



Camden Council

Attachments

Ordinary Council Meeting
24 November 2015

Camden Civic Centre
Oxley Street
Camden



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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ORD01

Attachment 1

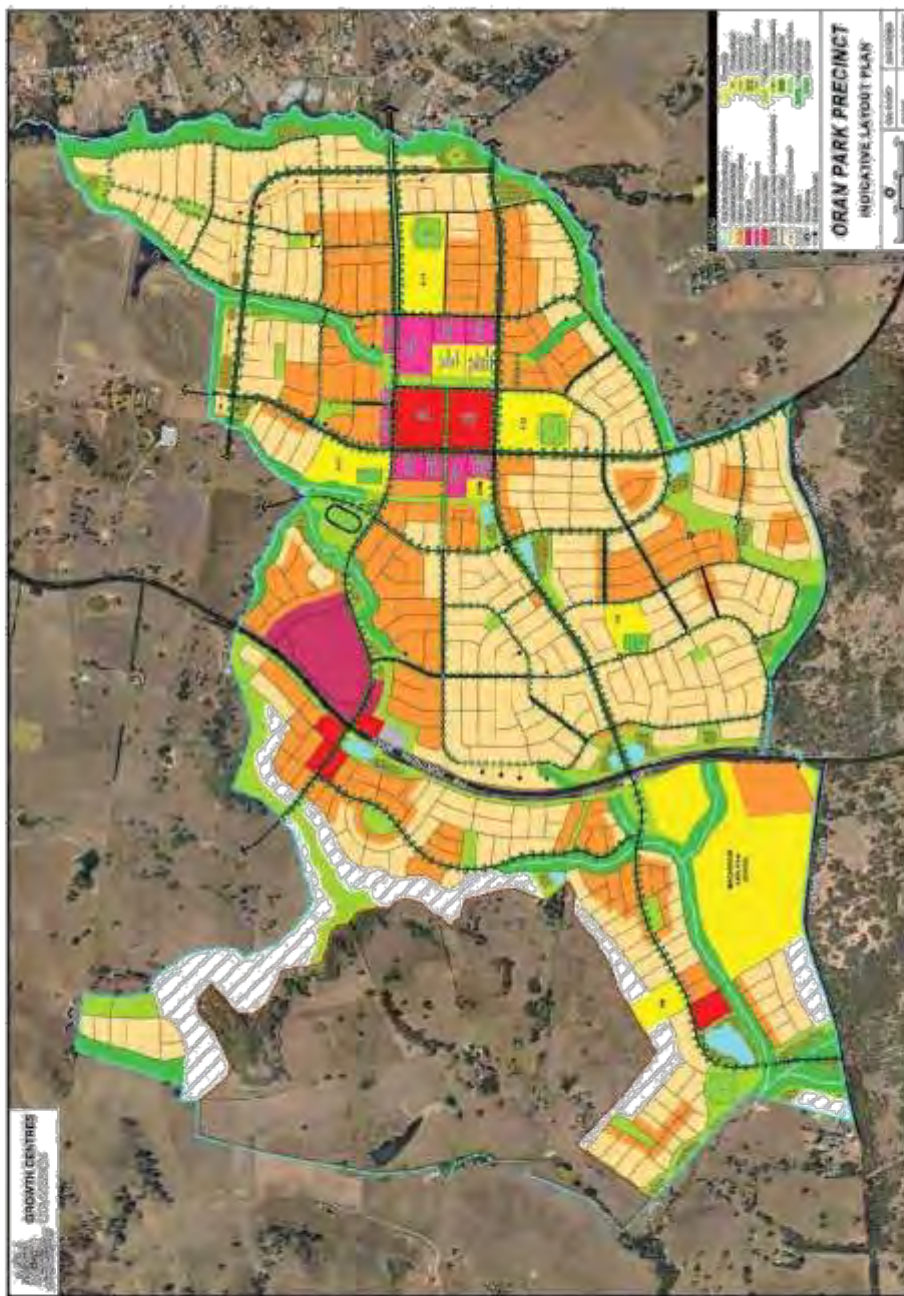


Figure 2: Oran Park Precinct Indicative Layout Plan

Oran Park Precinct Development Control Plan 2007

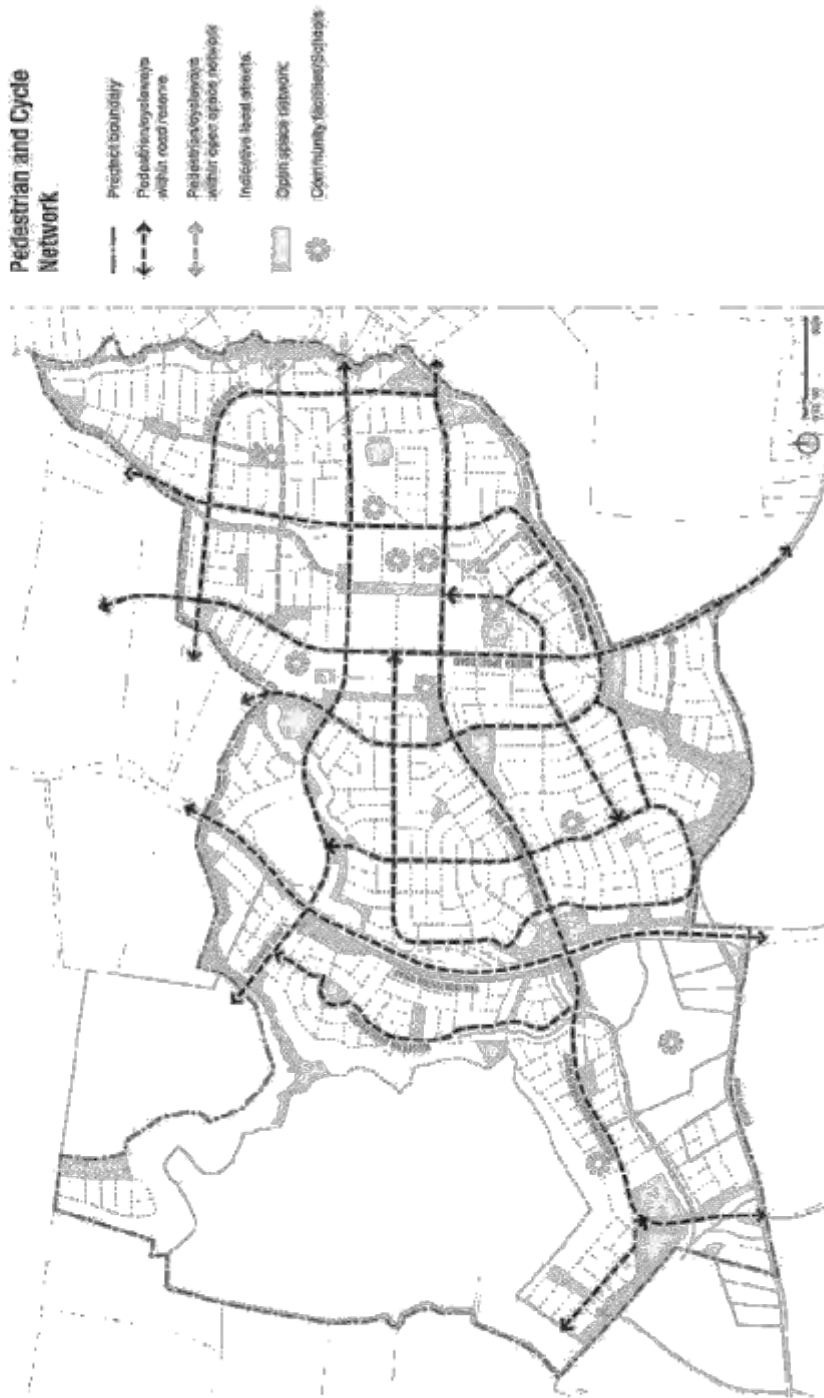


Figure 18: Pedestrian and Cycleway Network

ORD01

Attachment 3

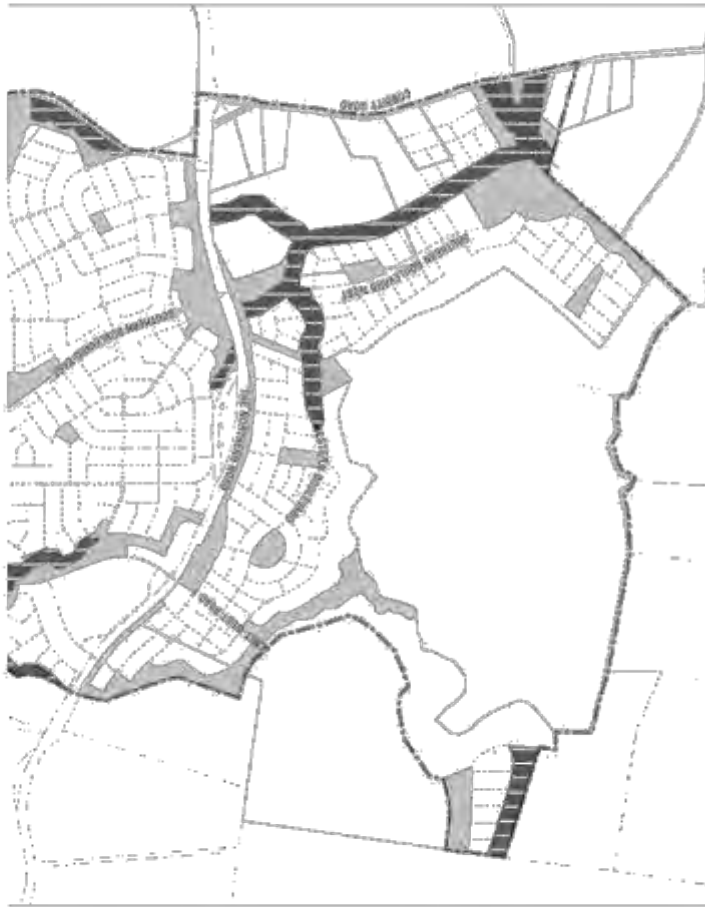


Figure 20: Open Space Network Plan



REMARKS

31. THE PLAN, DRAWING, DESIGN OR ANY OTHER DOCUMENT OF THE PROJECT HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION AND I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NEW SOUTH WALES.

32. I HAVE BEEN ADVISED THAT THE PROJECT HAS BEEN APPROVED BY THE LOCAL GOVERNMENT AND I HAVE BEEN ADVISED THAT THE PROJECT HAS BEEN APPROVED BY THE LOCAL GOVERNMENT.

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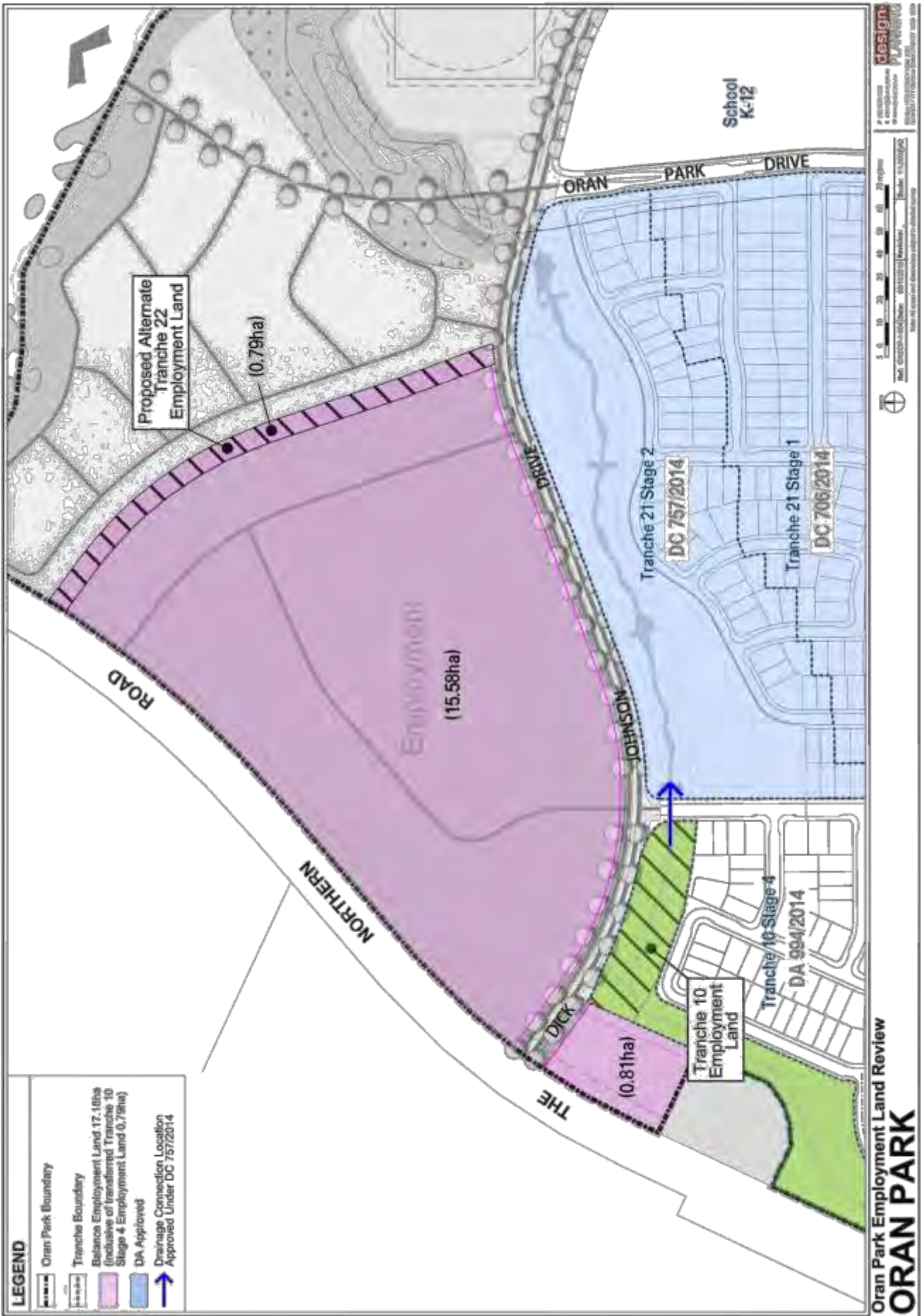
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Client: URBAN GROWTH NSW	Origin of Levels:		Project: TORANGHEID STAGES 3, ORAN PARK, (LOT 2003 IN DP 121795 (unregistered))	Sheet 1 of 2 sheets
Date of Survey: N/A	John M. Daly & Associates PTY LTD A.B.N. 88051977989		SITE PLAN	
Ratio(A3) : 1:2000	Surveying Engineering Project Management Licensed Water Service Co ordiators		SHOWING PROPOSED EASEMENTS AND RESIDUE LOTS	
Datum : N/A	32, Inlandia Street P.O. BOX 25 CAMPELLTOWN N.S.W. 2560 email: admin@jmd.com.au		Locality : ORAN PARK.	CAD Ref: LDA PLANS\1105\JRES.DGN
Approved: PD 28-10-2015				Ref: 103201105JRES

The title shown on this plan refers to the original plan prepared by JMD and any subsequent plan prepared by JMD (including any amendments) and the title of the plan.



ORD01

Attachment 5

ORD01



Cnr Oran Park Drive &
Peter Brock Drive
Oran Park Town NSW 2570

91 2 9043 7506 | Fax: 61 2 9043 7591
ABN 31 133 939 965

9th October, 2015.

General Manager
Camden Council
37 John Street
CAMDEN NSW 2570

Attention: Nicole Magurren

Dear Nicole,

RE: DA 994/2014, E ORAN PARK DRIVE & C THE NORTHERN ROAD, ORAN PARK

Further to our letter of 29th July 2015 we now write to provide further information to address the loss of IN1 zoned land for employment purposes by the subject DA.

Before doing so, GDC wishes to reiterate submissions made in our letter of 29th July 2015:

- The use of the aforementioned portion of IN1 zoned land south of Dick Johnson Drive for drainage purposes as part of DA 994/2014 would still allow the Oran Park Precinct to provide more than the required amount of employment lands on The Northern Road as identified by Precinct Planning and the Oran Park DCPT i.e. 16.39 ha provided v. 15ha required.
- The location of the drainage corridor is in response to existing constraints, particularly the location of the Anthony Creek corridor works adjoining to the east, approved as part of the Oran Park Tranche 21 subdivision development. This, when considered in combination with the restricted depth of the IN1 zoning south of the future Dick Johnson Drive and its restricted access capabilities, supports the proposed land use for drainage purpose from an urban design perspective.
- GDC remains committed to undertake, in consultation with Council, a complete review of Oran Park employment lands.

GDC is prepared, for the purposes of maintaining the current quantum of land potentially available for employment, to replace the portion lost under the subject DA i.e. 0.79 ha with an equivalent area by adding to the IN1 zoned area north of the future Dick Johnson Drive.

Attachment 6

Attached to this letter is a plan depicting an area of 0.79 ha added to the IN1 zoned area north of the future Dick Johnson Drive and how this maintains general consistency with the current Oran Park Indicative Layout Plan for this area. Whilst this additional land is zoned R1 there is discretion available under *Clause 5.3 Development near Zone boundaries* at Appendix 1 of the Growth Centres SEPP to permit its use for employment related purposes that may be carried out in the adjoining IN1 zoned land.

This strip of land will bring the total of the employment land to 17.18 ha. We give a commitment to maintain an employment area of 17.18 ha for any Development applications lodged within this vicinity and that this commitment will remain valid whilst ever the current employment zoning stands. We understand that a review of employment lands in the region is underway and that this may change the planning in this area in the future.

I trust that the above satisfactorily addresses this matter and allows Council to now grant consent to the subject DA. If you have any questions or require anything further please contact me.

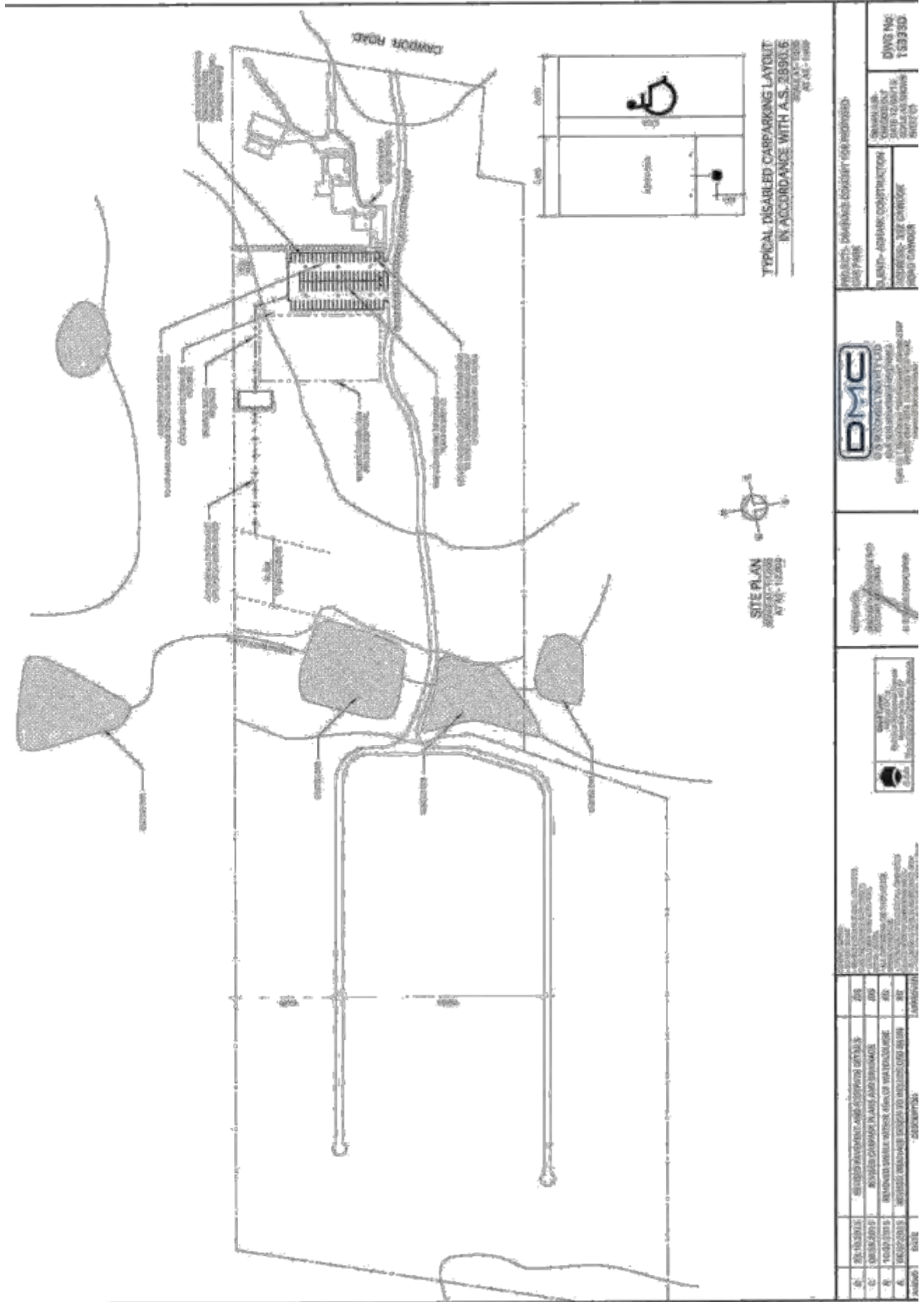
Yours sincerely,



Mick Owens
General Manager - Property
Greenfields Development Company no. 2 Pty Limited

ORD02

Attachment 1



TYPICAL DISABLED CARPARKING LAYOUT
IN ACCORDANCE WITH A.S. 2890:6
REVISI 01/2008
AT AS - 1000

SITE PLAN
PROJECT NO. 1000
AT AS - 1000

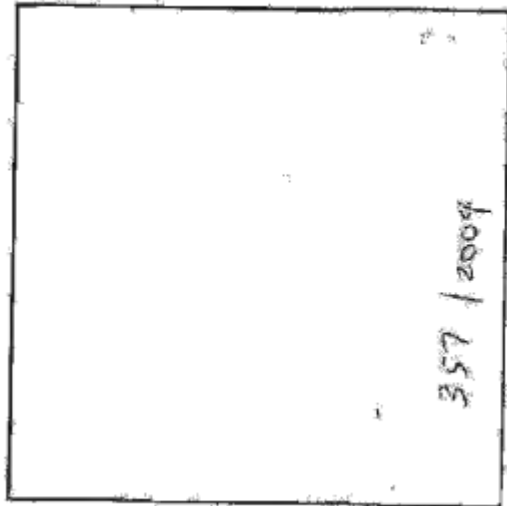
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PO Box 183, Camden 2570 ABN: 31 117 341 784
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Email: mail@camden.nsw.gov.au

RDOW

Mr LA Whitton
332 Cawdor Road
CAWDOR NSW 2570



**NOTICE OF DETERMINATION FOR MODIFICATIONS TO
DEVELOPMENT CONSENT No. 357/2004**

Granted under Section 96 of the Environmental Planning and Assessment Act 1979

LAND TO BE DEVELOPED:	332 Cawdor Road CAWDOR DP 814326 Lot 100
PROPOSED DEVELOPMENT:	Weddings, Functions, Amenities Building and Marquee

MODIFIED CONSENT No.: 357(3)/2004

MADE ON: 15 March 2010

DETERMINATION: Pursuant to Section 96(1A) of the *Environmental Planning & Assessment Act 1979*, the development consent is modified in the manner set out in the attached schedule of modified conditions

CONSENT TO LAPSE ON: 3 April 2008 (unless substantially commenced)

ORD02



DA No: 357/2009
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: Weddings, Functions, Amenities Building
 and Marquee

Schedule of modified conditions:

The following conditions of the development consent are modified:

- A. Deletion of Conditions (8) and (9) under the heading "1.0 General Requirements";
- B. Deletion of Conditions (1) to (12) (inclusive) under the heading "6.0 Operations Conditions" and replace with the following:

6.0 Operational Conditions

- (1) **Hours of Operation** – The hours of operation for the approved land use are:

1.30pm to 10.30pm Friday to Sunday (inclusive) and on Public Holidays;

In addition to the above:

Music to cease by 10.00 pm;

Patrons to be off-site by 11.00pm;

Staff and caterers to be off-site by 11.30pm.

Any alteration to these hours will require the prior approval of the Consent Authority.

- (2) **Vehicle Movements and Deliveries** – are only permitted between the hours of 1.30pm and 11.30pm on any approved day of operation.

- (3) **Installation and Operation of Sound System** – In accordance with the recommendations of the "Noise Survey: Burnham Grove Function Centre 332 Cawdor Road Camden NSW 2570, Prepared by RSA Acoustics, Ref No 4339, Dated 2/11/09 Amended 15/01/10," an in-house sound system using directional speakers must be installed within the marquee with the speakers set to a maximum sound level to achieve external noise criteria. The speakers must face North West and the speaker system must be fitted with a suppression limiter and be calibrated and set by a qualified acoustical consultant. A letter from the consultant must be provided to the Consent Authority (Camden Council) prior to the issue of an occupation certificate confirming that the sound system is installed and meets the relevant noise criteria when in operation.

Attachment 2



DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: Weddings, Functions, Amenities Building
 and Marquee

- (4) **Noise Management Plan** – the operation of the function centre must be undertaken in compliance with the *"Noise Management Plan, For Burnham Grove Function Centre: Lot 100 DP 814326, Prepared for Burnham Grove Function Centre, Prepared by RSA Acoustics, No 332, dated 19 February 2010, DA 357/2004."*
- (5) **Additional Noise Criteria** – All noise emissions from the operation of the function Centre must fully comply at all times with noise limiting criteria set by the New South Wales Liquor Administration Board (LAB) and Council's Environmental Noise Policy.
- (6) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (7) **Amplified Music, Public Address System, Live Entertainment** – is permitted subject to compliance with the conditions of this consent and requirements of the *"Noise Management Plan, For Burnham Grove Function Centre: Lot 100 DP 814326, Prepared for Burnham Grove Function Centre, Prepared by RSA Acoustics, No 332, dated 19 February 2010, DA 357/2004."*
- (8) **Location of Live Entertainment** – The performance of live entertainment that includes the playing of music must be located within the marquee only.
- (9) **Operation of Live Music** – shall be prohibited beyond 10.00pm on any evening of operation.
- (10) **Light Spill** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (11) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (12) **Closing and Vacating of Function Centre** – Patrons must leave the premises no later than 11.00pm on any evening of operation. All staff and caterers are to vacate the premises by 11.30pm.

All other conditions of development consent 357/2004 issued on 7 October 2004 are to remain valid and applicable.

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DA No: 957/2004
Property: 332 Cawdor Road CAWDOR
Proposal Description: Weddings, Functions, Amenities Building
and Marquee

Appeals:

The applicant has the right to appeal this decision to the Land and Environment Court. The right to appeal is only valid for a period of 60 days from the date of this notice (Clause 7.1 of the *Land and Environment Court Rules 2007*).

SIGNED on behalf of
Camden Council

Mr R.P Dowd
DEVELOPMENT OFFICER
(Development Branch)

Attachment 2



DA No. 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: Weddings, Functions, Amenities Building
 and Marquee

Advice:

The following matters are included as advice as relevant to this determination.

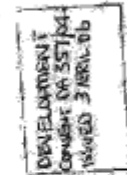
1. **Offences** - Section 125 of the *Environmental Planning and Assessment Act, 1979* provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
2. **Penalties** - Section 126 of the *Environmental Planning and Assessment Act, 1979* provides that any person guilty of an offence against this Act shall, for every such offence, be liable to penalties as stated in this section.
3. **Contributions** - The contributions (if required) under Section 94 of the *Environmental Planning and Assessment Act, 1979* are set out in the stated Contribution Plans which can be viewed at Camden Council's Customer Service counter during normal business hours.
4. **Construction Certificate Required** - Where building or subdivision works are proposed, this consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been issued.
5. **Tree Preservation** - This consent does not authorise any tree removal unless specifically shown on approved plans and referred to in this development consent. All trees are protected in all areas of Camden. Separate consent is required for any proposal affecting existing trees and native vegetation. Any person who contravenes or causes or permits the removal of a tree/s without consent shall be guilty of an offence and liable to penalty as stated in this advice.

ORD02

Attachment 2

CMAC

Mr LA Whitton
332 Cawdor Road
CAWDOR NSW 2570



**NOTICE OF DETERMINATION OF DEVELOPMENT
APPLICATION No. 357/2004**

Issued under Section 81 (1) (a) of the
Environmental Planning and Assessment Act 1979
(For privacy reasons, the applicant's details only appear in the notice to the applicant)

LAND TO BE DEVELOPED:	332 Cawdor Road CAWDOR DP 814326 Lot 100
PROPOSED DEVELOPMENT:	Weddings, Functions, Amenities Building and Marquee
BUILDING CODE OF AUSTRALIA: <small>(If the development involves a building)</small>	Building Classification 9(b) & 10(a)

DETERMINATION: Consent granted subject to conditions described below.

DATE FROM WHICH THE CONSENT OPERATES: 3 April 2006

DATE THE CONSENT EXPIRES: 3 April 2008
(unless works commenced)

DATE OF THIS DECISION: 7 October 2004

INFORMATION ATTACHED TO THIS DECISION:

➤ Advice listed in Attachment A.

Details of Conditions:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by J-Designs Architectural Drafting Services, dated 21 November 2003 and numbered 1/2; 2/2.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an "Amended Development Application" form pursuant to section 96 of the *Environmental Planning & Assessment Act 1979*.

- (2) **Duration Of Consent** – This consent will become invalid if at any time, Camden High School elects not to renew the agreement for use of their car park for functions. The applicant is advised that a fresh development application is required to continue to use beyond that time, which nominates an alternative car park.
- (3) **Timber Framing** – The timber frame must be constructed in accordance with the requirements of the most current edition of AS1684 - 'Residential Timber-frame Construction'. The applicant is advised that the wall and roof framework including bracing must be designed and anchored to withstand a wind velocity for the particular area.
- (4) **Wet Area Water Proofing** - The application of waterproof membranes in wet areas must comply with the requirements of PART 3.8.1 of the Building Code of Australia and the current edition of AS 3740.
- (5) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (6) **Protect Existing Landscape** – All existing trees/shrubs grasses and natural landscape features other than those trees and vegetation authorised for removal by consent must be retained and protected during all construction works. Approval must be granted by Council prior to the removal or any disturbance of the development site's existing /adjoining or surrounding landscape and vegetation.
- (7) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be

DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description:

submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and DCP 96 "Outdoor Advertising Code".

- (8) **Noise Management Plan** – a site specific noise management plan shall be devised and submitted to the Consent Authority (Camden Council) within 2 months from the commencement of operation that addresses the following issues in relation to noise generated from live music and patrons exiting the function centre and car park.
- (a) The appointment of a responsible person to undertake regular noise monitoring and supervision of patrons with a view to identify all areas on non-compliance and take appropriate corrective action.
 - (b) A set of procedures that will demonstrate how noise complaints will be addressed and reported to complainants.
 - (c) Information that includes a noise complaint telephone contact person and phone number and the provision of a site register to record all noise complaints and action taken.
- (9) **Additional Noise Criteria** – All noise emissions from the operation of the wedding functions must fully comply with noise limiting criteria set by the New South Wales Liquor Administration Board (LAB) at all times.
- (10) **Stable Building Conservation** – within 2 years from the commencement of the approved use of the land, the applicant is to submit to Council a Conservation plan for the intended preservation of the stable building that specifies a commencement date for works to be undertaken within 12 months from the conservation Plan being submitted to Council.

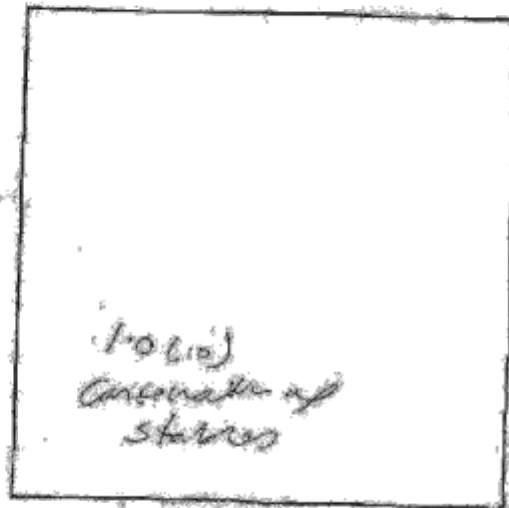
2.0 – Construction Certificate Requirements

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

- (1) **Obscured Glazing** - All windows from bathrooms including any ensuite and sanitary facilities must be fitted with translucent or obscure glazing for the purposes of providing adequate privacy between adjoining residents.
- (2) **Parking Spaces** - The developer must provide parking for cars in the manner indicated on the approved plans. Of that number, parking spaces must be available at all times for the parking of *residents/ visitors/ customers/ employees/ services* vehicles. Those parking spaces must be clearly marked and an adequate sign indicating that parking is available on-

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Attachment 2



DA No: 357/2009
 Property: 332 Cawdor Road CAWDOR
 Proposal Description:

site must be erected in a position where it is legible to drivers of vehicles entering the land.

- (3) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued:

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

- (4) Prior to the Construction Certificate being issued the applicant is required to submit to Camden Council an application to install a "Commercial System of Sewerage Management". Such application is to be approved by Camden Council prior to the issue of the Construction Certificate.

The application is to be accompanied by a report from a suitably qualified hydraulic consultant addressing on site sewage management. The report shall address disposal of effluent, details specifications of the proposed system, operation requirements and wet weather disposal. In accordance

with Councils Draft Policy "Sewage Management Strategy", the Environment & Protection Guidelines "Onsite Sewage Management for Single Households" and relevant Australian Standards. The required capacity of the system is greater than that of a domestic system and as such a commercial wastewater treatment system will be required.

The items in Councils attached table must be addressed in the application.

- (5) **Colour Schedule** – A detailed colour schedule must be submitted to the Consent Authority for approval prior to the issue of the **Construction Certificate**.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the construction site.

- (1) **Notice of Commencement of Work** – Notice in the form prescribed by the *Environmental Planning and Assessment Regulation 2000* shall be lodged with the Consent Authority (Camden Council) **at least 2 days prior to commencing building works**. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
- (2) **Construction Certificate Before Work Commences** - This consent does not allow site works, building or demolition works to commence, nor does it imply that the plans attached to this consent comply with the specific requirements of the Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase.

- (1) **Hours Of Operation** - All construction and demolition work must be restricted to between:
- (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;
 - (c) work on Sundays and Public Holidays is prohibited.

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 Proposal Description:

(2) **Roofwater Destination** - The roof of the subject building(s) must be provided with guttering and down pipes and all stormwater conveyed to:

- (a) an approved water storage tank;
- (b) the existing dam and/or natural water course on the subject allotment;

(3) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The applicant must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, Council agrees to the commencement inspection to be combined with the first required inspection.

- (a) **Slab On Ground** - When steel reinforcement and associated form-work has been provided prior to the slab being poured with concrete.
- (b) **Pool Fencing** - The swimming pool safety fence prior to filling the pool with water.
- (c) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed prior to internal lining.
- (d) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (e) **Sewer Line-work** - When external line-work has been laid and connected to the approved waste-water treatment system.

Note: Septic tank(s) excavation must be inspected prior to backfilling.

(f) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

Note: That the *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other mandatory inspections of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

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- (4) **Subterranean Termite Protection** - Treatment for the protection of the building from subterranean termites must be carried out in accordance with AS3660.1 "Termite Management – New Building Work".

A durable notice must be permanently fixed to the inside of the meter box indicating:

- (a) the method of protection;
- (b) the date of installation of the system;
- (c) the life expectancy of any chemical used;
- (d) the need to maintain and inspect the system.

- (5) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Occupation Certificate** - An Occupation Certificate must be issued by the Principal Certifying Authority **prior to occupation or use of the development**. The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (ie Camden Council) within seven (7) days from the date of determination, together with all relevant documentation including the Fire Safety Certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

- (2) 3750 square metres of land is to be made available for the disposal of effluent from the existing dwelling and the proposed wedding facility.
- (3) No more than 125 people are to attend the wedding reception facility on any day.

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 Property: 332 Cawdor Road CAWDOR
 Proposal Description:

6.0 - Operational Conditions

- (1) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises (AS).
- (2) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (3) **Hours of Operation** - The hours of operation for the approved land-use are:

Friday & Saturday: 1.30pm to 9.30pm
 Sunday & Public Holidays: 1.30pm to 9.30pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.
- (4) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (4) **Marquee Openings** - All marquee openings that allow access and egress for patron usage are to face a westerly direction in order to reduce potential noise impacts on neighbouring residential dwellings.
- (5) **Amplified Music** - No amplified music is allowed to be played on the property or within the marquee at any time.
- (6) **Public Address Systems** - Public Address systems are prohibited from use on the property or within the marquee.
- (7) **Rock Bands and Disco Music** - Music from rock bands and discos is prohibited from being played on the property or within the marquee.
- (8) **Location and Type of Live Entertainment** - The performance of live entertainment that includes the playing of music must be located within the marquee only. The playing of live music that forms this entertainment must be limited to the form of either a string quartet or a piano /guitar duo. Drums of any kind are prohibited.

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Attachment 2

DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description:

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- (9) **Operation of Live Music** – The playing of live music shall be prohibited beyond 9.30pm on any evening of operation.
 - (10) **Off Street Parking** – All vehicles participating in the use of the site must utilise off street parking at all times.
 - (11) **Off Street Parking Signage** – Suitable signage is to be provided in the off street car park that advises patrons to not congregate and to exit the car park in a quite manner.
 - (12) **Closing of the Wedding Function Facility** – Patrons are required to leave the no later than 10.00pm on the evening of operation and should be encouraged to leave the car park in a timely and quite manner. Caterer and staff are to vacate the site by 11.00pm.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of *Environmental Planning and Assessment Act 1979 and Regulations* made thereto.
- (2) To ensure that the building complies with the *Local Government Act 1993 and Regulations*.
- (3) To ensure that the building complies with the requirements of the Building Code of Australia (BCA) and applicable Australian Standards.
- (4) To ensure that the development meets the aims, objectives and requirements of Council's Local Environmental Plan, Development Control Plans and Policies which relate to the subject land.
- (5) To ensure that the development does not adversely impact on the heritage significance of a building or place and that it complies with the objectives of Council's Heritage Controls.
- (6) To ensure that the development complies with the submitted plans and supporting documentation.
- (7) To ensure that the land and/or building will be developed so as to minimise the impact on the existing and likely future amenity of the neighbourhood and environment.
- (8) To ensure that the proposed site works/associated activities development does not create a noise nuisance to other tenants within the subject building or those on adjoining properties.

DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description:

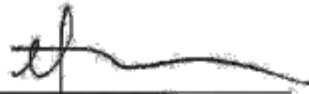
- (9) To ensure that the building and/or works do not affect public safety and amenity.
- (10) To ensure that outdoor advertising and advertising structures comply with DCP 96 "Guidelines for Outdoor Advertising".
- (11) To ensure that an adequate and a safe public access has been provided to the site for both pedestrian and vehicular traffic and that the development complies with Council's "Car Parking Code", ie. DCP 97.

RIGHTS OF APPEAL If you are the applicant:

You can appeal against this decision in the Land and Environment Court within 12 months of the date of this notice. You cannot appeal, however, if a Commission of Inquiry is or is to be held and the development is designated development or state significant development.

DETERMINATION REVIEW

If you are an applicant and you are dissatisfied with the determination, you may within 12 months from the date of determination, request Council, in writing, to review the determination.

<p>SIGNED on behalf of Camden Council</p>	 <hr/> <p>Mr C J Mackey DEVELOPMENT OFFICER (Development Branch)</p>
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ATTACHMENT A

The following matters are included as advice as relative to this application.

1. Section 82A of the EP&A Act 1979 provides that the applicant may request a review of this determination within twelve months of the date of the determination, following the payment of the prescribed fee.
2. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.

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Attachment 2

DA No: 357/2004
 Property: 332 Caldwell Road CAWDOOR
 Proposal Description:

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3. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the requirements of Council's Tree Preservation Policy shall be guilty of an offence.
 4. Section 126 of the EP&A Act, 1979 provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 1000 penalty units and to a further daily penalty not exceeding 100 penalty units.
 5. The contributions required under Section 94 of the EP & A Act, 1979 are set out in the stated Contribution Plans which can be viewed at Council's Customer Service during normal business hours.
 6. This consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been applied for and been issued.
 7. SYDNEY WATER requires the submission of stamped approved plans to their office prior to commencement of work.
 8. INTEGRAL ENERGY requires electrical installations to be in accordance with their standards. All enquiries relating to electrical installations should be directed to that Authority.
 9. TELSTRA requests that prior to any excavation commencing in connection with the approved work, contact should be made with Telstra "Cable Locations", Telephone 1100. Calls to this number are free.
 10. A home warranty certificate must have been issued for the project Prior To Issue of the Construction Certificate.

CMAC: 1500.3320



Mr LA Whitton
332 Cawdor Road
CAWDOR NSW 2570

**NOTICE OF DETERMINATION FOR MODIFICATIONS TO
DEFERRED COMMENCEMENT CONSENT No. 357/2004**

Granted under Section 96 of the Environmental Planning and Assessment Act 1979

LAND TO BE DEVELOPED:	332 Cawdor Road CAWDOR DP 814328 Lot 100
PROPOSED DEVELOPMENT:	Function Centre, Construction of Marquee and Amenities Building
BUILDING CODE OF AUSTRALIA:	Building Classification 9(b) and 10(a)

DETERMINATION

MODIFIED CONSENT No.: 357(2)/2004

MADE ON: 16 August 2005

DETERMINATION: Consent granted subject to conditions described below.

CONSENT TO OPERATE FROM: To be Advised

CONSENT TO LAPSE ON: To be Advised

ORD02

Attachment 2

Marquee and Amenities Building

Property: 332 Cawdor Road
 Proposal Description: DA Modification - Function: Centre
 DA No.: 357/2004
 ROAD CAWDOR

Details of Modified Conditions:

The consent is modified by deleting Condition 1.0 (2) and replacing it with the following condition.

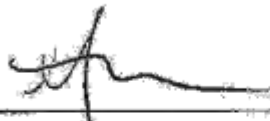
- (1) **Duration Of Consent** – This consent will become invalid if at any time, Camden High School elects not to renew the agreement for use of their carpark for the functions. The applicant is advised that a fresh development application will be required to continue the use beyond that time, which nominates an alternative car park location.

All other conditions of Deferred Commencement Consent No. 357/2004 issued 7 October 2005 are to remain valid and applicable.

RIGHT OF APPEAL If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

SIGNED on behalf of
Camden Council



Mr C J Mackey
DEVELOPMENT OFFICER
(Development Branch)

ADVICE

The following matters are included as advice as relative to this application.

- Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.

CMAC: 1500.3320

Dr LA Whitton
332 Cawdor Road
CAWDOR NSW 2570



**NOTICE OF DETERMINATION OF DEVELOPMENT
APPLICATION No. 357/2004**

Deferred Commencement Consent

Issued under Section 80 (3) and 81 (1)(a) of the
Environmental Planning and Assessment Act 1979
(For privacy reasons, the applicant's details only appear in the notice to the applicant)

LAND TO BE DEVELOPED:	332 Cawdor Road CAWDOR DP 814326 Lot 100
PROPOSED DEVELOPMENT:	Two Year Trial Approval for Function Centre, Construction of Marquee & Amenities Building
BUILDING CODE OF AUSTRALIA: <small>(if the development involves a building)</small>	Building Classification 9(b) and 10(a)

DETERMINATION: Deferred Commencement Consent granted subject to conditions described below.

DETERMINATION MADE ON: 7 October 2004

DATE FROM WHICH THE CONSENT OPERATES: To be Advised

DATE THE CONSENT EXPIRES: To be Advised
(unless works commenced)

INFORMATION ATTACHED TO THIS DECISION:

ORD02

Attachment 2

DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

> **Advice listed in Attachment A.**

This development consent shall not operate until the application satisfies the Council in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, in relation to the matters listed in Schedule A hereto. The applicant has been given a period of 12 months in which to provide evidence sufficient enough to enable it to be satisfied as to those matters. Upon submission of evidence to the Council and the applicant receiving written notification that Council is satisfied as to the relevant matters, then the consent shall become operative, subject to compliance with the conditions specified in Schedule B hereto.

If the matters listed in Schedule A are not addressed within the specified time period, this Deferred Commencement consent will become permanently inoperative.

The conditions of Schedule A are as follows:

1. The written agreement for use of the Camden High School car park shall be signed by both parties and submitted to Camden Council.
2. Detailed Kitchen Plans – the applicant shall prepare detailed kitchen fitout plans to the satisfaction of Camden Council. Such plans must comply with Camden Councils Food Premises Code, The Food Act 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
3. Disabled Toilet – A detailed plan of the proposed disabled toilet shall be submitted to Council for approval. Such plan shall be to a scale of 1:20 and shall demonstrate compliance with AS1428, Parts 1 & 4

The conditions specified in Schedule B are as follows:

Details of Conditions:

1.0 – General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by J-Designs Architectural Drafting Services, dated 21 November 2003, and numbered 1/2; 2/2.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council).

DA No. 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Descriptors: WEDDING FUNCTION CENTRE

The procedure for applying to amend the approved plans is to submit an "Amended Development Application" form pursuant to section 96 of the *Environmental Planning & Assessment Act 1979*.

- (2) **Duration Of Consent** – This consent will lapse two (2) years from the date that the operational consent is issued by Camden Council. The applicant is advised that a further development application is required to continue to use beyond the prescribed date. Council, in determining any further application, will have regard to the operation of the use within the initial approval period. The applicant is advised to lodge such application at least one (1) month prior to the expiration of this consent.
- (3) **Timber Framing** – The timber frame must be constructed in accordance with the requirements of Australian Standard 1684 - 1992 'National Timber Framing Code'. The applicant is advised that the wall and roof framework including bracing must be designed and anchored to withstand a wind velocity for the particular area.
- (4) **Wet Area Water Proofing** - The application of waterproof membranes in wet areas must comply with the requirements of PART 3.8.1 of the Building Code of Australia and AS 3740 - 1994.
- (5) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (6) **Protect Existing Landscape** - All existing trees/shrubs/grasses and natural landscape features other than those trees and vegetation authorised for removal by this consent, must be retained and protected during all construction works. Approval must be granted by Council prior to the removal or any disturbance of the development site's existing/adjoining or surrounding landscape and vegetation.
- (7) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and DCP 96 "Outdoor Advertising Code".
- (8) **Noise Management Plan** – A site specific noise management plan shall be devised and submitted to the Consent Authority (Camden Council) within 2 months from the commencement of operation that addresses the following issues in relation to noise generated from live music and patrons exiting the function centre and car park:

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DA No: 357/2004
 Property: 332 Cawdor Road, CAWODR
 Proposal Description: WEDDING FUNCTION CENTRE

- a) The appointment of a responsible person to undertake regular noise monitoring and supervision of patrons with a view to identify all areas of non-compliance and take appropriate corrective action.
- b) A set of procedures that will demonstrate how noise complaints will be addressed and reported to complainants.
- c) Information that includes a noise complaint telephone contact person and phone number and the provision of a site register to record all noise complaints and action taken.

- (9) **Additional Noise Criteria** – All noise emissions from the operation of the wedding functions must fully comply with noise limiting criteria set by the New South Wales Liquor Administration Board (LAB) at all times.
- (10) **Stable Building Conservation** – within two years from the commencement of the approved use of the land, the applicant is to submit to Council a Conservation Plan for the intended preservation of the stable building that specifies a commencement date for works to be undertaken within 12 months from the Conservation Plan being submitted to Council.

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2.0 - Construction Certificate Requirements

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

- (1) **Obscured Glazing** - All windows from bathrooms including any en-suite and sanitary facilities must be fitted with translucent or obscure glazing for the purposes of providing adequate privacy between adjoining residents.
- (2) **Parking Spaces** - The applicant must provide parking for 60 cars on the adjacent high school site in the manner indicated in the agreement with Camden High School.
- (3) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval prior to a Construction Certificate being issued.

DA No: 357/2004

Property: 332 Cawdor Road CAWDOR
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- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

- (4) Prior to the **Construction Certificate** being issued the applicant is required to submit to Camden Council an application to install a "Commercial System of Sewerage Management". Such application is to be approved by Camden Council prior to the issue of the **Construction Certificate**.

The application is to be accompanied by a report from a suitably qualified hydraulic consultant addressing on site sewage management. The report shall address disposal of effluent, details specifications of the proposed system, operation requirements and wet weather disposal. In accordance with Councils Draft Policy 'Sewage Management Strategy', the Environment & Protection Guidelines 'On Site Sewage Management for Single Households' and relevant Australian Standards. The required capacity of the system is greater than that of a domestic system and as such a commercial wastewater treatment system will be required.

The items in Councils **attached** table must be addressed in the application,

- (5) **Colour Schedule** – A detailed colour schedule must be submitted to the Consent Authority for approval prior to the issue of the **Construction Certificate**.

3.0 - Prior To Works Commencing

DA No. 357/2004
 Property: 332 Cawdor Road CAWDOR
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The following conditions of consent shall be complied with prior to any works commencing on the construction site.

- (1) **Notice Of Commencement Of Work** – Notice in the form prescribed by the *Environmental Planning and Assessment Regulation 2000* shall be lodged with the Consent Authority (Camden Council) at **least 2 days prior** to commencing building works. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
- (2) **Construction Certificate Before Work Commences** - This consent does not allow site works, building or demolition works to commence nor does it imply that the plans attached to this consent comply with the specific requirements of Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase.

- (1) **Hours Of Operation** - All construction and demolition work must be restricted to between:
 - (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;
 - (c) work on Sundays and Public Holidays is prohibited.
- (2) **Roof-Water Destination** - The roof of the subject building(s) must be provided with guttering and down pipes and all stormwater conveyed to:
 - (a) an approved water storage tank; or
 - (b) the existing dam and/or natural water course on the subject allotment;
- (3) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The applicant must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA,

DA No. 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the council agrees to the commencement inspection to be combined with the first required inspection.

- (a) **Slab On Ground** – When steel reinforcement and associated form-work has been provided prior to the slab being poured with concrete.
- (b) **Pool Fencing** - The swimming pool safety fence prior to filling the pool with water.
- (c) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed prior to internal lining.
- (d) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (e) **Sewer Line-work** - When external line-work has been laid and connected to the approved waste-water treatment system.

Note: Septic tank(s) excavation must be inspected prior to backfilling.

- (f) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

Note: That the *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other mandatory inspections of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

- (4) **Subterranean Termite Protection** - Treatment for the protection of the building from subterranean termites must be carried out in accordance with AS 3660.1. "Termite Management – New Building Work".

A durable notice must be permanently fixed to the inside of the meter box indicating:

- (a) the method of protection;
- (b) the date of installation of the system;

Property: 332 Cawdor Road CAWDOR
 DA No: 357/2004
 Proposal Description: WEDDING FUNCTION CENTRE

- (c) the life expectancy of any chemical used;
- (d) the need to maintain and inspect the system.

- (5) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of Interim Occupation Certificates may be applied by the PCA.

- (1) **Occupation Certificate** - An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (ie Camden Council) within seven (7) days from the date of determination together with all relevant documentation including the Fire Safety Certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

- (2) 3750 square metres of land is to be made available for the disposal of effluent from the existing dwelling and the proposed wedding facility.
- (3) No more than 125 people are to attend the wedding reception facility on any day.

6.0 - Operational Conditions

- (1) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises. AS
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.

DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

- (3) **Hours of Operation** - The hours of operation for the approved land-use are:

Friday and Saturday:	1.30pm to 9.30pm
Sunday & Public Holidays:	1.30pm to 9.30pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

- (4) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (5) **Marquee Openings** - All marquee openings that allow access and egress for patron usage are to face a westerly direction in-order to reduce potential noise impacts on neighbouring residential dwellings.
- (6) **Amplified Music** - No amplified music is allowed to be played on the property or within the marquee at any time.
- (7) **Public Address Systems** - Public Address systems are prohibited from use on the property or within the marquee.
- (8) **Rock Bands and Disco Music** - Music from rock bands and discos is prohibited from being played on the property or within the marquee.
- (9) **Location and Type of Live Entertainment** - The performance of live entertainment that includes the playing of music must be located within the marquee only. The playing of live music that forms this entertainment must be limited to the form of either a string quartet or a piano /guitar duo. Drums of any kind are prohibited.
- (10) **Operation of Live Music** - The playing of live music shall be prohibited beyond 9.30pm on any evening of operation.
- (11) **Off Street Parking** - All vehicles participating in the use of the site must utilise off street parking at all times.
- (12) **Off Street Parking Signage** - Suitable signage is to be provided in the off street car park that advises patrons to not congregate and to exit the car park in a quiet manner.
- (13) **Closing of the Wedding Function Facility** - Patrons are required to leave the no later than 10.00pm on the evening of operation and should

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Attachment 2

DA No.: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

be encouraged to leave the car park in a timely and quiet manner. Caterers and staff are to vacate the site by 11.00pm.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of *Environmental Planning and Assessment Act 1979 and Regulations* made therefo.
- (2) To ensure that the building complies with the *Local Government Act 1993 and Regulations*.
- (3) To ensure that the building complies with the requirements of the Building Code of Australia (BCA) and applicable Australian Standards.
- (4) To ensure that the development meets the aims, objectives and requirements of Council's Local Environmental Plan, Development Control Plans and Policies which relate to the subject land.
- (5) To ensure that the development does not adversely impact on the heritage significance of a building or place and that it complies with the objectives of Council's Heritage Controls.
- (6) To ensure that the development complies with the submitted plans and supporting documentation.
- (7) To ensure that the land and/or building will be developed so as to minimise the impact on the existing and likely future amenity of the neighbourhood and environment.
- (8) To ensure that the proposed site works/associated activities development does not create a noise nuisance to other tenants within the subject building or those on adjoining properties.
- (9) To ensure that the building and/or works do not affect public safety and amenity.
- (10) To ensure that outdoor advertising and advertising structures comply with DCP 96 "Guidelines for Outdoor Advertising".
- (11) To ensure that an adequate and a safe public access has been provided to the site for both pedestrian and vehicular traffic and that the development complies with Council's "Car Parking Code", ie. DCP 97.

Property: 332 Cawdor Road CAWDORE
 DA No: 357/2004
 Proposal Description: WEDDING FUNCTION CENTRE

RIGHTS OF APPEAL If you are the applicant:

You can appeal against this decision in the Land and Environment Court within 12 months of the date of this notice. You cannot appeal, however, if a Commission of Inquiry is or is to be held and the development is designated development or state significant development.

DETERMINATION REVIEW

If you are an applicant and you are dissatisfied with the determination, you may within 12 months from the date of determination, request Council, in writing, to review the determination.

<p>SIGNED on behalf of Camden Council</p>	
	<p>Mr C J Stewart DEVELOPMENT OFFICER (Development Branch)</p>

ATTACHMENT A

The following matters are included as advice as relative to this application.

1. Section 82A of the EP&A Act 1979 provides that the applicant may request a review of this determination within twelve months of the date of the determination, following the payment of the prescribed fee.
2. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
3. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the requirements of Council's Tree Preservation Policy shall be guilty of an offence.
4. Section 126 of the EP&A Act, 1979 provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 1000 penalty units and to a further daily penalty not exceeding 100 penalty units.

Property: 332 Cawdor Road
DA No: 357/2004
Proposal Description: WEDDING FUNCTION CENTRE

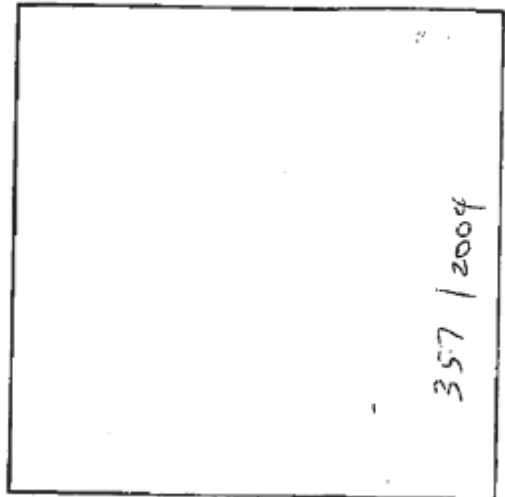
5. The contributions required under Section 94 of the EP & A Act, 1979 are set out in the stated Contribution Plans which can be viewed at Council's Customer Service during normal business hours.
6. This consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been applied for and been issued.
7. **SYDNEY WATER** requires the submission of stamped approved plans to their office prior to commencement of work.
8. **INTEGRAL ENERGY** requires electrical installations to be in accordance with their standards. All enquiries relating to electrical installations should be directed to that Authority.
9. **TELSTRA** requests that prior to any excavation commencing in connection with the approved work, contact should be made with Telstra "Cable Locations", Telephone 1100. Calls to this number are free.



Camden Council
37 John Street, Camden NSW 2570 DX 25807
PO Box 183, Camden 2570 ABN: 31 117 341 764
Telephone: 02 4654 7777 Fax: 02 4654 7829
Email: mail@camden.nsw.gov.au

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Mr LA Whitton
332 Cawdor Road
CAWDOR NSW 2570

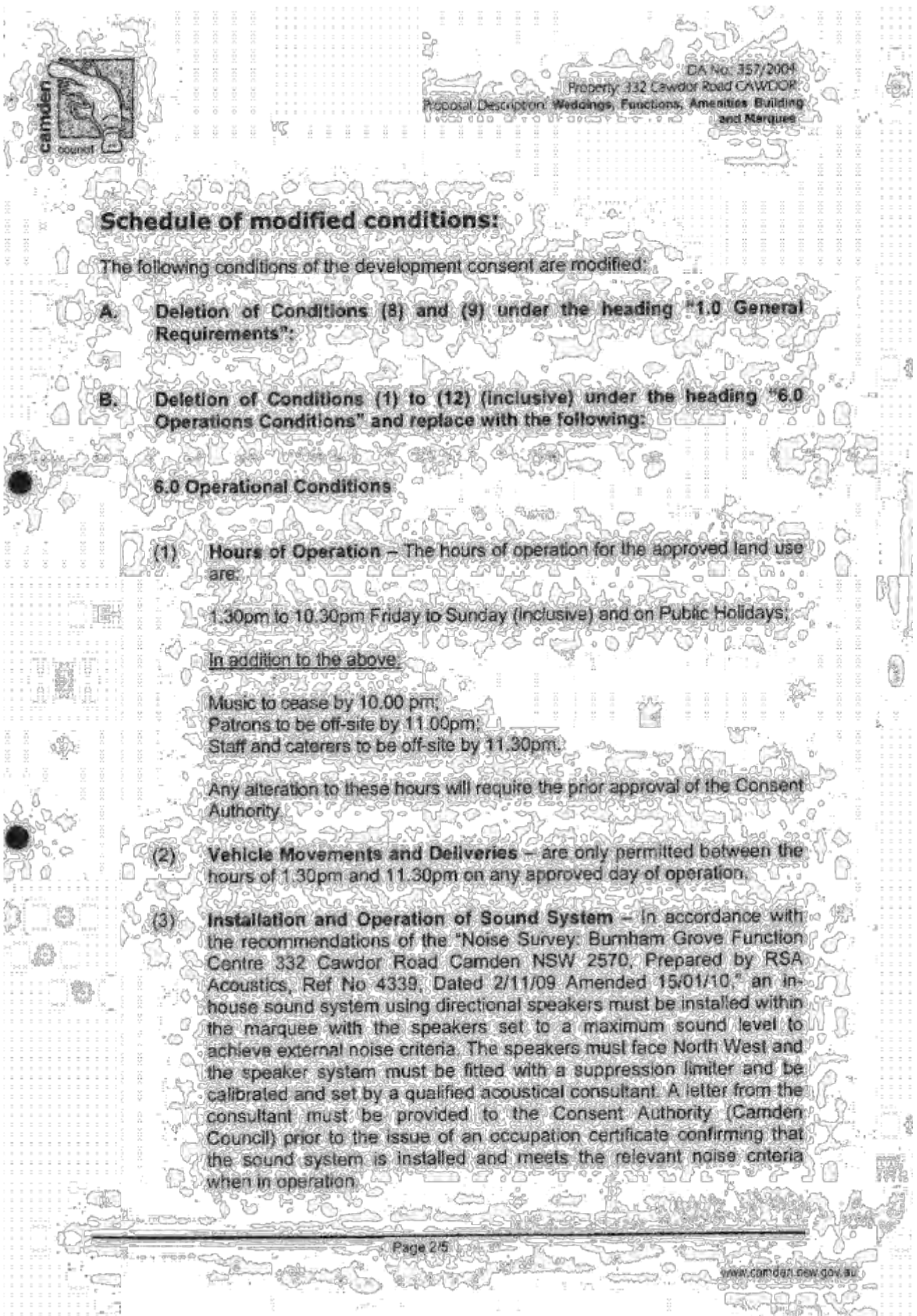


**NOTICE OF DETERMINATION FOR MODIFICATIONS TO
DEVELOPMENT CONSENT No. 357/2004**

Granted under Section 96 of the Environmental Planning and Assessment Act 1979

LAND TO BE DEVELOPED:	332 Cawdor Road CAWDOR DP 814326 Lot 100
PROPOSED DEVELOPMENT:	Weddings, Functions, Amenities Building and Marquee

- MODIFIED CONSENT No.:** 357(3)/2004
- MADE ON:** 15 March 2010
- DETERMINATION:** Pursuant to Section 96(1A) of the *Environmental Planning & Assessment Act 1979*, the development consent is modified in the manner set out in the attached schedule of modified conditions
- CONSENT TO LAPSE ON:** 3 April 2008 (unless substantially commenced)



DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: Weddings, Functions, Amenities Building and Marquee

Schedule of modified conditions:

The following conditions of the development consent are modified:

- A. Deletion of Conditions (8) and (9) under the heading "1.0 General Requirements";
- B. Deletion of Conditions (1) to (12) (inclusive) under the heading "6.0 Operations Conditions" and replace with the following:

6.0 Operational Conditions

(1) **Hours of Operation** – The hours of operation for the approved land use are:

1.30pm to 10.30pm Friday to Sunday (inclusive) and on Public Holidays;

In addition to the above:

- Music to cease by 10.00 pm;
- Patrons to be off-site by 11.00pm;
- Staff and caterers to be off-site by 11.30pm.

Any alteration to these hours will require the prior approval of the Consent Authority.

(2) **Vehicle Movements and Deliveries** – are only permitted between the hours of 1.30pm and 11.30pm on any approved day of operation.

(3) **Installation and Operation of Sound System** – in accordance with the recommendations of the "Noise Survey: Burnham Grove Function Centre 332 Cawdor Road Camden NSW 2570, Prepared by RSA Acoustics, Ref No 4339, Dated 2/11/09 Amended 15/01/10," an in-house sound system using directional speakers must be installed within the marquee with the speakers set to a maximum sound level to achieve external noise criteria. The speakers must face North West and the speaker system must be fitted with a suppression limiter and be calibrated and set by a qualified acoustical consultant. A letter from the consultant must be provided to the Consent Authority (Camden Council) prior to the issue of an occupation certificate confirming that the sound system is installed and meets the relevant noise criteria when in operation.



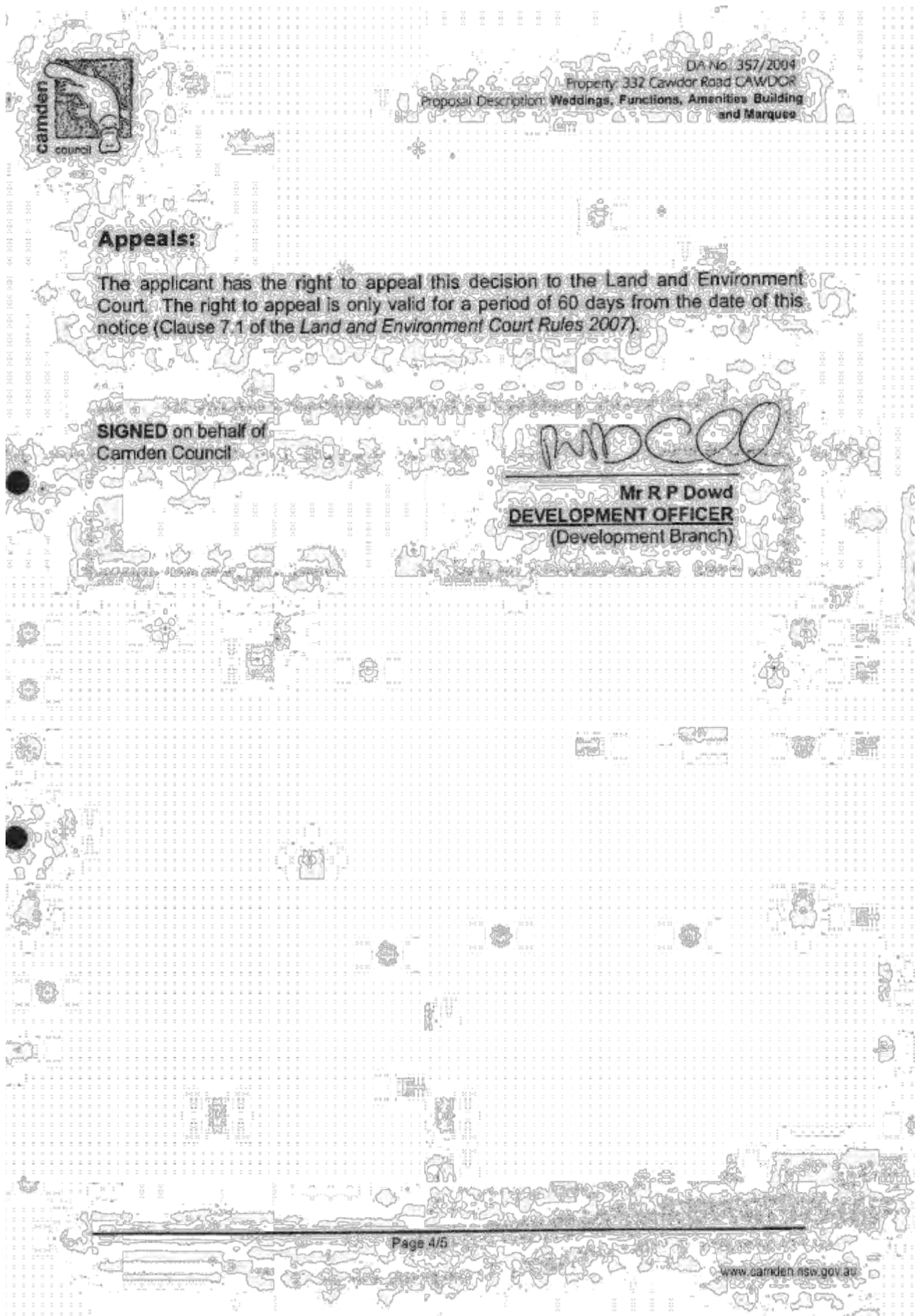
DA No.: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: **Weddings, Functions, Amenities Building and Marquee**

- (4) **Noise Management Plan** – the operation of the function centre must be undertaken in compliance with the *"Noise Management Plan, For Burnham Grove Function Centre: Lot 100 DP 814326, Prepared for Burnham Grove Function Centre, Prepared by RSA Acoustics, No 332, dated 19 February 2010, DA 357/2004."*
- (5) **Additional Noise Criteria** – All noise emissions from the operation of the function Centre must fully comply at all times with noise limiting criteria set by the New South Wales Liquor Administration Board (LAB) and Council's Environmental Noise Policy.
- (6) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (7) **Amplified Music, Public Address System, Live Entertainment** – is permitted subject to compliance with the conditions of this consent and requirements of the *"Noise Management Plan, For Burnham Grove Function Centre: Lot 100 DP 814326, Prepared for Burnham Grove Function Centre, Prepared by RSA Acoustics, No 332, dated 19 February 2010, DA 357/2004."*
- (8) **Location of Live Entertainment** – The performance of live entertainment that includes the playing of music must be located within the marquee only.
- (9) **Operation of Live Music** – shall be prohibited beyond 10.00pm on any evening of operation.
- (10) **Light Spill** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (11) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (12) **Closing and Vacating of Function Centre** – Patrons must leave the premises no later than 11.00pm on any evening of operation. All staff and caterers are to vacate the premises by 11.30pm.

All other conditions of development consent 357/2004 issued on 7 October 2004 are to remain valid and applicable.

ORD03

Attachment 1





DA No: 357/2004
Property: 332 Cawdor Road CAWDOR
Proposal Description: **Weddings, Functions, Amenities Building
and Marquee**

Advice:

The following matters are included as advice as relevant to this determination.

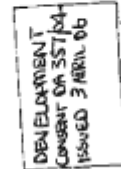
1. **Offences** - Section 125 of the *Environmental Planning and Assessment Act, 1979* provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
2. **Penalties** - Section 126 of the *Environmental Planning and Assessment Act, 1979* provides that any person guilty of an offence against this Act shall, for every such offence, be liable to penalties as stated in this section.
3. **Contributions** - The contributions (if required) under Section 94 of the *Environmental Planning and Assessment Act, 1979* are set out in the stated Contribution Plans which can be viewed at Camden Council's Customer Service counter during normal business hours.
4. **Construction Certificate Required** - Where building or subdivision works are proposed, this consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been issued.
5. **Tree Preservation** - This consent does not authorise any tree removal unless specifically shown on approved plans and referred to in this development consent. All trees are protected in all areas of Camden. Separate consent is required for any proposal affecting existing trees and native vegetation. Any person who contravenes or causes or permits the removal of a tree/s without consent shall be guilty of an offence and liable to penalty as stated in this advice.

ORD03

Attachment 1

CMAC

Mr LA Whitton
332 Cawdor Road
CAWDOR NSW 2570



**NOTICE OF DETERMINATION OF DEVELOPMENT
APPLICATION No. 357/2004**

Issued under Section 81 (1) (a) of the
Environmental Planning and Assessment Act 1979
(For privacy reasons, the applicant's details only appear in the notice to the applicant)

LAND TO BE DEVELOPED:	332 Cawdor Road CAWDOR DP 814326 Lot 100
PROPOSED DEVELOPMENT:	Weddings, Functions, Amenities Building and Marquee
BUILDING CODE OF AUSTRALIA: (If the development involves a building)	Building Classification 9(b) & 10(a)

DETERMINATION: Consent granted subject to conditions described below.

DATE FROM WHICH THE CONSENT OPERATES: 3 April 2006

DATE THE CONSENT EXPIRES: 3 April 2008
(unless works commenced)

DATE OF THIS DECISION: 7 October 2004

INFORMATION ATTACHED TO THIS DECISION:

> Advice listed in Attachment A.

Details of Conditions:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by J-Designs Architectural Drafting Services, dated 21 November 2003 and numbered 1/2; 2/2.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an "Amended Development Application" form pursuant to section 96 of the *Environmental Planning & Assessment Act 1979*.

- (2) **Duration Of Consent** – This consent will become invalid if at any time, Camden High School elects not to renew the agreement for use of their car park for functions. The applicant is advised that a fresh development application is required to continue to use beyond that time, which nominates an alternative car park.
- (3) **Timber Framing** – The timber frame must be constructed in accordance with the requirements of the most current edition of AS1684 - 'Residential Timber-frame Construction'. The applicant is advised that the wall and roof framework including bracing must be designed and anchored to withstand a wind velocity for the particular area.
- (4) **Wet Area Water Proofing** - The application of waterproof membranes in wet areas must comply with the requirements of PART 3.8.1 of the Building Code of Australia and the current edition of AS 3740.
- (5) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (6) **Protect Existing Landscape** – All existing trees/shrubs grasses and natural landscape features other than those trees and vegetation authorised for removal by consent must be retained and protected during all construction works. Approval must be granted by Council prior to the removal or any disturbance of the development site's existing /adjoining or surrounding landscape and vegetation.
- (7) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be

DA No.: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description:

submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and DCP 96 "Outdoor Advertising Code".

- (8) **Noise Management Plan** – a site specific noise management plan shall be devised and submitted to the Consent Authority (Camden Council) within 2 months from the commencement of operation that addresses the following issues in relation to noise generated from live music and patrons exiting the function centre and car park.
- (a) The appointment of a responsible person to undertake regular noise monitoring and supervision of patrons with a view to identify all areas on non-compliance and take appropriate corrective action.
 - (b) A set of procedures that will demonstrate how noise complaints will be addressed and reported to complainants.
 - (c) Information that includes a noise complaint telephone contact person and phone number and the provision of a site register to record all noise complaints and action taken.
- (9) **Additional Noise Criteria** – All noise emissions from the operation of the wedding functions must fully comply with noise limiting criteria set by the New South Wales Liquor Administration Board (LAB) at all times.
- (10) **Stable Building Conservation** – within 2 years from the commencement of the approved use of the land, the applicant is to submit to Council a Conservation plan for the intended preservation of the stable building that specifies a commencement date for works to be undertaken within 12 months from the conservation Plan being submitted to Council.

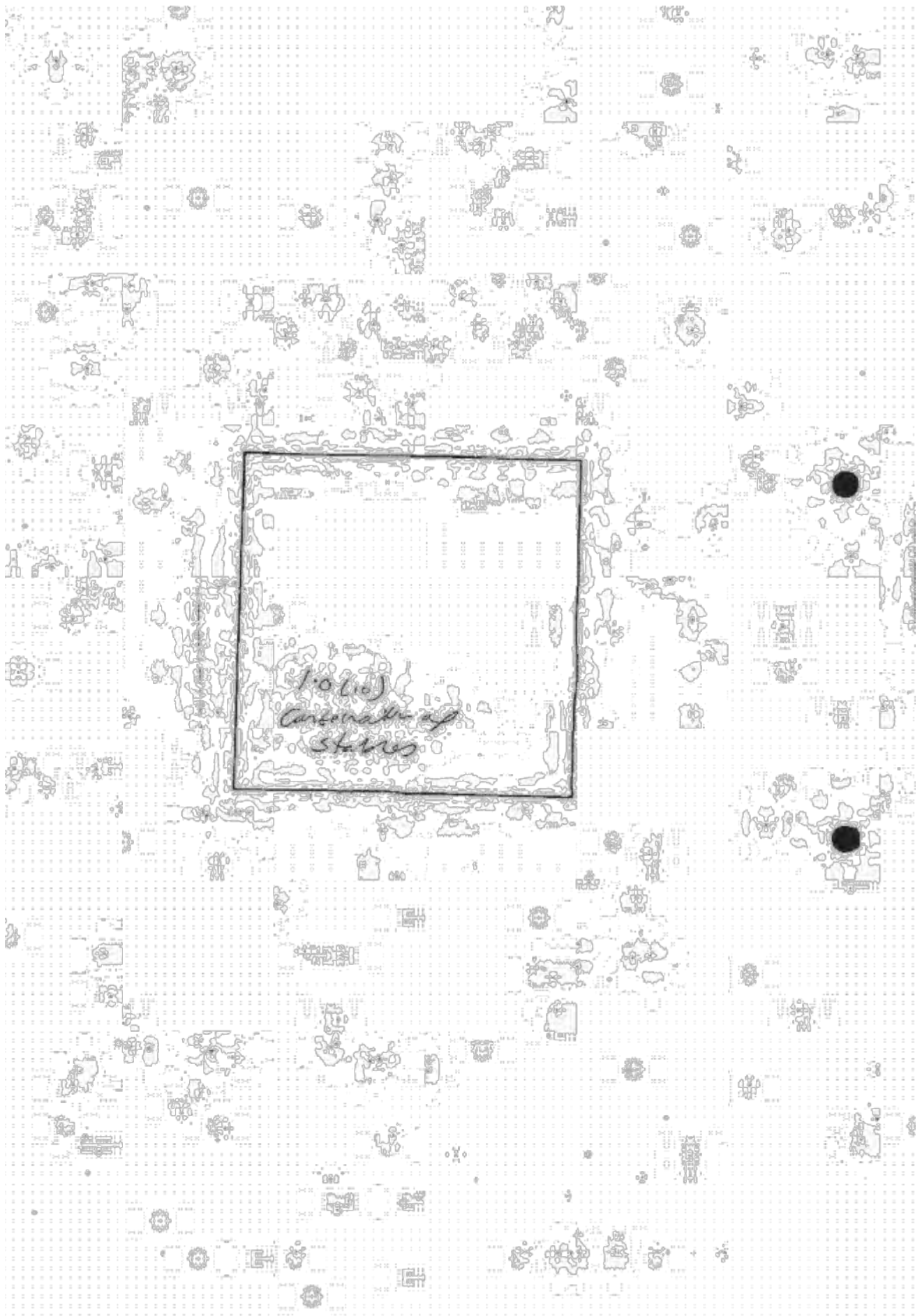
2.0 - Construction Certificate Requirements

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

- (1) **Obscured Glazing** - All windows from bathrooms including any ensuite and sanitary facilities must be fitted with translucent or obscure glazing for the purposes of providing adequate privacy between adjoining residents.
- (2) **Parking Spaces** - The developer must provide parking for cars in the manner indicated on the approved plans. Of that number, parking spaces must be available at all times for the parking of *residents/ visitors/ customers/ employees/ services* vehicles. Those parking spaces must be clearly marked and an adequate sign indicating that parking is available on-

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site must be erected in a position where it is legible to drivers of vehicles entering the land.

- (3) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy"

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval prior to a **Construction Certificate** being issued.

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting
- (l) diversion of uncontaminated upper catchment around areas to be disturbed
- (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
- (n) procedures for maintenance of erosion and sediment controls
- (o) details for staging of works
- (p) details and procedures for dust control.

- (4) Prior to the Construction Certificate being issued the applicant is required to submit to Camden Council an application to install a "Commercial System of Sewerage Management". Such application is to be approved by Camden Council prior to the issue of the Construction Certificate.

The application is to be accompanied by a report from a suitably qualified hydraulic consultant addressing on site sewerage management. The report shall address disposal of effluent, details specifications of the proposed system, operation requirements and wet weather disposal. In accordance

with Councils Draft Policy "Sewage Management Strategy", the Environment & Protection Guidelines "Onsite Sewage Management for Single Households" and relevant Australian Standards. The required capacity of the system is greater than that of a domestic system and as such a commercial wastewater treatment system will be required.

The items in Councils **attached** table must be addressed in the application.

- (5) **Colour Schedule** – A detailed colour schedule must be submitted to the Consent Authority for approval prior to the issue of the **Construction Certificate**.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the construction site.

- (1) **Notice of Commencement of Work** – Notice in the form prescribed by the *Environmental Planning and Assessment Regulation 2000* shall be lodged with the Consent Authority (Camden Council) **at least 2 days prior to commencing building works**. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
- (2) **Construction Certificate Before Work Commences** - This consent does not allow site, works, building or demolition works to commence, nor does it imply that the plans attached to this consent comply with the specific requirements of the Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase.

- (1) **Hours Of Operation** - All construction and demolition work must be restricted to between:
- (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;
 - (c) work on Sundays and Public Holidays is prohibited.

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(2) **Roofwater Destination** - The roof of the subject building(s) must be provided with guttering and down pipes and all stormwater conveyed to:

- (a) an approved water storage tank;
- (b) the existing dam and/or natural water course on the subject allotment;

(3) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The applicant must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, Council agrees to the commencement inspection to be combined with the first required inspection.

- (a) **Slab On Ground** - When steel reinforcement and associated form-work has been provided prior to the slab being poured with concrete.
- (b) **Pool Fencing** - The swimming pool safety fence prior to filling the pool with water.
- (c) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed prior to internal lining.
- (d) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (e) **Sewer Line-work** - When external line-work has been laid and connected to the approved waste-water treatment system.

Note: Septic tank(s) excavation must be inspected prior to backfilling.

(f) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

Note: That the *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other mandatory inspections of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

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- (4) **Subterranean Termite Protection** - Treatment for the protection of the building from subterranean termites must be carried out in accordance with AS3660.1 "Termite Management – New Building Work".

A durable notice must be permanently fixed to the inside of the meter box indicating:

- (a) the method of protection;
 - (b) the date of installation of the system;
 - (c) the life expectancy of any chemical used;
 - (d) the need to maintain and inspect the system.
- (5) **Site Management (No Nuisance Creation)** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Occupation Certificate** - An Occupation Certificate must be issued by the Principal Certifying Authority **prior to occupation or use of the development**. The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (ie Camden Council) within seven (7) days from the date of determination, together with all relevant documentation including the Fire Safety Certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

- (2) 3750 square metres of land is to be made available for the disposal of effluent from the existing dwelling and the proposed wedding facility.
- (3) No more than 125 people are to attend the wedding reception facility on any day.

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 Property: 332 Cawdor Road CAWDOR
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6.0 - Operational Conditions

- (1) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises (AS).
- (2) **Offensive Noise** - The use and occupation of the premises, including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (3) **Hours of Operation** - The hours of operation for the approved land-use are:

Friday & Saturday: 1.30pm to 9.30pm
 Sunday & Public Holidays: 1.30pm to 9.30pm

All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.
- (4) **Amenity** - The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupations, and residential premises.
- (4) **Marquee Openings** – All marquee openings that allow access and egress for patron usage are to face a westerly direction in-order to reduce potential noise impacts on neighbouring residential dwellings.
- (5) **Amplified Music** – No amplified music is allowed to be played on the property or within the marquee at any time.
- (6) **Public Address Systems** – Public Address systems are prohibited from use on the property or within the marquee.
- (7) **Rock Bands and Disco Music** – Music from rock bands and discos is prohibited from being played on the property or within the marquee.
- (8) **Location and Type of Live Entertainment** – The performance of live entertainment that includes the playing of music must be located within the marquee only. The playing of live music that forms this entertainment must be limited to the form of either a string quartet or a piano /guitar duo. Drums of any kind are prohibited.

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 Property: 332 Cawdor Road CAWDOR
 Proposal Description:

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- (9) **Operation of Live Music** – The playing of live music shall be prohibited beyond 9.30pm on any evening of operation.
 - (10) **Off Street Parking** – All vehicles participating in the use of the site must utilise off street parking at all times.
 - (11) **Off Street Parking Signage** – Suitable signage is to be provided in the off street car park that advises patrons to not congregate and to exit the car park in a quite manner.
 - (12) **Closing of the Wedding Function Facility** – Patrons are required to leave the no later than 10.00pm on the evening of operation and should be encouraged to leave the car park in a timely and quite manner. Caterer and staff are to vacate the site by 11.00pm.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of *Environmental Planning and Assessment Act 1979 and Regulations* made thereto.
- (2) To ensure that the building complies with the *Local Government Act 1993 and Regulations*.
- (3) To ensure that the building complies with the requirements of the Building Code of Australia (BCA) and applicable Australian Standards.
- (4) To ensure that the development meets the aims, objectives and requirements of Council's Local Environmental Plan, Development Control Plans and Policies which relate to the subject land.
- (5) To ensure that the development does not adversely impact on the heritage significance of a building or place and that it complies with the objectives of Council's Heritage Controls.
- (6) To ensure that the development complies with the submitted plans and supporting documentation.
- (7) To ensure that the land and/or building will be developed so as to minimise the impact on the existing and likely future amenity of the neighbourhood and environment.
- (8) To ensure that the proposed site works/associated activities development does not create a noise nuisance to other tenants within the subject building or those on adjoining properties.

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- (9) To ensure that the building and/or works do not affect public safety and amenity.
- (10) To ensure that outdoor advertising and advertising structures comply with DCP 96 "Guidelines for Outdoor Advertising".
- (11) To ensure that an adequate and a safe public access has been provided to the site for both pedestrian and vehicular traffic and that the development complies with Council's "Car Parking Code", ie. DCP 97.

RIGHTS OF APPEAL If you are the applicant:

You can appeal against this decision in the Land and Environment Court within 12 months of the date of this notice. You cannot appeal, however, if a Commission of Inquiry is or is to be held and the development is designated development or state significant development.

DETERMINATION REVIEW

If you are an applicant and you are dissatisfied with the determination, you may within 12 months from the date of determination, request Council, in writing, to review the determination.

<p>SIGNED on behalf of Camden Council</p>	 <hr style="width: 100%;"/> <p>Mr C J Mackey DEVELOPMENT OFFICER (Development Branch)</p>
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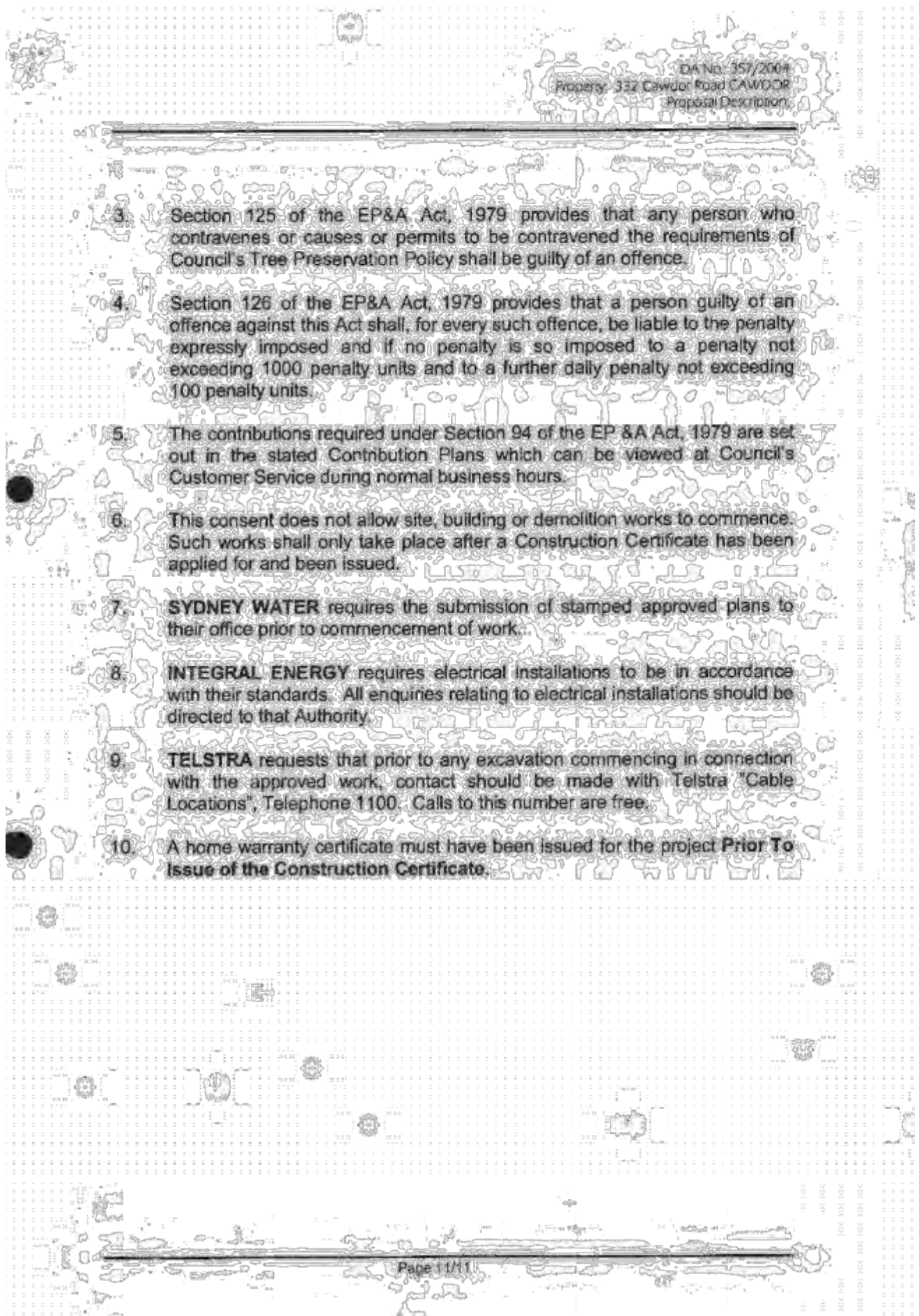
ATTACHMENT A

The following matters are included as advice as relative to this application.

1. Section 82A of the EP&A Act 1979 provides that the applicant may request a review of this determination within twelve months of the date of the determination, following the payment of the prescribed fee.
2. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.

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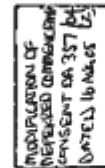
Attachment 1



DA No. 357/2004
Property: 332 Cawdor Road CAWDOOR
Proposal Description:

3. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the requirements of Council's Tree Preservation Policy shall be guilty of an offence.
4. Section 126 of the EP&A Act, 1979 provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 1000 penalty units and to a further daily penalty not exceeding 100 penalty units.
5. The contributions required under Section 94 of the EP & A Act, 1979 are set out in the stated Contribution Plans which can be viewed at Council's Customer Service during normal business hours.
6. This consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been applied for and been issued.
7. SYDNEY WATER requires the submission of stamped approved plans to their office prior to commencement of work.
8. INTEGRAL ENERGY requires electrical installations to be in accordance with their standards. All enquiries relating to electrical installations should be directed to that Authority.
9. TELSTRA requests that prior to any excavation commencing in connection with the approved work, contact should be made with Telstra "Cable Locations", Telephone 1100. Calls to this number are free.
10. A home warranty certificate must have been issued for the project Prior To Issue of the Construction Certificate.

CMAC: 1500.3320



Mr LA Whitton
332 Cawdor Road
CAWDOR NSW 2570

**NOTICE OF DETERMINATION FOR MODIFICATIONS TO
DEFERRED COMMENCEMENT CONSENT No. 357/2004**

Granted under Section 96 of the Environmental Planning and Assessment Act 1979

LAND TO BE DEVELOPED:	332 Cawdor Road CAWDOR DP 814326 Lot 100
PROPOSED DEVELOPMENT:	Function Centre, Construction of Marquee and Amenities Building
BUILDING CODE OF AUSTRALIA:	Building Classification 9(b) and 10(a)

DETERMINATION

MODIFIED CONSENT No.:	357(2)/2004
MADE ON:	16 August 2005
DETERMINATION:	Consent granted subject to conditions described below.
CONSENT TO OPERATE FROM:	To be Advised
CONSENT TO LAPSE ON:	To be Advised

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Attachment 1

Property 332 Cawdor Road CAWDOR
Proposal Description: DA Modification - Function Centre.

DA No: 357/2004

Marquee and Amenities Building

Details of Modified Conditions:

The consent is modified by deleting Condition 1.0 (2) and replacing it with the following condition.

- (1) **Duration Of Consent** – This consent will become invalid if at any time, Camden High School elects not to renew the agreement for use of their carpark for the functions. The applicant is advised that a fresh development application will be required to continue the use beyond that time, which nominates an alternative car park location.

All other conditions of Deferred Commencement Consent No. 357/2004 issued 7 October 2005 are to remain valid and applicable.

RIGHT OF APPEAL If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

**section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.*

<p>SIGNED on behalf of Camden Council</p>	 <hr/> <p>Mr C J Mackey DEVELOPMENT OFFICER (Development Branch)</p>
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ADVICE

The following matters are included as advice as relative to this application.

- 1. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.

DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

➤ **Advice listed in Attachment A.**

This development consent shall not operate until the application satisfies the Council in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, in relation to the matters listed in Schedule A hereto. The applicant has been given a period of 12 months in which to provide evidence sufficient enough to enable it to be satisfied as to those matters. Upon submission of evidence to the Council and the applicant receiving written notification that Council is satisfied as to the relevant matters, then the consent shall become operative, subject to compliance with the conditions specified in Schedule B hereto.

If the matters listed in Schedule A are not addressed within the specified time period, this Deferred Commencement consent will become permanently inoperative.

The conditions of Schedule A are as follows:

1. The written agreement for use of the Camden High School car park shall be signed by both parties and submitted to Camden Council.
2. Detailed Kitchen Plans – the applicant shall prepare detailed kitchen fitout plans to the satisfaction of Camden Council. Such plans must comply with Camden Councils Food Premises Code, The Food Act 2003 and the Food Regulations 2004 (incorporating the Food Standards Code).
3. Disabled Toilet – A detailed plan of the proposed disabled toilet shall be submitted to Council for approval. Such plan shall be to a scale of 1:20 and shall demonstrate compliance with AS1428, Parts 1 & 4

The conditions specified in Schedule B are as follows:

Details of Conditions:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by J-Designs Architectural Drafting Services, dated 21 November 2003, and numbered 1/2; 2/2.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council).

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 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

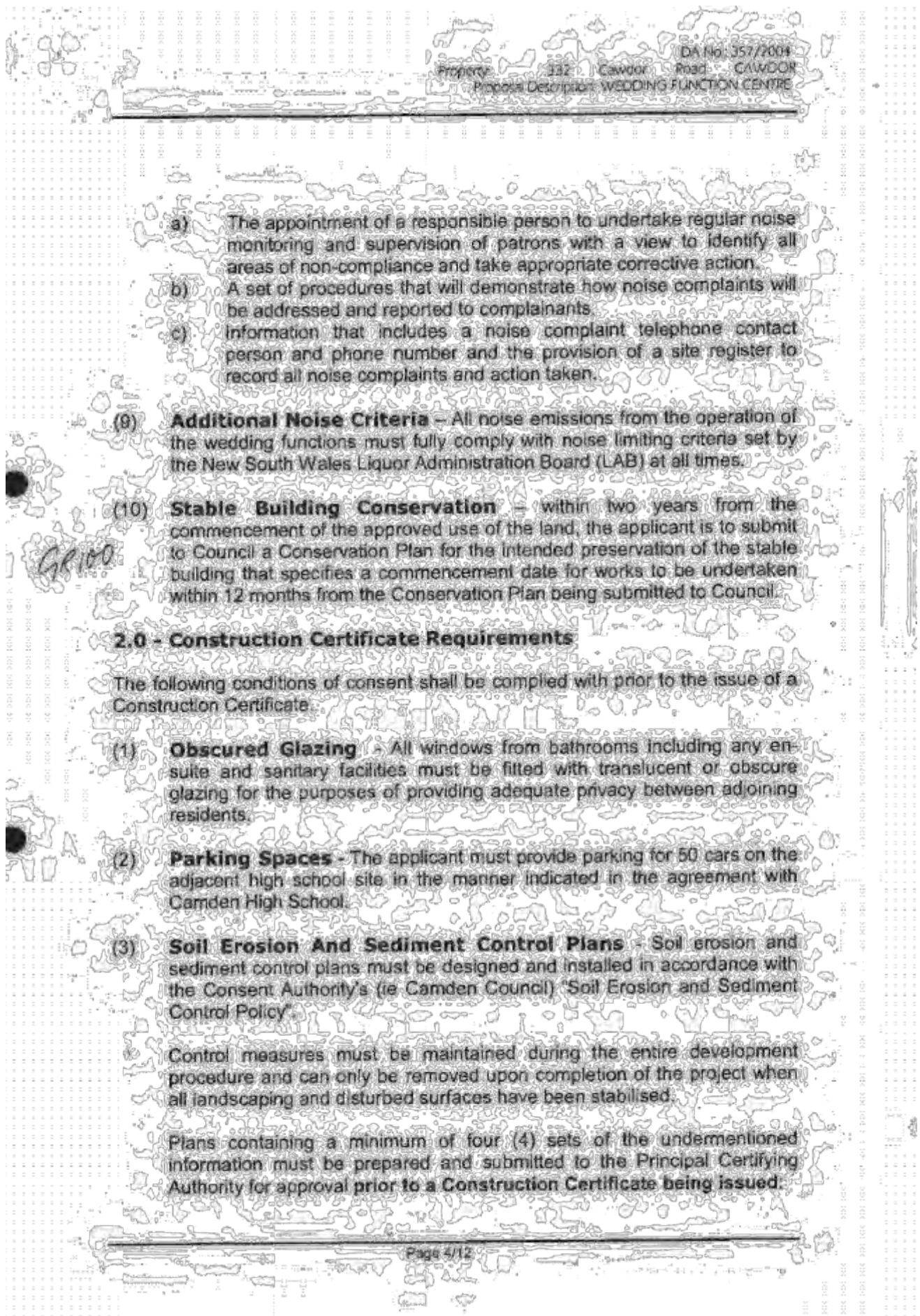
The procedure for applying to amend the approved plans is to submit an "Amended Development Application" form pursuant to section 96 of the *Environmental Planning & Assessment Act 1979*.

- (2) **Duration Of Consent** – This consent will lapse two (2) years from the date that the operational consent is issued by Camden Council. The applicant is advised that a further development application is required to continue to use beyond the prescribed date. Council, in determining any further application, will have regard to the operation of the use within the initial approval period. The applicant is advised to lodge such application at least one (1) month prior to the expiration of this consent.
- (3) **Timber Framing** – The timber frame must be constructed in accordance with the requirements of Australian Standard 1684 - 1992 'National Timber Framing Code'. The applicant is advised that the wall and roof framework including bracing must be designed and anchored to withstand a wind velocity for the particular area.
- (4) **Wet Area Water Proofing** - The application of waterproof membranes in wet areas must comply with the requirements of PART 3.8.1 of the Building Code of Australia and AS 3740 - 1994.
- (5) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (6) **Protect Existing Landscape** - All existing trees/shrubs/grasses and natural landscape features other than those trees and vegetation authorised for removal by this consent, must be retained and protected during all construction works. Approval must be granted by Council prior to the removal or any disturbance of the development site's existing/adjoining or surrounding landscape and vegetation.
- (7) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and DCP 96 "Outdoor Advertising Code".
- (8) **Noise Management Plan** – A site specific noise management plan shall be devised and submitted to the Consent Authority (Camden Council) within 2 months from the commencement of operation that addresses the following issues in relation to noise generated from live music and patrons exiting the function centre and car park:

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DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

- (a) existing and final contours
 - (b) the location of all earthworks including roads, areas of cut and fill and re-grading
 - (c) location of impervious areas other than roads
 - (d) location and design criteria of erosion and sediment control structures
 - (e) location and description of existing vegetation
 - (f) site access (to be minimised)
 - (g) proposed vegetated buffer strips
 - (h) catchment area boundaries
 - (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
 - (j) location of topsoil or other stockpiles
 - (k) signposting
 - (l) diversion of uncontaminated upper catchment around areas to be disturbed
 - (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
 - (n) procedures for maintenance of erosion and sediment controls
 - (o) details for staging of works
 - (p) details and procedures for dust control.
- (4) Prior to the **Construction Certificate** being issued the applicant is required to submit to Camden Council an application to install a "Commercial System of Sewerage Management". Such application is to be approved by Camden Council prior to the issue of the Construction Certificate.

The application is to be accompanied by a report from a suitably qualified hydraulic consultant addressing on site sewage management. The report shall address disposal of effluent, details specifications of the proposed system, operation requirements and wet weather disposal. In accordance with Councils Draft Policy 'Sewage Management Strategy', the Environment & Protection Guidelines 'On Site Sewage Management for Single Households' and relevant Australian Standards. The required capacity of the system is greater than that of a domestic system and as such a commercial wastewater treatment system will be required.

The items in Councils **attached** table must be addressed in the application.

- (5) **Colour Schedule** – A detailed colour schedule must be submitted to the Consent Authority for approval prior to the issue of the **Construction Certificate**.

3.0 - Prior To Works Commencing

DA No.: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

The following conditions of consent shall be complied with prior to any works commencing on the construction site.

- (1) **Notice Of Commencement Of Work** – Notice in the form prescribed by the *Environmental Planning and Assessment Regulation 2000* shall be lodged with the Consent Authority (Camden Council) **at least 2 days prior** to commencing building works. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
- (2) **Construction Certificate Before Work Commences** - This consent does not allow site works, building or demolition works to commence nor does it imply that the plans attached to this consent comply with the specific requirements of Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase.

- (1) **Hours Of Operation** - All construction and demolition work must be restricted to between:
 - (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;
 - (c) work on Sundays and Public Holidays is prohibited.
- (2) **Roof-Water Destination** - The roof of the subject building(s) must be provided with guttering and down pipes and all stormwater conveyed to:
 - (a) an approved water storage tank; or
 - (b) the existing dam and/or natural water course on the subject allotment;
- (3) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The applicant must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA,

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 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the council agrees to the commencement inspection to be combined with the first required inspection.

- (a) **Slab On Ground** – When steel reinforcement and associated form-work has been provided prior to the slab being poured with concrete.
- (b) **Pool Fencing** - The swimming pool safety fence prior to filling the pool with water.
- (c) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed prior to internal lining.
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- (e) **Sewer Line-work** - When external line-work has been laid and connected to the approved waste-water treatment system.

Note: Septic tank(s) excavation must be inspected prior to backfilling.

- (f) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

Note: That the *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other mandatory inspections of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

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A durable notice must be permanently fixed to the inside of the meter box indicating:

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- (b) the date of installation of the system;

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- (c) the life expectancy of any chemical used;
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- (5) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.

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The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

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The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

- (2) 3750 square metres of land is to be made available for the disposal of effluent from the existing dwelling and the proposed wedding facility.
- (3) No more than 125 people are to attend the wedding reception facility on any day.

6.0 - Operational Conditions

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- (3) **Hours of Operation** - The hours of operation for the approved land-use are:

Friday and Saturday: 1.30pm to 9.30pm
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All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.

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- (10) **Operation of Live Music** - The playing of live music shall be prohibited beyond 9.30pm on any evening of operation.
- (11) **Off Street Parking** - All vehicles participating in the use of the site must utilise off street parking at all times.
- (12) **Off Street Parking Signage** - Suitable signage is to be provided in the off street car park that advises patrons to not congregate and to exit the car park in a quite manner.
- (13) **Closing of the Wedding Function Facility** - Patrons are required to leave the no later than 10.00pm on the evening of operation and should

ORD03

Attachment 1

DA No: 357/2004
 Property: 332 Cawdor Road CAWDOR
 Proposal Description: WEDDING FUNCTION CENTRE

be encouraged to leave the car park in a timely and quite manner. Caterers and staff are to vacate the site by 11.00pm.

Reasons for Conditions:

- (1) To ensure that the proposed development complies with the requirements of *Environmental Planning and Assessment Act 1979 and Regulations* made thereto.
- (2) To ensure that the building complies with the *Local Government Act 1993 and Regulations*.
- (3) To ensure that the building complies with the requirements of the Building Code of Australia (BCA) and applicable Australian Standards.
- (4) To ensure that the development meets the aims, objectives and requirements of Council's Local Environmental Plan, Development Control Plans and Policies which relate to the subject land.
- (5) To ensure that the development does not adversely impact on the heritage significance of a building or place and that it complies with the objectives of Council's Heritage Controls.
- (6) To ensure that the development complies with the submitted plans and supporting documentation.
- (7) To ensure that the land and/or building will be developed so as to minimise the impact on the existing and likely future amenity of the neighbourhood and environment.
- (8) To ensure that the proposed site works/associated activities development does not create a noise nuisance to other tenants within the subject building or those on adjoining properties.
- (9) To ensure that the building and/or works do not affect public safety and amenity.
- (10) To ensure that outdoor advertising and advertising structures comply with DCP 96 "Guidelines for Outdoor Advertising".
- (11) To ensure that an adequate and a safe public access has been provided to the site for both pedestrian and vehicular traffic and that the development complies with Council's "Car Parking Code", ie. DCP 97.

Property 332, Cawdor Road, CAWDOR
DA No. 357/2004
Proposed Description: WEDDING FUNCTION CENTRE

RIGHTS OF APPEAL If you are the applicant:

You can appeal against this decision in the Land and Environment Court within 12 months of the date of this notice. You cannot appeal, however, if a Commission of Inquiry is or is to be held and the development is designated development or state significant development.

DETERMINATION REVIEW

If you are an applicant and you are dissatisfied with the determination, you may within 12 months from the date of determination, request Council, in writing, to review the determination.

SIGNED on behalf of
Camden Council



Mr C J Stewart
DEVELOPMENT OFFICER
(Development Branch)

ATTACHMENT A

The following matters are included as advice as relative to this application.

1. Section 82A of the EP&A Act 1979 provides that the applicant may request a review of this determination within twelve months of the date of the determination, following the payment of the prescribed fee.
2. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the conditions of this consent shall be guilty of an offence.
3. Section 125 of the EP&A Act, 1979 provides that any person who contravenes or causes or permits to be contravened the requirements of Council's Tree Preservation Policy shall be guilty of an offence.
4. Section 126 of the EP&A Act, 1979 provides that a person guilty of an offence against this Act shall, for every such offence, be liable to the penalty expressly imposed and if no penalty is so imposed to a penalty not exceeding 1000 penalty units and to a further daily penalty not exceeding 100 penalty units.

ORD03

Attachment 1

DA No.: 357/2004
Property: 332 Cawdor Road CAWDOR
Proposal Description: WEDDING FUNCTION CENTRE

5. The contributions required under Section 94 of the EP & A Act, 1979 are set out in the stated Contribution Plans which can be viewed at Council's Customer Service during normal business hours.
6. This consent does not allow site, building or demolition works to commence. Such works shall only take place after a Construction Certificate has been applied for and been issued.
7. **SYDNEY WATER** requires the submission of stamped approved plans to their office prior to commencement of work.
8. **INTEGRAL ENERGY** requires electrical installations to be in accordance with their standards. All enquiries relating to electrical installations should be directed to that Authority.
9. **TELSTRA** requests that prior to any excavation commencing in connection with the approved work, contact should be made with Telstra "Cable Locations", Telephone 1100. Calls to this number are free.



