

28 January 2026

Emma Butcher
Department of Planning, Housing and Infrastructure

Dear Emma

Canterbury Bankstown City Council Submission to the State Significant Development Application SSD-97092958 – 2 and 2A Bullecourt Avenue, Milperra

Thank you for the opportunity to provide a submission in response to the exhibition of the State Significant Development (SSD) Application SSD-97092958 for the construction of 62 dwelling houses, three (3) public parks, bulk earthworks, public roads, landscaping and services, augmentation of existing services and road infrastructure, site remediation, tree removal, subdivision, and conservation works at 2 and 2A Bullecourt Avenue Milperra. Council has reviewed the documentation made available on the Department of Planning, Housing and Infrastructure (the Department) website and enclosed with this letter is Council's response to the SSDA.

Council generally supports the application, however it is requested that revised plans and reports are resubmitted for further review.

Council's feedback and comments are summarised in Attachment A, with detailed comments provided at Attachment B. Note that comments from Council's Development Assessment unit are shown in Attachment C.

If you require any clarification or have any enquiries regarding this submission, please feel free to contact me on 9707 5754, or via email michaela.newman@cbc.city.nsw.gov.au

Yours sincerely

Michaela Newman
**Acting Coordinator Strategic Assessments
Canterbury Bankstown Council**

Attachments:

- A - Summary of Additional Information, Amendments and Recommended Conditions of Consent Requested by Council
- B – Detailed Comments
- C – Comments from Development Assessment



Attachment A - Summary of Additional Information, Amendments and Recommended Conditions of Consent Requested by Council

Category	Additional information requested	Recommended design and/or plan changes	Recommended conditions of consent and/or staging
Environmental/Biodiversity	Revised BDAR Vegetation Management Plan	Retention of C2 land and Cumberland Plain Woodland	
Urban Design		Provision of through-site links and pedestrian pathways Greater variation of facade elements	
Asset Systems	Location of GPTs Detailed Flood Assessment		
Traffic		Design and construction of pedestrian crossings	
Environmental Health			A Site Audit Statement (SAS) and supporting Site Audit Report (SAR), must be prepared prior to the issue of an Occupation Certificate, with copies provided to Council. Any conditions specified in the SAS are to be adopted as conditions of consent.
Development Assessment	Refer to Attachment C		
Resource Recovery	Temporary turning head may be required and must be shown on the plans per As2890.2.		



Attachment B - Detailed Comments

Category	Council Feedback
Development Assessment	Please refer to Attachment C
Environmental/Biodiversity	Biodiversity Development Assessment Report - All land zoned C2 – Environmental Conservation must be retained, protected and managed under a Vegetation Management Plan as required by Chapter 11.13 of the Canterbury-Bankstown Development Control Plan 2023. - The C2 - Environmental Conservation zoned land can not be used as justification for avoidance of impacts as this was a requirement of the rezoning and the development proposed is not permissible on this land. The accredited assessor from Cumberland Ecology (now SLR) has confirmed that retention of the C2 land cannot be used as avoidance as this would be considered 'double dipping' and that avoidance must be demonstrated elsewhere on the subject land in accordance with section 6.4 of the Biodiversity Conservation Act 2016 (BC Act). - Cumberland Plain Woodland must be retained within the proposed subdivision. This includes retaining Cumberland Plain Woodland within proposed lots, road corridors and recreational land. This currently has not been demonstrated and as such, reasonable avoidance in accordance with section 6.4 of the BC Act of impacts has not been demonstrated. Biodiversity Development Assessment Report Figure 5 (Layout of the project) in the Biodiversity Development Assessment Report (BDAR) proposes the removal of vegetation outside of the subject land that has not been mapped or considered in the BDAR. This vegetation is located outside of the southern boundary of the subject land adjacent to the M5. Given the location of this vegetation outside of the subject land, impacts to this vegetation could be avoided through design refinements. Biodiversity Assessment and Mitigation Hierarchy - The BDAR does not adequately demonstrate that the mitigation hierarchy has been applied, specifically in relation to avoidance and minimisation of impacts. - The BDAR attempts to justify avoidance on the basis that the north-eastern portion of the site zoned C2 – Environmental Conservation was excluded from development at the rezoning stage. Council notes that the Accredited Assessor has previously been advised and agreed that the C2 zone cannot be considered avoidance for this proposal, as the protection of this land was a requirement of the rezoning and its use for residential development is prohibited. - Despite the above, the BDAR continues to present the C2 Environmental Conservation zone as an area of avoidance. This approach is inconsistent with the Biodiversity Assessment



