



# Planning Proposal, Western Sydney University Milperra

Canterbury-Bankstown Local Environmental Plan Amendment

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Client: Mirvac (NSW) Pty Ltd

Date: 01 August 2023

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Document Status

Date Issued	Revision	Author	Reviewed	Comment
30 June 2020	V1.1	Deb Barr and Russell Van Laeren	Liz Densley	Draft for Client Review
11 July 2020	V1.2	Deb Barr and Russell Van Laeren	Liz Densley	Final Draft
22 July 2020	V1.3	Russell Van Laeren	Liz Densley	Final
21 March 2022	V1.4	Linda Rodriguez	Theo Zotos	Updated for Gateway Determination
4 April 2022	V1.5	Linda Rodriguez	Theo Zotos	Updated S9.1 Priorities
4 October 2022	V1.6	Linda Rodriguez	Theo Zotos	Post-Gateway updates
17 October 2022	V1.7	Linda Rodriguez	Theo Zotos	Final for consultation
01 August 2023	V1.8	Rouz Loghmani, Callum Sangkuhl and Johan Goosen	Theo Zotos	Final for Gazettal
21 August 2023	V1.9	Callum Sangkuhl, Theo Zotos	Theo Zotos	Corrections made, Final for Gazettal

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# Executive Summary

# Executive Summary

## Introduction

Note: It should be noted that since the Gateway Determination has been issued for this subject PP the CB LEP 2023 has been made. Any references to the Bankstown LEP 2015 are taken to refer to the CB LEP 2023 and references to the B1 zone refer to the E1 Local Centre Zone under the CB LEP 2023.

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. Consistent with WSU's Western Growth Strategy, existing courses and capabilities are currently being transitioned from Milperra to the new state-of-the-art vertical campus in the Bankstown CBD.. In planning for the future of the Milperra campus, Elton Consulting (a WSP Company) have prepared a Planning Proposal (PP) on behalf of WSU and Mirvac Residential (NSW) Development Pty Ltd to rezone the site.

The WSU Milperra Campus is bounded by Ashford Avenue, Bullecourt Avenue, Horsley Road and the M5 Motorway. The 19.64 ha site has become vacant following the relocation of the WSU Campus to Bankstown CBD.. As a result, WSU have entered into a partnership with Mirvac to redevelop the site to provide a diverse range of residential housing and associated amenity.

The site is currently zoned SP2 Infrastructure (Educational Establishment) under the *Canterbury-Bankstown Local Environmental Plan 2023* (CBLEP). Development for a purpose other than education is not permissible under the current planning controls and as such an amendment to the CBLEP is required prior to the redevelopment of the site.

This PP sets out proposed amendments to the land use zoning and introduces building height and floor space ratio controls in the CBLEP to accommodate redevelopment of the land for a new residential neighbourhood and small neighbourhood commercial centre.

The PP has been prepared in accordance with DPE's *Local Environmental Plan Making Guideline*, September 2022.

The site address is 2 and 2A Bullecourt Avenue Milperra (legal identifier Lot 1 DP 101147 and Lot 105 DP 1268911).



Figure 1 Subject Site



Source: NSW Six Maps

## Policy Context

### South District Plan

The South District Plan (District Plan) identifies the site as being 'Urban Land' and is consistent with *A Metropolis of Three Cities*. The District Plan provides Planning Priorities that have been addressed throughout the preparation and refinement of the Development Concept. The Development Concept provides a precinct layout with distinct character areas; with detached homes along Ashford Avenue to a diverse range of low-rise housing supported by a small commercial activity hub and three public parks.

The District Plan identifies the emerging Bankstown 'Health and Education Precinct' and that *housing and choice for moderate-income households, students and health visitors are important to support the growth of the precinct.*

The location of the site and its connection with the emerging Precinct provides an essential opportunity to deliver diverse housing typologies to support such growth.

## Connective City 2036

Connective City 2036 is Canterbury Bankstown Council's Local Strategic Planning Statement (LSPS). It set a target to provide 50,000 additional dwellings in the LGA in the next 20 years. One of the Strategies objectives is to locate a large proportion of new housing within hubs and strategic centres, while 10,000 dwellings will need to be provided outside of these centres via infill development. Maximising the opportunities that are provided by large infill sites such as WSU will be key to achieving the housing target.

This PP is consistent with the Evolutions identified in the LSPS by:

- » Undertaking early engagement with the local community and Council professionals.
- » Designing a local street network that facilitates permeable movement through the new neighbourhood.
- » Providing opportunities for employment through the creation of a neighbourhood centre.
- » Enhancing the existing Green Web through the retention of the remnant vegetation in the north-eastern corner of the site and the provision of three public parks throughout the new neighbourhood.
- » Providing additional housing to meet demand creating opportunities for community interaction through the creation of public open spaces.
- » Ensuring design quality in buildings and spaces through the preparation of a site-specific DCP.

## Canterbury Bankstown Housing Strategy 2020

The Canterbury Bankstown Housing Strategy identifies principles for the delivery of new housing in the LGA.

The proposal supports these principles by:

Introducing the R1 *General Residential* land use zone into the LGA, enabling flexibility to deliver a diverse range of low-rise housing typologies. The PP seeks to provide in-fill housing in a suburban setting. The proposal contributes 0.9% towards Council's total housing targets to 2036 and 4.4% of new dwellings target in suburban areas.

- » Providing areas of high amenity through the creation of connected public spaces.
- » Proposing a variety of dwelling types, sizes and price points to meet the needs of the diverse population within the LGA, including changing family structures, sole occupancy housing and the ageing population.
- » Providing additional housing within a consolidated site, allowing many existing areas to maintain character.
- » Ensuring a good quality neighbourhood is created through the site-specific DCP controls.

It is noted that further to the increased reduction of land capable of delivering multi dwelling housing, the Housing Strategy also seeks to significantly reduce the quantum of R3 zoned land by downzoning such areas to R2 Low Density Residential.

Notwithstanding, on the 25 June 2021, DPE issued an Advisory Note in relation to the endorsement of Council's Local Housing Strategy. The Advisory Note indicated that the proposed down-zoning of land by Council from R3 to R2 is not supported, particularly as Council has identified the need for housing diversity. Accordingly, this proposal provides diverse low rise housing which meets this objective.

## Affordable Housing Strategy 2020

The Affordable Housing Strategy was adopted by Council in June 2020. It recommends a 5% affordable housing contribution for planning proposals resulting in uplift and that variations to this requirement should be considered depending on the circumstances. The Affordable Housing Strategy supports the delivery of housing within centres and close to transport and services.



The proposal seeks to assist in increasing the supply of housing generally in the LGA. Diverse housing product will provide a variation in price points providing housing options for various segments of the community including young families, downsizers and first home buyers.

Further, in consultation with Council, WSU/Mirvac have offered a monetary contribution (equivalent to 5% of housing yield) towards affordable housing allowing flexibility in where they are provided.

As per the direction of Council, the proponent is seeking to provide a monetary contribution towards affordable housing. This will allow Council the flexibility to apply funding in accordance with principles contained within Councils Affordable Housing Strategy (June 2020) including the objective to locate housing near established centres. As part of the VPA discussions, Council and the proponent have agreed to incorporate a monetary contribution of \$5.3M (based on a lot yield of 430 residential lots) towards the provision of affordable housing.

The Letter of Offer and Voluntary Planning Agreement are currently being finalised and will be publicly notified separate to this Planning Proposal.

## Employment Lands Strategy 2020

The Employment Lands Strategy forms part of Canterbury Bankstown's strategic planning framework, underpinned by the Canterbury Bankstown Local Strategic Planning Statement, Connective City 2036 (LSPS).

These Strategy provide the evidence base and direction to implement the employment priorities and actions established in Connective City 2036.

The proposal will provide for a mix of housing to accommodate for workers in the surrounding employment lands.

A neighbourhood centre is proposed in the north-eastern corner of the site and, subject to a demand analysis at the development application stage, will enable the development of locality serving commercial uses; potentially including a café, retail premises, shared office space adjoining the child-care centre. The objective is for the neighbourhood centre to provide services and goods to the local area and is not intended to compete with higher order centres.

Furthermore, the proposed residential development will not result in land use conflicts with existing industrial land to the north and east of the site where:

- There is limited direct interface with industrial land through appropriate siting of land uses and open space.
- Adequate spatial separation is provided for the proposed residential properties to the north, consisting of the width of Bullecourt Avenue and the proposed public open space and landscaping adjacent.
- Adequate spatial separation is provided for the proposed residential development to the east of the site afforded by Horsley Road and the existing school.
- The enclosed Acoustic Assessment by Renzo Tonin (Appendix I) considers the appropriate acoustic treatment and design measures to the proposed residential development to mitigate impacts from the operations of the industrial land and surrounding road network including the M5 Motorway.

## Development Concept

The Canterbury Bankstown Housing Strategy recognises the need to accommodate an additional 50,000 dwellings in the LGA in the next 20 years. While the strategy encourages most of this new development to occur within medium and high-density areas close to transport and centres, 10,000 homes will need to be accommodated within existing urban areas. The current council planning controls and proposed changes to the CBLEP under this strategy provide limited opportunity for housing diversity. In addition, the low-density character of existing urban areas restricts the type of infill development considered suitable by many existing residents.

The redevelopment of the WSU site offers an unparalleled opportunity to create a new liveable community that enhances the wider neighbourhood in which it sits. Placemaking, amenity, generous open spaces and landscaped streets define the proposed approach to the design of this new community.

Utilising the sites existing assets including the consolidated area of remnant native woodland (north east corner of the site), childcare building and adjacency to an existing school and Milperra Reserve will allow for the creation of an integrated urban environment meeting the needs of its residents.

The site allows for the provision of low-rise diverse housing interspersed with parks and green spaces offering both active and informal recreation opportunities for both future and existing residents of the area.

Larger lots with detached dwellings will front Ashford Avenue and interface with the existing low density residential development that is to the west of the site. Appropriate development buffers will be created to the northern, eastern and southern boundaries of the site to protect the new dwellings from the impacts from the surrounding employment area and motorway.

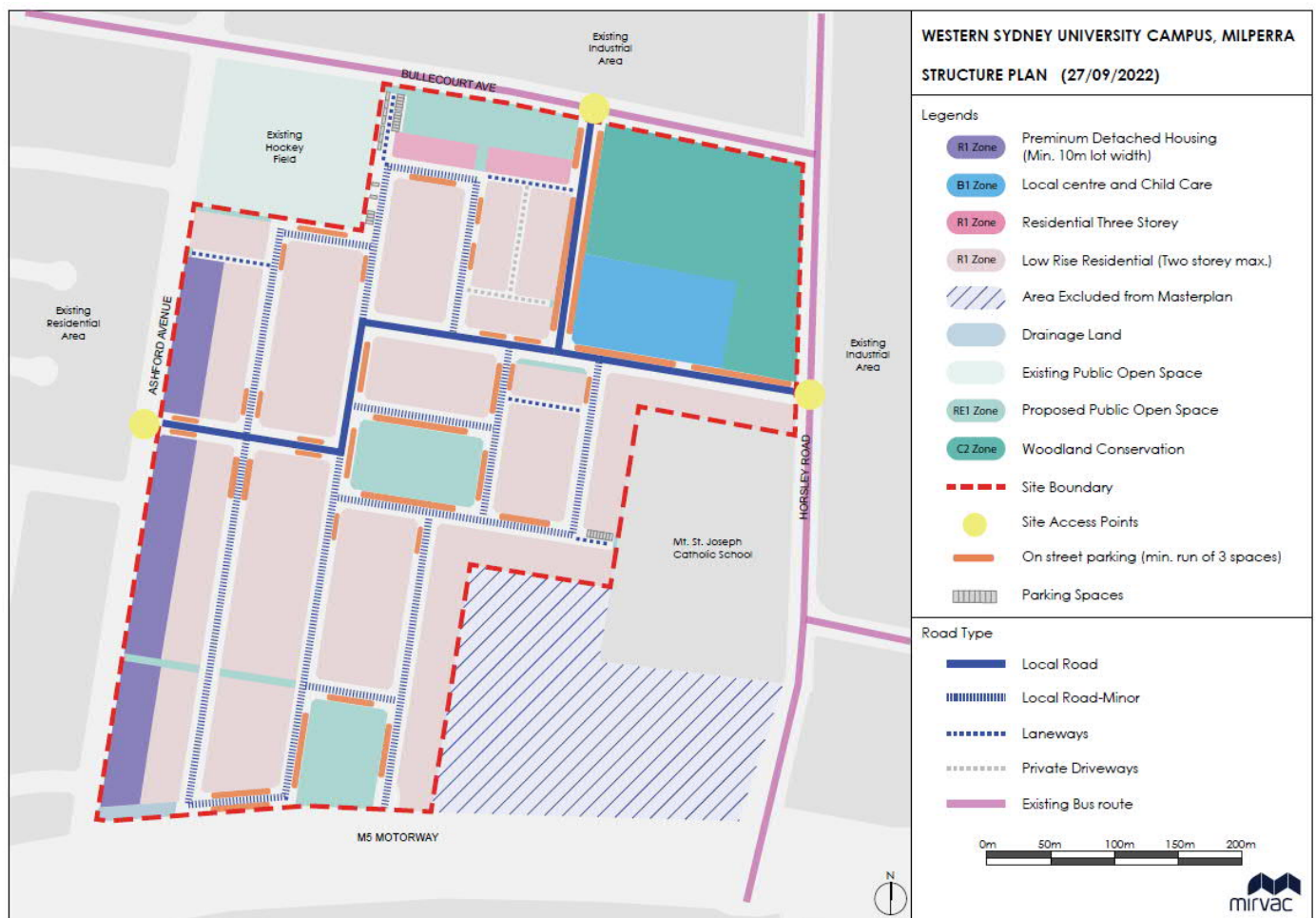
Proposed housing will address the existing sporting field bordering the site's north-western corner while the existing vegetation to the north-eastern corner (including significant woodland species) will be retained.

Along the eastern boundary of the site is the Mount St Joseph Catholic secondary school. This existing school, together with 3.68 ha of WSU campus land to its immediate south, that has been transferred to the Mount St Joseph Catholic School, is not subject to rezoning.

The PP is supported by a Structure Plan (Figure 2). The Structure Plan illustrates the location of new character areas and opportunities that will be unlocked through the above amendments to the CBLEP.

The CBLEP will be accompanied by site specific development guidelines in a Development Control Plan. The combination of the controls will provide certainty for the existing community in relation to the development yield, layout, lot sizes and the range and type of dwellings.

Figure 2 Structure Plan



Source: Mirvac, 2022.

## Amendments to the LEP

An amendment to the CBLEP 2023 is required to facilitate the redevelopment of the land for residential and commercial purposes.

Table 1 Summary of current and proposed LEP Controls

Current LEP Controls	Proposed controls at lodgement of PP	Post lodgement (RFI & LPP) amendments	Post Gateway Determination
Land use zone SP2	» R1 General Residential – applied to majority of the site.	» No change	
Infrastructure (Educational Establishment); and	» B1 Neighbourhood Centre – approximately 8,200m <sup>2</sup> in the northern part of the site accommodating the existing child-care facility.	» No Change	
SP2	» RE1 Public Recreation – applied to the proposed public parks.	» No change	
Infrastructure (Electricity Transmission or Distribution Network)	» RE2 Private Recreation– applied to the area containing Cumberland Plain Woodland (north-east portion of the site)	C2 Environmental Conservation – applied to the area containing Cumberland Plain Woodland. (north-east portion of the site)	
	» SP2 Infrastructure (Drainage)– applied to the drainage reserve along the southern boundary.	No change	
Floor Space Ratio (FSR) (Currently no FSR applies to the site)	» An FSR of 0.6:1 is applied to the western boundary of the site along Ashford Avenue.	» An FSR of 0.5:1 is applied to the Ashford Avenue residential interface along the western boundary of the site	No change
	» An FSR of 1:1 is to the proposed B1 Neighbourhood Centre located in the north-east corner of the site.	» An FSR of 1:1 is proposed for the B1 Neighbourhood Centre zoning	No change
	» No FSR to remainder of the proposed residential area	» A 'sliding scale' FSR is proposed to be applied to the remainder of the R1 zoned land that is not subject to the 0.5:1 FSR	Three storey R1 zoned land, FSR 1.4:1 Two storey R1 zoned land ; GFA = 37% of site area + 80sqm
		» The smallest lots permitted on the site are intended to have a higher FSR and the larger lots to have the smallest FSR on the sliding scale range. Refer to Part 2, Floor	

Current LEP Controls	Proposed controls at lodgement of PP	Post lodgement (RFI & LPP) amendments	Post Gateway Determination
		Space Ratio of this document. » A site-specific Development Control Plan will include guidelines to ensure environmental and amenity impacts are acceptable.	
Height of Building (HOB) (Currently no max HOB applies to the site)	<ul style="list-style-type: none"> <li>» R1 General Residential – 9m with a selected area permitting 11m height adjacent to open space at the north of the site near Bullecourt Avenue.</li> <li>» B1 Neighbourhood Centre – 11m.</li> </ul>	No change	
Minimum Subdivision Lot Size (Currently no minimum subdivision lot size applies to the site)	Include a minimum Lot Size of 300m <sup>2</sup> for the R1 General Residential zone	No change	
Additional Local Provisions	<ul style="list-style-type: none"> <li>» Maximum dwelling yield of 440 across the R1 zone with a further +5% (22 dwellings) pending the provision of affordable housing.</li> <li>» An 'Additional Local Provision' will be prepared to enable variations to minimum lot size in order to permit a diverse housing range on the site with lots smaller than 300m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>» Set a maximum dwelling cap across the proposed R1 zone of 430 dwellings.</li> <li>» No change</li> </ul>	LEP objective to maximise tree retention and conservation of Cumberland Plain Woodland.
Minimum subdivision lot size for community title schemes clause	Amend Clause 4.1AA to include the R1 General Residential zone as an exclusion to the minimum lot size for community title and strata subdivision	No change.	
Terrestrial Biodiversity map	N/A	Detailed ecological analysis confirms the extent to which the site should be mapped as 'Terrestrial Biodiversity'. The draft Terrestrial Biodiversity Map is enclosed in Part 4.	

Current LEP Controls	Proposed controls at lodgement of PP	Post lodgement (RFI & LPP) amendments	Post Gateway Determination
Land Reservation Acquisition	N/A	N/A	<ul style="list-style-type: none"><li>» Land proposed to be zoned as RE1 Public Recreation for the purpose of public parks are to be nominated for Land Reservation Acquisition with Council being the responsible acquisition authority.</li><li>» Land area proposed to be zoned as SP2 Infrastructure (Drainage)– for the drainage reserve along the southern boundary is to be nominated for Land Reservation Acquisition with Council being the responsible acquisition authority.</li></ul>

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## Consultation

Consultation has been undertaken with both Council and the wider community to inform the Development Concept Plan, proposed CBLEP amendments and proposed development controls.

The key issues raised by the Council, including the development density, lot size and suitability of land use zones have been addressed in this PP. The PP was on public exhibition between the 01 November 2022 to 14 December 2022.

Key issues raised by the community and key stakeholders included traffic, local character, dwelling density and the provision of public open space. These issues have been addressed in the PP and through the Development Concept Plan which now includes larger lots addressing Ashford Avenue, deletion of community title open space, amended distribution of housing types, amended local park detail and the provision of additional on-street parking.

It is also noted Councils Local Planning Panel, the South District Planning Panel and the Department have reviewed the proposal and recommended proceeding to Gateway.

As required by Condition 3 of the Gateway Determination issued by the Department on 1 June 2022, the planning proposal was exhibited 1 November 2022 and 14 December 2022. 100 submissions were made by the community, eight made by government agencies and two submissions were from organisations. Mirvac reviewed all the submissions and provided detailed responses to all the concerns raised by the submissions on 03 February 2023. This response report was sent to the Department for their consideration.

## Conclusions

This PP has been prepared in accordance with Council's strategic vision identified in its recent policies – Connective City 2036 and Housing Strategy. These policies all reflect and are consistent with the Greater Sydney Region Plan and the South District Plan.

Mirvac, in partnership with WSU, intends to redevelop the former university campus into a new residential neighbourhood, catering for market demand by providing a range of housing types and styles. The proposed development concept has a strong emphasis on open space and landscape-led design, ensuring the creation of a high-quality master planned neighbourhood where every element is designed cohesively within the new environment. Furthermore, the retention of the existing consolidated stand of remnant woodland vegetation as a C2 Environmental Conservation zone, in the north-eastern corner of the site will protect, conserve and maintain this significant environmental asset.

The PP provides substantial strategic justification as to how the rezoning process will support the broader objectives for development in the Canterbury Bankstown LGA, focussed on providing new, diverse housing choices. The outcome from the review of the strategic context as well as the site-specific analysis and merit assessment, provides confidence that the site has the capacity and suitability to be supported for a rezoning. A suite of technical reports has been completed to inform the development and environmental outcomes. These reports are attached to the PP report for reference.



# Project Overview

# 1 Introduction

This Planning Proposal (PP) has been prepared by Elton Consulting on behalf of WSU and Mirvac Residential (NSW) Development Pty Ltd (Mircvac). The PP seeks to amend the Canterbury-Bankstown Local Environmental Plan (2023) (CBLEP ) to rezone the Western Sydney University (WSU) site (the site) in Milperra to enable the creation of a new residential neighbourhood. The 19.64 ha site is bounded by Ashford Avenue, Bullecourt Avenue and Horsley Drive, Milperra. The legal identifier for the lot is Lot 1 DP 101147 and Lot 105 1268911, being 2 and 2A Bullecourt Avenue, Milperra (refer to Figure 1).

The PP responds to the strategic planning framework, including the recently adopted Canterbury Bankstown Housing Strategy that identifies the need for an additional 50,000 dwellings in the LGA, with a target to deliver 20%, or 10,000 of these within existing suburban areas outside of centres.

Both the current controls in the CBLEP and DCP e limit the opportunities for housing delivery, and the much-needed diversity of housing within new development. Infill development is predominately concentrated to one or two housing types which are being delivered in an ad hoc fashion (i.e. dual occupancies and secondary dwellings). The proposed development will create its own character with sensitive interfaces to existing residents. This will allow for integrated and master-planned approach to providing housing without the impacts of ad-hoc infill development proposals interrupting local character.

The transition of WSU from their Milperra campus to a new location in the Bankstown CBD provides an opportunity for the current Milperra campus site to be redeveloped to support a vibrant, neighbourhood that will benefit future residents and the wider community. Mirvac have developed a concept that is consistent with NSW Government policy to provide a range of housing product to satisfy a changing demographic, that will contribute up to 430 dwellings of the 10,000 attributed to housing outside of centres.

## 1.1 Summary of the proposal

Working closely with Council planning staff and following engagement with the local community in late 2019, Mirvac proposes a number of amendments to the CBLEP that will enable the WSU site to be developed under a new set of planning controls without compromising the application of the existing land use zones and provisions in the CBLEP . A summary of the amendments is outline below.

Table 2 Proposal summary

Applicant details	Mircvac Residential (NSW) Development Pty Ltd Western Sydney University
Property Details	105 DP 1268911, Lot 1 DP 101147
Area	19.64 ha
Proposal	Amend the CBLEP 2023 as follows: R1 General Residential zone Include a R1 General Residential zone to majority of the site and accompanying objectives and land use table Land Zoning Map Rezone Lot 105 DP 1268911 from SP2 Educational Establishment to R1 General Residential, B1 Local Centre, RE1 Public Recreation, C2 Environmental Conservation and SP2 Infrastructure (Drainage) Rezone Lot 1 DP101147 to RE1 Public Recreation Floor Space Ratio (FSR) Map An FSR of 0.5:1 is applied to the western boundary of the site along Ashford Avenue

Applicant details	<p>Mirvac Residential (NSW) Development Pty Ltd</p> <p>Western Sydney University</p>
	<p>An FSR of 0.5:1 is applied to the Ashford Avenue residential interface along the western boundary of the site</p> <p>An FSR of 1:1 is proposed for the B1 Neighbourhood Centre zoning</p> <p>An FSR of 1.4:1 is proposed for R1 zoned land with 11m building height control.</p> <p>A 'sliding scale' GFA (ie. 37% + 80sqm) is proposed to be applied to the remainder of the R1 zoned land that is not subject to the 0.5:1 FSR</p> <p>The smallest lots permitted on the site are intended to have a higher FSR and the larger lots to have the smallest FSR on the sliding scale range. Refer to Part 2, Floor Space Ratio of the report.</p> <p>A site specific Development Control Plan will include guidelines to ensure environmental and amenity impacts are acceptable.</p> <p>Height of Buildings (HOB) Map</p> <p>On land to be zoned R1 General Residential 9m and 11m and B1 E1 Local Centre; 11m.</p> <p>Lot Size Map</p> <p>Include a minimum Lot Size of 300m<sup>2</sup> for the R1 General Residential zone.</p> <p>A site specific LEP provision provides for lot sizes under 300m<sup>2</sup> for detached, attached and semi-detached dwellings in circumstances where the application process includes both the built form and subdivision simultaneously.</p> <p>Special Provision Map</p> <p>Amend the Special Provisions Map to include Area 5 (the subject site).</p> <p>Land Reservation Acquisition Map</p> <p>Amend the Land Reservation Acquisition Map to include the land area proposed to be zoned as RE1 Public Recreation and SP2 Infrastructure (Drainage) for public parks and drainage reserve respectively.</p> <p>Local provisions to include:</p> <ul style="list-style-type: none"> <li>- Set a maximum dwelling cap across the proposed R1 zone of 430 dwellings.</li> <li>- To maximise tree retention and conservation of Cumberland Plain Woodland.</li> </ul> <p>Clause 4.1AA</p> <p>Amend Clause 4.1AA to include the R1 General Residential zone as an exclusion to the minimum lot size for community title and strata subdivision</p>
Terrestrial Biodiversity map	<p>The Terrestrial Biodiversity Map is proposed to be amended, noting that the entire site is proposed to be mapped under the Canterbury Bankstown Consolidated LEP.</p> <p>Detailed ecological and arboricultural analysis has been provided to confirm the extent to which the site should be mapped as 'Terrestrial Biodiversity'. The draft Terrestrial Biodiversity Map is enclosed in Appendix B-1 and Part 4</p>

## 1.2 Objective of this report

The report has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and having regard to the Department of Planning and Environment's '*A guide to preparing planning proposals*' and '*A guide to preparing local environmental plans*'.

The report provides sufficient detail to enable Council to undertake a strategic merit assessment of the proposed rezoning. Supporting technical studies have been developed by a multi-disciplinary team to assess and address the objectives of State Government and Council strategic planning policy. This PP is to be read in conjunction with the supporting documents listed in Table 3.

Table 3 Supporting documentation

Document	Prepared by	Date	Appendix
Detailed Site Investigation	Alliance Geotechnical	30 January 2020	A
Remediation Action Plan	Alliance Geotechnical	15/09/2022	A-1
Site Audit Report and Statement	Ramboll	27 September 2022	A-2
Preliminary Ecological Assessment	Ecological Australia	1 July 2020	B
Ecological Assessment	Ecological Australia	4 October 2022	B-1
Memo- Ecological and tree canopy assessment	Mirvac, Ecological Australia	13 April 2023	B-2
Arboricultural Impact Assessment	Ecological Australia	29 September 2022	C
Bushfire Protection Assessment: Subdivision	Ecological Australia	14 September 2022	D
Statement of Heritage Impact	Extent Heritage Advisors	January 2020	E
Transport Assessment	Transport Planning Partnership	2 June 2020	F
Stormwater Concept Plan	Calibre Professional Services NSW	22 June 2020	G
Flood and Stormwater Advice	J.W Prince	7 July 2022	G-1
Flood and Risk Impact Assessment	J.W Prince	4 May 2023	G-2
Social Impact and Community Needs Assessment	Architectus	22 May 2020	H
Acoustic Assessment	Renzo Tonin & Associates	20 Sept2022	I
Urban Context Report	Urbis	29 September 2022	J
Infrastructure Report	Calibre Professional Services NSW	22 June 2020	K
Cut and Fill and Preliminary Infrastructure Plan	J.W Prince	4 July 2022	L

Document	Prepared by	Date	Appendix
Commercial Needs Assessment	Urbis	19 September 2022	M
Responses to Submissions Summary Report	WSP	2 February 2023	N
END			

## 1.3 Background

Originally an agricultural holding, the Milperra College of Advanced Education occupied the site between 1975 and 1983 followed by the Macarthur Institute of Higher Education in 1989. In 1989, the Hawkesbury Agricultural College and the Nepean College of Advanced Education were amalgamated to form the University of Western Sydney. The WSU Milperra Campus is one of 11 WSU Campuses throughout metropolitan Sydney. As of 2016, this campus accommodated approximately 8,166 students, 195 academic staff and 128 professional staff.

WSU is seeking to rationalise their landholdings and have relocated students and staff from the Milperra location to the Bankstown CBD. The new Bankstown CBD campus opened in 2022. Courses offered at the new campus include teacher education, psychology, arts and humanities, business, accounting, IT and non-clinical health areas. The campus will cater for 10,000 students and 700 professional and academic staff. The new campus will have increased access from the Bankstown train station and will help revitalise the Bankstown CBD.

Approximately 3.7ha of land (approx. 16% of the site) in the south eastern corner of the WSU Milperra campus site has been transferred to the adjoining Mount St Joseph Catholic College (land shown in dashed red outline in Figure 2). That portion of the site does not form part of the application and will remain zoned SP2 Infrastructure (Educational Establishment) and subject to detailed masterplanning by Mount St Josephs.

Mirvac have entered into a development agreement with WSU to redevelop this campus to provide additional housing and increase in housing choice for the Canterbury Bankstown LGA community. Mirvac is an industry leader in providing lifecycle developments, focussing on high quality open space and community centric facilities ensuring a seamless inclusion into the existing community and residential neighbourhood.

In accordance with Western Sydney Universities Act, the Minister for Skills and Tertiary Education is required to provide consent to the disposal or sale of educational land. Consent was obtained in early 2020 and indicated preferred options for any expanded educational offerings elsewhere in the locality. The Ministers letter also commended WSU's ambitious and innovative program of establishing a state of the art vertical campus in the Bankstown CBD.

The advantages of rezoning the WSU Milperra site to contribute to housing targets are substantial, allowing for detailed master planning to ensure all new residents have access to open space, shared pedestrian/cycleways and other community infrastructure. The proposal will facilitate the integration of a range of land uses to support the new and existing communities including small-scale convenience retail or café/restaurants and shared office work space as potential examples.

Developing the site as a single entity also ensures a coordinated approach for the delivery of utility and social infrastructure. The housing styles, streetscape and integration with adjoining land uses are all able to be considered comprehensively as part of the strategic planning process. The ability to offer housing diversity for emerging communities (backed by demographic analysis) across a range of price points is central to meeting the needs of the community.

## 1.4 Council Request for Information

Post lodgement of the PP in July 2019, Council issued a number of Requests for Information (RFI). The list below isn't exhaustive, however it summarises the changes to the PP as a result of the RFI responses and subsequent consideration by Council planners.

- > Reduction of dwelling yield maximum from 440 to 430.
- > Relocation of the proposed central park to increase tree retention.
- > Increase in minor local road reserve width by 1.2m (from 16m to 17.2m)
- > Increase in laneway reserve width from 7m to 8.5m.
- > Increased provision of local open space (5% increase)
- > Increased land area allocated to environmental conservation (by 1,400sqm)
- > Amendment to the proposed FSR from 0.6:1 to 0.5:1 for the residential interface along Ashford Avenue. The application of a 'sliding scale' FSR to the balance of the R1 zoned land
- > Introduction of additional parking areas for visitors to households and to cater for peak demand adjacent to parks, smaller housing lots and the proposed commercial hub.

Amendment to parking bay design to improve tree retention.

- > Increased affordable housing contribution to be provided under a proposed Voluntary Planning Agreement.

Increased provision of public benefits including shared bike/pedestrian paths, open space embellishment and contributions towards cycle path outside of the development site

## 1.5 Strategic Overview

The PP has been prepared to achieve the objectives and planning priorities identified in the key strategic planning policies that influence development in the Canterbury Bankstown LGA. These policies include:

- » *A Metropolis of Three Cities* – the NSW Regional Plan (updated in March 2018).
- » South District Plan (updated in March 2018).
- » Connective City 2036 – the Canterbury Bankstown Local Strategic Planning Statement (adopted in January 2020).
- » Canterbury Bankstown Housing Strategy (adopted in June 2020).
- » Canterbury Bankstown Affordable Housing Strategy (adopted in June 2020).
- » Canterbury Bankstown Employment Lands Strategy (adopted in June 2020).

Part 3 *Justification* of this report analyses and assesses how the PP is consistent with, and in many instances, promotes the objectives and planning priorities identified in each of these policies.

## 1.6 Preliminary Consultation

As part of their preliminary work to understand the site and inform the PP, Mirvac has undertaken the following consultation with both Council and the local community.

## 1.6.1 Consultation with Council

Mirvac met with Council officers throughout the PP preparation and assessment phase to discuss key issues. Consultation with Council continued through the PP exhibition and post exhibition phases. The issues have been divided into those that are particularly relevant to the CBLEP amendment, and those that can be addressed in a Development Control Plan (DCP) or through detailed design and subsequent assessment of future development applications.

### Issues addressed in CBLEP

#### Land Use 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 results in a specific urban form with the R3 and R4 zones generally applied in specific geographical locations. The application of these zones is generally well established.

The Standard Instrument LEP Order established the R1 *General Residential* land use zone that has been adopted by several councils across NSW. This land use zone however has not been adopted in the CBLEP to date.

Given the diversity of housing typologies envisaged for the site, the R1 land use zone is deemed the most appropriate for the site. Analyses of existing housing stock and demographics show an obvious mismatch between the homes required for the local community compared to those currently available and promoted under Councils existing CBLEP and DCP. This is particularly the case in Milperra where the R2 zone prevails.

The application of the R1 zone will provide flexibility in providing a variety of housing types. Zone objectives, coupled with a local provision will enable this key infill site to be delivered with a greater degree of certainty than if it were to rely on the established confines of the existing CBLEP land use zones.

#### Floor Space Ratio

Floor Space Ratio (FSR) is a mechanism used to control the quantum of floorspace and density of development, usually on a lot by lot basis. The density of development was also an issue raised through the community engagement undertaken by Mirvac in late 2019 (refer below). The current R2 zone has a corresponding FSR of 0.5:1, while other planning controls that apply to specific areas e.g. Potts Hill, are not bound by an FSR planning control.

An FSR of 0.5:1 is proposed for the western boundary of the site along Ashford Avenue which is consistent with the existing R2 zoned land immediately west of Ashford Avenue. A 'sliding scale' FSR is proposed to be applied to the remainder of the R1 zoned land. An FSR of 1:1 is proposed for the land to be zoned B1.

The smallest lots permitted on the site are intended to have a higher FSR.

#### Remnant Vegetation

There is a significant area of remnant vegetation in the north eastern corner of the site that has been classified as an Endangered Ecological Community, Cumberland Plain Woodland. This area has been excluded from the development area. The nature of the vegetation classification is such that any future management and use will be considered in the context of the *Biodiversity Conservation Act*. The PP will facilitate this by applying a C2 Environmental Conservation zone across this consolidated vegetated area. The Council and all other relevant Government Agencies have refused to accept the C2 as a public asset and as such it is proposed to be included within the proposed commercial centre's community or strata scheme. Ongoing funding from the scheme would be allocated to the required bushland maintenance in perpetuity.

#### Open Space

The proposed three local parks are to be zoned RE1 Public Recreation and dedicated to Council for on going public use and maintenance.

