

25130

10 June 2026

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Dear Emma,

Response to Submissions | Response to Test of Adequacy Comments 2 and 2A Bullecourt Avenue (SSD-97092958)

This letter has been prepared by Beam Planning on behalf of Mirvac Residential (NSW) Developments Pty Ltd (the Applicant) in response to the items raised by the Department of Planning Housing and Infrastructure (DPHI) at the Test of Adequacy (ToA) stage following the lodgement of the Response to Submissions (RtS) for SSD 97092958. Those comments provided as part of the Test of Adequacy (ToA) stage as well as those provided in the subsequent Request for Information (RFI) are addressed in **Table 1** and **Table 2** respectively.

Table 1 ToA Comments and Responses

ToA Comment	Response
Comments provided on 10 April 2026	
Please provide details of alternative subdivision designs retaining Cumberland Plain Woodland within the proposed road, lot and open space network to demonstrate that avoidance of impacts across the broader site has been considered.	Further demonstration of avoidance of impacts to the Cumberland Plain Woodland (CPW) is provided within this letter below, including opportunities to avoid the removal of additional CPW tree species. Alternative subdivision designs explored are not limited to only CPW, but all trees, as shown in the case studies discussed in Section 4 .
Please confirm the amount of vegetation being removed and the area of CPW being affected. Section 9.1 (p. 115) refers to a total of 0.80ha being impacted, but the subsequent tables (Tables 25 and 31) that outline removal and offsetting do not add up to this.	The Biodiversity Development Assessment Report (BDAR) has been updated to clarify the amount of CPW being removed, being 0.52 ha. The BDAR is attached at Appendix D of the RtS Report.
Please confirm that the applicant is willing to undertake any necessary actions (potentially included as conditions of consent) to complete the transfer of Ashford Avenue and the western portion of Bullecourt Avenue, as requested by Crown Lands.	Further investigations have revealed that Ashford Avenue and Bullecourt Avenue are not Crown Roads and are already Council owned. No conditions are therefore required for the Applicant to facilitate the transfer. This is further detailed in Appendix R of the RtS Report.
Owners consent for all works (vegetation removal etc) outside of the site is required.	Owner's consent is currently being sought from TfNSW and will be provided to DPHI upon receipt. The details of the case officer at TfNSW have been provided to DPHI.
Comments provided on 22 April 2026	
The proposed kerb blisters in place of a pedestrian crossing on Ashford Avenue to reduce the crossing distance is noted.	In response to this comment, it was originally proposed to retain the traffic calming measures on Ashford Avenue as shown in the original lodgement. Since then, the

Given Council is the local road authority, the crossing on Ashford Avenue should be provided in accordance with their requirements.	Department has requested amendments to the traffic calming measures proposed on Ashford Avenue in consultation with Council. Please refer to Table 2 for an explanation of these changes.
If the proposed treatment is considered acceptable by Council, issues with the swept path diagrams, including no body envelope clearances and instances of vehicle encroachment onto line marking and kerbs must be addressed.	
Retention of the existing road alignment and roundabout, with amendments to the footpath location to reduce impacts on the C2 zoned land is noted.	Regarding the impact on access to the opposite property, it is understood that the comment refers to the property at 270 Horsley Road. It should be noted that the existing driveway on the eastern side of the roundabout will be removed under the development approval (SSD-51147710). Therefore, the proposed Horsely Road access intersection design has no impact on the access of surrounding properties.
This design requires the introduction of multiple turning restrictions, including limiting access to the opposite property, and forces pedestrians to deviate from their natural desire lines. While individual design elements may technically comply with relevant standards, the scheme does not deliver a coherent and effective overall design outcome.	In terms of the pedestrian access along the northern side of the exit roadway of Road 2B, it is noted that the northern verge area adjacent to the exit roadway is located within the C2 Environmental Conservation zone, and therefore any works must seek to minimise disturbance to the area. As a result, a paved pedestrian footpath is not permitted within the C2 zone.
Additional details, or modification of the design to ensure the arrangement results in a safe and effective outcome for vehicles and pedestrians is required.	The original SSDA civil plans proposed a footpath on the centre island on Road 2B at the intersection, connecting the footpath on the northern side of Road 2B to the existing footpath on the western side of Horsley Road. However, this would necessitate pedestrians crossing Road 2B twice when walking between the site and Horsley Road, north of the roundabout.
	As an alternative, a raised boardwalk is now proposed within the area connecting the footpath on the northern side of the new access road to the existing footpath on the western side of Horsley Road.
	As discussed in the Traffic Response at Appendix U , the proposed redesign is supportable from both a traffic and parking perspective, whilst avoiding biodiversity impacts.
Please ensure that all information provided to demonstrate avoidance reflects the fact that the rezoning and structure plan in the DCP are separate to this SSD.	It has been made explicitly clear in Section 1 of this letter that the rezoning and structure plan are separate processes to this SSDA.

Table 2 RFI Comments and Responses

RFI Comment	Response
The following should be provided:	
An updated Submissions Report and Register incorporating the additional information and the final response to all issues, including this request.	This document comprises all responses to comments raised following the Response to Submissions stage of the SSDA. All responses have been updated to be consistent with the response to the final RFI.
Updated plans providing a pedestrian crossing on Ashford Avenue near Road 1, in accordance Council's comments.	Council has confirmed their preferred location and design for the crossing to be provided across from the pedestrian link at the southern end of Ashford Avenue (refer correspondence at Appendix X). They have also requested the relocation of the proposed speedhump at the midpoint of the existing Bullecourt Avenue roundabout and have supported the proposed blister crossing to the south of Road 1. These traffic calming measures have been adopted on the revised Civil Plans at Appendix B .

