of reviewing the growth proposed for the wider LGA in order to identify appropriate solutions to accommodate future projected enrolment demand. This will ensure that existing schools are fully utilised before new schools are considered.

SINSW is committed to working with Council to ensure schools are supporting community needs and continue to be appropriately resourced to respond to student population changes. As a result, SINSW request ongoing engagement with Council regarding any future growth and change identified for the locality.

**Active Transport and Access**

SINSW note that while a Transport Assessment has been prepared (by TTTP) to support the draft Proposal, this excludes consideration of pedestrian prioritisation measures for the new Precinct. As a result, SINSW request that the assessment be updated to consider pedestrian travel opportunities within the Precinct as well as identify active transport links to existing school travel paths.

In addition, SINSW request that transport planning for the draft Proposal be guided by the NSW Governments Movement and Place Framework (MAPF) and its Built Environment Performance Indicators. These indicators are based on qualities that contribute to a well-designed built environment and should be used by proponents in the formulation of transport concepts.

The MAPF's core 'Amenity and Use' and 'Primary Schools' indicators are of particular importance to SINSW, as these encourage urban designers to consider the impact on adjacent places/uses, as well as emphasising movement that supports place. The 'Primary Schools' indicator provides two specific metrics to judge the effect of infrastructure on the accessibility of public schools in an area; these being walkability and public transport access. These metrics require designers to assess whether proposed infrastructure facilitates access to primary school facilities (or public transport connections to schools) or whether it exacerbates gaps in the network.

The primary school-focused MAPF amenity indicator can be accessed via the link below:

<https://www.movementandplace.nsw.gov.au/place-and-network/built-environment-indicators/primary-schools>



DOC22/930667-7

2 December 2022

Patrick Lebon  
Coordinator Strategic Assessments  
Canterbury-Bankstown Council

Via ePlanning Portal

Dear Mr Lebon

### **Western Sydney University application to rezone 2 and 2A Bullecourt Avenue Milperra**

I am writing to you in reply to your invitation to the NSW Environment Protection Authority (EPA) to provide comment on the Bankstown Local Environmental Plan Amendment report for the Western Sydney University site at 2 and 2A Bullecourt Avenue, Milperra (the site).

The EPA understands that the proposal seeks to amend the *Bankstown Local Environmental Plan (BLEP) 2015* to enable the creation of a new residential neighbourhood.

### **Potential Land-use Conflict with Kelso Waste Facility**

If approved, the residential neighbourhood would be approximately 200 m north of the Kelso Waste Facility (KWF) which holds Environment Protection Licences (EPLs 4606 and 12752) for resource recovery, waste storage, waste processing and disposal. Wastes permitted to be stored or processed on the KWF site include garden waste, general solid waste (putrescible), virgin excavated natural material (VENM), building and demolition waste, asphalt waste, waste tyres and waste collected by or on behalf of local Councils from street sweeping.

Section 4 of the Department of Planning and Environment's [Landfilling - EIS Guideline](#) recommends that landfills should not generally be situated within 250 metres of residential zones, to protect their amenity. Conversely, proposed residential development within 250m of an existing landfill needs to be thoroughly assessed and carefully considered. Future details of the potential issues that may arise when residences are located near waste facilities are provided in Attachment A.

### **Site Contamination**

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.

A Remediation Action Plan was developed following interim advice from the auditor and outlines a number of data gaps that require assessment prior to remediation taking place. The additional assessments include:

1. A Detailed Asbestos Gravimetric Assessment across the site in order to assess the amount of asbestos present in soils at the site and the associated risks to sensitive receptors offsite.

2. A Post Demolition Contaminated Land Assessment to assess the suitability of the land for the proposed use including in areas currently covered by structures and in the area of the former Underground Storage Tanks.
3. Investigation of the potential for Hazardous Ground Gas intrusion from the landfill to the south of the site into confined spaces that will be created from the installation of services near the southern boundary with the KWF
4. A Groundwater investigation to assess potential for groundwater contamination to be migrating onto the site from adjacent industrial land to the north and northeast of the site.

The auditor issued a Site Audit Statement (SAS) dated 27 September 2022 which states that the nature and extent of the contamination has been appropriately determined; that the RAP is appropriate and that the site can be made suitable for the proposed uses if the site is remediated in accordance with the RAP, subject to the below conditions:

1. Development of a sampling analysis and quality plan (SAQP) for the data gap assessment and review and approval by a NSW EPA Accredited Site Auditor.
2. The data gap assessment is to be completed following building demolition and removal of hardstand and prior to commencement of bulk earthworks.
3. Should the results of the data gap assessment indicate the requirement for a change in the remediation strategy, the requirements for remediation of groundwater or ground gas issues, or should containment of asbestos impacted soils be confirmed as a remediation strategy, a revision to the RAP (either as an addendum to the RAP or as a remedial works plan (RWP)) will be required, which should be reviewed and approved by a NSW EPA Accredited Site Auditor.
4. Validation of the remediation works is required to be documented in a final site validation report prepared by a qualified environmental consultant confirming that the works have been undertaken in accordance with the RAP and certifying the suitability of the site for the proposed development.
5. Preparation of an environmental management plan (EMP) for the management of any contamination remaining on site following redevelopment that presents a risk to human health or the environment.
6. Preparation of a Section A Site Audit Statement and Site Audit Report by a NSW EPA Accredited Site Auditor reviewing the above information and confirming the suitability of the site for the intended use.

The EPA also recommends that, if the proposed rezoning is approved, the conditions listed in Attachment B, which relate to the suitability of residential developments in close proximity to landfill sites, are considered for inclusion in any development consent that may subsequently be issued.

For any assessment of site contamination, the EPA recommends use of “certified consultants”. Please note that the EPA’s [Contaminated Land Consultant Certification Policy](#) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. All reports submitted to the EPA should comply with the requirements of the CLM Act to be prepared, or reviewed and approved, by a certified consultant.

Should you require clarification of any of the above please contact Damien Rose on (02) 9995 5586 or email [environmentprotection.planning@epa.nsw.gov.au](mailto:environmentprotection.planning@epa.nsw.gov.au)

Yours sincerely

**MITCHELL BENNETT**  
**Unit Head – Statutory Planning**



## **Attachment A – Potential issues associated with residential development near the KWF**

Potential issues associated with the KWF which may impact on the proposed residential zoning include hazardous ground gas, leachate, odour and dust.

### **Hazardous Ground Gas**

Landfilled materials generate hazardous ground gas (HGG) including methane and carbon dioxide. The excavation of service trenches for water, sewer and other services associated with residential development can create exposure pathways for the landfill gases (which exist at explosive concentrations in landfills) to migrate towards indoor air receptors. For this reason, the construction of service trenches near to landfilled materials increases the risks of landfill gas migration.

