

Our ref: Bullecourt Avenue, Milperra- Early Works & Stage 1 (SSD-97092958)

Mr Nibraas Ahmad
Development Manager
Mirvac Residential (NSW) Developments Pty Ltd
Level 28, 200 George Street
Sydney, New South Wales 2000

20 July 2026

Subject: Request for Additional Information

Dear Mr Ahmad

I refer to the Response to Submissions (RtS) for the Bullecourt Avenue, Milperra- Early Works & Stage 1 (SSD-97092958). The Department has received advice from Council (Attachment A) and agencies (Attachment B) and is requesting a response to outstanding issues.

You are requested to submit the following additional information:

Details of how car parking for the child care centre will be managed and confirmation that access to the required number of spaces will be provided throughout construction and in perpetuity if the car park is located on a separate lot to the child care centre.

Additional details regarding the pedestrian link from Ashford Ave to Road 4, including:

- how the 3m wide path provides appropriate separation of pathway users, noting the DCP requires a 5m wide path
- the proposed ownership arrangement and how the link will be managed.

Updated plans of proposed subdivision with a unique drawing reference number for each plan.

You are requested to provide the information, or notification that the information will not be provided, to the department by **Tuesday 28 July 2026**. If you cannot meet this deadline or do not intend to provide the additional information, please advise the department via the NSW planning portal.

If you have any questions, please contact Emma Butcher on 02 8289 6607 or via email at Emma.Butcher@dpie.nsw.gov.au.

Department of Planning, Housing and Infrastructure



Yours sincerely,

A handwritten signature in grey ink, appearing to be "LP".

Lisa Pemberton

Team Leader, Housing Delivery Assessments

as delegate for the Planning Secretary

Attachment A- Council comments on RtS



7 July 2026

Zoe Halpin
Department of Planning, Housing and Infrastructure

Dear Zoe

**Re: Canterbury Bankstown City Council Submission to the Response to
Submissions State Significant Development Application, SSD-97092958 –
(redevelopment of the former WSU Milperra campus)**

Thank you for the opportunity to provide a submission in response to the exhibition of the Response to Submissions for the State Significant Development (SSD) Application SSD-97092958 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.

Based on our review of the application, Council generally supports the proposed development. Council's feedback and comments are summarised in Attachment A, with detailed comments provided at Attachment B and Council's recommended conditions of development consent at Attachment C.

If you require any clarification or have any enquiries regarding this submission, please feel free to contact me on 9707 5593 or Patrick.Lebon@cbc.city.nsw.gov.au.

Yours sincerely



Patrick Lebon
**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 – Council's recommended conditions of development consent



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
Waste/Resource Recovery			Refer to Attachment C for recommended conditions of consent
Development Assessment	Comments to be provided under separate cover		
Urban Design	Comments to be provided under separate cover		
Tree Management	Comments to be provided under separate cover		
Engineering Services		Refer to comments in Attachment B	
Payment of Section 7.11 or 7.12 Development Contributions			Department to impose condition confirming amount payable to Council

Attachment B - Detailed Comments

Category	Council Feedback
Waste/Resource Recovery	Refer to recommended conditions of consent in Attachment C
Development Assessment	Comments to be provided under separate cover.
Urban Design	Comments to be provided under separate cover.
Tree Management	Comments to be provided under separate cover.
Development Engineer	The following points need to be addressed by the applicant prior to any determination being issued by the Department: All Stages: 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. The applicant must review and liaise with Council's 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 All existing services shall be coordinated with relevant authorities for removal, relocation & proposal Multiple VFCs frontage shall be constructed in accordance with Council Standard Drawing S-004, S-007 and S-008. The following requirements shall be adhered to at a minimum: - Minimum 5.5m on-street parking space shall be provided along each site frontage. - Minimum 1.0m offset between VFCs and side property boundaries. - Minimum 2.0m clearance from VFCs to street trees. - Minimum 0.6m clearance from VFCs to green supply electricity boxes and street lighting poles. - Minimum 0.5m clearance from VFC wings to Council lintel pits. Note: Concurrence from TfNSW for the sediment basin storage volume and discharge is required as it is their drainage infrastructure and assets that will ultimately be affected by this (i.e. it is not discharging onto any Council owned drainage infrastructure). Stage 1: - Existing power poles along Ashford Avenue shall be shown on the engineering plans and any impacted by proposed VFCs shall be relocated