	Council has requested the Applicant consult with any affected properties on Ashford Avenue and, furthermore, that Council should review and approve final drawings for all works along Ashford Avenue, including all traffic management devices, line marking, and associated traffic signage. In response to Council's request for consultation with affected residents to occur, the Applicant would be willing to accept the following condition of consent if the Department deem it necessary: <i>Prior to submission of a Section 138 Application for any works on Ashford Avenue, the Applicant is required to notify any residential properties within 10 metres of any proposed traffic calming device and take into consideration any response provided within 14 days. The plans submitted to Council for a Section 138 Application must generally be in accordance with the final stamped plans.</i> Council's approval of the final design of the traffic calming measures will be facilitated via the standard process under Section 138 of the <i>Roads Act 1993</i>. This matter could also be addressed via condition.
Details of the permissibility of the proposed pedestrian boardwalk in the C2 zone.	Environmental facilities are permitted with consent in the C2 zone under the Canterbury Bankstown LEP 2023, being defined as: <i>a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.</i> Given the definition of environmental facility includes board walks, the proposed board walk is permissible with consent in the C2 zone. Importantly, the boardwalk is consistent with the objectives of the C2 zone, as it allows for the protection and management of an area of high ecological value, and allows for the delivery of a walking path that ultimately prevents the deterioration of understorey and other integral ecological components of the Cumberland Plain Woodland community.
After a review of the additional information submitted, further justification is required on the avoidance of impacts to biodiversity outside of the C2 zoned land. The justification provided to the department seeking reliance on compliance with the DCP, as well as engineering matters, are insufficient to demonstrate that all reasonable actions have been implemented to avoid impacts upon the Cumberland Plain Woodland community. Further information is required for assessment, which may result in a change to lot numbers, including the consolidation of a number of lots to retain vegetation, for Stages 3 onwards. This could result in larger lots subject, which would be subject to future DA's for assessment. Attachment A indicates areas of vegetation that could be retained (outside the identified areas of contamination), however there may be other alternatives for retention of the vegetation.	Further consideration has been given to the avoidance of CPW outside the C2 zone which has resulted in additional opportunities being implemented for the retention of CPW Trees 217, 56, 400, 403 and 408. Additional investigations into the other CPW trees identified in Attachment A of the Department's letter has revealed that Trees 85, 108, 275 and 276 were originally assessed as having existing areas of decay. Following storm damage experienced in January 2025, the trees have now been assessed as having a short useful life expectancy and may present a danger to future residents in the form of dropping limbs. Given their deteriorated condition and limited retention value, retaining these trees is not considered warranted, particularly where doing so would require the removal of residential dwellings from the proposed development.

	A detailed explanation of how the revised scheme facilitates this further avoidance is provided at: • Section 4.1: Tree 56 can be retained through a clause 4.6 variation to clause 6.13 of the CB LEP 2023, which comprises a reduction in width of the Road 2B carriageway. • Section 5: Trees 217, 400, 401, 403 and 408 can be retained through a reduction of two residential lots in Stage 5 and one residential lots in Stage 7. Further explanation of the retained trees and trees which remain proposed to be removed can be found at the Arboricultural Summary at Appendix W.
Other information required includes: • An amended plan showing additional vegetation for retention (see Attachment A) • A consolidated plan clearly showing where retention of trees (with Cumberland Plain Woodland trees and others clearly identified) has been achieved outside of the C2 zoned land. • Details of the vegetation retained (identified on a plan) as a result of the proposed 390 lot layout compared to the 430 lots under the planning proposal. • Retention of additional Cumberland Plain Woodland vegetation as outlined in various options in the Response to Test of Adequacy Comments document.	• Vegetation retention is shown in Figure 21 of the updated BDAR (Appendix D) and in updated Civil Plans (Appendix B). • The original yield numbers were determined at the Planning Proposal stage, and are not available in plan format. This figure represented a theoretical maximum determined before detailed design refinement and the consideration of site-specific constraints. Subsequent investigations, particularly the assessment of biodiversity impacts, have necessitated a reduction in the overall development yield. This is evident in both the VPA and clause 6.34(2) of the Canterbury Bankstown LEP 2023, both of which reference a maximum provision of 430 dwellings being delivered on the site. It is further noted that the final lot layout will be available under SSDA-109921491 as this current application only seeks consent for super lots in some locations. • Trees 217, 56, 400, 401, 403 and 408 are now proposed to be retained as detailed in Sections 4.1 and 5.

1.0 Avoidance of Cumberland Plain Woodland

The proposed development has been informed and refined over several years through a series of planning processes, commencing at the Planning Proposal stage. Throughout this process, the conservation of CPW has remained a key priority, with the project team consistently exploring opportunities to achieve positive outcomes for the biophysical environment.

The Planning Proposal process, which resulted in the site's rezoning, the implementation of the Development Control Plan (DCP) Structure Plan, and the execution of the Voluntary Planning Agreement (VPA), was carried out between July 2020 and June 2024. The State Significant Development Application (SSDA) is a separate process and is currently being assessed independently from the earlier Planning Proposal process.

The Structure Plan, embedded within the site-specific DCP, was developed following extensive investigations into biodiversity, alongside other critical considerations including contamination and stormwater management, and consultation with Council and other key agencies throughout the Planning Proposal stage.

This section of the letter outlines a series of case studies undertaken following the finalisation of the site-specific DCP to maximise the retention of CPW, as well as the other project considerations necessitating its removal, including remediation and bulk earthworks.

This letter is accompanied by Alternative Subdivision Design Plans prepared by Beveridge Williams and dated 11 April 2025, depicting earlier case studies prepared to explore potential opportunities for tree retention across the site. It is also accompanied by revised Civil Plans and associated documentation for a revised scheme which has resulted in the retention of an additional 7 CPW trees.

It is acknowledged that the Community Management Statement will need to be updated following the issue of development consent.

2.0 DCP Structure Plan and Planning Proposal

The proposed development was designed to maintain commitments made during the rezoning phase and to remain consistent with the site-specific DCP structure plan and the executed VPA, including the location and delivery requirements for open space, basins, commercial land and conservation land.

