

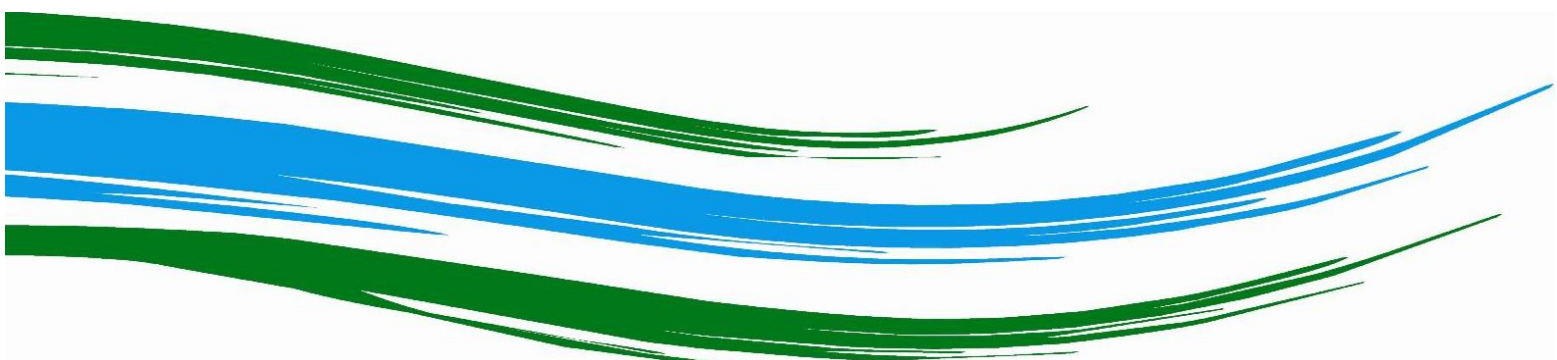
# Camden Council

## Attachments

**Ordinary Council Meeting**  
**11 February 2020**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



# ORDINARY COUNCIL

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# Planning Proposal to Amend Development Standard

PLt 627, DP1163903, Currans Hill,  
NSW

80219016



Prepared for  
Wolin Investments Pty Ltd and  
Landco (NSW) Pty Ltd

02 December 2019



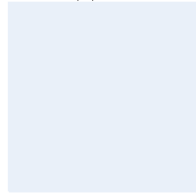
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Pty Ltd

Project Name PLt 627, DP1163903,  
Currans Hill, NSW

File Reference Document2

Job Reference 80219016

Date 1 November 2019

Version Number 3

Effective Date 2/12/2019

Date Approved 2/12/2019

**Document History**

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
1		Working Draft	Katrina Magee/John O'Grady	
2	29/10/19	Updated working draft	Katrina Magee	John O'Grady
3	1/11/19	Final	Katrina Magee	John O'Grady
4	2/12/2019	Final	Katrina Magee/Gilead Chen	John O'Grady

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## EXECUTIVE SUMMARY

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This Planning Proposal (**PP**) applies to a portion of land within the existing residential suburb of Currans Hill. The land is a portion of a large allotment known as Lot 627, DP1163903, Currans Hill. It has a total area of approximately 1.4ha.

The PP is to amend the current Minimum Lot Size Development Standard that applies to the subject site to a minimum 500m<sup>2</sup>.

The PP is considered justified for the following reasons:

- It will allow for a more locally appropriate development form on the land where dwellings would address the adjoining open space and a perimeter road would improve public access to open space.
- It will address local bushfire risk by including a ring road with a dual function of providing access for fire fighting and an Asset Protection Zone.
- It will result in a modest increase in housing numbers in an area that is suited to additional housing due to its adjacency to local open space.
- The increased housing numbers would have minimal impacts on the local road system and there are adequate local transport, retail and community services to service the small increase in population.

For these reasons, detailed in the PP below, it is our opinion that the Proposal should be progressed to Gateway for further consideration.

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## 1 Introduction

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This Planning Proposal (PP) has been prepared by Cardno (NSW/ACT) Pty Ltd on behalf of the landowners, being a joint venture between Wolin Investments Pty Ltd and Landco (NSW) Pty Ltd.

The PP seeks an amendment to the *Camden Local Environmental Plan, 2010* (CLEP) in relation to land which is part of Lot 627 DP 1163903, Currans Hill. The proposed amendment pertains to a 1.4ha portion of land located in the north western corner of Lot 627, adjacent to Caulfield Close. (Figure 1-1)

The Proposed amendment to the Development Standards pertaining to this portion of land is to Amend the minimum lot size requirement from 900m<sup>2</sup> and 1,500m<sup>2</sup> to 500m<sup>2</sup>.

The PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in accordance with the document '*Planning Proposals - A Guide to Preparing Planning Proposals*', (NSW Department of Planning, Industry and Environment).

Cardno requests that Council forwards the PP to the Minister for Planning (or delegate) for a 'Gateway Determination' in accordance with Section 3.34 of the EP&A Act.

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## 2 The Site

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The site that is the subject of this Planning Proposal is a parcel of land approximately 14,000m<sup>2</sup> in area located at the current eastern extremity of Caulfield Close, Currans Hill (Figure 1-1). For the purposes of this Planning Proposal, this land parcel is referred to as **the subject site**.

Legally, the site is part of a much larger land parcel known as Lot 627 DP 1163903 (No.207B) Tumer Road, Currans Hill (Figure 1-2). This larger land parcel has a total area of approximately 343,380m<sup>2</sup> and is referred to in this PP as **the greater site**.

### 2.1 Site Description

#### Subject site

The subject site is roughly triangular in shape and is accessed via Caulfield Close. It has frontages to Caulfield Close and adjoining residential land to the north, Caulfield Reserve, a local drainage / open space corridor, to the west and south west and undeveloped land to the east. Immediately to the east, the Subject Site is adjoined by a 60m TransGrid electrical easement which runs north-south along the length of the greater site.

The subject site is generally cleared of vegetation apart from a very small portion of remnant Cumberland Plain Woodland in its south western corner adjacent to Caulfield Reserve and a further area of Cumberland Plain Woodland Derived Grassland further to the north east. The land falls gradually from north to south in the general direction of Caulfield Reserve at an average gradient of approximately 1 in 12 (Figure 2-2).

#### The Greater Site

The greater site is currently undeveloped and was historically used for cattle grazing. Consistent with its former uses the greater site is currently vegetated with a mix of grasslands and woodlands. There is a substantial remnant of Cumberland Plain Woodland in the south east portion of the Lot.

Topographically the greater site rises gently from a low point of 105 metres above sea level at the south of the site to a high point of 145 metres at its northern edge. A small hill lies at the northern end of the lot, with the gradient of the slope rising up to the peak, measuring an incline greater than 16% in certain areas.

The State Heritage Listed Sydney Water Upper Canal System traverses the eastern part of the greater site. The northern highest point of the greater site supports a recently constructed Sydney Water reservoir tank.





Figure 2-1 The Subject Site (Portion of Lot 627 DP1163903)  
 Source: Google Maps



Figure 2-2 Site and Contour Map  
 Source: Cardno GIS

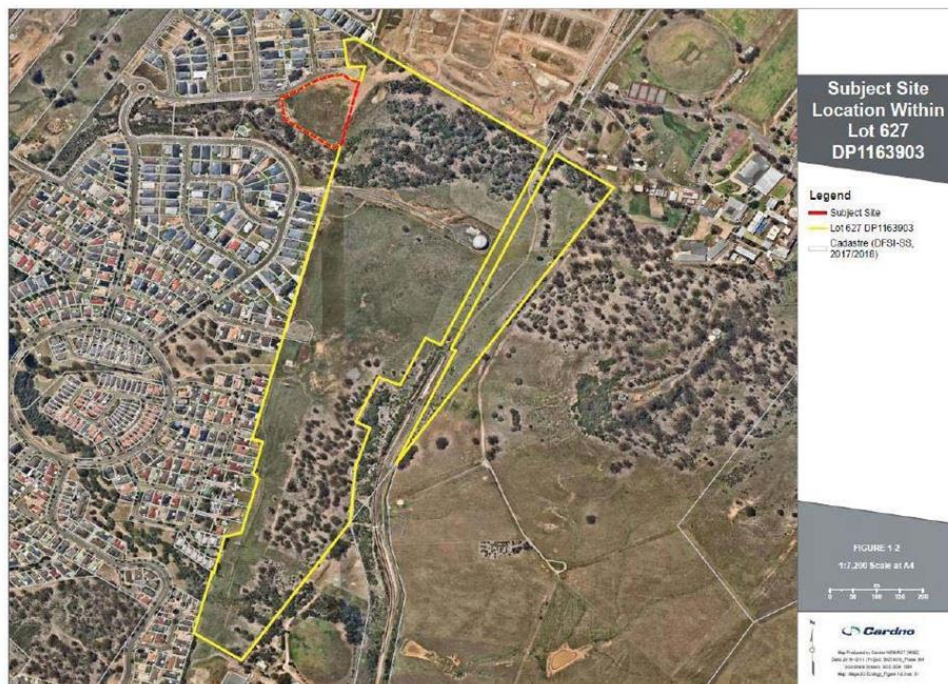


Figure 2-3 Subject site (outlined red) within the context of the Greater Site (Lot 627 DP1163903)  
Source: Cardno GIS

## 2.2 Site Context

Currans Hill is located approximately 60 km south-west of the Sydney Central Business District (CBD). The suburb adjoins Gregory Hills to the north, a developing residential community which is part of the Turner Road Precinct within the South West Growth Centre.

Although not part of the Growth Centre, Currans Hill enjoys the same strategic advantages. The following commercial / retail centres are located within a 5km radius:

- > Mount Annan Neighbourhood Centre (3km distant)
- > Campbelltown City Centre and Macarthur Town Centre (5.5kms to the north west)

The Subject Site is connected to others area of Sydney via existing major road networks such as:

- > Narellan Road, an arterial road connects with the Hume Motorway to the south-east and Camden Valley Way to the north-west; and
- > Hume Motorway connects with the Westlink M7 Motorway and the M5 Motorway further north at the Sir Roden Cutler Interchange.

The proposed Western Sydney Airport and Aerotropolis is 20 km north of the site at Badgerys Creek.

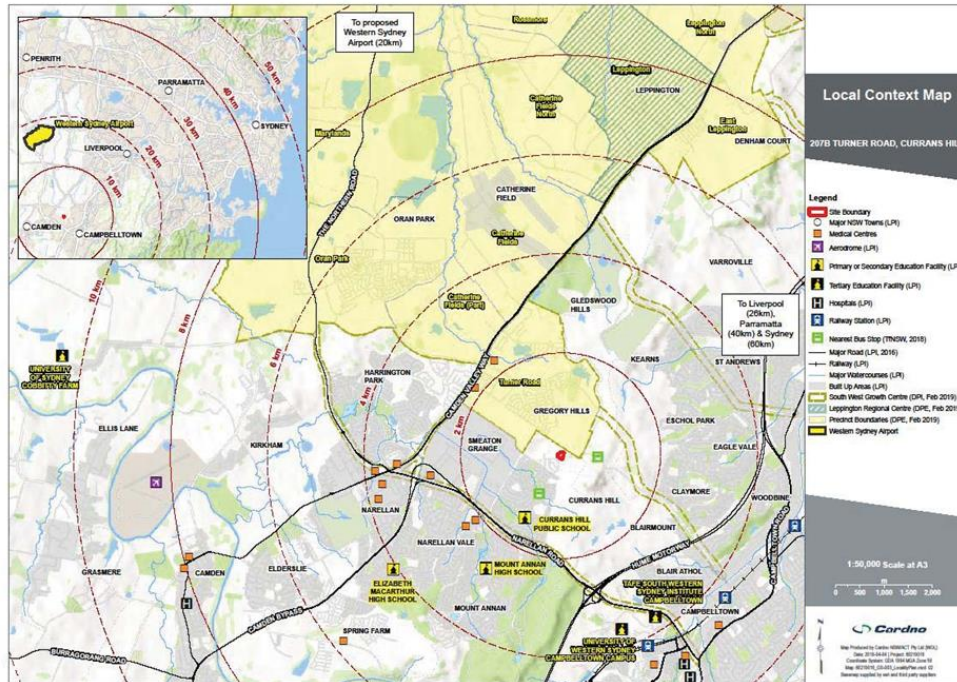


Figure 2-4 Local Context Map

Source: Cardno GIS

### 3 Planning Background

#### 3.1 Statutory and Strategic Planning History

##### Development Approvals

- > On 26 November 2014, Camden Council approved DA 2014/560/1 for the subdivision of the subject site into 9 lots, ranging in size from 995.6m<sup>2</sup> to 2,135m<sup>2</sup> and 1 residual lot. The Consent was not enacted.
- > On 27th February 2015, Council approved DA 2014/597 for “Staged subdivision of land to create 23 residential lots, 2 public reserve lots and 2 residue lots and the provision of drainage, landscaping and associated works”. This Consent applied to land within the Greater Site. The Consent was not enacted.
- > On 24th May 2016, Council issued an Engineering Construction Certificate (EngCC/2014/597/1) to DA 2014/597 for Stage 3 Bulk Earthworks (Early Works) - “Bulk earthworks, sediment basin, tree removal, sediment and erosion control measures and erection of temporary fencing”.

##### Planning Proposals

A number of Planning Proposals pertaining to the greater site and the subject site have been submitted to Camden Council by the Landco / Wolin Joint Venture since July 2017.

Proposals submitted in July 2017 and April 2019 sought zoning changes to the greater site in order to permit a mix of residential development, Environmental Living and Environmental Protection on the land. Neither of these PPs were supported by Council or the Sydney North Planning Panel. The reasons for decisions not to support the PP's included, in summary:

- > Insufficient demonstrated strategic and site specific merit for rezoning land outside the Growth Centre to higher density
- > Camden Council staff reporting that it does not require zoning changes to achieve its housing targets in the South West Growth Area
- > Advantages of preserving the current E4 zoning at least in part to allow a meaningful transition between the metropolitan density of the existing Currans Hill subdivision and the adjacent rural lands
- > Existing approved subdivision would allow for 23 environmental living lots (DA 2014/597).
- > Objective of supplying 'housing choice' within the Camden LGA would be better supported by the provision of the increasingly scarce 'environmental living' stock, to supplement the denser offerings already existing in Currans Hill.
- > Removal of vegetation including Cumberland Plain Woodland
- > Difficulty in accessing the development from the existing subdivision
- > Land slope producing challenges to orderly residential subdivision and civil engineering
- > No proposal for maximum building height, FSR or lot size.
- > Potential for out of scale / character development due to the range of uses permissible in the R1 Residential zoning.
- > Lack of access to amenities and public transport
- > Inconsistency with the following Planning Priorities:
  - W14 'Protecting and Enhancing bushland and biodiversity'
  - W15 'increasing urban tree canopy cover and delivering Green Grid connections'
  - W16 'Protecting and enhancing rural landscapes'

In late 2018, a further Planning Proposal was submitted pertaining to the subject site, being the land which is the subject of this PP. This PP sought to amend the Camden LEP 2010 in relation to the land via:

- > Rezoning the land from E4 and E2 to R1;
- > Amending the minimum lot size from 900m<sup>2</sup> / 1500m<sup>2</sup> to 450m<sup>2</sup>; and
- > Establishing a maximum building height of 9.5m.

The Camden Planning Panel considered the draft PP and provided the following comments:

*"The Camden Local Planning Panel has considered the draft Planning Proposal and is of the view that the proposal should not proceed to Gateway Determination as it fails to demonstrate strategic merit for the following reasons:*

- *It doesn't provide a diversity of lot sizes consistent with the planning of the surrounding area.*
- *The current zoning provides an appropriate transition to the immediately adjoining E2 zoned land containing Cumberland Plain Woodland.*
- *The existing E2 Environmental Conservation zone should be retained, as CPW vegetation has been identified on the E2 zoned land."*

In response to these comments and advice from Council, the Proponent has elected to prepare this amended Planning Proposal that pertains to the subject site. The PP proposes retention of the existing land zoning and facilitates an improved planning and urban design outcome via amendments to the Development Standard for minimum lot size and to correct an anomaly to the building height development standard applies to the subject site.

The following table provides an overview of issues raised by the Planning Panel and how the current PP aims to address each of them.

Reason for Decision	Comment
<i>"while there is scope within the planning proposal process for increased density to be permitted on sites which demonstrate sufficient strategic and site-specific merit, that does not mean that any site which is located</i>	This PP seeks to increase the minimum lot size whilst maintaining the current site zoning. A minimum lot size of 500m <sup>2</sup> is considered appropriate at the Subject Site in

<p><i>outside the edge of the growth centre area that can be built upon should be rezoned for higher density”</i></p>	<p>context to the size of surrounding established residential lots within Currans Hill.</p> <p>It is also argued that densities permitted within the adjoining Growth Centre are relevant to the Subject site and should be taken into consideration as part as a holistic approach to planning for the area rather than looking at each ‘estate’ or community in isolation. This approach aims to promote integration and social cohesion, as well as positive urban design outcomes across the locality into the future.</p>
<p><i>“Camden Council report that they are well placed to meet and exceed its housing targets, particularly in the South West Growth Area. With a target for the LGA of 11,800 for the current planning period, the Council reports 7,000 dwellings constructed or under construction and 7,500 additional approvals”</i></p>	<p>According to Profile ID the population of Camden LGA is forecast to grow to 233,299 by 2036, which represents a 118.03% change. Accordingly, additional housing at the Subject site will benefit the local housing market and community through increased availability and choice.</p> <p>Further, additional lots at the Subject site are not likely to undermine housing targets set for the South West Growth Area, but rather maximises the economic potential of this land without compromising environmental or planning considerations as demonstrated by this PP.</p>
<p><i>“This site is outside the southernmost extremity of the growth area. It is not close to town community facilities and is remote from public transport. While the site offers the advantage of connection to an existing suburban development, there are also significant advantages of preserving the current E4 zoning at least in part to allow a meaningful transition between the metropolitan density of the existing Currans Hill subdivision and the adjacent rural lands. That is particularly so given the significant contribution that the nationally listed critically endangered remnant Cumberland Plain woodland makes to the visual and ecological catchment. The transition will also increase the amenity and desirability of the areas where increased densities have been permitted.”</i></p>	<p>This proposal seeks to retain the current zoning provisions at the site. The proposed minimum lot size aims to allow a greater number of lots whilst maintaining a transition between existing smaller lots within Currans Hill and adjacent rural lands.</p> <p>The distance to community facilities and public transport is consistent with other lots adjoining the site within Currans Hill. These existing issues should be addressed by the relevant local or State Government authorities.</p>
<p><i>“The objective of supplying ‘housing choice within the Camden LGA’ would be better supported by the provision of the increased scarce ‘environmental living’ stock, to supplement the denser offerings already existing in Currans Hill.”</i></p>	<p>Again, given the proposal seeks to retain the current E2 and E4 zones at the site, current permitted land uses will remain unchanged.</p> <p>The proposed minimum lot size of 500m2 will accommodate single dwellings that allow for transition into adjoining rural lands and will provide increased density adjacent to public open space.</p>
<p><i>“The panel considers the proposal inconsistent with the following Planning Priorities:</i></p> <ul style="list-style-type: none"> <li>▪ <i>W14 ‘Protecting and Enhancing bushland and biodiversity’</i></li> <li>▪ <i>W15 ‘increasing urban tree canopy cover and delivering Green Grid connections’</i></li> <li>▪ <i>W16 ‘Protecting and enhancing rural landscapes”</i></li> </ul>	<p>Maintaining the current E2 and E4 zoning at the site will ensure future development of this land is consistent with the relevant objectives and permitted land uses under Camden LEP, 2010.</p> <p>The potential loss of the very small area of CPW on the subject site is supported by the Flora and Fauna Assessment, and is therefore considered consistent with the subject planning priorities.</p> <p>Because the Environmental zoning is proposed to remain, the vegetation on the site would be subject to detailed assessment as part of any future development application pertaining to the land.</p> <p>Within the bounds of bushfire controls, the perimeter road that would be the likely outcome of the PP would provide increased opportunities for street trees and potentially increased urban tree canopy.</p> <p>Rural landscapes would not be impacted by the PP and the proposed height standard would contribute to protection of any possible views towards rural landscapes.</p>

### 3.2 Current Relevant Planning Controls – Camden Local Environmental Plan, 2010

#### Zoning

The extract from the Camden Local Environmental Plan, 2010 at Figures 3-1 indicates that the greater site is zoned E2 Environmental Conservation, E4 Environmental Living and RU2 Rural Landscape. The subject site associated with this PP is zoned E4 Environmental Living and E2 Environmental Conservation and has an area in the order of 1.4ha.

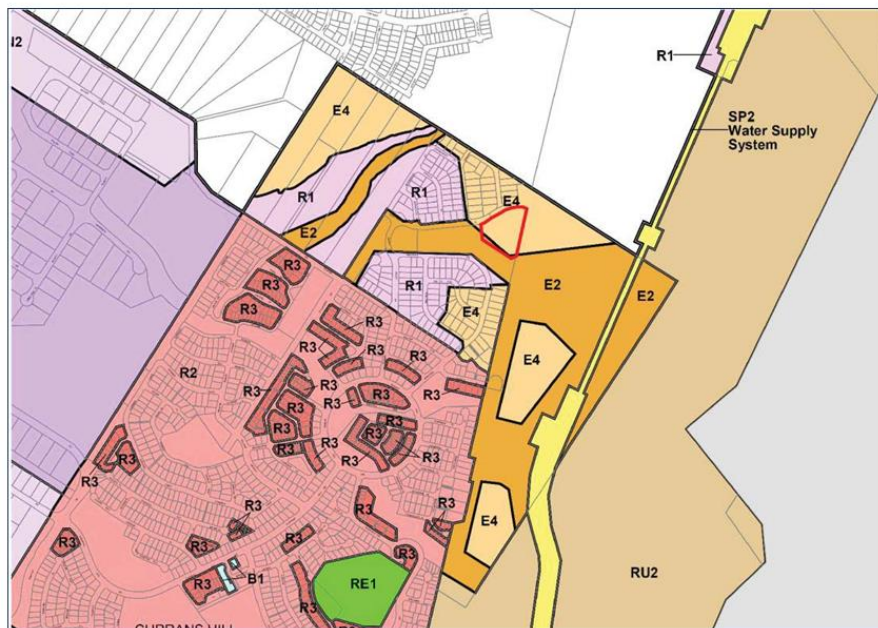


Figure 3-1 Camden LEP Zoning Map – subject site (edged red)  
Source: Camden LEP 2010

#### Height of Buildings

Figure 3-2 (extract from Camden LEP Height of Building Map) indicates that a maximum Height of Building Development Standard of 9.5m currently applies to the majority of the subject site, apart from a small portion of land on its southern edge that is currently zoned E2-Environmental Conservation and is not subject to the Height of Building Development Standard.



Figure 3-2 Height of Buildings Map - Sheet HOB\_017 (subject site edged red)  
Source: NSW Legislation

#### Floor Space Ratio

No Floor Space Ratio Standard is currently applicable to the subject site or to other land within Currans Hill. Development density is controlled via relevant development controls in the Camden Development Control Plan, 2012 including building height, boundary setbacks, private open space percentages and the like.

#### Minimum Allotment Size

Figure 3-3 (extract from Camden LEP, 2010, illustrates that minimum allotment size Standards of 900m<sup>2</sup> and 1,500m<sup>2</sup> apply to the subject site.

The existing minimum allotment size of 900m<sup>2</sup> is inconsistent with other E4 zoned land located within Currans Hill. As illustrated in Figure 3-3, a minimum lot size of 500m<sup>2</sup> has been applied to a parcel of E4 zoned land (adjacent to Apollo Explorer Street) situated to the north-west of the Subject Site.

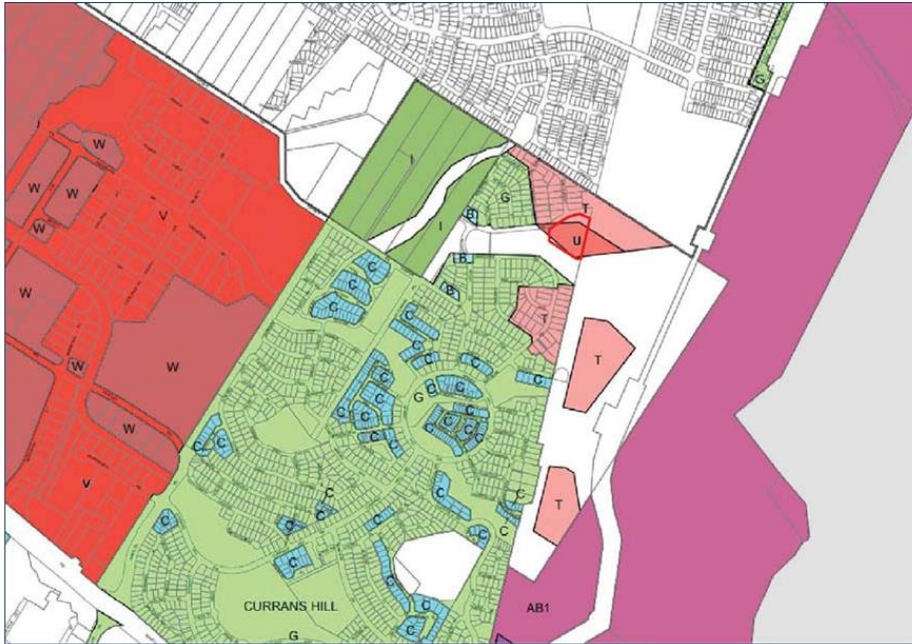


Figure 3-3 Lot Size Map - Sheet HOB\_017 (subject site edged red)

Source: NSW Legislation

## 4 Proposed Amendments to Development Standards

The PP is to make the following amendments to Development Standards in the CLEP, 2010:

- > Amending the minimum lot size from 900m<sup>2</sup> / 1500m<sup>2</sup> to 500m<sup>2</sup>.

The following maps have been generated to show the proposed changes subject to this PP.



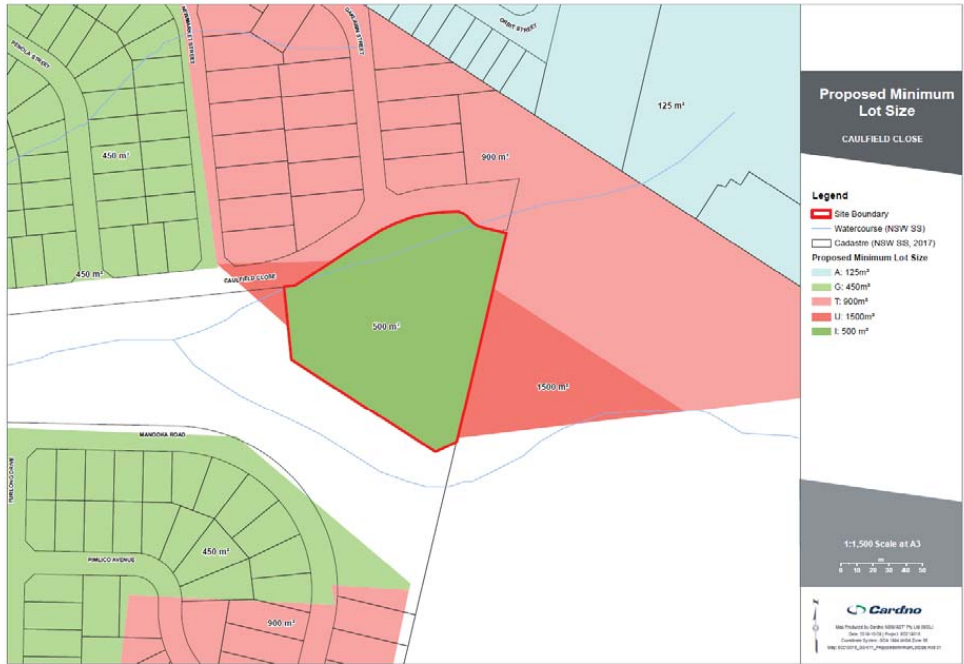


Figure 4-1 Minimum Lot Size Map – Sheet LSZ\_17 (Proposed)

## 5 Justification for the Planning Proposal

Under Section 3.33(2) of the *Environmental Planning and Assessment Act*, justification for making the proposed LEP must be provided in accordance with Part 3 of ‘*A Guide to Preparing Planning Proposals*’.

For the purposes of Gateway consideration, the overarching principles that guide the preparation of planning proposals are:

- > *the level of justification should be proportionate to the impact the planning proposal will have*
- > *it is not necessary to address a question of this guide if it is not considered relevant to the planning proposal. In such cases the reason why it is not relevant should be briefly explained, and*
- > *the level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised within the time-frame proposed.*

The questions to consider when demonstrating the justification in accordance with the Guide have been addressed under the relevant headings outlined below.

### 5.1 Section A – Need for Planning Proposal

#### **Question 1. “Is the planning proposal a result of any strategic study or report?”**

The PP to amend the minimum lot size Development Standard as it applies to the extent of the Subject Site is not a direct result of a strategic study or report. It is, however, informed by the Western Sydney District Plan (March 2018) which identifies the lot that comprises the Greater Site and the Subject Site within the Metropolitan Urban Area (Figure 5-1).

Inclusion of the land within an identified urban area would imply, in our opinion, a strategic planning intention that the land would be developed for urban purposes. Given that the portion of the land subject to this Planning Proposal is a small land parcel that extends west of the greater site into the existing Currans Hill urban lands, it effectively is an infill site which would provide greater support for a denser form of residential development that currently is permitted.



Figure 5-1 Excerpt from the Structure Plan, Western Sydney District Plan – prepared by Cardno

**Question 2. “Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?”**

The intended outcome of the PP is to reduce the minimum lot size across the subject site from 900m<sup>2</sup>-1,500m<sup>2</sup> to 500m<sup>2</sup>. The best means of achieving this change is through the preparation of a PP to amend the relevant Development Standard to the subject site under CLEP 2010.

No change to current zoning provisions are proposed and consequently permissible land uses at the subject site would remain unchanged. Amending the minimum lot size only is considered the most effective way of increasing density at the site and improving amenity and risk management outcomes without compromising the environmental value of the site or its role in providing a transition between residential and rural lands within Currans Hill.

## 5.2 Section B – Relationship to Strategic Planning Framework

**Question 3.** *“Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?”*

The PP will give effect to the *Greater Sydney Regional Plan: A Metropolis of Three Cities – Connecting People (2018)* and *Our Greater Sydney 2056: Western City District Plan – Connecting Communities (2018)* as demonstrated below.

### Greater Sydney Regional Plan: A Metropolis of Three Cities – Connecting People (2018)

On 18 March 2018, the Greater Sydney Commission (GSC) released the *Greater Sydney Regional Plan: A Metropolis of Three Cities – Connecting People* (the Plan) to guide development and establish the aspirations for the Greater Sydney over the next 40 years. The Plan consists of a vision, objectives, and actions for managing growth within Greater Sydney.

Following is an overview and commentary on the applicable planning priorities and objectives contained in the Plan that are of direct relevance to the intent of this PP:

Planning Priorities and Objectives	Comment
<i>Objective 10: Greater housing supply</i>	The PP will enable a modest number of additional dwellings to be provided on the subject site and contribute to the Western City housing target identified by the NSW Government. The site is specifically suitable to the provision of additional housing due to its adjacency and potential to provide increased public access to existing open space.
<i>Objective 11: Housing is more diverse and affordable</i>	The proposal would potentially enable a greater choice of allotment sizes and housing forms to cater to different needs and lifestyles. It is likely that the proposal will improve housing availability within the locality and will allow for increased housing directly addressing local open space.
<i>Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced</i>	As illustrated from the subdivision plan, no Cumberland Woodland (CPW) is proposed to be removed with the exception of 0.05ha of Cumberland Woodland Derived (CPW) Grassland. The removal of CPW Grassland is required to enable the subdivision and development of the subject site. The retention of the CPW Grassland will reduce the subdivision by 5 lots and making the development financially unviable. Furthermore, a Flora and Fauna assessment has been undertaken by Cardno, which indicates that: <ul style="list-style-type: none"> <li>▪ <i>The projected removal of TEC and threatened fauna habitat from the Subject Site is not considered a significant reduction of the resources in the locality. Large areas of CPW Derived Grassland and habitat for the threatened fauna species are present on the remainder of Lot 627 DP1163903 to the east and in Manooka Reserve to the south. Development of the Subject Site would not create a barrier to fauna dispersal across the landscape.</i></li> <li>▪ <i>The development avoids the majority of high value native vegetation and fauna habitat present in Lot 627 DP1163903. The small amount of TEC and potential threatened fauna habitat to be removed from the Subject Site is not considered to represent a significant loss of these resources in the locality.</i></li> <li>▪ <i>It is recommended that the E2 zoned lands elsewhere in Lot 627 DP1163903 are managed for conservation purposes. This would more than compensate for the small amount of TEC and potential threatened fauna</i></li> </ul>

	<p><i>habitat which would be lost through future development of the Subject site.</i></p> <p>In summary, the PP is not likely to impact on existing urban bushland and remnant vegetation located within the Greater Site.</p>
<p><i>Objective 28: Scenic and cultural landscapes are protected</i></p>	<p>The scenic landscape of Camden will be protected as the PP involves only a small area of the Greater site, which has defined ecological values and outlooks to the Scenic Hills.</p> <p>The building height control will ensure that consequent housing will not impact on views towards local scenic and cultural landscapes.</p> <p>Existing E2 and E4 zoning provisions will remain applicable to the site to provide a transition to the rural land use and Scenic Hills located to the east of the Site.</p>
<p><i>Objective 29: Environmental, social and economic values in rural areas are protected and enhanced</i></p>	<p>Future uses at the site are limited to those permitted under the current E2 and E4 environmental zones. Further, the proposed minimum lot size will provide a transition between existing smaller lots within Currans Hill and adjoining rural lands. The PP will facilitate a subdivision form that will enhance access to local open space, consistent with locally relevant environmental and social values and provide opportunities for additional housing that would contribute to the local economy.</p>

Table 5.1 Applicable Planning Priorities and Objectives from A Metropolis of Three Cities

#### **Our Greater Sydney 2056: Western City District Plan – Connecting Communities (2018)**

On 18 March 2018, the GSC released the Western City District Plan (the District Plan) to guide development in the Greater Sydney Western District over a 20 year timeframe. The District Plan will inform a local strategic planning statement and local environmental plans, the assessment of planning proposals, and community strategic plans and policies.

The South West District is Sydney's fastest growing District with plans for an estimated 39,850 additional residential dwellings. In particular, a housing target of 11,800 dwellings has been identified for Camden Council by 2021 and 184,500 additional dwellings are to be provided within the Western District by 2036, equivalent to an average annual supply of 9,225 dwellings over 20 years.