Methane presents an explosive risk when it mixes in certain concentrations with oxygen in the presence of a source of ignition. Methane has been reported (27 June 2017) at the ground surface at the edge of the landfill with concentrations exceeding the hazardous ground gas criterion of 500 parts per million (ppm) at the south-east boundary of the site ([EPA Contaminated land Guidelines - Assessment and Management of Hazardous Ground Gases](#)). Methane is likely to be several orders of magnitude higher in the subsurface where there is less mixing with fresh air.

The (draft) Detailed Site Investigation (DSI) undertaken in January 2020 did not include assessment of HGG conditions to the boundary with KWF, nor did it include any assessment of possible landfill gas migration from KWF.

An accredited contaminated land site auditor reviewed the Remediation Action Plan (RAP) and identified the gap with regard to HGG. In the Site Audit Report (SAR), the site auditor, Louise Walkden, noted that the potential for migration of HGG from the KWF onto the site is identified in a preliminary site investigation (PSI) as a potential exposure pathway. The PSI has not been viewed by EPA. The auditor notes that the DSI did not include HGG from KWF as an area of environmental concern (AEC) and the DSI offers the opinion that as the distance between the landfill and the site boundary is approximately 200m, the potential for migration of ground gas onto the site at concentrations that pose a risk is likely to be low. However, the auditor considers further investigations are appropriate.

### **Leachate**

Landfills have the potential to generate groundwater contamination from leachate.

Based on the groundwater assessment undertaken at the KWF, the contaminated site auditor concludes that widespread groundwater contamination is unlikely to be present beneath the site. Historical investigations at the site do not indicate that widespread chemical contamination of soils and groundwater is present, but there are data gaps that need to be resolved before remediation can take place. The site auditor is satisfied that the contaminants of potential concern (CoPC) at the site are appropriate. The selected CoPCs are metals, Total Recoverable Hydrocarbons (TRH), BTEX, PAH, PCB, OCP/OPP, phenols and asbestos. The detected concentrations of CoPC in the soil and groundwater samples were not considered to present an unacceptable risk to human or ecological health, except for the presence of asbestos fines/ friable asbestos which could pose risks.

The DSI notes that PFAS should have been considered in groundwater due to the nearby Bankstown Airport and other industrial sites nearby being known to be impacted with PFAS.

### **Odour**

Odours can occur at former landfill sites particularly during high rainfall periods and southerly wind directions. The most recent complaints regarding odour at the Kelso landfill are dated 26 March

2020. Increased residential development increases the likelihood that odours may interfere with the comfort and repose of residents.

### **Dust**

Some of the areas of the landfill have been capped and rehabilitated and the eastern portion of the landfill has been shaped and covered with VENM. Future earthworks associated with the progressive capping and rehabilitation at the landfill have the potential to cause dust and airborne pollutants. These can cause nuisance to neighbours.

## **Attachment B: Recommended Conditions for any Subsequent Consent for Residential Development**

1. A NSW EPA-accredited Site Auditor must be engaged throughout the duration of the works to ensure that any work required in relation to contamination is appropriately managed.
2. A Sampling and Analysis Quality Plan (SAQP) must be prepared to ensure that field investigations and analyses will be undertaken in a way that enables the collection and reporting of reliable data to inform the Data Gap Closure Assessment for the site. The SAQP must:
  - a. be prepared (or reviewed and approved) by contaminated land consultants certified under either the Environment Institute of Australia and New Zealand's "Certified Environmental Practitioner (Site Contamination)" (EIANZ) scheme or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management" (CPSS CSAM) scheme;
  - b. be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (NSW); and
  - c. be reviewed by a NSW EPA accredited Site Auditor. The Site Auditor must issue interim audit advice stating whether they consider the SAQP to be appropriate. The SAQP and the interim audit advice prepared by a Site Auditor must be submitted to the Department of Planning for information.
3. A Data Gap Closure Assessment, as outlined in chapter 7 of *Remedial Action Plan - Western Sydney University – Milperra Campus, Horsley Rd & Bullecourt Ave, Milperra, NSW 2214* (Alliance Geotechnical, September 2022) must be prepared. The Data Gap Closure Assessment must:
  - a. be prepared (or reviewed and approved) by contaminated land consultants certified under either the Environment Institute of Australia and New Zealand's "Certified Environmental Practitioner (Site Contamination)" (EIANZ) scheme or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management" (CPSS CSAM) scheme;
  - b. be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (NSW);
  - c. must state whether a revision to the Remedial Action Plan - Western Sydney University – Milperra Campus, Horsley Rd & Bullecourt Ave, Milperra, NSW 2214 (Alliance Geotechnical, September 2022) (RAP) must be made to ensure the RAP is appropriate to make the site suitable for the proposed use; and
  - d. be reviewed by a NSW EPA accredited Site Auditor. The Site Auditor must issue interim audit advice stating whether they consider the Data Gap Closure Assessment to be appropriate including whether they agree if a revised RAP is or isn't required. The Data Gap Closure Assessment and the interim audit advice prepared by a Site Auditor must be submitted to the Department of Planning for information.
4. If a revised RAP is required, it must be:
  - a. be prepared (or reviewed and approved) by contaminated land consultants certified under either the Environment Institute of Australia and New Zealand's "Certified Environmental Practitioner (Site Contamination)" (EIANZ) scheme or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management" (CPSS CSAM) scheme;
  - b. be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the *Contaminated Land Management Act 1997* (NSW); and
  - c. be reviewed by a NSW EPA accredited Site Auditor. The Site Auditor must issue interim audit advice which certifies that the revised RAP is appropriate to make the site suitable for the proposed use. The revised RAP and interim audit advice must be submitted to the Department of Planning for information before remedial works commence.

5. A Section A1 or A2 Site Audit Statement (accompanied by an Environmental Management Plan) and its accompanying Site Audit Report, which states the site suitable for the intended land use, must be submitted to the Department of Planning and the relevant Council after remediation works and validation works have been completed.
6. The site must not be used for the purpose approved under the conditions of this approval until a Section A1 or A2 Site Audit Statement is obtained which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.

From: Patrick Lebon <Patrick.Lebon@cbc.city.nsw.gov.au>  
Sent: Tuesday, 13 December 2022 8:48 AM  
To: Douglas Cunningham  
Cc: Camille Lattouf; Kris Walsh  
Subject: Canterbury Bankstown Council submission to WSU Milperra planning proposal (PP-2021-5837)  
Attachments: 2022.12.09 - Council submission to Planning proposal, WSU Milperra Submission FINAL.pdf

Hi Douglas

Please find attached the submission from Canterbury Bankstown Council. I have also uploaded the submission via the Planning Portal page this morning.