BIC INNOVATIONZ
 2000 Lakeshore Blvd West, Suite 100, New St.
 Toronto, Ontario M5H 2S4
 Tel: 416-593-1111
 Fax: 416-593-1112
 Email: info@bicinnovationz.com

GENERAL NOTES:
 1. The owner is responsible for obtaining all necessary permits.
 2. The owner is responsible for obtaining all necessary approvals.
 3. The owner is responsible for obtaining all necessary easements.
 4. The owner is responsible for obtaining all necessary rights of way.
 5. The owner is responsible for obtaining all necessary utility easements.
 6. The owner is responsible for obtaining all necessary survey data.
 7. The owner is responsible for obtaining all necessary engineering reports.
 8. The owner is responsible for obtaining all necessary legal opinions.
 9. The owner is responsible for obtaining all necessary title insurance.
 10. The owner is responsible for obtaining all necessary closing documents.

**FOR COUNCIL APPROVAL ONLY
 NOT FOR CONSTRUCTION**

DRAWN BY:
 JIM STREET SMITH

PROJECT:
 LOT 10 VIOLET STREET, GERRARD HILLS

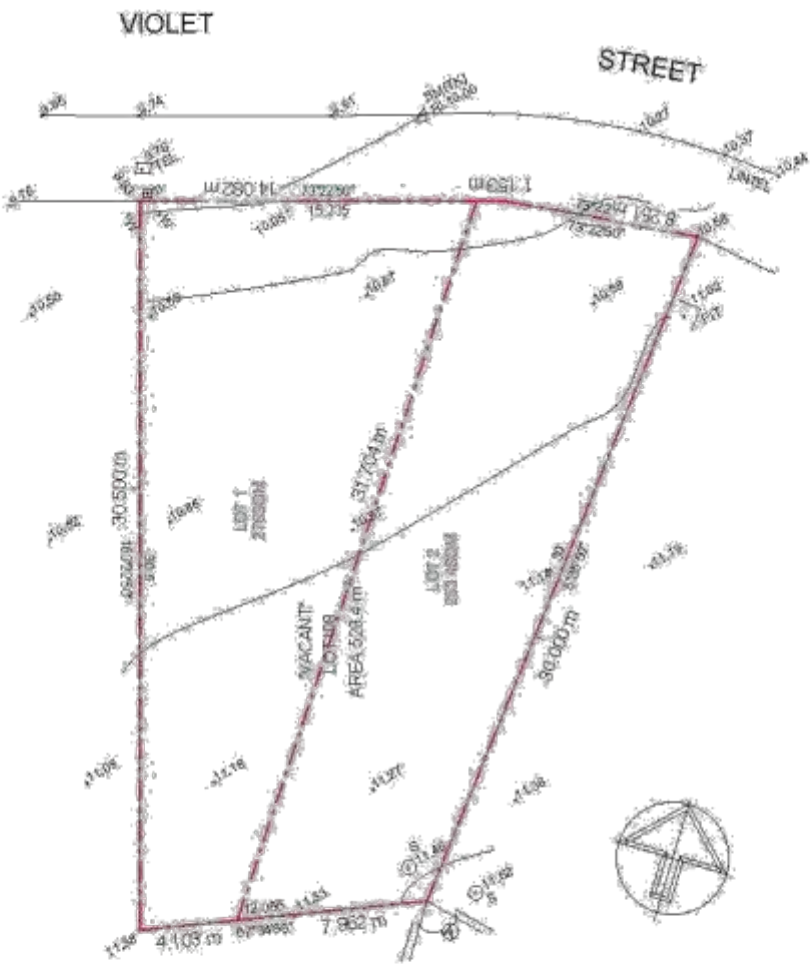
NO.	DESCRIPTION	DATE	ISS
1	Prepared for the Councils Request	15/11/15	J
2	Revised for the Councils Request	18/11/15	J
3	Revised for the Councils Request	19/11/15	J
4	Revised for the Councils Request	20/11/15	J
5	Revised for the Councils Request	21/11/15	J
6	Revised for the Councils Request	22/11/15	J
7	Revised for the Councils Request	23/11/15	J
8	Revised for the Councils Request	24/11/15	J
9	Revised for the Councils Request	25/11/15	J
10	Revised for the Councils Request	26/11/15	J
11	Revised for the Councils Request	27/11/15	J
12	Revised for the Councils Request	28/11/15	J
13	Revised for the Councils Request	29/11/15	J
14	Revised for the Councils Request	30/11/15	J
15	Revised for the Councils Request	01/12/15	J
16	Revised for the Councils Request	02/12/15	J
17	Revised for the Councils Request	03/12/15	J
18	Revised for the Councils Request	04/12/15	J
19	Revised for the Councils Request	05/12/15	J
20	Revised for the Councils Request	06/12/15	J
21	Revised for the Councils Request	07/12/15	J
22	Revised for the Councils Request	08/12/15	J
23	Revised for the Councils Request	09/12/15	J
24	Revised for the Councils Request	10/12/15	J
25	Revised for the Councils Request	11/12/15	J
26	Revised for the Councils Request	12/12/15	J
27	Revised for the Councils Request	13/12/15	J
28	Revised for the Councils Request	14/12/15	J
29	Revised for the Councils Request	15/12/15	J
30	Revised for the Councils Request	16/12/15	J
31	Revised for the Councils Request	17/12/15	J
32	Revised for the Councils Request	18/12/15	J
33	Revised for the Councils Request	19/12/15	J
34	Revised for the Councils Request	20/12/15	J
35	Revised for the Councils Request	21/12/15	J
36	Revised for the Councils Request	22/12/15	J
37	Revised for the Councils Request	23/12/15	J
38	Revised for the Councils Request	24/12/15	J
39	Revised for the Councils Request	25/12/15	J
40	Revised for the Councils Request	26/12/15	J
41	Revised for the Councils Request	27/12/15	J
42	Revised for the Councils Request	28/12/15	J
43	Revised for the Councils Request	29/12/15	J
44	Revised for the Councils Request	30/12/15	J
45	Revised for the Councils Request	31/12/15	J
46	Revised for the Councils Request	01/01/16	J
47	Revised for the Councils Request	02/01/16	J
48	Revised for the Councils Request	03/01/16	J
49	Revised for the Councils Request	04/01/16	J
50	Revised for the Councils Request	05/01/16	J
51	Revised for the Councils Request	06/01/16	J
52	Revised for the Councils Request	07/01/16	J
53	Revised for the Councils Request	08/01/16	J
54	Revised for the Councils Request	09/01/16	J
55	Revised for the Councils Request	10/01/16	J
56	Revised for the Councils Request	11/01/16	J
57	Revised for the Councils Request	12/01/16	J
58	Revised for the Councils Request	13/01/16	J
59	Revised for the Councils Request	14/01/16	J
60	Revised for the Councils Request	15/01/16	J
61	Revised for the Councils Request	16/01/16	J
62	Revised for the Councils Request	17/01/16	J
63	Revised for the Councils Request	18/01/16	J
64	Revised for the Councils Request	19/01/16	J
65	Revised for the Councils Request	20/01/16	J
66	Revised for the Councils Request	21/01/16	J
67	Revised for the Councils Request	22/01/16	J
68	Revised for the Councils Request	23/01/16	J
69	Revised for the Councils Request	24/01/16	J
70	Revised for the Councils Request	25/01/16	J
71	Revised for the Councils Request	26/01/16	J
72	Revised for the Councils Request	27/01/16	J
73	Revised for the Councils Request	28/01/16	J
74	Revised for the Councils Request	29/01/16	J
75	Revised for the Councils Request	30/01/16	J
76	Revised for the Councils Request	31/01/16	J
77	Revised for the Councils Request	01/02/16	J
78	Revised for the Councils Request	02/02/16	J
79	Revised for the Councils Request	03/02/16	J
80	Revised for the Councils Request	04/02/16	J
81	Revised for the Councils Request	05/02/16	J
82	Revised for the Councils Request	06/02/16	J
83	Revised for the Councils Request	07/02/16	J
84	Revised for the Councils Request	08/02/16	J
85	Revised for the Councils Request	09/02/16	J
86	Revised for the Councils Request	10/02/16	J
87	Revised for the Councils Request	11/02/16	J
88	Revised for the Councils Request	12/02/16	J
89	Revised for the Councils Request	13/02/16	J
90	Revised for the Councils Request	14/02/16	J
91	Revised for the Councils Request	15/02/16	J
92	Revised for the Councils Request	16/02/16	J
93	Revised for the Councils Request	17/02/16	J
94	Revised for the Councils Request	18/02/16	J
95	Revised for the Councils Request	19/02/16	J
96	Revised for the Councils Request	20/02/16	J
97	Revised for the Councils Request	21/02/16	J
98	Revised for the Councils Request	22/02/16	J
99	Revised for the Councils Request	23/02/16	J
100	Revised for the Councils Request	24/02/16	J

SUBDIVISION PLAN

Drawn by: JIM STREET
 Date: 10/16
 Checked by: JIM STREET

DW:03

ORD04



1 Subdivision Plan
 1:200

ORD04

Attachment 1

ATC INNOVATIONZ
 1011-1013 Wellington Street, Wanganui, New Zealand
 Phone: 06 942 2100
 Fax: 06 942 2101
 Email: info@atc.co.nz
 Website: www.atc.co.nz

GENERAL NOTES:

1. These drawings shall be used in conjunction with the Council's Resource Consent and the Resource Consent Conditions.
2. All dimensions are in millimetres unless otherwise stated.
3. All materials shall be as specified in the schedule of materials.
4. All work shall be in accordance with the relevant New Zealand Building Code.
5. All work shall be in accordance with the relevant New Zealand Building Code.
6. All work shall be in accordance with the relevant New Zealand Building Code.
7. All work shall be in accordance with the relevant New Zealand Building Code.
8. All work shall be in accordance with the relevant New Zealand Building Code.
9. All work shall be in accordance with the relevant New Zealand Building Code.
10. All work shall be in accordance with the relevant New Zealand Building Code.

**FOR COUNCIL APPROVAL ONLY
 NOT FOR CONSTRUCTION**

CLIENT:
 101 STREET 10/10

PROJECT:
 LOT 100 VOLEY STREET, WANGANUI, NZ

NO.	DESCRIPTION	DATE	ISS
1	Issue for Council Approval	15/11/15	1
2	Issue for Construction	15/11/15	2
3	Issue for Construction	15/11/15	3
4	Issue for Construction	15/11/15	4
5	Issue for Construction	15/11/15	5
6	Issue for Construction	15/11/15	6
7	Issue for Construction	15/11/15	7
8	Issue for Construction	15/11/15	8
9	Issue for Construction	15/11/15	9
10	Issue for Construction	15/11/15	10

UNIT 1 ELEVATIONS

Drawn by: [Name]
 Checked by: [Name]
 Date: 10/11/15



1 U1_South.
 1:100



2 U1_West.
 1:100

DW.06.3

C



ATC INNOVATIONZ
Quality. Service. Satisfaction.
Office: 2420 Woodbine Road, Wood Park, NSW 2111
Phone: 02 9414 0000
Fax: 02 9414 1915
Email: info@atcinnovanz.com.au
www.atcinnovanz.com.au
info@atcinnovanz.com.au

GENERAL NOTES:
1. All work to be done in accordance with the Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.
2. All work to be done in accordance with the relevant Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.
3. All work to be done in accordance with the relevant Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.
4. All work to be done in accordance with the relevant Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.
5. All work to be done in accordance with the relevant Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.
6. All work to be done in accordance with the relevant Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.
7. All work to be done in accordance with the relevant Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.
8. All work to be done in accordance with the relevant Australian Standards (AS) and the relevant Building Code of Australia (BCA) provisions.

**FOR COUNCIL APPROVAL ONLY,
NOT FOR CONSTRUCTION.**

CLIENT:
24 STREET SMITH

PROJECT:
LOT 100 WOLF STREET, GERRARD HILLS

NO.	DESCRIPTION	DATE ISS.
1	Issue for Council Approval	18/07/15
2	Revised for Council Approval	05/08/15
3	Issue for Approval	05/08/15

UNIT 1 ELEVATIONS

DESIGNED BY: J.P. EST
DATE: 18/07/15
CHECKED BY:

DW.06.4



1 U1 North.
1:100



2 U1 East.
1:100

ORD04

Attachment 1

ATC INNOVATIONZ
 CONSULTING ENGINEERS
 1100 WEST 10TH AVENUE, SUITE 200
 DENVER, CO 80202
 PHONE: 303.733.8888
 WWW.ATCINNOVATIONZ.COM

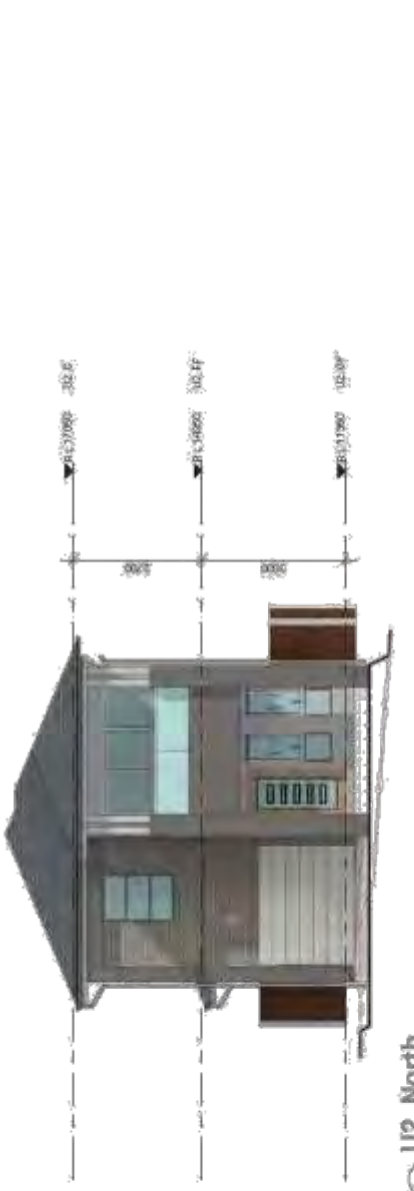
GENERAL NOTES:
 1. These drawings shall be used in accordance with the City of Denver's Building Code and the International Building Code.
 2. All dimensions are in feet and inches unless otherwise noted.
 3. All materials shall be as specified in the schedule and specifications.
 4. All materials shall be tested and certified in accordance with the applicable code requirements.
 5. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.

**FOR COUNCIL APPROVAL ONLY
 NOT FOR CONSTRUCTION**

CLIENT:
 100 WEST 10TH AVENUE
PROJECT:
 100 WEST 10TH AVENUE, DENVER, CO

NO.	REVISION	DATE	BY

UNIT 2 ELEVATIONS



1 U2 North
 1:100



2 U2 East
 1:100

Scale: 1/8" = 1'-0"
 Date: 10/28/15
 Drawn by: JRM

DW.07.3



ATC INNOVATIONZ
 2000 West 10th Street, Suite 100, Anchorage, AK 99503
 Phone: 907.561.1000
 Fax: 907.561.1010
 Email: info@atcinnov.com
 Website: www.atcinnov.com

GENERAL NOTES:
 1. All work shall be in accordance with the applicable building codes.
 2. All work shall be in accordance with the applicable building codes.
 3. All work shall be in accordance with the applicable building codes.
 4. All work shall be in accordance with the applicable building codes.
 5. All work shall be in accordance with the applicable building codes.
 6. All work shall be in accordance with the applicable building codes.
 7. All work shall be in accordance with the applicable building codes.
 8. All work shall be in accordance with the applicable building codes.
 9. All work shall be in accordance with the applicable building codes.
 10. All work shall be in accordance with the applicable building codes.

**FOR COUNCIL APPROVAL ONLY
 NOT FOR CONSTRUCTION**

OWNER:
 200 STREET 2000

PROJECT:
 100 W 10TH STREET, ANCHORAGE, AK

UNIT	DATE ISSUED
U1.0	
U1.1	
U1.2	
U1.3	
U1.4	
U1.5	
U1.6	
U1.7	
U1.8	
U1.9	
U1.10	
U1.11	
U1.12	
U1.13	
U1.14	
U1.15	
U1.16	
U1.17	
U1.18	
U1.19	
U1.20	

UNIT ELEVATIONS

Prepared by: [Name]
 Date: 10/16/15
 Checked by: [Name]

DW.07.4



1 U2 South
 1:100



2 U2 West
 1:100

ORD04

Attachment 1

ATC INNOVATIONZ
 Architecture | Interiors | Landscaping
 10110 130th Street, Richmond, BC V6V 1K3
 Tel: 604.273.1018
 Fax: 604.273.1019
 www.atcinnovations.com
 info@atcinnovations.com

GENERAL NOTES:
 1. The proposed building shall be constructed in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 2. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 3. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 4. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 5. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 6. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 7. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 8. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 9. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).
 10. All construction shall be in accordance with the City of Richmond's Building Bylaw (2006) and the British Columbia Building Code (2006).

**FOR COUNCIL APPROVAL ONLY
 NOT FOR CONSTRUCTION**

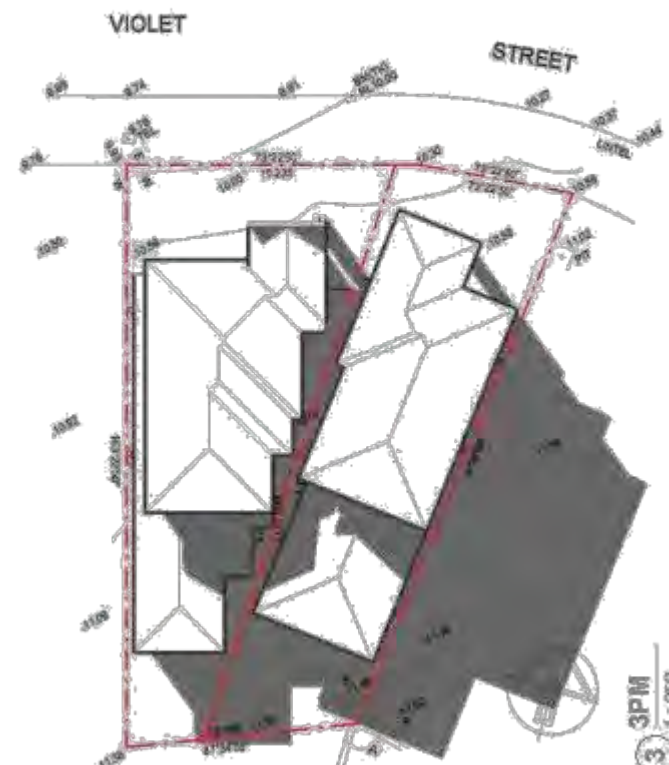
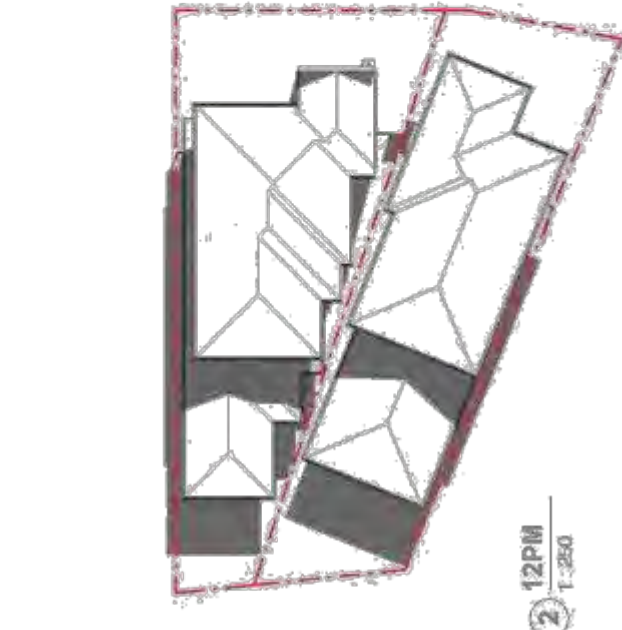
CLIENT:
 123 STREET INC.

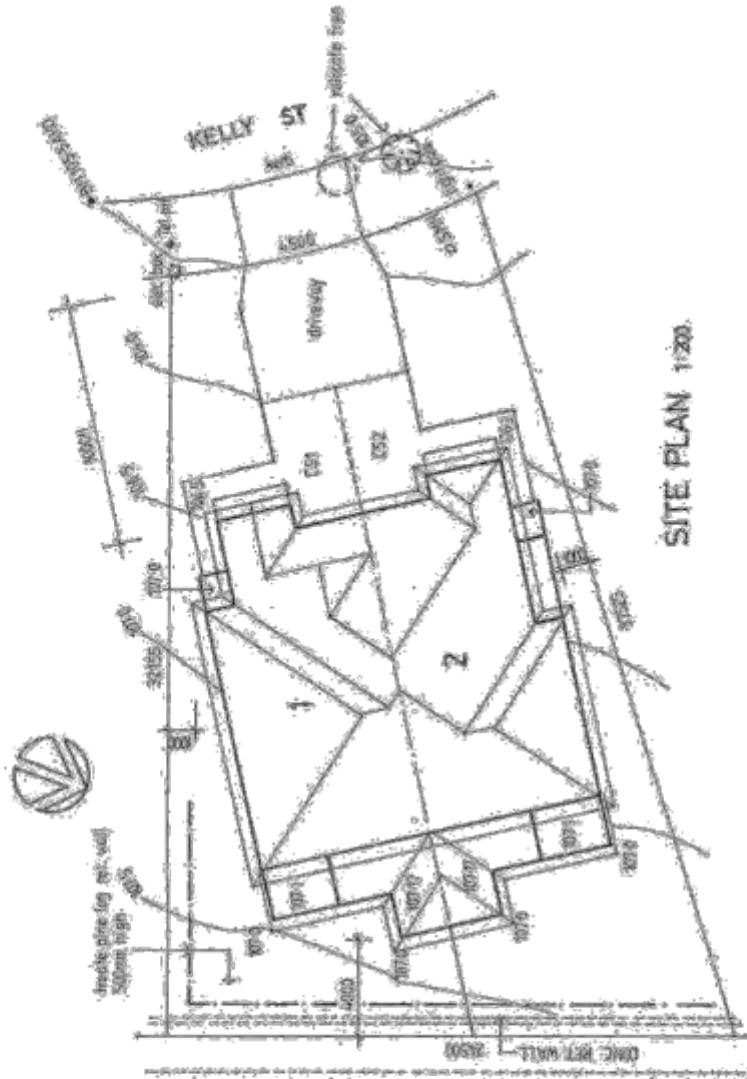
PROJECT:
 101-103 VIOLET STREET, RICHMOND, BC

DESCRIPTION	DATE	ISS
Final Set for Council Approval	10/15/15	1
Revised Set for Council Approval	10/15/15	2
Revised Set for Council Approval	10/15/15	3
Revised Set for Council Approval	10/15/15	4
Revised Set for Council Approval	10/15/15	5
Revised Set for Council Approval	10/15/15	6
Revised Set for Council Approval	10/15/15	7
Revised Set for Council Approval	10/15/15	8
Revised Set for Council Approval	10/15/15	9
Revised Set for Council Approval	10/15/15	10

SHADOW DIAGRAM

Scale: 1/8" = 1'-0"
 Date: 10/15/15
 Drawn by: [Name]
 DWG: 11
 C





Philip Spiros & Associates
BUILDING DESIGN CONSULTANTS
34 Glenahoe Place, Christchurch, N.Z. 8140
Phone / Fax 03 08991854 - Mobile 0453 54 8996

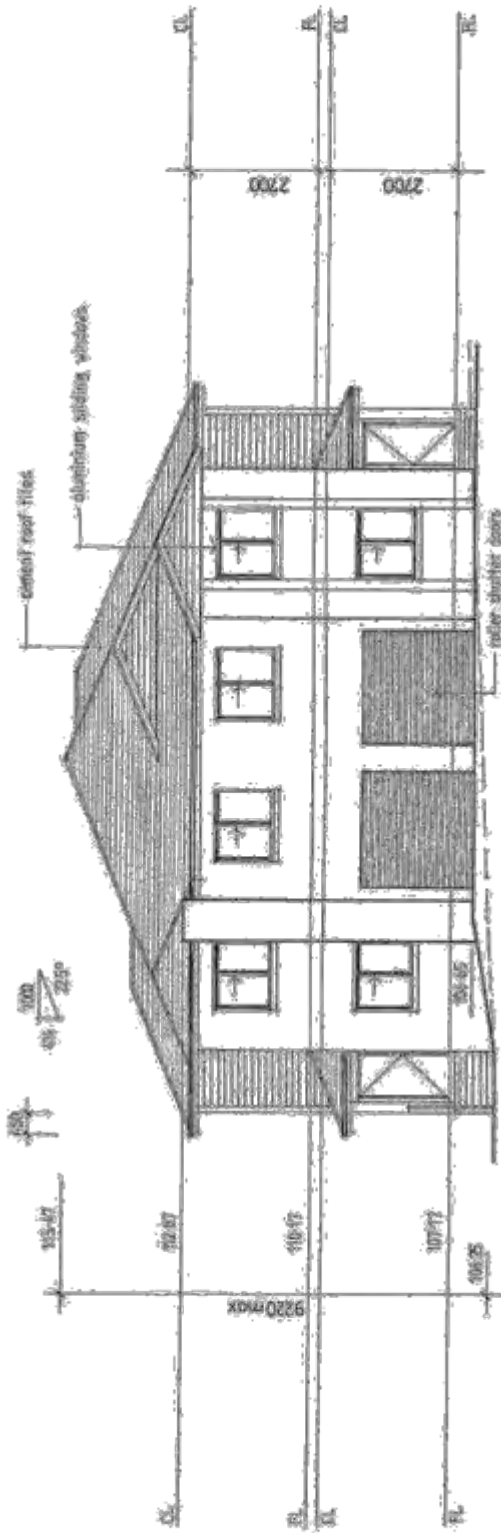
PROJECT: PROPOSED DUAL OCCUPANCY
ADDRESS: 24/244 Kelly Street Christchurch, NZ
CLIENT: MR. C. TALLEY
DRG NO: 17005
DATE: 16 July 2015

Attachment 1

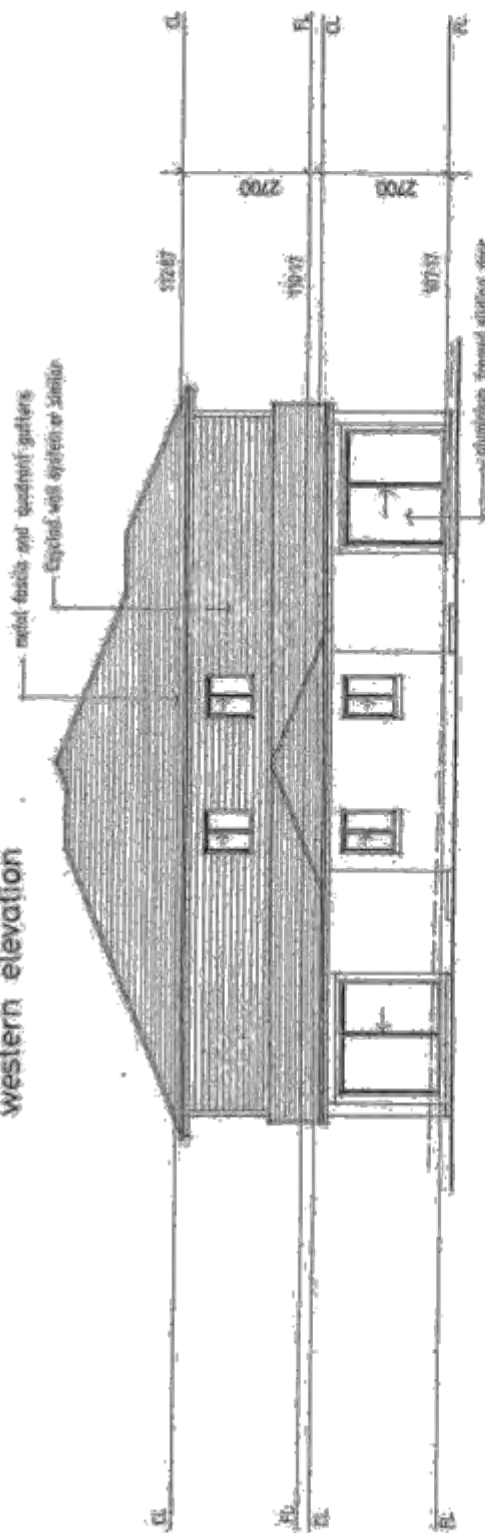
ORD05

ORD05

Attachment 1



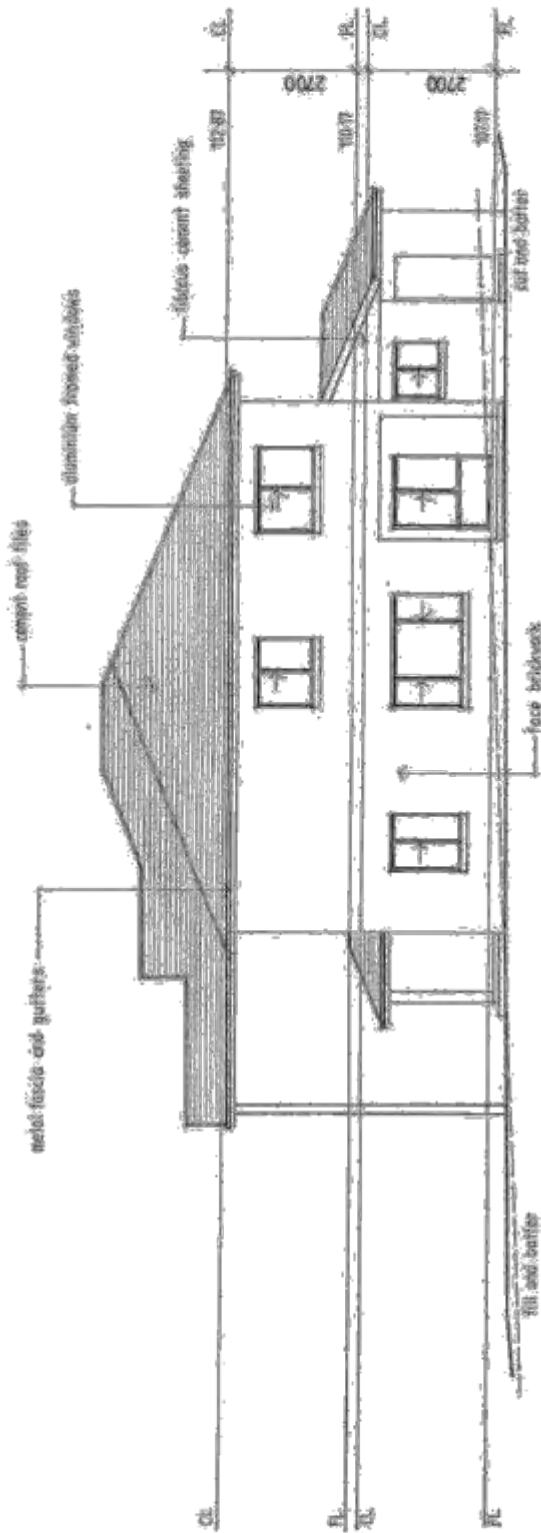
western elevation



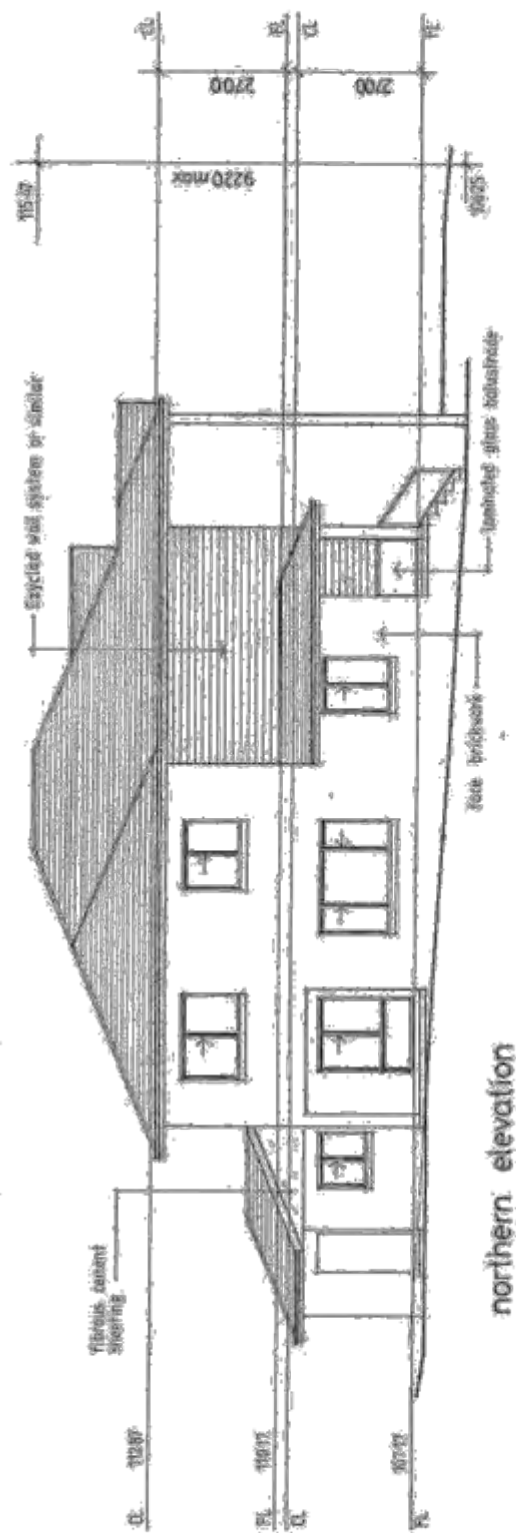
eastern elevation

Phillip Spiros & Associates
 BUILDING DESIGN CONSULTANTS
 34 Gendreau Place Gendreau N.S.W. 2156
 Phone / Fax 02 98901954 Mobile 0433 64 8390

PROJECT PROPOSED DUAL OCCUPANCY
 ADDRESS Lot 4591 Kelly Street Green Park NSW
 CLIENT MR. C. TALEB
 DRG. NO. 17369
 DATE 31st July 2015



southern elevation



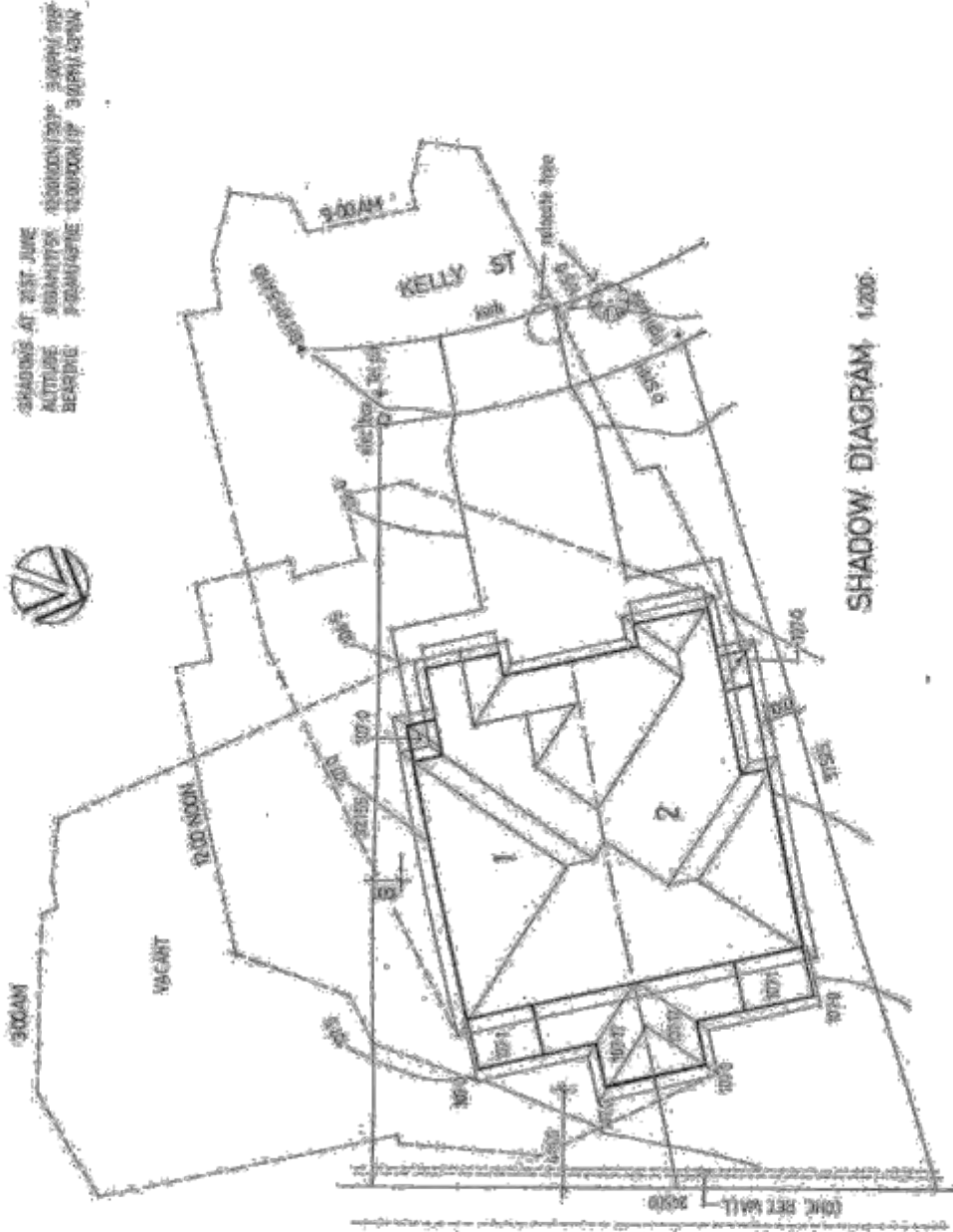
northern elevation

Phillip Spiros & Associates
 BUILDING DESIGN CONSULTANTS
 34 Glenmore Place Glendowie, N.S.W. 2138
 Phone / Fax 02 98991824 Mobile 0433 64 8899

PROJECT: PROPOSED DUAL OCCUPANCY
 ADDRESS: Lot 2441 Kelly Street (Suburb Park) NSW
 CLIENT: MR. O. VALES
 DRG NO: 177668
 DATE: 16th July 2015

ORD05

Attachment 1



SHADOWS AT 9:00 AM
 ALTITUDE 500MM/150"
 BEARING 300°/90°

SHADOW DIAGRAM 1:200

Phillip Spiros & Associates
 BUILDING DESIGN CONSULTANTS
 34 Glenmore Place Glenhoven, N.S.W. 2158
 Phone / Fax: 02 9960 1854 Mobile: 0433 64 8888

PROJECT - PROPOSED DUAL OCCUPANCY
 ADDRESS - Lot 4/412 Kelly Street Ormeau Park NSW
 CLIENT - MR. G. TALLEB
 DRAW NO - 177828
 DATE - 16th July 2015

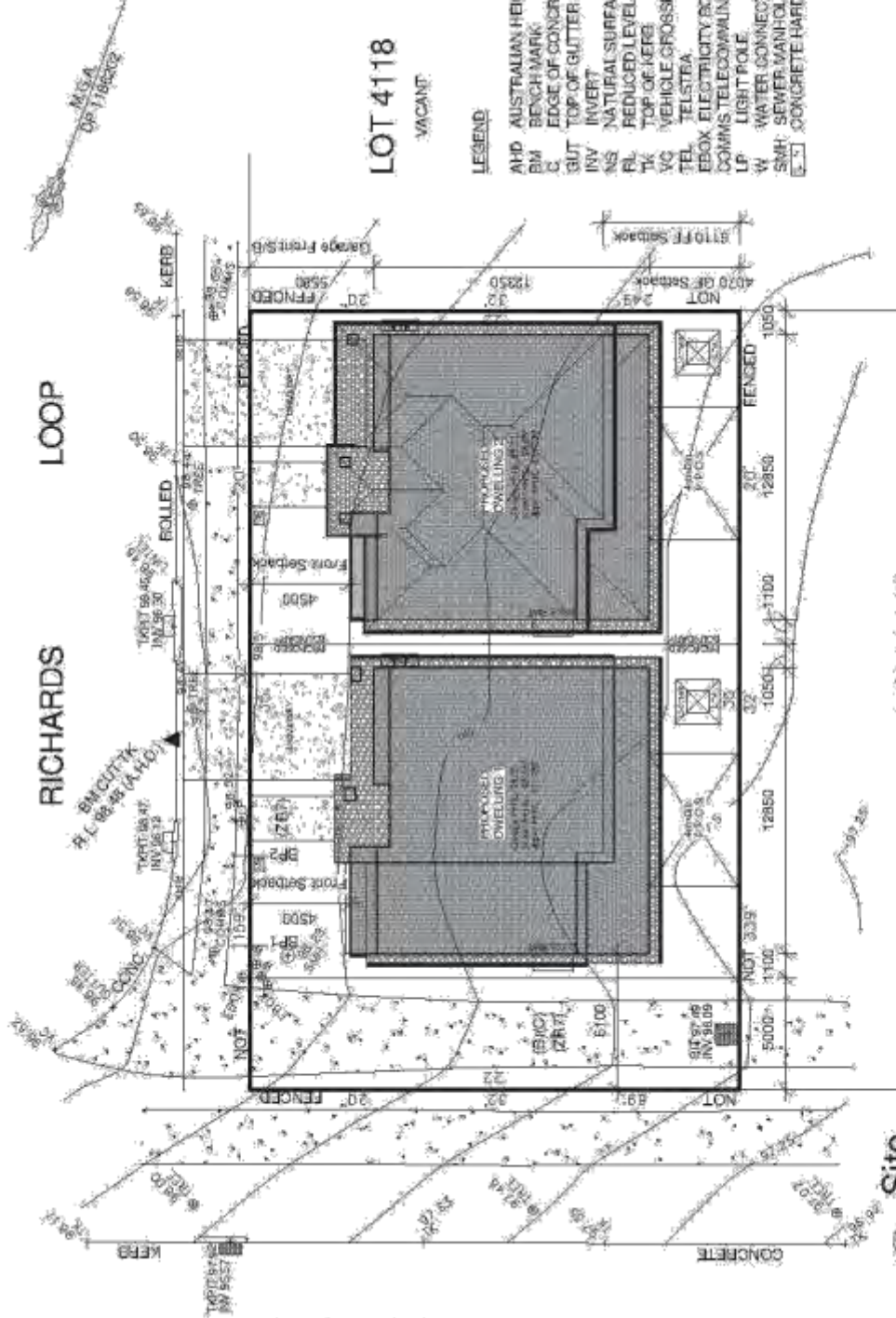
! SITE CHECK ALL DIMENSIONS BEFORE CONSTRUCTION

SITE COVERAGE CALCULATIONS	
Site Area	770m ²
Max. Ground Floor	462m ² (60%)
Max. Upper Floor	231m ² (30%)
Prop. Ground Floor	324.6m ² (42%)
Max. Upper Floor	228.8m ² (29%)

LANDSCAPE AREA	
Min. Required	231m ² (30%)
Proposed	286.7m ² (37%)

PRIVATE OPEN SPACE AREA	
Min. Required	154m ² (20%)
Proposed	180.1m ² (23%)

BUILDING AREAS	
DWELLING 1	34.7m ²
Prop. Garage	242.6m ²
TOTAL	277.3m²
DWELLING 2	34.7m ²
Prop. Garage	242.6m ²
TOTAL	277.3m²
ENTRY PATIO BALCONY	4.46m ² 16.31m ²
ENTRY PATIO BALCONY	4.84m ² 24.89m ²



LOT 4118
VACANT

LOT 4119
VACANT

LEGEND

- AHD AUSTRALIAN HEIGHT DATUM
- BM BENCH MARK
- C EDGE OF CONCRETE
- GUT TOP OF GUTTER
- INV INVERT
- NS NATURAL SURFACE
- RL REDUCED LEVEL
- TK TOP OF KERB
- VC VEHICLE CROSSING
- TEL TELETRA
- EBOX ELECTRICITY BOX
- COMMS TELECOMMUNICATIONS PIT
- LP LIGHT POLE
- W WATER CONNECTION POINT
- SMH SEWER MANHOLE
- CONCRETE HARD AREA

NOTES: - All dimensions to be checked and increased on site for builders prior to commencement of any vegetation protection.
- All lot and street frontage areas including this lot limited to kerbs, driveways, setbacks, boundaries, boundaries with setbacks by local state boundary dimensions only. DO NOT SCALE PLAN.
- All construction works shall comply with the provisions of the Building Code of Australia and relevant Australian Standards related to relevant construction plans for structural and architectural. All trade specifications shall apply.

SITE PLAN	
Project number:	14018
Date:	31.06.15
Drawn by:	AJ/MS
A101	

CLIENT: ABIMASKO/RWD
DEVELOPMENT ADDRESS: LOT 4120 DP 1186202 50 RICHARDS LOOP, GURAN PARK
PROPOSAL: PROPOSED DUAL OCCUPANCY

No.	Description	Date
1	DEVELOPMENT APPLICATION	31.06.15

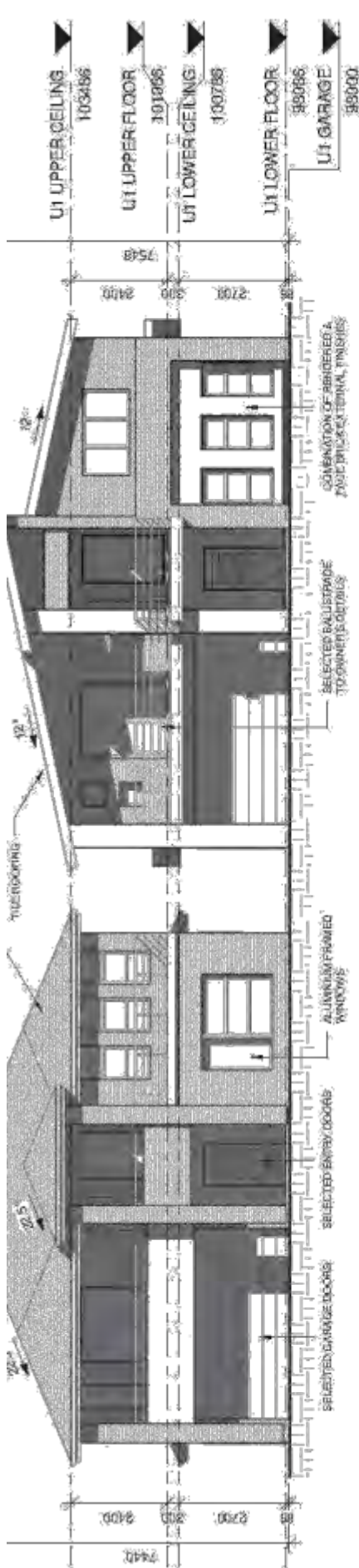
phone: 0450 405 640
email: info@8infinite.com
post: PO Box 48 Lake Heights NSW 2302



Site
1 : 200

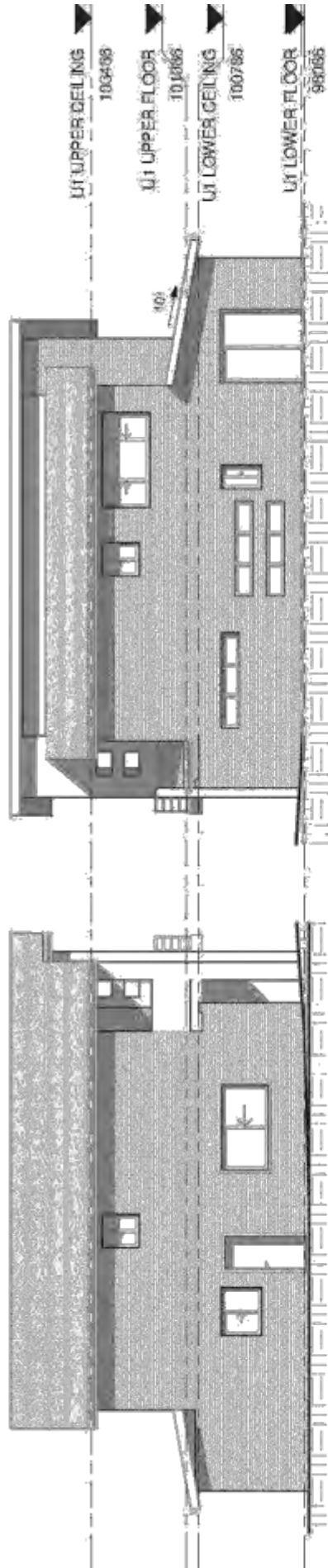
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Attachment 1



U1/U2 North-East

2 1 : 100



U1 North-West

1 1 : 100

U1 South-East

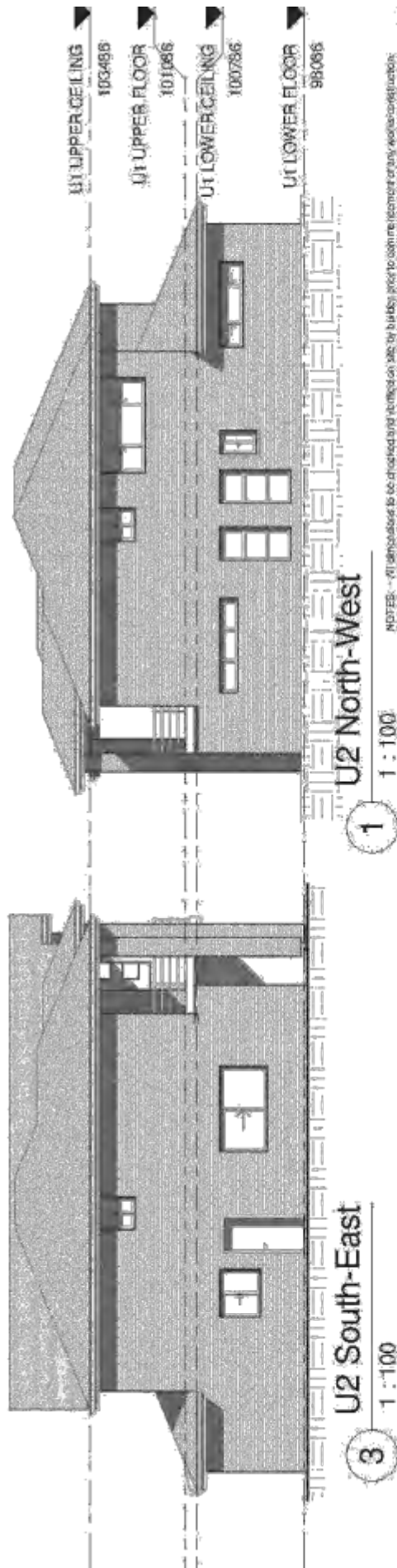
3 1 : 100

NOTES: - All elevations to be checked and verified on site for batters prior to commencing any works/construction.
 - All level reference levels, unless indicated to the contrary, shall be taken to Mean Sea Level (MSL) as shown on the plans.
 - All level reference levels shall be taken to Mean Sea Level (MSL) as shown on the plans.
 - All construction works shall comply with the provisions of the Building Code of Australia and relevant Australian Standards related to the relevant materials, products and accessories for the intended use of the building.

<p>CLIENT: ABBAGE & KING</p> <p>DEVELOPMENT ADDRESS: 50/1-120 OPH 118/225-50 RICHMOND ROAD, JOHANNESBURG</p> <p>PROPOSAL: PROPOSED DUAL OCCUPANCY</p>		<p>ELEVATIONS 1</p> <p>Project Number: A104</p> <p>Date: 25/06/15</p> <p>Drawn by: /A/15</p>	
No.	Description	Date	
1	PRELIMINARY EVALUATION	31/08/15	
<p>15 Little Dufferin Street, Brisbane QLD 4007</p> <p>Phone: 0451049554</p> <p>Email: info@larsen.com.au</p> <p>Post: PO Box 49, Leap Heights NSW 2802</p>			



U1/U2 South-West
 2 1 : 100



U2 South-East
 3 1 : 100

NOTES: - All dimensions to be checked and correct on site for build prior to commencement of construction.
 - All work to be done in accordance with the relevant Australian Standards, Codes of Practice and relevant Australian Standards.
 - All work to be done in accordance with the relevant Australian Standards, Codes of Practice and relevant Australian Standards.
 - All work to be done in accordance with the relevant Australian Standards, Codes of Practice and relevant Australian Standards.
 - All work to be done in accordance with the relevant Australian Standards, Codes of Practice and relevant Australian Standards.

No.	Description	Date
1	DEVELOPMENT APPLICATION	31.05.15

CLIENT: ABAWASKO SWND DEVELOPMENT ADDRESS: 507-520 OPA 1186255 50 RICHMOND LODGE ABAWASKO PARK PROJECT NUMBER: 14018 DATE: 31.05.15 DRAWN BY: GR		ELEVATIONS 2 PROJECT NUMBER: 14018 DATE: 31.05.15 DRAWN BY: GR	
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phone: 0450 485 640 email: info@8m.com.au post: PO Box 48 Lake Heights NSW 2202	
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**CAMDEN COUNCIL
PLANNING PROPOSAL**

**Riparian Lands Rezoning
– Gregory Hills**

November 2015

ORD07

Attachment 1

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EXECUTIVE SUMMARY

The Turner Road Precinct was one of the first release precincts zoned in the South West Growth Centre to facilitate the coordinated growth of housing and employment in the region. As part of the initial rezoning process in 2007, riparian corridors were mapped and zoned in accordance with the relevant NSW Government guidelines in place at the time.

In July 2012, the Office of Water (NOW) and Department of Planning and Environment presented the new guidelines to Councils and the development industry. This presentation acknowledged that the previous approach to riparian corridors (which was in place in 2007 when Turner Road was rezoned) was *"delivering unrealistic and unjustifiably large riparian corridor zones in urban areas"* and that *"the (previous) guidelines delivered poor urban development, social and environmental outcomes"*.

As a result, this Planning Proposal has been prepared in response to the modified "Guidelines for Riparian Corridors on Waterfront Land" (Riparian Guidelines) released by the NOW in July 2012. A detailed review of Riparian Corridor mapping and classification has been undertaken by Eco Logical Australia in consultation with the NOW and the land owners, to understand the current guidelines for corridors and explore opportunities for delivery of enhanced passive recreation facilities and modified corridor mapping.

One of the key principles of this Planning Proposal is to provide a greater sense of connectedness between parts of the future communities by reducing riparian corridor widths. Other key benefits of this Planning Proposal include:

- Delivery of additional embellished parkland within the medium density precinct for Gregory Hills through conversion of southern tributary to a combination of new open space and retained 10 metre 'riparian style' vegetated corridor through centre of new linear open space area
- Provision of 2.12 hectares of additional useable open space areas in total across the community
- Achieve enhanced connectivity through and across open space areas
- Delivery of additional developable land and opportunity for increased housing supply
- Reduced bushfire risk throughout the Gregory Hills community

The proposed amendments will ensure a consistent Riparian Corridor mapping regime is implemented throughout the South West Growth Centre Precincts in accordance with the current NOW Riparian Guidelines.

Riparian Lands Planning Proposal – Gregory Hills

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INTRODUCTION

This Planning Proposal seeks to implement amendments to the land use mapping under 'Appendix 1 Oran Park and Turner Road Precinct Plan' *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to align the mapping of Riparian Protection Areas and associated zoning boundaries with the current Office of Water (NOW) guidelines released in 2012 as identified by Eco Logical Australia. There are no amendments to the text of the SEPP under this proposal.

This proposal will involve the rezoning of land along the South Creek catchment (Eastern and Southern Tributary) which is no longer required to be delivered as a restored corridor, to allow for the provision of residential housing and areas of useable public open space.

The following parts in this Planning Proposal provide a more detailed justification of the proposal, and expand on the matters outlined above.

BACKGROUND

The Gregory Hills community forms part of the Turner Road South West Growth Centre Precinct which was rezoned in December 2007 to deliver a variety of residential housing, employment lands, open space and recreational areas, a local Neighbourhood Centre and other community facilities (refer **Figure 1** below).



Figure 1: Locality Plan

Riparian Lands Planning Proposal – Gregory Hills

The Gregory Hills area is predominately zoned R1 General Residential, with the existing riparian corridors zoned E4 Environmental Living (refer **Figure 2** below).



Figure 2: Land Zoning Map

As part of the initial rezoning process in 2007, riparian corridors were mapped and zoned in accordance with the relevant NSW Government guidelines in place at the time. In addition, the Oran Park and Turner Road Waterfront Land Strategy was released in 2009 which set further controls and outcomes for controlled activities in Riparian Protection Areas.

In 2012, the NSW State Government through the NOW undertook an extensive review of the design and delivery of Riparian Corridors in urban developments across NSW. In consultation with other NSW Government agencies, local government and the development industry, the NOW developed new Riparian Corridor rules to help make more land available for housing, provide more flexibility in how riparian corridors can be used.

A detailed review of Riparian Corridor mapping and classification has been undertaken by Eco Logical Australia in consultation with the NOW and the land owners, to understand the current guidelines for corridors and explore opportunities for delivery of enhanced passive recreation facilities and modified corridor mapping (refer **Appendix 1**).

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At its meeting on 28 April 2015, Council endorsed a resolution forward to the Riparian Lands Planning Proposal to the Department of Planning and Environment for Gateway determination (refer **Appendix 2**).

On 13 August 2015, a Gateway determination was received from Department of Planning and Environment, supporting the rezoning subject to conditions (refer **Appendix 3**).

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal seeks to amend the Maps under Appendix 1 of the SEPP to reconfigure a limited number of Riparian Protection Areas within Gregory Hills to reflect the current NOW Riparian Guidelines. The Planning Proposal involves the rezoning of land from E4 Environmental Living land to R1 General Residential and RE1 Public Recreation (refer **Figure 3**).

There are no amendments proposed to the text of the SEPP in this proposal.

There are also proposed amendments to the Turner Road Development Control Plan 2007 (Turner Road DCP) and Gregory Hills Voluntary Planning Agreement (VPA).

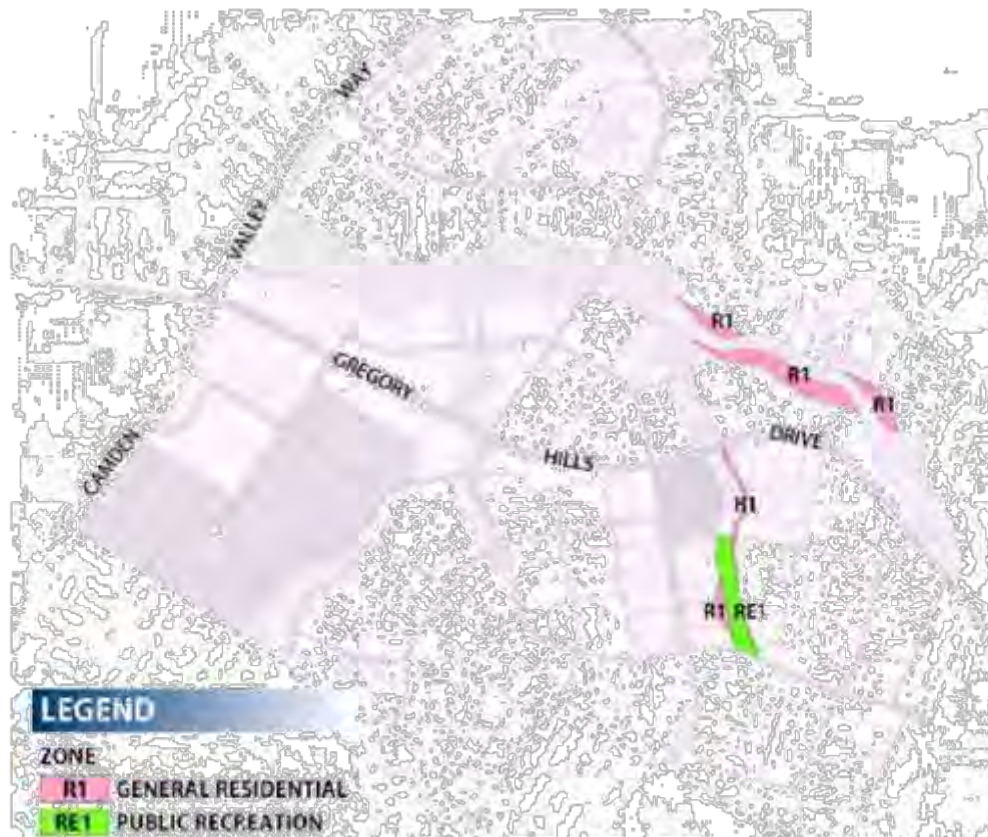


Figure 3: Proposed Amendments to SEPP Zoning Map

Riparian Lands Planning Proposal – Gregory Hills

The Riparian Corridor review prepared by Eco Logical Australia has identified that the stream classification of the upper tributaries of South Creek within Gregory Hills under the current NOW guidelines are different to those mapped in the SEPP and identified as Riparian Protection Areas. The proposed outcomes for each tributary are discussed below.

Eastern Tributary

The Eastern Tributary represents the upper extent of South Creek, and is characterised by highly modified agricultural grazing lands and a former dam structure (refer **Figure 4**).



Figure 4: South Creek – Eastern Tributary (Source: Nearmap)

The Ecological Australia report prepared and submitted in association with this Planning Proposal identifies that under the 'Strahler Stream Order' classification, this stream would be classified as a Second Order Stream to the upper end of a former Dam, and a First Order Stream for the area upstream of the former dam (refer **Figure 5** on the following page).

Riparian Lands Planning Proposal – Gregory Hills

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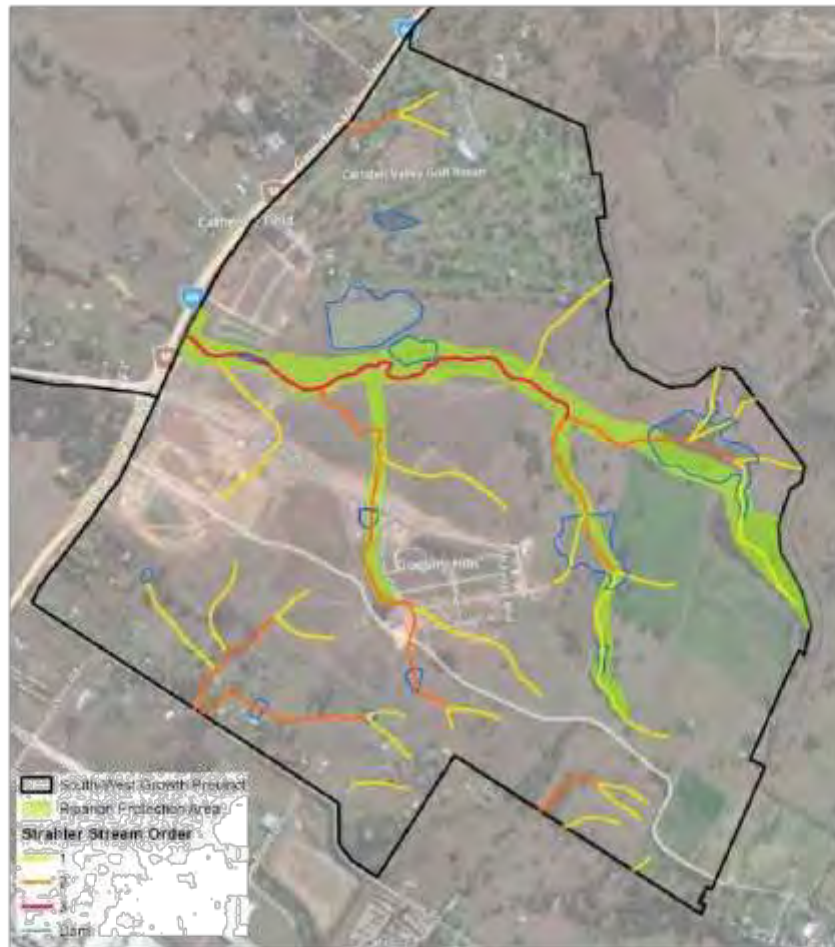


Figure 5 : Turner Road Precinct Strahler Stream Order (Source: Eco Logical)

These classifications require significantly reduced riparian zones, meaning that a Second Order Stream in comparison with the previous guidelines is reduced from 100 metres to 60 metres. This equates to an increase in developable area for residential purposes of approximately 3.45 hectares.

This Planning Proposal does not seek to modify any portion of the mapped Riparian Protection Area at the eastern end of the stream which currently incorporates an Aboriginal Heritage Conservation Area under Aboriginal Heritage Impact Permit No. 101808.

This will ensure that a large area of existing significant vegetation will be retained and protected in accordance with the existing planning outcomes for the Gregory Hills project and will also provide a riparian off-set area if required.

Riparian Lands Planning Proposal – Gregory Hills

Southern Tributary

The Southern Tributary of South Creek is similarly characterised by highly modified agricultural grazing lands, including an existing farm dam. This area also adjoins the future Gregory Hills Village Centre and proposed primary school site (refer **Figure 6** below).



Figure 6: South Creek - Southern Tributary (Source: Nearmap)

The Ecological Australia report prepared and submitted in association with this proposal identifies that under the 'Strahler Stream Order' classification, this stream would be 'classified as a Second Order Stream to the upper end of the existing Dam, and a First Order Stream for the area upstream of the dam (as per **Figure 5** on the previous page).

This proposal seeks to modify the northern portion of this riparian corridor to more accurately reflect the current NOW guidelines. A small portion of this riparian corridor will form residential land with an area of approximately 2,033m². The proposal will also provide an additional open space area of 4,155m² (total of 7,336m²) in the form of an embellished Town Centre Park due to the current guidelines now permitting on-line stormwater detention basins within riparian corridors.

This will be delivered as a vegetated dry basin, with water quality treatment provided

outside of the corridor area as required under the guidelines. It is proposed that any required riparian off-set areas will be provided within the upper reach of the eastern tributary which is proposed to be wholly retained as discussed above. The remaining riparian corridor will be retained and restored in accordance with the current guidelines.

The southern portion of the stream is proposed to gain approximately 6,700m² of additional R1 residential land. A further 1.7 hectares is proposed to be retained as open space within this corridor. The remainder of this land is proposed to retain a 10 metre wide riparian style corridor running through the centre with an area of 4,292m². This corridor will contain riparian style vegetation but will also link passive recreational uses, providing both environmental value and usable open space for future residents of Gregory Hills.

Land Use Arrangements

Rezoning of the land areas as described under this Planning Proposal will result in a number of additional areas of residentially zoned land being delivered within the Gregory Hills Project.

It is estimated that the additional R1 residential land proposed under this proposal would yield approximately 4.33 hectares of additional developable land, or approximately 60 additional lots within the Gregory Hills development area (refer **Appendix 4**).

It is also proposed to convert approximately 2.12 hectares (Areas 1-3 in **Appendix 4**) of existing riparian land to usable, embellished passive open space (including proposed Town Centre Park) that will incorporate items such as cycleways connecting open space links.

The proposal will also include a 10 metre 'riparian style' vegetated corridor with an area of 4,292m² located generally in the centre of the additional linear open space area (Area 4 in **Appendix 4**).

Net Community Benefit

One of the key principles of this Planning Proposal is to provide a greater sense of connectedness between parts of the future communities by reducing Riparian Corridor widths. The Landscape Connectivity Principles Plan (refer **Appendix 5**) prepared in association with this proposal demonstrates the benefits of adopting the current Riparian Guidelines in delivering enhanced landscape and pedestrian connections throughout Gregory Hills.

The key community benefits of this Planning Proposal include:

- Provision of over 2.12 hectares of additional useable open space areas in total across the community, including:
 - Town centre park that is centrally located and within close proximity to local amenities (i.e. proposed shopping centre, schools);

Riparian Lands Planning Proposal – Gregory Hills

- Delivery of embellished parkland within the medium density precinct for Gregory Hills through conversion of southern tributary to useable open space;
- Enhanced connectivity through and across open space areas whilst retaining the riparian function of the Southern Tributary; and
- Decreased bushfire risk due to the reduction of planted riparian corridor areas.

NSW Government Support

The developer has worked closely with the NOW in the preparation of this Planning Proposal to ensure consistency with the current adopted Riparian Guidelines. The new guidelines for riparian corridors which came into effect on 1 July 2012 were jointly prepared by the NSW Office of Water and the then NSW Department of Infrastructure and Planning and were endorsed by Land and Housing Supply Sub-committee of Cabinet.

The overriding objective of the reforms was to increase the supply of housing by reducing riparian corridor widths. This is reflected in the NOW letter referenced in **Appendix 6**. This letter was published at the time the new guidelines were released.

The Department of Planning and Environment have also confirmed their support in previous advice received regarding applying the new riparian corridor guidelines to precincts that have already been rezoned through ensuring that the planning and design of development can be adapted to implement the new guidelines without any adverse impacts on the development or environmental outcomes.

The advice provided by NOW and the Department of Planning and Environment confirms that the new approach can be applied to Gregory Hills and that the riparian reforms have support within the relevant NSW Government agencies.

Biodiversity Certification

As part of this proposal, Eco Logical Australia has reviewed the Growth Centres Biodiversity Certification mapping as a result of the proposed changes and have confirmed that no additional vegetation off-set areas are required to be provided (refer **Appendix 7**).

This Planning Proposal will result in approximately 2.1 hectares of riparian land being rezoned as open space within the Gregory Hills site, which will be offset within additional riparian areas to be retained on site. A 10 metre wide riparian corridor is to be retained within the Southern Tributary Park. A total of 3.7 hectares of additional riparian lands (predominantly along the South Creek –Eastern Tributary Corridor) will be utilised as offset lands for both the open space proposed and future possible on-line basins within the riparian corridors.

PART 2 – EXPLANATION OF PROVISIONS

Proposed SEPP Amendments

The objectives of this Planning Proposal are to be achieved by amending the Map set under 'Appendix 1 Oran Park and Turner Road Precinct Plan' of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).

The specific amendments to the SEPP Maps are included in **Appendices 8 to 12** and a summary of the Maps to be amended under this proposal are outlined in **Table 1** below.

Table 1: Proposed Changes to SEPP Maps

Map Type	Map Reference	Current	Proposed
Land Zoning Map	Sheet LZN_009	E4	R1
		E4	RE1
Lot Size Map	Sheet LSZ_009	1,000m ²	Min. 125m ²
Special Areas Map	Sheet SAM_009	Existing riparian corridors included in Special Areas Map	Rezoned land to be removed from Special Areas Map
Height of Buildings Map	Sheet HOB_009	9.5 metres	16 metres – RFBs
			9.5 metres – All other development
Riparian Protection Area Map	Sheet RPN_009	Existing riparian corridors included in Special Areas Map	Rezoned land to be removed from Riparian Protection Area Map

Proposed Turner Road DCP Amendments

In addition to amending Appendix 1 of the Growth Centres SEPP, an amendment to the Turner Road Development Control Plan 2007 (Turner Road DCP) is required as a result of the Planning Proposal. There are also some housekeeping changes that are proposed as part of the Turner Road DCP Amendment.

The proposed amendments to the Turner Road DCP will be made publicly available for viewing at the same time as the Planning Proposal is placed on public exhibition.

Riparian Lands Planning Proposal – Gregory Hills

The proposed changes to the Turner Road DCP are summarised in **Table 2** below.

Table 2: Summary of Changes to the Turner Road DCP 2007

DCP Section	Item	Title	Action
Part A – Precinct Wide DCP			
1	Figure 1	Land To Which DCP Applies	Replace existing figure due to changes to indicative road layout
2	Figure 2	Turner Road Precinct Indicative Layout Plan	Replace existing figure due to revised riparian corridor and open space, changes road layout, , relocation of community facilities (i.e. primary school), reduction and relocation of medium density areas
	Figure 3	Indicative Residential Dwelling Target Sub-Precincts	Replace existing figure due to changes to indicative road layout.
	Figure 4	Neighbourhood Centres and Employment Areas	Replace existing figure due to changes to indicative road layout and minor changes to walkable neighbourhood radius.
3	Figure 5	Street Network Plan	Replace existing figure due to changes to indicative local and collector streets.
	Figure 17	Pedestrian and Cycleway Network	Replace existing figure due to minor changes to location of pedestrian/cycleway within existing riparian/proposed open space areas.
	Figure 18	Public Transport Network	Replace existing figure due to changes to indicative road layout.
4	Section 4.1	Public Parks and Landscape Strategy	Insert new control (8) due to ensure 10 metre riparian style vegetation is provided within the new linear public open space area.
	Figure 19	Open Space Network	Replace existing figure due to reduction to riparian corridor area and inclusion of additional public open space.
	Figure 20	Education, Civic and Community Facilities	Replace existing figure due to relocation of proposed school site, revision of indicative locations for child care centres and changes to indicative road layout.
6	Section 6.1	Riparian Corridors	Amend existing control (1) due to changes to riparian corridor widths based on new State riparian guidelines.
	Figure 21	Salinity Constraints	Replace existing figure due to changes to indicative road layout.
	Figure 22	Aboriginal Archaeological Conservation Areas	Replace existing figure due to change to conservation area and indicative road layout.
	Figure 23	Elements of European Heritage Significance	Replace existing figure due to changes to indicative road layout.

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DCP Section	Item	Title	Action
	Figure 24	Indicative Location of Asset Protection Zones	Replace existing figure due to reduction of assets protection zones resulting from reduction in riparian corridor widths and changes to indicative road layout.
	Figure 25	Areas of Significant Remnant Vegetation	Replace existing figure due to changes to indicative road layout.
	Figure 26	Areas of Environmental Concern	Replace existing figure due to changes to indicative road layout.
Part B – Site Specific DCPs			
B2	Figure 1	Land containing a Riparian Protection Area	Replace existing figure due to changes to proposed rezoning of riparian corridors from E4 Environmental Living to R1 General Residential and RE1 Public Recreation.
Part B - Development Control Plans			
Appendix B	-	Special Areas Requiring a DCP	Replace existing figure due to changes to removal of land containing a Riparian Protection Area.

Proposed VPA Amendments

The proponent is seeking to amend the Gregory Hills Voluntary Planning Agreement (VPA) due to the proposed changes resulting from the Planning Proposal as follows:

- revision of VPA Staging Plan to reflect the revised ILP and SEPP maps;
- reduction of the amount of riparian land to be embellished and dedicated as per the works schedule;
- the embellishment and dedication of the additional public open space;
- provision for an embellished town centre park (due to drainage area being moved online within riparian corridor); and
- increase in size of local infrastructure (i.e. proposed community centre) due to additional dwelling yield within the Gregory Hills development.

The proponent is also seeking to make some minor housekeeping changes not related to this Planning Proposal, such as updating the maps and works schedule to reflect consents that have been granted. It is also proposed to replace of existing schedule of contribution items with a new one. This reason for this was that the schedule had become unreadable due to the number of changes being made.

The proposed amendments to the Gregory Hills VPA will be made publicly available for viewing at the same time as the Planning Proposal is placed on public exhibition.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

As previously mentioned, this Planning Proposal is a direct result of the changing of the NOW 'Guidelines for Riparian Corridors on Waterfront Land' in 2012 in response to reducing riparian corridor widths based on stream classification and identifying certain uses within these areas.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The modifications sought in this Planning Proposal are the best means of achieving the objectives and intended outcomes. Given the proposed amendments relate to statutory land use mapping outcomes contained in the Growth Centres SEPP, other available processes are not considered an appropriate means of achieving the objectives and intended outcomes promoted by this Planning Proposal.

Is there a net community benefit?

The evaluation criteria to undertake Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009) as per the Department's Local Plan Making Guidelines. The evaluation criteria used has been adapted by either modifying or removing some criteria to only reflect those relevant to the Planning Proposal.

The discussion below (**Table 3**) demonstrates that there is a significant net community benefit resulting from the Planning Proposal.

Table 3: Net Community Benefit Evaluation

Net Community Evaluation Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The proposal is consistent with the State and regional strategic direction for development relating to housing growth in the area. The subject land forms part of an identified urban growth area for employment lands and residential development over a 30 year period.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/ subregional strategy?	<i>A Plan For Growing Sydney</i> was released on December 2014 as a strategic plan guiding planning decisions for Sydney's future population growth for the next 20 years. The subject site for this Planning Proposal is within a proposed urban area within the South West Growth Centre, which forms part of the South West Subregion under this plan.

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Attachment 1

Net Community Evaluation Criteria	Response
	Accordingly, the proposed amendments are consistent with the strategic plans for the area.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	<p>The Planning Proposal is in accordance with outcomes in other release areas within Sydney's Growth Centres and the current NSW Office of Water guidelines for riparian corridors.</p> <p>The proposal will not create a precedent or change land owner expectations of development.</p>
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will not result in any increase, or decrease in the existing quantum of zoned employment lands within the Turner Road Precinct.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will assist housing supply through increasing residential land supply within the Gregory Hills development area through the rezoning of riparian corridors to reflect current NOW guidelines.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	<p>The subject site forms part of the Turner Road Precinct release area. Detailed planning and provision of public infrastructure has been undertaken as part of the rezoning process and the wider Growth Centres release area.</p> <p>In addition, this proposal will maintain and enhance the provision of cycling and pedestrian pathway networks throughout the Precincts. Accordingly, there is adequate public infrastructure to accommodate the proposed amendments.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not result in any modifications to the planned road network and will therefore have nil impact on travel distances, times and road safety matters.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are significant investments in infrastructure in the locality, however there will be no expected impacts resulting from this proposal.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	<p>Part of the proposal relates to existing Riparian Protection Areas under the Growth Centres SEPP.</p> <p>This Planning Proposal seeks to ensure that mapped Riparian Protection Areas are</p>

Riparian Lands Planning Proposal – Gregory Hills

Net Community Evaluation Criteria	Response
	<p>consistent with current NSW Government policies in relation to corridor widths and permissible development.</p> <p>Areas with a high environmental value such as the Aboriginal Heritage Conservation Area under Aboriginal Heritage Impact Permit No. 101808 will be retained in the mapped Riparian Protection Area at the eastern end of eastern tributary.</p> <p>The western part of the eastern tributary is bio-certified and is open land with no biodiversity value. There is also no land identified in Gregory Hills as containing Existing Native Vegetation (ENV).</p> <p>As such, the Riparian Protection Areas retained will ensure a high level of environmental protection for the riparian areas.</p> <p>In regards to flooding, a Riparian Corridor Flood Study (refer Appendix 13) has been prepared to assess the flood impacts in relation to the proposed rezoning to reduce to riparian corridor widths and converting them to residential and public open spaces areas.</p> <p>The results of this study indicate that there is no change to pre and post development flows within the Gregory Hills development catchment area.</p> <p>Further discussion in relation to this issue can be found in Section C of this report.</p>
<p>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</p>	<p>The proposal is compatible and complementary with adjacent land uses, which includes industrial, residential and riparian lands. There will be no impacts on amenity or the broader community.</p>
<p>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</p>	<p>The proposal does not incorporate any modifications to retail or commercial land uses that will impact on the number of retail and commercial premises operating in the area.</p>
<p>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</p>	<p>There are three main public interest reasons for progressing the Planning Proposal, including:</p> <ol style="list-style-type: none"> 1. It will provide a more consistent

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Attachment 1

Net Community Evaluation Criteria	Response
	<p>statutory mapping outcome for riparian corridor lands within the Turner Road Precinct in relation to current Precinct Planning work being undertaken in surrounding release precincts.</p> <p>2. The Planning Proposal will ensure that the provision and treatment of riparian corridors across the Gregory Hills project is consistent with current NSW State Government guidelines.</p> <p>3. The Planning Proposal will allow for a more efficient and cost effective delivery of riparian corridor areas and surrounding housing outcomes. This will facilitate a minor increase in the number of homes able to be delivered for future residents, enhancing dwelling supply within the South West Growth Centre.</p>

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The NSW Government released the A Plan for Growing Sydney in December 2014. This plan sets the framework for Sydney's population growth for the next 20 years.

This Planning Proposal will provide greater certainty for development outcomes throughout the Turner Road Precinct through delivering riparian corridor mapping which is consistent with current NSW Office of Water guidelines.

The Planning Proposal is consistent with the objectives and directions for 'A Plan for Growing Sydney' as demonstrated below:

- Direction 2.1 – The Planning Proposal supports the push for accelerated housing supply across Sydney
- Direction 2.4 - The Planning Proposal supports the continued delivery of timely and well-planned greenfield housing development
- Direction 4.1 – The Planning Proposal protects natural environment and biodiversity through retention of riparian corridor areas where it could otherwise be developed.

Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Camden Council's endorsed local strategic plan is Camden 2040 - Working Together to Achieve the Community's Vision for the Future'.

Camden 2040 has a vision to effectively manage its growth whilst promoting a prosperous local economy, with thriving local businesses and local employment. Part of successfully managing growth is to overcome a key challenge of "Achieving a balance between large population increases and keeping the valued characteristics of Camden as it is now will be an ongoing tension and challenge over the coming decades."

The specific key challenges for growing the Camden Area which relate to the Planning Proposal include:

- Creating good quality, liveable urban environments with a greater density than is currently available in the Camden area, including providing a range of efficient, affordable and innovative housing styles and public urban and open spaces.
- The importance of building and maintaining certainty and investment confidence within the area through efficient and stable strategic planning and development control processes.

The key strategies to meet the above challenges include:

- Learning from and improving the urban planning process over time so that lessons learned from each precinct planning process, as well as industry best practice, are used in subsequent precincts to ensure improved outcomes over time.
- Prioritising environmental outcomes through the planning and development process to maximise improvement and restoration opportunities and to minimise the ecological impacts of increased urban form, economic activity, and people and lifestyles.
- Ensuring greater choice and diversity in housing to meet a range of existing and future community needs

The measure for success for the above strategies will be represented by ensuring that there is certainty and consistency in the delivery of urban growth areas within Camden.

The proposal will contribute to Council achieving these objectives through providing a consistent mapping regime for Riparian Corridor areas across the South West Growth Centre Precincts.

Is the planning proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) that are relevant to this Planning Proposal are identified in **Table 4** below.

Table 4: Relevant SEPPs

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP (Sydney Region Growth Centres) 2006	<p>The Turner Road Precinct is located within the South West Growth Centre. The Planning Proposal seeks to amend Appendix 1 and associated mapping of the Growth Centres SEPP.</p> <p>The proposal is consistent with the aims of the SEPP to coordinate the release of land for employment generation in the in the South West Growth Centre.</p>
SEPP 19 – Bushland In Urban Areas	<p>This Planning Proposal is subject to this SEPP given that the proposal incorporates existing bushland in an identified urban area. There is some remnant vegetation located towards the eastern side along the eastern tributary, with the majority of this vegetation proposed to be retained.</p> <p>The majority of the rest of the riparian corridors to be rezoned will be required to be revegetated given there is little or no existing vegetation along these corridors. Accordingly, this Planning Proposal is consistent with the objectives of this SEPP.</p>
SEPP 55 – Remediation of Land	<p>Remediation works have occurred over the entire Gregory Hills development site. As part of this process, there were no Areas of Environmental Concern identified in any of the existing riparian corridors. In addition, bulk earthworks have been approved over the areas incorporated within the proposal.</p> <p>Accordingly, the Planning Proposal is consistent with the objectives of this SEPP.</p>

Riparian Lands Planning Proposal – Gregory Hills

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SREP No 20—Hawkesbury-Nepean River	The land subject to this Planning Proposal is within the SREP No 20 applicable area. Future detailed development proposals will comprehensively consider the requirements of SREP No 20 to ensure appropriate environmental considerations to water quality, heritage, flora and fauna, etc. are undertaken. Accordingly, the Planning Proposal is consistent with SREP No 20.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment of the Planning Proposal in relation to the relevant S117 Directions is provided in **Table 5** below.

Table 5: S117 Ministerial Directions

s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
1.1 Business and Industrial Zones	Yes	The proposal will not adversely impact on viability of business zones in the region. The Planning Proposal is consistent with this Ministerial Direction.
1.2 Rural Zones	Not Applicable	This direction does not apply as the Planning Proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable	This direction does not apply as the Planning Proposal does not propose any modification to the permissibility or operational restrictions relating to extractive industries.
1.4 Oyster Aquaculture	Not Applicable	This direction does not apply as the Planning Proposal does not incorporate any land within a Priority Oyster Aquaculture

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s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
		Areas and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy").
1.5 Rural Lands	Not Applicable	This direction does not apply to land within the Camden Local Government Area.
2.1 Environment Protection Zones	Yes	<p>The Planning Proposal is consistent with this direction in that it seeks to align the mapping of Riparian Protection Areas and associated zoning boundaries with the current NOW guidelines released in 2012.</p> <p>The Planning Proposal does not propose any modification to the land use controls within the E4 zone.</p>
2.2 Coastal Protection	Not Applicable	This direction is does not apply as the Planning Proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	Yes	<p>The Planning Proposal is consistent with this direction as it maintains all areas of environmental heritage identified under the existing planning controls for the site.</p> <p>The Aboriginal Heritage Conservation Area under Aboriginal Heritage Impact Permit No. 101808 will be retained in the mapped Riparian Protection Area at the eastern end of the stream.</p>

Riparian Lands Planning Proposal – Gregory Hills

s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
2.4 Recreation Vehicle Areas	Yes	The Planning Proposal is consistent with this direction as it does not enable land to be developed for the purpose of a recreation vehicle area.
3.1 Residential Zones	Yes	The Planning Proposal is consistent with this Ministerial Direction as there is no proposed amendment to the land use controls within the residential zonings. All provisions relating to facilitating the provision of housing are retained.
3.2 Caravan Parks and Manufactured Home Estates	Yes	The Planning Proposal is consistent with this direction as it does not modify provisions relating to the permissibility of caravan parks and the like.
3.3 Home Occupations	Yes	The planning proposal is consistent with this direction as it does not modify provisions relating to the permissibility of home occupations within dwellings.
3.4 Integrating Land Use and transport	Yes	The Planning Proposal is consistent with this Ministerial Direction. The Proposal will not result in any modifications to the adopted road and transport network infrastructure across the Turner Road Precinct.
3.5 Development Near Licensed Aerodromes	Not Applicable	This direction is not applicable as the planning proposal will not create, alter or remove a zone or a provision relating to land in the vicinity of a

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s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
		licensed aerodrome.
3.5 Shooting Ranges	Not Applicable	This direction is not applicable as the Planning Proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
4.1 Acid Sulphate Soils	Not Applicable	This direction is not applicable as detailed planning relating to acid sulphate soils has been undertaken under the rezoning of the site under the Growth Centres SEPP.
4.2 Mine Subsidence and Unstable Land	Not Applicable	This direction is not applicable as the land is not identified as being within a Mine Subsidence area.
4.3 Flood Prone Land	Not Applicable	This direction is not applicable as the Planning Proposal does not remove or alter provisions relating to flood prone land. In addition, a flood study has been prepared that demonstrates that there is no
4.4 Planning for Bushfire Protection	Yes	This direction is applicable as there is land within the proposal area that is subject to bushfire protection. The proposal will result in a reduced bushfire risk through the reduction in APZ widths to the areas where the riparian corridors are proposed to be rezoned. Perimeter roads are proposed to ensure APZs are appropriately managed. On

Riparian Lands Planning Proposal – Gregory Hills

s.117 Direction Title	Does this Direction Apply?	Consistency of Planning Proposal
		this basis, the Planning Proposal is consistent with this ministerial direction.
5.1 Implementation of Regional Strategies	Not Applicable	The Planning Proposal is not within a listed regional strategy as per this ministerial direction.
5.2 Sydney Drinking Water Catchments	Not Applicable	This direction is not applicable to the subject land.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable	This direction is not applicable to the subject land.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	This direction is not applicable to the subject land.
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable	This direction is not applicable to the subject land.
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is consistent with this direction as it does not alter any approval or referral requirements.
6.2 Reserving Land for Public Purposes	Not Applicable	This direction is not applicable as it does not affect land identified under the SEPP to be reserved for public purposes.
6.3 Site Specific Provisions	Not Applicable	This direction is not applicable as it does not propose any site specific provisions.
7.1 Implementation of the Metropolitan Strategy	Yes	The Planning Proposal is consistent with this direction as it meets objectives of the A Plan For Growing Sydney through implementing identified urban growth lands.

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Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Planning Proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities, or their habitats, environmental values or matters of environmental significance.

The Riparian Corridor Review Report notes that the proposed stream widths will either meet or exceed minimum Strahler stream widths required to be delivered under current design guidelines.

Furthermore, the site is subject to biodiversity certification under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which was gazetted on 14 December 2007.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

This Planning Proposal has been prepared in consultation with ecological consultants to ensure the outcomes achieve relevant biodiversity targets. In addition, all of the creek lines discussed in this proposal are currently degraded drainage lines within the site that were previously used for agricultural purposes associated with St Gregory's College (refer *Figure 7*).



Figure 7 : Aerial Map

Riparian Lands Planning Proposal – Gregory Hills

As part of this proposal, Eco Logical Australia undertook a Biodiversity Review (Refer **Appendix 6**). This review has concluded that there are no impacts on environmentally protected species or land under the proposed corridor arrangements. The review states as follows:

“The majority of the proposed changes are located on ‘certified land’ that is exempt from the TSC and EPBC Act.

A small section of the proposed changes is located on non-certified land. The certification boundary in this area has been determined based on regional flood modeling and is not related to biodiversity values. This area of land will continue to be subject to the TSC and EPBC Acts, however field validation has determined that the land affected is exotic pasture that does not contain any ecosystems or species protected under these Acts, as such there will be no implications under biodiversity legislation.

This area of land does not contain ‘ENV’, as such there are no additional implications under the Growth Centres Biodiversity Certification Order. It is worth noting that the Department of Planning and Infrastructure has made non-certified land available for development if it does not contain ENV at other precincts within the Growth Centres (e.g. Catherine Fields South).”

Environmental functionality of the creek system will be retained. As outlined above, the Riparian Corridor report notes that the proposed stream widths will either meet or exceed minimum Strahler widths required to be delivered under current design guidelines.

In addition, any potential flooding issues have been addressed through the preparation of a Riparian Corridor Flood Study (as per **Appendix 13**). The flood study assesses the impact on the revised riparian corridors on flood levels and also demonstrates the effects of the existing and proposed drainage basins across the whole Gregory Hills development area.

It has been demonstrated that flooding can be managed on-site and that the flood extent will be contained within the proposed riparian corridors.

Accordingly, there are no likely environmental effects from this proposal.

How has the planning proposal adequately addressed any social and economic affects?

Assessment of the economic and social impacts for the Turner Road Precinct was undertaken as part of the comprehensive Precinct Planning process, which included the rezoning the site for residential and employment development.

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As previously mentioned, the key social benefits of this Planning Proposal include:

- Provision of over 2.12 hectares of additional useable open space across the community, including:
 - Town centre park that is centrally located and within close proximity to local amenities (i.e. proposed shopping centre, schools);
 - Delivery of embellished parkland within the proposed medium density areas for Gregory Hills through conversion of southern tributary to useable open space.
- Enhanced connectivity through and across open space areas whilst retaining the riparian function of the Southern Tributary; and
- Decreased bushfire risk due to the reduction of planted riparian corridor areas.

The proposed modifications will assist in providing consistency in the delineation of Riparian areas across the Growth Centre Precincts. As such, the only economic and social effects are considered to be positive for existing and future communities within the region.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The subject site is within a major urban growth area of South West Sydney. Comprehensive assessment on infrastructure needs was undertaken at the Precinct Planning stages of planning for the Turner Road Precincts and public infrastructure needs to accommodate the demands of an increased urban development have been determined. The Planning Proposal will not create any additional needs for public infrastructure for the locality.

In addition, public infrastructure for the Gregory Hills development is to be delivered in accordance with the requirements of the Gregory Hills VPA, as amended on 14 December 2014.

What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

There have been ongoing discussions over a number of years with State Government departments, including DPE and NOW, in regards to changes to the NOW Riparian Guidelines.

In addition to these discussions, the Gateway Determination (refer **Appendix 3**) requires that Council consult with NSW Rural Fire Service (RFS) prior to proceeding to public exhibition. RFS has provided a formal response, indicating that they have no concerns or issues in relation to the draft Planning Proposal as per **Appendix 14**.

Riparian Lands Planning Proposal – Gregory Hills

The Gateway Determination also requires that consultation is required with the following public authorities:

- Office of Environment and Heritage (OEH);
- Sydney Water; and
- Endeavour Energy.

Whilst the Gateway Determination did not require the above public authorities to be consulted prior to public exhibition, Council officers have commenced early dialogue to streamline the consultation process (during exhibition) and to aid the early identification of any issues that need to be addressed.

Formal correspondence was received from OEH in relation to the Riparian Corridor Flood Study as per **Appendix 15**. OEH requested that further modelling work be undertaken, which has been completed. OEH will be updated on this matter upon the commencement of public exhibition.

To date, no responses have been received from Sydney Water and Endeavour Energy. Should responses be received, they will be considered post public exhibition.

PART 4 – MAPS

The proposed changes to the SEPP Maps are provided in **Appendices 8 to 12**, with changes to the following maps:

1. Proposed SEPP Land Zoning Map (Sheet LZN_009);
2. Proposed SEPP Lot Size Map (Sheet LSZ 009);
3. Proposed SEPP Special Areas Map (Sheet SAM 009);
4. Proposed SEPP Height of Buildings Map (Sheet HOB_009); and
5. Proposed Riparian Protection Area Map (Sheet RPN_009)

PART 5 – COMMUNITY CONSULTATION

An exhibition period of the Planning Proposal (i.e. amended SEPP documentation), draft Turner Road DCP and draft Gregory Hills VPA will occur for period of six (6) weeks due to the consultation period occurring within the holiday period.

Community consultation will include giving notice of the public exhibition of the Planning Proposal, draft Turner Road DCP and draft Gregory Hills VPA:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Camden Council website; and
3. in writing to adjoining landowners.

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PART 6 – PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	13 August 2015
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 August 2015 – 7 January 2016 (includes public exhibition period)
Commencement and completion dates for public exhibition period	25 November 2015 – 7 January 2016
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	6 weeks
<i>N.B - Timeframes beyond this point are subject to processing by the Department of Planning and Environment and Parliamentary Counsel.</i>	

CONCLUSION

This Planning Proposal has been prepared in response to the modified “Guidelines for Riparian Corridors on Waterfront Land” released by the NOW in July 2012. The Planning Proposal seeks Council’s support to rezone land no longer required to be reconstructed and delivered as riparian corridors under current NSW Government policies.

These changes simplify the controlled activities application and assessment process, provide greater flexibility, help make more land available for housing, support floodplain, stormwater and bush fire management, and allow riparian corridors to be used for public amenity, whilst continuing to deliver environmental outcomes.

As part of this proposal, the developer has proposed to dedicate and embellish two additional open space areas of an additional 21,213m². This additional open space is proposed to be located in areas where they are able to be integrated into the existing open space network, ensuring sufficient scale is achieved in individual parks to enable efficient layouts and appropriate facilities. The additional open space is also able to be provided in close proximity to the areas where the additional dwellings will be situated.

Council is of the opinion that this Planning Proposal provides an overall net benefit to the community without compromising development and environmental outcomes.

SCHEDULE OF APPENDICES

Appendix 1	Gregory Hills Riparian Corridor Review – Eco Logical Australia
Appendix 2	Council Report – Riparian Lands Planning Proposal – Gregory Hills Appendix – 28 April 2015
Appendix 3	Gateway Determination Letter from Department of Planning and Environment– 13 August 2015
Appendix 4	Riparian Corridor Planning Proposal Areas Map
Appendix 5	Landscape Connectivity Principles Plan
Appendix 6	NSW Office of Water Letter
Appendix 7	Gregory Hills Biodiversity Certification Review - Eco Logical Australia
Appendix 8	Proposed amendments to the South West Growth Centre Land Zoning Maps
Appendix 9	Proposed amendments to the South West Growth Centre Lot Size Maps
Appendix 10	Proposed amendments to the South West Growth Centre Special Areas Maps
Appendix 11	Proposed amendments to the South West Growth Centre Height of Buildings Maps
Appendix 12	Proposed amendments to the South West Growth Centre Riparian Protection Area Maps
Appendix 13	Riparian Corridor Flood Study – November 2015
Appendix 14	Referral Response Letter – NSW Rural Fire Service
Appendix 15	Referral Response Letter – Office of Environment and Heritage

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APPENDIX 1

Gregory Hills Riparian Corridor Review – Eco Logical Australia

Attachment 1



Gregory Hills Riparian Corridors

Strahler Assessment

Prepared for
Dart West Developments

June 2013



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Attachment 1

DOCUMENT TRACKING

Project Name	Gregory Hills Riparian Corridors Strahler Assessment
Project Number	12WOLPLA-0047
Project Manager	Steven House
Prepared by	Sally Perry, Steven House
Approved by	Steven House
Status	Final
Version Number	5
Last saved on	25 June 2013

This report should be cited as 'Eco Logical Australia March 2013. *Gregory Hills Riparian Corridors Strahler Assessment*. Prepared for Dart West Developments.'

Cover Photos: Clockwise from top left. 1. Retained first order stream at Oran Park. 2. Man-made wetland, Oran Park. 3. South Creek, Gregory Hills

ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd.

Disclaimer

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Eco Logical Australia Pty Ltd and Dart West Developments. The scope of services was defined in consultation with Dart West Developments, by time and budgetary constraints imposed by the client, and the availability of reports and other data on the subject area. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information.

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Abbreviations

ABBREVIATION	DESCRIPTION
CRZ	Core Riparian Zone
DoP	(Former) Department of Planning
DIPNR	(Former) Department of Planning Infrastructure and Natural Resources
DP&I	Department of Planning and Infrastructure
NOW	NSW Office of Water
RCMS	Wollongong Riparian Corridor Management Strategy
VB	Vegetated Buffer
WFLS	Oran Park and Turner Road Waterfront Land Strategy

1 Introduction

Dart West Developments commissioned Eco Logical Australia Pty Ltd (ELA) to assess riparian corridors within the Gregory Hills Estate (See Figure 2) in accordance with the current NSW Office of Water 'Guidelines for riparian corridors on waterfront land' (NOW, June 2012). This assessment is intended to inform a planning proposal to rezone land within Gregory Hills that will bring the extent of riparian corridors in line with current government policy.

Gregory Hills is located within the Turner Road Precinct, within the South-west Sydney Growth Centre. Riparian Corridors within the broader precinct were assessed as part of the rezoning of these lands based on a methodology known as the 'RCMS', which in itself was an adaptation of the Wollongong Riparian Corridor Management Strategy (DIPNR, 2004).

One of the outcomes of the Turner Road Precinct study was the preparation of the Oran Park and Turner Road Waterfront Land Strategy (DoP, 2009) (hereon referred to as the 'WFLS'). The WFLS redefined the extent of waterfront land across the precinct, which in effect provided an exemption from the *Water Management Act, 2000* for mapped watercourses which during field survey were identified as not being present or of little hydrological or environmental value.

For the remaining riparian corridors, the WFLS strategy identified a suite of activities that were exempt from the requirement to obtain Controlled Activity Approval (CAA) under the *Water Management Act, 2000* and effectively transferred approval for these activities to Camden Council.

The overall effect of the WFLS is to exempt certain land from CAA and for the remaining riparian areas, to exempt a suite of activities from CAA.

In 2012, the NSW Office of Water published new guidelines for riparian corridors that based the classification of streams on their Strahler Stream Order and identified a matrix of permissible works and activities for each stream order. The new guidelines also introduced the 'averaging rule' that allows encroachment into the outer 50% of the riparian corridor providing such encroachment is offset.

This report assesses the agreed riparian corridors against the new guidelines and the associated 'Frequently asked questions' published by the NSW Office of Water (2012 & 2012a).

2 Stream Order and Urban Design

An assessment of stream order was undertaken using the existing mapped hydrolines. Pursuant to the methodology outlined in the *Frequently asked questions* (NOW 2012a), stream order was allocated to all mapped creeks, regardless of whether or not they actually meet the definition of a 'river' in the field.

The relevant riparian buffer was then applied to the existing field validated Top of Bank (TOB). Where there was no mapping available, principally due to the presence of online farm dams or no discernible channel with this highly modified agricultural environment, a total channel width of 6.5 metres and 10 metres has been allocated to first order and second order streams respectively.

The results of the stream order assessment are provided in Figure 1 for the entire precinct and Figure 2 for the site.

The information from this assessment has been incorporated into the urban design for the site (see Figure 3). This map shows the proposed changes in relation to the existing riparian areas identified in the Waterfront Land Strategy. The information contained in Figure 3 is proposed to be used as the base for any agreed changes.

Figure 3 also identifies two proposed offset areas. One area of 30,040sqm is located in the vegetated area at the headwaters of South Creek, the second area of 6,796sqm is located along the southern tributary. The total offset area is therefore 36,836sqm. This offset area will compensate for any potential online wet basins in the southern tributary and the proposed non-riparian uses in the area marked as 'open space' in Figure 3. The intention of the offset area is to meet or exceed the requirements of the 'averaging' rule.

This offset area is also compensating for the loss of the first order streams identified on the site. These streams, with a 10 metre buffer either side total 12,605sqm in area. This leaves a balance 24,231sqm to offset non-riparian corridor uses elsewhere on the site.

Gregory Hills Riparian Corridors Strahler Assessment

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Attachment 1

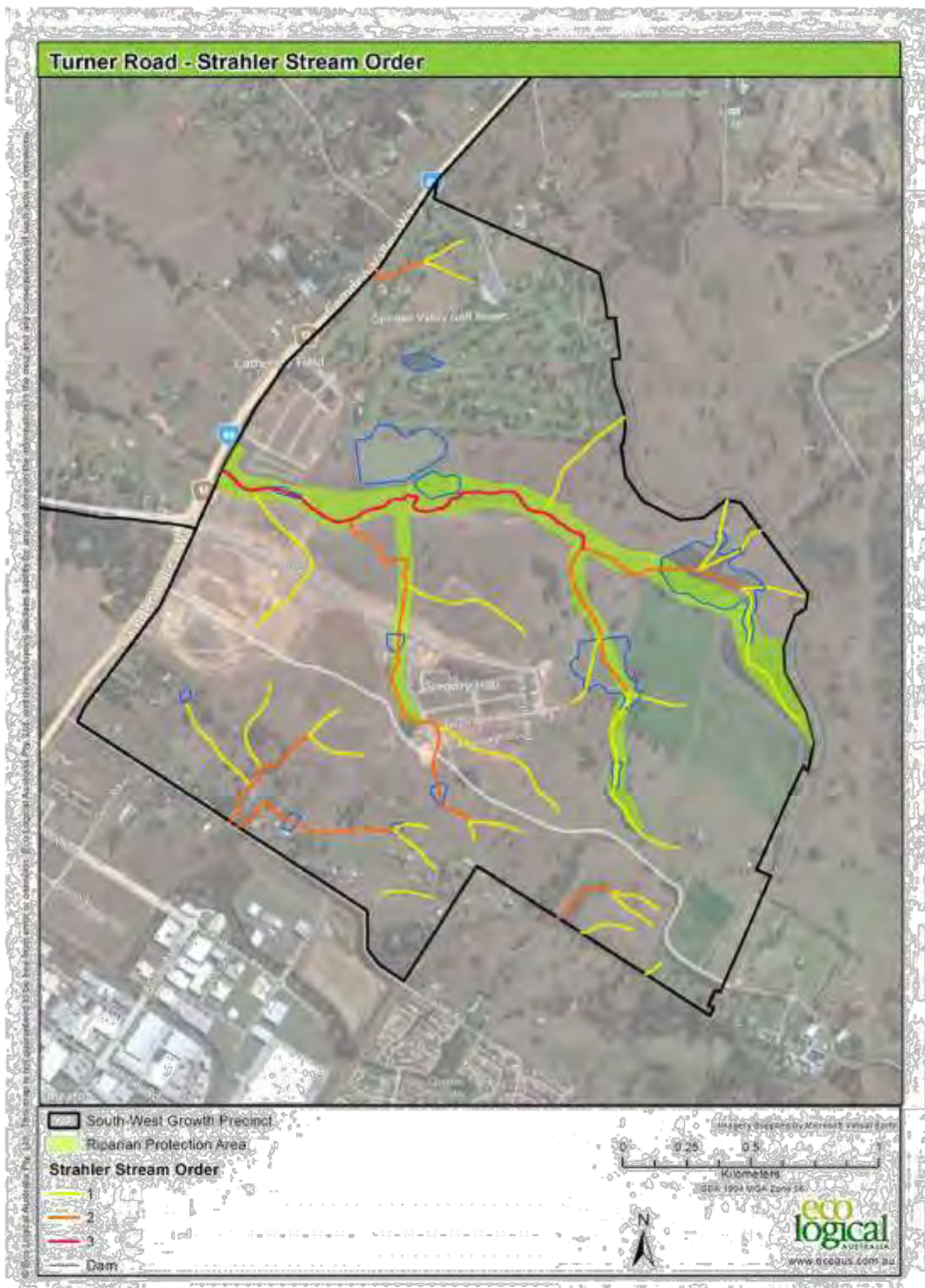


Figure 1. Turner Road Precinct Strahler Stream Order



Figure 2. Gregory Hills Strahler Assessment with indicative buffer location

Gregory Hills Riparian Corridors Strahler Assessment

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Attachment 1



Figure 3. Detailed Riparian Design (Source: DPS)

3 Permissible Activities

The WFLS included the following activities that are permissible within the Core Riparian Zone (CRZ):

- Environmental protection works
- Drainage
- Crossings (Eg. Roads, service utilities, paths)

In addition, the following activities are permissible within the Vegetated Buffer (VB):

- Environmental protection works
- Drainage
- Water quality features
- Service utilities
- Crossings (eg. Roads, service utilities, paths)
- Passive recreation use, or open space uses (eg walking and cycle paths, seating, interpretive signage). These uses cannot exceed 40% of the area of the VB and must be designed to ensure no reduction in the function of the CRZ. Generally these uses should be contained within the roadside edge of the VB (the 40% rule is to be applied on an individual DA basis and is not to be accumulated across DAs)

The new *Guidelines for riparian corridors on waterfront land* (NOW, June 2012) include the following matrix identifying what is permissible within the various stream orders.