The DCP Structure Plan is the product of iterative optioneering within a set of fixed constraints, including but not limited to:

- Fixed boundary interfaces and level transitions to existing roads (Ashford Avenue, Bullecourt Avenue and Horsley Road) guiding access and entry locations;
- Fixed interfaces to the M5 Motorway, Milperra Reserve and the adjoining school;
- The fixed boundary of C2 zoned land, with the design seeking to minimise landform change and avoid impacts to vegetation within this area;
- Fixed drainage catchments, discharge points and basin infrastructure requirements influencing civil design and road/open space placement; and
- Fixed servicing considerations including stormwater and sewer connection points that govern elements of the civil design.

As demonstrated in **Section 4**, despite these constraints, the project team continued to pursue avoidance and minimisation outcomes following the gazettal of the Planning Proposal. This included consideration of alternative subdivision design options and evolution of the design that has resulted in retention of additional trees relative to earlier layouts considered at the Planning Proposal stage, where feasible, to improve biodiversity outcomes outside the C2 zoned land.

The original scheme which informed the Planning Proposal envisioned a provision of 430 dwellings on the site. As a result of design refinement, including revisions to optimise tree retention, the total anticipated yield is now approximately 390 dwellings (subject to further design refinement under Stage 2 SSD).

3.0 Overarching Considerations

3.1 Contamination

As outlined in the Detailed Site Investigation (DSI) submitted as part of the Environmental Impact Statement (**Appendix X**), the site requires remediation to be made suitable for the proposed uses. Notably, contamination is specifically present within the location of Case Study 2, which contains the largest intact portion of CPW within the residential footprint (refer **Figure 1**).



Figure 1 Contamination and CPW Mapping

Source: SLR Consulting

As shown in the above figure and detailed in the Remediation Action Plan (RAP) submitted with the EIS (**Appendix Y**), soil remediation of the location is proposed. This remediation includes works to remove the soil up to the root ball of the tree and replacing it with new material. Where contamination is found to extend within the TPZ, tree removal will be required to remediate the site suitable for residential use.

Contaminated areas are collocated with existing trees, with contamination anticipated at depths of approximately 0.3 m to 1.0 m below natural ground level, intersecting tree protection zones. While the

precise extent of contamination will be confirmed during excavation and remediation works, the location of trees within the designated Areas of Environmental Concern (AEC) indicates that root zones are likely affected. Accordingly, tree removal is required to ensure all contaminated material is addressed and the site can be rendered suitable for the proposed residential use.

Accordingly, irrespective of the design of the residential lots, a large proportion of the CPW will be required to be removed in order to meet the site suitability requirements of the site auditor.

Regarding public spaces, Council have advised they will not accept Long Term Management Plans across any dedicated assets, meaning all areas outlined in the VPA as to be dedicated must be fully excavated and remediated.

3.2 Bulk Earthworks

As illustrated in **Figure 2**, the proposed development includes bulk earthworks necessary to facilitate site preparation and delivery of the development.

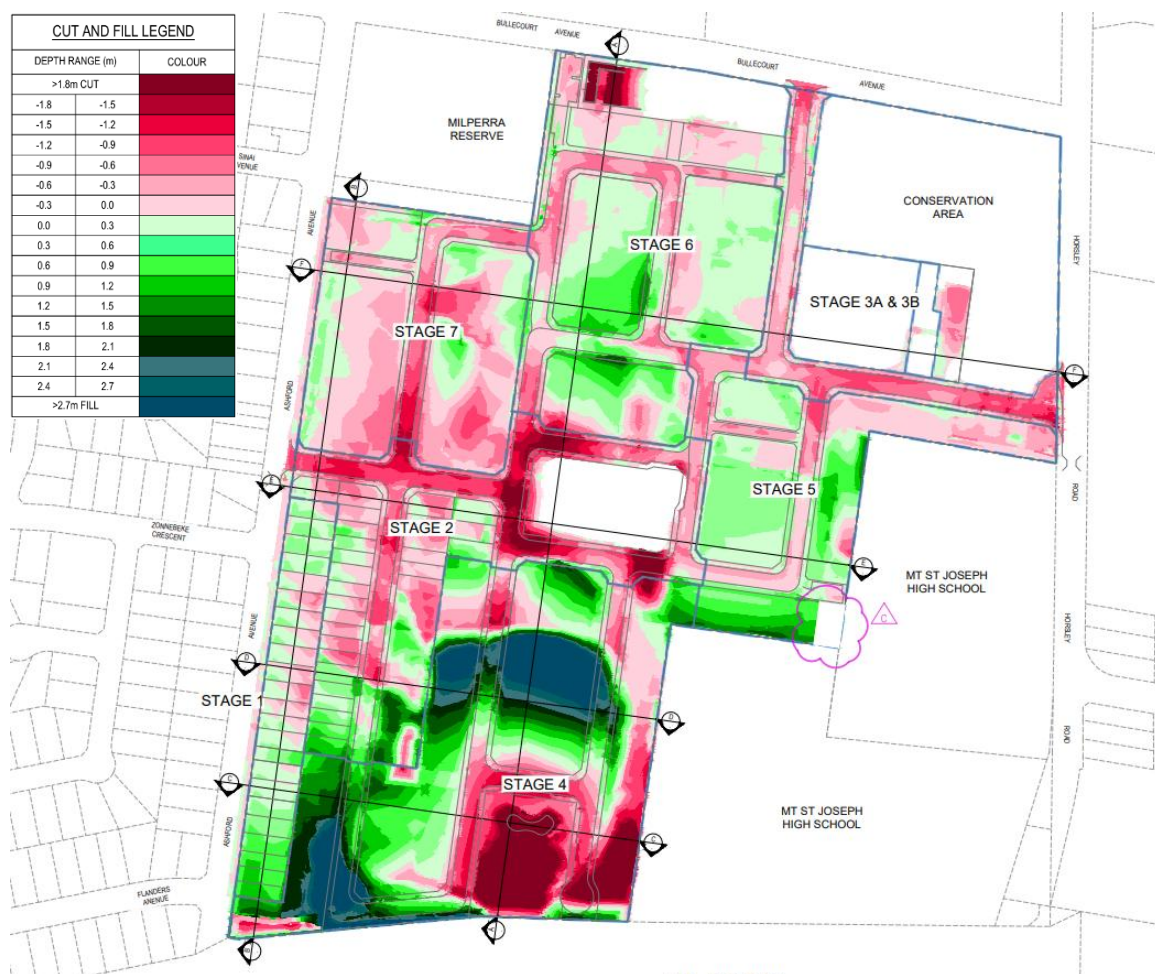


Figure 2 Bulk Earthworks Plan

Source: Beveridge Williams

The Central Park area, where separate soil remediation is required, is proposed to be retained at existing ground levels. This differs from the Case Study 2 area, where both remediation and substantial earthworks are required to achieve a suitable development platform.