Following is an overview and commentary on the priorities and objectives in the District Plan that are of direct relevance to the intent of this PP:

Planning Priorities and Objectives	Comment
<p><i>Planning Priority W5 – Providing housing supply, choice and affordability with access to jobs, services and public transport</i></p>	<p>The proposal will enable additional dwellings to be provided on a site that is specifically suited to increased density due to its adjacency to local open space. The modest number of additional dwellings in this suitable location will contribute toward the Western City housing target identified by the NSW Government.</p>
<p><i>Planning Priority W6 – Creating and renewing great places and local centres and respecting the District's heritage</i></p>	<p>The form of development that would be facilitated by the Planning Proposal would contribute positively to placemaking by improving access to open space and allowing houses to address the street and adjacent open space.</p> <p>Sydney Water Upper Canal System is a state heritage item and bisects the greater site. The proposal will have no impacts to the canal system as the proposed amendments are located 500m from the canal.</p>
<p><i>Planning Priority W12 – Protecting and improvement the health and enjoyment of the District's waterways</i></p>	<p>The broader site contains three watercourses of Kenny Creek which are zoned E2 Environmental Conservation and E4 Environmental Living. The proposal will retain the E2 Environmental Conservation and E4 Environmental Living for the watercourses.</p>

<p><i>Planning Priority W14 – Protecting and enhancing bushland and biodiversity</i></p>	<p>Current E2 Environmental Conservation and E4 Environment Living zoning provisions will remain applicable to the site.</p> <p>Further, a Flora and Fauna Assessment supports the potential removal of a very small portion of CPW located with the subject site for the following reasons:</p> <p>The development avoids the majority of high value native vegetation and fauna habitat present in Lot 627 DP1163903. The small amount of TEC and potential threatened fauna habitat to be removed from the Subject site is not considered to represent a significant loss of these resources in the locality.</p> <p>It is recommended that the E2 zoned lands elsewhere in Lot 627 DP1163903 are managed for conservation purposes. This would more than compensate for the small amount of TEC and potential threatened fauna habitat which would be lost through future development of the Subject site.</p>
<p><i>Planning Priority W15 – Increasing urban tree canopy cover and delivering Green Grid connections</i></p>	<p>Urban tree canopy of the site will remain unchanged as no trees are proposed to be removed as part of the Planning Proposal. The provision of a new street that would potentially result from the PP would increase opportunities for street tree planting, contributing to the urban tree canopy.</p>
<p><i>Planning Priority W16: Protecting and enhancing scenic and cultural landscapes</i></p>	<p>The retention of the E2 Environmental Conservation and E4 Environment Living zones will provide a transition to the adjoining rural land and Scenic Hills.</p> <p>The existing Cumberland Plain Woodland located to the east of the proposal will partially screen the residential development when viewed from the nearby rural lands and Scenic Hills. This ensures that the scenic quality of the area is retained.</p> <p>The existing Maximum Height of Building development Standard along with existing controls in the Camden Development Control Plan will further protect local views.</p>
<p><i>Planning Priority W17 – Better managing rural areas</i></p>	<p>The site is identified as 'metropolitan urban area' and located adjacent to the 'metropolitan rural area' identified in the Western City District Plan.</p> <p>The PP will preserve the metropolitan rural area and rural setting by retaining the E2 and E4 zone provisions. The existing Cumberland Plain Woodland located to the east of the site will provide a transition to the neighbouring rural land and Scenic Hills.</p>
<p><i>Planning Priority W20 – Adapting to the impacts of urban and natural hazards and climate change</i></p>	<p>The site is identified as bushfire-prone land. Any future development on the subject site is required to comply with Planning for Bushfire Protection 2006 and referred to Rural Fire Service (RFS) for comments. Further, the future subdivision of the subject site is likely to include a new perimeter road that would facilitate a permanent Asset Protection Zone adjacent to existing bushland and improve access for fire fighting.</p>

Table 5.2 Applicable Planning Priorities and Objectives from Western City District Plan

**Question 4. “Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another local strategy or strategic plan?”**

No site specific relevant local strategy has been endorsed by the Department that can be relied on to establish strategic merit. However, consideration has been given to the Community Strategic Plan – Shaping the Camden Local Government Area adopted by Council on 27 June 2017.

**Community Strategic Plan – Shaping the Camden Local Government Area (2017)**

The Community Strategic Plan (CSP) identifies the community's main priorities and aspirations for the Camden LGA for the future and plans and strategies for achieving these goals.

The CSP is an update to the Camden 2040 and retains the vision of A Sustainable Camden LGA by 2040. Following is an overview and commentary on the applicable directions, objectives and strategies in the CSP that are of direct relevance to the intent of this PP:

Directions, Objectives and Strategies	Comment
<p><i>1.2 Rural land is adequately administered</i>  <i>Maintain and protect Camden LGA's rural lands.</i>  <i>Retain Camden LGA's valued heritage sites, scenic vistas and cultural landscape.</i></p>	<p>The proposal will not result in a reduction of rural lands within the Camden LGA and will retain current E2 and E4 zoned land within Currans Hill.</p> <p>The retention of the E2 Environmental Conservation and E4 Environment Living zones will provide a transition and visual buffer to the neighbouring rural/scenic protection areas and Scenic Hills.</p> <p>Development of the subject site subsequent to amendment to the Minimum Lot Size standard would not encroach on any significant view corridors or compromise any heritage sites.</p>
<p><i>2.1 Caring for urban and natural environment including heritage sites</i>  <i>Maintain biodiversity, natural reserves, streetscapes and open spaces</i></p>	<p>The PP applies to a parcel of vacant E2 Environmental Conservation and E4 Environmental Living zones lands within Currans Hill.</p> <p>Future subdivision of the land may require removal of a small proportion of regrowth CPW from the Subject site. The CPW represents less than 1% of this community present in the entirety of Lot 627 DP 1163903. A Flora and Fauna assessment has been undertaken Cardno which supports the proposal as follows:</p> <ul style="list-style-type: none"> <li>▪ <i>The development avoids the majority of high value native vegetation and fauna habitat present in Lot 627 DP1163903. The small amount of TEC and potential threatened fauna habitat to be removed from the Subject site is not considered to represent a significant loss of these resources in the locality.</i></li> <li>▪ <i>It is recommended that the E2 zoned lands elsewhere in Lot 627 DP1163903 are managed for conservation purposes. This would more than compensate for the small amount of TEC and potential threatened fauna habitat which would be lost through future development of the Subject site.</i></li> </ul>

Table 5.3 Applicable Key Directions, Objectives and Strategies from Community Strategic Plan

**Question 5. "Is the planning proposal consistent with applicable State Environmental Planning Policies?"**

The following SEPPs are potentially of relevance to the land that is the subject of this Planning Proposal:

- > *State Environmental Planning Policy No 19—Bushland in Urban Areas*
- > *State Environmental Planning Policy No 55—Remediation of Land*
- > *State Environmental Planning Policy No 44—Koala Habitat Protection*
- > *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*

The intention of the PP to amend the Minimum Lot Size Development Standard that currently applies to the land would not be affected by either or any of these SEPPs. Assessment under the SEPPs would be triggered by any Development Application that applies to the land, whether or not the PP proceeds to gazettal.

A table indicating compliance of the PP with all relevant SEPPs is at **Appendix F**.

**Question 6. "Is the PP consistent with the applicable Ministerial directions (s.9.1 directions)?"**

Following is an assessment of the PP against the relevant Ministerial Directions.

S.117 Direction Title	Consistency	Comment
<b>Employment and Resources</b>		
1.1 Business and Industrial Zones	N/A	The PP does not apply to land in Business or Industrial zones.
1.2 Rural Zones	N/A	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	N/A	This direction does not apply as the Planning Proposal does not affect land containing mining, petroleum production and extractive industries.
1.4 Oyster Aquaculture	N/A	This direction does not apply as the Planning Proposal does affect land impacted with oyster aquaculture.
1.5 Rural Lands	N/A	This direction does not apply to the Camden LGA.
<b>Environment and Heritage</b>		
2.1 Environment Protection Zones	The PP is consistent with this direction	<p>The PP seeks to amend a Development Standard applying to land zoned E2 and E4.</p> <p>Existing Cumberland Plain Woodland will be protected via the retention of the existing E2 and E4 zones. Hence, the PP will not reduce the environment protection standards that apply to the land or reduce the environmentally sensitive areas at Currans Hill.</p> <p>A Flora and Fauna Assessment (<b>Appendix C</b>) prepared by Cardno has been submitted as part of the PP. The assessment outlines the effects of this PP and future development in the Greater Site.</p> <p>Based on the above reasons and evidence, the PP is not inconsistent with the objectives of Direction 2.1.</p>
2.2 Coastal Protection	N/A	This direction does not apply as the Planning Proposal as it is not located near the coast.
2.3 Heritage Conservation	N/A	<p>This direction does not apply as the Planning Proposal is not located within a Heritage Conservation area.</p> <p><b>Note:</b> The Sydney Water Upper Canal System is a State Heritage Item and bisects the Greater Site. However, the PP will not impact on the canal system as it is located approximately 500m from the Subject Site. The zoning for the canal system will remain unchanged.</p>
2.4 Recreation Vehicle Areas	N/A	This direction does not apply as the Planning Proposal is not located within a Recreational Vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This direction does not apply as the Planning Proposal is not located at the Far North Coast of NSW.
<b>Housing, Infrastructure and Urban Development</b>		

S.117 Direction Title	Consistency	Comment
3.1 Residential Zones	The PP is consistent with this direction.	<p>The PP is consistent with the objectives of Direction 3.1 for the following reasons:</p> <ul style="list-style-type: none"> <li>The PP could potentially result in an additional 10 dwellings on the subject site (over and above the current development approval for 9 lots that applies to the site). These additional dwellings will have enhanced access to existing recreational land and development would potentially also improve public access to the recreational areas.</li> <li>The subject site will have appropriate access to existing infrastructure and services.</li> <li>The PP will have no impacts on the environment and resources.</li> </ul>
3.2 Caravan Parks and Manufactured Home Estates	N/A	This direction does not apply as the Planning Proposal is not impacted by Caravan Parks or Manufactured Home Estates.
3.3 Home Occupations	N/A	This direction does not apply as the Planning Proposal is not considering Home Occupations.
3.4 Integrating Land Use and Transport	The PP is consistent with this direction.	<p>The PP is consistent with the objectives of Direction 3.4 for the following reasons:</p> <ul style="list-style-type: none"> <li>The additional housing is located within the vicinity of the following bus routes: <ul style="list-style-type: none"> <li>890 – Campbelltown to Harrington Park via Narellan;</li> <li>891 – Mount Anna to Campbelltown via Currans Hill, and</li> <li>896 – Campbelltown to Oran Park via Gregory Hills.</li> </ul> <p>Bus stops located on Narellan Road, approximately 750 m south of the site, provide access to Camden, Campbelltown, Spring Farm, and Picton. Other bus routes from Campbelltown and Camden provide access to various regional areas of Sydney and NSW.</p> </li> <li>The Turner Road Growth Centre Precincts Development Control Plan indicates that bus routes connecting Gregory Hills to Currans Hill (via Currans Hill) have been proposed. The proposed bus routes would provide services to Oran Park, Harrington Park, and Campbelltown/Macarthur. The final location of the bus stops will be determined in the future.</li> <li>The PP will provide additional housing and choice in a location with good access to nearby major employment, strategic and local centres such as Campbelltown Town Centre and Macarthur Town Centre (5km), Mount Annan Neighbourhood Centre (3km) and Curran Hills Local Centre (1.5km).</li> </ul>



S.117 Direction Title	Consistency	Comment
3.5 Development Near Regulated Airports and Defence Airfields	N/A	This direction does not apply as the Planning Proposal is not near a licensed aerodrome.
3.6 Shooting Ranges	N/A	This direction does not apply as the Planning Proposal is not located near any shooting ranges.
<b>Hazard and Risk</b>		
4.1 Acid Sulphate Soils	N/A	This direction does not apply as the Planning Proposal is not situated on land with acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	N/A	This direction does not apply as the Planning Proposal is not within a mine subsidence or unstable land area
4.3 Flood Prone Land	N/A	This direction does not apply as the Planning Proposal is not within a flood prone area.
4.4 Planning for Bushfire Protection	The PP is consistent with this direction	<p>The site is located on Bush Fire Prone Land Vegetation Category 2 and Vegetation Buffer 100m &amp; 30m. A detailed Bushfire Assessment Report has been prepared by Travers Bushfire and Ecology detailing the required measures that will enable sound management of bushfire prone areas.</p> <p>The Bushfire Assessment Report is attached to the PP at <b>Appendix E</b>.</p> <p>The amendment to minimum lot sizes has the potential to allow for a new ring road that would improve access for fire fighting and perform a dual role as a permanent Asset Protection Zone</p>
<b>Regional Planning</b>		
5.1 Implementation of Regional Strategies	N/A	This direction does not apply as the Planning Proposal is not within areas to which the relevant regional strategies apply.
5.2 Sydney Drinking Water Catchments	N/A	This direction does not apply as the Planning Proposal is not within Sydney drinking water catchment areas.
5.3 Farmland of State and regional Significance on the NSW Far North Coast	N/A	This direction does not apply as the Planning Proposal is not within significant farmland in the stated locality.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	This direction does not apply as the Planning Proposal is not within the relevant location.
5.9 North West Rail Link Corridor Strategy	N/A	This direction does not apply as the Planning Proposal is not within the affected Local Government Areas.
5.10 Implementation of Regional Plans	N/A	This direction does not apply to the Subject Site.
<b>Local Plan Making</b>		
6.1 Approval and Referral Requirements	N/A	This direction does not apply to the Subject Site.
6.2 Reserving Land for Public Purposes	N/A	This direction does not apply as the Planning Proposal is not within land that is reserved for Public Purpose.
6.3 Site Specific Provisions	Yes	<p>The objective of the direction is to discourage unnecessarily restrictive site-specific planning controls and facilitate development of the subject site that is consistent with best practices in urban design by allowing future dwellings to address local public open space.</p> <p>The PP seeks to reduce the minimum allotment size from 1,500m<sup>2</sup> to 500m<sup>2</sup>.</p>

S.117 Direction Title	Consistency	Comment
		The proposed development standards are consistent with the existing development standards applying to E4 – Environmental Living land within the vicinity of the site.
<b>Metropolitan Planning</b>		
7.1 Implementation of A Metropolis of Three Cities	The PP is consistent with this direction.	The PP has considered and is consistent with the NSW Government's <i>A Metropolis of Three Cities</i> as detailed in the PP report.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This direction does not apply as the Planning Proposal is not within the relevant Local Government Areas.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This direction does not apply as the Planning Proposal is not within the relevant Local Government Areas.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This direction does not apply as the Planning Proposal is not within the North West Priority Growth Area.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This direction does not apply as the Planning Proposal is not within the Greater Parramatta Priority Growth Area.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This direction does not apply as the Planning Proposal is not within the Wilton Priority Growth Area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This direction does not apply as the Planning Proposal is not within the Glenfield to Macarthur Urban Renewal Corridor.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A	This direction does not apply as the Planning Proposal is not within the Western Sydney Aerotropolis.
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	This direction does not apply as the Planning Proposal is not within the Bayside West Precincts.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This direction does not apply as the Planning Proposal is not within the Cooks Cove Precinct.

Evidenced by this assessment, it is considered that the PP is consistent with the relevant Ministerial Directions issued under Section 9.1(2) of the EP&A Act.

### 5.3 Section C - Environmental, Social and Economic Impact

**Question 7** *“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?”*

A Flora and Fauna Assessment (FFA) for the site has been prepared by Cardno which identifies matters for consideration for the PP. Surveys conducted as part of this FFA concluded that the Subject site has been highly modified through recent clearing and is dominated by exposed soil and exotic grasslands. However, a small portion of the TEC Cumberland Plain Woodland (CPW) is present in the south-west as an extension of CPW vegetation in the adjacent Caulfield Reserve. In addition, a portion of the regenerating grasslands of the Subject site were identified as most closely conforming to CPW derived grasslands. CPW is listed as a critically endangered TEC under the TSC Act and EPBC Act. As illustrated in the indicative layout plan, 0.05ha of CPW Grassland be impacted by the subdivision. It should be noted that the existing CPW will be retained and located adjacent to the extension of Caulfield Close.

No threatened flora species were encountered during the survey and none are considered likely to occur. Significant fauna habitat was observed including a single mature eucalypt and small vegetated pond are present in the south-west of the Subject Site. No threatened fauna species were detected during survey,

however, two were considered likely to occur based on the presence of suitable habitat and recent occurrence records from within 5 km:

- > Cumberland Plain Land Snail (*Meridolum carneovirens*) – listed as endangered under the TSC Act; and
- > Green and Golden Bell Frog (*Litoria aurea*) – listed as endangered under the TSC Act and vulnerable under the EPBC Act.

Assessments of the above TEC and threatened species were conducted under the seven-part test methodology (EP&A Act) and/or tests of significance (EPBC Act). These tests concluded that although future development of the Subject site would result in the removal of the whole occurrence of TEC and threatened fauna habitat from the Subject site, the level of impact is not considered to be significant. The CPW present on the Subject site represents less than 1 % of this community present in the entirety of Lot 627 DP1163903 and the fauna habitat values present are not limited in the local area. Similar vegetation and fauna habitat are also present within the Caulfield Reserve, which is located to the immediate south of the Subject site.

Based on this assessment, no significant impact on any listed entity under the TSC Act and/or EPBC Act is considered likely as a result of future development of the Subject site and further assessment through a SIS (NSW) or a referral to the federal Minister of the Environment (Commonwealth) would be required to support a future DA.

Based on the results of this assessment, reducing the minimum lot size at the subject site is supported. This approach would avoid the majority of high value native vegetation and fauna habitat present in Lot 627 DP1163903. The small amount of TEC and potential threatened fauna habitat to be removed from the subject site is not considered to represent a significant loss of these resources in the locality.

The FFS recommends that the E2 zoned lands elsewhere in Lot 627 DP1163903 are managed for conservation purposes. This would more than compensate for the small amount of TEC and potential threatened fauna habitat which would be lost through future development of the subject site.

**Question 8. “Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?”**

No other likely environmental effects resulting from implementation of this PP have been identified. Specialist studies concerning bushfire and contamination have been undertaken and discussed below. Other investigations have found that the Subject site is not impacted by flooding, acid sulfate soil or landslip.

#### **Bushfire**

The Subject site is located on Bush Fire Prone Land Vegetation Category 2 and Vegetation Buffer 100m & 30m. A Bushfire Protection Assessment has been prepared by Travers Bushfire & Ecology which identifies matters for consideration for the PP and to highlight the required bushfire protection measures for the site.

The assessment found that bushfire can potentially affect the site from the woodland vegetation associated with the riparian corridor to the south and west and the woodland extending beyond the electrical easement to the east resulting in possible ember attack and radiant heat attack.

The bushfire risk posed to the Planning Proposal can be mitigated if appropriate bushfire protection measures (including APZs) are put in place and managed in perpetuity.

Future development on site is to comply with the following key recommendations as proposed by *Travers Bushfire and Ecology*.

- > A perimeter road (8m carriageway width) is to be provided adjacent to all bushland areas and
- > APZs have been recommended in compliance with BAL29. APZs are to be measured from the exposed wall of any dwelling toward the hazardous vegetation. The minimum APZ must be achievable within all lots fronting the bushfire hazard.
- > Fuel management within the APZs is to be maintained by regular maintenance of the landscaped areas, mowing of lawns in accordance with the guidelines provided by the RFS.
- > Building construction standards are to be applied for future residential dwellings in accordance with Australian Standard AS3959 Construction of buildings in bushfire-prone areas (2009).

The majority of the developable area is located outside of the APZ which is consistent with the recommendations. Dwellings fronting Caulfield Reserve and transmission easement will be outside of the

APZ as a front setback requirement of 4.5m applies to the subject lots. Refer to **Appendix E** for the Bushfire Assessment Report.

Cardno has prepared an indicative subdivision plan to illustrate the potential benefits of the proposed changes to the existing lot size and building height Development Standards (**Appendix G**). The indicative layout is provided as one possible development scenario. Numerous other options may apply and any of these would be subject to the Development Approval process. The indicative plan includes a new perimeter road consistent with the bushfire consultant's recommendations. It is notable that the commercial viability of construction of this perimeter road would be likely contingent on achieving lot yields that would not be possible under the current permissible minimum lot size.

#### **Contamination**

As part of DA2014/560-1, a contamination assessment of the entire site was undertaken by GeoEnviro Consultancy in June 2014. The key findings of this report are as follows:

- > The test pit investigation indicates the site to be predominantly underlain by natural ground comprising topsoil and topsoil/fill up to about 300mm thick overlying natural medium to high plasticity Silty Clay overlying shale at depths up to about 2.3m below existing ground surface.
- > The laboratory test results indicate concentrations of contaminants of concern to be within the acceptable levels. Elevated concentrations of Manganese were detected however the Manganese was found to be naturally occurring as background levels and therefore considered acceptable.
- > The report concluded that the likelihood of gross ground chemical contamination on the site was considered low.
- > As the site was not subjected to any recent activities that may have resulted in contamination, GeoEnviro were of the opinion that the contamination status of the site remains unchanged and therefore the site is suitable for the proposed residential subdivision and development subject to removal of surface and buried rubbish fill as had been previously recommended, and which is proposed.

Camden Council granted development consent for DA/2014/560/1 on 24 November 2014. However, the approval was never enacted.

The site is not identified as contaminated land by the NSW Environment Protection Authority (EPA) contamination register. Also, low and medium density residential developments are located to north and west of the Subject site. Therefore, the Subject site is unlikely to be contaminated.

#### **Question 9. Has the planning proposal adequately addressed any social and economic effects?**

Implementation of the Planning Proposal is considered unlikely to result in any specific negative social or economic effects. Heritage significance, social and economic benefits associated with the proposal are discussed below:

#### **European or Aboriginal Cultural Heritage**

The Subject site does not contain any heritage items. However, the Greater site is bisected by the Sydney Water Upper Canal Corridor (Item No: 1122) which is identified as a State Heritage Item. The proposal would have no impacts to the Upper Canal as no amendment is sought for this portion of the site and the proposed amendments are located 1km (approx.) from the canal. The subject site is located adjacent to other residential developments located to the north, south and west.

European or Aboriginal Cultural Heritage issues were not identified by Camden Council as part of the development consent for DA/2014/560/1.

If deemed appropriate by Council and/or Department of Planning and Environment, a condition can be incorporated into the Gateway Determination requiring a heritage impact assessment to be prepared prior to the agencies and community consultation. Additionally, it is recommended that Office of Environment and Heritage be consulted during government agency consultation.

#### **Social benefits**

The PP is considered appropriate in context to minimum lot sizes permitted on adjoining lots within Currans Hill and the adjoining suburb of Gregory Hills within the Growth Centre Growth Centre. The modest

increase to housing as a result of the proposal is unlikely to place significant pressure on existing and planned community facilities within the LGA.

Specific social benefits arising from an increase in permissible density on this subject site come from the adjacency of the Subject site to Caulfield Reserve, a public park area that has already been developed and is suitable for use by the residents. The decreased lot size and the inclusion of a perimeter road would:

- > provide increased public access to local open space, specifically Caulfield Reserve;
- > allow increased numbers of houses close to and directly addressing the open space;
- > improve the quality of views from the Reserve towards its residential surroundings; and
- > contribute to community safety by facilitating passive surveillance from the street and the new houses.

Moreover, the proposal would facilitate a road edge to Caulfield Close consistent with the remainder of its northern and southern boundaries.

The proposal is likely to provide a positive impact for the community as it offers greater housing choice and diversity to meet the anticipated population growth of the Camden LGA on a site that has specific qualities that maximise these benefits. Additionally, the site is located within the vicinity of community facilities, public open space and services such as Currans Hill Community Centre, Narellan Library and Caulfield Reserve.

#### Economic benefits

The PP will provide additional housing and choice in a location with good access to nearby major employment, strategic and local centres.

### 5.4 Section D - State and Commonwealth Interests

#### *Question 10. "Is there adequate public infrastructure for the planning proposal?"*

The PP aims to reduce the current permitted minimum lot size across the subject site to 500m<sup>2</sup>, which will allow for its subdivision into approximately 17 residential lots under the existing E2 and E4 zoning provisions. This yield would represent a modest increase in lot yield in comparison to the currently approved subdivision of 10 lots, including 1 residual lot.

It is not anticipated that the proposal will place significant pressure or demand on existing public infrastructure. Additionally, the site is located adjacent to other residential development which is serviced by utilities and essential services.

Utility providers would be consulted as part of any Gateway Determination to determine the existing and future capacity of the site.

In terms of traffic, the Traffic Impact Assessment Report prepared for the PP concludes the following:

- > *"It is anticipated that Spring Farm Parkway Extension will alleviate the traffic issues on Narellan Road.*
- > *Nearest bus stop is approximately 1 km from the subject site with a bus service to Campbelltown running every 30 minutes during peak hours.*
- > *The proposed increase of 10 dwellings would equate to 1 vehicle movement every 5 minutes which would have a negligible impact on the surrounding local road network and not be of a noticeable difference to the existing neighbourhood.*
- > *Assessment done on Currans Hill Drive / Spring Hill Circle indicate that no significant impact on the road network will be caused by the proposed development.*
- > *Assessment done on Glenfield Drive / Spring Hill Circle indicate that no significant impact on the road network will be caused by the proposed development."*

Refer to **Appendix D** for the Traffic Impact Assessment Report

#### *Question 11. "What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?"*

The Gateway Determination will identify the relevant State and Commonwealth public authorities to be consulted as part of the PP. Consultation with the following departments and agencies should be considered:

- > Transport for NSW

- 
- > Rural Fire Service
  - > Office of Environment and Heritage
  - > Sydney Water
  - > Endeavour Energy
  - > Jemena Gas
  - > Transgrid

These agencies will be consulted during the Gateway process as per the Regulations.

## 6 Mapping

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In accordance with Part 4 of 'A guide to preparing Planning Proposals' PP should be supported by appropriate mapping.

The specific amendments to the LEP maps are attached to this report at **Appendix H**. A summary of the maps to be amended under this proposal are outlined below:

- > Site Plan; and
- > Minimum Lot Size Map

## 7 Community Consultation

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The public exhibition period and the requirements for the PP will be outlined in the Gateway Determination. It is recommended that the PP is exhibited for 14 days as the proposal would have a low impact on the surrounding land uses and environment.

The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on Camden Council's website. The notice will:

- > Give a brief description of the objectives or intended outcomes of the PP;
- > Indicate the land affected by the PP;
- > State where and when the PP can be inspected;
- > Give the name and address of the Planning Proposal Authority (PPA) for the receipt of any submissions; and
- > Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection: -

- > The PP, in the form approved for community consultation by the Secretary of Planning and Environment;
- > The Gateway determination; and
- > Any studies relied upon by the PP.

## 8 Project Timeline

The anticipated timeframe for the completion of the PP will depend on the complexity of the matters, the nature of any additional information that may be required and the need for agency and community consultation.

Task	Timeline
Commencement date (date of Gateway determination)	
Anticipated timeframe for the completion of required technical information	
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	
Commencement and completion dates for public exhibition period	
Dates for public hearing (if required)	
Timeframe for consideration of submissions	
Timeframe for the consideration of a proposal post exhibition	
Date of submission to the department to finalise the LEP	
Anticipated date RPA will make the plan (if delegated)	
Anticipated date RPA will forward to the department for notification	



Table 8-1 Project Timeline






# MANOOKA VALLEY STAGE 2C DEVELOPMENT APPLICATION

## CAMDEN COUNCIL DEVELOPMENT CONSENT



LOCALITY PLAN  
SCALE A1:1

**CONTRACTOR'S DECLARATION**

I, the undersigned, being a duly qualified professional person, certify that I am a duly qualified professional person in the field of engineering, architecture, town planning, or other profession, and that I am duly registered in the relevant professional body.

I certify that the information provided in this application is true and correct to the best of my knowledge and belief, and that I am not aware of any false or misleading information being provided.

I certify that I am not aware of any other person who has provided false or misleading information in connection with this application.

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

PROFESSIONAL NAME: \_\_\_\_\_

PROFESSION: \_\_\_\_\_

**DRAWING LIST**

2142499-DC-2489 TITLE SHEET, DEVELOPMENT LIST & LOCALITY PLAN

2142499-DC-2490 GENERAL ARRANGEMENT PLAN

2142499-DC-2491 ROAD EXISTENCE, STOPPING AND TRAVEL CONTROL PLAN

2142499-DC-2492 SITE PLAN

2142499-DC-2493 SITE PLAN AND SITE PLAN WITH SHADING

2142499-DC-2494 SITE PLAN WITH SHADING AND TRAFFIC CONTROL

2142499-DC-2495 SITE PLAN WITH SHADING AND TRAFFIC CONTROL

2142499-DC-2496 SITE PLAN WITH SHADING AND TRAFFIC CONTROL

2142499-DC-2497 SITE PLAN WITH SHADING AND TRAFFIC CONTROL

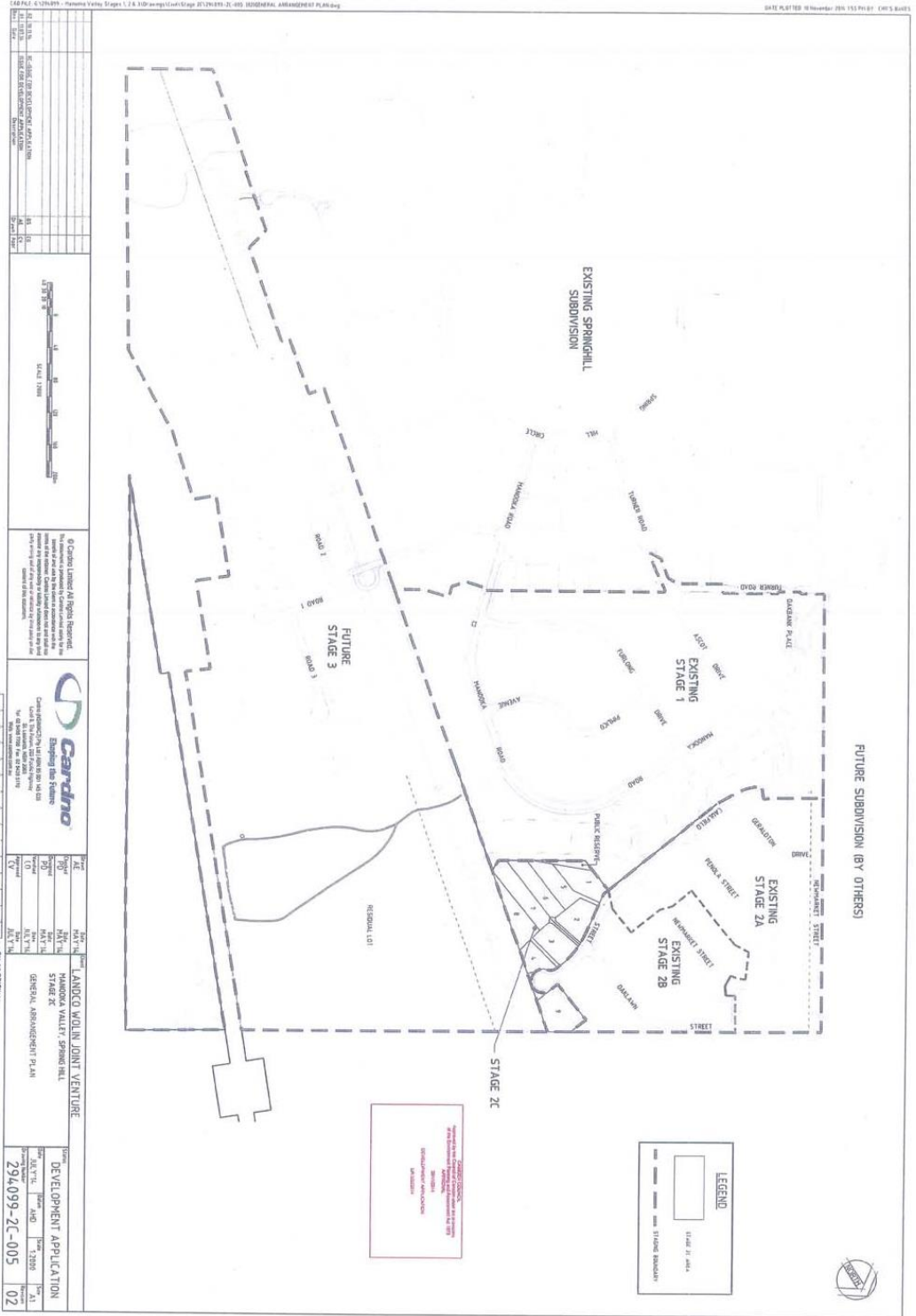
2142499-DC-2498 SITE PLAN WITH SHADING AND TRAFFIC CONTROL

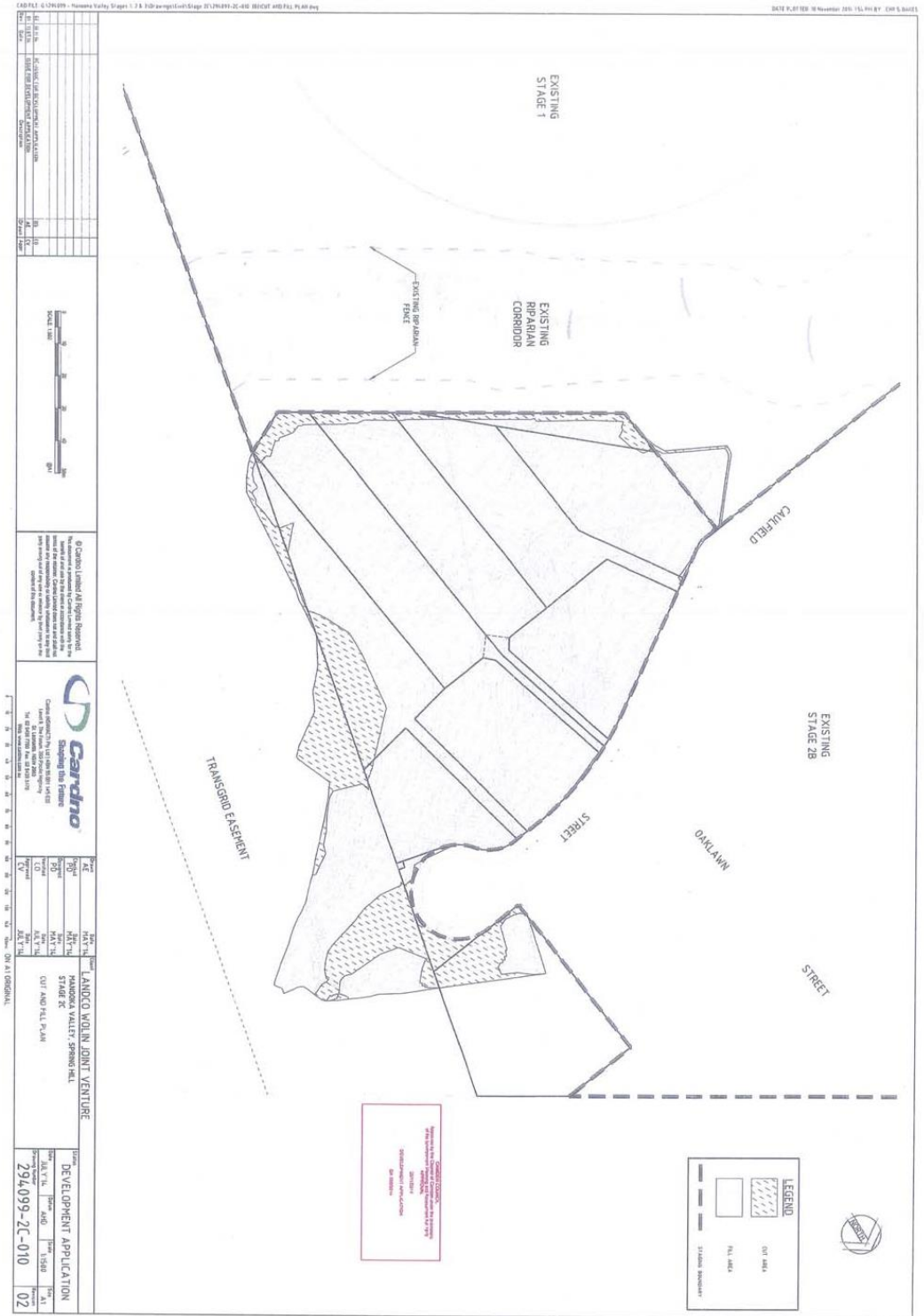
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2142499-DC-2500 SITE PLAN WITH SHADING AND TRAFFIC CONTROL