Further to the matters raised in the attached submission we raise with the Department the following procedural issues:

Sliding Scale Floor Space Ratio

Condition 2(d) of the Gateway determination for this planning proposal states:

*"2. Prior to finalisation the planning proposal is to be revised to:*

*d. Provide urban design testing to demonstrate that the numerical controls provided under the FSR 'sliding scale' and new small lot size controls are appropriate. The testing should demonstrate the lots are capable of achieving suitable amenity, landscaped area, deep soil planning, tree canopy, private open space, visual and acoustic privacy and solar access."*

Council seeks to be consulted by the Department regarding the proposed sliding scale FSR for this site given Council will be the consent authority for the future residential development on the site. We request an opportunity to review and provide a written submission to the Department in regard to the sliding scale FSR approach before a final decision is made on the finalisation of this planning proposal.

Timing for LEP Amendment to become Effective

Council is continuing its negotiations with Mirvac in respect to the draft Planning Agreement for the site. At the time of writing, Council and Mirvac have yet to agree on a final draft version of the Planning Agreement that would be exhibited.

Concurrently, Council is also preparing a revised final draft site specific Development Control Plan that will require exhibition for 28 days in accordance with Council's Community Participation Plan.

To ensure there is sufficient time to deal with these matters we request that the LEP Amendment, if made, provides provision for at least 4 weeks before the new LEP controls become effective. This will allow time for any remaining issues regarding the draft DCP and draft Planning Agreement to be resolved and the final executed Planning Agreement to be registered by the developer before the LEP Amendment takes effect.

If you have any questions please contact me.

Regards



**Patrick Lebon** - Coordinator Strategic Assessments  
T 9707 5593  
E [Patrick.Lebon@cbc.city.nsw.gov.au](mailto:Patrick.Lebon@cbc.city.nsw.gov.au)  
[www.cbc.city.nsw.gov.au](http://www.cbc.city.nsw.gov.au)



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9 December 2022

Att: Director Metro East and South  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Sent via email: [douglas.cunningham@planning.nsw.gov.au](mailto:douglas.cunningham@planning.nsw.gov.au)

**Submission to the Western Sydney University Campus, Milperra planning proposal –  
Canterbury Bankstown Council**

Thank you for the opportunity to provide comment in response to Western Sydney University Planning Proposal to facilitate the redevelopment of the educational establishment site to a new housing estate with a small commercial centre as proposed by Mirvac Residential (NSW) Development Pty Ltd (Mircvac). The Planning Proposal is on exhibition from 1 November to 14 December 2022.

As you will be aware, Council resolved to not support the Planning Proposal at its 24 August 2021 Council Meeting. Following the granting of a Gateway determination by the NSW Government on 1 June 2022, Council resolved on 23 August 2022 to prepare and exhibit a draft Planning Agreement and draft Development Control Plan in connection with this project to ensure good urban design and development outcomes occurred on the site as well as public benefits being delivered by the developer despite Council not supporting this proposal.

Based on Council's preliminary review of the documentation submitted to the Department of Planning and Environment (the Department) and made available on the Department's website, Council wishes to raise a number of concerns and matters set out in **Attachment A**, to be considered as part of the Department's detailed assessment.

Council requests that the proposal is amended to address the issues raised and the associated recommendations in this submission and that the Department re-exhibits the proposal to provide an opportunity for Council, the community and all interested stakeholders to review and provide further comment before any determination is made by the Minister for Planning and Homes (the Minister).

Please contact Council's Coordinator Strategic Assessments, Patrick Lebon on (02) 9707 5593 or [Patrick.Lebon@cbc.city.nsw.gov.au](mailto:Patrick.Lebon@cbc.city.nsw.gov.au) if you require clarification of this matter.

Yours sincerely,



Camille Lattouf  
**Manager, City Strategy and Design**

## **ATTACHMENT A – PRELIMINARY REVIEW COMMENTS**

This Attachment details Council's preliminary comments in relation to the Western Sydney University Campus, Milperra Planning Proposal with recommendations following each section.

### **Traffic and Road Network:**

1. It appears the same report submitted originally with the Planning Proposal in June 2020 has been submitted by Mirvac as part of the current exhibition package.
2. Council wrote to Mirvac in 28 January 2021 advising of numerous traffic and transport related matters that were required to be addressed before the matter would proceed to a Local Planning Panel Meeting. Mirvac provided a submission in May 2021 that responded to the matters raised by Council.
3. It is unclear however whether the exhibition version of the Planning Proposal has incorporated Mirvac's May 2021 response.

#### **Recommendation:**

- a. Mirvac provide a response and clarification to confirm what information has been included as part of the exhibition of the Planning Proposal.
- b. A revised traffic and transport report is submitted that includes all additional information and detail that was submitted after the original 'Milperra WSU Masterplan Transport Assessment' prepared by The Transport Planning Partnership dated 2 June 2020 was provided to Council.

### **Development Control Plan:**

4. The draft Development Control Plan (draft DCP) prepared by Mirvac and originally submitted with the Planning Proposal included deficiencies and a lack of detail on development objectives and controls for the site.
5. Council has commissioned an independent urban design expert to provide a review of the draft DCP prepared by Mirvac and recommend amendments and new development objectives controls. A work in progress draft DCP has been placed on exhibition for 28 days from 1 November.
6. The work in progress draft DCP prepared by Council and currently on exhibition has addressed some deficiencies in the draft prepared by Mirvac as follows:
  - Lack of any solar access controls for dwellings on the site – this matter is addressed by the draft DCP.
  - Lack of any landscaping and tree planting requirements – this matter is addressed by the draft DCP.
  - No provisions to reflect the Indigenous and non-indigenous heritage of the place – this will require further analysis by the Proponent post-exhibition.
  - No provisions on the embellishment of the proposed public open space – this will require further negotiation through the Planning Agreement process.
  - Insufficient detail regarding how future residential development manages bush fire and noise impacts – this will require further analysis post-exhibition.
  - No minimum tree canopy coverage for the site – this matter is addressed through by the draft DCP.



7. Following the exhibition period, Council will review all submissions received, update the draft DCP to reflect the matters above and provide a revised draft DCP for a further exhibition period.

**Recommendation:**

- c. Council reviews the submissions received at the conclusion of the public exhibition of the draft DCP.
- d. Council revise the draft DCP and place the draft on a further exhibition period for further comment before reporting the outcome to a future Council Meeting with a recommendation whether to adopt the draft DCP.

