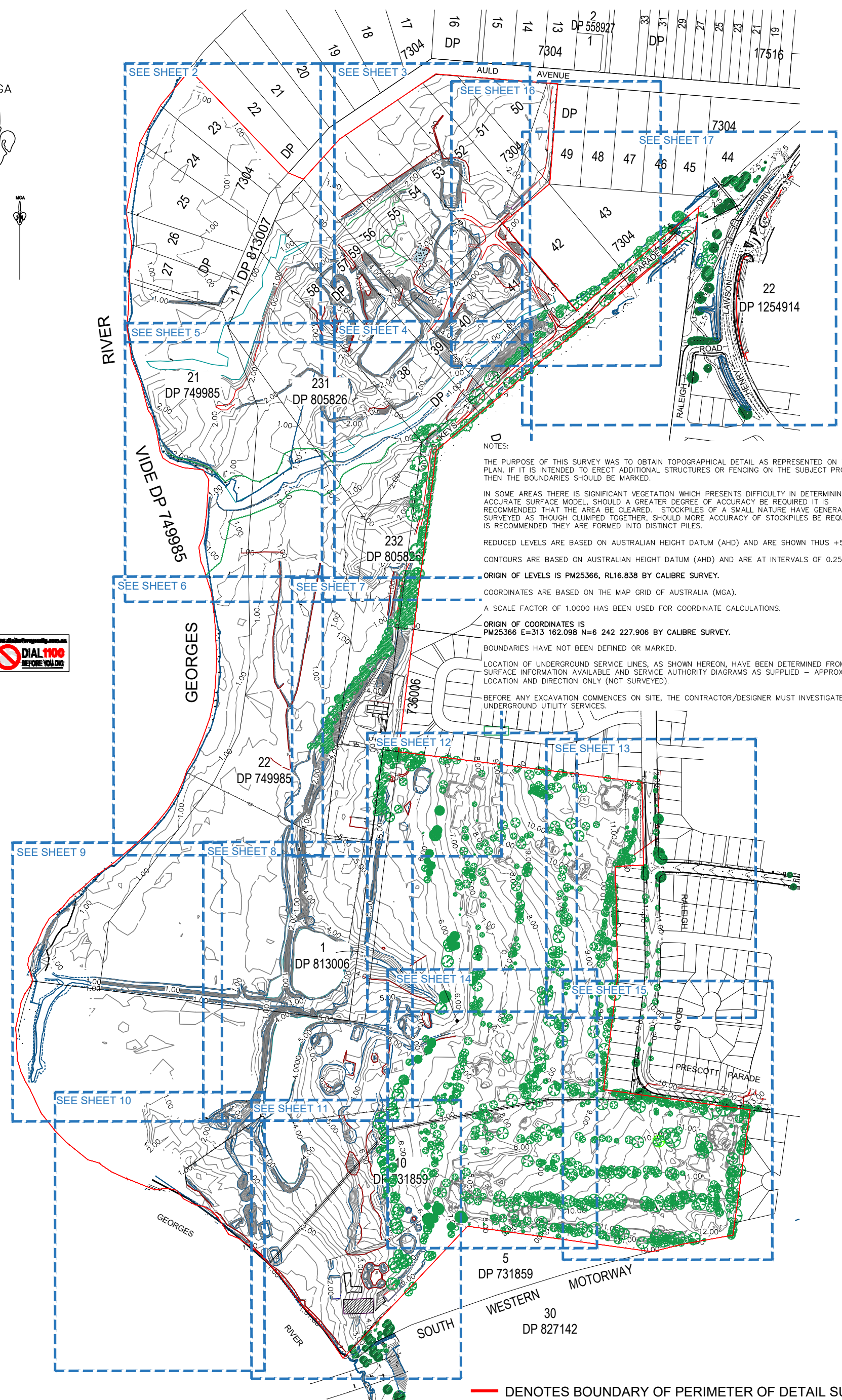
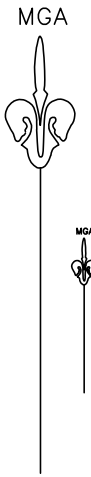


**EXHIBIT "LAJW1"**  
**AFFIDAVIT OF LUKE ANTHONY JAMES WALKER**  
**7 JULY 2021**

**INDEX**

Tab	Document description	Author	Date
1.	Plan of Subdivision DP 1261511	Calibre Consulting	20-May-21
2.	Detailed Survey	Calibre Consulting	19-Jan-21
3.	Supplementary Assessment of proposed connector road alignment along Keys Parade	Cumberland Ecology	05-Jul-21
4.	Contamination Assessment	Sullivan Environmental Sciences Pty Ltd	01-Jul-21
5.	Vegetation Assessment for Bushfire Classification	Cumberland Ecology	24-Mar-21
6.	Bushfire Assessment	Building Code & Bushfire Hazard Solutions Pty Limited	05-Jul-21
7.	Amended Statement of Environmental Effects Consolidation of 27 Lots and Re-subdivision into 6 Lots.	Mersonn Pty Ltd	Jul-21



NOTES:

THE PURPOSE OF THIS SURVEY WAS TO OBTAIN TOPOGRAPHICAL DETAIL AS REPRESENTED ON THIS PLAN. IF IT IS INTENDED TO ERECT ADDITIONAL STRUCTURES OR FENCING ON THE SUBJECT PROPERTY, THEN THE BOUNDARIES SHOULD BE MARKED.

IN SOME AREAS THERE IS SIGNIFICANT VEGETATION WHICH PRESENTS DIFFICULTY IN DETERMINING AN ACCURATE SURFACE MODEL, SHOULD A GREATER DEGREE OF ACCURACY BE REQUIRED IT IS RECOMMENDED THAT THE AREA BE CLEARED. STOCKPILES OF A SMALL NATURE HAVE GENERALLY BEEN SURVEYED AS THOUGH CLUMPED TOGETHER, SHOULD MORE ACCURACY OF STOCKPILES BE REQUIRED IT IS RECOMMENDED THEY ARE FORMED INTO DISTINCT PILES.

REDUCED LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD) AND ARE SHOWN THUS +55.55.

CONTOURS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD) AND ARE AT INTERVALS OF 0.25 METRES.

ORIGIN OF LEVELS IS PM25366, RL16.838 BY CALIBRE SURVEY.

COORDINATES ARE BASED ON THE MAP GRID OF AUSTRALIA (MGA).

A SCALE FACTOR OF 1.0000 HAS BEEN USED FOR COORDINATE CALCULATIONS.

ORIGIN OF COORDINATES IS PM25366 E=313 162.098 N=6 242 227.906 BY CALIBRE SURVEY.

BOUNDARIES HAVE NOT BEEN DEFINED OR MARKED.

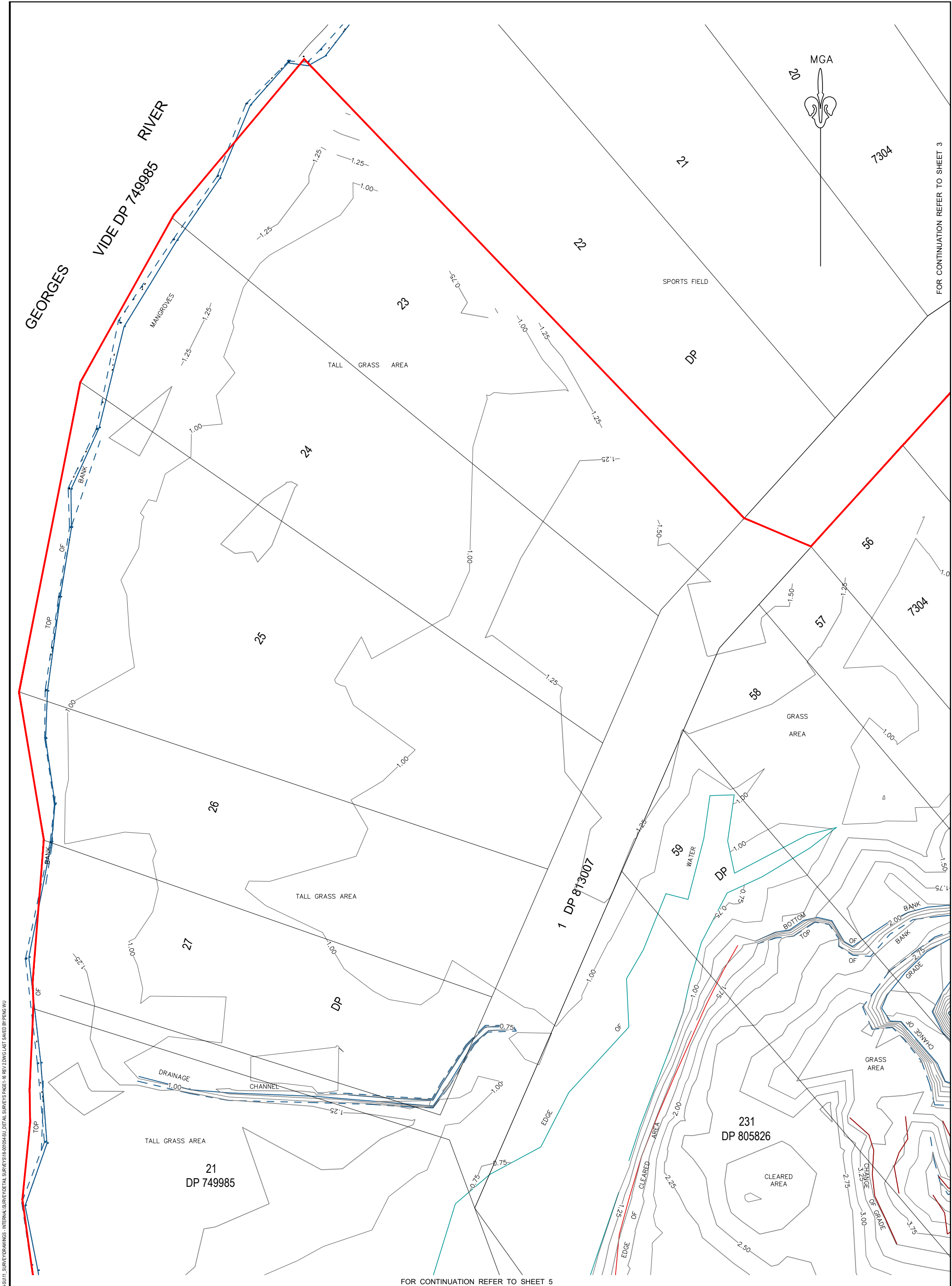
LOCATION OF UNDERGROUND SERVICE LINES, AS SHOWN HEREON, HAVE BEEN DETERMINED FROM VISIBLE SURFACE INFORMATION AVAILABLE AND SERVICE AUTHORITY DIAGRAMS AS SUPPLIED - APPROXIMATE LOCATION AND DIRECTION ONLY (NOT SURVEYED).

BEFORE ANY EXCAVATION COMMENCES ON SITE, THE CONTRACTOR/DESIGNER MUST INVESTIGATE UNDERGROUND UTILITY SERVICES.

— DENOTES BOUNDARY OF PERIMETER OF DETAIL SURVEY

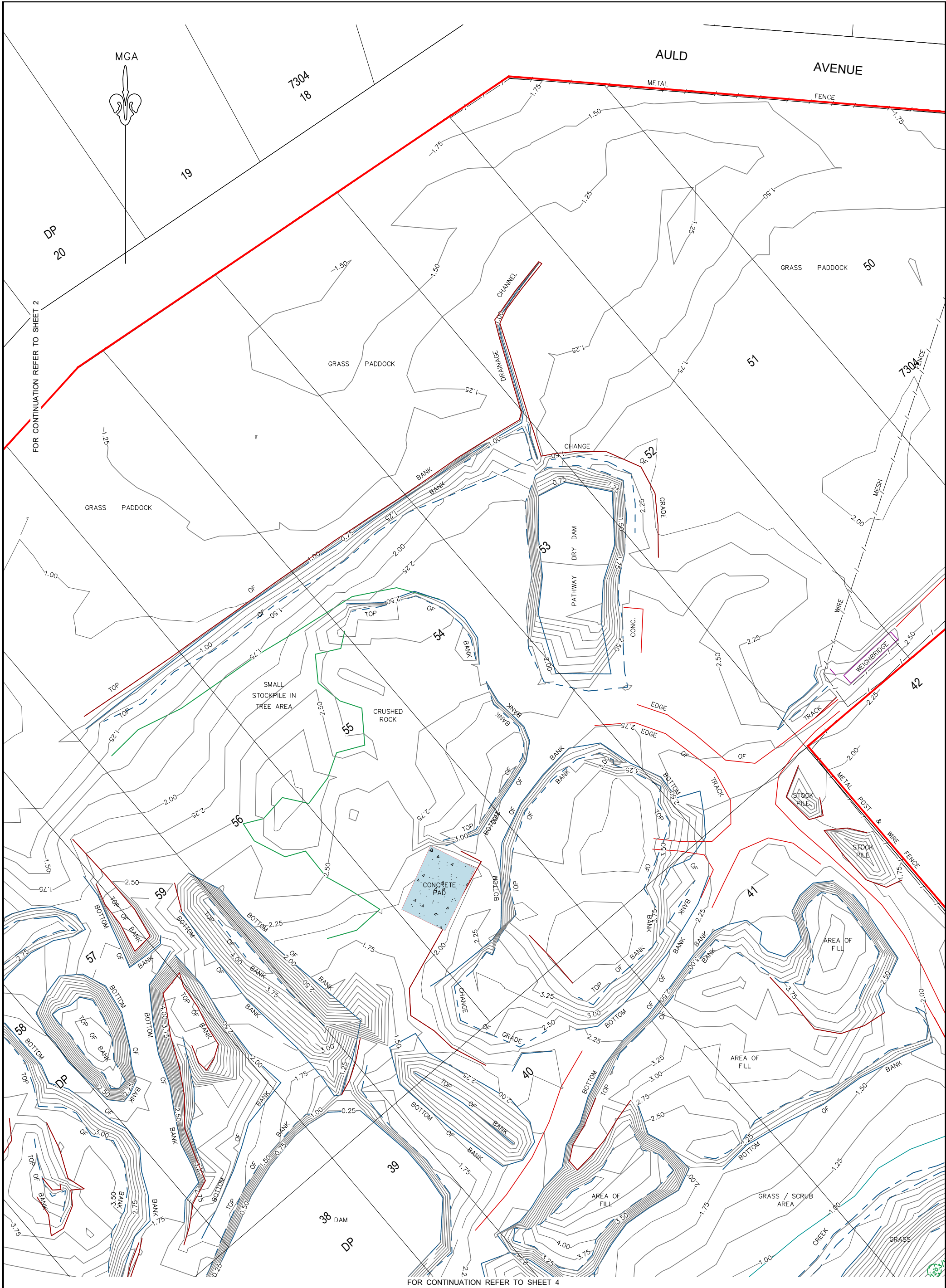
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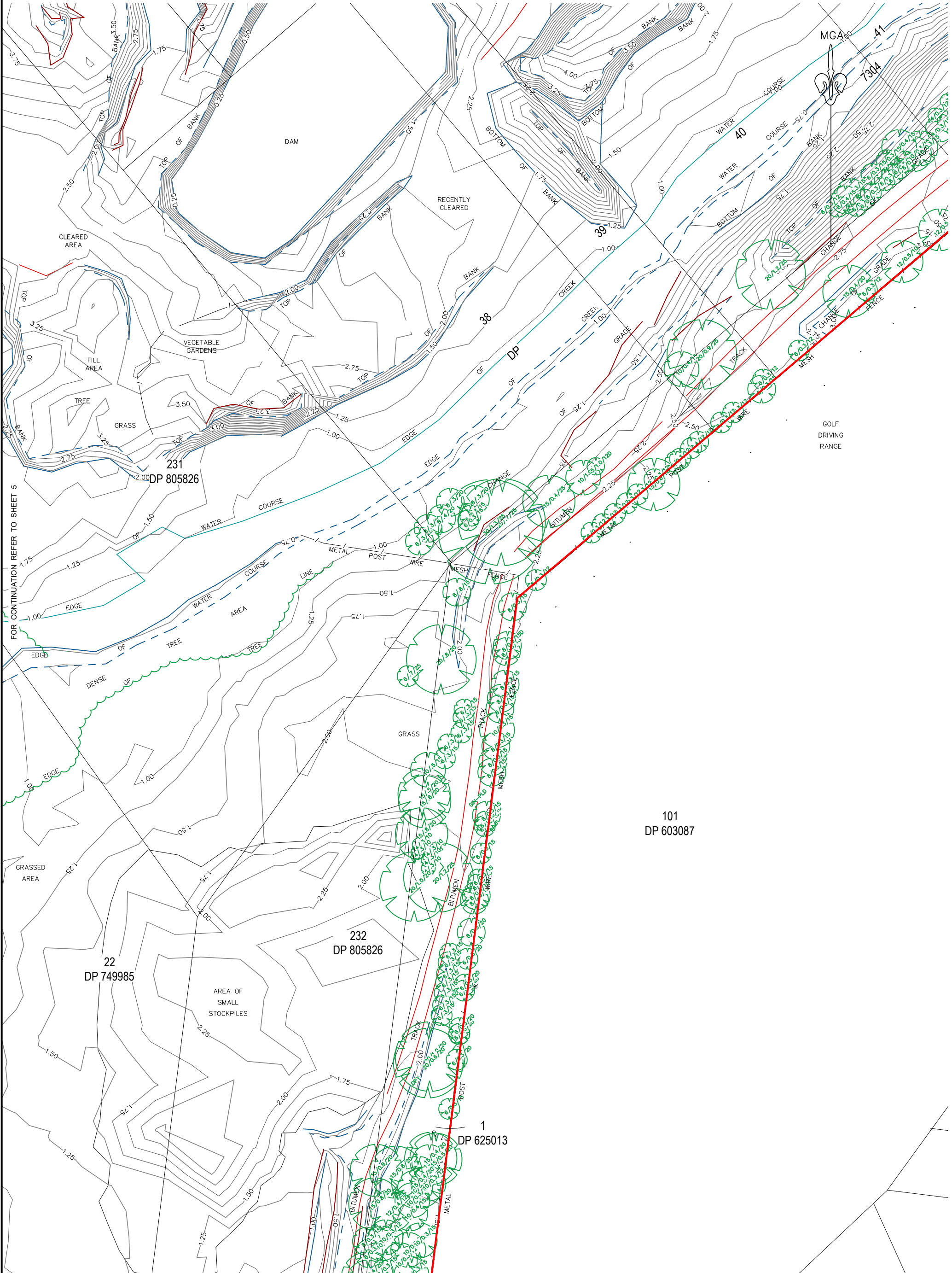




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DATE: 19/01/2021						DRAWING TITLE:		RIVERLANDS SITE MILPERRA		DETAIL SURVEY			



FOR CONTINUATION REFER TO SHEET 3



FOR CONTINUATION REFER TO SHEET 5

FOR CONTINUATION REFER TO SHEET 7

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DRAWING TITLE

DETAIL SURVEY

SCALE

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18-001054 SU

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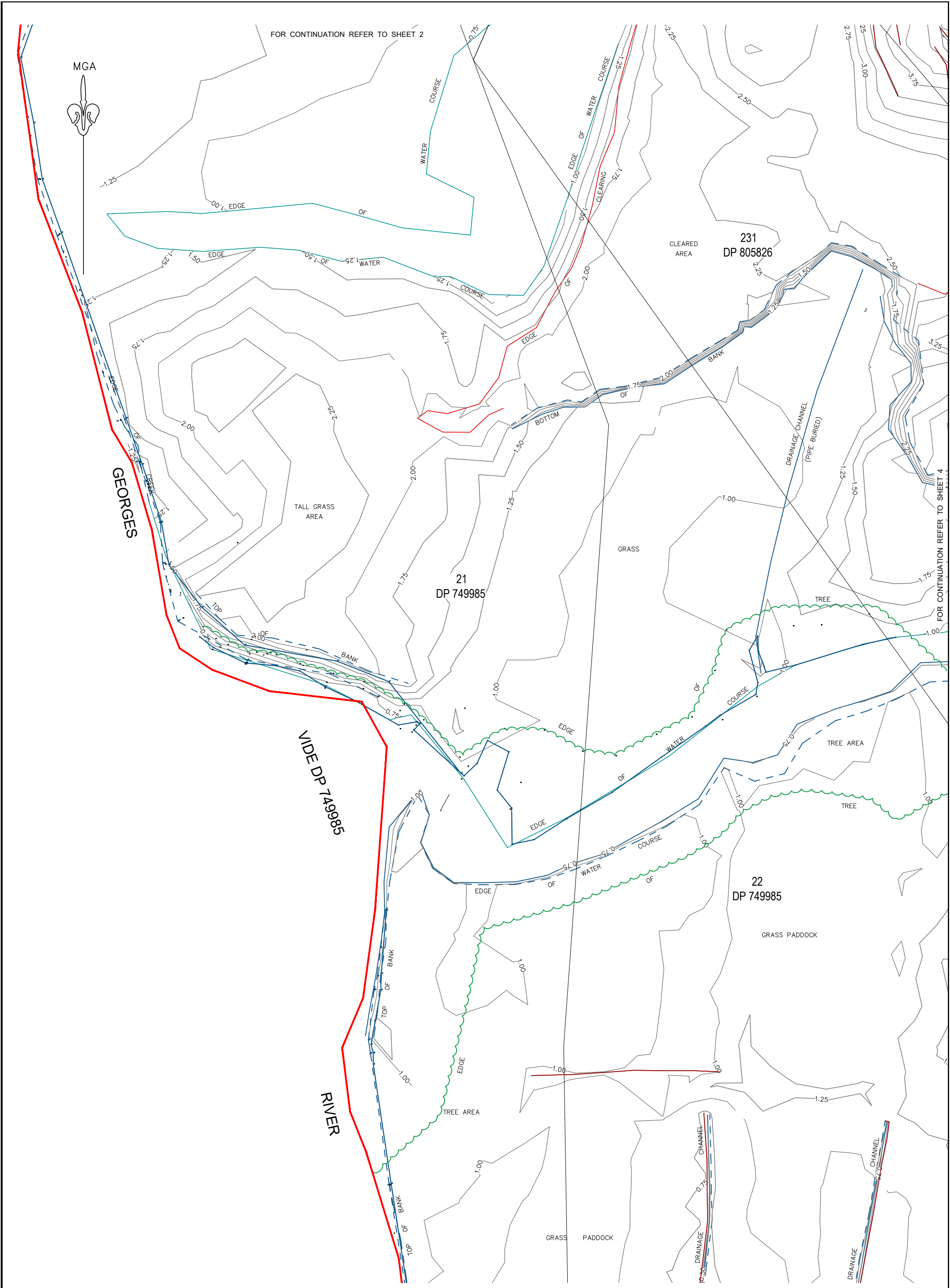
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CLIENT:

**mirvac**

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Registered Surveyor (No.1208)

DATE: 19/01/2021

PROJECT

RIVERLANDS SITE MILPERRA

DRAWING TITLE

DETAIL SURVEY

SCALE

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SCALE 1:500 (A1)      SCALE 1:1000 (A3)

PROJECT No. 18-001054 SU      DRAWING No. 05 OF 22      STAGE      REVISION      2

FOR CONTINUATION REFER TO SHEET 6

FOR CONTINUATION REFER TO SHEET 4

FOR CONTINUATION REFER TO SHEET 2





FOR CONTINUATION REFER TO SHEET 5

RIVER

VIDE DP 749985

GEORGES

21  
DP

22  
749985

FOR CONTINUATION REFER TO SHEET 7

FOR CONTINUATION REFER TO SHEET 9

FOR CONTINUATION REFER TO SHEET 8

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DRAWING TITLE

DETAIL SURVEY

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PROJECT No.

