

Early Works, Subdivision and Stages 1-2 dwellings-Bullecourt Avenue, Milperra

State Significant Development Assessment Report (SSD-97092958)

August 2026





Acknowledgement of Country

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

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Bullecourt Avenue, Milperra- Early Works and Stage 1 (SSD 97092958)
Assessment Report

Published: August 2026

Copyright and disclaimer

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. Information contained in this publication is based on knowledge and understanding at the time of writing, August 2026, and is subject to change. For more information, please visit nsw.gov.au/copyright.

Preface

This assessment report provides a record of the Department of Planning, Housing and Infrastructure's (the Department) assessment and evaluation of the State Significant Development (SSD) application for the early works, subdivision and construction of 54 dwellings, located at 2 and 2A Bullecourt Avenue, Milperra. The application was lodged by Mirvac Residential (NSW) Developments Pty Ltd (the applicant).

The report includes:

- an explanation of why the project is SSD and who the consent authority is
- an assessment of the project against government policy and statutory requirements, including mandatory considerations
- a demonstration of how matters raised by the community and other stakeholders have been considered
- an explanation of any changes made to the project during the assessment process
- an assessment of the likely environmental, social and economic impacts of the project
- an evaluation which weighs up the likely impacts and benefits of the project, having regard to the proposed mitigations, offsets, community views and expert advice; and provides a view on whether the impacts are on balance, acceptable
- a recommendation to the decision -maker, along with the reasons for the recommendation, to assist them in making an informed decision about whether development consent for the proposal should be granted and any conditions that should be imposed.

Executive Summary

This report details the Department's assessment of the State significant development application SSD-97092958 for the early works, subdivision and construction of dwellings in Stages 1 and 2 at 2 and 2A Bullecourt Avenue, Milperra.

The applicant proposes subdivision of the site, including tree removal, remediation, 62 residential lots with construction of 62 dwelling houses, creation of super lots for future dwelling houses, 3 community title lots, new roads, open space and stormwater infrastructure. As a result of the assessment by the Department the number of dwellings is reduced to 54, this is discussed in further detail below.

The project has an estimated development cost (EDC) of \$71,115,310 and is expected to generate 160 construction jobs.

The project is permitted with consent in the R1 General Residential, RE1 Recreation, E1 Local Centre, C2 Environmental Conservation and SP2 Infrastructure zoned land.

The project is classified as SSD under section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it was declared as State significant development by the Minister on 8 September 2025. Consequently, the Minister is the consent authority for the project under section 4.5A of the EP&A Act. Under the Minister's delegation, the Director Housing Delivery Assessments may determine the application.

The Department exhibited the environmental impact statement (EIS) from 11 December 2025 until 29 January 2026. During the exhibition period, the Department received:

- One public submission in support of the project
- A submission from Canterbury-Bankstown Council (Council) objecting to the project
- Advice from the following government agencies: Transport for NSW, Heritage NSW, State Emergency Service, Rural Fire Service, Crown Lands, Civil Aviation Safety Authority, NSW Department of Climate Change, Energy, the Environment and Water - Conservation Programs, Heritage and Regulation Group
- Advice from the following corporations: Jemena, Ausgrid, Sydney Water and Bankstown Airport.

Key concerns raised related to biodiversity and the avoidance of impacts to Cumberland Plain Woodland (CPW), flooding and evacuation, the detailed subdivision and pedestrian and vehicular access.

The applicant lodged a response to submissions (RTS) report on 19 June 2026 to address the issues raised in submissions and agency advice.

The applicant provided further information on 4 August 2026 to address concerns raised by Council and SES.

While the amended project addresses some of the concerns raised during the exhibition of the EIS, residual key issues are addressed in **Section 5**.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the applicant's response and additional information lodged for assessment.

The Department's assessment concludes that the proposal is acceptable because it:

- is consistent with the recent rezoning of the site (**Section 1.3.1** below)
- supports the Government's priority to deliver well-located housing as this SSD will supply 54 dwellings in Stages 1 and 2 and facilitate future construction of up to 376 dwellings through the creation of 29 large lots
- will deliver public benefit in the form of local infrastructure contributions, an affordable housing contribution to Council and construction and dedication of infrastructure to Council including three new public parks
- provides detached housing, one to two storeys in height, compatible with the character of the surrounding area
- achieves a high level of residential amenity for future residents and makes a positive contribution to the public domain
- provides 160 construction jobs.

The Department has recommended conditions to appropriately mitigate and manage any residual impacts of the proposal. The Department's assessment concludes that the project is in the public interest and recommends that the application be approved subject to conditions.

Contents

Preface.....	i
Executive Summary	ii
1 Introduction.....	1
1.1 The proposal.....	1
1.2 Project location.....	1
1.3 Related projects and works	4
2 Project.....	5
2.1 Project overview.....	5
3 Policy and statutory context.....	9
3.1 Housing supply	9
3.2 Permissibility and assessment pathway	9
3.3 Other approvals and authorisations.....	10
3.4 Planning Secretary’s environmental assessment requirements.....	10
3.5 Mandatory matters for consideration	11
4 Engagement.....	12
4.1 Exhibition of the EIS	12
4.2 Response to submissions.....	18
5 Assessment.....	18
5.1 Flooding.....	19
5.2 Biodiversity	22
5.3 Access, pedestrian connectivity and road design.....	26
5.4 Staging and the existing planning agreement.....	29
5.5 Other issues.....	31
6 Evaluation.....	36
7 Recommendation.....	37
8 Determination	38

Appendices.....	39
Appendix A – Submissions and government agency advice	39
Appendix B – Community and Council views for draft Notice of Decision.....	40
Appendix C – Statutory considerations.....	42
Appendix D – Recommended instrument of consent.....	54
Figure 1 Regional context map (Source: Near map) subject site outlined in red	2
Figure 2 Local context map (Source: Near map) subject site outlined in red.....	2
Figure 3 Masterplan of the Proposed Development (Urbis)	7
Figure 4 Example of Dwellings Type (Source: Mirvac Design).....	8
Figure 5 Staging Plan (Base source: Mirvac Design).....	8
Figure 6 Local PMF hazard category (Source: Flood Impact and Risk Assessment).....	20
Figure 7 Ecological Communities (Source: Biodiveristy Development Assessment Report).....	24
Figure 8 Proposed road and access arrangements (Source: Civil Plans)	27
Table 1 Key aspects of the project site.....	3
Table 2 Existing development consents applying to the site	4
Table 3 Key aspects of the project.....	5
Table 4 Permissibility and assessment pathway	9
Table 5 Summary of agency advice on the exhibited EIS	12
Table 6 Summary of issues raised by council on the exhibited EIS.....	15
Table 7 Assessment of other issues	31
Table 8 Community and Council views.....	40
Table 9 Matters for consideration.....	42
Table 10 Objects of the EP&A Act and how they have been considered	42
Table 11 Canterbury-Bankstown Local Environmental Plan (2023) Compliance Table	46

1 Introduction

1.1 The proposal

At lodgement of this SSD, Mirvac Residential (NSW) Development Pty Ltd (the applicant) proposed construction of dwellings, subdivision and early works across the site comprising:

- tree removal
- remediation
- creation of 29 super lots
- 62 residential lots and construction of 62 dwelling houses in stages 1 and 2
- 3 community title lots
- new roads, open space and stormwater infrastructure to support this SSDA and future SSDAs.

The project description and mitigation measures provided in the Environmental Impact Statement (EIS) are the subject of this report and will form part of the development consent if the project is approved.

An overview of the proposed development, as amended, is provided in Section 2.

1.2 Project location

The subject site is located at 2 and 2A Bullecourt Avenue, Milperra in the Canterbury-Bankstown Local Government Area (LGA). The site is shown in **Figure 1** and **Figure 2**, and further project location details are described in **Table 1**.

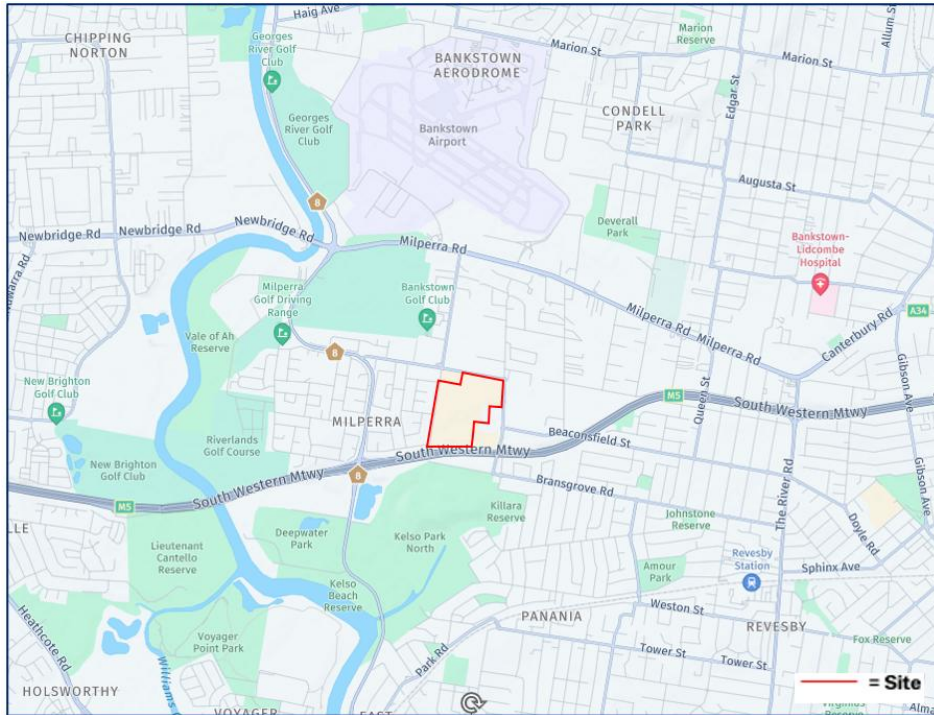


Figure 1 | Regional context map (Source: Nearmap) subject site outlined in red.