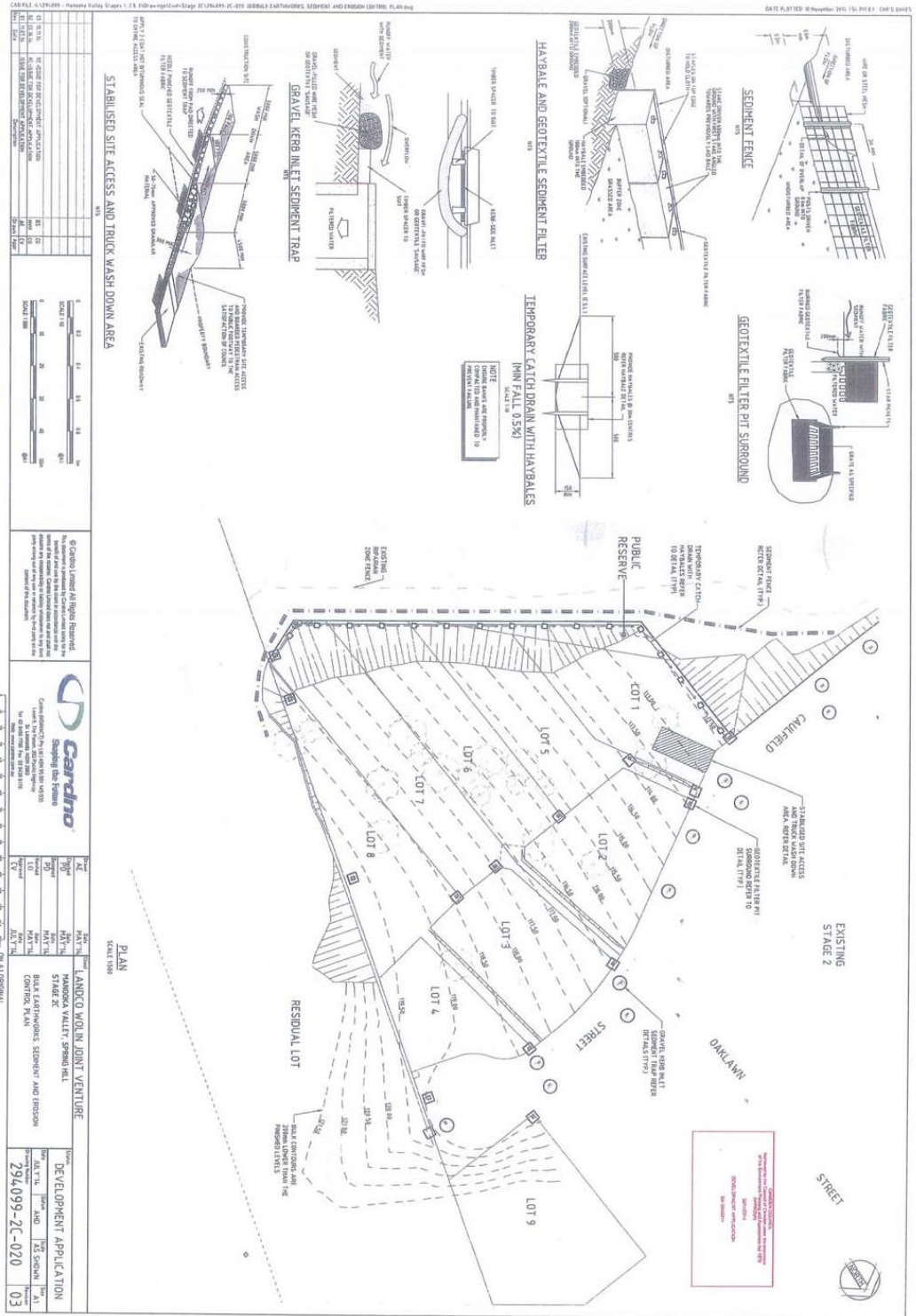
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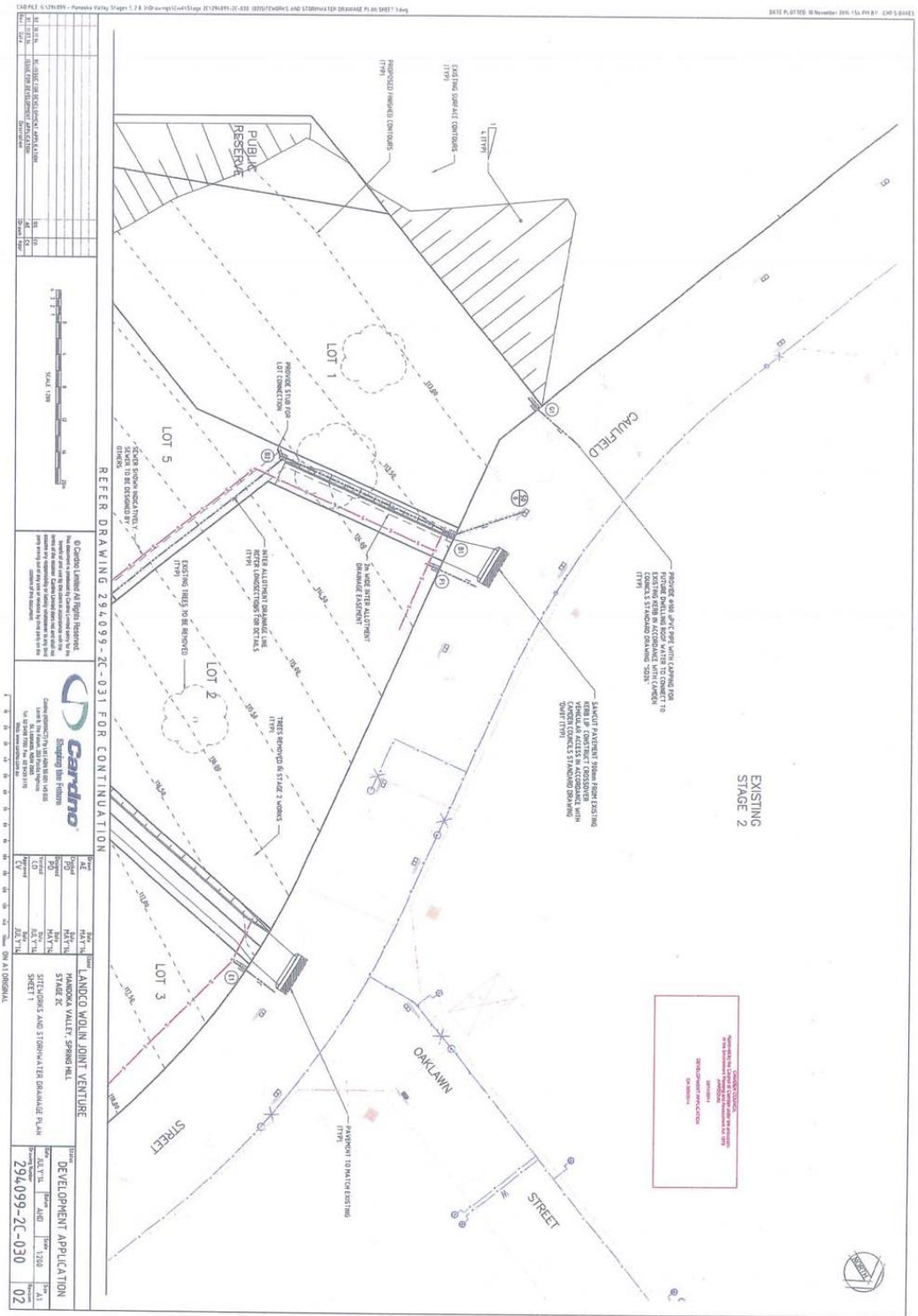


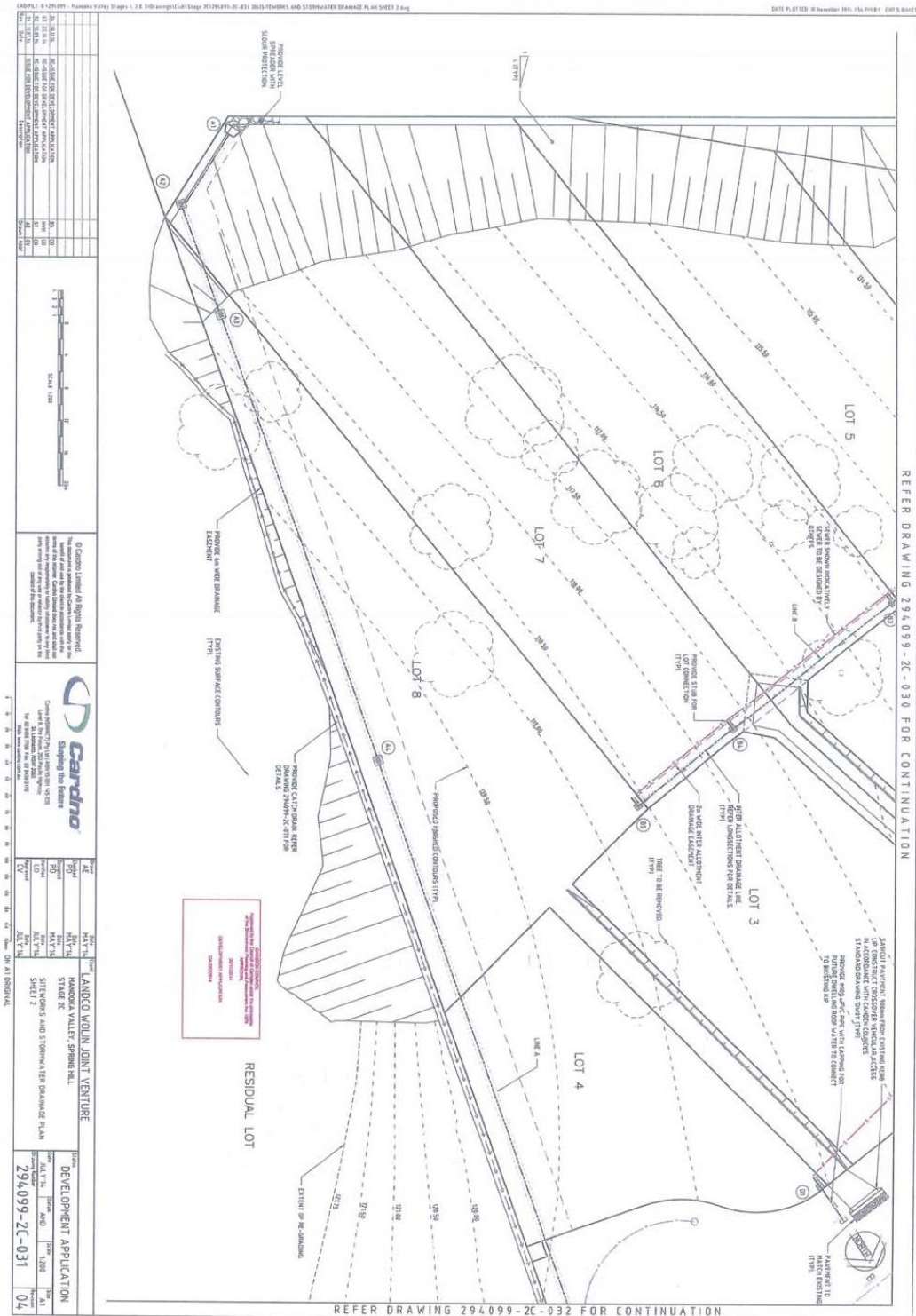




ORD01 Attachment 1













Tracy Davey  
Cardno (NSW) Pty Ltd  
P O Box 19  
St Leonards NSW 1590

23 May 2018

Dear Tracey,

**Request for a Rezoning Review – 2018SSW004 - PGA\_2017\_CAMD\_001\_00**

I refer to the request for a Rezoning Review for a proposal at Lot 627 DP 1163903, Currans Hill to amend the Camden Local Environmental Plan 2010 to rezone land at Lot 627 DP 1163903, Currans Hill.

The Sydney Western City Planning Panel (Planning Panel) has considered the request for a Rezoning Review together with the advice provided by Council and determined that the proposal should not proceed to Gateway determination stage. A copy of the Panel's decision is attached.

Although there are no opportunities to appeal this decision, should you wish to pursue this matter further you have the option of preparing a new proposal for consideration by Council. I encourage you to liaise with Council prior to submitting any further proposal.

If you have any queries on this matter, please contact Stuart Withington, Manager, Planning Panels Secretariat on (02) 8217 2062 or via email to [stuart.withington@planning.nsw.gov.au](mailto:stuart.withington@planning.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Justin Doyle'.

**Justin Doyle**  
Chair, Sydney Western City Planning Panel

encl. Rezoning Review Record of Decision

**Planning Panels Secretariat**  
320 Pitt Street Sydney | GPO Box 39 Sydney NSW 2001 | T 02 8217 2060 | [www.planningpanels.nsw.gov.au](http://www.planningpanels.nsw.gov.au)



**Planning  
Panels**

**REZONING REVIEW  
RECORD OF DECISION  
SYDNEY NORTH PLANNING PANEL**

<b>DATE OF DECISION</b>	Monday 21 May 2018
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Bruce McDonald, Julie Savet Ward
<b>APOLOGIES</b>	Nicole Gurrán
<b>DECLARATIONS OF INTEREST</b>	Lara Symkowiak and Peter Sidgreaves declared a conflict having voted on this planning proposal in their capacity as Councillors.

**REZONING REVIEW**

2018SSW004 – Camden – RR\_2017\_CAMD\_001\_00 at Lot 627 DP 1163903 Currans Hill (AS DESCRIBED IN SCHEDULE 1)

**Reason for Review:**

- The council has notified the proponent that the request to prepare a planning proposal has not been supported
- The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

**PANEL CONSIDERATION AND DECISION**

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- should be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- should not be submitted for a Gateway determination because the proposal has
- not demonstrated strategic merit
- has demonstrated strategic merit but not site specific merit

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel determined that the planning proposal demonstrated neither strategic nor site specific merit and therefore the proposal should not proceed to Gateway.

The South West Growth Area has been planned through an integrated approach to provide a major greenfield contribution of some 110,000 new dwellings to the area's future housing supply and choice. While there is scope within the planning proposal process for increased density to be permitted on sites which demonstrate sufficient strategic and site-specific merit, that does not mean that any site which is located outside the edge of the growth area that can be built upon should be rezoned for higher density.

For this site, the case for strategic merit is not strong. Camden Council staff report that the local government area is currently well placed to meet and exceed its housing targets, particularly in the South West Growth Area. With a target for the LGA of 11,800 for the current planning period, the Council reports 7,000 dwellings constructed or under construction and 7,500 additional approvals.

Within that context, this site is outside the southernmost extremity of the growth area. It is not close to town community facilities and is remote from public transport. While the site offers the advantage of connection to an existing suburban development, there are also significant advantages of preserving the current E4 zoning at least in part to allow a meaningful transition between the metropolitan density of the existing Currans Hill subdivision and the adjacent rural lands. That is particularly so given the significant contribution that the nationally listed critically endangered remnant Cumberland Plain Woodland makes to the visual and ecological catchment. The transition will also increase the amenity and desirability of the areas where increased densities have been permitted.

Some more dense residential development of parts of this site might be justified. Notably, there is an existing residential subdivision which would increase the density that Council reports to be consistent with the current zoning which would allow for 23 environmental living lots (DA 2014/597). The northern residual lot that would be created by that subdivision could also allow for additional lots to add to those 23, with lot sizes similar to the adjacent existing approved house lots.

While recognising that the proposal is consistent with Planning Priority W5 of the draft Plan 'Providing Housing Supply, Choice and Affordability', for the reasons outlined above the Panel considers the contribution of 180-200 additional dwellings to be insufficient strategic justification to compensate for the adverse site-specific impacts. The site is within the colouring mapped as "Metropolitan Urban Area" in the District plan, but the existing approval for 900 m<sup>2</sup> lots is not out of step with that designation.

Instead, the objective of supplying 'housing choice' within the Camden LGA would be better supported by the provision of the increasingly scarce 'environmental living' stock, to supplement the denser offerings already existing in Currans Hill.

At the level of site specific assessment, the site presents a number of challenges including:




- (a) The location of critically endangered Cumberland Plain Woodland. The current proposal would require removal of 1.8 hectares of vegetation including at least the edges of the existing Cumberland Plain Woodland and one hollow bearing tree, without any significant proposal for embellishment or amelioration. No substantial justification for that removal on this greenfield site was offered other than to increase the land available for residential development.
- (b) Access to the development would be afforded by narrow residential streets in the existing subdivision.
- (c) The site is irregular, with a slope in excess of 16%, bisected by a high tension transmission easement, a state heritage listed canal and significant bushfire affectation requiring asset protection zones, which combine to limit the developable area and produce challenges to an ordered residential layout and civil engineering.

Despite these challenges, the planning proposal does not propose a maximum building height, FSR or lot size. There was also little information as to how the significant issues of subdivision design might be able to be addressed. Given the range of uses permitted within the R1 Residential zoning, there is potential for development to be both out of character and scale with the established greenfield development adjoining and to provide an unsympathetic transition between the urban area and the adjoining rural context.

The Panel considers the proposal inconsistent with the following Planning Priorities:

- W14 'Protecting and enhancing bushland and biodiversity'
- W15 'Increasing Urban tree canopy cover and delivering Green Grid connections'
- W16 'Protecting and enhancing rural landscapes'

Together the issues discussed above raise as the important issue of the potential for this proposal to create a precedent for further isolated and compromised environmentally or rurally zoned sites, adjacent to existing or planned residential precincts, seeking densities for which they are not well suited solely on the basis that they will add to Sydney's housing stock.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Julie Savet Ward
 Bruce McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2018SSW004 – Camden – RR_2017_CAMD_001_00 at Lot 627 DP 1163903, Currans Hill
2	LEP TO BE AMENDED	Camden Local Environmental Plan 2010
3	PROPOSED INSTRUMENT	The proposal seeks to amend the Camden LEP2010 by rezoning land at Lot 627 DP 1163903, Currans Hill.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Rezoning review request documentation</li> <li>• Briefing report from Department of Planning and Environment</li> </ul>
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Site inspection &amp; Briefing meeting with Department of Planning and Environment (DPE): 21 May 2018, 10.30am <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Julie Savet Ward, Bruce McDonald</li> <li>○ Department of Planning and Environment (DPE) staff in attendance: Chantelle Chow, Terry Doran</li> </ul> </li> <li>• Briefing meeting with Proponent: 21 May 2018, 12.05pm <ul style="list-style-type: none"> <li>○ Panel members in attendance: as above</li> <li>○ Department of Planning and Environment (DPE) staff in attendance: as above</li> <li>○ Proponent representatives in attendance: Tracey Davey, Josip Zivko, Andrew Osborne, Hayden Calvey, Jane Riathby-Veall</li> </ul> </li> <li>• Briefing meeting with Council: 21 May 2018, 1.20pm <ul style="list-style-type: none"> <li>○ Panel members in attendance: as above</li> <li>○ Department of Planning and Environment (DPE) staff in attendance: as above</li> <li>○ Council representatives in attendance: Heath James, Nicole Magurren, Tina Chappell, Heath James, Ilyas Karaman</li> </ul> </li> </ul>



APPENDIX

C

FAUNA AND FLORA  
ASSESSMENT



# Flora and Fauna Assessment

Caulfield Stage 2C Rezoning

80219016



Prepared for  
Landco (NSW) and Wolin Investments Pty Ltd

7 March 2019





Flora and Fauna Assessment  
Caulfield Stage 2C Rezoning

ORD01

### Contact Information

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### Document Information

Prepared for	Landco (NSW) and Wolin Investments Pty Ltd
Project Name	Caulfield Stage 2C Rezoning
File Reference	80219016-001-004
Job Reference	80219016
Date	07 March 2019
Version Number	V1

Author(s):

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Effective Date 7/03/2019

Approved By:

Name: Kevin Roberts  
Job title: Technical Director Environmental Services

Date Approved 7/03/2019

### Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
RevA	12/12/2018	Draft for client review	Bo Davidson	Kevin Roberts
RevB	07/03/2019	Final	Bo Davidson	Tracy Davey

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Attachment 1





## Executive Summary

### Introduction and Aims

Landco (NSW) and Wolin Investments Pty Ltd engaged Cardno NSW/ACT Pty Ltd (Cardno) to conduct a Flora and Fauna Assessment (FFA) to support a rezoning proposal for a portion of lot 627 DP1163903, Currans Hill in the Camden Local Government Area (LGA), hereafter referred to as the Subject Site. This proposal would result in the rezoning of the existing E2 – Environmental Conservation and E4 – Environmental Living lands of the Subject Site to R1 – General Residential for future residential development.

Although the NSW *Biodiversity Conservation Act 2016* (BC Act) came into force on 25 August 2017, the Camden LGA is listed as an Interim Designated Area (IDA). Applications made within this LGA may still be assessed under the previous legislation provided they are submitted prior to the end of the interim period, currently set as 25 November 2019.

### Methodology

This FFA consisted of two components, a desktop study and a field survey.

The desktop study consulted a variety of secondary resources, including the NSW BioNet database and the Commonwealth Protected Matters Search Tool (PMST), vegetation spatial mapping resources and relevant NSW and Commonwealth legislative instruments. The desktop study also included a detailed review of an existing FFA conducted for the entirety of lot 627 DP1163903 by Biosis in 2017.

The primary purpose of the desktop study was to identify threatened species, populations and Threatened Ecological Communities (TECs) which could occur on the Subject Site. These entities are those so listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Surveys were conducted on the Subject Site, on 05 December 2018 by one Ecologist from Cardno. This survey consisted of a thorough walk-through assessment of the entire Subject Site to identify the vegetation communities present, conduct a comprehensive survey for threatened flora and identify areas and items of significant fauna habitat (hollow-bearing trees, waterbodies, creeklines, rock outcrops etc.). The survey also included opportunistic recordings of all flora and fauna encountered as well as dedicated surveys for small reptiles and gastropods.

### Results

Surveys conducted as part of this FFA concluded that the Subject Site has been highly modified through recent clearing and is dominated by exposed soil and exotic grasslands. However, a small portion of the TEC Cumberland Plain Woodland (CPW) is present in the south-west as an extension of CPW vegetation in the adjacent Manooka Reserve. In addition, a portion of the regenerating grasslands of the Subject Site were identified as most closely conforming to CPW derived grasslands. CPW is listed as a critically endangered TEC under the TSC Act and EPBC Act.

No threatened flora species were encountered during survey and none are considered likely to occur. Due to the small size of the Subject Site, the entire land area was surveyed with no individuals of any threatened flora species known to occur in the locality documented. The survey was also conducted during an appropriate season (summer) for the detection of the majority of these species.

Significant fauna habitat was observed to be limited with a single mature eucalypt and a small vegetated pond is present in the south-west of the Subject Site. No threatened fauna species were detected during survey; however, two were considered likely to occur based on the presence of suitable habitat and recent occurrence records from within 5 km:

- > Cumberland Plain Land Snail (*Meridolum carneovirens*) – listed as endangered under the TSC Act; and
- > Green and Golden Bell Frog (*Litoria aurea*) – listed as endangered under the TSC Act and vulnerable under the EPBC Act.

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### Impact Assessment

No impact on the ecological entities identified in this report would occur as a result of rezoning. To inform future assessment requirements an indicative impact assessment based on the existing concept plan for the Subject Site has been conducted. This assessment assumes clearing of the whole of the Subject Site.

Assessments of the above TEC and threatened species were conducted under the seven-part test methodology (EP&A Act) and/or tests of significance (EPBC Act). These tests concluded that although future development of the Subject Site would result in the removal of the whole occurrence of TEC and threatened fauna habitat from the Subject Site, the level of impact is not considered to be significant. The CPW present on the Subject Site represents less than 1 % of this community present in the entirety of lot 627 DP1163903 and the fauna habitat values present are not limited in the local area. Similar vegetation and fauna habitat is also present within the Manooka Reserve, which is located to the immediate south of the Subject Site.

Based on this assessment, no significant impact on any listed entity under the TSC Act and/or EPBC Act is considered likely as a result of future development of the Subject Site and further assessment through a SIS (NSW) or a referral to the federal Minister of the Environment (Commonwealth) would be required to support a future DA.

### Recommendations

Due to the small size of the Subject Site, retention of all or a portion of the TEC and threatened fauna habitat present is not considered practical for any future development. However, as above the impact of this removal is not considered to be a significant impact on these values in the locality.

Secondary impacts can be mitigated through appropriate controls during development as well as environmentally sensitive development design. Manooka Reserve is already bordered by residential development to the west and south and the development of the relatively small Subject Site is not considered likely to significantly exacerbate the existing pressures on this reserve from adjacent residential lands.

A dedicated survey for the Green and Golden Bell Frog is recommended as part of any future DA. This survey would need to be conducted in line with the minimum survey requirements for this species as detailed in the NSW NPWS Environmental Impact Assessment Guidelines.

Based on a review of the OEH Biodiversity Values Map and Threshold Tool (BVMTT) for this report, any future DA would require assessment through the Biodiversity Assessment Method (BAM), as the majority of the Subject Site is mapped as "biodiversity values". This assessment is required to determine whether offsetting through the Biodiversity Offsets Scheme (BOS) would be required for the small amount of native vegetation and threatened fauna habitat present as per Part 6 of BC Act, when this legislation comes into effect for the Camden LGA on 25 November 2019.

### Conclusion

Based on the results of this assessment, the proposed rezoning of the Subject Site is considered likely to be supported. This approach would avoid the majority of high value native vegetation and fauna habitat present in lot 627 DP1163903. The small amount of TEC and potential threatened fauna habitat to be removed from the Subject Site is not considered to represent a significant loss of these resources in the locality.

It is recommended that the E2 zoned lands elsewhere in lot 627 DP1163903 are managed for conservation purposes. This would more than compensate for the small amount of TEC and potential threatened fauna habitat which would be lost through future development of the Subject Site following rezoning.

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## 1 Introduction and Aims

Landco (NSW) and Wolin Investments Pty Ltd engaged Cardno NSW/ACT Pty Ltd (Cardno) to conduct a Flora and Fauna Assessment (FFA) to support a rezoning proposal for a portion of lot 627 DP1163903, Currans Hill in the Camden Local Government Area (LGA), hereafter referred to as the Subject Site.

The purpose of the FFA is to:

- > Identify the presence or likely presence of any threatened species, population or Threatened Ecological Communities (TECs) listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) and/or Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on the Subject Site;
- > Determine whether future development works following rezoning would have a significant impact on any identified listed entity; and
- > Make recommendations to prevent, mitigate and/or minimise any potential impacts to native flora, fauna and ecological communities.

The NSW *Biodiversity Conservation Act 2016* (BC Act) replaced the TSC Act as of 25 August 2017; however, several LGAs were classified as Interim Designated Areas (IDAs), for which Development Applications (DAs) could continue to be assessed and submitted under the previous legislation until the expiry of the designated interim period. This period was recently extended until 25 November 2019 for several LGAs, which included Camden.

### 1.1 Description of the Project

Cardno are in the process of preparing a rezoning application for the Subject Site from its current zoning of E4 (Environmental Living) and E2 (Environmental Conservation) to R1 (General Residential) to support future residential development.

### 1.2 Site Particulars

<b>Locality</b>	The Subject Site is located within the west of existing lot 627 DP1163903, Currans Hill ( <b>Figure 1-1</b> and <b>Figure 1-2</b> )
<b>LGA</b>	Camden
<b>Lot / DP</b>	627/DP1163903
<b>LEP</b>	E4 – Environmental Living E2 – Environmental Conservation
<b>Subject Site Area</b>	Approximately 1.3 ha
<b>Current Land Use</b>	The Subject Site consists of cleared, currently unused land
<b>Topography</b>	The Subject Site is located within gently undulating terrain. It has a southerly facing aspect draining towards Manooka Reserve
<b>Bioregion</b>	Sydney Basin/Cumberland
<b>Mitchell Landscape</b>	Cumberland Plain
<b>Geology</b>	Wianamatta Group shales and Hawkesbury shale

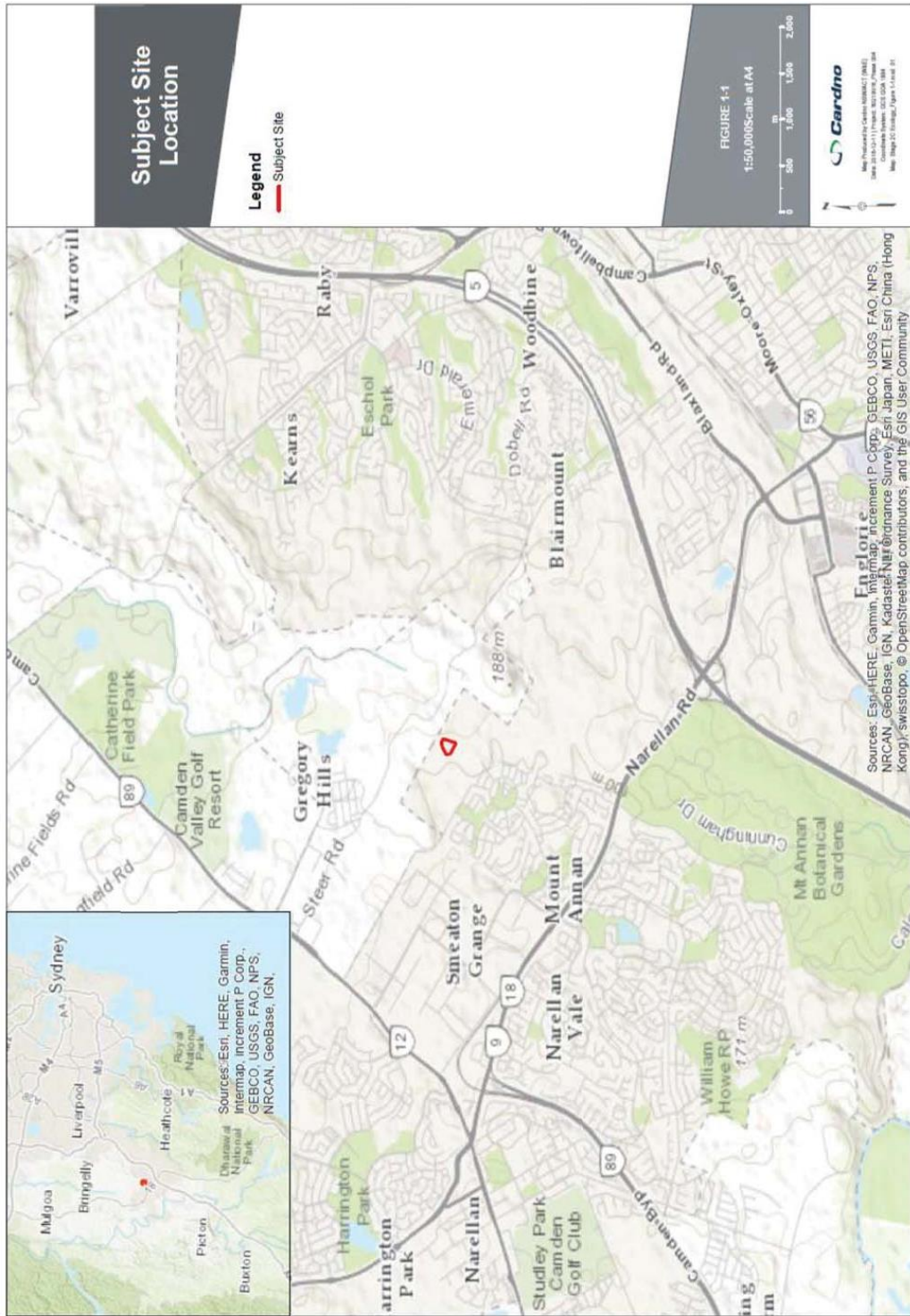


Figure 1-1 Subject Site location

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Flora and Fauna Assessment  
Caulfield Stage 2C Rezoning

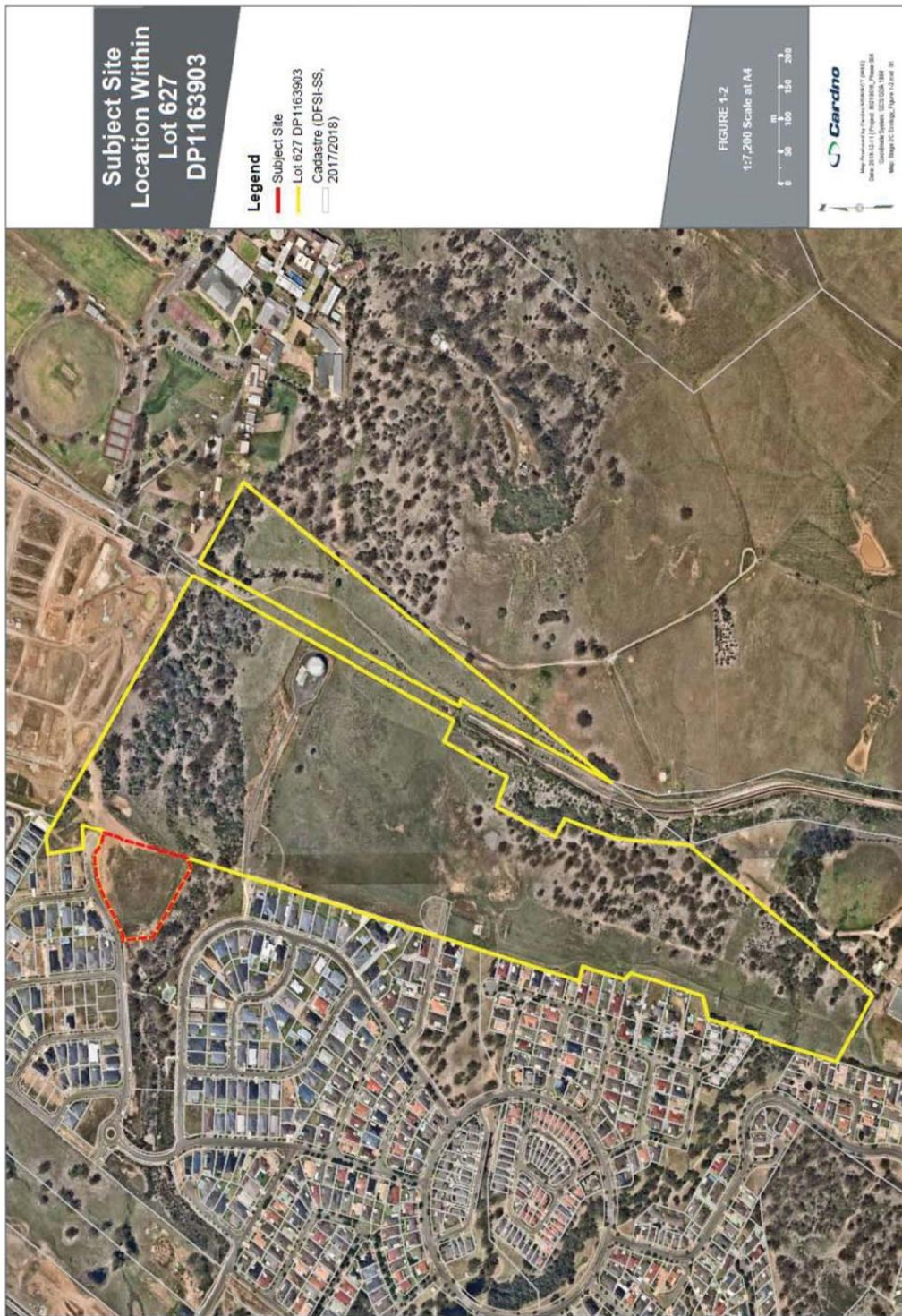


Figure 1-2 Subject Site location within lot 627 DP1163903

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### 1.3 Legislative Requirements

This report presents an assessment of the flora and fauna values present on the Subject Site. It addresses the following specific legislative planning requirements relating to flora and fauna:

- > Threatened species, populations and ecological communities listed under the NSW TSC Act, pursuant to **Part 5A** of the NSW EP&A Act; and
- > Nationally listed threatened species, populations and ecological communities listed under the Commonwealth EPBC Act.