18-001054 SU

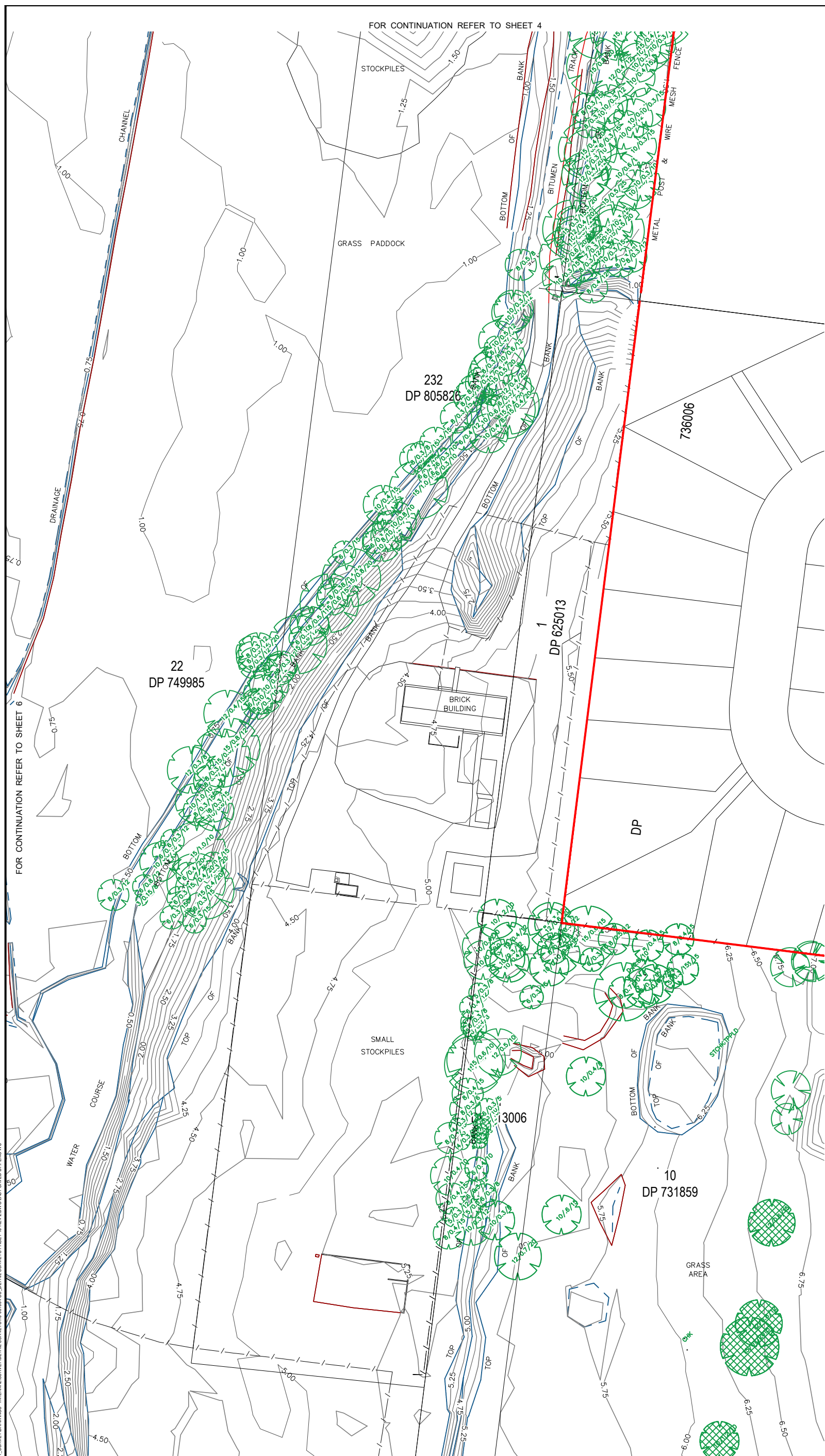
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MGA

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AMENDMENTS					

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PROJECT  
**RIVERLANDS SITE MILPERRA**

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DRAWING TITLE  
**DETAIL SURVEY**

SCALE



0 5 10 15 20 25 30 35 40  
SCALE 1:500 (A1) SCALE 1:1000 (A3)

PROJECT No. DRAWING No. STAGE REVISION  
**18-001054 SU 07 OF 22 2**







RIVER

VIDE DP 749985

GEORGES

GRASS Paddock

22  
DP 749985

10  
DP 731859

DENSE VEGETATION

FOR CONTINUATION REFER TO SHEET 6

FOR CONTINUATION REFER TO SHEET 8

FOR CONTINUATION REFER TO SHEET 10

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DETAIL SURVEY

SCALE  
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SCALE 1:1000 (A3)

PROJECT No. 18-001054 SU  
DRAWING No. 09 OF 22  
STAGE  
REVISION  
2



FOR CONTINUATION REFER TO SHEET 9

FOR CONTINUATION REFER TO SHEET 8

MGA



MANGROVE  
AREA

DENSE  
TREE  
AREA

GEORGES

VIDE DP 749985

10  
DP 731859

RIVER

FOR CONTINUATION REFER TO SHEET 11

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PROJECT

RIVERLANDS SITE MILPERRA

DRAWING TITLE

DETAIL SURVEY

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SCALE 1:1000 (A3)

PROJECT No.

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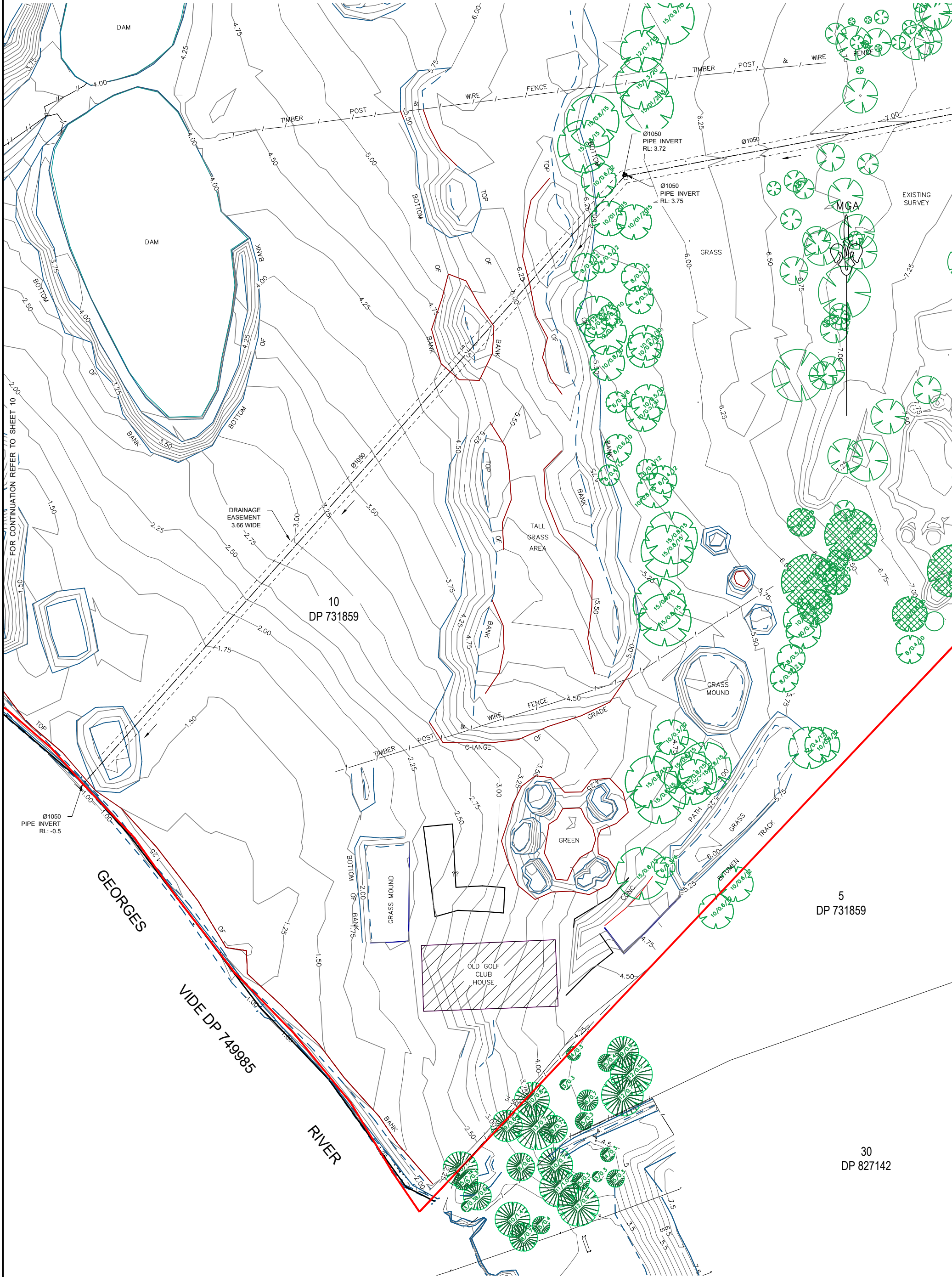
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STAGE

REVISION

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FOR CONTINUATION REFER TO SHEET 8



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Registered Surveyor (No.1208)

SIGN: *[Signature]*

DATE: 19/01/2021

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PROJECT: **RIVERLANDS SITE MILPERRA**

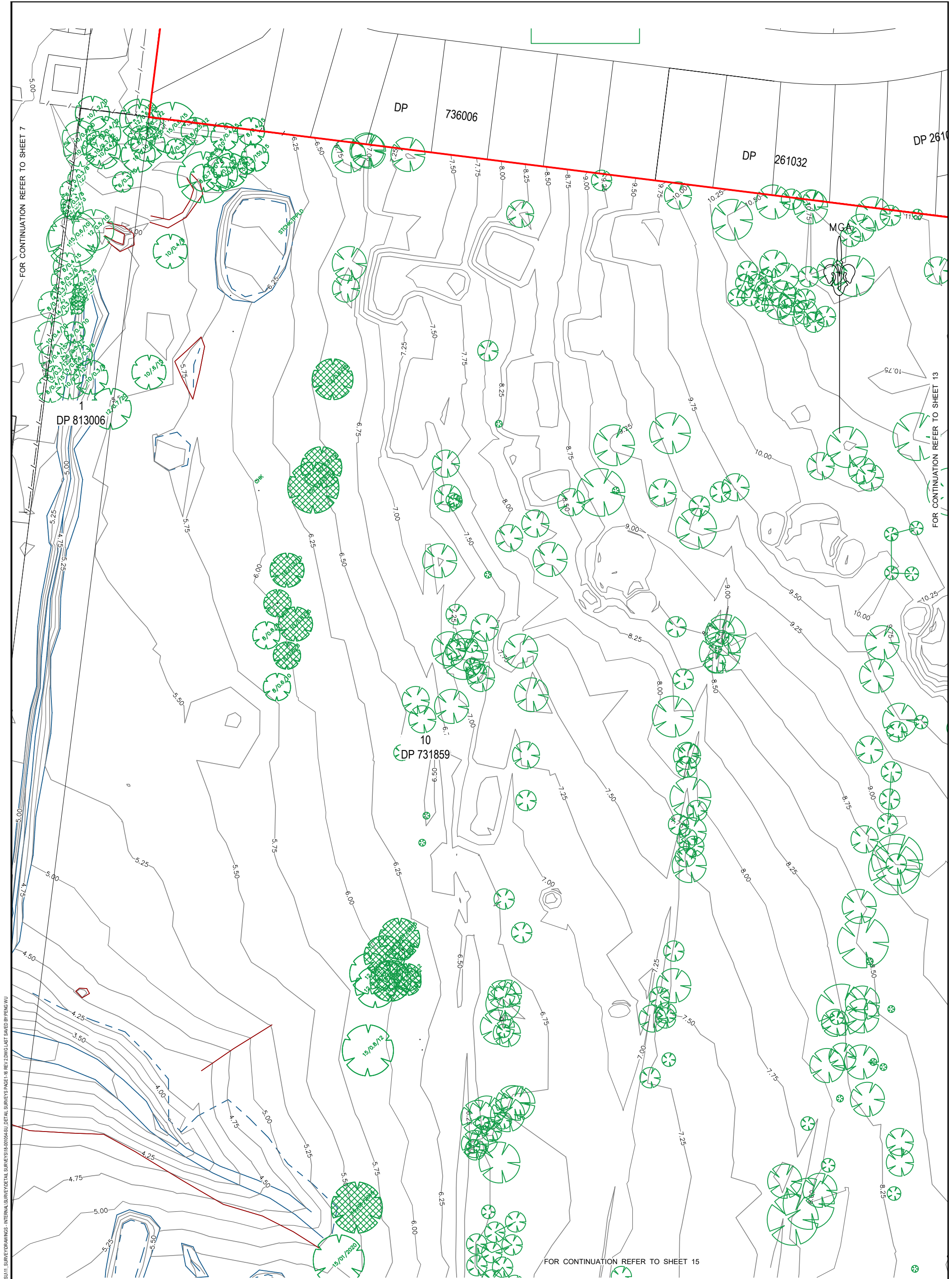
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PROJECT No. 18-001054 SU 11 OF 22

STAGE: REVISION: 2






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PROJECT

RIVERLANDS SITE MILPERRA

DRAWING TITLE

DETAIL SURVEY

SCALE

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AUTHORISED FOR ISSUE:

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Registered Surveyor (No.1208)

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PROJECT	RIVERLANDS SITE MILPERRA
DRAWING TITLE	DETAIL SURVEY

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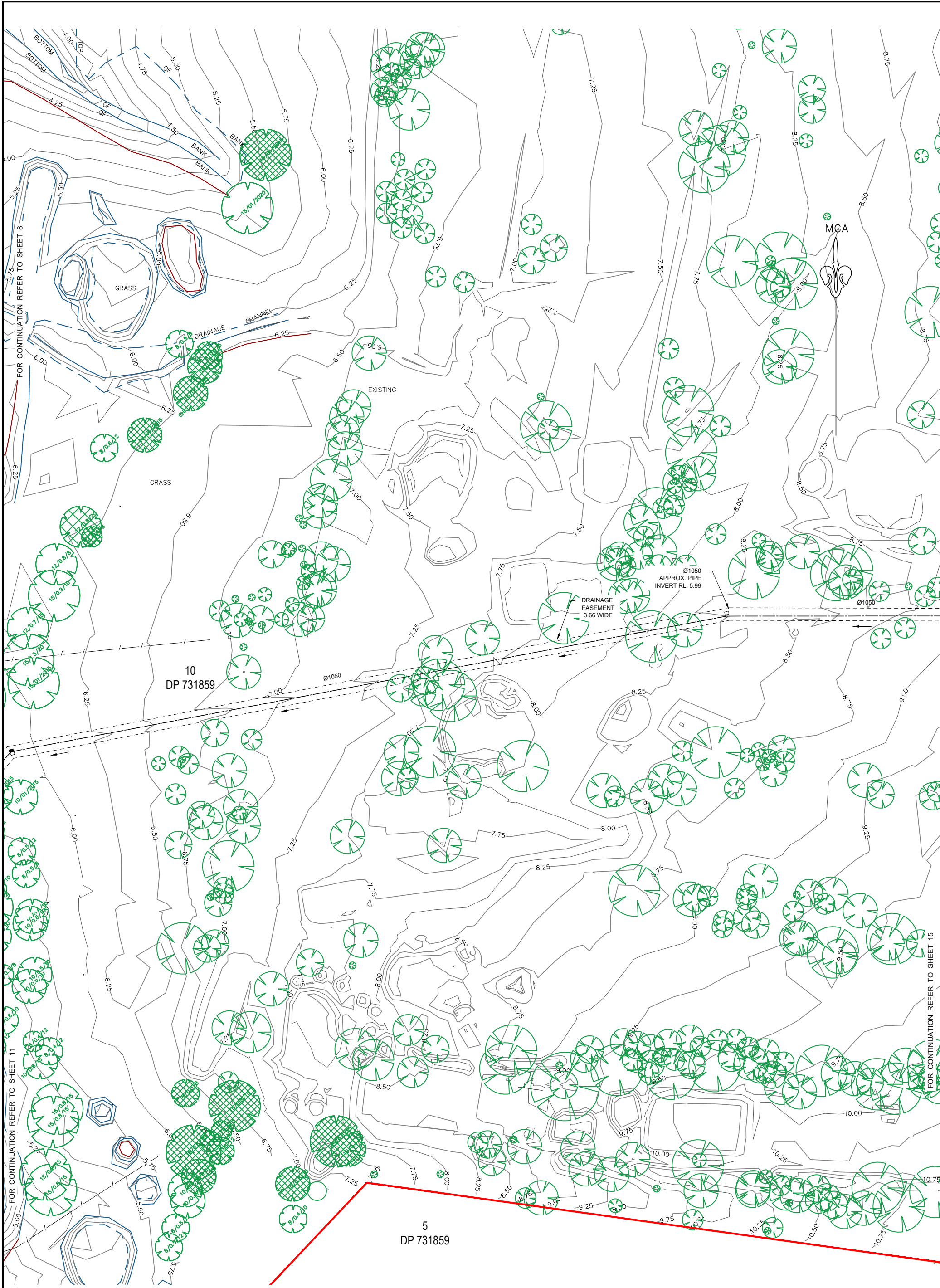
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DRAWING No. 13 OF 22

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						Registered Surveyor (No. 1208)				STAGE			
						DATE: 19/01/2021				REVISION			
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FOR CONTINUATION REFER TO SHEET 14						CLIENT:		PROJECT:		SCALE:	
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										REVISION	
										18-001054 SU	
										15 OF 22	
										2	





## NOTES

The levels and details on this plan have been determined by trigonometrical heighting methods and are within the general accepted accuracies for such surveys. All set out levels must be referred to the bench mark.

Bearings and Distances are by title plan only and are subject to Final Survey. Except where shown by dimension, the relationship of improvements to boundaries is diagrammatic only. The true positions are subject to Final Survey.

Tree sizes are estimates and indicative only.

Services and utilities shown have been located by physical evidence and/or by reference to service plans from the relevant authorities. Pits may not have been opened to verify the type of utility. Excavation has not been carried out to confirm underground location. Service details should be confirmed with the relevant service authority during design and prior to commencement of construction.

As part of your duty of care, please contact the following where necessary:

AGL Gas Company	Ph. 131245
Dial Before You Dig	Ph. 1100
Energy Australia	Ph. 131535
Integral Energy	Ph. 131081
Optus Communications	Ph. 1800 505 777
Sydney Water Corporation	Ph. 132092 Telsfra Ph. 132203

This plan has been prepared for the exclusive use of the client as listed in the title block.

Any construction on or near the boundaries will require further survey so that marks defining boundaries can be placed.

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These notes must not be erased.

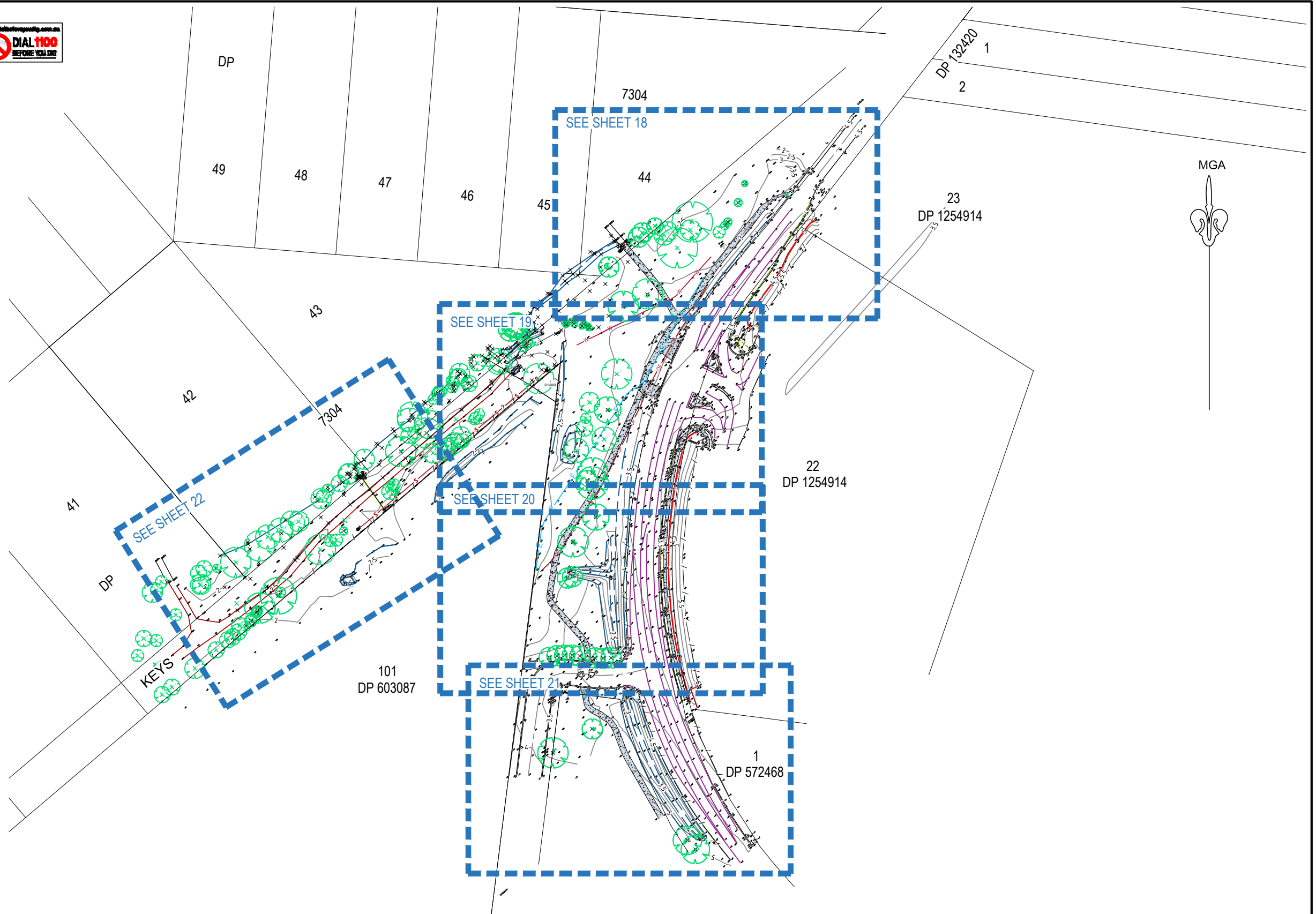


## NOTES

- 1 AREAS AND DIMENSIONS SUBJECT TO FINAL SURVEY
- 2 NO BOUNDARY SURVEY HAS BEEN MADE
- 3 ORIGIN OF LEVELS PM 25366 RL 16.838 A.H.D. FROM SURVEY DATED 28/06/2019
- 4 UTILITY ALIGNMENTS PICKED UP BY LOCATOR. LOCATOR ONLY PROVIDES APPROXIMATE DEPTHS & LOCATION. ONLY OBVERTS FROM POTHOLES PROVIDE EXACT LOCATION & LEVEL OF UT

### LEGEND:

- |  |                           |
|--|---------------------------|
|  | SEWER                     |
|  | WATER                     |
|  | ELECTRICITY               |
|  | CENTRELINE                |
|  | TOP OF BANK               |
|  | BOTTOM OF BANK            |
|  | OPTICAL FIBRE             |
|  | FENCELINE                 |
|  | STORMWATER                |
|  | GATE                      |
|  | TREE(SPREAD/TRUNK/HEIGHT) |
|  | DRAINAGE PIT              |
|  | POWER POLE                |
|  | ELECTRICAL PILLAR         |
|  | STOP VALVE                |
|  | HYDRANT                   |
|  | WATER CONNECTION          |
|  | SEWER MAN HOLE            |



AMENDMENT DETAILS						STATUS		SCALE		CLIENT		PROJECT		DRAWING TITLE	
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						BY: DANIEL JAMES HANNIGAN		SCALE 1:1000 (A1)						PLAN SHOWING SELECTED FEATURES & LEVELS	
						Registered Surveyor (No.1208)		SCALE 1:2000 (A3)						ALONG HENRY LAWSON DRIVE BETWEEN AULD	
						DATE: 19/01/2021								AVENUE & BORELLA ROAD	
														DETAIL SURVEY	
														DISCLAIMER	
														ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO	
														CONSTRUCTION. USE WRITTEN DIMENSIONS ONLY. DO NOT SCALE. NOT	
														FOR CONSTRUCTION UNLESS STAMPED BY CERTIFYING AUTHORITY	
														PROJECT No.	
														DRAWING No.	
														MILESTONE	
														REVISION	
														18-001054 SU 17 OF 22	
														2	

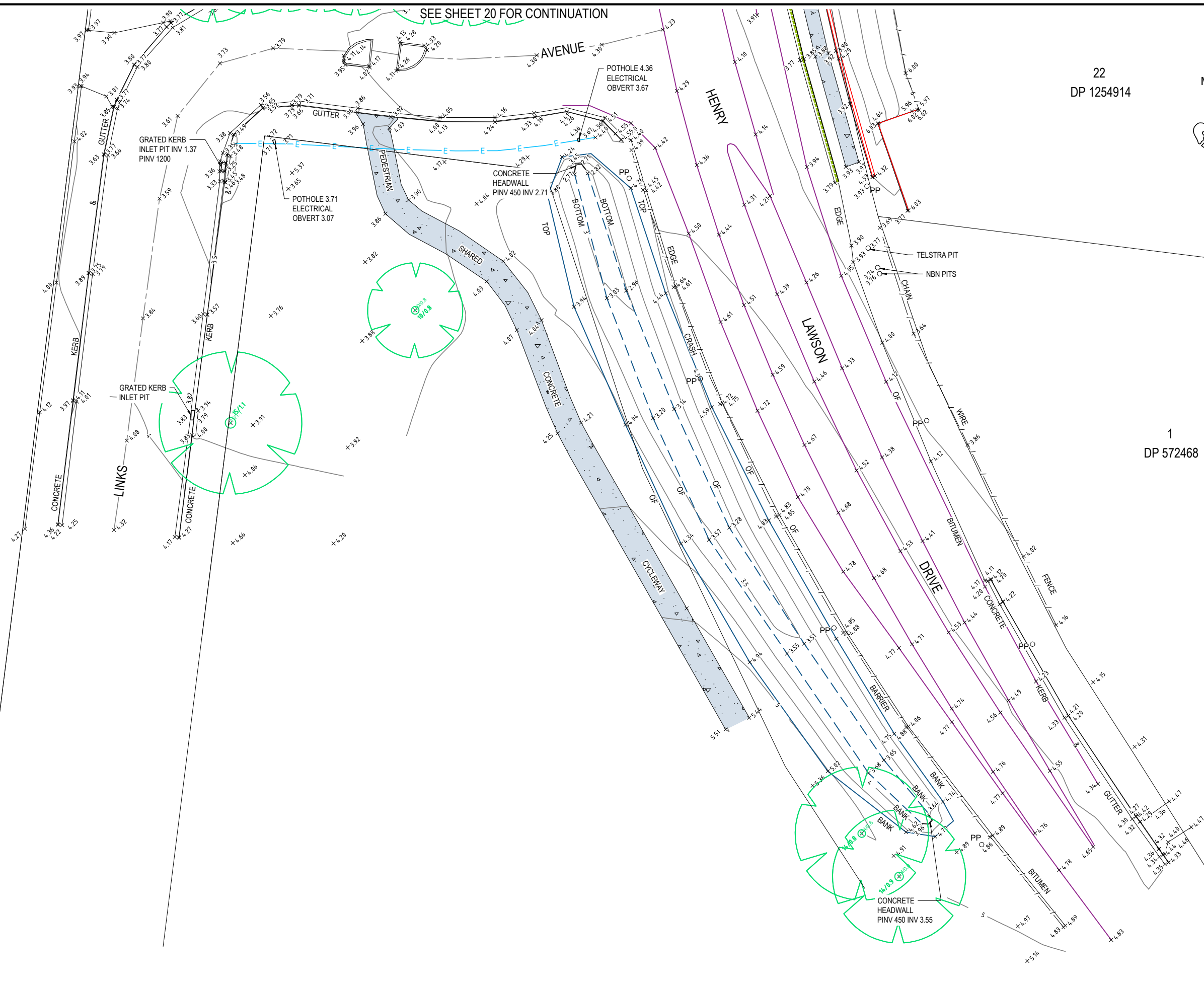














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7304



AMENDMENTS 0 1 2	SURVEY	TRACED	CHECK	APPD.	DATE	AMENDMENT DETAILS	STATUS  AUTHORISED FOR ISSUE: BY: DANIEL JAMES HANNIGAN    SIGN:  Registered Surveyor (No. 1208) DATE: 19/01/2021	SCALE  	CLIENT  		PROJECT PLAN SHOWING SELECTED FEATURES & LEVELS ALONG HENRY LAWSON DRIVE BETWEEN AULD AVENUE & BORELLA ROAD  DISCLAIMER ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO CONSTRUCTION. USE WRITTEN DIMENSIONS ONLY. DO NOT SCALE. NOT FOR CONSTRUCTION UNLESS STAMPED BY CERTIFYING AUTHORITY	DRAWING TITLE  DETAIL SURVEY  PROJECT No.      DRAWING No.      MILESTONE      REVISION 18-001054 SU    22 OF 22           2
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	GW	PW	DJH	DJH	07/01/2020							
	GW	PW	DJH	DJH	05/02/2020							
	JA	PW	DJH	DJH	19/01/2021							

