

# Division 5.1 Determination Checklist and Decision Statement

Attention: Alex Wendler

From: Jeff Williams

Date: 28 February 2025

## Recommendation

It is recommended the CEO:

- Note the Determination Checklist (within this document);
- Sign the Decision Statement (within this document);
- Determine the Activity as described in the REF prepared by Peter Naidovski from Design & Planning dated February 2025 subject to the Mitigation Measures at Section 8 of the REF by **signing the Determination on page 7 of the REF;**
- Note the Project Team will publish the determination on the NSW Government's Planning Portal; and
- Note the Project Team will commence the process of notifying stakeholders of the determination.

## Key information

Project Details	
Project	Panorama, North Wilton Temporary Open Space as part of Sales Centre & Demo Home precinct
Property	4, 6, 8 & 10 Harvest Way, Wilton Lots 1119, 1120 & 1121 in DP1289197
Local Government Area	Wollondilly Shire Council
Planning Pathway	The proposal is a "development without consent" under the Transport and Infrastructure SEPP clause 2.73(3)(a). It is on Landcom land and impact on Council's or Utilities companies' infrastructure and traffic will be minimal.
Relevant Development Director	Jeff Williams 0436 636 796 jwilliams@landcom.nsw.gov.au
Independent Development Director	Not applicable [For Housing SEPP Activities only]
Relevant Executive General Manager	Tasha Burrell 0416 167 395 tburrell@landcom.nsw.gov.au
Authorised Individual to determine the proposed Activity	<input checked="" type="checkbox"/> CEO <input type="checkbox"/> CEO delegate, EGM
Landcom's role	<input checked="" type="checkbox"/> Proponent <input checked="" type="checkbox"/> Determining Authority

## Project Location

The project is in stage 1 of the North Wilton “Panorama” project.

### Location of the temporary park in the context of Neighbourhood plan 1





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**Site Plan:**

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**Proposed development – rendered plan**

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## Project Overview

The project seeks to develop a temporary open space within land adjacent to the approved Sales Centre and Sustainable Demonstration Home. The intent of the temporary park is to provide a space where all North Wilton residents can gather, prospective residents can enjoy while they visit the Sales Centre and Demonstration Home, and the broader Wollondilly and NSW community can use to foster community development and social ties.

It will include:

- a play area or “playground”, with a large sail shade
- a kick around area
- a food truck or activation area
- a community garden
- a stage space – to be used by music bands, for moonlight cinema, yoga classes, etc.

Generous landscaping and planting will create a green and lush surrounding to these uses and buffer any possible noise or disturbance to neighbouring lots. The temporary park – like the demo home and the sales centre – will be fenced with rural type fences and gates, completed with hedges. It will be serviced with water, recycled water for irrigation, waterproof general power outlets and 3-phase outlets to support food preparation by occasional food trucks, a bubbler, bike racks, bins. Sun umbrellas, chairs and tables will be available for events and stored in the sales centre garage at other times. The park will be seamlessly connected to the demo home and sales centre car park.

The proposal is on Landcom land and is “development without consent” under the [Transport and Infrastructure SEPP clause 2.73\(3\)\(a\)](#). It is on our land and impact on Council’s or Utilities companies’ infrastructure and traffic will be minimal.

Going beyond consultation requirements – normally restricted to when the proposal has significant impact on Council’s infrastructure or general traffic – we notified Wollondilly Shire Council, met with them, took onboard their verbal feedback, which was supportive. We also liaised with Council’s Community Development officers and noted and included their feedback on bike parking, bins, storage for furniture – advice provided more as a recommendation based on experience than as a requirement.

We have also notified neighbouring lot owners either during the sales process or via a letter, with a comprehensive report outlining the project and the key points relating to the plan of management. No comments or feedback was received. As part of the plan of management we will continue to engage with the temporary park’s direct neighbours to ensure any activity, event, activation, limits its impacts (noise, light, etc.).