The need for bulk earthworks arises from existing topographical constraints across the site, which currently result in poor stormwater drainage and suboptimal lot configurations. Earthworks will therefore be undertaken to establish appropriate levels, improve drainage outcomes, and create functional residential lots.

Consultation with the project arborist has confirmed that trees cannot be retained where more than 200 mm of fill is required within their root zones. Given the extent of excavation, soil replacement, and filling required in the Case Study 2 area, it is unlikely that existing CPW trees would remain viable. The necessary compaction and disturbance of the root zone would significantly compromise tree health.

As discussed above, alternative design responses, including the use of retaining walls, were assessed but determined to be unfeasible due to associated drainage constraints. Accordingly, bulk earthworks represent the only viable approach to achieving the intended residential development outcomes in accordance with the Structure Plan under the site-specific DCP.

In order to further avoid the loss of CPW across the site, a revised design has been prepared which amalgamates lots to facilitate a bulk earthworks plan that can safely retain 7 existing CPW trees in Stages 5 and 7. The redesign results in a retention of 7 additional CPW trees and by reducing the total number of lots in Stage 5 by two, and one lot in Stage 7.

Given the combined impacts of required remediation and bulk earthworks, the retention of a large majority trees within this area is not feasible, with removal necessary due to the anticipated encroachment into the TPZ. Notwithstanding, further opportunity to avoid CPW removal has been demonstrated through the amended design which results in the removal of residential lots that are not otherwise impacted by remediation works

4.0 Pre-lodgement Investigations

Following the finalisation of the DCP Structure Plan, the Applicant undertook a detailed review with their consultant team to identify whether further design refinements could enable greater tree retention across the site, with particular emphasis on the CPW vegetation. As part of this process, a range of options were explored, with several case studies emerging as the most viable and warranting a more detailed investigation.

This section presents the four case studies shortlisted through the design development process, which occurred over a two-year period following rezoning (refer **Figure 3**). Each case study examines specific design responses within defined areas, illustrating alternative subdivision layouts that were tested as well as other minor refinements which would retain vegetation. Of these, Case Study 2, encompassing the largest intact area of CPW vegetation, was the primary focus of this analysis.

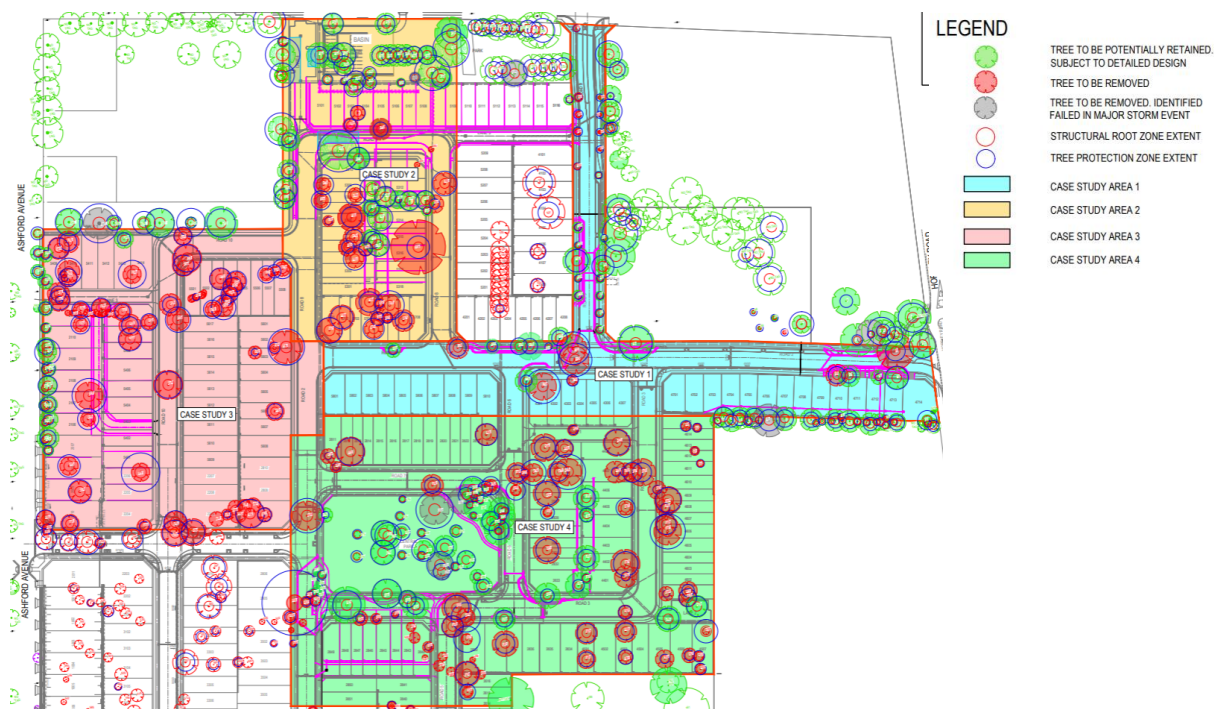


Figure 3 Case studies

Source: Beveridge Williams

As a result of this exercise, an additional three CPW trees were able to be saved by the deletion of car parking bays located at the western side of Road 8 (within Case Study 2).

This exercise explored the retention of an additional 53 CPW trees, however, did not identify a viable alternate outcome. As part of the RtS, these options were revisited and again found to be unviable, reinforcing the extensive work undertaken across multiple planning stages to explore opportunities to retain CPW. Ultimately, the process confirmed that the proposed development has maximised the retention of CPW across the site.