## Issues addressed in the DCP

### Street layout

Figure 2 and the Structure Plan illustrates the street hierarchy. Further details are also included in the Draft site specific DCP being prepared in collaboration with Council.

It is anticipated that all the local roads in the Development Concept Plan will be dedicated to Council as public roads through the subdivision application process.

#### *Local and Minor Local Roads*

Council's current road reserve width requirement for a local street is 18m. The Development Concept Plan proposes entry roads and the trunk east west connector road to meet the 18m minimum standard, while minor local roads are proposed to be 17.2m wide per Council's requirements. The 17.2m wide road reserve will consist of a 9.2m wide road carriageway, with 3.5m wide verges on either side of the road per Council's requirement.

The proposal will include indicative cross sections as well as proposed "Green Streets". These are designed to include bays/blisters within the traditional carriageway for additional tree planting and traffic calming.

It is proposed that street tree planting is maximised to alleviate Urban heat Island effects on the urban environment, promote an attractive streetscape and local trip permeability for pedestrians and cyclists.

#### *Laneways*

The Development Concept Plan proposes 8.5m wide laneways consisting of 6m shared carriageway and 1.25m verges per Council's requirements. It is intended that landscaping is provided within the verges and or/property interface to laneways.

The verge width also allows for waste bin storage for pick up as per Council's requirements.

#### *On-street Parking*

The Development Concept Plan includes the provision of on-street parking and parking bays in strategic locations throughout the neighbourhood. The detailed design and location of parking arrangements will be addressed in future Development Applications however when assessed under the current draft masterplan, at least 355 spaces associated with the development that are provided either on street or publicly accessible bank parking bays. This is in addition to each 3+ bedroom dwelling containing at least two spaces within each respective proposed allotment.

## 1.6.2 Community and Stakeholder Engagement

Mirvac and Elton Consulting undertook community and stakeholder engagement in November and December 2019. Early engagement with the community provided the ability to:

- » Gain early insight into the community's sentiments towards the planning proposal.
- » Establish an open and transparent communication process.
- » Understand the aspirations different stakeholders have for the site's future.
- » Communicate the project's benefits.
- » Demonstrate a commitment to the community.

## Consultation Activities

Elton Consulting was engaged on behalf of Mirvac to deliver a community and stakeholder engagement program that included:

- » Doorknocking properties on Ashford Avenue between the intersections of Sinai Avenue and Flanders Avenue.
- » Stakeholder meetings.
- » Community information and feedback sessions.



These activities aimed to provide information about the proposed rezoning and master plan, including expected timeframes. They also provided an opportunity to seek feedback and gain an understanding of sentiment about the proposal.

Engagement and consultation focused on:

- » Residents within 500 metres of the site.
- » The wider community.
- » Groups that currently use facilities on the site (e.g. for sporting activities).
- » On-campus businesses.
- » Key community groups.
- » Local businesses.

## Feedback

The key planning issues raised during the consultation and engagement activities are listed below.

### Traffic

Feedback in relation to existing and future traffic congestion centred around the congestion on the roads surrounding the campus site as well as roads used as short cuts from Ashford Avenue to Henry Lawson Drive. Further the issue of cars parking in streets adjoining the site was raised.

The Traffic Assessment was expanded to include additional investigation which included traffic assessment of streets located to the west of the campus. The report modelling concludes that although the development of the campus to residential as proposed 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 compromise the existing intersection performance on the surrounding road network, nor result in any safety or operational issues. The adjoining roads are also operating at well under capacity.

In terms of adequate parking, the proposal seeks to provide sufficient on and off-street parking with additional parking bays located in strategic areas adjacent to Milperra Reserve, the proposed local parks and adjacent to the proposed commercial centre. Further details are provided in Figure 2 Structure Plan.

The transport and traffic assessment by TTPP Transport Planning is enclosed.

### Loss of green space

Feedback was received regarding the future of the WSU playing field, Milperra Reserve and the vegetated area located at the corner of Bullecourt Ave and Horsley Road.

The proposed development does not seek to remove or reconfigure Milperra Reserve. The proposal will improve the functionality of the sporting facility by provision of additional parking to the east and south of the oval as well as the following list of embellishment items which form part of the Draft Planning Agreement.

- i. 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)
- ii. Basic seating around the periphery of playing area
- iii. Rubbish Bins
- iv. Lighting
- v. Shaded seating (under trees)
- vi. Upgrade to amenities (toilets etc)
- vii. Drinking fountains
- viii. Some areas of shade trees on periphery of playing fields memorials and public art

- ix. Landscaping treatments, paths to better integrate Milperra reserve with development site.

The Milperra Reserve embellishment works are to be provided under a WIK arrangement or via a monetary contribution of approx. \$1M.

#### WSU playing fields

The existing oval within the WSU campus is not a park that is directly accessible for public use (owned by WSU). The oval is being removed as part of the proposal however the establishment of three new local parks and open space is to be provided and embellished to a level that is appropriate for use by existing and future residents within the area. These open space areas are connected via a series of new and existing public footpaths and shared cycleways. It is intended to create these areas as public open space to be transferred into Council ownership.

The vegetated land adjacent to the child-care in the north east of the site will be retained and zoned C2 Conservation, ensuring its long-term designation as a vegetated area of high biodiversity value.

#### Local Character and development density

The proposed planning framework seeks to deliver a diverse range of housing including detached, attached (terrace style) and semi-detached development. The masterplan/development concept was amended since consultation to ensure only detached homes with a minimum lot width of 10m are permissible along the Ashford Avenue frontage. This form of development integrates with the future character and housing density that can be delivered under the R2 Low Density Residential zone to the west, noting that lots in the existing R2 can be subdivided to under 10m in width.

Within the site, the attached dwellings will be predominately located to front parks and open spaces and a small number of three storey terraces are proposed to be located in the north and close to the neighbourhood centre.

A site-specific local provision is proposed to be included in the CBLEP that will provide a cap in the total number of dwellings that can be accommodated on the site at 430. This will provide certainty in terms of dwelling density and other measurable externalities such as traffic generation.

The community and stakeholders are less concerned with the statutory planning controls and more focused on the built form outcome that will result. As a result, a Development Concept Plan has been prepared to provide an additional level of detail than that which can be accommodated in the CBLEP. The Development Concept Plan has been incorporated into a site-specific Development Control Plan (DCP).

### 1.6.3 Public exhibition of the Planning Proposal

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.

A Planning Proposal and updated technical studies in line with the Gateway Determination was exhibited from 1 November to 14 December 2022. A total of 110 submissions received, 100 of which were from the community, eight submissions from government agencies and two submissions from organisations. Copies of all submission provided to Mirvac for evaluation and consideration. The common themes shared by the majority of submissions and the relevant responses were addressed in a response report. In addition, detailed responses against each individual submission, have been included in the 'Submissions Review Table' provided under a separate cover. Both the responses report and the 'Submissions Review Table' were submitted to DPE on 3 February 2023.

Common themes contained within the public submissions are listed below.

- Tree retention and protection of biodiversity
- Loss of open space

- Retention of the site for educational purposes
- Range of permissible uses for the R1 land use zone
- Site density and character
- Infrastructure required to support additional residents
- Traffic and transport capacity
- Flooding impacts

Common themes contained within the public authority submissions and organisations are listed below

- Ownership and maintenance of the proposed conservation area
- Tree retention and identification of ecological communities
- Statement of adequate capacity for the required water infrastructure
- Statement of adequate existing capacity for primary and high school education within existing schools
- Requirement to complete testing for contamination at various stages of the planning process
- Details and justification of drainage uses within proposed public open space
- Consideration of flooding inundation

Refer to Appendix N for the Responses to Submissions Summary Report. This report outlines, in greater detail, points contained within submissions and associated responses/alleviation measures.

Note that additional technical studies completed post exhibition considered matters raised during the consultation/exhibition phase.

## 2 Site Context

### 2.1 Location

The site is located at the intersection of Ashford Avenue, Bullecourt Avenue and Horsley Drive, in the suburb of Milperra. It abuts the northern boundary of the South Western Motorway (M5 Motorway). Mount St Joseph school adjoins the WSU campus at its south-eastern side.

An aerial image of the site, showing its context, is provided in Figure 3.

Figure 3 Location



Source: SIX Maps

## 2.2 Site Description

The site includes part of Lot 105 DP 1268911 and Lot 1 DP 101147 as shown in Figure 4. The total area of the site is 19.64 ha.

Figure 4 Subject Site



Source: SIX Maps

## 2.3 Existing development

The site is currently utilised as the WSU Milperra campus. The building typology is generally a mix of single storey administration building with student accommodation and educational buildings of up to four storeys in height. There are four sealed open-air carparks within the development site. There is an oval to the south of the site and two smaller open spaces in the north east and north west corners of the site.

Primary access into the site is via Bullecourt Avenue. Secondary access into the site is from Horsley Road while Ashford Avenue provides a controlled (gated) access point.

The site has a fall from the north-eastern corner down to the south west corner. There is a large group of mature Cumberland Woodland trees in the north-eastern corner of the site with smaller scattered vegetation in other parts of the site and within the adjoining M5 South Western Motorway corridor.

## 2.4 Surrounding development

To the north and east of the site are general industrial uses characterised by industrial buildings of various scale and finishes. Bankstown aerodrome is located further north (approx. 1.2km from the site).



To the west is housing best characterised as detached 1 to 2 story residential dwellings and recently development two storey dual occupancies with a mix of architectural styles.

Further south of the site is the M5 Motorway which dissects the site from a range of non-residential uses including Kelso Park.

## 3 Site Analysis

A number of technical investigations have been undertaken to determine site opportunities and constraints, to test development scenarios and to assess any changes to local traffic conditions. The recommendations of the studies have informed the proposed planning framework and associated strategic assessment.

### 3.1 Ecology

An Ecological Assessment of the site has been undertaken by Ecological Australia (Appendix B and B1). The assessment included both a detailed review of the existing Cumberland Woodland in the north east of the site as well as the area developed for the WSU campus. The assessment identified a total of four vegetation zones requiring assessment under the applicable conservation triggers (primarily under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *Biodiversity Conservation Act 2016*. The report also noted that the Cumberland Plain Woodland vegetation in the north-eastern portion of the site was highly variable.

Impacts to areas that contain mapped Threatened Ecological Communities and threatened species habitat whilst also ensuring that the preservation of stepping stone habitat across the site is prioritised in the layout of the proposal and this is further demonstrated in the Ecological Assessment (Appendix B and B-1) and Urban Context Report (Appendix J).

Impacts to Serious and Irreversible Impact entities are also avoided.

The Ecological Assessment provides the following key take-outs in relation to the proposal:

- » The majority of the Site is located on land that has been historically cleared for infrastructure. Areas containing vegetation are mostly modified, with remnant areas containing a diminished understory or having undergone various landscape management. Planted and landscaped native vegetation also occurs across the Site.
- » The Site is assessed to contain potential Plant Community Type (PCT) PCT 849- Cumberland shale plains woodland. Patches of PCT 849 Good and Low condition meet the CEEC criteria under the Biodiversity Conservation Act however patches of PCT Landscaped does not.
- » Other types of planting within the Campus consist of planted native and exotic vegetation.
- » The Masterplan prioritises the retention of PCT 849 Good and Low condition as summarised in the following table:

Table 4 Retention of PCT 849

Vegetation Category	Total Area (Ha)	Area to be removed (Ha)	Area to be retained (Ha)	% Removed (PCT 849)	Vegetation integrity Score
PCT 849 - Good	1.95	0.02	1.93	0.01%	75.9
PCT 849 – Low	0.34	0.01	0.33	0.03%	44.6

PCT 849 – Landscape	0.66	0.55	0.11	83%	31.1
Total PCT 849	2.95	0.58	2.37	20%	
Other Vegetation Category	Total Area (Ha)	Area to be removed (Ha)	Area to be retained (Ha)	% removed	
Landscape Native Veg	2.1	1.67	0.42	80%	
Exotic	0.44	0.38	0.07	83%	

- » The minimisation of impacts upon biodiversity values has been achieved via the retention of over 99% of vegetation category PCT 849 in Good or Low condition. Further an additional 540 trees are proposed to be planted during the development phase promoting connectivity across the site.
- » The proposed development would minimise interactions with threatened entities through retaining 2.37 ha of Cumberland Plain Woodland and an additional 0.42 ha of landscaped native vegetation which may provide connectivity for highly mobile species.
- » The development has one candidate Serious and Irreversible Impacts (SAII) value on Threatened Ecological Community; Cumberland Plain Woodland i.e. removal of 300sqm or 0.54% of the vegetation type located within 500m of the development site.
- » Ecosystem credits are required to offset the impact of the development are outlined in Appendix B-1, including the requirements of 13 credits relating to removal of PCT 849 and 13 species credits. Additional species credit species survey may be undertaken during the formal BDAR (best undertaken at DA stage) to confirm if four of the highlighted species are absent from the Development site. This is considered likely due to the urban nature of the land. A biodiversity credit report is included within the Ecological Assessment (Appendix B-1).

Figure 5 Map of serious and irreversible impacts



Source: Ecological Australia, 2022



- » To ensure protection of Cumberland Plain Woodland in the north-east corner of the site, it is recommended that the Terrestrial Biodiversity Map in Blacktown LEP be applied to the proposed C2 zoned land. Applying the Terrestrial Biodiversity Map to the remainder of the site is not recommended as the vegetation is not considered high conservation value as it is largely represented by planted and landscaped trees with little to no groundcover or mid-storey.

Ecological Australia have also prepared an Arboricultural Impact Assessment of the site (Appendix C) and supporting information Appendix B2 . They inspected a total of 327 trees within the site. Their assessment of the existing, remaining trees and how they interact with the proposed Development Concept can be found at Part 3 of the PP Report cut and fill and infrastructure analysis (Appendix L) has been completed to determine the following;

- General arrangement of stormwater and drainage infrastructure
- Drainage catchment areas
- Preliminary drainage basin design
- Proposed lot grades
- Calculation of material export/import
- The assessment flood risk areas
- Flood evacuation
- Potential for tree retention
- Preliminary public park design and embellishment opportunities

The design has considered the above listed elements in achieving all objectives whilst optimising retention of vegetation within the proposed conservation area (2ha), central park area, the eastern edge of the proposed northern park and the eastern interface with Milperra Reserve. The design illustrates that tree retention within the central park is optimised with the construction of a retaining wall along the northern boundary as opposed to site batter which would require intrusive site works impacting a number of existing trees in that area.

The Masterplan design has optimised the retention of significant trees, resulting in the retention of 89% of all trees located on site. Importantly, over 99% of priority threatened species vegetation is being retained. The significance of the trees in terms of biodiversity and community is contained within the Ecological Assessment by Ecological Australia.

Further, the Arboricultural Report recommends construction methods to retain a further 5 trees designed as “potential to be retained”, however tree retention will be further assessed during the assessment of future development applications.

In terms of tree canopy cover, additional assessment was completed defining the existing and proposed cover at maturity (refer to Appendix B2).

The revised proposal considers additional potential for retention of trees within the northern open space. This is achieved via the redesign of Basin 3 (adjacent Bullecourt Ave). Further, additional street tree planting along Green Streets (refer to Appendix J) is proposed. The cumulation of the above measures equate to an increase tree canopy of 1.44ha compared to existing cover (refer to Appendix B2).

A site-specific LEP objective is to be provided to maximise tree retention and conservation of Cumberland Plain Woodland.

Figure 6 Vegetation condition and conservation status

Vegetation	Condition	Description	TSC Act	EPBC Act
CPW (EPBC / BC listed)	Good	<ul style="list-style-type: none"> <li>Remnant/ regrowth vegetation, native shrubs and ground layer present</li> <li>Vegetation patch is &gt;0.5 ha in size</li> <li>Native canopy &gt; 10%</li> <li>Perennial ground cover &gt; 50%</li> </ul>	Yes	Yes
CPW (BC listed)	Low	<ul style="list-style-type: none"> <li>Vegetation fragmented and contains high density of exotic ground cover species</li> <li>Mature native canopy &gt; 10%</li> <li>Perennial ground cover did not achieve &gt; 30% <u>and/or</u> patch size did not achieve &gt; 0.5 ha</li> <li>Several isolated patches within study area</li> </ul>	Yes	No
CPW (Landscaped)	Degraded	<ul style="list-style-type: none"> <li>Planted species of native tree</li> <li>Landscaped garden</li> <li>Perennial ground cover did not achieve &gt; 30% <u>and/or</u> patch size did not achieve &gt; 0.5 ha</li> </ul>	No	No
CPW (Planted)	Degraded	<ul style="list-style-type: none"> <li>Planted species of diagnostic CPW tree species</li> <li>Consist of single isolated trees with a mown exotic understorey and/or carpark</li> </ul>	No	No

Source: Preliminary Ecological Assessment (Ecological Australia)

Figure 7 Summary of trees impacted and retention value

	Proposed to be removed		Potential to be retained		Proposed to be retained	
Retention value	High impact	High impact	Medium impact	Low impact	No impact	Total
Priority for retention (High)	65	2	2	12	29	110
Consider for retention (Medium)	119	-	1	4	19	143
Consider for removal (Low)	7	-	-	-	6	13
Not assessed (Tree 1752)	-	-	-	-	1500	1500
<b>Total</b>	<b>191</b>	<b>2</b>	<b>3</b>	<b>16</b>	<b>1554</b>	<b>1766</b>

Source: Arboricultural Report (Ecological Australia)

### 3.2 Bushfire

Ecological Australia's bushfire assessment of the site (Appendix D) found that the only bushfire hazard is attributed to the remnant woodland located at the north-eastern corner of the site. In all other interface areas, there are managed lands in the form of existing residential and industrial land uses and road reserves. The report provides recommendations which would be implemented at the detailed design/Development Application stage.

It is noted that the managed APZ zones are located within either road reserves or areas zoned for urban purposes. The appropriate building measures are to be incorporated in accordance with recommended BAL levels per the report.

See also Part 3, Section C for a more detailed bushfire impact assessment.

### 3.3 Heritage

A Statement of Heritage Impact has been prepared for the site (Appendix E). 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. 129* which relates to the street alignments of the former Milperra Soldiers Settlement (refer to Figure 8).

Figure 8 Excerpt of Heritage Map (CBLEP 2023)



Source: Statement of Heritage Impact (Extent Heritage)

The existing buildings do not have any heritage significance and their demolition is supported.

The Statement of Heritage Impact (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. 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).

The SoHI states:

*Given the area was originally conceived for the accommodation of a community, rezoning to allow for a master planned location where the design, layout, residences, and public spaces focussing on creating a sense of neighbourhood, this is an acceptable and comparative outcome.*

The Planning Proposal responds to the street character by:

- Proposing a RE1 Public Recreation and C2 Environmental Conservation as the dominate land use zones on Bullecourt Avenue. This part of Bullecourt Avenue is also now characterised by industrial land uses on the northern side of the road which has eroded the historic significance of the place.
- Proposing local provisions in the form of floor space ratio controls for land fronting Ashford Avenue which will ensure that the bulk and scale of development responds to the existing low density character of the residential land immediately west on Ashford Avenue.
- Including provisions in the DCP and associated Key urban design principle (h) (refer to below) that reinforce the lower density along Ashford Avenue. The DCP includes:
  - o (h) *Ensure development integrates with the existing residential area west of Ashford Avenue, by providing development of similar scale along this interface, i.e. dwellings up to two levels in height.*
  - o *minimum lot widths of 10m*
  - o *minimum lot size of 300 m<sup>2</sup>*
  - o *proposed dwellings are detached in form i.e. no attached dual occupancy/semi-detached dwellings or attached dwellings*

These proposed controls are sensitive to the existing CBLEP 2023 dual occupancy provisions which operate in the R2 zone along the western side of Ashford Avenue which permit a dwelling as part of an attached dual occupancy on 250m<sup>2</sup> lots, or 350m<sup>2</sup> for each dwelling developed as part of a detached dual occupancy.

The Planning Proposal facilitates a more strategic approach for the provision of housing diversity and a better outcome in terms of the alignment of the existing and future character compared to ad hoc small site infill development.

## 3.4 Traffic and Transport

The Transport Planning Partnership have prepared an assessment of current transport infrastructure, including private and public transport opportunities, to support the PP. (Appendix F).

The completed traffic modelling concludes that although the development of the campus to residential as proposed results in increased traffic volume 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 compromise the existing intersection performance on the surrounding road network, nor result in any safety or operational issues.

Total vehicle trips generated by the proposal versus the current use is expected to have a minor increase of 5% over a 24hr period noting that this analysis was undertaken with the Campus operating at around 70% capacity.

### 3.4.1 Road Network

The site is surrounded by a network of local streets – Bullecourt Avenue to the north, Horsley Road to the east and Ashford Avenue to the east.

Access to the site is currently from Bullecourt Avenue (primary access), Horsley Road (secondary access) with a controlled access point via Ashford Avenue (gated).

The proposed Road network is set out in Figure 2 of this report. The main access points into the site are located at Bullecourt and Horsley Avenue. Although not required under the completed traffic assessment accompanying the PP, secondary access to Ashford Avenue will be provided via restricted turning movements; being 'left in' access into the site and 'right out' egress onto Ashford Ave. This is proposed in response to community concerns over short cuts through existing residential streets from Ashford Ave to Henry Lawson Drive.

### 3.4.2 Accessibility

The site is well located adjacent to existing local bus services that will enable future residents to access centres and their associated jobs, health care and services within 30 minutes by public transport.

The site adjoins the Milperra village centre and therefore provides access to services to meet the day to day needs of future occupants.

There are existing local bus services along Ashford Avenue and Bullecourt Avenue which provide access to activity centres (which include jobs, healthcare, and services) and rail stations in accords with State Governments '30-minute city' principle.

There are 11 bus stops within 400m of the site, along Bullecourt Avenue (northern boundary of the site) and Horsley Drive (eastern boundary of the site). Bus services include:

- » 922 (East Hills to Bankstown and Milperra to Padstow)
- » 962 (East Hills to Miranda)
- » M90 (Burwood to Liverpool)
- » S5 (Milperra to Padstow via Panania).

These services provide access to East Hills Bankstown, Miranda, Burwood, Liverpool and Padstow (Figure 9).

Furthermore, Panania Station is approximately 2km from the site which allows for access to mass transit public transport, noting a contribution is being paid to Council to develop a shared cycleway (via the proposed VPA).

The site is also adjacent Milperra employment lands and is in proximity to the Bankstown Airport employment hub.

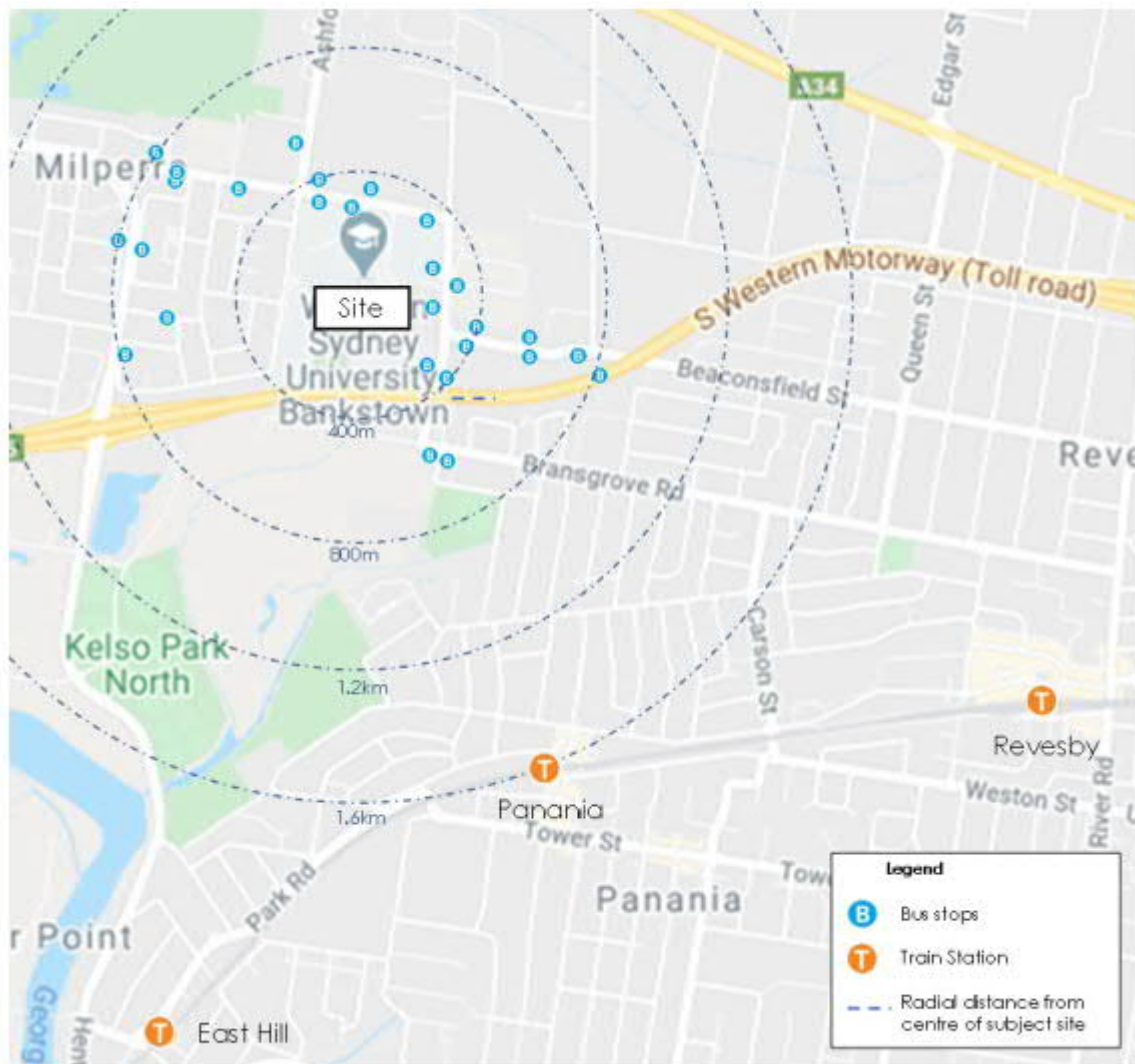
There are a number of pathways to the north along Bullecourt Avenue and west along Horsley Road of the site providing accessibility for pedestrians and cyclists. A network of pedestrian and cycleways will be provided within the site.

The site is also connected to open space and surrounding employment and recreational facilities by via pedestrian pathways. Under the current Structure Plan, each proposed home is within 250m of local open space.

The existing cycle and pedestrian network is illustrated in Figure 10.



Figure 9 Proximity to nearby public transport facilities



Base Map Source: Google Maps Australia

Source: Transport Assessment (The Transport Planning Partnership)

Figure 10 Existing pedestrian and cycleway plan



### Legend

<span style="border: 1px solid red; display: inline-block; width: 20px; height: 10px;"></span> The site	<span style="background-color: blue; display: inline-block; width: 20px; height: 10px;"></span> B1 zone	<span style="color: blue;">—</span> Pedestrian path (1.2m)
<span style="border-bottom: 2px solid green; display: inline-block; width: 20px;"></span> Existing bike path	<span style="border: 1px dashed pink; display: inline-block; width: 20px; height: 10px;"></span> 400m buffer zone	<span style="color: orange;">—</span> Shared path (2.5m)
<span style="border-bottom: 1px dashed black; display: inline-block; width: 20px;"></span> Existing walking paths	<span style="background-color: green; display: inline-block; width: 20px; height: 10px;"></span> Parks and open spaces	<span style="color: yellow;">—</span> Links to the existing bike path

<b>Parks</b>		15 Marco Reserve
1 Bankstown Aerodrome		16 Milperra Sports Centre
2 Bankstown Basketball Stadium		17 Revesby Workers Club Sport and Recreation Centre
3 Bankstown Golf Course		18 Former Riverlands Golf Course
4 Bankstown Paceway		19 Toby Reserve
5 Deepwater Park		20 Vale of Ah Reserve
6 Deverall Park		
7 Driving range		<b>Shopping centres</b>
8 Field of Dreams Park		21 Ashford Village
9 Georges River		22 Milperra Shopping Centre
10 Georges River Golf Course		
11 Gordon Parker Reserve		<b>Schools</b>
12 Kelso Park North Sporting Complex		23 Milperra Public School
13 Killara Reserve		24 Mount St Joseph
14 Kinch Reserve		<b>Post Office</b>
		25 Milperra Post Office

Source: Elton Consulting, 2020.

## 3.5 Stormwater drainage

A Stormwater Concept Plan has been prepared by Calibre (Appendix G) with subsequent detailed assessment by J Wyndham Prince contained within Appendix G1 and G2. The report notes that the site generally slopes to the south towards the existing oval and the M5 Motorway. However, a portion of the site drains to Bullecourt Avenue, and some localised areas grade directly to Ashford Avenue.

The site generally drains to a tributary of the Georges River, through an existing culvert under the M5 Motorway.

The report indicates that water quality and drainage detention can be carried out within land to be zoned SP2 Infrastructure- Drainage and RE1 Public Open space.

The Flood and Risk Impact Assessment by JWP May 2023 (Appendix G2) has identified the following:

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

Council has confirmed that the land proposed to be zoned SP2 and the southern RE1 open space land is adequate to cater for the proposed stormwater management.

## 3.6 Flooding

The existing flood behaviour for the Georges River and associated catchments, including the WSU site has been identified in a number of regional flood studies. Such studies include:

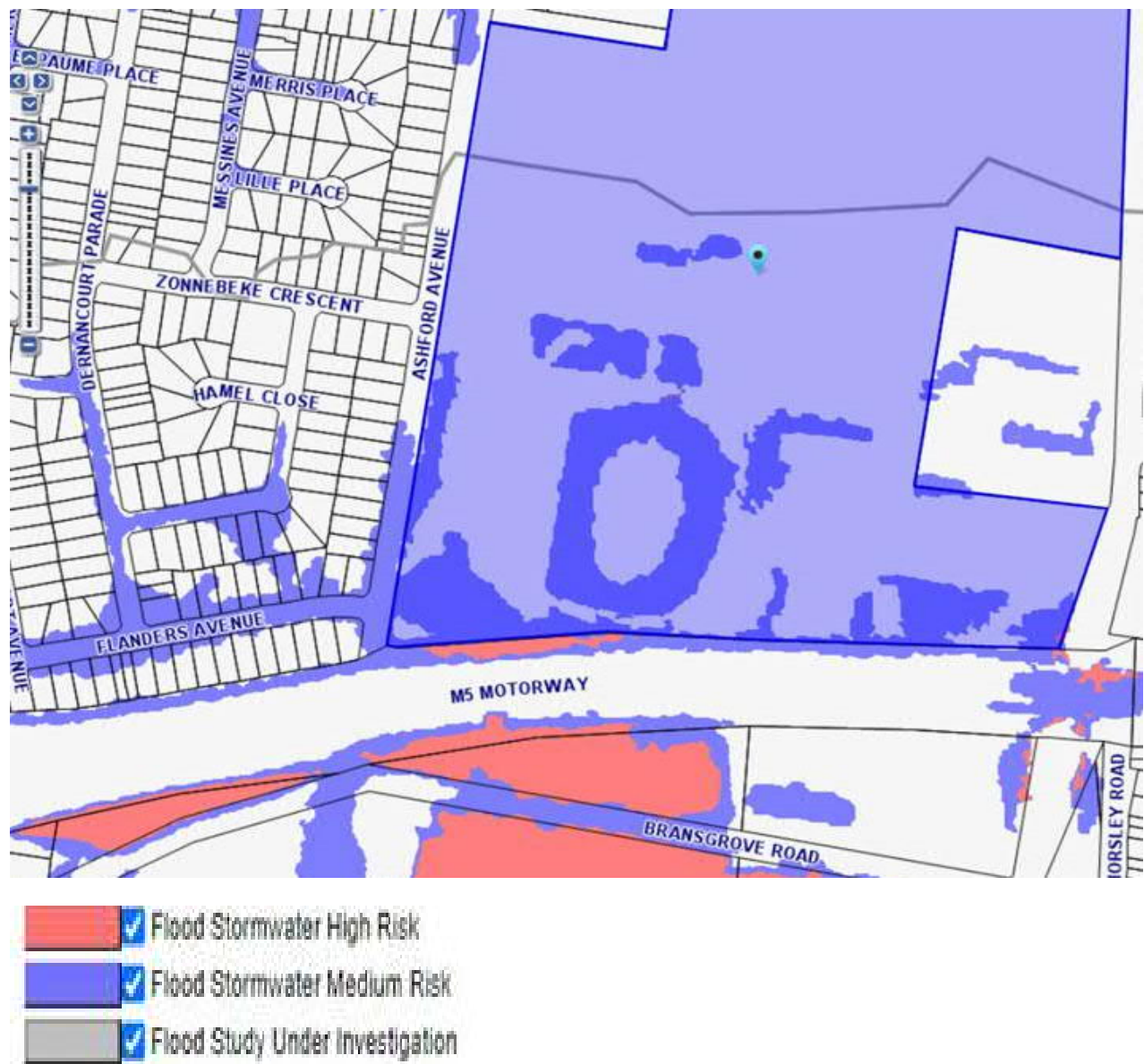
- Georges River Floodplain Risk Management Study and Plan (Brewsher Consulting 2004)
- Kelso Stormwater Catchment Flood Study (Brewsher Consulting, 2009)
- Milperra Catchment Flood Study Update (BMT WBM 2015)
- Floodplain Risk Management Study and Plan for Sub-Catchments of the Mid Georges River Report (2017)

A review of the above studies indicate that the majority of the existing site remain flood free with some of the lower southern portions identified as low flood risk.

Small, irregular portions of the Masterplan area are identified as “Flood Stormwater Medium Risk”, according to Council’s mapping records (extracted below). These areas represent reshaped topography in the delivery of the WSU Campus facilities (parking, sports field, open space) (Figure 11 below)

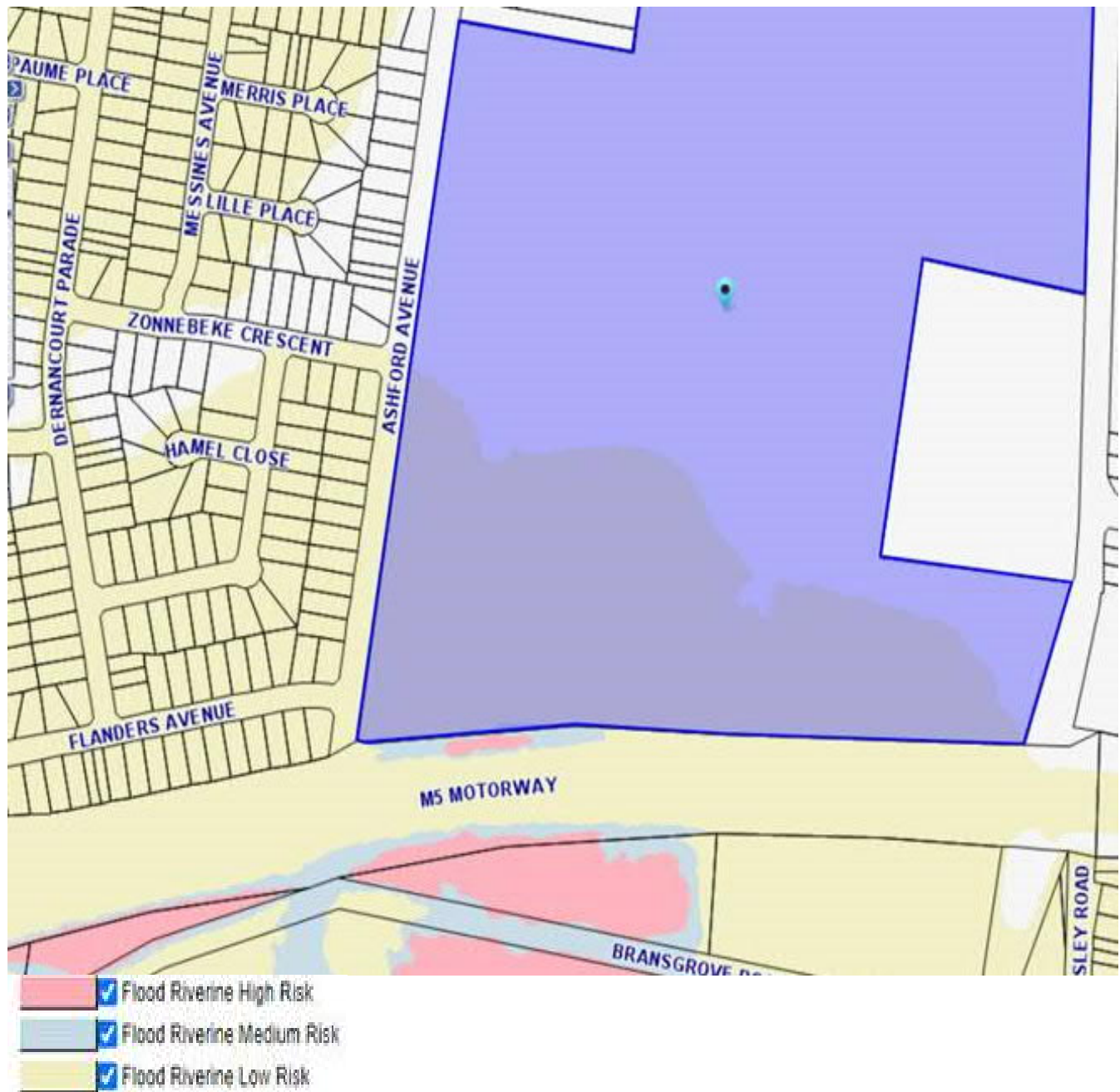


Figure 11 Canterbury Bankstown flood mapping



The south, south-western portion of the masterplan area is mapped as “Flood Riverine Low Risk” (extracted below, Figure 12).