- (C1) EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH
- (D1) RIGHT OF ACCESS VARIABLE WIDTH
- (E1) RESTRICTION ON THE USE OF LAND (VAR. WIDTH)
- (F1) POSITIVE COVENANT (VAR. WIDTH)
- (C2) EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH
- (D2) RIGHT OF ACCESS VARIABLE WIDTH
- (E2) RESTRICTION ON THE USE OF LAND (VAR. WIDTH)
- (F2) POSITIVE COVENANT (VAR. WIDTH)
- (C3) EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH
- (D3) RIGHT OF ACCESS VARIABLE WIDTH
- (E3) RESTRICTION ON THE USE OF LAND (VAR. WIDTH)
- (F3) POSITIVE COVENANT (VAR. WIDTH)
- (G) EASEMENT FOR DRAINAGE OF WATER 5 WIDE
- (M) EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH
- (N) RIGHT OF ACCESS VARIABLE WIDTH
- (O1) EASEMENT FOR DRAINAGE OF WATER 3.66 WIDE
- (O2) EASEMENT FOR DRAINAGE OF WATER 6 WIDE
- (O3) EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH

NOTES:

- IT IS INTENDED TO :
1. DEDICATE LOT 6 TO THE PUBLIC AS PUBLIC ROAD

2. CREATE LOT 4 AS PUBLIC RESERVE

- (A) DRAINAGE EASEMENT 6.095 WIDE (DP 7304)
- (A1) EASEMENT FOR DRAINAGE OF WATER 5 WIDE
- (A2) EASEMENT FOR DRAINAGE OF WATER 8 WIDE
- (A3) EASEMENT FOR DRAINAGE OF WATER VARIABLE WIDTH
- (B) RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES VARIABLE WIDTH (DP 736006)
- (B2) RIGHT OF ACCESS 6 WIDE AND VARIABLE
- (C) EASEMENT TO DRAIN WATER 5.0 WIDE (DP 749985)
- (D) EASEMENT TO DRAIN WATER 2.5 WIDE (DP 639053)
- (E) RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES 3.5 WIDE AND VARIABLE (DP 749985)
- (F) RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES 3.5 WIDE (DP 640518)
- (I) EASEMENT TO DRAIN WATER 2.5 WIDE (DP 749985)
- (H) EASEMENT TO DRAIN WATER 2.5 WIDE (DP 749985)
- (J) BENEFITED BY EASEMENT FOR DRAINAGE (A646541)
- (K) BENEFITED BY RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES (DP 736006)
- (L) BENEFITED BY RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES (DP 640518)
- (PI) POSITIVE COVENANT (66 WIDE & VARIABLE WIDTH)
- (P2) POSITIVE COVENANT (30 WIDE & VARIABLE WIDTH)
- (T) RAILWAY COMMISSION EASEMENT 10.06 WIDE (D933625)
- (U) EASEMENT FOR BATTER 16.5 WIDE & VARIABLE WIDTH
- (UI) EASEMENT FOR ACCESS, MAINTENANCE AND SUPPORT 10, 12 WIDE & VARIABLE WIDTH
- (V) EASEMENT TO DRAIN WATER 2.5 WIDE (S284191)
- (W) RIGHT OF CARRIAGEWAY AND EASEMENT FOR SERVICES 20.115 WIDE (DP 805826)
- (Y) EASEMENT FOR DRAINAGE 1.22 WIDE (DP 231642)
- (Z) EASEMENT FOR TRANSMISSION LINE VARIABLE WIDTH (F313950)

SEE SHEET 6 FOR SCHEDULE OF SHORT & CURVED BOUNDARIES  
SEE SHEET 6 FOR SCHEDULE OF REFERENCE MARKS AND SSM CONNECTIONS

NOTES:

1. DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY.
2. EASEMENT WIDTHS MAY VARY SUBJECT TO FINAL WORKS AS CONSTRUCTED SURVEY.

SURVEYOR

DANIEL JAMES HANNIGAN

Name:

CALIBRE CONSULTING (NSW) P/L

T: (02) 8808 5000

Date of Survey:

20/05/2021

Reference:

SURV-REF

LPI File Ref:

PLAN OF SUBDIVISION OF LOT 1 DP 625013, LOT 10 DP 731859, LOTS 21 & 22 DP 749985, LOT 1 DP 813006, LOT 1 DP 813007, LOTS 231 & 232 DP 805826 AND LOTS 23-27, 38-41, 50-59 DP 7304.

L.G.A.:

CANTERBURY-BANKSTOWN

Locality:

MILPERRA

Reduction Ratio:

1:4000

Lengths are in metres

Registered

DRAFT

DP 1261511



24 March 2021

Bill Anthony  
Development Manager  
Mirvac Homes (NSW) Pty Ltd  
Level 28, 200 George Street  
Sydney, NSW 2000

Cumberland Ecology  
PO Box 2474  
Carlingford Court 2118  
NSW Australia  
Telephone (02) 9868 1933  
ABN 14 106 144 647  
Web: [www.cumberlandecology.com.au](http://www.cumberlandecology.com.au)

## **Riverlands residential subdivision: Vegetation Assessment for Bushfire Classification**

Dear Bill,

The purpose of this letter is to provide a supplementary ecological assessment of the vegetation within parts of the Riverlands site for the purposes of bushfire classifications.

The Riverlands site is located in the suburb of Milperra and is generally bounded by the Georges River to the west and north-west, the M5 Southwest Motorway and an area of land owned by Canterbury-Bankstown Council (known as Lot 5) to the south, residential development to the east, and public open space/Vale of Ah Reserve to the north.

The Riverlands site is currently zoned as a mix of R2 (Low density residential), RE2 (Private Recreation) and RE1 (Public Recreation). The R2 zoned land is limited to the south-eastern parts of the Riverlands site and is wholly contained within areas of the former golf course area. RE1 zoned land is limited to a narrow 20m wide band along the length of the Georges River at the western boundary of the Riverlands site. The remainder of the Riverlands site is zoned RE2.

The ecological studies conducted to date have found that the vegetation within the Riverlands site comprises a mix of remnant/regrowth communities, including some areas that conform to Threatened Ecological Communities (TECs) as listed under the NSW *Biodiversity Conservation Act 2016* (BC Act), modified areas consisting largely of canopy trees only within the former golf course area and planted areas. These vegetation communities were assigned to Plant Community Types (PCTs), including 'best-fit' PCTs for areas of planted and/or modified vegetation, in accordance with the Biodiversity Assessment Method (BAM). The mapping of PCTs and vegetation condition classes is shown in **Figure 1**. The mapped 'Residential subdivision footprint' encompasses the entirety of R2 zoned land as well as adjacent parts of RE2 zoned land while the Keys Parade Connector Road footprint lies entirely in RE2 zoned land. The condition classes of the mapped PCTs within the site are summarised in **Table 1**.

**Table 1 PCTs and condition classes of vegetation within the Riverlands Site**

<b>Plant Community</b>	<b>Location within Riverlands Site</b>
Cumberland Plain Woodland Remnant Trees (PCT 849)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary
Riverflat Eucalypt Forest (PCT 835)	RE2 land and parts of RE1 land
Riverflat Eucalypt Forest Remnant trees (PCT 835)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary
Swamp Oak Forest (PCT 1232)	RE2 land and parts of RE1 land
Scribbly Gum Woodland Remnant Trees (PCT 883)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary
Planted Casuarinas (PCT 1800)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary as well as along existing Keys Parade and developed areas north of the Northern Creekline
Planted non-endemic natives (PCT 1083)	Confined to R2 zoned land
Mangrove Forest (PCT 920)	Confined to RE2 and RE1 lands along the banks of the Georges River
Phragmites regrowth (PCT 1232)	Confined to RE2 and RE1 lands along the banks of the Georges River
Planted Trees (PCT 835)	Confined to RE2 land fronting Auld avenue
Cumberland Plain Woodland (PCT 849)	Not present within Riverlands site – confined to adjacent Council Lot 5.

The vegetation within the Riverlands site has long been modified and disturbed from its original condition from historic and current land uses such as the former golf course, the former sand extraction quarry and current cattle grazing. The surveys conducted by Cumberland Ecology between 2018 – 2020 as well as prior surveys by Clements in 2012 found no indication of regeneration across the majority of the site. The field surveys to date have found regrowth/regeneration to be limited to the large patch of Mangrove and Swamp Oak vegetation extending from the Georges River as well as along the two creeklines where alluvial soils are still present.

The historic land uses, primarily importation of soils for the former golf course, has significantly altered the soil profile and much of the original soil seedbank has been lost across the majority of the site, thereby severely limiting any potential for natural regeneration. Potential regeneration is further restricted by current land uses for grazing as well as presence of fungal soil pathogens. Due to the loss of the original seedbank as well as presence of fungal soil pathogens, onsite communities are considered unlikely to naturally regenerate, even with cessation of current grazing practises.



Although some of the mapped communities within the Riverlands site are technically classified as 'Forest' type communities, some sections of the onsite occurrences of these communities have densities/formations that are more akin to 'Grassy and Semi-arid Woodland' communities (referred to as 'Woodland' communities) due to the historic clearing, soil modification and current cattle grazing activities.

The areas outside of the proposed development boundary specifically assessed as meeting the requirements to be classed as 'Woodland' for bushfire purposes as per Figure A1.2 – Description of vegetation formations of PBP 2019 - i.e. vegetation is dominated by an open to sparse layer of eucalypts with the crowns rarely touching, typically 15-35m high, diverse ground cover of grasses and herbs, shrubs are sparsely distributed, usually on flat or undulating ground – are shown in **Figure 1** (hatched areas).

A summary of the condition of the vegetation assessed as meeting 'Woodland' classification requirements within this hatched area is detailed in **Table 2**. Photographs of examples of the occurrences of these communities within the hatched area in **Figure 1** are provided in **Appendix A**.



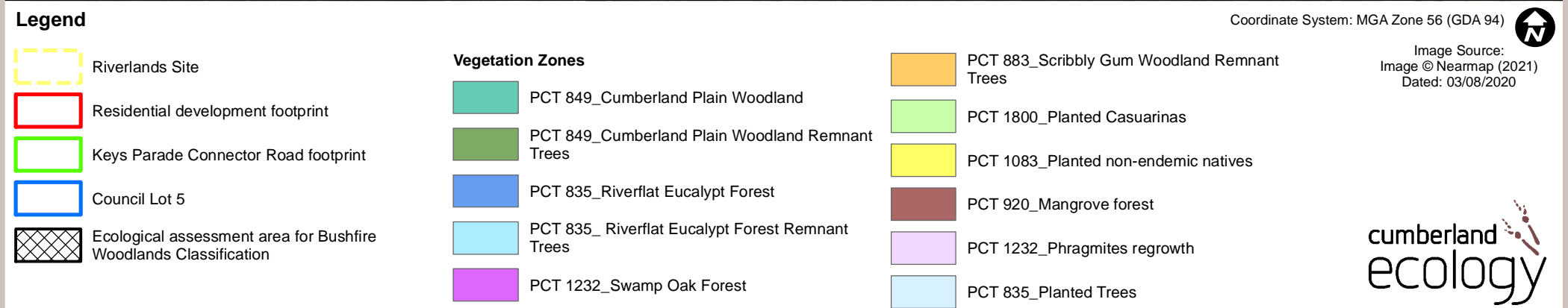
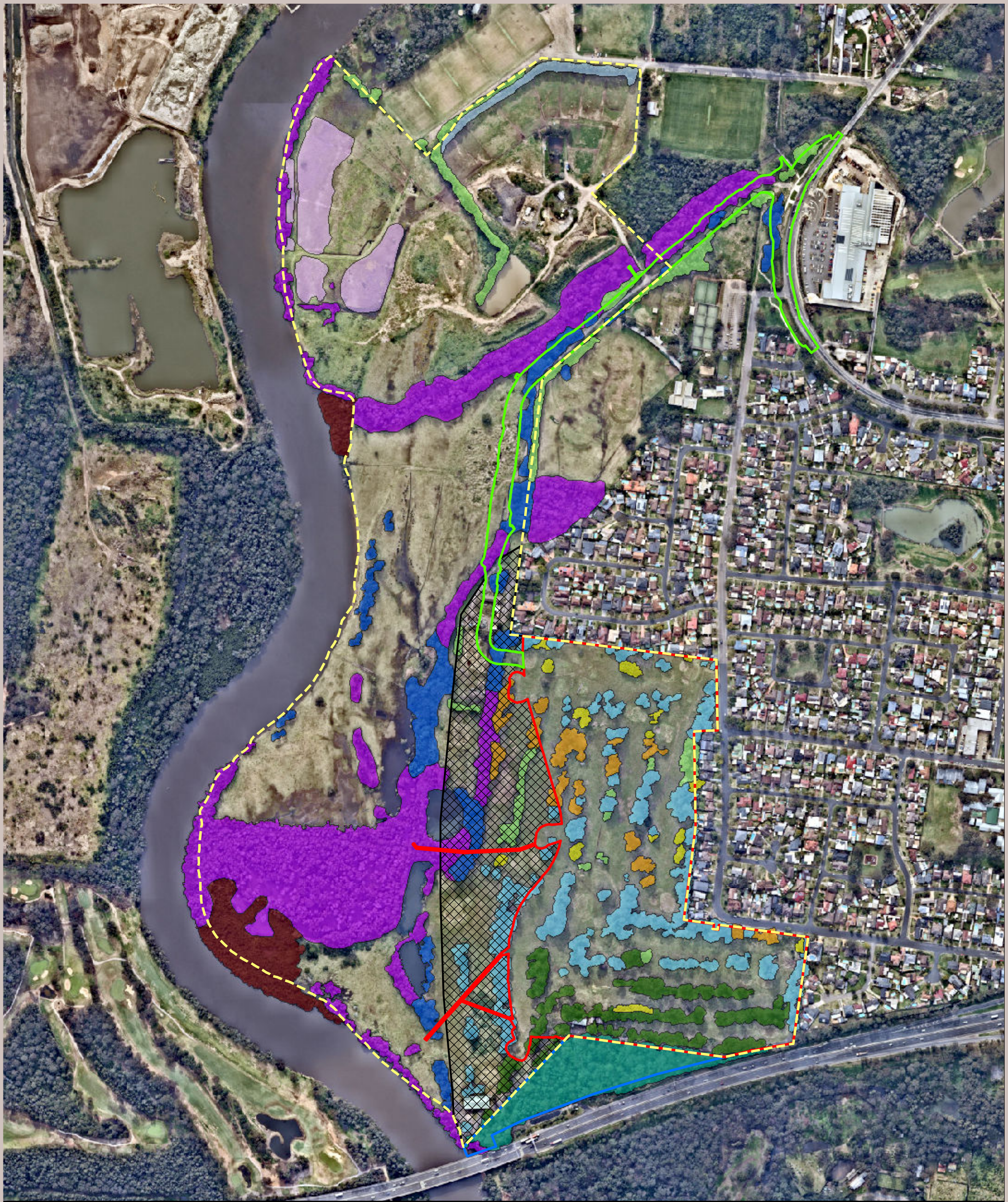
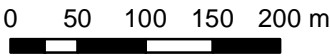


Figure 1. Plant Community types within the Riverlands Site and adjacent Council Lot 5





**Table 2 Assessment of PCTs/Vegetation Communities as 'Woodland' for bushfire purposes**

PCT/Veg zone	Figure 1 Map unit colour	Vegetation formation of PCT	Vegetation class of PCT	PBP (2019) classification of PCT***	Onsite condition of PCT/Vegetation
Cumberland Plain Woodland Remnant Trees (PCT 849)	Dark Green	Grassy Woodlands	Coastal Valley Grassy Woodlands	Grassy and Semi-arid Woodland (including Mallee)	Scattered trees over largely exotic grassland in former golf course areas. Onsite occurrence fits PBP Vegetation definition of Woodland as onsite occurrence has an open to sparse layer of eucalypts, clustered in discrete clumps. Shrub layer is absent. Understorey is predominantly grasses with scattered occurrences of herbs and forbs
Riverflat Eucalypt Forest (PCT 835)	Dark Blue	Forested Wetlands	Coastal Floodplain Wetlands	Forested Wetland (excluding Coastal Swamp Forest)	Scattered trees with disturbed understorey along drainage channels immediately adjacent to the former gold course areas. Occurrence within hatched areas (Figure 1) has some young regrowth resulting in a higher tree density than adjacent vegetation communities in the former golf course. However, it still meets the PBP requirements for Woodland as it is dominated by an open layer of eucalypts, has a sparse to absent shrub layer and occurs on flat to undulating ground.
Riverflat Eucalypt Forest Remnant trees (PCT 835)	Light Blue	Forested Wetlands	Coastal Floodplain Wetlands	Forested Wetland (excluding Coastal Swamp Forest)	Scattered trees over largely exotic grassland in former golf course areas. Onsite occurrence fits PBP Vegetation definition of Woodland as onsite occurrence has an open to sparse layer of eucalypts, clustered in discrete clumps. Shrub layer is absent.

PCT/Veg zone	Figure 1 Map unit colour	Vegetation formation of PCT	Vegetation class of PCT	PBP (2019) classification of PCT***	Onsite condition of PCT/Vegetation
					Understorey is predominantly grasses with scattered occurrences of herbs and forbs.
Swamp Oak Forest (PCT 1232)	Purple	Forested Wetlands	Coastal Swamp Forests	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and sub-alpine woodland	<p>Occurrence within hatched areas (Figure 1) comprises regrowth along the drainage channel and around the existing dams. The regrowth results in a higher tree density than adjacent vegetation communities in the former golf course. The occurrence of this community within the hatched areas doesn't fully fit PBP Vegetation definition of Woodland in that it is not dominated by Eucalypts.</p> <p>However, it still meets the PBP Woodland requirements of an open layer of trees, sparse to absent shrub layer and occurring on flat to undulating ground.</p> <p>Further occurrences of this community in the wider Riverlands site, west of the hatched areas, do not meet definitions of Woodland as these areas comprise coastal swamp forests</p>



PCT/Veg zone	Figure 1 Map unit colour	Vegetation formation of PCT	Vegetation class of PCT	PBP (2019) classification of PCT***	Onsite condition of PCT/Vegetation
Scribbly Gum Woodland Remnant Trees (PCT 883)	Orange	Dry Sclerophyll Forests (Shrubby sub-formation)	Sydney Sand Flats Dry Sclerophyll Forests	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and sub-alpine woodland	Scattered trees over largely exotic grassland in former golf course areas. Onsite occurrence fits PBP Vegetation definition of Woodland as onsite occurrence has an open to sparse layer of eucalypts, clustered in discrete clumps. Shrub layer is absent. Understorey is predominantly grasses with scattered occurrences of herbs and forbs
Planted Casuarinas (PCT 1800)	Light Green	Forested Wetlands	Coastal Floodplain Wetlands	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and sub-alpine woodland	Scattered planted trees over largely exotic grassland in former golf course areas, no shrub layer. Onsite occurrence doesn't fully fit PBP Vegetation definition of Woodland as onsite occurrence is not composed of eucalypts. However planted Casuarinas occur in rows near eucalypts and have a similar tree density with no shrub layer and so could be classified as a woodland.
Planted non-endemic natives (PCT 1083)	Yellow	Dry Sclerophyll Forests (Shrubby sub-formation)	Sydney Coastal Dry Sclerophyll Forests	Forest (wet and dry sclerophyll) including Coastal Swamp Forest, Pine Plantations and sub-alpine woodland	Scattered planted trees over largely exotic grassland in former golf course areas, no shrub layer. Onsite occurrence fits PBP Vegetation definition of Woodland as onsite occurrence has an open to sparse layer dominated by eucalypts with other Myrtaceae species, clustered in discrete clumps.

\*\*\* as per Appendix 1; Section A1.12 Comprehensive APZ, BAL and vegetation class tables

In addition to the vegetation within the Riverlands site assessed above, it is noted that vegetation within the adjacent Council Lot 5 also occurs in close proximity to the proposed residential development. The vegetation within Council Lot 5 has been mapped as Cumberland Plain Woodland (PCT 849), which is classified as a Grassy Woodland community. This area is therefore also assumed to meet the PBP vegetation definition of woodland, despite the higher levels of shrub cover (see **Photograph 5** in **Appendix A**) compared to areas in the Riverlands site.

Based on field observations and field data, we conclude that the different remnant woody vegetation types within the hatched areas shown in Figure 1 meet the requirements of 'Woodland' vegetation under PBP 2019 due to highly modified states from historic and current land uses, despite some of the communities technically being classified as Forest or Forested wetland community types.

If you have any queries or wish to discuss the contents of this letter further, please do not hesitate to contact me, or Gitanjali Katrak, via email or at our Sydney office on (02) 9868 1933.

Yours sincerely



David Robertson  
Director  
david.robertson@cumberlandecology.com.au



# APPENDIX A :

## Photographs

**Photograph 1** Vegetation condition at 'junction' of PCT 883 (orange) PCT 835 (dark blue) and PCT 1232 (purple) adjacent to residential subdivision footprint (Eucalypts in left of photo = PCT 883; Eucalypts in foreground on right = PCT 835; Casuarinas in background on right = PCT 1232)



**Photograph 2** Eucalypts in foreground of photo = PCT 883, Casuarinas/Eucalypts in drainage line and background = intergrade of PCT 835 and PCT 1232

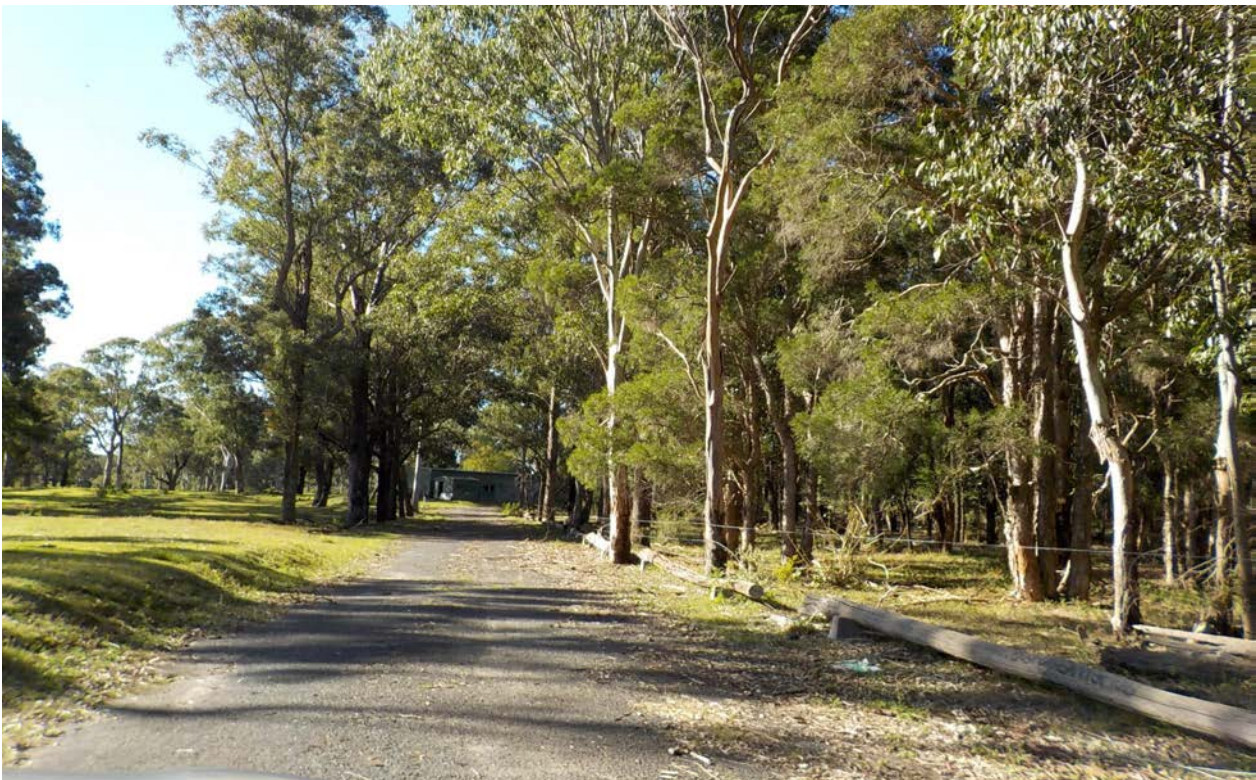




**Photograph 3 Example of Swamp Oak Forest (PCT 1232) around northernmost dam with River-flat Eucalypt Forest (PCT 835 – dark blue map unit) in background**



**Photograph 4 Cumberland Plain Woodland Remnant Trees (PCT 849 – dark green map unit) in Riverlands site (left) and Cumberland Plain Woodland (PCT 849 – blue/green map unit) in Council Lot 5 (right)**





**Photograph 5 Example of Cumberland Plain Woodland (PCT 849 – blue/green map unit) within Council Lot 5**





5 July 2021

Bill Anthony  
Mirvac Homes (NSW) Pty Ltd  
Level 28, 200 George Street  
Sydney, NSW 2000

**Riverlands: Supplementary Assessment of proposed connector road alignment along Keys Parade**

Cumberland Ecology  
PO Box 2474  
Carlingford Court 2118  
NSW Australia  
Telephone (02) 9868 1933  
ABN 14 106 144 647  
Web: [www.cumberlandecology.com.au](http://www.cumberlandecology.com.au)

Dear Bill,

The purpose of this letter is to provide a supplementary ecological assessment to support the procedural development application (DA) being submitted by Mirvac Homes (NSW) Pty Ltd (Mircvac) for the proposed alignment of the connector road along Keys Parade within the site known as the 'Riverlands site' at 56 Prescott Parade, Milperra, NSW.