This report also considers the following legislative instruments:

- > *NSW Biosecurity Act 2015*;
- > *NSW Fisheries Management Act 1994* (FM Act); and
- > *NSW Water Management Act 2000* (WM Act).

This FFA also makes reference to the Camden *Local Environmental Plan 2010* (LEP).





## 2 Methodology

### 2.1 Database Searches and Literature Review

A desktop assessment was undertaken to identify current records of threatened flora, fauna and ecological communities, migratory species and Key Threatening Processes (KTP) within and adjacent to the Subject Site. This included searches of online databases and a review of available literature relevant to the Subject Site, particularly:

- > The NSW Department of Primary Industries (DPI) threatened species database;
- > The NSW Office of Environment and Heritage (OEH) BioNet Atlas database, which contains records of threatened species and ecological communities, and KTPs listed under the NSW TSC Act. The search was undertaken within a 5 km radius of the Subject Site (accessed: 04 December 2018);
- > The Commonwealth Department of the Environment (DoE) Protected Matters Search Tool was used to identify MNES listed under the Commonwealth EPBC Act occurring within a 5 km radius from the Subject Site (accessed: 05 December 2018);
- > Review of Native Vegetation mapping from the Local Land Services (LLS) Biometric database (OEH 2011); and
- > Review the habitat profiles for all threatened species, populations and TECs that are known to or potentially occur within the locality.

A FFA for an earlier rezoning proposal for the whole of lot 627 DP1163903 had previously been prepared by Biosis (Biosis 2017). The findings of this FFA concerning the Subject Site as well as relevant details of the wider landscape were also reviewed as part of this FFA.

### 2.2 Field Surveys

Ecological surveys were undertaken by a qualified ecologist on the afternoon of the 05 December 2018. Due to the small size and depauperate nature of the Subject Site, this survey's primary function was to confirm the conditions present on the Subject Site apparent from aerial imagery. However, opportunistic and targeted flora and fauna surveys were conducted, as detailed below.

See **Table 2-1** below for the weather and climatic conditions during survey.

Table 2-1 Weather conditions during survey

Field Survey Dates	Temperature (°C)	Rainfall (mm)	Sunrise / Sunset	Moonrise / Moonset
05 December 2018	15.4 - 20.6	1.6	05:37 / 19:53	13:17 / 16:46

Sources: Weatherzone (2018), Timeanddate.com (2018a, 2018b)

#### 2.2.2 Flora

The survey involved a regular meander of the entire Subject Site and adjacent areas of native vegetation with a greater emphasis on key microhabitat features (areas of native vegetation, waterbodies etc.). This survey included targeted searches for endangered species, populations and communities known to occur within the LGA and within 5 km, as identified in the desktop study. Landscape features were also recorded for greater ecological context and weed species were also recorded.

#### 2.2.3 Fauna

Fauna surveys and habitat assessment was undertaken throughout the entire Subject Site and adjacent areas of native vegetation. **Table 2-2** below details the surveys conducted.

Table 2-2 Fauna survey effort

Fauna group	Surveys	Methods
Diurnal birds	Area searches	Birds were identified from visual observations and call identification. Vegetation within the Study Area was also visually searched for existing nests



Fauna group	Surveys	Methods
Amphibians, Gastropods and Herptofauna	Habitat searches	Opportunistic active searches for frogs, native gastropods and reptiles within suitable habitat (i.e. leaf litter, under rocks and long grass). Passive listening to identify calling frogs was also undertaken in areas of suitable habitat
All	Opportunistic sightings	Encounters of all fauna groups were recorded during all phases of work

#### 2.2.4 Habitat Assessment

The availability and quality of habitat within the Subject Site was assessed with respect to the following factors:

- > Structural and floral diversity;
- > Occurrence and extent of habitat types;
- > Habitat connectivity, including continuity with similar habitat within the site, and off-site via habitat corridors;
- > Key habitat features such as tree hollows, waterbodies, caves and crevices, rocky areas;
- > Degree of disturbance and degradation; and
- > Topographic features such as aspect and slope.

The location of trees with potential to provide significant habitat within, and adjacent to, the Subject Site were recorded with a hand-held GPS (accuracy < 2 m). Tree data collection comprised:

- > Species;
- > Approximate height (in m);
- > Approximate Diameter and Breast Height (DBH) in mm;
- > Number of hollows;
- > Hollow size class (S=<50mm, M=50-150mm, L=>150mm); and
- > Other relevant observations (occupancy of hollows, evidence of use, presence of loose bark habitat etc.).

#### 2.2.5 Secondary Indications and Incidental Observations

Opportunistic sightings of secondary indications of resident fauna were noted. Indicators included:

- > Distinctive scats and scents left by mammals;
- > Collection of predator scats for potential prey species identification;
- > Nests made by various guilds of birds;
- > Whitewash, regurgitation pellets and prey remains from owls;
- > Skeletal material of vertebrate fauna;
- > Calls of fauna;
- > Footprints left by mammals;
- > Chewed She-oak (*Allocasuarina* spp.) cones indicative of feeding by Glossy Black-Cockatoo (*Calyptorhynchus lathami*) – listed as vulnerable under the TSC Act;
- > Chewed fruit remains indicative of past feeding by frugivorous birds such as fruit-doves; and
- > Any other signs of fauna occupation or site usage.

#### 2.2.6 Survey Limitations

Survey efficacy is influenced by a range of factors. For this type of survey, such limitations are generally due to a single, short duration survey that does not account for seasonal variation. Given the short period of time spent on site, the detection of certain species may be affected by:

- > Seasonal migration (particularly migratory birds);
- > Seasonal flowering periods (some species are cryptic and are unlikely to be detected outside of the known flowering period);
- > Seasonal availability of food, such as blossoms for some fauna;
- > Weather conditions during the survey period (some species may go through cycles of activity related to specific weather conditions, for example some microchiropteran bats, reptiles and frogs can be inactive during cold weather); and



- > Species lifecycle (cycles of activity related to breeding).

These potential limitations have been addressed by applying the precautionary principle in cases where the survey methodology may have given a false negative result (e.g. a species that could reasonably be expected to occur, based on previous records and available habitat, was not observed). All species have been assessed on the basis of the presence of their habitat and the likely significance of that habitat to a viable local population.



## 3 Results

### 3.1 Desktop Study

#### 3.1.1 NSW BioNet Atlas

The NSW BioNet Atlas identified a total of 25 listed flora and fauna entities from within 5 km of the Subject Site (one amphibian, 12 bird, eight mammal, one gastropod and three flora species). The details of these species, their legislative status and number of locality records are provided in **Table A-1 of Appendix A**.

In addition, this database identified a total of 16 TECs as known to occur within the Camden LGA. These TECs and their legislative status are provided in **Table A-2 of Appendix A**.

#### 3.1.2 Commonwealth PMST

The Commonwealth PMST identified a total of 52 listed flora and fauna entities which may, are likely to or are known to occur from within 5 km of the Subject Site (three amphibian, eight threatened bird, three fish, seven mammal, one reptile, 16 migratory bird and 14 flora species). These species, their legislative status and type of presence are provided in **Table A-3 of Appendix A**.

In addition, this database identified a total of six TECs which may, are likely to or are known to occur within 5 km of the Subject Site. These TECs, their legislative presence and type of presence are provided in **Table A-4 of Appendix A**.

The PMST report is provided in full as **Appendix B**.

#### 3.1.3 Vegetation Mapping

Historical aerial imagery indicated that remnant native vegetation had been removed from the Subject Site in 2015 and the Subject Site has been dominated by exposed soil and regenerating exotic grasslands since this clearing.

OEH vegetation mapping reviewed during the desktop study identified the native vegetation previously present on the Subject Site as Shale Plains Woodland and Shale Hills Woodland. These communities most likely conformed to the following Plant Community Types (PCTs), under the NSW BioNet Vegetation Classification system:

- > Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion (PCT ID 849); and
- > Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion (PCT ID 850).

Both of these PCTs conform to the TEC of:

- > TSC Act:
  - o Cumberland Plain Woodland of the Sydney Basin Bioregion – listed as critically endangered.
- > EPBC Act:
  - o Cumberland Plain Shale Woodlands and Shale - Gravel Transition Forest – listed as critically endangered.

These PCTs are still evident on adjacent lands, in Manooka Reserve to the south as well as in portions of the remainder of lot 627 DP1163903.

### 3.2 Field Survey

The Subject Site was observed to comprise recently cleared and modified lands. Limited native vegetation and fauna habitat was present. The following sections document the biodiversity values of the Subject Site. Flora and Fauna species encountered during survey are provided in **Appendix C**.

#### 3.2.1 Vegetation Communities

As above, the Subject Site was observed to be dominated by cleared soil and exotic grasslands, indicative of its recent historic clearing. **Figure 2 (Page 34)** of the Biosis report concurs with the conditions observed on site, displaying the majority of the Subject Site as cleared land, with exotic grasslands present only in the south-east corner.



Vegetation recovery since the publication of the Biosis report was evident during surveys however, with native vegetation present, as shown in **Table 3-1** below. These occurrences were small and restricted to the south-west of the Subject Site, adjacent to better condition native vegetation in Manooka Reserve.

Table 3-1 Vegetation communities on the Subject Site

Vegetation Community	Formation (Keith 2004)	Class (Keith 2004)	Plant Community Type	Plant Community Type ID	TEC	TSC Act Status	EPBC Act Status	Approximate area (ha)
Cumberland Plain Woodland	KF_CH3 Grassy Woodlands	Coastal Valley Grassy Woodlands	Grey Box - Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion	850	Cumberland Plain Woodland in the Sydney Basin Bioregion	CE	CE	0.01
Cumberland Plain Woodland Derived Grassland	KF_CH4 Grasslands	-	Derived grasslands on shale hills of the Cumberland Plain (50-300m asl)	806	Cumberland Plain Woodland in the Sydney Basin Bioregion	CE	-	0.05
Typha Reedlands	KF_CH8 Freshwater Lagoons	Coastal Freshwater Lagoons	Coastal freshwater swamps of the Sydney Basin Bioregion	783	-	-	-	0.02
Exotic grasslands	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.19
Cleared	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1.03
<b>Total</b>								1.3

The distribution and extent of these communities is shown below in **Figure 3-1** and are described in detail in the following sections.



Figure 3-1 Vegetation communities within the Subject Site

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### 3.2.1.2 Cumberland Plain Woodland

This vegetation had a very limited occurrence within the Subject Site, restricted to a single mature *Eucalyptus moluccana* (Grey Box), several immature *E. moluccana*, the shrub *Bursaria spinosa* (Blackthorn) and a variety of native ground cover species including *Desmodium brachypodum* (Large Tick-trefoil), *Glycine tabacina* (Variable Glycine) and *Hardenbergia violacea* (False Sarsaparilla). This community is predominantly present in the south-west corner, with the species described above falling within the mapped boundaries. Mature *E. moluccana* also overhang the Subject Site from Manooka reserve to the south along the southern boundary.

This vegetation is considered to be in moderate to good condition, with mature trees present as well as representatives of all sub-canopy strata and low occurrence of weed species. This vegetation also has connectivity with moderate to good condition CPW in Manooka reserve to the south.

Figure 3-2 below provides an example of this community within the Subject Site.



Figure 3-2 CPW within the Subject Site

Page 11 of the Commonwealth Government Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest: A Guide to Identifying and Protecting the Nationally Threatened Ecological Community provides a key diagnostic features flow chart for the identification of the federally listed community (DEWHA 2010). With reference to this tool, this community is considered to qualify as the federally-listed community due to the following criteria:

- > Are native tree species present with a minimum projected foliage cover of 10%?
  - o Yes.
- > Is the patch of the ecological community 0.5 ha or greater in size?
  - o Yes, the vegetation is part of the vegetation of the wider Manooka Reserve.
- > Of the perennial understorey vegetative cover present, is 50% made up of native species?;



- o Yes, refer to **Figure 3-2** above. Native species are present in all sub-canopy strata and there are low levels of exotic weeds.

### 3.2.1.3 Cumberland Plain Woodland Derived Grassland

This vegetation was indicative of the native woodland vegetation formally present on the Subject Site, as described above. This vegetation community is indicative of the recovery of this vegetation from seedstock as well as likely recruitment from nearby areas of CPW.

This community was represented by numerous CPW indicative groundcover species, including *Cyperus gracilis* (Slender Flat Sedge), *Desmodium brachypodium*, *Eriochloa pseudoacrotricha* (Cupgrass), *Glycine tabacina*, *Hardenbergia violacea* and *Themeda triandra* (Kangaroo Grass) as well as the widespread occurrence of the non-CPW indicative but native grass *Austrostipa rudis* (Speargrass). However, several seedling eucalypts were also present, most likely *Eucalyptus moluccana* due to the proximity of mature individuals of this species on lands to the south. *E. moluccana* is a key indicative CPW canopy species.

This community is considered to be of moderate condition, with large numbers of exotic species present throughout. However, it is considered to conform to CPW under the TSC Act due to the number of indicative species present, with 65% of the native species encountered during surveys being indicative species for this TEC under the OEH scientific determination species list. It is not however, considered to conform to CPW under the EPBC Act. With reference to the Commonwealth Government Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest: A Guide to Identifying and Protecting the Nationally Threatened Ecological Community tool, grasslands do not qualify as the federally-listed community due to the absence of native trees with a minimum projective cover of 10%.

**Figure 3-3** provides an example of this community on the Subject Site.



Figure 3-3 CPW Derived Native Grasslands on the Subject Site

### 3.2.1.4 Typha Reedlands

This community is restricted to a small waterbody in the west of the Subject Site. The base of this waterbody is almost totally dominated by *Typha orientalis* (Cumbungi) as well as other native species including





*Cynodon dactylon* (Common Couch), *Juncus usitatus* (Common Rush) and *Ludwigia peploides* (Water Primrose). See **Figure 3-4** below for the condition of this community on the Subject Site.



Figure 3-4 Typha Reedlands on the Subject Site

This vegetation does not strongly conform to the PCT detailed in **Table 3-1**, with only two indicative species present and a significant presence of exotic species, primarily *Aster subulatus* (Wild Aster) and a total absence of upper and middle strata species. Due to this and its very small size, it is therefore not considered to conform to the potential TEC of Sydney Freshwater Wetlands in the Sydney Basin Bioregion.

#### 3.2.1.5 Exotic grasslands

As above, this vegetation community occurred throughout the majority of the Subject Site.

Species composition was dominated by exotic grasses and forbs such as *Chloris gayana* (Rhodes Grass), *Eragrostis curvula* (African Love Grass), *Hypericum perforatum* (Common St John's Wort), *Plantago lanceolata* (Lamb's Tongues), *Pennisetum clandestinum* (Kikuyu Grass) and *Sporobolus africanus* (Parramatta Grass). Native grasses and forbs were also present throughout this community; however, at much lower densities than the dominant exotics. **Figure 3-5** provides an example of this vegetation within the Subject Site.



Figure 3-5 Exotic vegetation within the Subject Site

### 3.2.2 Flora

No threatened flora species or populations listed under the TSC Act and/or EPBC Act were documented on the Subject Site during survey. As above, the vegetation present on the Subject Site was highly limited and dominated by regenerating exotic grasslands species. None of the flora species known to occur from within 5 km of the Subject Site were considered likely to occur.

An assessment of the likelihood of occurrence of all threatened flora species, populations and communities known from the locality is provided as **Table D-1 of Appendix D**.

#### 3.2.2.1 Priority Weeds

Priority weeds are classified under specific Biosecurity Duties under the NSW Bio Act for the respective Local Land Services (LLS) area. All plants have a general biosecurity duty under the Act.

Priority weeds for the LLS area of Greater Sydney (which includes the Camden LGA) documented on the subject site and their required biosecurity duties are described in **Table 3-2** below.



Table 3-2 Priority weeds documented on the Subject Site and required biosecurity duties under the Bio Act

Scientific name	Common name	Biosecurity duty	Duty description
<i>Olea europaea</i> subsp. <i>cuspidata</i>	African Olive	Regional Recommended Measure	An exclusion zone is established for all lands in Blue Mountains City Council and Central Coast local government areas. The remainder of the region is classified as the core infestation area.  <i>Whole region: The plant or parts of the plant are not traded, carried, grown or released into the environment. Exclusion zone: The plant is eradicated from the land and the land kept free of the plant. Core infestation area: Land managers prevent spread from their land where feasible. Land managers reduce impacts from the plant on priority assets</i>
<i>Senecio madagascariensis</i>	Fireweed	Prohibition on dealings	Must not be imported into the State or sold
-	All plants	General Biosecurity Duty	All plants are regulated with a general biosecurity duty to prevent, eliminate or minimise any biosecurity risk they may pose. Any person who deals with any plant, who knows (or ought to know) of any biosecurity risk, has a duty to ensure the risk is prevented, eliminated or minimised, so far as is reasonably practicable

### 3.2.3 Fauna

The Subject Site contained limited habitat for native fauna, with the area dominated by exotic grasslands.

A small pond was observed in the west of the Subject Site, providing the only significant fauna habitat item present. This pond contained standing water and water-dependent riparian vegetation. A mapped ephemeral drainage line was present draining through the Subject Site from the north-east into Manooka Reserve to the south. However, observations during survey indicated that this line had largely been removed by the previous clearing works with no discernible channel present.

The following sections detail the main species encountered and an assessment of the habitat present for the fauna classes encountered during survey.

#### 3.2.3.1 Amphibians

As above, the small pond in the west of the Subject Site provides suitable refuge and breeding resources for native amphibian species. During survey it was observed to contain tadpoles of an unidentified amphibian species and an absence of the exotic Plague Minnow (*Gambusia holbrooki*), a major exotic predator of native amphibian eggs and tadpoles.

Only one native amphibian was identified during survey, the Bleating Tree Frog (*Litoria dentata*), which was heard calling from the nearby Manooka Reserve to the south of the Subject Site. No threatened amphibian species were observed or heard calling during survey. However, conditions were not optimal for the detection of this fauna class.

The small waterbody on the Subject Site conforms to suitable habitat for the Green and Golden Bell Frog (*Litoria aurea*) – listed as endangered under the TSC Act and vulnerable under the EPBC Act. This species is also known from recent occurrence records (2015) from within 5 km of the Subject Site.



### 3.2.3.2 Birds

Birds were the most frequently encountered fauna class on the Subject Site, with numerous common native species observed or heard calling. Species observed to be utilising the Subject Site included the Australian White Ibis (*Threskiornis molucca*), Australian Wood Duck (*Chenonetta jubata*), Crested Pigeon (*Ocyphaps lophotes*) and Noisy Miner (*Manorina melanocephala*) as well as the exotic Common Myna (*Acridotheres tristis*) and Spotted Turtle Dove (*Spilopelia chinensis*).

No threatened bird species were encountered during surveys. The Subject Site is not considered to support important key life stage habitat (breeding) or important foraging resources for this species class. The small pond is considered too small and exposed to provide suitable refuge and foraging resources for wetland-dependent birds such as the Australasian Bittern (*Botaurus poiciloptilus*) – listed as endangered under the TSC Act and EPBC Act and known from recent occurrence records (2011) from within 5 km of the Subject Site.

The Subject Site does provide foraging resources for seed-eating birds such as finches, fairy wrens and pigeons. However, these resources are not limited in the locality with large areas of similar grassland habitat in the remainder of lot 627 DP1163903 to the east. No threatened bird species is considered dependent on the resources of the Subject Site for their long-term survival.

### 3.2.3.3 Gastropods

One threatened gastropod species is known from the locality, the Cumberland Plain Land Snail (*Meridolum corneovirens*) – listed as endangered under the TSC Act. This species is known from numerous (39) occurrence records, with the most recent from 2017 and this species is closely associated with the TEC CPW.

Surveys for this species were undertaken within the small portion of remnant CPW in the south and south-west of the Subject Site (refer to **Section 2** above). No living snails or empty shells were encountered during this survey. However, due to the large number of records from the locality and the presence of suitable habitat on the Subject Site and nearby adjacent lands, this species is considered to have potential to occur on the Subject Site.

### 3.2.3.4 Mammals

Few mammal species were encountered during surveys. The majority of species encountered consisted of exotic wild and domestic species; the Domestic Cat (*Felis catus*), European Hare (*Lepus europaeus*) and the European Rabbit (*Oryctolagus cuniculus*).

Macropod scat, considered most likely attributable to the Swamp Wallaby (*Wallabia bicolor*) was observed in numerous locations and this species as well as other macropods, including the Eastern Grey Kangaroo (*Macropus giganteus*) are considered likely to utilise the Subject Site for grazing as well as watering from the small pond present.

Important habitat for the threatened mammal species known from the local area is not considered to be present on the Subject Site. No hollow-bearing trees, significant rock outcrops or fallen timber resources were observed within the Subject Site. These resources were all present within the adjacent Manooka Reserve.

The Subject Site is considered to be providing foraging and watering resources for native mammals. These resources are not limited in the locality, with large areas of similar exotic and native grasslands present in the remainder of lot 627 DP1163903 as well as small ponds within the creekline of Manooka reserve. No threatened mammal species are considered to be dependent on the resources of the Subject Site for their long-term survival in the locality.

### 3.2.3.5 Reptiles

No reptile species were encountered during surveys; however, this is considered attributable to the mild weather conditions. Suitable habitat for native skinks, goannas and snakes was present within Manooka Reserve as well as the small portion of CPW and the pond environment of the Subject Site.

A single threatened reptile species is considered to have potential to occur within the locality, the Broad-headed Snake (*Hoplocephalus bungaroides*) – listed as endangered under the TSC Act and vulnerable under the EPBC Act. However, it is not considered likely to occur within the Subject Site. No suitable sandstone outcroppings or hollow-bearing trees were present, key habitat requirements for this species.



## 4 Impact Assessment

This sections details the potential impacts of development following the rezoning of the Subject Site. Based on concept plans provided to Cardno as part of this assessment it is assumed that future development would necessitate the removal of all vegetation present on the Subject Site. As this FFA has been drafted to support the rezoning proposal for the Subject Site the impacts described below would not arise from the rezoning itself and should be considered as an indicative prediction of future impacts assuming the development of the entire Subject Site.

### 4.1 Ecological Impacts

#### 4.1.1 Direct Impacts

As above, future development of the Subject Site would result in the removal of all vegetation communities and habitat resources present for the required residential lots, Asset Protection Zones (APZs) and road network.

As removal of the listed TEC CPW would be required, a seven-part test under **Part 5A** of the EP&A Act has been undertaken to assess the significant of the removal of this TEC from the Subject Site. In addition, as a portion of the CPW present also conforms to the Commonwealth listing for this community, a Test of Significance (ToS) is required to be conducted for this listed Matter of National Environmental Significance (MNES) under the EPBC Act as detailed in the Commonwealth Department of Environment Matters of Environmental Significance Significant Impact Guidelines (DoE 2013). These assessments are provided in **Appendix E**.

In addition, two listed fauna species are considered to have a moderate likelihood of occurring on the Subject Site:

- > Cumberland Plain Land Snail (*Meridolum comeovirens*) – listed as endangered under the TSC Act; and
- > Green and Golden Bell Frog (*Litoria aurea*) – listed as endangered under the TSC Act and vulnerable under the EPBC Act.

Development works for the concept plan would necessitate the removal of all habitat resources for these two species from the Subject Site. Consequently, seven-part tests and ToS (for the Commonwealth MNES species only) have been conducted for these species, and the results provided in **Appendix E**.

These assessments concluded that there is not likely to be a significant impact on these entities as a result of projected future works. **Table 4-1** below details the percentage reduction of TEC in the wider lot 627 DP1163903 as a result of the projected development on the Subject Site (based on the vegetation extent provided in **Section 4.4** of the Biosis FFA and **Table 3-1** of this report).

Table 4-1 Projected TEC reduction from lot 627 DP1163903

TEC	Total extent (ha)	Projected clearing (ha)	Retained area following clearing (ha)	Percentage reduction
Cumberland Plain Woodland	8.86	0.01	8.85	0.1
Cumberland Plain Derived Grassland	0.48	0.05	0.43	10.4
<b>Total</b>	9.34	0.06	9.28	0.6

The projected removal of TEC and threatened fauna habitat from the Subject Site is not considered a significant reduction of the resources in the locality. Large areas of CPW, CPW Derived Grasslands and habitat for the above threatened fauna species are present on the remainder of lot 627 DP1163903 to the east and in Manooka Reserve to the south. Development of the Subject Site would not create a barrier to fauna dispersal across the landscape. Connectivity with woodlands in Manooka Reserve through lot 627 DP1163903 and onto lands further east would be retained following development.



Based on the results of the seven part tests (TSC Act) and ToS (EPBC Act), a significant impact on any listed species, population or TEC known or considered to have potential to occur on the Subject Site is not considered likely as a result of future development following rezoning. Consequently, further assessment through a Species Impact Statement (SIS) under the TSC Act and/or a referral to the federal Minister for the Environment under the EPBC Act is not considered necessary.

#### 4.1.2 Key Threatening Processes

**Table 4-2** below details the Key Threatening Processes (KTPs) which could arise from development of the Subject Site following rezoning, as well as an assessment of the extent to which these KTPs would be exacerbated.

Table 4-2 Key Threatening Processes

KTP (TSC Act)	KTP (EPBC Act)	Extent of KTP exacerbation
Anthropogenic Climate Change	Loss of climatic habitat caused by anthropogenic emissions of greenhouse gases	Development of the Subject Site will contribute to greenhouse gas emissions through construction activities and removal of vegetation.  Due to the small size of the Subject Site, the proposed works are not considered likely to significantly exacerbate this KTP
Clearing of native vegetation	Land clearance	The development of the Subject Site will result in the removal of a small portion of native vegetation.  This impact is not considered a significant exacerbation of this KTP on the locality scale
Infection of frogs by amphibian chytrid causing the disease chytridiomycosis	Infection of amphibians with chytrid fungus resulting in chytridiomycosis	There is a low risk that this pathogen could be introduced in unclean fill, stow-away amphibians in landscaping plants and untreated water running offsite.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Infection of native plants by <i>Phytophthora cinnamomi</i>	Dieback caused by the root-rot fungus ( <i>Phytophthora cinnamomi</i> )	This pathogen may be introduced in unclean fill used on site as well as soil in pots of landscaping plants.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Introduction and establishment of Exotic Rust Fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae	-	This pathogen may be introduced in unclean fill used on site as well as soil in pots of landscaping plants.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Invasion and establishment of exotic vines and scramblers	-	Exotic weed vine and scrambler species may be introduced as seed in unclean fill. Representatives of such species were observed to already be present on the Subject Site, but in low numbers.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Invasion and establishment of Scotch Broom ( <i>Cytisus scoparius</i> )	-	This species may be introduced as seed in unclean fill.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )



KTP (TSC Act)	KTP (EPBC Act)	Extent of KTP exacerbation
Invasion of native plant communities by African Olive <i>Olea europaea</i> subsp. <i>cuspidata</i> (Wall. ex G. Don) Cif	-	This species may be introduced as seed in unclean fill. Representatives of this species was observed to already be present within the southern boundary of the Subject Site. Future development is not considered likely to significantly exacerbate this KTP in the locality.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Invasion of native plant communities by <i>Chrysanthemoides monilifera</i>	-	This species may be introduced as seed in unclean fill.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Invasion of native plant communities by exotic perennial grasses	-	Exotic perennial grass species may be introduced as seed in unclean fill. Representatives of such species were observed to already be present in significant numbers throughout much of the Subject Site. Future development is not considered likely to significantly exacerbate this KTP in the locality.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Invasion, establishment and spread of Lantana ( <i>Lantana camara</i> L. sens. Lat)	-	This species may be introduced as seed in unclean fill.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants	Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants	Landscaping and gardening works by future residents following development may introduce new exotic weeds into the locality following development.  This is not considered a significant risk provided appropriate mitigation measures are enacted (see <b>Section 5</b> )
Removal of dead wood and dead trees	-	Development of the Subject Site would necessitate the removal of minor dead wood. However, no significant large woody debris were observed within the Subject Site during surveys.  The development of the Subject Site would represent a negligible exacerbation of this KTP on the locality scale

The future development of the Subject Site is not considered likely to lead to a significant exacerbation of any of the above KTPs, provided mitigation measures detailed in **Section 5** below are implemented during and following development.

#### 4.1.3 Indirect Impacts

In addition to direct impacts associated with the development of lands through removal of native vegetation, fauna habitat, changes to surface drainage patterns etc., developments also have a variety of secondary impacts on the wider locality. Indirect impacts likely to arise as a result of the development of the Subject Site following rezoning comprise.

- > Sediment migration from areas of unconsolidated, exposed soil during development works into downslope areas of native vegetation;
- > Introduction of new weed species and pathogens into downslope and downstream areas due to runoff from unconsolidated, exposed soil during development as well as in stormwater following development;



- > Increased contaminant and nutrient loads introduced from stormwater into native vegetation downslope and downstream of the Subject Site following development;
- > Increased vehicle traffic leading to higher incidences of native fauna road fatalities following development;
- > Increased noise and light pollution on nearby areas of retained native vegetation, reducing fauna utility of this habitat;
- > Increased dust generation during development works, reducing fauna utility of areas of nearby retained habitat; and
- > Increases in the local population of exotic predators (dogs and cats) leading to increased predation pressure on native fauna.

**Section 5** below details measures which may be implemented throughout all stages of future development to mitigate the effects of the above indirect impacts.

#### 4.2 Matters of National Environmental Significance

As described in **Section 2** above, an EPBC Act Protected Matters Search was undertaken within the DoE online database (Accessed: 05 December 2018) to identify MNES which are known or have the potential to occur within a 5 km radius of the Subject Site (**Appendix B**). This data, combined with other local knowledge and records, was utilised to assess whether the type of activity proposed within the Subject Site will have, or is likely to have, a significant impact upon a MNES.

The identified MNES and site-specific responses are listed below.

##### 4.2.1 World Heritage Properties

Based on the desktop search, no World Heritage Property listed under the EPBC Act occur within the search area.

##### 4.2.2 National Heritage Places

Based on the desktop search, no National Heritage Places listed under the EPBC Act occur within the search area.

##### 4.2.3 Wetlands of International Importance

Based on the desktop search, no Wetlands of International Importance listed under the EPBC Act occur within the search area.

##### 4.2.4 The Great Barrier Reef Marine Park

The Subject Site is not part of or near the Great Barrier Reef Marine Park. Therefore, the project will not impact on the Great Barrier Reef Marine Park.

##### 4.2.5 Commonwealth Marine Area

The Subject Site is not part of or near the Commonwealth Marine Area. Therefore, the project will not impact on the Commonwealth Marine Area.

##### 4.2.6 Listed Threatened Ecological Communities

The PMST search identified a total of six EPBC Act listed TECs as potentially occurring within 5 km of the Subject Site.

As detailed in **Section 4.1** above, one of these TECs was observed to be present on the Subject Site, CPW. This TEC occurs as a small extension of a larger occurrence in the Manooka Reserve to the south of the Subject Site. As this TEC was confirmed as present on the Subject Site, and the concept plan for future development of the Subject Site would necessitate the removal of this occurrence a ToS for this MNES was conducted (see **Appendix E**).

This assessment concluded that there was unlikely to be a significant impact on this MNES as a result of future development. The removal of this occurrence would result in a reduction of this TEC within the wider lot 627 DP1163903 area by less than 1 %.





As this assessment concluded that the future development is unlikely to have a significant impact on this MNES, further assessment through a referral to the federal Minister for the Environment is not considered necessary.

#### 4.2.7 Listed Threatened Species

A total of 36 listed species were identified as known to, likely to or may occur within 5 km of the Subject Site.

None of these species were encountered during surveys. However, one species was considered to have potential to occur due to recent local occurrence records and the presence of suitable habitat, the Green and Golden Bell Frog (*Litoria aurea*).

The Commonwealth Government have produced significant impact guidelines for the assessment of likely impacts on this species (DEWHA 2009). Under these guidelines, a referral under the EPBC Act should be considered if the action results in triggering at least one of the following thresholds:

1. The removal or degradation of aquatic or ephemeral habitat either where the green and golden bell frog has been recorded since 1995 or habitat that has been assessed as being suitable according to these guidelines. This can include impacts from chytrid and mosquito fish originating off-site;
2. The removal or degradation of terrestrial habitat within 200 metres of habitat identified in threshold 1; and
3. Breaking the continuity of vegetation fringing ephemeral or permanent waterways or other vegetated corridors linking habitats meeting the criteria in threshold 1.

Assessed against these records, future development works are considered to trigger threshold one of the above. The nearest record (from 2015) is located 3.4 km to the south-east, and this habitat has connectivity with the Subject Site through the tributaries of Bow Creek and the network of small farm dams in the locality.

With reference to the habitat suitability checklist on **Page 10-11** of the DEWHA guidelines, the available habitat on the Subject Site is considered suitable for this species, with a presence of preferred aquatic species (*Typha orientalis*) and nearby grass and woodland areas for foraging and dispersal. Unidentified tadpoles were observed to be present within the pond, indicating that the waterbody provides suitable amphibian breeding habitat and a population of the known amphibian egg predator, the Plague Minnow (*Gambusia holbrooki*) was not observed to be present.

On the basis of the presence of the species in the locality and of suitable habitat within the Subject Site, an ToS was conducted for this MNES, see **Appendix E**. This assessment concluded that there is unlikely to be a significant impact on this species as a result of future development on the Subject Site. Suitable breeding habitat on the Subject Site is limited and numerous similar waterbodies are present in the wider locality as well as large areas of grass and woodland foraging and breeding habitat. In addition, none of the key populations listed in the draft NSW Green and Golden Bell Frog *Litoria aurea* (Lesson 1829) Recovery Plan are located within the Camden LGA (DECC 2005). Consequently, the local population is not considered an 'important' population of this species under the definitions in the Commonwealth Significant Impact Guidelines for vulnerable species (DoE 2013).