The open space will incorporate a children’s play area, informal kick around area and a path network that connects the space to the Sales Centre and Demonstration Home, as well as the broader movement network. The play equipment installation and use is exempt under [subdivision 29 Playground equipment of the State Environmental Planning Policy \(Exempt and Complying Development](#)

Codes) 2008. The play equipment will be certified to comply with the relevant construction codes and Australian standards before use.

The space will also include an area that can accommodate temporary retail (i.e. food trucks, coffee carts, and the like) during community events. The occasional and temporary retail use of this space is exempt under subdivision 27A Mobile food and drink outlets of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The food truck owners and operators will have to demonstrate they have the relevant licences and approvals to operate:

- NSW Food Authority Registration: food truck businesses need to comply with food safety standards.
- Local Council permit for street trading or operating on private land – as required
- Food Safety Supervisor (FSS) Certificate – as required, if handling unpackaged, hazardous food.
- Vehicle Registration (RMS) and Insurance (third-party property damage insurance and public and product liability insurance, each with coverage of at least \$10 million.)
- Health Inspections: food trucks will need to pass a health inspection conducted by the local council's Environmental Health Officers (EHOs).
- Trade Waste Permit: If food truck generates trade waste, need a permit from Sydney Water. Note: food trucks will have their own integrated grease trap in the truck. They will **not** be permitted to use sewer unless they demonstrate that the relevant Sydney Water standards are met before discharging.
- Operational Plan of Management: demonstrating how food trucks will manage food safety, waste disposal, and other operational aspects.

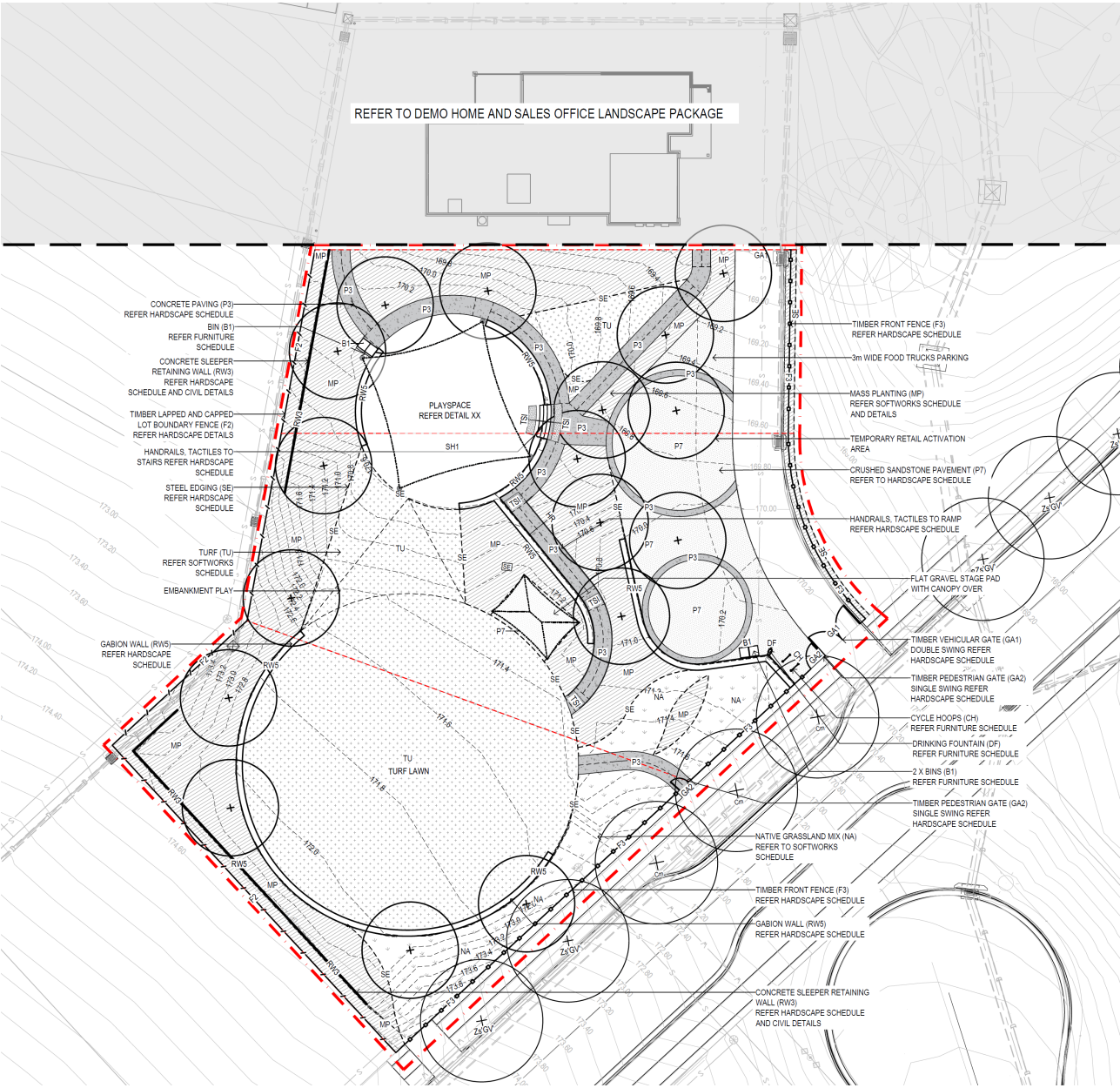
The site will operate as open space in conjunction with the Sales Centre and Demonstration Home for five to ten years. At the end of its useful life for the project either for community development or sales purpose, the site will be remediated to be sold as individual lots. The tall trees and large parts of the landscaping will be planted and located close the boundaries so that they can remain and embellish the lots in the long term, after the temporary park is removed. Much of the landscaping will be preserved to further improve the amenity of the three lots 1119 1120 1121. Ownership of the site during the temporary park will remain under Landcom, with maintenance and management of the site to be the responsibility of Landcom.