**i. Background**

The Riverlands site is situated on the eastern shore of the Georges River, in the Canterbury-Bankstown Local Government Area (LGA). The Riverlands site is subject to Clause 6.11 of the Bankstown *Local Environment Plan 2015* (BLEP 2015), which includes provisions to enable the redevelopment of the Riverlands site, particularly residential development in the south to south-eastern parts of the site.

The Riverlands site is also subject to an executed Voluntary Planning Agreement (VPA), which contains several works that are to be implemented within the Riverlands site, including (but not limited to):

- Staged infrastructure works including construction of a connecting road network and road infrastructure upgrades;
- Bank stabilisation works on the Georges River;
- Construction of a foreshore walkway/cycleway along the Georges River; and
- Revegetation and enhancement of riparian corridors along the Georges River and Northern creek line.

The overall development of the Riverlands site (hereafter referred to as the 'Project') is proposed to be conducted in stages and will ultimately involve the subdivision of land into residential lots and 'pocket' park areas with associated infrastructure (roads,

drainage basins) within the development footprint. The road infrastructure will comprise a road network within the residential subdivision as well as a primary 'connector' road (known as Keys Parade) that will link the proposed residential area with a main road – Henry Lawson Drive. Other staged works for the Project include bank stabilisation works, construction of a shared cycleway/pathway along the Georges River and rehabilitation of riparian corridors in accordance with the executed VPA.

The Project is currently the subject of four related Class 1 Land and Environment Court (LEC) proceedings known as *Mirvac Homes (NSW) Pty Ltd (Mirvac) v Canterbury Bankstown Council ('Council')* (Case numbers 2020/00267217, 2020/00267229, 2020/00267230 and 2020/00267231). Ecological issues for the DA raised in Council's Statement of Facts and Contentions (SoFC) for the four cases largely relate to alleged insufficient ecological investigations of impacts on threatened species and ecological communities as listed under the NSW *Biodiversity Conservation Act 2016* (BC Act). They also relate to alleged non-compliance with specific clauses and requirements of the *Bankstown Local Environment Plan 2015* (BLEP 2015) and the *Bankstown Development Control Plan 2015* (BDCP 2015).

## ii. Development Applications

The following development applications were submitted to Canterbury-Bankstown Council (Council) by Mirvac:

- DA No. 1107/2019 seeking consent for Re-subdivision of existing 27 lots into 6 lots under Torrens title (no works), now LEC case 2020/00267217;
- DA No. 4/2020 seeking consent for Subdivision of Proposed Lot 1 and Lot 2 (proposed to be created under DA-1107/2019) into residential allotments and residue lots, with the creation of open space, bulk earthworks, construction of internal roads, drainage and associated services over three (3) construction stages (the Residential subdivision DA), now LEC case 2020/00267229;
- DA No. 108/2020 seeking consent for construction and extension of Keys Parade roadway and associated works connecting to an upgraded signalised intersection of Keys Parade at Henry Lawson Drive (the Keys Parade Connector Road DA), now LEC case 2020/00267230; and
- DA No. 370/2020 seeking consent for Bank stabilisation works along the Georges River foreshore (being Proposed Lot 4 under DA-1107/2019 and land under the M5 Motorway bridge over the Georges River), and remediation and environmental rehabilitation works on the Riverlands Golf Course Site (the Bank Stabilisation DA), now LEC case 2020/00267231.

DA 1107/2019 was submitted prior to all other DAs and comprised a procedural DA in relation to the requisite Keys Parade 'connector' road. This procedural DA effectively comprised a paper subdivision for the proposed road alignment and no physical works are proposed as part of the procedural DA.

Nonetheless, prior to the submission of the Residential subdivision and Keys Parade connector road DAs and subsequent LEC proceedings, Council requested information on the biodiversity values of the proposed alignment to determine the suitability of the alignment in relation to preservation of trees. The purpose of this letter is to provide a high-level assessment of the biodiversity values of the proposed road alignment, as requested by Council, to support the procedural DA (DA 1107/2019). The detailed ecological assessments in relation to direct and indirect impacts associated with physical works for the road construction are addressed



in the Biodiversity Development Assessment Report (BDARs) prepared for the Residential subdivision (DA 4/2020) and the Keys Parade Connector Road (DA 108/2020).

### iii. Ecological Assessment for DA 1107/2019

As part of the BDAR process for the Residential subdivision and Keys Parade connector road DAs, Cumberland Ecology has conducted extensive vegetation mapping surveys, flora plots and habitat assessments in accordance with the Biodiversity Assessment Method (BAM) within the Riverlands site.

The survey results verify that the vegetation within the Riverlands site comprises a mix of remnant or regrowth plant communities and planted vegetation. Some areas with native vegetation are intact enough to conform to threatened ecological communities (TECs) listed under the *Biodiversity Conservation Act 2016* (BC Act), while others are heavily modified areas consisting almost entirely of canopy trees with no understorey on the former golf course area. There are also plantings of non-local Australian native trees and shrubs that were used originally for landscaping of the golf course. These vegetation communities have either been assigned to Plant Community Types (PCTs) or have been assessed as Planted vegetation not requiring allocation to a PCT, in accordance with BAM 2020. The condition classes of the mapped PCTs within the site are summarised in **Table 1** below and the distribution of the PCTs across the Riverlands site is shown in **Figure 1**.

**Table 1 PCTs and number of conditions classes recorded within the Riverlands site**

Plant Community Type	# of vegetation condition classes
849 - Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion	1 condition class: Best fit PCT for Modified vegetation (canopy trees only). Not a TEC
835 - Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion	3 condition classes: Class 1 = Remnant/regrowth vegetation that conforms to a TEC; Class 2 = Best fit PCT for Modified vegetation (canopy trees only). Not a TEC Class 3 = Best fit PCT for Planted Endemic Canopy trees. Not a TEC
1232 - Swamp Oak floodplain swamp forest, Sydney Basin Bioregion and South East Corner Bioregion	2 condition classes: Class 1 = Remnant/regrowth vegetation that conforms to a TEC Class 2 = Regrowth understorey reedland that remains part of the TEC
883 – Castlereagh Scribbly Gum Woodland	1 condition class: Best fit PCT for Modified vegetation (canopy trees only). Not a TEC
1800 - Swamp Oak open forest on river flats of the Cumberland Plain and Hunter valley	1 condition class: Best fit PCT for planted vegetation. Not a TEC
920 - Mangrove Forests in estuaries of the Sydney Basin Bioregion and South East Corner Bioregion	1 condition class: Remnant/regrowth vegetation. Not a TEC
Planted non-endemic natives – not required to be allocated to a PCT under BAM 2020	-

Due to the distribution of existing vegetation as well as other non-ecological constraints (such as engineering requirements and topography), complete avoidance of vegetation clearing for the proposed connector road is not feasible. Although some regrowth vegetation will be cleared, the current road alignment largely passes through exotic pasture and cleared areas along Keys Parade, thus minimising the extent of vegetation removal (see Photographs in **Appendix A**).

It is acknowledged that the current alignment will result in the removal of some vegetation that conforms to a TEC. However, the proposed alignment has been sited to pass through relatively narrow bands of PCT 1232 and PCT 835 thus minimising the extent of TEC clearing for the connector road. Furthermore, a large proportion of the vegetation to be removed along Keys Parade comprises planted vegetation that does not conform to a TEC.

The vegetation to be removed along the road alignment, particularly along Keys Parade, currently provides very limited habitat for native fauna species. This is because it is largely comprised of young trees that lack key habitat features such as tree hollows and as the understorey and ground stratum is heavily modified and weed infested.

Therefore, based on the distribution of vegetation, particularly TECs, and with due consideration to non-ecological requirements such as engineering requirements and topography, the current proposed road alignment is an acceptable ecological outcome as it maximises avoidance of vegetation removal and associated fauna habitats via utilisation of cleared areas and existing roads/tracks.

If you require any further information or clarification, please do not hesitate to contact either me, or David Robertson, at our Sydney office on (02) 9868 1933.

Yours sincerely,



Gitanjali Katrak  
Senior Project Manager/Ecologist  
gitanjali.katrak@cumberlandecology.com.au



# APPENDIX A :

## Site Photographs

**Photograph 1: Planted Casuarinas along south to south-western sections of Keys Parade**



**Photograph 2: Mix of regrowth and planted vegetation lacking fauna habitat features in north to north-eastern sections of Keys Parade**



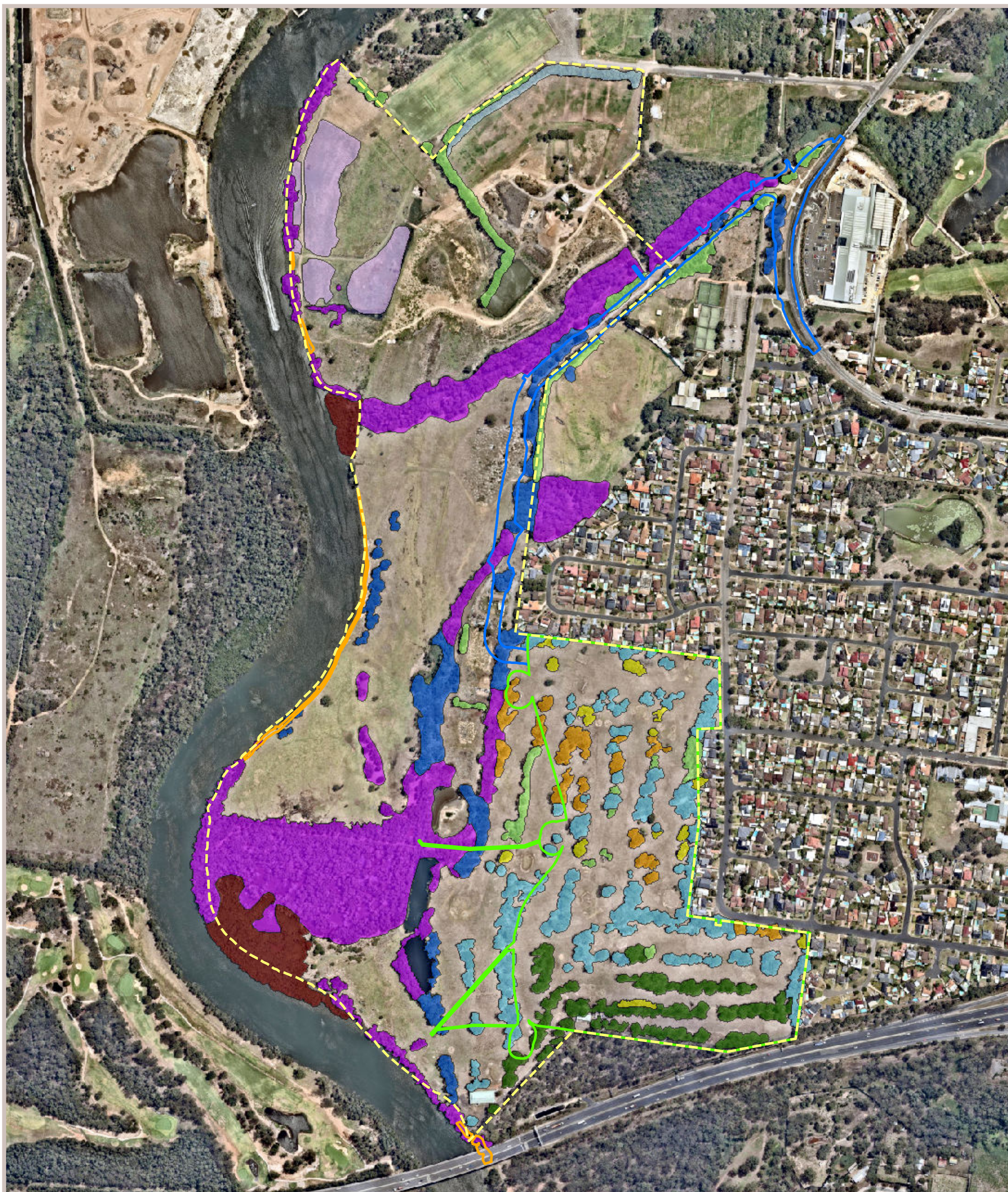


**Photograph 3: Cleared areas within Riverlands site**



# FIGURES





# Legend

- Riverlands Site
- Residential Development Area
- Connector Road Development Area
- Bank Stabilisation Works

## Plant Community Type

- |   |  |
|---|--|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #4F81BD; border: 1px solid black;"></span> PCT 849_Cumberland Plain Woodland Remnant Trees | <span style="display: inline-block; width: 15px; height: 15px; background-color: #90EE90; border: 1px solid black;"></span> PCT 1800_Planted Casuarinas  |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #4169E1; border: 1px solid black;"></span> PCT 835_Riverflat Eucalypt Forest               | <span style="display: inline-block; width: 15px; height: 15px; background-color: #8B4513; border: 1px solid black;"></span> PCT 920_Mangrove forest      |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #87CEEB; border: 1px solid black;"></span> PCT 835_Riverflat Eucalypt Forest Remnant Trees | <span style="display: inline-block; width: 15px; height: 15px; background-color: #DDA0DD; border: 1px solid black;"></span> PCT 1232_Phragmites regrowth |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF00FF; border: 1px solid black;"></span> PCT 1232_Swamp Oak Forest                       | <span style="display: inline-block; width: 15px; height: 15px; background-color: #ADD8E6; border: 1px solid black;"></span> PCT 835_Planted Trees        |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FF8C00; border: 1px solid black;"></span> PCT 883_Scribbly Gum Woodland Remnant Trees     | <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFFF00; border: 1px solid black;"></span> Planted non-endemic natives  |

Coordinate System: MGA Zone 56 (GDA 94)

Image Source:  
Image © Nearmap (2020)  
Dated: 23/01/2020



cumberland  
ecology

Figure 1. Vegetation (PCTs) within the Riverlands Site

0 50 100 150 200 m





# Building Code & Bushfire Hazard Solutions

(Pty. Limited) ABN 19 057 337 774  
PO Box 124, Berowra NSW 2081  
Telephone: (02) 9457 6530  
www.bushfirehazardsolutions.com.au



Mirvac Homes (NSW) Pty Ltd  
Level 28, 200 George Street  
SYDNEY NSW 2000

5<sup>th</sup> July 2021  
Our Ref. 200332C

Attention: Bill Anthony

**Re: PROPOSED FACILITATING SUBDIVISION (DA-1107/2019 (CNR-7033))  
56 PRESCOT PARADE, MILPERRA NSW  
BUSHFIRE ASSESSMENT – REQUEST FOR REVIEW**

Dear Bill,

This report has been prepared in accordance with Division 2 of Pt 31 of the Uniform Civil Procedure Rules (**UCPR**) and the Expert Witness Code of Conduct in Schedule 7 of the UCPR. I have read the Expert Witness Code of Conduct and agree to be bound by it.

The Development Application (DA) seeks approval for a facilitating subdivision which involves the re-subdivision of existing 27 lots into 6 lots under Torrens title. The proposal includes the following specific works:

- a) Consolidation of existing 27 lots that currently make up the site identified as the former Riverlands Golf Course site, under Clause 6.11(1) of the Bankstown Local Environmental Plan 2015.
- b) Subdivision into 6 new lots, to reflect the proposed ongoing stages of development of parts of the Riverlands Golf Course site, as follows:
  - c) Proposed Lot 1 – Residential Subdivision and Development
  - a) Proposed Lot 2 – Separate allotment to the west of Proposed Lot 1, intended to accommodate some stormwater drainage infrastructure associated with development on Proposed lot 1
  - b) Proposed Lot 3 – separate lot to west of Proposed Lot 2, no intended development at this time
  - c) Proposed Lot 4 – creation of a strip of land 20m wide along the Georges River foreshore, for dedication to Council
  - d) Proposed Lot 5 – separate lot to the north of the existing site, no indication of any intended future development at this time.
  - e) Proposed Lot 6 – construction of Keys Pde roadway in a modified alignment, and dedication to Council.
  - f) No physical works are proposed

The NSW Rural Fire Service (NSW RFS) has issued General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997* for this application (RFS ref DA20200519001724-Original-1).



On 14 September 2020, the Applicant filed proceedings with the NSW Land and Environment Court appealing against Canterbury-Bankstown Council's deemed refusal of the Applications.

While there are no physical changes to this application, only the addition of various easements, the applicant would like to take this opportunity to request a review the conditions of consent detailed in the General Terms of Approval and a Bush Fire Safety Authority issued by the NSW RFS (DA20200519001724-Original-1), being;

1. *At the issue of a subdivision certificate and in perpetuity, to ensure ongoing protection from the impact of bush fires, the entirety of the proposed Lot 1 zoned R2 Low Density Residential must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:*
  - *tree canopy cover should be less than 15% at maturity;*
  - *trees at maturity should not touch or overhang the building;*
  - *lower limbs should be removed up to a height of 2 metres above the ground;*
  - *tree canopies should be separated by 2 to 5 metres;*
  - *preference should be given to smooth barked and evergreen trees;*
  - *large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;*
  - *shrubs should not be located under trees;*
  - *shrubs should not form more than 10% ground cover;*
  - *clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.*
  - *grass should be kept mown (as a guide grass should be kept to no more than 100 mm in height); and*
  - *leaves and vegetation debris should be removed*
2. *At the issue of a subdivision certificate, the proposed Lots 2, 3, 4 & 5 zoned RE2 Private Recreation within the subdivision shall be hazard reduced with vegetation managed as an outer protection area (OPA), except the Coastal Management areas (SEPP 2008) and existing riparian areas, in accordance with Appendix 4 of Planning for Bush Fire Protection 2019. A suitably worded instrument(s) created pursuant to section 88 of the Conveyancing Act 1919 or an adopted Council Plan of Management must be placed on the proposed lots which requires each lot to be continued to be managed as an OPA. The instrument may be extinguished from individual lots where a lot has been developed and the hazard has been removed.*

*When establishing and maintaining an OPA the following requirements apply:*

- *trees tree canopy cover should be less than 30%;*
- *canopies should be separated by 2 to 5 metres.*
- *shrubs should not form a continuous canopy;*
- *shrubs should form no more than 20% of ground cover;*
- *grass should be kept mown to a height of less than 100 mm; and*
- *leaf and other debris should be removed.*

*The name of authority empowered to release, vary or modify any instrument shall be Canterbury Bankstown Council.*

3. Access roads must comply with the following general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- perimeter roads are two-way sealed roads with minimum 8 metre carriageway width kerb to kerb;
- non-perimeter roads to have minimum 5.5 metre carriageway width kerb to kerb;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning.

4. At each stage of the subdivision, temporary turning heads shall be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning bay with arms of 15 metres deep and 6 metres wide from the centreline of the road and have a turning radius of no less than 6 metres. The turning area can be removed upon opening of future proposed through roads.

In accordance with due process we submit this information and ask it be referred to the NSW RFS.

It is acknowledged that since the time this application was lodged *Planning for Bush Fire Protection 2019* has come into effect and is applicable to all applications lodged on or after 1<sup>st</sup> March 2020.

In accordance with NSW Government Planning Circular 'Planning for Bushfire Protection 2019' (PS 20-001, March 2020) as the subject development application was lodged before 1<sup>st</sup> March 2020 it is to continue to have regard to Planning for Bush Fire Protection 2006.

The above conditions are either considered onerous or not relevant to the subject application.

In relation to conditions 1 and 2 the smaller lot residential subdivision of DA-4/2020, which is being assessed concurrently to this application, provides the relevant minimum required Asset Protection Zones (APZs) entirely within that allotment (proposed Lot 1).



To supplement the APZs for the small lot residential subdivision (DA-4/2020) an easement (variable width) has been proposed along the eastern boundary of proposed Lot 2. This easement is to facilitate the nominated area being managed in accordance with an APZ. The extent of the proposed easement is shown on Figure 01 below.

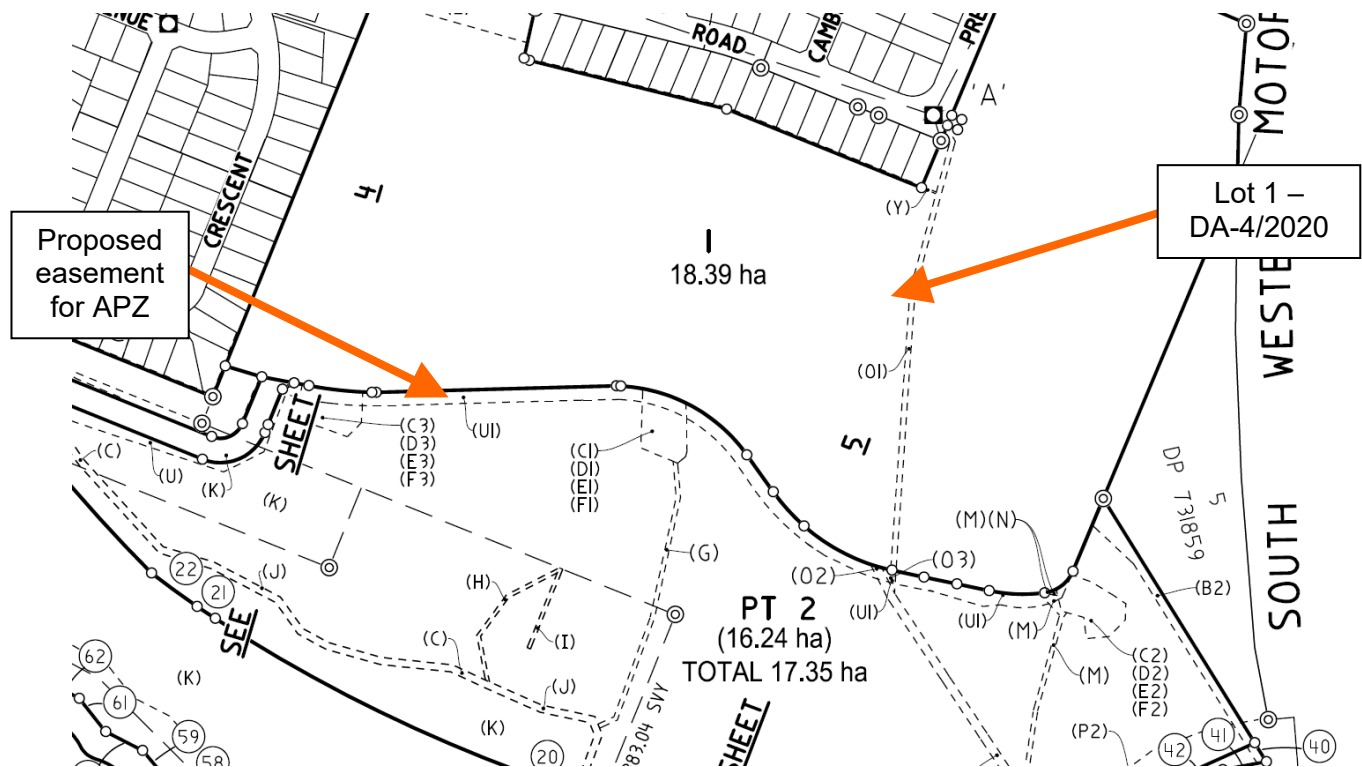


Figure 01: Extract from the Plan of Subdivision showing location of proposed easements

The provision of this easement is considered above the minimum requirements to satisfy *Planning for Bush Fire Protection 2019*.

Specific to condition 1 as part of the development assessment process an expanded environmental study for the site was undertaken by Cumberland Ecology (2021) which identified an area of vegetation which will be retained and protected. Part of this area is on land zoned R2 Low Density Residential within proposed Lot 1.

A condition to manage the entirety of the proposed Lot 1 zoned R2 Low Density Residential as an Inner Protection Area (IPA) subsequently conflicts with the newly identified Southern Park. The newly created Southern Park area has been addressed in the Supplementary Bushfire Assessment Report for the small lot residential subdivision (DA-4/2020) within the relevant APZs applied within proposed Lot 1.

Finally in relation to conditions 3 and 4 as there are no physical works as part of this application these conditions are not applicable. The access requirements are addressed in the small lot residential subdivision (DA-4/2020).

We respectfully request that the NSW RFS delete conditions 1, 2, 3 and 4 of their General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*.

If you have any questions regarding this assessment please contact the undersigned directly.

Prepared by  
Building Code & Bushfire Hazard Solutions P/L



**Stuart McMonnies**

Manager - Bushfire Section  
G. D. Design in Bushfire Prone Areas.  
Certificate IV Fire Technology  
Fire Protection Association of Australia BPAD – L3 Accredited Practitioner  
Accreditation number – BPAD9400



Quote from Planning for Bush Fire Protection 2019, 'While the material within this publication is current at the time of writing changes in circumstances after the time of publication may impact on the accuracy of the material. Individuals are responsible for ensuring they have the most current version of this publication.'

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Similarly the interpretations and opinions provided by Building Code and Bushfire Hazard Solutions in regard to bushfire design, protection and mitigation are also given in the same good faith.



Amended Statement of Environmental Effects  
Consolidation of 27 Lots and Re-subdivision  
into 6 Lots.  
56 Prescott Parade, Milperra.

July 2021

Mersonn Pty Ltd  
20 Wylde Street  
Potts Point NSW 2011

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## 1.0 Introduction

This report has been prepared on behalf of Mirvac Homes (NSW) Pty Ltd by Mersonn Pty Ltd and is submitted to the Canterbury Bankstown Council in support of an amended development application to re-subdivide the existing 27 lots into 6 lots under Torrens title (no works are proposed under this development application) at 56 Prescott Parade, Milperra (Lot 10 DP 731859, Lot 1 DP 625013, Lot 1 DP 813006, Lot 1 DP 813007, Lots 231 & 232 DP 805826, Lots 23-27, 38-42 & 50-59 DP 7304).