Figure 12 Flood Riverine Low Risk Mapping



As illustrated in the mapping above, the majority of the site remains non-flood affected, with some of the lower southern portions identified as low flood risk. Majority of the existing flood depths occur in the existing playing field which is low lying.

A Stormwater Concept Plan and supporting report prepared by Calibre has been submitted with the planning proposal and prepared with consideration of the NSW Flood Prone Land Policy and the Floodplain Development Manual 2005 (Appendix G)

The report states that “the basin 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.

Furthermore, the Flood Advice prepared by J W Prince (Appendix G-1) provides the following conclusions:

- » The site is located at the upper reach of the catchment and overland flooding is not an issue for the proposed development. The three (3) detention basins with a total storage capacity of 6,100 m<sup>3</sup> and with co-located bio-retention raingardens of area 1,150 m<sup>2</sup> within the development site as per the SWMS (2020) report have ensured stormwater management from the site. Hence flood impact assessment is not deemed necessary
- » The proposed development within the low flood risk precinct and 1% AEP flood fringe would not result in a change in flood behaviour and impact external to the site, given that the developed condition peak discharge are managed within the site by restricting the flow rate to existing condition flows up to 1% AEP storm events.
- » The flood evacuation plan shows that the continuous rising grade is achievable within the development to a level above the PMF event for all residents is available during the need for evacuation. Thus, no residents will be isolated in the event of an extreme flood event.

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

The Flood and Risk Impact Assessment by JWP May 2023 (Appendix G2) has identified the following:

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

The Flood and Risk Impact Assessment has identified that during modelled storm events the proposed development sought through the Planning Proposal has insignificant change to the flood behaviour external to the site.

Accordingly, the Planning Proposal

- » Will not result in any significant increases in off-site flood levels in the surrounding proximity or
- » significant changes to the flood behaviour external to the site.
- » Will not increase the potential flood affectation on other development or properties, either individually or cumulatively.
- » Will not occur on any land considered a high hazard or floodway area.
- » Will not result in the requirement for government spending on flood mitigation measures as all localised

- » required measures (ie basin construction, minor land filling etc) will be funded by the proponent.
- » Further, the site grading design allows for ease of evacuation during catastrophic flood events (e.g. above 1% AEP) without the need for upgrades to existing road infrastructure.
- » Does not include high risk land uses on flood affected land
- » Can comply with the requirements of Councils DCP 2015 and consolidated DCP 2023.
- » In the developed condition, that the proposed detention basins within the site confirms that there is the capacity to provide regional flood storage of 9600 m<sup>3</sup> during 1%AEP flood events without affecting detention basin performance. Due to this there is no net loss of floodplain storage in the locality due to development permitted under the Planning Proposal.

The flood assessment indicates that

In addition to the above, the proposed development will consider the stormwater and flood management and ensure the flood planning level controls are met at the detailed design stage.

## 3.7 Geotechnical and Contamination

Alliance Geotechnical were engaged to undertake a Stage 2 Detailed Site Investigation (Appendix A) to assess the likelihood for any contaminants being present, advise whether the site is suitable for its redevelopment as a residential neighbourhood and to provide recommendations. This follows on from a Phase 1 contamination assessment completed by JSB&G.

The assessment detected:

- » Contaminants in the soil that are unlikely to present an unacceptable risk to human health
- » Asbestos fines/friable asbestos and non-friable asbestos containing material that are likely to present an unacceptable risk to human health
- » Contaminants in the groundwater that may be unsuitable for discharge into council's stormwater without further treatment.

As such, the report recommends:

- » Preparing a supplementary contamination assessment to further understand the nature and extent of contamination and address data gaps
- » Preparing a Remedial Action Plan (RAP)
- » Preparing a Groundwater Management Plan, if groundwater is expected to be encountered during the proposed development
- » Safe removal of the asbestos material by a suitably qualified professional.

A RAP was prepared and issued to Council to support the PP subsequent to an RFI. Council have advised that further testing and preparation of a remediation strategy and a Site Audit Statement that verifies the Remediation Action Plan methodology and data is required prior to public exhibition. An updated RAP (Appendix A-1) and a Site Audit Statement have been completed (Appendix A-2) prior to public exhibition of the PP that was between Nov-Dec 2022. The reports detail required remediation strategies and concluded that the land can be made suitable for the proposed residential development.



## 3.8 Social Infrastructure

### 3.8.1 Open Space and Recreational Facilities

An analysis of the existing community facilities has been undertaken by Architectus (Appendix H). The report assesses the existing provision of social infrastructure including open space and recreational facilities including Milperra Reserve which is immediately adjacent to the site (at its north-western corner). Other areas of open space, together with recreational facilities, are identified in Figure 13.

#### Dual use of drainage basin for public open space

The planning Proposal seeks to provide over 14,400sqm of local open space across three distinct local parks. The parks will provide for destinations for existing and future local residents. Each open space area has a distinct character and functionality, enabled through design and proposed embellishment to be completed in conjunction with the delivery of housing.

A proposed open basin acting as On-Site Detention & bio-retention is proposed for the northern and southern open space areas.

The cut and fill analysis by J Wyndham Prince (Appendix L) includes draft design for the basins sized to cater for stormwater flows and water quality. The basins have been designed to incorporate gradients that allow ease of pedestrian movement and maintenance in perpetuity. The basins are also integrated with the surrounding areas and allow for passive recreation and a landscaped setting.

The goals and objectives of the Bankstown City Council Open Space Strategic Plan 2022 are to ensure that open space is both equitable and accessible to meet the daily needs of the current and future community and include:

- Provide gathering spaces within residential streets and commercial precincts that encourage social interaction.
- Provide a wide range of passive and active experiences in open space which meet the community needs and demands.
- Provide a range of recreation settings and infrastructure to support community needs (dog parks, skate parks, playgrounds, etc) & to conserve, protect and enhance the natural and cultural environment of open space for enjoyment of the community.
- Incorporate environmental sustainability into open space planning through appropriate design and management practices.
- Deliver improved biodiversity outcomes through utilisation of open space.

A summary of the proposed dual use areas against the objectives is provided below.

#### Northern Open Space

The Park integrates existing mature trees to the east with a new detention basin to the west, brought together by enhanced habitat understorey and wetland planting.

The proposed design of the basin will allow for passive recreation and amenity associated with passive open space areas. The basin is integrated into the open space which will include proposed seating areas, pathways linking to the street network and Milperra Reserve. Further, and in conjunction of the retention of trees across the eastern portion of this area, trees are to be planted around the periphery of the basin to provide the desired amenity.

The Urban Context Report by Urbis illustrates the useability of the area as a waiting place for bus services, and a landscaped buffer from the future community to Bullecourt Avenue. Since the drafting of the Urbis report, the proposed basin area in this location has been reduced allowing for additional tree retention and at grade

pedestrian areas (Refer to Appendix G2) The proposed design accords with the above listed objectives of the Bankstown City Council Open Space Strategic Plan 2022.

### Southern Open Space

The design intent for the Southern Park is a multipurpose green open space. The basin incorporates a 1:5 embankment gradient allowing for ease of access and maintenance. The flat graded kick around space measuring approximately 1500sqm is provided centrally within the open space. Further, the area is to be embellished to create a destination for health and wellbeing via the incorporation of a junior skills/scooter track that uses the level change to add excitement and adventure. Adjacent is a wide path for strolling round the park under tree canopy. The north edge of the park locates outdoor fitness equipment and large terraced steps creating a focal point in the park based around the kick around space. Indicative plans are contained within the enclosed Urban Context Report by Urbis while the preliminary basin design within this open space reviewed and supported by Councils engineers is contained within Appendix G2.

### Basin design

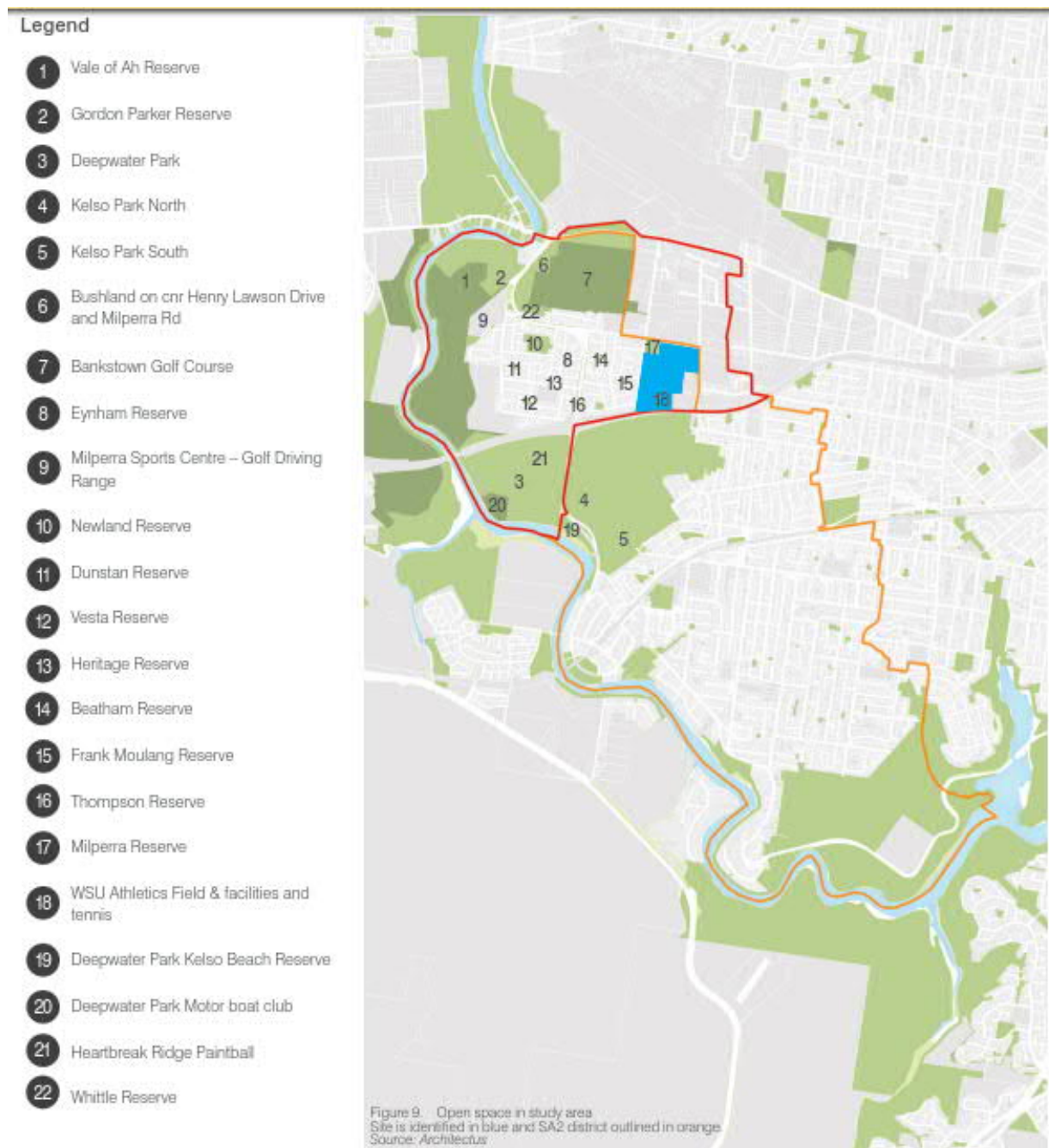
The proposed basins are inundated during storm events temporarily and are not intended to detain water permanently. In addition to the preliminary stormwater design work already completed, detailed calculations to support the proposed stormwater detention and post-development stormwater discharge rates have been completed and presented to Council prior to their acceptance of the preliminary basin designs. Basin

The investigation has determined that two (2) detention basins in the southern portion of the site with a combined 1% AEP detention volume of approximately 2,310 m<sup>3</sup> will ensure that developed conditions flow are no greater than existing conditions flows external to the site.

A frequency of inundation assessment was undertaken for the large southern detention Basin 1 which is proposed to predominantly be utilised as open space. Utilising historic rainfall information within MUSIC modelling software, the inundation analysis indicates that on average Basin 1 would empty within approximately 0.5 of an hour. For 95% of the historic rainfall events, the assessment indicates that Basin 1 would hold water for less than 2.5 hours. Considering the limited number of days exceeding a 1 mm depth on average per annum, combined with the limited duration in which the basin holds water, the predominant use of the southern open space is for recreation.

It is anticipated that the combined use of this open space area as a detention basin would not result in the closure of the playing field any differently from other playing fields within the Bankstown LGA when relatively large storm events occur. (Refer to Appendix G2)

Figure 13 Existing areas of open space



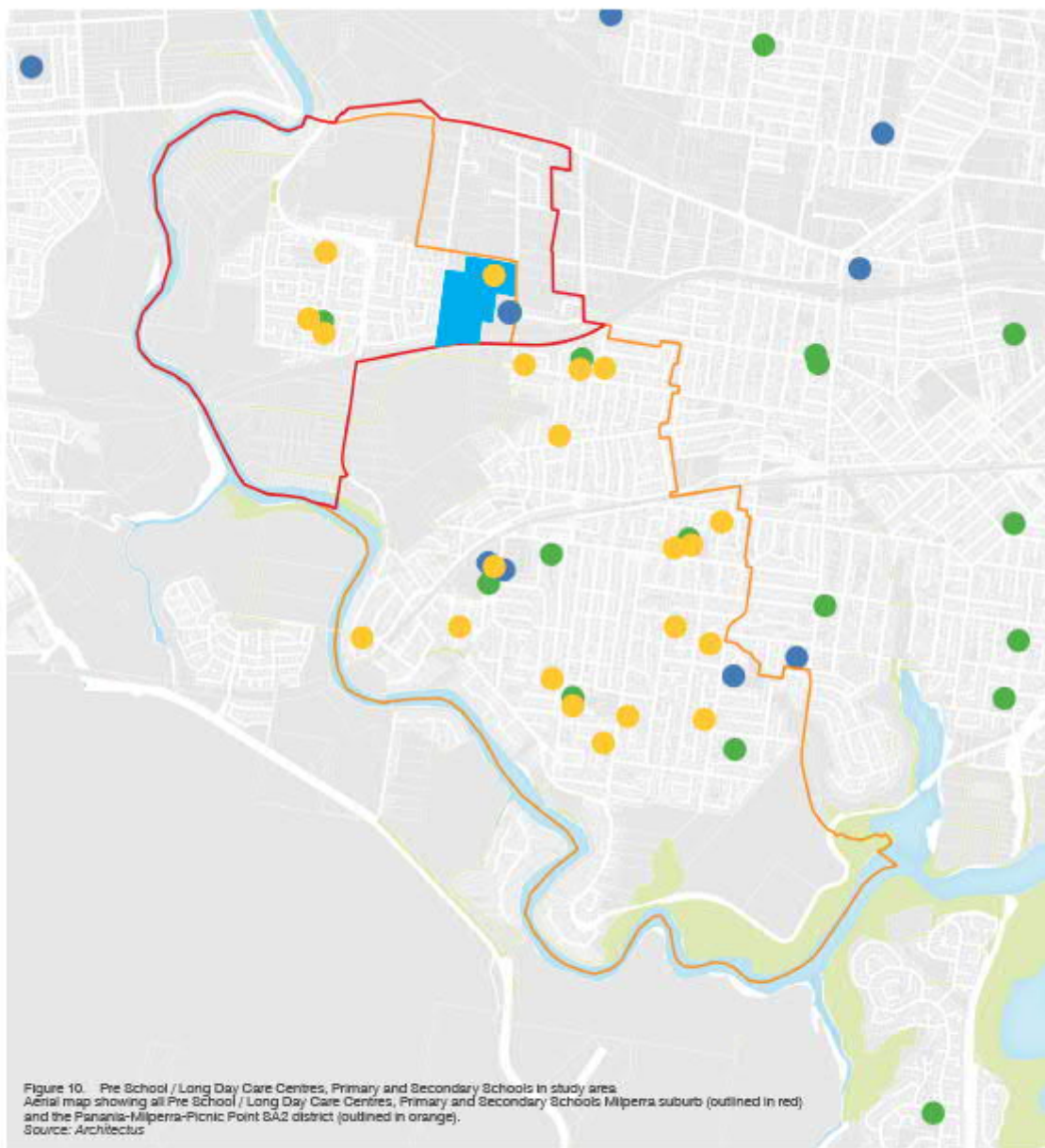
Source: Social Impact and Community Needs Assessment (Architectus)

### 3.8.2 Educational Establishments

The suburb of Milperra contains one primary school and one secondary school; Milperra Public School and Mount St Josephs. In the wider Panania-Milperra-Picnic Point, there are an additional 6 primary schools and 3 secondary schools (refer to Figure 14).



Figure 14 Existing schools



#### Legend

- |  |   |  |
|--|---|--|
| <span style="color: yellow;">●</span> Pre School/Long Day Care | <span style="color: red;">—</span> Milperra (SSC) boundary (study area)                   | <span style="color: blue;">■</span> Site |
| <span style="color: green;">●</span> Primary School            | <span style="color: orange;">—</span> Panania-Milperra-Picnic Point SA2 district boundary |  |
| <span style="color: blue;">●</span> High School                | <span style="color: blue;">—</span> Canterbury-Bankstown LGA boundary                     |  |

Source: Social Impact and Community Needs Assessment (Architectus)

With regards to childcare, there are two long day care centres, one pre-school and one out-of-school hours care facility within Milperra. The WSU campus currently operates the 'Western Sydney University Early Learning Bankstown' on campus which has a capacity of 67 places, with approximately half of which are allocated to children of WSU students and staff.

The report states that there are sufficient educational and child-care facilities within the area. It also reports on the ample quantum of open space and the future use of 3.68 hectares of WSU (not being developed under this proposal) for further expansion of educational uses.

### 3.8.3 Other Social Facilities

There are three aged care facilities within proximity to the site offering a total of 263 beds.

There are no community centres currently within Milperra.

## 3.9 Demographics

### 3.9.1 Existing population

As can be seen from the graph below, the range of age groups within Milperra is reasonably evenly spread across all age groups up to 74 years. From 75 years, there is a steep decline in the proportion of the demographic in that age group. The lack of housing diversity in the area may be a contributing factor for the aged demographic moving out of the area. The existing Milperra demographic is focused on the family which makes up for 84.5% of the household composition.

Figure 15 Age of Population

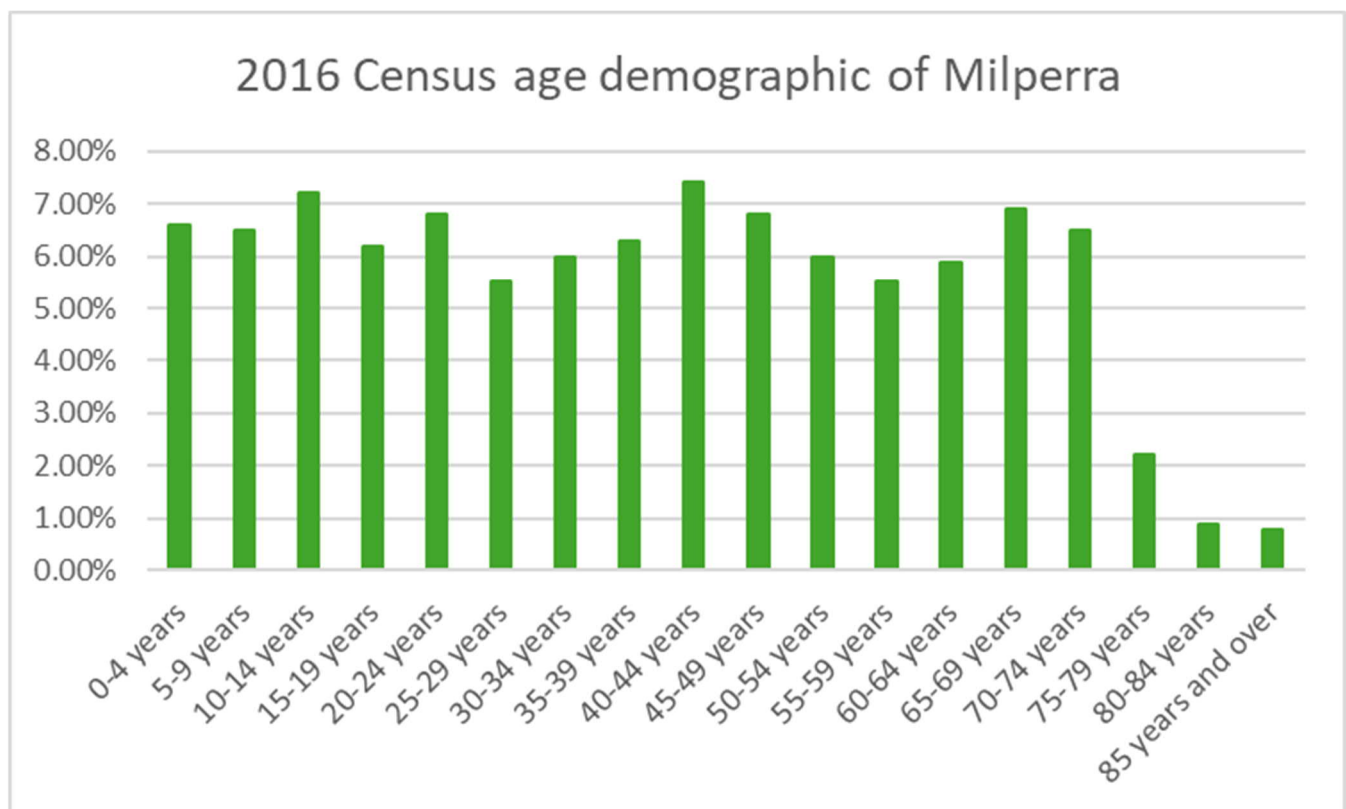
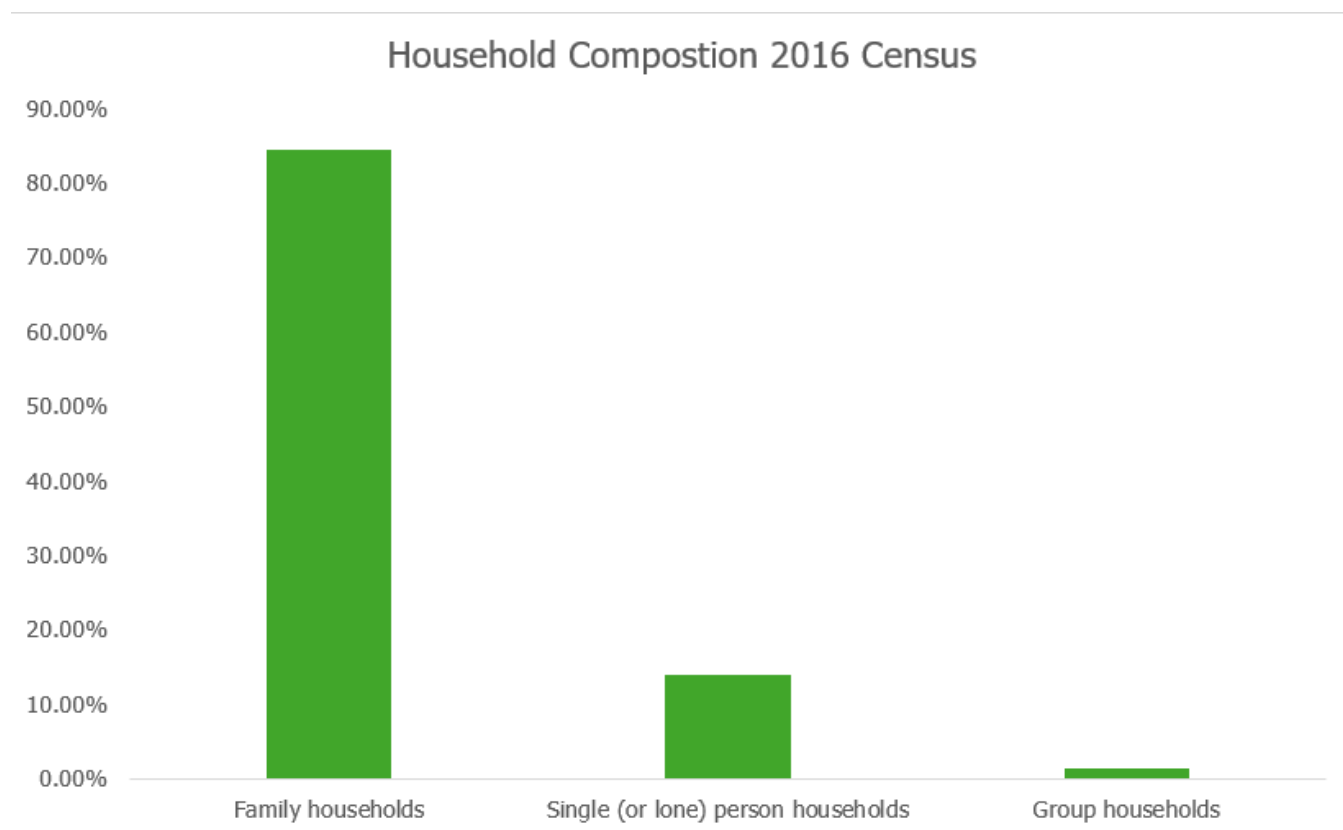


Figure 16 Household Composition



### 3.9.2 Housing

#### Housing supply and demand

The existing dwelling types in Milperra is characterised by large 3 to 4 bedroom dwellings illustrated in Figure 17 making up 96.8% of the market. There are very few one- and two-bedrooms dwellings. Figure 18 indicates that the clear majority of existing homes comprise separate dwellings at 95.3%.

Due to the current housing stock typified by detached homes located on large land lots, the medium house price is high compared to other areas within the LGA at \$867,500 (2019). With the lack of housing diversity there are limited options to enter this suburb at a lower price point creating a barrier.

The current housing stock of Milperra does not meet the current demographics of the area. This can be seen in Error! Reference source not found. Figure 16 with 14% of households being made up of single (or lone) person households. This section of the market is not catered for.

Figure 17 Number of bedrooms

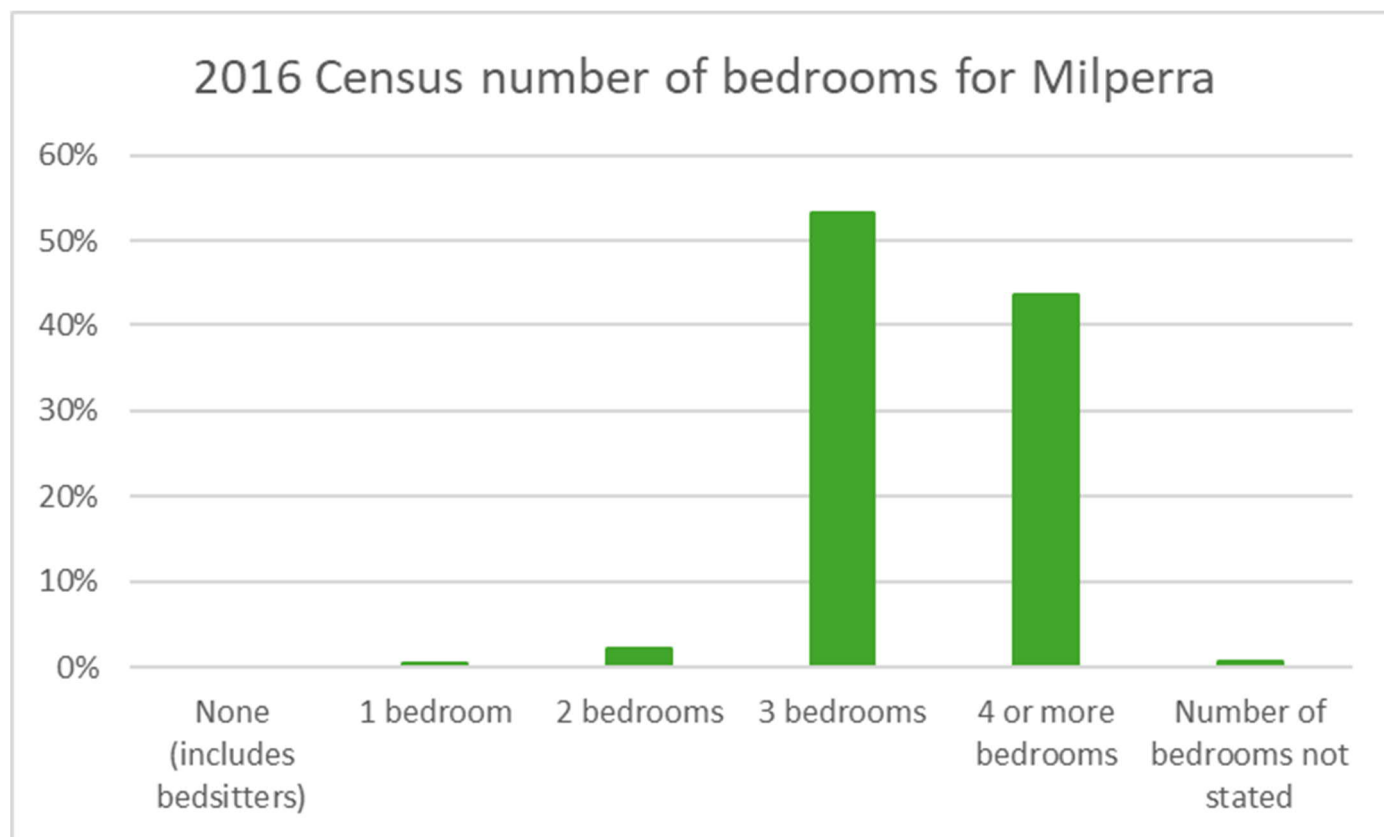
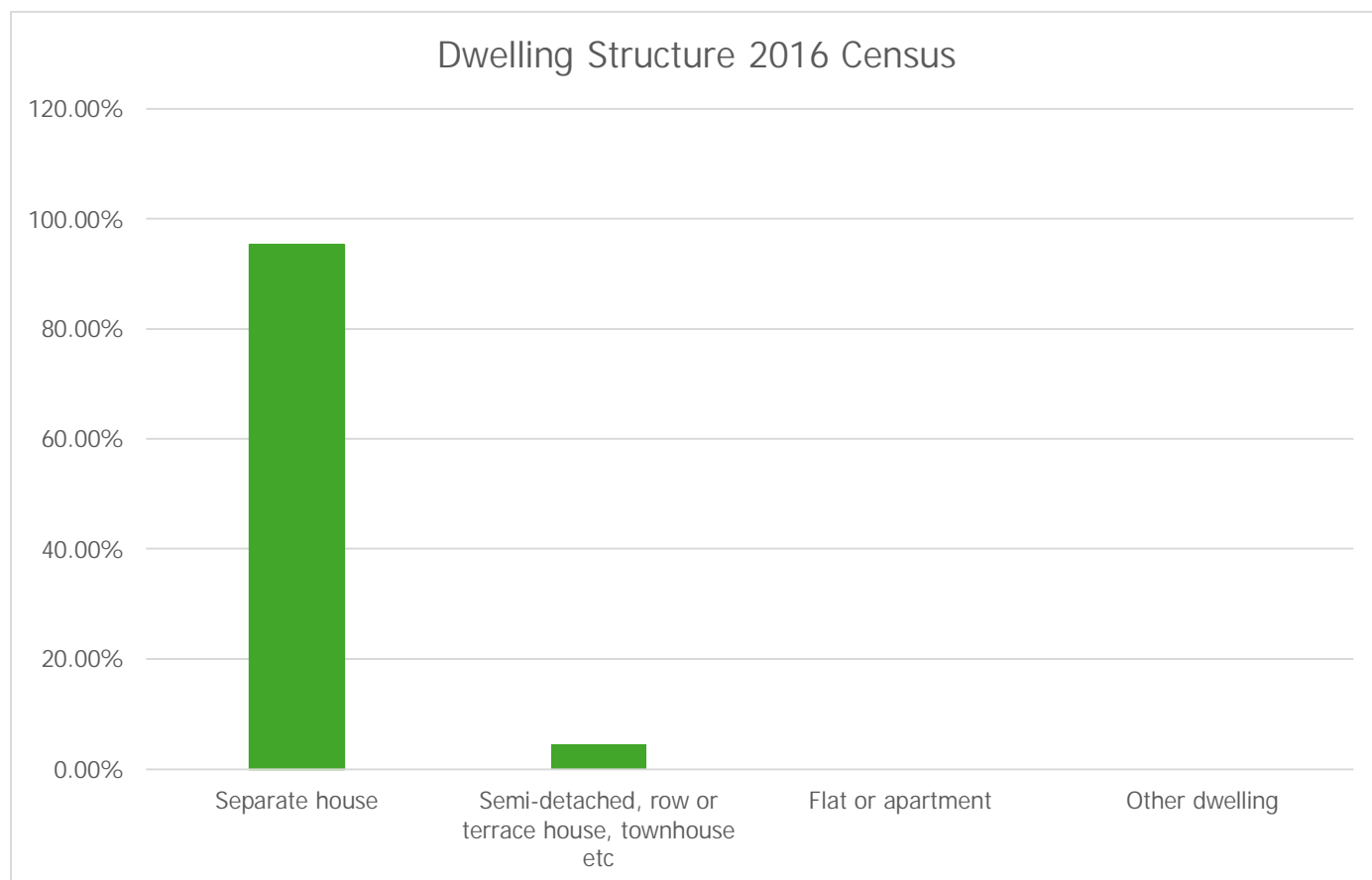


Figure 18 Dwelling structures



## Housing Strategy 2020

The Canterbury Bankstown Housing Strategy (Housing Strategy) was developed in line with the South District Plan. The Strategy examines the existing Local Environmental Plans of the two former councils and recommends amendments to ensure that the desired housing outcomes can be achieved.