Figure 2 | Local context map (Source: Nearmap) subject site outlined in red.

Table 1 | Key aspects of the project site

Aspect	Description
Address	2 and 2A Bullecourt Avenue, Milperra
Local Government Area	Canterbury - Bankstown
Legal Description	Lot 1 DP101147 Lot 2 DP1291984
Site Area	196,400m ²
Existing Development	• The Western Sydney University Early Learning Centre (Child-care centre) • Temporary sales office • At-grade car parks and roads • Outdoor recreation spaces including a large oval to the south. • Vegetation of varying significance, including Cumberland Plain Woodland.
Surrounding roads	Bullecourt Avenue to the north, Horsley Road to the east, M5 motorway to the south and Ashford Avenue to the west.
Existing access	The site has existing vehicular access from Ashford Avenue, Bullecourt Avenue and Horsley Road.
Topography	The site slopes from the north to south with a fall of approximately 14m.
Public transport	There are multiple bus stops along Bullecourt Avenue and Horsley Road with different services, including direct links to Bankstown Central, Westfield Burwood, Westfield Miranda and surrounding train stations.
Heritage	The site does not contain any heritage items, however is adjacent to Ashford Avenue and Bullecourt Avenue which are listed as local heritage items.
Surrounding Context	The surrounding area is diverse with residential and industrial uses. • North of the site, along Bullecourt Avenue, and to the east along Horsely Road are primarily industrial land uses • Along part of the eastern boundary is Mount St Joseph Catholic College. • Immediately to the south of the site is the M5 South-West Motorway. • West of the site is Ashford Avenue, with single dwellings and dual occupancies.
Flooding	Parts of the site are affected by the probable maximum flood (PMF) and the 1 in 100 year annual exceedance probability (AEP).
Soils and groundwater	The site is identified as containing class 5 acid sulfate soils.

1.3 Related projects and works

1.3.1 Planning Proposal

In June 2024, the site was rezoned under Planning Proposal PP-2021-5837, by a Delegate of the Minister for Planning, and included:

- Rezoning of land under the Canterbury-Bankstown Local Environmental Plan 2023 (CBLEP 2023) from SP2 Infrastructure (Educational Establishment) and SP2 (Electricity Transmission or Distribution Network) to R1 General Residential, E1 Local Centre, RE1 Public Recreation, C2 Environmental Conservation and SP2 Infrastructure (for stormwater drainage reserve).
- A Voluntary Planning Agreement (VPA) specifying the requirement to dedicate land to Council and deliver infrastructure, facilities and services, including:
 - Payment of monetary contributions of \$5,300,180 and \$392,400 for the provision of affordable housing in the Canterbury Bankstown LGA and the repair and renovation of the Milperra Community Centre respectively
- A site-specific Development Control Plan (DCP) including a masterplan for the site
- The addition of a site-specific clause restricting the maximum number of dwellings on the land to a maximum of 430 and
- Introduction of biodiversity mapping overlay (clause 6.4 of the CBLEP 2023) to encourage the retention of trees.

1.3.2 Development Applications

Table 2 | Existing development consents applying to the site

Application number	Proposal	Status
DA-526/2025	Use of a temporary Builders Structure as a Temporary Sales Office	Approved on 21 August 2025
DA-1512/2023	Demolition of all buildings and structures in four stages was approved. The works include the disconnection of utility services and the demolition of all buildings to ground level – works have now been completed, with only the existing childcare centre remaining.	Approved on 31 May 2024
DA-752/2011	New childcare with capacity of sixty-seven spots.	Approved on 4 April 2021

1.3.3 Future State Significant Development application

The overall development of the site will occur under 2 separate SSDs, with a combined delivery of up to 430 dwellings.

The civil works across the whole site and creation of superlots for residential development of Stages 3 to 7 are proposed under this SSD and will enable future works for these stages under SSD-109921491.

SSD-109921491 will propose subdivision and construction of additional dwellings, alterations and additions to the existing child care centre and construction of a permanent structure for the residential sales suite.

2 Project

2.1 Project overview

The key aspects of the project as proposed in the Project Description chapter of the EIS (see Appendix A) and are outlined in Table 3 and in Figure 3 to Figure 5 below.

In response to recommended conditions to address flooding evacuation concerns (Section 5.1.1), the applicant is required to amend the proposal to remove 8 dwellings from Stage 1 and incorporate them into Stage 4 under SSD-109921491. This results in a reduction of dwellings for this SSD to 54.

Table 3 | Key aspects of the project

Aspect	Description
Dwellings	<u>Proposal outlined in EIS</u> Construction of 62 dwelling houses (in Stages 1 and 2); <u>Amended proposal</u> Construction of 54 dwelling houses (in Stages 1 and 2).
Subdivision and staging	<u>Proposal outlined in EIS</u> Torrens title subdivision: • 62 lots for the detached dwellings (in Stages 1 and 2). • 29 super lots (to be further subdivided as part of a separate SSD) • 3 lots for public open space • 1 lot for drainage infrastructure Community Title Subdivision: • 3 lots to be managed under a Community Title scheme, including the existing child care centre, the E1 Local Centre zoned land and the C2 Conservation zoned land. <u>Amended proposal</u> • Torrens title subdivision to create 54 lots for the detached dwellings (in Stages 1 and 2). • All other proposed works for subdivision and staging remain unchanged.
Associated works	• Approximately 5000m³ of fill material, including fill up to 3.5m for roads and residential lots along the southern M5 motorway boundary to address flooding • Remediation works • Construction of stormwater infrastructure • Civil works across the whole site

Aspect	Description
Site access and roads	• Vehicular access via Bullecourt Avenue, Horsely Road and Ashford Avenue, • New or upgraded intersections at Bullecourt Avenue, Ashford Avenue and Horsley Road, Construction of new roads within the site • A carpark to service the childcare centre and the E1 Local Centre zoned land • New pedestrian crossing on Ashford Avenue.
Public benefit	In accordance with the executed VPA, upon completion of works across the whole site, the following will be provided: • Payment of monetary contributions of \$5,300,180 to be applied towards the provision of affordable housing in the Canterbury Bankstown LGA and \$392,400 for the repair and renovation of the Milperra Community Centre • Three public parks (construction and embellishment) • Dedication of land to Council, including the 3 proposed parks, drainage areas and roads • Delivery of infrastructure, facilities and services, including roads, embellishment of open space and provision of cycleways as Works in Kind. This SSD proposes works, dedication and payment of contributions proportional to staging and number of lots proposed.
Vegetation and Landscaping	• Removal of 353 trees. • 606 new trees are proposed to be planted as street trees and within open spaces.
Conservation Area	Retention and management of the Environmental Conservation (C2) zoned land, containing Cumberland Plain Woodland in the northeast corner of the site, to be managed a Vegetation Management Plan under Community Title.
Estimated Development Cost	\$71,115,310.00
Employment	160 construction jobs



Figure 3 | Masterplan of the Proposed Development (Urbis)



Figure 4 | Example of Dwellings Type (Source: Mirvac Design)



Figure 5 | Staging Plan (Base source: Mirvac Design)

3 Statutory context

3.1 Housing supply

The NSW Government has a target of 377,000 well-located homes between June 2024 and June 2029. This policy is in support of the National Housing Accord that provides a national target of delivering 1.2 million new, well-located homes over 5 years.

To accelerate housing delivery, the NSW Government established the Housing Delivery Authority (HDA). The HDA recommended that the project be declared SSD under section 4.36(3) of the EP&A Act. The project was declared state significant by the Minister on 8 September 2025.

3.2 Permissibility and assessment pathway

Details of the legal pathway under which consent is sought and the permissibility of the project are provided in Table 4 below.

Table 4 | Permissibility and assessment pathway

Consideration	Description
Assessment pathway	The proposal was declared SSD under section 4.36 of the EP&A Act by way of a Ministerial planning order on 8 September 2025.
Consent authority	The Minister for Planning and Public Spaces (the Minister) is the consent authority under section 4.5(a) of the EP&A Act.
Decision-maker	Under the Minister’s delegation dated 21 November 2025, the Director may determine the application as: • Less than 15 public submissions by way of objection have been received, • The submission from Council and members of the public have been taken into consideration, • The applicant has not disclosed a reportable political donation or gift.

Consideration	Description
Permissibility	Permissible with consent CBLEP 2023 is the principal planning instrument that applies to the site. The site is zoned: • R1 General Residential - subdivision of land, roads and dwelling houses are permitted with consent • E1 Local Centre- existing childcare centre and proposed car park are permitted with consent • RE1 Public Recreation – recreation areas (proposed parks) are permitted with consent • C2 Environmental Conservation- roads and environmental protection works are permitted with consent • SP2 Infrastructure- drainage works are permitted with consent.

3.3 Other approvals and authorisations

Under section 4.41 of the EP&A Act, a number of other authorisations required under other Acts are not required for SSD and SSI. This is because all relevant issues are considered during the assessment of the SSD application.

Under section 4.42 of the EP&A Act, certain approvals cannot be refused if they are necessary to carry out the SSD. These authorisations must be substantially consistent with any SSD development consent for the project.

The Department has consulted with and considered the advice of the relevant government agencies responsible for these other authorisations in its assessment of the project (see **Section 4** and **Section 5**). Suitable conditions have been included in the recommended conditions of consent (see **Appendix D**).

3.4 Planning Secretary's environmental assessment requirements

The Department's review determined that the EIS addresses each matter set out in the Planning Secretary's environmental assessment requirements (SEARs) issued on 30 October 2025 and is sufficient to enable an adequate consideration and assessment of the project for determination purposes.

3.5 Mandatory matters for consideration

Mandatory matters for consideration include:

- Matters of consideration required by the EP&A Act
- Objects of the EP&A Act and ecologically sustainable development (ESD)
- Biodiversity development assessment report
- Matters of consideration required by the EP&A Regulation
- Matters of consideration required by environmental planning instruments.

The Department's consideration of these matters is summarised in **Appendix C**. As a result of consideration, the Department is satisfied that the development meets statutory requirements.