**Site Contamination:**

8. Council acknowledges the Remediation Action Plan, Site Audit Report and Site Audit Statement that has been included in the Planning Proposal exhibition.
9. Council notes that the Site Audit Statement makes the following statement (p11):  
*"Preparation of a Section A Site Audit Statement and Site Audit Report by a NSW EPA Accredited Site Auditor reviewing the above information and confirming the suitability of the site for the intended use."*
10. The Site Audit Statement identifies the following is required:
  - *"Development of a sampling analysis and quality plan (SAQP) for the data gap assessment and review and approval by a NSW EPA Accredited Site Auditor.*
  - *Should the results of the data gap assessment indicate the requirement for a change in the remediation strategy, the requirements for remediation of groundwater or ground gas issues, or should containment of asbestos impacted soils be confirmed as a remediation strategy, a revision to the RAP (either as an addendum to the RAP or as a remedial works plan (RWP)) will be required, which should be reviewed and approved by a NSW EPA Accredited Site Auditor.*
  - *Preparation of an environmental management plan (EMP) for the management of any contamination remaining on site following redevelopment that presents a risk to human health or the environment."*
11. Council considers that the confirmation of the suitability of the site for the intended use must be resolved before the Planning Proposal is finalised and a decision by the Minister is made. The Section 9.1 Local Planning Direction No. 4.4 Remediation of Contaminated Land states:  
*"(b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used."*
12. Given there is further work to be completed by Mirvac's environmental consultants, as identified in the Site Audit Statement, it is not clear whether the contamination on the site can be remediated and whether the site would be suitable for all the purposes proposed under the proposed R1 General Residential, RE1 Public Recreation and B1 Neighbourhood Centre Zones.

**Recommendation:**

- e. Further contamination investigation work as identified in the Site Audit Statement is undertaken before the Planning Proposal is finalised and the LEP Amendment is made by the Minister.

### **Draft Planning Agreement:**

13. Council has received and reviewed the in-principle Letter of Offer from Mirvac to enter into a Planning Agreement with Council to support the redevelopment of the site.
14. In accordance with its resolution of 23 August 2022, Council has placed on exhibition a draft site specific Development Control Plan and the draft Planning Agreement that was received from Mirvac. The exhibition of these documents commenced on 1 November 2022, concurrently with the Planning Proposal, and are available on Council's Have Your Say website.
15. Council will continue to liaise with Mirvac regarding the details of draft Planning Agreement are acceptable to Council. The key issues that remain unresolved include the following:
  - The amount of offset sought by Mirvac against future Section 7.11 Development Contributions for local open space is higher than what is supported by Council as the offsets proposed would result in other public infrastructure investment not being funded.
  - Two of the three public parks that Mirvac intends to dedicate to Council will include the bioretention wetlands and also serve as stormwater detention basins. These functions will impact the usability of these public parks as genuine public recreation open space. Council will not accept dedication of these two public reserves due to the significant financial cost for ongoing maintenance in perpetuity.
16. It is noted that as this submission relates to the Planning Proposal, the Planning Agreement process will occur separately and will be reported to Council as a separate matter in the future, following the exhibition of the final draft Planning Agreement.

#### **Recommendation:**

- f. Council to continue discussions with Mirvac regarding the matters raised in this submission. Council requests that any Planning Agreement should address the concerns raised above.

### **Council Resolution Regarding Future Use of the Site**

At its Ordinary Meeting on 22 November 2022, Council resolved to include in this submission *"its concern in terms of the loss of the university as an educational facility and that there is no plans or intention to provide any form of educational facility for the local community at this point in time"*.

## Department of Planning and Environment

DOC22/956174

The Sydney South Planning Panel  
Department of Planning and Environment  
4 Parramatta Square, 12 Darcy Street  
PARRAMATTA NSW 2150

20 December 2022

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**Subject:** EHG comments on Exhibition of Planning Proposal – PP-2021-5837- Western Sydney University Campus, Milperra – 2 and 2A Bullecourt Avenue, Milperra

Dear Mr Cunningham

The Environment and Heritage Group (EHG) has received an email from the NSW Planning Portal on 20 October 2022 requesting EHG advice on the exhibition of the Planning Proposal for the rezoning of land at Western Sydney University Campus at Milperra.

EHG has reviewed the Planning Proposal and provides its comments and recommendations at Attachment A.

EHG is concerned that the area of Cumberland Plain Woodland (CPW) on the site, which is an SAIL entity and a critically endangered ecological community, is likely to have been underestimated. The avoidance and retention of biodiversity at risk of extinction is a key component of complying with the Biodiversity Assessment Method (BAM) 2020. Areas mapped as 'landscaped native vegetation' on the site may be remnant CPW species. EHG considers the CPW (landscaped) which is adjacent to CPW low and good condition be considered as representative of CPW.

Please send future requests for advice from EHG to the Greater Sydney Branch mailbox at [rog.gsrplanning@environment.nsw.gov.au](mailto:rog.gsrplanning@environment.nsw.gov.au).

Yours sincerely,



Susan Harrison

Senior Team Leader Planning  
Greater Sydney Branch  
**Biodiversity and Conservation**

**Subject:** EHG comments on Planning Proposal – PP-2021-5837 – Western Sydney University Campus, Milperra at 2 and 2A Bullecourt Avenue, Milperra

The Environment and Heritage Group (EHG) has reviewed the following reports for this planning proposal:

- Exhibition - Planning Proposal – 17 October 2022
- Exhibition - Appendix B - Preliminary Ecological Assessment (PEA) – 1 July 2020
- Exhibition – Appendix B1 – Ecological Assessment (EA) v.4 – 5 October 2022
- Appendix C – Arboricultural Impact Assessment (AIA) – 20 December 2019
- Exhibition – Appendix C – Arboricultural Impact Assessment (AIA) - 29 September 2022
- Exhibition – Appendix D – Bushfire Protection Assessment (BPA) – 14 September 2022
- Exhibition – Appendix G – Stormwater Concept Plan – 22 June 2020
- Exhibition – Appendix G1 – Stormwater and Flood Advice – 7 July 2022
- Western Sydney University Infill – Development Control Plan.

EHG has previously provided preliminary biodiversity related advice by email on this Planning Proposal (dated 26 April 2022 – our ref: DOC22/287477).

### Flood

Relevant existing flood studies have been considered in this proposal except for the revised Georges River Flood Study of 2019 prepared by Liverpool City Council, which must be considered by the flood assessment.

The flood assessment must consider the flood impact of the proposed development, within and outside the subject site, for both mainstream and overland flooding for the full range of floods, up to the PMF, rather than the 1% AEP flood event.