	Method (BAM) and the Biodiversity Conservation Act 2016 (BC Act). The BDAR must be revised to: • clearly identify the C2 zoned land, • exclude this land from being treated as avoidance, and • ensure no additional impacts are proposed within this zone. • Council also notes that the current proposal includes impacts to land zoned C2 – Environmental Conservation, which are not permissible. These impacts must be removed from the proposal. • With the C2 zoned land excluded, the BDAR must then identify the areas of Cumberland Plain Woodland proposed for retention and removal. • No genuine attempt has been made to retain vegetation within the proposed subdivision. Vegetation shown for retention within the RE1 – Public Recreation zone is limited to planted native vegetation and does not comprise Cumberland Plain Woodland. Accordingly, reasonable avoidance has not been demonstrated. • Council rejects the argument put forward in the BDAR that the R1 – General Residential zoning justifies the removal of vegetation, including Cumberland Plain Woodland. The provisions of the BC Act prevail over Part 4 of the Environmental Planning and Assessment Act 1979 to the extent of any inconsistency. As such, the zoning of the site cannot override the requirement to demonstrate reasonable avoidance under the BAM and BC Act. This has been tested in the Land and Environment Court (Planners North v Ballina Shire Council [2021] NSWLEC 120 (Planners North)). • It is clear from the plans provided that much of the vegetation proposed for removal could be retained under the current design and further design amendments could allow for the retention of further vegetation. These are considered avoidable impacts. Landscape Plan The provenance of plant species and canopy cover as a percentage of site area have not been articulated in the Landscape Plan. Opportunities to retain significant trees have not been explored to inform the plan as per the requirements of the SEARs. Vegetation Management Plan The Vegetation Management Plan must include any retained Cumberland Plain Woodland, not just the C2 zoned area. However, it is noted that there would be different management zones for areas where midstory and groundcover species cannot be reestablished. A positive covenant must be created for the perpetual management of all management zones identified in the Vegetation Management Plan. Bushfire Risk
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	A positive covenant must be created for the perpetual management of any asset protection zones in accordance with Planning for Bush Fire Protection 2019.
Urban Design	Form and external appearance in context and impacts to public domain Local community impact Despite the UD Report identifying “limited retail choices”, the proposal does not address the need for commercial tenants or services to meet the day-to-day needs of an estimated future population of 3,000+ residents, as outlined in the objectives of Zone R1 General Residential. The proponent should include some commercial and retail options, such as corner stores and cafes, within the design to service the local community within a reasonable walking distance. Council strongly recommends complementing the existing neighbourhood centre in the northwest corner and the proposed childcare upgrade (potentially retrofitted to include a café or restaurant) to enhance community life. To activate and enhance public open spaces, Council suggests locating these commercial tenants along Central Park (e.g., lots 2301–2303) and Southern Park (e.g., lots 4505–4512). The southern location would also reinforce activation of the proposed pedestrian through-site link from Ashford Ave (refer to comments 4.1 for further recommendations). Relationship with neighbouring sites Internal through-site links The proposal includes two public parks that lack connection to the eastern boundary and the Mt St Joseph High School, limiting their accessibility and public use of the open spaces. Council recommends: • Extending the proposed through-site link (lots PT40) to the eastern boundary to connect Southern Park with the High School (e.g., lot 4610), similar to the proposed through-site link south of lot 5514. • Providing pedestrian pathways with wombat crossing at key crosswalks (e.g., between lots 4101 and 4201, between lot 4218 and Southern Park, and between Southern Park and lot 4610). M5 noise impact The UD Report notes that buildings will be set back from the M5 to reduce noise impact; however, the current proposal lacks adequate buffers in the southeast corner. The proponent should provide setbacks along lots 4601 and 4602 similar to those proposed south of lots 4111, 4110, 4209, and 4210. 5 Architectural expression and materiality Streetscape building façade design Stages 1 and 2 buildings’ elevations excessively rely on repetitive patterns, such as:



	• Dark colours brick on ground floors. • Limited grey/dark colours cladding or render. • Few architectural elements repeated across façades. • Predominantly flat roofs. Council recommends introducing greater variation in façade elements visible from the street and public domain, including: • Increasing pitched roofs (consistent with prevailing built form across Ashford Ave). • Using lighter coloured bricks similar to the prevailing character of Ashford Avenue. • Avoiding excessive repetition of frontage shapes (e.g., garage entries, square frames). • Incorporating curved lines and distinctive details. • Expanding the palette of materials and colours. These measures will improve visual interest, reduce monotony, and create a more engaging streetscape that reflects local character and enhances the public domain experience. Housing diversity Stages 1 and 2 offer mainly 3- and 4-bedroom detached dwellings, limiting housing provision diversity. Council recommends that future stages include a broader mix permitted in R1 zone (e.g., attached dwellings, multi dwelling housing, shop-top housing) to meet community needs and reinforce park edges with continuous frontages (e.g., Central Park lots 6101–6114, 4406–4413, 5201–5210). Mixed-use typologies near parks will also support activation and improve street character (refer previous comment 5.1). Limited floors heights Stages 1 and 2 currently provide floor-to-floor heights (<3.05m) and ceiling heights (<2.60m) fall short of best practice. Council recommends: • Minimum floor-to-floor height: 3.2m. • Minimum ceiling height: 2.7m (as per ADG, referenced as best practice even though not strictly applicable to this type of development). Benefits include: • Enhanced amenity (natural light, airflow, overall living quality). • Improved acoustic, thermal, and waterproof insulation between floors. • Alignment with current industry standards and long-term durability expectations. • Increased flexibility for residents to renovate and adapt interiors as their needs and preferences evolve over time. Front yard pedestrian path The current design for stages 1 and 2 shows two main front yard configurations:
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	• Option A: clear separation between impermeable surfaces (driveway and pedestrian path) and permeable landscaped areas (e.g., lot 2102). • Option B: fragmented distribution of impermeable and permeable surfaces (e.g., lot 2105), resulting in smaller planting areas and reduced tree canopy potential. Council does not support fragmented layouts that compromise landscape quality. To improve sustainability and visual amenity, Council recommends: • Adopting layouts similar to Option A, where the driveway and pedestrian path are consolidated on one side, leaving a continuous deep soil area for planting. • Limiting hard surfaces to essential access only, avoiding unnecessary paved fragments. • Using permeable paving materials where possible to reduce stormwater runoff. A consolidated layout maximizes soil volume for tree growth, improves stormwater infiltration, and enhances the streetscape character by allowing substantial planting rather than scattered small patches.
Asset Systems	Roads: “Standard Flexible Pavement” detail specifies sandstone subbase. Subbase needs to be DGS20 road base. Sandstone is not acceptable. Proposed pavement thicknesses by “Geotech Testing Pty Ltd” are acceptable Stormwater General – All proposed works and stormwater design shall be in accordance with Canterbury-Bankstown Development Control Plan 2023, ARR 2019 version 4.2 and relevant Australian standards. Refer to relevant sections of the DCP including: • Chapter 3.1 Development Engineering Standards, • Chapter 2.2 Flood Risk Management • Development Engineering Standards Guide Stormwater • Provide DRAINS and MUSIC model for pre and post-development scenarios • The concept stormwater layout shown in Civil Engineering Plans are noted to be indicative only. Detailed design shall incorporate the following comments from the pre-DA stage: - Minimum pipe size requirement, downstream pipes must not be smaller than upstream pipes, provide drainage for localised low point - Council advises against sharp angles, particularly changes in direction more than 90-degrees to minimise hydraulic losses. - Existing kerb inlet pits with lintel impacted by proposed driveways shall not be converted to grated only pits as these