One of the main goals of the Strategy is the aspirational target to focus at least 80% of new dwellings within walking distance of centres and places of high amenity. Furthermore, the Strategy seeks to increase diversity and affordability of housing and to promote housing choice. The Strategy identifies that diverse housing is needed to support the ageing population, increasing number of students and key workers.

From this the Strategy developed a housing vision of:

*Canterbury Bankstown will have housing that meets the needs of its growing and changing population. New housing development will provide a mix of housing types and sizes in a range of price points. Larger developments will provide affordable housing. New housing growth will be targeted to centres that can offer residents a high level of amenity and access to jobs, services and community facilities.*

The Strategy recognizes that dual occupancies and secondary houses in suburban areas have resulted in a negative cumulative effect, causing parking/ traffic congestion and increasing the strain on existing public facilities and amenities. According to Council suburban neighbourhoods of Padstow, Revesby, Panania, Milperra and Picnic Point are having some issues with the quantum of dual occupancies. This may be attributed to the ad-hoc application of dual occupancies with no context to locality and interface, or the ability for small scale development to comprehensively assess and undertake upgrades to roads and the public domain.

The Strategy acknowledges that the site will become vacant due the University of Western Sydney relocating to a new campus within the Bankstown CBD. The Strategy states:

*The Milperra Campus is being relocated into the Bankstown City Campus upon its completion. The Western Sydney University site at Milperra provides the opportunity for sustainable community uses, public open space and new educational uses. Future master planning and community engagement will inform the area's future.*

## Affordable Housing Strategy 2020

Under section 5 of the EP&A Act, Councils are required to maintain and provide affordable housing. They are obliged to preserve and create affordable housing through the preparation strategic planning policies and planning instruments. Furthermore, the Greater Sydney Commission (GSC) requires councils to address affordable housing under the Greater Sydney Regional Plan. The GSC sets a target of between 5% to 10% of new dwellings to be affordable housing dwellings (subject to viability testing).

The Affordable Housing Strategy states that Canterbury Bankstown have 18.6% (ABS Census 2016) households earning in the lowest 40% and paying rent or housing repayments greater than 30% of their household income. This is higher than the Greater Sydney average of 11.8%. Housing stress is less susceptible in areas of high ownership as this correlates with higher income areas. Earlwood, Clemton Park, Padstow, Revesby, Panania, East Hills and Milperra are the areas least susceptible to housing stress.

Housing affordability is a significant problem in Canterbury Bankstown as approximately 49% of households in the LGA earn below 50% of Greater Sydney's median income and are considered to have a very low-income. The smallest proportion of the rental market is available to very low-income households. This demonstrates the need for increasing housing stock at affordable price points for very low and low-income households.

Bankstown has a higher proportion of social housing than Canterbury however the wait time for social housing in the LGA is more than ten years. This demonstrates that the demand for social housing far outstrips the supply available in the LGA. The market is not filling the gap for housing for very low and low incomes which can lead to homelessness.

Council has stated the preference for a monetary contribution (compared to the dedication of dwellings). This is mainly attributed to the preference for smaller households and locations closer to commercial/strategic centres.



A monetary contribution totalling \$12,300 per lot or \$5.3M (based on a lot yield of 430) is proposed. The mechanism of delivering a monetary contribution will be through the proposed Voluntary Planning Agreement.

### 3.9.3 Site specific merit summary

The PP provides site specific planning merit where it:

- Provides a residential development which is sympathetic with the character of the area, including the surrounding residential and industrial developments in the vicinity of the site.
- Provides a range of housing types across a variety of price points and caters for the mismatch in the types of dwellings required by the community and that has already been provided by the market under the existing planning controls in the locality.
- Locates additional residents within walking distance to several bus services in line with the '30 minute city', ensuring housing is provided in areas within 30 minutes to activity centres.
- Ensures interfaces with surrounding areas recognise the local character, scale and landscape while allowing a development with a unique character within the site.
- Creates areas of open space to cater for informal recreation demand and to provide a socially inclusive meeting place.
- Establishes and respects the existing hierarchy of retail centres through the provision of a neighbourhood centre that creates a local destination for convenience services and a community meeting place.
- Establishes areas for land reservation acquisition for the public parks and drainage location.
- Ensures all future development have a negligible impact on any surrounding heritage items (including heritage item I29).
- Preserves existing views and vistas.
- Retains adequate performance of local intersections (worst case level of service C). Further the modelled traffic generation does not exceed the capacity of nearby local roads.
- Retains the significant consolidated stand of Cumberland Woodland in the north eastern corner of the site. Any loss of remnant vegetation across other parts of the campus will be assessed under the biodiversity legislation and may include offsetting requirements such as purchasing biodiversity credits, securing a stewardship site or payment into a Biodiversity Conservation Trust.
- Accords with Council's Housing Strategy, Affordable Housing Strategy and the DPE's District strategic planning objectives.

## 3.10 Statutory Planning Context

The proposed rezoning has been prepared by having regard to the existing planning framework in the context of the CBLEP as the applicable Environmental Planning Instrument to the site.

### 3.10.1 Canterbury-Bankstown Local Environmental Plan 2023

The aims of the CBLEP are:

- a. To manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,
- b. To protect and enhance the landform and vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Bankstown,
- c. To protect the natural, cultural and built heritage of Bankstown,
- d. To provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,

- e. To minimise risk to the community in areas subject to environmental hazards by restricting development in sensitive areas,
- f. To provide a range of housing opportunities to cater for changing demographics and population needs,
- g. To provide a range of business and industrial opportunities to encourage local employment and economic growth,
- h. To provide a range of recreational and community service opportunities to meet the needs of residents of and visitors to Bankstown,
- i. To achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,
- j. To concentrate intensive trip-generating activities in locations most accessible to rail transport to reduce car dependence and to limit the potential for additional traffic on the road network,
- k. To consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network,
- l. To enhance the quality of life and the social well-being and amenity of the community.

The PP is consistent with these objectives via the development concept or by implementing recommendations within the technical studies.

## Land Use Zone

The site is zoned predominately SP2 Infrastructure (Educational Establishment). There is a small area of SP2 Infrastructure (Electricity Transmission or Distribution Network) within the study area.

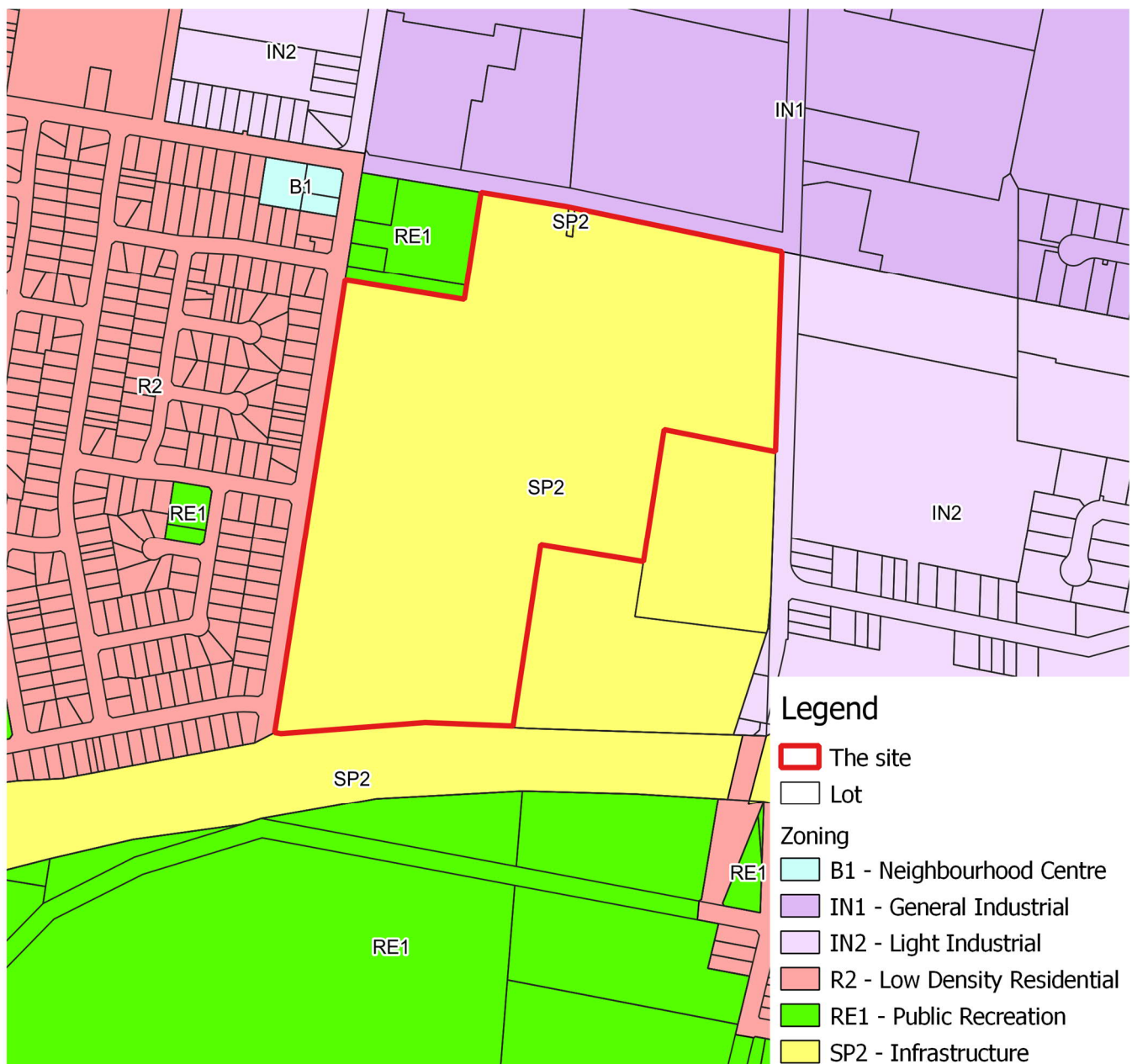
The objectives of the zone are as follows:

### SP2 Infrastructure

- » To provide for infrastructure and related uses
- » To prevent development that is not compatible with or that may detract from the provision of infrastructure.

This PP applies solely to the SP2 Infrastructure zone outlined in red. The location of the current land use zones is indicated in Figure 19 below.

Figure 19 Current land use zone map



Source: Elton Consulting

## Minimum Lot Size

Clause 4.1 of the CBLEP provides minimum subdivision lot size controls. According to the CBLEP Map, minimum lot size controls do not currently apply to the site.

## Building Height

Clause 4.3 of the CBLEP provides the maximum building height permissible across the LGA. No maximum building height controls currently apply to the site.

## Floor Space Ratio

Clause 4.4 of the CBLEP indicates the maximum permissible Floor Space Ratio (FSR). The corresponding FSR Map does not currently contain a maximum FSR for the site.

## Heritage

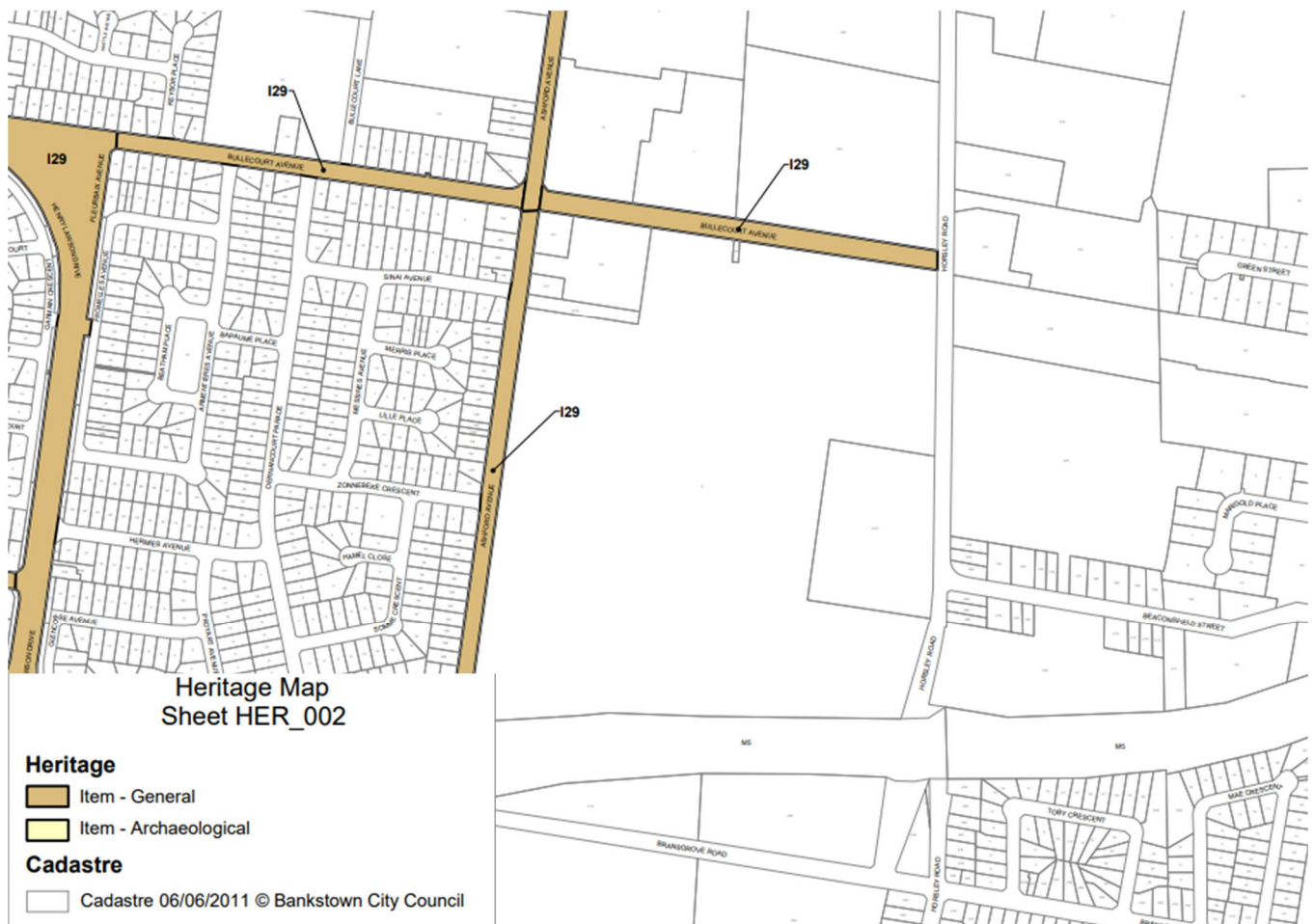
Clause 5.10 of the CBLEP sets controls for heritage items, heritage conservation areas, archaeological sites and Aboriginal objects or places.

There are no items of Commonwealth or State heritage listing within or adjoining the site. The site is, however, surrounded along its western and northern boundaries, by a local heritage item:

- » Milperra Soldier Settlement (former) along Ashford Avenue, Bullecourt Avenue and Fleurbaix Avenue in Milperra (local listing #129).

An extract of CBLEP Heritage Map is provided in Figure 20.

Figure 20 Heritage



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

## Additional Local Provisions – General

Part 6 of the CBLEP contains additional provisions that generally apply to land in the LGA. A brief explanation of the provisions that relate to the rezoning site is contained in Table 5. The relevant Local Provisions, such as flood planning and biodiversity, are discussed in this report and are adequately addressed through the provision of the necessary technical studies and recommended changes to CBLEP. It should also be noted that many of the controls and requirements under Local Provisions will be addressed as part of the future DA assessment and applications.



Table 5 Local Provisions

Section / Clause	Applicability	Control
Clause 6.1 Acid Sulfate Soils	Applies to all land on the 'Acid Sulfate Soils' Map identified as being Class 1-5	Most of the site contains Class 5 acid Sulfate soils.  Development consent is required for the carrying out of works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 land.
Clause 6.2 Earthworks	Applies to all land in the LGA	Requires development consent to be obtained to carry out certain works.
Clause 5.21 Flood Planning	Applies to land below the flood planning level	Requires development consent to be obtained to carry out certain works.
Clause 6.4 Biodiversity	Applies to all land identified as 'Biodiversity' on the Terrestrial Biodiversity Map	Consent authority must not grant development consent unless they are satisfied that the proposed development has no adverse impact and avoids significant adverse environmental impact.
Clause 6.4A Riparian Land and Watercourses	Applies to all land identified as 'Riparian land' and 'Watercourse' on the Riparian Lands and Watercourses Map	Consent authority must not grant development consent unless they are satisfied that the proposed development has no adverse impact and avoids significant adverse impacts.

### 3.10.2 Canterbury Bankstown Development Control Plan (CBDCP) 2015

The CB Development Control Plan (CBDCP) 2023 applies to the site. The DCP provides the development controls to support the delivery of development under the CBLEP. The PP relates to a large infill site that will be delivered via an integrated housing delivery model. Site specific development controls will be required to ensure that the intended community outcomes are delivered.

The structure of the DCP is such that these controls will be accommodated in a separate chapter in the existing CB DCP 2023 as a Key Site.

### 3.10.3 Consolidated Canterbury Bankstown Local Environmental Plan 2023

In 2016, the NSW Government amalgamated the former Bankstown City Council and Canterbury City Council to form the City of Canterbury Bankstown Council.

To align the planning framework of the two former council areas, a consolidated LEP will be used to deliver the vision that is Connective City 2036, Canterbury Bankstown Local Strategic Planning Statement.

The consolidated LEP does not amend any of the current development standards and controls that apply to the site. However, consolidated LEP will impact the ability to deliver diversity in housing within the LGA.

It is noted that further to the increased reduction of land capable of delivering multi dwelling housing, the Housing Strategy also seeks to significantly reduce the quantum of R3 zoned land by downzoning such areas to R2 Low Density Residential. This creates greater emphasis on the need for large infill sites to provide the shortfall of medium density housing types required to meet the needs of the population and realise housing targets identified in the Canterbury Bankstown Housing Strategy.

Notwithstanding, on the 25 June 2021, DPE issued an Advisory Note in relation to the endorsement of Council's Local Housing Strategy. The Advisory Note which indicated that the proposed down-zoning of land by Council from R3 to R2 is not supported, particularly as Council has identified the need for medium-density housing. Accordingly, the proposal provides diverse low rise housing variety which meets this objective.

The LEP amends the Terrestrial Biodiversity map to expand the affected areas over the whole WSU site, including highly disturbed areas which encompass carparking, WSU buildings etc. Council's position regarding the map is reflected in the Council report which was considered at its meeting held August 2020 as follows:

*"Terrestrial Biodiversity map is proposed to be amended, subject to further ecological and arboricultural analysis to confirm the extent to which the site should be mapped"*

A detailed ecological assessment has been completed by Ecological Australia and recommends as follows:  
*'To ensure protection of Cumberland Plain Woodland in the north-east of the site, it is recommended that the Terrestrial Biodiversity Map in Blacktown LEP be applied to the proposed C2 zoned land. Applying the Terrestrial Biodiversity Map to the remainder of the site is not recommended as the vegetation is not considered high conservation value as it is largely represented by planted and landscaped trees with little to no groundcover or mid-storey'*

Note: The *Canterbury-Bankstown Local Environmental Plan 2023* was gazetted in June 2023.

## 3.11 Overview

Current and forecasted demographic trends suggest the need for wide range of housing types outside of attached dual occupancies, secondary dwellings and apartments which currently make up majority of new housing within the LGA.

The increasing proportion of single and couple only households and changing family dynamics are significant factors in the need for increased housing diversity and choice. First home buyers and young professionals increasingly consider the need for low maintenance homes across a range of price points.

The redevelopment of the WSU site offers an unparalleled opportunity to create a new liveable community that enhances the wider neighbourhood in which it sits. Placemaking, amenity, generous open spaces and landscaped streets define our proposed approach to the design of this new community.

Utilising the sites' incredible existing assets of remnant native woodland, childcare building and adjacency to existing school and sports fields will allow for the creation of a distinctive urban development meeting all the needs of its residents.

The site allows for the provision of a low-rise residential community with a diversity of housing types interspersed with a range of parks and green spaces offering both active and informal recreation opportunities for both future and existing residents of the area.

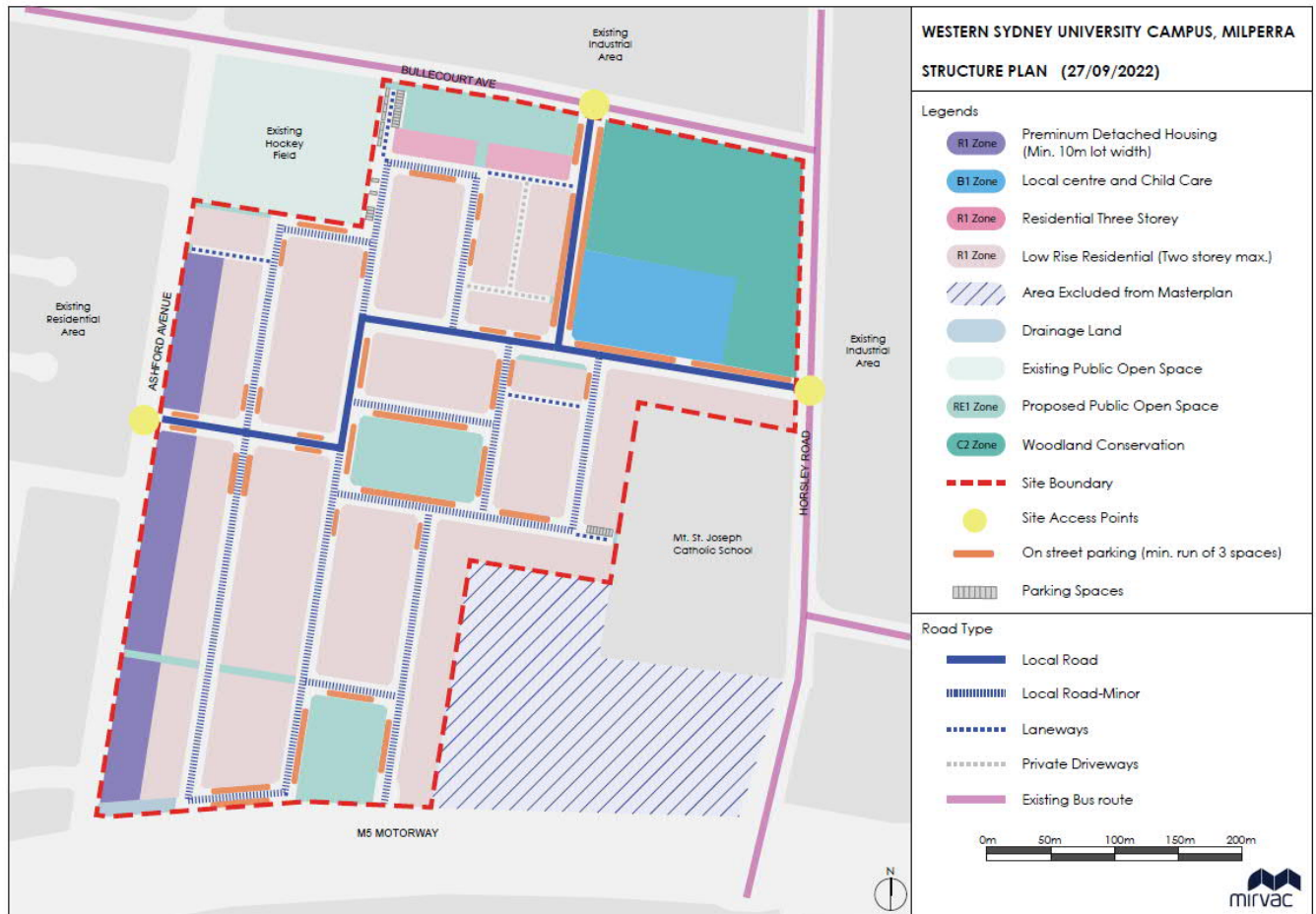
The proposed landscape and public domain components of the Development Concept Plan and urban Context Report by Urbis are central to the philosophy of creating a new neighbourhood with a strong sense of community through shared public spaces and high-quality streetscapes. The public space network will be complemented by landscaped streets, green links and verges providing a high level of outdoor amenity for all residents. In addition, the combination of the controls will provide certainty for the existing community in relation to the development yield, road layout, lot sizes and the range and type of dwellings.

Larger lots and single detached dwelling will front Ashford Ave and interface with the existing low-density residential development that is to the west of the site. Appropriate development buffers will be created to the northern, eastern and southern boundaries to protect the new dwellings from the impacts from the surrounding industrial development and motorway.

Proposed housing will address the existing sporting field bordering the site's north-western corner while the existing vegetation to the north-east (including Cumberland Plain Woodland) will be retained.

Along the eastern boundary of the site is the Mount St Joseph is a Catholic secondary school. This existing school, together with 3.68 ha of WSU campus land to its immediate south, will not be affected by or included in the proposal. This area is shown below and noted as “area to be excluded from Development Concept Plan”.

Figure 21 Proposed Structure Plan (indicative)



Source: Mirvac, 2022

## 3.12 Vision

The vision for this PP is to create a residential neighbourhood that will deliver housing that caters for every stage of life across a range of price points. To support this, the PP intends to create a variety of lot sizes that will be able to accommodate housing products from smaller attached and semi-detached dwellings to freestanding larger dwellings. These dwellings will cater for first home buyers and down-sizers through to larger families.

The dwellings will primarily comprise of dwellings up to 2 storeys in height ensuring integration with the adjoining residential area.

The vision for the site aligns with several NSW Governments objectives of providing greater housing choice that reflects the needs and preferences of households today and into the future.

The new residential neighbourhood will also include a large range of public amenities including:

- » Parks and playgrounds embellished in line with intended use
- » Retention and ongoing protection of the EEC Cumberland Plain Woodland area in the north-eastern precinct
- » A small-scale commercial neighbourhood centre which may provide convenience retail, a café or restaurant, community hub/shared offices (subject to further demand analysis)
- » Network of pedestrian and cycle pathways encouraging social integration and access to key community destinations
- » Further public benefits via a Voluntary Planning Agreement

## 3.13 Key Urban Design Principles

The key urban design principles for the proposed Development Concept include:

- » Providing for a range of lot sizes to encourage a variety of dwelling typologies to suit the needs of the population, and contributes to fulfilling Councils dwelling targets
- » Maximising solar access by orientating the majority of future housing lots east-west and providing additional lot widths for many north facing lots
- » Improving passive surveillance of public open space by orientating dwellings to parks
- » Creating of attractive living environments that promote social interaction and community identity through the provision of shared public spaces and high-quality streetscapes
- » Retention of the three existing access egress points from Ashford Avenue, Bullecourt Avenue and Horsley Road
- » Provide permeable street patterns to ensure all future residents and the existing community have access to facilities
- » The creation of laneways within the precinct provides safe, high-quality streetscapes, eliminating garages or vehicle crossings along local roads
- » Providing an efficient local road network aimed to minimise paved areas thus reducing potential urban heat island effect
- » Creation of public open space areas within the north, central and southern parts of the site linked via a network of either pedestrian or shared cycle/pedestrian access ways promoting a walkable neighbourhood.
- » The retention and ongoing management of native vegetation (Cumberland Plain Woodland) in the north-eastern corner of the site

Provide opportunities for small scale commercial and business uses including an upgraded childcare centre through the creation of a B1 Local Centre zone.

# Planning Proposal



# Part 1: Objectives and Intended Outcomes

The primary objective of this PP is to amend the CBLEP to enable the delivery a new neighbourhood that caters for the changing needs of the population. This will be achieved by facilitating the delivery of a range of residential dwellings typologies in a planned residential community that includes public open space, amenities and a neighbourhood centre.

The intended outcomes of the PP include:

- » Creating a residential neighbourhood for up to 430 dwellings
- » Providing opportunities for a diverse mix of housing types, with increased densities located adjacent to public open space, community and social gathering destinations
- » Provide for a range of housing types including freestanding, attached (terraces) and semi-detached dwellings. This is to be facilitated via specific land use controls including those related to dwelling type permissibility and subdivision lot size.
- » Retaining and conserving the existing area containing the existing remnant vegetation located adjacent to the corner Bullecourt and Ashford Avenue.
- » Creating new destinations for public recreation and social interaction.
- » Integrating the new residential neighbourhood with the existing community through the creation of permeable and connected streets and cycleways.
- » Establish land areas for land acquisition for public parks and drainage infrastructure.
- » Providing a neighbourhood centre to cater for small scale retail and businesses, and a high-quality community meeting point.
- » Retention of a child-care offering
- » Provide for a dedicated conservation area which is proposed to be zoned as C2 Environmental Conservation: this zone will cover the existing remnant vegetation (including Cumberland Plain Woodland) in the north-eastern corner of the site and will ensure adequate management of that vegetation.

## Part 2: Explanation of Provisions

Part 2 is an explicit statement of how the objectives outlined in Part 1 are to be achieved through an amendment to the CBLEP maps, an amendment to clause 4.1AA and local provisions within part 6 of the CBLEP .

The current land use zoning of the site prohibits any redevelopment not associated with the 'educational establishment' land use. A rezoning of the site is necessary to create a high-quality master planned neighbourhood to support the creation of housing, associated open space and a neighbourhood centre. Further to the proposed CCBLEP amendments, additional explanation of intent and framework of planning controls will be provided within an amended DCP.

It is noted that the proposed LEP provisions within this document are prepared by the proponent, however the drafting of LEP provisions will be subject to drafting by Parliamentary Counsel Office (PCO) at the finalisation stage.

### Proposed amendments

#### Land use zone

It is anticipated that the following land use zones will replace the existing SP2 Infrastructure (Educational Establishment) land use zone:

- » R1 General Residential: this is a land use zone contained within the Standard Instrument—Principal Local Environmental Plan that has not as yet been adopted within the CBLEP . The R1 General Residential zone will provide flexibility in the type, form and density of dwellings required to meet the needs of the community.
- » B1 Neighbourhood Centre: this zone will apply to land within and around the existing child-care facility at the north-eastern corner of the site and will enable the construction of a small number of shops and/or business uses to meet the day to day convenience needs of residents. Also refer to Employment Zones Reform advisory note below.
- » RE1 Public Recreation: this zone will apply to the local parks proposed to be delivered and dedicated to Council.
- » C2 Environmental Conservation: this zone will cover the existing remnant vegetation (including Cumberland Plain Woodland) in the north-eastern corner of the site and will ensure adequate management of that vegetation
- » SP2 Infrastructure (Drainage): this zone will apply to land in the south-west corner of the site reserved for drainage.

The rezoning excludes 3.6 ha of land in the south-east corner of the site which has been transferred to Mount St Josephs Secondary School. No land use amendments are proposed to land immediately adjoining the site; being Mount St Josephs secondary school and the Council owned hockey/soccer field at the corner of Bullecourt and Ashford Avenue.

To further consider the proposed masterplan and spatial allocation of land use zones, design decisions, a cut and fill and infrastructure analysis (Appendix L) has also been completed to determine the following

- Optimum location of open space areas and design
- Proposed conservation zone allocated to vegetation with highest ecological value
- Preliminary drainage basin design
- The assessment flood risk areas and flood evacuation requirements

Site regrading has considered existing site topography and interface areas including Mount St Josephs School, the existing child-care centre, Milperra reserve and existing road network. The resulting cut and fill analysis will result in an export (excess excavated material) of 14,020m<sup>3</sup>. The majority of level changes are required at the northern and southern periphery with greatest level change with the proposed basin areas.

The design has considered the above listed elements in achieving all objectives whilst optimising retention of vegetation within the proposed conservation area (2ha), central park area, the eastern edge of the proposed northern park and the eastern interface with Milperra Reserve.

The Structure plan and corresponding land use zones have optimised the retention of significant trees, resulting in the retention of 89% of all trees located on site. Importantly, over 99% of priority threatened species vegetation is being retained.

The cut and fill assessment combined with the findings of the technical studies and Urban design analysis concludes that the land use zones as proposed are deemed appropriate to achieve ecological, environmental, drainage, flood risk management objectives as well as providing for amenity for future homeowners.

The proposed land use zones will work together to enable the delivery of a residential community that accommodates a range of dwelling types and building forms to respond to changing family structures, increased inter-generational housing needs and an ageing population. The integration of housing with locally accessible places to recreate and socialise (e.g. open spaces and a small neighbourhood centre) is the core of the aspiration; providing a coordinated, high quality socially inclusive neighbourhood.

## Introduction of the R1 General Residential zone

The CBLEP does not currently apply the R1 General Residential zone to land within the LGA. Residential development is managed through the R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones. Each of these zones has a distinct set of objectives and is accompanied by a land use table identifying the permissibility of certain forms of development.

In addition to permissibility, the minimum subdivision lot size and maximum building height controls works alongside the zone objectives and land use tables to manage both development itself and the expectation of the existing community in terms of future residential development.

The introduction of the Low Rise Housing Diversity Code section to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) has the effect of allowing some forms of low rise medium density residential development to be delivered as Complying Development. In particular, where multi dwelling housing was permitted in a zone it opened up the opportunity for this and other forms of development, including dual occupancy and manor houses, to be developed via an alternate assessment scheme to Council's development application process. In response, Council recently amended the CBLEP to exclude multi-dwelling housing from the R2 Low Density Residential zone. This amendment sought to preserve the existing low-density residential character of certain suburbs.

Further to the increased reduction of land capable of delivering multi dwelling housing, the Housing Strategy also seeks to significantly reduce the quantum of R3 zoned land by downzoning such areas to R2 Low Density Residential.

Notwithstanding, on the 25 June 2021, DPE issued an Advisory Note in relation to the endorsement of Council's Local Housing Strategy. The Advisory Note which indicated that the proposed down-zoning of land by Council from R3 to R2 is not supported, particularly as Council has identified the need for medium-density housing.

The existing minimum lot size in the R2 Low Density Residential zone is mapped as 450m<sup>2</sup>, however, dual occupancy provisions allow for a final lot size of 350m<sup>2</sup> for detached and 250m<sup>2</sup> for an attached dual occupancy. The Housing Strategy highlights the issues associated with the proliferation of dual occupancy development throughout the low-density areas within the LGA. This can be attributed to allowing such development within an established and longstanding subdivision patterns; design and delivered in absence of such development types. Under *Strategic direction 8: Urgently review dual occupancies in the suburban neighbourhoods*, the Housing Strategy says:

*Council is committed to retaining the low density character of the suburban neighbourhoods. However, there is growing community concerns that the high number of dual occupancies in some areas may have*

*saturated localised capacities, resulting in traffic/ parking congestion and amenity. This Housing Strategy recommends an urgent review of dual occupancies, taking into consideration:*

- > *The suitability of dual occupancies in narrow residential streets and special character areas.*
- > *The consolidation and harmonisation of the planning controls for dual occupancies to maximise liveability and provide positive built form outcomes.*

*While this review may reduce the dual occupancy capacity in the suburban neighbourhoods, this change is consistent with the strategic directions of this Housing Strategy and Local Strategic Planning Statement, which aim to locate up to 80% of new dwellings in centres. This review will also demonstrate that Canterbury Bankstown can continue to efficiently deliver medium density housing and Council should be given the opportunity to be exempt from the Medium Density Housing Code.*

The Housing Strategy proposes a dwelling target of an additional 50,000 new dwellings by 2036. Of these, Council has set an aspirational split, with 20% of these (or 10,000) to be accommodated with the existing urban areas. It has been reported in early 2022 that Canterbury Bankstown Council are tracking to deficit of over 5,000 dwellings to meet their housing targets from 2021-2026. The current uncertainty relating to amendments to dual occupancy provisions and the removal of multi dwelling housing from the R2 Low Density Residential zone will further significantly challenge the delivery of this target. This response is at odds with the changing demographics, which provide evidence to support increased diversity in housing sizes and styles, made more difficult to deliver due to the above-mentioned policy changes.