The following sections set out the alternative design options that were investigated, whether they were implemented or not, and where necessary, the reasons why they weren't able to be implemented. It is noted that this exercise considered tree retention holistically across the site but focused on opportunities for the retention of CPW.

4.1 Case Study 1

The Case Study 1 area comprised the roads fronting the existing childcare centre and the residential lots to the south of Road 2 (refer **Figure 4**). This case study investigated the retention of 56 trees, of which 3 are CPW and ultimately retained 15 trees, one of which is CPW.

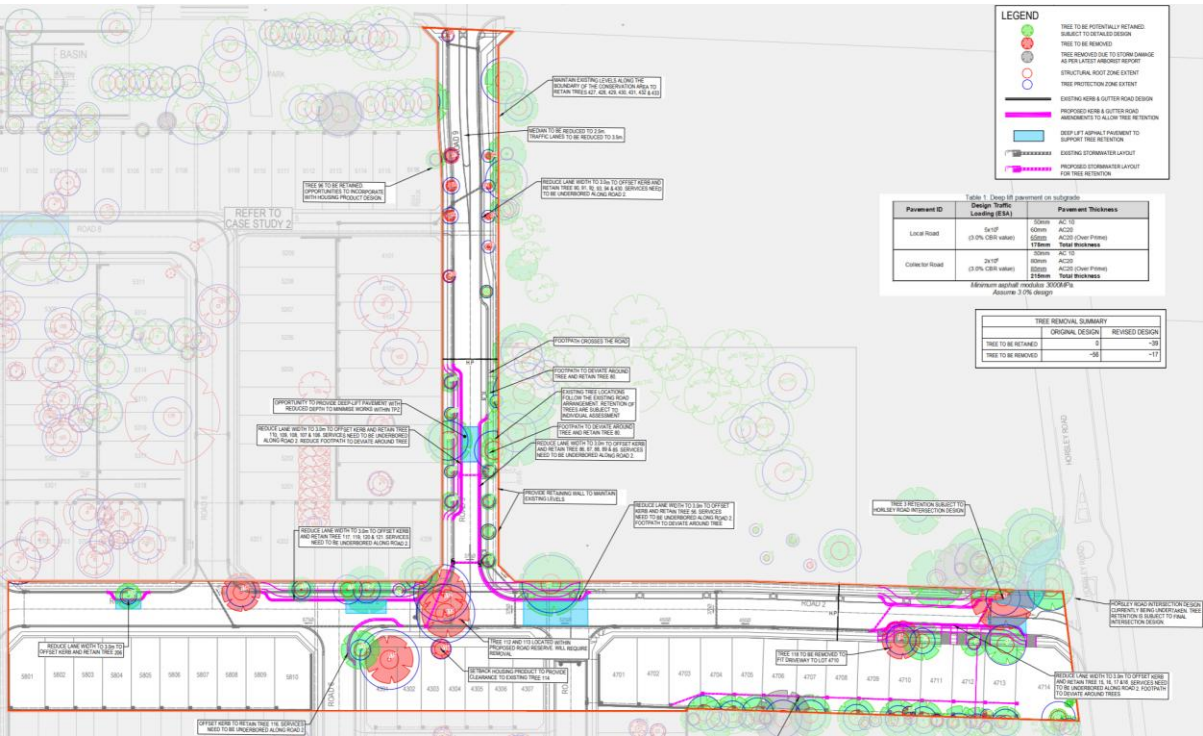


Figure 4 Case Study 1 Area
Source: Beveridge Williams

Table 2 describes the design solutions explored as part of this case study and describes its implementation. Where not implemented, the reasons have been provided.

Table 3 Design solutions explored in Case Study 1

Design Solution	Description	Implementation
Kerb blisters	The following design options were explored for trees located within the proposed road verge or within the proposed 2.1m parking lane: - Locally extending the verge to the 2.5m parking lane. - Meandering the footpath and services to deviate around the Tree SRZ. - Adjusting the road stormwater pit and pipes.	This design resolution was partially implemented, saving Tree 56 (CPW). This was originally not implemented as it is subject to a development standard under Clause 6.13 of the CB LEP 2023, which requires a road carriageway of 10m for a childcare centre. This option was initially presented to Council at a workshop held on 18 June 2025, however, was not

	• Construction of the road to match existing levels as closely as possible. • Provision of deep lift asphalt pavement in lieu of full depth road pavement to support minimal excavation within the Tree Protection Zone (TPZ).	progressed due to the planning constraints imposed by Clause 6.13 of the LEP. Furthermore, retention of the majority of these trees would result in considerable deviations from Council's Engineering standards as well as Utility Authority specifications. Additionally, standard service / utility allocations would need to be either under-bored or relocated to deviate around existing tree roots. Given the extensivity of trees present in this area, it has been determined that their retention and the provision of standard service / utility infrastructure cannot occur. This is further discussed in Section 7.2.2.1 of the BDAR. Further investigations have found that the provision of a kerb blister around Tree 56 is the only viable solution to avoid additional CPW removal in this case study. As mentioned, this was not previously proposed due to the requirements of Clause 6.13 of the LEP, however, this has since been addressed via the preparation of a Clause 4.6 Variation Request which supports a variation to this clause on the basis of retaining additional CPW (refer to Appendix Y). This design resolution would have saved up to 24 trees and its partial implementation has saved one CPW tree.
Stormwater drainage offset	Where trees are located just beyond the rear boundary of the residential lots, the drainage was offset further from the rear boundary to provide clearance to TPZ.	This design resolution was implemented and saved 13 trees. It should be noted that these proposed stormwater construction works form SSDA2 (Stage 5 residential lots) as opposed to SSDA1. This resolution will be further explored under SSDA 2, however, Council will need to accept this variation to their Engineering Standards for interallotment stormwater structures.
Trees within residential lots	When trees are located in the front setback of residential lots, it was explored to provide additional setback for the proposed welling so that construction is outside of the TPZ. Additionally, kerb blisters were investigated to increase the verge width so that adequate space can be provided for utilities to deviate around existing tree roots.	This design resolution was not implemented as it would have further deviations to Council's Engineering Standards to deliver residential lots. In particular, standard service / utility allocations would need to be either under-bored or relocated to deviate around existing tree roots. Given the extensivity of trees present in this area, it has been determined that their retention and the provision of standard service / utility infrastructure cannot occur.