	are prone to blockage. Recommend relocating it upstream of the driveways. Basins • Confirm design capacity of all basins (at which AEP design event it will overtop). Clarify if basin can accommodate both overland flows and Georges River backflow. • Confirm how the Georges River backflow will enter Basins No.1 and 2 with the proposed retaining wall in place. • Adequate flood signage shall be installed at/proximity of all basins and floodways • All overflow weir locations shall be indicated on the basin plans. Scour protection shall be incorporated downstream of the overflow weirs. • The narrow width of overflow weir for Basin No. 1 is prone to blockage. There are also concerns the complex basin outlet design is prone to sedimentation. Update design to provide sedimentation and blockage prevention measures • Usage of Basin No.1 for sports court and fitness zone is not supported. The Sports Court shall be relocated to higher ground to minimise the significant flood risk to users in view of the limited warning time available to evacuate users. • Temporary and Permanent Basins – There are concerns on the reliance on temporary basins and delivery of permanent basins at a later stage (Stages 4 and 6). Temporary basins do not provide certainty that the permanent flood mitigation infrastructure will be delivered. GPT - Confirm location of GPTs. GPTs (as a primary treatment device) shall be installed upstream of bioretention basin. Flooding • A detailed assessment shall be undertaken by comparing the pre- and post-development 1% AEP peak flood levels at the Ashford Avenue and Flanders Avenue intersection against the surveyed property levels of HNo. 1 and 2 Flanders Avenue. This is to confirm that any increase in post-development flood levels does not encroach onto these residential properties, as currently shown in Figure C4. If adverse flood impacts are found within these properties, appropriate mitigation measures shall be implemented as part of the proposed development to ensure there is no worsening of existing flood conditions for these residential properties. • Clarify why rainfall was excluded from the residential lots in the modelling of the post-development scenario Note to Development Engineer: • There is an increase of flows discharged through the M5 Motorway culverts during the 1% AEP event. Recommend applicant to liaise / seek approval from TfNSW • Confirm OSD requirements for the proposed subdivision based on DCP. There are commentary that no OSD is required for certain stages of the development based on pre and post development impervious areas.
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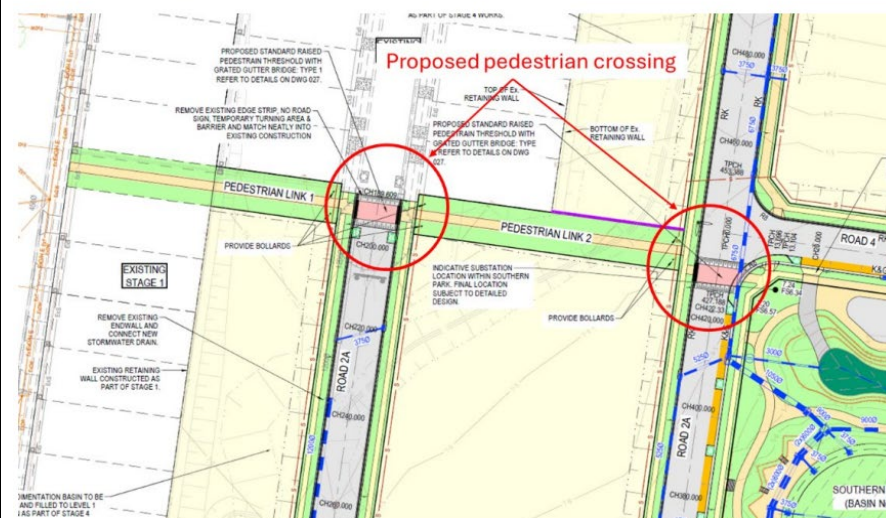
	• Operation and Maintenance Manual shall be prepared relating to the maintenance of the proposed drainage infrastructure and water quality treatment devices. Detention and bio-retention basins (currently not in the list in the WSU Milperra – DA Engineering Design Report) need to be included. Please review and liaise with Road Operations team regarding this requirement. Pre and post-construction CCTV of existing and proposed pipes shall be submitted to Council to ensure there are no damages and no protruding pipe inside Council's pipes. Open Space • Ensure water is connected to parks with playground • Do not use timber for furniture products or playground equipment. Tree selections need to be reviewed by tree management team. It is unlikely lemon scented gums will be accepted.
Traffic	Section 3.3.2 of the report and figure 3.3 states that a pedestrian crossing is not warranted due to low pedestrian volumes and the absence of a footpath on the western side of the road. However, the report also notes that a Green Travel Plan has been prepared as part of the development. If the development is intended to actively promote green travel, the provision of a pedestrian crossing outside the driveway on Ashford Avenue is considered essential, irrespective of the current absence of a footpath on the western side opposite the site. Furthermore, as Council has included the installation of a footpath on the opposite side in our Future works Program, the lack of existing infrastructure should not prevent the provision of a safe pedestrian crossing at this location. Figure 3.3: Proposed Site Access - Ashford Avenue