Category	Council Feedback
	as per council standard drawing S004.VFC for lot 2101 is clashing with the street power pole. - Internal drainage for lots fronting Ashford Avenue shall be subject to Vehicular load and shall satisfy the adequate pipe cover. Applicant may consider connections for council stormwater system along Ashford Avenue upon clarification on the capacity of the existing stormwater system. Considerations/notes for future stages <u>Stage 3:</u> It has been noted that as part of the second SSDA. Details of stormwater management system and off-street parking design for proposed Child Care Centre shall be provided which demonstrates compliance with relevant Australian Standards and Council's Development Engineering Standards. <u>Stage 7:</u> VFC layout plan shall be provided for the proposed VFCs along Ashford Avenue which indicates the following: - VFC widths at the property boundary shall comply with council's DCP - Clearances from proposed infrastructure within the future Road Reserve in accordance with Council Standard Drawing S-004 - Existing power poles along Ashford Avenue shall be shown on the engineering plans and any impacted by proposed VFCs shall be relocated as per council standard drawing S004
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 confirms: - The final accepted Estimated Development Cost, and - The total amount of Development Contributions payable. The condition must require the applicant to pay the required contributions to Council prior to the issue of a Construction Certificate.

Council acknowledges the importance of this development and supports the intent to deliver housing diversity for Milperra. The overall proposal (7-stage Master Plan) and the detailed design for stages 1 and 2 are supported in principle. Nevertheless there are further recommendations that aim to further enhance the project as a liveable and inclusive neighbourhood and its amenity.

Council recommends the proponent address the following:

- Provide additional community facilities or small-scale retail to meet the day-to-day needs of future residents.
- Increase floor-to-floor and floor-to-ceiling heights to align with best practice standards.
- Consolidate front yard layouts to maximize permeable surfaces and allow for substantial tree planting.

Council's detailed recommendations are outlined below. Generally, recommendations for stages 1 and 2 should also be applied to future stages of the development.

1 Form and external appearance in context and impacts to public domain	
1.1	Local community impact <i>Not Addressed</i> – As the applicant mentioned, the project is for residential and community infrastructure and it is not required to provide retail premises. However, given the limited availability of commercial/retail premises in the proximity of the proposed development, it is strongly encouraged that a commercial/retail tenancy, such as a coffee shop or a restaurant, is included on the development. This would complement the existing neighbourhood centre and proposed childcare upgrade. It is recommended that this is considered in future stages of the development.
2 Architectural expression and materiality	
2.2	Limited floors heights <i>Not addressed</i> - Floor to ceiling heights are expected to align with existing industry's best practices (minimum 2.7m). This would aid in enhancing the internal amenity for future residents as well as allow for future internal renovations / adaptations, waterproofing and different types of finishes.
2.3	Front yard pedestrian path <i>Not addressed</i> - The diversity of landscape treatment can be achieved through landscape design via the use of various planting and material. The separation of driveway and pedestrian path not only reduces usable deep soil area, but also create isolated spaces that creates poor growing environment for planting due to the limited soil and areas for root expansion.

Regards



Patrick Lebon - Coordinator Strategic Assessments

Planning Comments for SSDA-17/2025 - 17.7.26

Planning West have reviewed the submitted documents in the context of the comments made in the initial list of 88 items first sent to the Department in response to the subject SSDA.

Of those 88 items, approximately 35 items were “Planning-related”, while other matters related to traffic, stormwater, etc.

The comments below relate to the 35 planning items:

1. Council does not accept the proposed community title scheme that locates the parking required for the Child Care Centre on a separate allotment

The proposed subdivision layout results in the separation of the existing childcare building from its car park.