Based on the assessment conducted for this report, further assessment through a referral to the federal Minister of the Environment is not considered necessary. However, further survey and habitat assessment for this species is recommended as part of an DA for development of the Subject Site (see **Section 5**).

#### 4.2.8 Listed Migratory Species

The PMST identified 16 listed migratory species as known to, likely to or may occur within 5 km of the Subject Site. None of these species were encountered during surveys.

Half of these species were marine or terrestrial species for which the Subject Site provided limited habitat utility due to the near absence of suitable native vegetation for these species. The small pond provides potential foraging and refuge habitat for some wetland species. However, this resource is small and lacks significant fringing vegetation. It is not considered suitable breeding habitat for any of the wetland migratory species known to occur in the locality. In addition, the surrounding locality contains numerous similar aquatic resources for these species. This form of habitat is not considered limited in the locality.



## 5 Recommendations

### 5.1 Introduction

When assessing the biodiversity impact of a proposed development the consideration of three approaches provides a comprehensive raft of potential options. These three approaches are listed in a descending order of best biodiversity outcomes:

- > **Avoid:** modify the proposed development so no significant impact on resident biodiversity values would occur. This is typically impractical but can help guide mitigation measures;
- > **Mitigate:** modify the proposed development to reduce the significant impacts on biodiversity values to the maximum extent possible. This is typically achieved through measures such as modification of proposed dwelling envelopes to avoid removing vegetation etc.; and
- > **Compensate:** include measures in the proposed development to compensate for the biodiversity values lost. This can be achieved through an on-site offset which reserves a portion of the subject site in perpetuity for conservation and rehabilitation purposes. It can also be achieved through an off-site offset under the NSW Biobanking scheme. This allows for the proponent of a proposed development to purchase biodiversity credits of an equal value to the credit value of the biodiversity assets present on a subject site. These credits will then be used to preserve an area of equivalent biodiversity value off-site.

This section makes recommendations to reduce or to provide suitable compensation for the impacts on flora and fauna values detailed in **Section 4** above.

### 5.2 Avoiding Impacts

As detailed in **Section 4** above, the development of the Subject Site under the current concept plan would require the removal of all native vegetation and significant fauna habitat features. Consequently, there is little opportunity to avoid impacts on the flora and fauna values present.

However, the portion of CPW to be removed constitutes less than 1 % of the CPW present in the entirety of lot 627 DP1163903, based on the results of the Biosis FFA and the analysis for this report (see **Section 3**). Development of the Subject Site would have no direct impact on CPW elsewhere in the wider lot.

Threatened fauna habitat on the Subject Site is limited to the small vegetated pond and occurrence of woody CPW vegetation. This habitat is not limited in the locality and the single mature tree present was not observed to contain significant fauna habitat values (hollows, nests etc.). No significant impact on threatened fauna considered to have potential to occur on the Subject Site is considered likely as a result of future development.

As a result, although there is limited scope to avoid the direct impacts of the development of the Subject Site, these impacts are not considered significant on the locality scale.

### 5.3 Mitigating Impacts

As above, there is limited scope for the retention of all or part of the native vegetation and significant fauna habitat within the Subject Site. Due to the small size of the Subject Site, required surface recontouring, road network and APZs, retention of a portion of the native vegetation present is not considered feasible.

However, a range of mitigation measures are available to mitigate the likely secondary impacts identified in **Section 4.1.3** above. Appropriate mitigation measures for these impacts are described in **Table 5-1** below.



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Table S-1 Appropriate mitigation measures for likely indirect impacts of future development

Impact	Action	Outcome	Timing	Responsibility
Sediment migration from areas of unconsolidated, exposed soil during development works into downslope areas of native vegetation	Sediment fencing is to be installed below all areas of exposed soil during works	Prevention of migration of unconsolidated soil into areas of retained native vegetation	Prior to any soil disturbance works. Maintained and repaired as required. Retained until soil is stabilised by another mechanism (laying of turf, sowing of grass etc.)	Contractor(s) responsible for works
Introduction of new weed species and pathogens into downslope and downstream areas due to runoff from unconsolidated, exposed soil during development as well as in stormwater following development	Appropriate runoff controls such as sediment fencing can be installed prior to any soil disturbance works. Any exogenous soil and water used on site (e.g. for dust suppression) is to be appropriately treated to minimize the risk of the introduction of new pests and diseases. Appropriate stormwater infrastructure design (as detailed below) will also minimize the risk to downslope native vegetation following development	Mitigation of the risk of introduction of new pests and diseases into downslope areas of native vegetation as a result of development	Prior to any soil disturbance works and during development	Contractor(s) responsible for works/Proponent/development planner



Impact	Action	Outcome	Timing	Responsibility
Increased contaminant and nutrient loads introduced from stormwater into native vegetation downslope and downstream of the Subject Site following development	The impact on downslope native vegetation can be mitigated through the use of appropriate stormwater infrastructure that will maximise uptake of stormwater in the development area (semi-permeable surfaces, vegetated roadside swales) as well as to manage stormwater prior to discharge into the retained vegetation area (through the use of vegetated settlement ponds to partially treat stormwater prior to discharge as well as reduce the discharge rate of stormwater entering this area)	Minimisation of contaminated stormwater entering areas of retained native vegetation on the subject site and adjacent lands	During development	Proponent/development planner
Increased vehicle traffic leading to higher incidences of native fauna road fatalities following development	This impact can be reduced by the use of human-exclusion fencing and signage to define the boundaries of adjacent native vegetation areas.  Such fencing was observed to be present along the boundary of the Subject Site and Manooka Reserve	Minimal disturbance to the habitat utility of nearby native vegetation for native fauna.  Reduction in the risk of vehicle collisions with native fauna	During and following development	Proponent/development planner
Increased noise and light pollution on nearby areas of retained native vegetation, reducing fauna utility of this habitat	Restricting works to daylight hours and minimising the use of loud machinery whenever possible or containing such machinery within noise barriers	Minimal disturbance to sensitive fauna using habitat within the subject site and adjacent lands	During all development works	Contractor(s) responsible for works
Increased dust generation during development works, reducing fauna utility of areas of nearby retained habitat	Dust minimisation through water suppression, avoiding works on high wind days and limiting dust generating activities to the extent possible	Minimal disturbance to sensitive fauna using habitat within the subject site and adjacent lands	During all development works	Contractor(s) responsible for works

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Impact	Action	Outcome	Timing	Responsibility
Increases in the local population of exotic predators (dogs and cats) leading to increased predation pressure on native fauna	Education of future residents as to the potential impact these predators can have and recommendations on how to mitigate this impact (not allowing pets to roam at night, containment of pets within backyards etc.).	Minimisation of increased predation pressure from additional domestic exotic predators	Following development	Proponent/development planner



## 5.4 Compensate

As detailed in **Section 4**, the remainder of lot 627 DP1163903 contains significant stands of CPW, which would not be directly impacted upon by future development of the Subject Site. As detailed in the Biosis report, much of this vegetation occurs within E2 zoned lands and could be managed for conservation purposes. The management and enhancement of this vegetation through weed control and assisted natural regeneration would compensate for the small amount of CPW to be removed from the Subject Site from any future development. However, as no significant impact is anticipated as a result of future development of the Subject Site, the establishment of a formal offset in this area is not required.

In addition, the use of local native species in future landscaping of road reserves etc. is recommended. Such plantings should ideally utilise seedstock from adjacent vegetation to preserve the genetic integrity of the local CPW community.

## 5.5 Additional recommendations

### 5.5.1 Dedicated Threatened Fauna Surveys

As detailed in **Section 3** above, suitable habitat for the Green and Golden Bell Frog was documented on the Subject Site during surveys. Although physical inspection for residents of this species was conducted during surveys with no individuals documented, conditions during survey were not considered appropriate for detection. Surveys for amphibians are best conducted following significant rainfall when activity is highest and males are most likely to be calling.

As this species is known from recent occurrence records and suitable breeding habitat is present on the Subject Site, a dedicated survey to determine presence is recommended prior to the submission of any DA. Such a survey is to follow the minimum survey requirements detailed in the NSW National Parks and Wildlife Service (NPWS) Environmental Impact Assessment Guidelines for this species (NSW NPWS 2003). For the Subject Site, such a survey would consist of:

- > A minimum of three separate survey events within the species' activity period (September to January) and under suitable conditions (warm conditions following significant rainfall);
- > Each survey to be over a minimum of one hour;
- > Each survey to consist of the following techniques;
  - Diurnal surveys;
    - Active habitat searches amongst aquatic and riparian vegetation as well as adjacent terrestrial grasslands; and
    - Dip netting for tadpoles.
  - Nocturnal surveys;
    - Torch or headlight searches amongst aquatic and riparian vegetation; and
    - Call playback surveys.

All staff undertaking surveys for this species are to observe appropriate hygiene protocols to minimise the unintentional introduction of the amphibian Chytrid fungus. This would involve disinfection of footwear, survey equipment (dip nets) and hands of involved staff. Encountered amphibians should not be handled; however, if this is required it is to be preceded by hand washing or the wearing of gloves.

### 5.5.2 Future Assessment Requirements (*Biodiversity Conservation Act 2016*)

As mentioned in **Section 1**, the Camden LGA is currently listed as an IDA for the purposes of assessment under the BC Act. Applications submitted up until 25 November 2019 may be assessed under the previous legislation.

If a DA for the development of the Subject Site is submitted following this date, then assessment through a Biodiversity Development Assessment Report (BDAR) under the Biodiversity Assessment Method (BAM) will be required as the Subject Site falls within lands mapped on the Biodiversity Values Map and Threshold Tool (BVMTT), see **Figure 5-1** below.

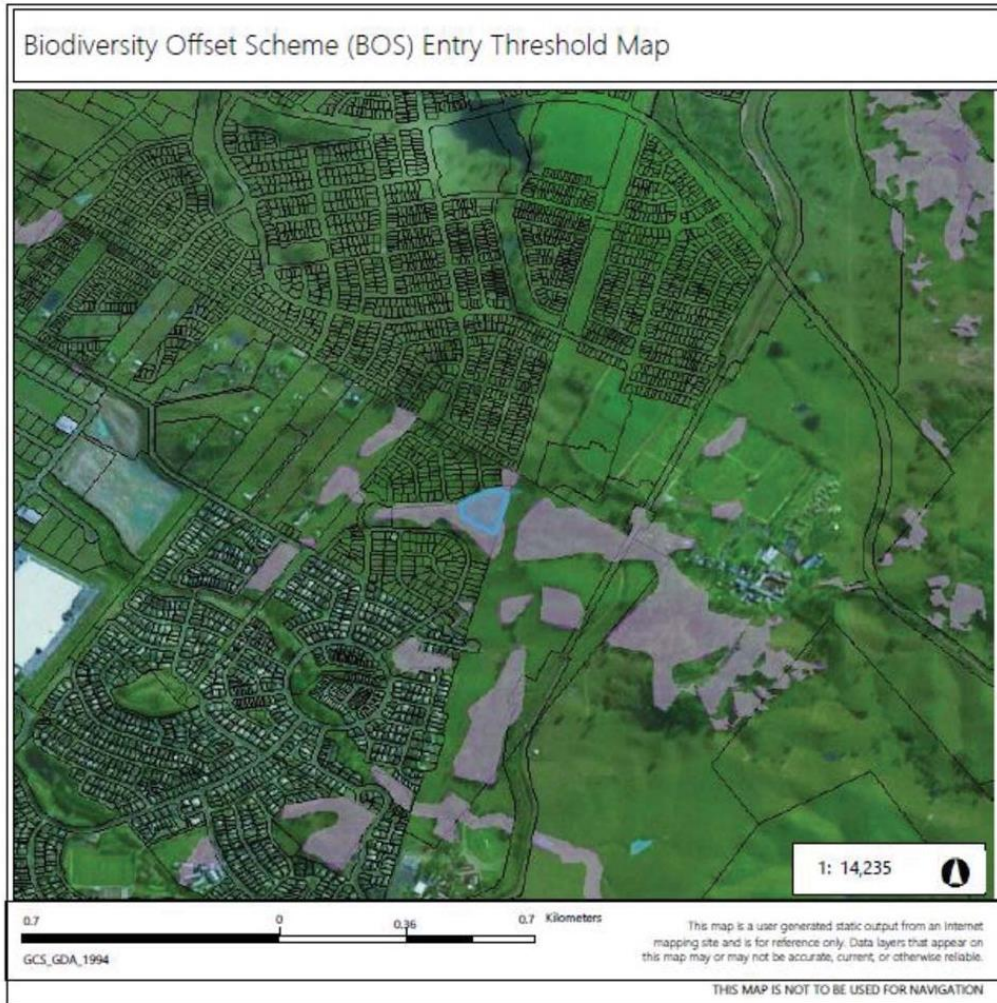


Figure 5-1 BVMTT map for the Subject Site

As native vegetation communities and threatened fauna habitat is present on the Subject Site, offsetting for the small amount of these values to be removed by future development through the Biodiversity Offset Scheme (BOS) will be required as part of the BDAR.

It must also be noted that CPW is listed as a Serious and Irreversible Impact (SAIL) candidate entity under the BC Act. An assessment of this entity against the SAIL criteria will also be required as part of the BDAR and Council will be required to make a determination as to whether the impact of the development constitutes a SAIL. If Council considers the impact to be an SAIL, it would be required to reject the application.



## 6 Conclusion

This report describes a FFA conducted to support a proposed rezoning of a portion of lot 627 DP1163903 in the Camden Council LGA. This proposal would result in the rezoning of the existing E2 and E4 lands of the Subject Site to R1 for future residential development.

Surveys conducted as part of this FFA concluded that the Subject Site has been highly modified through recent clearing and is dominated by exposed soil and exotic grasslands. However, a small portion of the TEC CPW is present in the south-west as an extension of CPW vegetation in the adjacent Manooka Reserve. In addition, a portion of the regenerating grasslands of the Subject Site were identified as most closely conforming to CPW derived grasslands. Finally, a small vegetated pond is present providing limited habitat for native fauna, particularly amphibians.

No threatened flora species were encountered during survey and none are considered likely to occur. Due to the small size of the Subject Site, the entire land area was surveyed with no individuals of any threatened flora species known to occur in the locality documented. The survey was also conducted during an appropriate season (summer) for the detection of the majority of these species.

No threatened fauna species were detected during survey; however, two were considered likely to occur based on the presence of suitable habitat and recent occurrence records from within 5 km, the Cumberland Plain Land Snail and the Green and Golden Bell Frog.

An indicative impact assessment was conducted based on the existing concept plan, which would require removal of all vegetation and habitat from the Subject Site. Assessments of the above TECs and threatened species were conducted under the seven-part test methodology (EP&A Act) and/or tests of significance (EPBC Act). These tests concluded that although future development of the Subject Site would result in the removal of the whole occurrence of TEC and threatened fauna habitat from the Subject Site, the level of impact is not considered to be significant. The CPW present on the Subject Site represents less than 1 % of this community present in the entirety of lot 627 DP1163903 and the fauna habitat values present are not limited in the local area.

Based on this assessment, no significant impact on any listed entity under the TSC Act and/or EPBC Act is considered likely as a result of future development of the Subject Site and further assessment through a SIS (NSW) or a referral to the federal Minister of the Environment (Commonwealth) would be required to support a future DA.

The future development of the Subject Site poses a range of potential secondary impacts during and following development on adjacent areas of retained native vegetation in the downslope Manooka Reserve. However, these impacts can be mitigated through appropriate controls during development as well as environmentally sensitive development design. Manooka Reserve is already bordered by residential development to the west and south and the development of the relatively small Subject Site is not considered likely to significantly exacerbate the existing pressures on this reserve from adjacent residential lands.

A dedicated survey for the Green and Golden Bell Frog is recommended as part of any future DA. This survey would need to be conducted in line with the minimum survey requirements for this species as detailed in the NSW NPWS Environmental Impact Assessment Guidelines.

Submission of any DA after the 25 November 2019 will require assessment through the BAM under the new BC Act, based on a review of the BVMTT for this report. This resource shows the majority of the Subject Site mapped as "biodiversity values". All Part 4 developments on mapped lands require assessment through the BAM.

Based on the results of this assessment, the proposed rezoning of the Subject Site is considered likely to be supported. This approach would avoid the majority of high value native vegetation and fauna habitat present in lot 627 DP1163903. The small amount of TEC and potential threatened fauna habitat to be removed from the Subject Site is not considered to represent a significant loss of these resources in the locality.

It is recommended that the E2 zoned lands elsewhere in lot 627 DP1163903 are managed for conservation purposes. This would more than compensate for the small amount of TEC and potential threatened fauna habitat which would be lost through future development of the Subject Site following rezoning.





## 7 References

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APPENDIX

A

DATABASE SEARCH RESULTS





## Appendix A: Database Search Results

Table A-1 NSW BioNet Atlas Threatened species and populations from within 5 km of the Subject Site

Family Name	Scientific Name	Common Name	TSC Act*	EPBC Act*	No. Records
<b>Frogs</b>					
Hylidae	<i>Litoria aurea</i>	Green and Golden Bell Frog	E	V	2
<b>Birds</b>					
Anatidae	<i>Stictonetta naevosa</i>	Freckled Duck	V	-	1
Ardeidae	<i>Botaurus poiciloptilus</i>	Australasian Bittern	E	E	1
	<i>Ardea ibis</i>	Cattle Egret	-	C,J	4
Accipitridae	<i>Hieraaetus morphnoides</i>	Little Eagle	V	-	2
Psittacidae	<i>Glossopsitta pusilla</i>	Little Lorikeet	V	-	5
	<i>Neophema pulchella</i>	Turquoise Parrot	V	-	1
Strigidae	<i>Ninox strenua</i>	Powerful Owl	V	-	1
Meropidae	<i>Merops ornatus</i>	Rainbow Bee-eater	-	J	1
Neosittidae	<i>Daphoenositta chrysoptera</i>	Varied Sittella	V	-	20
Artamidae	<i>Artamus cyanopterus cyanopterus</i>	Dusky Woodswallow	V	-	75
Petroicidae	<i>Petroica boodang</i>	Scarlet Robin	V	-	7
Scolopacidae	<i>Gallinago hardwickii</i>	Latham's Snipe	-	C,J,K	16
<b>Mammals</b>					
Phascolarctidae	<i>Phascolarctos cinereus</i>	Koala	V	V	1
Emballonuridae	<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	V	-	1
Pteropodidae	<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	11
Molossidae	<i>Myotis norfolkensis</i>	Eastern Freetail-bat	V	-	10
Vespertilionidae	<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	V	-	2
	<i>Miniopterus schreibersii oceanensis</i>	Eastern Bentwing-bat	V	-	6
	<i>Myotis macropus</i>	Southern Myotis	V	-	5
	<i>Scoteanax rueppellii</i>	Greater Broad-nosed Bat	V	-	2
<b>Gastropods</b>					



Family Name	Scientific Name	Common Name	TSC Act*	EPBC Act*	No. Records
Camaenidae	<i>Meridolum corneovirens</i>	Cumberland Plain Land Snail	E	-	39
<b>Flora</b>					
Apocynaceae	<i>Marsdenia viridiflora</i> subsp. <i>viridiflora</i>	<i>Marsdenia viridiflora</i> R. Br. subsp. <i>viridiflora</i> population in the Bankstown, Blacktown, Camden, Campbelltown, Fairfield, Holroyd, Liverpool and Penrith local government areas	EP	-	7
Myrtaceae	<i>Eucalyptus scoparia</i>	Wallangarra White Gum	V	-	1
Thymelaeaceae	<i>Pimelea spicata</i>	Spiked Rice-flower	E	E	712

\*CE = Critically Endangered, E = Endangered, EP = Endangered Population, V = Vulnerable



Table A-2 NSW BioNet Atlas Threatened Ecological Communities from the Camden LGA

Community Name	TSC Act	EPBC Act	Type of Presence
<i>Agnes Banks Woodland in the Sydney Basin Bioregion – TSC Act</i>	CE	E	Known
<i>Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion – EPBC Act</i>			
<i>Blue Gum High Forest in the Sydney Basin Bioregion – TSC Act</i>	CE	CE	Known
<i>Blue Gum High Forest of the Sydney Basin Bioregion – EPBC Act</i>			
<i>Blue Mountains Shale Cap Forest in the Sydney Basin Bioregion</i>	E	CE	Known
<i>Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion – TSC Act</i>	V	E	Known
<i>Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion – EPBC Act</i>			
<i>Castlereagh Swamp Woodland Community</i>	E	-	Known
<i>Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion</i>	E	CE	Known
<i>Cumberland Plain Woodland in the Sydney Basin Bioregion – TSC Act</i>	CE	CE	Known
<i>Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest – EPBC Act</i>			
<i>Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>	E	-	Known
<i>Moist Shale Woodland in the Sydney Basin Bioregion – TSC Act</i>	E	CE	Known
<i>Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest – EPBC Act</i>			
<i>River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>	E	-	Known
<i>Shale Gravel Transition Forest in the Sydney Basin Bioregion – TSC Act</i>	E	CE	Known
<i>Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest – EPBC Act</i>			
<i>Shale Sandstone Transition Forest in the Sydney Basin Bioregion – TSC Act</i>	CE	CE	Known
<i>Shale Sandstone Transition Forest of the Sydney Basin Bioregion – EPBC Act</i>			
<i>Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion</i>	E	-	Known



Community Name	TSC Act	EPBC Act	Type of Presence
<i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>	E	E	Known
<i>Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community</i>			
<i>Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions</i>	E	-	Known
<i>Western Sydney Dry Rainforest in the Sydney Basin Bioregion – TSC Act</i>	E	CE	Known
<i>Western Sydney Dry Rainforest and Moist Woodland on Shale – EPBC Act</i>			

\*CE = Critically Endangered, E = Endangered, V = Vulnerable



Table A-3 Commonwealth PMST Threatened and migratory species from within 5 km of the Subject Site

Scientific Name	Common Name	TSC Act*	EPBC Act*	Type of Presence
<b>Birds</b>				
<i>Anthochaera phrygia</i>	Regent Honeyeater	CE	CE	Species or species habitat <b>likely</b> to occur within area
<i>Botaurus poiciloptilus</i>	Australasian Bittern	E	E	Species or species habitat <b>known</b> to occur within area
<i>Calidris ferruginea</i>	Curlew Sandpiper	E	CE	Species or species habitat <b>likely</b> occur within area
<i>Dasyornis brachypterus</i>	Eastern Bristlebird	E	E	Species or species habitat <b>may</b> to occur within area
<i>Grantiella picta</i>	Painted Honeyeater	V	V	Species or species habitat <b>likely</b> to occur within area
<i>Lathamus discolor</i>	Swift Parrot	E	CE	Species or species habitat <b>known</b> to occur within area
<i>Numenius madagascariensis</i>	Eastern Curlew	-	CE	Species or species habitat <b>may</b> occur within area
<i>Rostratula australis</i>	Australian Painted Snipe	E	E	Species or species habitat <b>likely</b> occur within area
<b>Fish</b>				
<i>Maccullochella peelii</i>	Murray Cod	-	V	Species or species habitat <b>may</b> occur within area
<i>Macquaria australasica</i>	Macquarie Perch	-	E	Species or species habitat <b>known</b> to occur within area
<i>Prototroctes maraena</i>	Australian Grayling	-	V	Species or species habitat <b>may</b> occur within area
<b>Frogs</b>				
<i>Heleioporus australiacus</i>	Giant Burrowing Frog	V	V	Species or species habitat <b>likely</b> to occur within area
<i>Litoria aurea</i>	Green and Golden Bell Frog	E	V	Species or species habitat <b>known</b> occur within area
<i>Litoria raniformis</i>	Growling Grass Frog	E	V	Species or species habitat <b>may</b> occur within area
<b>Mammals</b>				
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V	V	Species or species habitat <b>known</b> to occur within area
<i>Dasyurus maculatus maculatus</i>	Spotted-tailed Quoll (SE mainland population)	V	E	Species or species habitat <b>likely</b> to occur within area
<i>Petauroides volans</i>	Greater Glider	-	V	Species or species habitat <b>known</b> to occur within area



Scientific Name	Common Name	TSC Act*	EPBC Act*	Type of Presence
<i>Petrogale penicillata</i>	Brush-tailed Rock-wallaby	E	V	Species or species habitat <b>likely</b> to occur within area
<i>Phascolarctos cinereus</i>	Koala (combined populations of Qld, NSW and the ACT)	V	V	Species or species habitat <b>known</b> to occur within area
<i>Pseudomys novaehollandiae</i>	New Holland Mouse	-	V	Species or species habitat <b>likely</b> to occur within area
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V	V	Roosting <b>known</b> to occur within area
<b>Reptiles</b>				
<i>Hoplocephalus bungaroides</i>	Broad-headed Snake	E	V	Species or species habitat <b>likely</b> to occur within area
<b>Flora</b>				
<i>Acacia bynoeana</i>	Bynoe's Wattle	E	V	Species or species habitat <b>may</b> to occur within area
<i>Acacia pubescens</i>	Downy Wattle	V	V	Species or species habitat <b>known</b> to occur within area
<i>Allocasuarina glareicola</i>	-	E	E	Species or species habitat <b>may</b> occur within area
<i>Cynanchum elegans</i>	White-flowered Wax Plant	E	E	Species or species habitat <b>known</b> to occur within area
<i>Eucalyptus benthamii</i>	Camden White Gum	V	V	Species or species habitat <b>known</b> to occur within area
<i>Genoplesium baueri</i>	Yellow Gnat-orchid	E	E	Species or species habitat <b>likely</b> to occur within area
<i>Haloragis exalata</i> subsp. <i>exalata</i>	Wingless Raspwort	V	V	Species or species habitat <b>may</b> occur within area
<i>Persoonia hirsuta</i>	Hairy Geebung	E	E	Species or species habitat <b>known</b> to occur within area
<i>Pimelea spicata</i>	Spiked Rice-flower	E	E	Species or species habitat <b>known</b> to occur within area
<i>Pomaderris brunnea</i>	Rufous Pomaderris	E	V	Species or species habitat <b>likely</b> to occur within area
<i>Pterostylis saxicola</i>	Sydney Plains Greenhood	E	E	Species or species habitat <b>known</b> to occur within area
<i>Syzygium paniculatum</i>	Magenta Lilly Pilly	E	V	Species or species habitat <b>likely</b> occur within area
<i>Thelymitra kangaloonica</i>	Kangaloon Sun Orchid	CE	CE	Species or species habitat <b>may</b> to occur within area
<i>Thesium australe</i>	Austral Toadflax	V	V	Species or species habitat <b>may</b> occur within area





Scientific Name	Common Name	TSC Act*	EPBC Act*	Type of Presence
<b>Migratory Marine Birds</b>				
<i>Apus pacificus</i>	Fork-tailed Swift	-	C, J, K	Species or species habitat <b>likely</b> to occur within area
<b>Migratory Terrestrial Birds</b>				
<i>Cuculus optatus</i>	Oriental Cuckoo	-	C, J, K	Species or species habitat <b>may</b> occur within area
<i>Hirundapus caudacutus</i>	White-throated Needletail	-	C, J, K	Species or species habitat <b>known</b> to occur within area
<i>Monarcha melanopsis</i>	Black-faced Monarch	-	Bonn	Species or species habitat <b>known</b> to occur within area
<i>Monarcha trivirgatus</i>	Spectacled Monarch	-	Bonn	Species or species habitat <b>known</b> to occur within area
<i>Motacilla flava</i>	Yellow Wagtail	-	C, J, K	Species or species habitat <b>may</b> occur within area
<i>Myiagra cyanoleuca</i>	Satin Flycatcher	-	Bonn	Species or species habitat <b>known</b> to occur within area
<i>Rhipidura rufifrons</i>	Rufous Fantail	-	Bonn	Species or species habitat <b>known</b> to occur within area
<b>Migratory Wetlands Birds</b>				
<i>Actitis hypoleucos</i>	Common Sandpiper	-	Bonn, C, J, K	Species or species habitat <b>may</b> occur within area
<i>Calidris acuminata</i>	Sharp-tailed Sandpiper	-	Bonn, C, J, K	Species or species habitat <b>known</b> to occur within area
<i>Calidris ferruginea</i>	Curlew Sandpiper	E	CE, Bonn, C, J, K	Species or species habitat <b>likely</b> to occur within area
<i>Calidris melanotos</i>	Pectoral Sandpiper	-	Bonn, J, K	Species or species habitat <b>may</b> occur within area
<i>Gallinago hardwickii</i>	Latham's Snipe	-	Bonn, J, K	Species or species habitat <b>may</b> occur within area
<i>Numenius madagascariensis</i>	Eastern Curlew	-	CE, Bonn, C, J, K	Species or species habitat <b>may</b> occur within area
<i>Pandion haliaetus</i>	Eastern Osprey	V	Bonn	Species or species habitat <b>likely</b> to occur within area
<i>Tringa nebularia</i>	Common Greenshank	-	Bonn, C, J, K	Species or species habitat <b>likely</b> to occur within area

\*CE = Critically Endangered, E = Endangered, V = Vulnerable, Bonn = Convention on the Conservation of Migratory Species of Wild Animals, C = China-Australia Migratory Bird Agreement, J = Japan-Australia Migratory Bird Agreement, K = Republic of Korea-Australia Migratory Bird Agreement



Table A-4 Commonwealth PMST Threatened Ecological Communities from within 5 km of the Subject Site

Scientific Name	TSC Act*	EPBC Act*	Type of Presence
<i>Agnes Banks Woodland in the Sydney Basin Bioregion – TSC Act</i>	V	E	Community <b>may</b> occur within area
<i>Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion - EPBC Act</i>			
<i>Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions - TSC Act</i>	E	E	Community <b>likely</b> to occur within area
<i>Coastal Swamphoak (Casuarina glauca) Forest of New South Wales and South East Queensland Ecological Community - EPBC Act</i>			
<i>Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion</i>	E	CE	Community <b>likely</b> occur within area
<i>Cumberland Plain Woodland in the Sydney Basin Bioregion – TSC Act</i>	CE	CE	Community <b>likely</b> to occur within area
<i>Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest - EPBC Act</i>			
<i>Shale Sandstone Transition Forest in the Sydney Basin Bioregion – TSC Act</i>	CE	CE	Community <b>may</b> occur within area
<i>Shale Sandstone Transition Forest of the Sydney Basin Bioregion - EPBC Act</i>			
<i>Western Sydney Dry Rainforest in the Sydney Basin Bioregion –TSC Act</i>	E	CE	Community <b>likely</b> to occur within area
<i>Western Sydney Dry Rainforest and Moist Woodland on Shale - EPBC Act</i>			

\*CE = Critically Endangered, E = Endangered, V = Vulnerable

ORD01

Caulfield Stage 2C Rezoning

Attachment 1





Flora and Fauna Assessment  
Caulfield Stage 2C Rezoning

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## Appendix B: PMST Report

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**ORD01**

**Attachment 1**



Australian Government  
Department of the Environment and Energy

## EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 05/12/18 09:26:11

[Summary](#)

[Details](#)

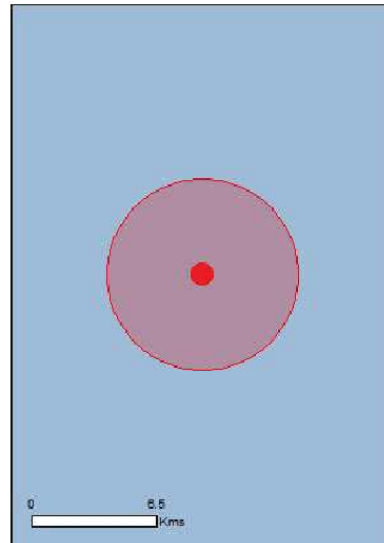
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

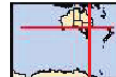
[Caveat](#)

[Acknowledgements](#)



This map may contain data which are  
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[Coordinates](#)  
Buffer: 5.0Km



## Summary

### Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

<a href="#">World Heritage Properties:</a>	None
<a href="#">National Heritage Places:</a>	None
<a href="#">Wetlands of International Importance:</a>	None
<a href="#">Great Barrier Reef Marine Park:</a>	None
<a href="#">Commonwealth Marine Area:</a>	None
<a href="#">Listed Threatened Ecological Communities:</a>	6
<a href="#">Listed Threatened Species:</a>	36
<a href="#">Listed Migratory Species:</a>	16

### Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

<a href="#">Commonwealth Land:</a>	6
<a href="#">Commonwealth Heritage Places:</a>	None
<a href="#">Listed Marine Species:</a>	22
<a href="#">Whales and Other Cetaceans:</a>	None
<a href="#">Critical Habitats:</a>	None
<a href="#">Commonwealth Reserves Terrestrial:</a>	None
<a href="#">Australian Marine Parks:</a>	None

### Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

<a href="#">State and Territory Reserves:</a>	1
<a href="#">Regional Forest Agreements:</a>	None
<a href="#">Invasive Species:</a>	51
<a href="#">Nationally Important Wetlands:</a>	None
<a href="#">Key Ecological Features (Marine)</a>	None

## Details

### Matters of National Environmental Significance

#### Listed Threatened Ecological Communities [ Resource Information ]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
<a href="#">Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion</a>	Endangered	Community may occur within area
<a href="#">Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community</a>	Endangered	Community may occur within area
<a href="#">Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion</a>	Critically Endangered	Community may occur within area
<a href="#">Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest</a>	Critically Endangered	Community likely to occur within area
<a href="#">Shale Sandstone Transition Forest of the Sydney Basin Bioregion</a>	Critically Endangered	Community may occur within area
<a href="#">Western Sydney Dry Rainforest and Moist Woodland on Shale</a>	Critically Endangered	Community likely to occur within area

#### Listed Threatened Species [ Resource Information ]

Name	Status	Type of Presence
<b>Birds</b>		
<a href="#">Anthochaera phrygia</a> Regent Honeyeater [82338]	Critically Endangered	Foraging, feeding or related behaviour likely to occur within area
<a href="#">Botaurus poiciloptilus</a> Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
<a href="#">Dasyornis brachypterus</a> Eastern Bristlebird [533]	Endangered	Species or species habitat may occur within area
<a href="#">Grantiella picta</a> Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Rostratula australis</a> Australian Painted-snipe, Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area

Name	Status	Type of Presence
<b>Fish</b>		
<a href="#">Maccullochella peelii</a> Murray Cod [66633]	Vulnerable	Species or species habitat may occur within area
<a href="#">Macquaria australasica</a> Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area
<a href="#">Prototroctes maraena</a> Australian Grayling [26179]	Vulnerable	Species or species habitat may occur within area
<b>Frogs</b>		
<a href="#">Heleioporus australiacus</a> Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Litoria aurea</a> Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat known to occur within area
<a href="#">Litoria raniformis</a> Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog [1828]	Vulnerable	Species or species habitat may occur within area
<b>Mammals</b>		
<a href="#">Chalinolobus dwyeri</a> Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat known to occur within area
<a href="#">Dasyurus maculatus maculatus (SE mainland population)</a> Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat likely to occur within area
<a href="#">Petauroides volans</a> Greater Glider [254]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Petrogale penicillata</a> Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)</a> Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat known to occur within area
<a href="#">Pseudomys novaehollandiae</a> New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat may occur within area
<a href="#">Pteropus poliocephalus</a> Grey-headed Flying-fox [186]	Vulnerable	Roosting known to occur within area
<b>Plants</b>		
<a href="#">Acacia bynoeana</a> Bynoe's Wattle, Tiny Wattle [8575]	Vulnerable	Species or species habitat may occur within area
<a href="#">Acacia pubescens</a> Downy Wattle, Hairy Stemmed Wattle [18800]	Vulnerable	Species or species habitat may occur within area
<a href="#">Allocasuarina glareicola</a> [21932]	Endangered	Species or species habitat may occur within area
<a href="#">Cynanchum elegans</a> White-flowered Wax Plant [12533]	Endangered	Species or species habitat likely to occur within area