The flood assessment must consider climate change impacts from increased rainfall and sea level rise (if applicable) for mainstream and overland flooding. This may include the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.

The flood assessment should clearly assess any flood impacts within and outside the site from filling the southern portion of the site and the respective management of the flood risk.

In relation to flooding from the Georges River the site is above the flood planning area and a portion of the site to the south is in the low flood risk precinct, meaning its affected by rare to extreme flooding. During rare to extreme events the subject site is surrounded by the floodplain on three sides, but early evacuation may be required by the NSW State Emergency Service (SES) because of evacuation constraints across that whole area. The flood evacuation plan shows that a continuous rising grade is achievable within the development to a level above the PMF event for all residents during any need for evacuation. However, consultation with the NSW SES is still recommended for this proposal. Consideration needs to be given to local and regional evacuation constraints.

EHG recommends that all impacts on managing risk to life, emergency management arrangements, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood) are discussed with the NSW SES and Council before the design stage. Emergency management can be complex and encompasses multiple responses including evacuation, potential human behaviours, and severity of hazards. This extensive

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development must not increase the existing risk to life and the potential for effective evacuation, if required. The local flood plan, if available, should be considered in the assessment. Furthermore, it is critical that occupiers and owners of the site are educated on the potential flood risks within and outside the vicinity of the development, before, during and after a flood event. Community education and awareness information should be readily available to all concerned.

### Biodiversity

Cumberland Plain Woodland (CPW) has been identified within the Subject Land and is listed as a critically endangered ecological community (CEEC) under the *Biodiversity Conservation Act 2016* (BC Act) as it is facing an extremely high risk of extinction in New South Wales in the immediate future. CPW is also listed as an ecological community that meets the principles and criteria for serious and irreversible impact (SAIL) - see: <https://www.environment.nsw.gov.au/resources/bcact/guidance-decision-makers-determines-serious-irreversible-impact-170204.pdf>. As such, impacts to any locations containing this CEEC should be avoided where possible.

The proposed rezoning will allow residential, business, recreation and conservation uses which will increase the intensity of the use over the site. Avoiding impacts on CPW should not be deferred to the future development stage but should be addressed as part of the planning proposal.

EHG in its submission on the PEA noted that only basic field data had been collected over the site and recommended further assessment be undertaken through application of Stage 1 and elements of Stage 2 of the Biodiversity Assessment Method 2020 (BAM) to ensure biodiversity outcomes are optimised and future development can proceed with greater certainty. Stage 1 and 2 of BAM have been drafted in the updated EA by EcoLogical Australia.

The condition of the CPW on the site has been identified as either good, low, or present as a landscaped feature of the site. Despite the current condition of the CPW on site, this community responds well to active management. As such, and given the conservation status of this community, EHG recommends that all attempts are made to avoid all impacts to CPW at the site. This is consistent with the BC Act and the BAM. The BAM includes the guidelines and requirements that apply the avoid, minimise, and offset hierarchy for assessing direct and indirect impacts.

### Biodiversity Values Map

EHG previously noted a large portion of the native vegetation on the site is mapped under the NSW Biodiversity Values map. The Biodiversity Values (BV) Map identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing. Any clearing of native vegetation or impacts prescribed by section 6.1 of the *Biodiversity Conservation Regulation 2017* in these areas because of future development will trigger the Biodiversity Offset Scheme.

### Vegetation communities and threatened species

According to the EA the site is approximately 19.6 hectares (ha) in area and contains approximately 2.95ha of CPW (Table 32) which comprises 1.95ha of good condition and 0.34ha of low condition PCT 849 CPW and 0.66ha of landscaped CPW (Table 3). This means only approximately 15% of the site is currently covered by CPW. Further Section 4.2.3.1 of the EA notes only the patches of PCT 849 'Low' and 'Good' meet the criteria for the CEEC under the BC Act but the patches of PCT 849 'Landscaped' do not, as the vegetation in these areas would not respond to assisted natural regeneration, due to the natural soil and associated seedbank being absent. Based on this 2.61ha of CEEC occurs on the site which means about 13% of the site is currently covered by CPW.

The future redevelopment of the site to provide a range of residential housing and associated amenity has the potential to impact CPW through land clearing and indirect impacts.

The AIA by EcoLogical Australia dated 20 December 2019 (v1) identifies several of the areas (which is mapped in Figure 4 of the EA as “landscaped native vegetation”) as native trees which are endemic to CPW (see Figures 3-6 and Appendix D). This brings into doubt whether the identification of CPW on the site has been underestimated. It appears likely that some areas mapped as “landscaped native vegetation” within Figure 4 of the EA would be more appropriately be mapped as CPW which would in turn affect the estimated offsetting requirement.

It is unclear why areas of CPW outside of the north-eastern corner of the site have been identified as CPW landscaped, given a review of 1943 aerial imagery at <https://maps.six.nsw.gov.au> shows that a portion of these areas and other areas mapped as landscaped native vegetation may indeed be remnant trees of CPW and not planted for landscaping purposes. In this regard, avoidance of impacts to remnant trees of CPW should be a priority.

EHG recommends the proposed Structure Plan for the site is amended to protect and conserve all existing remnant CPW on the site and that the fragmented patches of CPW are actively managed and linked to improve the prospects of long-term survival of the remnants and habitats on site.

In section 4.5 of the EA, consideration should be given to those records within Bionet to produce the full ecosystem credit species and species credit species lists.

### *Acacia pubescens*

The EA notes of *Acacia pubescens* has been identified within the lot boundary (Table 15), and Table 25 indicates the project would directly impact 0.02 ha of *Acacia pubescens*, which is listed as Vulnerable under the BC Act. EHG previously advised that as the PEA reports a decline in the population size avoidance of impacts to this population should be a priority for the planning proposal. EHG repeats this advice. Recommendations how to manage this population in perpetuity should be provided to demonstrate how the increase in intensity of use in the locality will be mitigated.

### *Cumberland Plain Land Snail*

The EA assumes the Cumberland Plain Land Snail is present on the site and there will be a direct impact on its habitat in the northeast corner of the site (see Figure 9, Table 25).

As the Cumberland Plain Land Snail can be found under logs EHG recommends the DCP includes a control that native trees that are removed by the development including hollows and tree trunks (greater than approximately 25-30cm in diameter and 2-3m in length) and root balls are used to enhance habitat in suitable locations on the site including the northeast remnant, rehabilitated CPW patches and terrestrial linkages (see comments below re DCP).

Please note the diameter of the log (greater than 25-30 cm in diameter) is important because it impacts thermal qualities and longevity of the material.