It is unclear why the proposed would separate the lots in the E1 zone and seek to have the Child Care Centre on one lot, and the car parking required to be provided to that same child care centre on another separate lot.

It is noted that this is shown on plans relating to “Stage 3B”, and may not be relevant to the subject SSDA, however as the plan has been provided for review, Council is raising this as a concern.

If the Child Care Centre is to remain operational throughout any construction period, provision needs to be made for car parking to be provided as current car parking provided to the child care centre is proposed to be replaced by a new road.

2. Council does not accept that a Clause 4.6 variation request can be made seeking approval to contravene Clause 6.13(b) of the CBLEP 2023.

This clause is a prohibition, not a development standard.

The retention of the tree (Cumberland plain woodland) is supported, but the solution (a road blister) creates the failure to comply with the prohibition. The road in this location needs to similarly be re-designed to maintain the minimum 10m width between kerbs, including the blister to accommodate the tree.

3. The pedestrian link from Ashford Ave to Road 4 does not provide for a 5m wide shared pathway in accordance with the CBDP 2023, Chapter 11.13, Chapter 3.1, C23.

The plans provide a path that is 3m wide, allowing for more landscaping (which is supported) however the DCP specifies a 5m width for the path – in order to allow for appropriate separation of pathway users – and Council contends that any

additional landscaping should be provided in addition to the 5m wide path, not instead of the 5m wide path.

4. No Southern pedestrian link is provided between Ashford Ave and Horsely Rd

CBDP 2023, Chapter 11.13, Section 3.1, C25 - Asks to "consider" a pedestrian link north of the M5, from Ashford to Horsely. The proponent claims to have "considered" it and says it can't be achieved due to level changes, and half the link would need to be provided via the school adjacent.

Whilst the changes to lot boundaries associated with the school have changed since the drafting of this DCP requirement, the proponent has failed to demonstrate that alternatives are NOT achievable. A different route could be proposed, but no indication has been provided demonstrating that this has been considered by the proponent.

5. Some of the proposed west-facing dwellings do not achieve 3 hours of sunlight to a "primary" living area as they rely on a front living area for compliance, as per CBDP 2023, Chapter 11.13, Chapter 4.4.

The control specifies primary living area. The plans appear to rely on areas that could not be claimed as primary living areas, meaning the amenity provided to these dwellings will be poor, and will rely on mechanical heating in cooler months of the primary living areas of these dwellings.



Attachment C – Council's recommended conditions of development consent

Conditions to be satisfied before the issue of a Construction Certificate

Return Bins to Council

Before the commencement of any works, all domestic waste bins servicing the site are to be returned to Council.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

Construction Site Management Plan

Before the issue of a construction certificate, a Construction Site Management Plan (CSMP) must be prepared and approved by the certifier. The plan must include the following matters:

- a. The location and materials for protective fencing and hoardings on the perimeter of the site;
- b. Provisions for public safety;
- c. Pedestrian and vehicular site access points and construction activity zones;
- d. Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
- e. Details of bulk earthworks to be carried out;
- f. The location of site storage areas and sheds;
- g. The equipment used to carry out works;
- h. The location of a garbage container with a tight-fitting lid;
- i. Dust, noise and vibration control measures;
- j. The location of temporary toilets;
- k. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:
 - i) AS 4970 – Protection of trees on development sites;
 - ii) An applicable Development Control Plan;
 - iii) An arborist's report approved as part of this consent. A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

Plans to Include Bin Storage Area

The construction certificate plans shall include details of the waste bin storage area. The bin storage area shall not be visible from the street. The bin storage area shall be located within the building or screened from the street by dense landscaping.

