

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION  
INTEGRATED DEVELOPMENT CONSENT DA/2020/106/1  
Environmental Planning and Assessment Act, 1979**

Nicole Topple  
Walker Corporation Pty Ltd  
G P O Box 4073  
SYDNEY NSW 2001

Being the applicant(s) for Development Application DA/2020/106/1 relating to:

**Lot: 4 DP: 1263564 Lot 2 DP 108340 (formerly known as Lot 104 DP 1232552 & Lot 2 DP108340), 1150 Picton Road and 55 Alkoomie Place WILTON.**

**APPROVED DEVELOPMENT:**

**Consolidation of 2 lots and subdivision into three (3) new 'super lots'**

**DETERMINATION DATE: - 8 October 2021**  
**LAPSE DATE: - 8 October 2026**

Pursuant to Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions attached.

**Notes:**

- (1) Except where a condition specifies a limit to the duration of the consent, this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.
- (2) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date.
- (3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
- (4) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to
  - (a) Lodge, in accordance with Section 8.7 of the Act, an appeal with the Land and Environment Court of NSW within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
  - (b) Request a Council review of the determination under Section 8.3 of the Act.
- (5) This application has not been considered by the Independent Hearing Commission.

Should you require further information regarding the above matter, please contact Council on phone (02) 4677 1100 or email [council@wollondilly.nsw.gov.au](mailto:council@wollondilly.nsw.gov.au).

Yours faithfully

Digitally Signed: Aimee Lee  
Development Assessment Team Leader  
Friday, 8 October 2021 10:10:06 AM  
Development Services

## 1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development consent is granted for the consolidation of existing Lot 4 DP 1263564 and Lot 2 DP 108340 (formerly known as Lot 104 DP 1232552 & Lot 2 DP108340), 1150 Picton Road and 55 Alkoomie Place WILTON and their subdivision into three (3) new 'super lots' as follows:

- Lot 1 – with an area of 18.96ha;
- Lot 2 – with an area of 75.51ha; and
- Lot 3 – with an area of 199.03ha (located either side of Picton Road).

- (2) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. NSW Rural Fire Service Ref No. DA20200325001072- Original-1 dated 3 April 2020.
2. Subsidence Advisory NSW Ref No. TSUB20-00016 dated 30 January 2020.

- (3) Development shall take place in accordance with the following endorsed plans submitted in respect of DA/2020/106/1 except where varied by the following conditions:

Plan / Document	Author	Plan number	Date
Plan of Proposed Subdivision of Lot 104 in DP 1232553 and Lot 2 in DP 108340	LTS Lockley	Sheets 1-3 (issue E)	20/01/2020

- (4) Development shall take place in accordance with the recommendations of the following reports:

- *Statement of Environmental Effects, Walker Corporation, February 2020.*
- *Bushfire Hazard Assessment Report, Holiday Coast Bushfire Solutions, 12 February 2020.*
- *Vegetation Management Plan, Ecoplaning, 4 May 2020.*
- *Allens Creek Corridor Koala Conservation Plan and South East Wilton Koala Plan of Management, EMM, 13 July 2021.*

- (5) The implementation of the Allens Creek Corridor Koala Conservation Plan and South East Wilton Koala Plan of Management dated 13 July 2021 in accordance with Tables 4.1, 4.2 and 5.1 of the document must commence within twenty eight (28) days from the date of determination of this development application.

- (6) The Koala Monitoring Report in accordance with details and timeframe specified in Section 5.7 of the Allens Creek Corridor Koala Conservation Plan and South East Wilton Koala Plan of Management must be submitted to Council no more than 28 days after the conclusion of all required monitoring detailed in Sections 5.1 to 5.6 of the Plan.
- (7) Council must be notified prior to the commencement of the review of the Koala Plan of Management in accordance with the methodology and timeframe detailed in Section 5.8.
- (8) Bushfire hazard shall be managed in accordance with the recommendations of the Bushfire Hazard Assessment Report (ref South East Wilton-202005V20, dated 12 February 2020) prepared by Holiday Coast Bushfire Solutions submitted with the Development Application.
- (9) Conservation works shall be in accordance with the submitted and approved vegetation management plan. The species used in revegetation shall be local native species that reflect the original vegetation community.