The overall development of the land at 56 Prescott Parade, Milperra is proposed to be conducted in stages and will ultimately involve the subdivision of land into a Community Title residential subdivision including a 8,480m<sup>2</sup> Southern Reserve (to integrate with the Council owned Cumberland Plain Woodland Reserve on Lot 5 DP 731859 south of the subject site), residential lots and 'pocket' park areas with associated infrastructure (roads, drainage basins) within the development footprint. A Vegetation Management Plan has been completed for the Southern Reserve. The road infrastructure will comprise a road network within the residential subdivision as well as a primary 'connector' road, known as Keys Parade, that will link the proposed residential area with a main road, Henry Lawson Drive. Other staged works include bank stabilisation works, construction of a shared cycleway/pathway along the Georges River and rehabilitation of riparian corridors in accordance with a Voluntary Planning Agreement. The development is Integrated Development for the purpose of Section 100B of the Rural Fires Act 1997.

A Voluntary Planning Agreement (VPA) was executed as part of the rezoning process. An amended VPA has subsequently been approved by the Council since the rezoning. The details of the VPA included a number of commitments for the delivery of road infrastructure, environmental management works, remediation of the site and dedication of land.

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The following works were proposed:

- Bank stabilisation works at locations across proposed Lot 4;
- Construction of connecting road network – Keys Parade, Raleigh Road and Pozieres Avenue;
- Road infrastructure upgrades - Pozieres Parade improvements, raised junctions, school zone, roundabout, public shared access to public foreshore walkway;
- Foreshore walkway embellishment – pedestrian/cycleway;
- Build a pedestrian/cyclist crossing over the northern creek and southern mangroves on the Zone RE1 land;
- Riparian Corridor along the Foreshore Walk and Zone RE2 land;
- Riparian Corridor along the Northern Creek;
- Road infrastructure upgrades - Keys Parade and Henry Lawson Drive intersection;
- Dedication of land known as proposed Lot 4.

The delivery of the VPA is aligned to the delivery of lots. Given the proposed staging of the construction, certain works will need to be undertaken prior to the release of those stages.

The Keys Parade extension, residential subdivision and Georges River Bank Stabilisation works comprise three separate development applications.

Amended Development Application No. 1107/2019 seeks consent for:

Re-subdivision of existing 27 lots into 6 lots under Torrens title (no works are proposed under this development application).

The proposal is Integrated Development as defined in section 4.46 of the Environmental Planning and Assessment Act, 1979, because an approval is required in accordance with the Rural Fires Act, 1997.

The proposal includes the following specific works:



- 
- Consolidation of existing 27 lots that currently make up the site identified as the former Riverlands Golf Course site, under Clause 6.11(1) of the Bankstown Local Environmental Plan 2015.
  - Subdivision into 6 new lots, to reflect the proposed ongoing stages of development of parts of the Riverlands Golf Course site, as follows:
    - Proposed Lot 1 – Residential Subdivision and Development.
    - Proposed Lot 2 – Separate allotment to the west of Proposed Lot 1, intended to accommodate some stormwater drainage infrastructure associated with development on Proposed lot 1.
    - Proposed Lot 3 – separate lot to west of Proposed Lot 2, no intended development at this time.
    - Proposed Lot 4 – creation of a strip of land 20m wide along the Georges River foreshore.
    - It is proposed to dedicate lot 4 as a public reserve.
    - Proposed Lot 5 – separate lot to the north of the existing site, no indication of any intended future development at this time.
    - Proposed Lot 6 – construction of Keys Pde roadway in a modified alignment.
    - It is proposed to dedicate lot 6 as a public road.
  - No physical works are proposed.
  - The amended development application also includes the following series of proposed and existing easements, rights of way and covenants to facilitate the functionality of the proposed lots.
    - (C1) Easement For Drainage Of Water Variable Width;
    - (D1) Right Of Access Variable Width;
    - (E1) Restriction On The Use Of Land (Var. Width);
    - (F1) Positive Covenant (Var. Width);
    - (C2) Easement For Drainage Of Water Variable Width;
    - (D2) Right Of Access Variable Width;
    - (E2) Restriction On The Use Of Land (Var. Width);
    - (F2) Positive Covenant (Var. Width);

- 
- (C3) Easement For Drainage Of Water Variable Width;
  - (D3) Right Of Access Variable Width;
  - (E3) Restriction On The Use Of Land (Var. Width);
  - (F3) Positive Covenant (Var. Width);
  - (G) Easement For Drainage Of Water 5 Wide;
  - (M) Easement For Drainage Of Water Variable Width;
  - (N) Right Of Access Variable Width;
  - (O1) Easement For Drainage Of Water 3.66 Wide;
  - (O2) Easement For Drainage Of Water 6 Wide;
  - (O3) Easement For Drainage Of Water Variable Width;
  - (A) Drainage Easement 6.095 Wide (DP 7304);
  - (A1) Easement For Drainage Of Water 5 Wide;
  - (A2) Easement For Drainage Of Water 8 Wide;
  - (A3) Easement For Drainage Of Water Variable Width;
  - (B) Right Of Carriageway And Easement For Services Variable Width (DP 736006);
  - (B2) Right Of Access 6 Wide And Variable;
  - (C) Easement To Drain Water 5.0 Wide (DP 749985);
  - (D) Easement To Drain Water 2.5 Wide (DP 639053);
  - (E) Right Of Carriageway And Easement For Services 3.5 Wide And Variable (DP 749985);
  - (F) Right Of Carriageway And Easement For Services 3.5 Wide (DP 640518);
  - (I) Easement To Drain Water 2.5 Wide (DP 749985);
  - (H) Easement To Drain Water 2.5 Wide (DP 749985);
  - (J) Benefited By Easement For Drainage (A646541);
  - (K) Benefited By Right Of Carriageway And Easement For Services (DP 736006);
  - (L) Benefited By Right Of Carriageway And Easement For Services (DP 640518);
  - (P1) Positive Covenant (66 Wide & Variable Width);
  - (P2) Positive Covenant (30 Wide & Variable Width);
  - (T) Railway Commission Easement 10.06 Wide (D933625);
  - (U) Easement For Batter 16.5 Wide & Variable Width;
  - (U1) Easement For Access, Maintenance And Support 10, 12 Wide & Variable Width;
-



- 
- (V) Easement To Drain Water 2.5 Wide (S284191);
  - (W) Right Of Carriageway And Easement For Services 20.115 Wide (DP 805826);
  - (Y) Easement For Drainage 1.22 Wide (DP 2131642);
  - (Z) Easement For Transmission Line Variable Width (F313950).





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This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this document is to describe the existing improvements on the site, detail the proposed development, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

This report should be read in conjunction with:

- Amended Detail Survey Plan prepared by Calibre Consulting dated 19 January 2021;
- Amended Plan of Subdivision prepared by Calibre Consulting dated 20 May 2021;
- Amended Ecology Letter Assessment of Proposed Connector Road Alignment Along Keys Parade prepared by Cumberland Ecology dated 5 July 2021;
- Amended Vegetation Assessment for Bushfire Classification prepared by Cumberland Ecology dated 24 March 2021;
- Amended Bushfire Assessment Report prepared by Building Code and Bushfire Hazard Solutions Pty Ltd dated 5 July 2021;
- Amended Contamination Assessment Report prepared by Sullivan Environmental Sciences dated 1 July 2021;



Source: six maps

Figure 1: Aerial View of the Subject Site

Source: SixMaps 2021



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## 2.0 The Site and Context



Source: six maps

Figure 2: Location Plan

Source: SixMaps 2021

The site is located within the residential suburb of Milperra located between Liverpool to the north-west and Bankstown to the north-east. Milperra is approximately 9 kilometres south-west of Bankstown and 10 kilometres south-east of Liverpool. Each of these centres provide significant levels of services and amenities for local residents, with heavy rail connecting the centres to the broader metropolitan area. Milperra is connected to each centre via bus services on Pozieres Avenue and Henry Lawson Drive.

The site is located on the northern side of the South-Western M5 Motorway and fronts the Georges River to the west. The site comprises

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Lot 10 DP 731859, Lot 1 DP 625013, Lot 1 DP 813006, Lot 1 DP 813007, Lots 231 & 232 DP 805826, Lots 23-27, 38-41 & 50-59 DP 7304).

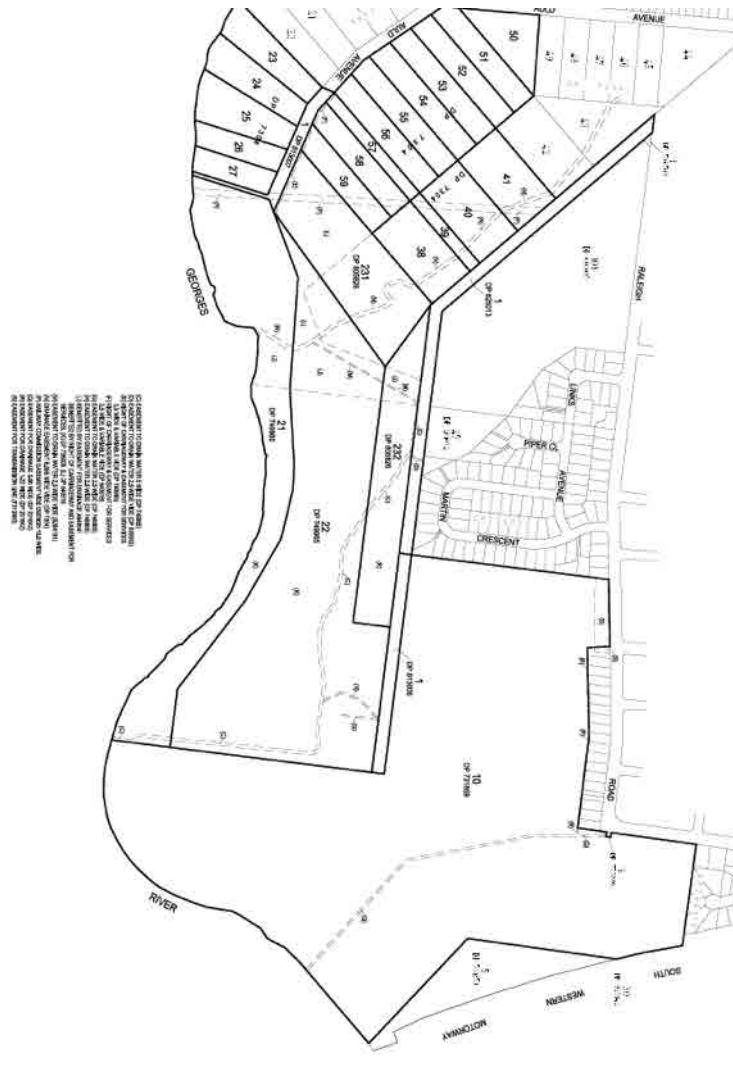


Figure 3: Survey Extract  
PCB Surveyors 2019

The subject site is best understood by the survey extract below which highlights the six proposed lots.





The Bankstown LEP 2015 zoning Map extract below demonstrates the zoning across the Riverlands Golf Course site.

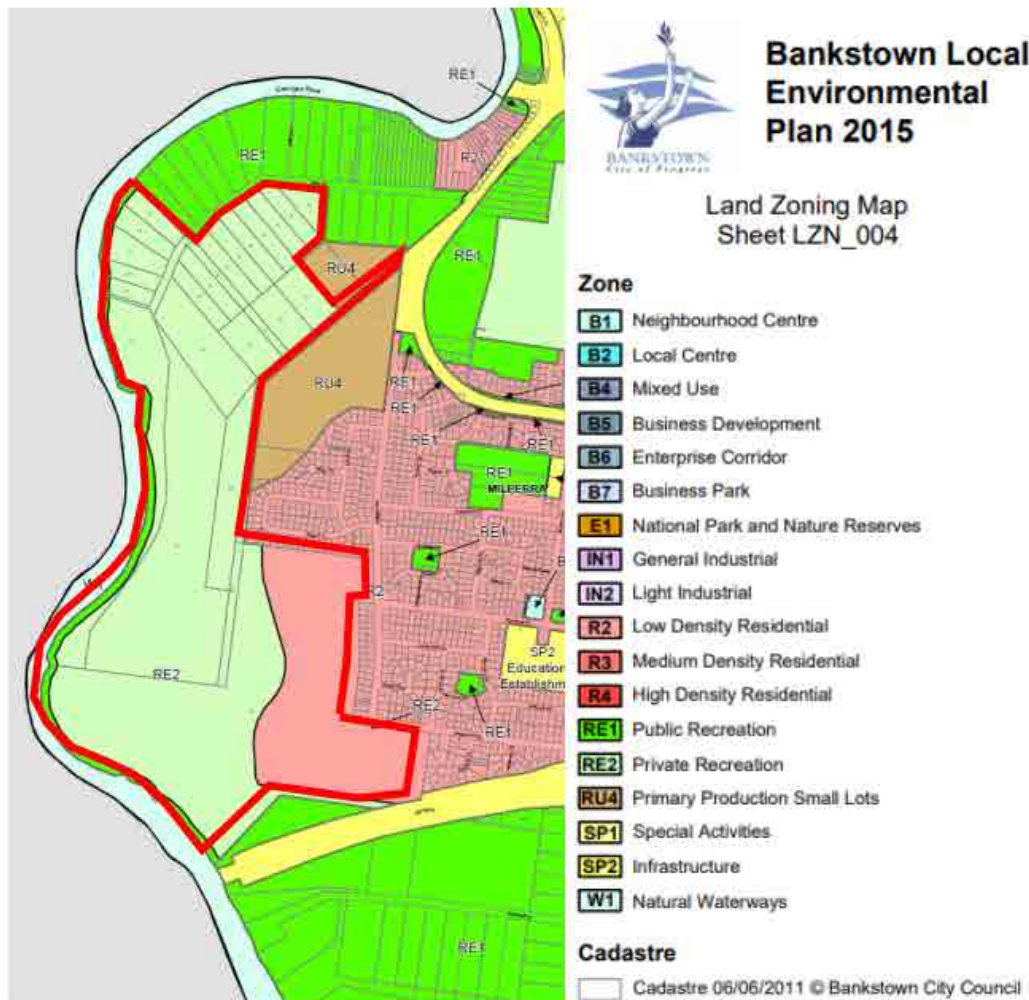


Figure 5: Zoning Map Extract  
Bankstown LEP 2015

The Site contains part of the former Riverlands Golf Course and associated greens, fairways and minor built structures. The site contains over 800 trees and tree groups comprising several remnant local native species, exotic species and planted non-local native species of varying condition. Hollow-bearing trees have been identified that provide habitat to several fauna species.



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The site and the surrounding area that once made up the Riverlands Golf Course is subject of this amended development application for the re-subdivision of 27 lots into 6 lots under Torrens title (DA-1107/2019). Under this subdivision application, the residential development site aligns with proposed Lot 1 as illustrated in Figure 4 above. The development of the site into residential lots (DA-4/2020) also requires the extension and opening of Keys Parade. The extension of Keys Parade is the subject of the second development application (DA-108/2020) and comprises the construction and extension of Keys Parade roadway and associated works connecting to an upgraded signalised intersection of Keys Parade at Henry Lawson Drive. A third development application (DA-370/2020) comprises bank stabilisation works along the Georges River foreshore and remediation and environmental rehabilitation works on the Riverlands Golf Course site.

#### Residential Context

The site adjoins the established residential settlement of Milperra to the north and east and has frontage to Raleigh Road and Prescott Parade and backs onto the rear of properties fronting Raleigh Road (in the east), Martin Crescent (in the north) and Maygar Close (in the south-east). The subject site adjoins the South-Western M5 Motorway (in the south-east) and the Council owned Cumberland Plain Woodland Reserve on Lot 5 DP 731859 to the south.

The immediate vicinity of the Site to the north and east is zoned R2 – Low Density Residential pursuant to the Bankstown LEP 2015. The immediate vicinity of the Site to the West is zoned RE2 – Private Recreation. The surrounding properties to the north (in Martin Crescent) and east (in Raleigh Road and Prescott Parade) are typified by single- and two-storey detached dwelling houses, interspersed with the dual occupancy and semi-detached dwellings. Milperra Public School is located approximately 350 metres from the site, to the east in Pozieres Avenue. The site is located approximately 500m from the intersection of the M5 Motorway and Henry Lawson Drive, to the east.

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The Georges River to the west, Henry Lawson Drive to the north and east and the Western Motorway to the south define the broader area and serve to enclose and delineate its character. The broader residential area provides a range and mix of one and two storey single dwellings and dual occupancies. While the majority of the existing dwellings have street frontage, battle-axe allotments do occur within the deeper street blocks and particularly on the corners of the crescents.

The street pattern is generally curvilinear (characteristic of the age of the original subdivision) and consists of broad crescents and a fragmented grid generally oriented north-south. The fragmented grid is supplemented by sweeping crescents and then infilled in parts by some limited cul-de-sacs.

Generally, the main thoroughfares, being Raleigh Road (north-south) and Pozieres Avenue (east-west) have a carriageway of around 12 – 14m with 3 – 4m grassed verges on either side. Only the southern side of Pozieres Avenue is provided with a concrete footpath of 1.5 – 2m.

The secondary roads have a reduced carriageway of around 7 – 8m with 3 – 4m grassed verges on either side with the minor roads reducing down to carriageways of around 6.5m.

Vehicular entry into the broader area is limited to Pozieres Avenue and a connection just north of Treadgold Street to the east, and Amiens Avenue, the Ruthven Avenue connection and Raleigh Road to the north.

The local centre is set within the lower third and focuses on the local business centre at the corner of Pozieres Avenue and Amiens Avenue and the Milperra Public School opposite to the south.

The Milperra Public School has frontage to Pozieres Avenue and provides an extensive area of open space (approximately 2 hectares) interspersed with school facilities. The open space accommodates extensive mature tree canopy.

While the school has frontage to Pozieres Avenue, it directly adjoins the rear yards of a variety of single dwellings on lots generally in the order of 560m<sup>2</sup> to 580m<sup>2</sup>. It is noted that the adjoining dwellings



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accommodate very little in the way of mature plantings and the extensive canopy is mostly within the school grounds with the street planting having a much reduced canopy.

The Milperra Shopping Centre is located on the north-western corner of Pozieres Avenue and Amiens Avenue opposite the Milperra Public School. The centre has at grade parking for 34 cars with access from Pozieres Avenue and Amiens Avenue with service facilities to the west. The local centre contains a supermarket, bottle shop, bakery, café, fruit shop and local services. It is noted that the proximate local centre on the Flower Power site to the north of Henry Lawson Drive accommodates a number of very good grocery and produce stores within easy walking distance of the broader area.

Milperra Public School and the local business centre is within comfortable walking distance of all of the broader area with most dwellings being within a 530 – 845m radius of the local centre. All of the local roads have fairly direct connections to Prescot Parade, Raleigh Road, Nieuport Avenue, Amiens Avenue and Pozieres Avenue offering easy pedestrian and bicycle access to the local centre and school.

It is noted that all of the streets rely on grass verges for pedestrian access and on the street carriageway for bicycle access. Only the southern side of Pozieres Avenue and a limited part of Amiens Avenue in the vicinity of the centre provide concrete pedestrian footpaths.

The residential fabric in the broader area is fairly homogenous low density residential development comprising single dwellings, detached and attached dual occupancies. There is no medium or high density residential development within the locality.

The subdivision pattern and character comprise lot sizes which are predominantly in the mid-500m<sup>2</sup>; with larger lots on the corners and radii of the curves.

It is readily apparent that a later wave of subsequent subdivision of dual occupancies has occurred following the Bankstown Local

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Environmental Plan Clause 4.1A which allows the subdivision of attached dual occupancies down to 250m<sup>2</sup> and detached dual occupancies down to 350m<sup>2</sup>. This wave of further subdivision change is well advanced and is continuing to develop. This is particularly characteristic of attached dual occupancies subdividing the 550m<sup>2</sup> sites to 250m<sup>2</sup> plus Torrens title lots.

The character of the residential dwellings in the area is fairly homogenous, low density residential development comprising single dwellings, detached and attached dual occupancies. The single dwellings vary between single and two storey, with a characteristic of first floor additions added to what would have originally been single storey dwellings. The dual occupancies tend to be predominately double storey in both attached and detached form.

The subdivision pattern reflects a character of battle-axe blocks on the corners and curves of the crescents with narrow driveway frontages with dwellings located behind and the rear of the dwellings fronting the streets.

#### Biodiversity Environment<sup>1</sup>

Riverlands site comprises a mix of remnant/regrowth communities, including some areas that conform to Threatened Ecological Communities (TECs) as listed under the NSW Biodiversity Conservation Act 2016 (BC Act), modified areas consisting largely of canopy trees only within the former golf course area and planted areas. These vegetation communities were assigned to Plant Community Types (PCTs), including 'best-fit' PCTs for areas of planted and/or modified vegetation, in accordance with the Biodiversity Assessment Method (BAM). The mapped 'Residential subdivision footprint' encompasses the entirety of R2 zoned land as well as adjacent parts of RE2 zoned land while the Keys Parade Connector Road footprint lies entirely in RE2 zoned land. The condition classes of the mapped PCTs within the site are summarised in Table 1.

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<sup>1</sup> Cumberland Ecology Riverlands Residential Subdivision Development Vegetation Assessment for Bushfire Classification 2021 p1

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The vegetation within the Riverlands site has long been modified and disturbed from its original condition from historic and current land uses such as the former golf course, the former sand extraction quarry and current cattle grazing. The surveys conducted by Cumberland Ecology between 2018 – 2020 as well as prior surveys by Clements in 2012 found no indication of regeneration across the majority of the site. The field surveys to date have found regrowth/regeneration to be limited to the large patch of Mangrove and Swamp Oak vegetation extending from the Georges River as well as along the two creek lines where alluvial soils are still present.

The historic land uses, primarily importation of soils for the former golf course, has significantly altered the soil profile and much of the original soil seedbank has been lost across the majority of the site, thereby severely limiting any potential for natural regeneration. Potential regeneration is further restricted by current land uses for grazing as well as presence of fungal soil pathogens. Due to the loss of the original seedbank as well as presence of fungal soil pathogens, onsite communities are considered unlikely to naturally regenerate, even with cessation of current grazing practises.

Although some of the mapped communities within the Riverlands site are technically classified as 'Forest' type communities, some sections of the onsite occurrences of these communities have densities/formations that are more akin to 'Grassy and Semi-arid Woodland' communities (referred to as 'Woodland' communities) due to the historic clearing, soil modification and current cattle grazing activities.

The areas outside of the proposed development boundary specifically assessed as meeting the requirements to be classed as 'Woodland' for bushfire purposes as per Figure A1.2 – Description of vegetation formations of PBP 2019 - i.e. vegetation is dominated by an open to sparse layer of eucalypts with the crowns rarely touching, typically 15-35m high, diverse ground cover of grasses and herbs, shrubs are



sparsely distributed, usually on flat or undulating ground – are shown in Figure 6 (hatched areas).

Table 1

PCTs and Condition Classes Of Vegetation Within The Riverlands Site

Plant Community	Location within the Riverlands Site
Cumberland Plain Woodland Remnant Trees (PCT 849)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary
Riverflat Eucalypt Forest (PCT 835)	RE2 land and parts of RE1 land
Riverflat Eucalypt Forest Remnant trees (PCT 835)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary
Swamp Oak Forest (PCT 1232)	RE2 land and parts of RE1 land
Scribbly Gum Woodland Remnant Trees (PCT 883)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary
Planted Casuarinas (PCT 1800)	Largely confined to R2 zoned land with minor patches in RE2 land along the RE2/R2 land boundary as well as along existing Keys Parade and developed areas north of the Northern Creek line
Planted non-endemic natives (PCT 1083)	Confined to R2 zoned land
Mangrove Forest (PCT 920)	Confined to RE2 and RE1 lands along the banks of the Georges River
Phragmites regrowth (PCT 1232)	Confined to RE2 and RE1 lands along the banks of the Georges River
Planted Trees (PCT 835)	Confined to RE2 land fronting Auld avenue
Cumberland Plain Woodland (PCT 849)	Not present within Riverlands site – confined to adjacent Council Lot 5

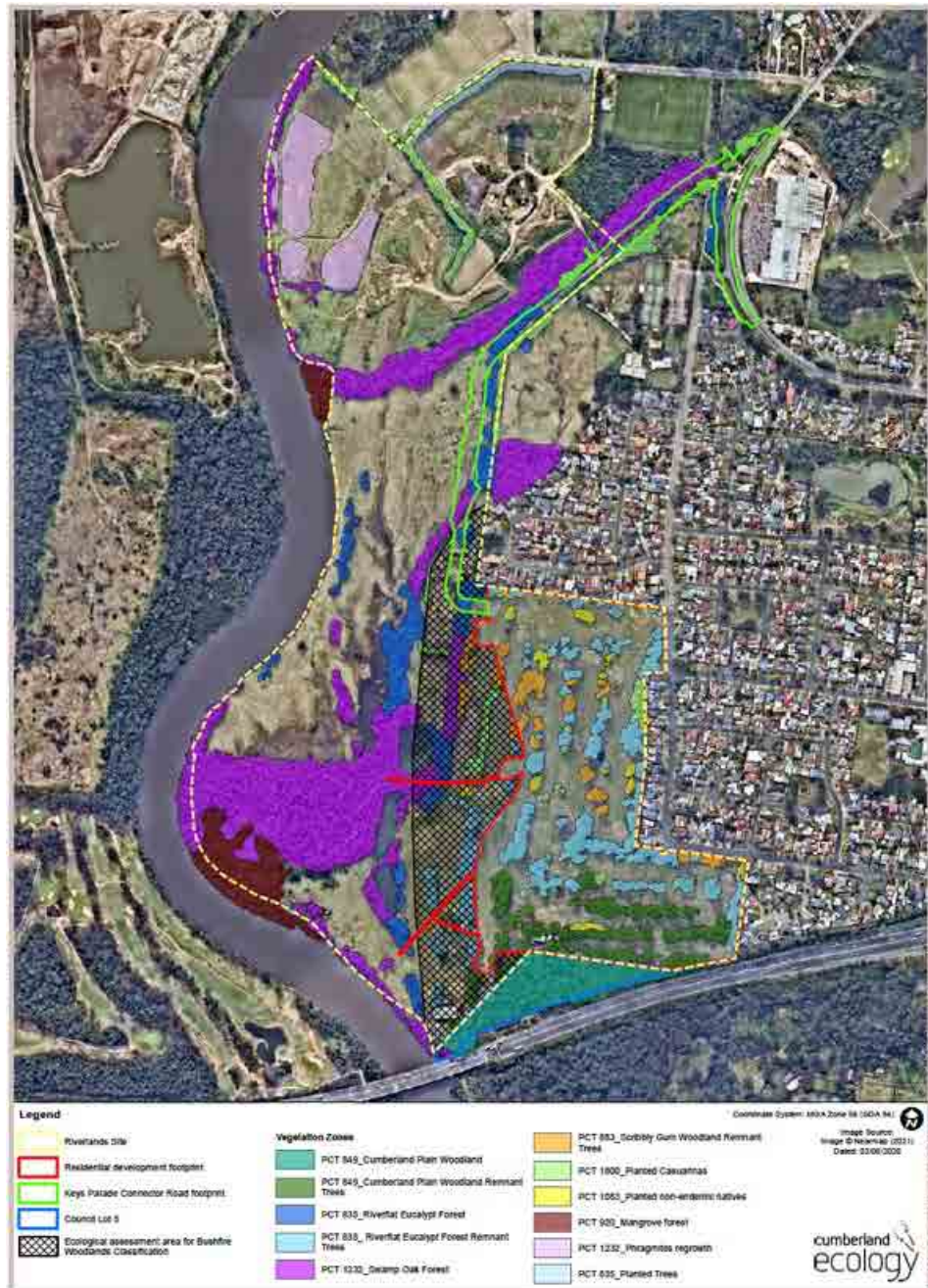


Figure 6  
 Plant Community Types  
 Source: Amended Vegetation Assessment for Bushfire Classification  
 prepared by Cumberland Ecology dated 24 March 2021 p4

Topography and Soils

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The subject land and wider Riverlands site have a relatively flat topography, with elevations ranging between approximately 0 m Australian Height Datum near the Georges River to about 20 m above the Australian Height Datum in the disused Golf Course.