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

Conditions to be satisfied during construction

Waste management

While site work is being carried out:

- a. all waste management must be undertaken in accordance with the waste management plan, and
- b. upon disposal of waste, records of the disposal must be compiled and provided to , detailing the following:
 - i. The contact details of the person(s) who removed the waste
 - ii. The waste carrier vehicle registration
 - iii. The date and time of waste collection
 - iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v. The address of the disposal location(s) where the waste was taken
 - vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

Waste management plan

The requirements of the submitted Waste Management Plan shall be complied with at all times that work is being carried out. Without limiting the foregoing, compliance shall include the following:

- a. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*; and
- b. All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*; and
- c. Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW; and
- d. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it; and
- e. Records are required regarding the details and location of the disposal of all demolition and construction waste (including excavated material), description of waste and are to



- be kept on site as evidences of lawful disposal. Records are to include receipts and weighbridge dockets which verify material types and volumes, time and date of disposal, waste vehicle rego, and confirmation of the waste disposal facility. Records/details are also to be kept of person removing the waste; and
- f. All materials and resources that are to be stored on site during construction works are contained on the site; and
 - g. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses; and
 - h. The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

Conditions to be satisfied prior to occupation

Agreement with Council

Before the issue of any occupation certificate, an agreement must be entered into with Council on terms satisfactory to Council for the collection of waste.

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

Removal of waste upon completion

Before the issue of an occupation certificate:

- a. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the waste management plan, and
- b. written evidence of the waste removal must be provided to the satisfaction of the principal certifier.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

Positive Public Covenant

- The consent holder must prepare and provide to Council for approval an instrument, substantially on the terms set out below and compliant with the requirements of NSW Land Registry Services, which will create a public positive covenant pursuant to section 88E of the Conveyancing Act 1919 on all lots within the development providing for the management and collection of all forms of garbage, recycling, garden organic and bulky waste from each of those lots.
- The public positive covenant must require the owners of the lots burdened to covenant on behalf of themselves and all occupants of the lots to:



- a. store all forms of garbage, recycling and garden organic within the appropriate bins within the appropriate bin storage areas on their respective lots;
 - b. place all garbage, recycling and garden organic bins out for collection within 12 hours of the collection day;
 - c. collect and return the empty garbage, recycling and garden organic bins to their respective lots within 12 hours after collection has taken place; and
 - d. place bulky waste out for collection not more than 12 hours before each date allocated by the Prescribed Authority for the collection of such items.
- The public positive covenant must:
 - a. contain a plan, compliant with the requirements of NSW Land Registry Services, indicating the designated collection area/s within the development for the collection of garbage, recycling, garden organic and bulky waste from all the lots within the development, with such designated collection area/s being in the location shown on the plans annexed to this consent;
 - b. provide for the lot owners (on behalf of themselves and all occupants of the lots) to release the Prescribed Authority from, and not make any claim or demand or commence any proceedings (including without limitation in nuisance) against the Prescribed Authority in relation to any noise, debris, damage to property or other issue arising directly or indirectly from waste collection activities carried on by the Prescribed Authority or any agent acting on its behalf; and
 - c. provide that the positive public covenant cannot be released, varied or modified without the Prescribed Authority's consent.
- These provisions must be put into effect prior to the release of the subdivision certificate and the consent holder must ensure that the public positive covenant is registered with the plan of subdivision for the development.

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

Conditions of use

Waste Management Plan

The requirements of the submitted Waste Management Plan shall be complied with at all times that the approved development is being carried out.

Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

Waste generated on site

All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create offensive odour, offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*. All waste generated shall be removed and disposed of by an authorised waste removal contractor. A copy of the waste removal agreement and receipts shall be made available to Council on request.



Condition reason: To protect and enhance the amenity of the occupants of the development site and the occupants of adjoining sites.

Kerbside Collection Point

The nominated kerbside collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. All mobile garbage bins that are left kerbside for collection must be taken back within the property boundary on the same day of service.

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

Waste and recycling policy

The development must be carried out in compliance with Council's "Domestic Waste and Recycling Service Policy and Guideline".

Condition reason: To ensure compliance with the relevant Canterbury Bankstown policy.

Attachment B- Agency advice on RtS

[CPHR Biodiveristy Advice](#)

[CPHR Flooding Advice](#)

[Heritage NSW Advice](#)

[SES Advice](#)