4 Engagement

4.1 Exhibition of the EIS

4.1.1 Public exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the project from 11 December 2025 until 29 January 2026 on the NSW Planning Portal
- notified occupiers and landowners in the vicinity of the site about the public exhibition
- notified and invited comment from relevant government agencies and Canterbury-Bankstown Council, and
- completed a site visit.

4.1.2 Summary of advice received from government agencies

The Department received advice from 7 government agencies and 4 corporations on the EIS.

A summary of the agency advice is provided in Table 5. A link to the full copy of the advice is provided in Appendix A

Table 5 | Summary of agency advice on the exhibited EIS

Agency	Advice summary
Department of Climate Change, Energy, the Environment and Water (Heritage NSW)	Heritage NSW requested additional information to understand whether the southeast of the site contains archaeological deposits and whether further archaeological assessment is needed. It was also recommended that the due diligence assessment be provided Registered Aboriginal Parties (RAPs) for review. The Department have recommended suitable conditions of consent to address these comments (Appendix D).

Agency	Advice summary
NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) (Conservation Programs, Heritage and Regulation (CPHR) Group)	CPHR provided the following comments: • The Vegetation Management Plan (VMP) should be revised to incorporate all requirements outlined in the CBDP 2023 and include reference to the Hollow Offset Replacement Strategy and Nestbox Management Plan. • The Landscape Masterplan should be revised to include connected canopy between the C2 Environmental Conservation zoned land and the M5 Motorway and ensure consistency with the Biodiversity Assessment Report (BDAR). • The FIRA should be revised to include additional details on the individual hazard category referring to the stability thresholds in the Flood Risk Management Guideline, to address the high flood hazards (H5) and potential isolation of residents. Flooding and biodiversity are discussed in further detail in Section 5 below
NSW State Emergency Service (SES)	The SES provided the following comments: • The FIRA should be updated to consider flood risks from all mechanisms affecting the site, including the Georges River Flood Study and the full range of flood events, time to onset and duration of inundation, impacts on access and egress roads. • Consultation with DCCEEW is recommended in relation to the modelling approach and regarding the impacts of the proposed development on flood behaviour at the site and adjacent areas. • This development is not suitable for sheltering in place for lots affected by inundation for any flood event as proposed in the FIRA as the primary emergency management strategy. Flooding is discussed in further detail in Section 5 below.
Transport for NSW (TfNSW)	TfNSW provided comments and recommended conditions of consent as follows: • any modification to the proposed M5 boundary interface including removal of existing structures, stormwater outlets, and existing sewers requiring approval by TfNSW. • landowners consent for installation of new headwalls and construction of new retaining walls. • an access agreement with Transurban for modification to boundary assets. • detailed plans for any changes to the stormwater system that would impact on the M5 Motorway to be submitted to TfNSW.

Agency	Advice summary
	- documents and plans relating to earthworks along the M5 Motorway to be submitted to TfNSW. - demonstration that the development can comply with Section 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021. The Department have included the recommended conditions of consent from TfNSW (Appendix D).
Sydney Water	Sydney Water advised that service should be available, Sydney Water also advised of existing downstream wet weather capacity issues and recommended that the applicant liaise with Sydney Water to ensure any impacts can be appropriately managed. The Department have recommended suitable conditions of consent to address these comments (Appendix D).
Jemena	Jemena advised that the development should consider secondary gas mains surrounding the site along Bransgrove Road, Bullecourt Avenue and Horsley Road. The Department have recommended suitable conditions of consent to address these comments (Appendix D).
Ausgrid	Ausgrid provided comments relating to works in proximity to power poles and overhead powerlines, underground cables, substations, the required 1.5m distance between a new driveway and existing poles and the installation or modification of electrical connections. The Department have recommended suitable conditions of consent to address these comments (Appendix D).
Crown Lands	Crown Lands noted that Ashford Avenue and the Western portion of Bullecourt Avenue are Crown Roads, and advised that as works are proposed on both, they should be transferred to the appropriate Roads Authority. The Department have recommended suitable conditions of consent to address these comments (Appendix D).
Rural Fire Service NSW	RFS raised no objections subject to the proposal complying with the recommended conditions in the report prepared by Black Ash P/L dated 15 October 2025. The Department have recommended suitable conditions of consent to address these comments (Appendix D).

Agency	Advice summary
Bankstown Airport	Bankstown Airport advised that the proposed development does not impact Airspace for Bankstown Airport, however all crane activities for the site must be assessed separately. The Department have recommended suitable conditions of consent to address these comments (Appendix D).
CASA	CASA has no objections to the proposal. No aviation safety related conditions are required.

4.1.3 Summary of council submission

Canterbury-Bankstown Council objected to the proposal during the public exhibition period of the EIS. Issues raised by the council are summarised in **Table 6** below and a link to all submissions in full is provided in **Appendix A**. Some of these matters below have been resolved through the applicant's response to submissions, other key issues have been addressed in **Section 5** below.

Table 6 | Summary of issues raised by council on the exhibited EIS

Consideration	Submission summary
Environment and Biodiversity	• All C2 zoned land must be retained, protected and managed under a VMP. • The BDAR does not adequately demonstrate that the mitigation hierarchy has been applied in relation to avoidance and minimisation of impacts. • Retention of vegetation in the C2 zone cannot be used as avoidance as this would be considered 'double dipping'. Avoidance must be demonstrated elsewhere on the subject land in accordance with section 6.4 of the Biodiversity Conservation Act 2016 (BC Act). • The Landscape Plan is missing the percentage of plant species provenance and canopy cover of the site area and opportunities to retain signification trees have not been explored. • The Vegetation Management Plan must include any retained Cumberland Plain Woodland, not just the C2 zoned area, and cover different management zones for areas where midstory and groundcover species cannot be reestablished. Biodiversity is discussed in further detail in Section 5 below.

Consideration	Submission summary
Residential amenity and pedestrian connectivity	• Council recommended that the proposal should include commercial uses along the proposed Central Park to meet the day-to-day needs of future population. • A through-site-link should be provided between the western boundary of the site and Mt St Joseph School. • The 3m wide pedestrian path connecting Ashford Avenue to Stage 4 should be 5m in accordance with the CBDP 2023. • The current proposal lacks adequate acoustic buffers in the southeast corner between dwellings and the M5
Dwelling design, land landscaping	Concerns were raised regarding: • Repetitive pattern of building facades/architectural elements. • Housing diversity is limited. • Minimum floor to floor height and ceiling height doesn't not meet Council's recommend best practice of 3.2m and 2.7m. • Fragmented front yard configurations are not supported as they compromise landscape quality. • Some proposed west facing dwellings relying on a front living area instead of a primary living area to achieve 3 hours of sunlight in accordance with the CBDP 2023. Dwelling design and landscaping are discussed in further detail in Section 5 below.
Stormwater and open space	• DRAINS and MUSIC modelling is required for pre and post development scenarios. • Additional details regarding the design and capacity of Basins 1 and 2 to accommodate overland flow and back flow are required • A detailed assessment is required 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 1 and 2 Flanders Avenue. • The Sports Court and fitness zone should be relocated to higher ground, outside of Basin 1, to minimise the significant flood risk. • The reliance on temporary basins and delivery of permanent basins at a later stage is not supported. • The location of gross pollutant traps (GPTs) should be confirmed on the plans. Stormwater and open space are discussed in further detail in Section 5 below.

Consideration	Submission summary
Access and Road design	• The provision of a pedestrian crossing outside the driveway on Ashford Avenue is required, irrespective of the current absence of a footpath on the western side opposite the site. • Proposed pedestrian crossing on road 2A must be amended to be at least 5m away from stop and give way lines. • The pedestrian link from Ashford Ave to Road 4 should be increased from 3m to 5m in accordance with the CBDCP 2023 • The following changes are recommended to the roundabout access on Horsely Road: – The gap between existing spiller island and proposed median island should be filled to deter illegal right turn movements. – The northern splitter island is recommended to be reconstructed to current standards of 3.0 metres. – The applicant is suggested to provide a raised pedestrian crossing, kerb extension, or slow point further south of the access driveway on Horsley Road. Access and road design are discussed in further detail in Section 5 below.
Resource Recovery	Swept paths are required showing Councils HRV (per AS2890.2) entering and exiting the site in a forward direction. A temporary turning head may be required and must be shown on the plans. The Department have recommended suitable conditions of consent (Appendix D).
Environmental Health	• A Site Audit Statement (SAS), and Site Audit Report (SAR) must be prepared prior to issue of an Occupation Certificate. • The acoustic report should consider amended Section 5.2(c) of Chapter 10.1 of the CBDCP 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. • A revised plan of management consistent with the acoustic report is required. Remediation and acoustic matters are discussed in further detail in Section 5 below.

Consideration	Submission summary
Community Title	The proposed community title scheme that locates the parking required for the child care centre on a separate allotment is not supported. The community title subdivision and parking access for the child care centre is discussed in further detail in Section 5 below.
Development Contributions	Before the issue of any Construction Certificate development contributions must be paid. The Department have recommended suitable conditions of consent (Appendix D)

4.1.4 Summary of public submissions

The Department received one submission¹ in support of the proposal during the public exhibition period of the EIS. This submission is provided in **Appendix A**.

4.2 Response to submissions

Following the public exhibition period, the Department asked the applicant to respond to the issues raised in submissions and the advice received from government agencies. The applicant provided a submissions report to the Department on 16 June 2026 (**Appendix A**).

The Department published the submissions report on the NSW Planning Portal and forwarded the submissions report to relevant government agencies and local council(s) for comment on 19 June 2026.

On 20 July 2026 the Department asked the applicant to provide further information to address concerns raised by Council regarding access to car parking for the existing child care centre and the design of the proposed pedestrian link connecting Ashford Avenue to Stage 4.

¹ Each petition or submission that contains the same or substantially the same text is counted as one submission in accordance with section 2.7(6) of the Planning System SEPP.