The subject site provides a unique opportunity to achieve additional development density in an orderly and planned manner and will contribute up to 430 dwellings of the 10,000 attributed to housing outside of centres. The site has a distinct advantage in that roads, parks, lot widths and lot sizes are all tailored to facilitate housing diversity, as opposed to medium density housing being introduced into a long-established subdivision and development patterns within existing suburbs.

Further, utilising the R1 General Residential zone will enable various housing types and lot sizes without compromising the land use table or the objectives of the R2 Low Density Residential zone. The proposal for the development of the site includes a range of lot sizes to accommodate diversity in the housing product across the site. Minimum lot size controls will range from 300m<sup>2</sup> to 145m<sup>2</sup> for attached, terrace style development.

The application of a minimum lot size of 300m<sup>2</sup> across the site, accompanied by a local provision that provides for the smaller lot size for attached and semi-detached dwellings in circumstances where the application process includes both the built form and subdivision simultaneously, will ensure that the smaller housing typologies are adequately assessed by Council.

Under the current masterplan, it is envisaged that lot sizes will likely range from 245m<sup>2</sup> to 450m<sup>2</sup> for detached dwellings, 210m<sup>2</sup> to 350m<sup>2</sup> for semi-detached dwellings, while attached, terrace style development will be provided on lots between 145m<sup>2</sup>-250m<sup>2</sup>. Minimum lot sizes will vary depending on whether the application for subdivision is accompanied by housing plans demonstrating siting, landscaping, solar access and streetscape analysis and the development application stage.

Building height and minimum subdivision lot size controls, coupled with the maximum development yield cap and further detailed guidance in DCP controls will ensure that the outcomes articulated in the vision are delivered through the statutory planning process.

## Consideration of alternative approaches

The application of the R2 Low Density Residential and R3 Medium Density Residential zones was considered and discounted, predominately due to the difficulty in aligning the vision of the site within the mandatory objectives as determined by the Standard Instrument (Local Environmental Plans) Order 2006 and Council specific objectives under those zones as follows (Note: mandatory objectives are *italicised* and additional objectives included by Council are shown without italics).

### R2 Low Density Residential

- » *To provide for the housing needs of the community within a low-density residential environment.*
- » *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- » To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.
- » To allow for the development of low density housing that has regard to local amenity.
- » To require landscape as a key characteristic in the low density residential environment.

Although the proposed overall site dwelling density can be considered consistent, the delivery of dwellings on lots less than 300m<sup>2</sup> could be viewed as inconsistent with objectives of the zone.

### R3 Medium Density Residential

- » *To provide for the housing needs of the community within a medium density residential environment.*
- » *To provide a variety of housing types within a medium density residential environment.*
- » *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- » To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.
- » To allow for the development of medium density housing that has regard to local amenity and provides a suitable visual transition between high density residential areas and low density residential areas.
- » To require landscape as a key characteristic in the medium density residential environment.

Components of the intended masterplan group smaller dwellings throughout the site (e.g. adjacent to open space and the local neighbourhood centre. However, as the overall density and FSR across the whole site is aligned to that achievable under R2 zoned land, the application of the R3 zone wasn't considered to best facilitate the intended outcome. Further, if the R3 zone was to be applied, several additional site specific LEP amendments would be required to ensure the intended housing mix would be achieved. This includes an exception to the current LEP's minimum lot size and minimum lot width for attached dwellings.

The R1 zone objectives provide the flexibility and encourage much needed housing diversity. This was supported by Councils planners during the assessment of the PP.

The R1 objectives contained within the LEP Standard Instrument are provided below (emphasis added);

### R1 General Residential

- » *To provide for the housing needs of the community.*
- » *To provide for a variety of housing types and densities.*
- » *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

A key object of LEPs is to provide certainty for development through clear planning objectives and controls. The mandatory objectives of the R1 General Residential zone will achieve this for the subject site without any ambiguity or need for several site specific exception to R2 and R3 related development standards.

### Permissible land uses

The application of the R1 General Residential zone provides the opportunity to tailor the land use table to deliver the range of dwelling typologies proposed under the Development Concept Plan for the site. The combination of building height, subdivision lot size and for interface areas, floor space ratio controls, will moderate the built form and provide building envelopes for the specific typologies.

The R1 General Residential zone mandates residential flat buildings (RFB) as a permissible use. Although the capacity of the site may allow for such development, it is not intended to develop any residential flat buildings. A combination of the building height control (9m for most of the site, with a small residential area allocated an 11m height to accommodate three storey terrace development) and the DCP controls curtail the possibility of RFB development being delivered on the site.



The R1 General Residential zone and land use table are outlined below. The first three objectives are mandatory. An additional objective is proposed to capture the intended outcome for the site. This is highlighted in bold.

#### Zone R1 General Residential

##### 2 Objectives of zone

- > To provide for the housing needs of the community.
- > To provide for a variety of housing types and densities.
- > To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- > To ensure that a high level of residential amenity is achieved and maintained.

##### 2 Permitted without consent

Home-based child care; Home occupations

##### 3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Dual occupancies; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation area; Recreation facility (outdoor); Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

##### 2 Prohibited

Any development not specified in item 2 or 3

As noted above, despite residential flat buildings being a permissible use, the CBLEP and DCP planning controls combine to effectively eliminate the ability to deliver this form of development.

## C2 Environmental Conservation

The proposal seeks to rezone environmentally significant land to the north east of the site C2 Environmental Conservation. The Canterbury Bankstown LEP does not currently provide for this land use zone.

The C2 Environmental Conservation zone and land use table are outlined below. The first two objectives are mandatory.

Land uses are proposed in accordance with the standard Instrument – Principal Local Environmental Plan.

1	Objectives of zone
	<ul style="list-style-type: none"> <li>• To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>• To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</li> </ul>
2	Permitted without consent
	Environmental protection works
3	Permitted with consent
	Oyster aquaculture
4	Prohibited
	Business premises; Hotel or motel accommodation; Industries; Local distribution premises; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted

premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3.
--

The enclosed Ecological assessment supports the application of the zone considering the location of significant woodland community occurs in the north-east area of campus.

The ongoing management of the future C2 Environmental Conservation zoned land is proposed to be pursued utilising either of the following options:

- » The C2 EC land parcel is to be 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 or the like.
- » Alternately, the C2 EC land may be dedicated to a funded trust or entity with ongoing maintenance of the vegetated area once again undertaken in accordance with the relevant Vegetation Management Plan or the like.
- » 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.

## Employment Zones reform

In May 2021, DPE proposed that the existing Business (B) and Industrial (IN) zones be replaced with five employment zones and three supporting zones under Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order).

The reform was finalised in December 2021 with the introduction into the SI LEP Order of 5 new employment zones and 3 supporting zones.

Notwithstanding, the Gateway Determination conditions require the land to the north-east of the site be rezoned to Zone B1 Neighbourhood Centre, rather than Zone E1 Local Centre as per the reform. This is to ensure alignment with *Canterbury-Bankstown Local Environmental Plan 2023* and will be converted to the E1 zoning once Council have implemented the new employment zones into their consolidated LEP.

## Lot Size

As discussed above, a minimum lot size (MLS) of 300m<sup>2</sup> is proposed across all land to be zoned R1 General Residential. Consistent with the current CBLEP, no minimum subdivision lot size will apply to the E1, RE1 and C2 land use zones. The MLS as mapped will be supported by a local provision that provides for exceptions to the MLS where Council is satisfied that the development includes the built form and subdivision in a concurrent development application (for at least 4 lots). A minimum lot width of 5.6m (increased from 5.4m) is also proposed for attached dwellings. This requirement allows for the consideration of amenity and streetscape comprehensively. Under the exception, the minimum lot size will be as follows:

Table 6 Dwelling typology, lot size and lot width

Dwelling Typology	Minimum Size	Lot	Minimum lot width
Studio dwelling	N/A		N/A
Detached dwelling	250m <sup>2</sup>		N/A

Dwelling Typology	Minimum Size	Lot	Minimum lot width
Semi -detached dwelling	210m <sup>2</sup>		7.5m
Attached dwelling	145m <sup>2</sup> *		5.6m
Dwelling House	245m <sup>2</sup>		9m
Dwelling House (fronting Ashford Avenue)	300m <sup>2</sup>		10m

\*Note: the minimum lot size for attached dwellings has been increased from 124sqm to 145sqm following the Gateway Determination and public exhibition.

## Floor Space Ratio

The PP seeks to introduce maximum floor space ratio (FSR) controls, being 0.5:1 applied to the western boundary of the site along Ashford Avenue and 1:1 for land in the proposed B1 Neighbourhood Centre. A 'sliding scale' FSR is proposed to be applied to the remainder of the R1 zoned land on the Site.

Generally, the smallest lots permitted on the site are intended to have a higher FSR and the largest lots to have the smallest FSR on the sliding scale range. It was intended that Council would undertake site testing to set appropriate FSRs for various sized sites to ensure environmental and amenity impacts are acceptable. This is to occur post Gateway Determination.

The FSR's are proposed for residential land;

Residential land with 11m height limit – 1.4:1

Residential land with 9m height limit (excluding lots fronting Ashford Ave) Sliding scale FSR/GFA;

GFA = 37% of site area + 80sqm

## Building Height

This PP seeks to amend the CBLEP to include maximum height of buildings between 9m and 11m in the R1 General Residential and 11m in the E1 Local Centre zone. As per usual practice, no building height is to be applied in the RE1, SP2 or the C2 Environmental Conservation zone.

The proposed building height of 11m is limited to a small parcel of land along the northern part of the site which shares an interface with industrial land and represents less than 5% of proposed housing. The intent of the 11m building height in this location is to visually screen the industrial buildings located to the north from the remainder of the proposed dwellings. It is important to note that the additional height in this location is not to facilitate residential flat buildings and a prohibition of such development is to be included in the LEP. A 9m building height is proposed for the remainder of the residential land, effectively permitting a maximum height of two stories.

## Land Reservation Acquisition

The PP seeks to amend CBLEP to include Land Reservation Acquisition mapping for the land proposed to be RE1 Public Recreation for future use as public parks and the land proposed to be zoned as SP2 Infrastructure (Drainage) for the drainage reserve along the southern boundary of the Site.

This amendment will allow Council to be acquiring authority under Clause 5.1 of the CBLEP allowing long term ownership and control of the public parks and the drainage reserve.

# Local Provision

A new local provision is proposed dealing specifically with this site and includes exceptions to relevant development standards elsewhere in the plan. The purpose of the provisions is to establish the maximum yield of 430 dwellings for the site and enable the delivery of a range of dwelling typologies; including detached, attached and semi-detached dwellings despite the minimum lot size and without having to invoke a multi dwelling housing to achieve the intended outcome for the site.

The provision will address:

- » Maximum dwelling yield across the proposed residential zone
- » Exceptions to Minimum Lot Size for integrated housing

The local provision will make reference to the Special Provisions Map (Area 5).

The local provision will allow the subdivision of land to achieve a lot that has an area that is less than the minimum lot size on the Lot Size Map provided that the application:

- » Does not include lots that front Ashford Avenue
- » Includes the creation of a minimum lot four lots, and
- » Includes a dwelling design for each lot.

The provision will be inserted in order following clause 6.16 of the CBLEP .

The legal drafting of the provision will be determined by Parliamentary Counsel, likely to be drafted in a manner similar to the following:

6.16 Development on the former Western Sydney University site

- (1) This clause applies to land known as the former Western Sydney University site and identified as Area 5 on the Special Provisions Map.
- (2) The objectives of this clause are as follows—
  - (a) to provide a maximum dwelling yield for the site,
  - (b) to provide exceptions to the minimum lot size to provide opportunities for housing diversity.
- (3) The consent authority must not grant development consent to development that results in more than 430 dwellings on land identified in this clause.
- (4) Despite clause 4.1, the consent authority may grant consent to the subdivision of land to create lots with less than the minimum lot size if:
  - (a) the land to be subdivided does not have its principal frontage to Ashford Avenue,
  - (b) the subdivision development application:
    - (i) proposed the creation of a minimum of four lots, and
    - (ii) includes a dwelling design for each lot, and

I the minimum lot size for a dwelling type as shown in Column 1 is not less than the minimum lot size as shown in Column 2.

Column 1	Column 2
Attached dwelling	145 square metres
Semi-detached dwelling	210 square metres
Detached dwelling	245 square metres

- (5) Despite clause 4.1A the consent authority must not grant consent to development for the purpose of a dual occupancy unless:
  - (a) the area of the lot is equal to or greater than 350 square metres, and

(b) the gross floor area of one of the dwellings does not exceed 75 square metres.

(6) Despite clause 4.1B, the consent authority must not grant consent to development for the purpose of multi dwelling housing unless:

(a) the area of the lot is equal to or greater than 450 square metres, and

(i) the total number of dwellings does not exceed three, and

(ii) the gross floor area of one of the dwellings does not exceed 75 square metres, or

(b) the area of the lot is equal to or greater than 1,000 square metres in all other cases.

#### Ecological and tree retention outcomes

A site-specific LEP objective is to be provided to maximise tree retention and conservation of Cumberland Plain Woodland.

## Amend Clause 4.1AA

Clause 4.1AA relates to the minimum subdivision lot size for community title schemes and includes an exemption for strata development. The PP proposes an amendment to this clause to include the R1 General Residential zone as follows.

Insert in sub-clause (2)(a) the word "and" after the comma and insert the follow text:

(b) Zone R1 General Residential.

## Site Specific Development Control Plan

It is recommended to include a clause in the LEP which requires the preparation of a site specific DCP prior to lodgement of any Development Application creating residential lots. Suggested / indicative wording provided as follows:

*Development consent must not be granted to development that creates residential lots on the land known as Lot 1 DP 101147 and Lot 105 DP 1268911 unless a development control plan that provides for the matters in subclause (XX) has been prepared for the land—*

*(XX) The development control plan must provide for the following—*

- a) *Vision; and*
- b) *Objectives; and*
- c) *Development controls including—*
  - i. *Key urban design principles and character; and*
  - ii. *Dwelling yield; and*
  - iii. *Minimum subdivision lot size and lot widths; and*
  - iv. *Specific controls for dwelling typologies including landscaping and private open space, building setbacks, parking; and*
  - v. *Amenity considerations such as overshadowing and solar access, visual and acoustic privacy and acoustic attenuation; and*
  - vi. *Site connectivity and circulation requirements including road and laneway widths, pedestrian and shared pathways, carparking and service access; and*
  - vii. *Stormwater management.*



## Canterbury Bankstown Development Control Plan 2023

A site-specific section to the Bankstown DCP will be prepared in collaboration with Council which seeks to support the amendment to CBLEP by providing the development concept plan and additional controls for the range of dwelling typologies envisaged to be delivered on the site.

## Voluntary Planning Agreement

Mirvac expects to enter into a Voluntary Planning Agreement (VPA) with Council as a mechanism for addressing affordable housing and to provide a range of public benefits outlined in Part 3, Section C of this document.

The Draft Voluntary Planning Agreement is currently being finalised for the second round of public exhibition (August 2023).

## Part 3: Justification

Part 3 sets out the justification for the PP against its strategic planning context as well as assessing the environmental, social and economic impacts of the proposal and the interests of the State Government.

In accordance with the guidelines, the level of justification is to be commensurate to the stage in the LEP making process. At this initial stage of the process, the potential impacts of the proposal must be identified sufficiently to provide the intent of the rezoning, with other matters being more fully resolved during the development application (DA) stage.

In this case, a significant body of urban design and technical investigation has been undertaken to confirm the principal intent of the rezoning at the front end and demonstrating the strategic merit of the proposal. Further assessment, if deemed necessary, is to be provided at the DA stage.

The guidelines contain a list of questions to consider when demonstrating the justification for a PP. Each of these questions are addressed below.

### Section A – Need for the planning proposal

#### *Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes. Council's Local Strategic Planning Statement (LSPS), Connective City 2036 is a planning blueprint to guide the future of Canterbury-Bankstown to 2036. The PP responds to the Connective City 2036 document through its contribution to the housing target and objective to provide a greater range of housing choice and diversity.

#### Connective City 2036

Connective City seeks to

*integrate a variety of transport modes with different land uses so that more people can connect to more places within the City and beyond. It will help to provide the City's ecological and river systems and create quality places for healthy living and ecological integrity.*

It identifies how Council will absorb the additional 135,000 residents and 44,000 workers likely to base themselves within the Canterbury Bankstown LGA. It forms part of a suite of new planning policies and development controls that are currently being prepared by Council.

Connective City seeks to support the creation of:

- » Multipurpose community infrastructure
- » Accessible streets
- » Blue and green web
- » Enriching urban, suburban and natural places
- » A resilient City.

#### Housing Strategy 2020

The vision for Council's recently adopted Housing Strategy is:

*Canterbury Bankstown will have housing that meets the needs of its growing and changing population. New housing development will provide a mix of housing types and sizes in a range of price points, Larger developments will provide affordable housing. New housing growth will be targeted to centres that can offer residents a high level of amenity and access to jobs, services and community facilities.*

The Housing Strategy also identified a number of Strategic Directions, including:

- » Deliver 50,000 new dwellings by 2036 subject to the NSW Government providing upfront infrastructure support
- » Stage the delivery of new dwellings to address complex renewal issues affecting Canterbury Bankstown
- » Focus at least 80% of new dwellings within walking distance of centres and places of high amenity
- » Ensure new housing in centres and suburban areas are compatible with the local character
- » Provide a choice of housing types, sizes, tenures and prices, to suite each stage of life
- » Design quality housing to maximise liveability and provide positive built form outcomes
- » Align the R2 Low Density and R3 Medium Density zones in the former Canterbury Local Government Area
- » Urgently review dual occupancies in the suburban neighbourhoods.

## Consistency with Strategies

This PP supports and gives effect to the objectives and vision of Connective City and the Housing Strategy by proposing to:

- » Redevelop and repurpose a significant land holding in the LGA that has become vacant with WSU relocation to the Bankstown CBD late 2022.
- » Provide opportunities for the construction of new housing to address significant ongoing demand in the foreseeable future.
- » Offer a range of housing types, sizes and forms to be constructed through the insertion of specific planning controls in the Canterbury Bankstown LEP and DCP.
- » Provide housing choice to cater for varying household occupancies levels and each life stage through a range of housing typologies, sizes and tenures.
- » Provide innovative and affordable housing products.
- » Locate the new housing within walking distance to existing local bus services.
- » Promote the '30 minute city', ensuring housing is provided in areas within 30 minutes to activity centres.
- » Ensure interface areas recognise the surrounding local character, scale and landscape.
- » Create areas of open space to cater for informal and formal recreation demand.
- » Establish and respect the existing hierarchy of retail centres through the provision of a neighbourhood centre.
- » Include a neighbourhood centre to address convenience shopping requirements from new residents, and existing residents and workers, whilst retaining the child care facility.
- » Protect, conserve and manage the existing remnant Cumberland Plain Woodland located in the north east portion of the site to be rezoned as C2 Environmental Conservation land is intended to be incorporated under a community title or strata titled scheme associated with E1 Local Centre enterprises. When the preferred property scheme is finalised, it will incorporate a levy to ensure that the ongoing funding and maintenance of the C2 Environmental Conservation Zone in perpetuity.
- » Create permeable street networks and cycle paths to enable movement in and through the new neighbourhood.
- » Provide landscaped streets whilst limiting impermeable areas (road carriageways) to help address urban heat island effects.
- » Not compete or conflict with the existing operations of the adjacent industrial and employment lands to the north and east of the site.

### *Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The current planning controls limit any redevelopment to educational purposes only. Considering the relocation of the WSU campus to the Bankstown CBD, the rezoning of the land is required to facilitate the desired future development of the site.

Detailed analysis has been undertaken of the type of housing required in Milperra, leading to the proposed mechanisms (including implementation of the R1 General Residential zone) required to enable the delivery of housing diversity and support infrastructure.

A combination of the selected land use zone, minimum subdivision lot size and building height controls, together with new local provisions will enable a range of dwelling typologies. Further, the framework will also ensure that the development density and scale is managed and delivered. The DCP will provide the concept masterplan and supporting objectives and guidelines for development.

## Section B – Relationships to Strategic Planning Framework

*Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

### Metropolis of Three Cities (Greater Sydney Region Plan)

Yes. The vision of *Metropolis of Three Cities* is for most residents to *live within 30 minutes of their jobs, education and health facilities, services and great places*. This PP will give effect to the Plan's vision and identified objectives, as is indicated below.

Table 7 Metropolis of Three Cities – Greater Sydney Region Plan

Objectives	Response
A city supported by infrastructure	
Objective 1: Infrastructure supports the three cities	Consistent.
Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	The site is well located adjacent to existing local bus services that will enable future residents to access centres and their associated jobs, health care and services within 30 minutes by public transport.  The site is also adjacent Milperra employment lands and in proximity to the Bankstown Airport employment hub.
Objective 3: Infrastructure adapts to meet future needs	
Objective 4: Infrastructure use is optimised	
A collaborative city	
Objective 5: Benefits of growth realised by collaboration of governments, community and business	Consistent.  This PP was prepared in collaboration with Canterbury Bankstown Council and has considered the results of the initial community engagement and discussions with stakeholders and servicing authorities. Further opportunity for consultation is provided under the Planning Proposal framework.
A city for people	
Objective 6: Services and infrastructure meet communities' changing needs	Consistent.
Objective 7: Communities are healthy, resilient and socially connected	The new residential neighbourhood will cater for all stages of life, with the provision of a new neighbourhood centre adjacent to the child-care facility. Key community focal points will include new open space and better integration with Council owned Milperra reserve.
Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	

Objectives	Response
Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	<p>A network of pedestrian and cycle paths will connect key destinations. All publicly accessible areas will be accessibility-friendly and will be assessed under the Crime Prevention Through Environmental Design principles to ensure their safe design.</p> <p>The new neighbourhood is also being designed to encourage a healthy lifestyle, with opportunities for walking and cycling, and exploring the remnant bushland in the north-eastern corner of the site.</p>
Housing the city	
Objective 10: Greater housing supply	Consistent.
Objective 11: Housing is more diverse and affordable	<p>This proposal seeks to provide a maximum of 430 dwellings and will assist in catering for the increasing market demand for housing in the LGA.</p> <p>Furthermore, the PP intends to provide housing choice through a variety of typologies, including freestanding dwellings, attached dwellings (terraces), semi-detached, and three storey attached dwellings.</p> <p>The range of typologies will assist in addressing the housing demand generated by the changing demographic</p> <p>The diversity in housing product will also assist in addressing affordability issues.</p>
A city of great places	
Objective 12: Great places that bring people together	Consistent.
Objective 13: Environmental heritage is identified, conserved and enhanced	<p>The Development Concept includes a number of different spaces and places for communal interaction and recreational use. These spaces, together with the walkable nature of the new neighbourhood, will encourage social gatherings bringing people together to form a cohesive community.</p> <p>Adjoining the sites is a locally listed heritage item, Ashford Avenue and Bullecourt Avenue. The proposal will not impact the heritage significance of this item.</p>
A well-connected city	
Objective 14: A <i>Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities	Consistent.
Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	The PP will provide additional housing next to a number of existing local bus services providing access to centres and rail services including Panania and the Bankstown CBD in line with the 30-minute city principle.
Objective 16: Freight and logistics network is competitive and efficient	Existing road and cycleway networks provide good connections between the site and employment, social services and open space.
Objective 17: Regional connectivity is enhanced	
Jobs and skills for the city	
Objective 18: Harbour CBD is stronger and more competitive	<p>Consistent.</p> <p>The PP will provide opportunities for job growth through the subdivision and construction of the new</p>



Objectives	Response
Objective 19: Greater Parramatta is stronger and better connected	residential neighbourhood. It will also offer some new opportunities for employment through the creation of the neighbourhood centre.
Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Sydney Parkland City	The site is adjacent to key employment precincts of Milperra immediately east of the site and the Bankstown Airport immediately north, providing opportunities for housing and facilities for those employed at the adjoining industrial areas.
Objective 21: Internationally competitive health, education, research and innovation precincts	
Objective 22: Investment and business activity in centres	
Objective 23: Industrial and urban services land is planned, retained and managed	
Objective 24: Economic sectors are targeted for success	
A city in its landscape	
Objective 25: The coast and waterways are protected and healthier	Consistent.
Objective 26: A cool and green parkland city on the South Creek corridor	The PP seeks to protect, conserve and manage the existing remnant woodland in the north-eastern corner of the site.
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The new residential neighbourhood will have tree lined streets to increase the urban tree canopy and will include parks throughout the neighbourhood to offer more landscaping and greening opportunities.
Objective 28: Scenic and cultural landscapes are protected	
Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	The location of proposed C2 and RE1 zones assists with protecting the remnant vegetation through restrictive land use tables.
Objective 30: Urban tree canopy cover is increased	
Objective 31: Public open space is accessible, protected and enhanced	
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	
An efficient city	
Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	Consistent.
Objective 34: Energy and water flows are captured, used and re-used	Mirvac addresses sustainability through the Planet Positive action plan. This includes commitments and strategy to achieve net positive carbon by 2030, and zero waste to landfill in the same timeframe.
Objective 35: More waste is re-used and recycled to support the development of a circular economy	Planet Positive: Waste and Materials, is Mirvac's action plan for zero waste by 2030. Mirvac recognises that to have a meaningful impact it is necessary to consider the lifecycle of all materials and products used through the development, delivery and operation phases of development. This means a move from a linear model that focuses on the waste diverted from landfill at construction sites and operating assets, to a more circular model, which taps into the key choices that can be made to avoid, reduce, reuse and recycle, as well as regenerate to reduce harm from materials extraction.
A resilient city	

Objectives	Response
<p>Objective 36: People and places adapt to climate change and future shocks and stresses</p> <p>Objective 37: Exposure to natural and urban hazards is reduced</p> <p>Objective 38: Heatwaves and extreme heat are managed</p>	<p>Consistent.</p> <p>Urban Heat and cooling for the proposed community is being managed by the following:</p> <ul style="list-style-type: none"> <li>» Incorporating landscaping bays within road carriageways (refer to Green Street road typology in enclosed Urban Context report by Urbis).</li> <li>» Retention of almost 2 ha of significant vegetation at north east corner of the site containing substantial canopy and cooling is being retained and zoned C2 Environmental Conservation</li> <li>» Over 1.44 ha of the site is to be dedicated as RE1 Public Recreation (in addition to the vegetated area to the north east corner mentioned above). These areas will be embellished with trees, natural grasses and other landscaping elements that will reduce the impact of heat island effect.</li> <li>» Mature 540 street trees are to be provided throughout the development to ensure greater shade canopy cover for cooling.</li> </ul> <p>All homes are to be developed and built by Mirvac with a commitment to: -</p> <ul style="list-style-type: none"> <li>» Utilise a variety of metal light reflective roofs to ensure heat reflection rather than absorption improving heat impacts.</li> <li>» Include tree planting/s and landscaping at front and rear of house</li> <li>» Where possible, line hard surfaces/cycleways with tree cover.</li> <li>» The use of water sensitive urban design (WSUD) to slow the water movement through the urban landscape allowing the vegetation around homes to cool more effectively.</li> </ul>
Implementation	
<p>Objective 39: A collaborative approach to city planning</p> <p>Objective 40: Plans refined by monitoring and reporting</p>	<p>Consistent.</p>

## South District Plan

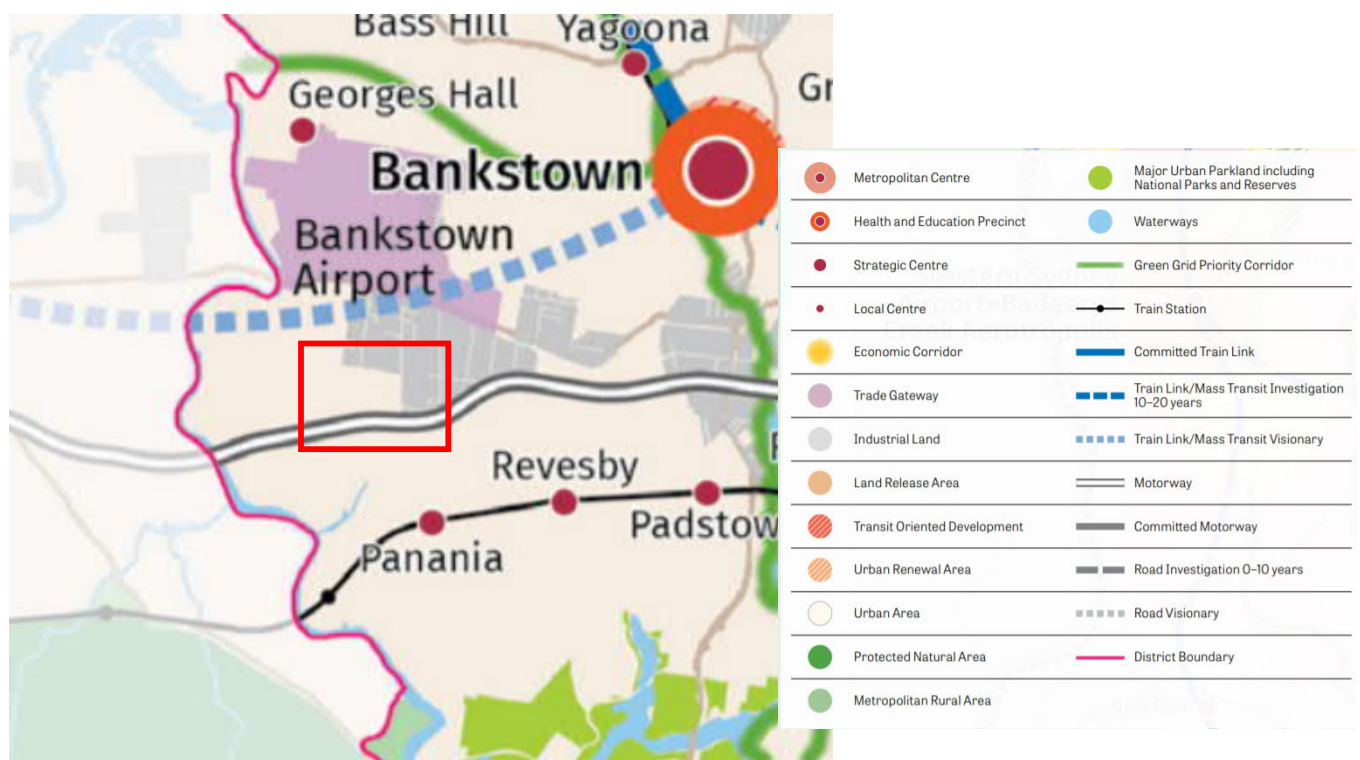
The South District Plan (District Plan) identifies the site as being 'Urban Land', that adjoins 'Industrial Land', (refer to Figure 22), which gives effect to *A Metropolis of Three Cities* the Greater Sydney Region Plan.

The District Plan provides Planning Priorities that have been addressed throughout the preparation and refinement of the PP. The precinct layout consists of distinct character areas; with detached homes along Ashford Avenue to a diverse range of low-rise housing supported by a small commercial activity hub.

The District Plan identifies the emerging Bankstown 'Health and Education Precinct' and that housing and choice for moderate-income households, students and health visitors are important to support the growth of the precinct.

The location of the site and its connection with the emerging Precinct provides an essential opportunity to deliver diverse housing typologies to support such growth.

Figure 22 Excerpt from South District Plan



The PP considers that the proposal has strategic merit summarised in the following table:

Table 8 South District Plan Planning Priorities

Planning Priorities	Comment
S1: Planning for a city supported by infrastructure	Future residents will have access to numerous bus services, with access to a number of centres and rail stations including Revesby, Panania, Liverpool and Bankstown CBD. The existing street network has been assessed to have capacity to support the projected car movements in peak periods. Given the current use of the site as a university campus, the proposed development would be utilising existing road access points and some utility infrastructure.

Planning Priorities	Comment
S2: Working through collaboration	This PP has been developed through an iterative process involving Council officers, stakeholder consultation, community feedback and WSU.
S3: Providing services and social infrastructure to meet people's changing needs	The PP seeks to provide community facilities that will cater for the new and existing community, including embellished local parks and retail or flexible multipurpose floorspace within the proposed neighbourhood centre (subject to demand analysis at the DA stage). These facilities will evolve to meet the changing needs of the community over time. (Refer Social Impact and Community Needs Assessment Appendix H)
S4: Fostering healthy, creative, culturally rich and socially connected communities	<p>The development includes a range of destinations and meeting places including the proposed open spaces at the northern central and southern section of the proposed neighbourhood and a small neighbourhood centre adjacent to significant stand of vegetation.</p> <p>Under the current proposal, all future residents will be within 250m of proposed local open space.</p> <p>The provision of shared cycle and pedestrian paths to the proposed destinations promote social inclusiveness and passive recreation.</p>
S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>One of the objectives of this PP is to increase housing supply in Milperra and to ensure this housing is diverse in size, style and mix that caters to the needs of all segments of the housing market.</p> <p>This application represents in-fill housing in a suburban setting. The proposal contributes 0.9% towards Council's total housing targets to 2036 and 4.4% of new dwellings in suburban areas.</p> <p>This enables families to have a greater choice about where they'd like to live, grow, raise a family and retire.</p> <p>The additional dwellings resulting from the rezoning will also assist Council in meeting their housing targets as stipulated in their LSPS.</p> <p>Further, the South District Plan identifies the Bankstown-Lidcombe emerging health and education precinct. The plan identified the need to simultaneously provide "housing and choice for moderate-income households, students and health visitors" the location and connection to the former campus site provides an essential opportunity to deliver these diverse housing typologies to support such growth.</p> <p>Further assessment is to be undertaken prior to exhibition regarding the provision of affordable housing. Council have confirmed that a monetary contribution is preferred means of facilitating future opportunities for affordable housing, primarily in areas of demand such as town centres. A letter of offer including an affordable housing monetary contribution</p>

Planning Priorities	Comment
	is being considered by Council staff at the time of reporting.
S6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>The Development Concept offers many opportunities to bring the community together, including a variety of open spaces and neighbourhood centre.</p> <p>Further, the site is adjacent to a locally listed heritage item, Bullecourt Avenue and Ashford Avenue. The proposed works will not interfere with the heritage listing and will preserve the historic street pattern and network.</p>
S7: Growing and investing in the ANSTO research and innovation precinct	Not applicable to this proposal
S8: Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District	<p>This PP seeks to rezone the site of the WSU Milperra campus. WSU is relocating this campus to their new Bankstown CBD campus. As such, the site is to undergo repurposing after WSU courses and services are relocated during 2023.</p> <p>The rezoning of the site to that of residential and neighbourhood centre, together with an area of private recreation in the north-eastern corner, will facilitate orderly development and economic use of a large infill land parcel.</p>
S9: Growing investment, business opportunities and jobs in strategic centres	<p>This PP intends to create a neighbourhood centre within the site to cater for small scale retail/businesses uses for the use of new and nearby residents</p> <p>The establishment of additional housing adjoining the existing industrial area, and close to the Bankstown Airport, will provide well located housing opportunities for key workers in these areas.</p>
S10: Retaining and managing industrial and urban services land	This PP will not change the existing extent of industrial land. The proposed residential community will not impact upon the operation of existing industry in the locality
S11: Supporting growth of targeted industry sectors	This Priority does not apply to the current PP.
S12: Delivering integrated land use and transport planning and a 30-minute city	The PP seeks to provide housing near to existing employment sources (surrounding industrial area and Bankstown Airport). Local bus services provide future residents access activity centres and rail services including Revesby, Panania, Liverpool and Bankstown CBD all within 30 minutes. (refer Appendix F Milperra WSU Masterplan Transport Assessment).
S13: Protecting and improving the health and enjoyment of the District's waterways	The PP is accompanied by a Stormwater Concept Plan (Appendix G). Adopting the principles of WSUD, the report includes a stormwater strategy for the proposed site that includes the provision of basins to attenuate stormwater flow and reduce the pollutant runoff from the site to standards set by the Botany Bay & Catchment Water Quality Improvement Plan.



