

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	28 June 2024
DATE OF PANEL DECISION	28 June 2024
DATE OF PANEL BRIEFING	24 June 2024
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, David Kitto, Blair Briggs, Matt Gould
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 12 June 2024.

MATTER DETERMINED

PPSSWC-354 - Wollondilly - DA/2023/707/1 - Lot: 101 DP:1293737, 195A Fairway Drive Wilton, and Lot: 104 DP: 1293737, 195D Fairway Drive Wilton - Torrens title subdivision comprising 103 residential lots and associated earthworks, utilities and infrastructure works, stormwater drainage works, and street tree planting.

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at briefings and the matters listed at item 8 in Schedule 1.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report. The Panel notes that PPSSWC-301 (Stages 2-3) remains under assessment.

The Council assessment report on the DA concluded that the DA proposal is consistent with State and local legislation and, subject to the proposed consent conditions, is recommended for approval. There were no public submissions.

The Panel accepts the advice contained in the Council's Supplementary Assessment Report in relation to the matters raised in the Record of Deferral dated 7 May 2024 and the considerations under s 4.15 Environmental Planning & Assessment Act, and particularly that:

- a) The development will comply sufficiently with the Neighbourhood Plan, Wilton Growth Area Development Control Plan 2021 (WGA DCP 2021), State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) and Wilton 2040: A Plan for the Wilton Growth Area (The applicable Land Use and Infrastructure Implementation Plan (LUIIP)).
- b) The Panel accepts the Council's consideration of some departures from the strict requirements of the Wilton DCP, given that Stage 4 is practically an extension of Stage 1, which was approved prior to the introduction of the WGA DCP 2021, and the fact that the civil works for Stage 1 are substantially advanced. It is reasonable in those circumstances to maintain consistency with Stage 1

in the implementation of Stage 4. Specifically, the design does not comply with Council's Design and Construction Specifications for WSUD (relying on end-of-line treatment rather than an integrated approach), but Council has appropriately found that to be reasonable in context. Cycle and pedestrian paths provided are reported to have been considered appropriate subject to the conditions.



- c) The issue of bushfire risk has been sufficiently considered with an updated condition of consent arising from the availability of "Cattle Bridge" included in the final version of conditions. The development has been found to be acceptable subject to the imposition of conditions including those recommended by the RFS through its general terms of approval in response to Council's referral including the requirement for the provision of asset protection zones. A temporary APZ (on lot 104) is proposed to be managed as an inner protection area (IPA).
- d) The Stage 1 DA included conditions for vegetation removal and earthworks for Stage 4. Those conditions required remediation of contamination at the site which has been completed and validated.
- e) Issues noted during the Panel's site inspection concerning Engineering Design Specification and compliance with the WGA DCP 2021 have been resolved. A variation to road widths requested due to steepness of site was accepted by Council's engineers, having regard to an appropriate transition from the Stage 1 road hierarchy. The Panel notes the Council's advice that all future road widths moving forward should nonetheless be consistent with WGA DCP 2021 requirements.
- f) Acoustic concerns in relation to the proposed on-ramp have been satisfactorily addressed with the provision of an expert acoustic report which examines those impacts in the context of the existing highway noise which is said will dominate. Acoustic barriers were found not to be required.
- g) Concurrence was provided by TfNSW on 4 December 2023, subject to its general terms of approval which are imposed through the recommended conditions.
- h) A Satisfactory Arrangements Certificate was provided on 3 November 2023.
- i) Concerns about the availability of water supply and sewerage are addressed in the Supplementary Assessment Report and revised conditions requiring connection of water and reticulated sewer prior the issue of a subdivision certificate. A supplementary letter dated 27 June 2024 from Council's Director Shire Futures confirms advice that *"adequate arrangements for public utility infrastructure have been made to make the infrastructure available when it is required at lot registration"*. Representatives of the Applicant have assured the Panel that marketing of the proposed subdivided lots will make full disclosure of the position in relation to any likely delays arising from the provision of sewerage servicing.

CONDITIONS

The development application was approved subject to the conditions in the council Supplementary Assessment Report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli



David Kitto



Blair Briggs



Matt Gould

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-354 - Wollondilly - DA/2023/707/1
2	PROPOSED DEVELOPMENT	Torrens title subdivision comprising 105 residential lots and associated earthworks, utilities and infrastructure works, stormwater drainage works, and street tree planting.
3	STREET ADDRESS	Lot: 101 DP:1293737, 195A Fairway Drive Wilton, and Lot: 104 DP: 1293737, 195D Fairway Drive Wilton
4	APPLICANT/OWNER	Applicant: Landcom Owner: Landcom and Bradcorp
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts- Western Parklands City) 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wilton Growth Area Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 28 February 2024 List any council memo or supplementary report received: 24 May 2024 Written submissions during public exhibition: Nil Supplementary council assessment report: 24 May 2024.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Preliminary Briefing: 25 October 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Matt Gould <u>Council assessment staff</u>: Bridie Riordan, Aimee lee, Corrie Swanepoel <u>Applicant representatives</u>: Emily Hou, Ben Gibbons, Jeff Williams, Steve Martion, Nigel McAndrew, Peter Naidovski, Craig Hood Site inspection: 6 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Matt Gould, Blair Briggs <u>Council assessment staff</u>: Bridie Riordan

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 4 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Matt Gould, Blair Briggs ○ <u>Council assessment staff</u>: Bridie Riordan, Aimee lee, Corrie Swanepoel ○ <u>Applicant representatives</u>: Emily Hou, Ben Gibbons, Jeff Williams, Steve Martion, Nigel McAndrew, Peter Naidovski, Craig Hood • Final briefing to discuss council's recommendation: 8 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Matt Gould, Blair Briggs ○ <u>Council assessment staff</u>: Bridie Riordan, Aimee lee, Corrie Swanepoel ○ <u>Applicant representatives</u>: Emily Hou, Ben Gibbons, Jeff Williams, Steve Martion, Nigel McAndrew, Peter Naidovski, Craig Hood • Final briefing to discuss council's recommendation: 24 June2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), David Kitto, Louise Camenzuli, Matt Gould, Blair Briggs ○ <u>Council assessment staff</u>: Bridie Riordan, Aimee lee, Corrie Swanepoel ○ <u>Applicant representatives</u>: Emily Hou, Jeff Williams
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report.