## **2. Prior to Issue of a Subdivision Certificate**

**The following conditions of consent shall be complied with prior to the issue of a Subdivision Certificate.**

- (1) The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (4) The development shall be undertaken in accordance with and demonstrate compliance with the Voluntary Planning Agreement applicable to the South East Wilton Precinct.
- (5) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (6) Prior to the issue of Subdivision Certificate, certificates and/or relevant documents shall be obtained from the following service providers where relevant and provided to the PCA:
  - a) Energy supplier – A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
  - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and

- c) Water supplier – A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

The assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator (WSC). Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or phone 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

- (7) The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
  - a) Right of carriageways consistent with the existing easements onsite; and
  - b) Right of Access consistent with the existing easement onsite.

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.

- (8) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (9) Submission to Council an electronic copy of the Linen Plan of Subdivision (minimum 400 dpi flat file) suitable for certification by the Chief Executive Officer and lodgement at the NSW Land Registry Services. A fee for the release of the Subdivision Certificate applies.
- (10) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

### **3. ADVICES**

Nil

Should you require further information regarding the above matter, please contact Council's Development Services on phone (02) 4677 1100 or e-mail [council@wollondilly.nsw.gov.au](mailto:council@wollondilly.nsw.gov.au). Please quote File No. DA/2020/106/1



## NSW RURAL FIRE SERVICE

Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

Your reference: DA/2020/106/1 (CNR-5607)  
Our reference: DA20200325001072-Original-1

**ATTENTION:** Christopher Morris

Date: Friday 3 April 2020

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Torrens Title Subdivision**  
**1150 Picton Road Wilton NSW 2571, 104//DP1232553**

I refer to your correspondence dated 12/03/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. 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*, are now issued subject to the following conditions:

### Asset Protection Zones

***The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:***

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the site around the existing building on proposed Lot 2 must be managed as an inner protection area (IPA), in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*, for a distance of 50 metres. When establishing and maintaining an IPA the following requirements apply:
  - tree canopy cover should be less than 15% of the area 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.

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- grass should be kept mown (as a guide grass should be kept to no more than 100 millimetres in height); and
- leaves and vegetation debris should be removed

### **Access – Property Access**

***The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:***

**2.** Property access roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* ; and the following:

- property access roads are two-wheel drive, all-weather roads with a minimum 4 metre carriageway width;
- in forest, woodland and heath situations, rural property access roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;
- a minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches;
- provide a suitable turning area in accordance with Appendix 3;
- curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress;
- the minimum distance between inner and outer curves is 6 metres; the cross-fall is not more than 10 degrees;
- maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- a development comprising more than three dwellings has access by dedication of a road and not by right of way.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5 metres wide, extend for no more than 30 metres and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

### **General Advice – Consent Authority to Note**

Development applications lodged on lots created within this subdivision will be subject to further assessment under the *Environmental Planning & Assessment Act 1979* and the requirements of *Planning for Bush Fire Protection 2019*.