The Soil Landscapes of the Penrith 1:100 000 Sheet Map (Hazelton, Bannerman, & Tille, 1989) and soil landscapes available on eSpade (DPIE, 2020) indicates that the Riverlands site is mapped as a mix of the Richmond soil landscape and the Blacktown soil landscape. The Richmond soil landscape is generally flat with poorly structured clay loams, clays and sands. The Blacktown soil landscape comprises gently undulating rises on Wianamatta Group shales with red and brown podzolic soils on crests grading to yellow podzolic soils on lower slopes and in drainage lines.

However, the landform has been reshaped for the disused Riverlands golf course which has been subject to extensive filling, with unconsolidated fill material covering large parts of the disused golf course to depths between 20cm and 150cm. The former sand extraction between the golf course and the Georges River has also resulted in a general lowering of the land surface.

#### Hydrology

The hydrology of the Riverlands site is dominated by the Georges River, a major river that occurs directly adjacent to the western boundary, and all surface water ultimately drains into this river.

The drainage patterns and hydrology of the proposed residential area have been substantially changed by the historic works for the old golf course. These included forest clearance, deposition of fill, re-contouring and the construction of drainage channels and fill.

Two minor unnamed streams are present within the Riverlands site. One stream, which comprises a 1st order stream as per the Strahler System of ordering watercourses is present towards the southern parts of the



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Riverlands site and drains into a series of dams. Previous studies of the 1st order stream determined that it was a constructed drainage channel that was likely formed between 1961 and 1965 as part of soil extraction activities, to collect and redirect runoff from higher areas to the river without affecting the extraction activities (Clements, 2012).

A second un-named stream is present towards the northern parts of the Riverlands site near Keys Parade. This stream comprises a 2nd order stream as per the Strahler System of ordering watercourses. This stream flows from residential areas to the east and discharges into the Georges River in the vicinity of the former sand extraction areas.

### Vegetation

The vegetation of the Canterbury-Bankstown LGA and greater Western Sydney area have been heavily cleared for urban development.

Although large areas of the pre-existing vegetation have been historically cleared native forest vegetation is still found along parts of the Georges River, particularly in flood-prone sites unsuitable for residential development. However, these areas are generally heavily modified and/or disturbed from surrounding land uses.

Several recent ecological studies have been conducted within the Riverlands site as part of a Planning Proposal for the rezoning of the Riverlands site under the Bankstown Local Environment Plan 2015 (BLEP 2015). Under the BLEP 2015, remnant vegetation outside of the disused golf course and extraction areas was largely mapped as 'Biodiversity' based on the flora assessment study by Anne Clements and Associates (2012) that determined that the remnant vegetation conformed to the Threatened Ecological Community (TEC) Swamp Oak FloodPlain Forest. While the vegetation within the disused golf course area was assessed as not conforming to any listed TEC, the vegetation was nonetheless considered to be locally significant due to the size and/or age of trees within a highly developed landscape.

### Bushfire Environment<sup>2</sup>

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<sup>2</sup> Building Code and Bushfire Hazard Solutions P/L Supplementary Bushfire Assessment Report *Proposed: Residential Development* 56 Prescott Parade, Milperra NSW 2021 p12

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The subject site was formally a golf course (Riverlands Golf Course) with the previous fairways still visible. At the time of our inspection the eastern portion of the site was found to be used for grazing.

The vegetation identified as being the hazard is located to the south and west of the proposed residential allotments within neighbouring allotments and the residue part of the subject site.

It is acknowledged as part of a Voluntary Planning Agreement that, amongst other items, a 50 metre riparian corridor is required to be established along the Georges River. This future riparian corridor is located outside the 140 metre assessment area from the proposed residential allotments.

The site has been identified by Cumberland Ecology as containing the following Plant Community Types (PCTs):

- *PCT 849: Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion;*
- *PCT 835: Forest Red Gum - Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain, Sydney Basin Bioregion (in two condition classes or vegetation zones);*
- *PCT 1232: Swamp Oak floodPlain swamp forest, Sydney Basin Bioregion and South East Corner Bioregion;*
- PCT 1800: Swamp Oak open forest on riverflats of the Cumberland Plain and Hunter valley; and
- *PCT 1083 Red Bloodwood - Scribbly Gum heathy woodland on sandstone plateaux of the Sydney Basin Bioregion.*

It is understood that the extent of vegetation embellishment onsite will be concentrated along the Georges River within the required 50 metre riparian corridor.

An expanded environmental study for the site was undertaken by Cumberland Ecology (2021) and advice provided which supports a 'worst case' Woodland classification for part of the 'RE2 Private Recreation' zoned land to the west of the proposed residential allotments.

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The vegetation posing a hazard to the south is located within an existing allotment zoned 'RE1 Public Recreation' and the subject site. The mapped vegetation PCT is associated with Cumberland Plain Woodland (CPW), a critically endangered ecological community (CEEC) listed under the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity Conservation Act 1999*. CPW is classified as a Grassy Woodland formation and our site observations are consistent with this classification.

For the purpose of assessment the vegetation posing a hazard to the south and west was determined to be Woodland.

The slope that would most significantly affect bushfire behaviour within the hazard must be assessed for at least 100 metres. The effective slopes were determined using 1 metre LiDar contour mapping of the subject area in conjunction with site observations to be 0 – 5 degrees down to the south and west.

The minimum required Asset Protection Zones were determined from Table A2.4 of Planning for Bush Fire Protection 2006 (PBP) to be 15 metres to the south and west. The available APZs consist of the land entirely within the subject site (including proposed roads). All proposed residential allotments can accommodate a building footprint exceeding the minimum required Asset Protection Zone for Residential Subdivisions under Appendix 2 of PBP.

#### Geotechnical Environment<sup>3</sup>

The purpose of the investigation was to assess the subsurface conditions at thirty two borehole locations and, based on the information obtained, to present our comments and recommendations on earthworks, preliminary site classifications to AS2870-2011, flexible road pavements and additional investigations.

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<sup>3</sup> JKGeotechnics Geotechnical Investigation Riverland's Residential Subdivision 2020 p2



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Generally, the boreholes encountered fill overlying natural soil. Weathered shale bedrock was encountered at relatively shallow depths in JK19, JK25, JK27 and JK29 (southern end of the site). Reference should be made to the attached borehole logs for details at each specific location. A summary of the encountered subsurface characteristics is provided below:

- *Fill*, predominantly comprising sandy soils, was encountered in all boreholes to depths ranging from 0.2m (JK30 & JK31) to 2.2m (JK32). In JK32, the basal fill profile comprised clayey soils. The fill at all borehole locations was grass covered.
- *Natural soil*, predominantly comprising silty clay, sandy clay and silty sandy clay, and to a lesser extent silty sand (JK8 only), sand (JK9 only), clayey sand (JK1 only) and sandy gravel (JK5 only), was encountered below the fill in all boreholes. The natural clays were of variable plasticity and of stiff to hard strength. The natural sands were medium dense to dense.
- *Weathered shale bedrock* was encountered in JK19, JK25, JK27 and JK29 at depths ranging from 1.7m (JK29) to 3.15m (JK19). The shale on first contact was extremely weathered and of extremely low ('hard' soil) strength. In JK27 and JK29, the shale improved with depth to low and medium strength.
- *Groundwater seepage* was encountered during and on completion of drilling in JK12, JK16 and JK30 at depths of 3.4m, 3.3m and 3.2m, respectively. The remaining boreholes were 'dry' during and on completion of drilling. We note that the groundwater levels may not have stabilised within the limited observation period. No long-term groundwater level monitoring was carried out.

Following removal of all trees (including their root balls), demolition of the existing sheds, slabs and pavements, all grass, topsoil, root affected soils and any deleterious fill or contaminated soil should be stripped. Based on the results of the investigation, topsoil/root affected soil should be stripped to a nominal depth of about 0.1m. We note that it is difficult to accurately assess the depth of topsoil and root affected soils in a 100mm diameter borehole. If considered to be an important

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contractual issue, we recommend that a number of shallow test pits be excavated across the site to more accurately confirm the topsoil/root affected soil stripping depth. or alternatively a geotechnical inspection could be carried out after initial stripping to confirm the depth. Stripped topsoil and root affected soils should be stockpiled separately as they are considered unsuitable for reuse as engineered fill. Reference should be made to Section 6 for guidance on the offsite disposal of soil.

For the same reasons why we have recommended the early removal of trees in Section 4.3, we strongly also recommend that the sheds, floor slabs, concrete hardstand and all AC pavements (including the access road) at the southern end of site be demolished as early as possible ahead of construction.

As discussed above, all existing fill will need to be stripped down to the surface of the underlying natural soils. In addition, we recommend that all soil within the primary root structure of the trees, which are to be removed, be excavated and stockpiled for reuse as engineered fill. These 'over-dry' clay soils will most likely need to be 'wetted up' in order to conform to the engineered fill specification provided in Section 4.4.5 below. As the trees are mostly found within 'corridors' (between fairways), we envisage that the removal of the 'over-dry' clay soils will occur as trenches, excavated using large dozers and/or large excavators. We recommend that test pits be excavated across the site area and adjacent to several trees to confirm the width and depth of excavations.

Care must be taken not to undermine or remove support from the site boundaries during stripping and subsequent bulk excavation works.

#### Site Contamination Environment<sup>4</sup> Residential Estate

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<sup>4</sup> Sullivan Environmental Sciences Riverlands Contamination Assessment 2021 pvi

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The Residential Estate site history was adequately described by Environmental Strategies Phase 1 (ES, 2014a). Detailed investigations conducted across the proposed Residential Estate has sufficiently characterised soil and groundwater to assess the land for low-density residential land use. We conclude that:

- Environmental Strategies Phase 2 (ES, 2014b) showed that soils at a localised area of the site at BH17 were impacted by oils (hydrocarbons) posing a potential health risk to future users of the site. It is recommended the localised soils at BH17 be removed, the aboveground storage tanks be decommissioned and removed and soils underneath this area validated. It is also recommended any identified fragments of potential asbestos containing materials (ACMs) should also be collected from the ground surface and removed.
- Site soils exhibiting discolouration, abnormal consistency (wastes, ash and slag fill) present an aesthetic issue requiring remediation and or management as part of the remediation of the Residential Estate site. Soils requiring remediation for aesthetic considerations include:
  - The soils under the golf greens in northeast corner of the site delineated by test pits TP10, TP11, TP12 and previous location BH5B (ES, 2014b) contain buried ash/slag wastes.
  - The soils under the golf greens in the south east corner of the site, delineated by test pits TP41, TP42, TP43 and TP44, contain buried ash/slag wastes.
  - Two additional areas contain minor amounts of ash/slag fill at TP14 (former chemical sheds) and TP49 (entrance road off Prescott Parade).
  - A small fill mound with mixed anthropogenic waste was located at TP27.
- Detections of pesticides in a localised area near the existing chemical store adjoining the Greenkeepers Shed have been observed. The RAP for the Residential Estate will describe the testing requirements and potential remediation and validation testing to cover off this item.



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- Items raised by the Site Auditor in Interim Advice (dated 15 Sept 2019) requiring closeout will be presented in the updated Residential Estate RAP including:
    - “Remove and remediate the septic tank system at the greenkeepers/maintenance shed”.
  - The proposed Residential Estate development land is suitable for future residential dwellings, subject to updating and implementing the existing RAP (Revision A – 1 Feb 2020) and existing Addendum RAP (Revision A – 31 Jan 2020) to cover the following items:
    - Remediation of petroleum impacts in surface soils at BH17 (ES, 2014b).
    - Decommissioning and removing the two ASTs and fuel bowser.
    - Decommissioning and removing the sewerage tank system.
    - Removal of all abandoned buried services.
    - Management of ash/slag wastes buried under the two identified golf greens.
    - Management of anthropogenic waste buried in a localised stockpile at TP27, and other smaller quantities of ash/slag buried at TP14 and TP49.
    - Verification sampling for the presence of pesticides near the existing chemical store.
    - Any other items raised in the Site Auditors Interim Advice (15 Sept 2019).

#### Keys Parade

The Keys Parade site history was adequately described by Environmental Strategies Phase 1 (ES, 2014a). Detailed investigations conducted across the proposed Keys Parade has sufficiently characterised soil and groundwater to assess the land for open space land use consistent with a public road corridor. We conclude that:

- Ash filling greater than 0.5m is present along the length of the embankment in the Keys Parade area delineated by B15A, B18A, B20A, B22A, B24A and B25A. The ash fill is present as thick, black and grey layers of cinders and some slags. The ash and

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slag pose an aesthetic risk requiring remediation to be suitable for the future open space landuse. These soils require removal offsite or amelioration to improve its appearance and geotechnical suitability if it is to be retained onsite and used in the subsurfaces.

- Non-bonded asbestos was reported within the ash fill associated with sample location B18A. The non-bonded asbestos containing ash fill requires remediation to remove the potential health risk to future occupants of the proposed development. The non-bonded asbestos impacts at B18A should be further assessed to define the vertical and lateral extent of the impacts prior to remediating these soils.
- Anthropogenic wastes, in the form of plastic, bricks, bitumen and timber, was observed within the Keys Parade embankment at locations KP01 and KP03. The presence of anthropogenic wastes at these locations pose an aesthetic issue requiring removal offsite.
- Keys Parade sampling locations KP05, KP06 and KP07 were positioned within an area of multiple small soil stockpiles. A large fragment of cement fibro sheeting containing bonded asbestos was identified at KP05. The stockpiles require characterisation for reuse onsite or for disposal offsite. The presence of bonded and or non-bonded asbestos in this area must be considered for all the mounds during remediation of Keys Parade development.
- The proposed Keys Parade development land is suitable as a future roadway and footpath construction (under an open space public land use), subject to updating and implementing the existing RAP (Revision A – 1 Feb 2020) to cover the following items:
  - Remediation of asbestos contaminated ash/slag wastes buried at B18A (Sullivan-ES,2018).
  - Management of ash/slag/anthropogenic waste filling used to construct the embankment at the south end of the proposed Keys Parade alignment.

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- Soil stockpiles present in the central portion of the proposed Keys Parade could contain fragments of bonded asbestos sheeting in addition to the fragment already identified. Management of the soil stockpiles is required during removal or reuse of these materials.

#### Foreshore

The Foreshore site history was adequately described by Environmental Strategies Phase 1 (ES, 2014a). While past and present investigations of the Foreshore provide an adequate level of characterisation to assess contamination risks, there are human and ecological health risks related to wastes used as landfilling along the Foreshore. Due to the presence of the sensitive ecology (e.g. No-Go zones such as mangroves, protected trees, sensitive terrestrial and aquatic organisms, etc) in the Foreshore land, the recommended remediation should target only those accessible areas where there is potential health risk from chemical contamination and or aesthetic issues requiring remediation due to gross anthropogenic materials/wastes. The remediation strategy is to be considerate of removing contamination to the extent practicable while preserving the sensitive environment within the Foreshore. A number of options will be proposed to satisfy this goal.

Of specific concern are the landfill wastes present at FP10 (and proximal to that location) containing concentrations of PCB and non-bonded forms of asbestos. Other locations including FP05 and FP11 contain similar landfill wastes (and detectable residues of asbestos (FP05) and PCB (FP11)). These areas are considered areas of concern for human and ecological health based on the presence of these wastes alone.

Detectable residues of PCBs were also reported at FP13, FP14 and FP15 in Area 2 of the Foreshore which adds to the level of risk. While not considered particularly deep, the depth of wastes used as landfilling has not been determined, specifically at areas of high contamination risk at FP05, FP10 and FP11.



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It should be noted that soil materials containing concentrations of PCBs at levels greater than 2mg/kg are subject to regulation under the Polychlorinated Biphenyl (PCB) Chemical Control Order 1997 (PCB CCO 1997). The PCB CCO 1997 sets out the requirements for:

- defining non-scheduled and scheduled PCB materials and wastes (Clauses 4.25 and 4.26);
- defining priority areas (Clause 4.23);
- conveying of PCB material and PCB waste (Clause 6.4); and
- disposing of PCB waste (Clause 6.5).

Based on the concentration of PCB at location FP10 and the expected very shallow depth to groundwater along the Foreshore zone leaching to the immediate underlying groundwater was considered a plausible risk. We conducted neutral leaching analysis at this location. Results showed the PCB at this location did not leach under a neutral deionised water solution (to emulate rainfall), being less than the laboratory detection (<1.0 µg/L). This indicates there is a low risk of PCBs migrating from the Foreshore waste into the underlying watertable and then discharging into the adjoining Georges River aquatic ecosystem.

We conclude that existing data demonstrates that remediation to clean up contamination on the Foreshore is necessary because the presence of landfilling wastes and associated contamination poses a high health risk in localised areas to human and ecological health, although additional work would be required to delineate the extent of remediation required.

- Based on existing information, the proposed Foreshore development land is suitable for future open space public land use, subject to updating and implementing the existing RAP (Sullivan-ES, Dec 2019) to cover the following items:
  - To the extent practicable, delineate contaminated wastes in both Areas 1 and 2, as well as other accessible locations along the Foreshore, to ascertain the full extent of landfilling of wastes.

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- In consideration of sensitive ecological receptors, and to the extent practicable so as not to cause irreversible damage to those receptors, remediate contaminated wastes used as landfilling in Area 1 and Area 2. These wastes contain concentrations of asbestos, heavy metals and PCBs at levels that pose a human and ecological health risk.
  - Management of anthropogenic waste strewn across and protruding from ground surfaces to remove the aesthetic impacts to the Foreshore. In particular, wastes and general refuse that has washed up from Georges River accumulating within low lying swampy areas.

#### Acoustic Environment<sup>5</sup>

The noise modelling identified areas where the external noise goals were not met. Therefore, the affected areas of residential dwellings are to be designed to meet the relevant internal noise criteria.

The following provides in-principle noise control recommendations to reduce road traffic noise intrusion for residential premises. The recommendations are based on a number of assumptions relating to the built form. The advice provided here is in respect of acoustics only. Supplementary professional advice should be sought in respect of fire ratings, structural design, buildability, fitness for purpose and the like.

Dwellings constructed in road traffic noise affected areas can be designed so that their layouts minimise noise in living and sleeping areas. Less sensitive rooms (such as kitchens, laundries and bathrooms) are recommended to be placed on the side of the building fronting the nearest noise source (being the road).

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<sup>5</sup> Renzo Tonin & Associates Milperra Riverlands Masterplan DA Acoustic Assessment 2020 p11

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The acoustic requirements for windows and doors have been provided on an RW basis so as to allow flexibility with the developer and variations in design due to other design requirements such as thermal performance. The RW rating sets the basis of the recommended acoustic performance and the constructions are provided for guidance only. The acoustic performance of specific building components should be confirmed by manufactures or suitably qualified professional prior to installation.

Unless otherwise specified, the base building envelope of dwellings is considered to be of standard constructions which are assumed to consist of the following:

- Walls of brick veneer construction, double brick, or light weight clad construction which could consist of fibre-cement cladding on the outside of timber stud walls and internal plasterboard lining. All walls are assumed to have minimum R1.5 insulation in the cavity. It is noted that both brick veneer and cavity double brick construction are of significantly higher acoustic performance than light weight cladding systems. In higher road traffic noise areas, there may be a requirement to upgrade light weight systems. These instances will be noted in the acoustic recommendations.
- Roof to be pitched, with concrete or terracotta tile or sheet metal roof with sarking, R3.0 insulation in the roof space (combination of below roof and above ceiling), and one layer of 10mm thick standard plasterboard fixed to ceiling joists.
- External doors to be solid core timber or glazed, fitted with acoustic seals around the perimeter. Pivot style doors are not recommended as full perimeter acoustic seals are not readily incorporated. The performance of any external doors should have the same acoustic performance as that required for general glazing.
- Acoustically rated fences on the boundary of the lots should be considered if appropriate. Acoustically rated boundary fences are also recommended 'between' dwellings.



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#### Acid Sulfate Soil Environment<sup>6</sup>

The soil profile of the areas in lower lying areas on the site and in close vicinity to the river were found to be marine deposited, and therefore pose a threat of actual and potential acid sulfate soils.

The NSW Natural Resource Atlas Acid Sulfate Soil Map indicates that areas of the site range between Class 2 - Works below the ground surface, Class 3 – Work 1m below the ground surface and Class 5 – Works within 500m to Classes 1 – 4. The boundary of Class 2 and Class 5 has been set based on site elevation alone, making a site-specific assessment of acid sulfate soils necessary to determine if the boundary is correct and determine accurately the risk posed by any excavation or construction within the site.

Based on the findings of the detailed, intrusive soil investigation undertaken as part of the ASSI, SESL concluded the following:

- From the results obtained in this ASSI, the soil encountered in the region of the proposed rezoning for residential development purposes shows no indication of the presence of acid sulfate soils. This refers to the areas intended for residential lots.
- The occurrence of acid sulfate soils is to the west of the boundary of proposed residential rezoning (the proposed residential lots) and will not require consideration for ongoing works in the residential area. No acid sulfate soil management plans will be required during construction in this residential zone (the residential lots), unless work extends to the west of the proposed rezoning boundary for utility infrastructure placement (as are proposed in the detailed design drawings provided by the client).
- It is the recommendation of SESL that an Acid Sulfate Soil Management Plan (ASSMP) be developed for the region to the west of the proposed residential rezoning, in the event

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<sup>6</sup> SESL Australia Acid Sulfate Soil Management Plan 2019 p8

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that intrusive works are scheduled at a later date. The information gathered by the ASSI is sufficient for the ASSMP to be developed.

#### Aboriginal Heritage Environment<sup>7</sup>

In May 2012, Archaeological & Heritage Management Solutions (AHMS) completed an Aboriginal Heritage Study of an area which encompasses the study area, to support a planning proposal to rezone the project area from rural and open space to a Residential (2A) zone. AHMS identified an area of moderate-high archaeological sensitivity in the southeast portion of the project area (the study area) and recommended that archaeological test excavations be completed to identify any subsurface Aboriginal objects.

In January 2020, Comber Consultants completed an additional Aboriginal Archaeological Assessment of the Riverlands Golf Course on behalf of the proponent. The assessment confirmed the findings of AHMS (2012) and identified an area of moderate-high archaeological sensitivity within the study area. Comber 2020 recommended that test excavations be completed in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (Department of Environment, Climate Change & Water [DECCW] 2010a) (Code of Practice).

Subsequently, Artefact Heritage Services Pty Ltd (Artefact Heritage) was engaged by the Proponent to prepare a test excavation methodology (Artefact Heritage 2020a) for the area of moderate-high archaeological sensitivity. During preparation of the test excavation methodology, the area of moderate-high archaeological sensitivity was registered on the Aboriginal Heritage Information Management Systems (AHIMS) database as a Potential Archaeological Deposit (PAD). The area of moderate-high archaeological sensitivity is registered on the AHIMS site register as the Riverlands Golf Course PAD (AHIMS ID 45-5-5286).

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<sup>7</sup> Artefact Riverlands Milperra Aboriginal Archaeological Assessment 2021 pii

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A test excavation program was completed within the Riverlands Golf Course PAD (AHIMS ID 45-5- 5286) in March 2020. The results of the excavation program were documented in an Archaeological Test Excavation Report (ATER) prepared by Artefact Heritage (2020b). The ATER found one Aboriginal site, RGC2020-AS01 (AHIMS ID 45-5-5334), which was considered to be of low scientific significance. The ATER recommended that an Aboriginal Cultural Heritage Assessment Report (ACHAR) be completed to support an application for an Aboriginal Heritage Impact Permit (AHIP) that would authorise impacts to RGC2020-AS01 (AHIMS ID 45-5-5334) through the proposed works. It was also recommended that recommendations for the long-term management of the RGC2020-AS01 (AHIMS ID 45-5-5334) be included in ACHAR in consultation with the RAPs.