5 Assessment

The Department has assessed the proposal, considering all documentation submitted by the applicant, all issues raised in submissions and all advice provided by government agencies. The Department considers the key outstanding assessment issues after the RTS was submitted are:

- flooding
- biodiversity
- access, pedestrian connectivity and road design
- staging and the existing planning agreement

The Department's consideration of other issues is described in **Section 5.5** and the appendices of this report.

5.1 Flooding

The site is subject to local flooding from the Kelso Swamp Catchment and regional flooding from the Georges River catchment. The southern portion of the site is affected by the 1% and 2% annual exceedance probability (AEP) to the probable maximum flood (PMF).

Council and several agencies requested that additional detail and modelling be included in the FIRA as part of the RTS. The agencies noted that the FIRA relies on off-site emergency evacuation via internal roads and requested additional information to ensure that safe evacuation for all residents is provided.

In response to CPHR, SES and Council advice, the applicant provided an amended FIRA providing:

- clarification regarding the emergency response and that shelter-in place is not proposed as the primary emergency management strategy
- consideration of both the Kelso Swamp (local) and the Georges River (regional) events
- an additional assessment of overland flow within the road carriageways was carried out for critical locations
- a breakdown of the number of dwellings impacted for each flood event affecting the site, and
- updated hazard mapping and consideration of the velocity of the flood event with respect to the pre- and post-development scenario.

Key issues on flooding are discussed further below.

5.1.1 Evacuation

SES raised concerns about flood risk management and evacuation and advised that the proposed shelter in place approach is not appropriate for the site. It was also advised that flood risks from all events (local and regional) affecting the site, time to onset and duration of inundation, impacts on access and egress roads must be considered.

The revised FIRA confirms that:

- for the *regional flood* event for lots up to the PMF, an evacuation could be safely coordinated given the relative warning times and time to onset of approximately 12 hours.
- for the *local flood* event - which constitutes flash flooding and has a warning time of 6 hours, there is insufficient warning time to coordinate an evacuation.
- As illustrated in Figure 6, during a local flood event, proposed Lots 1201-1208 would be required to evacuate onto Ashford Avenue, however the driveways would be cut off during the local PMF and 2% AEP. As part of any evacuation, residents of proposed Lots 1201-1208 would therefore be required to take temporary refuge in their homes for up to 90 minutes and could commence evacuation once local flooding in the road has subsided.

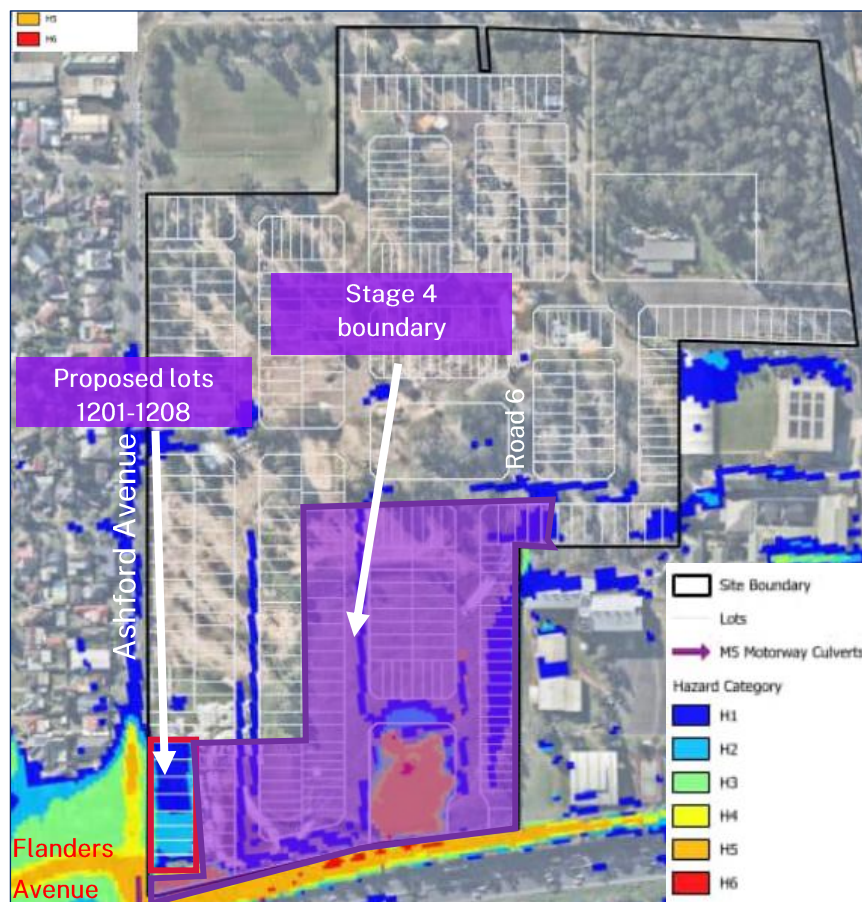


Figure 6 | Local PMF hazard category (Source: Flood Impact and Risk Assessment)

SES reviewed the revised FIRA and advised that:

- As driveways of proposed Lots 1201-1208 can become inundated during a local and regional flooding event, design options for driveways to provide rising road evacuation (evacuation where access roads rise steadily uphill and away from the rising floodwaters), should be considered
- the proposed Lots 1201-1208 will have driveways cut off from evacuation during more frequent local flood events, prior to becoming inundated, are classified as low flood islands and present a risk to life for occupants.

The applicant provided further advice, noting that all lots have habitable floor levels above the 1% AEP plus 500mm freeboard in accordance with the *NSW Flood Risk Management Manual (2023)*. However, the driveways for proposed Lots 1201-1208 are below this level meaning residents would be unable to evacuate during the local flood event. Alternative design options such as lowering these lots are not feasible, as it would increase flood risk to future residents in the more frequent 1% AEP event. Raising the road level of Ashford Avenue is also not achievable, as it would worsen flood conditions for properties along Ashford Avenue and Flanders Avenue.

Taking into consideration SES advice and the applicant's response, the Department considers that for Lots 1201- 1208:

- The subdivision design requiring these lots to evacuate during a local flood event, onto Ashford Avenue presents unacceptable risk
- During a regional flood event (PMF event) residents of these lots could safely evacuate
- A risk remains that local flooding, could coincide with a period of evacuation for a regional event, where driveways of lots 1201-1208 will be cut off due to rising waters from the local event
- If the local and regional events were to coincide shelter in place and evacuation strategies for each event are prone to failure, and may result in residents being unable to safely evacuate.

Therefore, in order to address the SES advice and address the flood evacuation risk for residents of Lots 1201 - 1208, a condition of consent has been recommended requiring the applicant to submit amended subdivision and staging plans showing proposed Lots 1201-1208 removed from Stage 1 and incorporated into the superlot for Stage 4. This recommended condition will require the applicant to amend the lot layout removing vehicular access for Lots 1201-1208 from Ashford Avenue, and relocating them to the rear, as part of SSD- 10992149. The amended design must demonstrate:

- an alternative vehicular access to connect Lots 1201-1208 to the internal road within Stage 4 (Road 2A)

- that rising road evacuation is provided for the affected lots fronting Ashford Avenue in all flood events, and that no temporary refuge inside dwellings would be required
- appropriate amenity, and that all dwellings address and maintain the character of Ashford Avenue.

5.1.2 Subdivision design and flood modelling

Council requested additional details regarding the design and capacity of Basins 1 and 2 and details comparing the pre- and post-development 1% AEP peak flood levels at the Ashford Avenue and Flanders Avenue intersection. Concerns were also raised regarding the use of Basin 1 in the southern open space for a sports court and fitness area, due to the flood risk.

In response to Council's concerns about the flood risk associated with the use of Basin 1 (within the Southern Park) as a sports court and the limited warning time available to evacuate, the applicant confirmed that flood signage will be installed to advise that the area is susceptible to flash flooding and that use during storm events is not advised. In addition, the open space surrounding the court has been designed so that the moat adjoining the court is inundated first, acting as an early-warning indicator of rising water and alerting people that evacuation is required.

Council raised no additional concerns with flooding impacts following a review of the revised FIRA. The Department considers the use of Basin 1 is consistent with the public recreation zoning, and through the design of the surrounding park and the flood warning signs shown on the plans, the proposal will provide safe use and evacuation of the sports court.

CPHR initially raised concerns that the mapping shows that one internal street is subject to high flood hazard (H5) during the PMF and requested a more detailed assessment of the impacts using individual hazard category curves. Following a review of the amended FIRA, CPHR advised that all issues have been addressed. The Department is satisfied that the additional modelling using individual hazard category has resolved concerns regarding the internal street subject to high flood hazard.

5.1.3 Department's Conclusion

Subject to the recommended conditions and the redesign of proposed Lots 1201-1208, the Department is satisfied that the proposal:

- will not result in detrimental increases in the potential flood affectation of other development or properties
- will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

- incorporates appropriate measures to manage risk to life in the event of a flood.

5.2 Biodiversity

The site contains areas of Cumberland Plain Woodland in the Sydney Basin Bioregion (Plant Community Type 3220) (CPW) which is a threatened ecological community listed as critically endangered under the NSW Biodiversity and Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). It occurs as a large intact patch in the northeastern C2 zoned land, and as scattered patches otherwise throughout the site, in varying condition (Figure 7).

The site also contains an area of Riverflat Eucalypt Forest in the southwestern corner adjoining the M5 motorway, which meets the threshold of an Endangered Ecological Community (EEC) under the BC Act.

The proposal seeks to remove 0.5ha of Canopy CPW, 0.19ha of Exotic Ground CPW and one canopy tree (0.06ha) of Riverflat Eucalypt Forest.

Given the presence of CPW that is critically endangered under the EPBC Act on the site, consideration of whether the proposal would have a significant impact on any matters of national environmental significance (MNES) is required. The applicant undertook an assessment, which determined that the proposed action does not result in a significant impact on any MNES and therefore a referral under the Commonwealth EPBC Act was not required.