There is sufficient evidence to suggest that a Grassland hazard is present on created Lots which has not been identified in the Bush Fire Prone Land Mapping. The conditions within this BFSa are given to provide a better bush fire protection outcome for the existing dwelling located on the site.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Nika Fomin  
**Manager Planning & Environment Services**  
**Planning and Environment Services**



**NSW RURAL FIRE SERVICE**

# **BUSH FIRE SAFETY AUTHORITY**

Subdivision – Torrens Title Subdivision  
1150 Picton Road Wilton NSW 2571, 104//DP1232553  
RFS Reference: DA20200325001072-Original-1  
Your Reference: DA/2020/106/1 (CNR-5607)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Nika Fomin**

**Manager Planning & Environment Services  
Planning and Environment Services**

Friday 3 April 2020



Our Ref: **TSUB20-00016**

Nicole Topple

[nicole.topple@walkercorp.com.au](mailto:nicole.topple@walkercorp.com.au)

1150 PICTON RD WILTON

Dear Nicole Topple

**RE PROPOSED ONE (1) INTO THREE (3) LOT SUBDIVISION AT PICTON ROAD WILTON;  
PROPOSED SUPERLOT LOT 104 IN DP 1232553 AND LOT 2 IN DP 108340**

**NOTICE OF DETERMINATION**

I refer to the application detailed above. Subsidence Advisory NSW has determined to grant approval under section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

Approval has been granted, subject to the conditions set out in the attached determination under Schedule 2. The stamped approved plans have also been attached.

Once relevant documentation to meet the conditions in Schedule 2 are available, please email through to [SA-Risk@finance.nsw.gov.au](mailto:SA-Risk@finance.nsw.gov.au) quoting reference TSUB20-00016

Should you have any questions about the determination I can be contacted by phone on 02 4908 4300 or via email at [James.Robins@customerservice.nsw.gov.au](mailto:James.Robins@customerservice.nsw.gov.au)

Yours faithfully,

**James Robins**  
**Senior Advisor - Residential Subsidence Regulation**  
30 January 2020



## **DETERMINATION**

Issued in accordance with section 22 of the *Coal Mine Subsidence Compensation Act 2017*

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As delegate for Subsidence Advisory NSW under delegation executed SELECT DATE approval is for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

Determination Date: 30 January 2020

Approval to Lapse on: 30 January 2025

The conditions of approval are imposed for the following reasons:

- a) To confirm and clarify the terms of Subsidence Advisory NSW approval.
- b) To minimise the risk of damage to surface development from mine subsidence.