This design resolution would have saved 1 tree.

4.2 Case Study 2

The Case Study 2 area comprises the northwestern residential subdivision, as well as the western side of the Northern Park (refer **Figure 5**). This case study investigated the retention of 70 trees, of which 17 are CPW, and ultimately retained 5 trees.

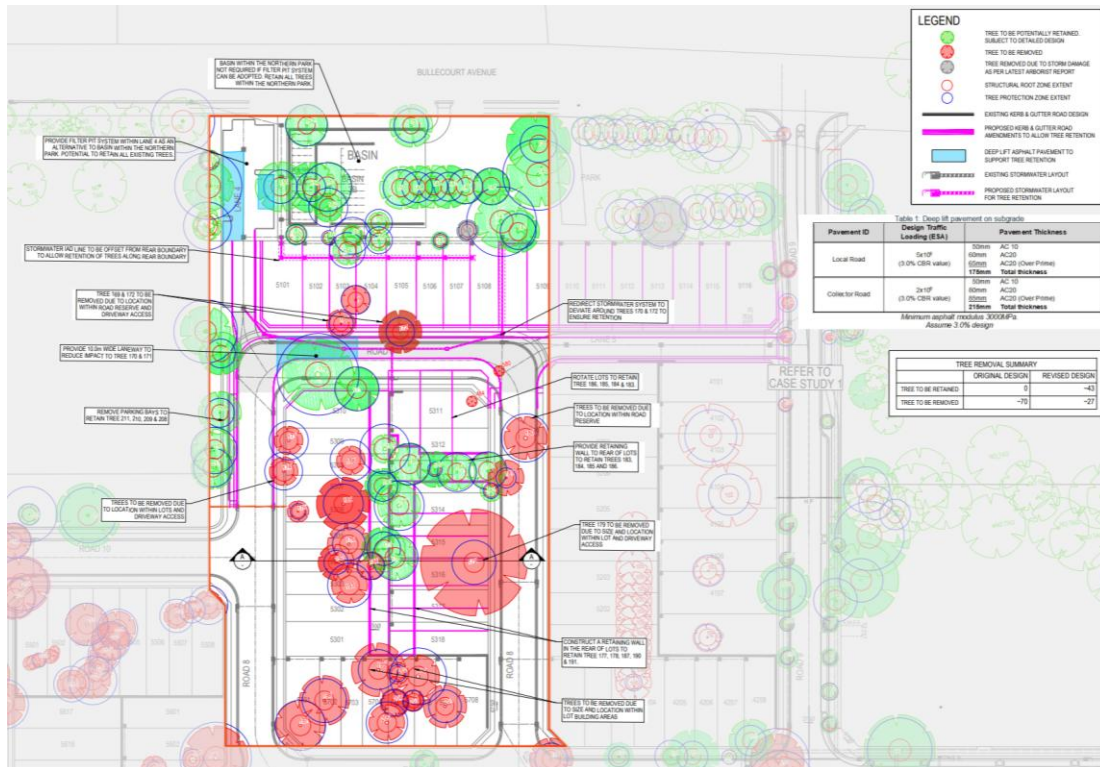


Figure 5 Case Study 2 Area

Source: Beveridge Williams

Table 3 describes the design solutions explored as part of this case study and describes its implementation. Where not implemented, the reasons have been provided.

Table 4 Design solutions explored in Case Study 2

Design Solution	Description	Implementation
Stormwater drainage offset	Where trees are located within the rear lots and clash with Stormwater drainage, an investigation into offsetting the drainage from the rear boundary to provide clearance to the TPZ was carried out.	This design solution was not implemented. Due to the location of the northern basin, drainage was required within the northern park along the southern boundary, meaning the trees would have to be removed anyway. Carrying out the design solution would therefore serve no benefit to tree retention and further to this would have an impact on the future building footprint. Ultimately, this resolution presented a significant variation from Council's Engineering Standards regarding Interallotment drainage. This design resolution would have saved up to 6 trees.

Trees within residential lots (rear)	Where trees are located within the rear of lots, it was explored to implement retaining walls in the backyard to retain existing levels, therefore allowing existing trees to be incorporated into the backyard landscaping. This investigation resulted in the rotation of Lots 5311 – 5313 layouts to front the new Laneway 5.	This design solution was not implemented and, importantly, still required the removal of some trees. The use of retaining walls in this area posed additional civil engineering impacts, including constraints around the provision of drainage pipes caused by the trees, ultimately representing another departure from Council Development Engineering Standards. Due to the topography of the site in this location, the retaining wall would therefore cause pooling within the residential allotments. Notably, this resolution would also require bespoke approval from Council as it would form a 'channel' which is non-standard. The solution would have also impacted the lot depths to a minimum depth of 21m, resulting in a lot which restricts the provision of an appropriate dwelling footprint and private open space. This solution would have required a variation to the DCP Structure Plan, specifically in relation to the proposed road network, and subsequently a revised VPA. Additionally, this area of the site contains soil contamination. Refer Section 3.1 for the implications of contamination on tree retention. As explored through the differing housing lot layouts within this area, there is no viable solution to save all trees within the super lot, even with the provision of irregular-shaped residential lots. This design resolution would have saved 9 CPW trees.
Trees within road carriageway	Where significant trees are located within the proposed road travel lane, an investigation into changing Road 8 to a laneway to reduce the road width was carried out. As part of this exercise, it was also explored that Lane 5 extends further west in-place of Road 8, providing a large verge area for existing trees to be retained.	This design solution was not implemented. This option presented a variation to the DCP Structure Plan and subsequently would require revisions to the VPA. This option particularly compromised the overall intent of the rezoning, as well as the basin function. This design resolution would have saved 2 CPW trees.
Removal of car parking bays	Removal of car parking bays at the western side of Road 8 where CPW trees are located.	This design resolution was implemented and saved 4 CPW trees. Importantly, the amended width of the street maintained on-street car parking.
Trees within Northern Park	Where significant trees are located within the Northern Park area where the proposed basin footprint is, the option to remove the northern basin was explored. A filter pit system was	This design solution was not implemented. The provision of a differing stormwater management solution was a deviation Council Requirements, from the

investigated in the northern car park in lieu of the basin.	Structure Plan in the DCP and furthermore would require an amendment to the VPA due to the concept within the VPA outlining design as per the current proposal within the SSDA.
This solution would have saved 6 trees.	