Planning Priorities	Comment
S14: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas	The PP proposes to rezone the north-eastern corner of the site to C2 Environmental Conservation to maintain, conserve and protect the existing remnant Cumberland Plain Woodland, a threatened EEC. The assessment of the site has been included in the Ecological Assessment.
S15: Increasing urban tree canopy cover and delivering Green Grid connections	<p>The aim is to retain trees where possible noting that the ability to retain trees is influenced by final road design, accessibility, gradients across private and public domain, servicing and infrastructure layout, unknown subsurface profiles and any geotechnical issues. The enclosed Arboricultural report includes an assessment of tree retention. In total over 89% of trees within the campus are being retained. Importantly, over 99% of the highest order ecologically significant vegetation is being retained. (Refer to Ecological Assessment).</p> <p>New trees will be planted within verges along the proposed local street network, at a rate of at least one tree per dwelling frontage. Additional trees along secondary property boundaries e.g. corner lots and within proposed open spaces is also proposed. Based on the current projected lot yield approximately 540 trees are proposed to be planted.</p> <p>The Development Concept includes three local parks and environmental management area to extend the existing Green Grid and to ensure permeable connections can be made and maintained.</p>
S16: Delivering high quality open space	The proposed public open space will be accessible, protected and contain high quality features and facilities. The open space zoned RE1 will be embellished and dedicated to Council under a proposed VPA.
S17: Reducing carbon emissions and managing energy, water and waste efficiently	Infrastructure provision will ensure effective use and reuse of water, energy and waste. Refer response to Efficient City, above.
S18: Adapting to the impacts of urban and natural hazards and climate change	<p>Bushfire protection, protection of existing native vegetation and planting of new landscaping within public areas will provide some protection against the impacts of climate change.</p> <p>Minimising urban heat island effect via canopy cover and limiting impermeable surfaces e.g. unnecessarily wide road widths are a key component to the draft masterplan developed throughout the PP process to date.</p> <p>Flood assessment by J Wyndham Prince details that the site can be developed with no impact on flood behaviour. Further, the proposed civil design ensures evacuation in the event of an extreme flooding event.</p> <p>As noted above, Mirvac as an entity is committed to net positive carbon by 2030.</p>

Planning Priorities	Comment
S19: Preparing local strategic planning statements informed by local strategic planning	Not relevant to this PP.
S20: Monitoring and reporting on the delivery of the plan	Not relevant to this PP.

#### *Q4. Will the planning proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?*

This PP aims to give effect to outcomes from Council's Local Strategic Planning Statement (LSPS), Connective City 2036 and supports the Strategic Directions of its Housing Strategy.

#### Connective City 2036 (Local Strategic Planning Statement)

Connective City 2036 is Canterbury Bankstown Council's Local Strategic Planning Statement (LSPS). It has set a target to provide 50,000 additional dwellings in the LGA in the next 20 years. One of the Strategies objectives is to locate a large proportion of new housing within hubs and strategic centres, while 10,000 dwellings will need to be provided outside of these centres via infill development. Maximising the opportunities that are provided by large infill sites such as WSU will be key to achieving the housing target.

The relevant housing objective of Council's LSPS 'Connective City 2036' is to locate 80% of new dwellings within walking distance of existing centres, with the remaining 20% of new dwellings in suburban areas.

This application represents in-fill housing in a suburban setting. The proposal contributes 0.9% towards Council's total housing targets to 2036 and 4.4% of new dwellings in suburban areas.





This PP is consistent with the Evolutions identified in the LSPS as detailed in the PP and summarised as follows:

- Undertaking early engagement with the local community and Council professionals.
- Designing a local street network that facilitates permeable movement through the new neighbourhood.
- Providing opportunities for employment through the creation of a neighbourhood centre.
- Enhancing the existing Green Web through the retention of the remnant vegetation in the norther-eastern corner and the provision of parks throughout the new neighbourhood.
- Providing additional housing to meet demand Creating opportunities for community interaction through the creation of public open spaces.
- Ensuring design quality in buildings and spaces through the preparation of the site-specific DCP.

Table 9 Connective City 2036: 10 Evolutions

Evolution	Comment
Evolution 1: Coordination, Community, Collaboration and Context	<p>This PP has considered the strategic planning policy framework established by both the NSW State Government and Council to ensure a suitable, sustainable and complementary residential neighbourhood is developed at the site. The PP considers the site's context, land uses, street and pedestrian networks and native vegetation.</p> <p>In developing the proposed Development Concept, Mirvac and Elton have undertaken preliminary consultation with the community to understand any concerns and ideas.</p>

Evolution	Comment
	<p>The PP provides both accommodation and employment opportunities for the local community, ensuring local jobs and life-cycle housing.</p>
<p>Evolution 2: Movement for Commerce and Place</p>	<p>Internal local streets are proposed to facilitate access to and throughout the new development. These streets will enable residents to use their private vehicles, ride their bicycles, walk along the pedestrian pathways and access the local bus services.</p> <p>The proposed residential neighbourhood has been designed to be permeable and walkable encouraging healthy living, social opportunities and safety.</p>
<p>Evolution 3: Places for Commerce and Jobs</p>	<p>The future residents will be able to access employment opportunities at the industrial estates that adjoin the site and a number of centres and rail stations located within 30 minutes by public transport.</p> <p>The City is seeking to increase its employment numbers by 41,000 jobs by 2036. The construction of the new dwellings will provide some opportunities for employment, initially through the construction of the buildings and then through their maintenance. Furthermore, the proposed neighbourhood centre also provides ongoing opportunities for employment.</p>
<p>Evolution 4: Blue Web</p>	<p>The focus of this priority is on ensuring the river systems remain clean, healthy and living.</p> <p>This PP is not situated along any river system and should be impact on their health. Water quality measures are set out in the attached stormwater drainage plan.</p>
<p>Evolution 5: Green Web</p>	<p>An excerpt from this Evolution showing the site and how it fits in with Council's identified Green Web is shown below.</p> <p>The PP intends to rezone the land containing the remnant woodland as C2 Environmental Conservation to protect, conserve and manage the vegetation.</p> <p>With regards to extending Council's Green Web, the Development Concept proposes to include a number of areas of open space to enable and encourage passive and active recreational uses.</p> <p>An Ecological and Arboricultural report has been completed. A range of recommendations will be implemented during the PP and Development Application process in accordance with biodiversity legislation.</p>

Evolution	Comment
<p>Councils Green Web</p> 	
<p>Evolution 6: Urban and Suburban Places, Housing the City</p>	<p>Council has set a target of an additional 50,000 new homes to 2036, matching the aspirations of the South District Plan. The aim is for diverse, accessible and affordable housing, greater housing choice close to public transport.</p> <p>This PP helps Council meet their ambitious additional dwelling target of 10,000 dwellings outside of existing centres. The site is serviced by local bus services and will facilitate the development of a large range of housing types and mix, encouraging the development of life-cycle housing i.e. housing that enables families to have a greater choice about where they would plan to live, grow, raise a family and retire.</p>
<p>Housing in the City</p> 	
<p>Evolution 7: Cultural Places and Spaces</p>	<p>The PP includes the creation of a pocket park, together with two substantial areas of open space.</p>

Evolution	Comment
	These areas will be embellished and dedicated to Council. Further, the vegetated area adjacent to Bullecourt Ave and Horsley Road will be maintained and protected.
Evolution 8: Design Quality	<p>The Development Concept includes the opportunity to construct a range of housing sizes, type and mix to offer home-owners a greater choice in housing form. The flexibility being sought in the R1 General Residential land use and CBLEP clause amendments will facilitate this range in housing types.</p> <p>Due to the proponent containing in house design team, all homes will be delivered in an integrated fashion, mindful of streetscape, amenity and design integrity from the outset.</p> <p>The proposal also includes the creation of parks, convenience services and pedestrian/cycleway linkages.</p>
Evolution 9: Sustainability and Resilience	<p>The proposed residential neighbourhood and commercial premises will be designed to reduce water, energy and water use by implementing efficient services and innovative technological solutions.</p> <p>Trees will be planted along the proposed local street network and within open space areas to provide tree canopy coverage. And all future developments will be required to meet BASIX requirements and Mirvac's targets in terms of sustainable housing.</p>
Evolution 10: Governance and Funding	The Applicant expects to work with Council to agree on the terms and conditions of a Voluntary Planning Agreement to ensure the provisions of adequate and appropriate infrastructure is provided.

## Canterbury Bankstown Housing Strategy 2020

Council's Housing Strategy intends to provide an overarching, city wide framework that guides the provision of housing across the LGA. The Housing Strategy sets eight strategic directions underpinning residential land use planning for the next 15-20 years. The PP will address Directions 5 and 8.

The Housing Strategy recognises that under the current housing supply figures within the LGA, the ability to provide for adequate housing under the current planning scheme is unlikely. Therefore, a key driver for the strategy is to plan for the significant forecasted population growth, which translates to the need for an additional 50,000 dwellings by the year 2036 (subject to the provision of certain State Government infrastructure).

A key driver for the strategy is to plan for the significant forecasted population growth, which translates to the need for an additional 50,000 dwellings by the year 2036 (subject to the provision of certain State Government infrastructure). Of these dwellings, 10,000 are proposed to be accommodated in the existing urban areas outside centres.

A major restraint to housing supply in existing residential areas is Council's decision to prohibit multi dwelling housing on land zoned R2 Low Density Residential. This will compromise *Strategic Direction 5; Provide a choice of housing types, sizes, tenures and prices to suit each stage of life*. Consequently, further pressure is placed on the capacity for land zoned R3 Medium Density Residential to provide for medium density housing.



These changes, coupled with the targets articulated in the Housing Strategy place greater emphasis on large infill sites that are currently underutilised or undeveloped. These sites provide an unparalleled opportunity for Council to meet both housing targets and diversity in housing types. The development outcomes that can be achieved on these sites will ensure the various home buyers (including downsizers, first home buyers, single and couple only households) within the market have housing options available to them, satisfying Strategic Direction No.5.

*Strategic Direction 8 Urgently Review Dual occupancies in the suburban neighbourhoods*

Dual occupancy development is permissible in the current R2 Low Density Residential zones. However, it is typically reactive in terms of a mechanism to deliver diversity. Dual occupancy is often randomly located based on lot frontage width. The uncertainty for existing residents and neighbours can create tension within neighbourhoods and impacts upon amenity. It is for this reason that the Housing Strategy is recommending a review into how dual occupancy planning controls could better respond to its immediate environment.

The PP for the WSU site overcomes the issues typically associated with traditional low-rise housing, including attached dwellings and dual occupancy, in that it includes a Development Concept Plan to provide structure and certainty for both the existing residents in Milperra and the incoming population. Each dwelling is sited and designed to ensure solar access, views, visual and acoustic privacy are considered; this is a major advantage of a master planned infill site.

Section 6.5 of the Housing Strategy sets out recommendations for the application of planning controls, including the potential introduction of the R1 General Residential zone within the Canterbury Bankstown LEP.

This land use zone has been applied to several areas across Sydney which seek to provide some planning flexibility and housing diversity. The WSU site provides a canvas for the application of this zone in the LGA order to address the significant shortfall for medium density housing types, the scale of which can be controlled via supporting provisions relating to building height, landscape ratios and dwelling cap.

The objectives of the R1 land use zone closely align with the Housing Strategy's direction to increase housing variety, better catering for the needs of the community.

## Western Sydney University Site

The Housing Strategy states that *"The Western Sydney University site at Milperra provides the opportunity for sustainable community uses, public open space and new educational uses. Future master planning and community engagement will inform the area's future"*.

The advantages of rezoning the WSU site to contribute to housing targets are substantial, allowing for detailed master planning to ensure all new residents have access to open space, shared pedestrian/cycleways and other community infrastructure. The PP will facilitate the integration of a range of land uses to support the new and existing communities including small-scale convenience retail or café/restaurants and shared office work-space as potential examples.

Developing the site as a single entity also ensures a coordinated approach for the delivery of utility and social infrastructure. The housing styles, streetscape and integration with adjoining land uses are all able to be considered comprehensively as part of the strategic planning process.

However, the recommendation that master plans should test the provision of 15% contribution rate is not supported as this target well exceeds the range stipulated by the GSC under its Affordable Rental Housing Target Information Note 4 and adopted District Plans. Mirvac is working with Council to address affordable housing through a contribution under a Voluntary Planning Agreement.

Table 10 Principles for housing delivery

Principle	Comment
Land use zoning needs to allow for the delivery of new dwellings in the City to meet housing demand	The rezoning facilitates the delivery of additional housing to meet population growth and housing demand in out of centre locations.



Principle	Comment
	<p>The PP seeks to introduce the R1 General Residential land use zone into the LGA, enabling flexibility to deliver a diverse range of low rise housing typologies.</p> <p>The PP seeks to provide in-fill housing in a suburban setting. The proposal contributes 0.9% towards Council's total housing targets to 2036 and 4.4% of new dwellings in suburban areas.</p>
<p>New housing is best located within walking distance of centres, open space and places of high amenity</p>	<p>The Development Concept proposes to include a number of different areas of open space, retention of a significant stand of vegetation and better integration to the Council owned Milperra reserve. Under the current proposal, all proposed dwellings will be within 250m of proposed local open space.</p> <p>The proposal also includes a small commercial centre (B1 zone) that can support local scale convenience uses such as shops, cafes, restaurants and possible shared office space (subject to demand analysis) to service the existing and future population. Public benefits and public infrastructure required to support the proposal will be delivered in a Planning Agreement to be further negotiated between Council.</p> <p>Bus services to a number of local and regional centres from Bullecourt and Horsley Avenue will remain.</p>
<p>New housing will need to provide a variety of dwelling types, sizes and price points to meet the needs of a diverse and aging population</p>	<p>The proposal seeks to deliver a master planned community consisting of a diverse mix of housing types inclusive of sustainability initiatives and community driven outcomes. The proposed planning framework will facilitate a mix of low-rise housing on the site including:</p> <ul style="list-style-type: none"> <li>&gt; Semi-detached</li> <li>&gt; Attached</li> <li>&gt; Dual occupancy Detached</li> <li>&gt; Multi-dwelling housing</li> <li>&gt; Freestanding dwellings</li> </ul> <p>Demographic analysis suggests there is a mis-match between the homes required for the local community compared to those being delivered to the market.</p> <p>Councils planning framework is likely to further funnel development types into three main housing forms for infill development, being secondary dwellings, dual occupancies and apartments. The R1 land use zone best provides the necessary flexibility to deliver much needed housing diversity for emerging communities. The proposed range of dwelling-types will provide diversity in housing product (current masterplan consists of dwellings that contain two through to five bedroom dwellings), with a range of sizes and spread</p>

Principle	Comment
	<p>of price points that are not currently delivered in Milperra and adjoining suburbs.</p> <p>The proposed R1 zone and accompanying planning controls addresses the need for a diverse range of housing at different price points that will cater to broad segments of the housing market including first home buyers, emerging households units and those ageing in place. The R1 zone applied to a large master planned site provides a unique opportunity for this LGA to fulfil the key objectives of their housing strategy via integrated multi lot development applications where key elements such as streetscape, solar access, view lines etc can be assessed holistically.</p> <p>Although the proposed dwelling density is commensurate to an R2 zone, this zone was not considered to provide an adequate framework to fulfill the objective of housing diversity. In terms of the R3 land use zone, Council has generally applied the R3 zone within the former Bankstown LGA as a transition zone between local or regional centres although examples of R3 in standalone locations can also be found. Further, under an R3 zone, several exceptions to development standards would need to be applied to accommodate the proposed housing variety and therefore the land use zone isn't considered to be best fit in this instance.</p>
<p>The location and design of new housing must be compatible with the existing or desired future character of centres and neighbourhoods, with thresholds for design quality</p>	<p>The proposal seeks to provide a sensitive interface with the existing residential neighbourhood to the west of the site. This is to be achieved via a minimum lot size of 300sqm and lot width of 10m and the prohibition of attached/semi-detached housing along this interface. The design of the housing and of the open spaces will be of a high design quality and master planned form the initial stages ensuring streetscape, connectivity and amenity are considered upfront and holistically.</p> <p>The proposed density over the site of 19 dwellings/ha and is categorised as low density and 'low-rise housing' according to the State Government's A Housing Strategy for N-W - Discussion Paper (2020), Draft Medium Density Design Guide (2016) and the Low Rise Medium Density Housing Code Independent Review Report (2019) identifies low density development being for up to 20 dwellings/ha.</p> <p>The low scale and density of the proposal is reinforced through limiting heights across the majority of the site to two storeys (or 9m), and with a maximum of three storeys applying to an area of 1.4% of the site located along the Bullecourt Avenue frontage aimed at visually screening the industrial development to the north.</p>

Principle	Comment
Design led and place-based plans are to prioritise good design outcomes in accordance with a centres hierarchy and place characteristics	The proposed new neighbourhood centre will not compete with or challenge the existing established centres hierarchy. The new neighbourhood centre will provide for convenience, while more regular shopping, will be undertaken within the LGA's existing centres. The Centres demand analysis by Urbis did not recommend the creation of a larger scale 'Local Centre' such as Revesby and Panania, however there is scope for small scale café/restaurant and convenience retail.
Housing and population growth needs to align with existing and future infrastructure capacity	<p>The site will continue to be serviced by existing bus routes located on the perimeter roads of Bullecourt Avenue and Horsley Road.</p> <p>The assessment and analysis of existing infrastructure capacity has been undertaken as part of the technical studies accompanying this PP.</p> <p>The existing infrastructure has sufficient capacity to support the new development. Additional discussions are still required with relevant agencies to determine the extent of any augmentation or amplification of existing infrastructure.</p>
More affordable housing is necessary to support the community and reduce housing stress	<p>Diverse housing products are to be delivered across a range of price points. Mirvac draws upon its vast experience and integrated nature of an in-house design, sustainability, development and construction teams which are able to quickly adapt and provide the housing types required by the various segments of the community including young families, downsizers and first home buyers.</p> <p>Further, in consultation with Council, WSU/Mirvac have offered a monetary contribution towards affordable housing. This allows Council flexibility in selecting the areas of highest demand for such housing types.</p>
The transition of Bankstown to a contemporary CBD will increase the diversity of housing in the City	Noted.
The transition of Campsie to a lifestyle precinct will improve the housing, entertainment and leisure opportunities available to residents	Noted.
The suburban neighbourhoods are important to the character of the City and provide low density housing to meet the needs to growing families and larger households	<p>This PP intends to provide a range of lot sizes and low-rise housing types.</p> <p>The site will maintain a consistent character along the interface with existing residential properties along Ashford Avenue while the remainder of the development will leverage from multiple areas of open space and socially inclusive destinations such as the proposed commercial zone in establishing its own character. As stated in Council's assessment report, the overall site density is commensurate with a low</p>

Principle	Comment
	<p>density zone (19 dw/ha), a density maintained and measurable due to the proposed dwelling cap of 430.</p> <p>In order to ensure future density and character is in line with the PP 95% of dwelling will be up to two storeys in height. while the dwelling cap ensures. Due to the application of the R1 General Residential Zone, the proposal will not set a precedent for the existing residential areas which are either zoned R2 Low Density Residential, R3 Medium Density Residential or R4 High Density Residential.</p> <p>The proposed development will create its own character with sensitive interfaces to existing residents. This will allow for integrated and master-planned approach to providing housing without the impacts of ad-hoc development proposals interrupting local character</p>

A summary of how the proposal supports these principles is provided as follows:

- Proposes a new residential land use zone that will enable flexibility in housing size, type and design while being limited by building height, a dwelling maximum and minimum lot size controls depending on housing type.
- Delivers a master planned site that contributes to the 'infill' housing target of 10,000 dwellings.
- Provides areas of high amenity through the creation of connected public spaces
- Recognises the emerging needs of the community by providing a variety of dwelling types, sizes and price points to meet the needs of the diverse population within the LGA, including changing family structures, sole occupancy housing and the ageing population.
- Provides additional housing within a consolidated site, allowing many existing areas to maintain character
- Ensures a good quality neighbourhood is created through the site-specific DCP controls.
- Via the dwelling cap, allows for the predictable effect to of development externalities e.g. traffic generation.
- Adjoins and supports the Milperra village centre.
- Future residents have access to existing local bus services along Ashford Avenue and Bullecourt Avenue, providing services to activity centres (which include jobs, healthcare, and other social services) and rail stations in accords with State Government's '30-minute city' principle.

## Affordable Housing Strategy

The Affordable Housing Strategy was adopted by Council in June 2020. It recommends a 5% affordable housing contribution for planning proposals resulting in uplift and that variations to this requirement should be considered depending on the circumstances. The Affordable Housing Strategy supports the delivery of housing within centres and close to transport and services.

The Affordable Housing Strategy states that Canterbury Bankstown have 18.6% (ABS Census 2016) households earning in the lowest 40% and paying rent or housing repayments greater than 30% of their household income. This is higher than the Greater Sydney average of 11.8%. Housing stress is less susceptible in areas of high ownership as this correlates with higher income areas. Earlwood, Clemton Park, Padstow, Revesby, Panania, East Hills and Milperra are the areas least susceptible to housing stress.

Housing affordability is a significant problem in Canterbury Bankstown as approximately 49% of households in the LGA earn below 50% of Greater Sydney's median income and are considered to have a very low-income. The smallest proportion of the rental market is available to very low-income households. This demonstrates the need for increasing housing stock at affordable price points for very low and low-income households.

A summary of how the PP aligns with the guiding principles of the Affordable Housing Strategy is summarised in the following table: (Table 11).

Table 11 Affordable Housing Guiding Principles

Principle	Comment
Increase the supply of affordable housing in Canterbury Bankstown	<p>This PP seeks to assist in increasing the supply of housing generally in the LGA. Diverse housing product will provide a variation in price points providing housing options for various segments of the community including young families, downsizers and first home buyers.</p> <p>Further, in consultation with Council, WSU/Mirvac have offered a monetary contribution of \$5.3M (based on a yield of 430 dwellings) towards affordable housing allowing flexibility in where they are provided.</p>
Locate affordable housing near established centre to allow residents better access to transport, jobs and services	<p>The site adjoins the Milperra village centre and also proposes local retail and business premises alongside the existing child care centre.</p> <p>There are existing local bus services along Ashford Avenue and Bullecourt Avenue which provide access to activity centres (which include jobs, healthcare, and services) and rail stations in accords with State Government's '30 minute city' principle.</p>
Focus on alleviating housing stress for very low and low income households and key workers	Noted.
Establish clear process for the delivery and dedication of affordable housing dwellings	In consultation with Council, WSU/Mirvac have offered a monetary contribution (\$5.3M based on 430 dwelling yield) towards affordable housing allowing flexibility in where they are provided.
Establish an internal framework for the management of affordable housing dwellings	Council have confirmed the preference for a monetary contribution.

Mirvac is committed to continue to work with Council during the consideration of the latest monetary contribution offer addressing the objectives of the Affordable Housing Policy within the draft VPA.

## Canterbury-Bankstown Employment Lands Strategy

The Employment Lands Strategy forms part of Canterbury Bankstown's strategic planning framework, underpinned by the Canterbury Bankstown Local Strategic Planning Statement, Connective City 2036 (LSPS).

These Strategy provide the evidence base and direction to implement the employment priorities and actions established in Connective City 2036.

The Milperra precinct contains IN1- General Industrial and IN2-Light Industrial zoning (Figure 23) and is approximately 2,902,140m<sup>2</sup> in size. The precinct is bounded to the south by the M5 motorway which provides connection to Port Botany. Milperra is part of the Bankstown and Bankstown Airport Collaboration Area (currently



underway). The Milperra precinct is largely an industrial area with a major general aviation airport, identified as a trade gateway.

Milperra will be 'retained and managed' as industrial land and strengthened by continuing to leverage new planning controls to enhance amenity, whilst the precinct will grow in supporting the aviation role of Bankstown Airport, and as a logistics, advanced manufacturing and industrial precinct.

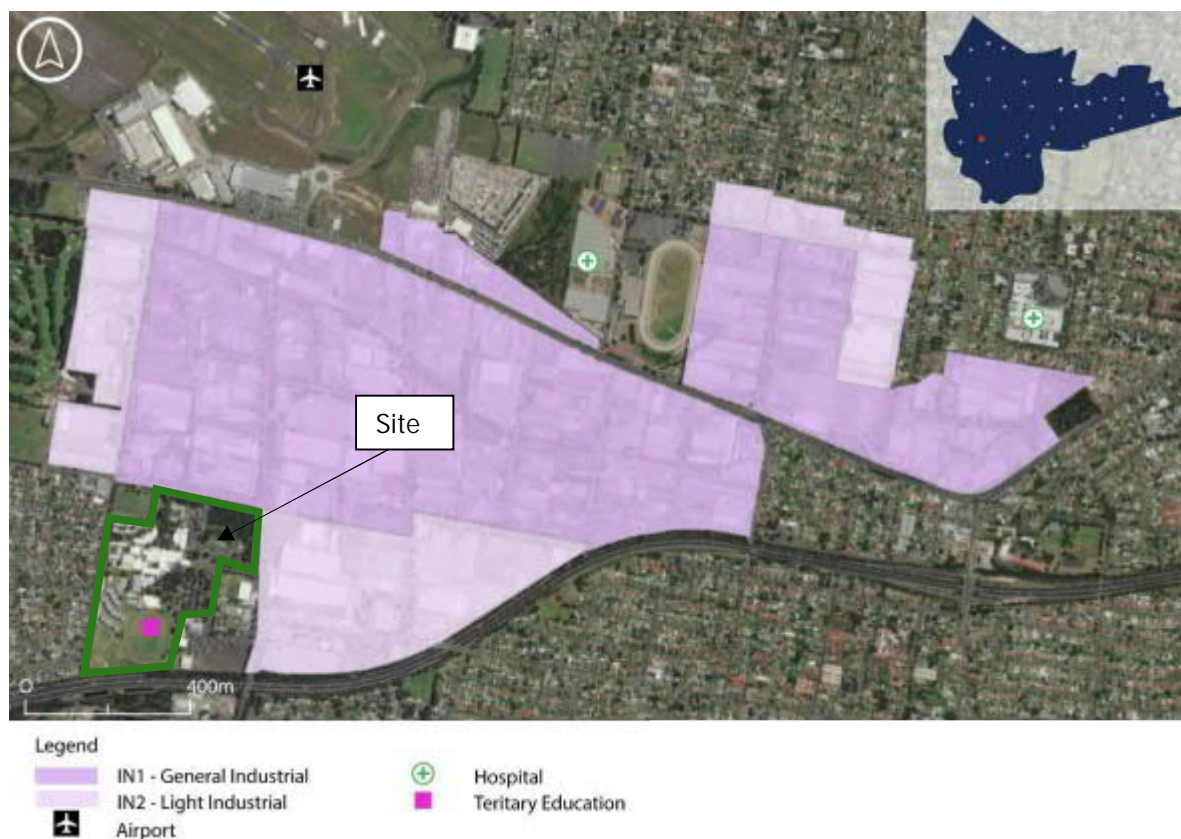
The proposal will provide for a mix of housing to increase choice for workers in the surrounding employment lands.

A neighbourhood centre is proposed in the north-eastern corner of the site and will enable the development of locality serving commercial uses; potentially including a café, retail premises shared office space adjoining the child-care centre. Due to its modest scale, the neighbourhood centre will not compete against nearby commercial uses or higher order centres. It will also provide the day to day services for not only future residents, but also the employees of the adjacent industrial land.

Furthermore, the proposed residential development will not result in land use conflicts with existing industrial land to the north and east of the site where:

- There is limited direct interface with industrial land through appropriate siting of land uses and open space
- Adequate spatial separation is provided for the proposed residential properties to the north, including the width of Bullecourt Avenue and the proposed public open space and landscaping adjacent
- Adequate spatial separation is provided for the proposed residential development to the east of the site afforded by Horsley Road and the existing school
- It is anticipated that the appropriate acoustic treatment and design mitigation measures to new developments would be provided at the DA stage to mitigate impacts from the operations of the industrial land and surrounding road network including the M5 Motorway.

Figure 23 Milperra employment lands





### 3.13.1 Strategic Merit Summary

As indicated in the previous sub-chapters, the PP provides strategic merit as it will:

- Provide new housing, housing choice and diversity that contributes to Council's LSPS objectives and targets
- Provide housing choice to cater for varying household occupancy levels and each life stage through a range of housing typologies, sizes and tenures and meets the objectives of the Housing Strategy.
- Through a flexible planning approach, deliver low rise built form that is compatible with the adjoining residential, educational and industrial zonings.
- Provide destinations that foster social inclusivity, being local parks and a neighbourhood centre.
- Provide certainty and measurable externality impacts (eg traffic) via the implementation of a dwelling yield maximum.
- Contribute to the jobs growth target in the LSPS and South District Plan.
- Provide approximately 1,200 new residents within the Bankstown Airport and Bankstown CBD Collaboration Area proximate to employment opportunities.
- Not result in land use conflicts with existing industrial land to the north and east of the site and achieves the 'retain and manage' priority for employment lands pursuant to the District Plan.

#### *Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Yes. The table below addresses the relevant State Environmental Planning Policies (SEPPs) and the PP's compliance with them.

Table 12 Applicable State Environmental Planning Policies

SEPP	Assessment
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>	
Protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.	Consistent  The PP proposes to apply the C2 Environmental Conservation land use zone to the north-eastern corner of the site to protect the existing remnant woodland species.
<b>State Environmental Planning Policy (Industry and Employment) 2021</b>	
Aims to regulate advertisements and signage	Consistent  Where required, signage will be subject of future development applications.
<b>State Environmental Planning Policy (Housing) 2021</b>	
Provides a consistent planning regime for the provision of affordable rental housing and aims to facilitate the effective delivery of new affordable rental housing through incentives.  Encourages the provision of housing, which will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.	Consistent  This proposal allows future development to meet the requirements of the SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022	
Operates in conjunction with provision of the EP&A regulation to encourage sustainable residential development (BASIX scheme).	Consistent
The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, which would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	Requirements of the SEPP will be met at DA stage.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	
The Policy provides an assessment process for development that complies with specific development standards.	Consistent
	This proposal allows future development to meet the requirements of the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	
Identifies development that is of a state or regional significance and provides alternative approval requirements and pathways.	Consistent
	This proposal allows future development to meet the requirements of the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	
This policy aims to facilitate the effective delivery of infrastructure across the State along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	Consistent
Provides for the effective delivery of Educational Establishments and Child Care Facilities across the state by improving regulatory certainty and simplifying the approval pathway.	The Planning Proposal does not contain provisions that conflict or obstruct the application of the T&I SEPP.
	This proposal retains the childcare facility on the site and enables the development of a larger scale and more accessible university campus within the Bankstown CBD. As stated in consultation with government, the delivery of expanded or new educational establishments is preferred in alternate locations.
State Environmental Planning Policy (Resilience and Hazards) 2021	
The Resilience and Hazards SEPP incorporates relevant provisions from the SEPPs being consolidated as follows:	Consistent
<ul style="list-style-type: none"> <li>- 'Chapter 2 - Coastal management' contains planning provisions from the Coastal Management SEPP for land use planning within the coastal zone consistent with the Coastal Management Act 2016.</li> <li>- 'Chapter 3 – Hazardous and offensive development'</li> <li>- 'Chapter 4 – Remediation of land'</li> </ul>	<u>Coastal Management</u> The Planning Proposal meets the applicable objectives and requirements of the Coastal Management Act 2016 and the Resilience and Hazards SEPP, where: <ul style="list-style-type: none"> <li>- The M5 motorway currently provides a hard and significant barrier between the subject and the land mapped as 'Coastal Wetlands', therefore there is no physical interface with the identified Coastal Wetland.</li> <li>- The existing trees and landscaping within the adjacent road reserve are to be retained, maintaining a sufficient buffer to the Coastal Wetland area.</li> <li>- The Ecological and Arboricultural Impact Assessments, undertaken by Ecological</li> </ul>

Australia, did not identify any coastal / riparian vegetation on the site.

- Surface and ground water flows to the adjacent wetland will be suitably managed, as detailed in the Stormwater Concept Plan, which can be further addressed as part of a detailed design at the Development Application stage.
- The proposed development is not likely to cause increased risk of coastal hazards on that land or other land and is not currently the subject of any certified coastal management program.
- Any subsequent future re-development of the site is not likely to cause increased risk of coastal hazards on that land or other land and is not currently the subject of any certified coastal management program.
- The Planning Proposal does not seek to amend the Coastal Wetland Area Map.

#### Contamination

The Phase two contamination assessment by Alliance Geotechnical states that the land is capable of being remediated to allow for residential use.

Subsequently, a RAP was prepared and issued to Council to support the PP subsequent to an RFI. Council have advised that further testing and preparation of a remediation strategy and a Site Audit Statement that verifies the Remediation Action Plan methodology and data is required and best provided prior to public exhibition. An updated RAP (Appendix A-1) and a Site Audit Statement have been completed (Appendix A-2) prior to public exhibition of the PP that was between Nov-Dec 2022. The reports detail required remediation strategies and concluded that the land can be made suitable for the proposed residential development

### *Q6. Is the planning proposal consistent with applicable Ministerial Directions (Division 9.1 Directions)*

Division 9.1 of the EP&A Act enables the Minister to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to principles, aims, objectives or policies set out in those directions. Each planning proposal must identify which, if any, Division 9.1 Directions are relevant to the proposal, and whether the proposal is consistent with the direction.

Where the planning proposal is inconsistent with any of the relevant directions, those inconsistencies must be specifically explained and justified in the planning proposal.

The relevant directions are considered below. Directions not listed are not applicable to the PP.

Table 13 Ministerial Directions

Ministerial Direction and Objective	Consistency
Focus Area 1 – Planning Systems	
1.1 Implementation of Regional Plans	Consistent

To give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans	The PP had addressed and is consistent with the relevant Regional Plan – <i>A Metropolis of Three Cities – The Greater Sydney Region Plan</i>
1.3 Approval and Referral Requirements Ensure that LEP provisions encourage the efficient and appropriate assessment of development	Consistent  The proposal does not contain provisions that will require additional requirements for concurrence in approvals.
1.4 Site Specific Provisions To discourage unnecessarily restrictive site-specific planning controls	Justified inconsistency  The PP includes local provisions to enable the delivery of the site in an orderly manner and to allow for a diverse range of housing, a key objective of Councils Housing Strategy.  The provisions are necessary in that it sets appropriate controls relating to lot size, floor space ratios, maximum number of permissible dwellings (a dwelling cap) to ensure externalities are measurable and dwelling density is controlled.  The local provision provides additional certainty for the existing residents over and above that which could be achieved through a DCP alone.  The PP includes amendments to Land Reservation Acquisition mapping to enable to acquisition of the land for public parks and drainage by Council.  A site-specific LEP objective is to be provided to maximise tree retention and conservation of Cumberland Plain Woodland.
<b>Focus Area 3 – Biodiversity and Conservation</b>	
3.1 Conservation zones The objective of this direction is to protect and conserve environmentally sensitive areas	Consistent  The Preliminary Ecological Assessment (Appendix B) confirms the presence of Cumberland Plain Woodland in the north eastern corner of the site (approx 2.05ha).  The planning proposal facilitates the protection and conservation of the environmentally sensitive area by rezoning the relevant area from SP2 Infrastructure to C2 Environmental Conservation.  An amendment to the Terrestrial Biodiversity map is proposed to ensure the associated provisions within the Bankstown LEP relating to Terrestrial Biodiversity apply to the land.  The PP complies with this direction as it will not reduce the conservation standards that apply to the land. Further, a site-specific LEP objective is to be provided to maximise tree retention and conservation of Cumberland Plain Woodland.
3.2 Heritage Conservation	Consistent

Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Bullecourt Avenue and Ashford Avenue are both locally listed heritage items. The proposal does not reconfigure the road alignment and therefore does not impact the significance of these items.