Stream order	Vegetated Riparian Zone (VRZ)	RC off-setting for non-RC uses	Cycleways and paths	Detention basins		Stormwater outlet structures and essential services	Stream realignment	Road crossings		
				On-line	Off-line			Any	Culvert	Bridge
1 st	10m	•	•	•	•	•	•	•	•	•
2 nd	20m	•	•	•	•	•	•	•	•	•
3 rd	30m	•	•	•	•	•	•	•	•	•
4 th +	40m	•	•	•	•	•	•	•	•	•

The matrix identified a suite of uses that is broadly in line with the WFLS, the major differences being:

1. The matrix does not differentiate CRZ and VB
2. The matrix allows online basins within 1st and 2nd order streams, but only allows detention basins within the outer 50% of 3rd and 4th order streams whereas vegetated dry basins are permissible within the CRZ under the WFLS
3. The averaging rule allows non-riparian uses to occur within the riparian corridor providing that such uses are offset. The WFLS has fixed locations and widths

An area of 36,836sqm in addition to the riparian corridor is proposed to be protected at the headwaters of South Creek and along a section of the southern tributary. Part of this will be used to offset the loss of first order streams, whilst the remainder (24,231sqm) would be available as an offset for any 'non-RC' uses that occur on the site. In order to monitor this, it is proposed that each Development Application would include a section that identifies the area of non-RC uses and the cumulative area of any non-RC uses from previous development applications at the site.

4 Proposed Variation to Standards

A workshop was undertaken with the developers, urban designers and project engineers to assess the implications of implementing the new *Guidelines for riparian corridors on waterfront land* (NOW, June 2012). It was identified during the workshop that it would be beneficial for the development if the upper reach of the southern-most creek (unnamed creek) was used for passive open space. Under the guidelines such a use would only be permissible within the outer 50% of the riparian corridor and would need to be offset.

Allowing open space uses along the full width of the 'open space' area identified in Figure 3 would provide for a better landuse outcome in this area. As these sort of uses are only permissible in the outer 50%, a variation to this standard would be required to enable this approach to be undertaken. It is noted that page 5 of the *Guidelines for riparian corridors on waterfront land* (NOW, June 2012) allows for such a merit based assessment. Given that this section of 1st order stream is highly disturbed and would need to be rehabilitated and revegetated we believe there is merit in considering a holistic approach in this area.

The design of this area would include an open vegetated channel, a path meandering through the riparian corridor and a series of recreational facilities including seating and tables. All revegetation would incorporate locally indigenous native species, however it is proposed that a more formal landscape approach to planting would be undertaken rather than more random planting typically used in revegetation works.

To compensate for passive open space use, any areas that were used for non-RC uses within both the inner and outer riparian corridor would be offset utilising the remaining 24,231sqm of offset area at the head of South Creek.

5 Options for Implementation

There are a number of options for implementing the *Guidelines for riparian corridors on waterfront land* (NOW, June 2012) at this site. The two most practical options are discussed below.

Modify Waterfront Land Strategy

The WFLS could be modified to bring it into line with the *Guidelines for riparian corridors on waterfront land* (NOW, June 2012). As the WFLS is a gazetted document it is likely that it would need to be reviewed/approved by NSW Office of Water, Camden Council, Department of Planning and Infrastructure and potentially Parliamentary Council. Given the complexity involved it is unlikely that modifying the WFLS would be supported.

Follow the Controlled Activity Approval Process

Given the low likelihood of the WFLS being modified, future Development Applications will need to go through the CAA process for any development that is inconsistent with the current WFLS. Providing the WFLS is maintained in its current form, the exemptions applying to many of the smaller streams across the Oran Park and Turner Road precincts would remain in place.

For the retained streams assessed herein, the '*Guidelines for riparian corridors on waterfront land*' (NOW, June 2012) and merit-based assessment identified in this report would be applied.

In going through the CAA process, landholders will lose the exemption from bonds. However it is noted that it is not compulsory to have bonds, and that it may not be necessary to have bonds for the full amount of riparian work. Also of note, Camden Council have in place a '*Dedication of Riparian Corridors Policy*' that ties dedication of riparian corridors to Council with satisfactory establishment of riparian vegetation and instream works. This dedication can only occur through a legally binding Voluntary Planning Agreement (VPA). Given the security provided via the VPA it is recommended that bonds under the *Water Management Act* are not required for developments where the landholder has entered into a VPA that includes the dedication of riparian corridors to Council.

Landuse Zones

In order to align riparian corridors with landuse zones it is advised that the changes identified in this document are reflected in the zoning of the site. This will require an amendment to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

6 Conclusion and Recommendations

The development of the WFLS reflected riparian policy at the time of the rezoning of Oran Park and Turner Road. Significant advancements in the approach to riparian corridors and mechanisms to streamline assessment and approvals processes have been made since this time.

Bringing this site into line with the current approach to riparian corridors would meet current riparian policy and is consistent with the approach being applied at precincts that are currently going through the rezoning process including East Leppington and Catherine Fields South.

It is recommended that the riparian corridors on the site are brought into line with current government policy. Dialogue with NSW Office of Water, Camden Council and Department of Planning should be furthered, with specific consideration of the most practical way of implementing the new policy, whilst maintaining some of the streamlined approvals processes contained within the Oran Park and Turner Road Waterfront Land Strategy.

The landuse changes identified in this report should be reflected in the landuse zones at this site, requiring an amendment to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. This will ensure that the SEPP is streamlined with the requirements of the *Water Management Act, 2000*.

References

Department of Planning, 2009. *Oran Park and Turner Road Waterfront Land Strategy*.

Department of Infrastructure, Planning and Natural Resources (2004). *Wollongong Riparian Corridor Management Study*.

NSW Office of Water, June 2012. *Guidelines for riparian corridors on waterfront land*.

NSW Office of Water, June 2012a. *Controlled activities in riparian corridors – frequently asked questions*.

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ORD07

APPENDIX 2

**Council Report – Planning Proposal to Rezone Riparian Lands at
Gregory Hills – 28 April 2015**

Attachment 1



ORDINARY COUNCIL

ORD02

SUBJECT: RIPARIAN LANDS PLANNING PROPOSAL - TURNER ROAD
PRECINCT
FROM: Director Planning & Environmental Services
TRIM #: 15/81462

PURPOSE OF REPORT

The purpose of this report is for Council to consider a Planning Proposal to rezone E2 Environmental Conservation and E4 Environmental Living lands to a combination of R1 General Residential and RE1 Public Recreation, and to seek a resolution from Council to forward the Planning Proposal to the Department of Planning and Environment (DoPE) for Gateway determination. The draft Planning Proposal is included as **Attachment 1 to this report**.

BACKGROUND

A Planning Proposal for the subject land was submitted to Council 9 July 2013 by Design and Planning on behalf of Dartwest Developments and Greenfields Development Corporation (GDC). The proposal included riparian lands in both the Turner Road and Oran Park development precincts.

Councillors have been briefed on the proposal on three occasions since its original lodgement. These briefings occurred on 22 October 2013, 22 July 2014 and 10 March 2015.

Following the July 2014 briefing, the Oran Park landowners (GDC) withdrew from the joint application. A revised Planning Proposal was lodged on behalf of Dartwest on 17 October 2014.

The land subject to this Planning Proposal is shown in **Figure 1**. The subject site incorporates land along the upper extent of South Creek and an associated southern tributary. The subject lands currently contain limited existing remnant vegetation.

As part of the initial Turner Road rezoning process in 2007, riparian corridors were mapped in accordance with the legislation and guidelines in place at the time. In 2011, the NSW Government commenced a review relating to riparian lands, including the appropriate widths of corridors based on stream classification, and the types of uses permitted within such areas.

In July 2012, the NSW Office of Water (NOW) released "Guidelines for Riparian Corridors on Waterfront Land", which amended riparian corridor widths that apply to watercourses and provided greater flexibility in how riparian corridors can be used for public recreation.

The revised guidelines provide a reduction in riparian corridors of up to 60 metres in some areas of Gregory Hills, and the ability to provide online detention basins (i.e. within the corridor), thus removing the need for offline detention basins.

This is the report submitted to the Ordinary Council held on 28 April 2015 - Page 1

ORD07

Attachment 1



Figure 1 – Site Location – Gregory Hills Riparian Proposal

Source – Design + Planning – Gregory Hills Planning Proposal (October 2014)

MAIN REPORT

The Proposal

The Planning Proposal seeks to rezone land previously identified as part of a network of riparian corridors to R1 General Residential and RE1 Public Recreation under the State Environmental Planning Proposal (Sydney Region Growth Centres) 2006. In summary, the key points of this proposal are as follows (Refer **Attachment 2 to this report**):

- Removal of 64,513m² of future revegetated riparian corridor along the southern and eastern tributaries of the upper South Creek Catchment;
- Rezone 43,300m² of land previously identified as riparian corridors to R1 General Residential (land shown in pink on Attachment 2);
- Provision of 21,213m² of passive open space and associated embellishments such as cycleways and seating (land shown as Areas 1, 2, and 3 of Attachment 2);
- Creation of an additional 60 residential lots within the proposed additional R1 lands;
- Provision of 4155m² for an embellished town park adjacent to the Gregory Hills Town Centre and future primary school (land shown as Area1 on Attachment 2);
- Retention of a 4,292m² revegetated riparian corridor along the southern tributary (land shown as Area 4 on Attachment 2); and

This is the report submitted to the Ordinary Council held on 28 April 2015 - Page 2



- Retention of a combined 14.8ha riparian corridor on the northern most end of the southern tributary and eastern tributary.

Discussion

Community Benefit

The Planning Proposal reduces the width of existing riparian corridors and converts this land to useable open space, rather than for bushland or drainage purposes. This will provide benefit to the community in the following ways:

- Provision of over 21,213m² of useable and connected passive open space areas;
- Provision of a town centre park that is centrally located and within close proximity to local amenities (i.e. proposed shopping centre, schools);
- Retention of the riparian function of the southern tributary;
- Reduced bushfire risk through the reduction of planted riparian corridor areas;
- The additional open space adds to an overall provision of 49 hectares of green space across a total development area of 235 hectares.

Community Expectations

Since the initial lodgement of the Planning Proposal in July 2013, the developer has ensured all sales and marketing material for developments in the vicinity of the subject lands have included a disclaimer that acknowledges the Planning Proposal is currently being considered by Council.

The proponent has also advised that they have amended the staging of their development to ensure they are not developing land adjacent to the land proposed to be rezoned, in order to allow consideration of the draft planning proposal.

Additional Developable Area

The proposed rezoning will generate additional residential development. The Gregory Hills portion of the Turner Road precinct is currently planned at 2422 dwellings which equates to approximately 15 dwellings per hectare over the 161.5 hectares of net developable area of the entire site.

The Planning Proposal seeks to increase the net developable area by 43,300m², which will deliver approximately 60 additional residential lots. The dwelling density will be approximately 14.9 dwellings per hectare over a new net developable area of 165.8 hectares. Thus, there is no increase to the dwelling density rate of the entire Gregory Hills development as a result of the additional developable area.

Environmental Impacts

Council officers have reviewed the Planning Proposal to ascertain the environmental impacts of removing the requirement to revegetate the riparian corridors as required under the previous guidelines for riparian management.

Eastern Tributary (of South Creek)

The proposal will not result in the loss of any additional existing native vegetation in this area and will re-establish a more naturalised stream alignment than currently required.



It is also noted that the remnant vegetation at the eastern end of the tributary is proposed to be included within the riparian corridor under the draft proposal. Currently this vegetation is not included in the riparian corridor and as bio-certified land this vegetation could be removed.

Southern Tributary (of South Creek)

The riparian lands along the southern tributary are proposed to be replaced by passive open space and a 10 metre wide riparian corridor. There is currently limited riparian function at this extent of the tributary. In addition, it is noted that this portion of the riparian corridor is able to be completely removed under offsetting provisions in the current NSW Office of Water Riparian Guidelines.

However, the proponent intends to retain the naturalised stream bed as part of future open space rather than piping in this location, including the restoration of a 10m wide riparian corridor. This will ensure that the southern tributary retains its environmental value and riparian functionality, in addition to providing improved connectivity to the wider open space network in Gregory Hills.

It is noted that should this proposal receive support from Council and a subsequent favourable gateway approval, Council officers will require additional information in regards to the design and embellishments of both the riparian and open space areas, and detailed flood and drainage modelling to reflect the proposed changes.

Maintenance Costs

The changes proposed by the Planning Proposal would provide a saving to Council of approximately \$12,000 per annum. The savings as demonstrated in **Table 1** is a result of the reduction in land required to be maintained by Council.

The cost of maintaining open space is on average slightly more than that of established riparian lands. However, the overall reduction of "managed lands" will reduce the overall maintenance cost to Council.

Item	Proposed land area (m ²)	Maintenance Rate (\$ per m ²)	Maintenance Cost/Saving
Riparian (New Development)	43,300	0.35	-\$15,155
Riparian (10m Retained Buffer)	4,292	0.35	No change
Open Space (Formerly Riparian Land)	21,213	0.15	+\$3,181.95
TOTAL			-\$11,973.05 (total saving to Council per annum)

Table 1: Riparian and Open Space Maintenance Costs

It is noted that the cost of maintaining riparian lands is estimated at \$0.35/ha. The cost of maintaining open space is estimated at \$0.50/ha. The \$0.15 used in Table 1 is the difference between maintaining open space and riparian land.



Amendments Required

Should the Planning Proposal receive Council support and a favourable gateway determination, a number of concurrent amendments will be required to other instruments and agreements applying to the subject land.

SEPP Growth Centres

- Rezone the subject lands as shown in **Figure 2** from E2 Environmental Conservation and E4 Environmental living to R1 General Residential and RE1 Public Recreation.
- Amendments to height and lot size maps will also be required. The Planning Proposal recommends adopting the current height and minimum lot size of the adjacent R1 zone under the Growth Centres SEPP.

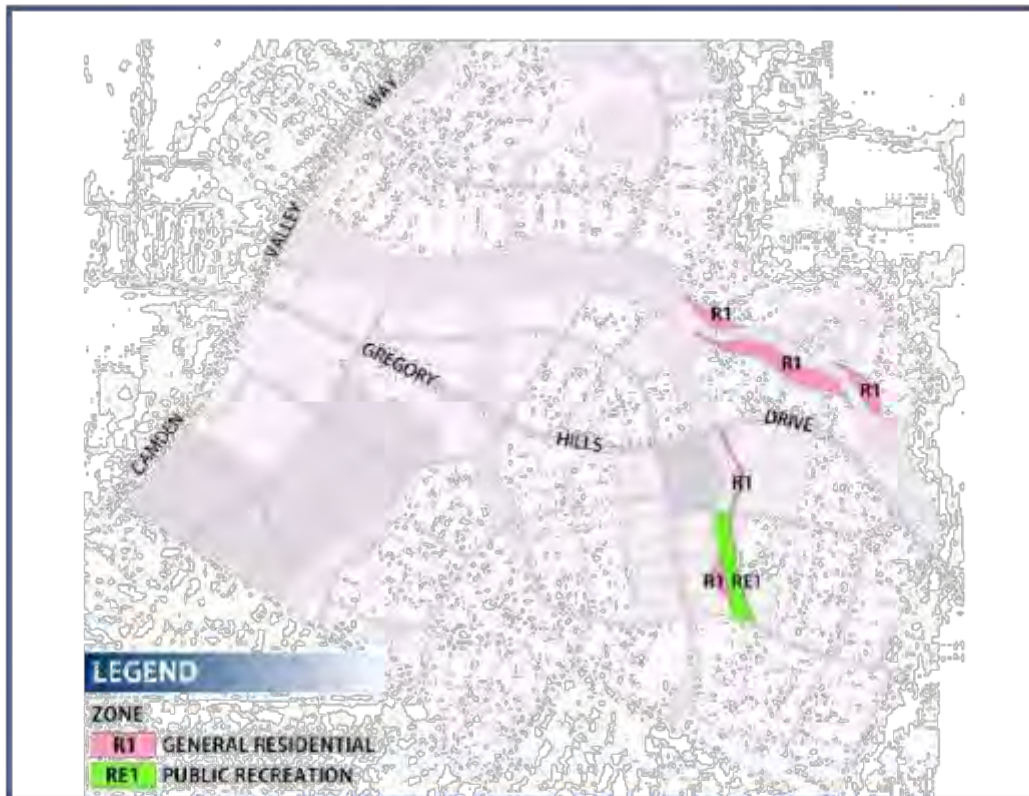


Figure 2 – Proposed Rezoning – Gregory Hills Riparian Lands Planning Proposal
 Source – Design + Planning – Gregory Hills Riparian Land Planning Proposal - October 2014

Oran Park Turner Road DCP

- Inclusion of the subject land within the DCP and amendment of the associated Indicative Layout Plan (ILP).

This is the report submitted to the Ordinary Council held on 28 April 2015 - Page 5



Gregory Hills VPA

- Removal of the requirements relating to the embellishment and dedication of the current riparian corridor, which are currently part of the VPA;
- Inclusion of requirements to provide the embellishment of the additional open space;
- Provision of other local infrastructure and monetary contributions relating to the increased dwelling yield within the Gregory Hills development; and
- It is noted that the detailed VPA amendments and DCP amendments have not yet been fully negotiated and will be subject to a further report to Council should the proposal receive a Gateway determination and subsequently be publicly exhibited.

Additional Studies Post Gateway

Subject to Council support and a favourable gateway determination Council officers will request additional detailed studies and designs to enable the finalisation of the Planning Proposal and other key documents such as the Turner Road DCP and the VPA applying to the site. These studies/detail designs will include:

- Drainage and flood modelling;
- Concept design for the Town Park;
- Concept design for the additional open space areas; and
- Concept design for the riparian corridor along the southern tributary.

Public Agency Consultation

Subject to Council support and a favourable gateway determination, the draft Planning Proposal will be referred to a number of public agencies either prior to, or during the public exhibition period, depending upon the circumstances of the Gateway determination.

Council will recommend that the following key agencies be consulted, however, it is recognised that the Department of Planning and Environment may add additional agencies to be consulted, as part of any gateway approval.

- NSW Office of Water;
- Office of Environment and Heritage (Environment Branch);
- Rural Fire Service;
- Sydney Water; and
- Endeavour Energy.

Where to from here?

If Council resolves to send the Planning Proposal to the Department of Planning and Environment, for Gateway determination the following steps will occur:

1. Following Gateway approval draft studies and detailed designs to be undertaken by the proponent;
2. Staff will consider additional reports and amend the Planning Proposal, relevant DCP and the VPA as necessary;
3. Report to Council prior to public exhibition; and



-
4. Public exhibition of the Planning Proposal, Draft DCP amendments and Draft VPA amendments
 5. Report back to Council on the outcomes of the public exhibition process.

Should the Planning Proposal not be supported by Council, or the Department of Planning and Environment, then the proponent will be notified accordingly.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report.

CONCLUSION

This report outlines the draft Planning Proposal to rezone lands within the Gregory Hills portion of the Turner Road precinct from E2 Environmental Conservation and E4 Environmental Living to R1 General Residential and RE1 Public Recreation.

This application is in response to the changes to State Government policy with regards to the use and management of riparian lands. The draft proposal is compliant with the revised State Government policy and has the support of the NSW Office of Water.

The Planning Proposal would result in a total of 43,300m² (4.3ha) of additional residential land (60 dwellings), provision of 21,213m² of passive open space, and restoration of over 15ha of riparian corridor.

The proposal will provide additional useable open space to the community and will continue to provide an appropriate riparian function on both tributaries of the South Creek catchment.

Should the Planning Proposal proceed concurrent amendments will be required to the Turner Road DCP and the Gregory Hills VPA.

RECOMMENDED

That Council:

- i. **endorse the Planning Proposal for the rezoning of riparian lands within the Gregory Hills portion of the Turner Road precinct;**
- ii. **forward the Planning Proposal to the Department of Planning & Environment for Gateway determination and advise that the matter be placed on public exhibition for 28 days;**
- iii. **require a further report to allow consideration of the planning package including the Planning Proposal, draft DCP and draft VPA prior to public exhibition; and**
- iv. **prepare a further report for Council consideration at the conclusion of the public exhibition period.**

Resolution: Moved Councillor Sidgreaves, Seconded Councillor Fedeli that Council:

- i. **endorse the Planning Proposal for the rezoning of riparian lands within the Gregory Hills portion of the Turner Road precinct;**

This is the report submitted to the Ordinary Council held on 28 April 2015 - Page 7



ORD07

-
- ii. forward the Planning Proposal to the Department of Planning & Environment for Gateway determination and advise that the matter be placed on public exhibition for 28 days;
 - iii. require a further report to allow consideration of the planning package including the Planning Proposal, draft DCP and draft VPA prior to public exhibition; and
 - iv. prepare a further report for Council consideration at the conclusion of the public exhibition period.

ORD1/15 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Sidgreaves, Copeland, Warren, Symkowiak, Fischer, Dewbery, Fedeli and Bligh voted in favour of the Motion. Councillor Campbell voted against the Motion.)

ATTACHMENTS

1. Revised Planning Proposal - Turner Road Precinct - April 2015
2. Revised Planning Proposal - Riparian Corridors Areas Map

Attachment 1

APPENDIX 3

Gateway Determination – 13 August 2015

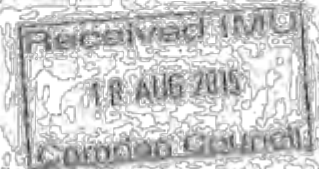
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Attachment 1



Mr Ron Moore
General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

Our Ref: 15/1795



Dear Mr Moore:

Gateway Determination – Amendment to Maps under Appendix 1 State Environmental Planning Policy (Sydney Region Growth Centres) 2006: Eastern and southern tributaries of South Creek – Gregory Hills

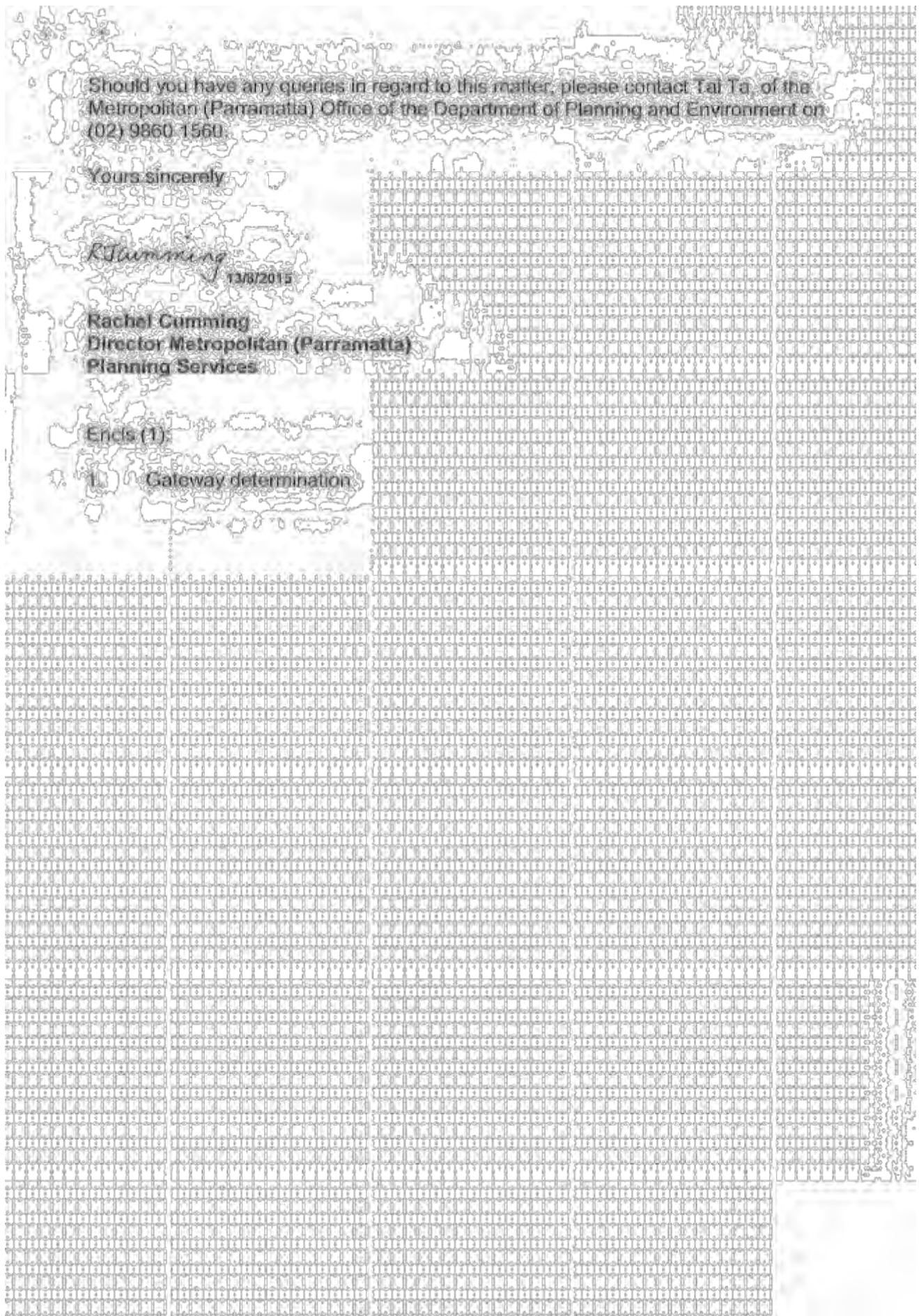
I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal to vary the width of the riparian corridors of the eastern and southern tributaries of South Creek at Gregory Hills, to rezone certain riparian land, apply lot size and height of building controls and amend the Special Areas and Riparian Protection Area Maps.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The Gateway determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway determination, is in a form that can be made available for community consultation.

The planning proposal is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the Plan should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the Environmental Planning and Assessment Act 1979 if the time frames outlined in this determination are not met.



Should you have any queries in regard to this matter, please contact Tai Ta, of the Metropolitan (Parramatta) Office of the Department of Planning and Environment on (02) 9960 1560.

Yours sincerely,

R Cumming

13/8/2015


Rachel Cumming
Director Metropolitan (Parramatta)
Planning Services

Ends (1)

1. Gateway determination

ORD07

Attachment 1



NSW Planning & Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2015_CAMDE_001_00) to amend mapping under Appendix 1 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to vary the width of riparian corridors of the eastern and southern tributaries of South Creek at Gregory Hills, and to rezone the former riparian land from E4 Environmental Living to R1 General Residential and RE1 Public Recreation, apply a minimum lot size of 125 sq m and a maximum height of buildings of 9.5 metres and amend the Special Areas Map and Riparian Protection Area Map.

1. The Director, Metropolitan (Parramatta), as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act that an amendment to maps under Appendix 1 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as described above should proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal as follows:
 - (a) include a copy of the existing maps that will be amended by the proposal, with the subject site identified;
 - (b) show the development zoning controls for surrounding land on all maps of proposed amendments; and
 - (c) include the lot and DP numbers of all land to which the proposal applies.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, as follows:
 - (a) the planning proposal must be made available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with notice requirements for public exhibition of planning proposals and the specifications for material that must be available along with planning proposals as identified in section 5.5.2 of "A Guide to Preparing Local Environmental Plans" (April 2013)
3. Consultation with the NSW Rural Fire Service is required prior to the commencement of community consultation in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection. Any comments must be taken into account and the planning proposal amended if required.
4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning & Assessment Act:
 - Office of Environment and Heritage;
 - Rural Fire Services;
 - Sydney Water; and
 - Endeavour Energy.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning & Assessment Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission or if reclassifying land).

6. The time frame for completing the LEP is 12 months from the week following the date of the Gateway determination.

Dated 13th day of August 2015.



Rachel Cumming
Director Metropolitan (Parramatta)
Planning Services

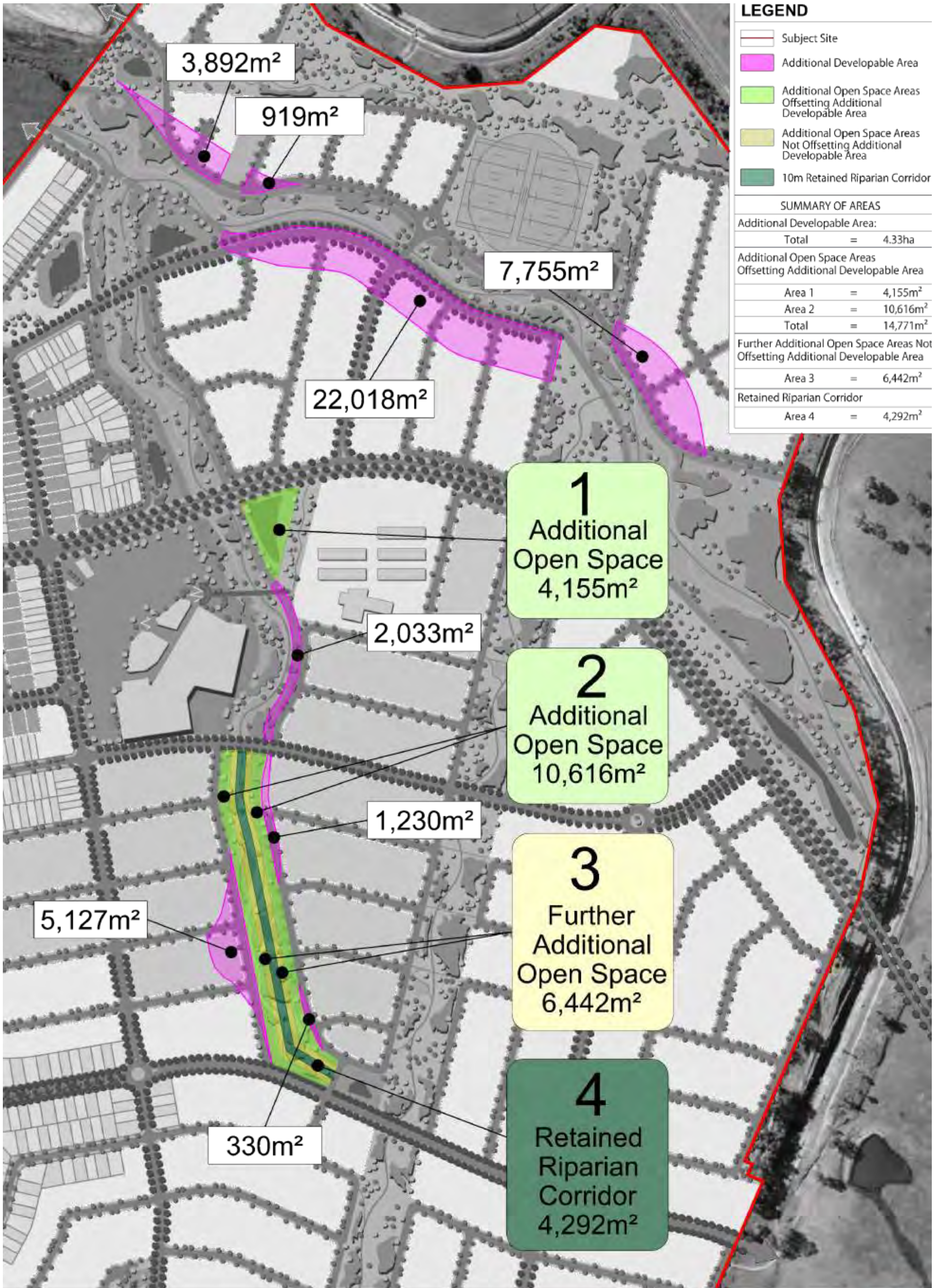
As delegate of the Minister for Planning

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APPENDIX 4

Riparian Corridor Planning Proposal Areas Map

Attachment 1



LEGEND

- Subject Site
- Additional Developable Area
- Additional Open Space Areas Offsetting Additional Developable Area
- Additional Open Space Areas Not Offsetting Additional Developable Area
- 10m Retained Riparian Corridor

SUMMARY OF AREAS

Additional Developable Area:	
Total	= 4.33ha
Additional Open Space Areas Offsetting Additional Developable Area	
Area 1	= 4,155m ²
Area 2	= 10,616m ²
Total	= 14,771m ²
Further Additional Open Space Areas Not Offsetting Additional Developable Area	
Area 3	= 6,442m ²
Retained Riparian Corridor	
Area 4	= 4,292m ²

Riparian Corridor Planning Proposal Areas
GREGORY HILLS

Scale: 1:2,000@A1
 Ref: DARGH-1-024 | Date: 17/03/2015 | Revision: F
 design PLANNING

APPENDIX 5

Landscape Connectivity Principles Plan

ORD07

Attachment 1



APPENDIX 6

NSW Office of Water Letter

ORD07

Attachment 1



Department of
Primary Industries
Office of Water

Foreword

The NSW Government is strongly committed to increasing the supply of housing. The State's housing production is at historic lows and this has a major impact on housing affordability and the performance of the State's economy generally.

The NSW Government has identified a number of system-wide issues that complicate planning processes and add to the time and cost of housing development. The regulation of controlled activity approvals in riparian corridors has been identified as one such issue.

To address these issues the NSW Government is implementing a package of reforms to improve housing supply in NSW. These reforms include changes to the policy and practice of the regulation of controlled activity approvals in riparian corridors. The changes are explained in the new *Guidelines for riparian corridors on waterfront land* that commenced on 1 July 2012. This riparian corridors reform will cut red tape, reduce development costs and increase the amount of land available for housing, whilst continuing to protect and restore the riparian corridor environment.

The purpose of this manual is to provide professionals involved in the housing development industry, particularly in the greater Sydney urban growth centres, with information on the:

- NSW Government's planning reform agenda to address systematic issues affecting housing supply;
- NSW Office of Water's role in regulating controlled activities on waterfront land;
- new *Guidelines for riparian corridors on waterfront land* and how to apply and comply with those guidelines; and
- new controlled activity approvals fee schedule.

This support tool will enable developers, planners and other professionals to understand and comply with the new guidelines and fees. It includes copies of all current controlled activities guidelines, the new fee schedule, a case study to demonstrate how the new *Guidelines for riparian corridors on waterfront land* can be applied, answers to frequently asked questions, and copies of presentations from the 12 July industry workshop.

I encourage you to make use of this manual and raise any questions or concerns with the NSW Office of Water's freecall water regulatory hotline 1800 353 104 or email information@water.nsw.gov.au


Marwan El-Chamy
A/Executive Director, Licensing and Compliance

12 July 2012

APPENDIX 7

**Gregory Hills Biodiversity Certification Review - Eco Logical
Australia**



ECO LOGICAL AUSTRALIA PTY LTD

ABN 87 096 512 088

www.ecoaus.com.au

Dean Golding
 Dart West
 Via email; Dean.Golding@dartwest.com.au

12WOLPLA-0047

30 August 2013

Dear Dean,

Oran Park and Gregory Hills – Riparian Corridors and Biodiversity Certification

As requested, please find below an explanation of the relationship between the riparian corridors and the Growth Centres Biodiversity Certification and any implications of the proposed changes to the riparian corridors.

Biodiversity Certification Overview

The Growth Centres SEPP has been 'bio-certified' by the order of the Minister for the Environment under s.126G of the TSC Act. The Mechanism for achieving this is outlined in the *Growth Centres Conservation Plan* (Eco Logical Australia, 2007) and the conditions for the bio-certification are documented in the Ministers order for consent. Bio-certification negates the requirement for the impact assessment under s.5A of the *Environmental Planning and Assessment Act, 1979* thus turning off the requirements for seven part tests or species impact statements.

On Tuesday, February 28th 2012, the Commonwealth Minister for the Environment announced that the program of development activities within the Growth Centres has now been approved under the EPBC Act Strategic Assessment process. Specifically, all actions associated with the development of the Western Sydney Growth Centres as described in the Sydney Growth Centres Strategic Assessment Program Report (Nov 2010) have been assessed at the strategic level and approved in regards to their impact on the following matters of NES:

- World Heritage Properties,
- National Heritage Places,
- Wetlands of International Importance,
- Listed threatened species and communities, and
- Listed migratory species.

The biodiversity certification identifies two categories of land across the growth centres;

1. Certified – exempt from the TSC and EPBC Acts
2. Non-certified – continues to be subject to the TSC and EPBC Acts plus has additional requirements under the Growth Centres Biodiversity Certification Order in relation to impacts on 'ENV'¹

¹ ENV – Existing Native Vegetation as mapped in the Biodiversity Certification Order

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ARMIDALE | BRISBANE | CANBERRA | COFFS HARBOUR | DARWIN | GOSFORD | MUDGEE | NAROOMA | NEWCASTLE
 PERTH | ST GEORGES BASIN | SUTHERLAND | SYDNEY | WOLLONGONG

Implications in relation to proposed changes*Oran Park*

All of the proposed changes are located on 'certified land' that is exempt from the TSC and EPBC Acts (see Maps 1, 2 & 3).

A small area of certified ENV will be removed (see figure 3). As this ENV is on certified lands there are no implications with its removal.

Gregory Hills

The majority of the proposed changes are located on 'certified land' that is exempt from the TSC and EPBC Act (see Map 4).

A small section of the proposed changes is located on non-certified land. The certification boundary in this area has been determined based on regional flood modelling and is not related to biodiversity values. This area of land will continue to be subject to the TSC and EPBC Acts, however field validation has determined that the land affected is exotic pasture that does not contain any ecosystems or species protected under these Acts, as such there will be no implications under biodiversity legislation.

This area of land does not contain 'ENV', as such there are no additional implications under the Growth Centres Biodiversity Certification Order. It is worth noting that the Department of Planning and Infrastructure has made non-certified land available for development if it does not contain ENV at other precincts within the Growth Centres (eg. Catherine Fields South).

Conclusion

All of the proposed changes at Oran Park are located on 'certified land' and there are no implications for the proposed changes under the Biodiversity Certification Order, Threatened Species Conservation Act, 1995 or Environmental Protection and Biodiversity Conservation Act, 1999.

Within Gregory Hills the majority of the changes are located on 'certified land'. Within the small area located on 'non-certified land' there is no ENV and there is no vegetation, species or habitat protected by the above legislation.

If you require any further information please contact me on (02) 4201 2201.

Yours Sincerely



Steve House
Director

ORD07

Attachment 1





ORD07

Attachment 1

ORD07

Attachment 1





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Attachment 1

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APPENDIX 8

Proposed amendments to the South West Growth Centre Land Zoning Maps

Attachment 1



ORD07

Attachment 1

ORD07

APPENDIX 9

**Proposed amendments to the South West Growth Centre Lot Size
Maps**

Attachment 1



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Attachment 1

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APPENDIX 10

Proposed amendments to the South West Growth Centre Special Areas Maps

Attachment 1



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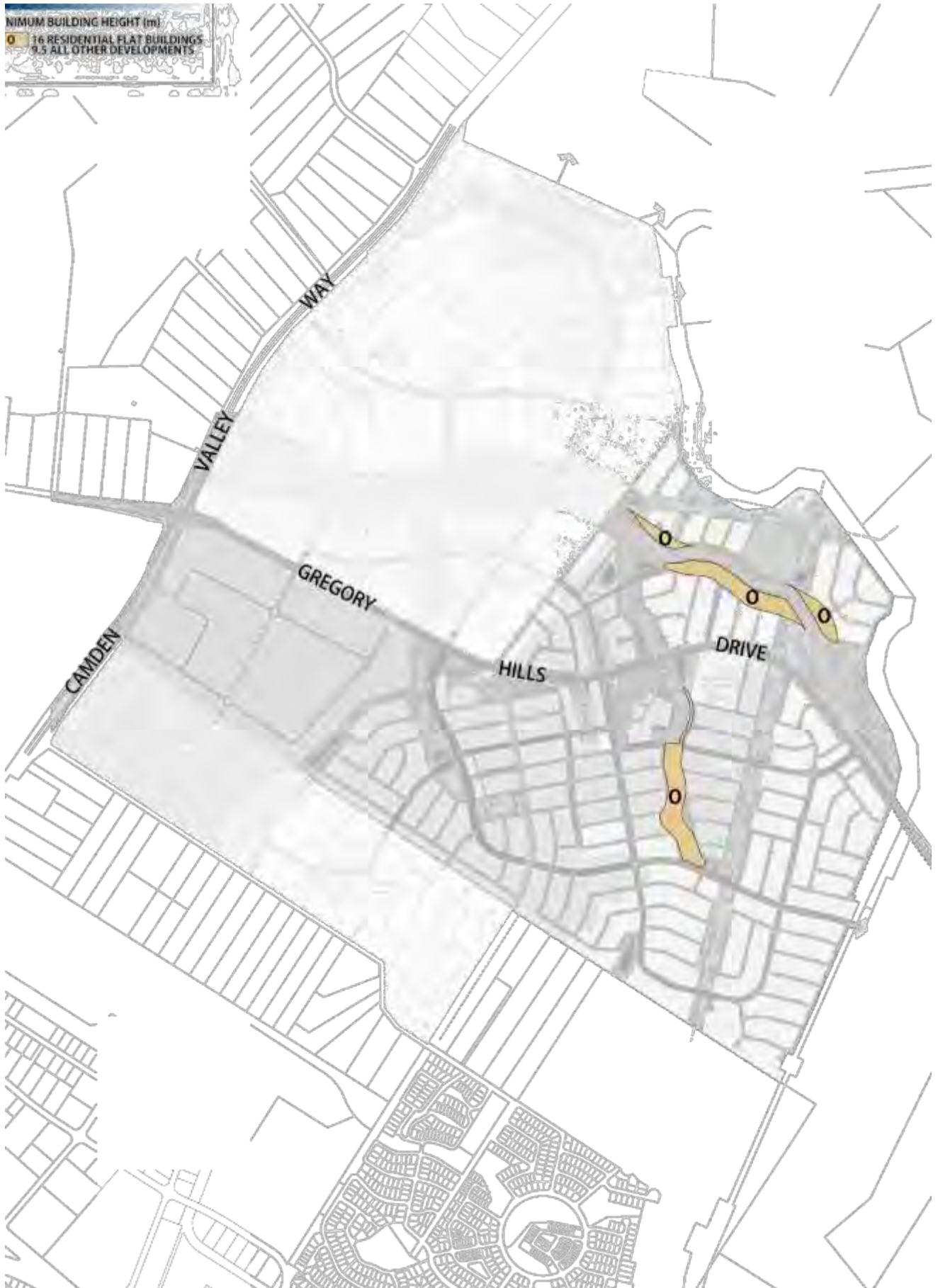
Attachment 1

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APPENDIX 11

Proposed amendments to the South West Growth Centre Height of Buildings Maps

Attachment 1



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Attachment 1

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APPENDIX 12

**Proposed amendments to the South West Growth Centre Riparian
Protection Area Maps**

Attachment 1



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Attachment 1

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APPENDIX 13

Riparian Corridor Flood Study

Attachment 1

Riparian Corridor Flood Study

Gregory Hills Residential
Development

YN210153



Prepared for
Dart West

10 August 2015





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Attachment 1

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Document Information

Prepared for	Dart West
Project Name	Gregory Hills Residential Development
File Reference	Gregory Hills Flood Study.docx
Job Reference	YN210153
Date	10 August 2015

Version Number	2.0
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Effective Date	10 August 2015
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Date Approved:	10 August 2015
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Document History

Version	Effective Date	Description of Revision	Prepared by:	Reviewed by:
1.0	28 Jul. 15	Draft for Client Review	Stephen Gribble	R. Lenferna
2.0	10 Aug 15	Final Report	Stephen Gribble	B. Hetherington

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Attachment 1



1 Introduction

The Gregory Hills residential development is located within the Turner Road Growth Centre Precinct. The development is located either side on South Creek. The area was rezoned in 2010. The zoning included riparian corridors in accordance with the Oran Park and Turner Road Waterfront Land Strategy 2009.

In July 2012 the NSW Office of Water (NOW) published changes to the Guidelines for riparian corridors on waterfront land. These changes were specifically aimed at the improvement of housing supply by reducing the width of riparian corridors and introducing offset rules for allowing non-riparian corridor uses within the riparian corridor. This opened the door for review of the riparian corridor principles within the Turner Road DCP to investigate the potential reduction of land take within Gregory Hills Residential Development.

Dart West is seeking to rezone the riparian corridors. This flood study has been prepared to support the rezoning of the riparian corridors. More specifically this study:

- > Assesses the impact of the revised riparian corridors on flood levels and velocities;
- > Compares pre development and post development flood behaviour; and
- > Demonstrates the effects of the proposed and existing detention basins on a development wide basis.



2 Physical Setting

The Gregory Hills residential development is located in the Camden Council Local Government Area. It is one of the developments within the Turner Road Growth Centre Precinct. Figure 1 shows the study area. The downstream boundary of the study area is the western extent of the residential development directly adjoining South Creek.

The residential development straddles South Creek. Gregory hills is located near the top of the South Creek catchment. Within the study area, South Creek has a catchment of about 2.5 square km. About 1.4 square km of the catchment is within Gregory Hills while the remaining 1.1 square km consists of smaller sub-catchments to the east of the upper canal. The largest of these is St Gregory's College with a catchment of about 33ha draining to South Creek.

There is also a tributary to the south of South Creek wholly contained within the residential development. This has a catchment area of 0.5 square km. The survey data suggests that this is a depression without a defined bed and banks.

Within the catchment there were two large farm dams, one on South creek and the other on the tributary. There are also several smaller dams throughout the catchments. A diversion channel has been constructed in the past to divert low flows from the dam on the tributary to the dam on South Creek. This diversion will also cause high flows to spread and flow overland rather than along the depression. Figure 2 below shows the diversion channel.



Figure 2 Diversion Channel connecting Dams (source: nearmap.com.au)



3 Data

3.1 Topographic Data

Detailed field survey has been undertaken of the development area for use throughout the design and construction process. That survey has been used in this study to define catchments and watercourse cross-sections.

GIS contours at 2m interval were used to define catchment areas external to the development site.

For the developed scenario, the 12D digital terrain model (DTM) that has been created as part of the civil engineering design process was used to define catchment data and derive creek cross-sections.

3.2 Design Drawings and Reports

Design drawings and reports prepared by Cardno and Calibre (formerly Brown Consulting) were used as input to the Developed scenario hydrologic and hydraulic models. A list of the drawings can be found in Appendix A.

3.3 Previous Studies

A number of flood studies have been prepared for the South Creek catchment or the Turner Road Precinct. Only those studies most relevant to the Gregory Hills development are listed below.

3.3.1 Turner Road Precinct Planning: Water Sensitive Urban Design Strategy

The Water Sensitive Urban Design Strategy was prepared by GHD (2007) for the Growth Centres Commission. Modelling was undertaken as part of a flood and stormwater management assessment. This modelling simulated existing conditions flood peaks and flood levels for the creeks within the precinct, determined appropriate volumes of detention throughout the precinct and determined appropriate strategies for stormwater quality management.

3.3.2 Upper South Creek Flood Study

The Upper South Creek Flood Study was prepared by WMA Water (2012) for Camden Council. The study is the first Stage of Council's Floodplain risk management planning process. Flood modelling of South Creek was undertaken with a 2D hydraulic model (Tuflow software). Although the model covered the full extent of South Creek within the Camden LGA, no results were provided for the Turner Road precinct.

3.3.3 Upper South Creek Floodplain Management Study (draft)

The draft Upper South Creek Flood Risk Management Study and Plan has been prepared by Cardno (2015) for Camden Council. Its objectives are to refine the existing flooding behaviour and associated hazards, and to investigate possible mitigation options to reduce flood damage and risk.

3.3.4 Various Development Application Reports

Both Cardno and Calibre have undertaken a few flood studies as part of the ongoing design of the Gregory Hills residential development. These flood studies were specific to individual development applications and do not represent an overall flood assessment of the final development.



4 Hydrology

4.1 Hydrologic Model

Design flows were calculated using the XP-RAFTS software package. XP-RAFTS is rainfall runoff model that uses the Laurenson storage routing method to generate hydrographs from rainfall. It can model both urban and rural catchments as well as detention basins. Thus it is an appropriate software package for comparing pre-development and post-development flows for a sub-division such as Gregory Hills.

4.1.1 Model Setup

The first step in setting up a rainfall runoff model is to divide the catchment into sub-catchments. The catchment subdivision for the pre-development scenario was based on flow patterns and topography. Survey contours were used for sub-catchments within the development area whilst 2m GIS contours were used to define external sub-catchments. For the post development model, the sub-catchments were based on the stormwater drainage design drawings and design site grading. Figures 3 and 4 show the sub-catchments for the pre-development and post development scenarios respectively.

Detention basin parameters including stage-storage and stage-discharge relationships were extracted from the design drawings (Basins 4, 10.1, 10.2 & 15A) and design hydrologic models. Basin 11B has been designed but a development Application has not yet been prepared. Basin 3B has not yet been designed so a conceptual basin consisting of an online embankment with diameter 1500mm outlet pipe was included in the RAFTS model.

The routing link option was used to model the riparian corridor in the post-developed situation with runoff within the corridors modelled as lateral inflow. This approach was adopted as runoff within the riparian corridors will differ from the adjoining developed sub-catchments.

Hydrologic parameters including 1% AEP rainfall intensities, loss rates, RAFTS B multiplier, and imperviousness for different development types were all based on Camden Council's Engineering Design Guidelines. Probable Maximum Precipitation and PMP losses were estimated using Bureau of Meteorology (2003) and Institution of Engineers (1987). Council's Engineering guidelines does not specify surface roughness values (PERN/Manning's 'n') to be used in the RAFTS model so these were derived from the RAFTS user manual. Table 4-1 summaries the adopted surface roughness values.

Table 4-1 Adopted PERN Values

Catchment Type	Adopted Value	RAFTS Manual Recommendation
Rural catchment	0.07	0.05-0.07 ⁽¹⁾
Impervious	0.015	0.015 ⁽²⁾
Developed pervious	0.04	0.04 ⁽²⁾

(1) Version 5 (1996) RAFTS-XP Manual; (2) 2009 RAFTS-XP Manual

For the sub-catchments with St Gregory's college, the impervious area was based on E2 (2015) *Stormwater Harvesting DA Report*.

4.1.2 Impact of Upper Canal on Flood Discharges

The runoff that might flow into Gregory Hills from the sub-catchments to the east of the Upper Canal is limited by the capacity of the drainage structures crossing the canal. Runoff exceeding the capacity of these structures is likely to overflow into the Canal. The capacity of the Upper Canal drainage structures has not been considered in the RAFTS model. Thus the RAFTS model results presented below over-estimate South Creek flood discharges at Gregory Hills, especially in larger floods such as the PMF.

The figures in WMA (2012) shows significant flood flows in the Upper Canal. However the Upper Canal drainage structures do not appear to have been included in WMAs' (2012) TUFLOW model. It is probable that the TUFLOW model overestimates overflow into the Canal and underestimates flows in South Creek at Gregory Hills.



It is considered that the conservative approach taken by this study is appropriate for design and planning at Gregory Hills as there will be no need to revise flood level estimates if the Upper Canal drainage structures are upgraded or the Canal is covered in the future.

4.2 Results

Design storms from Australian Rainfall and Runoff (1987) and Bureau of Meteorology (2003) were applied to the RAFTS-XP model to generate design flow hydrographs. Flows were calculated for the 1% AEP and Probable Maximum Flood (PMF) events. The 2 hour storm duration was found to give the highest flow for the 1% AEP at most locations. Full results for all RAFTS nodes and all design storm durations are presented in Appendix B. Table 4.2 compares the peak flows at selected locations. The results show that 1% AEP post development flows do not exceed the pre-development flows.

Table 4-2 Comparison of Pre-Development and Post Development 1% AEP Peak Flows

Location	Pre-Development 1% AEP Flow	Post-Development 1% AEP Flow	Pre-Development PMF Flow	Post-Development PMF Flow
South Creek at proposed road crossing	24.6m ³ /s	23.8m ³ /s	204m ³ /s	206m ³ /s
South Creek at Gregory Hills boundary	33.2m ³ /s	33.1m ³ /s	270m ³ /s	285m ³ /s
Downstream end of Tributary	6.1m ³ /s	5.9m ³ /s	54m ³ /s	70m ³ /s

For the PMF event there is a flow increase of up to 5% on South Creek and 30% on the Tributary. The detention basins have negligible effect in attenuating such large flows.

4.3 Comparison with Other Flow Estimates

The Pre-development flow calculated by the RAFTS-XP model was compared with other flow estimates as shown in Table 4.3 below.

Table 4-3 Pre-development Flow Estimates at Catchment Outlet

Source	1% AEP Flow (m ³ /s)	Comments
This study	33.2	Bx = 1.0*
GHD (2007)	31.1	Bx = 1.18*
Probabilistic Rational Method	32.2	

* Bx is a calibration parameter within RAFTS. Increasing the Bx reduces the peak flow.

The above table shows that the calculated pre-development flow estimate is similar to the other flow estimates.



5 Riparian Corridor Design

The Gregory Hills Residential Development includes realignment of the creek corridor and removal of the farm dams. Thus reshaping of the creek channels with the riparian corridors is required. Figure 5 shows the extent of channel works

On South Creek, construction of a low channel between cross-sections No.43 and No.62 on Figure 9 is proposed. The section of South Creek upstream of Cross Section No.62 is an aboriginal heritage area so creek works are not permitted. The lower reach of South Creek has a well-defined channel and has not been disturbed by the construction works. Detailed design of the South Creek low flow channel has not yet been undertaken. Survey data did not indicate a consistent channel cross-section on South Creek. For the purposes of this study, a trapezoidal channel with a 2m base width, 1m depth and 1:2 side slopes has been adopted. This channel was sized to convey the 1 year ARI peak flow.

For the tributary a triangular channel has been designed and is currently under construction. The adopted triangular shape is consistent with the natural cross-section shape of the tributary.

Figure 6 shows the adopted cross-sections for the riparian corridor. Longitudinal sections of the riparian corridors are shown on Figures 7.0 to 7.2



6 Hydraulic Modelling

6.1 Hydraulic Model

The HEC-RAS software package was used to estimate the flood levels and flow velocities along South Creek and the tributary. HECRAS is a one-dimensional open channel hydraulic model. It can simulate steady or unsteady flow behaviour. A one dimensional steady flow model was considered appropriate for Gregory Hills because flood behaviour is primarily one-dimensional due to the lack of floodplain within the Gregory Hills development site.

Two HECRAS models were created; one representing pre-development creeks and gullies, and the other representing the post development riparian corridor.

6.2 Model Setup

6.2.1 Geometry

HECRAS uses cross-sections to define the creek channel and overbank areas. Cross-sections were created using the 12D DTM software and imported into HECRAS. A cross section spacing of 30m was adopted with additional cross sections in the vicinity of structures. The cross-sections for the pre-development model were based on the survey data. Post development cross sections were derived from a triangulation of design surface levels. Cross section locations are shown Figures 8 and 9 for the pre-development and Post development scenarios respectively.

Manning's 'n' is used within HECRAS to represent the friction resistance of the cross-section. Values of Manning's 'n' were estimated using standard publications such as Chow (1959). Table 6.1 lists the adopted roughness values.

Table 6-1 Adopted Mannings 'n' Values

Description	Adopted Mannings 'n'
Natural South Creek channel	0.06
Overbank areas with sparse trees	0.04
Overbank areas with trees / Planted South Creek Riparian corridor	0.08
Constructed South creek low flow channel	0.05
Tributary low channel	0.035
Tributary riparian corridor	0.1

6.2.2 Structures

A total of 3 road crossings and 1 online detention basin embankment was included in the HECRAS model. The already constructed tributary culverts at Gregory Hills Drive and Kookaburra Drive were based on design drawings. For the South Creek road crossing, concept design consisting of a 4200 x 2100 RCBC in the main channel plus 2/1800 x 1200 RCBC in the overbank areas was adopted.

Based on experience in the floods at Wollongong in 1998 and Newcastle in 2007, it is now industry practise that partial blockage of the culvert inlet be considered when designing a culvert or undertaking a flood study. Camden Councils specifies a 50% blockage factor. Unfortunately HECRAS does not evaluate blockage of the culvert inlet only. Rather it can only evaluate blockage along the whole length of the culvert barrel. Therefore culvert blockage was assessed as follows:

- > For inlet control, 50% culvert blockage was represented in by halving the width of the culvert or halving the number of conduits.



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- > For outlet control, manual calculations were undertaken using the blocked inlet loss coefficient from Weeks (2014)

6.2.3 Boundary Conditions

Normal water was adopted as the downstream boundary condition for the HECRAS model. The calculated normal water level was checked against the calculated flood Levels from WMA (2012) and Cardno (2013) and found to be marginally higher.

6.3 Results

The HECRAS model were run using the peak flows from the XP-RAFTS to calculate the design flood levels and velocities.

Figures 8 and 9 show the approximate flood extents. Calculated flood levels, flows and velocities are tabulated in Appendices C and D. It should be noted that as the new riparian corridor alignment is slightly different to the pre-development alignment of South Creek, the cross-section names in the pre-development and post development HECRAS models are not equivalent.

The results show that:

- > The 1%AEP flood extent is contained within the proposed riparian corridors,
- > There is adequate freeboard (0.6m minimum) to proposed road levels in 1% AEP event, and
- > The PMF extends outside of the riparian corridors at some locations, especially upstream of structures.

No assessment of flood levels at individual allotments has been undertaken as part of this flood study. The resulting flood levels might change if the detailed design of the riparian corridor or road crossing differs from that adopted in this report.



7 Conclusion

A flood study has been undertaken to support the rezoning of the riparian corridors within the Gregory Hills residential development.

XP-RAFTS hydrologic models were created to estimate design flows for the 1% AEP and the PMF for both the pre-development and post development scenarios. The calculated peak flows were then input HECRAS hydraulic models to calculate flood levels and velocities for both scenarios.

The results show that:

- > There is no increase in peak 1% AEP flows as a result of the proposed development; and
- > The 1% AEP flood extent is contained within the proposed riparian corridors.

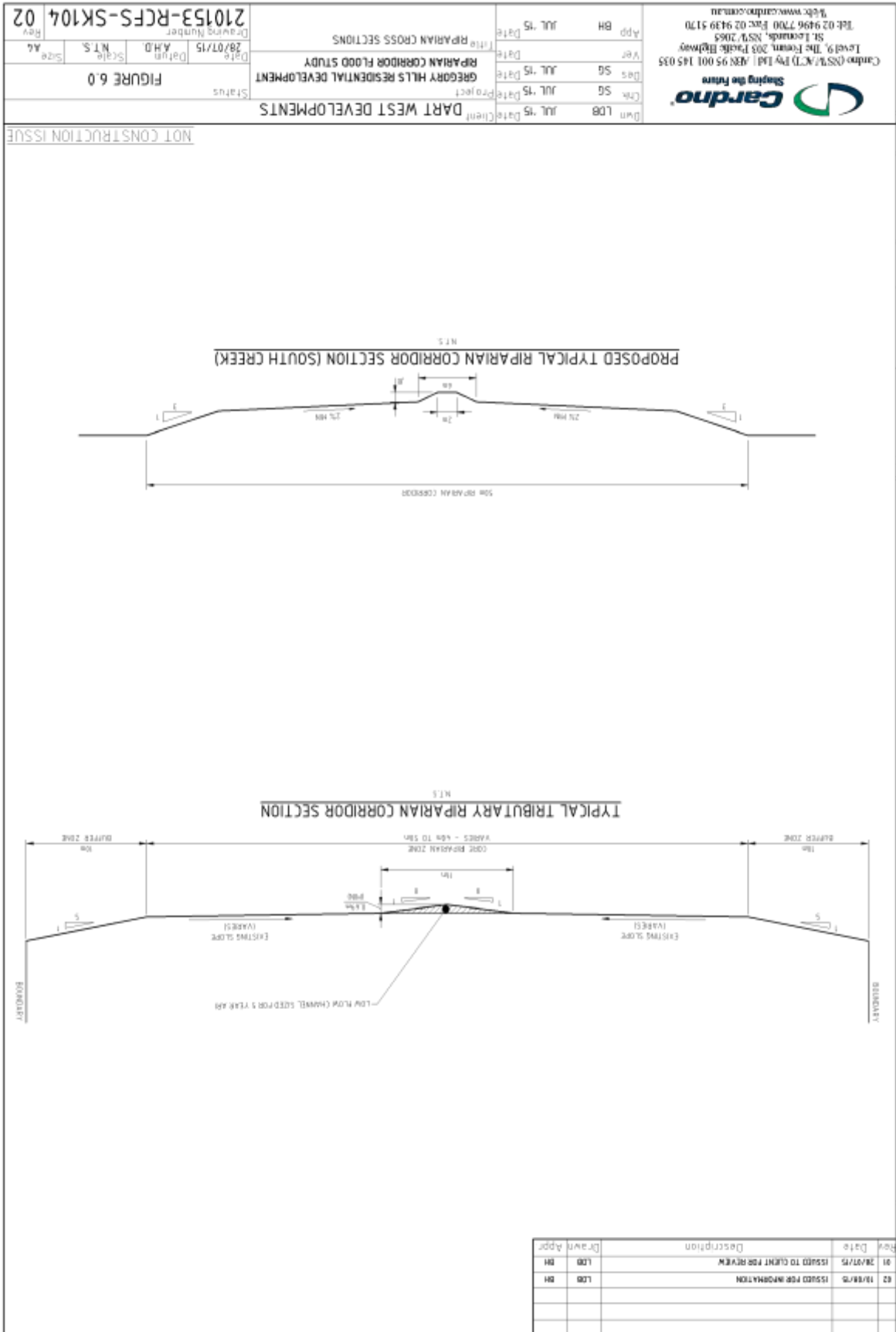


8 References

- Camden Council (2009). Engineering Design Specification
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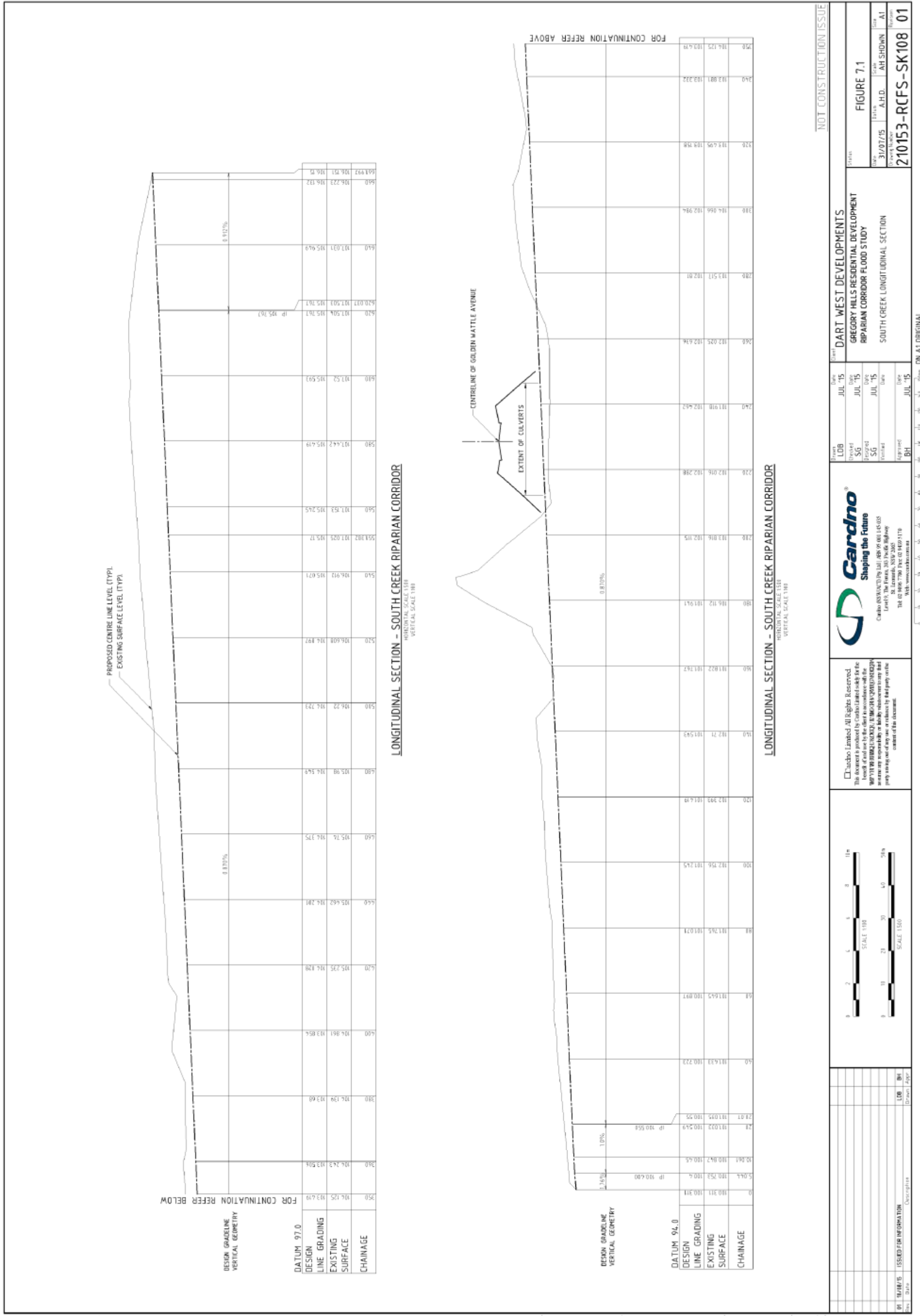


Figures



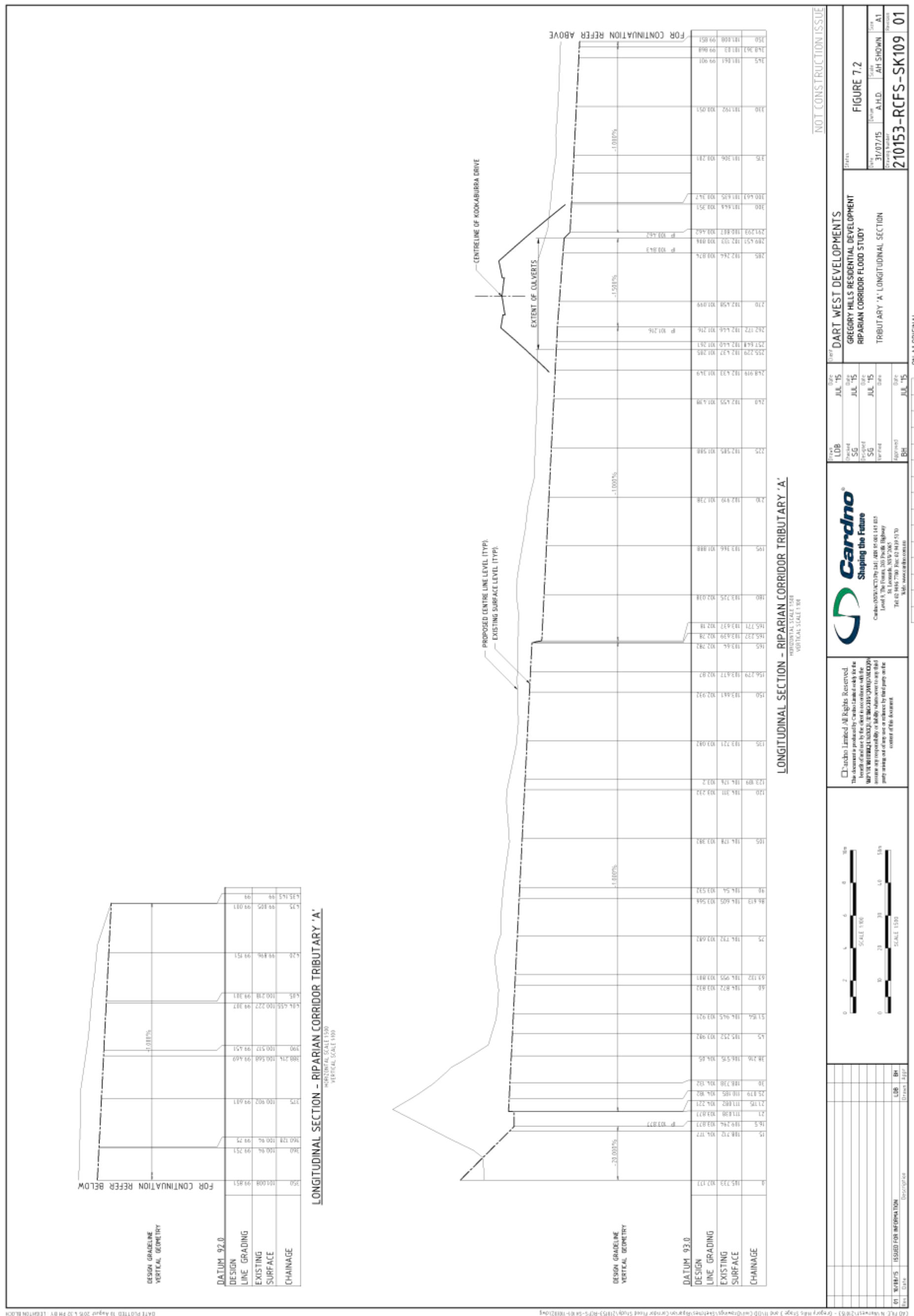
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FIGURE 7.2

DART WEST DEVELOPMENTS
GREGORY HILLS RESIDENTIAL DEVELOPMENT
RIPARIAN CORRIDOR FLOOD STUDY
TRIBUTARY 'A' LONGITUDINAL SECTION

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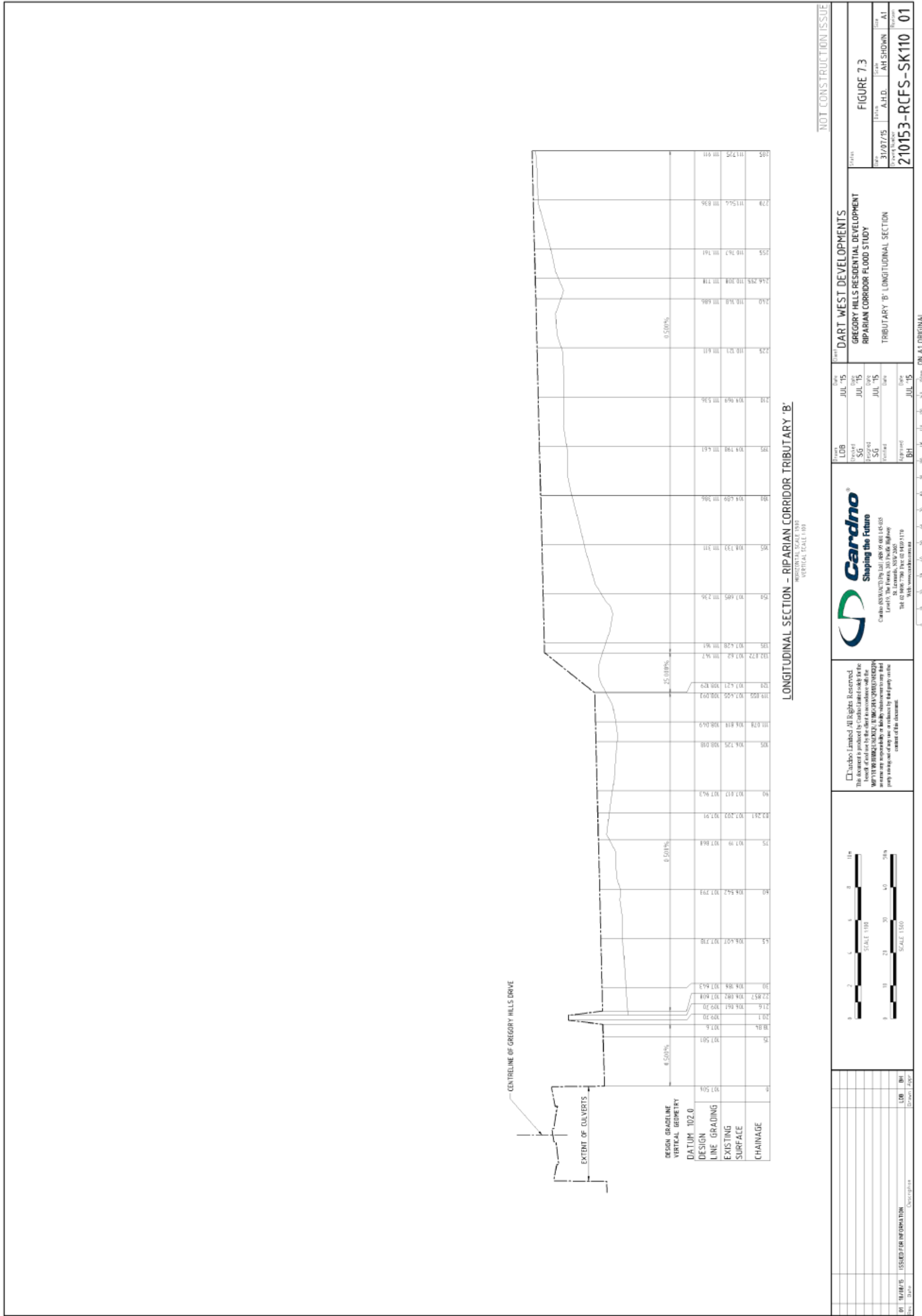
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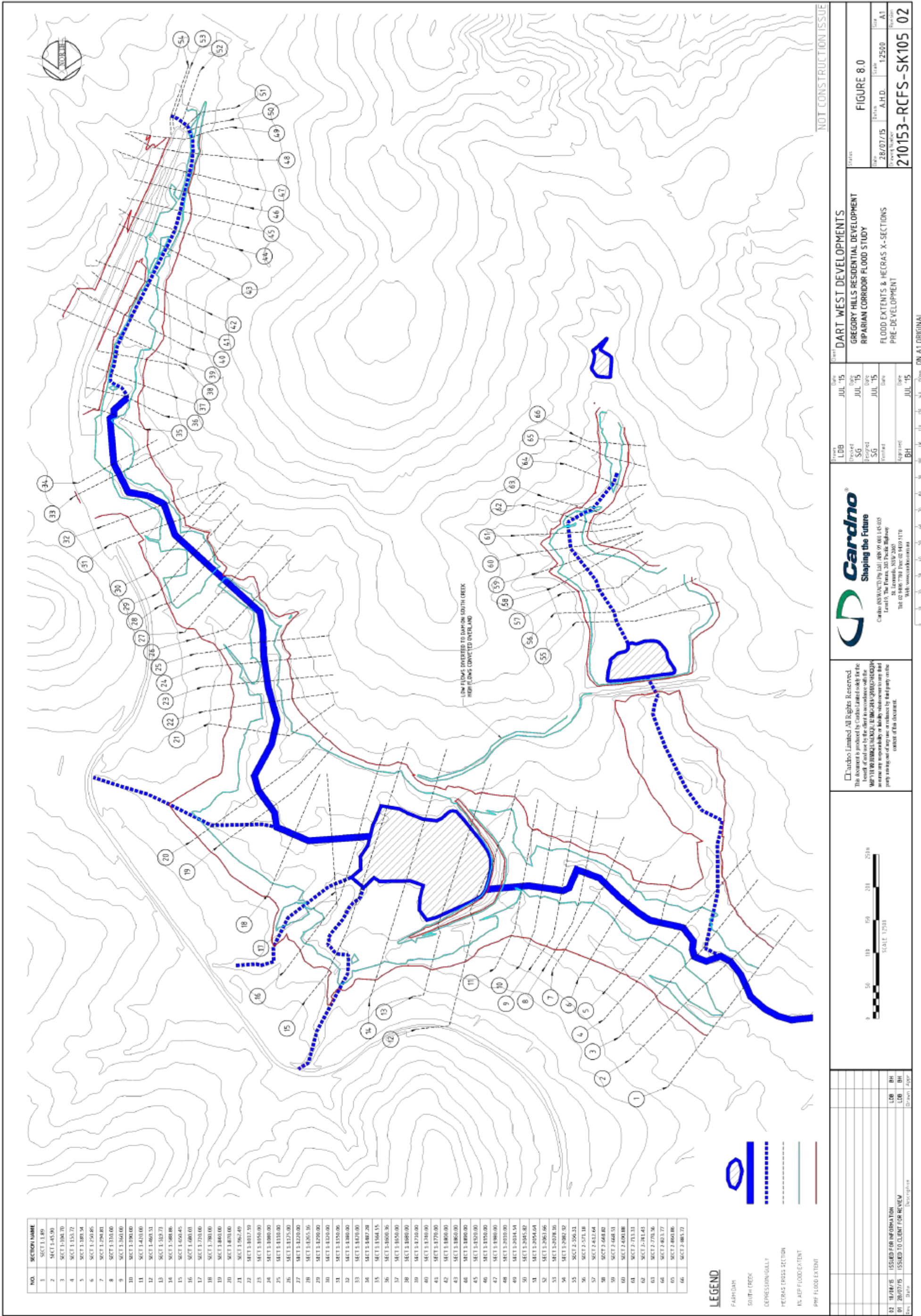
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DART WEST DEVELOPMENTS
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FLOOD EXTENTS & HECRAS X-SECTIONS
PRE-DEVELOPMENT

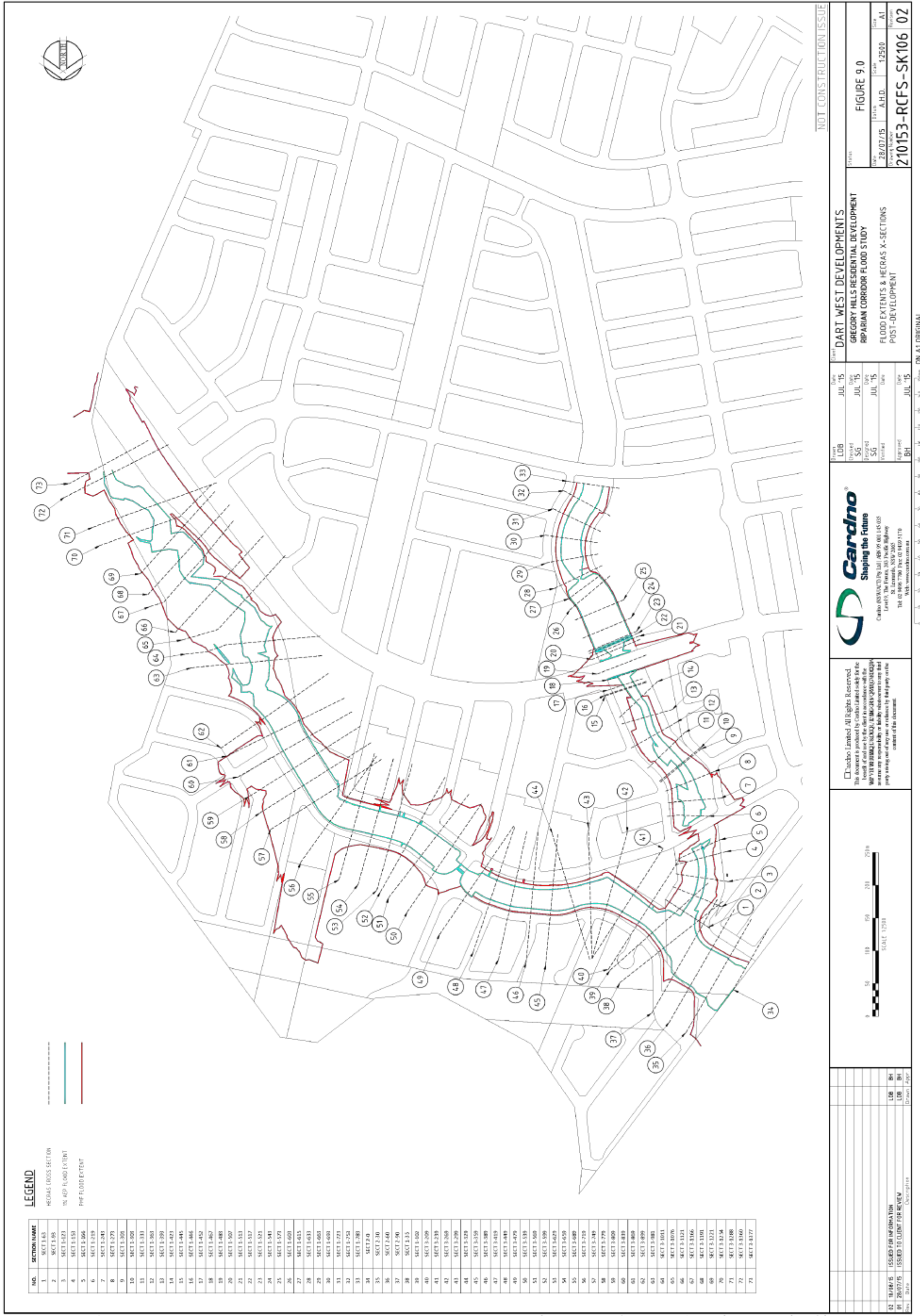
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70	SECT 3.121
71	SECT 3.128
72	SECT 3.160
73	SECT 3.177

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LEGEND

----- MEDIAN CROSS SECTION

----- 1% AEP FLOOD EXTENT

----- PMP FLOOD EXTENT

FIGURE 9.0

DART WEST DEVELOPMENTS

GREGORY HILLS RESIDENTIAL DEVELOPMENT

RIPARIAN CORRIDOR FLOOD STUDY

FLOOD EXTENTS & HECRAS X-SECTIONS

POST-DEVELOPMENT

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A.H.D. Scale: 1:2500
Revision: A1

Drawn: 210153-RCFS-SK106
Checked: 02

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Agreed: BH JUL '15

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Appendix A – List of Design Drawings Used

Item	Drawings or Model
Tributary downstream of Gregory Hills Drive	Cardno Drawings 210153-11-CC815 to 210153-11-CC817
Kookaburra Street Culvert	Cardno Drawings 210153-11-CC820 to 210153-11-CC821
Detention Basin 15A	Brown Consulting Drawing L06028.052_CC
Gregory Hills Drive Culvert	Brown Consulting Drawing X11017-904-CC
Basin 4	Cardno Drawings 210153-4-CC130 to 210153-4-CC131, 210153-4-CC503
Basin 10.1 & 10.2	Cardno Drawings 210145-10A-CC120 to 210145-10A-CC123



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Appendix B – RAFTS-XP Results

Attachment 1

Table B1: 1% AEP Flows (m³/s) - Pre-Development Catchments

	25minutes	30minutes	45minutes	60minutes	90minutes	2hours	3hours	4.5hours	6hours	9hours	12hours
SG 1.0	1.4	1.3	1.1	1.5	1.6	1.4	1.0	0.8	0.6	0.5	0.5
SG 1.1	2.9	2.7	2.5	3.0	3.1	3.1	2.1	1.8	1.4	1.2	1.2
SG 2.0	0.7	0.7	0.5	0.7	0.7	0.6	0.4	0.3	0.2	0.2	0.2
SG 2.1	4.8	4.6	4.6	5.5	5.7	5.7	4.0	3.5	2.9	2.5	2.5
SG 3.0	1.2	1.4	1.8	2.0	1.9	2.0	1.7	1.8	1.6	1.4	1.4
SG 0	6.0	5.9	6.0	7.1	7.4	7.4	5.4	5.2	4.4	3.8	3.8
A1	7.2	7.1	7.5	8.8	9.0	9.1	6.8	7.2	6.1	5.3	5.5
E2	1.6	1.9	2.4	2.7	2.7	2.8	2.5	2.5	2.4	2.2	2.1
A2	9.9	10.3	11.7	13.4	13.6	13.8	10.9	11.7	10.6	9.3	9.0
A3	11.2	11.8	13.6	15.6	15.8	16.1	12.8	13.3	12.3	10.8	10.3
E4	0.9	1.0	1.4	1.6	1.7	1.7	1.6	1.5	1.6	1.4	1.3
A4	12.6	13.5	15.8	18.1	18.3	18.6	15.1	15.7	14.7	13.1	12.3
E5	1.5	1.8	2.3	2.5	2.5	2.6	2.3	2.4	2.1	1.9	1.9
E6	1.2	1.4	1.9	2.1	2.2	2.3	2.1	2.0	2.0	1.9	1.8
Dummy	2.7	3.1	4.1	4.6	4.7	4.9	4.4	4.4	4.2	3.8	3.6
A5	15.9	17.3	20.9	23.8	24.1	24.6	20.6	21.3	20.3	18.2	17.1
B1	1.2	1.4	2.0	2.3	2.4	2.4	2.3	2.2	2.3	2.1	1.9
B2	2.5	2.8	3.9	4.5	4.8	4.9	4.5	4.4	4.5	4.1	3.8
B3	3.2	3.6	4.9	5.6	5.9	6.1	5.6	5.5	5.6	5.1	4.7
A6	19.5	21.4	26.5	30.4	31.1	31.7	27.2	27.4	26.8	24.0	22.2
E7	0.4	0.5	0.6	0.7	0.6	0.7	0.6	0.6	0.5	0.5	0.5
A7	0.8	1.0	1.3	1.4	1.5	1.5	1.4	1.4	1.4	1.3	1.3
Outlet	20.2	22.2	27.6	31.7	32.5	33.2	28.6	28.6	28.1	25.3	23.3

Table B2: PMF Flows (m³/s) - Pre-Development Catchments

	15minutes	20minutes	45minutes	60minutes	90minutes	2 hours	3 hours	2.0 hours
SG 1.0	7.7	6.7	7.8	8.6	4.0	3.5	3.0	2.8
SG 1.1	14.6	12.9	15.1	15.6	8.1	6.9	6.0	5.4
SG 2.0	3.4	2.7	3.3	3.5	1.7	1.4	1.2	1.1
SG 2.1	29.8	27.7	31.1	32.3	17.8	15.0	13.0	11.7
SG 3.0	10.5	14.4	15.6	17.4	12.2	10.3	9.1	8.1
SG 0	40.2	41.6	44.9	49.7	29.3	24.9	21.6	19.2
A1	50.4	56.1	60.2	69.2	43.8	37.5	33.0	29.7
E2	13.7	20.5	22.8	25.6	18.8	16.7	14.5	13.2
A2	72.2	89.6	101	112	78.5	68.2	60.1	53.8
A3	78.6	99.3	114	125	90.6	79.1	69.8	62.5
E4	7.8	12.2	14.1	15.8	12.5	11.0	9.9	8.8
A4	89.6	117	136	149	110	96.3	85.0	76.3
E5	13.0	18.8	20.7	23.3	16.7	14.6	12.7	11.5
E6	10.4	16.2	18.6	20.8	16.0	14.2	12.6	11.3
Dummy	23.4	34.8	39.0	44.0	32.4	28.8	25.1	22.8
A5	116	159	187	204	155	136	120	108
B1	10.7	17.2	20.1	22.4	17.9	15.8	14.2	12.7
B2	21.4	32.9	39.4	44.0	35.3	31.3	27.8	25.2
B3	26.8	40.2	48.3	53.9	43.7	38.8	34.5	31.4
A6	140	198	237	259	204	181	160	145
E7	3.7	5.0	5.3	6.0	4.1	3.5	3.1	2.7
A7	7.3	11.0	12.5	14.1	11.3	10.1	9.1	8.3
Outlet	144	205	246	270	215	191	168	153

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Attachment 1

Table B3: 1% AEP Flows (m³/s) - Post-Development Catchments

	25minutes	30minutes	45minutes	60minutes	90minutes	2 hours	3 hours	4.5 hours	6 hours	9 hours	12 hours
SG 1.0	1.4	1.3	1.1	1.5	1.6	1.4	1.0	0.9	0.7	0.6	0.6
SG 1.1	2.9	2.7	2.5	3.0	3.1	3.1	2.1	1.9	1.5	1.3	1.3
SG 2.0	0.7	0.7	0.5	0.7	0.7	0.6	0.4	0.3	0.3	0.2	0.2
SG 2.1	2.2	2.1	2.1	2.5	2.6	2.7	1.9	1.8	1.5	1.3	1.3
SG 2.1A	4.9	4.6	4.6	5.5	5.7	5.7	4.0	3.7	3.0	2.6	2.6
SG 3.0	1.2	1.4	1.8	2.0	1.9	2.0	1.7	1.9	1.7	1.5	1.5
SG 0	6.1	5.9	6.0	7.1	7.4	7.4	5.4	5.5	4.7	4.0	4.1
SC 1	5.9	5.8	6.0	7.1	7.2	7.3	5.5	5.6	4.7	4.1	4.1
E2	1.6	1.9	2.4	2.7	2.7	2.8	2.5	2.7	2.6	2.3	2.3
SC 2	7.4	7.6	8.5	9.7	9.7	9.9	7.8	8.4	7.5	6.6	6.2
18B	5.3	4.9	4.5	5.0	5.3	5.0	2.9	2.7	2.1	1.8	1.8
18A	8.9	8.4	7.0	8.5	8.9	7.9	5.5	5.0	4.0	3.5	3.5
20.0	11.1	10.4	8.8	10.4	10.9	9.5	6.9	6.3	5.0	4.3	4.4
4	15.7	14.6	12.0	14.8	15.7	13.8	9.7	8.9	7.1	6.2	6.2
SC 3	10.1	10.8	13.5	15.2	15.1	15.5	12.3	13.8	12.6	11.7	10.8
E4	0.9	1.0	1.4	1.6	1.7	1.7	1.6	1.6	1.7	1.5	1.5
E5	1.5	1.8	2.3	2.5	2.5	2.6	2.3	2.5	2.3	2.1	2.0
E6	1.2	1.4	1.9	2.1	2.2	2.3	2.1	2.2	2.2	2.0	1.9
19	5.1	5.6	7.1	7.9	8.1	8.3	7.6	8.2	7.8	7.2	6.9
SC 4	14.6	16.2	20.5	23.1	23.3	23.8	19.8	22.2	20.9	19.3	17.8
12	7.4	6.9	6.1	7.0	7.6	6.9	4.3	4.1	3.3	2.8	2.9
3B	9.8	9.5	9.4	10.0	10.1	10.8	6.9	6.7	5.6	4.8	5.0
10.1	2.8	2.6	2.3	2.6	2.8	2.6	1.5	1.4	1.1	1.0	1.0
T 1	4.4	4.5	5.5	5.9	5.8	5.8	5.0	5.2	4.9	4.4	4.6
10.2	2.0	1.9	1.6	2.0	2.2	2.0	1.3	1.1	0.9	0.8	0.8
11	4.6	4.3	3.9	4.3	4.5	4.3	2.4	2.3	1.8	1.6	1.6
SC 5	18.6	21.1	27.1	30.5	31.0	31.4	26.9	28.9	28.1	25.0	22.5
E7	0.4	0.5	0.6	0.7	0.6	0.7	0.6	0.7	0.6	0.5	0.5
15A&B	2.9	2.7	2.3	2.8	3.1	2.8	1.9	2.1	1.9	1.6	1.7
Outlet	19.3	21.8	28.1	31.9	32.6	33.1	28.5	30.3	29.7	26.6	24.0

Table B4: PMF Flows (m³/s) - Post-Development Catchments

	15minutes	30minutes	45minutes	60minutes	90minutes	2 hours	2.5 hours	3.0 hours
SG 1.0	7.7	6.7	7.8	8.6	4.0	3.5	3.0	1.7
SG 1.1	16.6	14.6	17.0	17.7	9.1	7.8	6.8	3.8
SG 2.0	3.4	2.7	3.3	3.5	1.7	1.4	1.2	0.7
SG 2.1	15.9	14.8	16.9	17.7	9.8	8.1	7.0	3.9
SG 2.1A	31.8	29.4	33.1	34.4	18.9	15.9	13.8	7.6
SG 3.0	10.5	14.4	15.6	17.4	12.2	10.3	9.1	5.0
18B	25.8	20.0	24.5	28.7	12.7	10.6	9.4	5.2
SG 0	49.9	59.2	62.0	69.6	43.0	36.3	31.3	17.3
18A	21.0	18.0	20.6	23.0	11.4	9.5	8.4	4.7
20	32.4	27.7	31.7	35.3	17.4	14.6	12.8	7.1
SC 1	70.5	82.3	83.8	103	60.1	51.2	44.3	24.5
E2	13.7	20.5	22.8	25.6	18.8	16.7	14.5	8.0
SC 2	84.0	102	106	123	80.0	68.3	60.0	33.2
4	21.2	19.3	22.7	28.2	13.2	11.0	9.4	5.2
SC 3	88.6	114	120	137	92.0	79.1	69.4	37.2
E4	7.8	12.2	14.1	15.8	12.5	11.0	9.9	5.4
E5	13.0	18.8	20.7	23.3	16.7	14.6	12.7	7.0
E6	10.4	16.2	18.6	20.8	16.0	14.2	12.6	6.9
19	40.1	57.8	66.1	74.0	56.7	50.3	44.4	24.6
SC 4	124	167	182	206	150	131	116	63.3
12	35.1	29.3	35.4	43.3	20.1	16.8	14.4	8.0
3B	56.5	48.9	58.8	63.9	34.9	29.4	25.2	14.0
10.1	13.2	10.4	13.0	15.1	6.6	5.7	5.0	2.7
T 1	45.8	56.4	60.2	69.8	43.0	36.5	31.6	17.3
10.2	9.5	8.5	10.2	11.7	5.2	4.5	4.0	2.2
11	22.8	17.0	20.8	24.4	11.6	9.7	8.3	4.6
SC 5	168	226	243	271	208	182	162	88.7
E7	3.7	5.0	5.3	6.0	4.1	3.5	3.1	1.7
15A&B	13.2	14.9	15.6	20.4	12.6	10.6	9.3	5.1
Outlet	175	237	256	285	220	193	172	94.2



Appendix C – Pre-Development HECRAS Results

ORD07

Attachment 1

ORD07

Attachment 1

HEC-RAS Plan Pre Dev

River	Reach	River Sta	Profile	Vel Elev (m)	Q Total (m³/s)	Vel Left (m/s)	Vel Chnl (m/s)	Vel Right (m/s)	Top Width (m)	Max Chn Depth (m)
Tributary	Tributary	386	1% AEP	112.9	2.4	0.5	0.5	0.4	25.7	0.32
Tributary	Tributary	386	PMF	113.2	22.0	1.5	1.5	1.2	41.2	0.66
Tributary	Tributary	461	1% AEP	112.4	2.4	0.9	0.9	0.5	24.0	0.19
Tributary	Tributary	461	PMF	112.8	22.0	1.4	1.4	1.3	40.8	0.59
Tributary	Tributary	524	1% AEP	111.6	2.4	0.3	0.8		10.7	0.52
Tributary	Tributary	524	PMF	112.1	22.0	1.4	1.9	1.2	30.4	1.04
Tributary	Tributary	771	1% AEP	110.3	2.4		1.3		11.0	0.32
Tributary	Tributary	771	PMF	110.7	22.0	1.6	2.0		26.6	0.80
Tributary	Tributary	741	1% AEP	110.0	2.4	0.3	0.2		28.9	0.65
Tributary	Tributary	741	PMF	110.6	22.0	0.8	0.7	0.5	41.9	1.27
Tributary	Tributary	743	1% AEP	110.0	2.4	0.1	0.1	0.1	43.1	0.77
Tributary	Tributary	743	PMF	110.6	22.0	0.4	0.4	0.4	57.2	1.38
Tributary	Tributary	691	1% AEP	110.0	2.4	0.0	0.1		47.4	1.29
Tributary	Tributary	691	PMF	110.6	22.0	0.2	0.3	0.2	76.2	1.89
Tributary	Tributary	669	1% AEP	110.0	2.4	0.0	0.1	0.0	53.5	2.45
Tributary	Tributary	669	PMF	110.6	22.0	0.2	0.3	0.2	92.7	3.05
Tributary	Tributary	649	1% AEP	110.0	2.4	0.0	0.0	0.0	75.0	2.65
Tributary	Tributary	649	PMF	110.6	22.0	0.1	0.2	0.1	101.9	3.25
Tributary	Tributary	613	1% AEP	110.0	2.4	0.0	0.0	0.0	102.1	3.31
Tributary	Tributary	613	PMF	110.6	22.0	0.1	0.1	0.1	116.3	3.91
Tributary	Tributary	571	1% AEP	110.0	2.4	0.0	0.0	0.0	153.8	3.61
Tributary	Tributary	571	PMF	110.6	22.0	0.1	0.1	0.0	174.9	4.21
Tributary	Tributary	556	1% AEP	110.0	2.4	0.0	0.0	0.0	185.7	3.63
Tributary	Tributary	556	PMF	110.6	22.0	0.0	0.0	0.0	201.7	4.23
South Creek	South Creek	2053	1% AEP	119.9	2.0	0.0	0.1	0.0	64.6	1.37
South Creek	South Creek	2053	PMF	120.6	17.0	0.2	0.3	0.2	85.1	2.12
South Creek	South Creek	2076	1% AEP	119.9	2.0	0.2	0.6	0.2	47.1	1.45
South Creek	South Creek	2076	PMF	120.6	17.0	0.3	0.5	0.3	80.0	2.21
South Creek	South Creek	2075								
South Creek	South Creek	2063.66	1% AEP	119.8	2.0	0.1	0.2	0.1	29.7	1.44
South Creek	South Creek	2063.66	PMF	120.6	17.0	0.2	0.5	0.3	84.5	2.28
South Creek	South Creek	2054.64	1% AEP	119.8	7.4	0.2	0.3	0.2	44.6	1.46
South Creek	South Creek	2054.64	PMF	120.6	50.0	0.6	1.2	1.0	52.1	2.26
South Creek	South Creek	2045.82	1% AEP	119.7	7.4		1.4	0.8	16.2	1.34
South Creek	South Creek	2045.82	PMF	120.1	50.0	1.9	3.2	2.7	25.2	1.82
South Creek	South Creek	2034.54	1% AEP	119.2	7.4		2.5		12.6	0.97
South Creek	South Creek	2034.54	PMF	119.7	50.0	2.1	3.1	3.3	23.8	1.47
South Creek	South Creek	2010.00	1% AEP	119.2	9.1		0.2	0.3	59.1	4.90
South Creek	South Creek	2010.00	PMF	119.3	69.0		1.5	1.9	62.3	5.02
South Creek	South Creek	1980.00	1% AEP	118.7	9.1		1.7		8.0	4.71
South Creek	South Creek	1980.00	PMF	119.0	69.0	0.2	1.2	1.6	57.0	5.06
South Creek	South Creek	1950.00	1% AEP	118.1	9.1		2.4		6.9	4.64
South Creek	South Creek	1950.00	PMF	118.7	69.0	0.3	3.1	1.6	60.1	5.20
South Creek	South Creek	1920.00	1% AEP	117.7	9.1	0.2	2.0	0.7	39.3	4.79
South Creek	South Creek	1920.00	PMF	118.5	69.0	0.2	0.6	0.6	77.0	5.58
South Creek	South Creek	1890.00	1% AEP	117.6	9.1	0.3	1.2	0.5	62.4	5.03
South Creek	South Creek	1890.00	PMF	118.2	69.0	1.2	3.1	1.2	83.9	5.60
South Creek	South Creek	1869.00	1% AEP	117.3	9.1	0.2	2.1		9.4	4.81
South Creek	South Creek	1869.00	PMF	117.9	69.0	0.7	2.2	1.1	92.4	5.41
South Creek	South Creek	1800.00	1% AEP	116.8	9.1	0.9	2.1	0.3	52.2	4.30
South Creek	South Creek	1800.00	PMF	117.5	69.0	1.5	3.2	1.2	73.8	4.96
South Creek	South Creek	1770.00	1% AEP	116.4	9.1	0.7	1.5	0.5	69.4	4.16

HEC-RAS Plan: Pre Dev (Continued)