The following documentation is attached illustrating the proposed development:

- Open Space Landscape Plan Package (detailed design, ready for procurement)
- Draft Plan of Management
- Bill of Quantities and Quantity Surveyor report



Detailed design extract



Key Dates

Milestone	Target date
Part 1 – Project Summary endorsed by DD, EGM, General Counsel & Head of Compliance	December 2024
Consultation – letters sent to Council and neighbours	November 2024
Review of Environmental Factors – finalised and approved	April 2025
Procurement – variation to TRN contract for civil, earthworks, landscaping	April 2025
Temporary Park delivery phase 1 - earthworks, civil, landscaping	April – June 2025
Temporary Park delivery phase 2 - play equipment, taller trees	June – August 2025

## Consultation Outcomes

Under the consultation requirements of the TI SEPP, clause 2.10

*(1) This section applies to development carried out by or on behalf of a public authority that this Chapter provides may be carried out without consent if, in the opinion of the public authority, the development—*

- (a) will have a substantial impact on stormwater management services provided by a council, or*
- (b) is likely to generate traffic to an extent that will strain the capacity of the road system in a local government area, or*
- (c) involves connection to, and a substantial impact on the capacity of, any part of a sewerage system owned by a council, or*
- (d) involves connection to, and use of a substantial volume of water from, any part of a water supply system owned by a council, or*
- (e) involves the installation of a temporary structure on, or the enclosing of, a public place that is under a council's management or control that is likely to cause a disruption to pedestrian or vehicular traffic that is not minor or inconsequential, or*
- (f) involves excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which a council is the roads authority under the Roads Act 1993 (if the public authority that is carrying out the development, or on whose behalf it is being carried out, is not responsible for the maintenance of the road or footpath).*

*(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies unless the authority or the person has—*

- (a) given written notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located, and*
- (b) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.*