The site itself is not heritage listed.

#### Focus Area 4 – Resilience and Hazards

##### 4.1 Flooding

The objectives of this direction are to:

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

Consistent

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

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



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



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

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

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

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



	<p>The Flood and Risk Impact Assessment has identified that during modelled storm events the proposed development sought through the Planning Proposal has insignificant change to the flood behaviour external to the site, moreover, it decreases the flood levels to the northwest of the site by 26 mm in 1% AEP event.</p> <p>The developed condition outlines that the existence of the detention basins within the site confirms that there is the capacity to provide regional flood storage of 9600 m<sup>3</sup> during 1%AEP flood events without affecting detention basin performance. Due to this there is no net loss of floodplain storage in the locality associated with the proposal.</p> <p>The proposed development has resulted in insignificant change in flood behaviour during climate change scenarios of 0.5% AEP and 0.2% AEP up to PMF flood events.</p> <p>Accordingly, the Planning Proposal is consistent with the Ministerial Requirements as future permissible development:</p> <ul style="list-style-type: none"> <li>— Will not result in any significant increases in off-site flood levels in the surrounding proximity or significant changes to the flood behaviour external to the site.</li> <li>— Will not increase the potential flood affectation on other development or properties, either individually or cumulatively.</li> <li>— Will not occur on any land considered a high hazard or floodway area.</li> <li>— Will not result in the requirement for government spending on flood mitigation measures as all localised required measures (ie basin construction, minor land filling etc) will be funded by the proponent. Further, the site grading design allows for ease of evacuation during catastrophic flood events (e.g. above 1% AEP) without the need for upgrades to existing road infrastructure.</li> <li>— Does not include high risk land uses on flood affected land</li> <li>— Can comply with the requirements of Councils DCP 2015 and consolidated DCP 2023.</li> </ul> <p>The Planning Proposal does not impose flood related development controls above the residential flood planning level as outlined in the NSW Guidelines and is consistent with those guidelines. Flood hazard and evacuation requirements are in accordance with the NSW Floodplain Development Manual.</p> <p>Overall, the Flood and Risk Impact assessment by JWP and Planning Proposal demonstrate compliance with Government's flood risk policies, development manual and requirements of the Ministerial Direction.</p>
<p>4.2 Coastal Management</p> <p>The objective of this direction is to protect and manage coastal areas of NSW.</p>	<p>Consistent</p> <p>The southern part of the site is identified as being within the "proximity area for coastal wetlands" by the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) .</p> <p>The Division 9.1 Ministerial Direction No. 4.2 "Coastal Management" therefore applies to the proposal.</p>

	<ul style="list-style-type: none"> <li>— The Planning Proposal meets the applicable objectives and requirements of the Coastal Management Act 2016 and the Resilience and Hazards SEPP, where:</li> <li>— The M5 motorway currently provides a hard and significant barrier between the subject and the land mapped as 'Coastal Wetlands', therefore there is no physical interface with the identified Coastal Wetland.</li> <li>— The existing trees and landscaping within the M5 motorway road reserve are to be retained, maintaining a sufficient buffer to the Coastal Wetland area.</li> <li>— The Ecological and Arboricultural Impact Assessments, undertaken by Ecological Australia, did not identify any coastal / riparian vegetation on the site.</li> <li>— Surface and ground water flows to the adjacent wetland will be suitably managed, as detailed in the stormwater and flood risk assessment.</li> <li>— The proposed development is not likely to cause increased risk of coastal hazards on that land or other land and is not currently the subject of any certified coastal management program.</li> <li>— The Planning Proposal does not seek to amend the Coastal Wetland Area Map.</li> <li>— Accordingly, the Planning Proposal and subsequent future redevelopment of the site will have negligible impact upon: <ul style="list-style-type: none"> <li>a) The biophysical, hydrological or ecological integrity of the adjacent coastal wetland, and</li> <li>b) The quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.</li> </ul> </li> </ul>
<p>4.3 Planning for Bushfire Protection</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>b) encourage sound management of bush fire prone areas</li> </ul>	<p>Consistent</p> <p>Ecological Australia's bushfire assessment of the site (Appendix D) found that the only bushfire hazard is attributed to the remnant woodland located at the north-eastern corner of the site. In all other interface areas, there are managed lands in the form of existing residential and industrial land uses and road reserves.</p> <p>The report provides recommendations which would be implemented at the detailed design/Development Application stage and some bushfire measures will be incorporated into the site specific DCP, including landscaping, APZ management and required construction standards.</p> <p>It is noted that the managed APZ zones are located within the proposed B1 zoned land (to be managed under the proposed community title plan applying to that land), and road reserves of areas zoned for urban purposes.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>Reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Consistent</p> <p>A Detailed Site Investigation and associated Remedial Action Plan (RAP) has been completed. This Investigation found that although not significant, the site contains some contaminants while the associated RAP details the required remediation strategies.</p>

	<p>A Site Audit Statement (SAS) was also completed which concludes that the nature and extent of the site contamination has been appropriately determined, that the RAP is appropriate and that the site can be made suitable for the proposed uses provided it is remediated in accordance with the RAP. . The SAS also outlined the need for further testing (to close the identified data gap) and that due to the scale and type of testing, it is best completed after the demolition of existing hard stand areas and buildings.</p> <p>The implementation of SAS and RAP recommendations will ensure that the PP is consistent with this Ministerial Direction.</p>
<p><b>4.5 Acid Sulfate Soils</b></p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p>	<p>Consistent</p> <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid Sulfate soils. Part of the site is affected by Class 5 Acid Sulfate Soils as is the majority of the urban land in Milperra. As a result, the development application will need to consider the impact on acid Sulfate soils. The Planning Proposal does not contradict this direction.</p>
<b>Focus Area 5 – Transport and Infrastructure</b>	
<p><b>5.1 Integrating Land Use and Transport</b></p> <p>To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>» Improving access to housing, jobs and services by walking, cycling and public transport, and</li> <li>» Increasing the choice of available transport and reducing dependence on cars, and</li> <li>» Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</li> <li>» Supporting the efficient and viable operation of public transport services, and</li> <li>» Providing for the efficient movement of freight.</li> </ul>	<p>Consistent</p> <p>The PP is supported by a Transport Assessment that addresses the accessibility of the site within the broader road and transport network.</p> <p>The site is accessible to open space and includes a neighbourhood zone and retention of a child care centre. This assists with local containment and reduce dependency on external infrastructure for convenience.</p> <p>The site is located adjacent to the Milperra Employment precincts and near Bankstown Airport providing housing choice for employees/employers.</p> <p>The site is well serviced by the existing bus network and within 2 km of Panania Station accessible by car, bus, cycleways and pedestrian links addressing the objective of a 30-minute city.</p>
<p><b>5.2 Reserving Land for Public Purposes</b></p> <p>The objectives of this direction are to:</p> <p>(a) facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Consistent</p> <p>The PP will facilitate the provision of public open space through the proposed rezoning to provide of approximately 1.44ha of land to RE1 Public Recreation.</p> <p>The dedication of the proposed RE1 Public Recreation land to Council will be through the proposed Voluntary Planning Agreement (VPA). In addition to the requirements to facilitate the dedication of land to Council, the VPA also includes an enabling clause to allow compulsory acquisition by Council if dedication of that land does not occur by the agreed timeframes.</p> <p>The proposed addition of the RE1 land to the LEP Land Reservation Acquisition mapping and nomination of Council as the acquisition authority under Clause 5.1 of the CBLEP</p>

are considered appropriate arrangements to facilitate land reservation and dedication.

## Focus Area 6 – Housing

### 6.1 Residential Zones

The objectives of this direction are to:

- (a) encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) minimise the impact of residential development on the environment and resource lands.

#### Consistent

The PP is consistent with the objectives of the Direction. It will facilitate the delivery of a diverse range of housing styles within a low rise built form.

The proposed provision of a maximum of 430 dwellings of various styles and sizes will provide housing diversity which is particularly lacking in Milperra and surrounding areas. The proposed development will make efficient use of existing utility and public transport infrastructure and accords with key objectives of Councils Housing Strategy.

Water quality measures, landscaping and minimisation of impervious areas (road carriageways), energy efficient and sustainable housing models all seek to minimise the potential impacts upon the environment.

The PP includes a Structure Plan to drive high quality design outcomes for the site. This will be further supported by a site specific DCP that has been prepared in collaboration with Council and exhibited separate to this PP.

The Infrastructure Report prepared as part of the Planning Proposal demonstrates the capability of the site to accommodate the development.

## Focus Area 7: Industry and Employment

### 7.1 Business and Industrial Zones

The objectives of this direction are to:

- a) encourage employment growth in suitable locations,
- b) protect employment land in business and industrial zones, and
- c) support the viability of identified centres.

#### Consistent

A neighbourhood centre is proposed in the north-eastern corner of the site to be zoned as B1 Neighbourhood Centre and will enable the development of locality serving commercial uses; potentially including a café, retail premises shared office space adjoining the child-care centre.

This neighbourhood centre will not compete against nearby commercial uses or higher order centres due to its limited scale and emerging catchment expenditure on similar goods and services as confirmed by the needs analysis and viability assessment completed by Urbis and exhibited with the PP. Furthermore, the proposed residential development will not result in land use conflicts with existing industrial land to the north and east of the site where:

- There is limited direct interface between residential and with industrial land through appropriate siting of land uses and open space
- Adequate spatial separation is provided for the proposed residential properties to the north, including the width of Bullecourt Avenue and the proposed public open space and landscaping adjacent.
- Adequate spatial separation is provided for the proposed residential development to the east of the site afforded by Horsley Road and the existing school
- It is anticipated that the appropriate acoustic treatment and design mitigation measures to new developments

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would be provided at the DA stage (per recommendations in the exhibited Acoustic assessment) to mitigate impacts from the operations of the industrial land and surrounding road network including the M5 Motorway.

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## Section C – Environmental, Social and Economic Impact

### *Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Ecological Australia have prepared an Ecological Assessment of the site to accompany this PP (Appendix B). The report identifies remnant Cumberland Plain Woodland, which is listed as a critically endangered Ecological Community under both the *Biodiversity Conservation Act 2019* and the *Environment Protection and Biodiversity Conservation Act 1999*.

The Ecological Assessment concludes:

*The Biodiversity Offset Scheme will be triggered by any development that involves the clearing of 0.5ha or more of native vegetation on the site or if the areas mapped on the Biodiversity Vegetation Map are cleared. Further field survey, primarily for threatened species searches, is required to finalise the number of credits that would need to be purchased and retired, or offset, if the proposal was approved.*

The PP excludes the Cumberland Plain Woodland area from the land proposed to be developed for urban purposes, proposing to apply a C2 Environmental Conservation zone as mechanism for the protection of the vegetation.

### *Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

## Traffic and transport impacts

Matters relating to traffic and parking were raised in the early community engagement. Following this feedback, further assessment was carried out regarding existing and proposed traffic volumes on the local street network.

The issue of increased parking in the Ashford Avenue and adjoining urban area to the west has also been addressed. The Development Concept Plan includes over 350 on-street parking spaces, including strategically located parking bays close to the proposed local parks, Milperra Reserve and adjacent to the proposed neighbourhood zone and child care centre. Note the 350 spaces does not include additional on street parking along Ashford Avenue or the significant amount of parking to be located within private property (in single and double garages and driveways in front of garages) which total a further 1050 spaces. The provision of approx. 1400 spaces will significantly reduce the likelihood of new residents and visitors parking on existing residential streets.

A Transport Assessment has been prepared by The Transport Planning Partnership (Appendix F) to address traffic impacts. The report assesses the potential impact of the proposed development on the existing street and pedestrian networks. To reduce the impact of the proposed development on existing conditions, the traffic engineer recommends that:

- » Development complies with Council's DCP requirements for car parking and bicycle parking facilities
- » The neighbourhood centre complies with Council's loading facility requirements
- » The three existing vehicle access points from Bullecourt Avenue, Ashford Avenue and Horsley Road is retained and not exceeded.

Furthermore, the report concludes that the development is unlikely to compromise the functionality of existing key intersections surrounding the site. Further, projected vehicle movements do not exceed the environmental capacity of the 'rat run' local roads to the west of the site including Ashford Avenue, Hermies Avenue, Zonnebeke Crescent and Sinai Avenue.

As such, the proposal is not expected to result in any safety or operational issue, nor are upgrades to existing intersections required.

Overall, the traffic and parking aspects of the proposed development are considered to be satisfactory.

## Contamination impacts

Alliance Geotechnical Pty Ltd prepared a site investigation report to determine the potential for contamination to be present at the site (Appendix A). The assessment detected:

- » Contaminants in the soil that are unlikely to present an unacceptable risk to human health
- » Asbestos fines/friable asbestos and non-friable asbestos containing material that are likely to present an unacceptable risk to human health
- » Contaminants in the groundwater that may be unsuitable for discharge into council's stormwater without further treatment.

As such, the report recommends:

- » Preparing a supplementary contamination assessment to further understand the nature and extent of contamination and address data gaps
- » Preparing a Remedial Action Plan (RAP)
- » Preparing a Groundwater Management Plan, if groundwater is expected to be encountered during the proposed development

Safe removal of the asbestos material by a suitably qualified professional.

A Remediation Action Plan (RAP) was prepared and issued to Council to support the PP subsequent to an RFI. Council have advised that further testing and preparation of a remediation strategy and a Site Audit Statement that verifies the Remediation Action Plan methodology and data is required prior to public exhibition.

An updated RAP (Appendix A-1) and a Site Audit Statement have been completed (Appendix A-2) prior to public exhibition of the PP that was between Nov-Dec 2022. The reports detail required remediation strategies and concluded that the land can be made suitable for the proposed residential development

## Ecological impacts

Ecological Australia have prepared an Arboricultural Impact Assessment of the site (Appendix C). They inspected a total of 1766 trees within the site.

Of these 1766 trees identified, 1570 trees are proposed to be retained. Tree 1752 is within this group and is made up of approximately 1,500 trees that form part of a remnant Cumberland Plain Woodland community (classified as a critically endangered ecological community) and is positioned in the northeast corner of the site. This area will be retained as a conservation area via a C2 zoning.

Detailed assessment of the existing, remaining trees and how they interact with the proposed Development Concept can be found at Part 3.1 of the PP Report and Appendix C.

A summary of the impact to trees and their retention value is provided below:



Figure 24 Summary of number of trees impacted and their retention value

	Proposed to be removed	Potential to be retained		Proposed to be retained		
Retention value	High impact	High impact	Medium impact	Low impact	No impact	Total
Priority for retention (High)	65	2	2	12	29	110
Consider for retention (Medium)	119	-	1	4	19	143
Consider for removal (Low)	7	-	-	-	6	13
Not assessed (Tree 1752)	-	-	-	-	1500	1500
<b>Total</b>	<b>191</b>	<b>2</b>	<b>3</b>	<b>16</b>	<b>1554</b>	<b>1766</b>

Source: Arboricultural Impact Assessment (Ecological Australia)

The Assessment recommends the implementation of a Tree Protection Plan, together with the engagement of an appropriately qualified Arborist to supervise works within the Tree Protection Zone, provide advice regarding tree protection and monitor compliance.

Parks and open space have been located to maximise the retention of existing vegetation where possible.

## Bushfire impacts

Ecological Australia's bushfire assessment of the Site (Appendix D) found that the only bushfire hazard is attributed to the remnant woodland located at the north-eastern corner of the site. In all other interface areas, there are managed lands in the form of existing residential and industrial land uses and road reserves.

The report recommends the following bushfire protection measures:

- » Asset protection zones (APZs), with specific performance criteria to address different site conditions
- » Landscaping to comply with *'Planning for Bushfire Protection'*
- » Identifying the Bushfire Attack Level (BAL) for future dwellings at the time of Complying Development Certificate (CDC) or Development Application (DA)
  - > Constructing fences in bushfire prone areas in hardwood or non-combustible materials
  - > Constructing outbuildings in accordance with the National Construction Code
- » Ensuring all access routes into and out of the new residential neighbourhood can comply with all acceptable solutions
- » Ensuring adequate water supply is made available
- » Ensuring gas and electricity supplies are appropriately located and protected.

## Heritage impacts

There are no items of Commonwealth or State heritage listing within or adjoining the site. The site is, however, surrounded along its western and northern boundaries, by a local heritage item:

- Milperra Soldier Settlement (former) along Ashford Avenue, Bullecourt Avenue and Fleurbaix Avenue in Milperra (local listing #129).

The existing buildings do not have any heritage significance and their demolition is supported.

The Statement of Heritage Impact (SoHI) (Appendix E) 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. 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).

The SoHI states:

*Given the area was originally conceived for the accommodation of a community, rezoning to allow for a master planned location where the design, layout, residences, and public spaces focussing on creating a sense of neighbourhood, this is an acceptable and comparative outcome.*

The Planning Proposal responds to the street character by:

- Proposing a RE1 Public Recreation and C2 Environmental Conservation as the dominate land use zones on Bullecourt Avenue. This part of Bullecourt Avenue is also now characterised by industrial land uses on the northern side of the road which has eroded the historic significance of the place.
- Proposing local provisions in the form of floor space ratio controls for land fronting Ashford Avenue which will ensure that the bulk and scale of development responds to the existing low density character of the residential land immediately west on Ashford Avenue.
- Including provisions in the DCP that reinforce the lower density along Ashford Avenue. The DCP includes:
  - o key urban design principle (h) Ensure development integrates with the existing residential area west of Ashford Avenue, by providing development of similar scale along this interface, i.e. detached dwellings up to two levels in height.
  - o minimum lot widths of 10m
  - o minimum lot size of 300 m2
  - o prohibition of attached and semi-detached dwellings.

These proposed controls are sensitive to the existing CBLEP 2023 dual occupancy provisions which operate in the R2 zone along the western side of Ashford Avenue to enable dual occupancy (attached) to be subdivided to create lots of 250m2 (350m2 for detached).

The Planning Proposal facilitates a more strategic approach to the provision of housing diversity and a better outcome in terms of the alignment of the existing and future character.

## Acoustic impacts

An Acoustic Assessment, undertaken by Renzo Tonin & Associates (Appendix I), assessed noise impacts of surrounding land uses (including industrial uses to the north and east); Mount St Josephs secondary school, the child care centre and road traffic noise against *State Environmental Planning Policy (Transport and Infrastructure) 2021* and the Development in Rail Corridors and Busy Roads – Interim Guidelines (December 2008).

In instances where noise impacts exceed the acceptable threshold, the following noise mitigation measures are required:

- » Where dwellings front busy roads, locate sensitive rooms towards the rear
- » Interior design and furnishings to absorb noise impacts, eg carpets and doors separating rooms closer to noise sources
- » Use of appropriate construction materials
- » Using mechanical ventilation methods, eg air conditioning units
- » Constructing boundary fences to separate dwellings from open spaces and from each other.

The acoustic report annexed to this PP set out measures to ensure homes subject to increased ambient noise levels eg adjacent to the M5 Motorway and Mount St Josephs are constructed to deliver compliant indoor amenity.

A detailed industrial noise impact on the proposed residential development included in the revised Acoustic Report which has been appended to the revised PP Report. As the industrial noise levels are much lower with respect to road traffic noise levels, façade systems detailed in Section 8 of the Acoustic Report are sufficient to address road noise and industrial noise intrusion.

## Stormwater impacts and flooding

Flood and Stormwater Advice has been prepared by a suitably qualified hydraulic engineer (J.W Prince, Appendix G1 and G2) which concludes that the proposed development within the low flood risk precinct and 1% AEP flood fringe would not result in change in flood behaviour and impact external to the site, given that the developed condition flows are managed within the site by restricting the peak flow rate to existing condition flows up to 1% AEP storm events.

The Advice also concludes that the proposed development within the low flood risk precinct and 1% AEP flood fringe would not result in a change in flood behaviour and impact external to the site, given that the developed condition peak discharge are managed within the site by restricting the flow rate to existing condition flows up to 1% AEP storm events.

The Assessment integrates the findings from the stormwater management strategy were completed in consultation with Council. The stormwater management strategy provides a basis for the future detailed design and future development of the site to ensure that the environmental, urban amenity, engineering and economic objectives for stormwater management and site discharge can be achieved.

The Flood and Risk Impact Assessment by JWP May 2023 (Appendix G2) has identified the following:

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

The Flood and Risk Impact Assessment has identified that during modelled storm events the proposed development sought through the Planning Proposal has insignificant change to the flood behaviour external to the site.

Accordingly, the Planning Proposal

- » Will not result in any significant increases in off-site flood levels in the surrounding proximity or
- » significant changes to the flood behaviour external to the site.
- » Will not increase the potential flood affectation on other development or properties, either individually or cumulatively.
- » Will not occur on any land considered a high hazard or floodway area.
- » Will not result in the requirement for government spending on flood mitigation measures as all localised
- » required measures (ie basin construction, minor land filling etc) will be funded by the proponent.

- » Further, the site grading design allows for ease of evacuation during catastrophic flood events (e.g. above 1% AEP) without the need for upgrades to existing road infrastructure.
- » Does not include high risk land uses on flood affected land
- » Can comply with the requirements of Councils DCP 2015 and consolidated DCP 2023.
- » In the developed condition, that the proposed detention basins within the site confirms that there is the capacity to provide regional flood storage of 9600 m<sup>3</sup> during 1%AEP flood events without affecting detention basin performance. Due to this there is no net loss of floodplain storage in the locality due to development permitted under the Planning Proposal.

The flood assessment indicates that

In addition to the above, the proposed development will consider the stormwater and flood management and ensure the flood planning level controls are met at the detailed design stage.

### *Q9. Has the planning proposal adequately addressed any social and economic effects?*

#### Social effects

Accompanying the PP report is a Social Impact and Community Needs Assessment prepared by Architectus (Appendix H). This Assessment report undertook an assessment to determine the impact of the loss of the existing education use and to understand existing and required social infrastructure (including community facilities and open space)

The report recommends:

- » Considering the inclusion of some floorspace allocated to community use within the proposed neighbourhood centre
- » The creation of a local park with playground equipment
- » The ongoing need for a child-care centre with at least 40 places
- » Ensure a wide range of housing sizes and types can be developed to address the mismatch of housing need (smaller dwellings) and housing supply
- » Provide housing for the whole lifecycle
- » Liaising with Council with regards to affordable rental housing provision.

#### Economic effects

The proposal will have positive economic effects for the community. The rezoning of the site to permit residential uses will create a number of construction, consulting and design jobs to transform the university campus into a residential master planned community.

Furthermore, the creation of the neighbourhood centre will also provide opportunities for small scale retail and food and beverage premises to support the daily needs of immediate residents.

#### Material Public Benefits

A Letter of Offer from the applicant (Mirvac) details the public benefits and infrastructure that would be delivered as part of the LEP amendments for the site. The Letter of Offer has been informed by Council's assessment of the likely demands that would be placed on local infrastructure by the proposal.

Council provided 'In principle' support with the items included on the Letter of Offer, however indicated their intention to negotiate with the applicant on these matters further as part of the preparation of a draft Planning Agreement to be agreed upon by Council.

It is noted that Council and the applicant have not yet agreed on the appropriate amount of the affordable housing contribution and that this needs to be resolved prior to exhibition of the planning agreement. Table below summarises the public offer.

Table 14 Public Benefit Offer

Item	Description
1	Monetary contribution for affordable housing of \$12,326 per dwelling equating to a total of \$5.3m.
2	Monetary contribution for the repair and renovation to the to the Milperra Community Centre (128 Ashford Ave, Milperra) of \$392,400.
3	Dedication of land to Council to be used as local Roads.
4	Dedication of land to be used as SP2 Infrastructure (Drainage) land and RE1 Public Recreation land to Council
5	<p>Works in Kind including:</p> <ul style="list-style-type: none"> <li>» Embellishment of the Open Space Land, comprising the following works: <ul style="list-style-type: none"> <li>&gt; pathways (in all);</li> <li>&gt; children's playground equipment, in the Central Open Space only;</li> <li>&gt; outdoor fitness equipment, in the Central Open Space or Southern Open Space only;</li> <li>&gt; sheltered picnic tables, in the Central Open Space only;</li> <li>&gt; seating (in all);</li> <li>&gt; landscaping and turf (in all); and</li> <li>&gt; kick around play, in the Southern Open Space only.</li> </ul> </li> <li>» Local Roads</li> <li>» Shared Cycleway</li> <li>» Milperra Reserve Embellishment, comprising the following works: <ul style="list-style-type: none"> <li>&gt; 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);</li> <li>&gt; basic seating around the periphery of the playing area;</li> <li>&gt; rubbish bins;</li> <li>&gt; lighting;</li> <li>&gt; shaded seating (under trees);</li> <li>&gt; upgrade to amenities (toilets etc);</li> <li>&gt; drinking fountains;</li> <li>&gt; some areas of shade trees on the periphery of the playing fields; and</li> <li>&gt; landscaping treatments, including paths to better integrate Milperra Reserve with the Land.</li> </ul> </li> <li>» Remnant Vegetation works as required under the ecological assessment (including replanting and appropriate signage) within the Zone C2 Environmental Conservation zone site.</li> <li>» SP2 Infrastructure (Drainage) Embellishment of approximately 668m<sup>2</sup> of SP2 Infrastructure (Drainage) land.</li> </ul>

- » Local Roads – Footpaths
- » Undergrounding of a powerlines along Ashford Avenue.
- » Construction of a 1.2m wide footpath and landscaping along eastern side of Ashford Avenue.
- » Construction of cycleway connections to Panania Station to promote the use active and public transport for future residents and the broader Milperra community.

## Section D – State and Commonwealth Interests

### *Q10. Is there adequate public infrastructure for the planning proposal?*

Yes. An Infrastructure Report (Appendix K) has been prepared by Calibre Consulting to accompany this report. Table 15 below assesses the capacity of existing infrastructure to support the new residential neighbourhood.

Table 15 Infrastructure

Infrastructure	Existing capacity	Proposed capacity
Water supply	Water is currently supplied from the Milperra Reservoir via an existing 250mm trunk watermain along Ashford Avenue, which transfers to Bullecourt Avenue in a 1500mm trunk.	Water supply will remain from the Milperra Reservoir and the existing trunk infrastructure along Ashford Avenue and Bullecourt Avenue.  Internal reticulation will be via a series of 100mm and 150mm diameter watermains.  No significant adjustments are likely to be required to support the new development.
Wastewater	Collection is currently in a southerly direction along the southern boundary, adjacent to the M5 Motorway. It then discharges to the Panania carrier.	There is sufficient capacity in the network to accommodate the additional development.
Electricity	Ausgrid owns the electrical infrastructure within and surrounding the development. The services are predominantly overhead, with some assets being underground.	The existing infrastructure has sufficient capacity to service the additional dwellings.  Between 6 and 8 new substations would be required to support the new development.
Gas	The existing gas main along Ashford Avenue/Bullecourt Avenue is not sufficient to support the new development.	The gas main along Bullecourt Avenue/Horsley Road is sufficient to service the development. A below ground pressure reducing device would need to be located within the public verge to enable natural gas reticulation.
Telecommunications		The existing NBN services along Bullecourt Avenue and Horsley Road can service the proposed number of dwellings.



*Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

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 updated Planning Proposal and technical studies were exhibited from 1 November to 14 December 2022. A total of 110 submissions received, eight of which were from government agencies as follows:

- Office of Strategic Lands/Planning Ministerial Corporation (PMC)
- Sydney Water
- School Infrastructure NSW (SINSW)
- NSW EPA
- NSW Rural Fire Service
- Transport for New South Wales
- Canterbury Bankstown Council
- The Environment and Heritage Group (EHG)

Copies of the submission made by the above agencies were provided to Mirvac for evaluation and consideration. Detailed responses to all the concerns raised by the above public authorities were provided in a response report that was submitted to the DPE on 3 February 2023. A copy of this report is provided at Appendix N to this report.

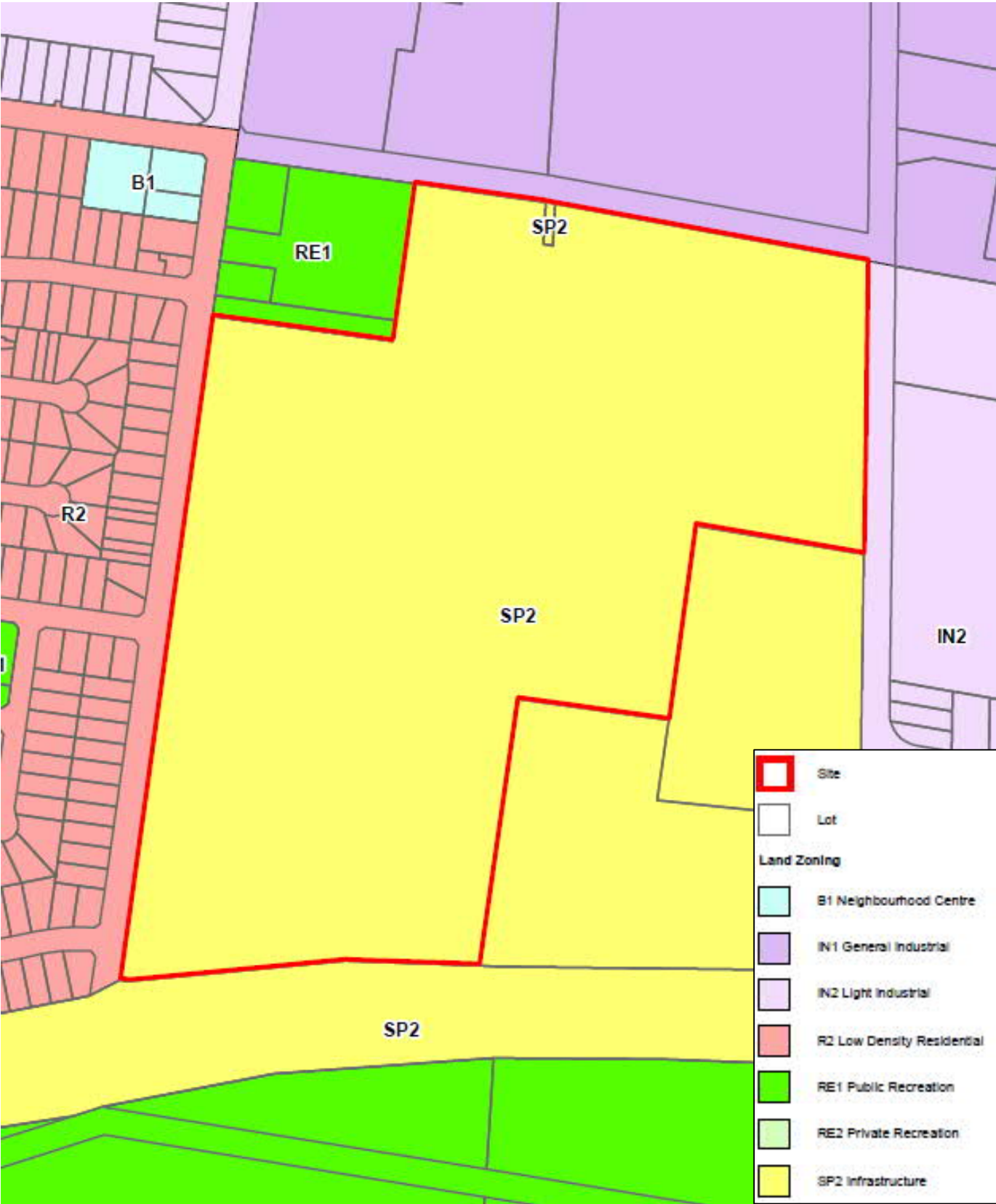
## Part 4: Maps

Part 4 of the PP is to contain clear and accurate mapping depicting relevant aspects of the PP. The subject PP seeks to amend and replace the following CBLEP maps:

- » Land zoning (LZN)
- » Height of buildings (HOB)
- » Floor space ratio (FSR)
- » Minimum lot size (LSZ)
- » Special Provisions Map (SPV)
- » Terrestrial Biodiversity (BV)
- » Land Reservation Acquisition (LRA)

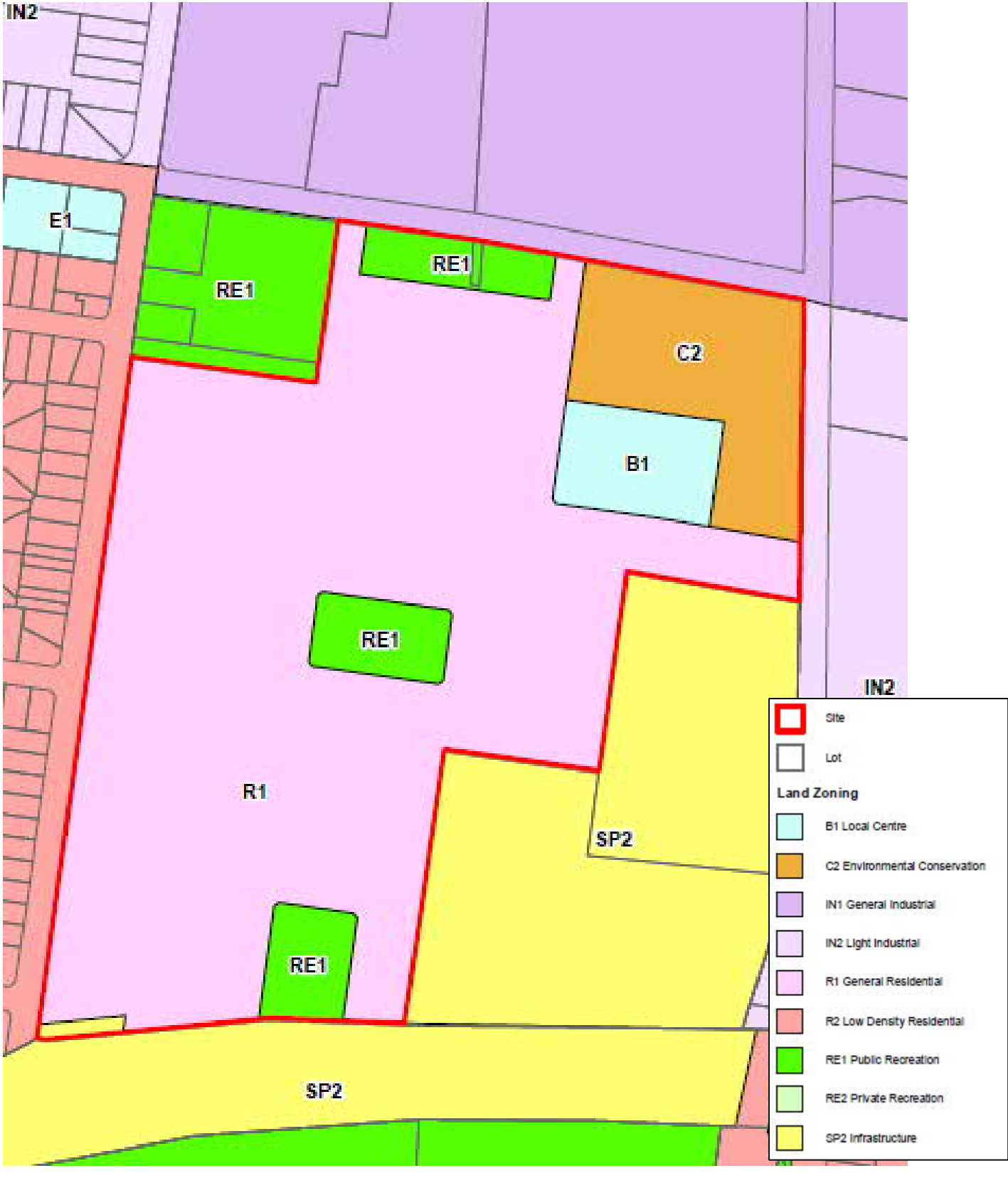
The existing and proposed amended LEP Maps are shown in the following figures.