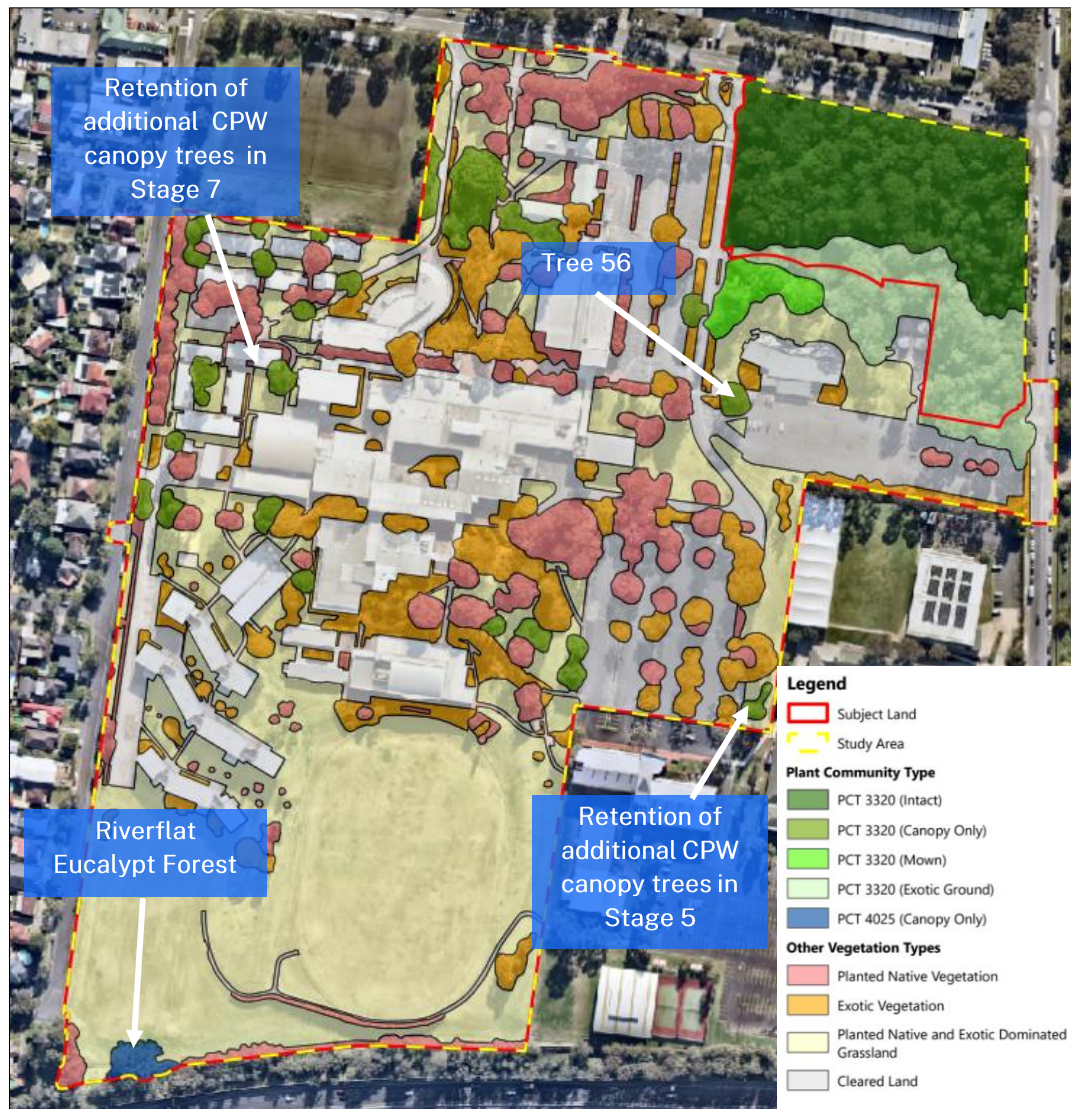


Figure 7 | Ecological Communities (Source: Biodiveristy Development Assessment Report)

Council and the Department raised concerns that the proposal did not demonstrate adequate avoidance of biodiversity impacts and that the retention of vegetation within the C2 zoned land cannot be utilised as justification.

CPHR requested that the applicant update the Vegetation Management Plan to incorporate all requirements outlined in the CBDP 2023 and include reference to the Hollow Offset Replacement Strategy and Nestbox Management Plan.

An updated BDAR, VMP and revised subdivision plans were provided as part of the RTS, including:

- amendments to the lot and road layout to retain additional CPW canopy trees
- additional discussion of the avoidance of impacts
- updated mapping showing the extent of vegetation removal
- an updated VMP confirming a 1:1 hollow offset replacement and details of fencing.

5.2.1 Impact avoidance, mitigation and offsetting

In response to concerns about insufficient avoidance of impacts to CPW, the applicant amended the subdivision layout to amalgamate future lots within Stages 5 and 7 (Figure 7 above), resulting in retention of 5 additional CPW trees. These trees are located outside of areas requiring remediation and were all assessed as having a long useful life expectancy and high retention value.

Management of these trees to be retained within residential lots in future stages will be addressed as part of a separate SSD (SSD-10992149), for a detailed subdivision of this part of the site.

The RTS also proposed retention of Tree 56 (Figure 7 above), a Grey Box species associated with CPW. Tree 56 was initially proposed to be removed to accommodate the required 11m carriageway for Road 2B fronting the existing child care centre. The impact of retention of Tree 56 on Road 2B are outlined in Section 5.3.2 below. The Department does not consider retention of the tree to be feasible, and notes that the applicant has considered avoidance and that on balance the retention of the additional 5 trees within future residential lots demonstrates appropriate avoidance of impacts across the site.

The amended subdivision design and BDAR confirm that the proposal demonstrates appropriate avoidance of impacts to biodiversity as:

- Removal of CPW is limited to areas of canopy, mown and exotic ground condition
- Areas for removal are subject to edge effects and comprise largely weedy vegetation along the road verge, with dominant exotic species
- The proposal was amended to retain 5 additional canopy CPW trees through modifications to the lot layout
- All mapped areas of intact CPW will be retained and the VMP will provide for ongoing management, restoration and enhancement
- All high quality, intact CPW will be retained within the C2 zoned land, and the proposal has been designed to minimise impacts to this area through:
 - Provision of a raised boardwalk instead of standard footpath adjoining the Horsley Road intersection
 - A reduction in the size of the new car park adjoining the child care centre.

In addition to these avoidance measures, the proposal will mitigate impacts through delineation of clearing limits, pre-clearance survey, staging of clearing, structure removal supervision and sedimentation control measures.

Landscaping to achieve 35% canopy cover is proposed in accordance with the CBDP 2023, and the applicant has been propagating trees from seeds within the conservation area which will have a positive impact on the ecological community overall.

The applicant proposes to offset the residual impacts of the development by purchasing and retiring ecosystem and species credits in accordance with the NSW Biodiversity Offsets Scheme. CPHR reviewed the amended BDAR and VMP and advised that all issues have been addressed, subject to recommended conditions.

5.2.2 Department's Conclusion

In accordance with CPHR advice and to address Council's comments, conditions have been recommended requiring:

- a positive covenant to be created for the perpetual management of all zones identified in the Vegetation Management Plan
- implementation of all mitigation measures outlined in the BDAR
- implementation of tree protection measures and specifications detailed in the Arboricultural Impact Assessment
- Biodiversity credits to be retired in accordance with the BAM Credit Report.

Taking into consideration the avoidance of impacts to vegetation, mitigation measures, proposed offsets and recommended conditions, the Department is satisfied that the proposed vegetation clearing would be unlikely to significantly impact on biodiversity values, including threatened ecological communities.

5.3 Access, pedestrian connectivity and road design

The proposal includes subdivision and construction of new roads, construction of two new intersections and upgrades to an existing intersection, and construction of a pedestrian link connecting Ashford Avenue to Stage 4.

In response to feedback from Council and the Department, the applicant updated intersection design, the location and design of pedestrian crossings and provided additional consideration of through-site-links as shown in **Figure 8**.



Figure 8 | Proposed road and access arrangements (Source: Civil Plans)

5.3.1 Pedestrian crossings and links

Pedestrian Links

The proposal includes a pedestrian link from Ashford Avenue to the Southern Park through Stage 4, comprising a 3m wide path and landscaping (Figure 8).

Council advised that the path should be a minimum of 5m wide in accordance with the CBDP 2023 to provide appropriate separation of pathway users.

The Department considers the proposed design is acceptable as the overall link is 6m wide comprising a 3m footpath and landscaping either side. The 3m wide path exceeds Council's minimum requirement for a 2.5m footpath width, allows for landscaping either side. As such, the

Department is satisfied that the path would provide appropriate space for users whilst providing landscaping and reducing hardstand area on the site.

The applicant advised they intend to dedicate the proposed through-site-link to Council as public roadway under this SSD. A condition of consent has been recommended requiring the dedication to Council.

Council also noted the importance of providing a through-site-link along the southern portion of the site from Ashford Avenue to Horsley Road (**Figure 8**), to increase connectivity between the existing school and the new public parks in accordance with the CBDP 2023.

The applicant contends that the provision of a southern through-site-link is not practical as it would connect to currently unused land owned by Mt St Joseph High School, and there should be no onus on the school to extend this path. The adjacent land to the south is owned by TfNSW who are unlikely to allow a pedestrian link in the M5 corridor.

The Department notes that the boundary of Mt St Joseph School has changed since the CBDP 2023 requirement was introduced, restricting the ability for provision of the link under single ownership. There are also significant level differences between the school site and Horsley Road which restricts feasibility of the pedestrian connectivity.

Considering the land ownership and topography constraints, the Department is satisfied that the provision of this link is not required and that appropriate pedestrian access between the new parks and surrounding sites is provided via the internal street network.

Pedestrian Crossings

Council advised that the provision of a raised marked pedestrian crossing on Ashford Avenue (**Figure 8**) is required in accordance the CBDP 2023.

The applicant initially responded noting that a raised marked pedestrian crossing is not necessary and would impact on-street parking. Instead, kerb blisters, reduced carriageway width at the crossing point, and a dedicated speed hump to reduce motorist travel speed were proposed.

