

DATE OF DETERMINATION	2 September 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Mark Grayson, Ally Dench and Alex Stengl
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	Nil

Public meeting held at Wollondilly Shire Council Library, on Monday, 2 September 2019, opened 1.55pm and closed at 6.20pm.

MATTER DEFERRED

2018SSW025 – Wollondilly – DA – DD010.2018.00000339.001 AT 990 Picton Road, Wilton, 1000 Picton Road, Wilton, 5 Janderra Lane, Wilton, 15 Janderra Lane, Wilton (as described in Schedule 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7, the material presented at meetings, and briefings and the matters observed at site inspection listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to defer 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 was satisfied that a subdivision substantially in accordance with the proposal is likely to be an appropriate use of the land having regard to the applicable planning instruments and the present draft of the Wilton Growth Area DCP which is presently on exhibition (and which accordingly cannot be considered to be imminent and certain in its present form) having regard to the following matters:

1. The proposed development will add to the supply and choice of housing within the Wollondilly Shire and the Sydney Western City District by providing a range of residential allotment types within the Wilton Growth Area designated within State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
2. The proposed development adequately satisfies the relevant State Legislation including the Coalmine Subsidence Compensation Act (2017), National Parks and Wildlife Act 1974, Heritage Act 1977, and Rural Fires Act 1997.

3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP (Sydney Region Growth Centres) 2006, SEPP (Infrastructure) 2007, SEPP (Infrastructure) 2007, SEPP 44 (Koala Habitat Protection) and Greater Metropolitan Regional Environmental Plan No20- Hawkesbury -Nepean River.
4. The land is included in a larger precinct that has been rezoned for urban development purposes as part of the Wilton priority growth centre. Residential subdivision of this stage of the Wilton South East Precinct will be consistent with the objectives of the Growth Centres SEPP.
5. A RAP is proposed to remediate contamination of the site to meet the requirements of SEPP 55 (Remediation of Land), and an audit statement has been provided to satisfy the Panel that the land will be made suitable for residential housing applicable Guidelines.
6. Subject to appropriate conditions and resolution of the matters discussed further below, the proposed development is not expected to result in unacceptable adverse impacts on the natural or built environments including the Upper Nepean Conservation Area, Koala Habitat, the Aboriginal Cultural Heritage or the Upper Canal System. In this regard the Panel particularly notes the advice and conditions of consent required by the relevant State agencies.
7. The proposed development, subject to the conditions imposed, is considered to be of acceptable form and scale providing opportunity for housing forms and density consistent with that planned for this element of Wilton Growth Area Precinct. Arrangements have been made for the provision of required State and local service infrastructure through a Voluntary Planning Agreement with the Council and the matters addressed by the Satisfactory Arrangements Certificate.
8. In consideration of conclusions 1-7 above (and subject to resolution of the matters discussed below) the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

While the Panel was generally satisfied that the development would deliver an appropriate planning outcome for the site, it was of the view that consideration of the DA under s.4.15 required the following remaining matters to be resolved before the DA could be finally determined:

9. The Panel noted the advice of Sydney Water conveyed in letters dated 28 March 2019 and 29 August 2019 to the effect that “satisfactory arrangements will be in place to ensure drinking water, wastewater and recycled water services will be provided to the Wilton South East Precinct”. However, the means by which those arrangements will ultimately be implemented remains unresolved. The ultimate design may have impacts on the final form of the development and/or its planning impacts. Further information as to the works proposed should be provided, noting that any associated treatment or recycling plant might possibly be identified as the subject of a further development application.
10. The draft conditions prepared by Council include a long list of correspondence from referral agencies, the recommendations of which are required to be complied with. The

Panel was concerned that the correspondence should be examined carefully to ensure that the recommendations were consistent with the DA and can and should all be adopted in the form described in the correspondence.






11. Clarity is required on the proposed protective fencing to ensure it is suitable to mitigate impacts on koalas, including details of its extension beyond Stage One, long-term maintenance requirements, and community awareness measures.
12. The conditions should ensure that the management plan for protection of the “scar tree” is consistent with the proposed civil works.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submissions made during public exhibition. The following issues were raised:

- Subdivision design, staging and density;
- Context and compatibility of the development with the character of the surrounding area;
- Traffic and transport issues including the potential for additional traffic the development to impact on local intersections;
- Biodiversity and the Natural Environment with particular attention to nearby koala habitat;
- Additional demands that will be placed on community infrastructure and open space;
- Affordable housing;
- Strategic planning issues including whether the DA is premature having regard to progress with arrangements for public infrastructure;
- Risks associated with the gas pipeline;
- Bushfire risk;
- Water management issues;
- Acoustic impacts;
- Community consultation.

Subject to the comments above, the Panel considers that concerns raised by the objectors have been adequately addressed in the assessment.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Mark Grayson	 Ally Dench
 Alex Stengl	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2018SSW025 – Wollondilly – DA – DD010.2018.00000339.001
2	PROPOSED DEVELOPMENT	696 Residential lot Torrens title subdivision and associated works
3	STREET ADDRESS	990 Picton Road, Wilton, 1000 Picton Road, Wilton, 5 Janderra Lane, Wilton, 15 Janderra Lane, Wilton
4	APPLICANT/OWNER	Applicant – Walker Corporation Pty Ltd Owner – Walker Corporation Pty Ltd, Walker Group Holdings Pty Limited and Telstra Corporation Limited
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> ○ Environmental planning instruments: ○ Coal Mine Compensation Act 2017 ○ National Parks and Wildlife Act 1974 ○ Roads Act 1993 ○ Rural Fires Act 1997 ○ Biodiversity Conservation Act 2016 (noting its limited application due to applicable savings provisions)Heritage Act 1977 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 44 – Koala Habitat Protection ○ State Environmental Planning Policy 55 – Remediation of Land ○ Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury – Nepean River ○ Draft environmental planning instruments: Nil ○ Development control plans: ○ Wilton Growth Area Draft Development Control Plan 2019 ○ Western City District Plan ○ Wollondilly Dedication of Land Policy ○ Planning agreements: Wollondilly Planning Agreement Policy ○ Provisions of the Environmental Planning and Assessment Regulation 2000 ○ 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

		<ul style="list-style-type: none"> ○ Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 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: 1 July 2019 ● Written submissions during public exhibition: 10 ● Verbal submissions made at the public meeting: <ul style="list-style-type: none"> ○ In support – Nil ○ In objection – <ul style="list-style-type: none"> ○ Brian Williams on behalf of Wilton Action Group ○ Sue Johns ○ Deborah Wrightson ○ Fiona Bullivant ○ Stewart Bullivant ○ Lucinda Hewitt ○ Sue Gay ○ Natalie Stewart on behalf of the elected Councillors of Wollondilly Shire Council ○ Saul Deane ○ Barry Durman ○ Council assessment officer – Toni Averay, Aimee Lee, Lockland Rogers, Corrie Swanepoel, Jeremy Swan and Mairead Hawes ○ On behalf of the applicant – Nicole Topple, Tim Parker, Paul Hedge, Grahame Aktins, Dr Steve Ward, Katrina Wolfe, Mike Phillips, Daniel Gallagher, Steve Ellis, David Crompton and Emily McGinty.
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Briefing: 4 February 2019 ● Site Inspection – 2 September 2019 ● Final briefing to discuss council’s recommendation, 2 September 2019, 12.30pm. ● Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Bruce McDonald, Mark Grayson, Ally Dench and Alex Stengl ○ <u>Council assessment staff</u>: Toni Averay, Aimee Lee, Lockland Rogers, Corrie Swanepoel, Jeremy Swan and Mairead Hawes
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report