### **Planning Proposal - avoiding and minimising impacts**

EHG previously advised the BC Act establishes a framework to avoid and minimise biodiversity impacts. The EA indicates the development has avoided and minimised the impacts on the CPW in good condition (section 5.1). Table 20 lists 0.58 ha of CPW will be directly affected including habitat for threatened species four species credit species with a high biodiversity risk weighting (Table 20). Table 22 indicates “The proposed development would remove up to 1.75 ha of habitat for four species credit species with a high biodiversity risk weighting”. The inconsistency between the tables needs to be addressed.

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The project also proposes to remove seven hollow bearing trees as part of the proposed works (Table 21, EA). The DCP should include controls to mitigate any loss of hollow bearing trees from the site (see DCP comments below).

The PPR states “the existing vegetation to the north-east (including significant woodland species) will be retained” and the EA notes “the Development site contains approximately 2.95ha of woodland (with 0.58ha to be removed) and 2.1 ha of landscaped native vegetation. It is noted 1.67 ha of the “landscaped native vegetation” is to be removed (Table 2 and Table 3). As several of the areas (which is mapped in Figure 4 of the EA as “landscaped native vegetation”) are native trees which are endemic to CPW, EHG considers the proposal should avoid and minimise the removal of the CPW and the CPW trees.

The presence of CPW on the site is likely to be an underestimate given the discussion above regarding areas mapped in Figure 4 of the EA as landscaped native vegetation and a comparison to historical aerial photography. Given the risk of SAIL to this CEEC, an assessment of whether additional trees may be able to be retained within the site should be undertaken. It is likely that additional credits could be required for impacts to remnant trees from CPW once a comparison of the AIA is undertaken in conjunction with a review of historical aerial photography. Areas mapped as ‘landscaped native vegetation’ on the site may be remnant CPW species. EHG considers the CPW (landscaped) which is adjacent to CPW low and good condition to be considered as representative of CPW.

### ***Long term Management and Protection of CPW***

The EA indicates the proposed development has been designed to retain 2.37 ha of CPW overall (Table 32). EHG previously advised it is unclear how the vegetation which is proposed for retention will be managed and protected in the future and that the planning proposal should identify methods by which to actively manage and conserve native vegetation across the site to ensure the security and protection of the retained TECs, threatened species and threatened species habitat.

The EA includes a measure to protect the northeast corner via a C2 zoning and a Terrestrial Biodiversity map overlay. EHG supports in principle the proposed inclusion of a C2 zoning and Terrestrial Biodiversity overlay but considers the C2 zoning and Terrestrial Biodiversity map overlay needs to be applied to additional areas on the site to protect and conserve:

- all existing remnant CPW on the site
- the proposed terrestrial linkages to link patches of CPW

The PPR proposes to protect, conserve, and manage the CPW in the northeast portion of the site by retaining it in private ownership and the draft DCP includes a Development Concept Plan (Figure 2) which shows this woodland reserve as ‘private open space’. EHG’s preference is for the C2 zoned land to be in public ownership to ensure the C2 zoned land is protected and managed consistently.

It is unclear how the ongoing management and maintenance of the CPW will be undertaken. The PPR proposes the following three options for the ongoing management of the C2 zoned land:

- The C2 zoned land is incorporated with the future adjoining B1 Neighbourhood Centre under either a community title or strata titled scheme. The preferred property scheme will incorporate a levy to ensure funding for ongoing maintenance of the vegetated area in accordance with the relevant vegetation management plan (VMP) or the like.
- The C2 zoned land is dedicated to a funded trust or entity with ongoing maintenance of the vegetated area undertaken in accordance with the relevant VMP or the like.



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- The provision of public access to the conservation land is constrained due to ecologically significant vegetation and the measures needed to ensure its protection and conservation. In consideration of similar examples and principles around surveillance, protection, conservation, and liability, it is assumed that access will not be available to the public (page 62).

The third option above which assumes access to the CPW by the public will not be available needs to be confirmed. The PPR indicates the proposed rezoning will result in a maximum dwelling yield of 430 dwellings on the site so if residents and companion animals are permitted to access the C2 zoned area there is potential for increased impacts on the CPW, native flora and fauna and habitat. EHG recommends any pathways/walking trails are located outside the CPW C2 zoned land to minimise impacts caused by people and companion animals disturbing the CEEC, native flora and fauna and a development control is included in the DCP regarding this (see below).

### *CPW Buffer*

EHG usually recommends buffers are provided around CPW remnants to avoid potential degradation of the CPW but given the existing roads, childcare centre and infrastructure on this site which surround the CPW in the northeast corner and elsewhere on the site it appears that the provision of buffers may not be possible at this site.

EHG recommends:

- the CPW areas in low condition and landscape are rehabilitated and planted with local native provenance species from the CPW
- a permanent barrier (such as a fence) is placed at the outside edge of the CPW that is to be retained and protected to delineate and prevent inadvertent damage to the CPW by maintenance such as mowing/slashing and/or trampling and to prevent vehicles from having access. The fence needs to be appropriate to the site and be designed to:
  - allow for small native fauna passage underneath
  - be suitable as a maintenance edge for management such as mowing/slashing etc.
- local native seed is collected from CPW vegetation on the site that is approved for removal and propagated as soon as possible for use in rehabilitating the CPW on the site and for use in the landscaping of the site with CPW species
- a VMP is prepared and implemented for the site by a suitably qualified bush regenerator for the rehabilitation, management, and long-term maintenance any retained CPW. The CPW is in secure ownership such as public land or consolidated private lot.

### **Bushfire Management**

The PPR states the managed APZ zones are located within either road reserves or areas zoned for urban purposes (section 3.2), but the BPA by EcoLogical Australia indicates that where there is residential zoning proposed adjacent to the retained bushland area, the lots are mapped as BAL40. 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.