Following further discussion between the applicant and Council, it was confirmed that the crossing should be provided further south, across from the pedestrian link between Ashford Avenue and the Southern Park. The applicant has provided amended plans incorporating the updated crossing location and associated traffic calming measures in accordance with Council's requirements (**Figure 8**).

Council advised that the amended design is supported in principle, and noted that the detailed design of the pedestrian crossing must consider existing drainage conditions and include appropriate stormwater management measures to ensure that surface water flows are maintained.

A condition of consent has been recommended requiring the applicant to submit detailed engineering design for the crossing to Council's Design Team.

Subject to the recommended conditions, the Department is satisfied that the proposal provides appropriate pedestrian connectivity and safety within the site and between adjoining sites.

5.3.2 Road 2B fronting the childcare centre

In response to the request to explore options for retention of CPW outside of the C2 zoned land (Section 5.2 above), the applicant proposed to amend the road layout to retain one additional CPW tree (Tree 56, Figure 7) that was previously proposed to be removed. This would require a reduction in the width of Road 2B from 11m to 8.5m (Figure 8).

Road 2B is adjacent to the existing child care centre and provides vehicular access to the centre and car park. Clause 6.13 of the CBLEP 2023 notes that:

Development consent must not be granted for the purposes of centre-based child care facilities on land identified as "Area 1" on the Clause Application Map if the vehicular access to the land is from—

(a) a classified road, or

(b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10m

Although consent for the child care centre is not sought as part of this SSD, the applicant provided a clause 4.6 variation request to support the proposed reduction in the carriageway width. Council advised that they do not support the use of clause 4.6 to seek approval to vary clause 6.13 of the CBLEP 2023. Based on an assessment of the road, the proposed removal of Tree 56, the Department has recommended a condition requiring the road width be amended to comply with the CBLEP 2023, therefore a clause 4.6 assessment of the variation is not required.

Conditions of consent have been recommended requiring the plans to be amended to show the carriageway of Road 2B revised to 11m consistent with the VPA and appropriate replacement planting to compensate for the removal of Tree 56.

5.4 Staging and the existing planning agreement

The proposed staging is outlined below and is generally sequential, with some flexibility.

- Stage 1 is intended to commence first
- Stages 2 or 3A will commence second and be delivered concurrently or after each other, for example, Stag 3A can commence prior, concurrently or after Stage 2 as they are independent
- Stage 3B cannot occur prior to Stage 3A, but does not have to be delivered before Stages 2, 4, 5, 6 and Stage 7

- Stage 4 cannot be delivered prior to Stage 2, but can be delivered prior to Stage 3A
- Stage 5 cannot be delivered prior to Stage 2, 3A and Stage 4
- Stage 6 cannot be delivered prior to Stage 2,3A, 4 and Stage 5
- Stage 7 cannot be delivered prior to Stage 2, 4 and Stage 6.

The applicant notes that staging has been designed to enable progressive implementation of stormwater management works. A temporary raingarden will be constructed within the existing sediment basin approved under the demolition DA to service the earlier stages, until permanent Basins 1 and 2 are constructed.

The proposed staging would also deliver roads and Central Park to service dwellings in Stages 1 and 2 and seeks to minimise impacts from construction.

Payment of contributions and delivery of infrastructure is required in accordance with Schedule 2 of the executed VPA. The VPA considers development of the site as a whole, and some components will be triggered as part of SSD-109921491. Components triggered under the subject SSD include:

- Embellishment of the Central Park
- Local roads
- Local footpaths and shared cycleway
- Footpath along the eastern side of Ashford Avenue
- Payment of a portion of the monetary contribution for the provision of affordable housing

Embellishment of Central Park is required prior to the issue of an Occupation Certificate for the 50th dwelling, but dedication to Council is not required until prior to the Subdivision for the 201st lot which will occur as part of SSD-109921491. The Department has recommended a condition to ensure appropriate management and maintenance of the park until it is dedicated to Council.

The Department has considered the implications of the amended vehicular access and road layout associated with the recommended changes to Lots 1201 – 1208 (Section 5.1.1 above) and is satisfied that it would not result in adverse impacts on the overall staging approach or delivery of infrastructure. Overall, the Department is satisfied that the proposed staging is consistent with the executed VPA and would provide appropriate infrastructure and amenity for future residents.

5.5 Other issues

The Department's consideration of other issues is summarised in Table 7 below.

Table 7 | Assessment of other issues

Issue	Findings and conclusions	Recommended conditions
Noise	The site is affected by noise from the M5 motorway and dwellings are required to meet the internal noise criteria under State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP). The Acoustic Report concludes that through the combination of dwelling setbacks, façade and ventilation treatments and acoustic fencing, the dwellings are capable of compliance with the relevant internal noise criteria. Council recommended that the Acoustic Report consider the CBDCP 2023 and implement measures to ensure that noise from children playing outdoors at the child care centre, does not exceed the relevant requirement, and that these measures should be included in a revised plan of management. As this SSD does not propose any amendments to the child care centre, the Department considers this issue should be addressed as part of SSD-109921491. Subject to conditions requiring compliance with the recommendations of the Acoustic Report, the Department is satisfied the proposal meets the requirements of the T&I SEPP and will provide appropriate internal amenity.	Recommended conditions regarding acoustic measures for dwellings have been included in Appendix D
Community Title	Council advised it does not support the proposed Community Title scheme that locates the parking required for the child care centre on a separate lot. A draft Community Management Statement (CMS) was submitted with the EIS outlining management and maintenance requirements for the Community Association, including: • compliance with and implementation of the requirements of the VMP, including protection, maintenance and prevention of avoidable harm to the C2 zoned land • maintenance of the asset protection zone (APZ) • allocation of car parking spaces.	A condition has been recommended (Appendix D) requiring an updated CMS to be submitted to the Department detailing how access management arrangements for the child care centre will be maintained and confirming that the appropriate number of spaces required under the child care centre consent will be available at all times.

Issue	Findings and conclusions	Recommended conditions
	The CMS includes a requirement for 24 car spaces to be allocated to the child care centre and notes that each owner will be responsible for ensuring unobstructed access to their allocated spaces. Subject to approval of the final Community Management Statement, the Department is satisfied the proposed scheme will ensure appropriate car parking access and management of the conservation and employment zoned land.	
Contamination	The site contains five contaminant groups on the site which require remediation. Previous remediation works have been conducted on the site under separate consents, and involved non-friable asbestos impacted soil, there was no lead, cadmium and zinc-based contamination. A Remedial Action Plan (RAP) has been prepared for the site, and subject to the implementation of the RAP and the provision of a Site Audit Statement, the Department is satisfied the site can be made suitable for the proposed uses.	A condition has been recommended requiring compliance with the Remedial Action Plan and Site Audit Statement in Appendix D
Bushfire	The site contains bushfire prone land in the northeast corner. The proposal includes an APZ, consistent with the existing child care centre approval. No changes to the location or management of this area are required. RFS raised no objection to the development and recommended compliance with the recommendations of the Bushfire Assessment Report. The Department is satisfied the bushfire risk is acceptable, subject to conditions of consent requiring the proposal to be carried out in accordance with the recommendations of the Bushfire Assessment Report.	A condition has been recommended (Appendix D) requiring: • Compliance with Bushfire Assessment Report • A positive covenant to be created for asset protection zone management
Stormwater management	Council requested additional information to demonstrate the drainage strategy meets the requirements of the	Council has provided recommended conditions,

Issue	Findings and conclusions	Recommended conditions
	CBDCP 2023 and that the proposed basins can accommodate overland flows and Georges River backflow. In response, the applicant clarified that the basins have been designed with capacity for the 1% AEP event and additional outlet controls for the 10% AEP event and provided additional documentation addressing the CBDCP 2023. Council reviewed the amended plans and raised no further concerns, subject to recommended conditions. The Department is satisfied that subject to recommended conditions requiring detailed designs to be provided prior to construction, the proposal would provide adequate stormwater management and would not result in adverse impacts within or outside the site.	which have been included in Appendix D
Aboriginal Heritage	The Aboriginal Cultural Heritage and Assessment Report (ACHAR) confirmed that no Aboriginal objects or areas of potential archaeological deposit were found and that no Aboriginal heritage impacts are anticipated from the proposed works. Heritage NSW requested additional detail on the potential for intact archaeological deposits, particularly in the southeast portion of the site. In response, the applicant confirmed that this area of the site is heavily disturbed and unlikely to contain any substantial or intact archaeological deposits. Heritage NSW confirmed that the response has adequately addressed previous comments and that no additional archaeological assessment is required. The Due Diligence assessment for the child care centre car park was provided to the Registered Aboriginal Parties (RAPs) for comment, and copies of the emails and any comments by the RAPs should be provided to Heritage NSW for review once complete. The Department has recommended a condition requiring the applicant to provide this information to Heritage NSW, and	Conditions (Appendix D) have been recommended regarding unexpected finds, and Aboriginal Heritage

Issue	Findings and conclusions	Recommended conditions
	is satisfied that the proposal would not result in unacceptable Aboriginal Cultural Heritage impacts.	
Crown land	Ashford Avenue and the western portion of Bullecourt Avenue are Crown Roads. As access and works to Ashford Avenue are proposed, a transfer to the appropriate road authority in accordance with the Departments Administration of Crown Roads Policy is required.	Conditions (Appendix D) have been recommended requiring the transfer of these portions of road to Council as the local road authority
Adjoining sites	Consideration of impacts of the proposal on and to the adjoining Mt St Joseph High School and M5 motorway were raised by Council and TfNSW. Due to the significant level differences, retaining walls with a maximum height of 2.4m are proposed along the boundary of the site and the school. The Department is satisfied that the proposal has been designed to be compatible with the slope of the land, and that the proposed retaining walls are required to ensure appropriate civil design across the site and minimise impacts to the school. Privacy, noise, and visual impacts for future dwellings adjoining the school will be addressed as part of SSD-109921491. Subject to the recommended conditions, the Department considers the proposal will not result in adverse impacts on adjoining sites.	Conditions (Appendix D) to manage the impacts of earthworks and stormwater on the M5 have been recommended, and TfNSW has provided owners consent for works on their land.
Dwelling design, landscaping and amenity	Council raised concerns about fragmentation of some front landscaped areas of dwellings impacting continuous deep soil areas, the proposed floor to floor heights of dwellings and solar access to some western facing dwellings. The Department considers the proposed landscape design minimises hardstand areas in the front setback, and notes that CBDP 2023 requirements for driveway widths and landscaped area are met.	No conditions recommended

Issue	Findings and conclusions	Recommended conditions
	The proposed floor-to-floor heights comply with the National Construction Code, and all dwellings receive 3 hours of solar access to one living space.	
Non-residential uses	Council recommended that the proposal be amended to include commercial or retail uses to meet the day-to-day needs of future residents and address a lack of premises in proximity to the site. The Department considers the proposed land uses are consistent with the site zoning, and notes that residents have access to a variety of retail, commercial and health facility uses at the centre near the intersection of Ashford Avenue and Bullecourt Avenue (Figure 2). Residents will also have access to the childcare centre, and future employment uses in the northeastern portion of the site. The proposed mix of residential and non-residential uses is considered appropriate for the site and provides appropriate access to services for the future residents.	No conditions recommended

6 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, local council, public submissions, and government policies and plans.