**James Robins**

**Senior Advisor – Residential Subsidence Regulation**

30 January 2020

## **SCHEDULE 1**

Application No: **TSUB20-00016**

Applicant: **WALKER CORPORATION**

Site Address: **PICTON ROAD WILTON**

Lot and DP: **SUBDIVISION OF LOT 104 IN DP 1232553 AND LOT 2 IN DP 108340**

Proposal: **ONE (1) INTO THREE (3) LOT SUBDIVISION**

Mine Subsidence District: **Picton**

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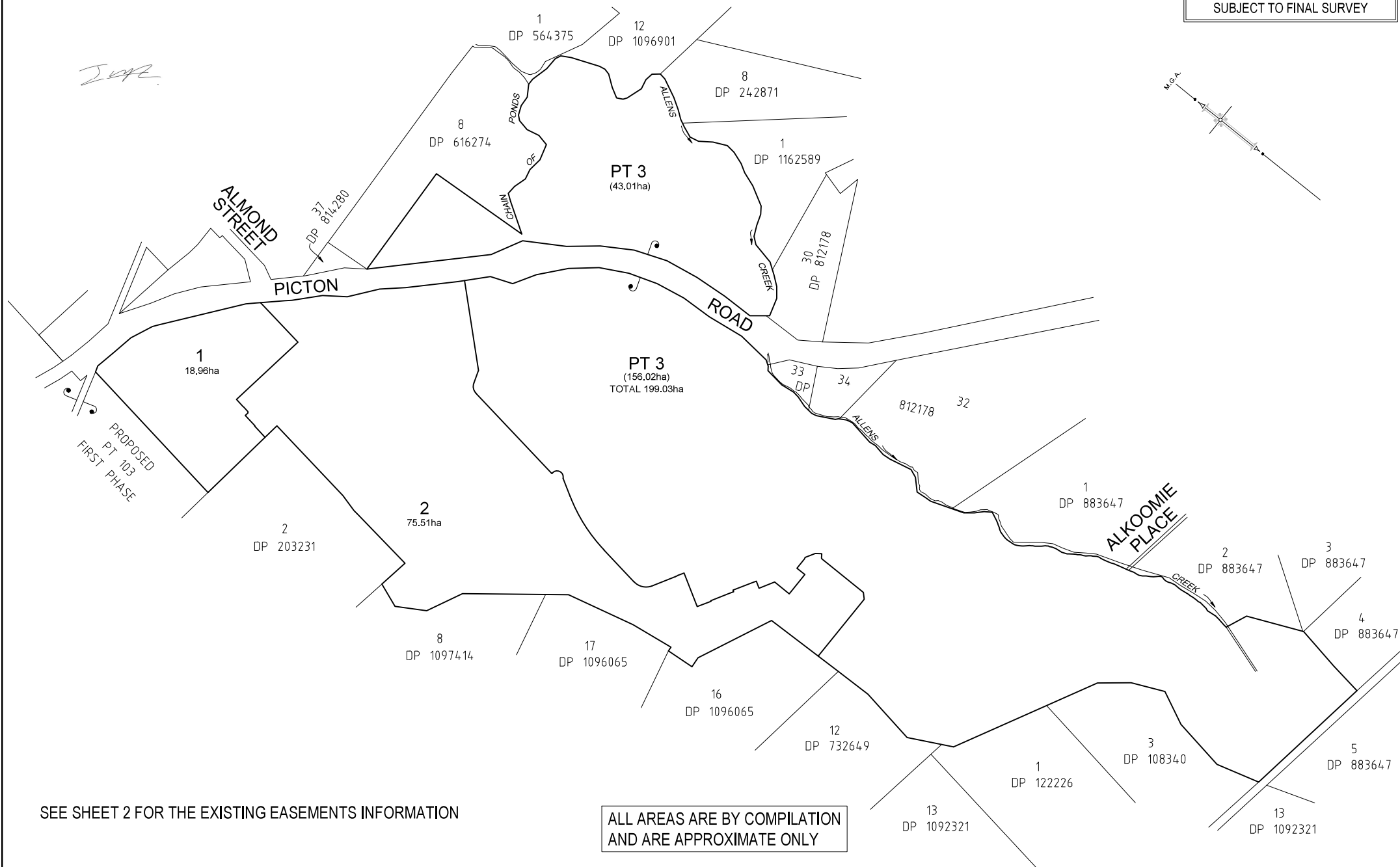
**SCHEDULE 2**  
**CONDITIONS OF APPROVAL**


<b>GENERAL</b>	
<b>Plans, standards and guidelines</b>	
<b>1.</b>	<p>The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.</p> <p><b>Note:</b> Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.</p>
<b>2.</b>	<p>This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.</p>
<b>3.</b>	<p>Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.</p>
<b>4.</b>	<p>Approval under section 22 of the Coal Mine Subsidence Compensation Act 2017 is also required for the erection of all improvements on the land. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.</p>

**Dispute Resolution**

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.

THIS IS A DRAFT PLAN ONLY AND IS  
SUBJECT TO FINAL SURVEY



<p>SURVEYOR</p> <p>Name: JACEK IDZI KOWSKI</p> <p>Date of Survey: N/S</p> <p>Surveyor's Reference: 43489-032DA-D</p>	<p>PLAN OF PROPOSED SUBDIVISION OF LOT 104 IN DP1232553 AND LOT 2 IN DP108340</p>	<p>LGA: WOLLONDILLY</p> <p>Locality: WILTON</p> <p>Reduction Ratio 1: 7500</p> <p>Lengths are in metres.</p>	<p>Registered</p>  <p>Registered Surveyors NSW www.ltsl.com.au</p>	<p>DP</p> <p>ISSUE 'E' 20-01-2020</p>
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