4.3 Case Study 3

The Case Study 3 area comprises the eastern residential zoned land (refer **Figure 6**). This area contains some CPW, however, as stated in the BDAR, is largely disconnected and scattered vegetation. This case study investigated the retention of 79 trees, of which 24 are CPW, and retained 0 trees. Although this case study did not identify opportunities for the retention of CPW, Tree 217 was able to be retained via the amalgamation of future residential lots in Stage 7, resulting in a loss of residential lot.



Figure 6 Case Study 3 Area

Source: Beveridge Williams

Table 4 describes the design solution explored as part of this case study and describes why it was not implemented.

Table 5 Design solutions explored in Case Study 3

Design Solution	Description	Implementation
Insertion of a lane between road 10 and Lane 3	Insertion of a laneway to allow for the rear loading of lots fronting Ashford Avenue was investigated. This design solution entailed provisioning vehicular access from the rear whilst still maintaining a site address at the front. This would have allowed for avoidance of driveways intersecting with TPZs and would subsequently have allowed for the retention of street trees on Ashford Avenue.	This design solution was not implemented as it still required the removal of CPW trees, deviated from the DCP Structure Plan and subsequently would have required a revision to the VPA. The introduction of the laneway would result in rear loaded homes in order to save additional trees along the existing

Ashford Avenue, however this would also require reduction in the size of Ashford Avenue fronting lots. Subsequently, lots would have to be wider to meet minimum lot size controls resulting in variation from DCP controls which seek to maintain the character of Ashford Avenue, both regarding its heritage and urban design.

The introduction of a laneway would also alter waste collection movements within the proposed road network, and furthermore would have resulted in inadequate utility infrastructure provision along Ashford Avenue, departing from Utility Authority Standard allocations / specifications.

Additionally, as described in **Section 3.2**, bulk earthworks proposed require the removal to ensure the land is suitable for residential subdivision without any impacts to drainage of the overall site.

This solution would have saved 16 trees.

4.4 Case Study 4

The Case Study 4 area comprises the Central Park and surrounding residential lots (refer **Figure 7**). This case study investigated the retention of 135 trees, including 9 CPW trees, and ultimately retained 35 trees. Although this case study did not identify opportunities for the retention of CPW, Trees 400, 401, 403, 404, and 408 were able to be retained via amalgamation of future residential lots in Stage 5, resulting in a loss of residential lots.

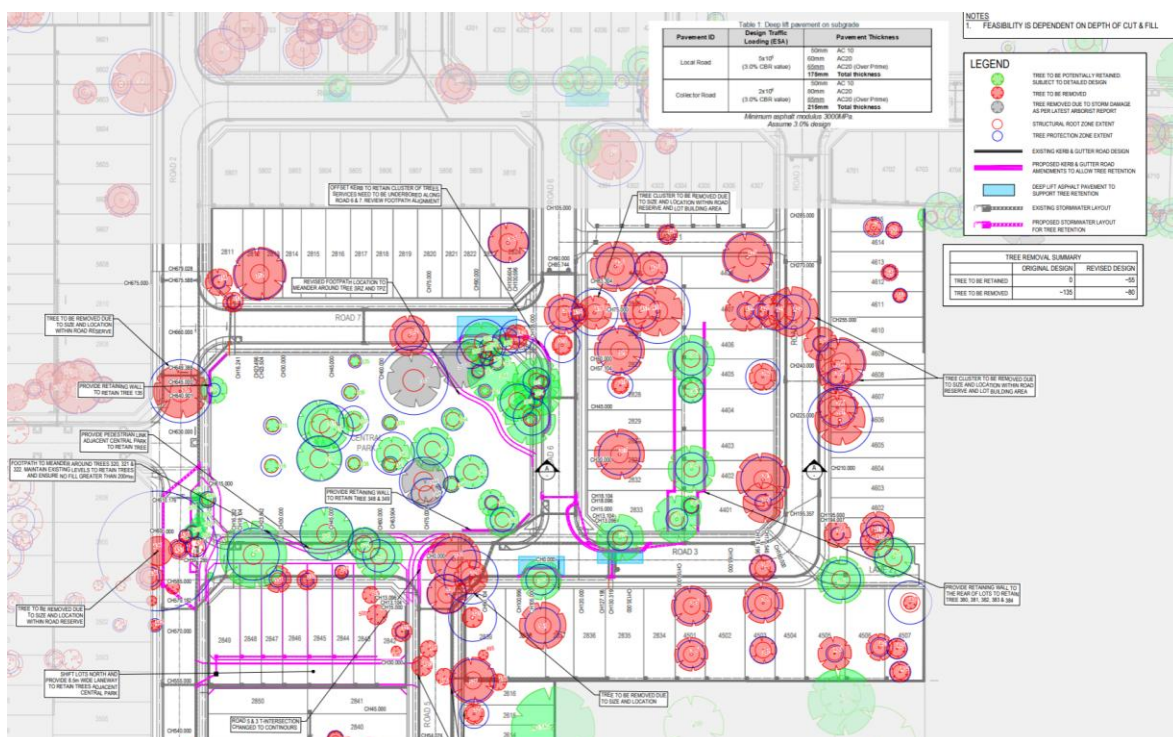


Figure 7 Case Study 4 Area

Source: Beveridge Williams

Table 5 describes the design solutions explored as part of this case study and describes its implementation. Where not implemented, the reasons have been provided.

