

DETERMINATION AND STATEMENT OF REASONS

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	21 May 2025
DATE OF PANEL DECISION	21 May 2025
PANEL MEMBERS	Justin Doyle (Chair), David Kitto, Helena Miller, Judy Clark
APOLOGIES	Matt Gould
DECLARATIONS OF INTEREST	Matthew Deeth declared a conflict of interest having taken part in the determination of the local VPA for the development.

Papers circulated electronically on 24 April 2025.

MATTER DETERMINED

PPSSWC-378 – Wollondilly – DA/2023/1020/1 – 15 Janderra Lane, Wilton - Torrens title subdivision to create 362 residential lots, 6 superlots, 2 drainage reserve lots, 1 open space lot, 3 landscaped area lots, earthworks including allotment grading and associated inter-allotment retaining walls, street tree planting, embellishment of a local park, associated civil and stormwater works, delivery of essential services and dedication of roads.

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

An important issue for the assessment of this DA is the requirement under clause 7.1 ‘Public utility infrastructure’ of State Environmental Planning Policy (Precincts—Western Parkland City) 2021 that Council be satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

The assessment report from Council contains a discussion of the present state of arrangements for delivery of the relevant infrastructure, which ultimately concludes that:

“On balance, it is considered that there is reasonable grounds to conclude that adequate arrangements have been made to make the infrastructure available when it is required.”

The development consent notably includes a requirement that a compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994 before a subdivision certificate can issue.

The Council assessment report does point to uncertainty around timeframes due to the complexity of staged expansion systems and allocations of capacity to various developing areas associated with Sydney Water supply and waste infrastructure, it is also reported that (based on the advice of Sydney Water) water supply and sewerage reticulation are anticipated to be available by July 2026, with sewage treatment capacity at the Bingara Treatment plant not available until July 2027.

Noting the anticipated time for carrying out the civil works and construction involved in delivering this proposed Stage of the subdivision, it remains a reasonable approach to allow this development to proceed and the subdivision works stage to commence prior to the delivery of the water and sewer infrastructure.

The Panel accepts the Council's advice in that regard.

An issue with that approach is that purchasers of lots off the plan should be made aware of the anticipated timeframe for the delivery of water and sewer infrastructure, and potential for delay beyond what is presently anticipated. Council should consider mitigating that issue by taking steps to ensure that a notation is included on s 10.7 planning certificates until the water and wastewater infrastructure is available. The notation should highlight that there is no existing drinking water servicing, recycled water servicing, or wastewater servicing available for the land at present, and while the necessary infrastructure is planned to be delivered by Sydney Water, it is not presently possible to connect housing on the land to water and sewerage infrastructure. Potential purchasers might in that way be on notice that there may be significant delays in occupation of housing being possible on the land, and the Panel recommends that this be done.

Notably, issues associated with the bulk earthworks involved in the development were assessed and resolved prior to the approval of the separate bulk earthworks development application (DA/2023/785/1) on 24 April 2025.

The panel determined to approve the application for the reasons outlined in the council assessment report including:

- a) The DA to create 362 new residential lots with superlots to accommodate future medium density housing will make a significant contribution to the high demand for housing in the south west.
- b) 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)).
- c) The Stage 1 DA included conditions for vegetation removal and earthworks for this part of the development. Those conditions required remediation of contamination on the site which has been completed and validated.
- d) The issue of bushfire risk has been sufficiently considered. 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 issued with reference to section 100B of the Rural Fires Act 1997 in response to Council's referral, including the requirement for the provision of asset protection zones (noting the RFS response of 3 January 2025).
- e) WaterNSW assessed the proposal and advised that it will be acceptable in terms of potential impacts on the catchment, and Council's development engineer has assessed that there will be no adverse effects on water quality.
- a) Conditions are recommended in respect to stabilisation of earthworks, sediment basins, stormwater management and environmental management.
- b) Preconstruction fencing and dog containment fencing is proposed to prevent impacts on ecology and koala habitat on adjacent land. Measures proposed in the DA documentation have been assessed to adequately address potential vehicle strike risks.
- c) Impacts on site ecology and contamination issues arising under SEPP (Resilience and Hazards) 2021 were addressed in the approval for site clearing and the approved RAP under the Stage 1 approval process.
- d) TfNSW has concurred to the granting of consent subject to conditions which will be included in the determination following its consideration of the transport assessment and traffic modelling that was undertaken by Jacobs for the cumulative development uplift across the Precinct and associated road network changes.





- e) The Panel accepts Council's advice that (taking into account the matters discussed above) adequate arrangements have been made to make that infrastructure available when it is required.

CONDITIONS

The development application was approved subject to the conditions in the council 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) 	Helena Miller 
David Kitto 	Judy Clark 

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSWC-378 – Wollondilly – DA/2023/1020/1
2	PROPOSED DEVELOPMENT	Torrens title subdivision to create 362 residential lots, 6 superlots, 2 drainage reserve lots, 1 open space lot, 3 landscaped area lots, earthworks including allotment grading and associated inter-allotment retaining walls, street tree planting, embellishment of a local park, associated civil and stormwater works, delivery of essential services and dedication of roads.
3	STREET ADDRESS	15 Janderra Lane, Wilton
4	APPLICANT/OWNER	Applicant: Risland/Country Garden Wilton East Pty Ltd Owner: Country Garden Wilton East Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 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 (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts – Western Parkland City) 2021 – Appendix 7 South East Wilton Precinct Plan Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wilton Growth Area Development Control Plan 2021 Planning agreements: State VPA 2017/8802 – Wilton New Town South East, Draft Council VPA – Letter of Offer dated 26 November 2024. 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: 17 March 2025 Written submissions during public exhibition: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 29 December 2023 <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>: Megan Steele, Stephen Gardiner, Tony Blue (consultant) <u>Applicant representatives</u>: Steven Johnstone, Kevin Zhu, Andre Byczkov, Nigel McAndrew, Peter Naidovski, Mark Cremona Briefing: 12 November 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Justin Doyle (Chair), Helena Miller, David Kitto <u>Council assessment staff</u>: Tony Blue <u>Applicant representatives</u>: Sen Thagavel, Peter Naidovski Briefing: 17 February 2025

		<ul style="list-style-type: none">○ <u>Panel members</u>: Justin Doyle (Chair), Helena Miller, David Kitto, Matt Gould, Matthew Deeth○ <u>Council assessment staff</u>: Tony Blue, Corrie Swanepool○ <u>Applicant representatives</u>: Sen Thagavel, Peter Naidovski
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report