## **DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN**

### 1.2.1 Key urban design principles and character

Section 1.2.1 (a) of the draft DCP only requires the retention and conservation of native vegetation (including remnant woodland) located in the north easter corner of the site. In terms of avoiding and minimising impacts on biodiversity (CPW/threatened species /threatened species habitat) and alleviating the urban heat island effect EHG recommends the Key urban design principles are amended to include:



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- *The Structure Plan layout avoids and minimises impacts on existing local native vegetation (including CPW and existing local native trees) and habitat*
- *maximise the planting of local native provenance trees along streets, public open space areas, corridor linkages and private open space; and*
- *improve terrestrial connectivity between remnant vegetation*
- *the proposed lot layout/lot size/ street design should allow for the retention of existing native vegetation/trees and maximise the planting of trees.*

### 1.2.5 Public Open Space

EHG recommends the following objectives are included in Section 1.2.5 of the DCP for the Public Open Space areas:

- *To avoid, protect, link and enhance Cumberland Plain Woodland and local native trees in the open space areas*
- *To ensure open space areas are planted with local native provenance species from CPW (tree, shrubs and groundcover species) rather than use non-local native or exotic species to improve local biodiversity.*

and the following control is included:

- (d) *landscaping of public open space is to use a diversity of Cumberland Plain Woodland plant species of local provenance (including tree, shrub and groundcover species) rather than non-local native species and exotics*

### 1.2.7 Biodiversity Management

It is recommended the DCP is amended to include the following:

- *Development shall avoid and minimise impacts on existing local native vegetation (including CPW and existing local native trees) and habitat.*
- *Development must conserve, rehabilitate and enhance terrestrial connectivity between CPW vegetation on site by planting local CPW provenance species to enhance habitat and movement for flora and fauna species.*

### Conservation of CPW

It is recommended the DCP is amended to include the following controls:

***Development shall avoid and minimise impacts on existing local native***

- *A Vegetation Management Plan is prepared and implemented by a suitably qualified bush regenerator for the rehabilitation, management and long-term maintenance of any retained CPW in secure ownership such as public land or consolidated private lot for example the north east corner or the central RE1 open space (see section on site planting/landscaping).*
- *A permanent fence is placed at the outside edge of the CPW extent that is to be retained to delineate and prevent inadvertent damage to the CPW and to prevent vehicles from having access.*

### Pre-clearing

EHG recommends the DCP includes a section for pre-clearing of native vegetation from the site and includes:

- *Prior to clearing of any trees on the site, to ensure there is a net increase in the number of trees on site, a tree survey report must be prepared to provide details on:*
  - *the total number of trees approved to be removed and retained*
  - *the tree species and whether the trees are native to the site, non-local natives or exotic*
  - *the type and size of tree.*
- *Prior to clearing of native vegetation from the site, native seed from the plants approved for removal is collected and propagated and used in revegetating the site including the rehabilitation of terrestrial linkages, RE1 open space areas, street planting. The seed collection programme should commence as*

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*early as possible so that local native provenance plant species are available to be planted, and the trees are advanced and established in size to improve the urban tree canopy and local biodiversity.*

- *Any juvenile native plants to be removed shall be salvaged and transplanted to areas that are to be conserved. The juvenile plants must be translocated prior to any earthworks and clearing of native vegetation commencing. The plants should be relocated when plant growth conditions are ideal to give the native plants the best possible opportunity to survive and should be maintained until established.*

### *Tree hollows*

As seven hollow bearing trees are proposed to be removed prior to the removal of existing tree hollows and/or the release of any captured hollow dependent fauna. The compensatory nest boxes should be provided and installed in suitable vegetation that is to be conserved on the site by an appropriately qualified and experienced expert in nest boxes and/or compensatory artificial hollows.

It is recommended the following is included in the DCP in relation to tree hollows:

- **Prior to felling the trees, a nest box management plan must be prepared which includes details on:**
  - *the number, size, type and location of tree hollows to be removed*
  - *the size, type, number and location of where the replacement nest boxes and/or compensatory artificial hollows using a HollowHog tool (<https://www.hollowhog.com.au/>) are to be installed based on the results of the pre-clearing survey.*
- **Prior to felling the trees a suitably qualified ecologist must endeavour to individually remove sections of a tree containing a hollow or other habitat features for relocation and reuse by the project**
  - *trees with hollows should be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine*
  - *where it is not possible to remove a tree hollow/habitat feature prior to felling the tree, native fauna should first be removed before tree felling and the hollow bearing trees may then be slowly pushed over to avoid damage to hollows.*
- **Prior to removing any hollow-bearing trees, compensatory nest boxes and/or artificial hollows using a HollowHog tool (<https://www.hollowhog.com.au/>) are to be installed within the C2 zoned areas on the site. The size of the nesting box/ artificial hollow is to reflect the size and dimension of the hollow removed.**
  - *nest boxes should be monitored for any repair /maintenance /replacement requirements for a minimum of 5 years. At the end of the 5 years the applicant needs to provide the results of the nest box monitoring and their use or lack thereof to the consent authority and provide recommendations as to the ongoing use of the nest boxes and any future maintenance requirements.*

### Removal of vegetation

It is recommended the following controls are included in the DCP for vegetation/ tree removal:

- **Avoid clearing works in late winter/spring during breeding/nesting period of birds**
- **A suitably qualified ecologist/licensed wildlife handler must be present on-site during tree removal**
- **Any native fauna found during tree removal must be captured and relocated to appropriate nearby habitat.**

### *Salvage of removed trees*

EHG recommends the DCP includes a control that native trees approved for removal are reused and salvaged and placed in the C2 zoned land and other appropriate areas on the site to enhance habitat. The reuse and salvage of tree trunks is important, particularly as the EA indicates the Cumberland Plain Land Snail is assumed to occur on the site and the snail is found under logs.

If the removed native trees are not able to be entirely re-used on the site, it is recommended a control is included for the proponent to consult with the local community restoration/rehabilitation

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groups, Landcare groups, and councils etc prior to any clearing commencing to determine if the removed trees can be re-used by others in habitat enhancement and rehabilitation work.

***The Proponent must identify where it is practicable to reuse any of the native trees that are approved for removal from the site, including tree hollows and tree trunks (greater than 25-30 centimetres in diameter and three metres in length), and root balls to enhance habitat.***

- ***If the removed native trees are not able to be entirely re-used on the site, the proponent must consult with local community restoration/rehabilitation groups, Landcare groups, Local Land Services and Councils prior to removing any native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses must be documented***

### Site Landscaping/Tree planting

The EA indicates it proposes to plant at least 540 trees within the clearing footprint (Table 29) and this will preserve and create additional connectivity across the site (Table 30). It is suggested the applicants provides details on their proposed minimum tree replacement ratio that are to be removed and this is included as a control in the DCP.