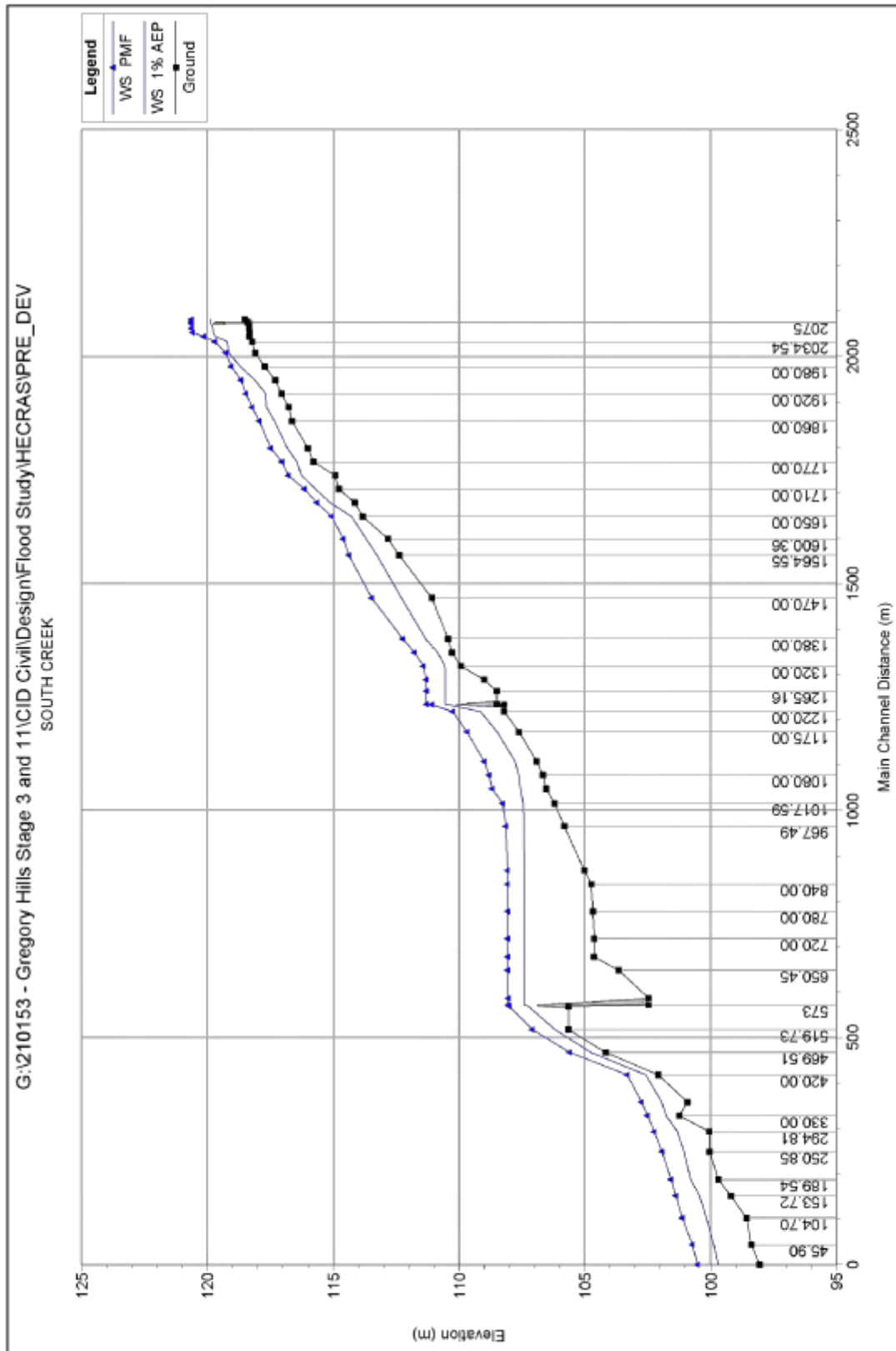
River	Reach	River ID	Profile	Vel. S. Elev. (m)	Q Total (m³/s)	Vel Left (m/s)	Vel Chnl (m/s)	Vel Right (m/s)	Top Width (m)	Max Chl Epth (m)
South Creek	South Creek	1770.00	PMP	117.0	69.0	1.7	3.2	1.0	89.3	4.75
South Creek	South Creek	1740.00	1% AEP	116.3	9.1	0.4	1.7	0.2	103.9	4.05
South Creek	South Creek	1740.00	PMP	116.8	69.0	1.5	3.4	0.9	131.7	4.57
South Creek	South Creek	1710.00	1% AEP	115.7	9.1	0.5	1.6		109.7	3.56
South Creek	South Creek	1710.00	PMP	116.1	69.0	1.7	3.2	0.6	134.1	4.01
South Creek	South Creek	1680.00	1% AEP	115.1	9.1	0.7	1.9	0.5	38.2	0.97
South Creek	South Creek	1680.00	PMP	115.6	69.0	1.8	3.7	1.4	54.9	1.50
South Creek	South Creek	1650.00	1% AEP	114.3	9.1	0.7	0.9	0.3	42.5	0.53
South Creek	South Creek	1650.00	PMP	115.1	69.0	1.3	1.9	0.8	58.1	1.31
South Creek	South Creek	1600.36	1% AEP	113.7	9.1	0.3	1.3	0.5	39.6	0.87
South Creek	South Creek	1600.36	PMP	114.6	69.0	0.7	2.0	1.2	55.7	1.78
South Creek	South Creek	1064.00	1% AEP	113.3	9.1	0.6	1.6	0.6	27.1	0.88
South Creek	South Creek	1064.00	PMP	114.4	69.0	0.7	2.0	1.1	74.8	2.00
South Creek	South Creek	1470.00	1% AEP	112.3	13.8	0.1	1.1		21.0	1.20
South Creek	South Creek	1470.00	PMP	113.6	112.0	0.9	2.2	0.4	96.8	2.39
South Creek	South Creek	1380.00	1% AEP	111.3	13.8		1.2		25.2	0.90
South Creek	South Creek	1380.00	PMP	112.2	112.0	0.6	2.4	0.8	73.7	1.80
South Creek	South Creek	1350.00	1% AEP	110.8	13.8		1.2		30.7	0.57
South Creek	South Creek	1350.00	PMP	111.8	112.0		2.1	0.6	72.4	1.49
South Creek	South Creek	1320.00	1% AEP	110.6	13.8		0.9	0.3	37.7	0.64
South Creek	South Creek	1320.00	PMP	111.4	112.0	0.4	1.9	0.9	89.4	1.49
South Creek	South Creek	1290.00	1% AEP	110.6	13.8		0.3		57.4	1.54
South Creek	South Creek	1290.00	PMP	111.3	112.0		1.2	0.5	103.3	2.31
South Creek	South Creek	1265.16	1% AEP	110.6	13.8		0.2	0.1	96.9	2.04
South Creek	South Creek	1265.16	PMP	111.3	112.0		0.8	0.4	106.0	2.79
South Creek	South Creek	1236		Ini Struct						
South Creek	South Creek	1220.00	1% AEP	109.1	13.8		1.2		17.8	0.93
South Creek	South Creek	1220.00	PMP	110.3	112.0		3.0		103.8	2.05
South Creek	South Creek	1175.00	1% AEP	108.6	13.8		1.5		16.7	0.87
South Creek	South Creek	1175.00	PMP	109.7	112.0	0.3	2.2	0.8	113.8	2.07
South Creek	South Creek	1110.00	1% AEP	107.8	13.8	0.5	1.2	0.8	37.3	0.88
South Creek	South Creek	1110.00	PMP	109.0	112.0	1.2	2.7	1.2	97.2	2.09
South Creek	South Creek	1080.00	1% AEP	107.6	16.1		0.7		37.8	0.97
South Creek	South Creek	1080.00	PMP	108.8	126.0	0.5	1.4	0.4	91.3	2.15
South Creek	South Creek	1050.00	1% AEP	107.6	16.1		0.8		42.7	1.02
South Creek	South Creek	1050.00	PMP	108.7	126.0	0.4	1.3	0.2	92.7	2.14
South Creek	South Creek	1017.58	1% AEP	107.6	16.1		0.8		31.1	1.25
South Creek	South Creek	1017.58	PMP	108.3	126.0	0.7	2.4	0.4	85.6	2.06
South Creek	South Creek	987.49	1% AEP	107.4	16.1	0.0	0.3	0.1	73.7	1.61
South Creek	South Creek	987.49	PMP	108.1	126.0	0.4	1.2	0.4	131.2	2.31
South Creek	South Creek	870.00	1% AEP	107.4	16.1	0.1	0.2	0.1	212.4	2.40
South Creek	South Creek	870.00	PMP	108.1	126.0	0.3	0.7	0.3	244.8	3.05
South Creek	South Creek	840.00	1% AEP	107.4	16.1	0.1	0.1	0.1	217.2	2.68
South Creek	South Creek	840.00	PMP	108.1	126.0	0.3	0.3	0.3	231.7	3.33
South Creek	South Creek	780.00	1% AEP	107.4	16.1	0.1	0.1	0.0	181.1	2.74
South Creek	South Creek	780.00	PMP	108.1	126.0	0.4	0.3	0.2	199.8	3.38
South Creek	South Creek	720.00	1% AEP	107.4	16.1	0.0	0.0	0.0	200.0	2.79
South Creek	South Creek	720.00	PMP	108.1	126.0	0.2	0.2	0.3	200.0	3.43
South Creek	South Creek	660.03	1% AEP	107.4	16.1	0.0	0.0	0.0	288.9	2.78
South Creek	South Creek	660.03	PMP	108.1	126.0	0.2	0.2	0.2	309.6	3.42
South Creek	South Creek	650.45	1% AEP	107.4	18.8	0.0	0.0	0.0	307.4	3.77
South Creek	South Creek	650.45	PMP	108.1	149.0	0.1	0.2	0.1	333.2	4.41

ORD07

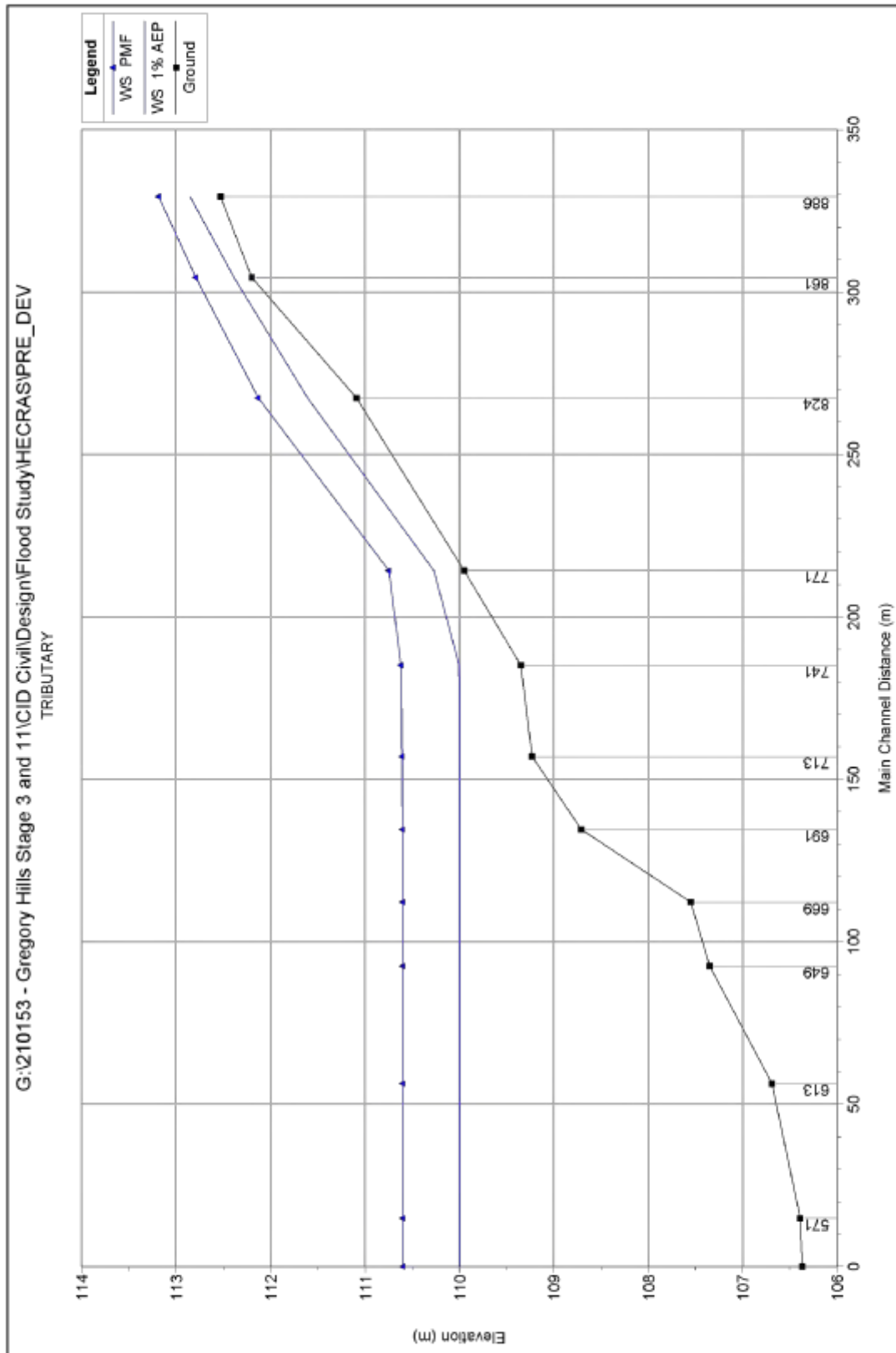
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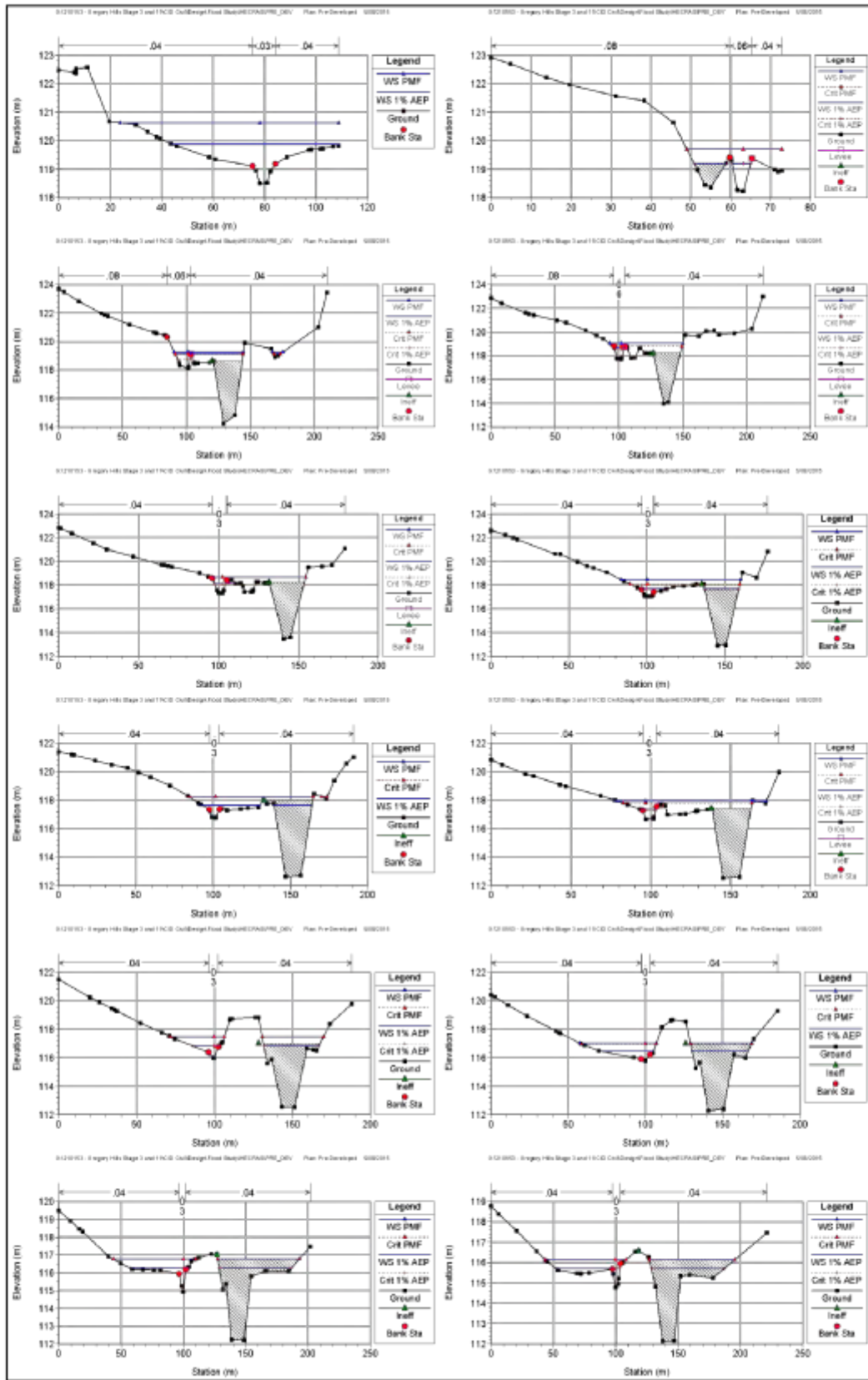
HEC-RAS Plan: Pre Dev (Continued)

River	Reach	Reach Sp.	Profile	Vel. Elev. (m)	Q Total (m³/s)	Vel Left (m/s)	Vel Chnl (m/s)	Vel Right (m/s)	Top Width (m)	Max Chl Epth (m)
South Creek	South Creek	688.66	1% AEP	107.4	18.6	0.2	0.1	0.2	272.6	4.95
South Creek	South Creek	688.66	PMF	108.0	149.0	0.5	0.5	0.6	311.2	5.57
South Creek	South Creek	673								
			Inl Struct							
South Creek	South Creek	616.73	1% AEP	106.2	24.6		1.3		48.7	0.54
South Creek	South Creek	616.73	PMF	107.1	204.0		2.8		66.6	1.43
South Creek	South Creek	489.51	1% AEP	104.8	24.6		1.5		46.7	0.66
South Creek	South Creek	489.51	PMF	105.6	204.0		3.0	1.9	74.9	1.49
South Creek	South Creek	420.00	1% AEP	102.6	24.6		1.8		41.3	0.50
South Creek	South Creek	420.00	PMF	103.3	204.0	1.8	2.5	2.0	165.0	1.23
South Creek	South Creek	360.00	1% AEP	101.9	24.6	0.7	0.5	0.4	81.8	1.02
South Creek	South Creek	360.00	PMF	102.7	204.0	1.6	1.3	1.1	166.0	1.83
South Creek	South Creek	330.00	1% AEP	101.8	24.6	0.6	1.1	0.3	74.4	0.52
South Creek	South Creek	330.00	PMF	102.6	204.0	1.4	1.8	1.7	160.6	1.25
South Creek	South Creek	294.81	1% AEP	101.3	24.6	1.2	1.5	1.0	57.6	1.27
South Creek	South Creek	294.81	PMF	102.2	204.0	1.9	2.1	1.6	157.3	2.19
South Creek	South Creek	260.65	1% AEP	101.1	24.6	0.8	1.0	0.8	54.9	1.02
South Creek	South Creek	260.65	PMF	101.9	204.0	1.5	1.9	1.6	142.6	1.89
South Creek	South Creek	189.54	1% AEP	100.8	24.6	0.9	1.1	0.8	61.6	1.10
South Creek	South Creek	189.54	PMF	101.6	204.0	1.7	1.6	1.6	154.4	1.89
South Creek	South Creek	153.73	1% AEP	100.4	31.7	1.2	1.6	1.0	75.7	1.24
South Creek	South Creek	153.73	PMF	101.4	269.0	1.6	1.7	1.5	198.1	2.18
South Creek	South Creek	104.70	1% AEP	100.2	31.7	0.9	1.0	0.3	79.1	1.59
South Creek	South Creek	104.70	PMF	101.1	259.0	1.9	1.7	1.4	152.9	2.55
South Creek	South Creek	49.30	1% AEP	99.9	31.7	0.4	1.7	0.8	81.2	1.50
South Creek	South Creek	49.30	PMF	100.7	269.0	1.1	3.1	1.9	162.2	2.34
South Creek	South Creek	1.89	1% AEP	99.7	31.7	0.9	1.2	0.8	109.7	1.65
South Creek	South Creek	1.89	PMF	100.5	269.0	1.6	1.6	1.7	161.8	2.47



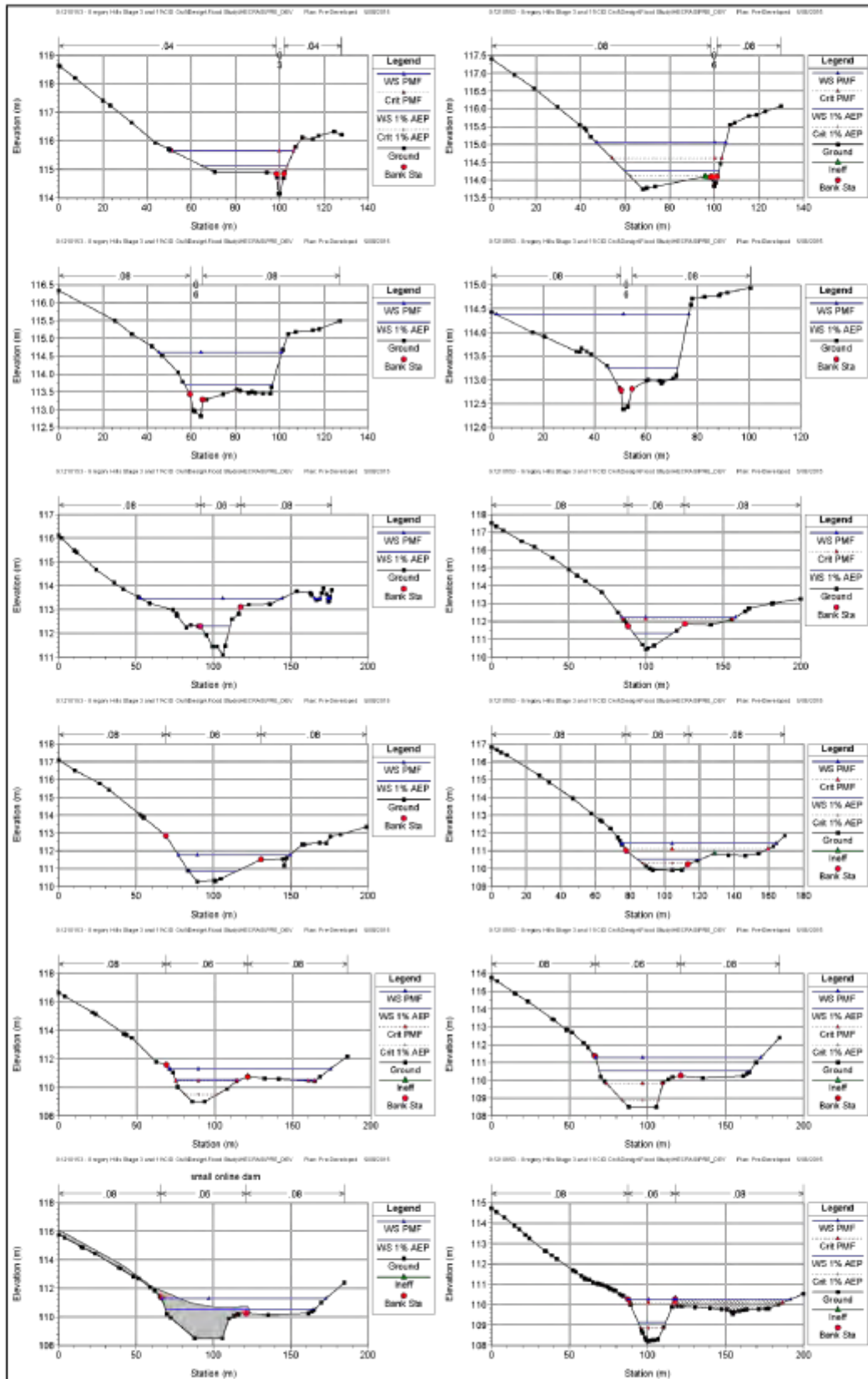
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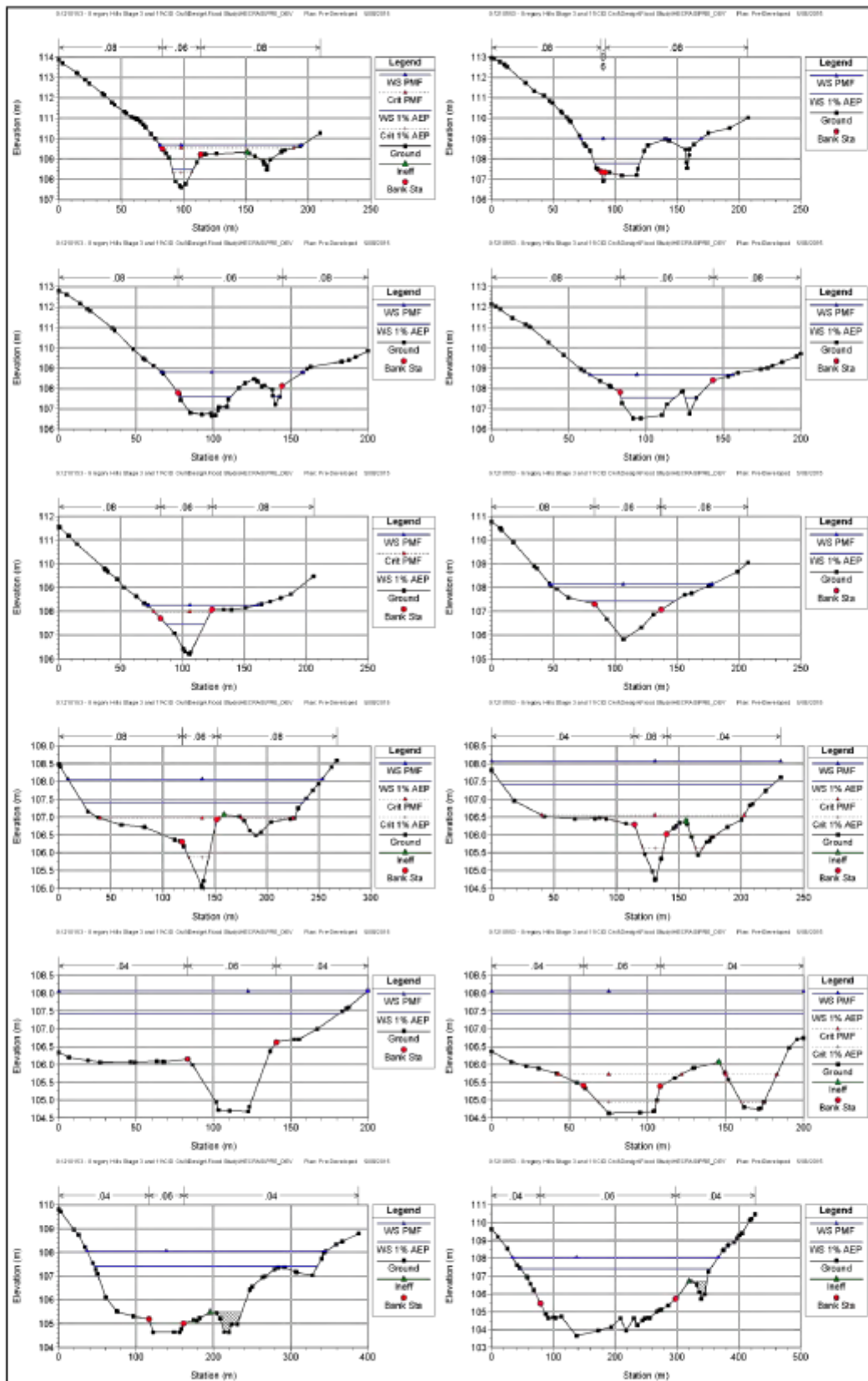




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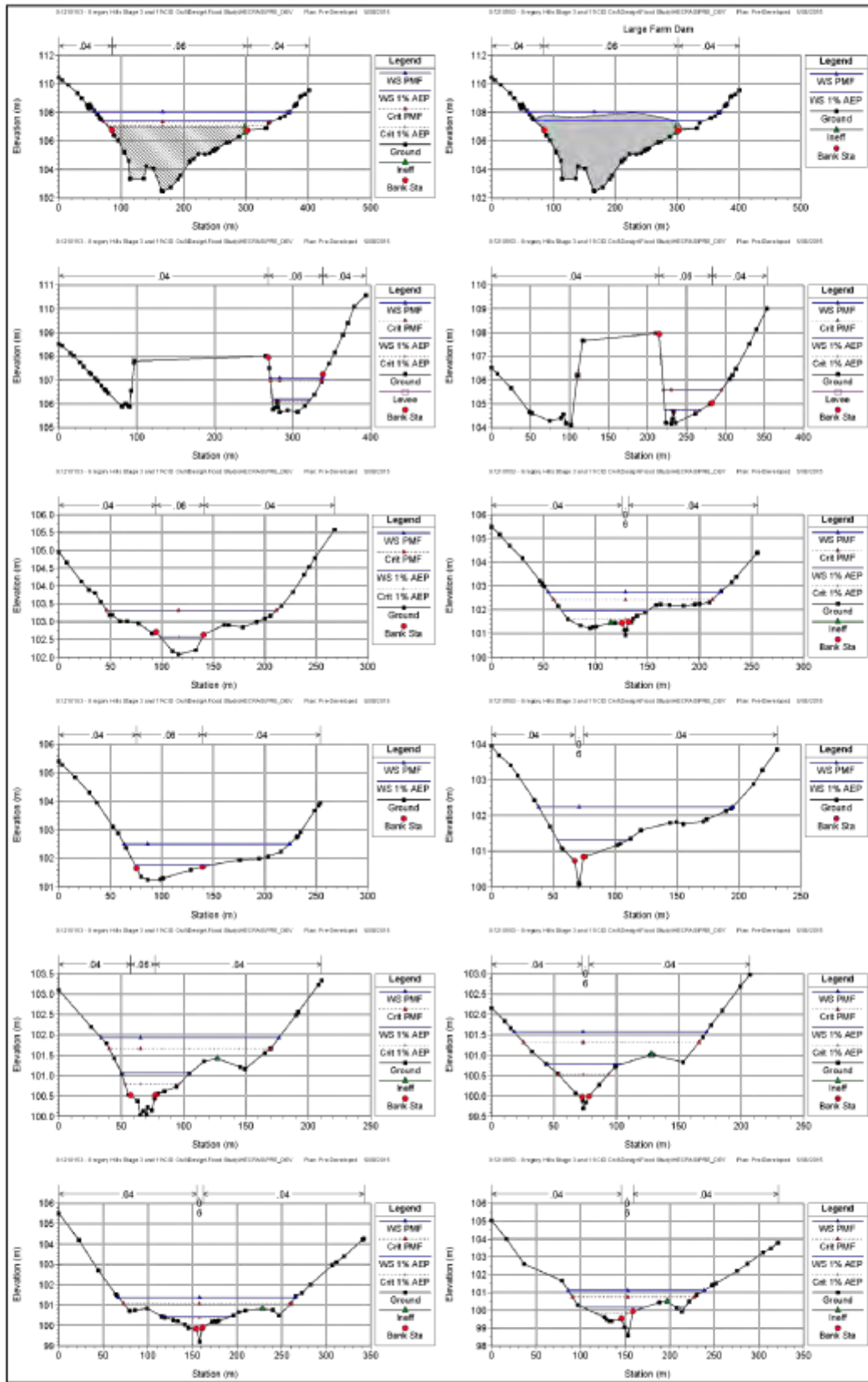
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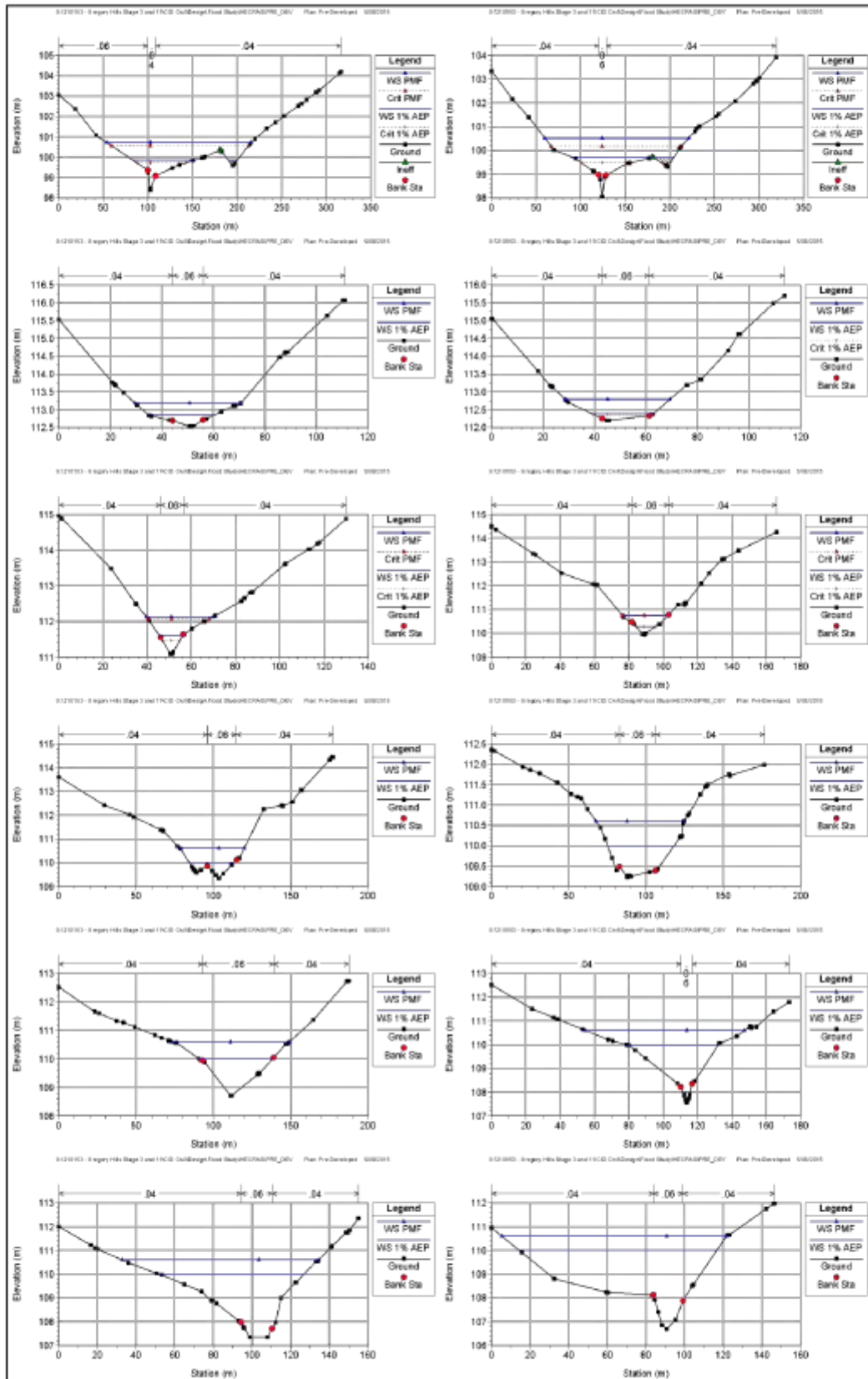




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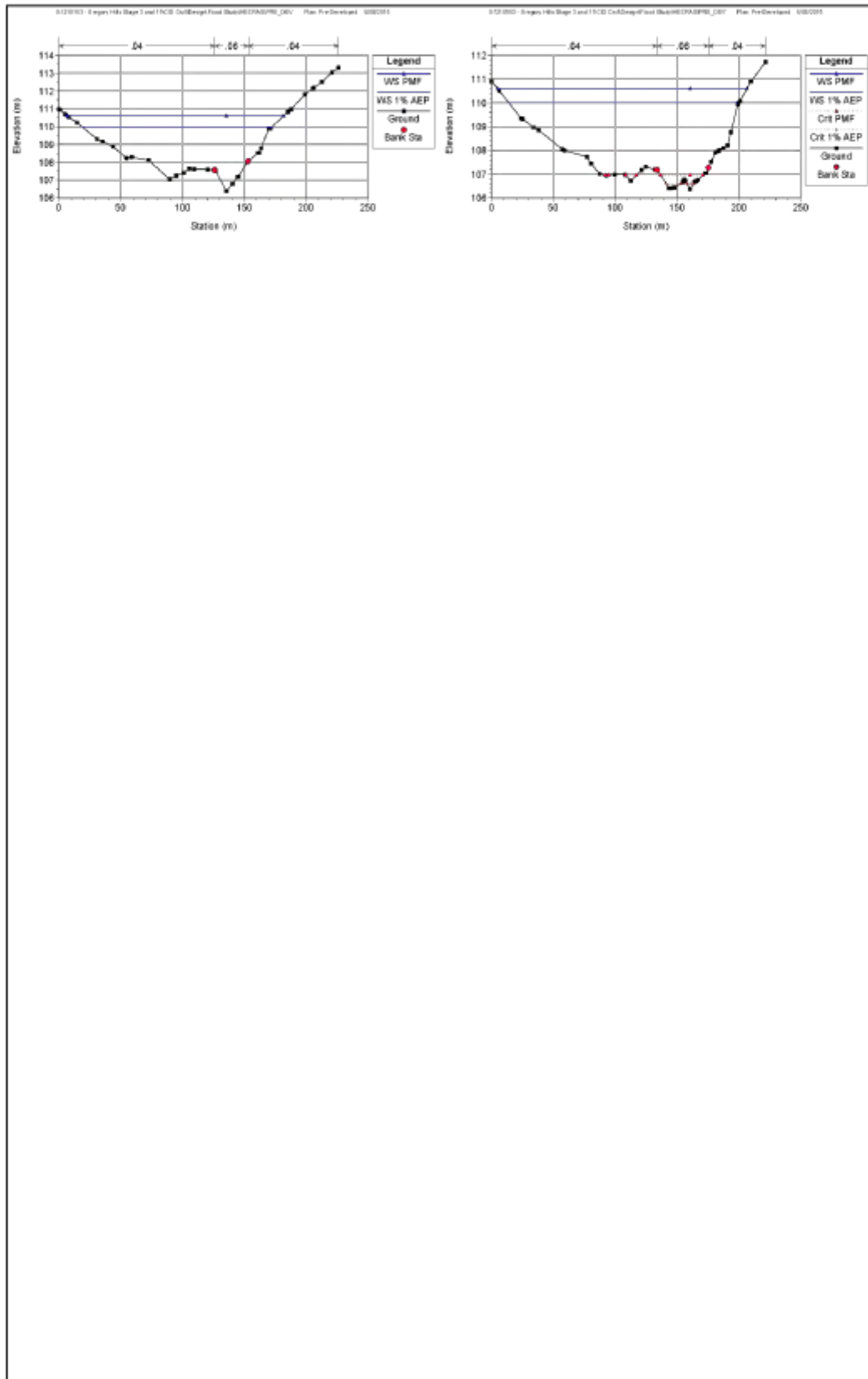
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Appendix D – Post Development HECRAS Results

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Attachment 1

HEC-RAS Plan Plan 05

River	Reach	River Sta	Profile	W.S. Elev (m)	Q Total (m ³ /s)	Vel Left (m/s)	Vel Cntr (m/s)	Vel Right (m/s)	Top Width (m)	Max Chl Dpth (m)
Tributary	-819	783	1% AEP	112.8	7.8	0.2	1.4	0.2	29.1	0.65
Tributary	-819	783	RMF	113.5	43.3	0.5	2.3	0.5	50.8	1.35
Tributary	-819	793	1% AEP	112.6	7.6	0.1	1.3	0.1	28.4	0.88
Tributary	-819	793	RMF	113.4	43.3	0.5	2.1	0.5	52.9	1.59
Tributary	-819	723	1% AEP	112.5	7.6	0.1	1.3	0.1	28.4	0.88
Tributary	-819	723	RMF	113.2	43.3	0.5	2.3	0.5	45.1	1.57
Tributary	-819	693	1% AEP	112.3	7.6	0.1	1.3	0.1	28.9	0.87
Tributary	-819	693	RMF	113.0	43.3	0.5	2.3	0.5	44.6	1.57
Tributary	-819	663	1% AEP	112.2	7.6	0.1	1.2	0.1	31.3	0.88
Tributary	-819	663	RMF	112.9	43.3	0.5	2.3	0.5	44.7	1.57
Tributary	-819	633	1% AEP	111.9	7.6	0.1	1.9	0.0	12.9	0.70
Tributary	-819	633	RMF	112.5	43.3	0.7	2.9	0.6	44.8	1.38
Tributary	-819	615	1% AEP	109.8	7.6		0.1		55.8	1.70
Tributary	-819	615	RMF	111.7	43.3		0.2		57.7	3.58
Tributary	-819	603	1% AEP	109.8	7.6		0.1		56.1	1.77
Tributary	-819	603	RMF	111.7	43.3		0.2		58.0	3.65
Tributary	-819	573	1% AEP	109.8	7.6		0.1		56.9	1.92
Tributary	-819	573	RMF	111.7	43.3		0.2		58.8	3.80
Tributary	-819	543	1% AEP	109.8	7.6		0.1		57.8	2.07
Tributary	-819	543	RMF	111.7	43.3		0.2		59.5	3.95
Tributary	-819	521	1% AEP	109.8	4.8		0.0		58.2	2.18
Tributary	-819	521	RMF	111.7	92.0	0.0	0.4	0.0	68.4	4.05
Tributary	-819	511								
			Culvert							
Tributary	-819	513	1% AEP	109.8	4.8	0.2	1.4	0.2	31.8	2.04
Tributary	-819	513	RMF	111.5	92.0	0.4	1.7	0.4	71.4	3.95
Tributary	-819	507	1% AEP	107.2	4.8		0.5		14.4	1.27
Tributary	-819	507	RMF	111.8	92.0	0.1	1.2	0.2	75.0	5.59
Tributary	-819	483								
			Culvert							
Tributary	-819	467	1% AEP	106.2	4.8		1.8		8.8	0.35
Tributary	-819	467	RMF	108.2	92.0		4.9		34.8	2.40
Tributary	-819	452	1% AEP	105.0	4.8	0.0	0.1	0.0	33.8	1.10
Tributary	-819	452	RMF	107.2	92.0	0.2	0.9	0.1	45.5	3.32
Tributary	-819	447	1% AEP	105.0	4.8	0.0	0.1	0.0	33.8	1.10
Tributary	-819	447	RMF	107.2	92.0	0.2	0.9	0.1	45.5	3.32
Tributary	-819	446	1% AEP	105.0	4.8	0.0	0.1	0.0	33.8	1.10
Tributary	-819	446	RMF	107.2	92.0	0.2	0.9	0.1	45.6	3.32
Tributary	-819	445	1% AEP	104.9	4.8		1.4		10.8	0.67
Tributary	-819	445	RMF	106.4	92.0	0.8	4.1	0.8	27.0	2.20
Tributary	-819	425	1% AEP	104.7	4.8		1.4		10.8	0.66
Tributary	-818	423	RMF	106.1	92.0	0.8	4.0	0.8	48.2	2.14
Tributary	-819	395	1% AEP	104.4	4.8		1.4		10.8	0.66
Tributary	-819	393	RMF	105.8	92.0	0.8	3.9	0.8	49.0	2.13
Tributary	-819	383	1% AEP	104.1	4.8		1.3		10.9	0.68
Tributary	-819	383	RMF	105.4	92.0	0.7	3.6	0.9	42.5	2.01
Tributary	-819	338	1% AEP	103.8	5.9	0.1	1.3	0.2	22.1	0.74
Tributary	-819	338	RMF	105.0	69.8	0.5	3.0	0.8	43.7	1.88
Tributary	-819	303	1% AEP	103.4	5.9		1.8		10.2	0.64
Tributary	-819	303	RMF	104.9	69.8	0.6	2.4	0.6	46.5	2.14
Tributary	-818	301	1% AEP	102.9	5.9	0.1	1.3	0.1	11.4	0.74
Tributary	-819	301	RMF	105.0	69.8	0.4	1.9	0.4	47.8	2.78

HEC-RAS Plan Plan 05 (Continued)

Reacher	Reach	River Sta	Profile	W.E. Elev (m)	Q Total (m ³ /s)	Vel Left (m/s)	Vel Chn (m/s)	Vel Right (m/s)	Top Width (m)	Max Chl Dpth (m)
Tributary	-819	273	1% AEP	102.8	5.9	0.1	0.9	0.1	18.6	0.93
Tributary	-819	273	PMF	105.0	69.8	0.3	1.4	0.4	63.4	3.09
Tributary	-819	243	1% AEP	102.8	5.9	0.1	0.5	0.1	31.1	1.21
Tributary	-819	243	PMF	105.0	69.8	0.3	1.1	0.3	73.9	3.40
Tributary	-819	216	1% AEP	102.8	5.9	0.1	0.5	0.1	26.2	1.44
Tributary	-819	219	PMF	105.0	69.8	0.3	1.0	0.2	117.0	3.64
Tributary	-819	213	1% AEP	102.8	5.9		0.9		36.3	1.47
Tributary	-819	213	PMF	104.6	69.8	0.4	2.8	0.5	106.6	3.30
Tributary	-819	200		Culvert						
Tributary	-819	174	1% AEP	101.4	5.9		2.3		19.7	0.54
Tributary	-819	174	PMF	102.6	69.8	0.6	2.7	0.4	80.2	1.79
Tributary	-819	166	1% AEP	101.1	5.9		1.5	0.1	11.2	0.71
Tributary	-819	166	PMF	102.6	69.8	0.6	2.6	0.4	60.4	2.22
Tributary	-819	153	1% AEP	100.9	5.9	0.1	1.4	0.1	11.3	0.72
Tributary	-819	153	PMF	102.1	69.8	0.6	3.6	0.5	44.3	1.91
Tributary	-819	123	1% AEP	100.6	5.9	0.0	1.5	0.0	11.1	0.69
Tributary	-819	123	PMF	101.9	69.8	0.5	3.3	0.4	54.6	2.04
Tributary	-819	83	1% AEP	100.4	5.9	0.1	1.3	0.1	11.9	0.77
Tributary	-819	83	PMF	101.8	69.8	0.6	2.7	0.4	55.2	2.19
Tributary	-819	63	1% AEP	100.3	5.9	0.1	0.8	0.1	21.6	0.99
Tributary	-819	63	PMF	101.8	69.8	0.5	2.0	0.4	55.5	2.51
South Creek	209	1514	1% AEP	114.2	7.3	1.1	1.0	0.5	27.2	0.42
South Creek	209	1514	PMF	115.2	102.9	2.4	2.5	1.5	60.2	1.36
South Creek	209	1484	1% AEP	113.7	7.3	0.5	1.0	0.5	42.9	0.84
South Creek	209	1484	PMF	114.7	102.9	1.5	1.8	1.4	64.1	1.89
South Creek	209	1454	1% AEP	113.2	7.3	0.6	1.6	0.6	60.6	0.81
South Creek	209	1454	PMF	114.4	102.9	1.0	2.3	1.3	76.8	2.05
South Creek	209	1360	1% AEP	112.0	7.3	0.6	1.3	0.5	62.4	1.93
South Creek	209	1360	PMF	113.4	102.9	1.0	3.0	0.8	129.2	3.32
South Creek	209	1286	1% AEP	111.3	9.9		1.1		62.1	1.15
South Creek	209	1286	PMF	112.3	122.5	0.7	2.5	0.9	115.8	2.24
South Creek	209	1254	1% AEP	110.8	9.9		1.0		66.5	0.70
South Creek	209	1254	PMF	111.9	122.5		2.1	0.7	111.6	1.77
South Creek	209	1223	1% AEP	110.5	9.9	0.2	0.7	0.2	72.8	0.61
South Creek	209	1223	PMF	111.5	122.5	1.0	2.0	0.9	127.3	1.60
South Creek	209	1191	1% AEP	110.4	9.9		0.6		68.4	0.52
South Creek	209	1191	PMF	111.3	122.5		1.6	0.9	131.9	1.36
South Creek	209	1166	1% AEP	110.1	9.9	1.2	1.5	0.1	80.6	0.25
South Creek	209	1166	PMF	110.7	122.5	2.3	3.1	1.8	133.7	0.79
South Creek	209	1121	1% AEP	108.0	9.9		1.2		16.0	0.77
South Creek	209	1121	PMF	110.3	122.5	0.1	2.4	0.9	132.0	2.09
South Creek	209	1078	1% AEP	106.4	9.9		1.2		16.3	0.84
South Creek	209	1078	PMF	108.8	122.5	0.7	2.2	0.8	115.3	2.17
South Creek	209	1011	1% AEP	107.8	15.5	0.5	1.2	0.8	38.0	0.90
South Creek	209	1011	PMF	109.1	137.1	1.3	2.8	1.3	101.6	2.24
South Creek	209	981	1% AEP	107.2	15.5	1.6	2.3	0.6	27.7	0.53
South Creek	209	981	PMF	108.2	137.1	2.7	4.3	1.6	64.9	1.59
South Creek	209	866	1% AEP	107.2	15.5		1.1		40.8	1.39
South Creek	209	866	PMF	108.5	137.1		1.8	0.5	57.0	2.74
South Creek	209	869	1% AEP	106.9	15.5		1.1		41.9	1.41
South Creek	209	869	PMF	108.3	137.1		1.7	0.8	111.6	2.79

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Attachment 1

HEC-RAS Plan Plan 05 (Continued)

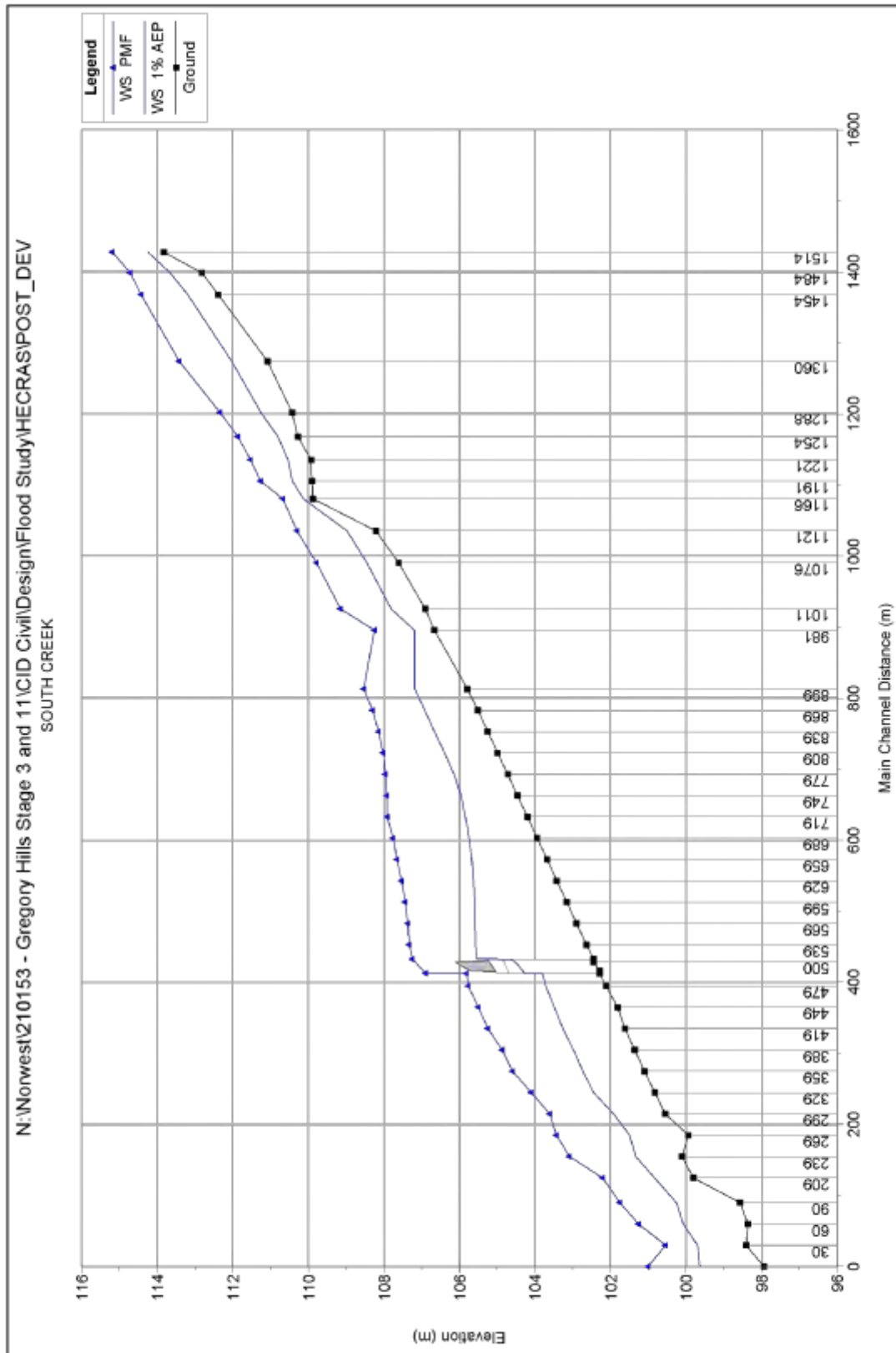
River	Reach	River Sta	Profile	W.S. Elev (m)	Q Total (m ³ /s)	Vel Left (m/s)	Vel Ctr (m/s)	Vel Right (m/s)	Top Width (m)	Max Ch Depth (m)
South Creek	209	839	1% AEP	106.7	15.5		1.1		41.8	1.41
South Creek	209	839	PMF	108.1	137.1	0.2	1.4	0.7	130.5	2.89
South Creek	209	809	1% AEP	106.4	15.5		1.1		43.5	1.40
South Creek	209	809	PMF	108.0	137.1	0.3	1.3	0.8	118.8	3.03
South Creek	209	779	1% AEP	106.1	15.5		1.0		44.5	1.42
South Creek	209	779	PMF	108.0	137.1	0.5	1.0	0.8	146.7	3.24
South Creek	209	749	1% AEP	106.0	15.5		0.9		42.0	1.50
South Creek	209	749	PMF	107.9	137.1	0.2	0.6	1.1	133.9	3.46
South Creek	209	719	1% AEP	105.8	15.5		0.7	0.1	76.0	1.84
South Creek	209	719	PMF	107.9	137.1		0.8	0.4	122.0	3.71
South Creek	209	689	1% AEP	105.7	23.8		0.9		37.2	1.80
South Creek	209	689	PMF	107.8	206.7		1.5	1.7	80.4	3.81
South Creek	209	659	1% AEP	105.7	23.8		0.7		36.4	1.89
South Creek	209	659	PMF	107.7	206.7	0.3	1.6	1.7	66.7	3.97
South Creek	209	629	1% AEP	105.6	23.8		0.6		35.9	2.21
South Creek	209	629	PMF	107.5	206.7	0.5	1.8	1.2	87.8	4.11
South Creek	209	599	1% AEP	105.6	23.8		0.5		37.2	2.44
South Creek	209	599	PMF	107.4	206.7	0.7	1.5	0.8	91.5	4.27
South Creek	209	569	1% AEP	105.6	23.8		0.4		39.1	2.68
South Creek	209	569	PMF	107.4	206.7	0.7	1.4	0.8	116.8	4.47
South Creek	209	539	1% AEP	105.6	23.8		0.3		46.5	2.94
South Creek	209	539	PMF	107.3	206.7	0.5	1.1	0.8	149.2	4.69
South Creek	209	517	1% AEP	105.5	23.8		0.7		46.8	3.09
South Creek	209	517	PMF	107.2	206.7	0.7	1.5	1.1	151.3	4.79
South Creek	209	500			Culvert					
South Creek	209	469	1% AEP	103.8	23.8		1.7		34.5	1.51
South Creek	209	469	PMF	105.8	206.7	0.2	3.2		47.8	3.53
South Creek	209	479	1% AEP	103.7	23.8		1.1		34.5	1.80
South Creek	209	479	PMF	105.8	206.7	0.4	1.9		49.1	3.64
South Creek	209	449	1% AEP	103.5	23.8		1.2		29.0	1.88
South Creek	209	449	PMF	105.5	206.7	0.3	2.2		47.8	3.89
South Creek	209	419	1% AEP	103.3	23.8		1.2		29.6	1.84
South Creek	209	419	PMF	105.2	206.7	0.3	2.2		48.5	3.62
South Creek	209	389	1% AEP	103.0	23.8		1.4		26.1	1.82
South Creek	209	389	PMF	104.9	206.7	0.1	2.5		61.2	3.51
South Creek	209	359	1% AEP	102.7	23.8		1.2		31.3	1.83
South Creek	209	359	PMF	104.6	206.7		2.3		46.0	3.49
South Creek	209	329	1% AEP	102.4	23.8		1.4		27.2	1.82
South Creek	209	329	PMF	104.1	206.7		2.8	0.0	42.8	3.27
South Creek	209	299	1% AEP	101.9	23.8		2.0		30.3	1.37
South Creek	209	299	PMF	103.6	206.7		2.7		44.4	3.06
South Creek	209	269	1% AEP	101.5	23.8	0.5	1.0	0.6	36.5	1.56
South Creek	209	269	PMF	103.4	206.7	1.3	2.6	1.7	52.3	3.49
South Creek	209	239	1% AEP	101.3	23.8	1.0	1.3		30.6	1.22
South Creek	209	239	PMF	103.1	206.7	2.2	2.5		83.8	2.98
South Creek	209	209	1% AEP	100.8	23.8	1.4	2.1		27.8	1.02
South Creek	209	209	PMF	102.2	206.7	3.3	3.8		88.5	2.40
South Creek	0	90	1% AEP	100.3	31.4	0.7	1.3	0.3	70.8	1.89
South Creek	0	90	PMF	101.8	270.7	1.6	2.7	1.4	88.5	3.18
South Creek	0	60	1% AEP	100.1	31.4	0.6	1.4	0.5	63.8	1.72

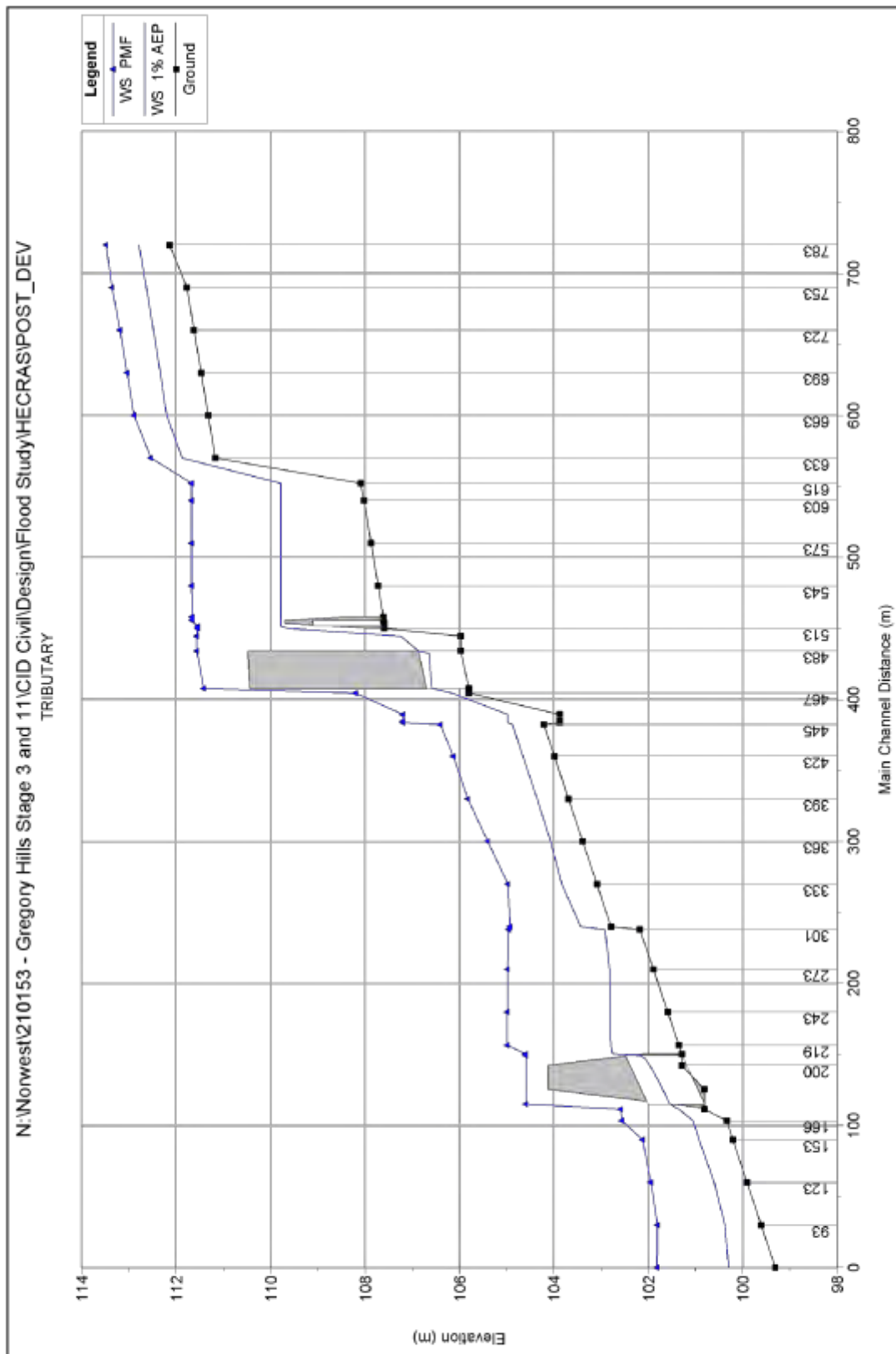
HEC-RAS Plan: Plan 05 (Continued)

Reach	Reach	River Sta	Profile	W.S. Elev. (m)	Q Total (m ³ /s)	Vel Left (m/s)	Vel Chnl (m/s)	Vel Right (m/s)	Top Width (m)	Max Chl Depth (m)
South Creek	D	60	RMC	101.3	270.7	1.8	3.6	1.9	74.4	2.90
South Creek	D	50	RW-SEP	99.7	31.4	0.7	2.3	0.7	73.0	1.29
South Creek	D	30	RMC	100.5	270.7	2.1	4.5	2.2	109.9	2.13
South Creek	D	0	RW-SEP	99.8	31.4	0.6	1.9	0.5	63.0	1.70
South Creek	D	0	RMC	101.0	270.7	1.6	3.1	1.6	139.3	3.07

Attachment 1

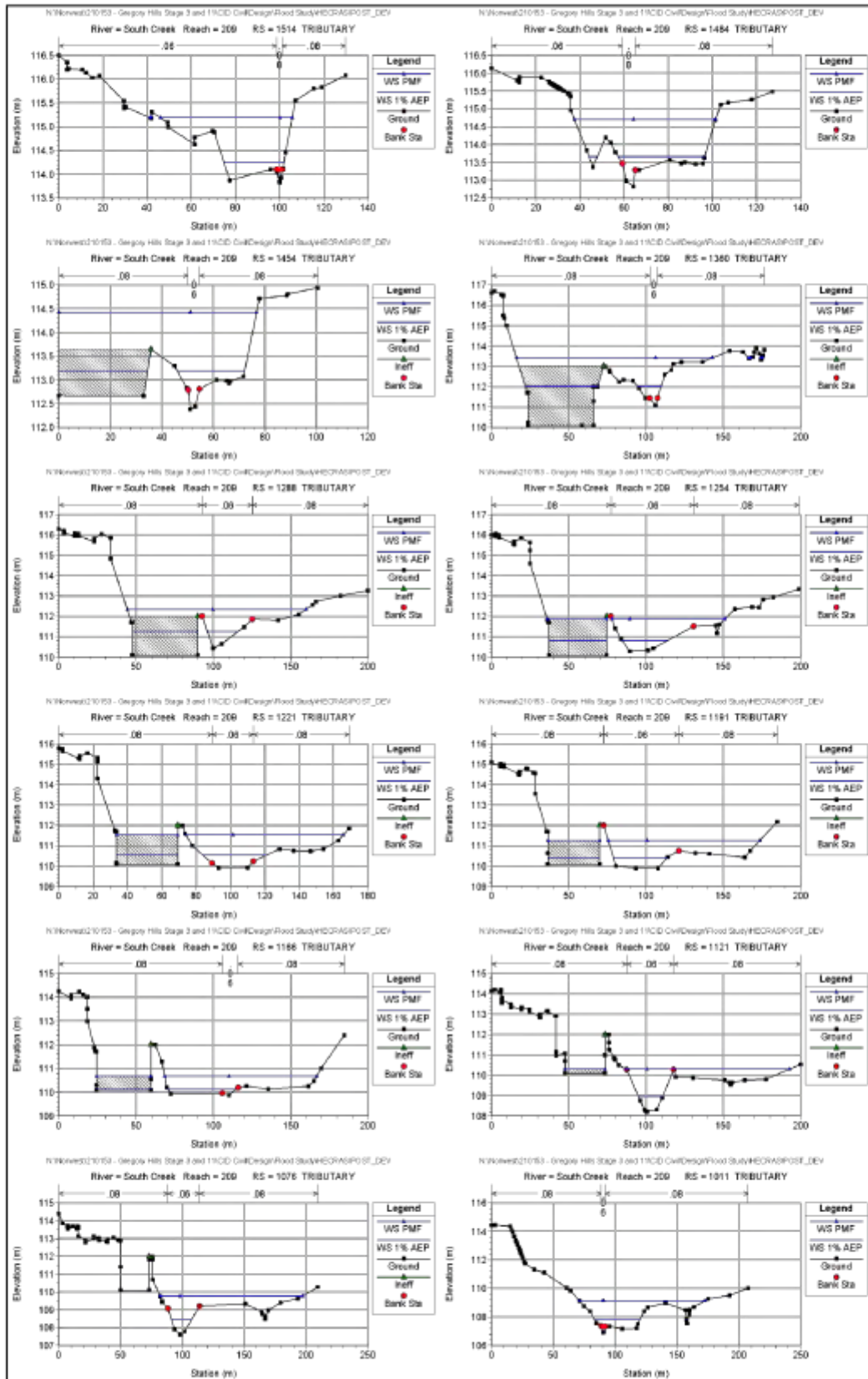
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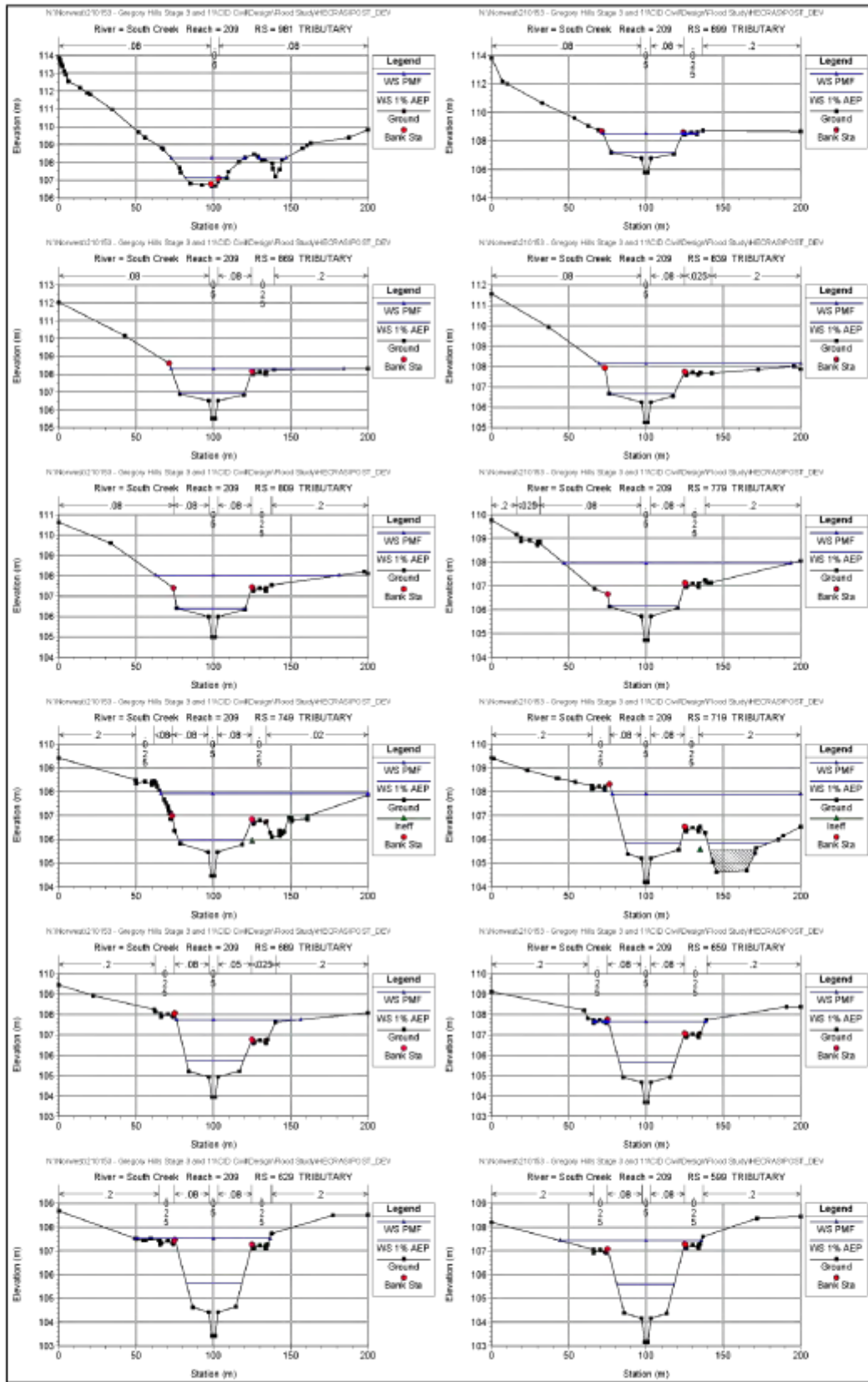




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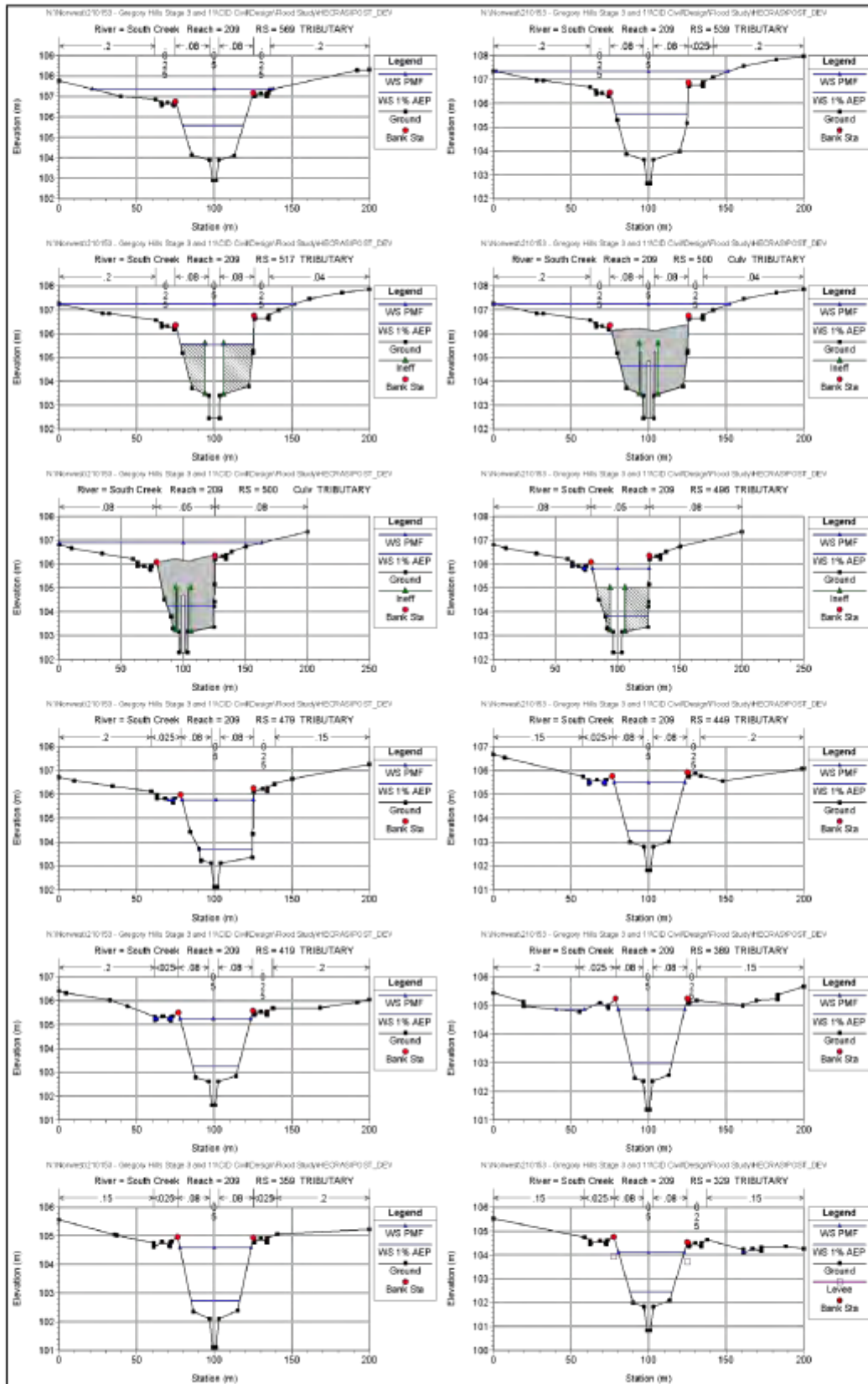
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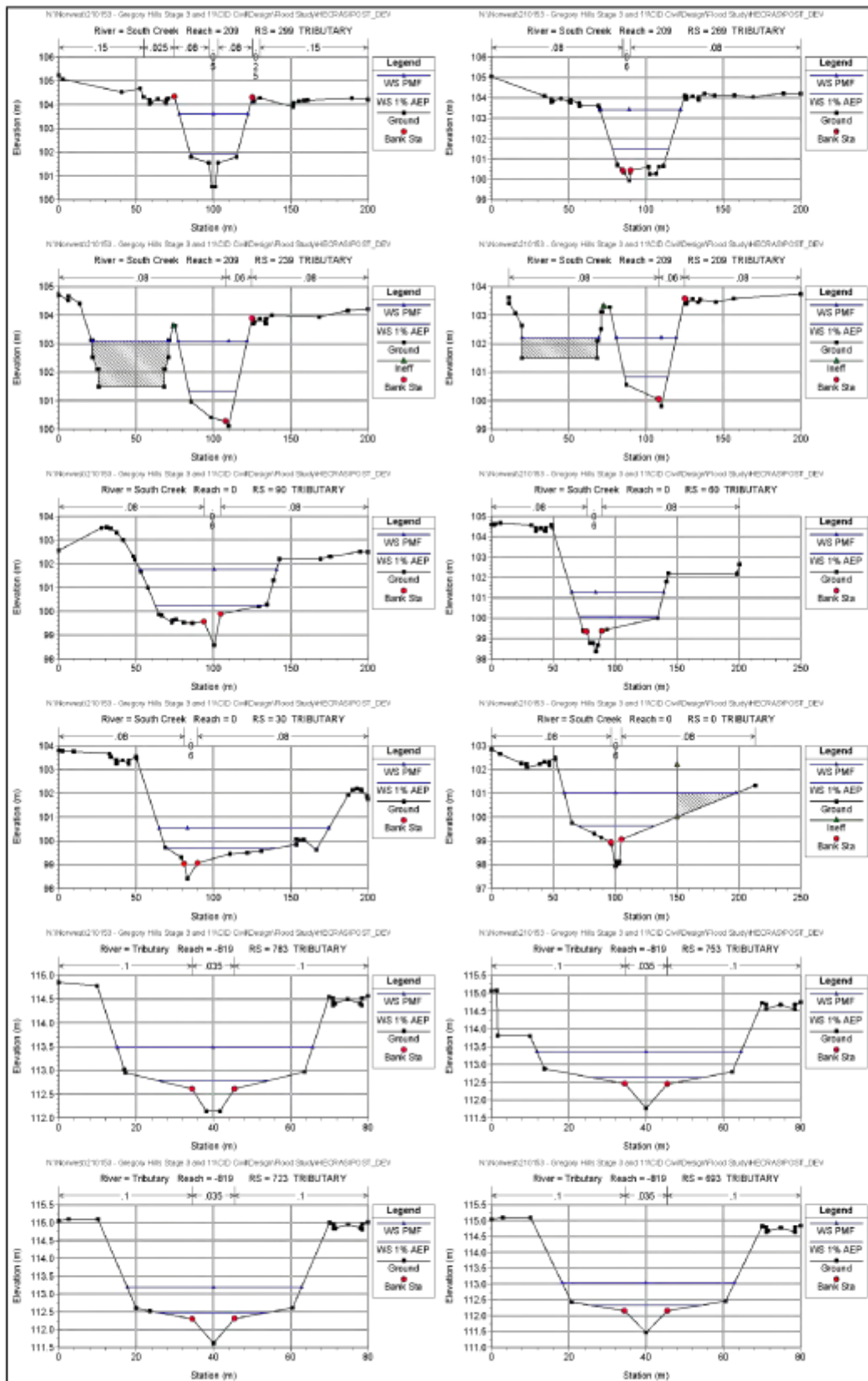




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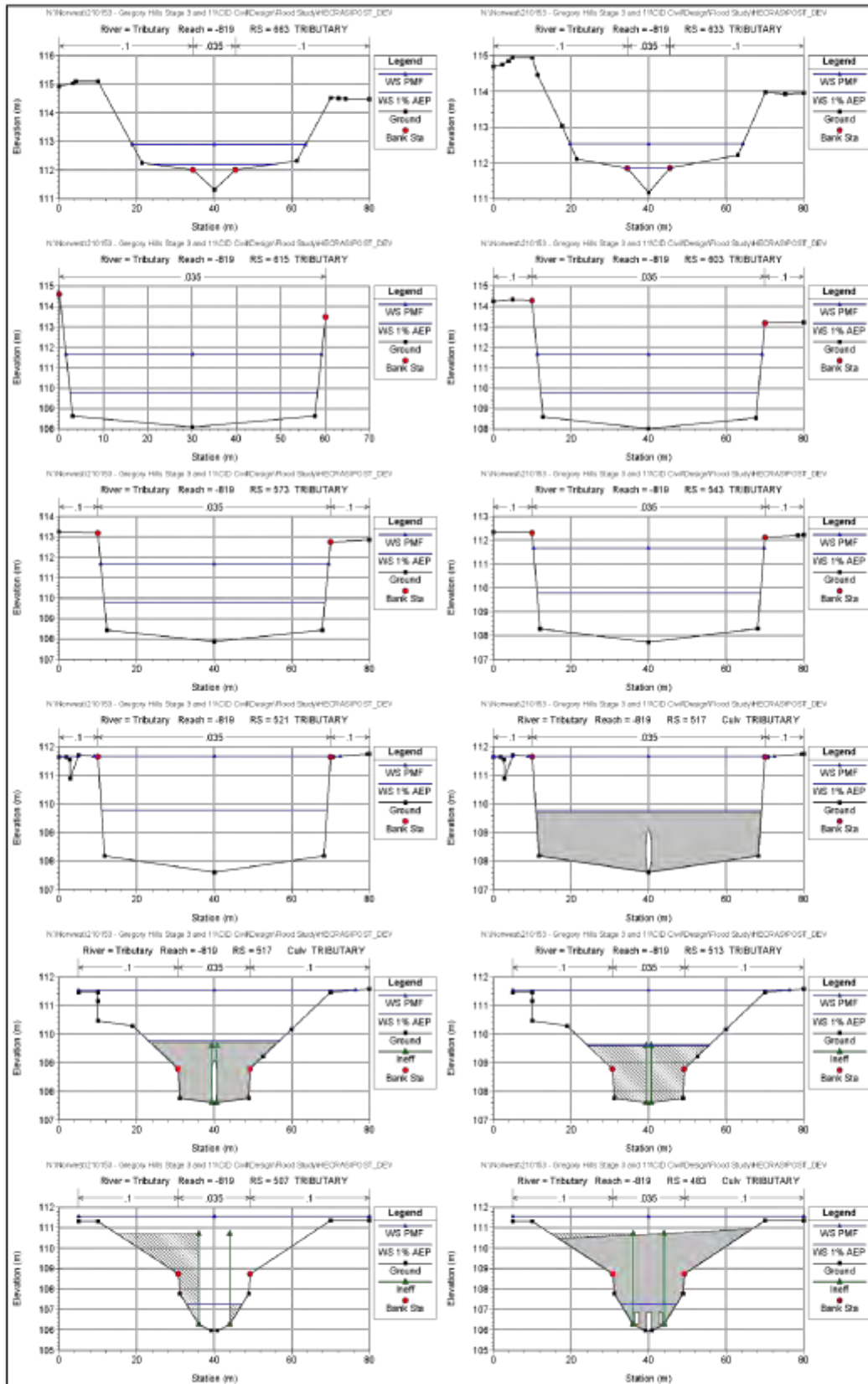
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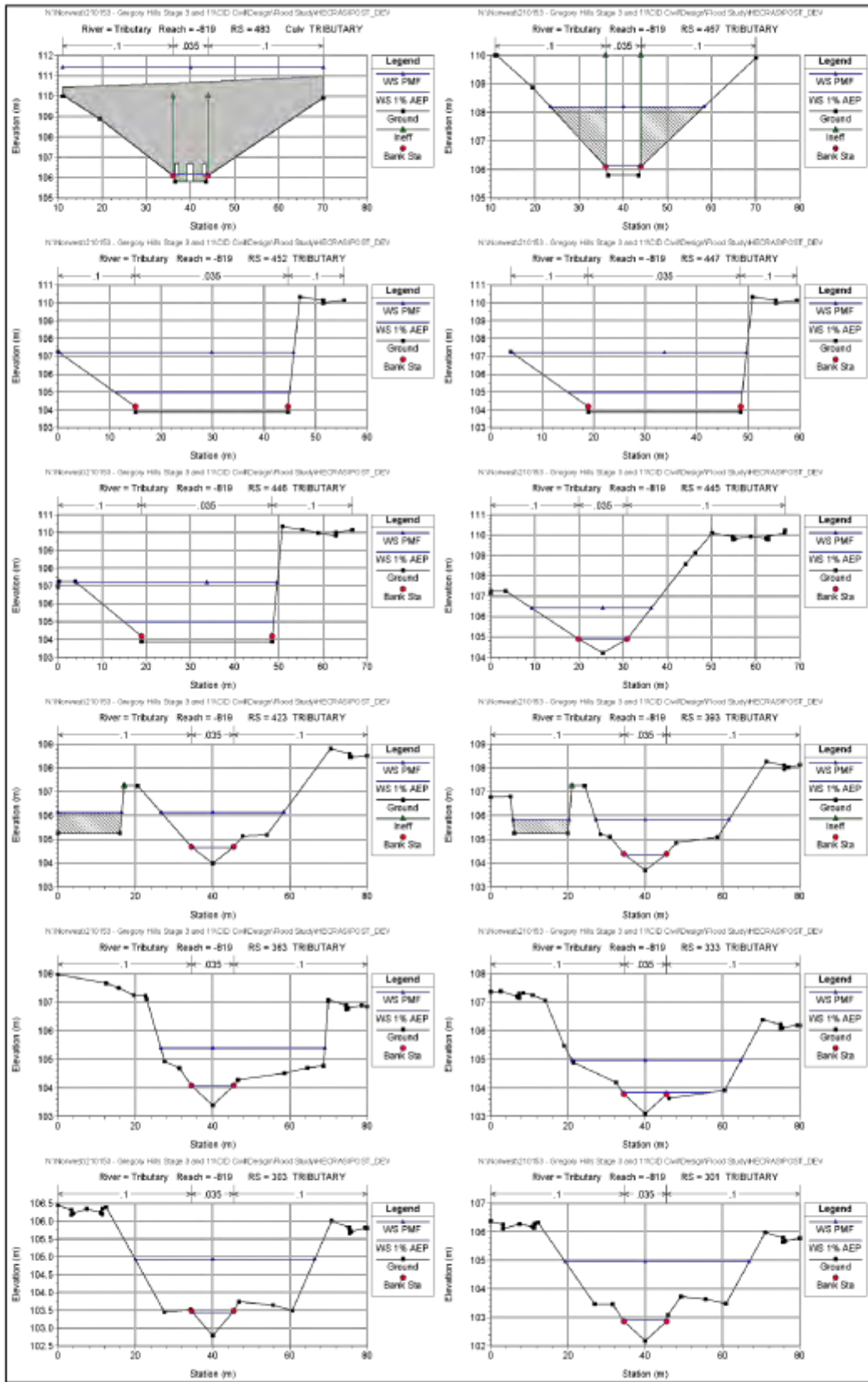




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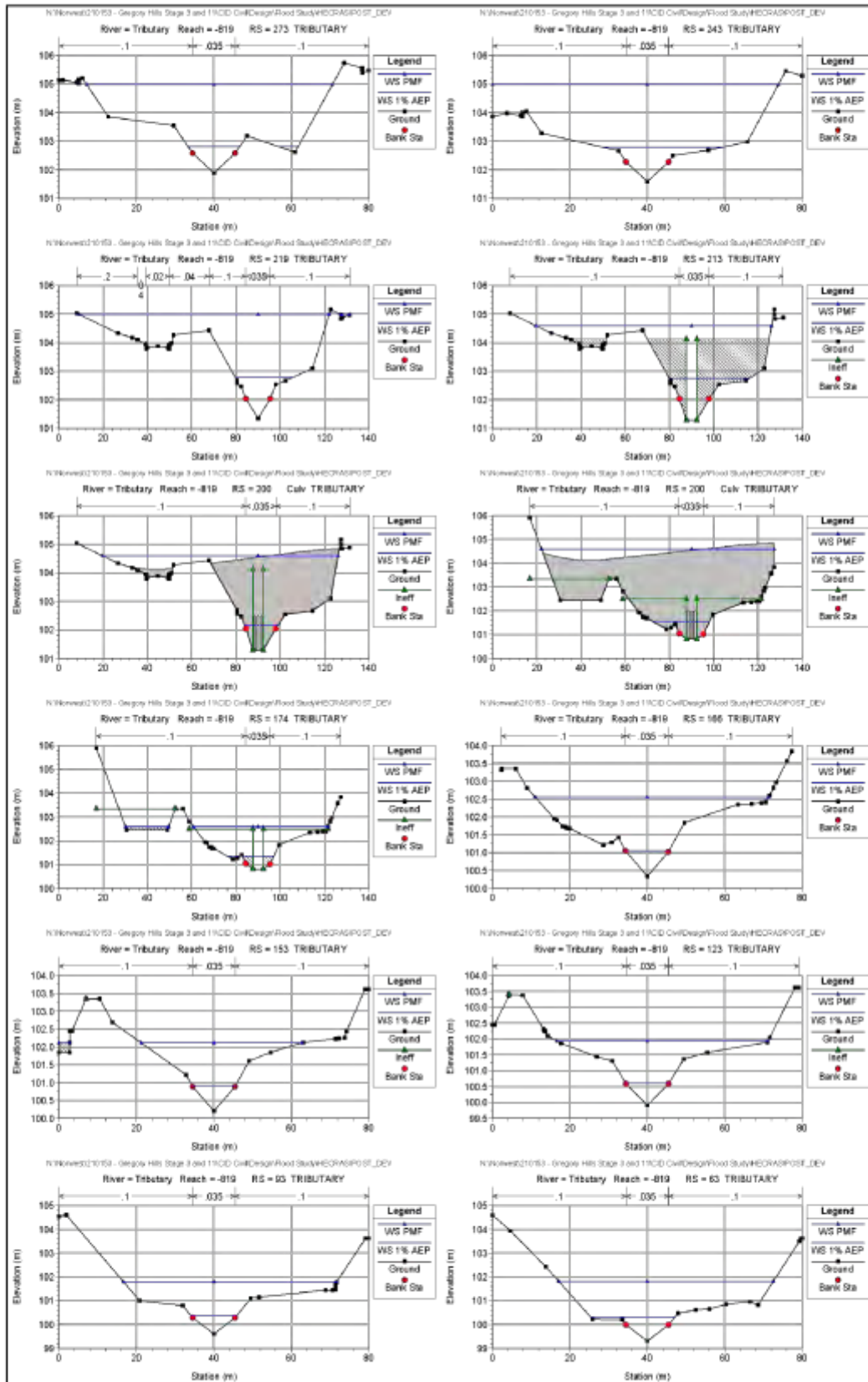
Attachment 1





ORD07

Attachment 1





Our Ref: 210153
Contact: Ben Hetherington

4 November 2015

Dart West Developments
PO Box 228
Narellan NSW 2567

Attention: Mr David Taylor

Dear David

Comparison of Results from Gregory Hills Riparian Corridor Flood Study and Draft Upper South Creek Flood Risk Management Study and Plan

Camden Council has requested that the results from the Gregory Hills Riparian Corridor Flood Study be compared to the draft Upper South Creek Flood Risk Management Study and Plan. Specifically Council has requested that:

- It must be shown that the 2 year and 100 year ARI peak flow rates and flood levels at the downstream site boundary do not exceed the results of Camden Council's draft Upper South Creek Flood Risk Management Study and Plan (FRMS&P); and
- The hydrograph for the developed scenario at the downstream boundary must also be comparable to the hydrograph from Council's draft FRMS&P.

2 year ARI

The draft Upper South Creek Flood Risk Management Study and Plan does not consider the 2 year ARI event. Also it has been advised that the TUFLOW model does not have rainfall data setup for the 2 year ARI event. Thus there are no 2 year ARI results from the draft Upper South Creek FRMS&P to enable comparison with the 2 year ARI results from RAFTS.

100 year ARI

Figures 1 and 2 compares the hydrographs at the downstream boundary from the two studies for 2 hour and 9 hour storm events respectively. Table 1 compares the peak flows, hydrograph volumes and flood levels.

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United Kingdom • United States • Operations in 85 countries



Table 1: Comparison of Results from Upper South Creek FPS&P with Gregory Hills Riparian Corridor Flood Study

	Upper South Creek TUFLOW model	Gregory Hills Riparian Corridor Flood Study
2 hour ARI Peak Flow (m ³ /s)	43.1	33.1
2 hour ARI volume (ML)	79.1	93.8
9 hour ARI Peak Flow (m ³ /s)	31.2	26.4
9 hour ARI volume (ML)	143	167
Peak Flood Level (mAHD)	99.9	99.6

Figure 1: RAFTS & TUFLOW 2 hour 1% AEP Hydrographs at Gregory Hills

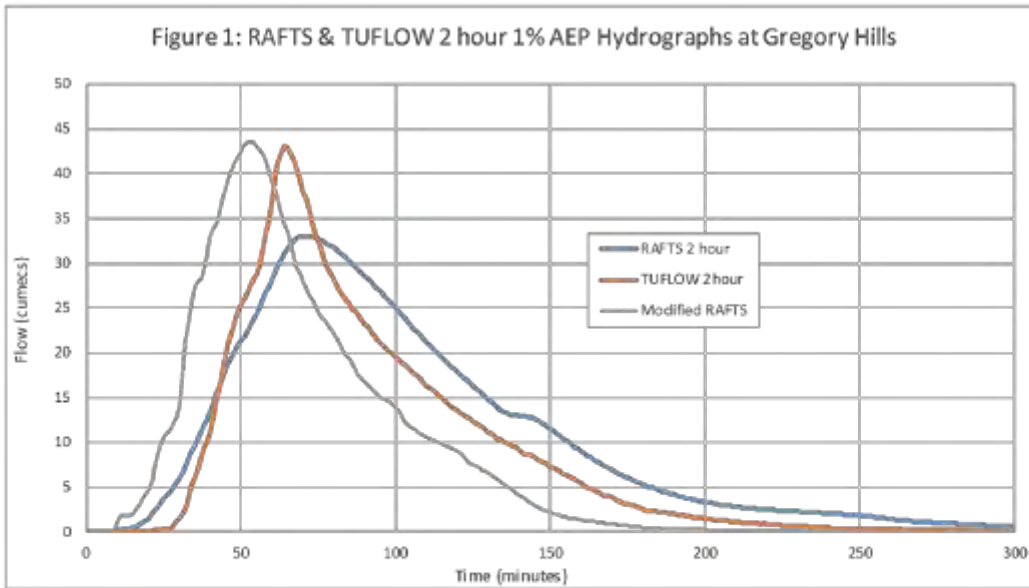
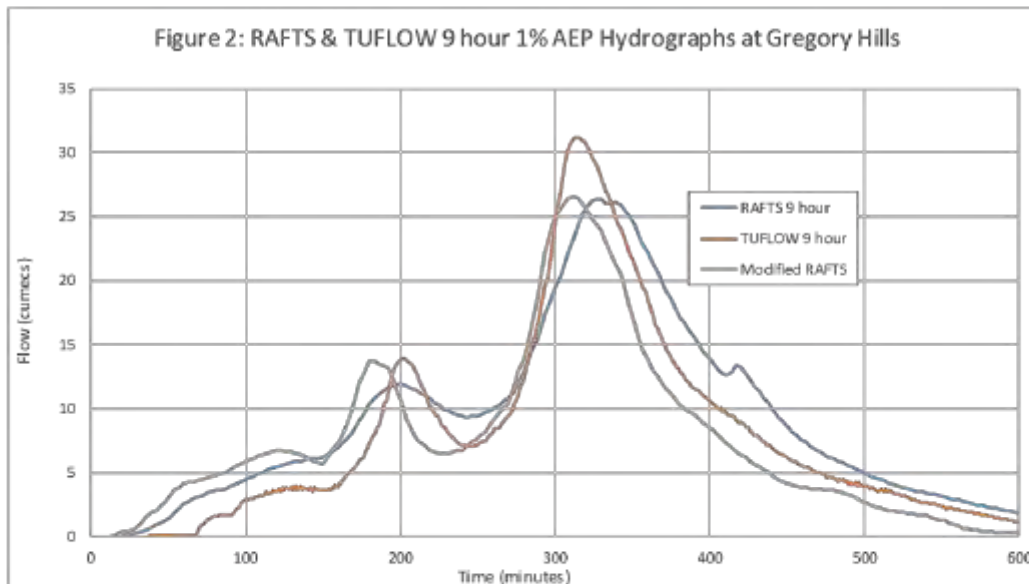


Figure 2: RAFTS & TUFLOW 9 hour 1% AEP Hydrographs at Gregory Hills





It can be seen that 100 year ARI peak flow rates and flood levels at the downstream site boundary do not exceed the results of Camden Council's draft Upper South Creek FRMS&P. However there are differences in the peak flow and hydrograph volumes in the two models.

Reasons for Differences

There are two reasons contributing to the differences in peak flows. Firstly, comparisons of 2 hour hydrographs estimated by TUFLOW and XP-RAFTS on other catchments has found that the TUFLOW hydrographs typically are "peakier" than the XP-RAFTS hydrographs. 9 hour hydrographs estimated by TUFLOW and XP-RAFTS typically are in very good agreement. The above hydrographs are consistent with this finding.

Secondly, different approaches have been adopted in modelling the trunk drainage infrastructure of the Gregory Hills development. As described in Section 5.2 of Upper South Creek FRMS&P, the TUFLOW model is a broad-scale model. It does not contain the detailed Gregory Hills drainage network and detention basins. Rather, as stated in the report, "replication of precinct development including roads, drainage and detention basins/tanks was undertaken through adjustment of the rainfall/runoff losses and roughness parameters in TUFLOW."

In contrast the RAFTS model developed for the Riparian Corridor Flood Study is based on the design drainage network and models the actual detention basins as per the design drawings. Thus the RAFTS model is a more accurate representation of the trunk drainage infrastructure within the Gregory Hills development.

Both the *Turner Road DCP* and Camden Council's *Engineering Design Specification* require that "the developed 1% AEP peak flow is to be reduced to pre-development flows through the incorporation of stormwater detention." However the attenuation in the TUFLOW model does not appear to meet this objective as shown in Table 2. Therefore it is unlikely that a hydrologic model of a development at Gregory Hills that has been designed to comply with the DCP objective (i.e. no increase in peak flow) will match the peak flow estimated by the Upper South Creek FPMS TUFLOW model.

Table 2: Pre-Development and Post Development Flows at Gregory Hills

	Upper South Creek TUFLOW model	Gregory Hills Riparian Corridor Flood Study
Pre-Developed Peak Flow (m ³ /s)	19.0	33.2
Developed Peak Flow (m ³ /s)	43.1	33.1

Modification of RAFTS Model

The Gregory Hills RAFTS model was modified to test if using a similar approach to that adopted in the TUFLOW model would better replicate the TUFLOW results. The following changes were made to the RAFTS model:

- Deletion of the detention basins;
- a Bx multiplier of 0.4 was adopted to reproduce the peakier shape of the 2 hour TUFLOW hydrograph;
- Use of the loss rates from Table 5-1 of the draft FPMS&P; and
- Deletion of 45ha of catchment area upstream of the Badgally Tunnel portal (RAFTS Nodes SG0 to SG 3.0 & 18A) as it is suspected that the TUFLOW model leaks flow into the Upper Canal in this vicinity.

The results are tabulated in Table 3 and included in Figure 1 for the 2 hour storm. The modified RAFTS model provides a better correlation with TUFLOW for the 2 hour storm. However it is less realistic as it does not model the actual detention basins and omits part of the upstream catchment.



Table 3: Results of Modified RAFTS model

	Upper South Creek TUFLOW model	Gregory Hills Riparian Corridor Flood Study
2 hour ARI Peak Flow (m ³ /s)	43.1	43.6
2 hour ARI volume (ML)	79.1	76.1
9 hour ARI Peak Flow (m ³ /s)	31.2	26.6
9 hour ARI volume (ML)	143	137

Conclusion

The results from the Gregory Hills Riparian Corridor Flood Study have been compared to draft Upper South Creek Flood Risk Management Study and Plan. Only the 100 year ARI results were compared as the draft Upper South Creek FRMS&P does not include 2 year ARI results.

The comparison shows that post development 100 year ARI peak flow rates and flood levels estimated by the Gregory Hills Riparian Corridor Flood Study at the downstream site boundary do not exceed the results of Camden Council's draft Upper South Creek Flood Risk Management Study and Plan.

The comparison also shows that when comparing a detailed development specific hydrologic model against a broad-scale flood model that does not include the trunk drainage infrastructure of the specific development some differences in peak flows and hydrograph shape are to be expected.

Yours faithfully

Stephen Gribble
Civil Engineer
For Cardno

APPENDIX 14

Referral Response Letter - NSW Rural Fire Service

ORD07

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

Your Ref: 15/232696
Our Ref: LEP/0021
DA15081898159 SD

ATTENTION: Josh Pownell

16 September 2015

Dear Sir/Madam

**Planning Instrument for Post-Gateway Determination - Planning Proposal
(riparian Lands - Gregory Hills)**

I refer to your letter dated 17 August 2015 seeking advice for the above Planning Instrument in accordance with the 'Environmental Planning and Assessment Act 1979'.

The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence please contact Simon Derevnin on 1300 NSW RFS.

Yours sincerely

Jason Maslen

A/Team Leader Development Assessment & Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Attachment 1

APPENDIX 15

Referral Response Letter – Office of Environment and Heritage

ORD07

Attachment 1



Your reference: 15/237659
 Our reference: DOC15/366631
 Contact: Wafaa Wasif, 9895 6481

General Manager
 Camden Council
 PO Box 183
 CAMDEN NSW 2570

Attention: Josh Pownell

Dear Mr Moore

I refer to your letter dated 21 August 2015, seeking comments from the Office of Environment and Heritage (OEH) on the *Riparian Corridor Flood Study (RCFS)* prepared by Cardno (2015) to support a planning proposal to rezone riparian land at Gregory Hills from E4 Environmental Living to R1 General Residential and RE1 Public Recreation.

OEH advises that the primary objective of the NSW Government's Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land and reduce private and public losses resulting from floods. The most appropriate method to assess the development of flood prone land is through the floodplain risk management process, which is a risk base assessment detailed in the *NSW Floodplain Development Manual, 2005 (FDM)*.

A primary objective of Section 117 Direction 4.3 'Flood Prone Land' of the *Environmental Planning and Assessment Act 1979* is to ensure that development of flood prone land is consistent with the NSW Government's *Flood Prone Land Policy* and the principles of the FDM.

OEH has reviewed the RCFS and provides the following comments:

- Cardno have developed XP-RAFTS hydrologic models and HEC-RAS 1D hydraulic models covering the proposed area within Gregory Hills. The models have been utilised to determine existing flooding behaviour and to assess flooding impacts post development.
- The calculated pre-development flow at the study area outlet was compared to *Turner Road Precinct Planning Water Sensitive Urban Design Strategy* by GHD, 2007 and was found reasonable.
- The RCFS proposes series of detention basin as management measures to mitigate flood impacts due to the development, including flood impacts that result from filling in existing farm dams.
- The RCFS references no increase in the 1% AEP flow, but an increase of up 5% in PMF flow of South Creek and 30% on its eastern tributary.
- Substantial works has been undertaken by Camden Council to establish a TUFLOW model that prepared for the draft Upper South Creek Floodplain Risk Management Study and Plan (FRMSP) by Cardno (2014). This model represents the developed

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 Level 6, 10 Valentine Ave Parramatta NSW 2150
 ABN 30 841 387 271
www.environment.nsw.gov.au

scenario and represents the agreed benchmark for testing of future development – including in the vicinity of the proposal.

OEH recommends Council:

- Assess the RCFS model results for flooding behaviour and hazard of the post-developed condition in accordance with the draft FRMSP at the vicinity of the proposal and at the hydraulic structure (culvert) upstream of Camden Valley Way, for the full range of flooding up to the PMF.
- Review the emergency management plan for the Turner Road precinct to re-assess and manage flooding impacts of rarer floods (i.e. larger than 1% AEP up to the PMF).
- Assess the detention basin strategy as part of the catchment wide system for the ultimate development scenario in regard to timing and flow volume at the detailed design stage.

OEH also considers it prudent that the proposed detention basins be assessed in accordance to the requirements of the NSW Dams Safety Committee in order to determine the level of safety a basin requires under the risk management approach. In particular, careful consideration should be given to the overtopping of basins during flood events larger than the design capacity of the basins and their outflow capacities. This consideration should include the management of impacts on downstream development, evacuation routes and infrastructure.

Please contact Ms Wafaa Wasif, Floodplain Engineer, on 9895 6481 should you wish to discuss this advice.

Yours sincerely

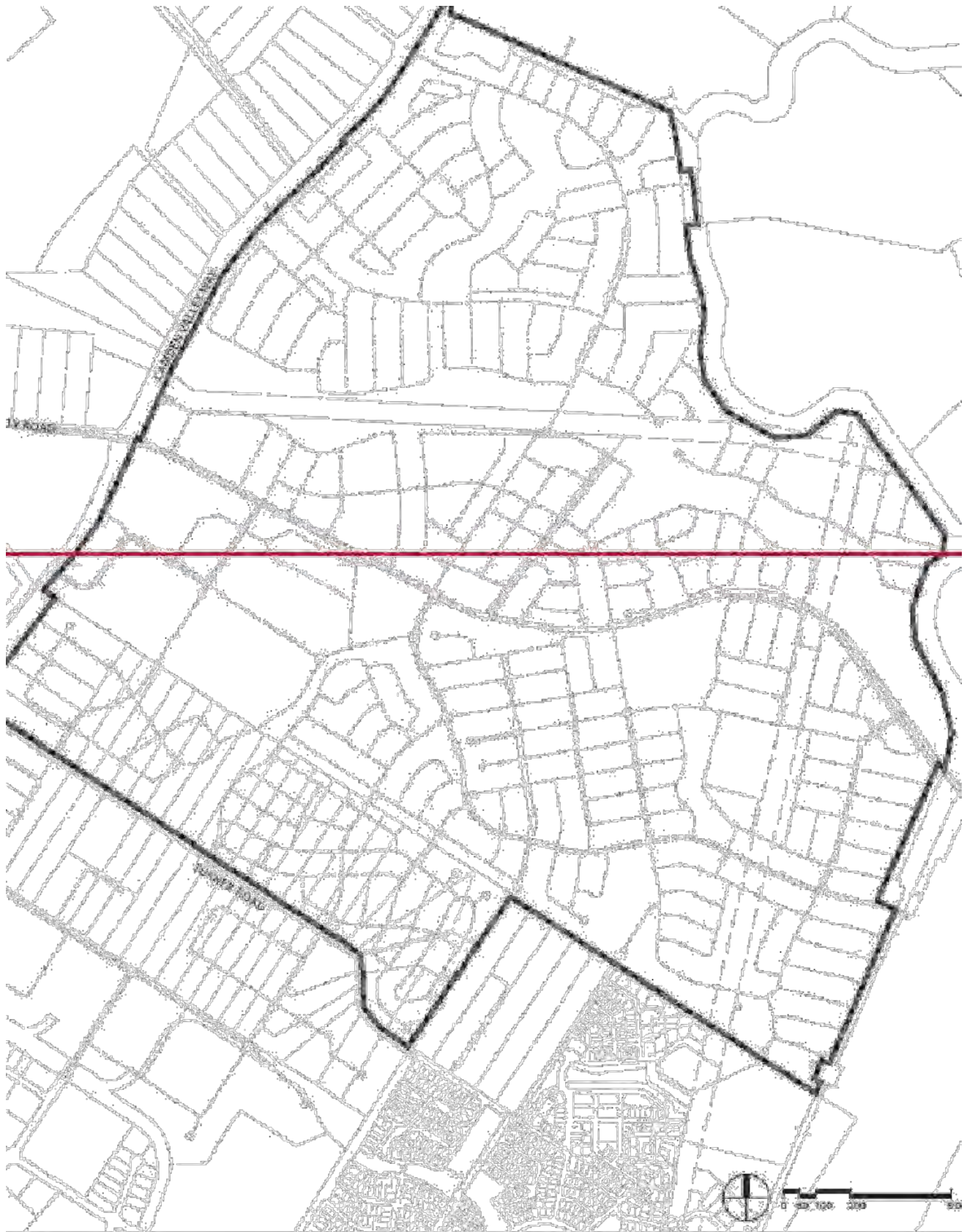


SUSAN HARRISON
Senior Team Leader, Planning
Greater Sydney Region
Regional Operations

SUMMARY OF CHANGES TO TURNER ROAD DCP 2007

Note: This document is a summary of the proposed changes to the Turner Road DCP that affect the Gregory Hills area (i.e. other areas in precinct are shown as being grayed out). The DCP will be available in its entirety, including all area shown in the Turner Road DCP Figures, when it is required to be placed on public exhibition.

DCP Section	Item	Title	Action
Part A – Precinct Wide DCP			
1	Figure 1	Land To Which DCP Applies	Replace existing figure due to changes to indicative road layout.
2	Figure 2	Turner Road Precinct Indicative Layout Plan	Replace existing figure due to revised riparian corridor and open space, changes road layout, relocation of community facilities (i.e. primary school), reduction and relocation of medium density areas.
	Figure 3	Indicative Residential Dwelling Target Sub-Precincts	Replace existing figure due to changes to indicative road layout.
	Figure 4	Neighbourhood Centres and Employment Areas	Replace existing figure due to changes to indicative road layout and minor changes to walkable neighbourhood radius.
3	Figure 5	Street Network Plan	Replace existing figure due to changes to indicative local and collector streets.
	Figure 17	Pedestrian and Cycleway Network	Replace existing figure due to minor changes to location of pedestrian/cycleway within existing riparian/proposed open space areas.
	Figure 18	Public Transport Network	Replace existing figure due to changes to indicative road layout.
4	Section 4.1	Public Parks and Landscape Strategy	Insert new control (8) due to ensure 10 metre riparian style vegetation is provided within the new linear public open space area.
	Figure 19	Open Space Network	Replace existing figure due to reduction to riparian corridor area and inclusion of additional public open space.
	Figure 20	Education, Civic and Community Facilities	Replace existing figure due to relocation of proposed school site, revision of indicative locations for child care centres and changes to indicative road layout.
6	Section 6.1	Riparian Corridors	Amend existing control (1) due to changes to riparian corridor widths based on new State riparian guidelines.
	Figure 21	Salinity Constraints	Replace existing figure due to changes to indicative road layout.
	Figure 22	Aboriginal Archaeological Conservation Areas	Replace existing figure due to change to conservation area and indicative road layout.
	Figure 23	Elements of European Heritage Significance	Replace existing figure due to changes to indicative road layout.
	Figure 24	Indicative Location of Asset Protection Zones	Replace existing figure due to reduction of assets protection zones resulting from reduction in riparian corridor widths and changes to indicative road layout.
	Figure 25	Areas of Significant Remnant Vegetation	Replace existing figure due to changes to indicative road layout.
	Figure 26	Areas of Environmental Concern	Replace existing figure due to changes to indicative road layout.
Part B – Site Specific DCPs			
B2	Figure 1	Land containing a Riparian Protection Area	Replace existing figure due to changes to proposed rezoning of riparian corridors from E4 Environmental Living to R1 General Residential and RE1 Public Recreation.
Part B - Development Control Plans			
Appendix B		Special Areas Requiring a DCP	Replace existing figure due to changes to removal of land containing a Riparian Protection Area.