Furthermore, the Applicant proposes to install raised pedestrian crossings within the site boundary, as shown in Figure 3.6 of the report. If pedestrian activity is anticipated to be sufficient within the site to justify these internal crossings, it follows that pedestrians will also be interacting with Ashford Avenue.

In this context, the provision of a pedestrian crossing on Ashford Avenue is considered more appropriate and justified than crossings solely within the new roads within the development.

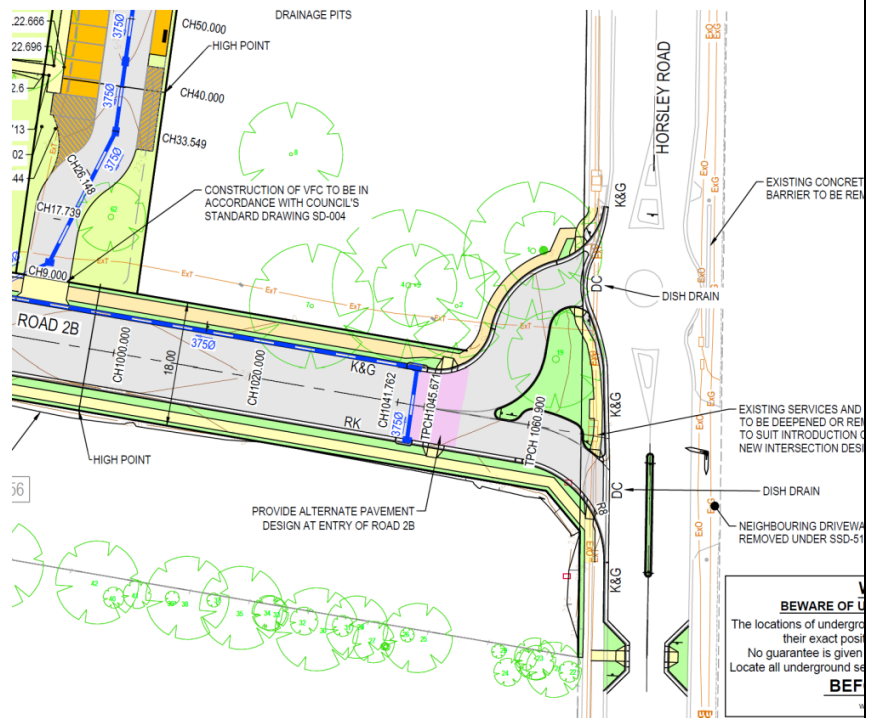
Figure 3.6: Proposed Pedestrian Crossings within Internal Roads



To comply with the condition C7 - Pedestrian crossings must be installed at least 5m away from stop/give way lines to allow one car space., the proposed pedestrian crossing on Road 2A must be proposed 5m to the south of the holding line on Road 2A. It is currently at the holding line and does not allow one car space to queue.