The proposed development will have no significant impact on Council's or Utilities' infrastructure. Landcom nonetheless sent a notification letter to Wollondilly Shire Council with draft plans and a detailed project presentation - like the Part 1 Summary viewed by the project Development Director and the Executive General Manager. We met with the assessment team, took onboard their verbal feedback, which was supportive. We also liaised with Council's Community Development officers and noted and included their feedback on bike parking, bins, storage for furniture. Council's advice was of a general nature and was provided more as a recommendation based on experience than as a requirement. We provided more than 21 days' notice - November to February - and closed this consultation period in the first part of February. We will notified Council of our decision to proceed - pending this approval.

We also notified direct neighbours:

- Lots 1111, 1122, 1125 were already sold and we sent a similar letter to them as the one we sent to Council. No feedback or response were received.
- Lots 1114, 1115, 1116 were not sold and we let future buyers at the November 2024 release know of the plans to develop this temporary park. They reserve their lots knowing this development would go ahead.

We went beyond our consultation requirements and throughout the consultation, no objection or formal submission was received.

## Key Considerations and Risks

It is considered that the risk to the proposal is minimal given it is seeking to establish a temporary use that will benefit the existing, incoming and future community of Panorama.

In developing the concept design for the site, the key considerations included:

- **Access from the Sales Office and Demonstration Home**, including accessible pedestrian connections from the sales centre car park, and ensure a flow and a high quality consistent experience across the four integrated spaces of the car park, the sales centre, the demo home and the temporary park.
- **Site topographical characteristics** – a fall of around 6 meters to the Northeast – which has required the installation of low retaining walls to make the site accessible to all members of the community and customers, provide suitable area to incorporate a children's play area and informal kick-about space. Where possible, retaining walls have been placed in their ultimate location – will be used and maintained for future lot owner and residents, and in all instances will be low (less than a meter high) to be used as seating.
- **Landscape integration with the future embellishment** of the stage 1 open space to the east and the street to the south.
- **Consideration of impact on future residents** to the West and North and South (lots 1111 1112 1113 1114 1122 1125) of the site with high and quality fencing, abundant landscaping, and with a plan of management that will seek to minimise disturbance.
- **Opportunities to encourage community development**, with spaces that can accommodate temporary structures (stage, removable umbrellas, permanent shade) and vehicles (i.e. food trucks); open design to allow various use and programming: yoga classes, moonlight cinema, small community concerts, small food festival, etc. And the inclusion of a permanent community garden.
- **Choice of material and surface to reduce heat island effect**, promote recycling and local resources reuse such as sandstone blocks, and rocks to be included in gabion walls, or timber that have been a byproduct of the earthworks and subdivision works.
- **Shading and shelter** through the installation of large trees that will progressively increase canopy, the ability to install umbrellas and marquees to allow for extended use of the space in hot or stormy weather.
- **Appropriate fencing and installation of gates** to ensure the space can be closed, secured and controlled when needed and create a sense of enclosure and safety for families and children to spend more time in an open yet safe urban space.
- **Appropriate servicing** (water, power) to enable flexible activation and various size of food trucks with power (single and 3 phase) also used for lighting and audio-visual (AV), potable water, and irrigation of trees and landscaping.
- **Use of materials** (sandstone blocks or gabion walls, concrete blocks, play equipment) and assets (trees, plants, chairs, tables, umbrellas) that can be reused, repurposed, and



recycled once the park use of the site ceases – this reduces waste, reduce the carbon footprint of our works and reuse embedded carbon elsewhere in the project.

- **Considering providing public amenities** (two cubicles, hand washing basin and bubbler) in the permanent open space across the road – as part of a separate development application currently with Council – that will delivered shortly after the temporary park. For large event, high quality temporary portable toilets will be hired by the event organisers.

