

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-97092958 Early Works, Subdivision and Stages 1-2 dwellings- Bullecourt Avenue, Milperra
Applicant	Mirvac Residential (NSW) Developments Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director, Housing Delivery Assessments, under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application with the modifications outlined in the instrument of consent and subject to conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Housing and Infrastructure's assessment report is available [here](#).

Date of decision

6 August 2026

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application the findings and recommendations in the department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including \$71 million in capital investment, 160 construction jobs, contributions towards affordable housing and delivery of new public parks.
- the project is permissible with development consent and is consistent with NSW Government policies including the National Housing Accord.
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards.
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent and weighing all relevant considerations, the project is in the public interest.

• Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the environmental impact statement (EIS) as a requirement of the Secretary's environmental assessment requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from 11 December 2025 until 29 January 2026 (49 days). Two submissions were received, including 1 objection and 1 in support of the project.

The department also undertook a site visit on 3 March 2026 which provided a better understanding of the subject site and surrounding developments.

The key issues raised by the community (including in submissions) and considered in the Department's assessment report and by the decision maker include biodiversity and the avoidance of impacts to Cumberland Plain Woodland (CPW), the detailed subdivision and dwelling design, and pedestrian and vehicular access. Other issues are addressed in detail in the department's assessment report.

<i>Issue</i>	<i>Consideration</i>
<i>Biodiversity impacts</i> 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'.	<i>Assessment</i> - 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. <i>Conditions</i> Conditions have been recommended requiring the offset of biodiversity credits and implementation of the Biodiversity Development Assessment Report recommendations and the Vegetation Management Plan.
<i>Pedestrian connectivity</i> - 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 by Council regarding the design of the pedestrian link connecting Ashford Avenue to Stage 4 and that a 5m wide footpath is recommended in accordance with the CBDP 2023.	<i>Assessment</i> Considering the land ownership and topography constraints, the Department is satisfied that the provision of the southern through-site-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. <i>Conditions</i> No conditions applicable
<i>Dwelling design, land landscaping and amenity</i> 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.	<i>Assessment</i> - 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. <i>Conditions</i> No conditions applicable
<i>Provision of commercial and retail uses</i> 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	<i>Assessment</i> - 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

the proposal.	future residents. <i>Conditions</i> No conditions applicable
<i>Access to car parking for the child care centre</i> Council does not support the proposed community title scheme that locates the parking required for the Child Care Centre on a separate allotment.	<i>Assessment</i> - The Department notes that the Community Management Strategy (CMS) requires provision of 24 car parking spaces to be provided for the child care centre. <i>Conditions</i> - A condition requiring an updated CMS requiring adequate car parking access during child care centre operation hours to be maintained at all times.
<i>Use of clause 4.6 to vary the width of Road 2B</i> 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.	<i>Assessment</i> - 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. <i>Conditions</i> - The Department has recommended conditions requiring the carriageway width of Road 2B to be reinstated to 11m.