Figure 25 Land Zoning Map Existing



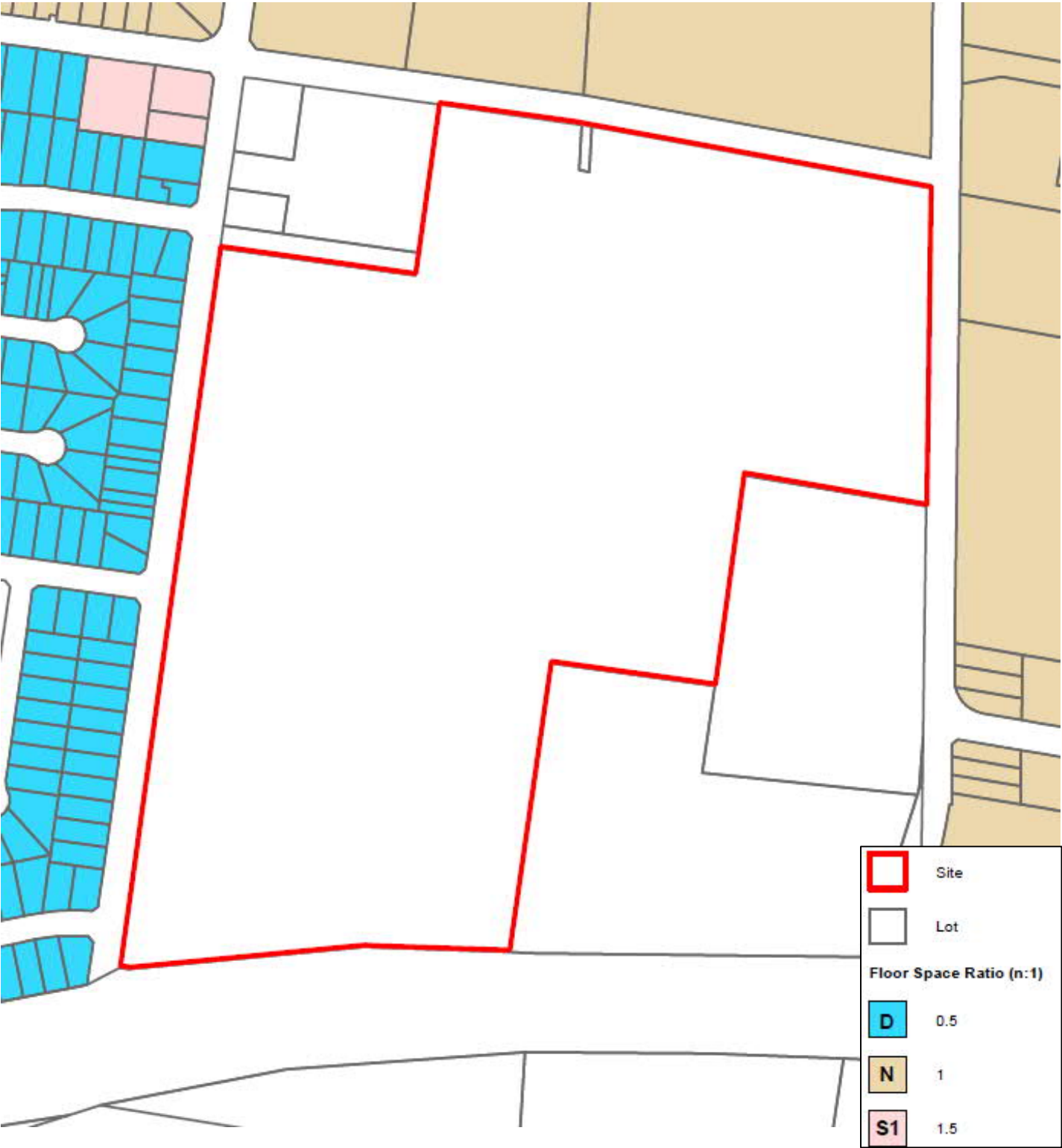
Source: Extract Land Zone Map – Sheet LZN\_002

Figure 26 Land Zoning Map Proposed



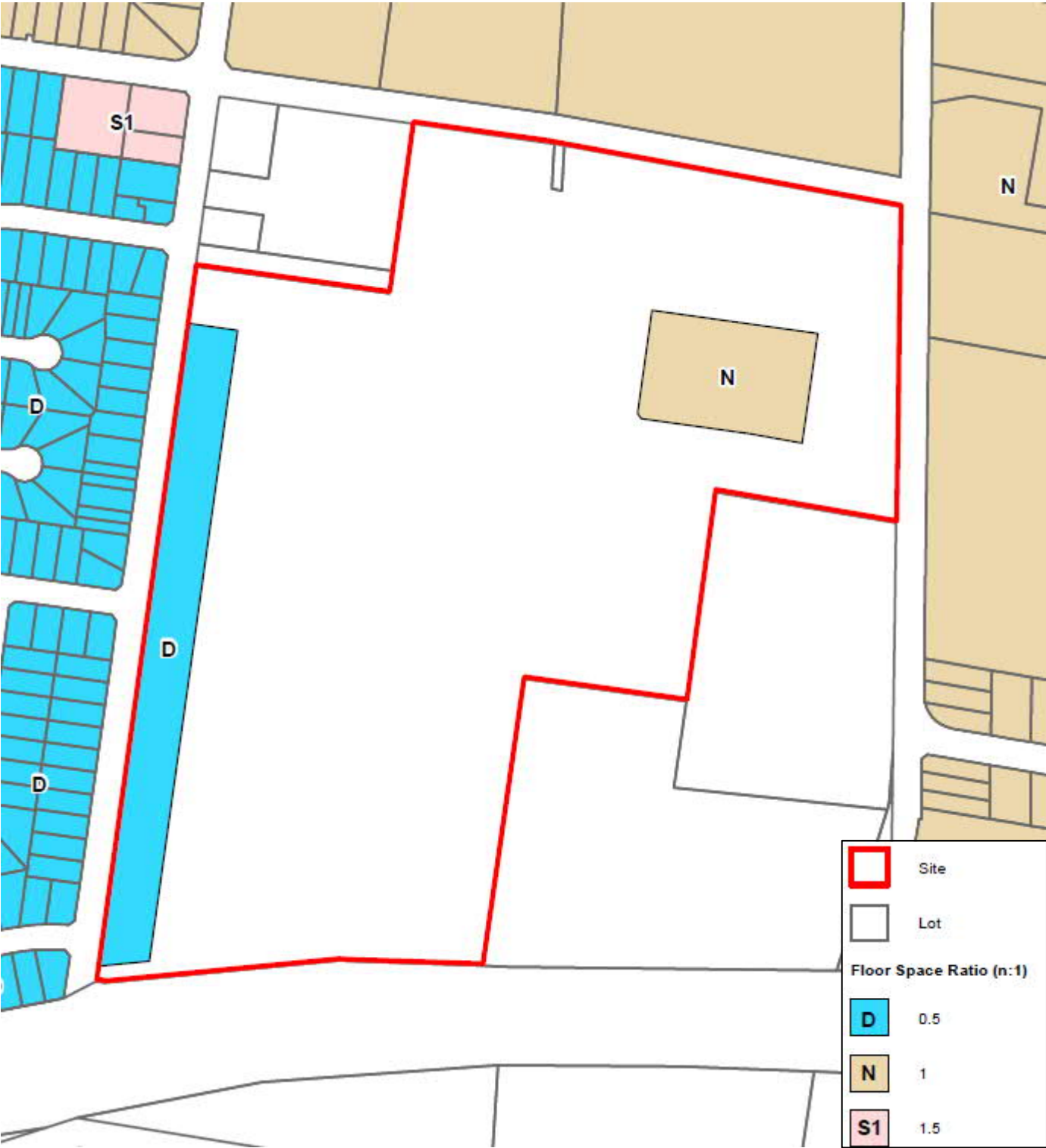
Source: Amended Extract Land Zone Map – Sheet LZN\_002

Figure 27 Floor Space Ratio Map Existing



Source: Extract Land Zone Map – Sheet FSR\_002

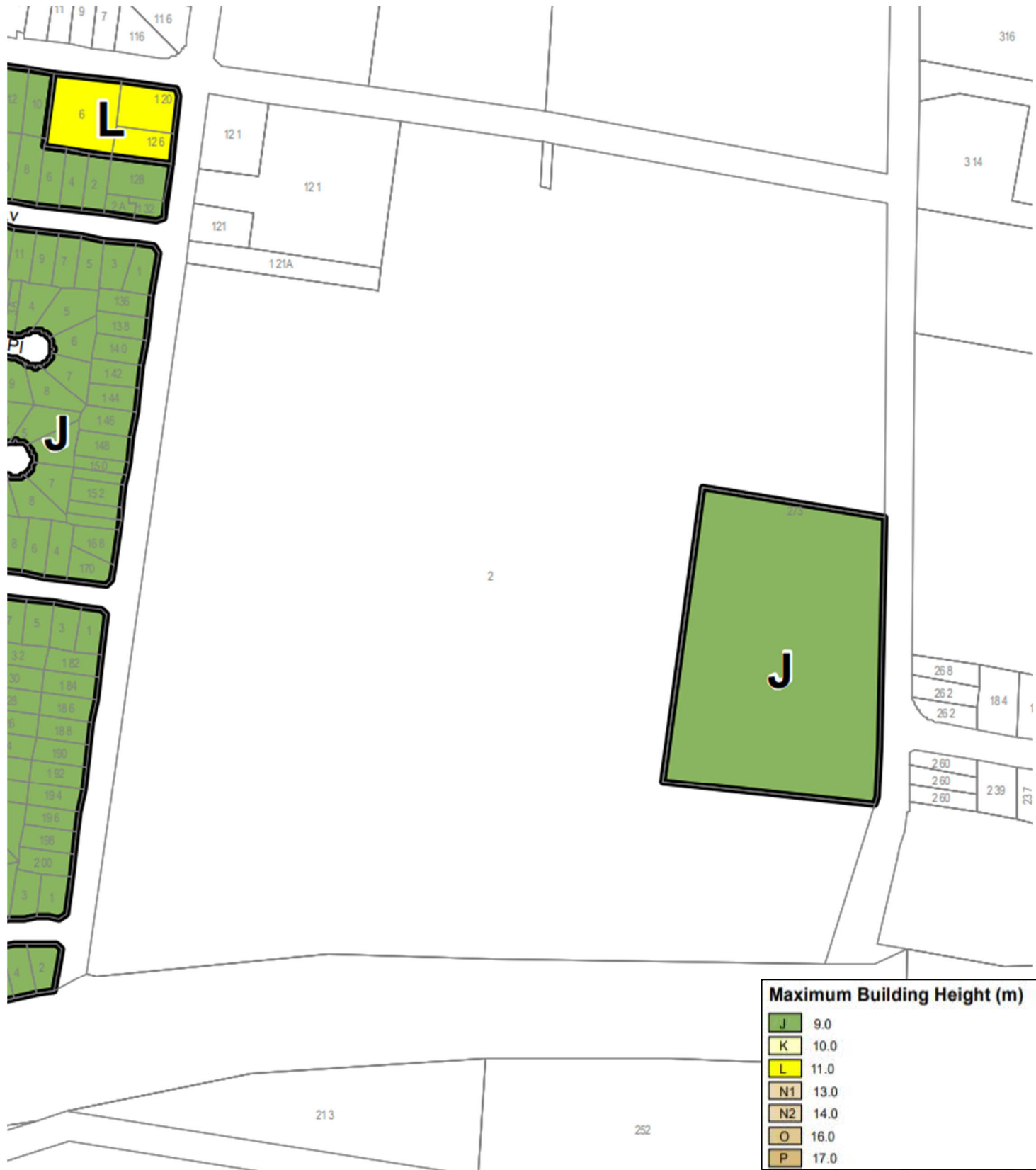
Figure 28 Floor Space Ratio Map Proposed



Source: Amended Extract Land Zone Map – Sheet FSR\_002



Figure 29 Height of Building Map Existing



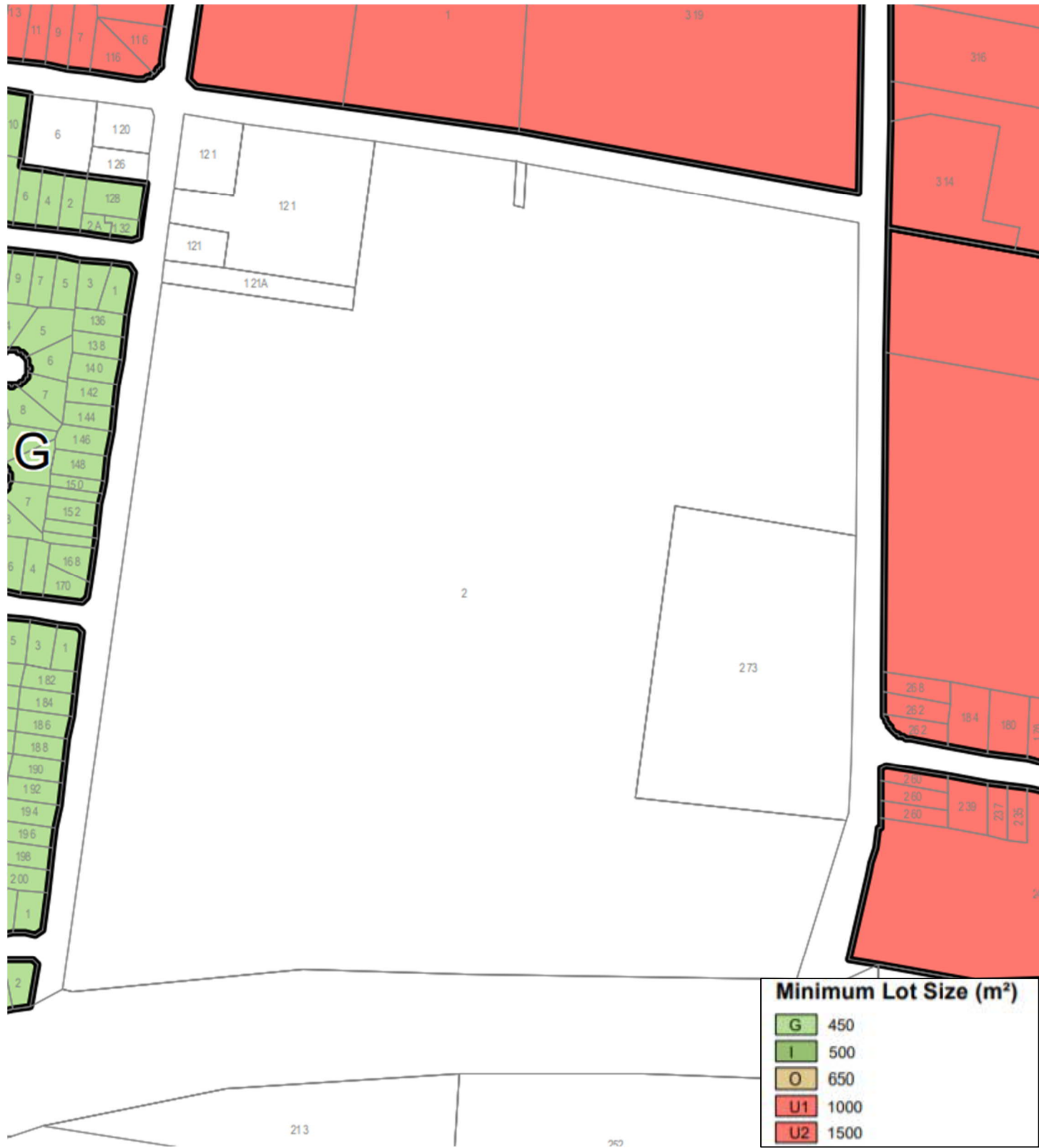
Source: Extract Height of Buildings Map – Sheet HOB\_002

Figure 30 Height of Building Map Proposed



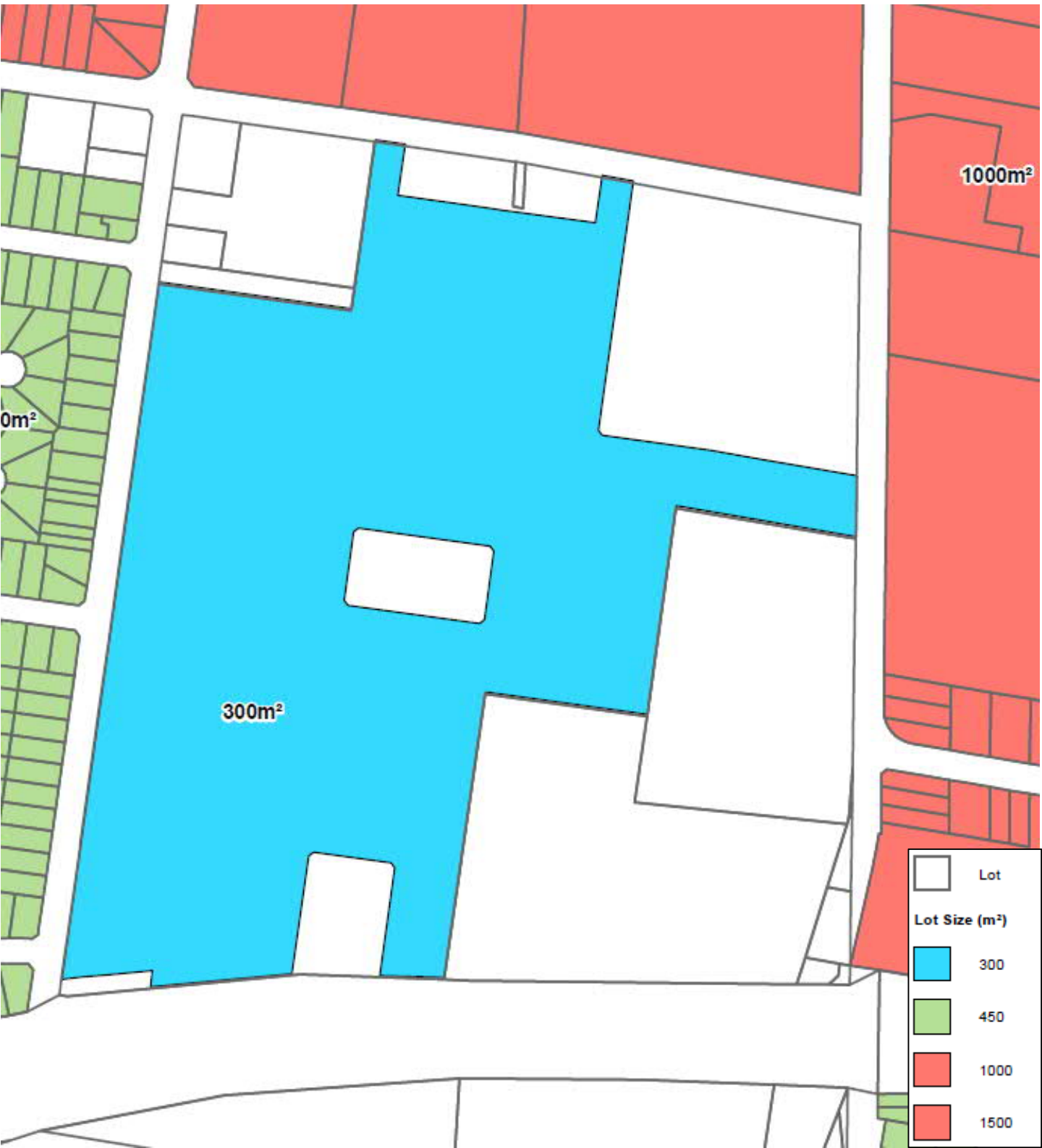
Source: Amended Extract Height of Buildings Map – Sheet HOB\_002

Figure 31 Minimum Lot Size Map Existing



Source: Extract Lot Size Map – Sheet LSZ\_002

Figure 32 Minimum Lot Size Map Proposed



Source: Amended Extract Lot Size Map – Sheet LSZ\_00 2

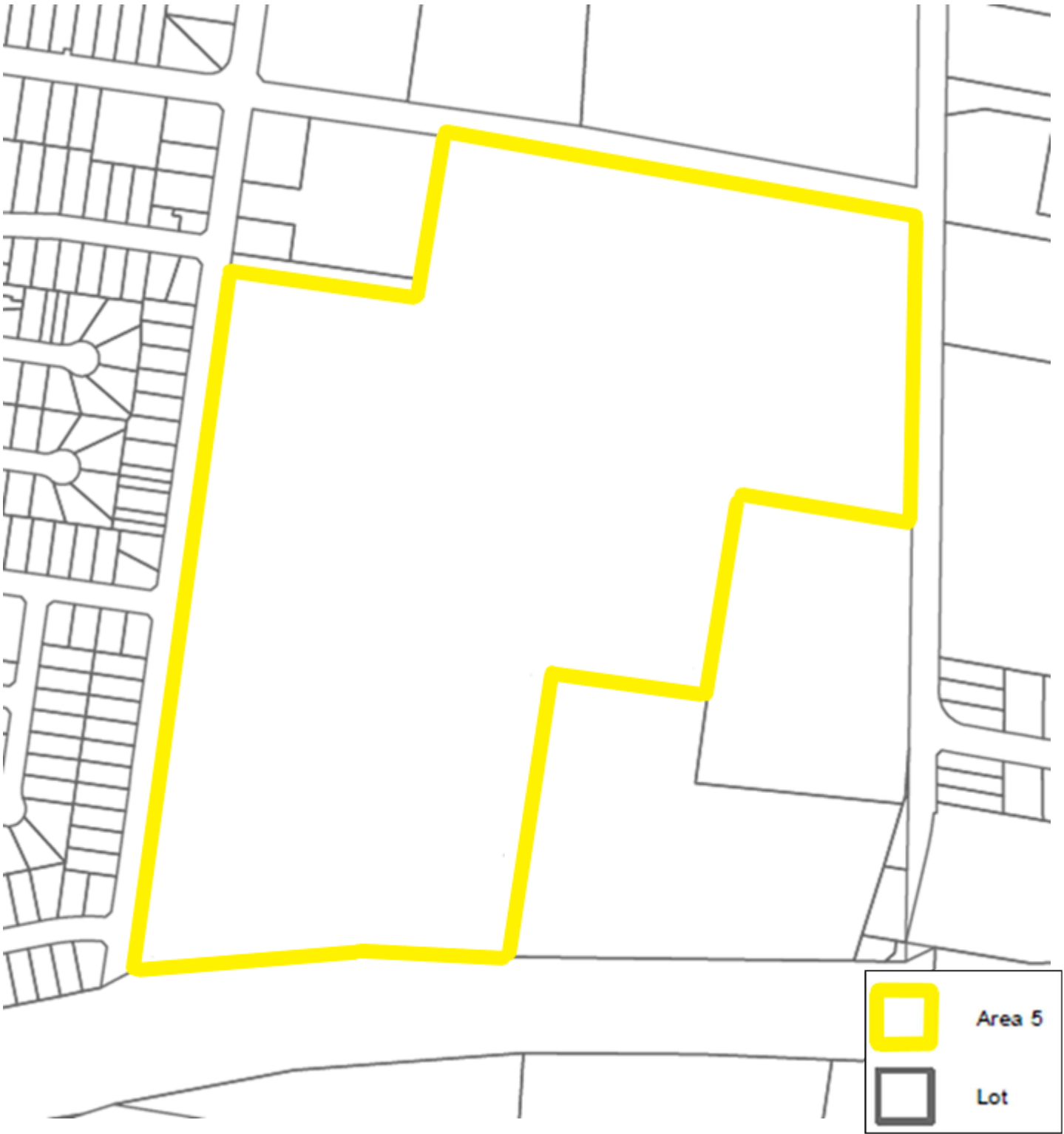


Figure 33 Special Provisions Map Existing



Source: Extract Special Provisions Map Sheet SPV\_002

Figure 34 Special Provision Map Proposed



Source: Amended Extract Special Provisions Map Sheet SPV\_002

Figure 35 Terrestrial Biodiversity Existing



Figure 36 Terrestrial Biodiversity Proposed

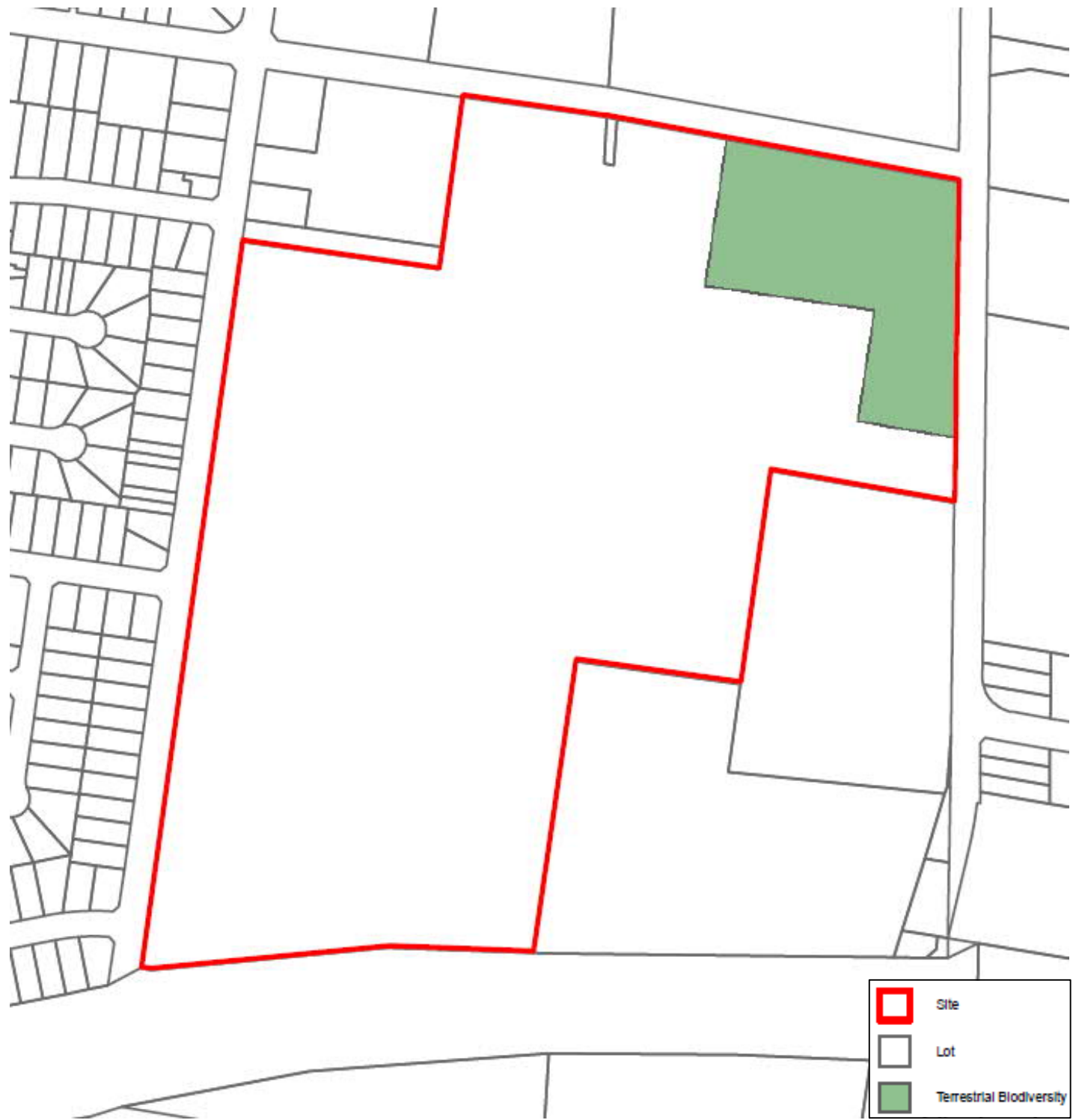
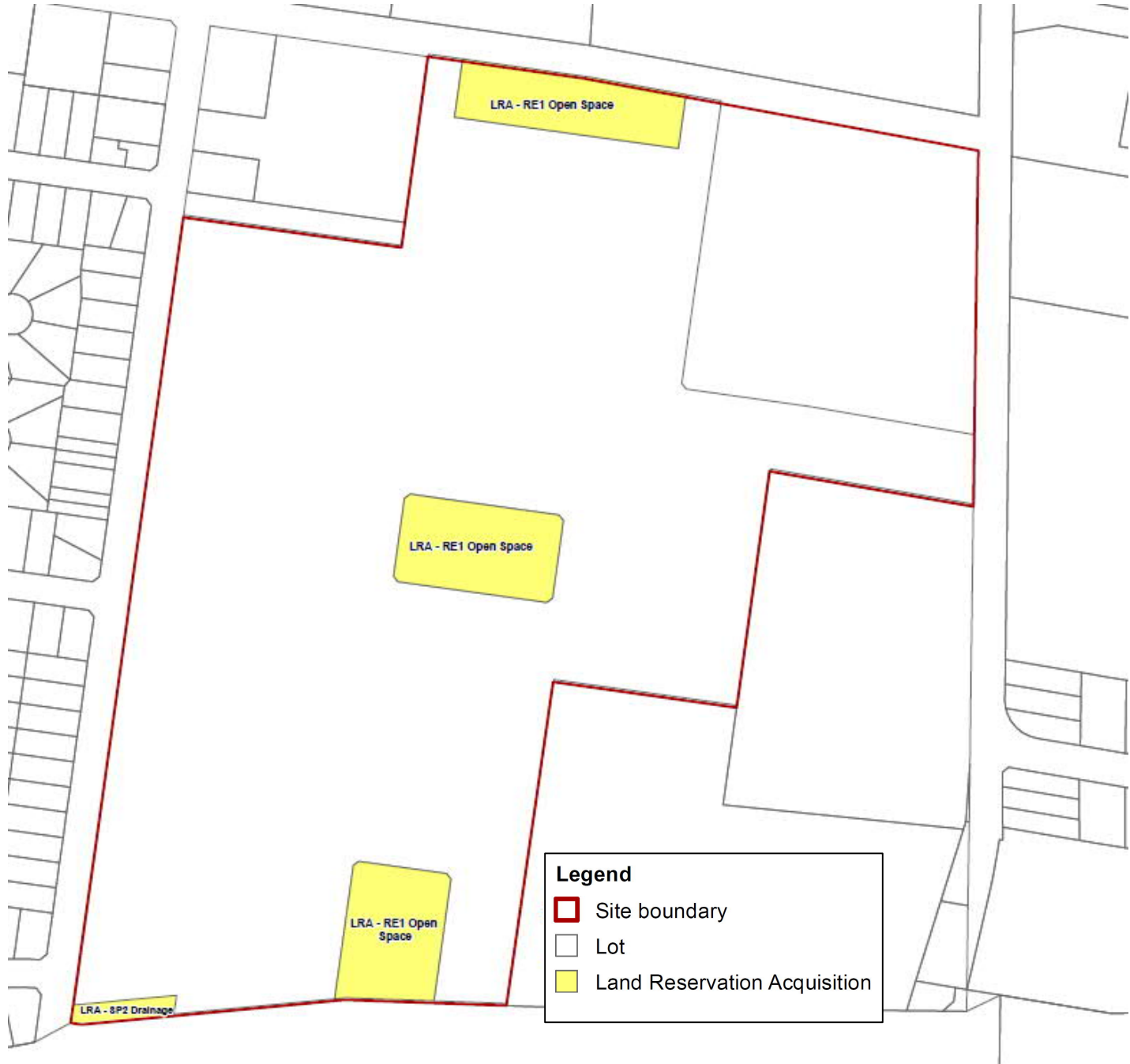


Figure 37 Land Reservation Acquisition Existing



Figure 38 Land Reservation Acquisition Proposed



## Part 5: Community Consultation

Initial consultation has been undertaken by Mirvac and Elton Consulting with Council, the community and key stakeholders (refer to Section 1.6). This was not required under the legislation, rather it was carried out to gauge feedback. This engagement has influenced the scope of some technical studies, Development Concept Plan and PP.

Section 3.34 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. The Determination specifies the following consultation requirements:

- » The planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 30 days. As required by condition 3 of the Gateway Determination, the planning proposal was on exhibition between 1 November 2022 and 14 December 2022 and received a total of 110 submissions, of which 100 submissions were made by the community, eight made by government agencies and two submissions were from organisations. Mirvac reviewed all the submissions and provided detailed responses to all the concerns raised by the submissions on 03 February 2023.
- » The planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022). The DPE exhibited the Planning Proposal with the supporting documents for community and authority consultation.
- » As per the Gateway Determination conditions, consultation was carried out with the following public authorities and government agencies under section 3.34(2)(d) of the EP&A Act and/or to comply with the requirements of applicable directions of the Minister under Division 9.1(2) of the EP&A Act:
  - The Environment and Heritage Division of NSW Department of Planning and Environment
  - NSW Environmental Protection Authority
  - Transport for NSW
  - Sydney Water
  - Canterbury-Bankstown Council
  - Ausgrid
  - NSW Department of Education – School Infrastructure

Copies of the submission made by the above agencies were provided to Mirvac for evaluation and consideration. Detailed responses to all the concerns raised by the above public authorities were provided in a response report that was submitted to the DPE on 3 February 2023. A copy of this report is provided at Appendix N to this report.

A public hearing was not required by the Gateway Determination.

## Part 6: Project Timeline

Part 6 of the PP aims to set an indicative timeline for the progress of the PP through the plan making process. It is generally assumed that the process of determining a PP will be approximately 12-14 months. Due to the extensive Council assessment and subsequent rezoning review process, the timeline has been updated with actual dates except for the last item "Gazettal of LEP amendment" which is not as yet complete.

WSU is seeking to relocate remaining courses and services from their Milperra campus during 2023. This will allow the commencement of works on the site in line with development permitted under the proposed land use zone in early 2024.

Stage	Timeframe and/or date
Lodgement of PP to Council	July 2020
Consideration by Council	July 2020
Council decision	August 2021
Planning Panel Review of decision	December 2021
Gateway determination	April 2022
Pre-exhibition and additional studies	April-October 2022
Commencement and completion of public exhibition period	November 2022
Consideration of submissions	December-January 2023
Post-exhibition review and additional information	February-March 2023
Consideration by the PPA (South District Planning Panel)	July 2023
Submission to the Department for finalisation (where applicable)	August 2023
Gazettal of LEP amendment	October 2023

# APPENDICES



# A Detailed Site Investigation

## A-1 RAP

## A-2 Site Audit Report and Statement

# B Preliminary Ecological Assessment

## B-1 Ecological Assessment

## B-2 Memo - Ecological and tree canopy assessment



# C Arboricultural Impact Assessment

# D Bushfire Protection Assessment: Subdivision

# E Statement of Heritage Impact

# F Transport Assessment

# G Stormwater Concept Plan

## G-1 Flood Advice



## G-2 Flood and Risk Impact Assessment

# H Social Impact and Community Needs Assessment

# I Acoustic Assessment

# J Urban Context Report

# K Infrastructure Report

# L Cut and Fill & Preliminary Infrastructure Plan



# M Commercial Needs Assessment

# N Responses to Submissions Summary Report