The Department's assessment concludes that the proposal is acceptable as it:

- supports the Government's priority to deliver well-located housing as this SSD will supply 54 dwellings and facilitate future construction of up to 376 dwellings through the creation of 29 large lots
- will deliver public benefit in the form of local infrastructure contributions, an affordable housing contribution to Council and construction and dedication of infrastructure to Council including three new public parks
- provides detached housing, one to two storeys in height, compatible with the character of the surrounding area
- achieves a high level of residential amenity for future residents and makes a positive contribution to the public domain

The Department has recommended a range of conditions to manage any residual environmental impacts. See the recommended conditions of consent at **Appendix D**. Consequently, the Department considers the project is in the public interest and should be approved, subject to conditions.

7 Recommendation

It is recommended that the Director, Housing Delivery Assessments, as delegate of the Minister for Planning and Public Spaces:

- Considers the findings and recommendations of this report
- Accepts and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- Agrees with the key reasons for approval listed in the notice of decision
- Grants consent for the application in respect of Early Works, Subdivision and Stages 1-2 dwellings- Bullecourt Avenue, Milperra (SSD-97092958) as amended, subject to the conditions in the attached development consent
- Signs the attached development consent (Appendix G).

Recommended by:



Emma Butcher
Senior Planning Officer
Housing Delivery Assessments

Recommended by:



Lisa Pemberton
Team Leader
Housing Delivery Assessments

8 Determination

The recommendation is adopted by:

A handwritten signature in blue ink, appearing to be 'K T' followed by a long horizontal stroke.

Keiran Thomas

Director

Housing Delivery Assessments

Appendices

Appendix A – Submissions and government agency advice

The following documents can be accessed at <https://www.planningportal.nsw.gov.au/major-projects/projects/bullecourt-avenue-milperra-early-works-stage-1>

- Environmental Impact Statement
- Response to Submission Report
- Submissions (public and Council)
- Government agency advice

Appendix B – Community and Council views for draft Notice of Decision

Table 8 | Community and Council views

Issue	Consideration
Environment and Biodiversity	Council raised concerns about the impacts to the Cumberland Plain Woodland and that retention of vegetation in the C2 zone cannot be used as avoidance under the Biodiversity Conservation Act 2016 as this would be considered ‘double dipping’. In response, the applicant amended the subdivision layout to retain 5 additional canopy CPW trees within future residential lots in Stages 5 and 7. Taking into consideration the avoidance of impacts to vegetation, mitigation measures and proposed offsets, the Department is satisfied that the proposed vegetation clearing would be unlikely to significantly impact on biodiversity values, including threatened ecological communities. Conditions have been recommended requiring the offset of biodiversity credits and implementation of the Biodiversity Development Assessment Report recommendations and the Vegetation Management Plan.
Pedestrian connectivity	Council recommended the provision of a through-site-link along the southern portion of the site from Ashford Avenue to Horsley Road. Concerns were also raised with the design of the pedestrian link connecting Ashford Avenue to Stage 4 and that a 5m wide footpath is recommended in accordance with the CBDCP 2023. Considering the land ownership and topography constraints, the Department is satisfied that the provision of the southern link is not required as appropriate pedestrian access between the new parks and surrounding sites is provided via the internal street network. The design of the proposed pedestrian link and 3m footpath is considered to provide appropriate access whilst reducing hardstand areas

Issue	Consideration
Dwelling design, land landscaping and amenity	Council raised concerns about fragmentation of some front landscaped areas of dwellings impacting continuous deep soil areas, the proposed floor to floor heights of dwellings and solar access to some western facing dwellings. The Department considers the proposed landscape design minimises hardstand areas in the front setback, and notes that CBDP 2023 requirements for driveway widths and landscaped area are met. The proposed floor-to-floor heights comply with the National Construction Code, and all dwellings receive 3 hours of solar access to one living space.
Provision of commercial and retail uses	Council raised concerns about the limited availability of commercial and retail premises in proximity to the proposal and recommended that a café or restaurant should be included as part of the proposal. The Department considers the proposed land uses are consistent with the site zoning, and notes that residents have access to a variety of retail, commercial and health facility uses at the centre near the intersection of Ashford Avenue and Bullecourt Avenue. Residents will also have access to the childcare centre, and future employment uses in the northeastern portion of the site. The proposed mix of residential and non-residential uses is considered appropriate for the site and provides appropriate access to services for the future residents.
Access to car parking for the child care centre	Council does not support the proposed community title scheme that locates the parking required for the Child Care Centre on a separate allotment. The Department notes that the CMS requires provision of 24 car parking spaces to be provided for the child care centre and has recommended a condition requiring an updated CMS requiring adequate car parking access during child care centre operation hours to be maintained at all times.
Use of clause 4.6 to vary the width of Road 2B	Council advised that it does not support the use of a Clause 4.6 variation to contravene Clause 6.13(b) of the CBLEP 2023 to reduce the width of Road 2B fronting the child care centre from 11m to 8.5m. The Department has recommended conditions requiring the carriageway width of Road 2B to be reinstated to 11m.

Appendix C – Statutory considerations

Matters of consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is shown in Table 9 below.

Table 9 | Matters for consideration

Matter for consideration	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix C
EP&A Regulation	Appendix C
Likely impacts	Section 5 – Assessment
Suitability of the site	Section 1.2 – Project location, Section 3 – Policy and statutory context and Section 5 – Assessment
Public submissions	Section 4 – Engagement and Section 5 – Assessment
Public interest	Section 4 – Engagement, Section 5 – Assessment and Section 6 – Evaluation

Objects of the EP&A Act

A summary of the Department's consideration of the relevant objects (found in section 1.3 of the EP&A Act) are provided in Table 10 below.

Table 10| Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	The proposal promotes the social and economic welfare of the community by providing increased housing supply on a former university site in an accessible location.

Object	Consideration
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes ESD initiatives and sustainability measures including enhanced urban canopy coverage (35%), water-sensitive urban design (WSUD) systems, thermally efficient buildings, and renewable energy integration which meet the Building Sustainability Index (BASIX) requirements.
(c) to promote the orderly and economic use and development of land,	The proposal promotes an orderly and economic use of land as it will deliver as it will deliver housing and open space consistent with the zoning of the site. All proposed land uses are permissible with consent, and the scale of development has regard to the planning controls that apply to the site and the context of the surrounding area.
(d) to promote the delivery and maintenance of affordable housing,	The proposal will include the payment of a contribution to Council for affordable housing in accordance with the executed VPA.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The BDAR concludes that the proposed removal will not result in fragmentation or disconnection of habitat corridors, and that existing habitat connectivity will be preserved in the short term and enhanced over time through the retention and addition of vegetation.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site is highly disturbed and the ACHAR has confirmed it is unlikely for Aboriginal archaeological sites or historical relics to be present on site. The proposal would not have an adverse impact on any built heritage items or areas.
(g) to promote good design and amenity of the built environment,	The proposal promotes good design and amenity of the built environment and will not result in unacceptable impacts on the character or amenity of the surrounding locality.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal promotes the proper construction and maintenance of buildings, subject to compliance with the recommended conditions of consent.

Object	Consideration
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal which included consultation with Council and other government agencies and consideration of the responses received (see Section 4.1.)
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal which included notifying adjoining landowners and displaying the proposal on the NSW Planning Portal during the exhibition period (see Section 4.1)

Biodiversity development assessment report

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the project is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

The EIS included a BDAR (see Appendix A). The BDAR and the overall impact of the project on biodiversity values is assessed in Section 5.

Matters of National Environmental Significance

Under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), assessment and approval are required from the Australian Government if a project is likely to impact on a Matter of National Environmental Significance (MNES), as it is considered to be a ‘controlled action’.

The EIS for the development included a preliminary assessment of the MNES in relation to the development and concluded the development would not impact on any of these matters and is therefore not a ‘controlled action’. As such, the applicant determined a referral to the Australian Government Department of Climate Change, Energy, the Environment and Water was not required.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects*

The Department considers the requirements of the EP&A Regulations have been complied with.

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the provisions of the relevant EPIs that govern the carrying out of the project have been taken into consideration. The EPIs considered as part of the Department's assessment of the proposal include:

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021 \(T&I SEPP\)](#)

The T&I SEPP aims to facilitate the effective delivery of infrastructure by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development in, or adjacent to, particular types of infrastructure and providing for consultation with relevant public authorities during the assessment process.

The provisions of Section 2.120 (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Transport and Infrastructure) 2021 apply to the submitted application as the annual average daily traffic volume along this section of the M5 Motorway is more than 20,000 vehicles. The Acoustic Report demonstrates that dwellings are capable of complying with the relevant noise criteria, and conditions have been imposed to ensure the mitigation measures are included in the final dwelling design.