Residual potential risks have been identified in the table below:

Potential Risk	Likelihood Rating	Impact	Residual Risk Ratings	Risk Mitigation Actions
Complaints from future neighbours to the west and southwest during typical daily use	Rare	Minor	Very Low	The landscape design of the open space incorporates a landscaped buffer between the rear and side boundaries of the adjoining lots and the uses within the open space. Buyers of lots 1112 1113 1114 have been notified before buying the lots. The project team with the Comms & Engagement team have notified and discuss with owners of lots 1111 1122 1125.
Complaints from future neighbours to the west and southwest during planned events	Moderate	Minor	Moderate	<ul style="list-style-type: none"> <li>• Notify neighbours in advance of the event.</li> <li>• Hold events during normal daylight hours</li> <li>• Ensure events are appropriately managed and contained within the space specific to the event.</li> </ul> The plan of management includes information about community events that could cause disturbance such as food & music festivals, community concerts, and moonlight cinema. Mitigation measure such as closing/finishing before 9pm.
Safety concerns; unwanted/antisocial behaviours happening after hours	Rare	Moderate	Low	Site enclosed with fences and gates. Street and park lighting. Security and CCTV cameras on site. Valuables and temporary structures locked away. No asset can be easily pulled out or vandalised. Overall site is under Landcom security management.

## Determination Checklist

Mandatory requirements for all Division 5.1 applications	
For proposals that do not include a Housing SEPP Activity, have Steps 1-3, 10-11 and 15 as set out in Landcom's Guidelines for Division 5.1 Assessments been completed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are all relevant environmental reports (REF, SIS, BDAR or other) annexed or links provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> REF <input type="checkbox"/> SIS – not applicable <input type="checkbox"/> BDAR – not applicable
Do the environmental reports conclude the Activity is going to, or is likely to, significantly impact the environment?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If a SIS or BDAR have been prepared, have they been exhibited?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable
Has written notification been given to the following stakeholders, where required?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Adjoining occupants <input checked="" type="checkbox"/> Council <input type="checkbox"/> State Emergency Service <input type="checkbox"/> Biodiversity and Conservation Division <input type="checkbox"/> Transport for NSW <input type="checkbox"/> Director of the Observatory <input type="checkbox"/> Biodiversity and Conservation Division <input type="checkbox"/> Secretary of the Commonwealth Department of Defence <input type="checkbox"/> Mine Subsidence Board <input type="checkbox"/> World Heritage Advisory Committee and Heritage NSW <input type="checkbox"/> Western Parkland City Authority
Have any submissions been reviewed, considered and summarised in the REF?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable: no submission received during consultation period.
Have all consultations and concurrences been undertaken and provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If relevant, has a copy of all submissions been provided to the NSW Planning Secretary or the Environmental Protection Authority 21 days before a decision is made by Landcom regarding the Activity?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable
Have any reports or recommendations received from relevant authorities been considered and annexed or links provided?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable <input type="checkbox"/> IPC <input type="checkbox"/> Planning Secretary <input type="checkbox"/> EPA
Have all required conflict of interest declarations/confirmations from all relevant individuals (i.e. staff, consultants) been provided?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Were any conflicts of interest declared?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Mandatory requirements for all Division 5.1 applications	
	If yes, have details of the declared conflicts been provided to the EGM L&C, added to the Col Register and actions put in place to mitigate any risks? <input type="checkbox"/> Yes <input type="checkbox"/> No
Have External Advisors assisted with this Division 5.1 Application?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Independent Statutory Planner <input type="checkbox"/> Specialist Planning Lawyer
Has the Peer Review Planner provided their sign off for this Division 5.1 Application and any relevant environmental assessments or reports?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable
Has the General Counsel & Head of Compliance: 1. Reviewed the proposed Activity at the commencement of the process? 2. Confirmed the determining authority?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**The rationale for responding 'No' to any of the above questions is to be detailed here, including the corrective or alternate actions that have been employed to ensure procedural requirements have been met:**

The site was already cleared, prepared, sub-divided, and serviced as part of the North Wilton Stage 1 subdivision works – approved under a Development Approval and a Subdivision Works Certificate. All environmental risks were assessed as part of that overall subdivision works development proposal.