Name	Status	Type of Presence
<a href="#">Eucalyptus benthamii</a> Camden White Gum, Nepean River Gum [2821]	Vulnerable	Species or species habitat may occur within area
<a href="#">Genoplesium baueri</a> Yellow Gnat-orchid [7528]	Endangered	Species or species habitat likely to occur within area
<a href="#">Haloragis exalata subsp. exalata</a> Wingless Raspwort, Square Raspwort [24636]	Vulnerable	Species or species habitat may occur within area
<a href="#">Persoonia hirsuta</a> Hairy Geebung, Hairy Persoonia [19006]	Endangered	Species or species habitat likely to occur within area
<a href="#">Pimelea spicata</a> Spiked Rice-flower [20834]	Endangered	Species or species habitat known to occur within area
<a href="#">Pomaderris brunnea</a> Rufous Pomaderris [16845]	Vulnerable	Species or species habitat likely to occur within area
<a href="#">Pterostylis saxicola</a> Sydney Plains Greenhood [64537]	Endangered	Species or species habitat known to occur within area
<a href="#">Syzygium paniculatum</a> Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry [20307]	Vulnerable	Species or species habitat may occur within area
<a href="#">Thelymitra kangaloonica</a> Kangaloon Sun Orchid [81861]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Thesium australe</a> Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat may occur within area
<b>Reptiles</b>		
<a href="#">Hoplocephalus bungaroides</a> Broad-headed Snake [1182]	Vulnerable	Species or species habitat may occur within area
<b>Listed Migratory Species</b>		<b>[ Resource Information ]</b>
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
<b>Migratory Marine Birds</b>		
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<b>Migratory Terrestrial Species</b>		
<a href="#">Cuculus optatus</a> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]		Species or species habitat known to occur within area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area
<a href="#">Monarcha trivirgatus</a> Spectacled Monarch [610]		Species or species habitat known to occur within area

Name	Threatened	Type of Presence
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species habitat known to occur within area
<b>Migratory Wetlands Species</b>		
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat likely to occur within area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat likely to occur within area
<a href="#">Tringa nebularia</a> Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

#### Other Matters Protected by the EPBC Act

##### Commonwealth Land [ Resource Information ]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

##### Name

Commonwealth Land -  
Commonwealth Land - Australian Postal Commission  
Commonwealth Land - Australian Telecommunications Commission  
Commonwealth Land - Australian Telecommunications Corporation  
Commonwealth Land - Defence Housing Authority  
Commonwealth Land - Telstra Corporation Limited

##### Listed Marine Species [ Resource Information ]

\* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
<b>Birds</b>		
<a href="#">Actitis hypoleucos</a> Common Sandpiper [59309]		Species or species habitat may occur within area

Name	Threatened	Type of Presence
<a href="#">Apus pacificus</a> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
<a href="#">Ardea alba</a> Great Egret, White Egret [59541]		Breeding known to occur within area
<a href="#">Ardea ibis</a> Cattle Egret [59542]		Species or species habitat may occur within area
<a href="#">Calidris acuminata</a> Sharp-tailed Sandpiper [874]		Species or species habitat likely to occur within area
<a href="#">Calidris ferruginea</a> Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
<a href="#">Calidris melanotos</a> Pectoral Sandpiper [858]		Species or species habitat may occur within area
<a href="#">Chrysococcyx osculans</a> Black-eared Cuckoo [705]		Species or species habitat likely to occur within area
<a href="#">Gallinago hardwickii</a> Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
<a href="#">Haliaeetus leucogaster</a> White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
<a href="#">Hirundapus caudacutus</a> White-throated Needletail [682]		Species or species habitat known to occur within area
<a href="#">Lathamus discolor</a> Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area
<a href="#">Merops ornatus</a> Rainbow Bee-eater [670]		Species or species habitat may occur within area
<a href="#">Monarcha melanopsis</a> Black-faced Monarch [609]		Species or species habitat known to occur within area
<a href="#">Monarcha trivirgatus</a> Spectacled Monarch [610]		Species or species habitat known to occur within area
<a href="#">Motacilla flava</a> Yellow Wagtail [644]		Species or species habitat may occur within area
<a href="#">Myiagra cyanoleuca</a> Satin Flycatcher [612]		Species or species habitat known to occur within area
<a href="#">Numenius madagascariensis</a> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
<a href="#">Pandion haliaetus</a> Osprey [952]		Species or species habitat likely to occur within area
<a href="#">Rhipidura rufifrons</a> Rufous Fantail [592]		Species or species

Name	Threatened	Type of Presence
<a href="#">Rostratula benghalensis (sensu lato)</a> Painted Snipe [889]	Endangered*	habitat known to occur within area Species or species habitat likely to occur within area
<a href="#">Tringa nebularia</a> Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

## Extra Information

State and Territory Reserves	[ Resource Information ]
Name	State
William Howe	NSW

Invasive Species	[ Resource Information ]
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Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
<b>Birds</b>		
Acridotheres tristis Common Myna, Indian Myna [387]		Species or species habitat likely to occur within area
Alauda arvensis Skylark [656]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]		Species or species habitat likely to occur within area
Carduelis chloris European Greenfinch [404]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Lonchura punctulata Nutmeg Mannikin [399]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Passer montanus Eurasian Tree Sparrow [406]		Species or species habitat likely to occur within area

Name	Status	Type of Presence
Pycnonotus jocosus Red-whiskered Bulbul [631]		Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
<b>Frogs</b>		
Rhinella marina Cane Toad [83218]		Species or species habitat known to occur within area
<b>Mammals</b>		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Feral deer Feral deer species in Australia [85733]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus norvegicus Brown Rat, Norway Rat [83]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area
<b>Plants</b>		
Alternanthera philoxeroides Alligator Weed [11620]		Species or species habitat likely to occur within area
Anredera cordifolia Madeira Vine, Jalap, Lamb's-tail, Mignonette Vine, Anredera, Gulf Madeiravine, Heartleaf Madeiravine, Potato Vine [2643]		Species or species habitat likely to occur within area
Asparagus aethiopicus Asparagus Fern, Ground Asparagus, Basket Fern,		Species or species

Name	Status	Type of Presence
Sprengi's Fern, Bushy Asparagus, Emerald Asparagus [62425] Asparagus asparagoides		habitat likely to occur within area
Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
Asparagus plumosus Climbing Asparagus-fern [48993]		Species or species habitat likely to occur within area
Asparagus scandens Asparagus Fern, Climbing Asparagus Fern [23255]		Species or species habitat likely to occur within area
Cabomba caroliniana Cabomba, Fanwort, Carolina Watershield, Fish Grass, Washington Grass, Watershield, Carolina Fanwort, Common Cabomba [5171] Chrysanthemoides monilifera		Species or species habitat likely to occur within area
Bitou Bush, Boneseed [18983]		Species or species habitat may occur within area
Chrysanthemoides monilifera subsp. monilifera Boneseed [16905]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera subsp. rotundata Bitou Bush [16332]		Species or species habitat likely to occur within area
Cytisus scoparius Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]		Species or species habitat likely to occur within area
Eichhornia crassipes Water Hyacinth, Water Orchid, Nile Lily [13466]		Species or species habitat likely to occur within area
Genista monspessulana Montpellier Broom, Cape Broom, Canary Broom, Common Broom, French Broom, Soft Broom [20126]		Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana Broom [67538]		Species or species habitat may occur within area
Lantana camara Lantana, Common Lantana, Kamara Lantana, Large-leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892] Lycium ferocissimum		Species or species habitat likely to occur within area
African Boxthorn, Boxthorn [19235]		Species or species habitat likely to occur within area
Nassella neesiana Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Nassella trichotoma Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]		Species or species habitat likely to occur within area
Opuntia spp. Prickly Pears [82753]		Species or species habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat may occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species

Name	Status	Type of Presence
		habitat likely to occur within area
Sagittaria platyphylla Delta Arrowhead, Arrowhead, Slender Arrowhead [68483]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Salvinia molesta Salvinia, Giant Salvinia, Aquarium Watermoss, Kariba Weed [13665]		Species or species habitat likely to occur within area
Senecio madagascariensis Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area
<b>Reptiles</b>		
Hemidactylus frenatus Asian House Gecko [1708]		Species or species habitat likely to occur within area

## Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat, or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

## Coordinates

-34.04021 150.77742



## Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [Office of Environment and Heritage, New South Wales](#)
- [Department of Environment and Primary Industries, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment, Water and Natural Resources, South Australia](#)
- [Department of Land and Resource Management, Northern Territory](#)
- [Department of Environmental and Heritage Protection, Queensland](#)
- [Department of Parks and Wildlife, Western Australia](#)
- [Environment and Planning Directorate, ACT](#)
- [Birdlife Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- [Natural history museums of Australia](#)
- [Museum Victoria](#)
- [Australian Museum](#)
- [South Australian Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence Forestry Corporation, NSW](#)
- [Geoscience Australia](#)
- [CSIRO](#)
- [Australian Tropical Herbarium, Cairns](#)
- [eBird Australia](#)
- [Australian Government – Australian Antarctic Data Centre](#)
- [Museum and Art Gallery of the Northern Territory](#)
- [Australian Government National Environmental Science Program](#)
- [Australian Institute of Marine Science](#)
- [Reef Life Survey Australia](#)
- [American Museum of Natural History](#)
- [Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

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## Appendix C: Species Lists

Table C-1 Flora species documented during survey

Family	Scientific Name	Common Name	Exotic	TSC Act*	EPBC Act*	Bio Act	WoNS**
Amaranthaceae	<i>Einadia nutans</i>	Climbing Saltbush	-	-	-	-	-
Apiaceae	<i>Ciclospermum leptophyllum</i>	Marsh Parsely	-	-	-	-	-
Asphodelaceae	<i>Bulbine bulbosa</i>	Bulbine Lily	-	-	-	-	-
Asteraceae	<i>Aster subulatus</i>	Wild Aster	+	-	-	-	-
	<i>Cirsium vulgare</i>	Spear Thistle	+	-	-	-	-
	<i>Conyza spp.</i>	Fleabane	+	-	-	-	-
	<i>Euchiton sphaericus</i>	Cudweed	-	-	-	-	-
	<i>Senecio madagascariensis</i>	Fireweed	+	-	-	Priority	Yes
	<i>Sonchus spp.</i>	Milk Thistle	+	-	-	-	-
Boraginaceae	<i>Echium vulgare</i>	Blueweed	+	-	-	-	-
Caryophyllaceae	<i>Paronychia brasiliiana</i>	Brazilian Whitlow	+	-	-	-	-
Convolvulaceae	<i>Dichondra repens</i>	Kidney Weed	-	-	-	-	-
Cyperaceae	<i>Cyperus eragrostis</i>	Umbrella Sedge	+	-	-	-	-
Fabaceae	<i>Cyperus gracilis</i>	Slender Flat Sedge	-	-	-	-	-
	<i>Desmodium brachypodium</i>	Large Tick-trefoil	-	-	-	-	-
	<i>Glycine tabacina</i>	Variable Glycine	-	-	-	-	-
	<i>Hardenbergia violacea</i>	False Sarsaparilla	-	-	-	-	-
	<i>Lotus corniculatus</i>	Common Bird's-foot Trefoil	+	-	-	-	-
	<i>Trifolium spp.</i>	Clover	+	-	-	-	-
Gentianaceae	<i>Centaurium erythraea</i>	European Centaury	+	-	-	-	-
Geraniaceae	<i>Geranium homeanum</i>	-	-	-	-	-	-
Hypericaceae	<i>Hypericum japonicum</i>	Japanese St. John's Wort	+	-	-	-	-
	<i>Hypericum perforatum</i>	Common St John's Wort	+	-	-	-	-
Juncaceae	<i>Juncus usitatus</i>	Common Rush	-	-	-	-	-
Malvaceae	<i>Modiola caroliniana</i>	Red Mallow	+	-	-	-	-
	<i>Sida rhombifolia</i>	Paddy's Lucerne	+	-	-	-	-
Myrtaceae	<i>Eucalyptus moluccana</i>	Grey Box	-	-	-	-	-
Oleaceae	<i>Olea europaea</i> subsp. <i>cuspidata</i>	African Olive	+	-	-	Priority	-
Onagraceae	<i>Ludwigia peploides</i>	Water Primrose	-	-	-	-	-
Oxalidaceae	<i>Oxalis corniculata</i>	Creeping Oxalis	+	-	-	-	-
	<i>Oxalis perennans</i>	-	-	-	-	-	-
Phyllanthaceae	<i>Phyllanthus virgatus</i>	-	-	-	-	-	-
Phytolaccaceae	<i>Phytolacca octandra</i>	Inkweed	+	-	-	-	-
Pittosporaceae	<i>Bursaria spinosa</i>	Blackthorn	-	-	-	-	-
Plantaginaceae	<i>Plantago lanceolata</i>	Lambs Tongues	+	-	-	-	-
	<i>Veronica peregrina</i>	American Speedwell	+	-	-	-	-
Poaceae	<i>Austrostipa rudis</i>	Speargrass	-	-	-	-	-
	<i>Chloris gayana</i>	Rhodes Grass	+	-	-	-	-



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Family	Scientific Name	Common Name	Exotic	TSC Act*	EPBC Act*	Bio Act	WoNS**
	<i>Chloris truncata</i>	Windmill Grass	-	-	-	-	-
	<i>Cynodon dactylon</i>	Common Couch	-	-	-	-	-
	<i>Eragrostis curvula</i>	African Love Grass	*	-	-	-	-
	<i>Eriochloa pseudoacrotricha</i>	Cupgrass	-	-	-	-	-
	<i>Paspalum dilatatum</i>	Paspalum	*	-	-	-	-
	<i>Pennisetum clandestinum</i>	Kikuyu	*	-	-	-	-
	<i>Phalaris aquatica</i>	Harding Grass	*	-	-	-	-
	<i>Rytidosperma fulvum</i>	Wallaby Grass	-	-	-	-	-
	<i>Setaria parviflora</i>	Pale Pigeon Grass	*	-	-	-	-
	<i>Sporobolus africanus</i>	Parramatta Grass	*	-	-	-	-
	<i>Themeda triandra</i>	Kangaroo Grass	-	-	-	-	-
Polygonaceae	<i>Rumex brownii</i>	Swamp Dock	-	-	-	-	-
Portulacaceae	<i>Portulaca oleracea</i>	Purslane	*	-	-	-	-
Primulaceae	<i>Anagallis arvensis</i>	Scarlet Pimpernel	*	-	-	-	-
Solanaceae	<i>Solanum linnaeanum</i>	Apple of Sodom	*	-	-	-	-
	<i>Datura stramonium</i>	Jimson Weed	*	-	-	-	-
Typhaceae	<i>Typha orientalis</i>	Cumbungi	-	-	-	-	-
Verbenaceae	<i>Verbena bonariensis</i>	-	*	-	-	-	-
	<i>Verbena spp.</i>	Purpletop	*	-	-	-	-

\*CE = Critically Endangered, E = Endangered, V = Vulnerable, Bonn = Convention on the Conservation of Migratory Species of Wild Animals, C = China-Australia Migratory Bird Agreement, J = Japan-Australia Migratory Bird Agreement, K = Republic of Korea-Australia Migratory Bird Agreement

\*\*Weed of National Significance



Table C-2 Fauna species encountered during survey

Family	Scientific Name	Common Names	Exotic	TSC Act	EPBC Act	Mode of detection
<b>Amphibians</b>						
Hylidae	<i>Litoria dentata</i>	Bleating Tree Frog	-	-	-	Heard
<b>Birds</b>						
Anatidae	<i>Chenonetta jubata</i>	Australian Wood Duck	-	-	-	Seen
Artamidae	<i>Cracticus torquatus</i>	Grey Butcherbird	-	-	-	Heard
	<i>Gymnorhina tibicen</i>	Australian Magpie	-	-	-	Heard
Cacatuidae	<i>Eolophus roseicapillus</i>	Galah	-	-	-	Heard
	<i>Cacatua galerita</i>	Sulphur-crested Cockatoo	-	-	-	Heard
	<i>Cacatua sanguinea</i>	Short-beaked Corella	-	-	-	Heard
Columbidae	<i>Spilopelia chinensis</i>	Spotted Turtle-dove	*	-	-	Seen/heard
	<i>Ocyphaps lophotes</i>	Crested Pigeon	-	-	-	Seen/heard
Corvidae	<i>Corvus coronoides</i>	Australian Raven	-	-	-	Seen/heard
Maluridae	<i>Malurus cyaneus</i>	Superb Fairy-wren	-	-	-	Heard
Meliphagidae	<i>Manorina melanocephala</i>	Noisy Miner	-	-	-	Seen/heard
Monarchidae	<i>Grallina cyanoleuca</i>	Magpie Lark	-	-	-	Heard
	<i>Trichoglossus haematodus</i>	Rainbow Lorikeet	-	-	-	Seen/heard
	<i>Platycercus elegans</i>	Crimson Rosella	-	-	-	Heard
Psittacidae	<i>Alisterus scapularis</i>	Australian King Parrot	-	-	-	Seen/heard
	<i>Psephotus haematonotus</i>	Red-rumped Parrot	-	-	-	Seen/heard
Sturnidae	<i>Acridotheres tristis</i>	Common Myna	*	-	-	Seen/heard
Threskiornithidae	<i>Threskiornis molucca</i>	Australian White Ibis	-	-	-	Seen
<b>Mammals</b>						
Felidae	<i>Felis catus</i>	Domestic Cat	*	-	-	Seen
Leporidae	<i>Lepus europaeus</i>	European Hare	*	-	-	Seen
	<i>Oryctolagus cuniculus</i>	European Rabbit	*	-	-	Seen
Macropodidae	<i>Wallabia bicolor</i>	Swamp Wallaby	-	-	-	Scat

\*CE = Critically Endangered, E = Endangered, V = Vulnerable, Bonn = Convention on the Conservation of Migratory Species of Wild Animals, C = China-Australia Migratory Bird Agreement, J = Japan-Australia Migratory Bird Agreement, K = Republic of Korea-Australia Migratory Bird Agreement

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## Appendix D: Likelihood of Occurrence Tables

Threatened flora and fauna, and migratory species (listed under the TSC Act and/or EPBC Act) that have been gazetted and are known, or have potential, to occur within a 5 km radius of the Subject Site have been considered in this section. TECs known from the broader area have also been considered. The likelihood of occurrence within the Subject Site of each species and TEC was assessed using the criteria described in **Table D-1** and the findings presented in **Table D-2** (flora species and TECs) and **Table D-3** (fauna species).

This assessment was undertaken based on previous records, the results of the field survey and known species habitat requirements. An assessment of the potential impact that would likely be experienced by each species and TEC is also provided in **Table D-2** and **Table D-3**.

Table D-1 Likelihood of occurrence criteria

Likelihood Rating	Criteria
<b>Known</b>	The species was recorded within the Subject Site during the field surveys.
<b>High</b>	It is likely that a species would inhabit or utilise habitat within the Subject Site. Criteria for this category may include: <ul style="list-style-type: none"> <li>&gt; Species recently and/or regularly recorded in contiguous or nearby habitat.</li> <li>&gt; High quality habitat or resources present within the Subject Site.</li> <li>&gt; Species is known or likely to maintain a resident population surrounding the Subject Site.</li> <li>&gt; Species is known or likely to visit during migration or in response to seasonal availability of resources present on site.</li> </ul>
<b>Moderate</b>	Potential habitat for a species occurs within the Subject Site. Criteria for this category may include: <ul style="list-style-type: none"> <li>&gt; Species previously recorded in contiguous habitat albeit not recently (&gt;10 years).</li> <li>&gt; Habitat present, but poor quality, depauperate or modified types and/or resources.</li> <li>&gt; Species has potential to utilise habitat during migration or seasonal availability of resources.</li> <li>&gt; Cryptic flora species with potential habitat within the Subject Site that have not been targeted by surveys (for example, surveys were not undertaken with the flowering season).</li> </ul>
<b>Low</b>	It is unlikely that the species inhabits the area, if it did, it would likely be a transient visitor. Criteria for this category may include: <ul style="list-style-type: none"> <li>&gt; The Subject Site does not support the specific habitat types or resources required by the species.</li> <li>&gt; The Subject Site is beyond the current distribution of the species or is isolated from known populations.</li> <li>&gt; Non cryptic flora species not observed during targeted surveys.</li> </ul>
<b>None/Absent</b>	The habitat within the Subject Site is unsuitable for the species.



Table D-2 Likelihood of Occurrence Table: Flora and TECs

Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
<b>Flora</b>						
<i>Acacia bynoeana</i> (Bynoe's Wattle)	E	V	Bionet - 0 PMST - M	Occurs in heath or dry sclerophyll forest on sandy soils. Seems to prefer open, sometimes slightly disturbed sites such as trail margins, edges of roadside spoil mounds and in recently burnt patches. Associated overstorey species include Red Bloodwood, Scribbly Gum, Parramatta Red Gum, Saw Banksia and Narrow-leaved Apple.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>Acacia pubescens</i> (Downy Wattle)	V	V	Bionet - 0 PMST - Kn	Occurs on alluviums, shales and at the intergrade between shales and sandstones. The soils are characteristically gravelly soils, often with ironstone. Occurs in open woodland and forest, in a variety of plant communities, including Cooks River/Castlereagh Ironbark Forest, Shale/Gravel Transition Forest and Cumberland Plain Woodland	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>Allocasuarina glauca</i>	E	E	Bionet - 0 PMST - M	The species grows in Castlereagh woodland on lateritic soil. Found in open woodland with <i>Eucalyptus parramattensis</i> , <i>Eucalyptus fibrosa</i> , <i>Argophora bakeri</i> , <i>Eucalyptus sclerophylla</i> and <i>Melaleuca decora</i> . Common associated understorey species include <i>Melaleuca nodosa</i> , <i>Hakea dactyloides</i> , <i>Hakea sericea</i> , <i>Dillwynia tenuifolia</i> , <i>Micromyrtus minutiflora</i> , <i>Acacia elongata</i> , <i>Acacia brownei</i> , <i>Themeda australis</i> and <i>Xanthorrhoea minor</i> .	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. Preferred vegetation for this species was also not present	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>Cynanchum elegans</i>	E	E	Bionet - 0	White-flowered Wax Plant occurs on a variety of lithologies and soil types, usually on steep slopes with varying degrees of soil. Geology is not a limiting factor for this species and associated substrate varies at different	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely





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Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
(White-flowered Wax Plant)			PMST - Kn	Locations. This species occurs from near sea level to about 600 m above sea level and experiences hot humid summers with high summer-autumn rainfall, and cool winters with low spring rainfall. Annual average rainfall ranges from 700–1450 mm.	soil. The species is not cryptic and adequate survey was conducted for its detection	to be impacted by any future works
<i>Eucalyptus benthamii</i>	V	V	Bionet - 0	Requires a combination of deep alluvial sands and a flooding regime that permits seedling establishment. Recruitment of juveniles appears to be most successful on bare silt deposits in rivers and streams.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
(Camden White Gum)			PMST - Kn			
<i>Eucalyptus scoparia</i>	V	-	Bionet - 1	Found in open eucalypt forest, woodland and heaths on well-drained granite/rhyolite hilltops, slopes and rocky outcrops, typically at high altitudes	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
(Wallangarra White Gum)			PMST - N/A			
<i>Genoplesium bauera</i>	E	E	Bionet - 0	This species grows in dry sclerophyll forest and moss gardens over sandstone.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. Important habitat constraints were not present	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
(Yellow Gnat-orchid)			PMST - L			
<i>Haloragis exalata</i> subsp. <i>exalata</i>	V	V	Bionet - 0	Square Raspwort appears to require protected and shaded damp situations in riparian habitats.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely



Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
(Wingless Raspwort)			PMST - M		soil. Important habitat constraints were not present	to be impacted by any future works
<i>Marsdenia viridiflora</i> R. Br. subsp. <i>viridiflora</i> population in the Bankstown, Blacktown, Camden, Campbelltown, Fairfield, Holroyd, Liverpool and Penrith local government areas	EP	-	Bionet - 7  PMST - N/A	Grows in vine thickets and open shale woodland	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>Persoonia hirsuta</i>	E	E	Bionet - 0  PMST - Kn	The Hairy Geebung is found in sandy soils in dry sclerophyll open forest, woodland and heath on sandstone.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
(Hairy Geebung)						
<i>Pimelea spicata</i>	E	E	Bionet - 712	In both the Cumberland Plain and Illawarra environments this species is found on well-structured clay soils. On the Cumberland Plain sites it is associated with Grey Box communities (particularly Cumberland Plain Woodland	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely



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Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
(Spiked Rice-flower)			PMST - Kn	variants and Moist Shale Woodland) and in areas of ironbark. The co-occurring species in the Cumberland Plain sites are grey box ( <i>Eucalyptus moluccana</i> ), forest red gum ( <i>E. tereticornis</i> ) and narrow-leaved ironbark ( <i>E. crebra</i> ). Blackthorn ( <i>Bursaria spinosa</i> ) is often present at sites (and may be important in protection from grazing) and kangaroo grass ( <i>Themeda australis</i> ) is usually present in the groundcover (also indicative of a less intense grazing history).	soil. The species is not cryptic and adequate survey was conducted for its detection	to be impacted by any future works
<i>Pomaderris brunnea</i>	E	V	Bionet - 0	It grows in moist woodland or forest on clay and alluvial soils of flood plains and creek lines.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
(Rufous Pomaderris)			PMST - L			
<i>Pterostylis saxicola</i>	E	E	Bionet - 0	Most commonly found growing in small pockets of shallow soil in depressions on sandstone rock shelves above cliff lines. The vegetation communities above the shelves where <i>Pterostylis saxicola</i> occurs are sclerophyll forest or woodland on shale/sandstone transition soils or shale soils.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. Important habitat constraints were not present	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
(Sydney Plains Greenhood)			PMST - Kn			
<i>Syzygium paniculatum</i>	E	V	Bionet - 0	On the south coast the Magenta Lilly Pilly occurs on grey soils over sandstone, restricted mainly to remnant stands of littoral (coastal) rainforest. On the central coast Magenta Lilly Pilly occurs on gravels, sands, silts and clays in riverside gallery rainforests and remnant littoral rainforest communities.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not cryptic and adequate survey was conducted for its detection	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
(Magenta Lilly Pilly)			PMST - L			



Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
<i>Thelymitra kangarooonica</i> (Kangaloon Sun Orchid)	CE	CE	Bionet - 0	It is found in swamps in sedgelands over grey silty grey loam soils.	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. Important habitat constraints were not present	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
			PMST - L			
<i>Thesium australe</i> (Austral Toadflax)	V	V	Bionet - 0	Although originally described from material collected in the SW Sydney area, populations have not been seen in a long time. It may persist in some areas in the broader region. Occurs in grassland on coastal headlands or grassland and grassy woodland away from the coast. Often found in association with Kangaroo Grass ( <i>Themeda australis</i> ).	<b>None.</b> The Subject Site has been recently cleared and is dominated by recovering exotic grasslands and exposed soil. The species is not known from recent occurrence records and adequate survey was conducted in an appropriate season	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
			PMST - M			
<b>Ecological Communities</b>						
<i>Agnes Banks Woodland in the Sydney Basin Bioregion – TSC Act</i>	CE	E	Bionet - Kn	A low woodland community with Scribbly Gum ( <i>Eucalyptus sclerophylla</i> ), Narrow-leaved Apple ( <i>Angophora bakeri</i> ) and Old Man Banksia ( <i>Banksia serrata</i> ) as the dominant canopy trees. Diverse understorey shrubs include Wallum Banksia ( <i>Banksia aemula</i> ), <i>Banksia oblongifolia</i> , Coneseed ( <i>Conospermum taxifolium</i> ), Wedding Bush ( <i>Ricinocarpos pinifolius</i> ), Showy Parrot Pea ( <i>Dillwynia sericea</i> ) and Nodding Geebung ( <i>Persoonia nutans</i> ).	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
			PMST - M			
<i>Blue Gum High Forest in the Sydney Basin Bioregion – TSC Act</i>	CE	CE	Bionet - Kn	A moist, tall open forest community, with dominant canopy trees of Sydney Blue Gum ( <i>Eucalyptus saligna</i> ) and Blackbutt ( <i>E. pilularis</i> ). Forest Oak ( <i>Allocasuarina torulosa</i> ) and Sydney Red Gum ( <i>Angophora costata</i> ) also occur.	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no



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Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
<i>Blue Gum High Forest of the Sydney Basin Bioregion – EPBC Act</i>			PMST - N/A	Species adapted to moist habitat such as Lilly Pilly ( <i>Acmena smithii</i> ), Sandpaper Fig ( <i>Ficus coronata</i> ), Rainbow Fern ( <i>Calochleana dubia</i> ) and Common Maidenhair ( <i>Adiantum aethiopicum</i> ) may also occur.	Therefore, this ecological community does not occur within the Subject Site.	impacts by any proposed future development.
<i>Blue Mountains Shale Cap Forest in the Sydney Basin Bioregion</i>	CE	CE	Bionet - Kn  PMST - N/A	Characteristic tree species of this ecological community are Mountain Blue Gum ( <i>Eucalyptus deanei</i> ), Monkey Gum ( <i>E. cypellocarpa</i> ) and Turpentine ( <i>Syncarpia glomulifera</i> ). Other tree species include Sydney Red Gum ( <i>Angophora costata</i> ), Rough-barked Apple ( <i>A. floribunda</i> ), Mountain Mahogany ( <i>E. nictabilis</i> ), Sydney Peppermint ( <i>E. piperita</i> ) and Grey Gum ( <i>E. punctata</i> ). Tree species composition varies between sites depending on geographical location and local conditions (e.g. topography, rainfall exposure)	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
<i>Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion – TSC Act</i>			Bionet - Kn	Castlereagh Scribbly Gum Woodland in the Sydney Basin Bioregion is dominated by <i>Eucalyptus parramattensis</i> subsp. <i>parramattensis</i> , <i>Angophora bakeri</i> and <i>E. sclerophylla</i> . A small tree stratum of <i>Melaleuca decora</i> is sometimes present, generally in areas with poorer drainage. It has a well-developed shrub stratum consisting of sclerophyllous species such as <i>Banksia spinulosa</i> var. <i>spinulosa</i> , <i>Melaleuca nodosa</i> , <i>Hakea sericea</i> and <i>H. dactyloides</i> (multi-stemmed form). The ground stratum consists of a diverse range of forbs including <i>Themeda australis</i> , <i>Eriolasia stricta</i> , <i>Cyatochaeta diandra</i> , <i>Dianella revolute</i> subsp. <i>revolute</i> , <i>Stylidium graminifolium</i> , <i>Platysace ericoides</i> , <i>Laxmannia gracilis</i> and <i>Aristida warburgii</i> .	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
<i>Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion – EPBC Act</i>	V	E	PMST - M			
<i>Castlereagh Swamp Woodland Community</i>	E	-	Bionet - Kn	Occurs in western Sydney in the Castlereagh and Holsworthy areas, on deposits from ancient river systems along today's intermittent creeklines, often in poorly drained depressions. There is now only 616 hectares remaining	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.



Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
			PMST - N/A	intact, which mainly occurs in the Hawkesbury, Liverpool and Penrith local government areas. Good examples can be seen at Windsor Downs Nature Reserve and Kemps Creek Nature Reserve	Therefore, this ecological community does not occur within the Subject Site.	impacts by any proposed future development.
Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion	E	CE	Bionet - Kn	Ranges from open forest to low woodland, with a canopy dominated by Broad-leaved Ironbark ( <i>Eucalyptus fibrosa</i> ) and Paperbark ( <i>Melaleuca decora</i> ). The canopy may also include other eucalypts such as Woollybutt ( <i>E. longifolia</i> ). The dense shrubby understorey consists of Prickly-leaved Paperbark ( <i>Melaleuca nodosa</i> ) and Peach Heath ( <i>Lissanthe strigosa</i> ), with a range of 'pea' flower shrubs, such as <i>Dillwynia tenuifolia</i> , Hairy Bush-pea ( <i>Pultenaea villosa</i> ) and Gorse Bitter Pea ( <i>Daviesia ulicifolia</i> ) (can be locally abundant). The sparse ground layer contains a range of grasses and herbs. Contains many more species and other references should be consulted to identify these.	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition.. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
			PMST - L			
Cumberland Plain Woodland in the Sydney Basin Bioregion – TSC Act			Bionet - Kn	The dominant canopy trees of Cumberland Plain Woodland are Grey Box ( <i>Eucalyptus moluccana</i> ) and Forest Red Gum ( <i>E. tereticornis</i> ), with Narrow-leaved Ironbark ( <i>E. crebra</i> ), Spotted Gum ( <i>Corymbia maculata</i> ) and Thin-leaved Stringybark ( <i>E. eugenioides</i> ) occurring less frequently. The shrub layer is dominated by Blackthorn ( <i>Bursaria spinosa</i> ), and it is common to find abundant grasses such as Kangaroo Grass ( <i>Themeda australis</i> ) and Weeping Meadow Grass ( <i>Microlaena stipoides</i> var. <i>stipoides</i> ). Contains many more species and other references should be consulted to identify these.	<b>Present.</b> The vegetation within a portion of the Subject Site is commensurate with this ecological community. It occurs as woodlands and derived grasslands	<b>Yes.</b> Future development of the Subject Site would remove a portion of this TEC from the locality
			PMST - L			
Freshwater Wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	E	-	Bionet - Kn	Associated with coastal areas subject to periodic flooding and in which standing fresh water persists for at least part of the year in most years. Typically occurs on silts, muds or humic loams in low-lying parts of floodplains,	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no



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Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
Moist Shale Woodland in the Sydney Basin Bioregion – TSC Act			PMST - N/A	alluvial flats, depressions, drainage lines, backswamps, lagoons and lakes but may also occur in backbarrier landforms where floodplains adjoin coastal sandplains. Generally occur below 20 m elevation on level areas. They are dominated by herbaceous plants and have very few woody species. The structure and composition of the community varies both spatially and temporally depending on the water regime. Those that lack standing water most of the time are usually dominated by dense grassland or sedgeland vegetation, often forming a turf less than 0.5 metre tall and dominated by amphibious plants including <i>Paspalum distichum</i> (water couch), <i>Leersia hexandra</i> (swamp rice-grass), <i>Pseudoraphis spinescens</i> (mud grass) and <i>Carex appressa</i> (tussock sedge). Where they are subject to regular inundation and drying the vegetation may include large emergent sedges over 1 metre tall, such as <i>Baumea articulata</i> , <i>Eleocharis equisetina</i> and <i>Lepironia articulata</i> , as well as emergent or floating herbs such as <i>Hydrocharis dubia</i> (frogbit), <i>Philydrum lanuginosum</i> (frogsmouth), <i>Ludwigia peploides</i> subsp. <i>montevideensis</i> (water primrose), <i>Marsilea mutica</i> (nardoo) and <i>Myriophyllum</i> spp. Similar to Cumberland Plain Woodland. It differs in having a shrub understorey that contains plants from moist habitats. Dominant canopy trees include Forest Red Gum <i>Eucalyptus tereticornis</i> , Grey Box <i>E. moluccana</i> , Narrow-leaved Ironbark <i>E. crebra</i> and Spotted Gum <i>Corymbia maculata</i> . Small trees, such as Hickory Wattle <i>Acacia implexa</i> and Sydney Green Wattle <i>A. parramattensis</i> subsp. <i>parramattensis</i> are also common. The shrub layer includes <i>Breyeria oblongifolia</i> , Hairy Clerodendrum <i>Clerodendrum tomentosum</i> and Indian Weed <i>Siegesbeckia orientalis</i> subsp. <i>orientalis</i> .	Therefore, this ecological community does not occur within the Subject Site.	impacts by any proposed future development.
	Western Sydney Dry Rainforest and Moist Woodland on Shale – EPBC Act	E	CE	PMST - N/A		None. As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.



Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	E		Bionet - Kn	As the name suggests, this EEC is found on the river flats of the coastal floodplains. It has a tall open tree layer of eucalypts, which may exceed 40 m in height, but can be considerably shorter in regrowth stands or under conditions of lower site quality. While the composition of the tree stratum varies considerably, the most widespread and abundant dominant trees include <i>Eucalyptus tereticornis</i> (Forest Red Gum), <i>E. amplifolia</i> (Cabbage Gum), <i>Argophora floribunda</i> (Rough-barked Apple) and <i>A. subvelutina</i> (Broad-leaved Apple). <i>Eucalyptus baueriana</i> (Blue Box), <i>E. botryoides</i> (Bangalay) and <i>E. elata</i> (River Peppermint) may be common south from Sydney, <i>E. ovata</i> (Swamp Gum) occurs on the far south coast, <i>E. saligna</i> (Sydney Blue Gum) and <i>E. grandis</i> (Flooded Gum) may occur north of Sydney, while <i>E. benthamii</i> is restricted to the Hawkesbury floodplain. A layer of small trees may be present, including <i>Melaleuca decora</i> , <i>M. styphelioides</i> (Prickly-leaved Teatree), <i>Backhousia myrtifolia</i> (Grey Myrtle), <i>Melia azaderach</i> (White Cedar), <i>Casuarina cunninghamiana</i> (River Oak) and <i>C. glauca</i> (Swamp Oak).	Absent. The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	None. As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
			PMST - N/A			
Shale Sandstone Transition Forest of the Sydney Basin Bioregion – TSC Act			Bionet - N/A	Occurs at the edges of the Cumberland Plain, where clay soils from the shale rock intergrade with earthy and sandy soils from sandstone, or where shale caps overlay sandstone. The boundaries are indistinct, and the species composition varies depending on the soil influences. The main tree species include Forest Red Gum ( <i>Eucalyptus tereticornis</i> ), Grey Gum ( <i>E. punctata</i> ), stringybarks ( <i>E. globoides</i> , <i>E. eugenioides</i> ) and ironbarks ( <i>E. fibrosa</i> and <i>E. crebra</i> ). Areas of low sandstone influence (more clay-loam soil texture) have an understory that is closer to Cumberland Plain Woodland	Absent. The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	None. As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
			PMST - M			





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Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
<i>Shale Gravel Transition Forest in the Sydney Basin Bioregion – TSC Act</i>	E	CE	Bionet - Kn	Has an open forest structure with a canopy dominated by Broad-leaved Ironbark <i>Eucalyptus fibrosa</i> , with Grey Box <i>E. moluccana</i> and Forest Red Gum <i>E. tereticornis</i> occurring less frequently. Paperbark <i>Melaleuca decora</i> is common in the small tree layer. A sparse shrub layer is usually present which includes Blackthorn <i>Bursaria spinosa</i> , <i>Daviesia ulicifolia</i> and Peach Heath <i>Lissanthe strigosa</i> .	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
<i>Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest – EPBC Act</i>			PMST - M			
<i>Shale Sandstone Transition Forest in the Sydney Basin Bioregion – TSC Act</i>			Bionet - Kn	Occurs at the edges of the Cumberland Plain, where clay soils from the shale rock intergrade with earthy and sandy soils from sandstone, or where shale caps overlay sandstone. The boundaries are indistinct, and the species composition varies depending on the soil influences. The main tree species include Forest Red Gum ( <i>Eucalyptus tereticornis</i> ), Grey Gum ( <i>E. punctata</i> ), stringybarks ( <i>E. globoides</i> , <i>E. eugenioides</i> ) and Ironbarks ( <i>E. fibrosa</i> and <i>E. crebra</i> ). Areas of low sandstone influence (more clay-loam soil texture) have an understorey that is closer to Cumberland Plain Woodland. Shale Sandstone Transition Forest in the Sydney Basin Bioregion contains many more species than described for the canopy (above) and other references should be consulted to identify these.	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
<i>Shale Sandstone Transition Forest in the Sydney Basin Bioregion – EPBC Act</i>	CE	CE	PMST - N/A			
<i>Southern Sydney sheltered forest on transitional sandstone soils in the Sydney Basin Bioregion</i>	E	-	Bionet - Kn	Southern Sydney sheltered forest on transitional sandstone soils is an open forest dominated by eucalypts with scattered subcanopy trees, a diverse shrub layer and a well-developed groundcover of ferns, forbs,	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.



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Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
			PMST - N/A	grasses and graminoids. The dominant trees include <i>Argophora costata</i> , <i>Eucalyptus piperita</i> and occasionally <i>Eucalyptus pilularis</i> , particularly around Helensburgh. <i>Corymbia gummifera</i> occurs frequently within the community, although generally at lower abundance than the other eucalypts. Features that distinguish Southern Sydney sheltered forest on transitional sandstone soils from vegetation more typical of sandstone gullies in the eastern Sydney basin include the occurrences of <i>Eucalyptus pilularis</i> , <i>Acacia binervata</i> , <i>Elaeocarpus reticulatus</i> , <i>Pitrisporium undulatum</i> and its relatively dense groundcover of ferns, grasses, rushes, lilies and forbs. There is considerable variation in species composition, richness and structure within the community in response to local soil variation and geographic gradients across the range. The community typically has an open forest structure, although disturbance may result in local manifestations as woodland or scrub.	Therefore, this ecological community does not occur within the Subject Site.	impacts by any proposed future development.
Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions			Bionet - Kn	This community is found on the coastal floodplains of NSW. It has a dense to sparse tree layer in which <i>Casuarina glauca</i> (swamp oak) is the dominant species northwards from Bermagui. Other trees including <i>Acmena smithii</i> (lilly pilly), <i>Glochidion</i> spp. (cheese trees) and <i>Melaleuca</i> spp. (paperbarks) may be present as subordinate species, and are found most frequently in stands of the community northwards from Gosford. Tree diversity decreases with latitude, and <i>Melaleuca ericifolia</i> is the only abundant tree in this community south of Bermagui	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
Coastal Swamp Oak ( <i>Casuarina glauca</i> ) Forest of New South Wales and South East Queensland ecological community	E	E	PMST - L	This swamp community has an open to dense tree layer of eucalypts and paperbarks although some remnants now only have scattered trees as a result of partial clearing. The trees may exceed 25 m in height, but can be considerably	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no
Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions	E	-	Bionet - Kn			



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Species / Community Name	TSC Act	EPBC Act	Records Source	Habitat / Community Description	Likelihood of Occurrence	Potential for Impact
Western Sydney Dry Rainforest in the Sydney Basin Bioregion – TSC Act	E	CE	PMST - N/A	shorter in regrowth stands or under conditions of lower site quality where the tree stratum is low and dense. For example, stands dominated by <i>Melaleuca ericifolia</i> typically do not exceed 8 m in height. The community also includes some areas of fernland and tall reedland or sedgeland, where trees are very sparse or absent. The most widespread and abundant dominant trees include <i>Eucalyptus robusta</i> (swamp mahogany), <i>Melaleuca quinquenervia</i> (paperbark) and, south from Sydney, <i>Eucalyptus botryoides</i> (bangalay) and <i>Eucalyptus longifolia</i> (woollybutt). Other trees may be scattered throughout at low abundance or may be locally common at few sites, including <i>Callistemon salignus</i> (sweet willow bottlebrush), <i>Casuarina glauca</i> (swamp oak) and <i>Eucalyptus resinifera</i> subsp. <i>hemilampra</i> (red mahogany), <i>Livistona australis</i> (cabbage palm) and <i>Lophostemon suaveolens</i> (swamp turpentine).	Therefore, this ecological community does not occur within the Subject Site.	impacts by any proposed future development.
				A dry vine scrub community of the Cumberland Plain, western Sydney. Canopy trees include Prickly Paperbark ( <i>Melaleuca stypheloides</i> ), Hickory Wattle ( <i>Acacia implexa</i> ) and Native Quince ( <i>Alectryon subcinerereus</i> ). There are many rainforest species in the shrub layer, such as Mock Olive ( <i>Notolea longifolia</i> ), Hairy Clerodendrum ( <i>Clerodendrum tomentosum</i> ) and Yellow Pittosporum ( <i>Pittosporum revolutum</i> ). The shrub layer combines with vines, such as Gum Vine ( <i>Aphanopetalum resinosum</i> ), Wonga Vine ( <i>Pandorea pandorana</i> ) and Slender Grape ( <i>Cayratia clematidea</i> ) to form dense thickets in sheltered locations. Contains many more species and other references should be consulted to identify these.	<b>Absent.</b> The vegetation within the Subject Site is not commensurate with this ecological community due to the flora composition. Therefore, this ecological community does not occur within the Subject Site.	<b>None.</b> As this ecological community does not occur within the Subject Site, there would be no impacts by any proposed future development.
Western Sydney Dry Rainforest and Moist Woodland on Shale – EPBC Act			PMST - L			

\*CE = Critically Endangered, E = Endangered, EP = Endangered Population, V = Vulnerable



Table D-3 Likelihood of Occurrence Table: Fauna

Species	TSC Act*	EPBC Act*	Records Source	Habitat Description	Likelihood of Occurrence	Potential for Impact
<b>Frogs</b>						
Giant Burrowing Frog	V	V	Bionet - 0 PMST - L	The northern population largely confined to the sandstone geology of the Sydney Basin and extending as far south as Ulladulla. Found in heath, woodland and open dry sclerophyll forest on a variety of soil types except those that are clay based. Spends more than 95% of its time in non-breeding habitat in areas up to 300 m from breeding sites.	<b>None.</b> This species is not known from recent occurrence records in the locality. Suitable forest and woodland habitat is not present in the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
( <i>Heleioporus australiacus</i> )						
Green and Golden Bell Frog	E	V	Bionet - 2 PMST - Kn	Inhabits marshes, dams and stream-sides, particularly those containing Bullrushes ( <i>Typha</i> spp.) or Spikerushes ( <i>Eleocharis</i> spp.). Optimum habitat includes water-bodies that are unshaded, free of predatory fish such as Plague Minnow ( <i>Gambusia holbrooki</i> ), have a grassy area nearby and diurnal sheltering sites available. Some sites, particularly in the Greater Sydney region occur in highly disturbed areas.	<b>Moderate.</b> Potential habitat is present in the form of an ephemeral waterbody; however, it is considered sub optimal habitat due to a lack of significant riparian vegetation	<b>Yes.</b> Development of the Subject Site would remove suitable habitat for this species from the locality
Growing Grass Frog	E	V	Bionet - 0 PMST - M	Usually found in or around permanent or ephemeral Black Box/Lignum/Nitre Goosefoot swamps, Lignum/Typha swamps and River Red Gum swamps or billabongs along floodplains and river valleys. They are also found in irrigated rice crops, particularly where there is no available natural habitat	<b>Low.</b> This species is not known from recent occurrence records in the locality. Marginal aquatic breeding habitat and no forest/woodland habitat is present in the Subject Site	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
( <i>Litoria raniformis</i> )						
<b>Reptiles</b>						
Broad-headed Snake	E	V	Bionet - 0 PMST - L	Shelters in rock crevices and under flat sandstone rocks on exposed cliff edges during autumn, winter and spring. Moves from the sandstone rocks to shelters in crevices or hollows in large trees within 500m of escarpments in summer.	<b>None.</b> This species is not known from recent occurrence records in the locality. The Subject Site lacks significant rock outcrop microhabitat features as well as suitable woodland habitat for this species	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
( <i>Hoplocephalus bungaroides</i> )						



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Species	TSC Act*	EPBC Act*	Records Source	Habitat Description	Likelihood of Occurrence	Potential for Impact
<b>Birds</b>						
Australasian Bittern ( <i>Botaurus poiciloptilus</i> )	E	E	Bionet - 1 PMST - Kn	In NSW, they may be found over most of the state except for the far north-west. Favours permanent freshwater wetlands with tall, dense vegetation, particularly bullrushes ( <i>Typha</i> spp.) and spikerushes ( <i>Eleocharis</i> spp.).	<b>Low.</b> Marginal aquatic habitat is present in the Subject Site but due to the exposed nature of the Subject Site it is unlikely to be utilised by this species	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Little Eagle ( <i>Hieraaetus morphnoides</i> )	V	-	Bionet - 2 PMST - N/A	The Little Eagle is found throughout the Australian mainland excepting the most densely forested parts of the Dividing Range escarpment. It occurs as a single population throughout NSW. Occupies open eucalypt forest, woodland or open woodland. Sheoak or Acacia woodlands and riparian woodlands of interior NSW are also used.	<b>Moderate.</b> This species is known to occur in the locality and is highly mobile. Therefore, this species has the potential to occur within the Subject Site	<b>Unlikely.</b> The habitat within the Subject Site is common in the locality. If this species was detected, it would most likely be moving through to more suitable habitat. The Subject Site does not contain any suitable breeding resources for this species (large trees)
Curllew Sandpiper ( <i>Calidris ferruginea</i> )	E	CE, Bonn, C,J,K	Bionet - 0 PMST - L	It generally occupies littoral and estuarine habitats, and in New South Wales is mainly found in intertidal mudflats of sheltered coasts. It also occurs in non-tidal swamps, lakes and lagoons on the coast and sometimes inland. It forages in or at the edge of shallow water, occasionally on exposed algal mats or waterweed, or on banks of beach-cast seagrass or seaweed.	<b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site. Therefore, this species almost no chance of occurring within the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Eastern Curlew ( <i>Neophema chrysogaster</i> )	-	CE, J,K	Bionet - 0 PMST - M	The Eastern Curlew is most commonly associated with sheltered coasts, especially estuaries, bays, harbours, inlets and coastal lagoons, with large intertidal mudflats or sandflats, often with beds of seagrass. Occasionally, the species occurs on ocean beaches (often near estuaries), and coral reefs, rock platforms, or rocky islets. The birds are often recorded among saltmarsh and on mudflats fringed by mangroves, and sometimes use the mangroves. The birds are also found in saltworks and sewage farms. The numbers of Eastern Curlew recorded during one study were correlated with wetland areas.	<b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works



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Little Lorikeet ( <i>Glossopsitta pusilla</i> )	V	-	Bionet - 5	Forages primarily in the canopy of open Eucalyptus forest and woodland, yet also finds food in Angophora, Melaleuca and other tree species. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity. Isolated flowering trees in open country, e.g. paddocks, roadside remnants and urban trees also help sustain viable populations of the species.	<b>Moderate.</b> This species is highly mobile and is known from the locality. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat
			PMST - N/A			
Swift Parrot  ( <i>Lathamus discolor</i> )	E	CE	Bionet - 0	Migrates to the Australian south-east mainland between March and October. On the mainland they occur in areas where eucalypts are flowering profusely or where there are abundant lerp (from sap-sucking bugs) infestations. Favoured feed trees include winter flowering species such as Swamp Mahogany <i>Eucalyptus robusta</i> , Spotted Gum <i>Corymbia maculata</i> , Red Bloodwood <i>C. gummifera</i> , Mugga Ironbark <i>E. sideroxydon</i> , and White Box <i>E. albens</i> . Commonly used lerp infested trees include Inland Grey Box <i>E. microcarpa</i> , Grey Box <i>E. moluccana</i> and Blackbutt <i>E. pilularis</i> .	<b>Moderate.</b> This species is highly mobile and is known from the locality. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat
			PMST - Kn			
Turquoise Parrot  ( <i>Neophera pulchella</i> )	V	-	Bionet - 1	Lives on the edges of eucalypt woodland adjoining clearings, timbered ridges and creeks in farmland. Prefers to feed in the shade of a tree and spends most of the day on the ground searching for the seeds or grasses and herbaceous plants, or browsing on vegetable matter.	<b>Moderate.</b> This species is highly mobile and is known from the locality. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat
			PMST - N/A			
Powerful Owl  ( <i>Ninox strenua</i> )	V	-	Bionet - 1	The Powerful Owl inhabits a range of vegetation types, from woodland and open sclerophyll forest to tall open wet forest and rain forest. The Powerful Owl requires large tracts of forest or woodland habitat but can occur in fragmented landscapes as well. The species breeds and hunts in open or closed sclerophyll forest or woodlands and occasionally hunts in open habitats. It roosts by day in dense vegetation comprising species such as Turpentine <i>Syncarpia glomulifera</i> , Black She-oak <i>Allocasuarina littoralis</i> , Blackwood <i>Acacia melanoxylon</i> , Rough-barked Apple <i>Angophora floribunda</i> , Cherry Ballart <i>Exocarpus cupressiformis</i> and a number of eucalypt species.	<b>Moderate.</b> This species is highly mobile and is known from the locality. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat
			PMST - N/A			



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Eastern Bristlebird ( <i>Dasyornis brachypterus</i> )	E	E	Bionet - 0 PMST - M	Habitat for central and southern populations is characterised by dense, low vegetation including heath and open woodland with a heathy understorey. In northern NSW the habitat occurs in open forest with dense tussocky grass understorey and sparse mid-storey near rainforest ecotone; all of these vegetation types are fire prone. The species inhabits dry open forest and woodland, particularly Box-Ironbark woodland, and riparian forests of River Sheoak. Regent Honeyeaters inhabit woodlands that support a significantly high abundance and species richness of bird species. These woodlands have significantly large numbers of mature trees, high canopy cover and abundance of mistletoes.	<b>None.</b> No suitable heath or heathy woodland habitat occurred within the Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site.	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Regent Honeyeater ( <i>Anthochaera phrygia</i> )	CE	CE	Bionet - 0 PMST - L	The species inhabits dry open forest and woodland, particularly Box-Ironbark woodland, and riparian forests of River Sheoak. Regent Honeyeaters inhabit woodlands that support a significantly high abundance and species richness of bird species. These woodlands have significantly large numbers of mature trees, high canopy cover and abundance of mistletoes.	<b>Low.</b> This species is highly mobile but is not well known from the locality. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Painted Honeyeater ( <i>Grantia picta</i> )	V	V	Bionet - 0 PMST - L	The greatest concentrations of the bird and almost all breeding occurs on the inland slopes of the Great Dividing Range in NSW. Inhabits Boree, Brigalow and Box-Gum Woodlands and Box-Ironbark Forests. A specialist feeder on the fruits of mistletoes growing on woodland eucalypts and acacias. Prefers mistletoes of the genus <i>Arryera</i> .	<b>Low.</b> This species is highly mobile but is not well known from the locality. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Varied Sittella ( <i>Daphoenositta chrysoptera</i> )	V	-	Bionet - 20 PMST - N/A	Inhabits eucalypt forests and woodlands, especially those containing rough-barked species and mature smooth-barked gums with dead branches, mallee and Acacia woodland.	<b>Moderate.</b> This species is highly mobile and is known from the locality. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Dusky Woodswallow ( <i>Artamus cyanopterus</i> )	V	-	Bionet - 75 PMST - N/A	Often reported in woodlands and dry open sclerophyll forests, usually dominated by eucalypts, including mallee associations. It has also been recorded in shrublands and heathlands and various modified habitats, including regenerating forests and very occasionally in moist forests or rainforests.	<b>Moderate.</b> This species is highly mobile and is known from the locality. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Scarlet Robin	V	-	Bionet - 7	The Scarlet Robin lives in dry eucalypt forests and woodlands. The understorey is usually open and grassy with few scattered shrubs. This species lives in	<b>Moderate.</b> This species is highly mobile and is known from the locality. Therefore,	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting



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<i>(Petroica boodang)</i>			PMST - N/A	both mature and regrowth vegetation. It occasionally occurs in mallee or wet forest communities, or in wetlands and tea-tree swamps. Scarlet Robin habitat usually contains abundant logs and fallen timber. These are important components of its habitat. The Scarlet Robin is primarily a resident in forests and woodlands, but some adults and young birds disperse to more open habitats after breeding.	this species has the potential to occur within the Subject Site.	resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat
Australian Painted Snipe			Bionet - 0		<b>Low.</b> This species is highly mobile but is not well known from the locality. Therefore, this species has a low potential to occur within the Subject Site. Nearby lands contain dams and watercourses but the Subject Site lacks contiguous vegetation cover which could be used by this species	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat
<i>(Rostratula australis)</i>	E	E	PMST - L	Prefers fringes of swamps, dams and nearby marshy areas where there is a cover of grasses, lignum, low scrub or open timber.		
Freckled Duck			Bionet - 1	Prefer permanent freshwater swamps and creeks with heavy growth of Cumbungi, Lignum or Tea-tree. During drier times they move from ephemeral breeding swamps to more permanent waters such as lakes, reservoirs, farm dams and sewage ponds	<b>None.</b> No suitable waterbodies or stream habitat occurred within the Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site. Nearby lands contain dams and watercourses but the Subject Site lacks contiguous vegetation cover which could be used by this species	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>(Stictonetta naevosa)</i>	V	-	PMST - N/A			
<b>Fish</b>						
Murray Cod	-	V	Bionet - 0	The Murray Cod utilises a diverse range of habitats from clear rocky streams, such as those found in the upper western slopes of NSW (including the ACT), to	<b>None.</b> No suitable waterbodies or stream habitat occurred within the	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is





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<i>(Maccullochella peelii)</i>			PMST - M	slow-flowing, turbid lowland rivers and billabongs. Murray Cod are frequently found in the main channels of rivers and larger tributaries. The species is, therefore, considered a main-channel specialist. Murray Cod tend to occur in floodplain channels and anabranches when they are inundated, but the species' use of these floodplain habitats appears limited. Juveniles less than one year old have been found in main river channels where it appears they settle at a late larval (newly born) stage	Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site	unlikely to be impacted by any future works
Macquarie Perch	-	V	Bionet - 0 PMST - Kn	The Macquarie Perch is a riverine, schooling species. It prefers clear water and deep, rocky holes with lots of cover. As well as aquatic vegetation, additional cover may comprise of large boulders, debris and overhanging banks. Spawning occurs just above riffles (shallow running water). Populations may survive in impoundments if able to access suitable spawning sites	None. No suitable waterbodies or stream habitat occurred within the Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site	None. As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Australian Grayling	-	V	Bionet - 0 PMST - M	The Australian Grayling is diadromous, spending part of its lifecycle in freshwater and at least part of the larval and/or juvenile stages in coastal seas. Adults (including pre spawning and spawning adults) inhabit cool, clear, freshwater streams with gravel substrate and areas alternating between pools and riffle zones	None. No suitable waterbodies or stream habitat occurred within the Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site	None. As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>(Prototroctes maraena)</i>			PMST - M			
<b>Mammals</b>						
Spotted-tailed Quoll	V	E	Bionet - 0 PMST - L	Spotted-tailed quolls live in various environments including forests, woodlands, coastal heathlands and rainforests. They are sometimes seen in open country, or on grazed areas and rocky outcrops. They are mainly solitary animals, and will make their dens in rock shelters, small caves, hollow logs and tree hollows. They use these dens for shelter and to raise young. These animals are highly mobile. They can move up to several kilometres in a night and may have quite large territories. Within their territories, they will have latrine areas where they defecate. These are often in exposed areas, such as on rocky outcrops.	Low. This species is highly mobile but is not well known from the locality. Therefore, this species has a low potential to occur within the Subject Site. Nearby lands contain suitable woodland and riparian habitat, but the Subject Site lacks contiguous vegetation cover which could be used by this species	Unlikely. The Subject Site does not contain suitable foraging or denning resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat



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Koala (combined populations of Qld, NSW and the ACT) <i>(Phascolarctos cinereus)</i>	V	V	Bionet - 1 PMST - Kn	Inhabit eucalypt woodlands and forests. Feed on the foliage of more than 70 eucalypt species and 30 non-eucalypt species, but in any one area will select preferred browse species	<b>Low.</b> This species is highly mobile and is known from the locality; however, the Subject Site contains no mature eucalypt trees. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
	-	-	Bionet - 0 PMST - Kn	Feeds exclusively on eucalypt leaves, buds, flowers and mistletoe. Shelter during the day in tree hollows and will use up to 18 hollows in their home range. Occupy a relatively small home range with an average size of 1 to 3 ha.	<b>Low.</b> This species is highly mobile but is not well known from the locality. The Subject Site also contains no mature eucalypt trees. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Greater Glider <i>(Petauroides volans)</i>	-	V	Bionet - 0 PMST - Kn	Occurs in forests and woodlands along the Great Divide and on the western slopes in escarpment country with rocky outcrops, steep rocky slopes, gorges, boulders and isolated rocky areas. The majority of populations favour north-facing aspects, but some southern aspects have been recorded. Apart from the critical rock structure, Brush-tailed Rock-wallaby also requires adjacent vegetation types, associated types include, dense rainforest, wet sclerophyll, vine thicket, dry sclerophyll forest and open forest. They also require suitable caves and rocky overhangs for shelter and also for 'lookout' posts.	<b>None.</b> No suitable escarpment habitat is present on the Subject Site or nearby lands	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Brush-tailed Rock-wallaby <i>(Petrogale penicillata)</i>	E	V	Bionet - 0 PMST - L	Known to inhabit open heathlands, woodlands and forests with a heathland understorey and vegetated sand dunes. It is a social animal, living predominantly in burrows shared with other individuals. Distribution is patchy in time and space, with peaks in abundance during early to mid-stages of vegetation succession typically induced by fire.	<b>Low.</b> No suitable healthy understorey or similar habitat occurred within the Subject Site. Therefore, this species has a low chance of occurring within Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by any future works.
New Holland Mouse <i>(Pseudomys novaehollandiae)</i>	-	V	Bionet - 0 PMST - L	Grey-headed Flying-foxes are generally found within 200 km of the eastern coast of Australia, from Rockhampton in Queensland to Adelaide in South	<b>Moderate.</b> This species is highly mobile and well known from the locality. The	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or roosting
Grey-headed Flying-fox	V	V	Bionet - 11			



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<i>(Pteropus poliocephalus)</i>			PMST - Kn	Australia. Occur in subtropical and temperate rainforests, tall sclerophyll forests and woodlands, heaths and swamps as well as urban gardens and cultivated fruit crops. Roosting camps are generally located within 20 km of a regular food source and are commonly found in gullies, close to water, in vegetation with a dense canopy. Individual camps may have tens of thousands of animals and are used for mating, and for giving birth and rearing young.	single eucalypt present would provide some foraging utility; however, this habitat is not limited in the locality	resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Large-eared Pied Bat			Bionet - 0	Found in well-timbered areas containing gullies. Roosts in caves (near their entrances), crevices in cliffs, old mine workings and in the disused, bottle-shaped mud nests of the Fairy Martin ( <i>Petrochelidon ariel</i> ), frequenting low to mid-elevation dry open forest and woodland close to these features. Females have been recorded raising young in maternity roosts (c. 20-40 females) from November through to January in roof domes in sandstone caves and overhangs. They remain loyal to the same cave over many years.	Low. This species is known to occur in the locality; however, no suitable woodland foraging or roosting microhabitats are present. Therefore, this species has a low potential to occur within the Subject Site.	Unlikely. The Subject Site does not contain suitable foraging or roosting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Eastern Freetail-bat <i>(Mormopterus norfolkensis)</i>	V	V	PMST - Kn	Occur in dry sclerophyll forest, woodland, swamp forests and mangrove forests east of the Great Dividing Range. Roost mainly in tree hollows but will also roost under bark or in man-made structures.	Moderate. This species is well known from the locality; however, no suitable woodland foraging or roosting trees are present. Therefore, this species has a low potential to occur within the Subject Site.	Unlikely. The Subject Site does not contain suitable foraging or roosting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Eastern False Pipistrelle <i>(Falsistrellus tasmaniensis)</i>	V	-	Bionet - 2 PMST - N/A	Prefers moist habitats, with trees taller than 20 m. Generally roosts in eucalypt hollows, but has also been found under loose bark on trees or in buildings.	Low. This species is not well known from the locality. No suitable woodland foraging or roosting trees are present. Therefore, this species has a low potential to occur within the Subject Site.	Unlikely. The Subject Site does not contain suitable foraging or roosting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Eastern Bentwing-bat	V	-	Bionet - 6	Caves are the primary roosting habitat, but also use derelict mines, storm-water tunnels, buildings and other man-made structures. Form discrete	Moderate. This species is well known from the locality; however, no suitable	Unlikely. The Subject Site does not contain suitable foraging or roosting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat



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<i>(Miniopterus schreibersii oceanensis)</i>			PMST - N/A	populations centred on a maternity cave that is used annually in spring and summer for the birth and rearing of young. Maternity caves have very specific temperature and humidity regimes. At other times of the year, populations disperse within about 300 km range of maternity caves.	woodland foraging or roosting trees are present. Therefore, this species has a low potential to occur within the Subject Site.	resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Southern Myotis	V	-	Bionet - 5	Generally roost in groups of 10 - 15 close to water in caves, mine shafts, hollow-bearing trees, storm water channels, buildings, under bridges and in dense foliage. Forage over streams and pools catching insects and small fish by raking their feet across the water surface.	<b>Moderate.</b> This species is well known from the locality, however, no suitable riparian woodland foraging or roosting trees are present. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or roosting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
Yellow-bellied Shearwater	V	-	Bionet - 1	Roosts singly or in groups of up to six, in tree hollows and buildings; in treeless areas they are known to utilise mammal burrows.	<b>Low.</b> This species is not well known from the locality. No suitable woodland foraging or roosting trees are present. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or roosting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
<i>(Saccoleimus flaviventris)</i>			PMST - N/A			
Greater Broad-nosed Bat	V	-	Bionet - 1	Utilises a variety of habitats from woodland through to moist and dry eucalypt forest and rainforest, though it is most commonly found in tall wet forest. Although this species usually roosts in tree hollows, it has also been found in buildings.	<b>Low.</b> This species is not well known from the locality. No suitable woodland foraging or roosting trees are present. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or roosting resources for this species. It would only utilise the Subject Site on passage to areas of suitable habitat
<i>(Scoteanax rueppellii)</i>			PMST - N/A			
<b>Gastropods</b>						
Cumberland Plain Land Snail	E	-	Bionet - 39	Primarily inhabits Cumberland Plain Woodland (a critically endangered ecological community). This community is a grassy, open woodland with occasional dense patches of shrubs. It is also known from Shale Gravel Transition Forests, Castlereagh	<b>Moderate.</b> This species is well known from the locality and suitable habitat is present on adjacent lands in the form of Cumberland	<b>Yes.</b> Development of the Subject Site would remove suitable habitat for this species from the locality



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<i>(Meridolum carneovirens)</i>			PMST - N/A	Swamp. Lives under litter of bark, leaves and logs, or shelters in loose soil around grass clumps. Occasionally shelters under rubbish/Woodlands and the margins of River-flat Eucalypt Forest, which are also listed communities.	Plain Woodland vegetation. Therefore, this species has the potential to occur within the Subject Site	
<b>Migratory species</b>						
Fork-tailed Swift	-	C, J, K	Bionet - 0	The Fork-tailed Swift is almost exclusively aerial, flying from less than 1 m to at least 300 m above ground and probably much higher. In Australia, they mostly occur over inland plains but sometimes above foothills or in coastal areas.	<b>Moderate.</b> This species has the potential to fly over the Subject Site during migration. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> Any future works on the Subject Site are unlikely to affect the foraging utility of the above airspace for this species
<i>(Apus pacificus)</i>			PMST - L			
Cattle Egret			Bionet - 4	The Cattle Egret occurs in tropical and temperate grasslands, wooded lands and terrestrial wetlands	<b>Moderate.</b> Marginal aquatic and suitable grassland foraging habitat is present in the Subject Site for this species. Therefore, this species has the potential to occur within the subject site	<b>Unlikely.</b> Grassland habitat on the Subject Site is not limited in the locality and is not vital to the long-term survival of this species in the locality. Removal of this habitat by any future works would have a negligible impact on this species in the locality
<i>(Ardea ibis)</i>	-	C, J	PMST - N/A			
Oriental Cuckoo			Bionet - 0	Non-breeding habitat only: monsoonal rainforest, vine thickets, wet sclerophyll forest or open Casuarina, Acacia or Eucalyptus woodlands. The species frequently occurs at edges or ecotones between habitat types. Riparian forest is favoured habitat in the Kimberley region.	<b>Low.</b> The Subject Site does not contain the preferred habitat types for this species; however, it may pass through the locality during migration. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by the project.
<i>(Cuculus optatus)</i>	-	C, J, K	PMST - M			
White-throated Needle-tail			Bionet - 0	Non-breeding habitat only: Found across a range of habitats, more often over wooded areas, where it is almost exclusively aerial. Large tracts of native vegetation, particularly forest, may be a key habitat requirement for the species. Found to roost in tree hollows in tall trees on ridge-tops, on bark or rock faces. Appears to have traditional roost sites.	<b>Moderate.</b> This species has the potential to fly over the Subject Site during migration. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> Any future works on the Subject Site are unlikely to affect the foraging utility of the above airspace for this species
<i>(Hirundapus caudacutus)</i>	-	C, J, K	PMST - Kn			



Species	TSC Act*	EPBC Act*	Records Source	Habitat Description	Likelihood of Occurrence	Potential for Impact
Rainbow Bee-eater <i>(Merops ornatus)</i>	-	J	Bionet - 1  PMST - N/A	The Rainbow Bee-eater occurs mainly in open forests and woodlands, shrublands, and in various cleared or semi-cleared habitats, including farmland and areas of human habitation	<b>Moderate.</b> The Subject Site and adjacent lands contain broadly suitable habitat for this species and it may pass through the locality during migration. Therefore, this species has the potential to occur within the Subject Site.	<b>Unlikely.</b> Grassland habitats on the Subject Site is not limited in the locality and is not vital to the long-term survival of this species in the locality. Removal of this habitat by any future works would have a negligible impact on this species in the locality
Black-faced Monarch <i>(Monarcha melanopsis)</i>	-	Bonn	Bionet - 0  PMST - Kn	Wet forest specialist, found mainly in rainforest and wet sclerophyll forest, especially in sheltered gullies and slopes with a dense understorey of ferns and/or shrubs.	<b>Low.</b> The Subject Site does not contain the preferred habitat types for this species; however, it may pass through the locality during migration. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by the project.
Spectacled Monarch <i>(Monarcha trivirgatus)</i>	-	Bonn	Bionet - 0  PMST - Kn	The Spectacled Monarch prefers thick understorey in rainforests, wet gullies and waterside vegetation, as well as mangroves.	<b>Low.</b> The Subject Site does not contain the preferred habitat types for this species; however, it may pass through the locality during migration. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by the project.
Yellow Wagtail <i>(Motacilla flava)</i>	-	C, J, K	Bionet - 0  PMST - M	Non-breeding habitat only: mostly well-watered open grasslands and the fringes of wetlands. Roosts in mangroves and other dense vegetation.	<b>Low.</b> The Subject Site does not contain the preferred habitat types for this species; however, it may pass through the locality during migration and riparian vegetation is present nearby. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by the project.