In terms of mitigating the urban heat island effect, improving biodiversity, habitat etc at the site it is recommended the DCP includes the following controls:

- ***At least 540 trees are to be planted on the site.***
- ***Any planting on the site shall use a diversity of CPW provenance native trees, shrubs and groundcover species (rather than exotic species or non-local native species).***
- ***Trees are to be planted in locations to improve terrestrial connectivity (as noted above the fragmented patches of CPW should be actively managed and linked to improve the prospects of long-term survival of the remnants and habitats on site).***
- ***Tree planting shall use advanced and established trees for tree species which are commercially available. Other tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed.***
- ***Tree planting/s and landscaping is to be provided at the front and rear of dwellings.***
- ***Enough space must be provided to accommodate the growth of existing trees that are to be retained and any replacement trees to maturity to increase urban tree canopy cover.***
- ***Street tree planting and landscaping should be provided on both sides of the street at the site.***  
***The street setbacks shall be wide enough to:***
  - ***retain existing trees and allow for new planted street trees to grow to maturity without the need for lopping and trimming (as the lopping of trees removes the potential for tree hollows to form)***
  - ***accommodate any proposed footpaths plus allow for the street trees to grow to maturity.***
- ***A Vegetation Management Plan is to be prepared and implemented by an appropriately qualified bush regenerator for remnant CPW that is to be conserved on the site of any retained CPW in a secure ownership such as public land or consolidated private lot for example the north east corner or the central RE1 open space and site planting and include details on:***
  - seed collection – the location of all native seed sources should be identified***
  - the type, species, size, quantity and location of replacement trees***
  - the plan demonstrates the plant species are of local native provenance***
  - the species, quantity and location of shrubs and groundcover plantings***
  - the pot size of the trees to be planted***
  - the area/space required to allow the planted trees to grow to maturity.***
  - maintenance requirements - planted vegetation should be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.***

End of Submission

# Appendix B

Organisations' submissions





## Mount St Joseph Milperra

273 Horsley Road, Milperra, NSW 2214

PO Box 185, North Revesby, NSW 2212

msjmilperra-office@syd.catholic.edu.au

02 8724 6200

www.msj.nsw.edu.au

28 November 2022

### Letter of Support for the former Western Sydney University Campus in Milperra

To whom it may concern

I write today in support of the proposed development of the WSU site for medium-density low-rise housing as proposed by Mirvac. Due to the expected future increase in population in the Bankstown LGA and the lack of diversity in housing in the Milperra area to cope with this increase, it is obvious that this development is meeting a future need.

Sydney Catholic Schools has purchased buildings and a large package of land to ensure we are meeting the needs of increased enrolment pressures as well as the needs of the wider community as it grows in population. As Mount St Joseph Milperra is at the geographical centre of the Sydney Catholic Schools, it is intended that it will serve as a facility for network schools and organisations in the local area.

The need for this is evident in the growing interest and use of the school's existing facilities by community groups such as the Bankstown Netball Association and the Tennis Academy. It is envisaged that future developments on the Mount St Joseph site will supplement the substantial investment that is going into Kelso Park.

As the College undergoes a redesign of its facilities in future years, there will be a focus on supporting community needs that could supplement the multi-purpose space in the Mirvac development and further support sporting organisations.

We are dedicated to supporting industry and community needs and partnerships as we grow together as a Milperra community.

Yours sincerely

Narelle Archer  
Principal

With reference to the Gateway Determination for the Western Sydney University Milperra campus (PP-2021-5837) Bankstown Bushland Society gladly notes that the bushland (known locally as Wonga Smith's Bush) in the north-eastern corner of the site is proposed as a Conservation zone. This the Society thinks is very appropriate. However, we also note that in the Conditions the proposed Conservation zone is to be given into private hands (Cond. 1.l) with, as yet, no certainty of public access (Cond. 1.m).

In 2018 the Society raised the issue of the bushland with WSU which responded by informing that it was its intention to "dedicate the land to Canterbury-Bankstown Council for ongoing management." (WSU to BBS 22-1-2018) and that "the request will be considered by Council as part of their overall assessment of any future proposal." Subsequently we were told that Council did not want to assume ownership of the area.

In 1974 the Department of Education had the foresight to set this area aside for conservation and ever since has been managed with this in mind. The Society believes that the best way to continue this is to keep the bushland area in public not private hands, especially not in the hands of a developer (Mirvac) which did not want zoning for Environmental Protection but Recreation Private instead.

The Society maintains that the area should most appropriately be retained in public hands either by Council, the Education Department or other appropriate government agency. However, if this is not possible then a body such as the NSW National Trust should be considered. Failing this, and if no government agency is willing to be the owner of the bushland area, we repeat that Mirvac which is not in the business of conservation protection is not a suitable owner. In light of this, Bankstown Bushland Society could be considered as a potential and willing title holder of the bushland.



Douglas Cunningham

**From:** Theo Zotos <theo.zotos@mirvac.com>  
**Sent:** Wednesday, 17 May 2023 4:46 PM  
**To:** Douglas Cunningham  
**Cc:** Kris Walsh; Kelly McKellar; Louise McMahon  
**Subject:** RE: WSU Milperra Planning Proposal URGENT

Hi Douglas

I am ok with your report reflecting 111 submissions

Cheers

**Theo Zotos**  
Senior Development Manager  
Development

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Level 28, 200 George Street Sydney NSW 2000 Australia

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**RANKED #1 GLOBALLY  
FOR GENDER EQUALITY**  
2022 and 2023 by Equileap

**2022 WINNER BEST  
PLACES TO WORK**  
AFR Boss

Mirvac acknowledges Aboriginal and Torres Strait Islander peoples as the Traditional Owners of the lands and waters of Australia, and we offer our respect to their Elders.

**From:** Douglas Cunningham <Douglas.Cunningham@planning.nsw.gov.au>  
**Sent:** Wednesday, 17 May 2023 4:14 PM  
**To:** Theo Zotos <theo.zotos@mirvac.com>  
**Cc:** Kris Walsh <Kris.Walsh@planning.nsw.gov.au>; Kelly McKellar <kelly.mckellar@dpie.nsw.gov.au>; Louise McMahon <louise.mcmahon@dpie.nsw.gov.au>  
**Subject:** RE: WSU Milperra Planning Proposal URGENT

Afternoon Theo

Just following on from Louise’s email, we are still finalising the WSU post exhibition report however are looking to close that out shortly.

In our report, we will be referencing the a total of 111 submissions including:  
-100 public submissions  
-Two organisation submissions  
-Eight Government Agency submissions (EHG, EPA, TfNSW, Sydney Water, RFS, Schools Infrastructure NSW, Office of Strategic Lands (Planning Ministerial Corporation), Ausgrid)  
-Canterbury-Bankstown Council submission

In your response to submissions report, you reference a different number of submissions as it was submitted prior to us receiving all the government agency submissions. I understand these submissions raised no objections and did not require a response from you.

To close out on this, there are two options available:  
-You can confirm you are okay with the difference in numbers and we will add that as an addendum to the report, or  
-You update the response to submission report to align with the above numbers.

Let me know which way you want to go with this

Happy to have a chat if you have any questions on the above

Thanks

Doug

**Douglas Cunningham**  
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*The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.*