- A study area based AHIP should be sought to authorise impacts to RGC2020-AS01 (AHIMS ID 45-5-5334)
- No works that impact the ground surface should be undertaken within the established site extent of RGC2020-AS01 (AHIMS ID 45-5-5334) until an approved AHIP has been issued.
- This ACHAR and appendices should be submitted to NSW Heritage, DPC to support the AHIP application.
- No further archaeological investigations will be required.
- The assemblage retrieved from the test excavation should be reburied on site. Reburial should occur within an area which will not be impacted by future ground disturbing works. Reburial should be undertaken in accordance with the Code of Practice and comments received from the RAPs.
- If human skeletal material is identified works should cease and the unexpected finds policy for the project would be implemented. Impacts to human skeletal remains would not be approved under the AHIP.
- The AHIP boundary must be marked on site work plans to ensure that works do not extend outside the approved AHIP area.



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### 3.0 Proposed Amended Development

This section should be read in conjunction with the Proposed Plan of Subdivision prepared by Calibre Consulting.

Amended Development Application No. 1107/2019 seeks consent for:

Re-subdivision of existing 27 lots into 6 lots under Torrens title (no works are proposed under this development application).

The proposal is Integrated Development as defined in section 4.46 of the Environmental Planning and Assessment Act, 1979, because an approval is required in accordance with the Rural Fires Act, 1997.

The proposal includes the following specific works:

- Consolidation of existing 27 lots that currently make up the site identified as the former Riverlands Golf Course site, under Clause 6.11(1) of the Bankstown Local Environmental Plan 2015.
- Subdivision into 6 new lots, to reflect the proposed ongoing stages of development of parts of the Riverlands Golf Course site, as follows:
  - Proposed Lot 1 – Residential Subdivision and Development.
  - Proposed Lot 2 – Separate allotment to the west of Proposed Lot 1, intended to accommodate some stormwater drainage infrastructure associated with development on Proposed lot 1.
  - Proposed Lot 3 – separate lot to west of Proposed Lot 2, no intended development at this time.
  - Proposed Lot 4 – creation of a strip of land 20m wide along the Georges River foreshore.
  - It is proposed to dedicate lot 4 as a public reserve.
  - Proposed Lot 5 – separate lot to the north of the existing site, no indication of any intended future development at this time.

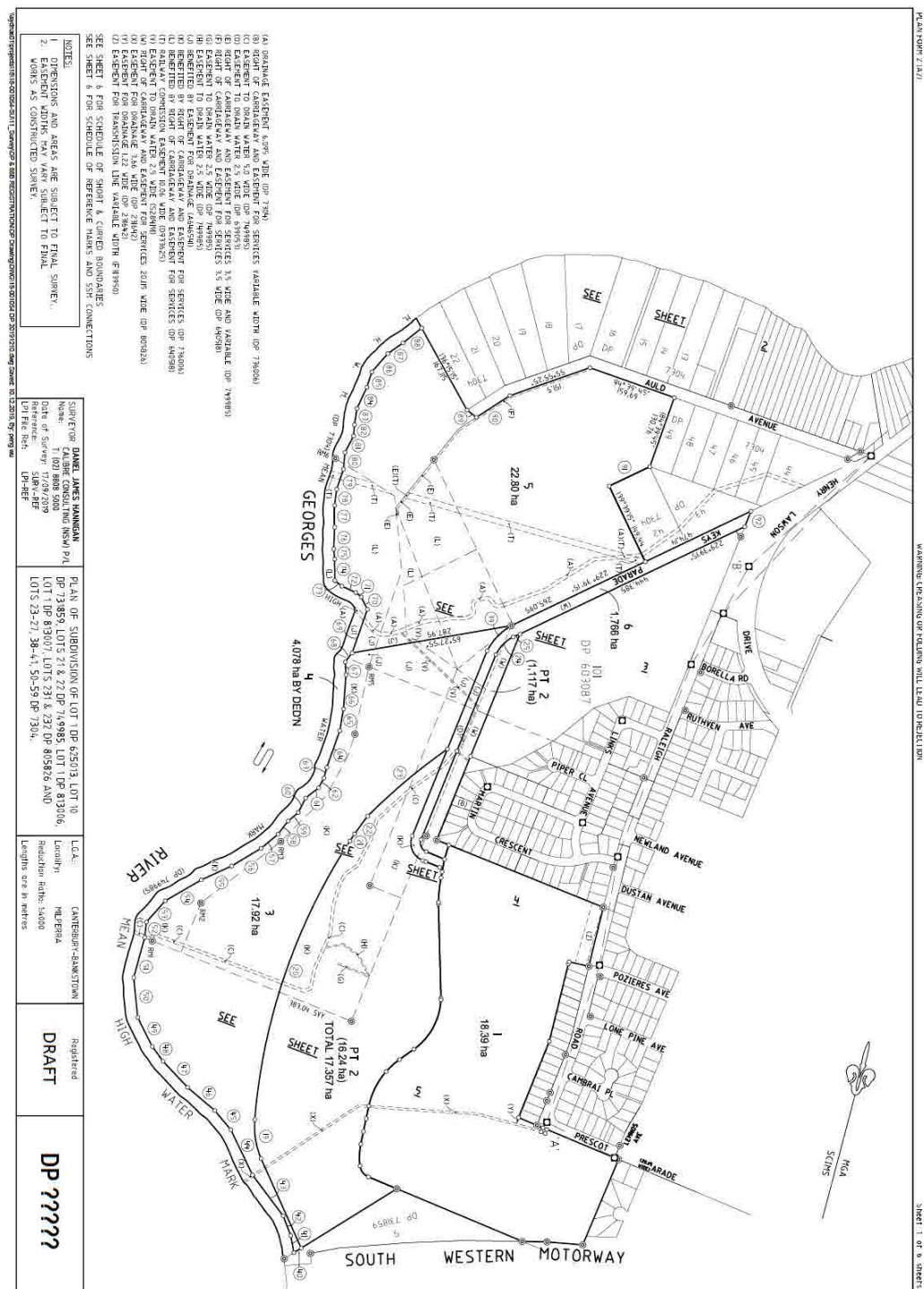
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- Proposed Lot 6 – construction of Keys Pde roadway in a modified alignment.
    - It is proposed to dedicate lot 6 as a public road.
  - No physical works are proposed.
  - The amended development application also includes the following series of existing and proposed easements, rights of way and covenants to facilitate the functionality of the proposed lots.
    - (C1) Easement For Drainage Of Water Variable Width;
    - (D1) Right Of Access Variable Width;
    - (E1) Restriction On The Use Of Land (Var. Width);
    - (F1) Positive Covenant (Var. Width);
    - (C2) Easement For Drainage Of Water Variable Width;
    - (D2) Right Of Access Variable Width;
    - (E2) Restriction On The Use Of Land ( Var. Width);
    - (F2) Positive Covenant (Var. Width);
    - (C3) Easement For Drainage Of Water Variable Width;
    - (D3) Right Of Access Variable Width;
    - (E3) Restriction On The Use Of Land (Var. Width);
    - (F3) Positive Covenant (Var. Width);
    - (G) Easement For Drainage Of Water 5 Wide;
    - (M) Easement For Drainage Of Water Variable Width;
    - (N) Right Of Access Variable Width;
    - (O1) Easement For Drainage Of Water 3.66 Wide;
    - (O2) Easement For Drainage Of Water 6 Wide;
    - (O3) Easement For Drainage Of Water Variable Width;
    - (A) Drainage Easement 6.095 Wide (DP 7304);
    - (A1) Easement For Drainage Of Water 5 Wide;
    - (A2) Easement For Drainage Of Water 8 Wide;
    - (A3) Easement For Drainage Of Water Variable Width;
    - (B) Right Of Carriageway And Easement For Services Variable Width (DP 736006);
    - (B2) Right Of Access 6 Wide And Variable;
    - (C) Easement To Drain Water 5.0 Wide (DP 749985);
    - (D) Easement To Drain Water 2.5 Wide (DP 639053);
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- (E) Right Of Carriageway And Easement For Services 3.5 Wide And Variable (DP 749985);
  - (F) Right Of Carriageway And Easement For Services 3.5 Wide (DP 640518);
  - (I) Easement To Drain Water 2.5 Wide (DP 749985);
  - (H) Easement To Drain Water 2.5 Wide (DP 749985);
  - (J) Benefited By Easement For Drainage (A646541);
  - (K) Benefited By Right Of Carriageway And Easement For Services (DP 736006);
  - (L) Benefited By Right Of Carriageway And Easement For Services (DP 640518);
  - (P1) Positive Covenant (66 Wide & Variable Width);
  - (P2) Positive Covenant (30 Wide & Variable Width);
  - (T) Railway Commission Easement 10.06 Wide (D933625);
  - (U) Easement For Batter 16.5 Wide & Variable Width;
  - (U1) Easement For Access, Maintenance And Support 10, 12 Wide & Variable Width;
  - (V) Easement To Drain Water 2.5 Wide (S284191);
  - (W) Right Of Carriageway And Easement For Services 20.115 Wide (DP 805826);
  - (Y) Easement For Drainage 1.22 Wide (DP 2131642);
  - (Z) Easement For Transmission Line Variable Width (F313950).



### Detail Description

## General Arrangement Plan



Original Development Application Plan of Subdivision



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## 4.0 Planning Controls

The proposed development has been assessed against the relevant requirements and guidelines set by Canterbury Bankstown Council. These are contained within the:

- SEPP Coastal Management 2018
- SEPP 55 – Remediation of Land
- Bankstown Local Environmental Plan 2000
- Bankstown Local Environmental Plan 2015
- Bankstown Development Control Plan – Subdivision 2000
- Bankstown Development Control Plan 2015

### 4.1 SEPP Coastal Management 2018

The SEPP requires consideration to be given to the following matters when an application for development within the are identified on the Coastal Zone Map as partly Coastal Use and partly Wetlands and Littoral Rainforest and Coastal Environment Area.

- 10 Development on certain land within coastal wetlands and littoral rainforests area
- (1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* only with development consent:
- (a) the clearing of native vegetation within the meaning of Part 5A of the *Local Land Services Act 2015*,
- (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the *Fisheries Management Act 1994*,
- (c) the carrying out of any of the following:
- (i) earthworks (including the depositing of material on land),
- (ii) constructing a levee,
- (iii) draining the land,
- (iv) environmental protection works,
- (d) any other development.



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Note.

Clause 17 provides that, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.
- (2) Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.
- (3) Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* may be carried out by or on behalf of a public authority without development consent if the development is identified in:
  - (a) the relevant certified coastal management program, or
  - (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*, or
  - (c) a plan of management approved and in force under Division 6 of Part 5 of the *Crown Lands Act 1989*.
- (4) A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.
- (5) Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the *Biosecurity Act 2015*.
- (6) This clause does not apply to the carrying out of development on land reserved under the *National Parks and Wildlife Act 1974* if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.

11 Development on land in proximity to coastal wetlands or littoral rainforest

Note.

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The *Coastal Wetlands and Littoral Rainforests Area Map* identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

- (1) Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map* unless the consent authority is satisfied that the proposed development will not significantly impact on:
  - (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
  - (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.
- (2) This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the *Coastal Wetlands and Littoral Rainforests Area Map*.

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
  - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - (b) coastal environmental values and natural coastal processes,
  - (c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - (f) Aboriginal cultural heritage, practices and places,
  - (g) the use of the surf zone.

- 
- (2) 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 an adverse impact referred to in subclause (1), or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

*14 Development on land within the coastal use area*

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
    - (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
    - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
    - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
    - (iv) *Aboriginal cultural heritage, practices and places,*
    - (v) *cultural and built environment heritage, and*
  - (b) *is satisfied that:*
    - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
    - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
    - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
  - (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*



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- (2) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

The study area is mapped as a Coastal Wetlands and these are each surrounded by a buffer zone identified as Proximity Areas for Coastal Wetlands.

#### Coastal Environment Area

The management objectives for the Coastal Environment Area are:

- To protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes, and coastal lagoons;
- To enhance natural character, scenic value, biological diversity, and ecosystem integrity;
- To reduce threats to, and improve the resilience of, coastal waters, estuaries, coastal lakes, and coastal lagoons, including in response to climate change;
- To maintain and improve water quality and estuary health;
- To support the social and cultural values of coastal waters, estuaries, coastal lakes, and coastal lagoons;
- To maintain the presence of beaches, dunes, and the natural features of foreshores, taking into account the beach system;
- To maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands, and rock platforms.

The project has been designed to retain and conserve the ecologically sensitive areas of the subject site that includes Georges River and the vegetation within the buffer zone. The project will reduce the current threats of grazing and uses that impact on water quality and riverine health through conservation of the study area and removal of cattle from the property. Further improvements to water quality are predicted to occur through the implementation of an environmentally sensitive urban water design that is incorporated into the stormwater management plan, including the use of bioretention basins to filter runoff that currently flows untreated directly into Georges River. The

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project will improve public access to the Georges River through construction of access to areas of the river banks which are currently inaccessible to the public. Therefore, the project is considered consistent with the management objectives of the Coastal Environment Area.

#### Coastal Wetlands and Littoral Rainforest Area

The management objectives for the Coastal Wetlands and Littoral Rainforests Area are:

- To protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity;
- To promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests;
- To improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration;
- To support the social and cultural values of coastal wetlands and littoral rainforest; and
- To promote the objectives of State policies and programs for wetlands or littoral rainforest management.

No area of coastal wetlands or littoral rainforest occurs within the development footprint. The project has been situated in such a way to avoid impacts to these communities.

The proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The proposed development is of a type, scale and size which is consistent with its context and surrounding subdivision pattern so that it is considered appropriate to its coastal location.

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The proposal does not hinder existing access to the coastal foreshore and is not of a type that lends itself to providing increased access at this point in time. A consideration of the impacts of the proposal demonstrate that there will be no significant impact on the coastal foreshore and that the public domain will not be affected by the proposal.

The proposal is not considered to adversely affect scenic qualities, conservation measures, wildlife corridors, coastal processes or coastal hazards. The proposal is not considered to give rise to any potential conflict with water-based activities or adversely impact on water quality.

It is considered that the proposal is consistent with the requirements of the Policy.

#### 4.2 SEPP 55 – Remediation of Land

The greater site area has been assessed against the requirements of SEPP 55. In relation to land contamination and remediation, Sullivan Sciences Contamination Assessment Report 2021 considered the site's suitability to accommodate future development and analysed the inground conditions.

All of the work for the Contamination Assessment and the Remediation Action plans was undertaken in accordance with the regulatory framework.

SEPP 55 requires that:

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless—

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state



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(or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

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The site has the benefit of detailed site investigations prepared for the purposes of assisting the consent authority to discharge its functions under SEPP 55. These investigations reveal some contamination to be present associated with pesticide and chemical storage associated with the now dormant golf club use and also some landfill waste underneath the area closer to the foreshore. These matters are discussed in significant details in the investigations that accompany these amended development applications. Importantly, the detailed site investigations conclude that the land can be made suitable for its intended uses. The detailed site investigations comprehensively include both the requirement for a preliminary investigation of land required for a change of use as specified in clause 7(2) of SEPP 55 and also the detailed investigation recommends the preparation of a remediation action plan that satisfies the requirements of clause 7(1)(b) and (c) of SEPP 55.

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#### 4.3 Bankstown Local Environmental Plan 2015

The subject site is Zoned RE1 Public Recreation, RE2 Private Recreation and R2 Low Density Residential Zone under Bankstown Local Environmental Plan 2015. The specific objectives of the zones are:

##### *Zone RE1 Public Recreation*

###### *1 Objectives of zone*

- To enable land to be used for public open space or recreational purposes.*
- To provide a range of recreational settings and activities and compatible land uses.*
- To protect and enhance the natural environment for recreational purposes.*

###### *2 Permitted without consent*

*Nil*

###### *3 Permitted with consent*

*Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Intensive plant agriculture; Jetties; Kiosks; Marinas; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures; Water supply systems; Wharf or boating facilities*

##### *Zone RE2 Private Recreation*

###### *1 Objectives of zone*

- 
- *To enable land to be used for private open space or recreational purposes.*
  - *To provide a range of recreational settings and activities and compatible land uses.*
  - *To protect and enhance the natural environment for recreational purposes.*

*2 Permitted without consent*

*Nil*

*3 Permitted with consent*

*Aquaculture; Building identification signs; Business identification signs; Car parks; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Helipads; Kiosks; Marinas; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Roads; Water supply systems*

*4 Prohibited*

*Any development not specified in item 2 or 3*

*Zone R2 Low Density Residential*

*1 Objectives of zone*

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow for certain non-residential development that is compatible with residential uses and does not adversely affect the living environment or amenity of the area.*
- *To allow for the development of low density housing that has regard to local amenity.*
- *To require landscape as a key characteristic in the low density residential environment.*

*2 Permitted without consent*

*Home occupations*

*3 Permitted with consent*



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*Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Hospitals; Information and education facilities; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Tank-based aquaculture; Water recreation structures; Water supply systems*

**4 Prohibited**

*Any development not specified in item 2 or 3*

The proposal as a site amalgamation and procedural subdivision conforming with the zoning boundaries and permissible uses is consistent with the objectives of the zones and it is noted that no work is proposed under this amended development application.

The proposal is assessed under the relevant clauses of this LEP 2015 in the table below.

TABLE 1: Compliance with LEP 2015

<p><b>4.1 Minimum subdivision lot size</b></p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure lots are of sufficient size to accommodate certain development that is consistent with relevant planning provisions without adversely impacting on residential amenity,</p> <p>(b) to ensure the subdivision of low density residential sites reflects and reinforces the predominant subdivision pattern of the area.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p>
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(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(3A) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included when calculating the size of the lot for the purposes of this clause.

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the *Strata Schemes Development Act 2015*, or

(b) by any kind of subdivision under the *Community Land Development Act 1989*.

The proposed development provides for 6 allotments all of which comfortably comply with the minimum lot size.

#### 4.1A Minimum lot sizes and special provisions for dual occupancies

(1) The objectives of this clause are as follows—

(a) to ensure that lot sizes are sufficient to accommodate development that is consistent with the objectives and planning provisions for dual occupancies,

(b) to minimise any likely adverse impact of development on the amenity of the area.

(2) Development consent must not be granted to development for the following purposes—

(a) a dual occupancy (attached) on a lot in Zone R2 Low Density Residential unless the lot has an area of at least 500 square metres and is at least 15 metres wide at the front building line,

(b) a dual occupancy (detached) on a lot in Zone R2 Low Density Residential unless the lot has an area of at least 700 square metres and is at least 20 metres wide at the front building line,

(c) a dual occupancy on a lot being land identified as “Area 2” on the Special Provisions Map.

(3) Despite subclause (2), development consent must not be granted to development for the purpose of a dual occupancy unless the

<p>consent authority is satisfied that each dwelling will have a frontage to a road.</p> <p>(4) The consent authority may grant development consent for the subdivision of—</p> <p>(a) a dual occupancy (attached), if the size of each lot to be created will be at least 250 square metres, or</p> <p>(b) a dual occupancy (detached), if the size of each lot to be created will be at least 350 square metres.</p>
Not applicable. No work is proposed.
<p>4.1AA Minimum subdivision lot size for community title schemes</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure lots are of sufficient size to accommodate certain development that is consistent with relevant planning provisions without adversely impacting on residential amenity.</p> <p>(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the <i>Community Land Development Act 1989</i> of land in any of the following zones—</p> <p>(a) Zone R2 Low Density Residential,</p> <p>but does not apply to a subdivision by the registration of a strata plan.</p> <p>(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the <i>Community Land Development Act 1989</i>) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</p> <p>(4) This clause applies despite clause 4.1.</p>
Not applicable. The procedural subdivision is for Torrens title lots only.
<p>4.3 Height of buildings</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that the height of development is compatible with the character, amenity and landform of the area in which the development will be located,</p>

(b) to maintain the prevailing suburban character and amenity by limiting the height of development to a maximum of two storeys in Zone R2 Low Density Residential,

(c) to provide appropriate height transitions between development, particularly at zone boundaries,

(d) to define focal points by way of nominating greater building heights in certain locations.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

(2A) Despite subclause (2)—

(a) for land in Zone B2 Local Centre—if a lot is in “Area 1” as identified on the Height of Buildings Map and has a width of less than 20 metres at the road frontage, the maximum building height is 17 metres, and

(b) for land in Zone B6 Enterprise Corridor—if a lot is in “Area 2” as identified on the Height of Buildings Map and has an area less than 5,000 square metres, the maximum building height is 11 metres.

(2B) Despite subclause (2), the following restrictions apply to development on land in Zone R2 Low Density Residential—

(a) for a secondary dwelling that is separate from the principal dwelling—the maximum building height is 6 metres and the maximum wall height is 3 metres,

(b) for a dwelling house or a dual occupancy—the maximum wall height is 7 metres,

(c) for boarding houses—

(i) the maximum building height for a dwelling facing a road is 9 metres and the maximum wall height is 7 metres, and

(ii) the maximum building height for all other dwellings at the rear of the lot is 6 metres and the maximum wall height is 3 metres.

(2C) In this clause, *wall height* means the vertical distance between ground level (existing) and the underside of the eaves at the wall line or the top of the parapet or the flat roof (whichever is the highest).

Not applicable subdivision only.

#### 4.4 Floor space ratio

(1) The objectives of this clause are as follows—



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- (a) to establish the bulk and maximum density of development consistent with the capacity and character of the locality of a development site,
- (b) to ensure the bulk of non-residential development in or adjoining a residential zone is compatible with the prevailing suburban character and amenity of the residential zone,
- (c) to encourage lot consolidations in commercial centres to facilitate higher quality built form and urban design outcomes.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), the maximum floor space ratio for non-residential development on land in Zone R2 Low Density Residential is 0.4:1.
- (2B) Despite subclause (2), the maximum floor space ratio for development for the purpose of high technology industries on land in Zone R2 Low Density Residential and identified as “Area 6” on the Floor Space Ratio Map is 0.6:1.
- (2C) Despite subclause (2), the maximum floor space ratio for development on land in Zone B2 Local Centre—
- (a) that has a width of less than 20 metres at the front building line and is identified as “Area 1” on the Floor Space Ratio Map is 1:1, and
- (b) that has a width of less than 18 metres at the front building line and is identified as “Area 7” on the Floor Space Ratio Map is 2:1.
- (2D) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that has a width of less than 30 metres at the front building line and is identified as “Area 4” on the Floor Space Ratio Map is 2:1.
- (2E) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that has a width of less than 18 metres at the front building line and is identified as “Area 2” on the Floor Space Ratio Map is 1:1.
- (2F) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that has a width of less than 18 metres at the front building line and is identified as “Area 3” on the Floor Space Ratio Map is 2:1.
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(2G) Despite subclause (2), the maximum floor space ratio for development on land in Zone B4 Mixed Use that does not provide at least a 20 metre wide mid-block connection for public use and is identified as “Area 5” on the Floor Space Ratio Map is 2:1.

Not applicable subdivision only.

#### 5.10 Heritage conservation

Note—

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Bankstown,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent Development consent is required for any of the following—

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

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- (d) disturbing or excavating an Aboriginal place of heritage significance,
  - (e) erecting a building on land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
  - (f) subdividing land—
    - (i) on which a heritage item is located or that is within a heritage conservation area, or
    - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) When consent not required However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
    - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
    - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
  - (b) the development is in a cemetery or burial ground and the proposed development—
    - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
    - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
  - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
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(d) the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development—

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

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 or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies)—

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—



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(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

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Not applicable as no works are proposed.

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if—

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(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power)—

(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if—

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable

Not applicable as no works are proposed.

## 6.2 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless—

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(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

(a) the likely disruption of, or any 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 or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

(f) the likelihood of disturbing relics,

(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The *National Parks and Wildlife Act 1974*, particularly section 86, deals with harming Aboriginal objects

Not applicable as no works are proposed.

### 6.3 Flood planning

(1) The objectives of this clause are as follows—

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,



(c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—

- (a) is compatible with the flood hazard of the land, and
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the *FloodPlain Development Manual* (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause—  
*flood planning level* means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Not applicable as no works are proposed.

#### 6.4 Biodiversity

(1) The objective of this clause is to maintain terrestrial and aquatic biodiversity by—

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

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- (2) This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.
- (3) 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—
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and
  - (b) any appropriate measures proposed 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 any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minim

Not applicable as no works are proposed.

#### 6.4A Riparian land and watercourses

- (1) The objective of this clause is to protect and maintain the following—
- (a) water quality within watercourses,
  - (b) the stability of the bed and banks of watercourses,
  - (c) aquatic and riparian habitats,
  - (d) ecological processes within watercourses and riparian areas.
- (2) This clause applies to all of the following—

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- (a) land identified as “Riparian land” on the Riparian Lands and Watercourses Map,
- (b) land identified as “Watercourse” on that map.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—
- (a) whether or not the development is likely to have any adverse impact on the following—
- (i) the water quality and flows within the watercourse,
- (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,
- (iii) the stability of the bed and banks of the watercourse,
- (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
- (v) any future rehabilitation of the watercourse and riparian areas, and
- (b) whether or not the development is likely to increase water extraction from the watercourse, and
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted for 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 any significant adverse environmental impact, or
- (b) if that impact cannot be avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact

Not applicable as no works are proposed.

#### 6.5 Limited development on foreshore area

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

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(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
- (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).

(3) Development consent must not be granted under this clause unless the consent authority is satisfied that—

- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
- (c) the development will not cause environmental harm such as—
  - (i) pollution or siltation of the waterway, or
  - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or
  - (iii) an adverse effect on drainage patterns, and
- (d) the development will not cause congestion or generate conflict between people using open space areas or the waterway, and
- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area—the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
- (h) sea level rise or change of flooding patterns as a result of climate change has been considered

Not applicable as no works are proposed.



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6.11 Development on Riverlands Golf Course site

(1) This clause applies to the following land at Milperra (known as the Riverlands Golf Course site)—

(a) Lots 23–27, 38–41 and 50–59, DP 7304, Lots 21 and 22, DP 749985, Lots 231 and 232, DP 805826 and Lot 1, DP 813007, being 67, 67A, 80, 80A, 90 and 100 Auld Avenue,

(b) Lot 1, DP 625013 and Lot 1, DP 813006, being 123 and 123A Raleigh Road,

(c) Lot 10, DP 731859, being 56 Prescott Parade, Milperra.