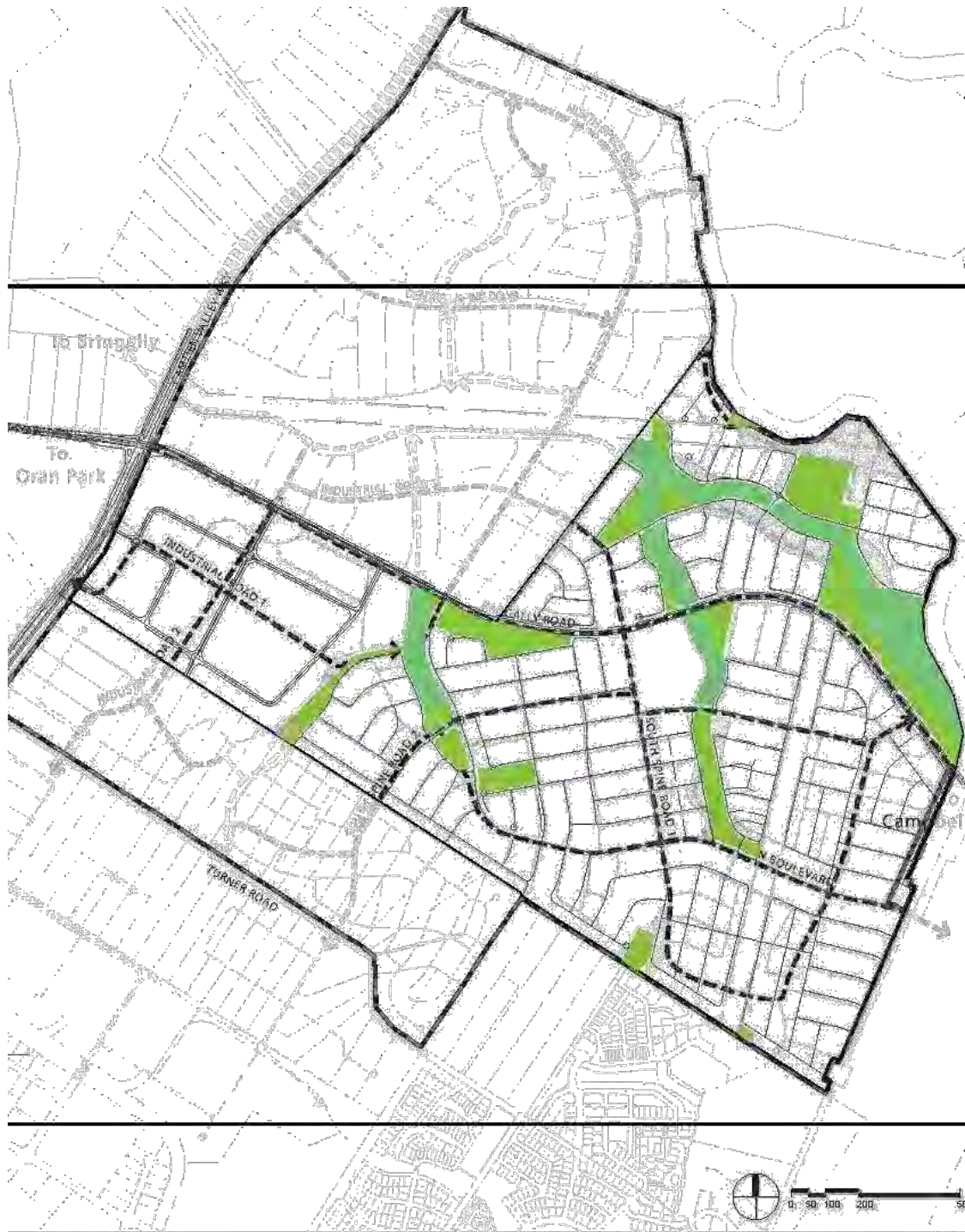


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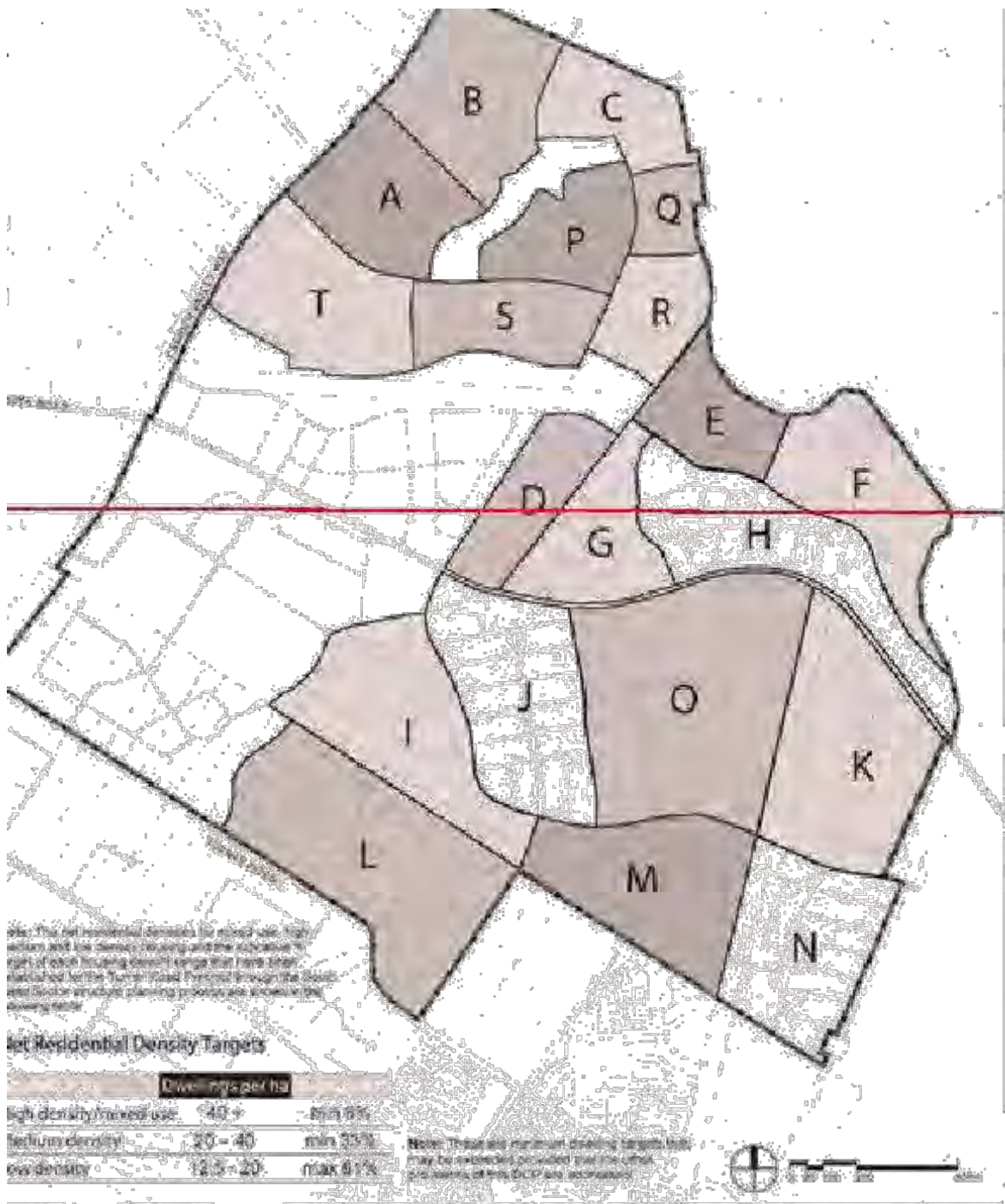
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Attachment 2



Legend

- Precinct boundary
- Land to which this DCP Applies
- in road reserve
- Pedestrian/cycleways within open space system
- RTA regional cycle route
- Indicative local streets
- Open space



Residential Density Target Sub-precincts

Residential sub-precinct

Precinct	Minimum Dwelling Yield
A	210
B	254
C	40
D	155
E	81
F	92
G	133
H	146
I	252
J	247

Sub-precinct	Minimum Dwelling Yield
K	346
L	500
M	262
N	245
O	550
P	164
Q	67
R	122
S	194
T	256

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Attachment 2



The not residential densities for mixed use, high, medium, low density housing and the indicative % targets of each housing density range that have been established for the Turner Road Precinct through the South West Sector structuring process are shown in the following table:

Residential Density Targets

Dwelling type	Dwellings per ha	Indicative %
High density/mixed use	40+	min 6%
Medium density	20-40	min 33%
Low density	12.5-20	max 61%

Note: These are minimum dwelling targets that may be exceeded provided that the other provisions of this DCP are addressed.



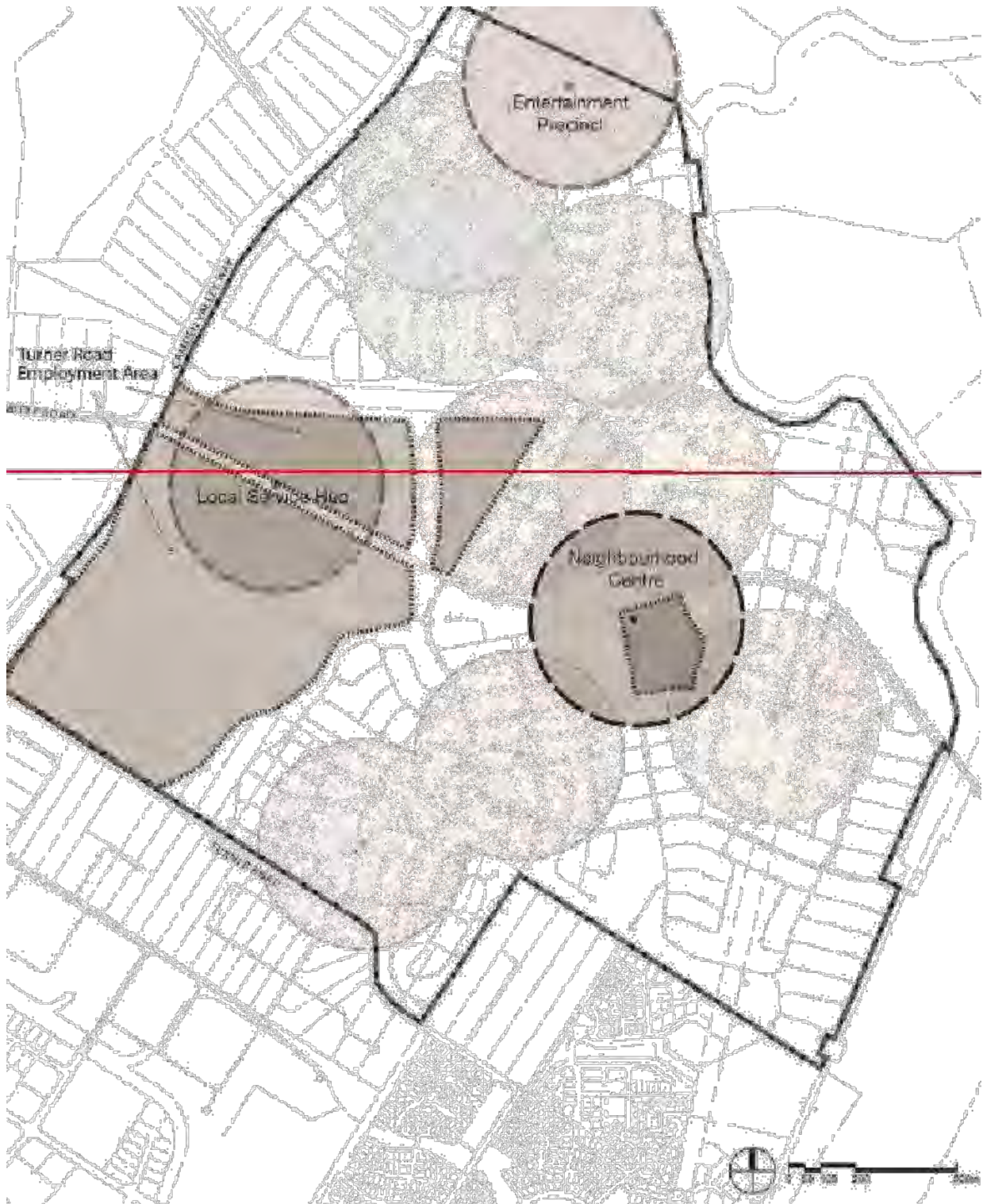
Minimum Dwelling Targets - precincts

Residential sub-precinct



Precinct	Minimum Dwelling Yield
A	195
B	214
C	50
D	155
E	81
F	92
G	133
H	146
I	252
J	247

Sub-precinct	Minimum Dwelling Yield
K	346
L	500
M	262
N	245
O	598
P	155
Q	83
R	117
S	157
T	256
TOTAL	4284

See B1 Indicative Residential Planning Target Sub-Districts

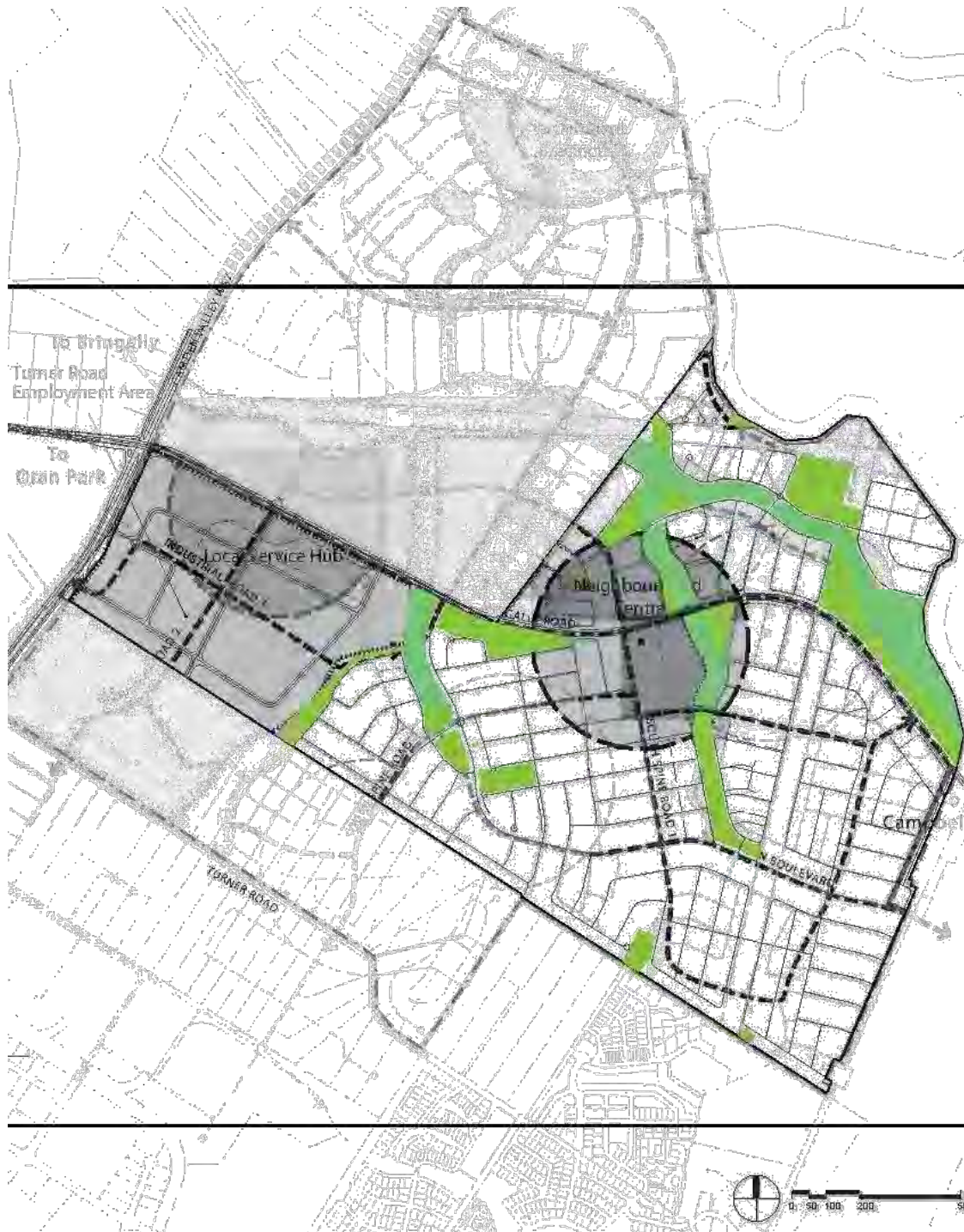


Neighbourhoods and Employment Areas

-  Precinct boundary
-  Neighbourhood Centre (400m radius)
-  Entertainment Precinct/ Local Service Hub (400m radius)
-  Walkable neighbourhoods (400m radius)
-  Turner Road Employment Area

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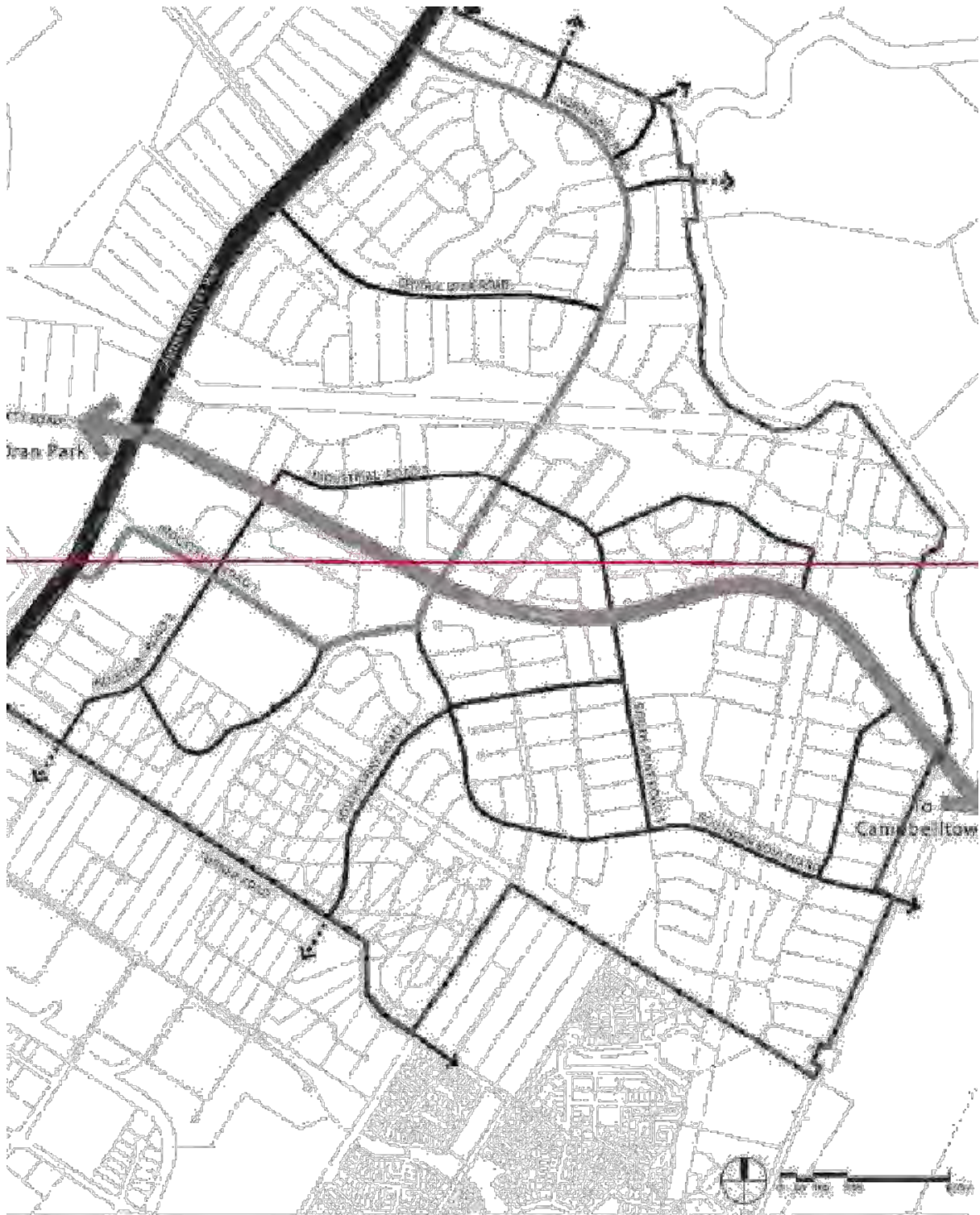
Attachment 2



Neighbourhood Centres and Employment Areas

-  Precinct boundary
-  Neighbourhood cycleways within road reserve (400m radius)
-  Neighbourhood cycleways within open space system
-  Local Service Hub (400m radius)
-  RTA regional cycle route
-  Indicative local streets
-  Turner Road Employment Area
-  Open space

re 4: Neighbourhood Centres and Employment Areas

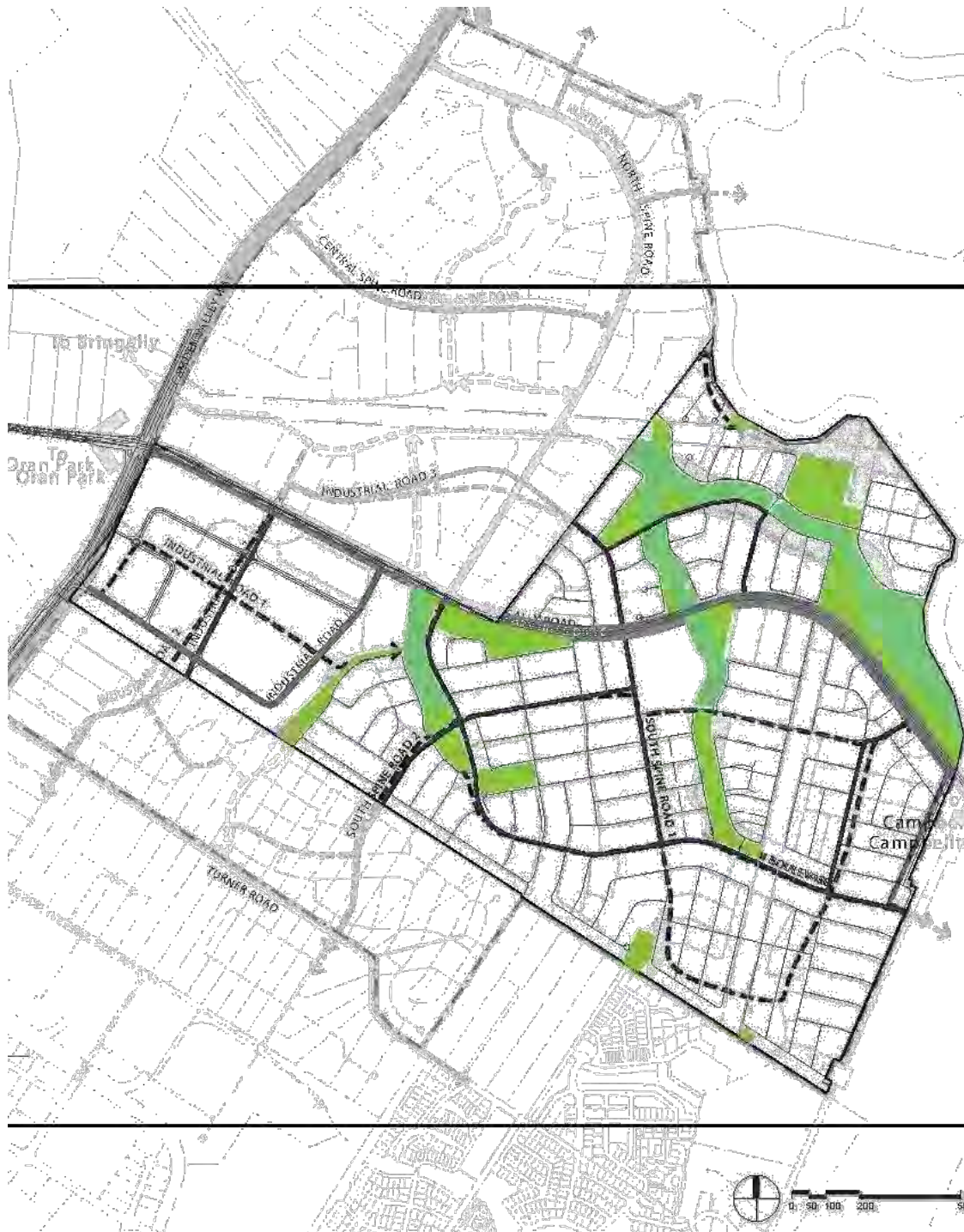


Street Network

- Precinct boundary
- Arterial road
- Sub-arterial road (4 lanes)
- Sub-arterial road (2 lanes)
- Collector street
- Possible future connections subject to further negotiations
- Indicative local streets

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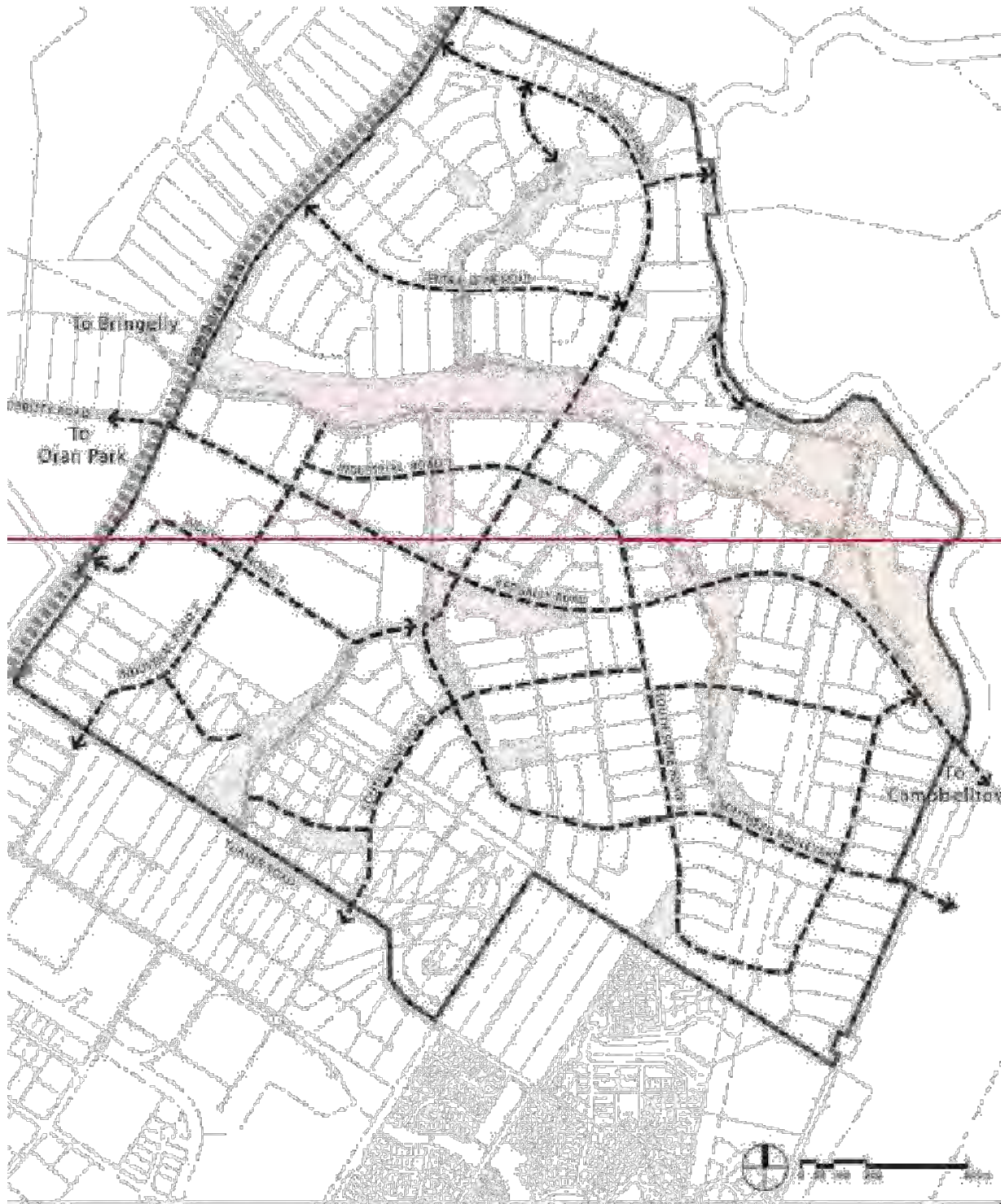
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Street Network Cycle Network

- Precinct boundary
- Arterial road/cycleways within road reserve
- Sub-arterial road (4 lanes) Pedestrian/cycleways within open space system
- Sub-arterial road (2 lanes)
- CMA regional cycle route
- Possible future connections subject to further negotiations
- Indicative local streets
- Open space

Figure 5: Street Network Plan

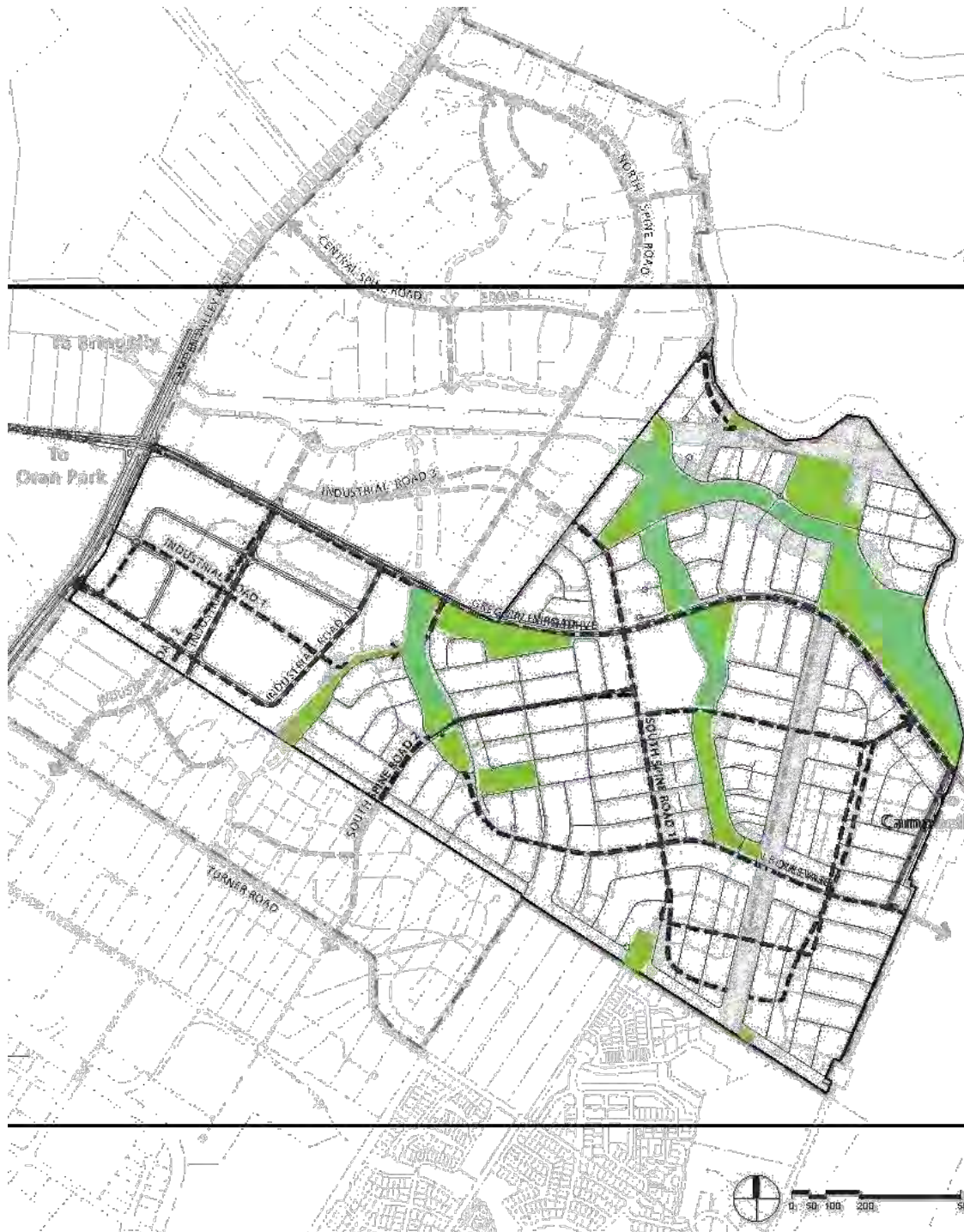


Pedestrian and Cycle Network

-  Precinct boundary
-  Pedestrian/cycleways within road reserve
-  Pedestrian/cycleways within open space system
-  RTA regional cycle route
-  Indicative local streets
-  Open space

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Attachment 2



Pedestrian and Cycle Network







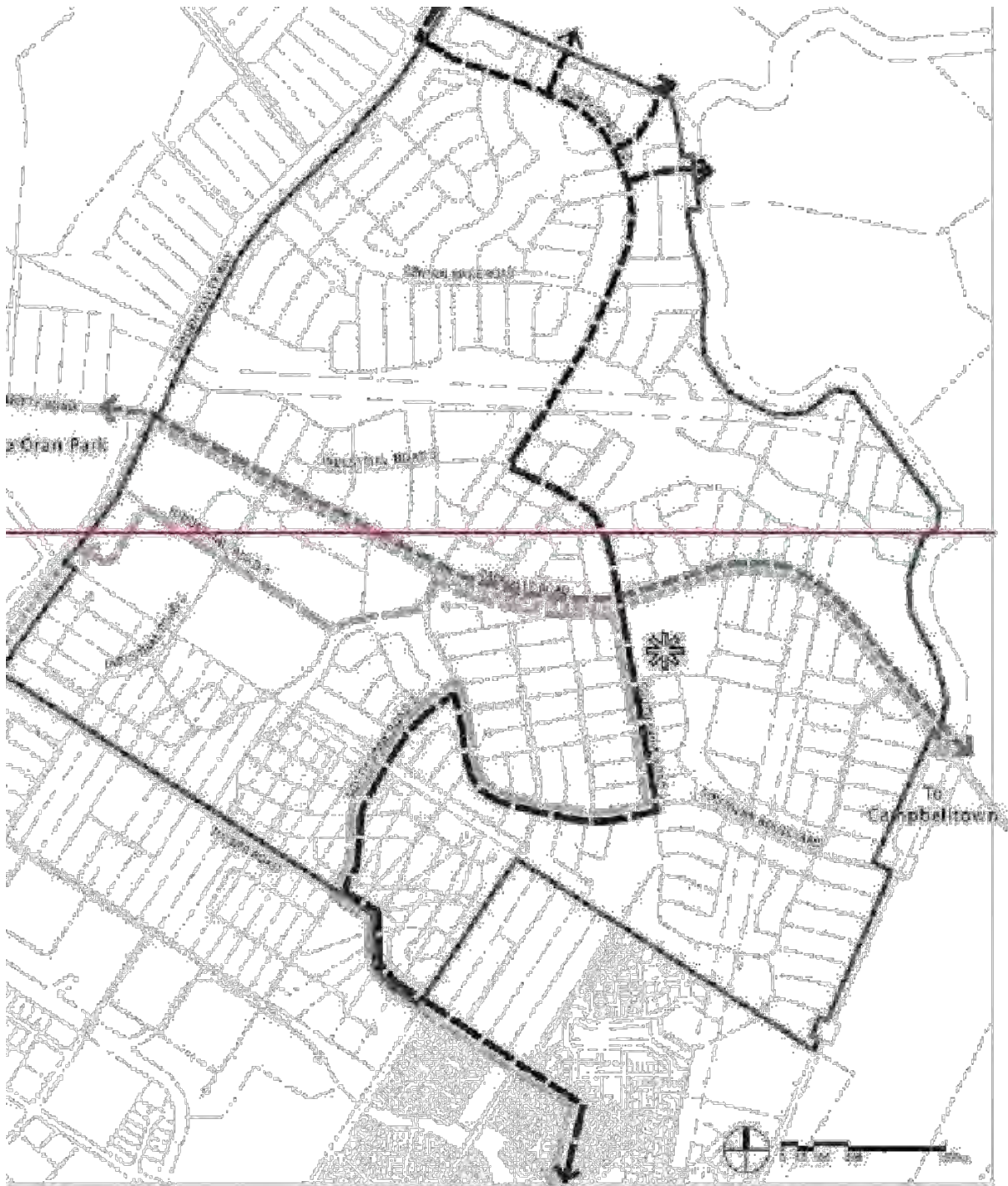
-  Precinct boundary
-  Pedestrian/cycleways within road reserve
-  Pedestrian/cycleways within open space system
-  RTA regional cycle route
-  Indicative local streets
-  Open space

Figure 17: Pedestrian and Cycleway Network



Public Transport

-  Precinct boundary
-  Turner Road to Campbelltown (From Catherine Fields)
-  Turner Road to Campbelltown (From Harrington Park)
-  Turner Road to Campbelltown (From Neillan)
-  Turner Road to Campbelltown (From Gran Park)
-  Indicative local streets
-  Neighbourhood Centre

1.1 Public Parks and Landscape Strategy

Objectives

- 1) To meet the public open space and recreational needs of residents.
- 2) To provide an equitable distribution of public open space and recreation opportunities.
- 3) To ensure high quality design and embellishment of all public open space.

Controls

- 1) Public parks (local and district open space), other open space areas (i.e. riparian corridors) and areas with landscape value are to be provided generally in accordance with Figure 19.
- 2) The minimum provision of open space and facilities including embellishment is to be consistent with the *Oran Park and Turner Road Section 94 Contributions Plan*.
- 3) Public parks are to have a minimum area of 2,000m². The following principles are to be taken into consideration in the location of public parks:
 - parks are to be located as focal points within residential neighbourhoods. All dwellings should be located no further than 400m from a public park.
 - where possible, parks should be co-located with community and education facilities, be highly accessible and linked by pedestrian and / or cycle routes.
 - parks should be located and designed to accommodate remnant vegetation and where appropriate, should be linked to and integrated with riparian corridors, and
 - parks should be generally bordered by streets on all sides with houses oriented towards them for surveillance.
- 4) The detailed design of public parks is to consider:
 - the need for a range of play spaces and opportunities and cater for the range of ages,
 - provision of adequate parking, lighting and waste management facilities,
 - inclusion of interpretative signage detailing local history, Aboriginal cultural values, environmental education themes and the like, and
 - provision of amenities such as seating and shade structures, drinking fountains, street lighting, street and information signs, planter boxes, feature fencing and the like. The design of such elements is to be consistent with Council's *Landscape and Streetscape Elements Manual for Camden*.
- 5) The provision of community parks and facilities (i.e. community association owned facilities) in addition to the required public parks and community facilities is encouraged.
- 6) Where riparian corridors are to be in public ownership, they are to provide opportunities for pedestrian and cycleways, fitness trails and additional open space in a manner that maintains the environmental significance of these areas. A range of themed elements such as boardwalks, eco-pathways, and educational tracks should be incorporated in appropriate locations (i.e. within the 10m riparian corridor buffer). The design of such elements is to be consistent with Council's *Landscape and Streetscape Elements Manual for Camden*.
- 7) A Landscape Plan is to be submitted for each public or community park at the time of subdivision of the adjoining residential area. The selection of landscape species for public open space areas is to consider bush fire risk. The Landscape Plan is to provide details on elements such as:

- earthworks	- street furniture
- plant species and sizes	- play equipment
- utilities and services	- public art
- hard and soft landscaping treatments	- signage and lighting
- any entry statements	- waste facilities
- interpretative material	

- 8) The southern extent (south of Avonlea Street) of the estate boundary to South Creek is to be provided as high quality embellished open space. This area is to incorporate a 10 metre wide strip of general use embellishment along its length, generally located in the centre of the park.

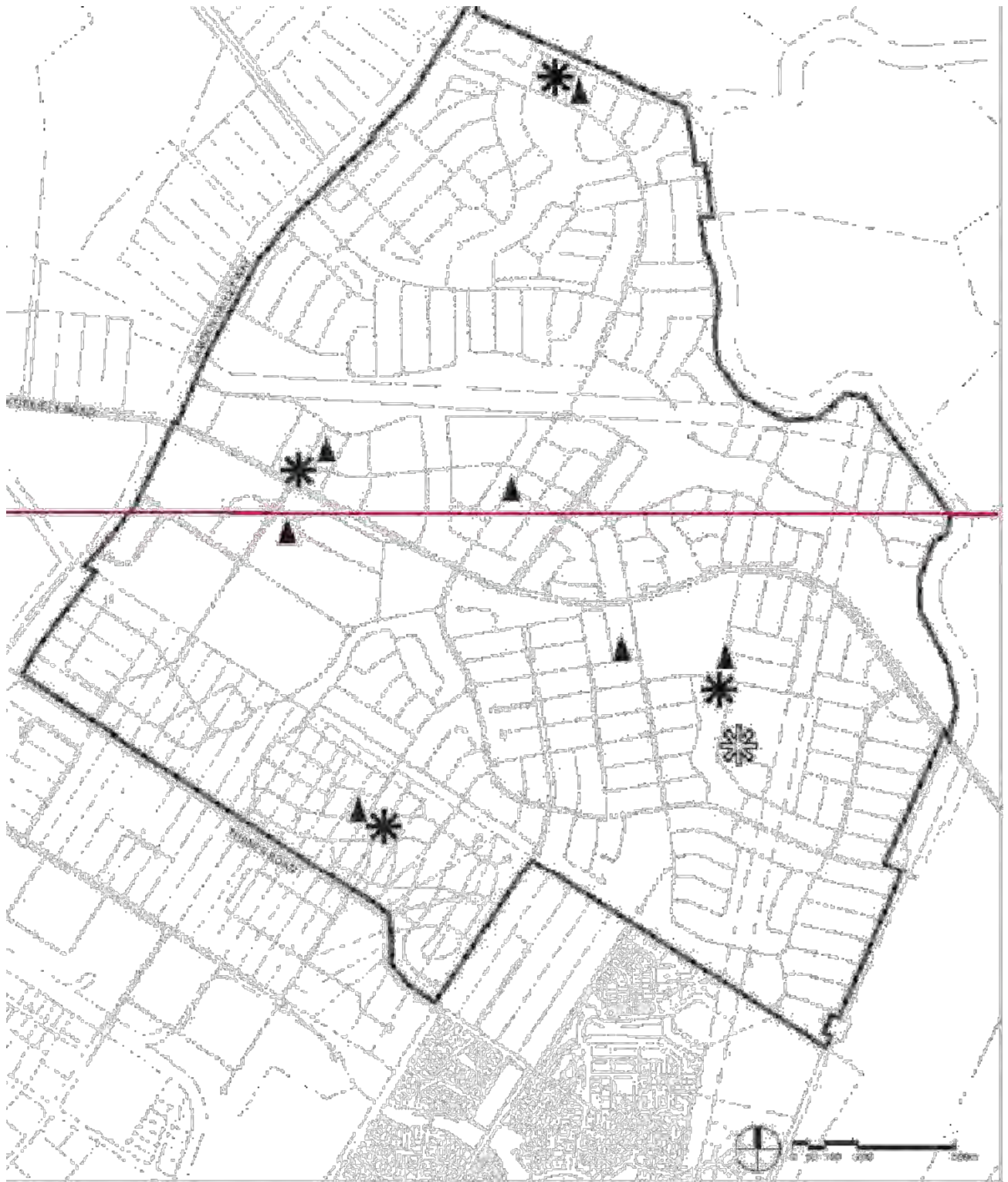


Open Space and Cycle Network






- Precinct boundary
- Public open space
- Pedestrian/cycleways within road reserve
- Riparian corridor
- Pedestrian/cycleways within open space system
- Indicative local streets
- RTA regional cycle route
- RTA 19: Open Space Network Plan
- Indicative local streets
- Open space

ORD07

Attachment 2









Education, Civic and Community Facilities

-  Presinct boundary
-  Community facilities
-  Education facilities
-  Indicative locations for child care centres
-  Indicative local streets



Pedestrian and Cycle Network Facilities

-  Precinct boundary
 -  Pedestrian/cycle ways within road reserve
 -  Pedestrian/cycle ways within open space system
 -  Indicative locations for child care centres
 -  RIA regional cycle route
 -  Indicative local streets
- Figure 20: Education, Civic and Community Facilities

ORD07

Objectives

- 1. To protect, restore and enhance the environmental qualities of water courses, in particular South Creek.
- 2. To ensure that the development has a neutral or beneficial impact on the quality and quantity of water and water courses.
- 3. To allow the use of riparian corridor buffers for low impact recreation activities such as walking and cycling.
- 4. To manage riparian corridors, wherever possible, in single ownership and as a continuous corridor.

Controls

- 1. Riparian corridors are to be provided in accordance with the Clan Park and Turner Road Waterfront Land Strategy 2009.
- 2. Riparian corridors are to be provided in accordance with the Clan Park and Turner Road Waterfront Land Strategy 2009 (The Strategy, except where located within Gregory Hills. The Strategy no longer applies where no consent has been rezoned in accordance with State Environmental Planning Policy (Sydney Region Growth Centres) 2008).
- 3. Development in and adjoining riparian corridors shall be consistent with Part B2 of this DCP. In the event of any inconsistency between this DCP and the Waterfront Land Strategy, the Waterfront Land Strategy prevails.

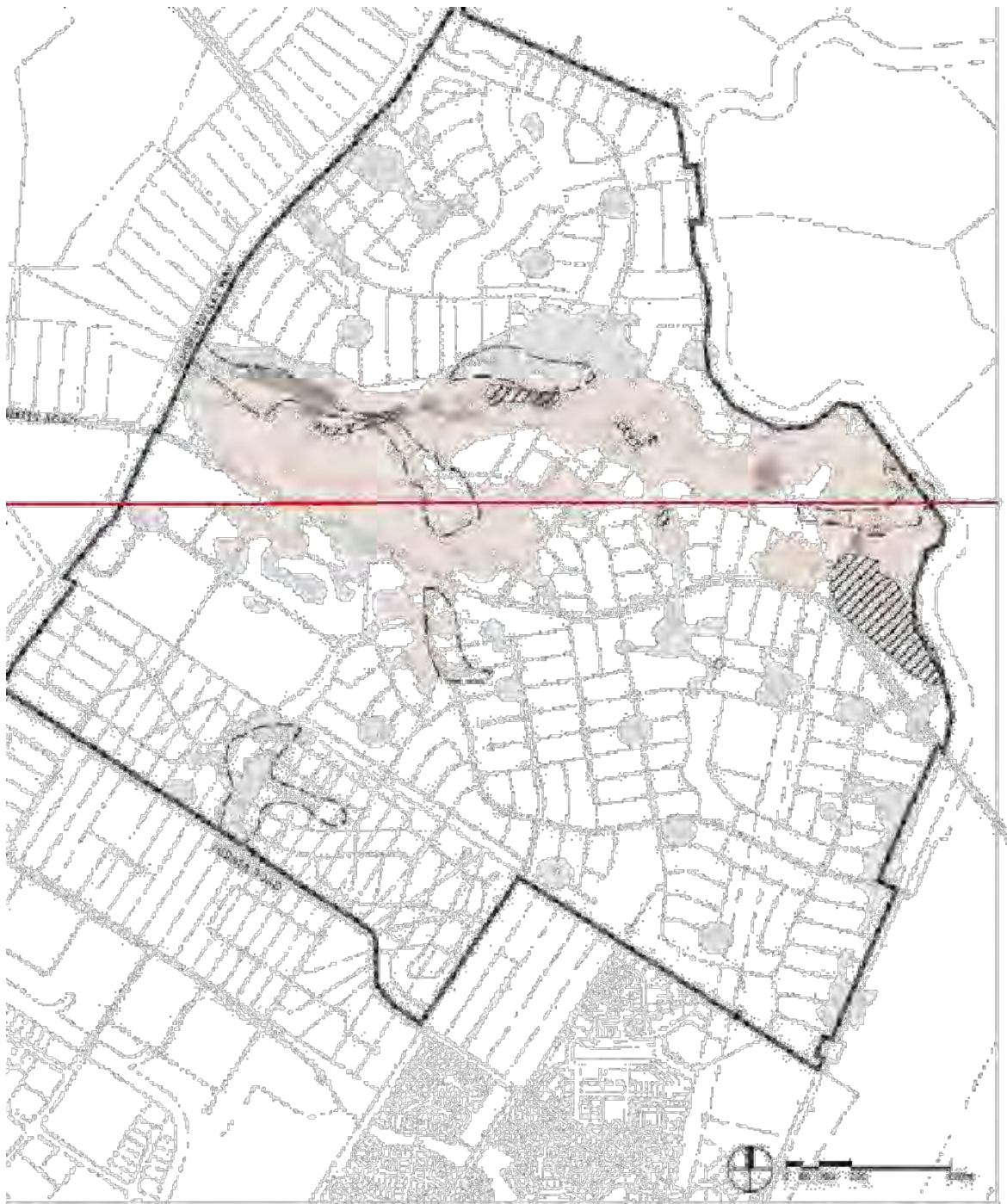
2 Flooding and Watercycle Management**Objectives**

- 1. To minimise the potential impact of flooding on development.
- 2. To incorporate best practice stormwater management principles and strategies in development proposals.
- 3. To mitigate the impacts of urban development on stormwater quality.
- 4. To control the impacts of urban development on channel bed and bank erosion by controlling the magnitude and duration of sediment-transporting flows.
- 5. Limit changes in flow rate or flow duration within the receiving waterway as a result of development.






Controls

- 1. No residential allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. within the flood planning area). Pedestrian and cycle pathways and open space may extend within the 1% AEP flood level, provided that the safe access criteria contained in the NSW Floodplain Manual are met.
- 2. Management of minor flows using piped systems for the 20% AEP (residential land use) and 10% AEP (commercial land use) shall be in accordance with Camden Council's Engineering Design Specification - Subdivision and Development Works. Management measures shall be designed to:
 - prevent damage by stormwater to the built and natural environment,
 - reduce nuisance flows to a level which is acceptable to the community,
 - provide a stormwater system which can be economically maintained and which uses open space in a compatible manner,
 - control flooding,
 - minimise urban water run-off pollutants to watercourses, and
 - meet the standards for a 20% AEP flood level.

Attachment 2

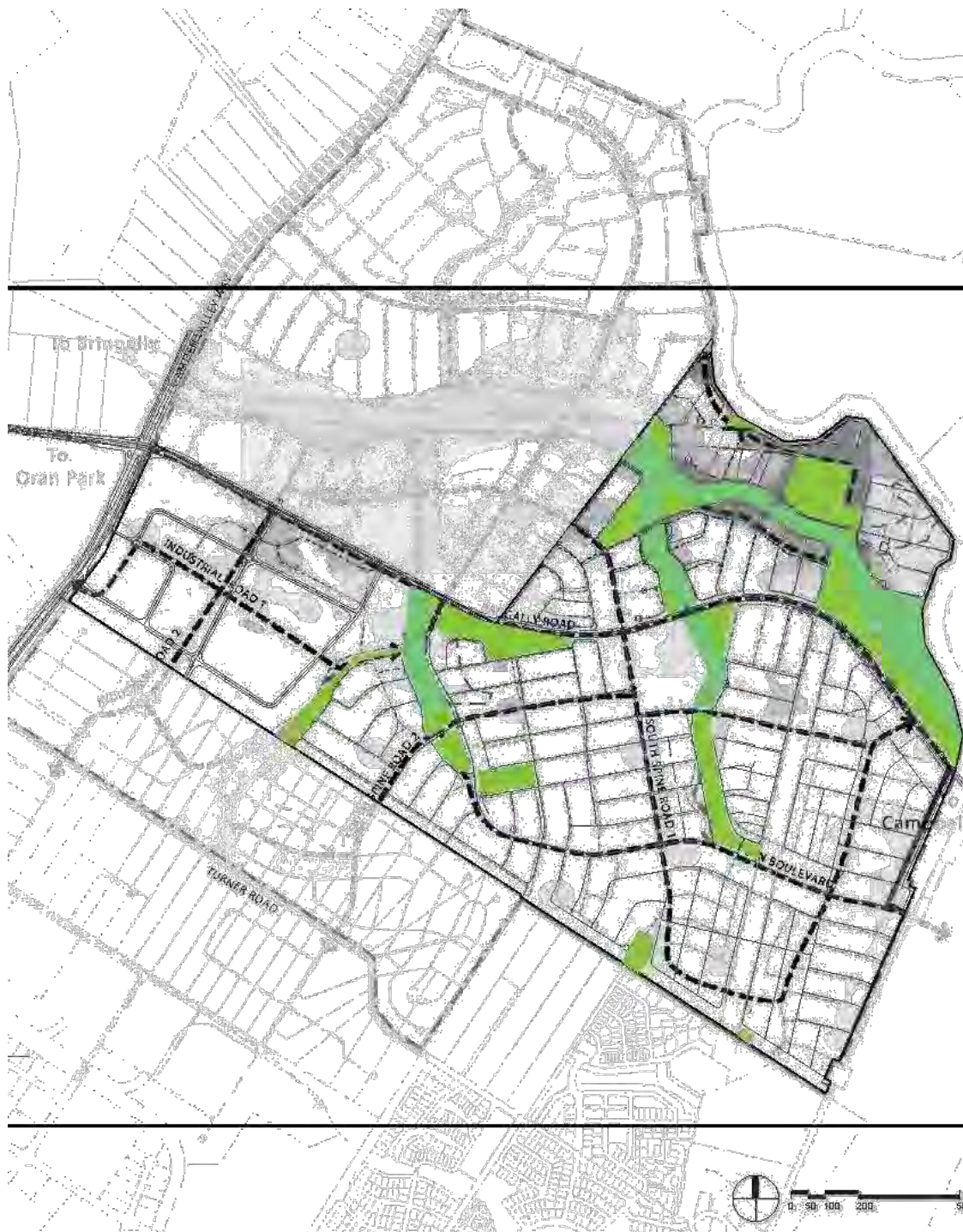


Salinity Constraints

-  Parcel boundary
-  Approximate region where development may be constrained by very saline soil at depths of the order of 1m.
-  Approximate region where development may be constrained by moderately saline soil at depths of the order of 1m.
-  Approximate region of known salinity where development may be constrained due to surface soil salinity.
-  Observed salt efflorescence and area of salt-tolerant vegetation indicating regions where development may be constrained due to surface soil salinity.

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Attachment 2



Salinity Constraints






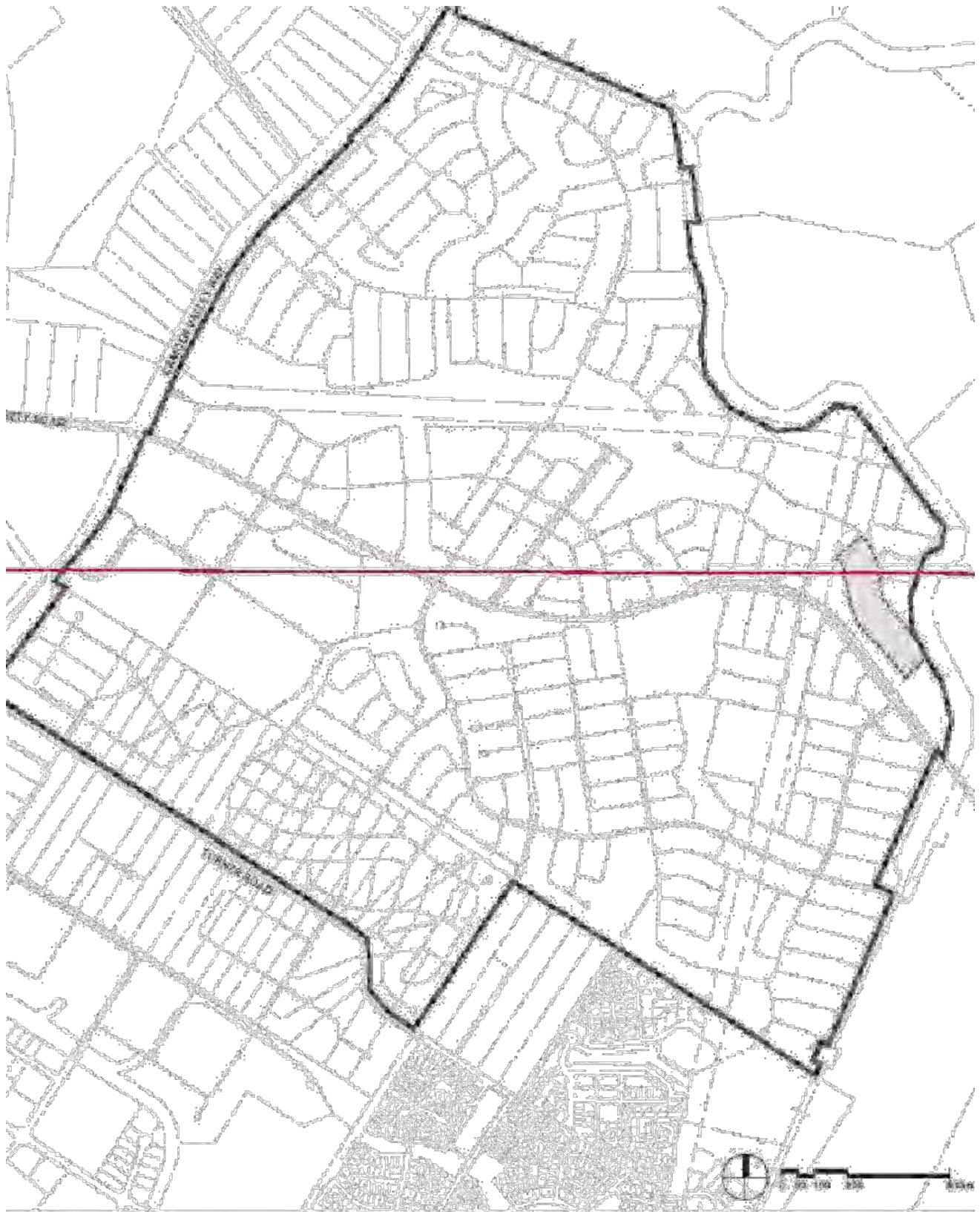
-  Precinct boundary
-  Approximate region where development may be constrained by very saline soil at depths of the order of 1m.
-  Approximate region where development may be constrained by moderately saline soil at depths of the order of 1m.
-  Approximate region of known salinity where development may be constrained due to surface soil salinity.
-  Observed salt efflorescence and area of salt-tolerant vegetation indicating regions where development may be constrained due to surface soil salinity.

Figure 21: Areas Constrained by Salinity



Archaeology

- Precinct boundary
- Conservation areas






22: Aboriginal Archaeological Conservation Areas

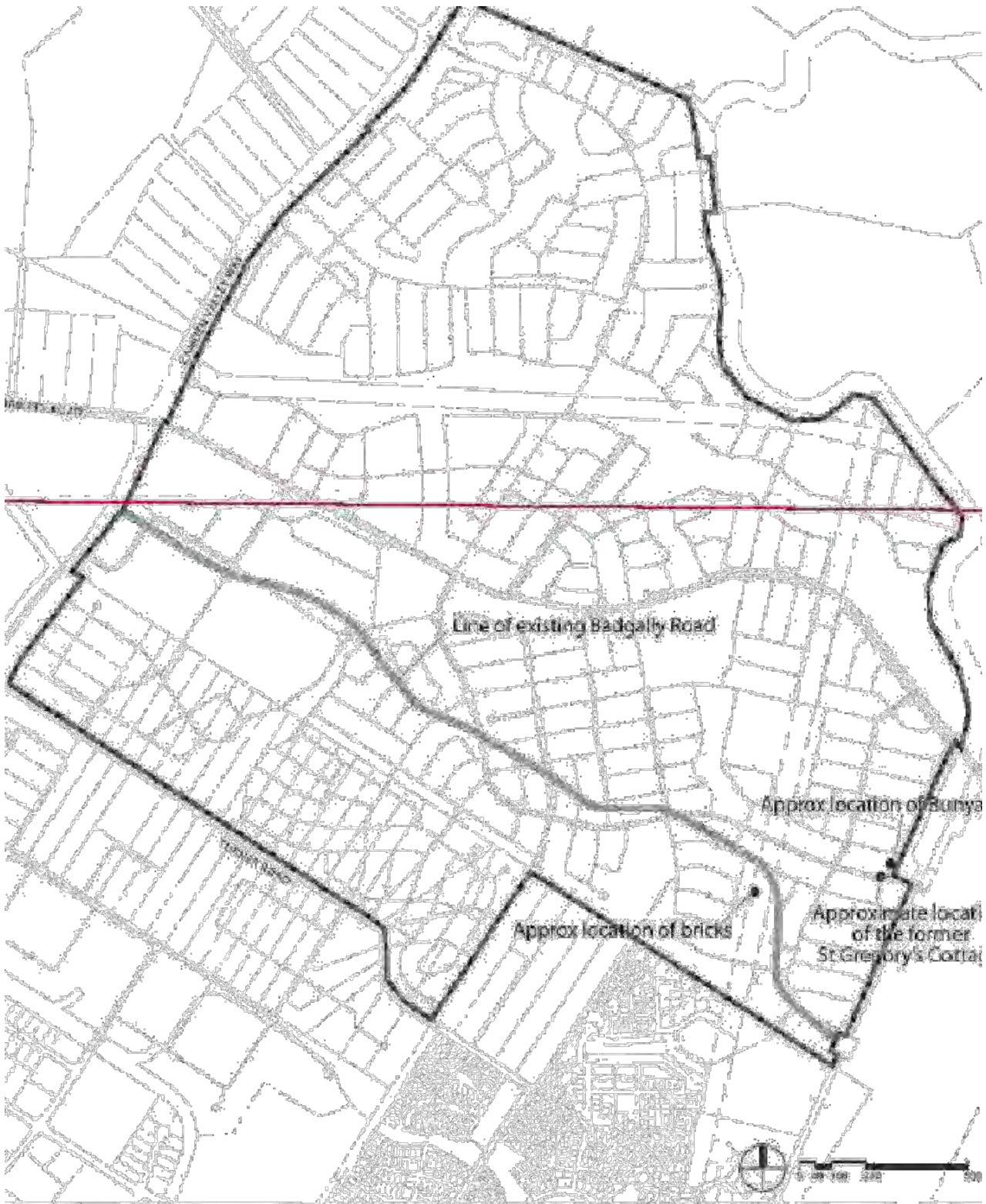
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Attachment 2



Legend

-  Precinct boundary
-  Pedestrian/cycleways within road reserve
-  Pedestrian/cycleways within open space system
-  Aboriginal Archaeological Conservation Areas
-  RTA regional cycle route
-  Indicative local streets
-  Open space



European Heritage




-  Predicted boundary
-  Line of existing Badgally Road
-  Approximate locations where relics or other historic features may be found

Figure 23: Elements of European Heritage Significance

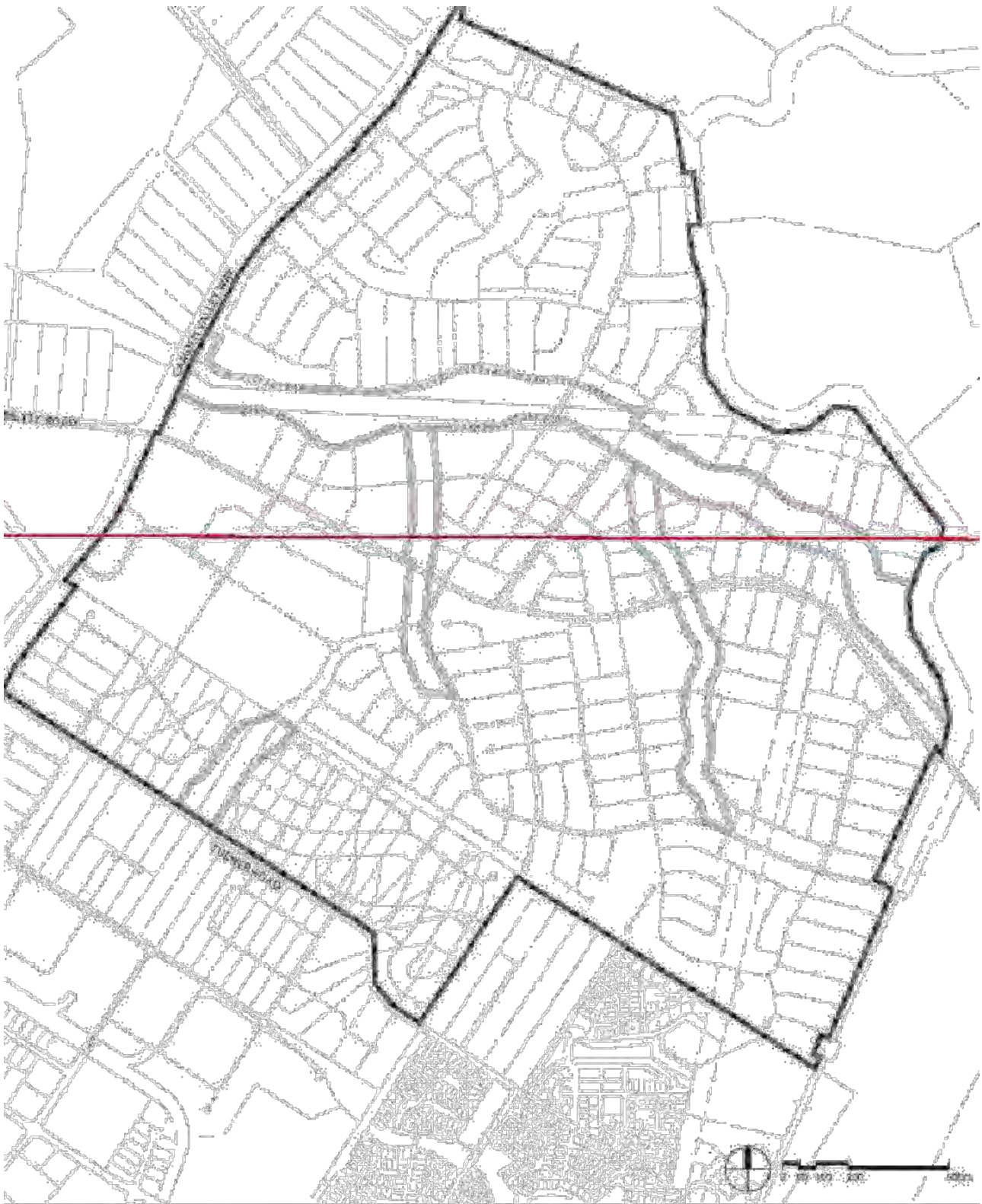
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Attachment 2



Open Heritage Network

- Precinct boundary
- Precinct boundary (locally within road reserve)
- Approximate locations where relics of the street/cycleways within open space system
- Elements of European Heritage Significance
- Indicative local streets
- Open space



Asset Protection Zones




-  Precinct boundary
-  15m APZ
-  10m APZ

Figure 24: Indicative Location of Asset Protection Zones

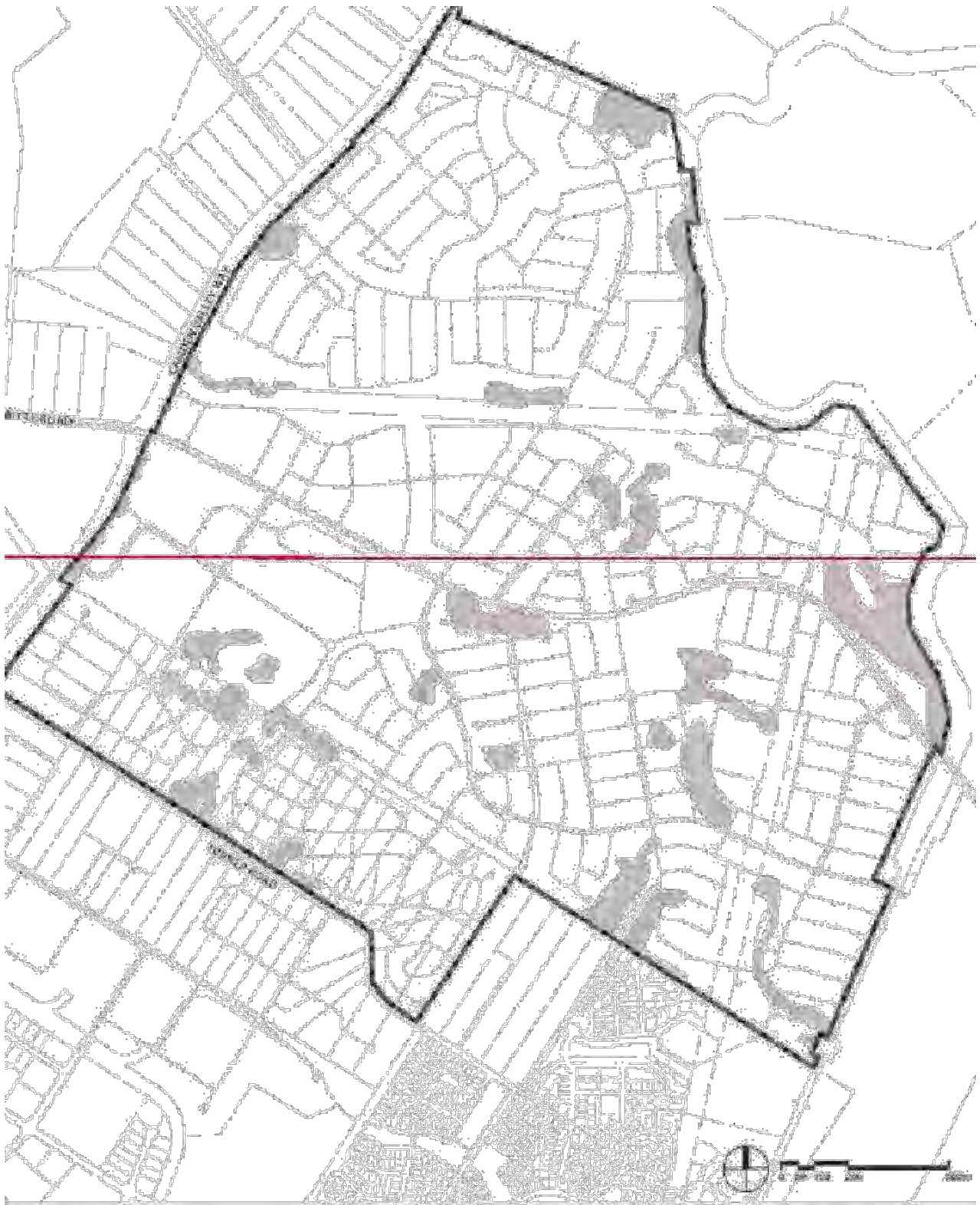
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Attachment 2






Indicative Location of Asset Protection Zones

- Precinct boundary
- Indicative location of Asset Protection Zones
- Indicative local streets
- Open space

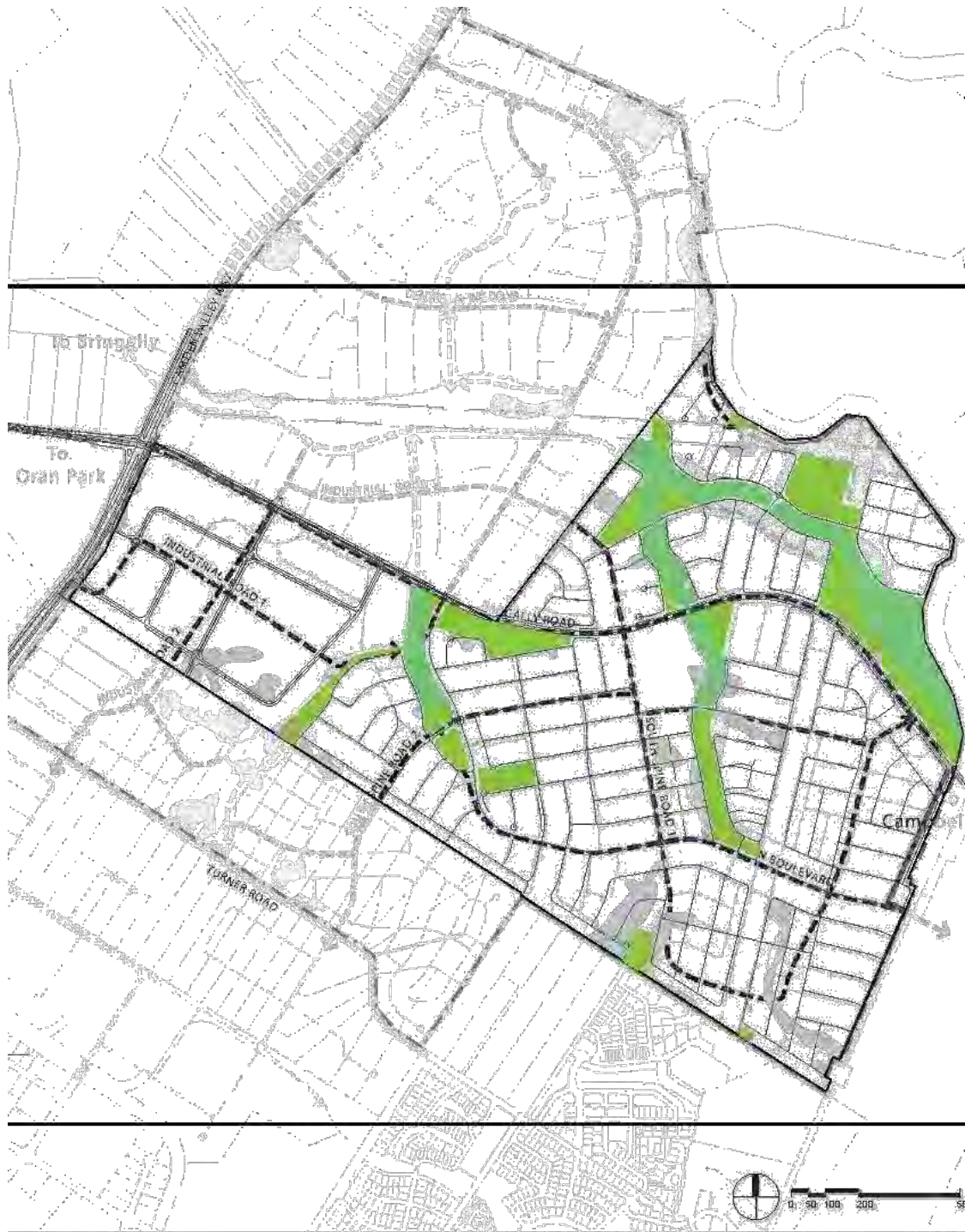


Remnant Vegetation

-  Precinct boundary
-  Moderate significance vegetation
-  Areas of Significant Remnant Vegetation

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Attachment 2



Urban Vegetation Network

- Precinct boundary
- Pedestrian/cycleways within road reserve
- Pedestrian/cycleways within open space system
- Areas of Significant Remnant Vegetation
- RTA regional cycle route
- Indicative local streets
- Open space



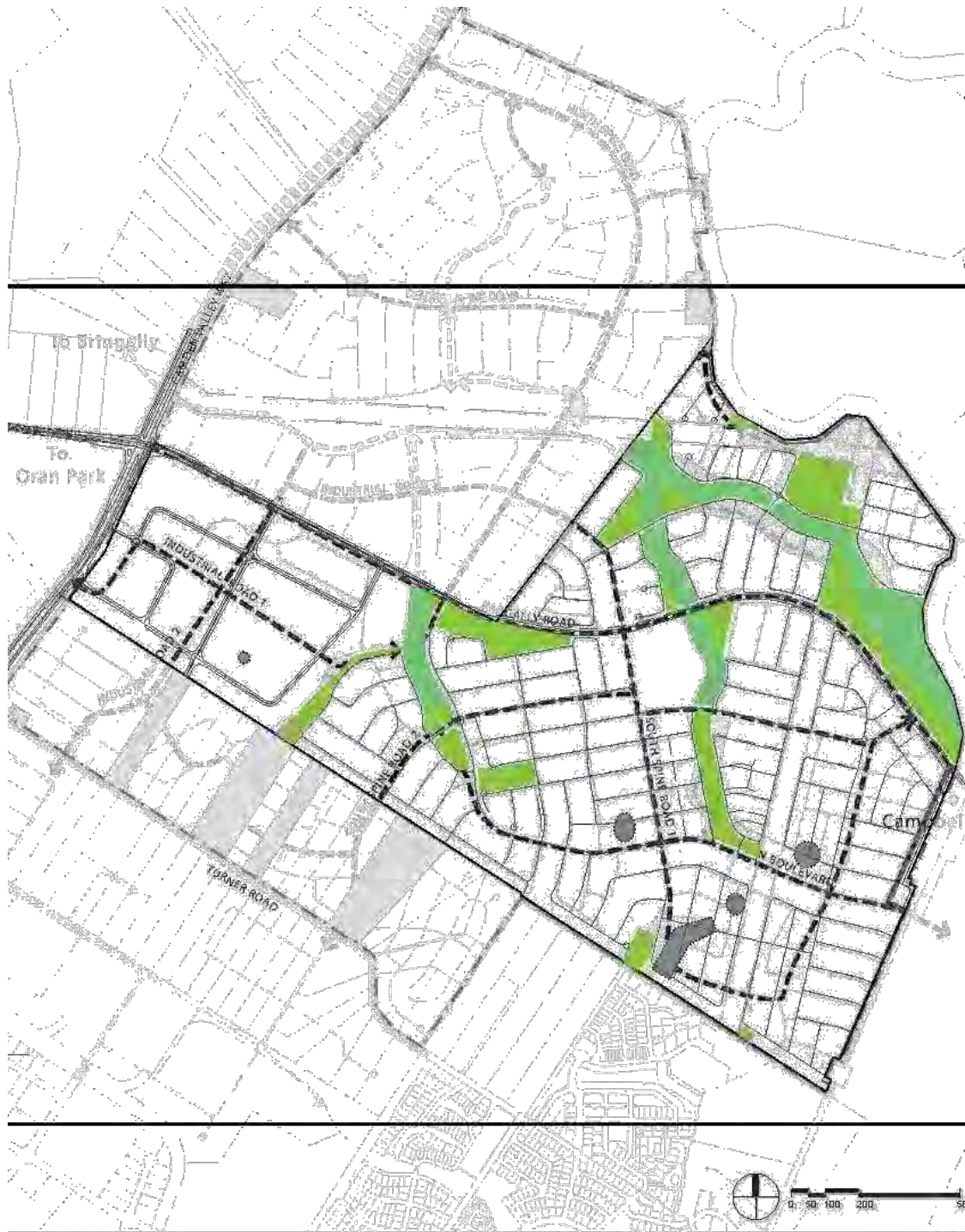
nd Contamination

- Precinct boundary
- Areas of Environmental Concern

26: Areas of Environmental Concern:

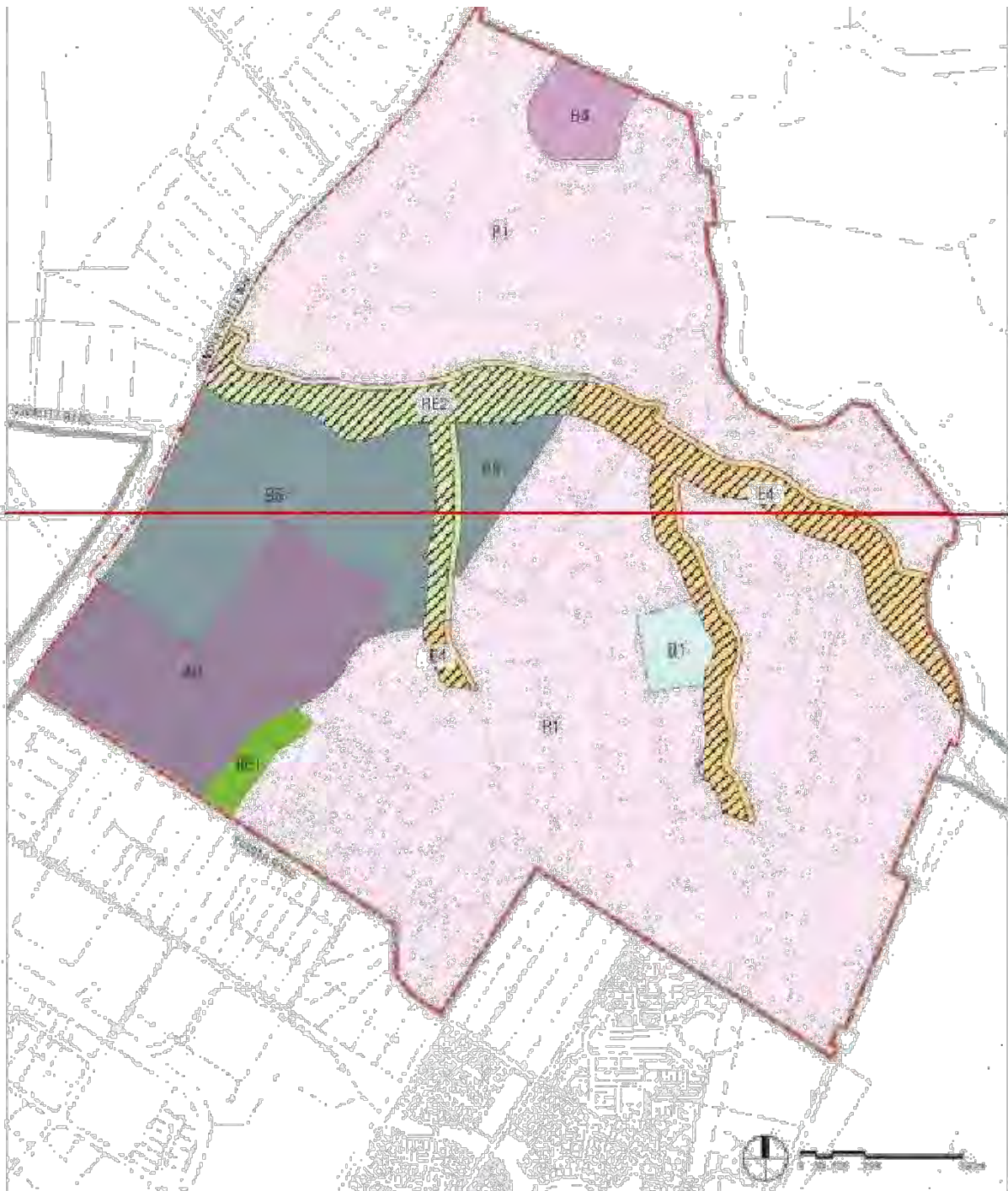
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Attachment 2



Local Green and Cycle Network

- Precinct boundary
- Pedestrian/cycleway within road reserve
- Pedestrian/cycleway within open space system
- Area 26: Areas of Environmental Concern
- RTA regional cycle route
- Indicative local streets
- Open space



Riparian Protection Areas

- | | | | |
|---|--------------------------|---|-----------------------------------|
|  | Riparian Protection Area |  | Public Recreation |
|  | Neighbourhood Centre |  | Private Recreation |
|  | Mixed Use |  | South West Growth Centre Boundary |
|  | Business Development |  | Precinct boundary |
|  | Environmental Living | | |
|  | General Industrial | | |
|  | General Residential | | |

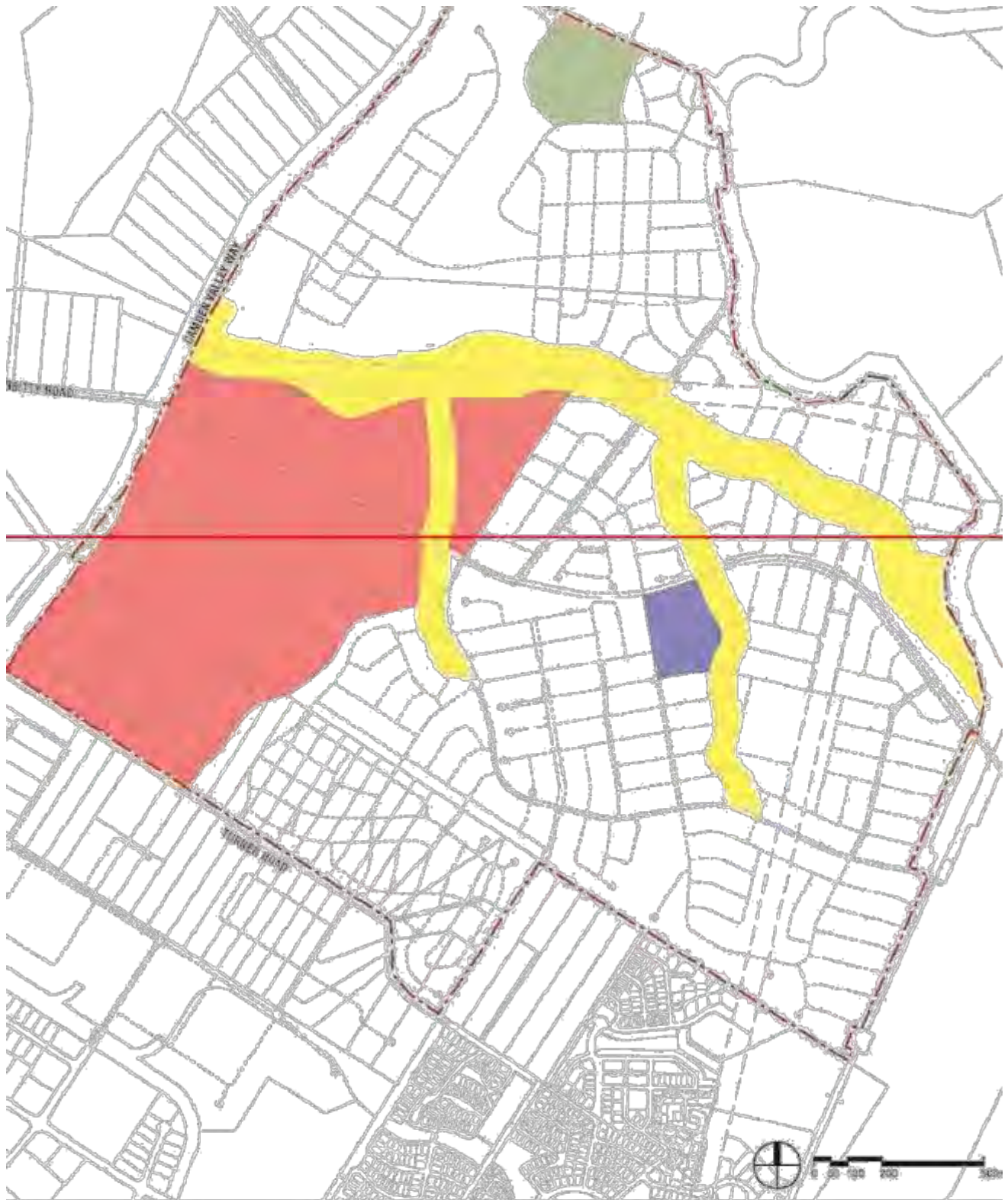
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Attachment 2







Riparian Protection Areas

- | | | | |
|---|--------------------------|---|-----------------------------------|
|  | Riparian Protection Area |  | Public Recreation |
|  | Neighbourhood Centre |  | Private Recreation |
|  | Mixed Use |  | South West Growth Centre Boundary |
|  | Business Development |  | Princt boundary |
|  | Environmental Living | | |
|  | General Industrial | | |
|  | General Residential | | |

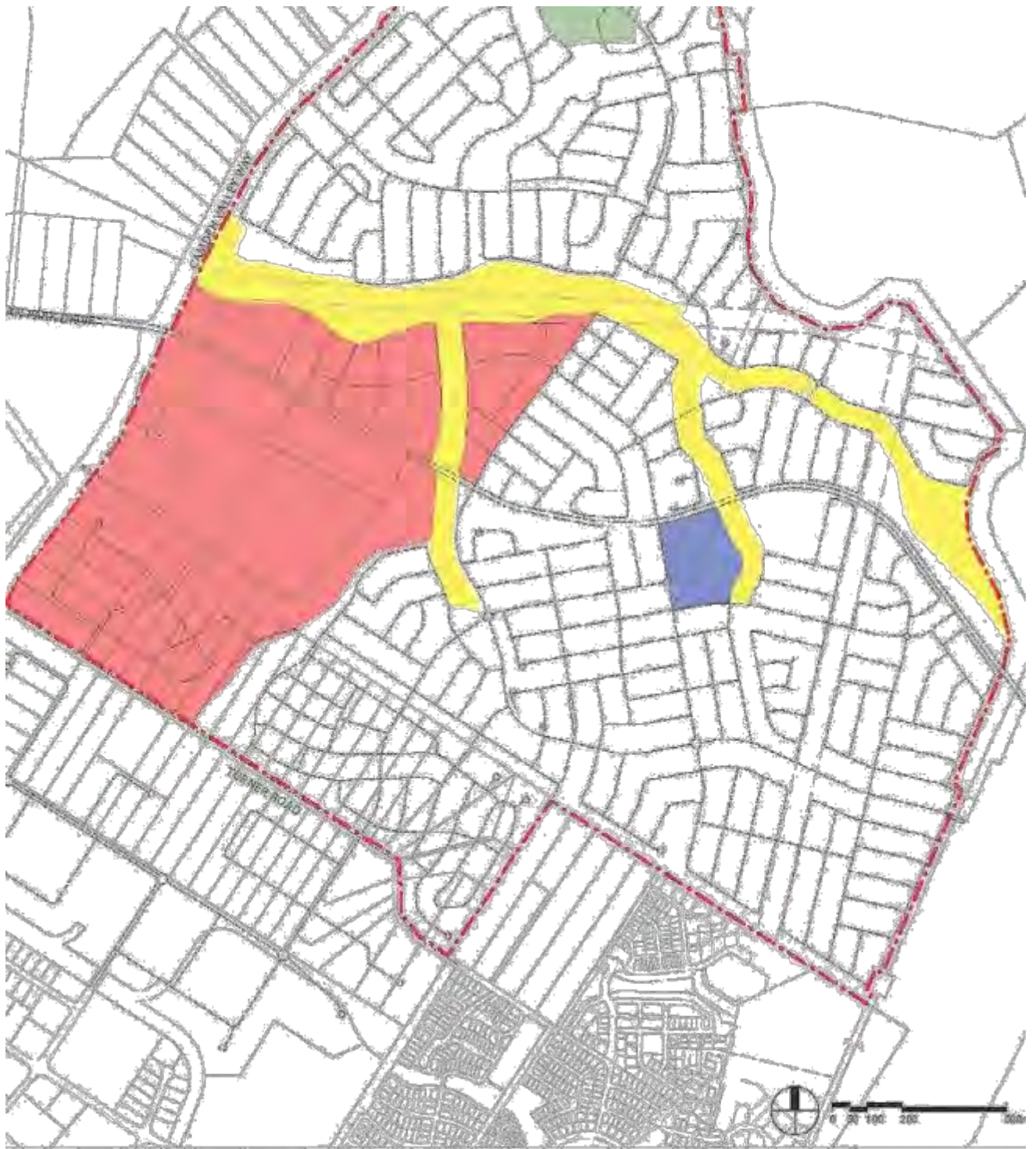


Special Areas Requiring a Part B DCP






-  Precinct boundary
-  Land containing a Riparian Protection Area
-  Turner Road Neighbourhood Centre
-  Turner Road Employment Area

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Attachment 2



Special Areas Requiring a Part B DCP

-  Precinct boundary
-  Land containing a Riparian Protection Area
-  Turner Road Neighbourhood Centre
-  Turner Road Employment Area
-  Entertainment Precinct



lindsaytaylorlawyers
planning - environment - local government

**Gregory Hills Planning Agreement
Third Deed of Variation**

Under cl25(C) of the *Environmental Planning and Assessment Regulation 2000*

Camden Council

Dart West Developments Pty Limited

Trustees of the Marist Brothers

Date:

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Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



Gregory Hills Planning Agreement Third Deed of Variation

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Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



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Gregory Hills Planning Agreement Third Deed of Variation

Summary Sheet

Council:

Name: Camden Council
Address: 37 John Street, CAMDEN NSW 2570
Telephone: (02) 4654 7777
Facsimile: (02) 4654 7829
Email: mail@camden.nsw.gov.au
Representative: General Manager

Developer:

Name: Dart West Developments Pty Limited
Address: PO Box 228, NARELLAN NSW 2567
Telephone: (02) 4648 5511
Facsimile: (02) 4623 8925
Email: david.taylor@dartwest.com.au
Representative: Mr David Taylor – General Manager, Property

Landowner:

Name: Trustees of Marist Brothers
Address: PO Box 1247, MASCOT NSW 1460
Telephone: (02) 9218 4022
Facsimile: (02) 9218 4084
Email: anthony.robinson@marists.org.au
Representative: Br Anthony Robinson

Attachment 3

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



Gregory Hills Planning Agreement – Third Deed of Variation

Under cl25C of the *Environmental Planning and Assessment Regulation 2000*

Parties

Camden Council ABN 31 117 341 764 of 37 John Street, CAMDEN NSW 2570
(Council)

and

Dart West Developments Pty Limited ABN 32 107 685 370 of PO Box 228, NARRELLAN NSW 2567 **(Developer)**

and

Trustees of the Marist Brothers ABN 91 064 875 510 of PO Box PO Box 1247, MASCOT NSW 1460 **(Landowner)**

Background

- A The Parties are parties to the Planning Agreement.
- B The Parties have agreed to amend the Planning Agreement with respect to changes to the boundaries of riparian corridors, as well as additional areas for open space, with consequential changes to Schedule 3 to reflect such amendments.

Operative provisions

1 Interpretation

- 1.1 In this Deed the following definitions apply:
 - Deed** means this Deed and includes any schedules, annexures and appendices to this Deed.
 - Planning Agreement** means the Gregory Hills Planning Agreement pursuant to s93F of the Act entered into between the Parties on 4 May 2012 and amended on 26 February 2013, 10 December 2013 and 9 December 2014.
- 1.2 Except as provided by clause 1.1, all capitalised words used in this Deed that are defined in clause 1.1 of the Planning Agreement have the same meaning as in the Planning Agreement.
- 1.3 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



ORD07

Attachment 3

- 1.3.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
- 1.3.2 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.3.3 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.3.4 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.3.5 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.3.6 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.3.7 A reference to this Deed includes the agreement recorded in this Deed.
- 1.3.8 A reference to a party to this Deed includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- 1.3.9 Any schedules, appendices and attachments form part of this Deed.

2 Status of this Deed

- 2.1 This Deed is an amendment to the Planning Agreement within the meaning of clause 25C(3) of the Regulation.

3 Commencement

- 3.1 This Deed takes effect on the date when all Parties have executed this Deed.
- 3.2 The Party who executes this Deed last is to insert on the front page the date they did so and provide a copy of the fully executed and dated Deed to any other person who is a Party.

4 Warranties

- 4.1 The Parties warrant to each other that they:
- 4.1.1 have full capacity to enter into this Deed, and
- 4.1.2 are able to fully comply with their obligations under this Deed and the Planning Agreement as modified by this Deed.

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



5 Amendment to Planning Agreement

- 5.1 On and from the date this Deed takes effect:
- 5.1.1 the Planning Agreement is amended in accordance with the marking-up shown on the copy of the Planning Agreement contained in Appendix 1, and
 - 5.1.2 the table in Schedule 3 of the Planning Agreement is deleted and replaced with the table contained in Appendix 2.

6 Costs

- 6.1 The Developer is to pay to the Council the Council's costs of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.

7 Entire Deed

- 7.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 7.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

8 Governing Law and Jurisdiction

- 8.1 This Deed is governed by the law of New South Wales.
- 8.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 8.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

9 No Fetter

- 9.1 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

10 Severability

- 10.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



- 10.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

11 Explanatory Note

- 11.1 The Appendix 3 contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 11.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Deed.

DRAFT

ORD07

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager or delegate

Witness/Name/Position

Executed on behalf of Dart West Developments Pty Limited in
accordance with s127(1) of the Corporations Act (Cth) 2001

Name/Position

Name/Position

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



ORD07

Executed on behalf of Trustees of the Marist Brothers. Each attorney signing this document under a power of attorney certifies, by the attorney's signature, that the attorney has no notice of the revocation of the power of attorney.

I certify that the person signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed the instrument in my presence.

Signed, sealed and delivered by the persons named below who signed this instrument on behalf of **Trustees of the Marist Brothers** pursuant to power of attorney dated 2 April 2014 registered with Land & Property Information (NSW) Book 4665 No. 548.

 Witness (Signature)

 Attorney (Signature)

 Name of Witness (Print Name)

 Name of Attorney (Print Name)

I certify that the person signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed the instrument in my presence.

Signed, sealed and delivered by the persons named below who signed this instrument on behalf of **Trustees of the Marist Brothers** pursuant to power of attorney dated 2 April 2014 registered with Land & Property Information (NSW) Book 4665 No. 548.

 Witness (Signature)

 Attorney (Signature)

 Name of Witness (Print Name)

 Name of Attorney (Print Name)

Attachment 3

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Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



Appendix 1

(Clause 5.1.1)

Amended Planning Agreement

The Planning Agreement as amended by this Deed appears on the following pages.

Attachment 3

DRAFT

**Gregory Hills
Planning Agreement**

Under s93F of the *Environmental Planning and Assessment Act 1979*

**Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers**

DRAFT

Date:

ORD07

Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

ORIGIN AND AMENDMENTS

Gregory Hills Planning Agreement (VPA) Origin:

Execution as an Agreement Dated: 4 May 2012

Amendments to Gregory Hills Planning Agreement (VPA):

Amendment No.	Date Adopted	Date in Effect	Description
1	26 February 2013	31 May 2013	Gregory Hills VPA Variation includes changes to schedule 3 (Clause 35-39, 107-111 and 137).
2	10 December 2013	24 December 2013	Gregory Hills VPA Amendments including changes to clauses 12, 13, 25, 36, schedule 1 & schedule 3 and the inclusion of a new Appendix A.
3	<u>need date</u> 9 December 2014	<u>need date</u> 16 December 2014	Gregory Hills VPA Amendment to include additional open space shown on VPA Plan 3 and to amend Schedule 3 to include the additional open space land dedication and embellishment works. Schedule 3 is also amended for TL5 to correct the area of land to be dedicated and embellished.
4	<u>date to be</u> inserted	<u>date to be</u> inserted	Gregory Hills VPA Amendments to amend boundaries of riparian corridors, incorporate additional open space and amend Schedule 3 to reflect these changes.

Gregory Hills VPA - Origin and Amendments

Adopted: 1Insert Date
 Date in Effect: Insert Date

2

Attachment 3

Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Dart West Gregory Hills Planning Agreement

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24	Provision of Security	<u>212120</u>
25	Release & return of Security	<u>222221</u>
26	Call-up of Security	<u>222221</u>
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27	Recovery of cost of Work carried out by the Council	<u>232322</u>
28	Enforcement in a court of competent jurisdiction	<u>232322</u>
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36	Notices	<u>282827</u>
37	Approvals and Consent	<u>292928</u>
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45	Representations and Warranties	<u>303029</u>
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49	GST	<u>313130</u>
50	Explanatory Note relating to this Agreement	<u>323231</u>
Schedule 1		<u>333332</u>
Schedule 2		<u>42424038</u>
Schedule 3		<u>43434139</u>
Execution		<u>444442868488</u>
Appendix A		<u>464644888690</u>
1.1	Flooding and Watercycle Management	<u>464644888690</u>

Dart West Gregory Hills Planning Agreement

Summary Sheet

Council:

Name: Camden Council
Address: 37 John Street, CAMDEN NSW 2570
Telephone: (02) 4654 7777
Facsimile: (02) 4654 7829
Email: mail@camden.nsw.gov.au
Representative: ~~Mr Ron Moore~~ The General Manager

Developers:

Name: Dart West Developments Pty Limited
Address: PO Box 228, NARELLAN NSW 2567
Telephone: (02) 4648 5511
Facsimile: (02) 4623 8925
Email: david.taylor@dartwest.com.au
Representative: Mr David Taylor – General Manager, Property

Landowner:

Name: Trustees of the Marist Brothers
Address: PO Box 138, ~~DRUMMOYNE NSW 1470~~ 1247, Mascot NSW 1460
Telephone: (02) 9819 66229218 4022
Facsimile: (02) 9819 61849218 4084
Email: anthony.robinson@marists.org.au
Representative: Br Anthony Robinson – Provincial Secretary

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See Schedule 3.

Application of s94, s94A and s94EF of the Act:

See clause 5.

Security:

See clauses 11.1.2, 24 and 32.

Registration:

Yes. See clause 31.

Restriction on dealings:

See clause 33.

Dispute Resolution:

Expert determination and mediation. See clauses 29 and 30.



Dart West Gregory Hills Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Camden Council ABN 31 117 341 764 of 37 John Street, Camden, New South Wales
(Council)

and

Dart West Developments Pty Limited ABN 32 107 685 370 of PO Box
228, Narellan NSW 2567 (Developer)

and

Trustees of the Marist Brothers ABN 91 064 875 510 of PO Box 438,
Drummoyne NSW 1470 1247, Mascot NSW 1460 (Landowner)

Background

- A The Landowner is the owner of the Land.
- B The Developer proposes to carry out the Development.
- C The Developer and the Landowner propose to make Development Contributions in connection with the carrying out of the Development in accordance with this Agreement.

Operative provisions

Part 1 - Preliminary

1 Definitions & Interpretation

- 1.1 In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Agreement means this Agreement and includes any schedules, annexures and appendices to this Agreement.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) one of the following trading banks:
 - (i) Australia and New Zealand Banking Group Limited,
 - (ii) Commonwealth Bank of Australia,
 - (iii) Macquarie Bank,
 - (iv) National Australia Bank Limited,
 - (v) St George Bank Limited,
 - (v) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council in its absolute discretion.

Construction Certificate has the same meaning as in the Act.

Contribution Item or **Item** means an item or part of an item specified or described in Column 1 of Schedule 3.

Contribution Value means:

- (a) the amount contained in Column 7 of Schedule 3, in respect of Contribution Items contained in Schedule 3 as at the date of this Agreement; or
- (b) the amount agreed between the Parties in respect of any Contribution Items not included in Schedule 3 at the date of this Agreement,

indexed from ~~September 2011~~ ~~March 2012~~ in accordance with the *Consumer Price Index (All Groups - Sydney)* published by the Australian Bureau of Statistics

CP means the *Oran Park and Turner Road Precincts Section 94 Contributions Plan*.

Defects Liability Period means the period commencing on the date on which a Work is taken to be complete under clause 19 of this Agreement and ending 12 months after that date.

Deferred Work Security means the Security provided under clause 11.1.2 of this Agreement.

Development means the development specified or described in Schedule 2.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose.

Final Lot means a lot which is not intended to be further subdivided (by any means including strata subdivision) for the purposes of the Development.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Indicative Staging Plan means the Plans entitled ~~VPA Plan 1 – Gregory Hills, VPA Plan 2 – Gregory Hills, VPA Plan 3 – Gregory Hills~~ Gregory Hills VPA Plan - Overview, as varied by agreement between all of the Parties from time to time.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

Land means the land shown edged in heavy red on the Plan entitled *Land Covered by VPA – Gregory Hills*.

LG Act means the *Local Government Act 1993*.

LPI means Land and Property Information.

Maintenance Period means, in relation to a Contribution Item, a period of 5 years from the date of completion of the Contribution Item within the meaning of this Agreement.

Masterplan means the Plan entitled *Gregory Hills Masterplan*.

Party means a party to this agreement, including their successors and assigns.

Plan means a plan in the Plan Package.

Plan Package means the suite of plans contained in Schedule 1.

Plan of Management means a plan of management within the meaning of s36 of the LG Act.

Principal Certifying Authority has the same meaning as in the Act.

Rectification Notice means a notice in writing that identifies a defect in a Work and requires rectification of the defect within a specified period of time.

Registrar-General means the Registrar-General referred to in the *Real Property Act 1900*.

Registration Security means a Security provided under clause 31.3 of this Agreement.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Relevant Stage means:

- (a) in respect of a Contribution Item that is located wholly within a Stage, the Stage within which that Contribution Item is located,
- (b) in respect of a part of a Contribution Item where that Item is located in more than one Stage, the Stage within which the part of the Contribution Item is located,

as identified in the Indicative Staging Plan and Column 2 of the Table to Schedule 3.