Table 6 Design solutions explored in Case Study 4

Design Solution	Description	Implementation
Kerb Blisters	Where trees are located within the proposed road verge or within the proposed 2.1m parking lane, the following design resolutions were explored: - Locally extending the verge into the 2.1m parking lane. - Meandering the proposed footpath and services to deviate around Tree structural root zones. - Constructing road to match existing levels as closely as possible. - Providing deep lift asphalt pavement in lieu of full depth road pavement to support minimal excavation within TPZ.	The kerb blister design resolution was implemented at the northeastern corner of the Central Park, alongside a redesign of the footpath to avoid root protection zones. This solution would have saved 9 trees.
Trees within residential lots (rear)	Where trees are located within the rear of lots, it was explored to implement retaining walls in the backyard to retain existing levels, therefore allowing existing trees to be incorporated into the backyard landscaping.	This design solution was not implemented. Similar to Case Study 2, the provision of retaining walls resulted in undesirable civil engineering outcomes, including insufficient drainage and subsequent water pooling problems, ultimately representing a deviation from Council's Engineering Standards. Additionally, this design solution would also affect the utility provisions as it would deviate from Utility Authority Standard allocations / specifications. This solution would have saved 5 trees.
Trees within road carriageway	Where significant trees are located within the proposed road travel lane, the following design resolutions were explored: - A portion of Road 3 was changed to a Pedestrian Link, and existing significant trees were incorporated into the landscape and footpaths to meander around the pedestrian link connecting with the central park. - The lots that fronted this section of road were shifted further north and their front setbacks were provided outside the TPZs of all trees being retained. - To support/service the lots, a new laneway was provided at the rear where access, services and waste was to be addressed.	This design solution was not implemented. The reconfiguration of the road network results in a variation from the DCP and additionally would require a revised VPA. Notably, this design solution also would have had severe impacts upon parking provision for the proposed Central Park, which presented an undesirable outcome for a future public asset. Additionally, would have resulted in inadequate utility infrastructure provision, departing from Utility Authority Standard allocations / specifications. This solution would have saved 4 trees, 1 of which is CPW.
Trees within Central Park	Where significant trees are located within the Central Park area, retaining walls were provided to retain the existing levels and retain the trees.	This design solution was implemented and saved 2 trees.
Trees within road verge	Where significant trees located within the footpath of the proposed road verge, the pedestrian footpath deviated around existing trees and through the central park.	This design solution was implemented and saved 17 trees.

5.0 Additional Avoidance Measures

Since the issue of the RFI, further opportunities have been found to retain additional CPW across the residential zoned land within the site. An amended design has been prepared which identifies the retention of Trees 56, 217, 400, 401, 403 and 408 (refer to civil plans at **Appendix B**). This has been achieved by implementing a kerb blister on Road 2B and amalgamating lots under the future SSDA 2, resulting in a reduction of 3 future residential lots.

The trees proposed to be retained in the amended design are located outside of areas requiring remediation and are capable of being accommodated via changes to the proposed bulk earthworks. Importantly, as shown in the Arboricultural Impact Summary at **Appendix W**, the trees proposed to be retained are of the highest Arboricultural value, which were all assessed as having a long useful life expectancy and high retention value.

The amended design will impact the plan of subdivision in the future SSDA 2, however all relevant documents in this SSDA have been updated to reflect the intended retention of these five CPW trees, including the bulk earthworks plan.

6.0 Complementary Mitigation and Enhancement Measures

Beyond avoidance and minimisation, the proposal includes broader mitigation and enhancement measures intended to improve retained biodiversity values and strengthen ecological connectivity across the site, including:

- Retention and long-term management of more than 2 hectares of intact CPW communities in perpetuity, supported by the Vegetation Management Plan;
- Delivery of planned public parks and open space areas that contribute to both community benefit and ecological structure across the site, together with embellishment works to adjoining Milperra Reserve;
- Establishing ecological connections between currently segregated habitat communities via a habitat transition corridor and biodiversity linkages cultivated through street tree planting;
- Propagation and use of CPW provenance species for revegetation and street planting, with seed collection undertaken from native vegetation on the site to support Cumberland provenance outcomes; and
- Installation of nest boxes to provide supplementary habitat for arboreal mammals, microbats and birds.

These measures reinforce that the project seeks not only to retain key vegetation areas, but to enhance biodiversity outcomes through an integrated landscape, street tree and VMP approach across the developable footprint and retained conservation areas.

Importantly, as outlined in Section 9.3 of the updated BDAR (**Appendix D** of the Response to Submissions) the proposed removal of vegetation is appropriately offset through the purchasing of species credits.

7.0 Conclusion

The proposed development has demonstrated that avoidance of CPW has been maximised to the greatest extent reasonably practicable across the site.

As demonstrated above, the Project Team has undertaken extensive analysis of the site opportunities and constraints to retain as much CPW as possible, intending also to contribute extensively to this environment through the provision of additional landscaping. Further design refinements have resulted in an additional seven CPW trees being retained with a reduction of 3 lots. Retention of the CPW has been demonstrated to be balanced against other project considerations, including:

- Consistency with the site-specific DCP which emerged as a result of investigations into an appropriate road hierarchy, biodiversity considerations, residential yield and public infrastructure offering.
- Reduction of unnecessary project delays at this stage in the approval process, including those caused by VPA revisions and major project redesigns.

- Provision of an appropriate housing yield, noting that a reduction of approximately 40 dwellings has already occurred since the conception of the overarching project and a further three lots will now be lost.

Therefore, it has been demonstrated that the proposal is consistent with the avoidance requirements of the *Biodiversity Conservation Act 2016*, and the proposal will result in acceptable biodiversity impacts through the purchase of offset credits in accordance with the Biodiversity Assessment Method framework.

We trust that the information enclosed in this letter has satisfied the feedback obtained in the Test of Adequacy stage of the Response to Submissions stage. If any information beyond this letter is required, please do not hesitate to contact me at my below details.

Kind regards,



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