Section 2.119 aims to ensure that new development does not compromise the effective and ongoing operation and function of classified roads and prevent or reduce potential impact of traffic noise and vehicle emission on development adjacent to classified roads. The site has a frontage to the M5 Motorway which is classified (State) roads. The Department consulted Transport for NSW who advised there were no additional requirements for the proposed development.

Section 2.48 requires the consent authority to notify the relevant utility authority about the proposal. The Department consulted Ausgrid who did not make any comment in relation to potential safety risks arising from the proposed development and provided general comments and guidelines. The Department has recommended conditions requiring the applicant to obtain approval from utility providers for any necessary service connections.

[State Environmental Planning Policy \(Biodiversity & Conservation\) 2021](#)

The SEPP aims to protect the biodiversity value of vegetation in non-rural areas and to protect the water quality and quantity of water catchments.

The Department considers the proposed tree removal and planting of replacement trees is acceptable and that water quality impacts would be appropriately addressed through the implementation of proposed water sensitive urban design measures.

[State Environmental Planning Policy \(Resilience and Hazards\) 2021 \(Hazards SEPP\)](#)

Chapter 4 of the Resilience and Hazards SEPP aims to provide a Statewide planning approach to the remediation of contaminated land. The chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The Detailed Site Investigation, Remediation Action Plan, Site Auditor's Report and Site Auditor's Statement demonstrate that the site can be made suitable for the proposed land uses.

The Department considers the site is suitable for the proposed development, subject to recommended conditions to ensure the proposal addresses the requirements of the Hazards SEPP.

State Environmental Planning Policy (Sustainable Buildings) 2022

The Sustainable Buildings SEPP encourages sustainable residential development by setting targets that measure efficiency of buildings in relation to water and energy use and thermal comfort. BASIX certificates for all dwellings were submitted demonstrating the proposal achieves compliance with the BASIX water, energy and thermal comfort requirements under the SEPP. The Department has recommended conditions of consent requiring compliance with the BASIX certificates.

Canterbury-Bankstown Local Environmental Plan 2023

The relevant provisions of the Canterbury-Bankstown LEP have been considered in Table 11 below. The Department concludes that the development is consistent with the relevant requirements of the CBLEP 2023.

Table 11 | Canterbury-Bankstown Local Environmental Plan (2023) Compliance Table

Clause	Control	Department's consideration
Clause 4.1 Minimum subdivision lot size	A minimum allotment size of 300m ² applies to the portion of the site zoned R1 General Residential.	The proposed residential lots comply with the minimum lot size of 300m ² .
Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	Development consent must not be granted for; - Semi-detached dwellings that are not at least 210m² - Attached dwellings that are not at least 140m² - Dwelling houses adjoining Ashford Avenue, Milperra that are not at least 300m²	No semi-detached or detached dwellings are proposed as a part of this SDDA. The proposed residential dwellings adjoining Ashford Avenue meet the minimum lot area of 300 m ² . The residential dwellings that do not front Ashford Avenue comply with the minimum 245m ² lot size.

Clause	Control	Department's consideration
Clause 4.3 Height of buildings	The following maximum building heights apply to the site: • 9m for R1 zoned land • 11m for northern R1 zoned land • 11m for E1 zoned portion of the site. • No height limit for RE zoned land.	The proposed dwellings comply with R1 maximum height ranging from 6.97m to 7.64m. No works are proposed in the E1 local centre exceeding the 11m height limit.
Clause 4.4 Floor space ratio	The following maximum floor space ratio controls apply to the site: • R1 zoned land along Ashford Avenue is subject to 0.5:1 FSR standard. • R1 zoned land in the northern portion of the site is subject to 1.4:1 FSR standard • E1 zoned land is subject to 1:1 FSR standard. • Majority of the site has no FSR limit.	Stage 1 residential lots comply with development standards with an FSR between 0.459:1 to 0.495:1.
4.6 Exceptions to development standards	(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.	A clause 4.6 request was provided to accompany the proposed reduction in carriageway width for the road providing access to the child care centre. However, the Department has recommended conditions requiring the carriageway width of Road 2B to be reinstated to 11m in accordance with Clause 6.13. As such, consideration against clause 4.6 is not required
Clause 5.1A Development on land intended to be acquired for public purposes	The land zoned SP2 Infrastructure on the site is to be acquired by the Council for drainage. The land zoned RE1 Public Recreation is to be acquired by the Council for local open space	Land on the site that is zoned RE1 and SP2 will be dedicated to the Council as required by the executed VPA or via a condition of consent for public

Clause	Control	Department's consideration
		reserves not outlined in the VPA.
Clause 5.10 Heritage Conservation	The consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item to require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.	The site is adjoining Ashford Avenue and Bullecourt Avenue which are listed as Heritage Item 1218 Milperra Soldier Settlement(former). The Statement of Heritage Impact states the proposed development will not adversely impact the identified heritage values of the item.
Clause 5.21 Flood Planning	(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development – (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation	The amended FIRA and recommended conditions of consent ensure the proposal provides safe occupation and efficient evacuation of people in the event of a flood, and demonstrates that the proposal will not result in determinantal impacts to other development or properties.

Clause	Control	Department's consideration
	or a reduction in the stability of river banks or watercourses.	
Clause 6.1 Acid sulfate soils	The site is affected by Class 5 Acid Sulfate Soils.	The Detailed Site Investigation concludes that no acid sulfate-soil-related management actions or further assessments are required for the proposal.
Clause 6.2 Earthworks	In deciding whether to grant development consent for earthworks, or for development involving ancillary earthworks, the consent authority must consider the following – (a) the likely disruption of, or the detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill and the soil to be excavated, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of the fill material and the destination of the excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, a waterway, drinking water catchment or environmentally sensitive area, (h) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposal includes excavation works and construction of various retaining walls to mitigate the impacts of topography across the site and to protect the amenity of adjoining properties.
Clause 6.3 Stormwater management and water sensitive design	Development consent must not be granted to development unless the development satisfies: (a) Is designed to maximise the use of water permeable surfaces on the land having regard to the soil	The proposal is acceptable in terms of its impact in respect of matters (a)-(e)

Clause	Control	Department's consideration
	characteristics affecting on-site infiltration of water (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water (c) avoids significant adverse impacts of stormwater runoff (d) includes riparian, stormwater and flooding measures (e) is designed to incorporate water sensitive urban design principles	
Clause 6.34 Development at 2 and 2A Bullecourt Avenue, Milperra	(2) Development consent must not be granted to development for the purposes of residential accommodation on land to which this clause applies that will result in more than 430 dwellings on the land. (3) Development consent must not be granted to development for the purposes of dual occupancies on a lot on land to which this clause applies unless – (a) the lot is at least 350m², and (b) 1 of the dwellings will have a gross floor area not exceeding 75m². (4) Development consent must not be granted for development for the purposes of multi dwelling housing on a lot on land to which this clause applies unless – (a) the lot is at least 1,000m², or (b) the lot is at least 450m² and the following apply – (i) 1 of the dwellings will have a gross floor area not exceeding 75m²,	(2) This SSDA proposed 62 dwellings (52 dwellings recommended for approval as discussed in this report). The anticipated future dwellings will result in a maximum of 430 dwellings. (3) and (4) No dual occupancies or multi dwelling housing is proposed under this SSDA. (5) This SSD includes both the construction of certain dwellings and the subdivision of 4 or more lots, including 1 or more that is less than 300m² in accordance with clause 4.1B on land that does not front Ashford Avenue (within Stage 2). (6) No dwellings in Area 6 proposed as part of this SSD.

Clause	Control	Department's consideration
	(ii) the development will result in no more than 3 dwellings. (5) A single development consent may be granted to development on land to which this clause applies, other than land adjoining Ashford Avenue, Milperra, if the development application is for both of the following – (a) the subdivision of land into 4 or more lots, including 1 or more that may be less than the minimum size shown on the <i>Lot Size Map</i>, (b) the erection of residential accommodation on each resulting lot. (6) Development consent must not be granted to development on a lot on land identified as “Area 6” on the <i>Floor Space Ratio Map</i> unless the consent authority is satisfied the gross floor area of all buildings on the lot will not exceed 37% of the lot size plus 80m².	
Clause 6.4 Biodiversity	In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider – (a) whether the development is likely to have the following – (i) an adverse impact on the condition, ecological value and significance of the fauna and flora on the land, (ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,	The BDAR submitted with the proposal demonstrates that the development is designed, sited and will be managed to avoid a significant adverse environmental impact. Impacts to vegetation have been largely avoided, appropriate mitigation measures are outlined, and offsets are proposed for residual impacts.

Clause	Control	Department's consideration
	(iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, (iv) an adverse impact on the habitat elements providing connectivity on the land, (b) appropriate measures to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that — (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives — the development is designed, sited and will be managed to minimise the impact.	
Clause 6.9 Essential services	The proposal must have, or have adequate arrangements to be made for the: (a) Supply of water; (b) Supply of electricity; (c) The disposal and management of sewerage; (d) Stormwater drainage or on-site conservation; (e) Waste management; (f) Suitable vehicular access	The proposal has adequate services or adequate arrangements in place for the essential services referenced.
Clause 6.13 Special provisions for centre-based childcare facilities	Development consent must not be granted for the purposes of centre-based childcare facilities if the vehicular access to the land is from —	A clause 4.6 request was provided to accompany the proposed reduction in carriageway width for the road

Clause	Control	Department's consideration
	(a) a classified road, or (b) a cul-de-sac road or a road where the carriageway between kerbs is less than 10m.	providing access to the child care centre. However, the Department has recommended conditions requiring the carriageway width of Road 2B to be reinstated to 11m in accordance with Clause 6.13. As such, consideration against clause 4.6 is not required
Clauses 6.21 Restrictions on development in Zones E1 and E3	Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the ground level of a building resulting from the development will not be used for residential accommodation.	No ground level residential is proposed in E1 and E3 zoned land.

Appendix D – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/bullecourt-avenue-milperra-early-works-stage-1>