Security means a Bank Guarantee, or a bond or other form of security to the satisfaction of the Council.

Stage means a stage of the Development, as shown on the Indicative Staging Plan.

Subdivision Certificate has the same meaning as in the Act.

Superlot means any part of the Land in relation to which the Developer proposes to sell Final Lots which are not yet created, and which does not include any part of the Land to be dedicated under this Agreement.

Surplus Credit means \$426,459.00 indexed in accordance with clause 9.3 in the same manner as monetary Development Contributions.

Vegetation Management Plan means a plan that contains provisions relating to the establishment and maintenance of land.

WIK Agreement means the works-in-kind agreement entered into between the Developer and the Council on 12 January 2011.

Work means the physical result of any building, engineering or construction work in, on, over or under land required to be carried out by the Developer under this Agreement.

- 1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:
- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
 - 1.2.2 A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
 - 1.2.3 If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
 - 1.2.4 A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
 - 1.2.5 A reference in this Agreement to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
 - 1.2.6 A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
 - 1.2.7 A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
 - 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
 - 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
 - 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
 - 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.

- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Agreement includes the agreement recorded in this Agreement.
- 1.2.14 A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns, but does not include the owner of a Final Lot.
- 1.2.15 Any schedules, appendices and attachments form part of this Agreement.
- 1.2.16 Notes appearing in this Agreement are operative provisions of this Agreement.

2 Application of this Agreement

- 2.1 This Agreement applies to the Land and to the Development.

3 Further agreements relating to this Agreement

- 3.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

4 Surrender of right of appeal, etc.

- 4.1 The Developer or the Landowner are not to commence or maintain, or cause to be commenced or maintained, any proceedings in the Land and Environment Court involving an appeal against, or questioning the validity of, a Development Consent relating to the Development or an approval under s96 of the Act to modify a Development Consent relating to the Development to the extent that it relates to the existence of this Agreement or requires any aspect of this Agreement to be performed according to the terms of this Agreement.

5 Application of s94, s94A and s94EF of the Act to the Development

- 5.1 This Agreement excludes the application of s94 to the Development.
- 5.2 This Agreement excludes the application of s94A to the Development.
- 5.3 This Agreement does not exclude the application of s94EF to the Development.

6 Conditions of Consent

- 6.1 Nothing in this Agreement, other than clauses 5.1 and 5.2, limits or restricts the ability of Council to impose conditions on Development Consents

pursuant to the Act, and no action which the Developer takes in compliance with any such conditions constitutes a breach of this Agreement.

Part 2 – Development Contributions

7 Provision of Development Contributions

- 7.1 The Developer is to make Development Contributions to the Council in accordance with this Agreement and otherwise to the satisfaction of the Council, other than Development Contributions which comprise the dedication of land owned by the Landowner.
- 7.2 The Landowner is to make Development Contributions comprising the dedication of land to the Council in accordance with this Agreement and otherwise to the satisfaction of the Council.
- 7.3 Schedule 3 has effect according to its terms.
- 7.4 The Council is to apply each Development Contribution made by the Developer or Landowner under this Agreement towards the public purpose for which it is made and otherwise in accordance with this Agreement.
- 7.5 Despite clause 7.3, the Council may apply a Development Contribution made under this Agreement towards a public purpose other than the public purpose specified in this Agreement if the Council considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

8 WIK Agreement and application of Surplus Credit

- 8.1 Subject to clause 8.2, for the purposes of s94(5)(b) of the Act, the Council accepts the Development Contributions made by the Developer under the WIK Agreement in full satisfaction of the obligations imposed on the Developer under s94 of the Act by the following conditions of the following Development Consents:
 - 8.1.1 condition 6.15 of the Development Consent granted to DA No. 140/2010 by the Council on 6 April 2011,
 - 8.1.2 condition 4.25 of the Development Consent granted to DA No. 81/2009 by the Council on 28 September 2009,
 - 8.1.3 condition 4.8 of the Development Consent granted to DA No. 797/2010 by the Council on 12 October 2010, and
 - 8.1.4 condition 6 of the Development Consent granted to DA1193/2007, in relation to stage 1A of that development, and
 - 8.1.5 condition 7 of the Development Consent granted to DA1193/2007, in relation to stage 1B of that development.
- 8.2 The Parties agree that the Development Contributions made by the Developer under the WIK Agreement satisfy the Developer's obligation to pay the project management component of the contributions required by the conditions referred to in clauses 8.1.

- 8.3 The Parties agree that on and from the date of this Agreement, the Council holds the Surplus Credit in favour of the Developer which is to be applied in satisfaction of:
- 8.3.1 any requirement imposed on the Developer under s94 of the Act by a Development Consent relating to the Development that has not yet been complied with, or
 - 8.3.2 any monetary Development Contributions required to be made under this Agreement,
- but only to the extent of the Surplus Credit.
- 8.4 The Parties agree that on and from the date of this Agreement:
- 8.4.1 all works required to be carried out under the WIK Agreement have been completed;
 - 8.4.2 any land required to be dedicated to Council under the WIK Agreement which has not already been dedicated to Council is to be dedicated to Council free of cost, pursuant to this Agreement; and
 - 8.4.3 the WIK Agreement will be terminated.

9 Procedures relating to payment of monetary Development Contributions

- 9.1 A monetary Development Contribution is made for the purposes of this Agreement when the Council receives the full amount of the contribution payable under this Agreement in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.
- 9.2 The Developer is to give the Council not less than 2 business days written notice of its intention to pay a monetary Development Contribution.
- 9.3 Monetary Development Contributions are to be indexed in accordance with the methodology for indexing contributions under the CP between the date of this Agreement, and the date of payment of the monetary Development Contributions.

10 Procedures relating to the dedication of land

- 10.1 A Development Contribution comprising the dedication of land is made for the purposes of this Agreement when:
- 10.1.1 a deposited plan is registered in the register of plans maintained by the Registrar-General, that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *LG Act*, or
 - 10.1.2 the Council is given an instrument in registrable form under the *Real Property Act 1900* that is effective to transfer the title to the land to the Council when registered.
- 10.2 For the purposes of clause 10.1.2:

- 10.2.1 the Landowner is to give the Council, for execution by the Council as transferee, an instrument of transfer under the *Real Property Act 1900* relating to the land to be dedicated,
- 10.2.2 the Council is to execute the instrument of transfer and return it to the Developer within 7 days of receiving it from Landowner,
- 10.2.3 the Landowner is to lodge the instrument of transfer for registration with the Registrar-General within 7 days of receiving it from the Council duly executed, and
- 10.2.4 the Landowner is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.
- 10.3 If this Agreement requires the Landowner to dedicate land to the Council on which the Developer is required to carry out a Work under this Agreement, the Landowner is to give to the Council the instrument of transfer of the land under clause 10.2.1 not later than 7 days after the Work is taken to have been completed in accordance with this Agreement.
- 10.4 The Developer must notify the Landowner of any notices issued under clause 19 of this Agreement, so that the Landowner can determine when a Work is taken to have been completed in accordance with this Agreement.

Part 3 - Provisions regarding the Carrying out of Work

11 Deferral of Work

- 11.1 Notwithstanding any other provision of this Agreement, if the Developer forms the view at any time that it is unable to make a Development Contribution comprising a Work by the time the Developer expects to apply for the issue of the Subdivision Certificate before which the Work is required to be completed under this Agreement, then:
 - 11.1.1 the Developer must provide written notice to the Council to that effect;
 - 11.1.2 the Developer must provide the Council with Security in an amount being 100% of the value of the uncompleted part of the Work (calculated with reference to and not exceeding the Contribution Value of the Work) before the date on which the application for the relevant Subdivision Certificate is made;
 - 11.1.3 the Developer must provide to Council, for Council's approval, a revised completion date for the Work;
 - 11.1.4 Council can approve, or not approve a revised completion date in its discretion, and if the Council does not approve the Developer's revised completion date for the Work, the Council and Developer must negotiate in good faith and agree upon a revised completion date for the Work; and
 - 11.1.5 the time for completion of the Work under this Agreement will be taken to be the revised completion date approved by the Council under clause 11.1.4.

- 11.2 If the Developer complies with clause 11.1, then it will not be considered to be in breach of this Agreement as a result of a failure to complete a Work by the time for completion of the Work specified in Column 6 of Schedule 3.
- 11.3 If the Work is not completed by the revised date for completion of the Work agreed under clause 11.1.4, then the Council may call on the Security to meet any of its costs incurred under this Agreement in respect of the failure to complete the Work by the revised date for completion.
- 11.4 The amount of Security is to be indexed annually from ~~September 2011~~March 2012 in accordance with the *Consumer Price Index (All Groups - Sydney)* published by the Australian Bureau of Statistics.
- 11.5 The Developer is to ensure that a Security held by the Council at all times equals the amount of the Security so indexed.
- 11.6 The Developer need not provide any additional Security under this clause if at the time the Security would be payable under this clause, Council holds Security under the other provisions of this Agreement in an amount which covers the amount of Security required to be held under those other clauses, and the amount of Security required to be held under this clause.

12 Approval of design of Work

- 12.1 Council must approve the design and specifications for each Work unless otherwise agreed in writing by the Council in relation to any particular Work.
- 12.2 Prior to commencing design of a Work, the Developer must request that the Council provide the Developer with its requirements for the location (generally in accordance with the Indicative Staging Plan), design, materials and specifications for the provision of the Work.
- 12.3 When requesting Council's requirements under clause 12.2 the Developer may provide a proposal, including preliminary concept designs to assist Council in preparing its requirements.
- 12.4 Once the Developer receives the Council's requirements for the Work under clause 12.2, the Developer is to provide the initial design for the Work to Council for the Council's approval.
- 12.5 The initial design for the Work is to include or be accompanied by such information as is required for the making of a Development Application for the Work including:
- 12.5.1 a draft Plan of Management for the land on which the Work is to be located on its dedication to the Council, if that land will be classified as community land within the meaning of the LG Act; and
 - 12.5.2 a draft Vegetation Management Plan for the land on which the Work is to be located, if the Council has advised the Developer that a Vegetation Management Plan is required,
 - 12.5.3 a detailed maintenance regime for the Work, and detailed costings, prepared by a suitably qualified person, for the carrying out of the maintenance regime.
- 12.6 The Council is to advise the Developer in writing whether it approves of the initial design of the Work within 2 months of receiving the initial design from the Developer.

- 12.7 The Developer will make any change to the initial design for the Work required by the Council.
- 12.8 The Developer is not to lodge any Development Application for a Work unless the Council has first approved the initial design for the Work and provided its written certification that the Development Application is consistent with the approved initial design of the Work.
- 12.9 The Council is to provide the written certification referred to in clause 12.8 within 14 days of being provided with a copy of the proposed Development Application by the Developer, unless the Council forms the view that the proposed Development Application is not consistent with the approved initial design of the Work.
- 12.10 A Development Application for Work is to be accompanied by the written certification referred to in clause 12.9 when lodged with the Council, as the consent authority.
- 12.11 The Developer is to bear all costs associated with obtaining the Council's approval to the initial design of a Work in Schedule 3 of this Agreement under this clause.
- 12.12 Following Development Consent being issued for a Work, the Developer shall work with Council in the preparation of the detailed design for it and submit the detailed design to the Council for its approval.
- 12.13 The Developer is not to lodge any application for a Construction Certificate for a Work, with any Principal Certifying Authority, unless the Council has first approved the detailed design for the Work, and provided its written certification that the application for a Construction Certificate is consistent with the approved detailed design of the Work.
- 12.14 The Council is to provide the written certification referred to in Clause 12.13 within 14 days of being provided with a copy of the application for a Construction Certificate by the Developer, unless the Council forms the view that the application is not consistent with the approved detailed design of the Work.
- 12.15 Council's written certification outlined in clause 12.14 shall specify any particular milestones of construction of a Work and if so, the Developer is to provide the Council with a minimum of 24 hours notice prior to commencing a particular milestone and allow the Council access to the relevant land to inspect the Work.
- 12.16 An application for a Construction Certificate for a Work is to be accompanied by the written certification referred to in clause 12.14 when lodged with the Council, as the consent authority.
- 12.17 For the avoidance of doubt, nothing in the clause as fettering the Council's discretion, as consent authority, in determining any Development Application for the Work.

13 Staging of Works

- 13.1 In order to ensure that the Developer can provide the Contribution Items comprising Works at the time required under this Agreement, the Developer must ensure that Development Applications are lodged which seek consent for the Works, in conjunction with the Relevant Stage.

14 Carrying out of Work

- 14.1 Any Work that is required to be carried out by the Developer under this Agreement is to be carried out:
- 14.1.1 in accordance with any design or specification specified by the Council,
 - 14.1.2 any relevant Development Consent, Construction Certificate and any other applicable law,
 - 14.1.3 in a good and workmanlike manner and to the accepted industry standards,
 - 14.1.4 and otherwise to the satisfaction of the Council.
- 14.2 If the Developer is required by the Council to prepare or modify a design or specification relating to a Work for approval by the Council under clause 14.1, the Developer is to bear all costs relating to the preparation or modification and approval of the design and specification.

15 Access to the Land

- 15.1 The Landowner is to permit the Council, its officers, employees, agents and contractors to enter the Land or any other land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any Work or to remedy any breach by the Developer relating to the carrying out of a Work.
- 15.2 The Council is to permit the Developer to enter and occupy any land owned or controlled by the Council for the purpose of enabling the Developer to carry out any Work under this Agreement that is required to be carried out on such land or to perform any other obligation imposed on the Developer by or under this Agreement.

16 Protection of people and property

- 16.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the carrying out of any Work that:
- 16.1.1 all necessary measures are taken to protect people and property, and
 - 16.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 16.1.3 nuisances and unreasonable noise and disturbances are prevented.

17 Damage and repairs to Work

- 17.1 The Developer, at its own cost, is to repair and make good to the satisfaction of the Council any loss or damage to a Work from any cause whatsoever which occurs prior to the date on which the Work is taken to have been completed under this Agreement.

18 Variation of Work

- 18.1 A Work is not to be varied by the Developer, unless:
- 18.1.1 the Parties agree in writing to the variation, and
 - 18.1.2 any consent or approval required under the Act or any other law to the variation is first obtained, and
 - 18.1.3 the Developer bears all of the Council's costs of and incidental to agreeing to and approving the variation.
- 18.2 For the purposes of clause 18.1 a variation may relate to any matter in relation to the Work that is dealt with by this Agreement.
- 18.3 If Council requests a variation to a Work after a Construction Certificate has been issued for the Work, then the Council shall be liable to pay to the Developer an amount equal to the increase in the costs of completing the Work, which results from the variation requested by the Council.
- 18.4 Council shall pay the amount referred to in clause 18.3 to the Developer after the Work is complete, and within 28 days of receipt of:
- 18.4.1 a tax invoice for the amount claimed by the Developer; and
 - 18.4.2 documentation which demonstrates to Council's satisfaction the increase in costs as a result of the variation requested by the Council.
- 18.5 For the avoidance of doubt, a variation to a Work under this clause does not require the variation of this Agreement provided the Council is satisfied that the variation is generally consistent with the intended objectives and outcomes of this Agreement at the date of this Agreement.

19 Procedures relating to the completion of Work

- 19.1 A Development Contribution comprising the carrying out of a Work is made for the purposes of this Agreement when the Council accepts the completion of the Work in accordance with this clause.
- 19.2 Subject to this Agreement, when the Developer considers that a Work required to be carried out by the Developer under this Agreement is complete, the Developer is to give to the Council a notice in writing to that effect.
- 19.3 The Council is taken to have accepted the completion of a Work that is the subject of a notice referred to in clause 19.2, if the Council gives the Developer a notice to that effect.
- 19.4 On completion of the Work, the Council accepts responsibility for the Work subject to anything to the contrary in this Agreement.

20 Procedures relating to the rectification of defects

- 20.1 During the Defects Liability Period, the Council may give to the Developer a Rectification Notice.
- 20.2 The Developer is to comply with a Rectification Notice at its own cost according to its terms and to the satisfaction of the Council.
- 20.3 If the Developer breaches clause 20.2, the Council may have the relevant defect rectified and may recover its costs of so doing as a debt due in a court of competent jurisdiction.

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21 Failure to carry out Work

- 21.1 If the Council considers that the Developer is in breach of any obligation under this Agreement relating to the carrying out of any Work, the Council may elect to give the Developer a notice requiring:
- 21.1.1 the carrying out of further work relating to the Work to immediately cease except in relation to the rectification of the breach, and
- 21.1.2 the breach to be rectified to the Council's satisfaction.
- 21.2 A notice given under clause 21.1 is to allow the Developer a period of not less than 28 days or such further period as the Council considers reasonable in the circumstances to rectify the breach.
- 21.3 Without limiting any other rights the Council has to enforce this Agreement, the Council may, if the Developer does not comply with a notice given under clause 21.1:
- 21.3.1 call upon any Security, and
- 21.3.2 carry out and complete the Work the subject of the Developer's breach.
- 21.4 Clauses 29 and 30 do not prevent a notice being given under clause 21.1 and do not apply to such a notice or the circumstances relating to the giving of that notice, and any procedure commenced under clause 29 or clause 30 ceases to apply when such a notice is given.
- 21.5 The Council is not required to give the Developer a notice under clause 21.1 as a pre-condition to calling-up any Security in relation to the Developer's breach if the Council reasonably believes that the Developer is unlikely to comply with a Rectification Notice.
- 21.6 If the Council calls up a Security pursuant to clause 21.5, the Council is to notify the Developer in writing immediately following the calling up of that Security.

22 Works-As-Executed-Plan

- 22.1 No later than 60 days after a Work is taken to have been completed in accordance with this Agreement, the Developer is to submit to the Council a full works-as-executed-plan in respect of the Work the subject of the notice.

Part 4 – Indemnities and Insurances

23 Indemnity and Insurance

- 23.1 The Developer indemnifies the Council, its employees, officers, agents, contractors and workmen from and against all losses, damages, costs (including legal costs on a full indemnity basis), charges, expenses, actions, claims and demands whatsoever which may be sustained, suffered, recovered or made arising in connection with:
- 23.1.1 Council's approval of the design and specifications of any Work;

- 23.1.2 the carrying out by the Developer of any Work; and
- 23.1.3 the performance by the Developer of any other obligation under this Agreement.
- 23.2 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Agreement up until the Work is taken to have been completed in accordance with this Agreement:
 - 23.2.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
 - 23.2.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
 - 23.2.3 workers compensation insurance as required by law, and
 - 23.2.4 any other insurance required by law.
- 23.3 If the Developer fails to comply with clause 23.2, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
 - 23.3.1 by calling upon any Security provided by the Developer to the Council under this Agreement, or
 - 23.3.2 recovery as a debt due in a court of competent jurisdiction.
- 23.4 The Developer is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 23.2.

Part 5 - Security

24 Provision of Security

- 24.1 To secure the performance of the Developer's obligations in relation to Contribution Items ~~12, 1331, 32~~ and 4345 the Developer is to provide the Council with Security such that the amount of Security held by the Council from the time set out in Column 1 of the Table to this clause equals the amount set out in Column 2 of the Table to this clause corresponding to that time.

Table

Column 1 Time	Column 2 Amount
On execution of this Agreement	\$740,137.02

Prior to the issuing of the Subdivision Certificate that creates the 501 st Final Lot in the Development.	\$1,480,274.04
Prior to the issuing of the Subdivision Certificate that creates the 1,051 st Final Lot in the Development.	\$2,220,411.07
Prior to the issuing of the Subdivision Certificate that creates the 1501 st Final Lot in the Development.	\$2,680,063.2464,493.28
Prior to the issuing of the Subdivision Certificate that creates the 1801 st Final Lot in the Development.	\$1,876,324.79

- 24.2 The amount of the Security is to be indexed annually from ~~September 2011~~ ~~2011~~ ~~March 2012~~ in accordance with the Consumer Price Index (All Groups - Sydney) published by the Australian Bureau of Statistics and the Developer must ensure that the Security held by the Council at all times equals the indexed amount notified to the Developer by Council.

25 Release & return of Security

- 25.1 The Council is to return the Security or any remaining part of it to the Developer, within 28 days of the completion by the Developer of all of their obligations under this Agreement to the satisfaction of the Council.
- 25.2 At any time following the provision of the Security, the Developer may provide the Council with a replacement Security in the amount of the Security required to be provided under this Agreement.
- 25.3 On receipt of a replacement Security, the Council is to release and return to the Developer as directed, the Security it holds which has been replaced.

26 Call-up of Security

- 26.1 The Council may call-up any Security provided under this Agreement if, in its absolute discretion and despite clauses 29 and 30, it considers that the Developer has breached this Agreement.
- 26.2 If the Council calls on the Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the breach.
- 26.3 If the Council calls on the Security, the Council may, by notice in writing to the Developer, require the Developer to provide a further or replacement Security in an amount that, when added to any unused portion of the Security held by the Council, equals, but does not exceed the amount of the Security the Council is entitled to hold under this Agreement.
- 26.4 Notwithstanding clause 26.1 or any other provision of this Agreement:

- 26.4.1 a Deferred Work Security can only be called-up in relation to a breach of this Agreement in respect of the carrying out of the Work in relation to which the Deferred Work Security was provided; and
- 26.4.2 a Registration Security can only be called-up in relation to a breach of this Agreement in respect of the Development Contributions required in relation to the Superlot for which the Registration Security was provided.

Part 6 - Other Provisions

27 Recovery of cost of Work carried out by the Council

- 27.1 If the Council incurs a cost in carrying out, completing or rectifying a defect in a Work that is not met by a Security provided under this Agreement, the Council may recover the cost from the Developer in a court of competent jurisdiction.
- 27.2 For the purpose of clause 27.1, the Council's costs of carrying out, completing or rectifying a defect in a Work includes, but is not limited to:
 - 27.2.1 the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
 - 27.2.2 all fees and charges necessarily or reasonably incurred by the Council in order to have the Work carried out, completed or rectified, and
 - 27.2.3 without limiting clause 27.2.2, all legal costs and expenses reasonably incurred by the Council, by reason of the Developer's failure to comply with this Agreement.

28 Enforcement in a court of competent jurisdiction

- 28.1 Without limiting any other provision of this Agreement, the Parties may enforce this Agreement in any court of competent jurisdiction.
- 28.2 For the avoidance of doubt, nothing in this Agreement prevents:
 - 28.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates,
 - 28.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

29 Dispute Resolution – expert determination

- 29.1 This clause applies to a dispute under this Agreement which relates to a matter that can be determined by an appropriately qualified expert.
- 29.2 Any dispute between the Parties as to whether a dispute to which this clause applies can be determined by an appropriately qualified expert is to be

referred to the Chief Executive Officer of the professional body that represents persons with the relevant expertise for determination, which is to be final and binding on the Parties.

- 29.3 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.
- 29.4 If a notice is given under clause 29.3, the Parties are to meet within 14 days of the notice in an attempt to resolve the dispute.
- 29.5 If the dispute is not resolved within a further 28 days, the dispute must be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 29.6 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 29.7 Each Party must bear its own costs arising from or in connection with the appointment of the Expert and the expert determination.

30 Dispute Resolution – mediation

- 30.1 This clause applies to any dispute under this Agreement other than a dispute to which clause 29 applies.
- 30.2 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.
- 30.3 If a notice is given under clause 30.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the dispute.
- 30.4 If the dispute is not resolved within a further 28 days, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and must request the President of the Law Society, or the President's nominee, to select a mediator.
- 30.5 If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

31 Registration of this Agreement

- 31.1 Subject to clauses 31.2 and 31.3, and subject to the Developer or Landowner obtaining the agreement of the persons specified in section 93H(1) of the Act, the Parties agree that this Agreement will be registered as a planning agreement with the Registrar-General on the title to the Land as permitted by s93H of the Act.
- 31.2 The Parties agree that:
 - 31.2.1 this Agreement will not be registered on the title to any part of the Land which is a Final Lot; and
 - 31.2.2 on lodgement of any plans of subdivision of the Land with the LPI that create Final Lots, the LPI will be directed not to register this Agreement on the title to the Final Lots being created by that plan.

- 31.3 The Parties also agree that the registration of the Agreement will be removed from the title to a Superlot, before the Developer has met its obligations under this Agreement in relation to the Superlot, if:
- 31.3.1 The Landowner or Developer has notified the Council that it wishes to commence selling Final Lots to be created on the Superlot;
 - 31.3.2 The Landowner or Developer has provided Council with a copy of the proposed plan of subdivision for the Superlot;
 - 31.3.3 The Landowner and Developer are not in breach of this Agreement; and
 - 31.3.4 The Developer provides the Council with a Security in an amount equal to the Contribution Value of all Contribution Items involving the carrying out of Work and monetary Development Contributions which must be made under this Agreement in connection with the creation of Final Lots on that Superlot.
- 31.4 The Landowner agrees to sign all forms necessary, and do all things reasonably necessary to allow this Agreement to be registered under clause 31.1 including obtaining the consent of any mortgagee or other person with an interest in the Land to that registration, and having the certificates of title for the Land delivered to the Registrar-General.
- 31.5 The Parties agree to sign such documents and do such things as may be required to achieve the said registration within seven (7) days of the execution of this Agreement.
- 31.6 Upon completion of the obligations of the Developer and Landowner pursuant to this Agreement, the Parties must do such things as may be required to remove the recording of this Agreement as a planning agreement from the title of the Land, including removing the recording of the Agreement from the title to part of the Land in respect of this the Developer has met its obligations.
- 31.7 The Developer need not provide any additional Security under this clause if at the time the Security would be payable under this clause, Council holds Security under the other provisions of this Agreement in an amount which covers the amount of Security required to be held under those other clauses, and the amount of Security required to be held under this clause.

32 Compulsory Acquisition

- 32.1 In the event that the Landowner does not dedicate any land required to be dedicated under this Agreement, at the time at which it is required to be dedicated, the Landowner consents to the Council compulsorily acquiring that land, for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 32.2 Council must only acquire land pursuant to clause 32.1 if to do so is reasonable, having regard to the circumstances surrounding the failure by the Landowner to dedicate the land required to be dedicated under this Agreement.
- 32.3 Clause 32.1 constitutes an agreement for the purposes of section 30 of the Just Terms Act.
- 32.4 If, as a result of the acquisition referred to in clause 32.1, the Council must pay compensation to any person other than the Landowner, the Developer or

Landowner must reimburse the Council for that amount, upon a written request being made by the Council, or the Council can call on any Security.

- 32.5 Except as otherwise agreed between the Parties, the Landowner must ensure that the land to be dedicated under this Agreement is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges), on both the date that the Landowner is liable to transfer that land to the Council under this Agreement, and the date on which the Council compulsorily acquires the whole or any part of that land in accordance with the Just Terms Act.
- 32.6 The Developer and the Landowner indemnify and keep indemnified the Council against all claims made against the Council as a consequence of the acquisition by the Council of the whole or any part of the Land except in relation to any claim that arises from the manner in which the land so acquired is used or managed by the Council.
- 32.7 The Landowner will promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 32, including without limit:
- 32.7.1 signing any documents or forms;
 - 32.7.2 giving land owner's consent for lodgement of any Development Application;
 - 32.7.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
 - 32.7.4 paying the Council's costs arising from clause 32.
- 32.8 Notwithstanding clause 32.5, if, despite having used its best endeavours, the Landowner cannot ensure that the land to be dedicated is free from all encumbrances and affectations, then the Landowner may request that Council agree to accept the land subject to those encumbrances and affectations, and:
- 32.8.1 Council cannot withhold its agreement unreasonably if the encumbrance or affectation does not prevent the future use of the land for the public purpose for which it is to be dedicated under this Agreement, unless the encumbrance or affectation is a charge arising as a result of unpaid taxes or charges; and
 - 32.8.2 in all other cases, Council may withhold its agreement in its absolute discretion.

33 Assignment, sale of Land, etc

- 33.1 Unless the matters specified in clause 33.2 are satisfied:
- 33.1.1 Landowner is not to transfer any part of the Land, other than a Final Lot, to any person, or
 - 33.1.2 the Developer is not to assign to any person the Developer's rights or obligations under this Agreement or novate the Agreement to any person.
- 33.2 The matters required to be satisfied for the purposes of clause 33.1 are as follows:

- 33.2.1 the relevant Party has, at no cost to the Council, first procured the execution by the person to whom that Party's rights or obligations under this Agreement are to be assigned or novated, of an agreement in favour of the Council on terms satisfactory to the Council, and
- 33.2.2 the Council, by notice in writing to the relevant Party, has stated that evidence satisfactory to the Council has been produced to show that the transferee, assignee or novatee, is reasonably capable of performing its obligations under the Agreement,
- 33.2.3 the relevant Party is not in breach of this Agreement, and
- 33.2.4 the Council, acting reasonably, otherwise consents to the transfer, assignment or novation.

34 Monitoring & review of this Agreement

- 34.1 The Developer is to provide to the Council by not later than each anniversary of the date on which this Agreement is entered into a report detailing the performance of its obligations under this Agreement.
- 34.2 The report referred to is to be in such a form and to address such matters as may be notified by the Council to the Developer from time to time.
- 34.3 The Council, at its own cost, is to keep a written register of the Development Contributions made by the Developer under this Agreement.
- 34.4 The register is to contain (but is not limited to) particulars of the following:
 - 34.4.1 each Development Contribution made,
 - 34.4.2 the form of the Development Contribution,
 - 34.4.3 the Contribution Item to which the Development Contribution relates by reference to Schedule 3 of this Agreement,
 - 34.4.4 the date on which the Development Contribution is made, and
 - 34.4.5 particulars of any Development Contributions that are required by this Agreement to have been made that the Developer has not made.
- 34.5 The Council is to allow the Parties to have access to the register during the ordinary business hours of the Council and at no cost.
- 34.6 The register is to be conclusive evidence of the matters it contains relating to the making of Development Contributions by the Developer under this Agreement.
- 34.7 The Parties agree to review this Agreement annually, and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement.
- 34.8 For the purposes of clause 34.7, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 34.9 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 34.7, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.

- 34.10 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.
- 34.11 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 34.7 is not a dispute for the purposes of clauses 29 and 30 and is not a breach of this Agreement.

35 Variations to Contribution Items and Staging

- 35.1 The Developer may request that the Council approve a variation to the Contribution Items to be provided under this Agreement.
- 35.2 The Council may, in its absolute discretion agree to a variation of the Contribution Items, provided that the variation does not result in the sum of the Contribution Values of all Contribution Items falling below the sum of the Contributions Values of all Contribution Items as at the date of this Agreement and the variation is generally consistent with the intended objectives and outcomes of this Agreement at the date of this Agreement.
- 35.3 The Developer may request that the Council approve a variation to the staging of the provision of the Contribution Items.
- 35.4 The Developer may request that Council approve a variation to the proposed staging of the Development but only if the variation involves creation of sub-stages within a Stage of the Development.
- 35.5 The Council must act reasonably in determining whether to grant a variation to the staging of the provision of the Contribution Items or the staging of the Development.
- 35.6 If a variation is made to the Contribution Items pursuant to this clause, then Schedule 3 will be deemed to be amended to include the varied Contribution Items, and their Contribution Values.
- 35.7 Subject to clause 35.8, a variation to the Contribution Items or the staging of the provision of Contribution Items or to the staging of the Development under this clause does not require a variation to this Agreement.
- 35.8 If required in writing by the Council, the Plan Package is to be amended to reflect any approved variation referred to in clause 35.3 or clause 35.4.

36 Notices

- 36.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
- 36.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
- 36.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
- 36.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 36.2 If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or

request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.

- 36.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 36.3.1 delivered, when it is left at the relevant address,
 - 36.3.2 sent by post, 2 business days after it is posted,
 - 36.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number, or
 - 36.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 36.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

37 Approvals and Consent

- 37.1 Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.
- 37.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

38 Legal costs

- 38.1 The Developer is to pay to the Council the Council's legal costs of preparing, negotiating, executing and stamping this Agreement, and any documents related to this Agreement within 7 days of a written demand by the Council for such payment.
- 38.2 The Developer is also to pay to the Council the Council's costs of enforcing this Agreement within 7 days of a written demand by the Council for such payment.
- 38.3 The Developer is to pay the Council's costs of preparing, negotiating, executing and stamping any amendment to this Agreement.

39 Entire Agreement

- 39.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.
- 39.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

40 Further acts

- 40.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

41 Notations on section 149(2) Planning Certificates

- 41.1 The Parties agree that the Council may, in its absolute discretion, make a notation under section 149(5) of the Act regarding this Agreement on any certificate issued under section 149(2) of the Act relating to the Land, other than a Final Lot.

42 Governing law and jurisdiction

- 42.1 This Agreement is governed by the law of New South Wales.
- 42.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 42.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

43 Joint and individual liability and benefits

- 43.1 Except as otherwise set out in this Agreement
- 43.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and
- 43.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

44 No fetter

- 44.1 Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

45 Representations and Warranties

- 45.1 The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

46 Severability

- 46.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 46.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

47 Modification

- 47.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

48 Waiver

- 48.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 48.2 A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given.
- 48.3 It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

49 GST

- 49.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 49.2 Subject to clause 49.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 49.3 Clause 49.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.

- 49.4 No additional amount shall be payable by the Council under clause 49.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 49.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 49.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 49.5.2 that any amounts payable by the Parties in accordance with clause 49.2 (as limited by clause 49.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 49.6 No payment of any amount pursuant to this clause 49, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 49.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 49.8 This clause continues to apply after expiration or termination of this Agreement.

50 Explanatory Note relating to this Agreement

- 50.1 The Appendix contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- 50.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Planning Agreement.

Schedule 1

(Clause 1.1)

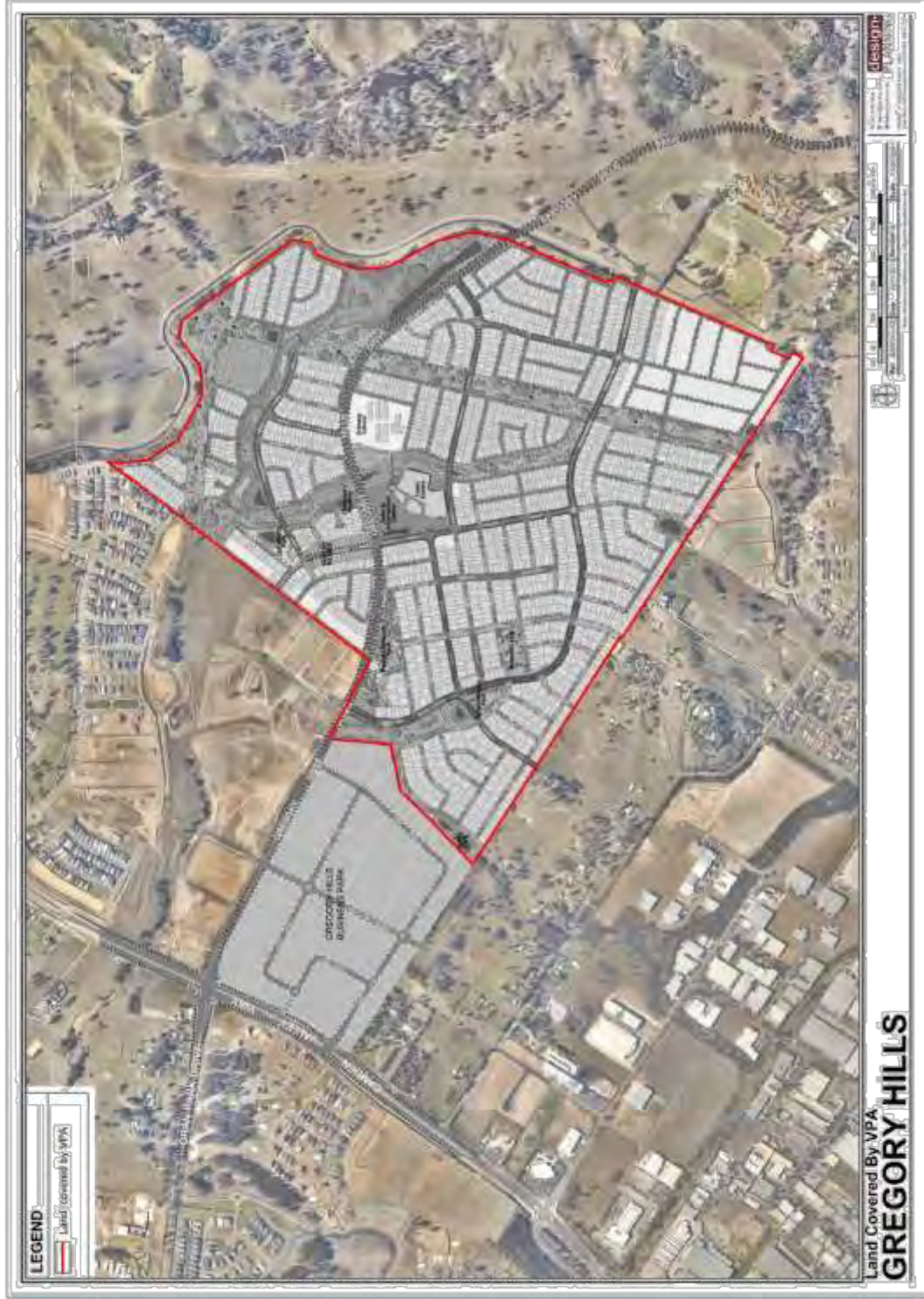
Plan Package

Plan Package on following pages.

DRAFT

ORD07

Attachment 3





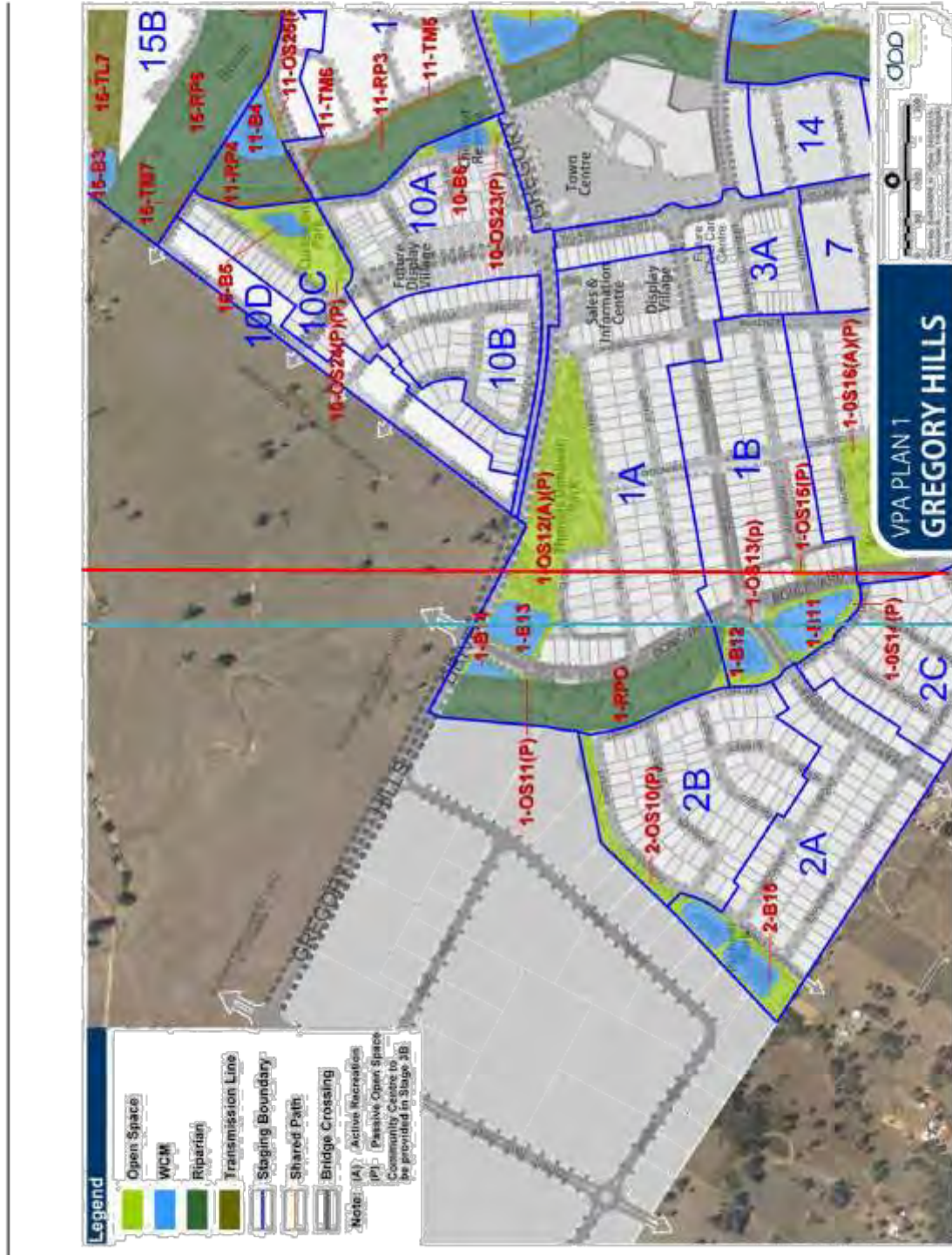
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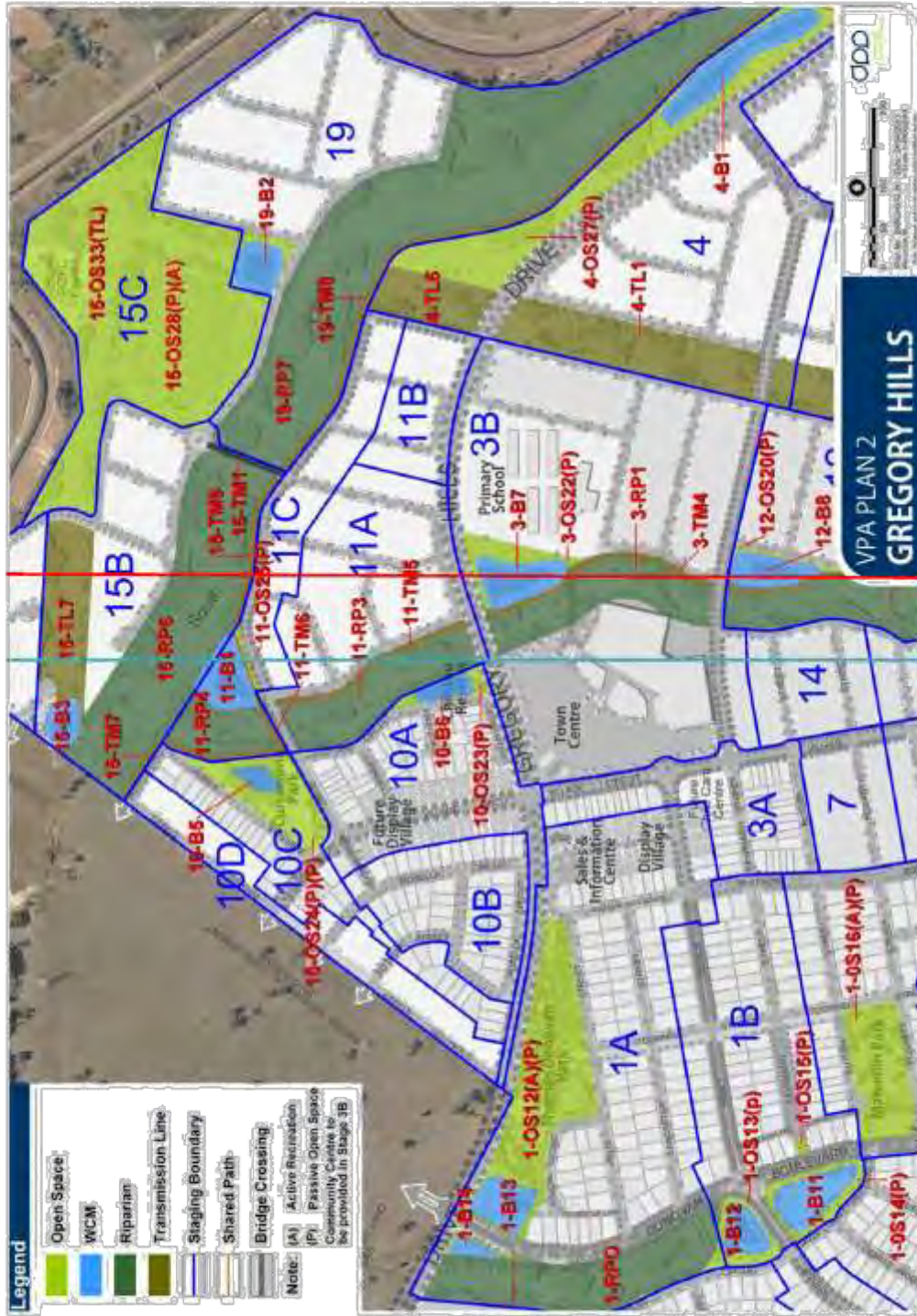
Attachment 3



ORD07

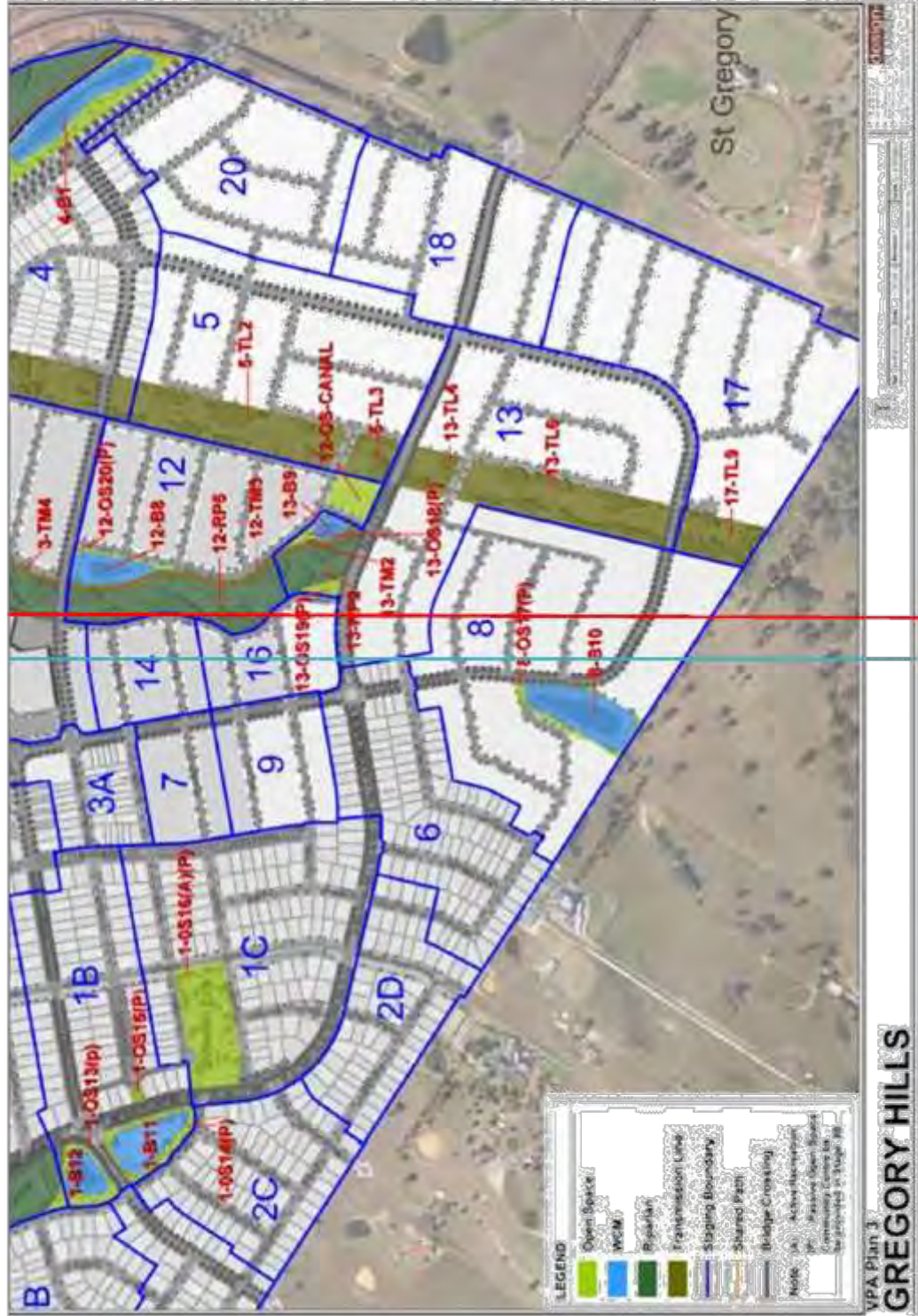
Attachment 3





ORD07

Attachment 3





Schedule 2

(Clause 1.1)

The Development

Development of the Land for urban purposes generally as shown on the Masterplan, involving:

- the subdivision of the Land to accommodate approximately 2,406~~70~~ dwellings and
- establishment of a road, utilities and stormwater management network,
- provision of various types of open space and creation of recreation areas
- provision of community and other facilities
- construction of residential housing, and
- construction of non residential development, including a local shopping centre.

DRAFT

Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Schedule 3

(Clause 7)

Development Contributions

Note: The following table sets out the Development Contributions that the Developer and Landowner are to provide under this Agreement. Items 1 to 50-49, inclusive and item 91-93 relate to the carrying out of Work. Items 50-1 to 91-99, inclusive and item 93-91 relate to the dedication of land. Items 94-99 and 92-90 relate to payment of monetary contributions.

ORD07

Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Execution

Executed as an Agreement

Dated:

Executed on behalf of the Council

General Manager or delegate

Witness/Name/Position

Executed on behalf of Dart West Developments Pty Limited in
accordance with s127(1) of the Corporations Act (Cth) 2001

Name/Position

Name/Position



Attachment 3

Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Executed on behalf of Trustees of the Marist Brothers. Each attorney signing this document under a power of attorney certifies, by the attorney's signature, that the attorney has no notice of the revocation of the power of attorney.

I certify that the person signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed the instrument in my presence.

Signed, sealed and delivered by the persons named below who signed this instrument on behalf of **Trustees of the Marist Brothers** pursuant to power of attorney dated 12 May 2008 registered with Land & Property Information (NSW) Book 4543 No. 900.

 Witness (Signature)

 Attorney (Signature)

 Name of Witness (Print Name)

 Name of Attorney (Print Name)

I certify that the person signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed the instrument in my presence.

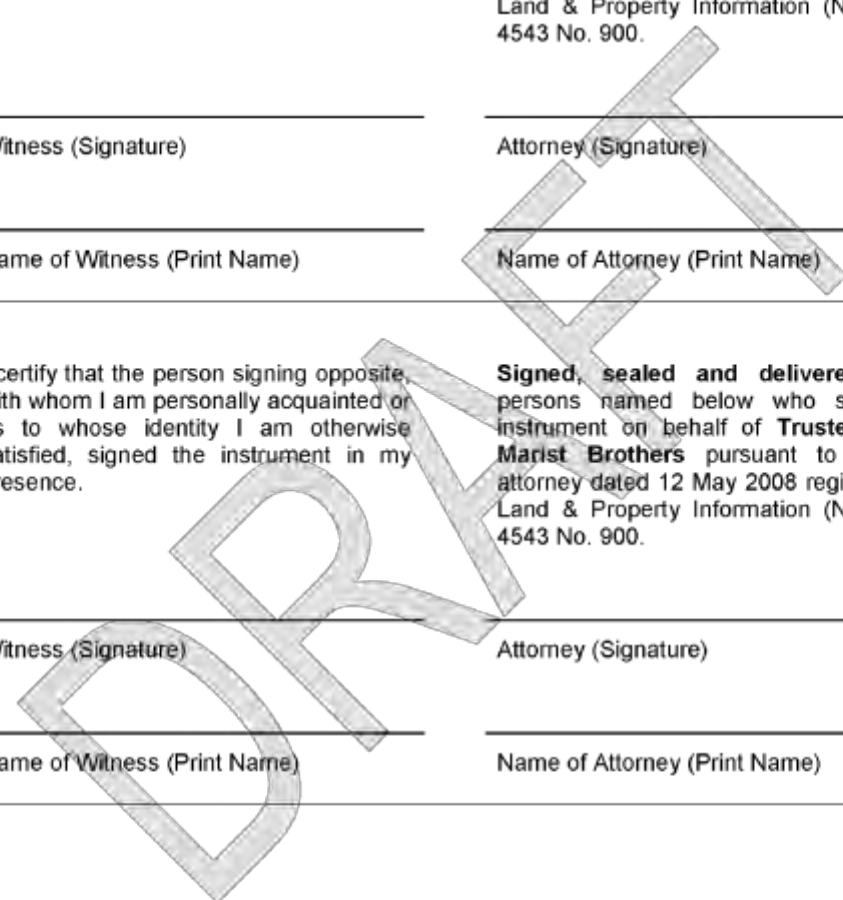
Signed, sealed and delivered by the persons named below who signed this instrument on behalf of **Trustees of the Marist Brothers** pursuant to power of attorney dated 12 May 2008 registered with Land & Property Information (NSW) Book 4543 No. 900.

 Witness (Signature)

 Attorney (Signature)

 Name of Witness (Print Name)

 Name of Attorney (Print Name)



Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Appendix A

(Schedule 3, Miscellaneous Works item 93, Column 5)

Note: This is the relevant text extracted from the Turner Road Precinct Development Control Plan as in existence on 18 March 2013.

1.1 Flooding and Watercycle Management

Objectives

- (1) To minimise the potential impact of flooding on development.
- (2) To incorporate best practice stormwater management principles and strategies in development proposals.
- (3) To mitigate the impacts of urban development on stormwater quality.
- (4) To control the impacts of urban development on channel bed and bank erosion by controlling the magnitude and duration of sediment-transporting flows.
- (5) Limit changes in flow rate or flow duration within the receiving waterway as a result of development.

Controls

- (1) No residential allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. within the 'flood planning area'). Pedestrian and cycle pathways and open space may extend within the 1% AEP flood level, provided that the safe access criteria contained in the *NSW Floodplain Manual* are met.
- (2) Management of 'minor' flows using piped systems for the 20% AEP (residential land use) and 10% AEP (commercial land use) shall be in accordance with Camden Council's *Engineering Design Specification – Subdivision and Development Works*. Management measures shall be designed to:
 - prevent damage by stormwater to the built and natural environment,
 - reduce nuisance flows to a level which is acceptable to the community,
 - provide a stormwater system which can be economically maintained and which uses open space in a compatible manner,
 - control flooding,
 - minimise urban water run-off pollutants to watercourses, and
 - meet the standards for a 20% AEP flood level.

Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

- (3) Management of 'major' flows using dedicated overland flow paths such as open space areas, roads and riparian corridors for all flows in excess of the pipe drainage system capacity and above the 20% AEP shall be in accordance with Camden Council's *Engineering Design Specification*. Management measures shall be designed to:
- prevent both short term and long term inundation of habitable dwellings,
 - manage flooding to create lots above the designated flood level with flood free access to a public road located above the 1% AEP flood level,
 - control flooding and enable access to lots, stabilise the land form and control erosion,
 - provide for the orderly and safe evacuation of people away from rising floodwaters,
 - stabilise the land form and control erosion, and
 - meet the standards for a 1% AEP flood level.
- (4) Where practical, development shall attenuate up to the 50% AEP peak flow for discharges into the local tributaries, particularly Category 1 and 2 creeks. This will be achieved using detention storage within water quality features and detention basins
- (5) The developed 1% AEP peak flow is to be reduced to pre-development flows through the incorporation of stormwater detention and management devices.
- (6) All development is to incorporate water sensitive urban design (WSUD). WSUD is to be adopted throughout the development to promote sustainable and integrated management of land and water resources incorporating best practice stormwater management, water conservation and environmental protection. A WSUD Strategy is to be submitted as part of any subdivision DA and shall include:
- identification of water management and other relevant objectives (relating, for example, to salinity hazard),
 - identification and assessment of relevant site characteristics and constraints, including flood evacuation routes,
 - identification of potentially feasible (storm) water management strategies, which may comprise stormwater reuse options, best planning practices, stormwater treatment measures (in both public and private domain),
 - assessment of the potential strategies, including the nature, basis and outcomes of stormwater modelling used to assess alternative solutions. This assessment of alternative strategies should address compliance with management objectives, life cycle costs, ongoing operations and maintenance requirements, land take requirements, expected reliability and future management responsibilities,
 - assessment of the likely construction costs associated with the WSUD strategy as well as a maintenance framework addressing maintenance strategies and costs, and
 - a suitably detailed description of the preferred WSUD strategy and elements therein, in the form of documents, plans and conceptual diagrams (as appropriate).
- (7) The WSUD Strategy shall demonstrate how the stormwater quality targets set by the Department of Environment and Climate Change (DECC) (**Table 10**) will be achieved and shall be consistent with *Technical Note: Interim Recommended Parameters for Stormwater Modelling – North-West and South-West Growth Centres* and *Managing Urban Stormwater: Stormwater Planning* (DECC) and *Australian Runoff Quality* (Engineers Australia). A monitoring plan that encompasses strategies for water sampling, maintenance of WSUD facilities and risk management in the short, medium and longer terms is to be included as part of the WSUD strategy.
- (8) Compliance with the targets at **Table 10** is to be determined through stormwater quality modelling in accordance with the parameters outlined in the relevant technical guidance from DECC.
- (9) The WSUD strategy is to take into account riparian zone and creek management and include the following measures:
- the ephemeral hydrology of creeks is to be maintained or restored, where possible, by diverting excess flow via intercepting stormwater pipes to downstream storages for reuse,

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Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

- flow attenuation and/or diversion via the intercepting stormwater pipes will be required to meet the stream erosion index objectives established by DECC (**Table 10**),
- flow in excess of the 20% AEP peak flow may flow into the creek and be conveyed to detention basins that form part of the major drainage system, and
- erosion control and bank stabilisation measures shall be incorporated within the waterway where required.

Table 10: Environmental Stormwater Objectives

	WATER QUALITY				ENVIRONMENTAL FLOWS
	% reduction in pollutant loads				Stream erosion control ratio
	Gross Pollutants (>5mm)	Total suspended solids	Total phosphorus	Total nitrogen	Post-development duration of above 'stream forming flow' : Natural duration of above 'stream forming flow' ¹
Stormwater management objective	90	85	65	45	3.5 – 5.0 : 1 ²
'Ideal' stormwater outcome	100	95	95	85	1 : 1

1 For the purposes of these objectives, the 'stream forming flow' is defined as 50% of the 50% AEP flow rate estimated for the catchment under natural conditions

2 This ratio should be minimised to limit stream erosion to the minimum practicable. Development proposals should be designed to achieve a value as close to one as practicable, and values within the nominated range should not be exceeded. A specific target cannot be defined at this time

Attachment 3

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Dart West Gregory Hills Planning Agreement
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Explanatory Note 1

A copy of the Explanatory Note dated 4 May 2012 is on the following pages.

Please Note the following Explanatory Notes do not form part of the Planning Agreement.

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Dart West Gregory Hills Planning Agreement

Explanatory Note

Attachment 3

Prepared by:

Camden Council
Dart West Developments Pty Ltd
Trustees of the Marist Brothers

Gregory Hills Planning Agreement Explanatory Note

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Gregory Hills Planning Agreement Explanatory Note

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Executive summary

Dart West Developments Pty Ltd (**Dart West**) is developing the Gregory Hills estate within the Turner Road Precinct.

When completed, Gregory Hills will be home to about 7,000 people, and include 2,375 dwellings, a local shopping centre and community and recreation facilities.

Dart West, the owner of the land (Trustees of the Marist Brothers) and Camden Council (**Council**) propose to enter into a planning agreement under section 93F of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) to facilitate the provision of local infrastructure to meet the Gregory Hills development.

In summary, the proposed planning agreement requires the developer and land owner to:

- dedicate land to the Council and construct facilities identified in Council's Contributions Plan;
- make 'settle-up' and 'project management' monetary contributions to the Council that can then be used by the Council to deliver other infrastructure included in the Contributions Plan and required by the development;
- embellish and dedicate to the Council over 22 hectares of land within riparian corridors in accordance with Council's Dedication of Riparian Corridors Policy; and
- embellish and dedicate to the Council over 13 hectares of land within high voltage electricity easements (including approximately 4 hectares identified within the Contributions Plan) in accordance with Council's Dedication of Land Burdened by Transmission Easements Policy.

There are considered to be many public benefits that would accrue as a result of the proposed planning agreement, some of which include:

- utilisation of the developers' expertise in infrastructure provision;
- timely completion of many Turner Road Precinct infrastructure items included in the Contributions Plan through the developer delivering the infrastructure at the same time as land is subdivided and developed;
- shifting the infrastructure project risk from Council to the land developer;
- allowing the Council to concentrate its planning effort on other parts of the Turner Road Precinct that will need a more proactive approach to infrastructure provision;
- streamlining contributions arrangements and minimising the resources required by Council to manage development contributions over the life of the development; and
- clarity for the Council and the community on the future development and management of substantial sections of riparian corridors and electricity transmission easements located within the Turner Road Precinct.

There are not considered to be any negative impacts of the proposed planning agreement.

Gregory Hills Planning Agreement Explanatory Note

1. Introduction

The Trustees of the Marist Brothers owns the Gregory Hills site. Dart West is currently developing the Gregory Hills site.

The Gregory Hills site is situated in the Turner Road Precinct, which is located in the north east part of the Camden Local Government Area. The Turner Road Precinct will ultimately accommodate around 4,020 new dwellings. The Gregory Hills development will accommodate 2,375 new dwellings, or around 59 percent of the Precinct's planned residential development.

There is a significant amount of local infrastructure that is required to be provided to meet the demands of the urban development expected in the Turner Road Precinct.

Council's Oran Park and Turner Road Precincts Section 94 Contributions Plan (the **Contributions Plan**) addresses the local infrastructure necessary to support future development in the Precinct, including infrastructure planned for the Gregory Hills site.

Dart West, the Trustees of the Marist Brothers and Council propose to enter into a planning agreement under section 93F of the EP&A Act to provide public purposes.

The proposed planning agreement will be a mechanism for implementing the Contributions Plan to the extent that the developer and land owner have an interest in that plan. The proposed agreement will also establish how riparian corridors and transmission easements on the Gregory Hills site will be managed.

This document (the **Explanatory Note**) has been prepared to assist in the public's understanding of the proposed agreement and its impacts, and has been prepared to meet the requirements of Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**).

Gregory Hills Planning Agreement Explanatory Note

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2. Objectives of the planning agreement

(This matter is required under clause 25E(1)(a) of the EP&A Regulation to be addressed in the Explanatory Note)

The objectives of the proposed planning agreement are as follows:

- To deliver the local infrastructure included in the Contributions Plan insofar as it relates to the Gregory Hills site.
- To ensure that local infrastructure is delivered in a timely manner, harmonising the delivery of public assets with the delivery of subdivided lots for sale.
- To maximise provision efficiencies by supporting the delivery of local infrastructure by the developer at or around the same time as land is subdivided and developed.
- To minimise the potential exposure to Council of infrastructure cost overruns involving Contributions Plan infrastructure situated on the Gregory Hills site.
- To remove the need for piecemeal and incremental calculation of section 94 contributions with every affected development application involving the Gregory Hills site.
- To lock-in the infrastructure program for a large part of the Turner Road Precinct, thereby allowing the Council to concentrate its planning effort on those parts of the Precinct that will need a more proactive approach to infrastructure provision (i.e. smaller landholdings and fragmented ownership areas).
- To provide clarity on the future development and management of the riparian corridors and electricity transmission easements located within the Gregory Hills site.

Gregory Hills Planning Agreement Explanatory Note

3. Nature and effect of the planning agreement

(This matter is required under clause 25E(1)(a) of the EP&A Regulation to be addressed in the Explanatory Note)

3.1 Summary

The proposed agreement imposes the following obligations on Dart West and the Trustees of the Marist Brothers:

- Dedicate land and undertake works located on the Gregory Hills site that are identified in the Contributions Plan.
- Make a cash contribution to the Council that is the amount calculated by the following general formula:

<p>The total cash contribution for the Gregory Hills development calculated in accordance with the Contributions Plan</p> <p style="text-align: center;"><i>less</i></p> <p>The total attributable value of the land and works to be provided under the proposed planning agreement (based on the values contained in the Contributions Plan)</p>

- Make a cash contribution to the Council for the purposes of Contributions Plan project management. The contribution amount will be 1/3 of the total project management costs attributable to the open space and recreation, community and transport management facilities to be provided under this agreement.
- Restore and / or embellish riparian corridor and transmission easement land situated within the Gregory Hills site, and dedicate that land to the Council.

3.2 Land and works contributions

Type of provision	Details
Open space and recreation facilities identified in the Contributions Plan (land and works)	<ul style="list-style-type: none"> • One double playing field • One children's playground • One children's play space • One community park / green space • A total open space provision of 18.07 hectares, comprising 3.8 hectares representing the above facilities, and 14.27 hectares representing passive open space.
Community facilities identified in the Contributions Plan (land and works)	One multi purpose community centre on a site of 1,288m ² .
Transport management facilities identified in the Contributions Plan	<ul style="list-style-type: none"> • One 2 lane water crossing • 2,600 linear metres of shared cycleway along riparian corridors • 6 bus shelters
Water cycle management facilities (land and	A total of 6.2 hectares of land accommodating a network of

Gregory Hills Planning Agreement Explanatory Note

Type of provision	Details
works)	detention and bio retention facilities that serve the entire development.
Embellished riparian corridor land (land and works)	A total of 22.3 hectares of riparian corridor land embellished and gradually handed over to Council in accordance with its requirements.
Embellished transmission easement land (land and works)	A total of 9.9 hectares of electricity transmission easement land embellished and gradually handed over to Council in accordance with its requirements.

Maps showing the extent and staging of proposed land and works are shown in Schedule 1 of the proposed planning agreement.

Details regarding the staging of these contributions are included in Schedule 3 to the proposed planning agreement.

3.3 Monetary contributions

In the absence of the proposed planning agreement, developers of land in the Gregory Hills site would have been required under development consents to provide to the Council section 94 monetary or land contributions towards the provision of local infrastructure.

The proposed agreement instead requires Dart West and the Trustees of the Marist Brothers to dedicate land and undertake works (or equivalent works) identified in the Contributions Plan.

The difference between the developers' obligations under the Contributions Plan and the value of the land and works to be provided by Dart West and the Trustees of the Marist Brothers will be paid as monetary contributions.

The monetary contributions payable by the developers are shown in Items 21 and 22 of Schedule 3 to the agreement, and may be summarized as follows:

- A total 'settle-up' amount of approximately \$10.2 million determined by deducting the contribution value of all the land and works to be provided by Dart West and the Trustees of the Marist Brothers from the amount that they would otherwise have been required to pay under the Contributions Plan.
- A total 'project management' amount of approximately \$268,000 which is one third of the total project management costs incurred by Dart West in respect of all items involving works to be provided to the Council.

These amounts:

- account for the whole Gregory Hills development and account for surpluses related to contributions made under recent development consents and recently negotiated works-in-kind agreements; but
- have been indexed to CPI as of September 2011.

Both settle-up and project management cash contributions will be used by the Council to deliver other infrastructure required by the development and included in the Contributions Plan, or another public purpose if the Council considers that the public interest would be better served by applying the contribution towards that other purpose.

Details regarding the staging of the payment of these amounts are included in Schedule 3 to the agreement.

Gregory Hills Planning Agreement Explanatory Note**3.4 Inclusion of riparian corridors and lands burdened by transmission easements**

In addition to the Contributions Plan items, the proposed planning agreement is to include the rehabilitation, embellishment and hand over of land within riparian corridors and areas burdened by transmission easements.

Council has adopted policies that require the merits of transferring these types of land to be assessed against a range of criteria, before it considers whether to accept responsibility for such lands.

An analysis of the developers' offer of riparian corridor land against Council's Dedication of Riparian Corridors Policy is included as Attachment A.

An analysis of the developers' offer of transmission easement land against Council's Dedication of Land burdened by Transmission Easements Policy is included as Attachment B.

These analyses show how these lands integrate with the wider planning objectives for the Precinct. The Gregory Hills site's riparian corridor and transmission easements lands will support achievement of the Precinct's:

- environmental conservation objectives;
- visual amenity objectives;
- passive recreation and pedestrian and cycle access; and
- water cycle management planning objectives.

Gregory Hills Planning Agreement Explanatory Note

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4. Merits of the planning agreement

(This matter is required under clause 25E(1)(b) of the EP&A Regulation to be addressed in the Explanatory Note)

The merits of the proposed planning agreement are evident in:

- its promotion of the public interest (Part 4.1 of the Explanatory Note);
- its promotion of the Council's charter (Part 4.2);
- its delivery of planning purposes (Part 4.3);
- its delivery of Council's works program (Part 4.4); and
- its provisions require developer commitments to be provided prior to the issue of certificates (Part 4.5).

4.1 Promotion of the public interest

(This matter is required under clause 25E(2)(a) of the EP&A Regulation to be addressed in the Explanatory Note)

The public benefits to be secured by this planning agreement will flow from the achievement of the planning agreements' objectives (refer to Part 2 of the Explanatory Note).

Significant efficiencies will be achieved through the agreement by allowing Dart West and the Trustees of the Marist Brothers both:

- greater involvement in the timing and scope of the Contributions Plan infrastructure items that affect their development; and
- the ability to coordinate the concurrent roll-out of urban lots and local infrastructure.

The expected efficiencies, together with anticipated public benefits of the proposed agreement, are described below:

- The entering into a proposed planning agreement would continue the cooperative approach to infrastructure provision has already been initiated through Council's approval of Gregory Hills Stage 1A works in kind agreement, and Council's agreement to accept responsibility for a section of riparian corridor land ('Tributary 1') abutting Stage 1A.
- The agreement relieves Council of the project risk associated with the provision of local infrastructure on the Gregory Hills site. Any cost overruns, rather than being met by the Council or other developers in the Contributions Plan area, would be met by Dart West.
- The agreement is likely to result in, over the development life, a significant reduction in the resources required by the parties to calculate and administer development contributions associated with the development.
- The agreement allows the Council to concentrate its planning effort on those parts of the Precinct that will need a proactive approach to infrastructure provision. Small landowners comprise a small, yet not insubstantial, portion of the Turner Road Precinct development. By entering into the agreement Council is relieved of the obligation of delivering infrastructure in Gregory Hills (which is more ably delivered by the developers) and can instead focus on providing infrastructure in locations where it is less likely that developers would directly provide that infrastructure.

Gregory Hills Planning Agreement Explanatory Note

- The Gregory Hills riparian corridor land comprises significant environmental value and is also integral to the achievement of the Precinct's pedestrian and cycle access and water cycle management planning objectives. Appropriate arrangements for the sustainable ongoing management of the riparian corridors are therefore in the interests of the wider community. The planning agreement addresses these matters. A specific analysis of the merits of the proposed dedication of riparian land (as well as electricity easement land) to the Council is included in the Attachments to this Explanatory Note.

There are various provisions in the proposed planning agreement relating to the implementation of the agreement that protect and uphold the public interest. These include the following:

- Under clause 7.5 of the agreement the Council has discretion in the way it may apply contributions it receives under the agreement.
- Provisions (including clauses 18 and 21) requiring the developer to repair and make good works or rectify defects in works provided under the agreement.
- Under clause 35 of the agreement Dart West is required to prepare, at least annually, a report detailing the performance of its obligations under this Agreement; and the Council is to keep a written register of the development contributions made by Dart West under the agreement.
- Various provisions relating to security including:
 - (i) Where the developer proposes a deferral of work (clause 11 of the agreement);
 - (ii) Provision of a security amount covering the outstanding contributions obligations under the agreement (clause 25); and
 - (iii) Compulsory acquisition of land by Council for a nominal amount in the event the land is not dedicated at the time required under the agreement (clause 33).

4.2 Promotion of the Council's charter

(This matter is required under clause 25E(2)(d) of the EP&A Regulation to be addressed in the Explanatory Note)

A planning agreement should promote elements of the Council's charter, which is established under section 8 of the Local Government Act 1993.

It is considered that the proposed planning agreement would further a number of elements of the charter, as shown below:

Element of the Council's charter (section 8 of the Local Government Act 1993)	How does the agreement promote the element?
To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.	This element is embedded in the purposes and objectives of the proposed planning agreement. That is: <ul style="list-style-type: none"> • the proposed agreement will be the subject of community input prior to its consideration by the Council; • the services and facilities to be provided reflect the objectives of the Contributions Plan and the Council's Dedication of Riparian Corridors and Dedication of Land burdened by Transmission Easements Policies; and • the proposed agreement includes arrangements for the staged handover of completed facilities following a developer sponsored maintenance period.

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Element of the Council's charter (section 8 of the Local Government Act 1993)	How does the agreement promote the element?
To exercise community leadership.	<p>The proposed agreement:</p> <ul style="list-style-type: none"> • Secures the means of providing local infrastructure to meet the needs of a major development in one of Camden's key growth areas. • Taps into and applies the expertise offered by land developers towards providing substantial public benefits for the future Turner Road Precinct community. • Together with other similar agreements that have been negotiated, establishes Camden Council as an innovative facilitator of greenfield urban development schemes.
To promote and to provide and plan for the needs of children.	<p>The proposed agreement provides for the delivery of various facilities focused on the needs of children, including various sports facilities, a playgrounds and a play space, cycleways, natural areas for exploring, and a multi purpose facility.</p>
To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.	<p>The development site's more significant natural areas include its extensive riparian corridors. It is considered the optimum long term management regime for most of the riparian corridor land will be achieved if the land is embellished and dedicated to Camden Council in accordance with its standards, specifications and policies.</p> <p>As a result, over 22 hectares of the development site's riparian corridor lands are proposed to become public assets under the proposed agreement.</p> <p>Response to ESD principles:</p> <ul style="list-style-type: none"> • The precautionary principle, inter generational equity; and conservation of biological diversity and ecological integrity: Proposed agreement supports natural areas being retained, protected and integrated into the development scheme. • Improved valuation, pricing and incentive mechanisms: Proposed agreement establishes a framework whereby infrastructure users are accountable for the provision of that infrastructure; allows earlier provision of the infrastructure (by the developer) than would be the case with 'business as usual'; and allows the most efficient means of delivering that infrastructure (i.e. by the developer).
To have regard to the long term and cumulative effects of its decisions.	<p>The development has a life of at least 10 years. The proposed agreement sets out a framework for the efficient delivery and sustainable ongoing management of a substantial amount of public infrastructure on the development site.</p> <p>The agreement would relieve Council of the project risk associated with the provision of local infrastructure on the development site and allows the Council to concentrate its planning effort on other parts of the</p>

Gregory Hills Planning Agreement Explanatory Note

Element of the Council's charter (section 8 of the Local Government Act 1993)	How does the agreement promote the element?
To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.	<p>Turner Road Precinct that will need a proactive approach to infrastructure provision.</p> <p>The proposed agreement includes provisions placing asset maintenance obligations on the developers for a period after the works are completed.</p> <p>The proposed agreement also includes appropriate asset handover and defects liability provisions.</p>
To engage in long term strategic planning on behalf of the local community.	The proposed agreement spans at least a 10 year time frame, assuring the long term provision and management of public assets and infrastructure.
To exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.	The proposed agreement creates spaces and places for public interaction and provides facilities for the delivery of public services to the local community.
To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.	<p>The proposed agreement includes the payment of monetary contributions to the Council for its management of infrastructure projects and for the provision of other Turner Road Precinct infrastructure not proposed to be delivered under this agreement.</p> <p>The monetary contribution amounts reflect the total value of the balance of the infrastructure needs that will not be provided directly by the developer.</p>

4.3 Planning purposes and the objects of the EP&A Act

(This matter is required under clause 25E(2)(a), (c) and (e) of the EP&A Regulation to be addressed in the Explanatory Note)

The planning purposes served by the planning agreement can best be addressed by reference to the objects of the EP&A Act.

It is considered that this planning agreement would further each of the following objectives of the EP&A Act:

Objective of the EP&A Act (section 5)	How does the agreement promote the objective?
To encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.	The proposed agreement provides a basis for the comprehensive management of the delivery of the local infrastructure requirements of the Gregory Hills development. The proposed agreement also establishes land use management arrangements for the site's riparian corridor lands and electricity easements lands.
To encourage the promotion and co ordination of the orderly and economic use and development of land.	Orderly development of land is encouraged by (through the agreement) establishing a basis whereby local infrastructure is delivered at or around the same time as surrounding development.

Gregory Hills Planning Agreement Explanatory Note

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Attachment 3

Objective of the EP&A Act (section 5)	How does the agreement promote the objective?
To encourage the provision of land for public purposes.	The proposed agreement includes provision of around 55 hectares of land for public purposes.
To encourage the provision and co ordination of community services and facilities.	The proposed agreement will sustain provision and coordination of local infrastructure (which includes, community, open space, recreation, transport management and water cycle management facilities) delivered at or around the same time as surrounding development. Additionally, the proposed agreement would result in some of the facilities planned for the Turner Road Precinct development (for example, the community centre and sports fields) occurring sooner than would have been achieved with a business as usual approach.
To encourage the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.	Refer to comments on ecologically sustainable development in Part 4.1.2.
To encourage ecologically sustainable development	Refer to comments on ecologically sustainable development in Part 4.1.2.

4.4 Conformity with Council's works program

(This matter is required under clause 25E(2)(f) of the EP&A Regulation to be addressed in the Explanatory Note)

By adopting the Oran Park and Turner Road Precincts Section 94 Contributions Plan, Council effectively adopted the works included in that plan into its long term works program.

The proposed agreement is a vehicle for the Council to complete a significant part of its Turner Road Precinct works program in a more timely and efficient fashion.

4.5 Requirements to be complied with before a certificate is issued

(This matter is required under clause 25E(2)(g) of the EP&A Regulation to be addressed in the Explanatory Note)

Schedule 3 of the agreement contains details of when contributions of land, works or money are to be met by the developers.

The Schedule states that land will be required to be dedicated, works will be required to be completed, and cash contributions will be required to be paid before the issue of a Subdivision Certificate for stages of development. If the developer seeks the issue of a Subdivision Certificate prior to the completion of these works, Clause 11 of the planning agreement requires the payment of security against the value of the incomplete works within the relevant stage.

Attachments

Attachment A	Dedication of Riparian Corridors Policy Assessment
Attachment B	Dedication of Land burdened by Transmission Easements Policy Assessment

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Attachment A

Dedication of Riparian Corridors Policy Assessment

Attachment 3

Offer to enter into a Voluntary Planning Agreement for the Embellishment and Dedication of Riparian Corridors in the Gregory Hills development



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Summary

The developer of the Gregory Hills site, Dart West Developments Pty Ltd, proposes to dedicate riparian corridor land as public open space to Camden Council.

The developer considers that effective long-term management of the riparian corridors land on the site will be achieved if the land is appropriately embellished and is dedicated to Camden Council in accordance with its standards, specifications and policies. Council's Riparian Corridors Policy states that the Council and the developer should enter into a Voluntary Planning Agreement (VPA) under section 93F of the Environmental Planning and Assessment Act 1979 to enable this to occur.

This document constitutes the formal submission, in accordance with the provisions of 'Camden Council Policy 1.18 Dedication of Riparian Corridors' (**Riparian Corridors Policy**).

The proposal is generally as follows:

- The developer will rehabilitate / embellish the riparian corridor lands to Council's satisfaction.
- The developer will maintain those lands for a period of 5 years following the completion of the embellishment works.
- The developer seeks Council approval for the transfer / dedication of the lands to Council after that period.

The subject riparian corridors are lands in and adjacent to both South Creek and one of its tributaries (this tributary shall be referred to in this document as Tributary 2).

Council has already approved acceptance of the dedication of Tributary 1 in the same site, from the developer, pursuant to the provisions of the Riparian Corridors Policy. The proposal contained in this document reflects the Tributary 1 proposal, however relates to the remaining Gregory Hills riparian corridor lands.

The riparian areas of the site integrate with the water cycle management and open space networks established in the section 94 contributions plan for the Turner Road Precinct. No credit is being sought in relation to section 94 contributions as a result of the proposed dedication of the riparian corridor land.

The Gregory Hills site includes substantial linear areas of riparian corridor land that can integrate with the existing linear electricity transmission easements into a public pedestrian and cycle access network. A separate submission is being prepared that proposes the dedication of these transmission easements pursuant to the relevant Council policy.

This document:

- sets out the proposal to enter into a VPA regarding riparian corridors land;
- outlines Council's policy framework for the dedication of such land and in doing so, framing the case for the Council to agree to enter into the VPA; and
- responds to the specific requirements contained in that policy as they relate to the VPA offer.

Inquiries regarding the proposal should be directed to the developer's General Manager, Property (Mr David Taylor).

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Council's Policy Framework

Council's Riparian Corridors Policy establishes "the terms and conditions upon which Council will consider proposals to accept dedication of riparian corridor land to Council".

In the 'Policy Statement' (p3), it is stated that:

Camden Council may accept riparian corridor land as public open space only where community and environmental benefits are adequately demonstrated, such as:

- *Protection of significant environmental features of the land;*
- *Recognition of cultural landscapes;*
- *Retention of significant view lines;*
- *Use of an appropriate Community purpose, such as cycle/ walkway, passive open space, environmental education etc.;*
- *Providing linkages between areas of open space that are unencumbered by the riparian corridor at regular intervals along the corridor.*

The Riparian Corridors Policy then states that:

The onus will be on the proponent to demonstrate that any proposal to dedicate a riparian corridor to Council complies with this Policy, in particular with regard to demonstrating that the on-going costs and activities for Council of managing and maintaining the land will be minimal.

The proposal to dedicate riparian land to Council is consistent with Council's plans for the Turner Road Precinct, and considered critical in achieving a high quality release area development.

Dedication of completed and embellished riparian corridors land to Council will:

- allow the land to be held and managed "in single ownership and as a continuous corridor" in accordance with objective (4) of Clause 6.1 of the Turner Road Precinct Development Control Plan 2007 (**Turner Road DCP**);
- provide for the protection of significant remnant vegetation identified in Figure 22 of the Turner Road DCP;
- form a significant portion of the site's open space network as illustrated in Figure 16 of the Turner Road DCP;
- allow for its use for appropriate community purposes, such as pedestrian and cycle ways as identified in Figure 14 of the Turner Road DCP and included as Transport Management Facilities in the Oran Park and Turner Road Precincts Section 94 Contributions Plan (**OPTR s94 Plan**);
- provide linkages between ten (10) passive and active open space areas identified in the OPTR s94 Plan; and
- complement the water cycle management facilities proposed to serve the Turner Road Precinct development and included in the OPTR s94 Plan.

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Assessment of Offer against Council's Policy

Identification of land

Figure 1 shows the location of the riparian land that comprises part of the Gregory Hills master plan, and which is proposed to be dedicated to the Council.

Figure 1 Land to be dedicated to Council



A detailed map and a schedule identifying the areas of these lands (by development stage) are included as an attachment to the Gregory Hills Planning Agreement Proposal prepared by Dart West Developments Pty Ltd.

Consultation

The policy provides that in circumstances where a Waterfront Land Strategy has been prepared there is no need to consult with the Department of Environment, Energy and Climate Change.

The Oran Park and Turner Road Waterfront Land Strategy was gazetted on 17 July 2009 in Government Gazette No. 105. Accordingly, the developer intends to consult only with Camden Council.

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Community and environmental benefits

The community and environmental benefits that are expected to result from having the riparian land being maintained in single ownership by a public authority are identified in Table 1.

Table 1: Community and environmental benefits

Benefit	Description
Passive surveillance of corridor land from streets and open spaces	<p>Single public ownership is consistent with the public Street Network Plan included as Figure 5 in the Turner Road DCP.</p> <p>The plan shows sub arterial roads, collector roads and local streets directly abutting the riparian corridors for most of their length. These roads will be public land. Where not interfacing public roads, the corridors interface the planned public open space network.</p> <p>The only major private land interface with the riparian corridor shown on the DCP is on the eastern side of the local neighbourhood centre.</p>
Supports the delivery of the section 94 contributions plan	<p>Single public ownership will facilitate the delivery of linear public amenities and services identified in the OPTR s94 Plan, especially pedestrian and cycle paths, which in turn provide linkages between many of the proposed open space areas included in that plan.</p> <p>Without the land being held in public ownership the pedestrian and cycle paths may need to be accommodated on adjoining public roads. This would potentially reduce the safety and amenity of these public facilities.</p>
Integral to the planned open space network; Sustainable transport	<p>Further to the above point, and despite its exclusion from the section 94 plan, it is plain that the riparian corridor land on the site is critical to the planned recreation network for Turner Road Precinct.</p> <p>The riparian corridor forms part of an integrated open space and recreation network across Gregory Hills and linking to adjacent areas to the east, north, west and south.</p> <p>It provides the means for future residents to safely navigate through various parts of the Precinct and its facilities (and beyond to Scenic Hills, Oran Park, Harrington grove and Smeaton Grange) using non motorised transport means.</p>
Improved community health outcomes	<p>The attraction of an extensive pedestrian / cycle way network would likely result in high levels of public use, and contribute to improved community health outcomes.</p>
Improved water quality; Conservation of catchment ecological values	<p>Single public ownership will more readily allow the land to be managed as a single coherent system so as to protect the remnant vegetation and other environmental features.</p> <p>The multiple-ownership alternative is likely to yield inconsistent (and therefore inferior) conservation outcomes that, ultimately, will lead to a substandard riparian corridor in the upper reaches South Creek.</p> <p>If riparian systems in the upper reaches of the system are not satisfactorily managed, this will have negative cumulative effects throughout the Growth Centre precincts downstream of the site.</p> <p>Council ownership would enable perpetual protection of a corridor which Dart West is in the process of restoring from its historic agricultural use. This would have consequent short and long term environmental improvements arising from the removal of stock from the corridor, thereby enabling re-establishment of a range of native fauna and flora, which in turn will deliver improved water quality outcomes.</p>
Conservation of	<p>The Turner Road DCP (Figure 19) identifies a discreet Aboriginal archaeological</p>

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Benefit	Description
archaeological heritage	conservation area in the riparian corridor land in the eastern section of the South Creek riparian corridor land. The riparian corridor will be a key cultural marker for the future community of Gregory Hills. Single public ownership will more readily allow the protection and ongoing management of conservation area
Environmental education	Creation of the riparian corridor as a cohesive environmental unit will be assisted by provision of interpretive signage that described and celebrated the corridor's ecological and archaeological values.
Bushfire protection	Single public ownership will more readily allow the establishment of appropriate Asset Protection Zones (APZ) for the purposes of bushfire hazard management, in accordance with clause 6.6 of the Turner Road DCP and ongoing management of those APZ by public authorities without unnecessary interference.
Safeguard view corridors	Single public ownership will more readily allow the retention of significant view corridors and reduce the potential of unauthorised clearing of natural vegetation.

For these reasons, it is considered that single public ownership is the preferred approach and this is consistent with the objective (4) of Clause 6.1 of the Turner Road DCP, which states:

To manage riparian corridors, wherever possible, in single ownership and as a continuous corridor.

Consideration of other ownership options

There are two broad ownership paradigms available for riparian land. That is, they can be held in single ownership as public land or, in multiple ownership by each of the adjoining land-holders. Although multiple-ownership could reduce the public cost, at least for the short term, it would be less likely to achieve the significant community and environmental benefits that the land potentially offers.

Table 2 examines these options.

Table 2: Other ownership options

Option	Comments
Incorporation into rear of private housing lots	Much of the corridor adjoins planned local open space or planned local subdivision roads in accordance with the Turner Road DCP. Location of planned open space and roads prevents lots being located to incorporate corridor in private ownership. The OPTR s94 Plan establishes that Council will be managing numerous parcels of public open space adjoining the Turner Road Precinct riparian corridors. A seamless interface between these areas is appropriate on public amenity and environmental conservation grounds. The pedestrian and cycleway network in the OPTR s94 Plan is focused entirely on the riparian corridors. While the network could be achieved through individual private lots (say through creation of a right of public access), the amenity of that facility is likely to be compromised by the likely variable commitment to maintenance of the corridor by those owners.

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Option	Comments
Incorporation into a major development with substantial frontage to the corridor	<p>The following possible opportunities were considered:</p> <ul style="list-style-type: none"> • The local neighbourhood centre development. • Land in the vicinity of the local neighbourhood centre along the Tributary 2 riparian corridor may in the future be developed for a Seniors' Living development. <p>There are drawbacks to limiting the transfer of corridor to public ownership in these cases.</p> <p>In the case of the neighbourhood centre site:</p> <ul style="list-style-type: none"> • it is likely that only one side of the corridor could be managed in private hands, leaving other parties being responsible for the other side of the watercourse. This piecemeal outcome would likely lead to unsatisfactory environmental conservation outcomes; and • it is doubtful whether a local retail centre proprietor would result in satisfactory ongoing management of the adjoining riparian corridor. <p>Larger seniors living developments are established on sites of several hectares in size. A single development site of this size may be able to absorb and manage a section of the Tributary 2 riparian corridor in walking distance of the neighbourhood centre. However, no operator wishing to develop a seniors site in this location has yet been identified. In keeping with prudent development practice, it is also Dart West's intention to not 'lock-in' a particular development outcome and keep development options for this later development area as flexible as possible.</p>
Single ownership by a non-Council entity	No environmental trust or other non-government organisation has expressed interest in the land and the developer understands that, with limited resources, such organisations would focus on more significant or higher profile projects. The situation with government departments and authorities reflects the same shortage of resources.

Information in Table 2 suggests that while in theory certain sections of the riparian corridor could be managed by private landowners, in practice such an arrangement likely to result in an unsatisfactory outcome for Council, the community, or the developer, or all of these.

Dart West submits that the maximum community and environmental benefits associated with the riparian corridors can only be achieved by public ownership, but understands that Council and the community will be concerned at the ongoing costs of accepting this responsibility.

As the riparian land will emulate as closely as possible the native vegetation communities, it is considered that these areas should, in large part, be self-managing in terms of the landscape and ecosystem. Costs that are contemplated would relate to managing the human impacts of the surrounding urban environment (for example, rubbish dumping, companion animals). The private ownership alternative would still mean human impacts would need to be managed, but by private interests instead of the Council. Private land owners would have varying levels of interest in maintaining riparian areas and it is quite likely that a costly and cumbersome system of compliance would result from implementation of a private ownership model (for example, by formal orders and other legal means initiated by the Council).

Dart West has obtained costs of managing riparian land for Council's consideration of this issue. The following information has been provided by Mr Steven House, Director, Eco Logical Australia:

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- For bush regeneration maintenance average costs recorded in places like Harrington Grove are in the order of \$2,000 / ha / annum – i.e. \$0.20 per square metre.
- Creeks tend to be more expensive due to water availability, higher nutrients and edge effects from the urban environment, i.e. about \$0.50 per square metre. This would equate to one person hour per 100 square metres per annum (@\$50/hr). This is sufficient to undertake spot spraying of weeds and minimal hand removal.
- Prices would reduce from these rates over the long term.

Other terms and conditions

The following table identifies from the Riparian Corridors Policy the terms and conditions of Council's acceptance of the riparian land into public ownership that have not already been dealt with, and comments on the compliance of this proposal with those terms and conditions.

Term or condition	Comment regarding compliance
No Section 94 credits will be granted relating to the land or to any embellishments proposed upon the land (unless a portion of the land is approved for a use associated with a Section 94 facility, e.g. open space, cycle way, road crossing, drainage).	<p>The developer proposes to provide the following works within or affecting the riparian areas as identified in the section 94 contributions plan:</p> <ul style="list-style-type: none"> • pedestrian paths/ cycleways; • water cycle management facilities. <p>The developer intends to obtain a contributions offset for these works.</p> <p>No other monetary section 94 contribution offsets are sought as part of the proposed dedication and embellishment of riparian corridors land.</p>
Development adjoining the corridor must be designed in accordance with Safer by Design principles (such as through the provision of perimeter roads, landscape design that maintains sight lines and lighting appropriate to the intended use).	<p>The developer does apply the Safer by Design principles in its design of open space and adjoining land. Much of the adjoining development is public roadways and so generally provides high levels of surveillance. Council will have the opportunity during the assessment of each application in relation to the staged hand over of riparian corridor land to provide further advice or guidance as necessary to ensure such principles are implemented.</p>
The developer will pay for the maintenance costs of the land for a minimum period of five years from the date of practical completion of the embellishment works, or such longer period as is required to achieve the outcomes stated in the Vegetation Management Plan (VMP) for the land. However, the land may be dedicated to Council at an earlier time, when it is agreed that the outcomes stated in the VMP for the land have been achieved (but no less than 2 years from the commencement of the maintenance period) subject to the continued funding of the minimum 5 year maintenance period by the developer.	<p>The developer is prepared to meet the full cost of maintenance of the riparian corridor land for a period of five years from the date of practical completion of the embellishment works.</p> <p>A VMP will be prepared by the developer, for approval by Council, as part of the DA for adjoining subdivision of land. The VMP will provide the relevant statement of outcomes and performance measures to ensure that these outcomes are achieved.</p> <p>Opportunities for early handover will be considered at a later stage once restoration works are complete and maintenance is underway.</p>
The land will be dedicated in a staged fashion corresponding with the staging of development	<p>The developer agrees to the staged dedication of riparian corridor land to align with the adjoining</p>

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Term or condition	Comment regarding compliance
adjacent to the riparian corridor; dedication will not be accepted despite the above provisions, until the adjoining land has been developed.	development.
The land will be landscaped in a manner that considers salinity impacts and minimises bushfire risk.	Salinity and bush-fire risk will be considered in the preparation of (and subsequent iterations of) the VMP, including in the choices of plant species.
The land will be landscaped or otherwise embellished in consultation with Council and in a manner that will ensure minimal on-going maintenance and management costs and in accordance with the requirements of an approved Vegetation Management Plan for the land.	The developer will adhere to the requirement by specifying suitable landscaping and other embellishments consistent with a passive recreation and riparian environment. The developer will coordinate with Council's landscaping, recreation and environmental sustainability professionals prior to lodging development applications for the work.
NOTE: The subject land and any proposed embellishments must be provided at no cost to Council as negotiated through a Voluntary Planning Agreement (VPA) process.	The developer agrees to this approach subject to section 94 contribution offsets being granted for the cycleway and water cycle management works that are identified in the section 94 contributions plan and that are within the riparian corridors.
NOTE: Council may modify or add to the above general terms and conditions having regard to the circumstances of each case.	Noted, although it would be considered more appropriate to incorporate any additional requirements within the provisions of the VMP.
NOTE: Council encourages innovative management and maintenance solutions, including offers of joint or developer-funded maintenance for an appropriate period post dedication of land.	The developers are happy to discuss any alternative or additional management options that are suggested by the Council for the riparian corridors lands, provided it is consistent with the principle of single public authority management.
NOTE: Acceptance of land in accordance with this policy will be at the sole discretion of Council.	Noted.

Works schedule

The Riparian Corridors Policy provides, in addition to the general terms and conditions, the following requirements:

The proponent is to provide (in the approved Vegetation Management Plan and Draft Plan of Management for the land) a schedule of works with a cost estimates for all components of the works for the ongoing management and maintenance of the land.

Any riparian corridor proposed to be dedicated to Council must be designed, constructed and maintained in accordance with the relevant Vegetation Management Plan approved for the subject land and in accordance with all relevant conditions of development consent for works on the subject land.

The schedule of works and estimate of ongoing costs will be provided in the relevant VMP as part of the development application for the subdivision of adjoining land.

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Conclusion

This submission represents a formal application by Dart West on behalf of the Trustees of the Marist Brothers for Council to accept ownership of the Tributary 2 and South Creek riparian lands. Dart West recognises that the application will lead to further discussion with Council.

Dart West is committed to the implementation of a significant proportion of the Turner Road Precinct development over the long term. This commitment:

- is comprehensive and covers both private land and the public infrastructure networks necessary to sustain a high quality of life for the future residents; and
- has been demonstrated by the high quality of infrastructure completed for Stage 1A of the Gregory Hills development.

The developer seeks to sustain the infrastructure delivery partnership with Council by entering into a VPA with the Council addressing all local infrastructure requirements on the Gregory Hills site, including the ongoing use, ownership and management of land in riparian corridors.

There is a significant public interest in achieving satisfactory outcomes for these lands. The riparian lands adjacent to South Creek and Tributary 2 are integral to the achievement of the Turner Road Precinct's environmental conservation, pedestrian and cycle access, open space and recreation, and water cycle management objectives.

Appropriate and sustainable ongoing management of the riparian corridors of Turner Road Precinct, including the gradual handover of these areas to the Council with appropriate maintenance commitments, is considered to be the optimum outcome for the future Turner Road Precinct community.

It is considered that this proposal is consistent with Council's Riparian Corridors Policy, and is the optimum management model to best achieve the Policy Statement.

The proposal to have the Council own and manage the land would:

- deliver long term protection of significant environmental features of the land, as well as assist in conservation outcomes further downstream in South Creek;
- assist in the retention of significant view lines and in the management of bushfire risk, than if the land was retained in private ownership;
- represent the most appropriate means of conserving significant archaeological heritage features on the site;
- result in the land being used for a range of worthwhile community purposes, including being part of a wider integrated cycle/walkway and passive open space network and, through its prominent location, it will contribute to environmental education;
- provide linkages between planned areas of open space in the Turner Road Precinct that are unencumbered by the riparian corridor; and
- have net community benefits in terms of sustainable transport, community health and environmental education outcomes.

Dart West recognises that the Policy requires it to prepare a Plan of Management under the Local Government Act for the land proposed to be dedicated. Dart West will commence this work after further discussion with Council about this application, including

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being provided with guidance by Council as to the requirements of the Plan of Management.

Accordingly, the developer seeks Council's in-principle endorsement of the proposal to dedicate riparian corridors land to the Council.

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Attachment B

**Dedication of Land burdened by Transmission Easements
Policy Assessment**

Attachment 3

**Offer to enter into a Voluntary Planning Agreement for the
Embellishment and Dedication of Land burdened by
Transmission Easements in the Gregory Hills development**



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Summary

The developer of the Gregory Hills site, Dart West Developments Pty Ltd, proposes to dedicate land burdened by transmission easements as public open space to Camden Council.

The developer considers that effective long-term management of the land will be best achieved if the transmission easements that traverse the site are embellished as a new 'linear park' in accordance with Council's standards, specifications and policies, and then dedicated to the Council after a suitable maintenance period. Council's Transmission Easements Policy states that the Council and the developer should enter into a Voluntary Planning Agreement (VPA) under section 93F of the Environmental Planning and Assessment Act 1979 to enable this to occur.

This document also constitutes Dart West's formal submission in accordance with the provisions of 'Camden Council Policy 1.19 Dedication of Land Burdened by Transmission Easements' (**Transmission Easements Policy**).

The proposal is generally as follows:

- The developer will create the linear park along the transmission easement lands to Council's satisfaction.
- The developer will maintain those lands for a period of 5 years following the completion of the embellishment works.
- The developer seeks Council approval for the transfer / dedication of the lands to Council after that period.

There are two transmission easements passing through the site and they intersect at the northern edge of the site, adjacent to the main active recreation facility (playing fields) planned for the Turner Road Precinct.

The proposed linear park will provide for a substantial expansion of the open space network in Gregory Hills; provide the opportunity for public car parking to support the active recreation uses; and also extend the pedestrian/ cycleway networks established in the section 94 contributions plan for the Precinct. No credit is being sought in relation to section 94 contributions as a result of the proposed dedication of the transmission easement land, apart from those areas identified for acquisition and embellishment under the contributions plan.

The proposed linear park complements, and would integrate with, substantial linear areas of riparian corridor land that is within the Gregory Hills site. A separate submission will be made proposing the dedication of these lands pursuant to the relevant policy.

This document:

- sets out the proposal to enter into a VPA regarding transmission easements land;
- outlines Council's policy framework for the dedication of such land and in doing so, framing the case for the Council to agree to enter into the VPA; and
- responds to the specific requirements contained in that policy as they relate to the VPA offer.

Inquiries regarding the proposal should be directed to the developer's General Manager, Property (Mr David Taylor).

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Council's Policy Framework

Council's Transmission Easements Policy establishes "the terms and conditions upon which Council will consider proposals to accept dedication of land burdened by transmission easement land to Council".

In the 'Policy Statement' (p3), it is stated that:

Camden Council may accept land burdened by transmission easements as public open space only where community and environmental benefits are adequately demonstrated, such as:

- *Recognition of cultural landscapes;*
- *Retention of significant view lines;*
- *Protection of significant environmental features of the land;*
- *Use for an appropriate community purpose, such as cycle/ walkway, a dog off-leash area, car parking, native plant nursery, community garden etc;*
- *Providing linkages between areas of open space that are unencumbered by the power easement at regular intervals along the easement corridor.*

The policy then states that:

The onus will be on the proponent to demonstrate that any proposal to dedicate land burdened by a transmission easement to Council complies with this Policy, in particular with regard to demonstrating that the on-going costs and activities for Council of managing and maintaining the land will be minimal.

The proposal to dedicate transmission easements land to Council is consistent with achieving a high level of residential design and amenity enunciated in development plans and policies prepared for the Turner Road Precinct.

The proposal comprises part of an overall plan for a single entity (i.e. Council) to manage the site's open space, riparian lands and easement lands.

Dedication of completed and embellished transmission easement land will:

- provide for a well-located and extensive addition to the Precinct's access and movement network, thereby significantly enhancing the permeability, interconnectedness and convenience of the network. This is consistent with the objectives of clause 3.1 of the Turner Road Precinct Development Control Plan 2007 (**Turner Road DCP**);
- allow for its use for appropriate community purposes, such as pedestrian and cycle ways along the entire easement length, car-parking areas to support the sports fields, recreational activities such as dog off-leash areas, viewing and seating spaces and a public art project to support the creation of a local (i.e. Gregory Hills) identity. These will be in addition to works identified in the Oran Park and Turner Road Precincts Section 94 Contributions Plan (**OPTR s94 Plan**);
- create new linkages between planned community facilities on the site including, for example, between the new public school and the proposed sports fields; and
- create a significant expansion of the site's open space network compared to that illustrated in Figure 16 of the Turner Road DCP at no further capital cost to Council.

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Attachment 3

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Assessment of Offer against Council's Policy

Identification of land

Figure 1 shows the location of the electricity transmission easement land that comprises part of the Gregory Hills master plan, and which is proposed to be dedicated to the Council.

Figure 1 Land to be dedicated to Council



A detailed map and a schedule identifying the areas of these lands (by development stage) are included as an attachment to the Gregory Hills Planning Agreement Proposal prepared by Dart West Developments Pty Ltd.

Concept plans

Preliminary concept plans and indicative images for the landscaping and embellishment of the transmission easements and the creation of the linear park are attached to this submission.

Features of the proposed treatment of the lands include:

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- continuous and direct pedestrian and cycle connection between the southern residential areas and the proposed Turner Road playing fields;
- integration with pedestrian and cycle ways proposed for the riparian corridors, including provision of at least one crossing of South Creek not envisaged in the OPTR s94 Plan;
- provision of opportunities for passive surveillance by positioning local roads as an interface between the transmission easement and residential dwellings; and
- provision of dog off leash areas, public art elements, and a southern lookout.

Consultation

The Transmission Easements Policy provides that the proponents shall consult with Camden Council and the relevant energy companies with regard to the use, embellishment, ownership and management of the land burdened by the transmission easement. The relevant energy company is TransGrid.

The concept design of the easement embellishments have taken account of commonly used / best practice guidelines in the treatment of transmission easement lands, that is:

- ISSC 3 - Industry Safety Steering Committee, NSW; Guideline for Managing Vegetation Near Power Lines (Integrating Community, Safety and Environmental Values); December 2005
- Integral Energy - Tree Management Plan; June 2007
- SP AusNet - A Guide to Living with Transmission Line Easements; February 2007
- SP AusNet - Easement Use: Planting on Easements; February 2007

Formal consultation with TransGrid is proposed to take place during the development application preparation process, following in-principle agreement to continue VPA negotiations to dedicate easement lands to Council.

Community and environmental benefits

The community and environmental benefits that are expected to result from having the easement lands being maintained in single ownership by a public authority are identified in Table 1.