(2) The objectives of this clause are as follows—

(a) to ensure that development on the site reflects the low density residential character of the surrounding area,

(b) to ensure that traffic generated by development of the site does not adversely affect the efficiency and safety of Henry Lawson Drive and surrounding local roads,

(c) to ensure that development protects and conserves the cultural heritage, ecological and habitat values of the site and the scenic values of the surrounding waterways and riparian corridors,

(d) to ensure that development integrates with the landform, vegetation, overland flow path and landscape of the site.

(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied of the following—

(a) that the development is consistent with the low density residential scale and character of the surrounding area,

(b) that the development will not significantly impact on the efficiency and safety of the surrounding road network,

(c) that the development of the site integrates with the road, pedestrian and cycle networks of the surrounding established Milperra neighbourhood area,

(d) that the development, including any lots created by the development, will be compatible with the topography of the site and integrate with the landform, vegetation and landscape of the site,

(e) that the development is appropriate given the environmental capabilities of, and environmental constraints that affect, the site

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(including, but not limited to, flood risks, land contamination, acid sulfate soils and bushfire risks),

(f) that the development will protect the cultural heritage values of the site and the scenic values of the surrounding waterways and riparian and biodiversity corridors,

(g) that the development will protect and conserve the ecological communities and areas on the site,

(h) that adequate provision has been made for protecting and conserving hollow bearing trees on the site,

(i) that any adverse impacts of stormwater on the site, or caused by stormwater runoff on adjoining properties, native vegetation, wetlands or waterways, are properly managed or mitigated,

(j) that any lot created by the development will be compatible with the stormwater management measures on the site

The proposal as a site amalgamation and procedural subdivision conforming with the zoning boundaries and it is noted that no work is proposed under this amended development application.

The considerations under 6.11(3) (a) – (c) relate to development works and no works are proposed.

(d) The development, which reduces the existing 27 lots to 6 lots, will be compatible with the topography of the site and integrate with the landform, vegetation and landscape of the site and the lots are consistent with the various uses and zonings of the site and respond to the environmental and arboricultural research.

(e) The development is appropriate given the environmental capabilities of, and environmental constraints that affect, the site (including, but not limited to, flood risks, land contamination, acid sulfate soils and bushfire risks), where these matters are addressed in the individual amended development applications for the nominated uses where the subject application proposes no work.

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- (f) The development is for subdivision only and will protect the cultural heritage values of the site and the scenic values of the surrounding waterways and riparian and biodiversity corridors proposing no works and no change.
- (g) The development is for subdivision only and will protect and conserve the ecological communities and areas on the site proposing no works and no change.
- (h) The development is for subdivision only and no trees are removed so that adequate provision has been made for protecting and conserving hollow bearing trees on the site.
- (i) The development is for subdivision only and any adverse impacts of stormwater on the site, or caused by stormwater runoff on adjoining properties, native vegetation, wetlands or waterways, are properly managed or mitigated through the creation of the proposed easements, rights of way and covenants included with the proposed subdivision.
- (j) The proposed lots to be created by the development will be compatible with the stormwater management measures on the site through the creation of the proposed easements, rights of way and covenants included with the proposed subdivision.
- It is considered that these provisions are satisfied by the amended development application.

It can be seen from the table that the proposal either complies with the relevant provisions of the LEP or the objectives of those provisions, where relevant.

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#### 4.4 Bankstown Development Control Plan 2015

The proposed development is assessed under the relevant controls of DCP 2015 as follows:

##### Bankstown DCP 2015

Part A – Precinct Controls
Part A3 – Key Infill Development Sites
Section 6 Riverlands Golf Course Site
Subdivision
6.1 Development that proposes the subdivision of land must submit a concept subdivision plan, landscape plan and detailed tree survey to the satisfaction of Council. These plans must be prepared by suitably qualified persons in the field of town planning, architecture and landscape architecture.
The proposal is only the procedural subdivision so that these provisions are not considered to apply until the detailed subdivision of the land for residential use.
6.2 The intended outcomes of the concept subdivision plan, landscape plan and detailed tree survey are: (a) to identify the overall strategic vision and guiding principles to the subdivision and development of the site; (b) to demonstrate the opportunities and constraints of the site; (c) to contribute to the sustainable growth of the city; and (d) to respond and contribute to the local context and the urban structure of the city.
The proposal is only the procedural subdivision so that these provisions are not considered to apply until the detailed subdivision of the land for residential use.
6.3 The concept subdivision plan, landscape plan and detailed tree survey must consist of a written statement (supported by plans or illustrations) explaining how the design and layout of the streets, lots and subsequent development on the site have regard to the following:



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(a) Design principles

The design and layout of the streets, lots and subsequent development must have regard to the design principles drawn from the site analysis and local context including:

- (i) Context and character studies.
- (ii) Visual assessment of the site and the local context.
- (iii) Survey of the site and neighbouring buildings.
- (iv) Survey of the topography, stormwater and drainage systems, trees, vegetation and landscape.

(b) The studies which informed the planning proposal

The design and layout of the streets, lots and subsequent development are to conform to the studies and their recommendations which informed the planning proposal

(PP\_2011\_BANKS\_001) for the site including:

- (i) The 'Flora Assessment: Updated Study of the approximately 82 ha site of the Riverlands Golf Course site at Milperra', dated 23 January 2012, prepared by Anne Clements and Associates.
- (ii) The 'Fauna Habitat & Species Constraints to Potential Redevelopment of the Riverlands Golf Course, Milperra', dated 22 January 2012, prepared by Ambrose Ecological Services.
- (iii) The 'Fauna Investigation and Tree Retention Advice', dated June 2015, prepared by NGH Environmental.
- (iv) The 'Riverlands Flood Study and Evacuation Plan', dated April 2012, prepared by BMT WBM.
- (v) The 'Bushfire Assessment', dated 30 April 2012, prepared by Eco Logical Australia.
- (vi) The 'Aboriginal Heritage Study', dated May 2012, prepared by Archaeological & Heritage Management Solutions.

This includes the need for subdivision development to undertake additional archaeological investigations in accordance with relevant statutory requirements and guidelines.

- (vii) The 'Phase 2 Environmental Site Assessment–Riverlands

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Environmental Site Assessment', dated July 2015, prepared by Environmental Strategies.

(viii) The 'Acid Sulfate Soil Preliminary Site Investigation', dated December 2011, prepared by Sydney Environmental & Soil Laboratory.

(ix) The 'River Bank Stabilisation Study', dated April 2014, prepared by National Project Consultants.

(x) The Riverlands Golf Course voluntary planning agreement and corresponding vegetation management plan

(c) Sustainability and energy efficiency outcomes

The design and layout of the streets, lots and subsequent development must have regard to the sustainability and energy efficiency outcomes through design including:

(i) The integration of the streets and development with the topography, stormwater, biodiversity and riparian corridors, native vegetation and hollow bearing trees, and landscape of the site.

(ii) Lot orientation. In assessing proposals for residential subdivisions, Council places major emphasis on the ease with which future dwellings with good solar access can be erected on the proposed lots. In general, this condition is best fulfilled when the side boundaries of the majority of the lots are on or near a north–south axis; however, there may be other solutions. It is important to strive for a future residential area in which the great majority of dwellings can achieve good solar access.

(iii) The provision of deep soil zones and landscaping.

(iv) Passive surveillance.

(d) Built form and character

The design and layout of the streets, lots and subsequent development must:

(i) Provide for mostly dwelling houses or a balanced mix of dwelling houses and dual occupancies on the site that is compatible with the character, amenity and built form of the established Milperra neighbourhood area.

(ii) Provide for a variety of lot widths other than 15 metres to

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encourage a diversity of house and dual occupancy designs.

(e) Traffic and access

The design and layout of the streets, lots and subsequent development must have regard to traffic and access including:

(i) The links between the site and the surrounding pedestrian, cycle, public transport and road access and circulation networks.

This includes details of the internal and external movement networks, the public transport access routes, the pedestrian and cycle paths, linkages to external networks and pedestrian through-site links. The internal street network should avoid cul-de-sac roads.

(ii) The links to the road access to the site being Keys Parade, Pozieres Avenue and Prescott Parade. Road access is not to be provided through Martin Crescent.

(iii) The pedestrian / cycle link between the site and the public open space on the foreshore.

(iv) The evacuation routes for residents during flooding.

(f) Infrastructure and stormwater management

The design and layout of the streets, lots and subsequent development must have regard to infrastructure and stormwater management including:

(i) The works to be undertaken in accordance with the Riverlands Golf Course voluntary planning agreement and corresponding vegetation management plan.

(ii) The minimum 17 metre road width for public roads. This comprises a 10 metre wide carriageway and a 3.5 metre wide footpath on each side of the carriageway.

(iii) Access for Council's waste trucks and emergency vehicles.

(iv) The integration of the streets and development with the overland flow paths shown in Figure 2.

(v) The incorporation of water sensitive urban design principles in the street and development design to attenuate runoff and promote water quality. Consideration may be

<p>given to treating stormwater runoff from the site by establishing wetlands, or installing bioswales or bio-retention basins prior to surface discharge.</p> <p>(vi) The siting of the electricity power lines and telecommunication lines underground in accordance with the bushfire assessment, and urban design and streetscape guidelines.</p>
<p>The proposal is only the procedural subdivision so that these provisions are not considered to apply until the detailed subdivision of the land for residential use.</p>
<p>Development – general requirements</p> <p>6.4 In deciding whether to grant development consent, Council must be satisfied that development on the site conforms to the concept subdivision plan, landscape plan and detailed tree survey approved by Council.</p>
<p>The proposal is only the procedural subdivision so that these provisions are not considered to apply until the detailed subdivision of the land for residential use.</p>
<p>6.5 Development on the site must provide for mostly dwelling houses on the site, or a balanced mix of dwelling houses and dual occupancies on the site that is compatible with the character, amenity and built form of the established Milperra neighbourhood area.</p>
<p>Not applicable as no works are proposed.</p>
<p>6.6 Development on the site must locate the electricity power lines and telecommunication lines underground.</p>
<p>Not applicable as no works are proposed.</p>
<p>6.7 Development on the site must submit an Environmental Management Plan detailing the extent to which the development will impact on the site during construction in accordance with the flora and fauna studies which informed the planning proposal</p>



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(PP\_2011\_BANKS\_001) for the site and the Bankstown Demolition and Construction Guidelines.

Not applicable as no works are proposed.

Biodiversity protection

6.8 In deciding whether to grant development consent, Council must be satisfied that development on the site conforms to the studies which informed the planning proposal (PP\_2011\_BANKS\_001) for the site including:

- (a) The 'Flora Assessment: Updated Study of the approximately 82 ha site of the Riverlands Golf Course site at Milperra', dated 23 January 2012, prepared by Anne Clements and Associates.
- (b) The 'Fauna Habitat & Species Constraints to Potential Redevelopment of the Riverlands Golf Course, Milperra', dated 22 January 2012, prepared by Ambrose Ecological Services.
- (c) The 'Fauna Investigation and Tree Retention Advice', dated June 2015, prepared by NGH Environmental.
- (d) The Riverlands Golf Course voluntary planning agreement and corresponding vegetation management plan.

Not applicable as no works are proposed.

6.9 Development on the site must protect the hollow bearing trees shown in Figure 3 in accordance with the 'Fauna Investigation and Tree Retention Advice', dated June 2015, prepared by NGH Environmental. In deciding whether to grant development consent, Council must be satisfied that the development is designed, and will be sited and managed, to avoid any potentially adverse environmental impact or, if a potentially adverse environmental impact cannot be avoided:

- (a) the development minimises disturbance and adverse impacts on the native vegetation and habitat; and
- (b) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors; and

<p>(c) measures have been considered to achieve no net loss of significant native vegetation or habitat.</p> <p>In this clause, biodiversity corridor means an area that facilitates the connection and maintenance of native fauna and flora habitats and, within the urban landscape, includes areas that may be broken by roads and other urban elements and may include remnant trees and associated native and exotic vegetation.</p>
<p>Not applicable as no works are proposed and no trees are removed under this amended development application.</p>
<p>Stormwater and water sensitive urban design</p> <p>6.10 Development on the site must submit a Water Management Plan that provides the following details:</p> <ul style="list-style-type: none"> <li>(i) the stormwater management methods during construction and post construction; and</li> <li>(ii) how the water sensitive urban design methods will be used to meet the stormwater reduction targets set out in the Botany Bay and Catchment Water Quality Improvement Plan for greenfield development / large redevelopment.</li> </ul>
<p>Not applicable as no works are proposed.</p>
<p>6.11 In deciding whether to grant development consent to development on the site, Council must be satisfied that:</p> <ul style="list-style-type: none"> <li>(a) water sensitive urban design principles are incorporated into the design of the development; and</li> <li>(b) riparian, stormwater and flooding measures are integrated; and</li> <li>(c) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems; and</li> <li>(d) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.</li> </ul> <p>For the purposes of this clause, the water sensitive urban design</p>

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principles are:

- (i) protection and enhancement of natural waterways;
- (ii) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments;
- (iii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes;
- (iv) integration of stormwater management systems into the landscape in a manner that provides multiple benefits, including water quality protection, stormwater retention and detention, biodiversity / habitat provision, public open space, and recreational and visual amenity;
- (v) retention, where practical, of on-site stormwater for use as an alternative supply to mains water, groundwater or river water;
- (vi) reduce peak flows through storage and infiltration.

Not applicable as no works are proposed.

#### B11 – Tree management order

##### Works Requiring a Permit

2.1 A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.

2.2 Development consent is required to remove any tree:

- (a) located on a property listed as a heritage item in Schedule 5 of Bankstown Local Environmental Plan 2015; or
- (b) located on biodiversity lands listed on the Biodiversity Protection Map under the Bankstown Local Environmental Plan 2015.

Prescribed Trees.

2.3 Part B11 applies to the following trees:

- (a) All trees that are 5.0 metres or more in height; and

- (b) All mangroves, regardless of size; and
- (c) All trees, regardless of size, listed as Vulnerable or Endangered or a component of an Endangered Ecological Community listed under the Biodiversity Conservation Act 2016; and
- (d) All trees, regardless of size, listed under the Environmental Protection and Biodiversity Conservation Act 1999; and
- (e) All trees, regardless of size, located on lands included on the Terrestrial Biodiversity Map under Bankstown Local Environmental Plan 2015; and
- (f) All trees, regardless of size, located on properties listed as a heritage item in Schedule 5 of Bankstown Local Environmental Plan 2015; and
- (g) All trees, regardless of size, located in the foreshore area under the Bankstown Local Environmental Plan 2015.

Not applicable as no works are proposed and no trees are removed under this amended development application.

## B12 – Flood risk management

### 2.2.3 Low flood risk precinct

Low Flood Risk Precinct is defined as all other land within the floodplain (within the extent of the probable maximum flood) but not identified within either the High Flood Risk or the Medium Flood Risk Precinct.

The risk of damages due to flood event in low flood risk precinct is low for most of the land uses.

- (a) The proposed development should not result in any significant increase in risk to human life, or in a significant increase in economic or social costs as a result of flooding.
- (b) The proposal should only be permitted where effective warning time and reliable access is available to an area free of risk from flooding, consistent with any relevant Flood Plan or flood evacuation strategy.



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(c) Development should not significantly increase the potential for damage or risk other properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain.

(d) Motor vehicles are able to be relocated, undamaged, to an area with substantially less risk from flooding, within effective warning time.

(e) Procedures would be in place, if necessary, (such as warning systems, signage or evacuation drills) so that people are aware of the need to evacuate and relocate motor vehicles during a flood and are capable of identifying the appropriate evacuation route.

(f) To minimise the damage to property, including motor vehicles arising from flooding.

(g) Development should not result in significant impacts upon the amenity of an area by way of unacceptable overshadowing of adjoining properties, privacy impacts (e.g. by unsympathetic house-raising) or by being incompatible with the streetscape or character of the locality.

Not applicable as no works are proposed.

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## 5.0 Environmental Planning Assessment

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 as amended specifies the matters which a consent authority must consider when determining a development application.

### 5.1 s.4.15(1)(a)(i) the provision of any Environmental Planning Instrument (EPI)

Consideration of LEP 2015 are discussed under Section 4.

### 5.2 s.4.15(1)(a)(ii) the provision of any draft Environmental Planning Instruments

Not applicable to this application.

### 5.3 s.4.15(1)(a)(iii) any development control plan

Consideration of Development Control Plan 2015 is discussed under Section 4.

### 5.4 s.4.15(1)(a)(iv) any matters prescribed by the regulations

Not applicable to this application.

### 5.5 s.4.15(1)(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

- Context and Setting

The location is characterised by residential development and open space the proposal responds to this context with the proposed 6 lot subdivision.

- Access, Transport and Traffic

No works are proposed.

- Public Domain

- No works are proposed. Lots 4 and 6 are proposed to be

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dedicated for public use.

- Utilities
- No works are proposed.

- Heritage
- No works are proposed.

- Other Land Resources

Not applicable to this application.

- Natural Hazards

A bushfire threat assessment has been undertaken and concludes that the proposed lots could reasonably accommodate the proposed subdivision.

- Technological Hazards

Not applicable to this application.

- Social Impact in the Locality

The proposal is not expected to have an adverse social impact on the locality.

- Economic Impact in the Locality

The proposal will increase the value of the subject site and create local jobs.

- Site Design and Internal Design

The proposal has been designed in keeping with the orientation of the site, and measures have been taken in order to create the best possible outcome within the constraints of the site. Therefore it is considered that the proposal is an appropriate development solution to the use of the site.

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- Cumulative Impacts

The subject allotments are generously sized, shaped and orientated to accommodate future development. It is anticipated that the proposal will have a negligible cumulative effects.

5.6 s.4.15(1)(c) suitability of the site for development

Having regard to the location of the proposal, the site will adequately accommodate the proposed development.

5.7 s.4.15(1)(d) submissions made in accordance with the Act or the Regulations

The Consent authority will need to consider the submissions received in response to the public exhibition of the proposed development.

5.8 s.4.15(1)(e) the public interest

There are no known Federal and/or state Government policy statements and/or strategies other than those discussed in this report that are of relevance to this particular case. We are not aware of any other circumstances that are relevant to the consideration of this development application.

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## 6.0 Conclusion

The proposed development comprises an amended development application to re-subdivide the existing 27 lots into 6 lots under Torrens title (no works are proposed under this development application) at 56 Prescott Parade, Milperra (Lot 10 DP 731859, Lot 1 DP 625013, Lot 1 DP 813006, Lot 1 DP 813007, Lots 231 & 232 DP 805826, Lots 23-27, 38-41 and 50-59 DP 7304).

The overall development of the land at 56 Prescott Parade, Milperra is proposed to be conducted in stages and will ultimately involve the subdivision of land into a Community Title residential subdivision including a 8,480m<sup>2</sup> Southern Reserve (to integrate with the Council owned Cumberland Plain Woodland reserve on Lot 5 DP 731859 south of the subject site), residential lots and 'pocket' park areas with associated infrastructure (roads, drainage basins) within the development footprint. The road infrastructure will comprise a road network within the residential subdivision as well as a primary 'connector' road, known as Keys Parade, that will link the proposed residential area with a main road, Henry Lawson Drive. Other staged works include bank stabilisation works, construction of a shared cycleway/pathway along the Georges River and rehabilitation of riparian corridors in accordance with a Voluntary Planning Agreement. The development is Integrated Development for the purpose of Section 100B of the Rural Fires Act 1997.

A Voluntary Planning Agreement (VPA) was executed as part of the rezoning process. As amended VPA has subsequently been approved by Council since the rezoning. The details of the VPA included a number of commitments for the delivery of road infrastructure, environmental management works, remediation of the site and dedication of land.

The following works were proposed:

- Bank stabilisation works at locations across proposed Lot 4;



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- Construction of connecting road network – Keys Parade, Raleigh Road and Pozieres Avenue;
  - Road infrastructure upgrades - Pozieres Parade improvements, raised junctions, school zone, roundabout, public shared access to public foreshore walkway;
  - Foreshore walkway embellishment – pedestrian/cycleway;
  - Build a pedestrian/cyclist crossing over the northern creek and southern mangroves on the Zone RE1 land;
  - Riparian Corridor along the Foreshore Walk and Zone RE2 land;
  - Riparian Corridor along the Northern Creek;
  - Road infrastructure upgrades - Keys Parade and Henry Lawson Drive intersection;
  - Dedication of land known as proposed Lot 4.

The delivery of the VPA is aligned to the delivery of lots. Given the proposed staging of the construction, certain works will need to be undertaken prior to the release of those stages.

The Keys Parade extension, residential subdivision and Georges River Bank Stabilisation works comprise three separate development applications.

Amended Development Application No. 1107/2019 seeks consent for:

Re-subdivision of existing 27 lots into 6 lots under Torrens title (no works are proposed under this development application).

The proposal is Integrated Development as defined in section 4.46 of the Environmental Planning and Assessment Act, 1979, because an approval is required in accordance with the Rural Fires Act, 1997.

The proposal includes the following specific works:

- Consolidation of existing 27 lots that currently make up the site identified as the former Riverlands Golf Course site, under Clause 6.11(1) of the Bankstown Local Environmental Plan 2015.

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- Subdivision into 6 new lots, to reflect the proposed ongoing stages of development of parts of the Riverlands Golf Course site, as follows:
    - Proposed Lot 1 – Residential Subdivision and Development.
    - Proposed Lot 2 – Separate allotment to the west of Proposed Lot 1, intended to accommodate some stormwater drainage infrastructure associated with development on Proposed lot 1.
    - Proposed Lot 3 – separate lot to west of Proposed Lot 2, no intended development at this time.
    - Proposed Lot 4 – creation of a strip of land 20m wide along the Georges River foreshore.
    - It is proposed to dedicate lot 4 as a public reserve.
    - Proposed Lot 5 – separate lot to the north of the existing site, no indication of any intended future development at this time.
    - Proposed Lot 6 – construction of Keys Pde roadway in a modified alignment.
    - It is proposed to dedicate lot 6 as a public road.
  - No physical works are proposed.
  - The amended development application also includes the following series of existing and proposed easements, rights of way and covenants to facilitate the functionality of the proposed lots:
    - (C1) Easement For Drainage Of Water Variable Width;
    - (D1) Right Of Access Variable Width;
    - (E1) Restriction On The Use Of Land (Var. Width);
    - (F1) Positive Covenant (Var. Width);
    - (C2) Easement For Drainage Of Water Variable Width;
    - (D2) Right Of Access Variable Width;
    - (E2) Restriction On The Use Of Land ( Var. Width);
    - (F2) Positive Covenant (Var. Width);
    - (C3) Easement For Drainage Of Water Variable Width;
    - (D3) Right Of Access Variable Width;
    - (E3) Restriction On The Use Of Land (Var. Width);

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- (F3) Positive Covenant (Var. Width);
  - (G) Easement For Drainage Of Water 5 Wide;
  - (M) Easement For Drainage Of Water Variable Width;
  - (N) Right Of Access Variable Width;
  - (O1) Easement For Drainage Of Water 3.66 Wide;
  - (O2) Easement For Drainage Of Water 6 Wide;
  - (O3) Easement For Drainage Of Water Variable Width;
  - (A) Drainage Easement 6.095 Wide (DP 7304);
  - (A1) Easement For Drainage Of Water 5 Wide;
  - (A2) Easement For Drainage Of Water 8 Wide;
  - (A3) Easement For Drainage Of Water Variable Width;
  - (B) Right Of Carriageway And Easement For Services Variable Width (DP 736006);
  - (B2) Right Of Access 6 Wide And Variable;
  - (C) Easement To Drain Water 5.0 Wide (DP 749985);
  - (D) Easement To Drain Water 2.5 Wide (DP 639053);
  - (E) Right Of Carriageway And Easement For Services 3.5 Wide And Variable (DP 749985);
  - (F) Right Of Carriageway And Easement For Services 3.5 Wide (DP 640518);
  - (I) Easement To Drain Water 2.5 Wide (DP 749985);
  - (H) Easement To Drain Water 2.5 Wide (DP 749985);
  - (J) Benefited By Easement For Drainage (A646541);
  - (K) Benefited By Right Of Carriageway And Easement For Services (DP 736006);
  - (L) Benefited By Right Of Carriageway And Easement For Services (DP 640518);
  - (P1) Positive Covenant (66 Wide & Variable Width);
  - (P2) Positive Covenant (30 Wide & Variable Width);
  - (T) Railway Commission Easement 10.06 Wide (D933625);
  - (U) Easement For Batter 16.5 Wide & Variable Width;
  - (U1) Easement For Access, Maintenance And Support 10, 12 Wide & Variable Width;
  - (V) Easement To Drain Water 2.5 Wide (S284191);
  - (W) Right Of Carriageway And Easement For Services 20.115 Wide (DP 805826);
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- (Y) Easement For Drainage 1.22 Wide (DP 2131642);
  - (Z) Easement For Transmission Line Variable Width (F313950).

The proposal has been designed in accordance with the LEP 2015 and Council's policies and planning instruments and will make a positive contribution to the neighbourhood and broader locality.

The proposal also addresses the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979. It will deliver a suitable and appropriate development and is worthy of approval.

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Amended Statement of Environmental Effects prepared by:

Name: Andrew Darroch of Mersonn Pty Ltd  
Qualification: BA (Enviro. Sc.) Master City and Regional  
Planning Grad. Dip Urban Estate  
Management MPIA, MEPLA, MPCA  
Address: 6/20 Wylde Street, Potts Point

In respect of the following Development Application:

Land to be developed: 56 Prescott Parade, Milperra

Proposed development: Consolidation of 27 Lots and Re-subdivision  
into 6 Lots.

Declaration: I declare that I have prepared this  
Statement and to the best of my  
knowledge:

1. The Statement has been prepared in accordance with clause 4.12 of the EP & A Act and Clause 50 of the EP & A Regulations.
2. The Statement contains all available information that is relevant to the environmental assessment of the development to which this Statement relates, and
3. That the information contained in the Statement is neither false nor misleading.



Signature:

Name: Andrew Darroch

Date: July 2021