The proposed development, uses, and activities are

- on existing subdivided lots (cleared and levelled)
- temporary
- low impact
- reversible
- and have very low environmental risks, and very unlikely to general any impact to the environment.

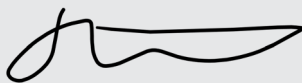
All possible impacts to the environment have been considered and mitigation strategies have been embedded in the design, planning, construction, operations of the development and the mitigation measures.



### Responsible Development Director Endorsement

I declare that:

- a) I have no actual or perceived conflict of interest in relation to any aspect of the project;
- b) I am satisfied that all individuals involved in this Division 5.1 Assessments have provided their conflict of interest declarations and confirmations and that any conflicts of interests and the mitigation actions required by the General Counsel & Head of Compliance have been undertaken and recorded.
- c) The mandatory steps set out in Landcom's Guidelines for Division 5.1 Assessments have been completed.
- d) All required environmental assessments, reports and submissions have been compiled and duly considered; and
- e) Links to all required environmental assessments, reports and submissions are provided.

Name	Jeff Williams
Signature	
Date	3 April 2025

### General Counsel & Head of Compliance – Legal and Compliance Endorsement

I, being the General Counsel & Head of Compliance declare that I:

- a) have no actual or perceived conflict of interest in relation to any aspect of the project;
- b) have reviewed the REF document;
- c) have reviewed the independent town planning consultant's advice and confirm that Division 5.1 is the relevant planning approval pathway;
- d) have determined that the appropriate determining authority is the Landcom CEO (or their delegate), consistent with Landcom's Guidelines for Division 5.1 Assessments;
- e) am satisfied that Landcom's Guidelines for Division 5.1 Assessments have been satisfactorily complied with; and
- f) am satisfied that any conflicts of interests and the actions taken to mitigate them have been recorded and managed in accordance with Landcom's Handling Conflicts of Interest Policy.

Name	Sandra Lee
Signature	
Date	

### Responsible Executive General Manager Endorsement

I being the responsible EGM for the Activity, declare that:

- a) I have no actual or perceived conflict of interest in relation to any aspect of the project;
- b) I have read, understood Landcom's Guidelines for Division 5.1 Assessments, the environmental reports, recommendations and submissions annexed to the REF document;
- c) Landcom can use its powers as a Determining Authority to approve this Activity under Division 5.1 of the EP&A Act;
- d) Landcom has discharged its duty under Section 5.5 of the EP&A Act to examine and take into account to the fullest extent possible all matters affecting or likely to affect the Environment by reason of that Activity;
- e) Landcom has consulted or obtained any required concurrences in respect to the Activity;

I recommend that:

Taking into account all the relevant information, reports and submissions relating to the proposed Activity and taking into account to the fullest extent possible matters affecting or likely to affect the environment, the following decision be made by Landcom as the Determining Authority for the proposed Activity:

- ☒ Endorse the Division 5.1 Application
- ☐ Refuse to endorse the Division 5.1 Application

Name	Tasha Burrell
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Signature	
Date	

## Decision Statement

### Authorised Individual Determination

I, being the Authorised Individual and Determining Authority for Landcom, declare that I:

- a) have no actual or perceived conflict of interest in relation to any aspect of the project;
- b) have read, understood and approve this document and agree to be bound by its contents in respect of my duties related to my involvement in this process;
- c) have decided this Division 5.1 Application as follows:

☒ Approve the Division 5.1 Application subject to the mitigation measures set out in Section 8 of the Review of Environmental Factors prepared for the North Wilton Temporary Park dated April 2025

☐ Refuse the Division 5.1 Application

☐ Approve the Division 5.1 Application subject to the following modifications/conditions to eliminate or reduce any detrimental impact to the environment.

Additional mitigation measures (if required):

Name	Alex Wendler
Signature	
Date	