Proposed changes to the roundabout access on Horsley Road

Figure 3.4: Proposed Site Access - Horsley Road



Source: Beveridge Williams. Layout Plan Stage 3A, Sheet 1 of 2, Drawing No. 054, Rev.C

To reinforce the restriction on right-turn movements from Horsley Road into the access road, it is recommended that the gap between the existing roundabout splitter island and the proposed median island (located between the left-in access and the southern kerb extension) be filled. This treatment will physically deter and prevent illegal right-turn movements into the access road.

It is also recommended that the Applicant reconstruct the northern splitter island to bring the roundabout up to current standards with respect to pedestrian refuge width. The existing pedestrian gap measures approximately 1.68 metres, whereas current standards require a minimum width of 3.0 metres.

It is acknowledged that upgrading the southern splitter island to incorporate a pedestrian gap may inadvertently encourage motorists to utilise this gap to perform a prohibited right-turn movement from Horsley Road into the access road. Accordingly, it is acceptable for the Applicant to instead provide a raised pedestrian crossing, kerb extension, or slow point further south of the access driveway on Horsley Road, as shown in Figure 3.4, to improve pedestrian safety without compromising the proposed traffic restrictions.

Environmental Health

LAND CONTAMINATION

Environmental Health has reviewed the Site Audit Statement and Site Audit Report prepared by Dr Ian Swane in support of the application. Environmental Health recommends



	1. A Site Audit Statement (SAS) and supporting Site Audit Report (SAR), must be prepared prior to the issue of an Occupation Certificate, with copies provided to Council. Any conditions specified in the SAS are to be adopted as conditions of consent. 2. Provide validation report of all remediation work conducted in accordance with the RAP. ACOUSTIC – CHILDCARE OUTDOOR PLAY NOISE Environmental Health recommends 1. The acoustic report should consider amended Section 5.2(c) of Chapter 10.1 of the Canterbury-Bankstown Development Control Plan 2023, the development must implement measures to ensure that noise from children playing in outdoor areas does not exceed 5 dB(A) above the background noise level. 2. Revised plan of management consistent with the acoustic report.
Resource Recovery	Swept paths are required showing Councils HRV per AS2890.2 entering and exiting the site in a forward direction. Temporary turning head may be required and must be shown on the plans per AS2890.2.
Payment of Section 7.11 or 7.12 Development Contributions	Development Contributions must be paid for this development before the issue of any construction certificate. The contributions are levied and applied under the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 and Section 7.11 or 7.12 of the Environmental Planning and Assessment Act 1979. The contributions will be used to provide, extend or augment public amenities or public services. In the event of a development consent being issued by the Department of Planning, Housing and Infrastructure, Council requests a condition of consent is imposed that requires the applicant to pay the required contributions to Council prior to the issue of a Construction Certificate. No construction certificate is to be issued and no construction is to commence until payment of development contributions. The contribution must be paid to Council before the issue of any Construction Certificate. Construction of the development may NOT commence until the development contributions are paid. Note, where a development includes residential accommodation that will result in a net increase in residents on the land a section 7.11 contribution will apply. If the proposal includes residential accommodation which does not increase the number of residents but has a cost greater than \$150,000 a Section 7.12 levy will be imposed. If both forms of residential development are proposed on the site, the contribution type that produces the higher amount of contributions will be applied.



	Refer to Section 01 (pages 13-17) of the Canterbury- Bankstown Local Infrastructure Contributions Plan 2022 for details on calculating contributions. Indexing of the contribution amount to be paid: The development contribution payable will be adjusted, at the time of payment, to reflect Consumer Price Index increases which have occurred since the “Consent to operate from date” which appears on the front page of this Determination Notice. Applicants should contact Council's Customer Service team on (02) 9707 9000 or council@cbc.city.nsw.gov.au to be advised of the current contribution payable and how to pay.
Payment of fee – post Consent Compliance	If this SSD is approved, there may be conditions of the consent that may require Council's review and/or approval of documents before the construction and/or occupation of the development can occur. In accordance with Council's adopted Fees and Charges, a fee of \$1,375.00 is required to be paid by the applicant to Canterbury Bankstown Council prior to submitting any information to Council as required by the SSD development conditions.