Table 1: Community and environmental benefits

Benefit	Description
Passive surveillance of easement land from streets and open spaces	<p>Single public ownership is consistent with the public Street Network Plan included as Figure 5 in the Turner Road DCP.</p> <p>The plan shows local and collector roads and planned open space directly abutting the easements for most of their length. These roads will be public land. Where frontage roads are not shown, the master plan can readily be modified to ensure all easement lands have a public land interface.</p> <p>The arrangement of houses fronting onto these roads, and the public use of the open space lands, creates the opportunity for public use of the easement lands, and therefore passive surveillance of the lands.</p>
Increased value of and access to the local	<p>Single public ownership would, through creation of a major linear park, maximise the amount of publicly accessible open space and also the maximum range of additional facilities such as pedestrian and cycle paths, car-parking areas to support the sports</p>

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Benefit	Description
open space network	fields, recreational activities such as dog off-leash areas, viewing and seating spaces and public art.
Supports the delivery of the section 94 contributions plan	<p>A portion of the transmission easement land is identified for acquisition and embellishment as part of the OPTR s94 Plan (i.e. land adjacent to the playing fields in the north east part of Gregory Hills.</p> <p>Additionally, the provision of further pedestrian and cycle ways will significantly enhance the OPTR s94 Plan network (based on the riparian corridors) in the eastern side of the Turner Road Precinct.</p>
Fully integrated with the planned open space network; Sustainable transport	<p>The easement lands, with embellishment for passive and pedestrian / cycle way purposes, will form part of a comprehensive and integrated open space and recreation network across Gregory Hills and linking to adjacent areas to the east, north, west and south.</p> <p>It therefore enhances the opportunities for future residents to safely navigate through various parts of the Precinct and its facilities (and beyond to Scenic Hills, Oran Park, Harrington grove and Smeaton Grange) using non motorised transport means.</p>
Improved community health outcomes	The attraction of an extensive pedestrian / cycle way network would likely result in high levels of public use, and contribute to improved community health outcomes.
Safeguard view corridors	<p>Single public ownership would create an internal view corridor south to north and north to south through the release area unimpeded by fencing and other structures that may detract from the views and the general experience of the facilities provided on the land.</p> <p>At its southern extent, provision will also be made for a public place for residents to obtain views toward Mount Annan to the south and to Scenic Hills area generally.</p>
Conservation of catchment ecological values	<p>Single public ownership would allow for the protection of significant environmental features of the Turner Road Precinct landscape by providing additional connections between riparian corridors and internal pocket parks, where established Cumberland Plain Woodland species have been retained.</p> <p>This allows for increased pollinator activity across and through the site through significant plantings of endemic vegetation within the transmission easement. This was an objective of the initial 'LVIA – Landscape Visual Impact Assessment, 2005' prepared by the Growth Centres Commission, NSW; and one of the key recommendations of the future planning of Gregory Hills.</p>
Reduced cost to community over the longer term	Single public ownership will more readily allow the land, together with riparian lands and other Council owned public open space, to be managed as a single coherent network. In Dart West's view, this would significantly reduce the overall cost to the community when compared to the establishment of parallel management systems by different organisations.

Dart West is of the view that these benefits, together with the absence of a suitable and viable alternative ownership model (discussed below), suggest a strong case for Council's future ownership and management of all of the transmission easement lands within the Gregory Hills site.

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Consideration of other ownership options

The OPTR s94 Plan establishes that Council will own and manage numerous parcels of public open space adjoining the land burdened by transmission easements in the Turner Road Precinct, including the playing fields facility north of South Creek.

In fact, the OPTR s94 Plan provides for over 4 hectares of electricity transmission easement land adjacent to the playing fields to be acquired and embellished by Council. There is therefore no argument about the future ownership model for this portion of the easement land. The proposed VPA will enable realisation of this part of the OPTR s94 Plan to be achieved.

Apart from the above land, there are two broad ownership paradigms available for the easement land. That is, the land can be held in single ownership as public land or in multiple ownership by each of the adjoining land-holders. Although multiple-ownership could reduce the public maintenance cost, at least for the short term, it would be less likely to achieve the public benefits that the land potentially offers.

Table 2 examines alternative ownership models.

Table 2: Other ownership options

Option	Comments
Incorporation into rear of private housing lots	<p>Possible for that section of the easement land in the north of the Gregory Hills site (i.e. west of the playing fields); and easement land south of Gregory Hills Drive; to be developed for large-lot residential development in accordance with the R1 zoning.</p> <p>The positive aspects of this approach are that provides for a different house product for the area (i.e. large lots well in excess of 2,000m²), and avoids the public having to be responsible for the maintenance of the land. The negative impacts of this approach are mainly visual with the location of numerous boundary fences situated perpendicular to the easement line likely to provide an inferior urban outcome.</p> <p>Compounding the likely negative visual impact is that this form of use of the easements is a 'wasted opportunity' for the local community. The public single ownership model is the only one that can realistically provide all of the community and environmental and community benefits described previously in this submission.</p>
Incorporation into a major development with substantial frontage to the corridor	<p>The following possible opportunities were considered:</p> <ul style="list-style-type: none"> • A higher density housing development on land south east of the local neighbourhood centre. • A seniors living development. <p>The first of these options was discounted as the market for such development is likely to involve sites no larger than 5,000m². Such development would result in similar outcomes to those envisaged for detached housing lots above.</p> <p>Larger seniors living developments are established on sites of several hectares in size. A single development site of this size may be able to absorb and manage a section of the transmission easement corridor. The market for developing such a site encumbered by a transmission easement is untested, but is likely to be extremely limited.</p> <p>This option is therefore unlikely to be viable.</p>
Single ownership by a non-Council entity	<p>TransGrid enjoys the benefits of access to the easement which is all that it requires to maintain the transmission line. No non-government organisation has expressed</p>

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Option	Comments
	interest in the land nor is likely to. Single ownership by a non-Council entity is therefore not viable.

Dart West submits that the maximum community and environmental benefits associated with the easement lands can only be achieved by public ownership, but understands that Council and the community will be concerned at the ongoing costs of accepting this responsibility.

The concept plans included in the attachments show minimal embellishment of the space and low-maintenance native vegetation planting. Dart West has only recently commenced Gregory Hills development and does not have the experience that Council would have in maintenance cost matters. Dart West would therefore seek advice from Council's open space asset managers on their estimate for maintaining passive parks with similar planting and embellishment to that proposed in the easement lands.

Other terms and conditions

The following table identifies from the Transmission Easements Policy the terms and conditions of Council's acceptance of the easement land into public ownership that have not already been dealt with, and comments on the compliance of this proposal with those terms and conditions.

Term or condition	Comment regarding compliance
No Section 94 credits will be granted relating to the land or to any embellishments proposed upon the land (unless a portion of the land is approved for a use associated with a Section 94 facility, e.g. car parking for a sports field, subject to the concurrence of the energy company).	The developer will only seek section 94 contribution offsets that part of the easement land identified for acquisition and embellishment as open space in the OPTR s94 Plan. No offsets will be sought for other easement lands.
The land will be additional to the normal open space requirements and will not be permitted to be used for the primary components of the section 94 facilities (i.e. not for sports fields or play grounds but may be used for car parking) and shall not reduce the total area of land to be dedicated under the plan.	Noted and agreed. It is intended to expand both land and facilities associated with passive open space embellishments only (such as seating and public art).
Development adjoining the easement must be designed in accordance with Safer by Design Principles (such as through the provision of perimeter roads, landscape design that maintains sight lines and lighting appropriate to the intended use and opportunities to provide passive surveillance).	The developer does apply the Safer by Design principles in its design of open space and adjoining land. Much of the adjoining development is public roadways and so generally provides high levels of surveillance. Council will have the opportunity during the assessment of each application to provide further advice or guidance as necessary to ensure such principles are implemented.
The developer will pay for the maintenance costs of the land for a minimum period of five years from the date of practical completion of the embellishment works, or such longer period as is required to achieve the outcomes for the land. However, the land may be dedicated to Council at an earlier time, when it is	The developer is prepared to meet the full cost of maintenance of the transmission easement land for a period of five years from the date of practical completion of the embellishment works. Further development of the concept plans will assist in providing a statement of outcomes and performance

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Term or condition	Comment regarding compliance
agreed that the outcomes for the land have been achieved (but no less than 2 years from the commencement of the maintenance period) subject to the continued funding of the minimum 5 year maintenance period by the developer.	measures to ensure that these outcomes are achieved. Opportunities for early handover will be considered at a later stage once works are complete and maintenance is underway.
The land will be dedicated in a staged fashion corresponding with the staging of development adjacent to the easement corridor. Dedication will not be accepted despite the above provisions, until the adjoining land has been developed.	The developer agrees to the staged dedication of transmission easement land to align with the adjoining development.
The land will be landscaped or otherwise embellished in consultation with Council and in accordance with the requirements of the relevant energy companies.	Upon receipt of, in principle, advice from Council that it will accept ownership of the easement lands, the developer proposes to refer this plan, concept designs and a draft Plan of Management (PoM) to TransGrid to gain their general concurrence. Once that is obtained the developer will further develop the draft PoM as necessary and provide any relevant details to fully articulate the proposal.
The land will be landscaped in a manner that considers salinity impacts and minimises bushfire risk.	Salinity and bush-fire risk will be considered in the preparation of the relevant concept details, including in the choices of plant species.
The design and embellishment must ensure minimal on-going maintenance and management costs.	Noted and agreed. Preferred species and landscape design approaches incorporated into the concept plans are low maintenance cost solutions. The suitability of public art installations and passive open space embellishments can be the subject of further discussion with Council officers.
Drainage of the land is designed to Council's satisfaction and to ensure no detrimental impacts on private property or usable open space land.	Noted and agreed.
NOTE: The subject land and any proposed embellishments must be provided at no cost to Council as negotiated through a Voluntary Planning Agreement (VPA) process.	The developer agrees to this approach subject to section 94 contribution offsets being granted for the land and works that are identified in the OPTR s94 Plan.
NOTE: Council may modify or add to the above general terms and conditions having regard to the circumstances of each case.	Noted.
NOTE: Council encourages innovative management and maintenance solutions, including offers of joint or developer-funded maintenance for an appropriate period post dedication of land.	The developer is happy to discuss any alternative or additional management options that are suggested by the Council for the easement lands, provided it is consistent with the principle of single public authority management.
NOTE: Acceptance of land in accordance with this policy will be at the sole discretion of Council.	Noted.

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Works schedule

The policy provides, in addition to the general terms and condition, the following detailed requirements:

"The proponent is to provide (in the Draft Plan of Management for the land) a schedule of works with a cost estimate for all components of the works for the ongoing management and maintenance of the land."

The draft PoM (currently in preparation) will identify the various management issues and provide a recommendation as to how these can be addressed. A draft landscape maintenance timetable will also comprise part of the draft PoM.

As stated previously, the ongoing management regime for the space would resemble that of other passive parks in the LGA. Dart West submits that Council's asset managers would have access to comprehensive data on costs of maintenance for these spaces.

Conclusion

Dart West is committed to the implementation of a significant proportion of the Turner Road Precinct over the long term. This commitment:

- is comprehensive and covers both private land and the public infrastructure networks necessary to sustain a high quality of life for the future residents; and
- has been demonstrated by the high quality of infrastructure completed for Stage 1A of the Gregory Hills development.

The developer seeks to sustain the infrastructure delivery partnership with Council by entering into a VPA with the Council addressing all local infrastructure requirements on the Gregory Hills site, including the ongoing use, ownership and management of land burdened by transmission easements.

There is significant public interest in ensuring quality design and planning outcomes for these lands are achieved, and that poor design and visual outcomes are avoided.

At the same time there are significant opportunities for public use and enjoyment of the land. The transmission easement lands represent a great opportunity to enhance the liveability of Turner Road Precinct by the creation of an outstanding 'linear park'.

It is considered that this proposal is consistent with Council's Transmission Easements Policy and is the optimum management model to best achieve the Policy Statement.

The proposal to have the Council own and manage the land would:

- implement the OPTR s94 Plan in so far as the areas surrounding the proposed playing fields is concerned;
- represent a valuable and worthwhile addition to the other public infrastructure being provided on the Gregory Hills site;
- enhance the quantity and quality of open space in the area, and substantially improve the access and movement networks, particularly in the south eastern part of the Turner Road Precinct;
- have much less negative visual impact than the likely alternative development; and

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- have net community benefits in terms of sustainable transport, and community health outcomes.

Appropriate and sustainable ongoing management of the transmission easements land at the Gregory Hills site, including the gradual handover of these areas to the Council with appropriate maintenance commitments, is considered to be the optimum outcome for the community.

Accordingly, Dart West seeks Council's in-principle endorsement of its proposal to dedicate transmission easements land to the Council.

Attachments

Preliminary concept plans and images



Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



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Appendix 2

(Clause 5.1.2)

Table to Schedule 3 of the Planning Agreement

The table to Schedule 3 of the Planning Agreement appears on the following pages

DRAFT

Attachment 3

**Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers**



Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
Carrying out of Work						
1	1A	OS 11 (OSR4.3)	Passive open space and recreation	603m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$13,724
2	1A	OS 12 (OSR3.3)	Active open space and recreation	One children's playspace on a 3,000m ² site near the centre of the Land south of Gregory Hills Drive, meeting the specifications provided in the CP.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$227,592
3	1A	OS 12 (OSR4.2)	Passive open space and recreation	22,300m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$1,827,106
4	1B	OS 13 (OSR4.3)	Passive open space and recreation	766m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$17,661

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
5	1B	OS 14 (OSR4.3)	Passive open space and recreation	2,633m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$59,926
6	1B	OS 15 (OSR4.3)	Passive open space and recreation	335m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$7,624
7	1C	OS 16 (OSR3.2)	Active open space and recreation	One children's playground on a 3,000m ² site in the south-western part of Gregory Hills, meeting the specifications provided in the CP.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$227,592
8	1C	OS 16 (OSR4.3)	Passive open space and recreation	7,540m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$171,608
9	1A	RP0	Riparian corridor protection & enhancement	24,500m ² of embellished riparian land.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$367,500

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
10	2A and 2B	OS 10 (OSR4.2)	Passive open space and recreation	10,710m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$877,502
	3A					
11	3B	OS 22 (OSR 4.1)	Passive open space and recreation	A Town Park with an area of 7,336 m ² .	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$1,903,713
12	4	OS 27 (OSR4.2)	Passive open space and recreation	19,030m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$1,559,185
13	4	TL1	Open space corridor and transmission line easement	19,805m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$142,091
14	4	TL5	Open space corridor and transmission line easement	10,520m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$75,476

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
15	5A and 5B	TL2	Open space corridor and transmission line easement	24,377m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$174,893
	6&7	-				
16	8A	OS 17 (OSR4.2)	Passive open space and recreation	2,090m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$171,272
	9	-				
17	10A	OS23 (OSR4.3)	Passive open space and recreation	1,152m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage or at such later date agreed to by Council.	\$26,219
	10B					

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
18	10C	OS 24 (OSR4.1)	Passive open space and recreation	One community park/green space of 5,000m ² .	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage or at such later date agreed to by Council.	\$1,297,273
19	10C	OS 24 (OSR4.2)	Passive open space and recreation	3,120m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage or at such later date agreed to by Council.	\$255,631
20	10D	TL3	Open space corridor and transmission line easement	1,680m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$12,053
21	11A	TM5	Transport management	612m ² of bike paths with a width of 2.5m (244.8m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$70,050

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
22	11A	RP3	Riparian corridor protection & enhancement	16,000m ² of embellished riparian land.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$240,000
23	11A	TM6	Transport management	560m ² of bike paths with a width of 2.5m (224m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$64,110
24	11A	RP4	Riparian corridor protection & enhancement	10,000m ² of embellished riparian land.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$150,000
25	11B	OS 25 (OSR4.3)	Passive open space and recreation	543m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$12,361
26	11B	TM10	Transport management	267.5m ² of bike paths with a width of 2.5m (107m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$30,624

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
27	12	OS 18 (OSR4.2)	Passive open space and recreation	21,391m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$1,752,956
28	12	TM3	Transport management	1017.5m ² of bike paths with a width of 2.5m (407m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$116,486
29	12	OS CANAL (OSR4.2)	Passive open space and recreation	2118m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$173,566
30	13	TL4	Open space corridor and transmission line easement	28,782m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$206,497
31	14	C2.2	Community facility	One 523m ² multi-purpose community centre on a 1,308m ² site generally in the central part of the Land, meeting Council's specifications.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$1,971,649

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
32	14	C2.2a	Community facility	One 785m ² car park and landscaped area located within the 1,308m ² site for the multi-purpose community centre.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$94,599
33	14	TM4	Transport management	762m ² of bike paths with a width of 2.5m (304.8m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$87,219
34	14	RP1	Riparian corridor protection & enhancement	14,445m ² of embellished riparian land.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$216,675
35	15A	OS35 (OSR 4.2)	Passive open space and recreation	440m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$36,057
36	15A	TL8	Open space corridor and transmission line easement	1,981m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$14,213

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
37	15B	TM1	Transport management	A two lane bridge crossing of South Creek in the northern part of the Land, meeting the specifications provided in the CP.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$1,408,173
38	15B	TM7	Transport management	230m ² of bike paths with a width of 2.5m (92m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$26,331
39	15B	TM9	Transport management	532.5m ² of bike paths with a width of 2.5m (213m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$60,962
40	15B	RP6	Riparian corridor protection & enhancement	28,635m ² of embellished riparian land.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$429,525
41	15B	TL7	Open space corridor and transmission line easement	12,112m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$86,898



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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
42	15B	OS34 (OSR4.2)	Passive open space and recreation	1,215m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$99,567
43	15C	OS 28 (OSR3.1)	Active open space and recreation	A 2.7ha double playing field on a site north of South Creek, meeting the specifications provided in the CP.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$3,359,233
44	15C	OS 28 (OSR4.2)	Passive open space and recreation	7,497m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$614,366
45	15C	OS 33 (OSR 4.3)	Passive open space	43,540m ² of embellished passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$991,119
	16 & 17	-				
46	18	OS 1 (OSR4.2)	Passive open space and recreation	318m ² of passive open space.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$26,060

**Gregory Hills Planning Agreement – Third Deed of Variation
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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
47	19	TM8	Transport management	2,325m ² of bike paths with a width of 2.5m (930m length).	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$266,172
48	19	RP7	Riparian corridor protection & enhancement	69,669m ² of embellished riparian land	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$1,045,035
49	19	OS34(TL)	Open space corridor and transmission line easement	1,205m ² of embellished transmission line easement land including cycle/pedestrian/access path.	Prior to the issue of the Subdivision Certificate that creates the first Final Lot in the Relevant Stage.	\$8,645
Dedication of Land						
50	1	OS 11 (OSR4.3)	Passive open space and recreation	Dedication of a 603m ² site on which Item 1 is to be provided.	On completion, within the meaning of this Agreement, of Item 1, and otherwise in accordance with this Agreement, or at such later date as	\$57,285



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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
51	1	OS 12 (OSR3.3)	Active open space and recreation	Dedication of a 3,000m ² site near the centre of the Land south of Gregory Hills Drive, on which Item 2 is to be provided.	agreed to by Council.	\$285,000
52	1	OS 12 (OSR4.2)	Passive open space and recreation	Dedication of 22,300m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 3, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$2,118,500
53	1	OS 13 (OSR4.3)	Passive open space and recreation	Dedication of 766m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 4, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$72,770

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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
54	1	OS 14 (OSR4.3)	Passive open space and recreation	Dedication of 2,633m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 5, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$250,135
55	1	OS 15 (OSR4.3)	Passive open space and recreation	Dedication of 335m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 6, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$31,825
56	1	OS 16 (OSR3.2)	Active open space and recreation	Dedication of land containing one children's playground on a 3,000m ² site near the south-western part of Gregory Hills, meeting the specifications provided in the CP.	On completion, within the meaning of this Agreement, of Item 7, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$285,000
57	1	OS 16 (OSR4.3)	Passive open space and recreation	Dedication of 7,540m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 8, and otherwise in accordance with this Agreement, or at such later date as	\$716,300



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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
58	1	RP0	Riparian corridor protection & enhancement	Dedication of 24,500m ² of embellished riparian land.	agreed to by Council	Nil
59	2	OS 10 (OSR4.2)	Passive open space and recreation	Dedication of 10,710m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 10, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$1,017,450
60	3B	OS 22 (OSR 4.2)	Passive open space and recreation	Dedication of 7,336m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 11, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$696,920

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Gregory Hills Planning Agreement – Third Deed of Variation

Camden Council

Dart West Developments Pty Limited

Trustees of the Marist Brothers



Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
61	4	OS 27 (OSR4.2)	Passive open space and recreation	Dedication of 19,030m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 12 and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$1,807,850
62	4	TL1	Open space corridor and transmission line easement	Dedication of 19,805m ² of embellished transmission line easement/land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 13.	Nil
63	4	TL5	Open space corridor and transmission line easement	Dedication of 10,520m ² of embellished transmission line easement/land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 14.	Nil
64	5	TL2	Open space corridor and transmission line easement	Dedication of 24,337m ² of embellished transmission line easement/land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 15.	Nil
	6&7	-				

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Trustees of the Marist Brothers

Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
65	8	OS 17 (OSR4.2)	Passive open space and recreation	Dedication of 2,090m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 16, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$198,550
	9	-				
66	10A	OS23 (OSR4.3)	Passive open space and recreation	Dedication of 1,152m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 17, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$109,440
	10B	-				
67	10C	OS 24 (OSR4.1)	Passive open space and recreation	Dedication of one community park/green space of 5,000m ² .	On completion, within the meaning of this Agreement, of Item 18, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$475,000

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Gregory Hills Planning Agreement – Third Deed of Variation
 Camden Council
 Dart West Developments Pty Limited
 Trustees of the Marist Brothers



Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
68	10C	OS 24 (OSR4.2)	Passive open space and recreation	Dedication of 3,120m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 19, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$296,400
69	10D	TL3	Open space corridor and transmission line easement	Dedication of 1,680m ² of embellished transmission line easement land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 20.	Nil
70	11A	RP3	Riparian corridor protection & enhancement	Dedication of 16,000m ² of embellished riparian land.	On the expiration of the Maintenance Period for Item 22.	Nil
71	11A	RP4	Riparian corridor protection & enhancement	Dedication of 10,000m ² of embellished riparian land.	On the expiration of the Maintenance Period for Item 24.	Nil



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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
72	11B	OS 25 (OSR4.3)	Passive open space and recreation	Dedication of 54.3m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 25, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$51,585
73	12	OS 18 (OSR4.3)	Passive open space and recreation	Dedication of 21,391m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 27, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$2,032,145
74	12	OS CANAL	Passive open space and recreation	Dedication of 2,118m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 29, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$201,210
75	13	TL4	Open space corridor and transmission line easement	Dedication of 28,782m ² of embellished transmission line easement land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 30.	Nil

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Attachment 3

Gregory Hills Planning Agreement – Third Deed of Variation

Camden Council

Dart West Developments Pty Limited

Trustees of the Marist Brothers



Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
76	14	C2.2	Community facility	Dedication of a 1,308m ² site containing one 523m ² multi-purpose community centre and one 785m ² car park and landscaped area.	On completion, within the meaning of this Agreement, of Items 31 and 32, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$124,260
77	14	RP1	Riparian corridor protection & enhancement	Dedication of 14,445m ² of embellished riparian land.	On the expiration of the Maintenance Period for Item 34.	Nil
78	15A	OS35 (OSR 4.2)	Passive open space and recreation	440m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 35, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$41,800
79	15A	TL8	Open space corridor and transmission line easement	Dedication of 1,981m ² of embellished transmission line easement land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 36.	Nil

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Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers

Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
80	15B	RP6	Riparian corridor protection & enhancement	Dedication of 28,635m ² of embellished riparian land.	On the expiration of the Maintenance Period for Item 40.	Nil
81	15B	TL7	Open space corridor and transmission line easement	Dedication of 12,112m ² of embellished transmission line easement land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 41.	Nil
82	15B	OS34 (OSR4.2)	Passive open space and recreation	Dedication of 1,215m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 42, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$115,425
83	15C	OS 28 (OSR3.1)	Active open space and recreation	Dedication of a 2.7ha double playing field on a site north of South Creek.	On completion, within the meaning of this Agreement, of Item 43, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$2,565,000

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Attachment 3

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
84	15C	OS 28 (OSR4.2)	Passive open space and recreation	Dedication of 7,497m ² of passive open space.	On completion, within the meaning of this Agreement, of Item 44, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$712,215
85	15C	OS 33	Passive open space	Dedication of 43,540m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 45, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$4,136,300
	16 & 17	-				
86	18	OS1	Passive open space	Dedication of 318m ² of embellished passive open space.	On completion, within the meaning of this Agreement, of Item 46, and otherwise in accordance with this Agreement, or at such later date as agreed to by Council	\$30,210



Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
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Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
87	19	RP7	Riparian corridor protection & enhancement	Dedication of 69,669m ² of embellished riparian land.	On the expiration of the Maintenance Period for Item 48.	Nil
88	19	OS34(TL)	Open space corridor and transmission line easement	Dedication of 1,205m ² of embellished transmission line easement land including cycle/pedestrian/access path.	On the expiration of the Maintenance Period for Item 49.	Nil
Monetary Contributions						
89	N/A	N/A	Various	An amount determined by deducting the Contribution Value for all Contribution Items comprising Works (other than Items 9, 13, 14, 15, 22, 24, 29, 30, 34, 36, 40, 41, 48, 49) from	Payment of an amount per lot prior to the issuing of the Subdivision Certificate for each Final Lot created after the 2000 th Final Lot	\$10,459,672

**Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers**



Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
90	N/A	N/A	Administration	<p>the amount that would otherwise be payable by the Developer in respect of the Development, under the CP.</p> <p>An amount which is one third of the total project management costs allowed for in the CP, in respect of all items involving Works provided to Council under this Agreement (other than items 9, 13, 14, 15, 22, 24, 29, 30, 34, 36, 40, 41, 48, 49).</p>	<p>The amount payable per lot will be determined by dividing the value of Item 89 (minus any early cash contributions towards Item 89 made by the Developer before the issuing of the Subdivision Certificate for the 2001st Final Lot) by the number '467'.</p> <p>Payment of an amount per lot prior to the issuing of the Subdivision Certificate for each Final Lot.</p> <p>The amount payable per lot will be determined by the following formula: $\\$N = \text{Balance} / L$ Where</p>	\$235,736



Gregory Hills Planning Agreement – Third Deed of Variation
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Trustees of the Marist Brothers

Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
					<p>\$N is the contribution amount for the 'Nth lot</p> <p>Balance is the amount of Item 90 that remains to be paid at the date of calculation (being the value of Item 90 minus any previous cash contributions towards Item 90 before the date of calculation)</p> <p>L is the number of lots for which Item 136 remains to be paid, including the lot the subject of the payment (being 2,460 - N + 1)</p>	
Miscellaneous						
91		B1 to B15 inclusive	Water Cycle Management	Construction of and dedication of land for a water cycle management system in the locations identified as B1 to B15 on the Plan Package provided in Schedule 1, to the satisfaction of	Work to be completed immediately prior to the issuing of a Subdivision Certificate that creates a Final Lot that is serviced by the water cycle management system, or such other date agreed to by Council under	\$15,273,647

**Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers**



Column 1 Item	Column 2 Relevant Stage	Column 3 Identifier on Indicative Staging Plan	Column 4 Public Purpose	Column 5 Description	Column 6 Timing	Column 7 Contribution Value (Mar 2012)
				<p>the Council which:</p> <ul style="list-style-type: none"> Achieves the flooding and water cycle management objectives and controls (as described in Appendix A of this Agreement) for each sub-catchment (as determined by the Council) on the Land; insular as the deployment of the system requires the dedication of land it is to be generally consistent with the Plan Package provided in Schedule 1; and may incorporate a range of engineering devices including open water bodies, bioretention, wetlands and dry basins. 	<p>clause 11.</p> <p>Land on which a water cycle management work is located is to be dedicated on completion, within the meaning of the Agreement, of that work, or at such other date as agreed to by Council.</p>	

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



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Appendix 3

(Clause 11)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Third Deed of Variation (Draft Deed)

Under cl25C(5) of the *Environmental Planning and Assessment Regulation 2000*

Parties

Camden Council ABN 31 117 341 764 of 37 John Street, CAMDEN NSW 2570 (**Council**)

Dart West Developments Pty Limited ABN 32 107 685 370 of PO Box 228,
NARRELLAN NSW 2567 (**Developer**)

Trustees of Marist Brothers ABN 91 064 875 510 of PO Box 1247, Mascot NSW 1460
(**Landowner**)

Description of the Land to which the Draft Deed of Variation Applies

The Draft Deed applies to the same Land the subject of the Planning Agreement.

Description of Proposed Development

The Draft Deed relates to the same Development the subject of the Planning Agreement.

Attachment 3

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



Summary of Objectives, Nature and Effect of the Draft Deed of Variation

Objectives of Draft Deed of Variation

The objective of the Draft Deed is to amend the Planning Agreement to amend boundaries of riparian corridors, incorporate additional open space and replace the existing Development Contributions (Schedule 3) with a new schedule to be provided under the Planning Agreement.

With respect to the provision of additional open space, it is anticipated that the proposed town centre park (Contribution Item 11) will include the following:

- a playground with a minimum of 4 play pieces that target older children (12-15 yrs.) and encourages physical activity, agility, challenge, competition and provides a safe place to socialise and chill out;
- a fenced playground with a minimum of 4 play pieces that target younger children (5-12yrs.);
- pedestrian/cycleway path circuit around the site with sporadic bench seating;
- connection footway bridge from the town centre carpark to the park;
- picnic shelters (BBQ's are not requested);
- general kick around area;
- bubblers and bin locations;
- pathway lighting on PE and timer control; and
- informative/interpretive signage is suggested along the cycle circuit to provide some background historical information of the area.

Nature of Draft Deed of Variation

The Draft Deed is a deed of variation to the Planning Agreement under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*.

Effect of the Draft Deed of Variation

The Draft Deed amends the Planning Agreement in the manner set out in Clause 5 of this Deed.

Assessment of the Merits of the Draft Deed of Variation

The Planning Purposes Served by the Draft Deed of Variation

The planning purposes served by the Draft Deed are the same as those set out in the Planning Agreement.

Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



How the Draft Deed of Variation Promotes the Public Interest

The Draft Deed promotes the public interest in the same manner set out in the Planning Agreement.

For Planning Authorities:

Development Corporations - How the Draft Deed of Variation Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Deed of Variation Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Deed of Variation Promotes the Elements of the Council's Charter

The Draft Deed promotes the elements of the Council's charter by:

- (i) directly providing, after due consultation, adequate, equitable and appropriate services and facilities for the community and ensuring that those services and facilities are managed efficiently and effectively,
- (ii) promoting, providing and planning for the needs of children,
- (iii) having regard to the long term and cumulative effects of its decisions,
- (iv) allowing the Council to act as an effective custodian and trustee of public assets by allowing the Council to effectively account for and manage the assets for which it is responsible,
- (v) raising funds for local purposes by requiring the payment of monetary contributions by the parties that create the need by for infrastructure and services, and thus easing the financial burden on the community at large, and
- (vi) keeping the local community and the State government (and through it, the wider community) informed about its activities.

All Planning Authorities – Whether the Draft Deed of Variation Conforms with the Authority's Capital Works Program

The Draft Deed requires that specified works be carried out by the Developer for the purposes of providing public facilities, particularly recreation facilities.

These works are not included in the Council's relevant current capital works program.

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Gregory Hills Planning Agreement – Third Deed of Variation
Camden Council
Dart West Developments Pty Limited
Trustees of the Marist Brothers



All Planning Authorities – Whether the Draft Deed of Variation specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

This Draft Deed does not specify that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued. However, the Planning Agreement does specify such requirements.

Attachment 3

DRAFT



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 32 Crase Place, Grasmere

Version 5

ORD08

Versions

May 2014

June 2014 (Version 2)

11 August 2015 (Version 3)

13 August (Version 4)

October (Version 5)

Attachment 1

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APPENDICIES

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Appendix D	Indicative Subdivision Layout
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Appendix H	Contamination and Salinity Assessment
Appendix I	Gateway Determination
Appendix J	Visual Character Assessment Report
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Appendix M	Drainage Analysis
Appendix N	Rural Fire Service Submission – pre exhibition
Appendix O	Draft DCP controls as exhibited
Appendix P	Public Agency submissions - public exhibition
Appendix Q	Revised Draft DCP controls
Appendix R	Landform cross-section from the Crase Place cul-de-sac extending to the east
Appendix S	Landform cross-section from the east to the west of the site.

EXECUTIVE SUMMARY

The purpose of this Planning Proposal is to rezone Part of Lot 24 in DP 1086823 Crase Place, Grasmere to R5 - Large Lot Residential. Currently the site is partially zoned RU1 – Primary Production and R5 - Large Lot Residential. The proposed rezoning and minimum lot size amendments would result in four (4) large residential lots.

1.0 INTRODUCTION

The site has an area of 5.6ha and is accessed by an existing cul-de-sac. The land is grassed with no existing structures. The surrounding land is characterised by large rural lots on undulating hills. To the west of the site is a riparian corridor consisting of two dams, swales and a cycle path which connects Benwerrin Crescent with Werombi Road. Directly opposite the site is the West Camden Water Recycling Plant (WRP) which is owned and operated by Sydney Water.

The site is currently partially zoned RU1 – Primary Production and R5 - Large Lot Residential. It is envisioned that the redevelopment would provide rural residential lots that complement the surrounding area.

At the meeting of 22 April 2014, Council considered a report on a Planning Proposal to rezone Lot 24 in DP 1086823 Crase Place, Grasmere to R5 - Large Lot Residential. Council subsequently resolved to forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination.

The gateway determination was issued from the Department of Planning and Environment (DPE) on 15 August 2014. In accordance with the gateway determination, Council was required to consult with NSW Rural Fire Service prior to public exhibition. The Gateway determination also required the preparation of a Part 2 Land Capability assessment and a Visual Landscape study. The findings of the studies are detailed later in this report.

On 11 August 2015, Council resolved to publicly exhibit the Planning Proposal and draft DCP amendments for a period of 28 days and to consider a further report detailing the outcomes of the exhibition. During the public exhibition period seven submissions were received which included two objections from adjoining land owners.

2.0 SITE DESCRIPTION AND CONTEXT

2.1 Site Locality

The subject land is Lot 24 DP 1086823, Crase Place, Grasmere. The site is accessed via Crase Place which is a cul-de-sac. Werombi Road is located on the northern property and the recently 'decommissioned' 'Old Oaks Road' along the western boundary.



Figure 1: Location of site. (Source: Google maps, 2014)

The site has an area of approximately 5.6ha and is shown outlined in red in Figure 1. It has a gentle fall from east to west with an approximate fall of 12% and is vacant of any structures. The land is grassed and there is no significant vegetation on the site.

A drainage reserve traverses the property from the cul-de-sac in Crase Place to the adjoining property to the east (Lot 25 DP 1086823). This adjoining property is vegetated along the existing drainage line and feeds two dams located on the site. This adjoining lot essentially acts as a riparian buffer zone, filtering water run-off from adjacent properties.

The West Camden WRP is located to the north west of the subject property. The following Figure 2 shows an aerial photograph showing the location of the site in the context of the general surrounds.

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Attachment 1

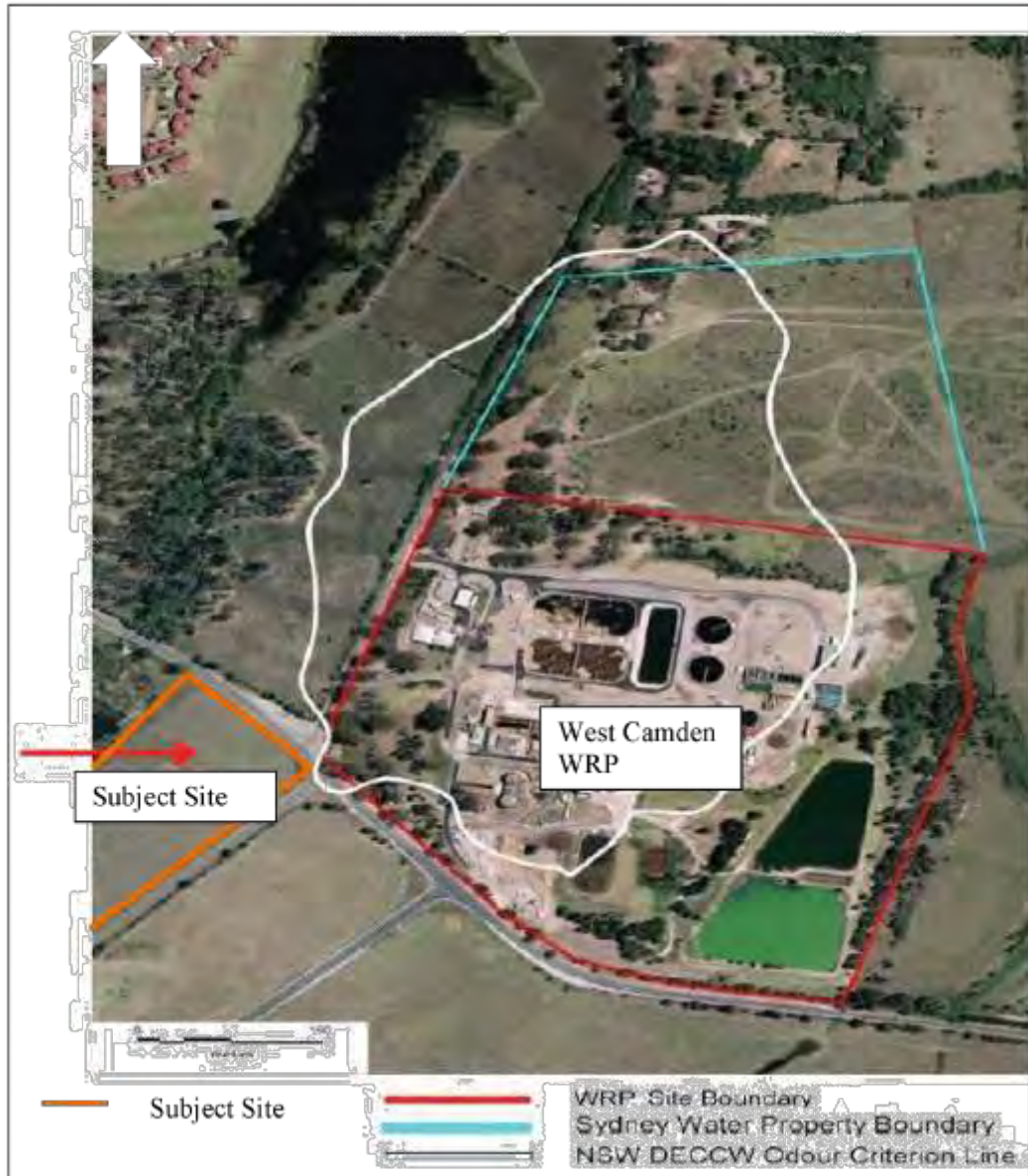


Figure 2: Odour impact of Camden WRP. (Source: Sydney Water REF West Camden Water Recycling Plant, 2011)

3.0 STATUTORY FRAMEWORK

3.1 Zoning

The site is currently partially zoned RU1 - Primary Production and R5 Large Lot Residential (refer to Figure 3 below).

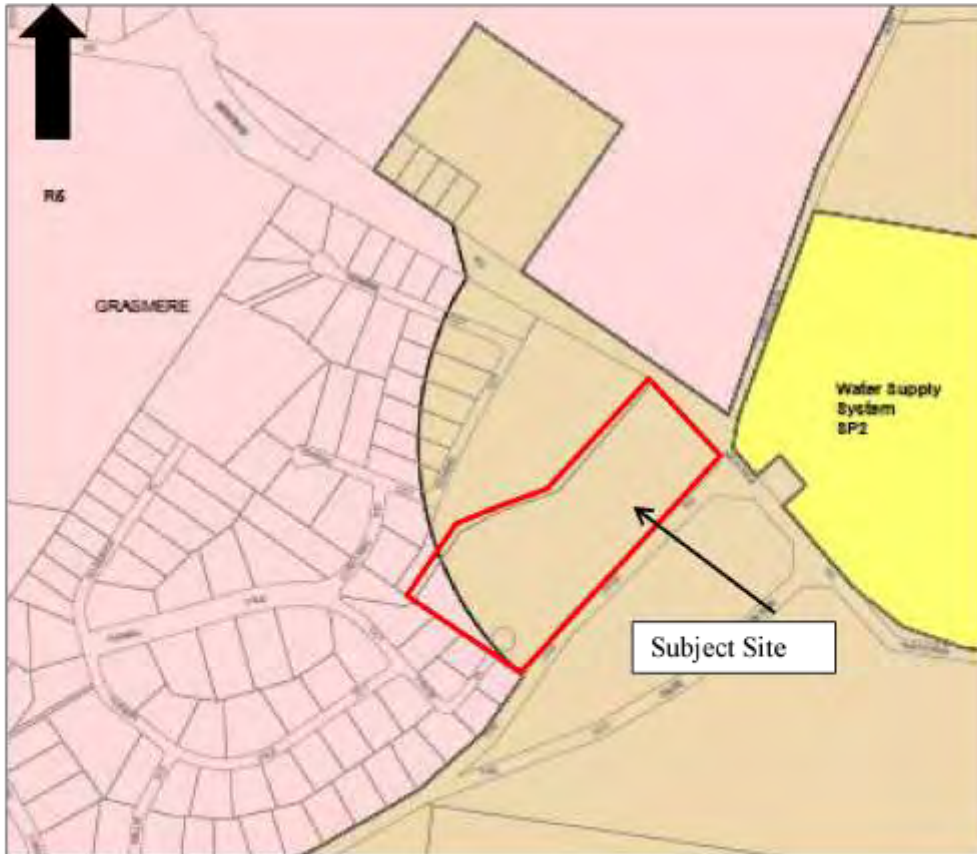


Figure 3: Existing zoning controls. (Source: Camden LEP 2010)

3.2 Other controls

A building height restriction of 9.5m currently applies to the site.

A split minimum lot size of AB – 40ha (applying to the RU1 land) and W – 4000sqm (applying to the R5 land) currently applies to the site.

4.0 PLANNING PROPOSAL

4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to enable the redevelopment of the subject site at Lot 24 in DP 1086823 Crase Place for large lot residential development.

An indicative layout plan (see Figure 4) for the site has been prepared to indicate how the development can occur.

The objective of this Planning Proposal is to achieve orderly development having regard to the sites constraints and opportunities. The intended outcome of the Planning Proposal is to rezone the land to R5 Large Lot Residential to facilitate 4 additional large lots that complement the adjoining residential development and scenic qualities of the immediate locality.

Under the R5 zoning the highest residential use would enable attached dual occupancies, which could facilitate a total of eight (8) dwellings on the site.

The following table provides a summary of the proposed changes.

	Existing	Proposed
Zoning	RU1 - Primary Production; and R5 - Large Lot Residential.	R5 - Large Lot Residential
Minimum Lot Size	Currently the site has two minimum lot sizes: 40ha and 4000sqm.	Two minimum lot sizes are proposed: 4ha; and 4000sqm.

Table 1: Comparison of existing and proposed provisions under Camden LEP 2010.

5.0 EXPLANATION OF PROVISIONS

The proposed zoning controls would allow for large lot residential and ensures a transition is provided to adjoining development.

The West Camden Water Recycling Plant (WRP) is located directly opposite the site. Council had previously imposed a 400m odour buffer around the WRP under Camden Local Environmental Plan (Camden LEP) 118. In July 2011 the extent of the odour buffer was reviewed as part of the upgrade to the WRP whereby Sydney Water has nominally reduced the odour buffer to 300m. The proponent has received concurrence from Sydney Water that it is satisfied the proposed development can occur outside the 300m buffer. A copy of the correspondence from Sydney Water is provided as Appendix B.

A Level 2 odour report has been prepared to assess the impact of odour from the West Camden WRP to the proposed development. The odour report is provided as Appendix L to this Planning Proposal. The odour assessment demonstrates that future development lots outside the 300m boundary of the Camden WRP will not be impacted by odour.

The rezoning to R5 Large Lot Residential will facilitate 4 additional residential large lots as represented in the draft indicative lot layout plan below – Figure 4. The proposed W – 4000sqm minimum lot size (coloured pink) is consistent with the zone objectives of R5 – Large lot residential and the proposed Z2 – 4ha minimum lot size (coloured purple) will limit the opportunity for additional residential lots and maintain compliance with the nominal odour buffer affecting the site.

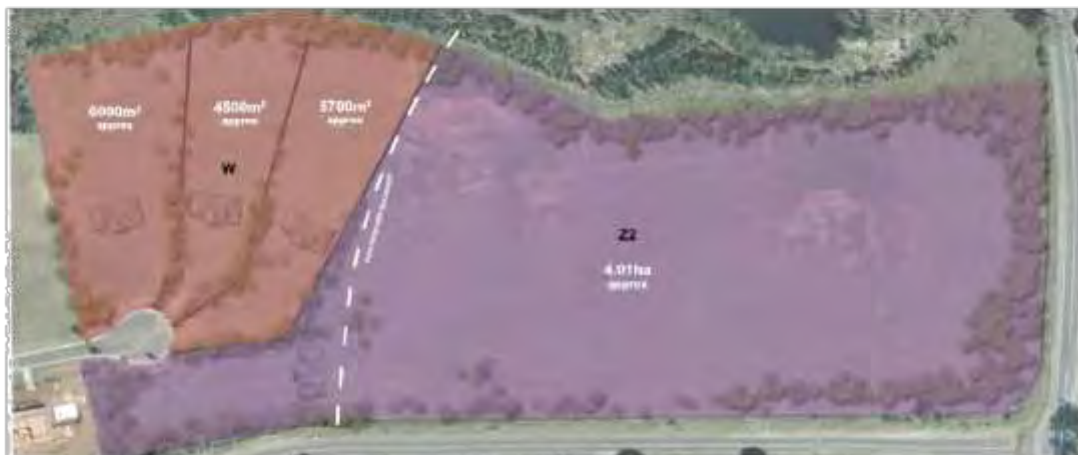


Figure 4: Indicative Lot Layout. (Source: SitePlus, 2014)

5.1 Draft amendments to Camden DCP 2011

A draft site specific amendment relating to Parts C (Residential Subdivision) and Part D (Controls Applying to specific Landuses/Activities) of the Camden DCP 2011 has been prepared as a result of the specialist studies commissioned after gateway was issued. The specialist studies included odour assessment, land capability and visual

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character assessment. A copy of the draft amendments to Camden DCP 2011 as exhibited is provided as *Appendix O to this Planning Proposal*.

Attachment 1

Amendment 32 Planning Proposal Version 5

6.0 JUSTIFICATION

6.1 Section A - Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

Technical studies have been prepared for nearby sites including the West Camden Water Recycling Plant. The results of this study in particular have informed the Planning Proposal.

Odour Impacts from West Camden Water Recycling Plant (WRP)

The West Camden Water Recycling Plant (WRP) is located directly opposite the site. Council had previously imposed a 400m odour buffer around the WRP under Camden Local Environmental Plan (Camden LEP) 118, dated May 2001. Camden LEP 118 was repealed in September 2010 and replaced with Camden LEP 2010. In July 2011 the extent of the odour buffer was reviewed as part of the upgrade to the WRP. The odour impact mapped in the Review of Environmental Factors (REF) for the WRP upgrade is significantly less than the previous 400m odour buffer. A map indicating the revised odour impact of the WRP is provided in Figure 2 of this Planning Proposal. In light of this study, Sydney Water has nominally reduced the odour buffer to 300m. The proponent has received concurrence from Sydney Water that it is satisfied the proposed development can occur outside the 300m buffer. *A copy of the correspondence from Sydney Water is provided as Appendix B.* Sydney Water and Council have also confirmed that the WRP received no complaints in relation to odour in the past 12 months.

As part of the report to Council to endorse the Planning Proposal for gateway, it was requested a Level 3 odour assessment (highest level) be prepared to assess the impact of odour from the West Camden WRP to the proposed development. After further consideration and discussion with Council's specialist officer, a Level 2 odour assessment was deemed adequate. Council officers agreed that the Review of Environmental Factors (REF) provided by Sydney Water for the Camden WRP upgrade in 2011 provided sufficient detail with the exception of one item, being the new digester. The odour assessment undertaken has used the results of the modelling undertaken by Sydney Water for the REF and extended that modelling to include the potential odour impacts of the new digester, which provides sufficient information to satisfy Council. The odour report *is provided as Appendix L to the Planning Proposal.* Council's specialist officer has reviewed the odour assessment and is satisfied with the assessment methodology that demonstrates future development lots outside the 300m boundary of the Camden WRP is compliant with the odour guidelines and criterion for urban development.

A site specific DCP control (restriction on title) is proposed to ensure no dwellings are to be constructed within the 300m boundary of the Camden WRP.

Bushfire

There is limited vegetation on the subject site. *A bushfire assessment has been prepared which forms Appendix E.*

In preparing this new bushfire report, an iterative approach has been taken where the initial indicative plans prepared for Sydney Water were reviewed. This analysis further considered the constraints and opportunities of the site, including the nominal

300m odour buffer. Through this iterative approach an indicative subdivision plan has been developed which shows that 4 lots are compliant with the 300m odour buffer and are located within the Bushfire Attack Level (BAL) 12.5 category. *Indicative plans are shown in (Appendix D).*

Visual Impact

The visual impact assessment explored the visual impact of future development when viewed from 13 key public viewpoints including Smalls Road, Werombi Road and Carrington hospital. The visual impact assessment *is provided as Appendix J to the Planning Proposal*. While the report identifies the development is visible from some viewpoints, visual impact on the existing rural residential character of the area is acceptable. Development controls proposed for landscaping and building materials will mitigate the visual impact of development on the site.

Traffic

Appendix G contains a traffic assessment on the potential impacts associated with the Planning Proposal. The assessment has concluded that there is ample capacity within the existing street system to accommodate the level of development anticipated. It has also concluded that no additional infrastructure works would be required as a result of the Planning Proposal.

Part 2 Land Capability Assessment

A Part 2 Land Capability Assessment has been prepared which takes into consideration the contamination assessment and salinity assessment. The assessment considered the site and in particular, the 2 ha portion of the site where the building envelope has been made available by Sydney Water.

The study also examined the capability of the site to support primary production land. It noted that the viability is low due to the fragmentation of the lot, adjoining urban development and poor pasture management.

The assessment found that opportunities for contaminating activities was low to very low. Impacts for salinity were found to be low to moderate. The report concluded that additional contamination and salinity assessments can be undertaken the development application stage.

Infrastructure Provision

Sewer provision for the proposed development is provided in Appendix F of this report. The report has concluded that there is sufficient capacity within the system to accommodate the form of development which is envisaged by the Planning Proposal.

A stormwater drainage analysis has been prepared (See Appendix M) which concludes that the existing facilities have sufficient capacity to be augmented at the subdivision stage.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered the best option as it will allow the redevelopment of the site in a manner that is compatible with surrounding development and also takes into consideration the site constraints. The site is

currently partially zoned RU1 - Primary Production and R5 - Large Lot Residential which has limited development potential. Given the revised odour impact from the WRP, the Planning Proposal will allow development that is consistent with the nominal odour buffer of 300m.

The Planning Proposal is considered to be the best method of achieving renewal of landuse at the site which is sympathetic with adjoining lands.

6.2 Section B - Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Draft South West Subregional Strategy

Camden Local Government Area (LGA) is a sub-region within the Metropolitan Plan for Sydney 2036. The South West Subregion is comprised of Liverpool, Campbelltown, Wollondilly and Camden Local Governments.

The Metropolitan Strategy and each of its draft South West Subregional Strategies consist of seven areas for consideration, or strategies. Each of these strategies consists of a series of actions pertaining to the following fields:

- | | |
|---|-------------------------------------|
| A | Economy and Employment |
| B | Centres and Corridors |
| C | Housing |
| D | Transport |
| E | Environment, Heritage and Resources |
| F | Parks, Public Places and Culture |
| G | Implementation and Governance |

The proposed rezoning generally accords with each of the above stated seven strategies as translated within the South West Subregional Strategy.

The 'Key Directions' for Housing South West have identified that the Camden Council will provide for approximately 10,274 new dwellings by 2031 and of this number, 8690 will be via greenfield development. While the site is not specifically mentioned in the MDP it will provide additional housing that will add to the dwelling targets without the loss of existing housing stock.

Clause SW C1.1.4 – identifies the need to retain a distinct edge to urban areas where they border rural land in consistent Camden LGAs. The proposal is compliant with this clause as it is consistent with the semi-rural character of the surrounding area as a Rural Residential subdivision.

Clause SW C2.1.1 – requires that new dwellings increase the region's performance against the target for State Plan Priority E5. The site is within an area where a public bus route is available and therefore is able to accommodate this requirement. The subject site is also within close proximity to Narellan which is identified as a strategic centre.

Clause SW C2.1.2 – the intent of this clause is to deliver a significant number of housing opportunities. The proposed rezoning will make a contribution to housing delivery without substantially altering the existing area of Grasmere.

Is the planning proposal consistent with a Council's Local Strategy, or other local strategic plan?

Camden 2040 is Camden Council's Strategic Plan for the People and Place of the Camden Local Government Area. It has an over-arching goal to achieve sustainability for the region. The Plan employs six key directions which guide activities to be adopted to achieve this goal. These six key directions are:

1. *Actively managing Camden's growth*
2. *Health urban and natural environments*
3. *A prosperous economy*
4. *Effective and sustainable transport*
5. *An enriched and connected community*
6. *Strong local leadership*

These key Directions are supported by a series of strategies to assist in various outcomes being achieved. The strategies have been developed having reference to the NSW Government's State Plan (NSW 2021) and associated Regional Action Plan. The strategies and desirable outcomes have been assessed against the planning proposal.

Key direction 1: Actively managing Camden's Growth

Outcomes:

- *Camden has the best of both worlds*
- *People can access what they need*
- *There are housing choices*

The Planning Proposal is compliant with the outcomes for actively managing Camden's growth. It does not affect any heritage or character areas of Camden nor does it restrict accessibility to public space. The rezoning to facilitate large lot residential housing provides an important opportunity to provide additional housing that is sympathetic to the surrounding rural lands and residential development.

Key direction 2: Healthy Urban and Natural Environments

Outcomes:

- *There is clean air and water, and bushland is protected*
- *Nothing is wasted*
- *There is community pride and amenity in our places*
- *There are open spaces and places to play*
- *People are healthy*

The planning proposal allows an efficient use of land which will form a healthy and positive addition to the surrounding neighbourhood as well as its future inhabitants. It will not impact negatively on biodiversity characteristics of the area.

Key direction 3: A Prosperous Economy*Outcomes:*

- *The local economy is growing*
- *There are a variety of local job available*
- *There is a commitment to learning and skills*
- *People can access what they need*

The planning proposal supports the objectives underpinning a prosperous economy for Camden as it will enable new residences to the neighbourhood which in turn will in turn support the local economy.

Key direction 4: Effective and Sustainable transport*Outcomes:*

- *Roads are high quality, free flowing and safe*
- *We leave the car at home*
- *People breathe clean air*

A traffic assessment has been provided which indicates that there will be no negative impacts on the street network in view of the indicative subdivision proposal. Consequently the proposal will be compliant with this objective.

Key direction 5: An enriched and connected community*Outcomes:*

- *People feel connected, supported and that they belong*
- *There is community pride*
- *People feel safe*
- *People are healthy*

The additional dwellings as an outcome of the proposal will enable greater passive surveillance in the area which will promote the safety of the area. This will also ultimately facilitate greater social connections in the area.

Key direction 6: Strong Local Leadership*Outcomes:*

- *People have a say in the future*
- *It is well governed*

The Planning Proposal is an appropriate outcome as it identifies the assets and constraints of the area and the response developed has taken into account these sensitivities of the site. In particular it maintains appropriate boundaries between the West Camden Water Recycling Plant through the development of appropriate zoning boundaries. The Planning Proposal is supported by relevant sub-consultant advice. The proposal will be exhibited for public comment and assessed by Council which conforms to the outcome of strong local leadership.

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Attachment 1

Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table outlines the potentially relevant State Environmental Planning Policies and their relevance to the Planning Proposal:

STATE ENVIRONMENTAL PLANNING POLICY	COMPLIANCE	COMMENT
State Policies		
SEPP No. 1 Development Standards	Yes	The rezoning proposal will not alter the application of this SEPP.
SEPP No. 14 Coastal Wetlands.	N/A	This policy does not apply to Camden LGA.
SEPP No. 15 Rural Land sharing Communities.	N/A	This policy does not apply to Camden LGA.
SEPP No. 19 Bushland in Urban Areas.	Yes	This policy applies to the Camden LGA, though there is no bushland present on the subject site.
SEPP No. 21 Caravan Parks.	N/A	This SEPP is relevant to specific development not permitted under this Planning Proposal.
SEPP No. 26 Littoral Rainforests.	N/A	No littoral rainforests identified on the subject land.
SEPP No. 29 Western Sydney Recreational Area.	N/A	This policy does not apply to Camden LGA.
SEPP No. 30 Intensive Agriculture.	N/A	The provisions of this SEPP relate to cattle feed lot proposals.
SEPP No. 32 Urban Consolidation (Redevelopment of Urban Land).	N/A	This policy does not apply to Camden LGA. This SEPP only applies to urban land.
SEPP No. 33 Hazardous and Offensive Development.	N/A	
SEPP No. 36 Manufactured Home Estates.	N/A	
SEPP No. 39 Spit Island Bird Habitat.	N/A	This policy does not apply to Camden LGA.
SEPP No. 44 Koala Habitat Protection.	N/A	This policy does not apply to Camden LGA.
SEPP No. 47 Moore Park Showground.	N/A	This policy does not apply to Camden LGA.
SEPP No. 50 Canal Estate Development.	N/A	This policy does not apply to Camden LGA.
SEPP No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas.	N/A	This SEPP relates to artificial water bodies.
SEPP No. 55 Remediation of Land	Yes	The site is deemed suitable for the proposed development according to the Part 2 Land Capability study prepared, see Appendix K. See also Appendix H – Contamination and Salinity Assessment.

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SEPP No. 59	Central Western Sydney Economic and Employment Area.	NA	This policy does not apply in Camden LGA.
SEPP No. 62	Sustainable Aquaculture	N/A	
SEPP No. 64	Advertising and Signage.	Yes	Any subsequent development applications must be compliant with these provisions
SEPP No. 65	Design quality of residential flat development.	N/A	
SEPP No. 70	Affordable housing (revised schemes).	N/A	This policy does not apply in Camden LGA.
SEPP No. 71	Coastal Protection.	N/A	This policy does not apply in Camden LGA.
SEPP 2009	Affordable Rental Housing	Yes	This SEPP is relevant to particular development categories. The Planning Proposal does not derogate or alter the application of the SEPP to future development
SEPP Index:	Building Sustainability BASIXs 2004	Yes	Any subsequent development applications will be compliant with these provisions
SEPP	Housing for Seniors or People with a Disability 2004	Yes	This SEPP is relevant to specific development that would be permitted under the Planning Proposal. Future development would need to comply with these provisions.
SEPP	Major Development 2005	N/A	
SEPP	(State and Regional Development) 2011	N/A	
SEPP	Development on Kurnell Peninsular 2005.	N/A	This policy does not apply in Camden LGA.
SEPP	Sydney Region Growth Centres 2006.	N/A	This policy does not apply to the subject site.
SEPP	Mining, Petroleum Production and Extractive Industries 2007.	Yes	The Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP	Infrastructure 2007.	Yes	This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP	53 Transitional provisions 2011	N/A	
SEPP	Miscellaneous consent provisions 2007	Yes	This SEPP is relevant to particular development categories. The Planning Proposal does not derogate or alter the application of the SEPP to future development
SEPP	Penrith Lakes Schemes 1989	N/A	This policy does not apply in Camden LGA

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SEPP	Kosciuszko National Park – Alpine Resort 2007.	N/A	This policy does not apply in Camden LGA.
SEPP	Rural Lands 2008.		This policy does not apply in Camden LGA.
SEPP	Exempt and complying code 2008	Yes	This SEPP is relevant to particular development categories. The Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP	Sydney Drinking Water Catchment 2011	N/A	This policy does not apply in Camden LGA.
SEPP	(Urban Renewal) 2010	NA	
SEPP	Western Sydney Parklands	N/A	This policy does not apply in Camden LGA.
SEPP	(Western Sydney Employment Area) 2009	N/A	This policy does not apply in Camden LGA.
Deemed SEPPS (former Regional Plans)			
SREP 20	Hawkesbury Nepean River	Yes	The Planning Proposal is unlikely to alter or impact adversely upon the water quality and quantity within the Hawkesbury- Nepean river catchment.
Greater Georges River Catchment Metropolitan REP No.2		N/A	

Table 2: Consistency against State Environmental Planning Policies.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table outlines the Ministerial Directions under Section 117 of the EP&A Act and their relevance to the Planning Proposal:

Ministerial Direction	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	No	<p>The Planning Proposal is inconsistent with this Objective. The Planning Proposal proposed to rezone the land from RU1 - Primary Production and R5 - Large Lot Residential to R5 Large Lot Residential. The portion of RU1 proposed for large lot residential is inconsistent with this direction.</p> <p>Notwithstanding this, the proposal is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> The site neighbours land that

		<p>is zoned R5 large lot residential. The subject site previously had a odour buffer imposed which restricted further development. The proposed development is now consistent with the revised odour impact and is compatible with adjoining development.</p> <ul style="list-style-type: none"> The site is relatively small by agricultural standards at 5.6ha.
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Camden LGA has areas which are impacted by mining however the subject site is not located within one of these areas.
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	The direction does not apply to Camden LGA
2. Environment and Heritage		
2.1 Environment Protection Zones	Yes	The proposal does not propose the removal or introduction of EPZ.
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	N/A	There are no known heritage items on the subject land.
2.4 Recreation Vehicle Areas	N/A	No recreation vehicle areas proposed.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	<p>The proposed R5 zone permits rural residential development that is compatible with lands adjoining the site. The site is relatively unconstrained in terms of vegetation and riparian corridors.</p> <p>The revised odour impact and support from Sydney Water confirms the suitability of the site to include residential development. The proposed W – 4000sqm minimum lot size is consistent with the zone objectives of R5 – Large lot residential and the proposed Z2 – 4ha minimum lot size will limit the opportunity for additional residential lots to comply with the odour restriction.</p> <p>The site is considered to be consistent with this direction as the rezoning would encourage and facilitate housing to satisfy future needs on what will be a well serviced and located site.</p>

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3.2 Caravan Parks and Manufactured Home Estates	N/A	
3.3 Home Occupations	Yes	The proposal will not impact on this outcome from being achieved.
3.4 Integrating Land Use and Transport	Yes	The Planning Proposal is considered to be consistent with this Direction through: <ul style="list-style-type: none"> • The proposal will provide housing in a location that is serviced by an existing bus route. • Pedestrian and cycleway connections are provided directly adjoining the development.
3.5 Development Near Licensed Aerodromes	Yes	The proposal does not propose to introduce buildings of a height that would impact navigation to any airport. The Camden Airport masterplan indicates the current ANEF maps; which shows the subject site is not impacted,
3.6 Shooting Ranges	N/A	
4. Hazard and Risk		
4.1 Acid Sulphate Soils	N/A	This site is unlikely to be affected by Acid Sulphate Soils. Determinative advice will be provided with the development application.
4.2 Mine Subsidence and Unstable Land	N/A	Camden LGA has areas which are impacted by mine subsidence however the subject site is not located within one of these areas.
4.3 Flood Prone Land	N/A	The site is not listed on Council's mapping system as being flood prone land.
4.4 Planning for Bushfire Protection	Yes	Parts of the site are identified as being bushfire prone. The Bushfire study prepared for this Planning Proposal states that appropriate bushfire protection measures can be provided on site to adequately meet this direction.
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	

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5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.5 Development in the vicinity of Eilalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
6. Local Plan Marketing		
6.1 Approval and Referral Requirements	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.2 Reserving Land for Public Purposes	Yes	The proposal as submitted is consistent with the objectives of this direction.
6.3 Site Specific Provisions	Yes	The proposal as submitted is consistent with the objectives of this direction.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney	Yes	The Planning Proposal is consistent with the relevant actions from the draft South West Subregional Strategy.

Table 3: Compliance with Ministerial Directions

6.3 Section C - Environmental, Social and Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The majority of the site is currently cleared grassland. The site slopes down towards the eastern boundary. It is considered that there are no critical habitats or threatened species located on the site which would be impacted by the proposal. In addition the site is not identified on Council's Environmentally Sensitive Lands map.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is not flood prone.

There are minimal environmental effects as a consequence of the planning proposal as the site is essentially cleared grassland. A bushfire assessment has been prepared which shows that bushfire can be appropriately managed (Appendix E).

When a development application is lodged for subdivision, opportunity will be provided for visual screening of the WRP through the development of an appropriate landscape plan.

In this regard any environmental hazards that impact the site are manageable and would not preclude consideration of a rezoning as proposed.

How has the planning proposal adequately addressed any social and economic effects?

Social Effects

The Planning Proposal will allow the opportunity for development that is compatible with adjoining lands. It will allow the redevelopment of the site to accommodate 4 additional large residential lots. This will place a minor demand on existing social infrastructure and open space. The immediate locality is well serviced with open space facilities.

The provision of additional residential lots is a potential positive impact for the community as it provides housing choice and diversity.

Economic Effects

The size and nature of the proposed lots is compatible to surrounding development for which there is a proven market in Camden. Continuing this trend provides dual benefits including the potential for economic incentives, for local trade contractors engaged in building, landscape and vegetation management.

6.4 Section D - State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The site is accessed indirectly via Werombi Road, which provides adequate access to service the proposed residential use.

The Planning Proposal will facilitate the redevelopment of the site to accommodate 4 additional large residential lots. This would place a minor demand on existing public infrastructure and recreational facilities.

Adequate sewer facilities are available on site. If necessary, some augmentation of existing facilities may be required and this can be adequately addressed as the site is developed.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway determination, and have they resulted in any variations to the planning proposal?

In accordance with the gateway determination, Council was required to consult with NSW Rural Fire Service prior to public exhibition. NSW Rural Fire Service raised no objection to the Planning Proposal. *A copy of their submission is Appendix N of this Planning Proposal.*

In accordance with the Gateway Determination, Council consulted with the following public agencies during the public exhibition period:

- NSW Rural Fire Service
- Sydney Water
- Endeavour Energy
- Department of Primary Industries (DPI Water)

The public authorities raised no objection to the Planning Proposal. Copies of all the Public Agency submissions received during public exhibition are provided as *Appendix P to the Planning Proposal*.

It should be noted that the Department of Primary Industries (DPI) has made comment requesting the proposed DCP amendments include reference to Part B of the Camden DCP 2011 - General Landuse Controls. This is not required as, except as otherwise indicated, the provisions in each part of the Camden DCP apply to all land in the Camden Local Government Area (LGA). As such, should a Development Application be received for the subject site, it will be assessed against all the relevant Camden DCP 2011 chapters.

The DPI has also requested Council to amend some of the controls under Part B1.3 – Salinity Management of the Camden DCP 2011 to provide further clarity and certainty. Council officers have considered the request and have deemed the existing controls under B1.3 adequate. The controls relating to Part B1.3 will be reviewed as part of any future comprehensive DCP amendment.

7.0 MAPPING

The following maps will need to be amended:

- Land Zoning Map No 004 to show R5 - Large Lot Residential
- Lot Size Map No 004 to show Z2 – 4ha and W – 4000sqm

8.0 DETAILS OF COMMUNITY CONSULTATION

In accordance with the Gateway determination and the Environmental Planning and Assessment Regulation 2000, the Planning Proposal and draft DCP amendments were publically exhibited for a period of 28 days from 19 August 2015 to 16 September 2015.

A notification was placed in the local newspaper, with the exhibition material available on Council's website and available at Council's Customer Service Centres and Libraries. A letter was also sent to land owners in the proximity of the subject site inviting comment on the proposal.

During the exhibition period Council received three submissions from adjoining landowners. This included two objections and one submission in support of the Planning Proposal subject to design recommendations. Copies of original submissions are **provided as supporting documents**. Council's response to the submissions received by landowners is detailed below.

Table 4 - Summary of submissions

Submitter	Issue	Comment
Landowner	Loss of primary production land	<p>Whilst it is acknowledged that a rezoning from primary production land to residential would remove the ability for the land to be used for primary production purposes, the subject site is not presently being used for agricultural purposes.</p> <p>A land capability assessment (see <i>Appendix K to the Planning Proposal (Separate Cover)</i>.) was submitted as part of the Planning Proposal which states that the subject site is not suitable for an agricultural holding.</p> <p>The Planning Proposal will provide housing diversity that is sympathetic to the surrounding rural lands and residential development.</p>
Landowner	Proposal does not meet Council's Community Strategic Plan - Camden 2040 key directions	<p>It is acknowledged that one of the key visions of Camden 2040 is the protection of agricultural lands and associated industries. However in relation to the subject site, the feasibility of supporting a primary industry is low due to the fragmentation of the lot, adjoining urban development and poor pasture management.</p> <p>The rezoning to facilitate large lot residential housing provides an important opportunity to provide additional housing that is sympathetic to</p>

		the surrounding rural lands and residential development.
Landowner	Community expectations that no further development would occur in Crase Place.	<p>This portion of the subject site was excluded from consideration in the Grasmere rezoning in 2002 due to its proximity to the West Camden WRP and the 400m odour buffer.</p> <p>In July 2011 the extent of the odour buffer was reviewed as part of the upgrade to the WRP. The odour impact mapped in the Review of Environmental Factors (REF) for the WRP upgrade is significantly less than the previous 400m odour buffer. Consequently, Sydney Water nominally reduced the odour buffer to 300m which enabled the possibility for further development in Grasmere.</p> <p>A series of specialist studies have since been completed which demonstrate the sites suitability for large lot residential development.</p>
Landowner	Odour impact from the West Camden WRP.	A level 2 odour study produced to support the Planning Proposal demonstrates future development lots outside the 300m boundary of the Camden WRP comply with the odour guidelines and criterion for urban development. The odour report <i>is provided as Appendix L to the Planning Proposal (Separate Cover)</i> .
Landowner	Future landowners may be unaware of the potential odour impact from the West Camden WRP.	<p>A DCP control is proposed to trigger a restriction as to user to be placed on all future lots to indicate the site is in close proximity to the Camden WRP and may be affected by odour.</p> <p>Once the Planning Proposal is gazetted, a notation will also be also made on the Section 149(5) certificate to indicate the proximity of the subject site to the West Camden WRP.</p>
Adjoining Landowner	The proposed subdivision layout is inconsistent with existing streetscape in terms of lot frontages and minimum side and front setbacks. The extension of Crase Place could provide a more uniform streetscape.	<p>A number of development scenarios have been tested to assess if other subdivision patterns facilitate an improved urban design outcome.</p> <p>Attachment 3 of this report shows the landform cross-section from the Crase Place cul-de-sac extending to the east and Attachment 4 of this report shows the landform cross-section from the east to the west of the site.</p> <p>The land has a steep slope from the cul-de-sac to the south - east corner of the site. Due to the topography of the land, extending the cul-de-sac would require extensive cut and fill. In addition, any extension of Crase Place would be visible from key viewpoints such as Werombi Road.</p> <p>The cul-de-sac form of Crase Place means that</p>

		<p>future lots on the site will have reduced lot frontages. To ensure future dwelling placement is consistent with adjoining dwellings, a new DCP control requiring a minimum front setback of 12m is proposed. A copy of the revised draft amendments to Camden DCP 2011 is provided as Attachment 3 to this report.</p> <p>All subdivision and dwelling applications will be required to comply with the Camden DCP controls that were applied to the Grasmere estate.</p>
Adjoining Landowner	<p>The building footprints identified on the Indicative Lot Layout (ILP) are not suitable due to visual impact on existing residences. The building footprints should be positioned to the rear of the future lots.</p>	<p>The building footprints nominated on the ILP are indicative only to illustrate that a dwelling can be accommodated on the lot. Reference to a building footprint on the property title is not proposed as part of the Planning Proposal.</p> <p>The fall of land from the east to the west of the site (see Attachment 4 of this report) means that pushing the dwellings to the rear to maintain view lines from the adjoining property is not feasible in terms of construction due to steepness. Further, this would not provide a good streetscape outcome.</p>
Adjoining Landowner	<p>Removal of the site specific DCP control for provision of native landscaping around the perimeter of future lots due to bushfire hazard and impact on views.</p>	<p>Taking into consideration the visual impact from key public view lines and the adjoining dwelling, it is proposed to require the provision of native landscaping around the perimeter of the 4ha lot only.</p> <p>Legislation in NSW requires new development on bush fire prone land to comply with the provisions of <u>Planning for Bush Fire Protection 2006 (NSW Rural Fire Service publication)</u>. As a result, any landscaping around the perimeter of future lots is required to give consideration to the risk of bushfire.</p>

Proposed amendments resulting from submissions

Changes resulting from adjoining landowner submission

- a) To address the concerns raised by the adjoining landowner (refer to Table 4) an amendment to the draft DCP as exhibited is proposed. A copy of the revised draft amendments to Camden DCP 2011 is provided as *Appendix Q to this Planning Proposal*. The proposed change seeks to impose a minimum front setback requirement of 12m to ensure future dwelling placements are in character with existing adjoining dwellings. It is proposed to insert a new objective and control to Part D2.3.11 Crase Place, Grasmere to read as follows:

*Objective**Maintain consistency with existing adjoining development**Control**All structures shall have a front boundary setback of 12m*

- b) Council has considered the adjoining landowners request to reduce the proposed buffer planting around future development lots to maximize view sharing. Taking into consideration the visual impact from key public view lines and the adjoining dwelling, it is proposed to reduce this requirement to only relate to the 4ha lot. It is proposed to amend draft control 1 to Part D2.3.11 to read as follows:

Native screen landscaping, incorporating trees and shrubs, must be planted along the area marked red in Figure D46A to screen development.

9.0 PROJECT TIMELINE

Commencement date (date of Gateway determination)	August 2014
Anticipated timeframe for the completion of required technical information	June 2015
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	June 2015
Commencement and completion dates for public exhibition period	19 August – 16 September 2015
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	September/October 2015
Timeframe for the consideration of a proposal post exhibition	November 2015
Date of submission to the department to finalise the LEP	November 2015
Anticipated date RPA will make the plan (if delegated)	December 2015
Anticipated date RPA will forward to the department for notification	December 2015

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APPENDICES

Attachment 1

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APPENDIX A

Proposed Zoning and Minimum Lot Size provisions

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APPENDIX B

**Correspondence from
Sydney Water**

Attachment 1

APPENDIX C

Interaction with Sydney Water

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Attachment 1

APPENDIX D

**Indicative Subdivision
Layout**



APPENDIX E

Bushfire Assessment

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Attachment 1

APPENDIX F

**Sewer Augmentation
Assessment**



APPENDIX G

Traffic Assessment

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Attachment 1

APPENDIX H

**Contamination and
Salinity Assessment**

APPENDIX I

Gateway Determination



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APPENDIX J
Visual Character
Assessment Report

Attachment 1

APPENDIX K

Part 2 Land Capability



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APPENDIX L

**Air Quality
Assessment**

Attachment 1

APPENDIX M

Drainage Analysis

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Attachment 1



ORD08

APPENXIX N

**Rural Fire Service
Submission Pre
Exhibition**

Attachment 1



APPENDIX O

**Amendment 32 Draft
DCP controls as
exhibited**

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Attachment 1



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APPENDIX P

**Public Agency
Submission**

Attachment 1

APPENDIX Q

**Amendment 32
revised draft DCP**



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APPENDIX R

**Landform
Cross-Section**

Attachment 1

APPENDIX S

Landform Cross Section



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Attachment 2

Camden DCP 2011 AS EXHIBITED**Part C – Residential Subdivision****C3.2.1 Crase Place, Grasmere**

This subsection applies to the land marked in red on Figure C4.1 below:

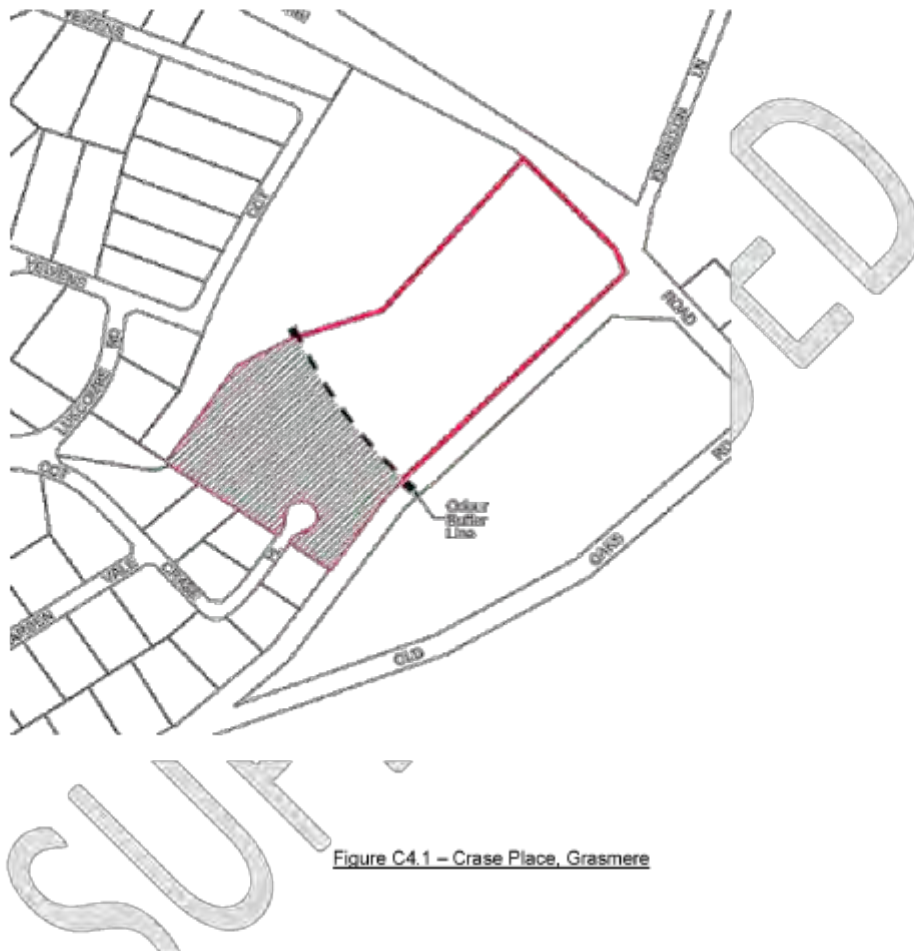


Figure C4.1 – Crase Place, Grasmere

Notes:

- i) A restriction as to user is to be placed on the lot containing the unhatched area as shown on Figure C4.1 to indicate that no dwellings are to be constructed due to odour impact from the West Camden Water Recycling Plant.
- ii) A restriction as to user is to be placed on all lots highlighted in red in Figure C4.1 to indicate that these lots are in close proximity to the West Camden Water Recycling Plant.

Part D – Controls Applying to Specific Land Uses/Activities

D2.3.11 Crase Place, Grasmere

Note: The controls listed below are specific to Crase Place, Grasmere. They must be read in conjunction with the controls in section C3.2.1, D2.1 and D2.2 of this DCP. In the event of any inconsistency, the controls included in this subsection will take precedence.

Objective

- 1) To ensure residential and associated development is designed and located to blend in with the rural residential backdrop, when viewed from the important view corridors including the vehicle entrance to Carrington hospital on the corner of Werombi and Smalls Road.

Controls

- 1) Native screen landscaping, incorporating trees and shrubs, must be planted along development lots to screen development.
- 2) Building materials and colours (of dwellings, outbuildings and hard landscaping) are to be restricted to recessive, mid-dark earth tones to blend in with the rural setting. White, cream, red, terracotta, or contrasting and reflective colours are not acceptable. Uncoloured or light concrete driveways are not acceptable.

SUPERSEDED

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Attachment 3

Landform cross-section - Crase Place cul-de-sac extending to the east, (Source: Nearmaps, 2015)



Minimum elevation: 93.5m Maximum elevation: 96.8m



Landform cross-section - East to west of subject site, (Source: Nearmaps, 2015)



Minimum elevation: 82.5m Maximum elevation: 101m



ORD08

Attachment 5

Camden DCP 2011 controlsPart C – Residential SubdivisionC3.2.1 Crase Place, Grasmere

This subsection applies to the land marked in red on Figure C4.1 below:

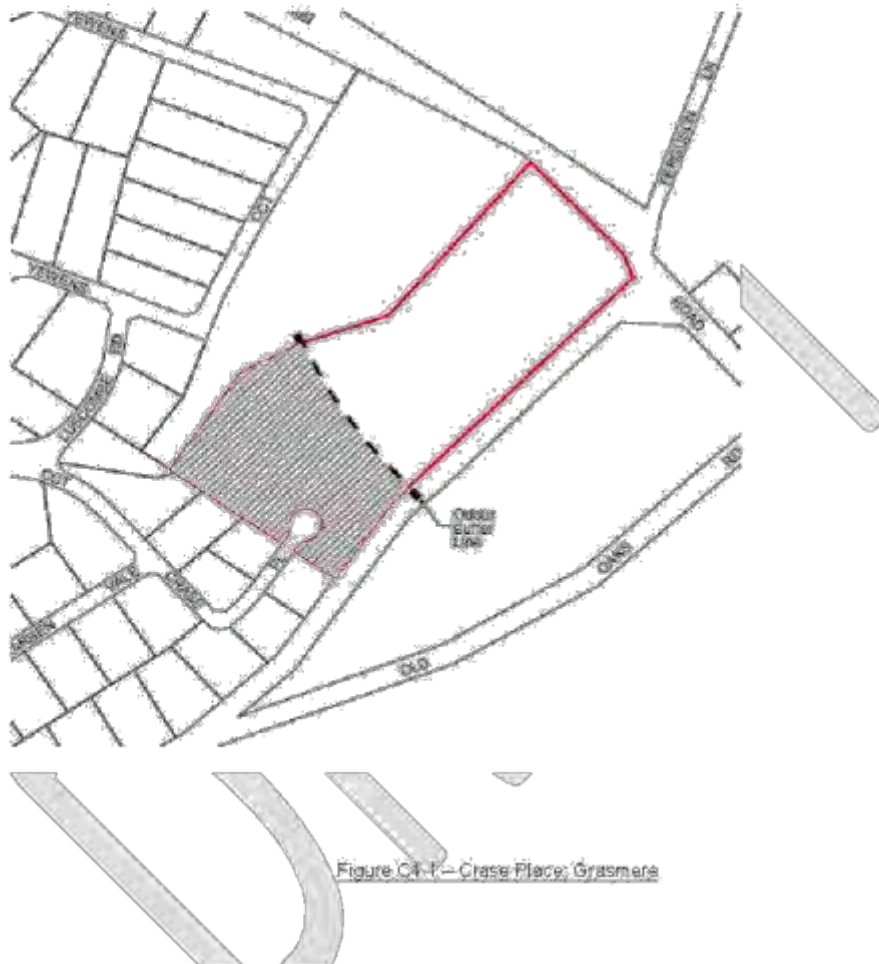


Figure C4.1 – Crase Place, Grasmere

Notes:

- i) A restriction as to user is to be placed on the lot containing the unhatched area as shown on Figure C4.1 to indicate that no dwellings are to be constructed due to odour impact from the West Camden Water Recycling Plant.
- ii) A restriction as to user is to be placed on all lots highlighted in red in Figure C4.1 to indicate that these lots are in close proximity to the West Camden Water Recycling Plant.

Part D – Controls Applying to Specific Land Uses/Activities

D2.3.11 Crase Place, Grasmere

Note: The controls listed below are specific to Crase Place, Grasmere. They must be read in conjunction with the controls in section C3.2.1, D2.1 and D2.2 of this DCP. In the event of any inconsistency, the controls included in this subsection will take precedence.

Objective

- 1) To ensure residential and associated development is designed and located to blend in with the rural residential backdrop, when viewed from the important view corridors including the vehicle entrance to Carrington hospital on the corner of Werombi and Smalls Road.
- 2) Maintain consistency with existing adjoining development.

Controls

- 1) Native screen landscaping, incorporating trees and shrubs, must be planted along the area marked red in Figure D46A to screen development.
- 2) Building materials and colours (of dwellings, outbuildings and hard landscaping) are to be restricted to recessive, mid-dark earth tones to blend in with the rural setting. White, cream, red, terracotta, or contrasting and reflective colours are not acceptable. Uncoloured or light concrete driveways are not acceptable.
- 3) All structures shall have a front boundary setback of 12m



Figure D46A- Crase Place, Grasmere



ORD09

Attachment 1

ORDINARY COUNCIL

ORD06

SUBJECT: PROPOSED AMENDMENT TO THE CAMDEN DEVELOPMENT CONTROL PLAN 2011 - DRAFT DEVELOPMENT CONTROL PLAN CHILDCARE AND DRAFT DEVELOPMENT CONTROL PLAN NOTIFICATION REQUIREMENTS

FROM: Director Planning & Environmental Services

TRIM #: 15/229405

PREVIOUS ITEMS: ORD02 - Camden Development Control Plan 2011 (Draft Amendment No.15) - Review of Child Care Centre controls. - Ordinary Council - 14 Jul 2015 6.00pm

PURPOSE OF REPORT

The purpose of this report is to provide Council with additional information as requested at its meeting of 14 July 2015, and for Council to consider and endorse the draft amendments to Camden Development Control Plan (DCP) 2011 for the purpose of public exhibition in accordance with the Environmental Planning and Assessment Regulation 2000.

BACKGROUND

At its meeting of 14 July, 2015 Council considered a report outlining the proposed amendments to Camden DCP 2011, draft DCP Childcare and draft DCP Notification Requirements. This report made recommendation to place the Draft DCP amendments on public exhibition for a period of 28 days.

Following discussion on the item it was resolved that *"the draft DCP return to Council with any suggested changes as a result of obtaining legal advice"*. Council officers have now obtained legal advice on the draft Childcare DCP and more generally with regards to legal drafting practices for development control plans.

Both the draft Childcare DCP and draft Notification Requirements DCP have been reviewed and amended to reflect this advice.

MAIN REPORT

Legal Advice

Legal advice was sought on the use of the words "should", "shall" and "must". It was recommended that wherever possible Council's DCP should use the word "must" rather than "should" or "shall".

It was identified that both the words "should" and "shall" do not provide an obligation to undertake an activity, whereas the use of the word "must" indicates an obligation to engage or undertake an activity.

The legal review also examined the use of other language which is vague or uncertain and could be interpreted in a number of ways.

This is the report submitted to the Ordinary Council held on 08 September 2015

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Summary or Draft Amendments to Childcare Centres Controls

The proposed changes to the Camden DCP relate to Part D.5 (Child Care Centres) and Part B5 (Access and Parking) **Attachment 1 to this report**. The changes seek to ensure that child care centres respond positively to their context and setting and minimise adverse impacts on the surrounding area.

In addition, the proposed changes remove standards mandated by other legislation associated with childcare centres, as these are not part of the DA process, but required to be considered as part of the licensing by the Department of Education and Communities.

1. Site Selection

The proposed changes will provide guidance to applicants when purchasing and selecting potential child care centre sites.

It is proposed to insert the following controls:

- Child care centres must **not** be located on the following sites:
 - sites with frontage less than 20m wide (residential only);
 - where access to the site is via a road with a carriageway width of less than 7.4m at any one point; and
 - sites having a frontage to a cul-de-sac or no through road

The proposed controls will discourage child care centres on narrow lots and roads, or roads with limited accessibility (i.e. cul-de-sacs and one-way streets).

In existing suburbs with limited roads that meet this requirement, consideration will be given to Child Care Centres on roads with a carriageway of less than 7.4m where it can be demonstrated that there is not an unacceptable adverse impact on traffic movement or access. This provision will ensure equity in the provision of Child Care Centres across all suburbs.

2. Built form, scale and character

Insertion of a series of new controls, relating to form, scale and massing of proposals in accordance with the local context in both existing areas and greenfield locations.

Summary of proposed controls:

- building design must be compatible with the built form, scale, massing, roof design and articulation of existing dwellings, and in the case of localities yet to undergo new residential development, in accordance with the built form contemplated by this DCP;
- the maximum site coverage for a child care centre in residential zones is 50%;
- for child care centres located in residential zones the maximum height is two storeys. The gross floor area of the second storey must not exceed 30% of the total gross floor area.

The proposed changes strengthen the requirements for child care centres to address the impact on character and visual amenity of the streetscape.



ORD09

Attachment 1

3. Landscaping

The proposed changes strengthen the controls for landscaping and provide specific controls for landscaping in residential areas and on corner sites.

Summary of proposed changes:

- increased focus on landscaping to address existing streetscape;
- a 2 metre buffer between street frontage and drop off or parking areas; and
- additional landscaping requirements for corner blocks.

The proposed changes will provide landscaping that is compatible with, and contributes to the character of the locality.

4. Traffic, Parking & Pedestrians

The proposed changes are focused on improved traffic circulation and pedestrian safety within the site.

Summary of proposed changes:

- requirement for a drop off area within the site;
- car parking must be provided wholly within the site; and
- basement car parking is not permitted within residential areas.

The draft amendment also proposes to amend Part B5 of the Camden DCP (provision of car parking). The current DCP requires 1 space per employee and 1 space per 6 children. It is proposed to adopt the RMS standard of 1 space per 4 children, which is widely regarded as the industry standard.

5. Hours of Operation

The current operating hours for child care centres are 7am - 6pm (Monday to Friday). It is proposed to amend the standard hours of operation to between 7am and 7pm (Monday to Friday) within residential zones.

Further extensions to operating hours within residential zones will continue to be considered on merit, on a site by site basis.

Outside of residential zones it is proposed to have no standard operating hours, with operating hours being considered as part of the DA on a merit basis.

Summary

The draft DCP amendment strengthens site selection controls and the ability to manage bulk, scale and density in existing and new residential areas. The proposed changes provide increased certainty to the community and childcare centre operators.

Summary of Proposed Amendments to DA Notification Requirements

The changes proposed to Part A of the DCP, **Attachment 2 to this report**, focus on providing consistency and clarity for DA notification. It is not proposed to modify the type of development activities that are notified, but rather the process for undertaking that notification.



1. Clarification of re notification/re-advertisement

The current DCP requires re-notification/re-advertisement at the discretion of Council and only where significant amendments have been made. The proposed amendment provides clarification around when a DA will be re-notified/re-advertised prior to approval.

Where a DA has been amended by the proponent prior to DA determination, the DA will be re-notified or re-advertised where:

- a. In the opinion of Council it is considered that there is an overall increase in the impact of the development.

Where there is a reduction in impacts or no impact as a result of the changes, the DA will not be required to be re-notified / re-advertised.

2. Neighbour notified development (A2.7)

The controls contained at A2.7 Neighbour notified development replace the existing A2.12. The new controls remove requirements legislated under the Environmental Planning and Assessment Regulation (2000) and removes reference to Council's procedural matters.

3. Neighbour Notification and Advertising

The draft amendment proposes to insert a series of diagrams demonstrating the minimum extent of DA notification. These diagrams illustrate the properties that will be notified.



Figure 1 – Example of Minimum Notification Requirements for corner sites.

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Attachment 1

4. Notification/advertising signs

In addition to the insertion of the diagrams for minimum notification, it is proposed to amend the Camden DCP 2011 to require signs to be placed on development sites for the duration of the notification/ advertisement period.

Insert control 2.9 (b) "A sign will be placed on the development site indicating the details of the proposed development".

5. Christmas Notification Period

It is proposed to amend the wording with regard to the Christmas notification period. The current DCP requires all applications lodged between mid-December and mid-January to have an extended exhibition period.

The draft amendment proposes to reword this control such that all applications notified or advertised within a 2 week period of Christmas to have an extended notification period, therefore differentiating between the lodgement and the actual advertising.

Fees and Charges

It is proposed to charge a new fee of \$37 (GST ex) for the placing of a sign on development sites. This fee will be incorporated into Council's Fees and Charges.

Council officers have obtained initial quotes based on a draft design of an A3 sign (**Attachment 3 to this report**), to ascertain the appropriate fee. This fee has also been compared to other LGA's that use similar signage requirements for notification. The proposed fee has been determined to facilitate cost recovery.

It is proposed to publicly exhibit the new fee at the same time as the proposed amendments to the Camden DCP.

Public Exhibition

Should Council resolve to support the proposed amendments to the Camden DCP 2011 and Council's Fees and Charges, these will be publicly exhibited for a period of 28 days. A notification will be placed in a local newspaper with the exhibition material made available at:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

Should any submissions be received during the exhibition period, a report will be submitted back to Council detailing the submissions received.



FINANCIAL IMPLICATIONS

This report seeks to amend Council's Fees and Charges to insert an additional fee of \$37 to recover the cost of placing signs on development sites.

CONCLUSION

The draft DCP amendment for child care centres seeks to improve the existing controls to facilitate the growing demand for child care centres and ensure they are located and designed to achieve high levels of safety, security, environmental health and amenity for users and neighbours.

The draft DCP amendment for DA notification seeks to provide consistency and clarity in the application and interpretation of the DA notification requirements. The draft amendment does not propose to alter the type of development activities that are notified, just the manner in which it is undertaken.

A legal review of the draft DCP amendment Childcare has been conducted and both DCPs have been reviewed and where applicable amended in accordance with this advice.

RECOMMENDED

That Council:

- i. **publicly exhibit the draft Camden Development Control Plan Childcare and draft Development Control Plan Notification Requirements for a period of 28 days in accordance with the provisions of the Act and Regulations; and**
- ii. **publicly exhibit the proposed amendment to Council's Fees and Charges for a period of 28 days; and**
- iii. **subject to no submissions being received:**
 - a. **grant delegation to the General Manager to adopt the proposed changes to the Camden DCP 2011 and publicly notify the adoption in accordance with the provisions of the Act and Regulations; and**
 - b. **grant delegation to the General Manager to adopt the proposed amendment to the Fees and Charges; or**
- iv. **if submissions are received, require a further report outlining the result of the public exhibition of the draft DCP's, and proposed amendment to Councils fees and charges.**

ATTACHMENTS

1. Attachment 1 - Schedule of Proposed Changes – Childcare DCP – Camden DCP 2011 - 08 September Version
2. Attachment 2 A2 Notification and Advertising Requirements - Changes Post Legal Review - 13 08 2015
3. Attachment 3 -DRAFT DA Notification Sign - 14 July

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Attachment 2

ORD09

Attachment 1 - Schedule of Proposed Changes – Childcare DCP – Camden DCP 2011

Child care centres, as of 1 January 2012, in NSW are now regulated under the National Quality Framework. This consists of the Educational and Care Services National Law and the Education Care Services National Regulations 2011. The relevant authority is the NSW Department of Education and Communities (DEC), replacing the NSW Department of Community Services (DoCS). References to both the legislation and relevant authority have been made throughout the DCP.

Objectives have been added to each of the controls to provide a stronger foundation for the controls. In some clauses a background has also been provided to set the context.

Control	Proposed change	Comment/Justification
Introduction.	An Introduction has been inserted.	Provided to set the context.
2.1 Site Selection	New objectives <ul style="list-style-type: none"> • For residential areas, to ensure sites are sufficient in area and dimensions to accommodate building, outdoor play area and car parking needs of child care centres without detracting from the character or amenity of surrounding residential land. • To ensure that child care centres are appropriately located and sited having regard to the environmental attributes of the locality and the health and well being of centre users. 	Objectives have been added to provide a stronger foundation for the controls.
	New /Amended Controls Within Residential zoned lands Child care centres must be located 1 (b) On sites with a minimum frontage of 20m,	Use of Must replaces Should to provide stronger emphasis

Control	Proposed change	Comment/Justification
	<p>measured at the building line.</p>	<p>The requirement for a 20m frontage allows sufficient room for separate access and egress points to the centre, without the need to reverse and turn around onsite.</p>
	<p>New Controls</p> <p>Child care centres must <u>not</u> be located in the following areas:</p> <p>2 (b) where access to the site is via a road with a carriageway width of less than 7.4m at any one point*</p> <p>(c) having a frontage to a cul-de-sac or no through road;</p> <p>(g) within 100m measured in a straight line from any part of the site to high voltage transmission lines, mobile phone towers or radio telecommunication facilities, unless the application is accompanied by a report demonstrating that the Electro Magnetic Radiation (EMR) affecting the site is within acceptable limits;</p> <p>(h) within 100m measured in a straight line from any part of the site to approved restricted premises or sex services premises;</p> <p>(i) within 55m measured in a straight line from any</p>	<p>Roads of less than 7.4m wide (curb to curb) do not facilitate two cars passing if a third car is parked on the road. Impact on traffic cannot be mitigated.</p> <p>Requirement to provide EMR Report</p> <p>Clarification on measurement</p> <p>Clarification on measurement</p>

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Control	Proposed change	Comment/Justification
	<p>part of the site boundary to an above ground liquid petroleum gas tank that has a capacity of 8 kilolitres or more.</p> <p>* - In existing suburbs with limited roads that meet this requirement, consideration will be given to Child Care Centres on roads with a carriageway of less than 7.4m where it can be demonstrated that there is not an unacceptable adverse impact on traffic movement or access.</p>	<p>This provision will ensure equity in the provision of Child Care Centres across all suburbs.</p>
3.	<p>Development applications for child care centres must be accompanied by a Phase 1 contamination investigation to be undertaken in accordance with Council's policy <i>Management of Contaminated Lands</i>.</p>	<p>Phase 1 is a desktop requirement, this is a SEPP 55 requirement for sensitive uses.</p>
	<p>Revised note regarding air quality and odour assessment requirements.</p>	<p>It is considered necessary to address air quality issues and odour assessment requirements generators other than poultry farms.</p>
2.2 Built form, scale and character	<p>New objective:</p> <ul style="list-style-type: none"> To ensure that the building's form, scale and massing complements and enhances the established or desired future character of the streetscape. 	<p>The changes strengthen the requirement for new child care centres to address the impact upon the character and visual amenity of the streetscape.</p>

Control	Proposed change	Comment/Justification
	<p>New Controls:</p> <ol style="list-style-type: none"> 1. Child care centres located within a residential zone must be designed to be compatible with the built form, scale, massing, roof design and articulation of surrounding dwellings or in the case of localities undergoing or yet to undergo new residential development, in accordance with the built form, scale, massing, roof design and articulation contemplated by this DCP. 2. The maximum site coverage (as defined within the Camden LEP 2010) for a child care centre located within a residential zone is 50%. 3. For child care centres located within a residential zone, the maximum height is two storeys. The gross floor area of the second storey must not exceed 30% of the total gross floor area. 4. For non residential zones, the building design must complement the desired built form, scale and character for the neighbourhood. 5. Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest. 6. Large expanses of blank and unarticulated walls must be avoided. 7. Entrances to buildings must be orientated towards the street front and be easily identifiable. 	<p>The changes strengthen the requirement for new child care centres to address the impact upon the character and visual amenity of the streetscape.</p>

Control	Proposed change	Comment/Justification
<p>2.3 Setbacks</p>	<p>Insert new objectives</p> <ul style="list-style-type: none"> To ensure setbacks are complimentary to the character or desired future character of the locality. To allow for the provision of appropriate landscaping within setbacks, in particular the front setback 	
	<p>Change Controls in Table</p> <p>Increase side setback from 1.2 to 2 metres</p> <p>Remove requirement additional side setback (4m) to side access doors.</p>	<p>The side setback (not being to a secondary street) has been increased slightly from 1.2 to 2m to provide for greater separation and the opportunity for landscaping.</p> <p>The 4m setback requirement for side access doors was considered unnecessary where increased setback is required it should be considered on merit (i.e. noise attenuation etc)</p>
	<p>New Controls</p> <p>2. Increased setbacks may be required in certain circumstances having regard to the character of the streetscape, privacy, solar access, view sharing or to provide required outdoor play areas.</p> <p>3. The front setback area must only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like, unless it can be demonstrated that doing so is acceptable having regard to:</p> <p>a) site characteristics (e.g. configuration, solar</p>	<p>This new control has been added to allow for setbacks to be increased subject to the local circumstances.</p> <p>This new control has been added to ensure that outdoor play areas are not to be undertaken in the front setback area unless specified criteria are met.</p>

Control	Proposed change	Comment/Justification
	<p>access, relationships to neighbouring properties), and</p> <p>b) separate pedestrian access can be provided to the main entry to the building, and</p> <p>c) the incorporation of appropriate fencing or screening measures which are compatible with the streetscape.</p>	
<p>2.4 Dual Use of the Centre</p>	<p>New Objective Inserted</p> <ul style="list-style-type: none"> To ensure reasonable amenity for the occupants of a dwelling where sited on a property containing a child care centre. 	<p>Strengthens associated controls by providing a link between the objective and controls.</p>
<p>2.5 Acoustic Amenity</p>	<p>New Objective inserted</p> <ul style="list-style-type: none"> To ensure satisfactory acoustic amenity for neighbouring properties 	<p>Strengthens associated controls by providing a link between the objective and controls.</p>
<p>2.6 Landscaping</p>	<p>Insert New Control</p> <p>1. An Acoustic Assessment Report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that Policy and this section of the DCP must be submitted with the development application.</p> <p>3. Outdoor play areas must be located to minimise noise for adjoining neighbouring properties.</p>	<p>In the current DCP the preparation of an acoustic report was in a notation. It has now been made into a control to give it more weight.</p> <p>Control reworded to be more clear</p>
<p>2.6 Landscaping</p>	<p>Insert New Objectives</p>	

Control	Proposed change	Comment/Justification
	<ul style="list-style-type: none"> To ensure that landscaping is compatible with and contributes in a positive manner to the character of the locality. To encourage the provision of suitable forms of landscaping. 	
	<p>Insert New Controls</p> <p>2. Landscaping design must reflect the prevailing landscape character of the streetscape in terms of scale and planting style</p> <p>3. In residential areas, a landscape buffer at least 2m wide must be provided between any street frontage and the location of car parking spaces or drop off areas.</p> <p>4. On corner sites, fences over 1.2m in height must be setback 1m from the property boundary on the secondary setback to enable landscaping in front of the fence</p>	<p>Control reinforces need for proposal to complement existing or future streetscape</p> <p>This new control has been added requiring a 2 metre buffer between street frontage and drop off or parking areas. This control ensures that there is sufficient room to undertake appropriate landscaping.</p> <p>This control ensures corner sites will have suitable landscaping treatment on both street frontages.</p>
<p>2.7 Fencing</p>	<p>Insert New Objectives</p> <ul style="list-style-type: none"> To ensure that fences forward of the building line are complementary to the streetscape in terms of materials, colour, height and form. To assist providing a delineation between public and 	<p>Provides a stronger foundation for the controls.</p>

Control	Proposed change	Comment/Justification
	<p>private areas.</p> <ul style="list-style-type: none"> To provide child safe fencing in appropriate locations. To ensure suitable fencing which encourages privacy for adjoining properties and has a satisfactory visual impact. To ensure consideration is given to the siting of the fence, articulation and the provision of adjacent landscaping to ensure a satisfactory visual outcome when viewed from adjoining properties or the public domain. 	
	<p>Insert New Controls</p> <ol style="list-style-type: none"> Child proof fencing and self closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children. 	<p>Additional fencing controls to ensure both child safety and both privacy and satisfactory visual impact.</p>

Attachment 2

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Control	Proposed change	Comment/Justification
<p>2.9 Traffic Parking and Pedestrians</p>	<p>Insert New Objectives</p> <ul style="list-style-type: none"> • To ensure a safe environment for pedestrians, particularly children, motorists and cyclists in and around child care centres • To minimise impacts in the locality in terms of traffic generation and demand for on street parking. • To minimise the visual impact of car parking areas and to ensure they do not unreasonably detract from the streetscape character. • To provide sufficient and convenient parking for staff members, visitors and for the dropping off and picking up of children. 	<p>Objectives have been added to provide a stronger foundation for the controls.</p>
	<p>Insert New Controls</p> <ol style="list-style-type: none"> 3. The number of children proposed to attend the child care centre must be detailed as part of the application. This information is necessary in order to determine the required number of parking spaces. 4. All required parking spaces must be fully contained within the site, and clearly shown on a plan. 5. A drop off area must be provided fully contained within the site, and clearly shown on a plan. 	<p>To assist in the calculation of parking spaces required</p> <p>Providing clarity on where parking can be provided as part of the application.</p> <p>Drop off areas provide safer access and egress to the site</p>

Control	Proposed change	Comment/Justification
	<p>7. The car park design must make provision for:</p> <ul style="list-style-type: none"> a) safe pedestrian access b) existing/proposed shared pathways <p>11. In residential areas, all car parks must be 'at grade (basement car parks are not permitted) and constructed only with materials such as, neutral coloured concrete or pavers of a distinct and different form to dedicated pedestrian paths.</p>	<p>Amended control for clarity</p> <p>Clarifies that basement parking is not permitted.</p>
<p>2.10 Hours of Operation</p>	<p>Insert New Objective</p> <ul style="list-style-type: none"> • To ensure that child care centres hours of operation are reasonable and have minimal impact on the locality and the environment. <p>Amend hours of operation controls by inserting the following:</p> <ol style="list-style-type: none"> 1. Within residential zoned land the standard hours of operation will be restricted to between 7am and 7pm Monday to Friday (excluding public holidays). 2. Within residential zoned land Council may consider longer hours of operation and/or opening on Saturday morning if it can be demonstrated that no unreasonable amenity impacts will arise for neighbouring properties 3. Where a site is located outside of a residential zone 	<p>Objectives have been added to provide a stronger foundation for the controls.</p> <p>Previously the standard hours of operation were til 7am - 6pm. The proposed amendment provides increased flexibility outside of residential areas, and extends the standard operating hours within residential zones by 1hr in the PM.</p>

Attachment 2 **ORD09**

Control	Proposed change	Comment/Justification
	the proposed hours of operation must be included in the application.	

Amendment to Part B5 – Car Parking Requirements

It is proposed to amend the current car parking requirements for child care centres from "1 space for employee plus 1 space per 6 children" to "1 space per 4 children".

D5.1 Child Care Centres

Note The definition of a 'child care centre' is stated in the Dictionary section of Camden LEP 2010.

It is strongly recommended that applicants arrange a pre-DA meeting with Council prior to submitting a child care centre development application to ensure that all of the prerequisite documentation has been prepared.

Applicants should consult with the NSW Department of Education and Communities to determine licensing requirements prior to lodgement of a DA with Council. Further information is available at www.dec.nsw.gov.au

1. Introduction

This section is designed to deliver certainty to applicants, operators and the local community about planning requirements for child care centres.

The objectives and controls within section D5.1 aim to ensure that child care centres respond positively to their context and setting and minimise adverse environmental impacts. In addition, the controls aim to facilitate the establishment of high quality child care centres that are located and designed to achieve high levels of safety, security, environmental health and amenity for users.

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2. Planning and Design Criteria

2.1 Site Selection

Background

Careful consideration must be given in selecting a suitable location for a child care centre as not all sites are appropriate for this form of development.

Site selection criteria must take into account the needs of centre users in terms of safety, security and environmental health. Where located in residential zones, consideration must also be given to ensuring that the commercial nature of child care centres does not unreasonably detract from residential character and amenity.

Objectives

- For residential areas, to ensure sites are sufficient in area and dimensions to accommodate building, outdoor play area and car parking needs of child care centres without detracting from the character or amenity of surrounding residential land.
- To ensure that child care centres are appropriately located and sited having regard to the environmental attributes of the locality and the health and well being of centre users.

Controls

1. Child care centres located within residential zoned land **must** be located
 - (a) on sites with a minimum site area of at least 1,200m²; and
 - (b) on sites with a minimum frontage of 20m, measured at the building line.

2. Child care centres must **not** be located on land:
 - (a) with direct access from an existing or proposed classified road;
 - (b) where access to the site is via a road with a carriageway width of less than 7.4m at any one point*;
 - (c) having a frontage to a cul-de-sac or no through road;
 - (d) where additional vehicle movement generated by the centre may cause traffic conflict or have an adverse impact on the amenity of any land in the neighbourhood;
 - (e) likely to be adversely affected by noise pollution or contamination unless these impacts can be satisfactorily mitigated;
 - (f) which is affected by a 1% Annual Exceedance Probability flood level;
 - (g) within 100m measured in a straight line from any part of the site to high voltage transmission lines, mobile phone towers or radio telecommunication facilities, unless the application is accompanied by a report demonstrating that the Electro Magnetic Radiation (EMR) affecting the site is within acceptable limits;

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- (h) **within 100m measured** in a straight line from any part of the site to approved restricted premises or sex services premises;
 - (i) **within 55m measured** in a straight line from any part of the site boundary to an above ground liquid petroleum gas tank that has a capacity of 8 kilolitres or less; or
 - (j) which is not connected to a reticulated sewer of Sydney Water unless satisfactory on-site sewage management can be provided.
4. Development applications for child care centres must be accompanied by a **Phase 1 contamination investigation** undertaken in accordance with Council's *Management of Contaminated Lands* policy.

Notes

- 1) *In existing suburbs with limited roads that meet this requirement, consideration will be given to Child Care Centres on roads with a carriageway of less than 7.4m where it can be demonstrated that there is not an unacceptable adverse impact on traffic movement or access.*
- 2) *Sites in unsewered areas will require larger sites to address effluent disposal areas and their associated buffers.*
- 3) *Sites in bushfire prone areas will require a Bushfire Safety Authority from the NSW Rural Fire Service, as per s100B of the Rural Fires Act 1997.*
- 4) *The proximity of child care centres to poultry farms or other existing odour generating land uses will be considered and an assessment may be requested to be undertaken in accordance with relevant odour assessment requirements.*
- 5) *An air quality report may be required for sites located in the vicinity of a major road or industry.*

2.2 Built form, scale and character

Background

The design of a new child care centre or extensions to an existing centre can impact upon the character and visual amenity of the streetscape. Child care centres that are sensitively designed in terms of built form, scale and massing can positively contribute to the streetscape and character of a locality.

Objective

- To ensure that the building's form, scale and massing complements and enhances the established or desired future character of the streetscape.

Controls

8. Child care centres located within a residential zone must be designed to be compatible with the built form, scale, massing, roof design and articulation of surrounding dwellings or in the case of localities undergoing or yet to undergo new residential development, in accordance with the built form, scale, massing, roof design and articulation contemplated by this DCP.
9. The maximum site coverage (as defined within the Camden LEP 2010) for a child care centre located within a residential zone is 50%.
10. For child care centres located within a residential zone, the maximum height is two storeys. The gross floor area of the second storey must not exceed 30% of the total gross floor area.
11. For non residential zones, the building design must complement the desired built form, scale and character for the neighbourhood.
12. Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest.
13. Large expanses of blank and unarticulated walls must be avoided.
14. Entrances to buildings must be orientated towards the street front and be easily identifiable.

2.3 Setbacks

Objectives

- To ensure setbacks are complementary to the character or desired future character of the locality.
- To allow for the provision of appropriate landscaping within setbacks, in particular the front setback.

Controls

4. Child Care Centres located within residential zones must be setback in accordance with the following Table:

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Table XX Minimum setbacks in Residential zones

Front setback	5.5m
Secondary street setback	4m
Side setback (not being to a secondary street)	2m
Rear setback	4m to the ground floor and 8m to any second storey.

5. Increased setbacks may be required in certain circumstances having regard to the character of the streetscape, privacy, solar access, view sharing or to provide required outdoor play areas.

6. The front setback area may only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like, unless it can be demonstrated that doing so is acceptable having regard to:

- d) site characteristics (e.g. configuration, solar access, relationships to neighbouring properties), and
- e) separate pedestrian access can be provided to the main entry to the building, and
- f) the incorporation of appropriate fencing or screening measures which are compatible with the streetscape.

2.4 Dual Use of the Centre

Objective

- To ensure reasonable amenity for the occupants of a dwelling where sited on a property containing a child care centre.

Controls

1. Any dwelling must have separate and distinct access. Access to the dwelling through any part of the child care centre including outdoor play areas is not permitted.
2. Separate toilet, laundry and kitchen facilities must be provided for each of the dwelling and the child care centre.
3. Children attending the child care centre must not be able to access any part of the dwelling and its private open space area.
4. A separate outdoor private open space area must be provided for the dwelling in accordance with section D1.2.5 of this DCP.
5. Parking spaces for the residents must be provided in addition to the parking requirements of the child care centre.

2.5 Acoustic amenity

Objective

- To ensure satisfactory acoustic amenity for neighbouring properties

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Controls

4. An Acoustic Assessment Report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that Policy and this section of the DCP must be submitted with the development application.
5. Where acoustic fencing is required to ensure acceptable acoustic impacts it must be of solid continuous construction and have a maximum height of 2.1m.
6. Outdoor play areas must be located to minimise noise for adjoining neighbouring properties.
7. For larger centres, the number of children participating in outdoor activities and play time at any one time must be controlled to ensure satisfactory acoustic impacts for neighbouring properties. The acoustic report submitted with the application must outline any necessary restrictions on numbers to ensure such satisfactory acoustic impacts.

2.6 Landscaping**Background**

Landscaping can assist in integrating child care centres within the streetscape and contributing to a pleasant environment.

Objectives

- To ensure that landscaping is compatible with and contributes in a positive manner to the character of the locality.
- To encourage the provision of suitable forms of landscaping.

Controls

1. A landscape concept plan must be submitted with the development application that incorporates the following:
 - (a) existing vegetation and other natural features must be conserved on site, wherever it is possible and safe to do so.
 - (b) any proposed building structures must be setback at least 3m from the trunk of any tree to be retained.
 - (c) plant species must be chosen for their suitability to the site, ease of maintenance, be interesting to children and serve the purposes of providing:
 - i. shade without undue overshadowing of adjoining properties.
 - ii. reduction of reflection from bright surfaces.
 - iii. emphasising pedestrian and vehicular routes.
 - iv. interesting quiet play areas capable of supervision.

Note: Refer to 'Kidsafe' book on plants for play areas, published by Playground Advisory Unit for the Child Accident Prevention Foundation of Australia

2. Landscaping design must reflect the prevailing landscape character of the streetscape in terms of scale and planting style.
3. In residential areas, a landscape buffer at least 2m wide must be provided between any street frontage and the location of car parking spaces or drop off areas.
4. On corner sites, fences over 1.2m in height must be setback 1m from the property boundary on the secondary setback to enable landscaping in front of the fence.

2.7 Fencing

Objectives

- To ensure that fences forward of the building line are complementary to the streetscape in terms of materials, colour, height and form.
- To assist providing a delineation between public and private areas.
- To provide child safe fencing in appropriate locations.
- To ensure suitable fencing which encourages privacy for adjoining properties and has a satisfactory visual impact.
- To ensure consideration is given to the siting of the fence, articulation and the provision of adjacent landscaping to ensure a satisfactory visual outcome when viewed from adjoining properties or the public domain.

Controls

1. Fences must be designed to maximise privacy to all adjoining properties.
2. Child proof fencing and self closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children.
3. Fencing, particularly that provided in the front setback area of the site, must be of a type and colour complementary to the streetscape and residential character.

2.8 Signage

Objective

- To ensure any signage associated with the child care centre does not dominate the building or the streetscape.

Control

1. Signage must comply with Part B4.9 of this DCP.

2.9 Traffic, Parking & Pedestrians

Objectives

- To ensure a safe environment for pedestrians, particularly children, motorists and cyclists in and around child care centres.

CYD\EXF\47607394\1

- To minimise impacts in the locality in terms of traffic generation and demand for on street parking.
- To minimise the visual impact of car parking areas and to ensure they do not unreasonably detract from the streetscape character.
- To provide sufficient and convenient parking for staff members, visitors and for the dropping off and picking up of children.

Controls

- 12) Proposed car parking and access must comply with the controls set out in chapter B5 of this DCP.
- 13) A traffic study must be submitted with the development application. The study must be prepared by a qualified traffic consultant and address the adequacy of the vehicular access i.e. ingress and egress arrangements, drop off areas, car parking layout and the impact of the additional traffic to be generated by the proposed centre on the local road system.
- 14) The number of children proposed to attend the child care centre must be detailed as part of the application. This information is necessary in order to determine the required number of parking spaces.
- 15) All required parking spaces must be fully contained within the site, and clearly shown on a plan.
- 16) A drop off area must be provided fully contained within the site, and clearly shown on a plan.
- 17) The driveway and car parking layout must be designed to allow for the safe delivery and collection of children and also for the safe movement and parking of staff, visitors and service vehicles.
- 18) The car park design must make provision for:
 - a) safe pedestrian access.
 - b) existing/proposed shared pathways
- 19) Vehicular access must be separated from pedestrian access i.e. separate pathways are to be provided adjacent to the car park to allow pedestrian access to the centre's entrance, both from the car park and from the footpath forming part of any adjoining public road.
- 20) Pathways and pedestrian ramps must have gradients no greater than 1:14 with a non-slip surface.
- 21) Separate ingress and egress is required but if this is not possible a turning area is to be provided to facilitate safe manoeuvring and to enable all vehicles to enter and leave the centre in a forward direction.
- 22) In residential areas, all car parks must be 'at grade' (basement car parks are not permitted) and constructed only with materials such as, neutral coloured concrete or pavers of a distinct and different form to dedicated pedestrian paths.
- 23) Adequate areas for landscaping and planting must be provided to reduce the visual impact of the car park in the streetscape, including an area at least 2m wide along all street frontages.
- 24) Child care centres must comply with the requirements of the Building Code of Australia, AS/NZ 2890 and Disability Discrimination Act with regards to disabled access and car parking.

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2.10 Hours of Operation

Objective

- To ensure that child care centres hours of operation are reasonable and have minimal impact on the locality and the environment.

Controls

- 1) Within residential zoned land the standard hours of operation will be restricted to between 7am and 7pm, Monday to Friday (excluding public holidays).
- 2) Within residential zoned land Council may consider longer hours of operation and/or opening on Saturday morning if it can be demonstrated that no unreasonable amenity impacts will arise for neighbouring properties.
- 3) Where a site is located outside of a residential zone the proposed hours of operation must be included in the application.

ORD09

Attachment 3

A2 Notification and Advertising Requirements

Introduction

Council will give notice in accordance with A2.2 of this DCP to owners of land adjoining or opposite the land to which any development application relates. As a guiding principle, Council will limit neighbour notification to those adjoining properties affected by a proposal (A2.13 Notification Area).

Modifications to development applications under section 96(2) of the Act will be notified in the same manner as the original development application.

Notwithstanding the requirements of this DCP Council officers may where it is deemed necessary expand notification requirements and timeframes if, in the opinion of Council it would be in the public interest to do so.

A2.1 Notification and Advertising

Notification is where Council writes to those people identified as requiring notification, advising of the submission of a development application. Notification is for a minimum period of 14 days.

Advertising is where Council, in addition to writing to those people required to be notified, places an advertisement in a local newspaper advising of the submission of a development application. Advertising is for a minimum period of 14 days unless otherwise specified by legislation or Environmental Planning Instruments in the case of Nominated Integrated, Designated and Advertised Developments.

NOTE

A fee is payable at the time of lodgement of a development application for both notification and advertising. The fee charged is in accordance with Council's adopted Fees and Charges at the time of lodgement.

A2.2 Notification of applications

1. Council will notify:

- a) Major industrial and commercial developments that are generally **not** in keeping with the established scale and character of surrounding development
- b) Childcare centres
- c) Multi-dwelling housing and residential flat buildings
- d) Two storey dwellings (excluding complying development and dwellings in rural zones with significant separation distance in the opinion of Council to neighbouring properties)
- e) First floor additions to existing dwellings
- f) Subdivision of land (excluding Strata title subdivisions and boundary adjustments and **creation of residue lots**)
- g) Major bulk earthworks and landforming operations
- h) New road construction (excluding minor roadworks/upgrades)
- i) Telecommunication facilities
- j) Applications for the removal of trees which are likely to impact on local amenity
- k) Modifications to existing educational establishments and hospitals
- l) Development where, in the opinion of Council, it would be in the public interest to notify the application.

A2.3 Advertising of applications

1. Council will advertise

- a) **New** Educational establishments and hospitals
- b) Any development that is classed as either Nominated Integrated, Designated or Advertised Development in accordance with any legislation, Environmental Planning Instrument or DCP
- c) Development where, in the opinion of Council, it would be in the public interest to advertise the application

A2.4 Nominated Integrated Development

1. Nominated Integrated Development is development that requires an approval from an external authority under the following legislation:
 - (a) the Heritage Act (1977)
 - (b) the Protection of the Environment Operations Act(1997)
 - (c) the Water Management Act (2000)
2. All Nominated Integrated Developments must be advertised for a minimum period of 30 days.

A2.5 Designated Development

Designated Development is certain types of significant development e.g. concrete batching plants, large breweries/distilleries; listed in Schedule 3 of the Environmental Planning and Assessment Regulations.

1. All Designated Developments must be advertised for a minimum period of 30 days and in accordance with the special advertisement procedures listed in the Environmental Planning and Assessment Regulations.

A2.6 Re notification/advertisement

1. Where a Development Application has been amended by the proponent prior to determination, the responsible Council officer will renotify or advertise the application if:
 - a. In the opinion of Council it is considered that there is an overall increase in the impact of the development.

Where there is a reduction in impacts or no impact as a result of the changes the application does not need to be renotified/advertised.

A2.7 Neighbour notified development

The form of notice for neighbour notified development will include:

- a) a description of the proposed development;
- b) the address of the development site;
- c) the name of the applicant to carry out the work;

- d) advice that the plans may be inspected on Councils website, and electronically at Councils offices during business hours free of charge; and
- e) the closing date for written submissions

A2.8 Advertised development

The form of notice for advertised development will include the requirements under the Environmental Planning and Assessment Act 1979.

A2.9. Protocol for neighbour notification and advertising

For neighbour notified and advertised development, the following procedures will apply:

- a) the owners of land adjoining or opposite a proposed development including properties separated by only a walkway, driveway or laneway will be notified as shown in A2.13 Examples 1-6 and the following approach will be taken:
 - i. where the proposed development affects the entire site, owners of properties marked shaded in grey will be notified as shown in Examples 1-3;
 - ii. where the proposed development affects only the rear of the site (such as rear yard garage, swimming pool, rear dwelling additions/ alterations), owners at the sides and rear will be notified as shown in Example 4. Owners on the opposite side of the roadway will not be notified. Similar notification will occur where development is proposed at the front of a premises Example 5;
- b) A sign will be placed on the development site indicating the details of the proposed development.
- c) the plans of the proposed development will be available for inspection, online at www.camden.nsw.gov.au;
- d) submissions to Council must be in writing and be received by Council on or before the last day of notification;
- e) all written submissions will be considered by Council as part of the assessment of the application;
- f) Council will give notice of the determination of an application to each person who makes a written submission. For a petition, the instigator will be advised. The notice of determination will specifically address their matters of concern and give reasons for the determination; and
- g) where a development application is referred to a Council meeting, every effort will be made to advise applicants and submitters of the date of the meeting.

ORD09

A2.10 Notification of community groups

Council will consider notifying community groups of development applications for development in their area.

A2.11 Notification of Owner's Corporations

A notice to an association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act; or to an Owner's Corporation for a parcel within the meaning of the Strata Schemes Management Act; is taken to be a notice to the owner of each lot within the parcel concerned.

A2.12 Notification period over Christmas/New Year

For applications notified or advertised within 14 days of December 25th (before and after) the notification/advertising period will be extended a further 14 days.

Please contact Council for further information regarding extended notification periods.

Attachment 3

A2.13 Notification Area

The notification areas will generally comply with the following diagrams unless Council officers identify the requirement for extended notification based on individual applications.

Example 1



Example 2



ORD09

Attachment 3

Example 3



Example 4



Example 5



Example 6





ORD10

Attachment 1

ORDINARY COUNCIL

ORD06

SUBJECT: REVIEW OF WARD BOUNDARIES 2015
FROM: Director Customer & Corporate Services
TRIM #: 15/253831

PURPOSE OF REPORT

The purpose of this report is to determine a preferred option for ward boundaries and place the preferred option on public exhibition for a period of 28 days allowing for the receipt of submissions for up to 42 days after the day on which public exhibition commences.

BACKGROUND

Section 211 of the *Local Government Act 1993* ("the Act") requires Council to keep its ward boundaries under review. If, during the term of office, a council becomes aware that the number of electors in one ward differs by more than 10% from the number of electors in any other ward, the council must alter the boundaries so that the number of electors does not differ by more than 10% between wards.

Section 210A of the Act:

- i. Requires public notice of not less than 28 days of any proposal to review ward boundaries;
- ii. Allows persons to make submissions to a council regarding the ward boundary plan for a period of not less than 42 days; and
- iii. Requires consultation with the NSW Electoral Commission ("NSWEC") and the Australian Statistician to ensure that, as far as practicable, ward boundaries correspond to appropriate subdivisions and census districts, as well as ensuring that there is no variation of more than 10% between the number of electors in each ward.

The NSWEC has set a deadline of 14 December 2015 for submission of boundary change proposals. All consultations and exhibitions must be completed and the final proposal adopted by Council before that date.

If approved by the NSWEC, the new ward boundaries will apply to the local government elections in 2016.

A Councillor Briefing was provided to Councillors on 8 September 2015 to discuss this matter.

MAIN REPORT

Camden Council is currently broken into three wards – South, Central and North Wards. A copy of Council's current Ward Boundary Map is attached (see **Attachment 1**). Based upon the August 2015 NSWEC enrolment statistics, there is a percentage variance of 21.65% between the ward with the largest number of voters and that with the smallest. The method of calculating this variance involves taking the difference

This is the report submitted to the Ordinary Council held on 22 September 2015

Page 1



between the largest and smallest wards and dividing it by the number of electors in the largest ward.

As the difference exceeds 10%, Council must adjust its ward boundaries so that the difference is no more than 10%.

Option 1

Given most of the population growth is anticipated to be in the North Ward, the first option is to move Narellan from Central Ward to South Ward so that all of Narellan is within South Ward; and Currans Hill moves from North Ward to Central Ward.

A map depicting this option is attached (see **Attachment 2**).

Under this proposal, there will be a maximum variance of 8.57% between wards.

Option 2

The second option is for the following to occur:

- Narellan moves from Central Ward to South Ward so that all of Narellan is contained within the South Ward;
- Currans Hill and Smeaton Grange move from North Ward to Central Ward;
- Part of Spring Farm moves from Central to South Ward so that all of Spring Farm is contained within the South Ward;
- Part of Mount Annan moves from South Ward to Central Ward so that all of Mount Annan is contained in Central Ward; and
- Narellan Vale is also fully contained in Central Ward.

A map depicting this option is attached (see **Attachment 3**).

Under this proposal, there will be a maximum variance of 8.80% between wards.

Whilst this proposal involves more changes, Option 2 provides for an opportunity to refine the wards so as to minimise the splitting of suburbs across wards. It also provides for a clear delineation between wards along major roads and arterial routes.

Public Exhibition Process

The preferred option will be advertised in Council's local papers and on Council's website.

In accordance with the Act, the draft option must be on public exhibition for a period of 28 days allowing for the receipt of submissions for up to 42 days after the day on which public exhibition commences.

Consultation with the NSWEC and Australian Statistician on the preferred option is also to occur and will be conducted at the same time as the public consultation.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

This is the report submitted to the Ordinary Council held on 22 September 2015 - Page 2



ORD10

Attachment 1

The above two options have been prepared for Council's consideration and determination. Both achieve the requirements of the Act. Following the public exhibition period and consultation with the NSWEC and the Australian Statistician, a report will be brought back to Council on any submissions received and the results of consultation.

RECOMMENDED

That Council:

- i. **determine a preferred option for ward boundaries;**
- ii. **place the preferred option on public exhibition for a period of 28 days, allowing for receipt of submissions for up to 42 days after the day on which public exhibition commences;**
- iii. **seek feedback from the NSW Electoral Commissioner and the Australian Statistician concerning the preferred option; and**
- iv. **following the public exhibition period and consultation with the NSW Electoral Commissioner and the Australian Statistician, report back to Council on any submissions received and the results of consultation.**

ATTACHMENTS

1. Current Ward Boundary Map
2. Ward Boundary Option 1
3. Ward Boundary Option 2

ORD06 REVIEW OF WARD BOUNDARIES 2015 MOTION

Moved Councillor Sidgreaves, Seconded Councillor Fedeli that Council:

- i. recommends option 2:
 - Narellan moves from Central Ward to South Ward so that all of Narellan is contained within the South Ward;
 - Currans Hill and Smeaton Grange move from North Ward to Central Ward;
 - Part of Spring Farm moves from Central to South Ward so that all of Spring Farm is contained within the South Ward;
 - Part of Mount Annan moves from South Ward to Central Ward so that all of Mount Annan is contained in Central Ward; and
 - Narellan Vale is also fully contained in Central Ward.
- ii. place the preferred option on public exhibition for a period of 28 days, allowing for receipt of submissions for up to 42 days after the day on which public exhibition commences;
- iii. seek feedback from the NSW Electoral Commissioner and the Australian Statistician concerning the preferred option;
- iv. following the public exhibition period and consultation with the NSW Electoral

This is the report submitted to the Ordinary Council held on 22 September 2015 - Page 3



Commissioner and the Australian Statistician, report back to Council on any submissions received and the results of consultation; and

- v. write to the NSW Electoral Commissioner and the Minister for Local Government asking if in the future there could be any movement in regards to the 10% ward boundary variance and how often it is reviewed.

ORD1/15 THE MOTION ON BEING PUT WAS CARRIED

This is the report submitted to the Ordinary Council held on 22 September 2015 - Page 4

ORD11

Attachment 1



PAYMENT OF
EXPENSES &
PROVISION OF
FACILITIES TO THE
MAYOR &
COUNCILLORS
POLICY
POLICY 5.57

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PAYMENT OF EXPENSES & PROVISION OF FACILITIES

DIVISION: CUSTOMER & CORPORATE SERVICES

BRANCH: CUSTOMER SERVICE & GOVERNANCE

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 This document is to be referred to as the 'Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy'.
- 1.2 The policy will commence from 11-February-2015 [insert date].
- 1.3 The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred, or to be incurred, by Councillors.
- 1.4 The policy comprises four parts, being:
- **Part 1 Introduction** - defines key terms and describes the legislative and reporting requirements that prescribe the policy's purpose, objectives and scope;
 - **Part 2 Payment of Expenses** - describes the general and specific provisions and the circumstances and Council procedures related to the payment of allowable expenses;
 - **Part 3 Provision of Facilities** - outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources, and
 - **Part 4 Other Matters** - provides guidance on issues related to Councillor acquisition, and return, of facilities and dispute resolution.
- 1.5 This policy is made under sections 252-254 of the *Local Government Act 1993* ('the Act'), section 403 of the *Local Government (General) Regulation 2005*, and in accordance with the Guidelines issued by the then-Division of Local Government (October 2009) under section 23A of the Act. The Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the Mayor and Councillors in relation to discharging the functions of civic office.

2. OBJECTIVES AND SCOPE OF THE POLICY

- 2.1 The objectives of the policy are to:
- (a) ensure there is consistency in the application of reimbursement of expenses and provision of facilities to Councillors in an equitable and non-discriminatory manner;

- (b) assist Councillors to represent the interests of residents and ratepayers of Camden and to facilitate communication between the community and Council; and
- (c) provide a level of support which will serve to encourage residents to seek election to civic office.

2.2 This policy applies equally to the Mayor and all Councillors.

3. MAKING AND ADOPTION OF THE POLICY

- 3.1 *The Local Government Act 1993* ('the Act') requires Council to review and submit its policy to the Director-General of the Office of Local Government within 28 days of adoption by the Council, even if it proposes to adopt an unchanged policy. Current policies must be submitted by 30 November each year.
- 3.2 Before adopting or amending this policy, the Council must give public notice of its intention and allow at least 28 days for public submissions. Any public submissions received will be considered, and appropriate changes made, prior to the adoption of the policy.
- 3.3 Even if changes that are considered 'not substantial' are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.
- 3.4 At any time, other than the required annual adoption of this policy, if the proposed amendment is not substantial then Council is not required to provide public notice. The term 'not substantial' should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than five (5) per cent. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

4. REPORTING REQUIREMENTS

- 4.1 Section 428 of the Act requires councils to include in their annual report:
 - (a) the Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors;
 - (b) the total amount of money expended during the year on providing those facilities and paying those expenses; and
 - (c) additional information as required by the *Local Government (General) Regulation 2005*.

5. RELEVANT LEGISLATION AND POLICIES

- 5.1 The following legislation, policies and guidelines are relevant to this policy:
 - Sections 252-254, *Local Government Act 1993* - Payment of expenses and provision of facilities;
 - Section 428, *Local Government Act 1993* - Annual reports;
 - Clause 217, *Local Government (General) Regulation 2005* - Additional information for inclusion in annual reports;

- Clause 403, *Local Government (General) Regulation 2005* - Payment of expenses and provision of facilities;
- Camden Council's 'Code of Conduct';
- Department of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act 1993*;
- Department of Local Government Circulars to Councils;
 - Circular 05/08 *Legal assistance for Councillors and Council employees*;
 - Circular 10/26, *Misuse of Council resources*;
 - Circular 08/37, *Council decision making prior to ordinary elections*;
 - Circular 11/27, *Findings from review of Councillor expenses and facilities policies*;
- ICAC Publication, *No Excuse for Misuse: preventing the misuse of council resources - Guidelines: 2* (November 2002)

6. APPROVAL AND SUPPORT ARRANGEMENTS

- 6.1 Various approval arrangements are indicated throughout this policy and vary from full Council resolution approval to approval by the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager.
- 6.2 The Executive Development & Support Coordinator will assist Councillors with respect to seeking reimbursement of expenses incurred in their role as a Councillor, assisting with travel and accommodation arrangements, attendance at civic events, training and education, and the provision of facilities under this policy.
- 6.3 All claims for reimbursement must be made within one (1) month of the date of the receipt and on the appropriate 'Councillor Travel and/or Expense Claim Form' (**Annexure A**), together with production of relevant supporting evidence.
- 6.4 Claims for reimbursement of expenses less than \$75.00 (exclusive of GST) should be accompanied by a receipt, tax invoice, statutory declaration, or some other form of supporting evidence. Claims for reimbursement of expenses over \$75.00 (exclusive of GST) **must** be accompanied by a tax invoice.
- 6.5 Any claim will be reconciled with the relevant supporting evidence and authorised as follows:
- (a) authorised by the General Manager and Mayor (or Deputy Mayor where the claim is made by the Mayor) for spouse and partner expenses, incidental expenses, advance payments, travel, accommodation, childcare and carer fees;
 - (b) authorised by two of the 'Authorised Officers' as set out in clause 6.6 if the particular expense category does not require approval by the General Manager and Mayor (or Deputy Mayor in the case of a claim by the Mayor).
- 6.6 The General Manager, Mayor, Director Customer & Corporate Services, Manager Customer Service & Governance, Senior Governance Officer and Executive Development & Support Coordinator are 'Authorised Officers' for the purpose of completing the 'Councillor Travel and/or Expense Form'.

PART 2 - PAYMENT OF EXPENSES

7. PAYMENT OF EXPENSES GENERALLY

- 7.1 This policy is applicable to any Council Administrator, should such Administrator act in that capacity from time to time.
- 7.2 Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.
- 7.3 To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.
- 7.4 For the purpose of clarity, it is noted that Councillor-related business refers to functions and duties that Councillors are required to undertake to fulfill their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or the local government area.
- 7.5 Any expenses for Councillors attending conferences, including travel to the conference venue, registration costs and incidental conference costs, will not be reimbursable under this Policy. Instead, Councillors are to personally fund (or utilise their Councillor annual allowance) any expenses incurred with respect to conference attendance.
- 7.6 Any expenses claimed for other meetings must be related to representing Council at official or ceremonial functions or Council related meetings as set out in this policy and in carrying out the civic duties of a Councillor.
- 7.7 For the purpose of clarity, a conference typically involves registration costs, accommodation, travel to and from the conference, sustenance and incidental costs such as taxi fares, telephone calls, etc.
- 7.8 This restriction on reimbursement for conferences does not apply to other Council related meetings. Examples of such other meetings may include external committee meetings, MACROC meetings, civic and ceremonial functions, citizenship ceremonies, Australia Day ceremonies, community group events and Chamber of Commerce meetings which relate to the interests of the local government area.
- 7.9 Claims for reimbursement of expenses will only be made on production of receipts for such amounts where indicated in this policy and on completion of the appropriate 'Councillor Travel and/or Expense Claim Form', itemising the expenses. Reimbursement of general expenses will not be allowed.
- 7.10 Claims for reimbursement of expenses less than \$75.00 (exclusive of GST) should be accompanied by a receipt, tax invoice, statutory declaration, or some other form of supporting evidence.
- 7.11 Claims for reimbursement of expenses over \$75.00 (exclusive of GST) must be accompanied by a tax invoice.

- 7.12 Payment of expenses will not be made to support a Councillor's attendance at political fundraising functions. Participation in Council elections is also a private matter and Councillors must not use Council resources in the course of this participation.

8. ATTENDANCE AT CONFERENCES

- 8.1 Councillors are encouraged to attend conferences as a formal representative of Council as part of discharging their functions of civic office.
- 8.2 Requests to attend conferences interstate or overseas must be approved by a Council resolution prior to attendance. The report to Council should outline the benefits of attendance by the Councillor.
- 8.3 The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager may approve attendance by Councillors at conferences within the State (ACT is taken to be included as part of NSW due to the proximity and ease of travel) without the need for Council resolution.
- 8.4 Any costs incurred relating to conference attendance, including registration fees, transport to and from the conference, accommodation, official lunches and dinners relevant to the conference and incidental expenses are to be personally funded (or paid from the Councillor's annual allowance) and are not reimbursable under this Policy.
- 8.5 For the purpose of clarity, the definition of a 'conference' relates to a formal meeting designed for consultation, exchange of information or discussion. Typically, conferences will involve registration costs, accommodation, travel to and from the conference, sustenance and incidental costs such as taxi fares, telephone calls, etc.
- 8.6 The conferences, and training and development opportunities, that Councillors will generally attend are:
- Local Government NSW Annual Conference;
 - special one-off conferences called by Local Government NSW;
 - annual conferences and seminars of the major professions in Local Government; and
 - seminars which assist Councillors in increasing their awareness and improving their understanding of their legal & other obligations and responsibilities as elected representatives.
- 8.7 Any Councillor who does attend a conference must report back to Council with a full written report on the beneficial aspects of the conference. A report may be submitted via a mayoral minute, a notice of motion or a memorandum via the General Manager. One report may be submitted on behalf of a number of Councillors in attendance.
- 8.8 It is noted that this restriction on reimbursement for conferences does not apply to other Council related meetings. Examples of such other meetings may include external Committee meetings, MACROC meetings, civic and ceremonial functions, citizenship ceremonies, Australia Day ceremonies, ceremonial functions, community group events and Chamber of Commerce meetings relating to the interests of the local government area.

9. SPOUSE AND PARTNER EXPENSES

- 9.1 Where a Councillor is accompanied to a civic event, ceremonial function, conference or Council related meeting by a spouse/partner, costs incurred for the attendance of the spouse/partner shall be the responsibility of the Councillor. These costs relate to travel, partner's programme and out of pocket expenses.
- 9.2 There may be limited instances where certain costs incurred by a Councillor on behalf of their spouse/partner are properly those of the Councillor expended in the performance of civic duties. Accordingly, Council will reimburse reasonable expenses in attending these functions and meetings. Such functions could include those which a Councillor's spouse/partner would be reasonably expected to attend such as Council civic and ceremonial receptions, Australia Day ceremonies or, on occasion, citizenship ceremonies.
- 9.3 Any further expenses incurred in relation to spouses/partners will not be reimbursed by Council. For the purposes of clarification, costs for a spouse/partner attending a conference and ancillary conference costs are not reimbursable under this policy.
- 9.4 Outside of these provisions, the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager may approve payment for the attendance of a spouse/partner as part of a Council group booking to a local charity event or similar function as may occur from time to time.

10. INCIDENTAL EXPENSES

- 10.1 Out of pocket expenses or incidental expenses associated with attending civic events, ceremonial functions or Council related meetings will be reimbursed on presentation of receipts and completion of a claim form as provided above.
- 10.2 Examples of incidental expenses include telephone or facsimile calls, taxi fares, parking fees or meals where not part of the Council related meeting or function. Councillors may claim such expenses by completing the 'Councillor Travel and/or Expense Claim Form' (**Annexure A**) and attaching the relevant receipts. The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager will authorise payment of incidental expenses.
- 10.3 For the purpose of clarification under this paragraph, incidental expenses incurred for and during Councillor-attended conferences are not reimbursable under this policy. Any incidental expenses incurred by a Councillor regarding conference fees and incidental charges are to be personally funded (or be paid out of the Councillor's annual allowance).

11. ADVANCE PAYMENTS

- 11.1 Councillors may request payment in advance in anticipation of expenses being incurred for such matters as attending civic events, ceremonial functions and Council related meetings.

- 11.2 On return Councillors must produce all receipts for the expenditure of those funds, with a full reconciliation to be completed and authorised by the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager.
- 11.3 Councillors are to produce the receipts and complete the reconciliation within one month of the expenditure being incurred.
- 12. TRAVEL TO CIVIC EVENTS, CEREMONIAL FUNCTIONS AND COUNCIL RELATED MEETINGS**
- 12.1 Councillors will be reimbursed for travel expenses incurred relating to Council business and/or representing Council at civic events, ceremonial functions and Council related meetings. Reimbursement may include the use of a private motor vehicle, public transport, taxi, parking fees and road tolls.
- 12.2 All travel by Councillors should utilise the most direct route and the most practicable and economical mode of transport subject to any personal medical conditions.
- 12.3 Councillors using private vehicles will be paid the mileage allowance at the then-current rate set by the appropriate Local Government State Award, but subject to any such payment not exceeding economy class air fares to and from the particular destination. The mode and method of transportation to be used shall be agreed with the Mayor (or Deputy Mayor in case of a claim by the Mayor) and the General Manager prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimise costs.
- 12.4 Under this policy, Councillors are personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.
- 12.5 For the purposes of clarification in this policy, the ACT is taken to be included as part of NSW due to the proximity and ease of travel.
- 13. TRAVEL TO CONFERENCES**
- 13.1 Councillors will not be reimbursed for travel expenses incurred relating to attendance at conferences within NSW, interstate or overseas. Expenses incurred relating to Councillors attendance at conferences, including travel costs, are to be personally funded (or paid from the Councillor's annual allowance).
- 14. INTERSTATE TRAVEL**
- 14.1 Full Council resolution approval is required prior to any interstate travel being undertaken by Councillors (excluding travel to ACT which may be authorised by Mayor and General Manager approval). The report to Council should include all details of the travel, including itinerary, expected costs and expected benefits.
- 14.2 Any costs incurred relating to interstate travel for Council business are to be personally funded (or paid from the Councillor's annual allowance).

15. OVERSEAS TRAVEL

- 15.1 Camden Council will not undertake any overseas travel unless a direct and tangible benefit for the Council and the local community can be established.
- 15.2 All overseas travel will be approved by a meeting of the Council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis.
- 15.3 Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillor(s) undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of the Council Business Paper.
- 15.4 After returning from overseas, Councillors or an accompanying member of staff will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.
- 15.5 Any costs incurred relating to overseas travel for Council business are to be personally funded by the Councillor (or paid for from the Councillor's annual allowance).

16. EXTENDING TRAVEL ARRANGEMENTS

- 16.1 Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Mayor (or the Deputy Mayor in the case of a claim by the Mayor) and the General Manager. In such instances Councillors should recognise that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including accommodation, are not considered to be reimbursable expenses.

17. ACCOMMODATION

- 17.1 Councillors are to personally fund (or use their Councillor annual allowance) any accommodation costs incurred as a result of conference attendance.
- 17.2 In the rare occasion that accommodation is required as part of a civic event, ceremonial function or other Council related meeting, accommodation costs may be reimbursed by Council subject to approval by the General Manager and Mayor (or Deputy Mayor in the case of a claim by the Mayor).

18. TRAINING AND EDUCATIONAL EXPENSES

- 18.1 Council provides an amount in the annual budget for 'Councillor Training and Education' expenses to support and encourage active learning and skill development. Expenses for this item are limited to the annual budget allocation in any one year and are separate to this policy. Payment of additional expenses/costs in relation to such training will be as per this policy.

19. **MOBILE PHONES, IPADS AND OTHER TELECOMMUNICATION RELATED EXPENSES**
- 19.1 Council will provide a mobile phone for use in order to carry out the Councillor's civic functions and responsibilities as provided in this policy under 'Provision of Equipment' below. Call charges and mobile phone data usage costs incurred for Council related business will be reimbursed in accordance with **Annexure B** per month (inclusive of GST). Councillors are responsible for disclosing any personal calls made on their monthly statement and are to reimburse the Council for such personal calls accordingly.
- 19.2 If a Councillor decides to use their own personal mobile phone for Council related business, Council will reimburse an amount in accordance with **Annexure B** per month (inclusive of GST) for Council related business call costs and mobile phone data usage costs. Call charges associated with private use must be met by the Councillor.
- 19.3 Council provides three (3) options for Councillors to use iPads for Council related business (as per the Council's 'iPad Usage Policy') as follows:
- (a) a Council-issued iPad;
 - (b) bring-your-own-iPad, where Councillors wish to use their own personal iPad for Council related business; and
 - (c) provision of a SIM card where Councillors chose to use their own personal iPad for Council related business.
- 19.4 It is expected that where Councillors use Council issued iPads or Council issued SIM cards, that the iPads are used primarily for Council related business.
- 19.5 In the case of a Councillor using their own personal iPad for Council related business, Council will reimburse a percentage of the iPad data usage costs relevant to Council business, in accordance with **Annexure B** per month (inclusive of GST).
- 19.6 If an individual landline is installed to the Councillor's premises, Council will reimburse in accordance with **Annexure B** per month (inclusive of GST) to cover line rental as well as call charges for Council related business. Call charges associated with private business must be met by the Councillor.
- 19.7 Council will reimburse an amount up to in accordance of **Annexure B** per month (inclusive of GST) to Councillors for internet usage incurred primarily for Council related business. It is noted that where the same internet plan is used for internet and iPad connection, Council will only reimburse up to the value of **Annexure B** (inclusive of GST) in total.
- 19.8 Councillors must complete a 'Councillor Travel and/or Expense Claim Form' for each billing period in relation to telecommunication charges associated with Council related business. All claims for reimbursement for phone, iPad and internet costs must be made within one month of the date of the provider's invoice. Any amounts exceeding the limit must be approved for payment by the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager.

20. CHILD CARE AND CARE OF ELDERLY, DISABLED AND/OR SICK IMMEDIATE FAMILY MEMBERS

20.1 Councillors will be reimbursed for the reasonable cost of care arrangements including child care expenses and the care of immediate family members who are elderly, disabled and/or sick in order to allow Councillors to attend Council and other official meetings/functions or to attend to their responsibilities and duties as a Councillor. Carer costs will be paid to cover the period 30 minutes prior to the scheduled commencement time of the meeting/function and one hour after the conclusion of the meeting/function.

20.2 The rate of reimbursement for care will be to a maximum of in accordance with **Annexure B** per hour or as varied by Council from time to time, payable on the provision of receipts or a declaration by the Councillor for such payments ('Councillor Travel and/or Expense Claim Form'), within 1 month of the period being claimed. The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager will authorise payment of care and other related expenses.

21. LEGAL EXPENSES AND OBLIGATIONS

21.1 Council may, by way of resolution specifying the amount involved, indemnify or reimburse the reasonable legal expenses:

- (a) of a Councillor defending an action arising from the performance in good faith of a function under the *Local Government Act 1993* or any other Act for and on behalf of Council; or
- (b) of a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the *Local Government Act 1993*; or
- (c) of a Councillor for proceedings before the Local Government Pecuniary Interest Tribunal, the Independent Commission Against Corruption, Office of Ombudsman, Office of Local Government, Department of Premier and Cabinet, NSW Police Force, Director of Public Prosecutions or Council's Conduct Review Committee / Reviewer, provided, the subject of the proceedings arises from the performance in good faith by the Councillor of a function under the *Local Government Act 1993*.

21.2 If points 21.1(a), (b) or (c) have been satisfied, Council will reimburse the reasonable legal expenses only if the enquiry, investigation, hearing or proceedings taken against a Councillor results in a finding substantially favorable to the Councillor.

21.3 In addition, the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.

21.4 Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.

- 21.5 The Council must not meet the legal costs of legal proceedings initiated *by* a Councillor under any circumstance.
- 21.6 The Council must not meet the legal costs of a Councillor seeking advice in respect of possible defamation or in seeking a non-litigious remedy for possible defamation.
- 21.7 No legal expenses may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

22. INSURANCE EXPENSES AND OBLIGATIONS

- 22.1 Councillors will receive the benefit of insurance cover to the limit specified in the Council's insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions:
- (a) Public Liability - public liability and professional indemnity insurances apply in relation to claims arising out of a Councillor's (alleged) negligent performance of civic duties or exercise of their functions as a Councillor, subject to any limitations or conditions set out in the policy.
 - (b) Professional Indemnity - for matters arising out of a Councillor's performance of civic duties or exercise of functions provided the performance or exercise of the relevant civic duty or function is, in the opinion of Council, bona fide and/or proper.
 - (c) Personal accident - coverage where personal injury occurs whilst on Council business Australia wide.
- 22.2 Travel insurance, if considered appropriate, for any approved overseas travel on Council business is to be personally funded (or paid from the Councillor's annual allowance).

23. ADDITIONAL MAYORAL EXPENSES

- 23.1 Nil.

PART 3 – PROVISION OF FACILITIES

24. GENERAL PROVISIONS

- 24.1 Council will provide facilities, equipment and services that are appropriate to support the Mayor and Councillors in undertaking the role of elected members.
- 24.2 Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.
- 24.3 It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.

- 24.4 Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use. This payment will be made on a full cost recovery basis.
- 24.5 Councillors must be scrupulous in their use of Council property, including intellectual property, official services and facilities and should not permit misuse by any other person or body.
- 24.6 Councillors should avoid any action or situation, which could create the appearance that Council property, official services or public facilities are being improperly used for their benefit or the benefit of any other person or body.
- 24.7 The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.
- 24.8 Councillors must not convert any property of the Council to their own use unless properly authorised.

25. PROVISION OF EQUIPMENT

- 25.1 Council will provide the following equipment to Councillors, if requested, subject to the reimbursement of expenses limitations mentioned elsewhere in this policy:
- mobile phone (standard as provided to staff), Blackberry or smart-phone with internet and email capability;
 - computer equipment (standard as provided to staff) or laptop and a wireless capable printer/fax multi-function machine with router, together with printer cartridges and replacements;
 - iPads will be provided to Councillors and are the preferred mechanism for distribution of the Council's Business Paper; and
 - internet and iPad data usage for Council related business up to the value of in accordance with **Annexure B** per month (inclusive of GST).

26. PROVISION OF FACILITIES

- 26.1 The following facilities are provided:
- a Councillors' Room is provided in the Council Offices to assist Councillors in dealing with resident and ratepayer matters and Council business generally;
 - Councillors' letter-head;
 - sustenance is only provided to Councillors at Council/Committee meetings. Meals are provided at civic functions and the like for Councillors and/or partners; and
 - the provision of an Executive Development & Support Coordinator to assist and support Councillors.

27. PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR MAYOR

27.1 The role of the Mayor is:

- (a) to exercise, in the case of necessity, the policy making functions of the governing body of the Council between meetings;
- (b) to exercise such other functions of the Council as the Council determines;
- (c) to preside at meetings of the Council; and
- (d) to carry out the civic and ceremonial functions of the mayoral office.

27.2 In order to reflect the additional time and commitment required to carry out the responsibilities of the Mayor, in addition to the support provided to Councillors, the following is provided to the Mayor:

- (a) Mayoral Office - to assist in carrying out the Mayoral functions;
- (b) secretarial support is provided by the Executive Development & Support Coordinator;
- (c) a dedicated Mayoral car-parking space in the Council car-park adjacent to the Council Offices; and
- (d) a dedicated Mayoral vehicle is currently not provided for private or Council use, however the Mayor may request the use of a Council pool vehicle or, if a Council pool vehicle is unavailable, a hire vehicle, similar to the current Council fleet vehicles, for official Council business, if a vehicle is required.

PART 4 – OTHER MATTERS**28. PERSONAL BENEFIT**

28.1 Councillors should not obtain private benefit from the reimbursement of expenses, provision of equipment and facilities, nor from travel bonuses or any other loyalty schemes.

29. ACQUISITION AND RETURNING OF FACILITIES AND EQUIPMENT BY COUNCILLORS

29.1 On completion of the term of office, extended leave of absence or at the cessation of civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes unused consumables.

29.2 Any internet allowance provided under this policy is only applicable up until the last month of term of office held by a Councillor.

29.3 All equipment provided to Councillors contained in this policy, remain the property of Camden Council.

29.4 The General Manager will consider requests from Councillors to purchase equipment previously allocated to them (including Blackberry, iPhone and iPad) at an agreed fair market price.

30. GENERAL DISPUTE RESOLUTION

- 30.1 Should a dispute arise as to payment of a claim for reimbursement of expenses or provision of facilities, the matter should be submitted in writing by the Councillor to the General Manager, who will determine the matter in conjunction with the Mayor (or Deputy Mayor in the case of a claim by the Mayor) in accordance with the terms of this policy.

Proposed for Exhibition

RELEVANT LEGISLATION:	<p><i>Local Government Act 1993 - sections 252-254, 428</i> <i>Local Government (General) Regulation 2005 - clauses 217, 403</i> 'Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors', Division of Local Government, October 2009 <i>DLG Circular 05/08 Legal assistance for Councillors and Council employees;</i> <i>DLG Circular 10/26, Misuse of Council resources</i> <i>DLG Circular 08/37, Council decision making prior to ordinary elections</i> <i>DLG Circular 11/27, Findings from review of Councillor expenses and facilities policies</i> <i>ICAC Publication, No Excuse for Misuse, preventing the misuse of council resources - Guidelines: 2 (November 2002)</i></p>
RELATED POLICIES AND PROCEDURES:	<p>5.3 Code of Conduct 5.73 iPad Usage Policy</p>
RESPONSIBLE DIRECTOR:	Director Customer & Corporate Services
APPROVALS:	ELG, Council
NEXT REVIEW DATE:	November 2016
RECORD KEEPING NOTES:	
CONFIDENTIALITY/PRIVACY:	Publicly available document - available on Council's website.
HISTORY:	

VERSION CONTROL

Issue	Approved by	Changes made (with TRIM Ref)	Date Adopted	ORD Ref TRIM Ref
P3.0111.2	Council	Minor formatting and editing changes Report (exhibit policy) - [to be inserted] Report (adopt policy) - [to be inserted]	[to be inserted]	[to be inserted]
P3.0111.1	Council	Changes to value of allowances; formatting changes; updates to position titles. Report (exhibit policy #1) (28 Oct 2014) - 14/163299 Report (exhibit policy #2) (09 Dec 2014) - 14/195752	10/02/2015	ORD41/15 15/8739
5.57	Council	Report (exhibit policy) (22 Oct 2013) - 13/43837	26/11/2013	ORD322/13 13/56178
5.57	Council	Report (exhibit policy) (23 Oct 2012) - 13/52080	27/11/2012	ORD296/12 13/52362
5.57	Council	Report (adopt policy) - 13/51099	08/11/2011	ORD270/11
5.57	Council		23/11/2010	ORD262/10
5.57	Council		27/10/2009	ORD252/09
5.57	Council		25/11/2008	ORD302/08
5.57	Council		11/09/2007	ORD238/07
5.57	Council		12/02/2007	ORD25/07

5.57 P3.0111.2 PAYMENT OF EXPENSES & PROVISION OF FACILITIES POLICY
 Adopted by Council: 10-Feb-2015 [insert date]
 Minute No: ORD41/15 [insert ORD]

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ANNEXURE A
COUNCILLOR TRAVEL &/OR EXPENSE CLAIM
 SECTION 252 LOCAL GOVERNMENT ACT 1993

COUNCILLOR:	
MONTH:	

TRAVEL EXPENSES				
MEETING DETAILS	DATE	KMS	RATE *	VALUE
			SUB TOTAL:	\$

* Kilometre rate (cents per kilometre) depending on vehicle capacity and current Local Government (State) Award.

OTHER EXPENSES		
DETAILS	VALUE	
SUB TOTAL:		\$

If additional space is required, please include attachment.
 Note: For amounts over \$75.00 (exclusive of GST) a Tax Invoice **must** be provided.

TOTAL VALUE FOR REIMBURSEMENT:	\$
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CERTIFICATION
 I hereby certify that this claim is in accordance with Section 252 of the *Local Government Act* and Council's '5.57 Payment of Expenses & Provision of Facilities Policy'.

SIGNATURE OF CLAIMANT:	
DATE:	

Payment of this claim will be made by Electronic Funds Transfer (EFT), through Council's normal Creditor payment facility. Claimants should ensure that correct banking details are held by Council.

_____ Mayor/Deputy Mayor	_____ Authorised Officer (if within limits provided by the Policy)
_____ General Manager	_____ Authorised Officer (if within limits provided by the Policy)

Attachment 1
ORD11

ORD11

Attachment 1

ANNEXURE B
Monetary Limits to Expenses

EXPENSES	INDICATIVE EXPENSE LIMITS MAYOR & COUNCILLORS	POLICY CLAUSE
In-House Training	N/A Budget allocation	18
Local Travel	Private vehicle use - rates set out in Local Government State Award	12 and 13
Interstate Travel	N/A Council resolution required to approve travel and all expenses to be personally funded (or paid from the Councillor's annual allowance).	14
Overseas Travel	N/A Council resolution required to approve travel and all expenses to be personally funded (or paid from the Councillor's annual allowance).	15
Mobile phone costs including data usage	\$205 per month	19
Telephone line rental and call costs	\$125 per month	19
Internet / iPad data usage costs	\$52 per month	19
Care Arrangements	Up to \$31 per hour	20

ANNEXURE C
Available Facilities

EXPENSE	MAYOR	COUNCILLORS
Computer Equipment	Available	Available
Laptop Computer/Ipad	Available	Available
Multifunction Printer/Fax Facility with wireless capability/router	Available	Available
Internet / iPad data usage	Available	Available
Mobile Phone/Blackberry	Available	Available
Telephone line rental	Available	Available
Secretarial Support	Available	Not Available
Executive Development & Support Coordinator	Available	Available
Councillors' Room	Available	Available
Ceremonial dress	Available	Not Available
Corporate clothing	n/a	n/a
Meals/refreshments related to Council Meetings, office functions and committee meetings	Available	Available
Stationary, office supplies, postage, business cards & other similar consumables	Available	Available
Car Parking Space	Available	Not Available
Dedicated Mayoral Vehicle	Not Available	n/a
Council Pool Vehicle Use	Available	Not Available
Disabled Access	Available	Available



Camden Council

Quarterly Budget Review Statement

For the period ending 30 September 2015

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1. Income & Expenses Review Statement
2. Capital Budget Review Statement
3. Cash & Investments Budget Review Statement
4. Contracts Budget Review Statement
5. Consultancy & Legal Expenses Budget Review Statement
6. Key Performance Indicators Budget Review Statement
7. Annual Code of Conduct Report

Camden Council
Income & Expenses Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015
Income & Expenses Review

	Original Budget 2015/16	Approved Changes		Revised Budget 2015/16	Variations for this Sep Qtr	Notes	Projected Year End Result
		Revotes	Other than by QBRS				
Operating Income							
Actively Managing Camden's Growth	14,280,300	-	-	14,280,300	765,000	1	15,045,900
Healthy Urban and Natural Environment	40,784,800	-	-	40,784,800	-		40,784,800
A Prosperous Economy	8,200	-	-	8,200	-		8,200
Effective and Sustainable Transport	21,197,400	-	-	21,197,400	413,694	2	21,611,094
An Enriched and Connected Community	8,648,000	-	-	8,648,000	-		8,648,000
Strong Local Leadership	47,591,900	-	-	47,591,900	874,006	3	48,465,906
	132,510,600	-	-	132,510,600	2,053,300		134,563,900
Operating Expenses							
Actively Managing Camden's Growth	9,025,800	29,061	-	9,054,861	56,000	4	9,110,861
Healthy Urban and Natural Environment	21,836,000	308,374	-	22,144,374	-		22,144,374
A Prosperous Economy	605,300	6,389	-	611,689	-		611,689
Effective and Sustainable Transport	17,532,700	161,233	-	17,693,933	-		17,693,933
An Enriched and Connected Community	10,919,600	-	-	10,919,600	19,500	5	10,939,100
Strong Local Leadership	19,288,700	667,483	-	19,956,183	27		19,956,210
	79,208,100	1,172,540	-	80,380,640	75,527		80,456,167
Net Operating Surplus / (Deficit)	53,302,500	(1,172,540)	-	52,129,960	1,977,773		54,107,733
Add:							
Non Cash Funded Depreciation	15,712,900	-	-	15,712,900	-		15,712,900
Funds from the Sale of Assets	319,000	-	-	319,000	-		319,000
Loan Borrowings	23,000,000	-	-	23,000,000	-		23,000,000
Transfer from Restricted Assets	27,970,100	18,932,498	-	46,902,598	43,600		46,946,198
	67,002,000	18,932,498	-	85,934,498	43,600		85,978,098
Less:							
Capital Purchases & Acquisitions	103,775,200	17,759,958	-	121,535,158	457,294		121,992,452
Borrowing Expense (Principal)	3,162,200	-	-	3,162,200	-		3,162,200
Transfer to Restricted Assets	13,367,100	-	-	13,367,100	-		13,367,100
Proposed - Transfer to Restricted Assets	-	-	-	-	300,000		300,000
	120,304,500	17,759,958	-	138,064,458	757,294		138,821,752
Net Budget Position Surplus / (Deficit)	-	-	-	-	1,264,079		1,264,079

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBRS report

Camden Council
Income & Expenses Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	765,600	Actively Managing Camden's Growth - Increase in Income This adjustment relates to an increase in income as a result of: additional development income due to ongoing housing development (\$440K), additional Section 149 Certificate Income due to ongoing housing development (\$26k) and an increase in Section 94 investment income through a higher than expected investment balance (\$300K).
2	413,694	Effective and Sustainable Transport - Increase in Income This adjustment relates to an increase in the level of funding approved as part of the 2014-2019 Roads to Recovery Program for 2015/16 (\$414K) which will be used to fund road renewal and upgrade works.
3	874,006	Strong Local Leadership - Increase in Income Adjustments to income relate to: additional rating income (\$699K), additional interest on investments (\$190K) and Section 603 Certificate Income (\$14k). An adjustment was also required to the financial assistance grant entitlements for 2015/16 \$29k.
4	56,000	Actively Managing Camden's Growth - Increase in Expense Due to the continued increase in development activity funding is required for the employment of a temporary contract planner in the Statutory Planning Unit. The employment of the temporary position will assist in development applications being processed within expected timeframes.
5	19,500	An Enriched and Connected Community - Increase in Expense This adjustment relates primarily to an increase in expenditure for Library extended hours to support HSC Students (\$16) and minor expenditure adjustments were also required at this review (\$3.5K).

Camden Council
Capital Budget Review StatementQuarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015

Capital Expenditure Review

	Original Budget 2015/16	Approved Changes		Revised Budget 2015/16	Variations for this Sep Qtr	Notes	Projected Year End Result
		Revotes	Other than by QBRS				
Capital Expenditure							
New Assets (Council Delivery)							
Transport & Road Infrastructure	3,670,400	6,034,451	-	9,704,851	-	-	9,704,851
Community Facilities	6,372,400	579,819	-	6,952,219	-	-	6,952,219
Parks & Recreation	3,190,100	1,635,447	-	4,825,547	(1,000)	1	4,869,147
Stormwater & Drainage	3,101,800	1,687,330	-	4,789,130	-	-	4,789,130
Council Properties	26,132,700	4,163,244	-	30,295,944	-	-	30,295,944
Plant & Equipment	1,720,000	-	-	1,720,000	-	-	1,720,000
Other	884,200	582,569	-	1,466,769	-	-	1,466,769
New Assets (Works In Kind)							
Transport & Road Infrastructure	16,761,900	-	-	16,761,900	-	-	16,761,900
Recreation & Community Facilities	12,347,300	-	-	12,347,300	-	-	12,347,300
Stormwater & Drainage	18,230,800	-	-	18,230,800	-	-	18,230,800
Asset Renewal (Replacement)							
Transport & Road Infrastructure	9,236,400	494,303	-	9,730,703	413,694	2	10,144,397
Community Facilities	32,200	16,872	-	49,072	-	-	49,072
Parks & Recreation	227,000	367,158	-	594,158	-	-	594,158
Stormwater & Drainage	145,900	11,020	-	156,920	-	-	156,920
Council Properties	-	358,690	-	358,690	-	-	358,690
Plant & Equipment	922,600	1,764,300	-	2,686,900	-	-	2,686,900
Information Technology Upgrades	799,500	-	-	799,500	-	-	799,500
Other	-	64,755	-	64,755	-	-	64,755
Total Capital Expenditure	103,775,200	17,759,958	-	121,535,158	457,294		121,992,452
Capital Funding							
Rates & Other Untied Funding	5,201,000	-	-	5,201,000	-	-	5,201,000
Capital Grants & Contributions	567,700	1,955,145	-	2,522,845	(113,591)	-	2,936,539
Reserves:							
External Restrictions	20,777,700	6,903,433	-	27,681,133	-	-	27,681,133
Internal Restrictions	6,888,800	8,898,900	-	15,787,700	(11,600)	-	15,831,300
S94 Works in Kind Income (Non Cash)	47,340,000	-	-	47,340,000	-	-	47,340,000
New Loans	23,000,000	-	-	23,000,000	-	-	23,000,000
Receipts from Sale of Assets							
Plant & Equipment	-	-	-	-	-	-	-
Land & Buildings	-	-	-	-	-	-	-
Other Funding	-	2,480	-	2,480	-	-	2,480
Total Capital Funding	103,775,200	17,759,958	-	121,535,158	457,294		121,992,452
Net Capital Funding							

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBRS report

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Camden Council
Capital Budget Review StatementQuarterly Budget Review Statement
for the period 01/07/15 to 30/09/15Budget review for the quarter ended 30 September 2015
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
3	43,600	Parks & Recreation (New Assets) - Increase in Expense This increase relates to the forward funding of additional works at Currans Hill Park to coincide with other upgrade works at the reserve. These works were originally scheduled for funding in the 2017/18 CRP Program for William mannix Reserve. (\$44k)
4	413,694	Transport & Road Infrastructure (Asset Renewal) - Increase in Expense This adjustment relates to an increase in the level of funding approved as part of the 2014-2019 Roads to Recovery Program for 2015/16 (\$414K) which will be used to fund road renewal and upgrade works.

Attachment 1

Camden Council
Cash & Investments Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Projected Year End Cash Position ending 30 June 2015

Cash & Investments Review

	Open Balance 1/07/2015	Approved Changes		Revised Budget	Variations for this Sep Qtr	Notes	Projected Year End Result
		Revotes	Other than by QBRs				
Externally Restricted							
Section 94 Developer Contributions	40,539,344	(5,638,007)	(18,875,737)	16,025,600	300,000	1	16,325,600
Infrastructure Loan (Lodges Road)	3,189,053	(2,480)	-	3,186,573	-	-	3,186,573
Domestic Waste Management	5,154,506	(1,265,426)	543,626	4,432,706	-	-	4,432,706
Specific Purpose Grants	788,258	(1,955,145)	1,166,887	-	413,694	2	413,694
Stormwater Management Levy	340,932	(313,630)	16,000	43,302	-	-	43,302
Other Restricted Contributions	177,179	(22,773)	(58,800)	95,606	-	-	95,606
Total Externally Restricted	50,189,272	(9,197,461)	(17,208,024)	23,783,787	713,694		24,497,481
Internally Restricted							
2014-2019 CIRP Reserve	1,551,607	(514,001)	(116,901)	920,705	(44,800)	3	877,105
2014-2016 CIRP Round 3 Reserve	1,184,792	(134,792)	(1,050,000)	-	-	-	-
Asset Renewal Reserve	662,451	-	1,199,158	1,861,609	-	-	1,861,609
Camden Carparking	120,578	-	-	120,578	-	-	120,578
Camden Town Centre Improvements	1,145,100	(195,200)	(794,500)	155,400	-	-	155,400
Capital Works Reserve*	920,691	(258,930)	794,950	1,456,711	1,264,079	-	2,720,790
Cemetery Improvements	732,576	(542,569)	(2,900)	187,107	-	-	187,107
Central Administration Building	4,309,206	(4,062,879)	(234,000)	12,327	-	-	12,327
Commercial Waste Management	1,189,060	-	(166,800)	1,022,260	-	-	1,022,260
Council Elections	147,600	-	81,700	229,300	-	-	229,300
Employee Leave Entitlements	1,868,047	-	140,000	2,008,047	-	-	2,008,047
Engineering Deposits	187,158	-	5,300	192,458	-	-	192,458
Expenditure Revotes	3,673,768	(3,673,768)	-	-	-	-	-
Family Day Care Reserve	82,376	-	-	82,376	-	-	82,376
Infrastructure Loan - Repayment Fund	2,156,300	-	-	2,156,300	-	-	2,156,300
Plant Replacement Reserve	2,279,486	-	36,300	2,315,786	-	-	2,315,786
Public Appeals Reserve	35,304	-	-	35,304	-	-	35,304
Risk Management	242,599	-	-	242,599	-	-	242,599
Section 355 Management Committees	434,834	-	-	434,834	-	-	434,834
Stormwater Works (General Fund)	641,834	(311,820)	-	330,014	-	-	330,014
Technology Improvements Reserve	490,226	-	(490,226)	-	-	-	-
Technology Support Reserve	75,412	-	(75,412)	-	-	-	-
Water Savings Action Plan	87,727	(22,030)	6,599	72,296	-	-	72,296
Working Funds Surplus	190,332	-	165,700	356,032	-	-	356,032
Other	21,218	(19,048)	-	2,170	-	-	2,170
Total Internally Restricted	24,430,282	(9,735,037)	(501,032)	14,194,213	1,220,479		15,414,692
Unrestricted (i.e. available after the above Restrictions)	3,662,446	-	-	3,662,446			3,662,446
Total Cash & Investments	78,282,000	(18,932,498)	(17,709,056)	41,640,446	1,934,173		43,574,619

* The uncommitted balance of the Capital Works Reserve will increase to \$2,720,790 if Council adopt the recommendation of this report.

Cash & Investments Statement

Investments have been invested in accordance with Council's Investment Policy.

The Cash at Bank amount for this period has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 30/09/2015.

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBRs report.

ORD12

Camden Council
Cash & Investments Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	300,000	Section 94 Developer Contributions - Increase in Transfer to Reserve The balance of Council's Section 94 reserves has increased as a result of additional interest on investments (\$300K).
2	413,694	Specific Purpose Grants - Increase in Transfer to Reserve This adjustment relates to an increase in the level of funding approved as part of the 2014-2019 Roads to Recovery Program for 2015/16 (\$414K) which will be used to fund road renewal and upgrade works.
3	(43,600)	Community Infrastructure Renewal Program - Increase in Transfer from Reserve This increase relates to the forward funding of William Mannix Reserve Playground Equipment to coincide with other upgrade works at the reserve. These works were originally scheduled for funding in the 2017/18 CIRP Program (\$44k).

Attachment 1

Camden Council
Contracts Budget Review Statement

Quarterly Budget Review Statement
 for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015
Contracts Budget Review (Greater than \$50,000)

Contractor	Contract detail & purpose	Contract Value	Start Date	Budgeted (Y/N)
Hargraves Urban Pty Ltd	Argyle Street Upgrade Stage 1A, between John and John and Daley Streets	1,894,383	Aug-15	Y
Melocco Pty Ltd	Supply of Black Granite Paver Argyle Street Improvements	339,886	Aug-15	Y
Baker & McAuliffe	Supply of lightpoles Argyle Street Improvements	57,333	Aug-15	Y
Momentum Built Pty Ltd	Design and construction of a club house building at Narellan Park	221,377	Aug-15	Y
TJ & BF Fordham	Spring Road Upgrade	1,025,839	Sep-15	Y

Notes:

1. Contracts listed are those entered into through a tender process during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
2. Contracts for employment are not included in this list.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBRS report

ORD12

Attachment 1

Camden Council
Consultancy & Legal Expenses Budget Review Statement

Quarterly Budget Review Statement
 for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015
Consultancy & Legal Expenses Overview

Expense	YTD Expense	Budgeted (Y/N)
Consultancies	119,045	Y
Legal Fees	181,661	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Council has engaged specialist consultants to assist in the consultation and planning of the Camden Town Centre Review, implementation of a Work Health & Safety framework and the planning and design of the new central administration building. Council has also required specialist consultancy and legal advice on a number of governance, development and compliance matters. Costs associated with these matters have been included in the expenditure totals above.

Camden Council
Key Performance Indicators Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	
	15/16	15/16	15/16	14/15	13/14

1. Operating Performance

Operating Revenue (excl. Capital) - Operating Expenses	(679)	-0.90%	-2.62%	-4.99%	-19.20%
Operating Revenue (excl. Capital Grants & Contributions)	75,532				

What is Being Measured?

Council's ability to contain operating expenditure within operating revenue.



2. Own Source Operating Revenue

Operating Revenue (excl. all Grants & Contributions)	69,649	52.09%	51.59%	42.47%	50.74%
Total Operating Revenue	133,701				

What is Being Measured?

This ratio measures the degree of reliance on external funding sources such as operating grants and contributions.



3. Unrestricted Current Ratio

Current Assets less all External Restrictions	31,019	2.52	2.42	4.07	4.92
Current Liabilities less Specific Purpose Liabilities	12,321				

What is Being Measured?

The ability to meet short term financial obligations such as loans, payroll and leave entitlements.



This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBR report.

Camden Council
Key Performance Indicators Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015

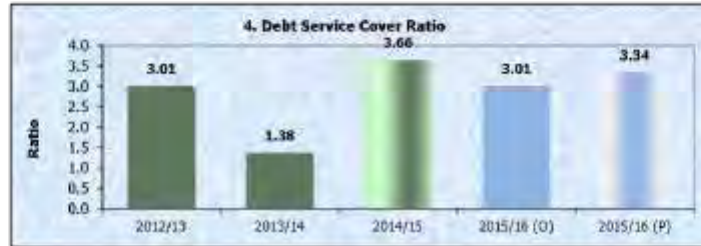
(\$000's)	Current Projection		Original Budget 15/16	Actuals	
	Amounts	Indicator		Prior Periods	
	15/16	15/16		14/15	13/14

4. Debt Service Cover Ratio

Operating Result before EBITDA	12,673	3.34	3.01	3.66	1.38
Principal Repayments + Interest Costs	3,793				

What is Being Measured?

The availability of operating cash to service debt including interest and principal repayments.



5. Rates, Annual Charges, Interest & Extra Charges Outstanding

Rates, Annual and Extra Charges Outstanding	2,090	4.16	4.22	4.06	4.16
Rates, Annual and Extra Charges Collectible	50,257				

What is Being Measured?

To assess the impact of uncollected rate and charges on Council's Liquidity.



6. Cash Expense Cover Ratio

Current Year's Cash & Cash Equivalents (incl. Term Deposits)	43,574	8.57	8.19	14.35	13.67
Operating & Financing Activities Cash Flow Payments	61,023				

What is Being Measured?

This ratio indicates the number of months Council can continue to pay for its immediate expenses without additional cash inflow.



This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBR report

Camden Council
Key Performance Indicators Budget Review Statement

Quarterly Budget Review Statement
for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015

(\$000's)	Current Projection		Original Budget	Actuals	
	Amounts	Indicator		Prior Periods	
	15/16	15/16	15/16	14/15	13/14

7. Building and Infrastructure Renewals Ratio

Asset Renewals (Building & Infrastructure)	10,027	91.91%	91.91%	13.85%	24.38%
Depreciation, Amortisation & Impairment	10,910				

What is Being Measured?

The rate at which assets are being renewed relative to the rate at which they are depreciating.



8. Infrastructure Backlog Ratio

Estimated Cost to Bring Assets to a Satisfactory Standard	14,069	0.019	0.019	0.016	0.019
Total Value of Infrastructure, Building & Other Assets	738,211				

What is Being Measured?

This ratio shows what proportion the backlog is compared the total value of Council's infrastructure



9. Asset Maintenance Ratio

Actual Asset Maintenance	3,805	0.91	0.91	0.97	0.78
Required Asset Maintenance	4,183				

What is Being Measured?

Compares the actual spend on asset maintenance vs what is required to be spent on asset maintenance.



This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBR report

Camden Council
Key Performance Indicators Budget Review Statement

Quarterly Budget Review Statement
 for the period 01/07/15 to 30/09/15

Budget review for the quarter ended 30 September 2015

(\$000's)	Current Projection		Original Budget 15/16	Actuals	
	Amounts	Indicator		Prior Periods	
	15/16	15/16		14/15	13/14
10. Capital Expenditure Ratio					
Annual Capital Expenditure	104,232	8.19	8.16	5.14	2.70
Annual Depreciation	12,721				

What is Being Measured?

To assess what extent Council is expanding its asset base through capital expenditure on both new assets and replacement / renewal of existing assets.



This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBRS report

Camden Council

Quarterly Budget Review Statement

Annual Code of Conduct Report

Camden Council's Code of Conduct provides a framework for minimum standards of conduct by all council officials, and is in line with the Office of Local Government's Model Code of Conduct. The current Code of Conduct incorporates provisions relating to complaint handling procedures and reporting requirements of the General Manager.

The Council is to provide the Division with a report containing the statistics referred to in (below) within 3 months of the end of September each year.

The complaints coordinator must arrange for the following statistics to be reported to the Council within 3 months of the end of September of each year setting out the following statistics:

- (a) the total number of code of conduct complaints made about Councillors and the General Manager under the code of conduct in the year to September;
- (b) the number of code of conduct complaints referred to a conduct reviewer;
- (c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints;
- (d) the number of code of conduct complaints investigated by a conduct reviewer;
- (e) the number of code of conduct complaints investigated by a conduct review committee;
- (f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures;
- (g) the number of matters reviewed by the Office of Local Government and, without identifying particular matters, the outcome of the reviews; and
- (h) the total cost of dealing with code of conduct complaints made about Councillors and the General Manager in the year to September, including staff costs.

This information is set out in the table below:

No of Councillor/GM complaints	No of complaints referred to conduct reviewer	No of complaints finalised by conduct reviewer at preliminary stage and the outcome	No of complaints investigated by conduct reviewer
Nil	Nil	Nil	Nil

This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 30/09/2015 and should be read in conjunction with the total QBR report

Attachment 2

ORD12

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2015/16 Budget

Expense \$	Change In Vote		Totals \$	Description	Comments
	Income \$	EXPENDITURE -			
<p>Note: INCOME - Increases are shown as positives figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures</p>					
1) Proposed Budget Variations					
Proposed variations to the 2015/16 Budget based on income received and expenditure payments to date are as follows:					
-	699,000		699,000	Rates and Charges Income	Supplementary rate income is received upon the re-zoning or subdivision of land. It is additional rate income to the amount levied at the beginning of the financial year. The increase in rate income realised during the first half of 2015/16 is primarily due to new jobs created through subdivisions in the Spring Farm, Elderslie, Oran Park and Gregory Hills land release areas.
-	440,000		440,000	Development - Fees & Charges Income	Development income has exceeded budget expectations for the first quarter of 2015/16. Council has received a number of Development Applications of high value this quarter which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing. Legal costs incurred as a result of Development Applications have been offset against this additional income.
-	190,000		190,000	Corporate Management - General Fund Interest on Investments	The first quarter performance of Council's investment portfolio has exceeded budget expectations. The primary reason for this is Council's investment portfolio is being maintained at a higher level than originally budgeted. Council's weighted return on investments for September 2015 was 3.47%, which is higher than the industry average of 2.66%.
-	(28,694)		(28,694)	Corporate Management - Financial Assistance Grant	As part of adopting the Federal Budget in 2014, the indexation on the Financial Assistance Grant ceased for 3 years to 2016/17 with an expected budget shortfall in 2015/16 of \$28,694. The cumulative impact of this indexation change on Council's 10 year LTFP is estimated at \$2,700,000 as the base from which the indexation is calculated will now be less than first anticipated.
-	25,600		25,600	Land Information Section 149 Certificates Income	Additional income has been realised for Section 149 Certificates in 2015/16. This is primarily a result of growth through development.

September Review of the 2015/16 Budget

Summary of Budget Review Variations Greater Than \$15,000
 September Review of the 2015/16 Budget

Change In Vote		Totals	Description	Comments
Expense	Income			
\$	\$	\$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
(56,000)	-	(56,000)	Strategic and Statutory Planning Salary Adjustments	Due to the continued increase in development activity funding is required for the employment of a temporary contract planner in the Statutory Planning Unit. The employment of the temporary position will assist in development applications being processed within expected timeframes.
(5,251)	13,700	8,449	Variations under \$15,000	
(61,251)	1,339,606	1,278,355	Surplus / (Deficit) - Proposed Budget Variations	
(61,251)	1,339,606	1,278,355	Surplus / (Deficit) - Net Impact of Variations 2015/16	
* It should be noted where net increases or reductions have been shown within the main Council Report the income and expenditure column will not reconcile, as the two are separated within this attachment.				

September Review of the 2015/16 Budget

Attachment 2 ORD12

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2015/16 Budget

Change In Vote		Totals	Description	Comments
Expense	Income			
\$	\$	\$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
2) Council Approved Budget Variations				
Since adopting the 2015/16 Budget, Council has authorised the following changes to the budget:				
(16,000)	-	(16,000)	Library extended hours to support HSC Students	Council Resolution - 120/15 - 12/05/2015
5,224	-	5,224	Fees payable to Councillors and Mayor	Council Resolution - 195/15 - 28/07/2015
(3,000)	-	(3,000)	Increase subsidy to South West Sydney Academy of Sport	Council Resolution - 219/15 - 25/08/2015
(500)	-	(500)	Increase subsidy for Leppington Progress Association	Council Resolution - 220/15 - 25/08/2015
(47,000)	-	(47,000)	Park Improvements - Gundungurra Reserve Signage	Council Resolution - 224/15 - 25/08/2015
-	47,000	-	Grant Reserve - Transfer from Reserve	
(61,276)	47,000	(14,276)	Surplus / (Deficit) - Authorised Variations	
			September 2015/16 Budget Review	
(61,276)	47,000	(14,276)	Surplus / (Deficit) - Council Approved Variations 2015/16	

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2015/16 Budget

Change In Vote		Totals	Description	Comments
Expense	Income			
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures				
EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
3) Contra Adjustments				
Contra adjustments that have a NIL impact on Council's Budget				
-	300,000	-	Section 94 Developer Contributions - Interest on Investments	The balance of Council's Section 94 reserves has increased as a result of additional interest on investments.
(300,000)	-	-	Section 94 Developer Contributions - Transfer to Reserve	
(108,800)	-	-	Recreation & Sustainability - Staffing	Conversion of contractors to 2 permanent Open Space Technicians to undertake litter pickup.
108,800	-	-	Recreation & Sustainability - Contract Staff	
(80,000)	-	-	Health Manager Software	Allocate IT funding towards 10 licences for a Health Manager product that integrates with the current Authority system and provides databases and reporting capability that can manage data for our proactive inspection programs.
15,000	-	-	IT Program Funding	
-	65,000	-	GIS - Transfer from Reserve	
(43,600)	-	-	William Mannix Reserve Playground Equipment	This increase relates to the forward funding of additional works at Currans Hill Park to coincide with other upgrade works at the reserve. These works were originally scheduled for funding in the 2017/18 CIRP Program for William Mannix Reserve. (\$44k)
-	43,600	-	CIRP - Transfer from Reserve	
(413,684)	-	-	Road Improvements - Roads to Recovery Program	Council has received advice from the Minister for Infrastructure and Regional Development of the Roads to Recovery Program from 1 July 2014 to 30 June 2019. Budget adjustments are required to reflect the 2015/16 payment being above budget projections.
-	413,684	-	Grant Income - Roads to Recovery	
(822,294)	822,294	-	September 2015/16 Contra Adjustments	
(822,294)	822,294	-	Total Contra Variations 2015/16	

September Review of the 2015/16 Budget

Attachment 2 **ORD12**

Summary of Budget Review Variations Greater Than \$15,000
September Review of the 2015/16 Budget

Change in Vote		Totals	Description	Comments
Expense	Income			
\$	\$	\$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
4) Revotes for the 2015/16 Year to be included in the 2015/16 Budget Budget adjustments which have are proposed to be carried forward into the 2015/16 Budget:				
-	-	-	Total Revotes Identified for September Period	
-	-	-	Total Revotes Identified 2015/16	

Reconciliation to 'September Review of the 2015/16 Budget'

2014/15 Carried Forward Working Funds Balance	1,000,000	
2015/16 Adopted Budget Surplus	-	
Available Working Funds 01/07/15	1,000,000	
Less:		
Minimum Desired Level	(1,000,000)	
Total Funds Available	-	
September Review		
	1,278,355	Significant Budget Variabons
	(14,276)	Council Approved Variations
	-	Budget Contra Variations
	-	Budget Revotes (Carry-Overs)
	1,264,079	Sub Total - September Review Variations
	1,264,079	Total Available Working Funds as at 30/09/2015



Monthly Report

Camden Council

October 2015

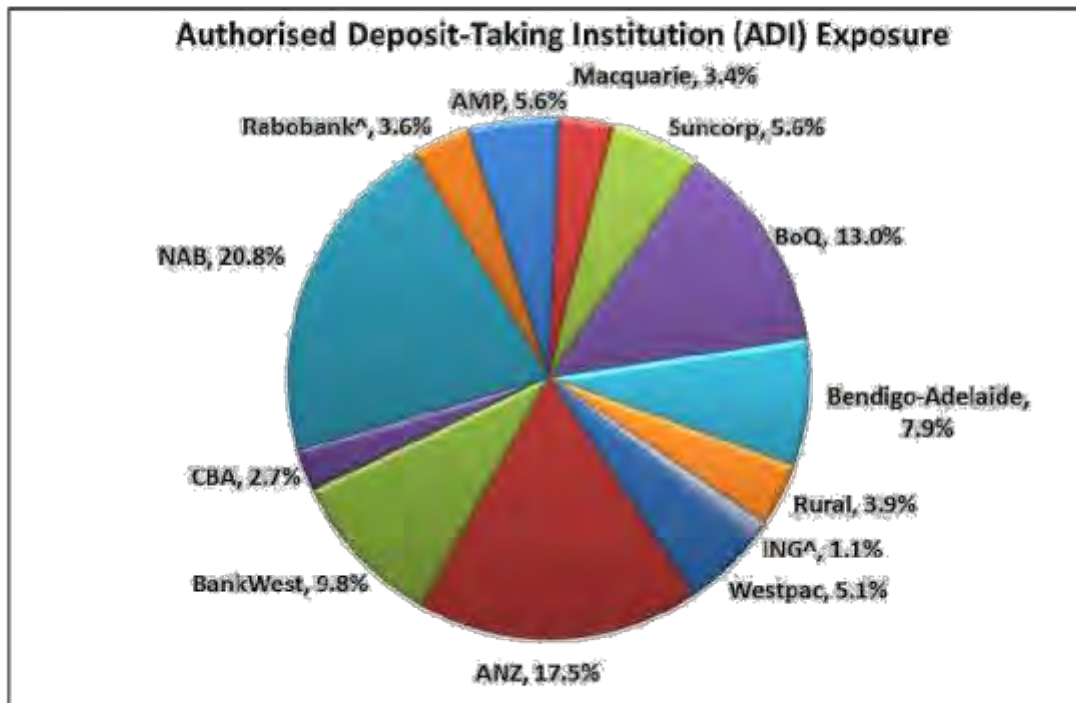
Investment Exposure

Council's investment portfolio is mainly directed to the higher rated ADIs. Council remains close to capacity limits with NAB, Rabobank and BoQ. Council will continue to predominately diversify the investment portfolio across the higher rated ADIs (A1 or higher).

ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$4.50M	A1+	25.0%	5.1%	\$17.69M
ANZ	\$15.50M	A1+	25.0%	17.5%	\$6.69M
BankWest	\$8.70M	A1+	25.0%	9.8%	\$13.49M
CBA	\$2.36M	A1+	25.0%	2.7%	\$19.83M
NAB	\$18.50M	A1+	25.0%	20.8%	\$3.69M
Rabobank [^]	\$3.20M	A1	5.0%	3.6%	\$1.24M
AMP	\$5.00M	A1	15.0%	5.6%	\$8.31M
Macquarie	\$3.00M	A1	15.0%	3.4%	\$10.31M
Suncorp	\$5.00M	A1	15.0%	5.6%	\$8.31M
BoQ	\$11.50M	A1	15.0%	13.0%	\$1.81M
Bendigo-Adelaide	\$7.00M	A1	15.0%	7.9%	\$6.31M
Rural	\$3.50M	A1	15.0%	3.9%	\$9.81M
ING [^]	\$1.00M	A2	5.0%	1.1%	\$3.44M
Total	\$88.76M			100.0%	

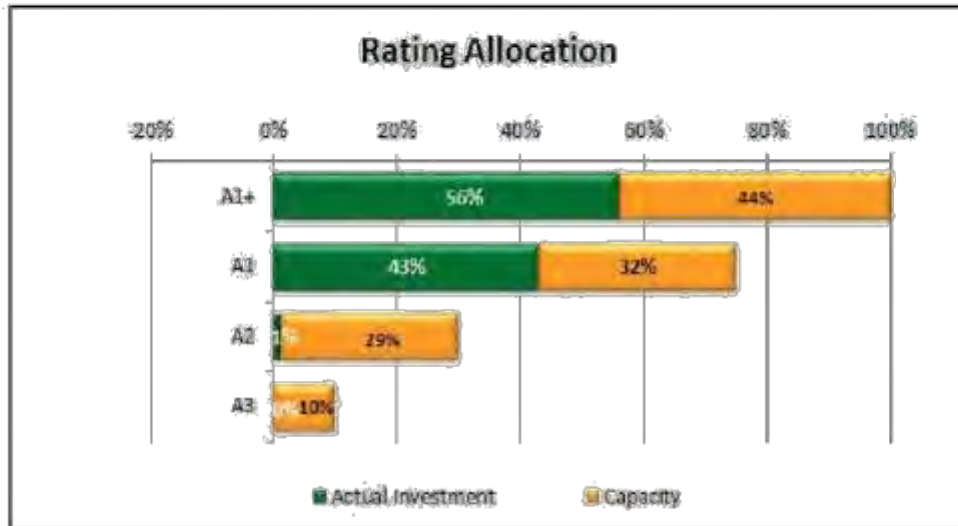
[^]Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.

The investment portfolio is predominately directed to the higher rated entities led by NAB and ANZ.



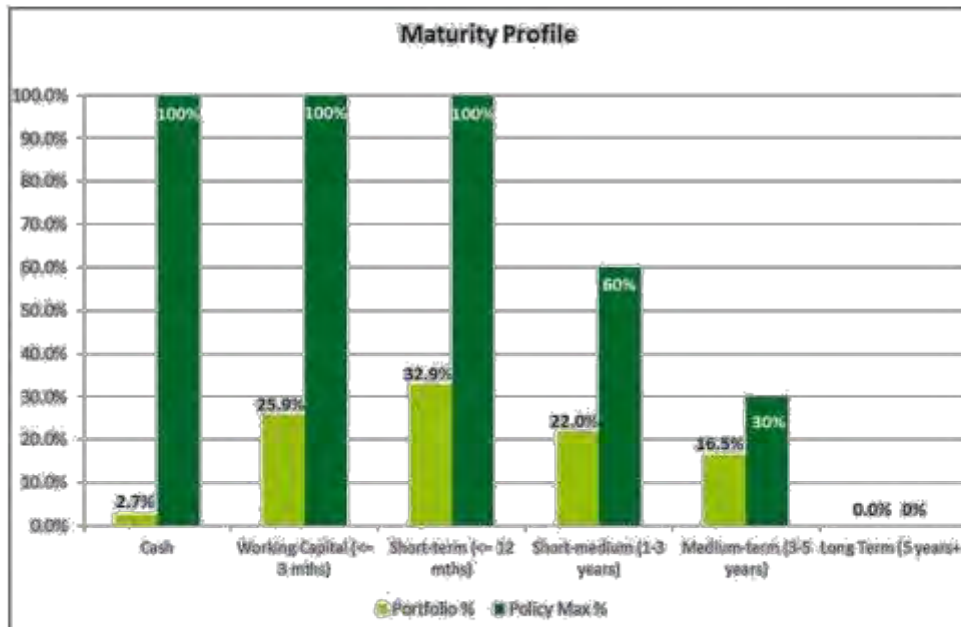
Credit Quality

A1+ (the domestic majors) and A1 (the higher rated regionals) rated ADIs are the largest share of Council's investments. There is still capacity to invest across the entire credit spectrum.



Term to Maturity

The portfolio remains adequately liquid with approximately 2.7% of investments at-call and another 25.9% of assets maturing within 3 months. There is still high capacity to invest in terms greater than 1 year. In consultation with its investment advisors, Council has strategically diversified its investments across various maturities up to 5 years over recent years.



In the historic low interest rate environment, as existing deposits mature, they will generally be reinvested at much lower rates than preceding years. A larger spread of maturities in medium-term assets would help income pressures over future financial years. This is becoming increasingly difficult with the RBA's pair of rate cuts in 2015, coupled with deposit margins contracting sharply. The futures market is now factoring in at least one more rate cut by Q1 2016.

2015-16 Budget

Current Budget Rate	3.00%
Source of Funds Invested	
Section 94 Developer Contributions	\$42,777,541
Restricted Grant Income	\$584,126
Externally Restricted Reserves	\$9,839,459
Internally Restricted Reserves	\$26,878,552
General Fund	\$8,680,322
Total Funds Invested	\$88,760,000

Council's investment portfolio has decreased by \$1.1 million since the September reporting period. The decrease primarily relates to payments for capital works and operational expenses prior to the end of October.

INTEREST RECEIVED DURING 2015/16 FINANCIAL YEAR				
	October	Cumulative	Projected Interest	*Original Budget
General Fund	\$104,514	\$437,504	\$1,000,400	\$1,000,400
Restricted	\$152,151	\$607,832	\$951,200	\$951,200
Total	\$256,665	\$1,045,336	\$1,951,600	\$1,951,600

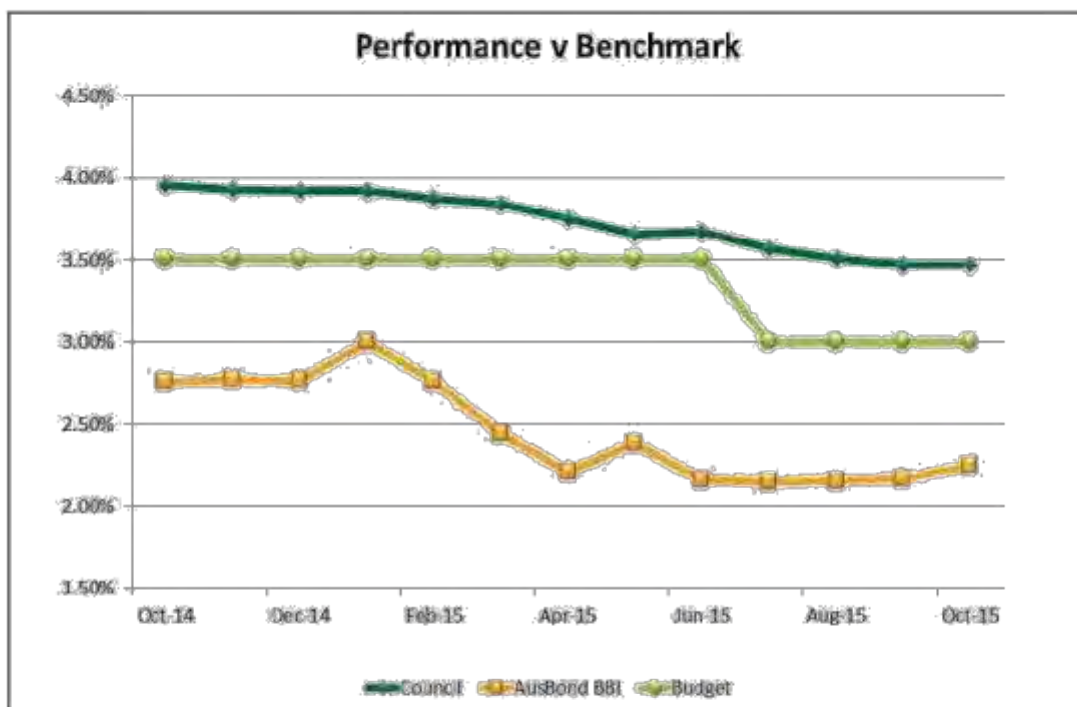
*The Original Budget is reviewed on a quarterly basis as part of the Budget Process

Interest Summary

The portfolio's interest summary as at 31 October 2015 is as follows:

NUMBER OF INVESTMENTS	63
AVERAGE DAYS TO MATURITY	452
AVERAGE PERCENTAGE	3.52% p.a.
WEIGHTED PORTFOLIO RETURN	3.47% p.a.
CBA CALL ACCOUNT *	1.70% p.a.
HIGHEST RATE	5.10% p.a.
LOWEST RATE	2.85% p.a.
BUDGET RATE	3.00% p.a.
AVERAGE BBSW (30 Day)	2.04% p.a.
AVERAGE BBSW (90 Day)	2.15% p.a.
AVERAGE BBSW (180 Day)	2.22% p.a.
OFFICIAL CASH RATE	2.00% p.a.
AUSBOND BANK BILL INDEX	2.25% p.a.

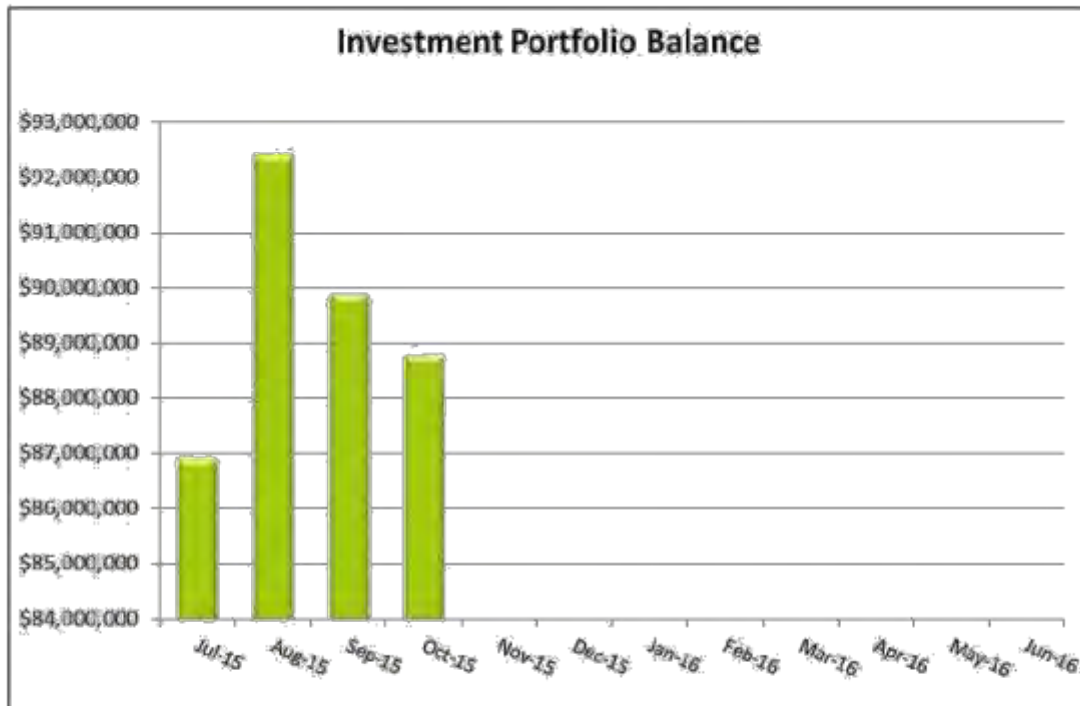
*Note: CBA call account is not included in the investment performance calculations



The portfolio's outperformance over the benchmark (AusBond Bank Bill Index) will continue to be attributed to the longer-dated deposits in the portfolio. Deposits invested close to or above 4% will contribute strongly to outperformance over future financial years. As existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates. FY16 budgets and beyond should be adjusted to reflect a longer period of low interest rates.

Appendix A – List of Investments

Camden Council Investment Portfolio as at 31 October 2015								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued on as 31/10/2015
Westpac	TD	\$500,000.00	4.55%	17/05/2013	19/05/2016	1098	201	\$10,473.28
BOQ	TD	\$2,000,000.00	5.00%	4/11/2013	1/11/2018	1823	1097	\$23,072.60
BOQ	TD	\$1,500,000.00	4.50%	7/11/2013	2/11/2016	1091	368	\$6,395.41
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	1118	\$47,646.58
ING Bank	TD	\$1,000,000.00	4.85%	28/11/2013	23/11/2017	1456	754	\$40,875.07
BOQ	TD	\$1,000,000.00	4.85%	28/11/2013	23/11/2017	1456	754	\$44,912.33
BOQ	TD	\$1,000,000.00	4.50%	30/11/2013	24/11/2016	1092	390	\$41,571.23
Macquarie Bank	TD	\$1,000,000.00	4.35%	20/01/2014	20/01/2016	730	81	\$30,404.91
BOQ	TD	\$1,000,000.00	4.65%	27/02/2014	22/02/2018	1456	845	\$31,467.12
Rabobank	TD	\$1,000,000.00	5.00%	28/02/2014	28/02/2019	1826	1216	\$33,561.64
Rabobank	TD	\$1,200,000.00	5.00%	9/03/2014	6/03/2019	1829	1223	\$39,945.21
Westpac	TD	\$1,500,000.00	4.55%	15/05/2014	15/05/2019	1826	1292	\$31,797.67
Westpac	TD	\$1,000,000.00	4.55%	21/05/2014	22/05/2019	1827	1299	\$30,665.75
Bendigo Adelaide Bank	TD	\$1,900,000.00	4.05%	22/05/2014	24/05/2017	1098	571	\$27,129.45
Bendigo Adelaide Bank	TD	\$1,000,000.00	4.05%	27/05/2014	31/05/2017	1100	578	\$12,531.51
Bendigo Adelaide Bank	TD	\$2,000,000.00	4.05%	30/05/2014	31/05/2017	1097	578	\$34,397.20
NAB	TD	\$2,000,000.00	4.00%	5/06/2014	7/06/2017	1098	585	\$30,657.53
Macquarie Bank	TD	\$1,000,000.00	4.00%	1/08/2014	31/07/2017	1095	630	\$10,882.49
BOQ	TD	\$1,000,000.00	4.35%	5/08/2014	1/08/2018	1457	1005	\$10,005.48
Rabobank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	1488	\$38,079.45
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2019	1833	1495	\$50,034.25
AMP	TD	\$1,000,000.00	3.40%	11/12/2014	9/12/2015	363	39	\$30,273.67
NAB	TD	\$1,500,000.00	4.00%	16/12/2014	11/12/2019	1821	1502	\$50,602.74
Macquarie Bank	TD	\$1,000,000.00	3.85%	19/12/2014	19/12/2019	1826	1510	\$33,438.99
Rural Bank	TD	\$2,000,000.00	3.70%	9/01/2015	9/01/2018	1096	801	\$40,010.96
Rural Bank	TD	\$1,500,000.00	3.70%	14/01/2015	15/01/2018	1097	807	\$44,247.95
Westpac	TD	\$1,000,000.00	3.90%	3/02/2015	2/02/2020	1820	1555	\$29,063.01
NAB	TD	\$1,000,000.00	3.35%	25/02/2015	2/03/2016	371	323	\$21,489.04
NAB	TD	\$1,000,000.00	3.35%	27/02/2015	1/03/2017	373	487	\$23,316.24
ANZ	TD	\$2,000,000.00	2.85%	15/04/2015	4/11/2015	269	4	\$37,232.86
ANZ	TD	\$2,000,000.00	2.90%	22/04/2015	11/11/2015	269	11	\$30,688.49
BOQ	TD	\$1,000,000.00	2.96%	22/04/2015	25/11/2015	217	25	\$15,598.63
ANZ	TD	\$2,000,000.00	2.80%	23/04/2015	18/11/2015	269	18	\$10,505.58
NAB	TD	\$2,000,000.00	2.90%	29/04/2015	18/12/2015	231	46	\$29,555.16
NAB	TD	\$1,500,000.00	2.95%	6/05/2015	16/12/2015	224	46	\$28,503.58
NAB	TD	\$1,000,000.00	2.95%	8/05/2015	18/12/2015	232	46	\$14,208.49
NAB	TD	\$1,000,000.00	2.90%	20/05/2015	18/11/2015	182	18	\$13,335.62
Suncorp Metway	TD	\$1,000,000.00	2.90%	25/05/2015	2/12/2015	191	32	\$12,712.33
NAB	TD	\$1,500,000.00	3.00%	3/07/2015	27/01/2016	208	68	\$14,917.81
Bankwest	TD	\$1,000,000.00	2.95%	1/07/2015	7/01/2016	190	68	\$9,541.30
Bankwest	TD	\$3,000,000.00	2.95%	1/07/2015	13/01/2016	190	74	\$29,823.26
Bankwest	TD	\$2,000,000.00	2.95%	1/07/2015	29/01/2016	203	81	\$19,882.19
BOQ	TD	\$1,500,000.00	2.85%	8/07/2015	3/02/2016	210	95	\$14,063.01
Bankwest	TD	\$1,700,000.00	2.85%	21/07/2015	10/02/2016	204	102	\$13,672.19
NAB	TD	\$500,000.00	2.92%	22/07/2015	15/02/2016	208	107	\$4,080.00
Bankwest	TD	\$1,000,000.00	2.90%	24/07/2015	17/02/2016	208	109	\$7,945.21
NAB	TD	\$1,500,000.00	2.95%	29/07/2015	3/02/2016	180	95	\$11,439.04
NAB	TD	\$1,500,000.00	2.95%	3/08/2015	24/02/2016	203	116	\$10,596.16
AMP	TD	\$1,000,000.00	2.90%	23/08/2015	11/05/2016	272	139	\$6,358.36
AMP	TD	\$2,000,000.00	3.00%	19/08/2015	18/05/2016	279	200	\$11,758.00
AMP	TD	\$1,000,000.00	2.90%	28/08/2015	2/03/2016	187	123	\$6,164.38
Suncorp Metway	TD	\$1,500,000.00	2.85%	27/08/2015	2/03/2016	188	123	\$7,730.14
ANZ	TD	\$2,500,000.00	2.90%	28/08/2015	9/03/2016	194	130	\$12,910.96
ANZ	TD	\$1,500,000.00	2.90%	1/09/2015	16/03/2016	197	137	\$7,369.86
ANZ	TD	\$1,500,000.00	2.90%	1/09/2015	22/03/2016	199	143	\$7,669.86
ANZ	TD	\$1,000,000.00	2.90%	1/09/2015	30/03/2016	211	151	\$4,346.58
ANZ	TD	\$2,000,000.00	2.90%	3/09/2015	6/04/2016	117	158	\$9,334.25
ANZ	TD	\$1,000,000.00	2.90%	9/09/2015	13/04/2016	117	165	\$4,210.96
Suncorp Metway	TD	\$1,000,000.00	2.95%	23/09/2015	30/03/2016	180	151	\$4,152.05
NAB	TD	\$1,000,000.00	2.90%	14/10/2015	20/04/2016	189	172	\$1,490.14
Bendigo Adelaide Bank	TD	\$1,000,000.00	3.00%	14/10/2015	18/10/2017	735	718	\$1,479.45
Suncorp Metway	TD	\$1,500,000.00	2.90%	21/10/2015	13/04/2016	175	165	\$1,110.96
NAB	TD	\$1,500,000.00	2.85%	28/10/2015	20/04/2016	175	172	\$408.49
N TD Investments	GS	\$88,400,000.00	3.47%					\$1,519,758.06
CBA	Call Account	\$2,360,000.00	1.70%					
		\$88,760,000.00						



Appendix B – Ratings Definitions

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories.

Fitch and Moody's have similar classifications:

Appendix C – Recently Invested ADIs

Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating of A- by S&P.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

Financial Results

As at 31 March 2015, Bendigo-Adelaide Bank's Tier 1 Capital Ratio stood at 9.8% and its Total Capital Ratio at 11.7%, well above Basel III minimum capital requirements.

At a group level, Bendigo-Adelaide Bank Ltd announced a statutory profit after tax of \$191.6 million for the 6 months ending 30 June 2014, an 6.0% decrease on the prior corresponding period. The cash earnings result is \$196.4 million for the 6 months ending 30 June 2014, a 5.7% increase on the prior corresponding period. Retail deposits stood at \$44.84 billion (up from \$42.65 billion in December 2013), an increase of 5.0%.

Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative bank with over AUD\$926.4 billion in assets (€732 billion)¹, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand. As at December 2011, the Group employed more than 1,000 people in Australia and New Zealand, with more than half based in regional locations.

In early November, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). Rabobank Australia itself remains financially solid with a Tier 1 Capital of 11.38% and Total Capital Ratio of 13.16% as at March 2015.

¹ As a comparison, CBA has approximately AUD\$750 billion in total assets and 45,000 employees.

From May 2015, new Rabobank Australia deposits will not be guaranteed by the global group, but existing deposits will have their guarantee grandfathered.

BankWest

Bankwest is an ADI based in Perth, Western Australia. Formerly a wholly-owned subsidiary of HBOS plc but was sold in October 2008 to the Commonwealth Bank of Australia (CBA) for \$2.1 billion. BankWest continues to operate independently of its parent company but has the same long-term credit rating of CBA, being "AA-" by ratings agency S&P.

At a group level, as at 31/03/2015, CBA had a Tier 1 Capital of 11.0% and Total Capital Ratio of 12.1%.

ORD13

Attachment 1