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Species	TSC Act*	EPBC Act*	Records Source	Habitat Description	Likelihood of Occurrence	Potential for Impact
Satin Flycatcher	-	Bonn	Bionet - 0 PMST - Kn	Eucalypt forest and woodlands, at high elevations when breeding. They are particularly common in tall wet sclerophyll forest, often in gullies or along watercourses. In woodlands they prefer open, grassy woodland types. During migration, habitat preferences expand, with the species recorded in most wooded habitats except rainforests. Wintering birds in northern Qld will use rainforest - gallery forests interfaces, and birds have been recorded wintering in mangroves and paperbark swamps.	<b>Low.</b> The Subject Site does not contain the preferred habitat types for this species; however, it may pass through the locality during migration and riparian vegetation is present nearby. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by the project.
Rufous Fantail	-	Bonn	Bionet - 0 PMST - Kn	Moist, dense habitats, including mangroves, rainforest, riparian forests and thickets, and wet eucalypt forests with a dense understorey. When on passage a wider range of habitats are used including dry eucalypt forests and woodlands and Brigalow shrublands.	<b>Low.</b> The Subject Site does not contain the preferred habitat types for this species; however, it may pass through the locality during migration and riparian vegetation is present nearby. Therefore, this species has a low potential to occur within the Subject Site.	<b>Unlikely.</b> As this species has a low chance of occurring within the Subject Site, it is unlikely to be impacted by the project.
Common Sandpiper	-	Bonn, C,J,K	Bionet - 0 PMST - M	Found along all coastlines of Australia and in many areas inland, the Common Sandpiper is widespread in small numbers. The population when in Australia is concentrated in northern and western Australia.	<b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site. Therefore, this species almost no chance of occurring within the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Sharp-tailed Sandpiper	-	Bonn, C,J,K	Bionet - 0 PMST - Kn	In Australasia, the Sharp-tailed Sandpiper prefers muddy edges of shallow fresh or brackish wetlands, with inundated or emergent sedges, grass, saltmarsh or other low vegetation. This includes lagoons, swamps, lakes and pools near the coast, and dams, waterholes, soaks, bore drains and bore swamps, saltpans and hypersaline saltlakes inland.	<b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site. Therefore, this species almost no chance of occurring within the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
Curlew Sandpiper	E	CE, Bonn, C,J,K	Bionet - 0	As above.	<b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works



Species	TSC Act*	EPBC Act*	Records Source	Habitat Description	Likelihood of Occurrence	Potential for Impact
<i>(Calidris ferruginea)</i>			PMST - L		Site. Therefore, this species almost no chance of occurring within the Subject Site	unlikely to be impacted by any future works
Pectoral Sandpiper		Bonn, J,K	Bionet - 0	In Australasia, the Pectoral Sandpiper prefers shallow fresh to saline wetlands. The species is found at coastal lagoons, estuaries, bays, swamps, lakes, inundated grasslands, saltmarshes, river pools, creeks, floodplains and artificial wetlands.	<b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site. Therefore, this species almost no chance of occurring within the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>(Calidris melanotos)</i>	-		PMST - M			
Latham's Snipe			Bionet - 16	Occurs in permanent and ephemeral wetlands up to 2000 m above sea-level. They usually inhabit open, freshwater wetlands with low, dense vegetation (e.g. swamps, flooded grasslands or heathlands, around bogs and other water bodies). However, they can also occur in habitats with saline or brackish water, in modified or artificial habitats, and in habitats located close to humans or human activity.	<b>Moderate.</b> This species is highly mobile and well known from the locality. Therefore, this species has the potential to occur within the Subject Site. Nearby lands contain dams and watercourses but the Subject Site lacks contiguous vegetation cover which could be used by this species	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the resources of the Subject Site on passage to areas of suitable habitat
<i>(Gallinago hardwickii)</i>	-	Bonn, J,K	PMST - M			
Eastern Curlew			Bionet - 0	The Eastern Curlew is most commonly associated with sheltered coasts, especially estuaries, bays, harbours, inlets and coastal lagoons, with large intertidal mudflats or sandflats, often with beds of seagrass. Occasionally, the species occurs on ocean beaches (often near estuaries), and coral reefs, rock platforms, or rocky islets. The birds are often recorded among saltmarsh and on mudflats fringed by mangroves, and sometimes use the mangroves. The birds are also found in saltworks and sewage farms. The numbers of Eastern Curlew recorded during one study were correlated with wetland areas.	<b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site	<b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works
<i>(Numenius madagascariensis)</i>	-	CE, Bonn, C,J,K	PMST - M			
Eastern Osprey	V	Bonn	Bionet - 0	Favour coastal areas, especially the mouths of large rivers, lagoons and lakes. Feed on fish over clear, open water	<b>Moderate.</b> This species is highly mobile and well known from the locality. Therefore, this species has the potential to occur within the Subject Site. Nearby lands contain dams,	<b>Unlikely.</b> The Subject Site does not contain suitable foraging or nesting resources for this species. It would only utilise the resources of the Subject
<i>(Pandion haliaetus)</i>			PMST - L			





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Species	TSC Act*	EPBC Act*	Records Source	Habitat Description	Likelihood of Occurrence	Potential for Impact
Common Greenshank ( <i>Tringa nebularia</i> )	-	Bonn, C,J,K	Bionet - 0 PMST - L	The Common Greenshank occurs in sheltered coastal habitats, typically with large mudflats and saltmarsh, mangroves or seagrass. Habitats include embayments, harbours, river estuaries, deltas and lagoons and are recorded less often in round tidal pools, rock-flats and rock platforms.	watercourses and native woodlands but the Subject Site lacks contiguous vegetation cover which could be used by this species  <b>None.</b> No suitable littoral, estuarine or similar habitat occurred within the Subject Site. Therefore, this species has almost no chance of occurring within the Subject Site	Site on passage to areas of suitable habitat  <b>None.</b> As this species has no chance of occurring within the Subject Site, it is unlikely to be impacted by any future works

\*CE = Critically Endangered, E = Endangered, EP = Endangered Population, V = Vulnerable, Bonn = Convention on the Conservation of Migratory Species of Wild Animals, C = China-Australia Migratory Bird Agreement, J = Japan-Australia Migratory Bird Agreement, K = Republic of Korea-Australia Migratory Bird Agreement



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Attachment 1

APPENDIX

E

SEVEN PART TESTS (TSC ACT) AND  
TESTS OF SIGNIFICANCE (EPBC  
ACT)



## Appendix E: Seven Part Tests (TSC Act) and Tests of Significance (EPBC Act)

### Seven Part Tests (TSC Act)

Under Part 5A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a seven-part test is required to determine whether a significant impact on any threatened species or TEC listed under the NSW *Threatened Species Conservation Act 1995* (TSC Act) known or considered likely to occur on a site as a result of a proposed action. If a significant impact is considered likely, based on the test then further assessment through a Species Impact Statement (SIS) is required.

The following listed entities are considered to be present or to have suitable habitat and a potential to occur on the Subject Site and would be impacted upon by future development of the Subject Site.

#### Flora

##### *Cumberland Plain Woodland in the Sydney Basin Bioregion*

This TEC is listed as critically endangered under the TSC Act. The following description has been taken from the NSW OEH profile description for this TEC.

The dominant canopy trees of Cumberland Plain Woodland are Grey Box (*Eucalyptus moluccana*) and Forest Red Gum (*E. tereticornis*), with Narrow-leaved Ironbark (*E. crebra*), Spotted Gum (*Corymbia maculata*) and Thin-leaved Stringybark (*E. eugenioides*) occurring less frequently. The shrub layer is dominated by Blackthorn (*Bursaria spinosa*), and it is common to find abundant grasses such as Kangaroo Grass (*Themeda australis*) and Weeping Meadow Grass (*Microlaena stipoides* var. *stipoides*).

#### Distribution

Occurs on soils derived from Wianamatta Shale, and throughout the driest part of the Sydney Basin. Before European settlement, was extensive across the Cumberland Plain, western Sydney. Today, only 9 percent of the original extent remains intact, with the remnants scattered widely across the Cumberland Plain. Good examples can be seen at Scheyville National Park and Mulgoa Nature Reserve.

#### Habitat and ecology

- > Typically occurs on heavy clay soils derived from Wianamatta Shale;
- > Well adapted to drought and fire, and the understorey plants often rely on underground tubers or profuse annual seed production to survive adverse conditions; and
- > Cumberland Plain Woodland is habitat for threatened species such as the Cumberland land snail (*Meridolum carneovirens*).

This TEC occurs on the fringes of the Subject Site as two sub-communities, CPW and CPW derived grassland. CPW is confined to a single mature tree and understorey vegetation in the south-west and CPW derived grassland occurs as a small regenerating clump in the south and south-west of the Subject Site.

**(a) In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to a TEC.

**(b) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to a TEC.

**(c) In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

- (i) Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction; or**



- (ii) ***Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.***

Development of the Subject Site would remove a small portion of CPW and CPW derived grassland from the locality. The occurrence of this TEC on the Subject Site represents a very small portion of its wider occurrence. Large areas of more intact CPW and CPW derived grassland are present on lands to the south and east which would not be directly impacted upon by the development of the Subject Site. Development of the Subject Site would not place the local occurrence of this TEC at risk of extinction.

CPW vegetation downslope of the Subject Site may be affected by secondary impacts of future development (sediment runoff, introduction of new exotic species). However, this vegetation already abuts an urbanised landscape with many of these secondary stressors already present. Development of the Subject Site is not considered likely to exacerbate these impacts to the extent that the local occurrence of this TEC would be placed at risk of extinction.

- (d) ***In relation to the habitat of a threatened species, population or ecological community:***

- (i) ***The extent to which habitat is likely to be removed or modified as a result of the action proposed;***
- (ii) ***Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action; and***
- (iii) ***the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.***

All of the occurrence of this TEC would be removed by the development of the Subject Site (refer to Table 3-1 of the above report). However, this would amount to less than 1% of the total occurrence of this TEC within the entirety of lot 627 DP1163903.

Habitat would not be fragmented or isolated by the development of the Subject Site. Existing CPW on lands to the east and south would retain their current level of connectivity following development through Manooka Reserve. Lands to the north and west of the Subject Site have already been developed and do not provide connectivity for any native vegetation habitat in the locality.

The CPW on the Subject Site represents a small portion of the local occurrence. It is located on the outer edge of a large occurrence of this TEC, which largely falls within protected lands of Manooka Reserve. The occurrence on the Subject Site is prone to impacts from nearby development and exotic grasslands. The small portion of this TEC which would be removed by future development of the Subject Site is not considered important to the long-term survival of this TEC in the locality.

- (e) ***Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).***

At present, there are four critical habitats declared under Section 53–55 of the TSC Act:

- > Gould's Petrel - critical habitat declaration;
- > Little penguin population in Sydney's North Harbour - critical habitat declaration;
- > Mitchell's Rainforest Snail in Stotts Island Nature Reserve - critical habitat declaration; and
- > Wollemi Pine - critical habitat declaration.

Of the above listed critical habitats, the Little penguin population in Sydney's North Harbour - critical habitat is located closest to the Subject Site. However, as the Subject Site is located over 50 km from the critical habitat, future development would not be expected to have any direct or indirect effect on this or any other declared critical habitat.

- (f) ***Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.***

The Cumberland Plain Recovery Plan is relevant to this TEC.

This plan has the following objectives:

1. To build a protected area network, comprising public and private lands, focused on the priority conservation lands;



2. To deliver best practice management for threatened species, populations and ecological communities across the Cumberland Plain, with a specific focus on the priority conservation lands and public lands where the primary management objectives are compatible with conservation;
3. To develop an understanding and enhanced awareness in the community of the Cumberland Plain's threatened biodiversity, the best practice standards for its management, and the recovery program; and
4. To increase knowledge of the threats to the survival of the Cumberland Plain's threatened species, populations and ecological communities, and thereby improve capacity to manage these in a strategic and effective manner.

The development of the Subject Site is not considered inconsistent with the objectives of the Recovery Plan. The Subject Site is not located within any priority conservation lands for this TEC. The nearest such lands are within Harrington Forest, over 2.4 km to the north-west.

The development of the Subject Site would remove a small portion of this TEC from the locality with the majority retained elsewhere in the remainder of lot 627 DP1163903.

To date, no threat abatement plan relevant to Cumberland Plain Woodland has been developed.

**(g) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

Development of the Subject Site would or may constitute, introduce or exacerbate the following Key Threatening Processes (KTPs) relevant to this TEC:

- > Anthropogenic climate change;
- > Clearing of native vegetation;
- > Infection of native plants by *Phytophthora cinnamomi*;
- > Introduction and establishment of Exotic Rust Fungi of the order Pucciniales pathogenic on plants of the family Myrtaceae;
- > Invasion and establishment of exotic vines and scramblers;
- > Invasion and establishment of Scotch Broom (*Cytisus scoparius*);
- > Invasion of native plant communities by African Olive *Olea europaea* subsp. *cuspidata* (Wall. ex G. Don) Cif;
- > Invasion of native plant communities by *Chrysanthemoides monilifera*;
- > Invasion of native plant communities by exotic perennial grasses;
- > Invasion, establishment and spread of Lantana (*Lantana camara* L. sens. Lat);
- > Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants; and
- > Removal of dead wood and dead trees.

Development of the Subject Site would result in a small loss of native vegetation, production of greenhouse gases and removal of dead wood. However, these KTPs arising from the development are not considered significant on the locality scale. Removal of CPW from the Subject Site would represent less than 1% of the occurrence of this TEC within the entirety of lot 627 DP1163903.

The introduction of pest weeds and diseases may occur in untreated water, unclean fill and from landscaping and garden plantings. However, these impacts can be mitigated through appropriate controls. With appropriate mitigation, development of the Subject Site is not considered likely to significantly exacerbate these KTPs on the locality scale.

#### Conclusion

This TEC is present as a small stand of woody vegetation and derived grasslands in the south and south-west of the Subject Site. Future development of the Subject Site would entail the removal of the entire occurrence of this TEC. However, this loss is not considered significant on the locality scale with large areas of this TEC present on adjacent lands to the south and east.



No significant impact on this TEC is anticipated by the future development of the Subject Site. Consequently, further assessment through the preparation of a SIS is not considered necessary.

## Fauna

### *Cumberland Plain Land Snail (Meridolum corneovirens)*

This species is listed as endangered under the TSC Act.

Superficially similar to the familiar exotic Garden Snail (*Helix aspera*). It differs most obviously in its 25 - 30 mm diameter shell. While this shell may be almost any shade of brown, it is always uniform in colour, while that of *Helix* consists of dark patches on a pale background. A green or yellow tinge may be present. The Cumberland Land Snail also has a more flattened shell that is very thin and fragile, compared with the thick shell of the Garden Snail.

The under side of the shell, especially in living individuals, tends to have a glossy appearance and is semitransparent, enabling the observer to see the animal colour and some internal organs. The upper side of the shell has a coarse wrinkly appearance. In adult shells the edge of the aperture is reflected, forming a slight lip. This is typically white in colour. However, the feature is absent in both juvenile and sub-adult individuals. The juveniles have a more angular shell and tend to have an open area in the central part of the underside of the shell, known as the umbilicus. Generally, in adults the umbilicus is closed or partially covered. Sometimes there is a reddish brown patch around the umbilical area.

*M. corneovirens* can also be easily confused with other members of the genus *Meridolum*, especially those found along the edges of its' range.

### Distribution

Lives in small areas on the Cumberland Plain west of Sydney, from Richmond and Windsor south to Picton and from Liverpool west to the Hawkesbury and Nepean Rivers at the base of the Blue Mountains. known from over 100 different locations, but not all are currently occupied, and they are usually isolated from each other as a result of land use patterns.

### Habitat and ecology

- > Primarily inhabits Cumberland Plain Woodland (a critically endangered ecological community). This community is a grassy, open woodland with occasional dense patches of shrubs. It is also known from Shale Gravel Transition Forests, Castlereagh Swamp Woodlands and the margins of River-flat Eucalypt Forest, which are also listed communities;
- > Lives under litter of bark, leaves and logs, or shelters in loose soil around grass clumps. Occasionally shelters under rubbish;
- > Can dig several centimetres into soil to escape drought;
- > Is a fungus specialist. Unlike the Garden Snail, does not eat green plants. It is generally active at night; and
- > Little is known of its biology, including breeding biology. It is known to be hermaphroditic, laying clutches of 20-25 small, round, white eggs in moist, dark areas (such as under logs), with the eggs taking 2-3 weeks to hatch. There is a suggestion that the species breeds throughout the year when conditions are suitable.

This species was not detected on the Subject Site during surveys. However, it is known from numerous local occurrence records and suitable CPW vegetation is present. It is therefore considered likely to utilise the Subject Site as part of its local range.

**(a) In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.**

Development of the Subject Site would remove a small portion of this species' available habitat in the locality. However, this represents only a small portion of available habitat with large areas of CPW habitat present on lands to the east and south.

Development of the Subject Site is not considered likely to place the local population of this species at risk of extinction.



**(b) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to a threatened species.

**(c) In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

- (i) Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction; or**
- (ii) Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.**

Not applicable to a threatened species.

**(d) In relation to the habitat of a threatened species, population or ecological community:**

- (i) The extent to which habitat is likely to be removed or modified as a result of the action proposed;**
- (ii) Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action; and**
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.**

All suitable CPW habitat for this species would be removed by the development of the Subject Site (refer to Table 3-1 of the above report). However, this would amount to less than 1 % of the total available habitat within the entirety of lot 627 DP1163903.

Habitat would not be fragmented or isolated by the development of the Subject Site. Existing CPW on lands to the east and south would retain their current level of connectivity following development through Manooka Reserve. Lands to the north and west of the Subject Site have already been developed and do not provide connectivity for this species in the locality.

Suitable habitat for this species on the Subject Site represents a small portion of the local occurrence of suitable habitat. It is located on the outer edge of a large occurrence of CPW, which largely falls within protected lands of Manooka Reserve. The occurrence on the Subject Site is prone to impacts from nearby development and exotic grasslands. The small portion of this habitat which would be removed by future development of the Subject Site is not considered important to the long-term survival of this species in the locality.

**(e) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).**

At present, there are four critical habitats declared under Section 53–55 of the TSC Act:

- > Gould's Petrel - critical habitat declaration;
- > Little penguin population in Sydney's North Harbour - critical habitat declaration;
- > Mitchell's Rainforest Snail in Stotts Island Nature Reserve - critical habitat declaration; and
- > Wollemi Pine - critical habitat declaration.

Of the above listed critical habitats, the Little penguin population in Sydney's North Harbour - critical habitat is located closest to the Subject Site. However, as the Subject Site is located over 50 km from the critical habitat, future development would not be expected to have any direct or indirect effect on this or any other declared critical habitat.

**(f) Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.**

The Cumberland Plain Recovery Plan is relevant to this species.

This plan has the following objectives:



1. To build a protected area network, comprising public and private lands, focused on the priority conservation lands;
2. To deliver best practice management for threatened species, populations and ecological communities across the Cumberland Plain, with a specific focus on the priority conservation lands and public lands where the primary management objectives are compatible with conservation;
3. To develop an understanding and enhanced awareness in the community of the Cumberland Plain's threatened biodiversity, the best practice standards for its management, and the recovery program; and
4. To increase knowledge of the threats to the survival of the Cumberland Plain's threatened species, populations and ecological communities, and thereby improve capacity to manage these in a strategic and effective manner.

The development of the Subject Site is not considered inconsistent with the objectives of the Recovery Plan. The Subject Site is not located within any priority conservation lands for this TEC. The nearest such lands are within Harrington Forest, over 2.4 km to the north-west.

The development of the Subject Site would remove a small portion of this TEC from the locality with the majority retained elsewhere in the remainder of lot 627 DP1163903.

To date, no threat abatement plan relevant to this species has been developed.

**(g) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

Development of the Subject Site would or may constitute, introduce or exacerbate the following KTPs relevant to this species:

- > Anthropogenic climate change;
- > Clearing of native vegetation;
- > Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants; and
- > Removal of dead wood and dead trees.

Development of the Subject Site would result in a small loss of native vegetation, production of greenhouse gases and removal of dead wood. However, these KTPs arising from the development are not considered significant on the locality scale. Removal of native vegetation from the Subject Site would represent a loss of less than 1 % of the occurrence of this vegetation within the entirety of lot 627 DP1163903.

The introduction of pest weeds may occur in unclean fill and from landscaping and garden plantings. However, these impacts can be mitigated through appropriate controls. With appropriate mitigation, development of the Subject Site is not considered likely to significantly exacerbate these KTPs on the locality scale.

#### *Conclusion*

Suitable habitat for this species is present as a small stand of woody vegetation south-west of the Subject Site. Future development of the Subject Site would entail the removal of the entire occurrence of this habitat. However, this loss is not considered significant on the locality scale with large areas of suitable habitat present on adjacent lands to the south and east.

No significant impact on this species is anticipated by the future development of the Subject Site. Consequently, further assessment through the preparation of a SIS is not considered necessary.

#### *Green and Golden Bell Frog (Litoria aurea)*

This species is listed as endangered under the TSC Act.

A relatively large, stout frog, ranging in size from approximately 45 mm to approximately 100 mm snout to vent length. Diagnostic features are a gold or creamish white stripe running along the side, extending from the upper eyelids almost to the groin, with a narrow dark brown stripe beneath it, from nostril to eye. It also has blue or bluish-green colour on the inside of the thighs. The colour of the body varies. Usually a vivid pea-green, splotched with an almost metallic brassy brown or gold. The backs of some individuals may be almost entirely green; in others golden-brown markings may dominate.





### Distribution

Formerly distributed from the NSW north coast near Brunswick Heads, southwards along the NSW coast to Victoria where it extends into east Gippsland. Records from west to Bathurst, Tumut and the ACT region. Since 1990 there have been approximately 50 recorded locations in NSW, most of which are small, coastal, or near coastal populations. These locations occur over the species' former range, however they are widely separated and isolated. Large populations in NSW are located around the metropolitan areas of Sydney, Shoalhaven and mid north coast (one an island population). There is only one known population on the NSW Southern Tablelands.

### Habitat and ecology

- > Inhabits marshes, dams and stream-sides, particularly those containing bullrushes (*Typha* spp.) or spikerushes (*Eleocharis* spp.);
- > Optimum habitat includes water-bodies that are unshaded, free of predatory fish such as Plague Minnow (*Gambusia holbrooki*), have a grassy area nearby and diurnal sheltering sites available;
- > Some sites, particularly in the Greater Sydney region occur in highly disturbed areas;
- > The species is active by day and usually breeds in summer when conditions are warm and wet;
- > Males call while floating in water and females produce a raft of eggs that initially float before settling to the bottom, often amongst vegetation;
- > Tadpoles feed on algae and other plant-matter; adults eat mainly insects, but also other frogs; and
- > Preyed upon by various wading birds and snakes.

This species was not detected on the Subject Site during surveys. However, it is known from recent occurrence records and suitable habitat was observed to be present in the form of a small waterbody containing *Typha* spp. reeds.

**(a) In the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.**

Development of the Subject Site would remove habitat for this species from the local area, including potential breeding habitat. However, numerous similar small waterbodies are present in the locality and the local population is not considered dependent on the waterbody of the Subject Site for their survival.

Development of the Subject Site is not considered likely to place the local population of this species at risk of extinction.

**(b) In the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction.**

Not applicable to a threatened species.

**(c) In the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:**

- (i) *Is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction; or*
- (ii) *Is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction.*

Not applicable to a threatened species.

**(d) In relation to the habitat of a threatened species, population or ecological community:**

- (i) *The extent to which habitat is likely to be removed or modified as a result of the action proposed;*
- (ii) *Whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action; and*



**(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality.**

All suitable aquatic habitat for this species would be removed by the development of the Subject Site (refer to **Table 3-1** of the above report). However, this habitat is not considered limited in the locality with several major creeklines and numerous vegetated ponds and farm dams present within 5 km. The local population is not considered dependent on the resources of the Subject Site for their long-term survival.

Habitat would not be fragmented or isolated by the development of the Subject Site. The species would retain its current level of mobility through Kenny Creek and its tributaries following development through Manooka Reserve. Lands to the north and west of the Subject Site have already been developed and do not provide connectivity for this species in the locality.

Habitat for this species on the Subject Site represents a small portion of the local occurrence of suitable habitat. Habitat on the Subject Site is prone to impacts from nearby development and is exposed to exotic predators (domestic cats etc.). The small portion of this habitat which would be removed by future development of the Subject Site is not considered important to the long-term survival of this species in the locality.

**(e) Whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly).**

At present, there are four critical habitats declared under **Section 53–55** of the TSC Act:

- > Gould's Petrel - critical habitat declaration;
- > Little penguin population in Sydney's North Harbour - critical habitat declaration;
- > Mitchell's Rainforest Snail in Stotts Island Nature Reserve - critical habitat declaration; and
- > Wollemi Pine - critical habitat declaration.

Of the above listed critical habitats, the Little penguin population in Sydney's North Harbour - critical habitat is located closest to the Subject Site. However, as the Subject Site is located over 50 km from the critical habitat, future development would not be expected to have any direct or indirect effect on this or any other declared critical habitat.

**(f) Whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan.**

The draft Green and Golden Bell Frog Recovery Plan is relevant to this species.

This plan has the following objectives:

1. Increase the security of key GGBF populations by way of preventing the further loss of GGBF habitat at key populations across the species range and where possible secure opportunities for increasing protection of habitat areas;
2. Ensure extant GGBF populations are managed to eliminate or attenuate the operation of factors that are known or discovered to be detrimentally affecting the species;
3. Implement habitat management initiatives that are informed by data obtained through investigations into the general biology and ecology of the GGBF through a systematic and coordinated monitoring program;
4. Establish, within more than one institution, self sustaining and representative captive populations (particularly 'at risk' populations) of the Green and Golden Bell Frog for the primary purpose of maintaining 'insurance' colonies for re-establishment and supplementation of populations of the species; with research and educational purposes a secondary objective.); and
5. Increase the level of regional and local awareness of the conservation status of the Green and Golden Bell Frog and provide greater opportunity for community involvement in the implementation of this recovery plan.

The development of the Subject Site is not considered inconsistent with the objectives of the Recovery Plan. The Subject Site is not located within any listed key population lands for this species in the Sydney region. The nearest such population is within the suburb of Hammondville, approximately 20 km to the north-east.

The development of the Subject Site would remove a small portion of suitable habitat from the locality for this species. Several significant creeklines and numerous small, vegetation ponds and farm dams are present in



the local area. The local population of this species is not considered dependent on the resources of the Subject Site for its long-term survival.

The threat abatement plan of *Infection of Amphibians with Chytrid Fungus Resulting in Chytridiomycosis* is relevant to this species. This plan has the following objectives:

1. To prevent amphibian populations or regions that are currently chytridiomycosis-free from becoming infected by preventing further spread of the amphibian chytrid within Australia; and
2. To decrease the impact of infection with the amphibian chytrid fungus on populations that are currently infected.

Provided appropriate mitigation measures are implemented (see **Section 5** of the above report), the development of the Subject Site is not considered likely to introduce this pathogen into the locality.

**(g) Whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.**

Development of the Subject Site would or may constitute, introduce or exacerbate the following KTPs relevant to this species:

- > Anthropogenic climate change;
- > Infection of frogs by amphibian chytrid causing the disease chytridiomycosis;
- > Clearing of native vegetation;
- > Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants; and
- > Removal of dead wood and dead trees.

Development of the Subject Site would result in a small loss of native vegetation, production of greenhouse gases and removal of dead wood. However, these KTPs arising from the development are not considered significant on the locality scale. Removal of native vegetation from the Subject Site would represent less than 1 % of the occurrence of this vegetation within the entirety of lot 627 DP1163903.

The introduction of diseases and pest weeds may occur in untreated water, unclean fill and from landscaping and garden plantings. However, these impacts can be mitigated through appropriate controls. With appropriate mitigation, development of the Subject Site is not considered likely to significantly exacerbate these KTPs on the locality scale.

#### *Conclusion*

Suitable habitat for this species is present on the Subject Site as a small stand of woody vegetation, grasslands and a small vegetated pond. Future development of the Subject Site would entail the removal of the entire occurrence of this habitat. However, this loss is not considered significant on the locality scale with large areas of suitable habitat present on adjacent lands to the south and east and the wider locality. The development of the Subject Site is not considered likely to place this species at risk of extinction in the locality.

No significant impact on this species is anticipated by the future development of the Subject Site. Consequently, further assessment through the preparation of a SIS is not considered necessary.



## Tests of Significance (EPBC Act)

### Flora

#### *Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest*

This TEC is listed as critically endangered under the EPBC Act. The following description has been taken from the NSW OEH profile description for this TEC.

The dominant canopy trees of Cumberland Plain Woodland are Grey Box (*Eucalyptus moluccana*) and Forest Red Gum (*E. tereticornis*), with Narrow-leaved Ironbark (*E. crebra*), Spotted Gum (*Corymbia maculata*) and Thin-leaved Stringybark (*E. eugenioides*) occurring less frequently. The shrub layer is dominated by Blackthorn (*Bursaria spinosa*), and it is common to find abundant grasses such as Kangaroo Grass (*Themeda australis*) and Weeping Meadow Grass (*Microlaena stipoides* var. *stipoides*).

#### Distribution

Occurs on soils derived from Wianamatta Shale, and throughout the driest part of the Sydney Basin. Before European settlement, was extensive across the Cumberland Plain, western Sydney. Today, only 9 percent of the original extent remains intact, with the remnants scattered widely across the Cumberland Plain. Good examples can be seen at Scheyville National Park and Mulgoa Nature Reserve.

#### Habitat and ecology

- > Typically occurs on heavy clay soils derived from Wianamatta Shale;
- > Well adapted to drought and fire, and the understorey plants often rely on underground tubers or profuse annual seed production to survive adverse conditions; and
- > Cumberland Plain Woodland is habitat for threatened species such as the Cumberland land snail (*Meridolum corneovirens*).

This TEC occurs on the fringes of the Subject Site as two sub-communities, CPW and CPW derived grassland. CPW is confined to a single mature tree and understory vegetation in the south-west and CPW derived grassland occurs as a small regenerating clump in the south and south-west of the Subject Site. Under the EPBC Act determinations, only patches containing the tree component are considered to conform to the listing. As a result, the CPW derived grasslands are not considered in this assessment.

#### **(a) Reduce the extent of an ecological community**

Development of the Subject Site would remove a small portion of this TEC from the locality (refer to Table 3-1 of the above report). The occurrence of this TEC on the Subject Site represents less than 1% of the total occurrence of this TEC on lot 627 DP1163903. The TEC which would be removed by future development of the Subject Site is not considered to constitute a significant reduction in the extent of this TEC in the locality.

#### **(b) Fragment or increase fragmentation of an ecological community, for example by clearing vegetation for roads or transmission lines**

This TEC would not be fragmented or isolated by the development of the Subject Site. Existing CPW on lands to the east and south would retain their current level of connectivity following development through Manooka Reserve. Lands to the north and west of the Subject Site have already been developed and do not provide connectivity for any native vegetation habitat in the locality.

#### **(c) Adversely affect habitat critical to the survival of an ecological community**

The CPW on the Subject Site represents a small portion of the local occurrence. It is located on the outer edge of a large occurrence of this TEC, which largely falls within protected lands of Manooka Reserve. The occurrence on the Subject Site is prone to impacts from nearby development and exotic grasslands. The small portion of this TEC which would be removed by future development of the Subject Site is not considered critical habitat to the long-term survival of this TEC.

#### **(d) Modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for an ecological community's survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns**

The development of the Subject Site would remove abiotic factors necessary for this TEC's survival. However, this impact would be limited to the Subject Site and secondary impacts on retained CPW on adjacent lands as a result of development are not considered significant. Large areas to the north and west



of Manooka Reserve are already developed and development of the Subject Site is not considered likely to significantly exacerbate the effect of this existing development.

**(e) Cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting**

Loss of this TEC would be restricted to the small stand present in the south-west of the Subject Site. Portions of this TEC elsewhere on lot 627 DP1163903 would not be directly impacted upon and would not be particularly prone to secondary impacts as these lands are located upslope of the Subject Site. The development of the Subject Site is not considered likely to cause a significant change in the species composition of this TEC in the locality.

**(f) Cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including, but not limited to:**

- (i) Assisting invasive species, that are harmful to the listed ecological community, to become established, or**
- (ii) Causing regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community, or**

Lands to the north and west of the Subject Site have previously been developed and retained CPW in Manooka Reserve is already exposed to secondary impacts of this development. Development of the Subject Site is not considered likely to significantly increase these secondary effects. In addition, appropriate mitigation measures can be implemented to reduce the secondary effects of future development (see Section 5 of this report).

**(g) Interfere with the recovery of an ecological community.**

The removal of the small occurrence of this TEC on the Subject Site is not considered a significant reduction in the occurrence of the TEC in the locality. It is small edge area, containing a significant exotic weed component and vulnerable to further impacts from nearby disturbed lands. Large areas of better condition CPW are present in the remainder of lot 627 DP1163903 which would not be directly impacted upon by the development of the Subject Site.

Development of the Subject Site is not considered likely to interfere with the recovery of this TEC in the locality.

#### *Conclusion*

This TEC is present as a small stand of woody vegetation south-west of the Subject Site. Future development of the Subject Site would entail the removal of the entire occurrence of this TEC. However, this loss is not considered significant on the locality scale with large areas of this TEC present on adjacent lands to the south and east.

No significant impact on this TEC is anticipated by the future development of the Subject Site. Consequently, further assessment through a referral to the federal Minister of the Environment is not considered necessary.

#### **Fauna**

##### *Green and Golden Bell Frog (Litoria aurea)*

This species is listed as vulnerable under the EPBC Act.

A relatively large, stout frog, ranging in size from approximately 45 mm to approximately 100 mm snout to vent length. Diagnostic features are a gold or creamish white stripe running along the side, extending from the upper eyelids almost to the groin, with a narrow dark brown stripe beneath it, from nostril to eye. It also has blue or bluish-green colour on the inside of the thighs. The colour of the body varies. Usually a vivid pea-green, splotched with an almost metallic brassy brown or gold. The backs of some individuals may be almost entirely green; in others golden-brown markings may dominate.



### Distribution

Formerly distributed from the NSW north coast near Brunswick Heads, southwards along the NSW coast to Victoria where it extends into east Gippsland. Records from west to Bathurst, Tumut and the ACT region. Since 1990 there have been approximately 50 recorded locations in NSW, most of which are small, coastal, or near coastal populations. These locations occur over the species' former range, however they are widely separated and isolated. Large populations in NSW are located around the metropolitan areas of Sydney, Shoalhaven and mid north coast (one an island population). There is only one known population on the NSW Southern Tablelands.

### Habitat and ecology

- > Inhabits marshes, dams and stream-sides, particularly those containing bullrushes (*Typha* spp.) or spikerushes (*Eleocharis* spp.);
- > Optimum habitat includes water-bodies that are unshaded, free of predatory fish such as Plague Minnow (*Gambusia holbrooki*), have a grassy area nearby and diurnal sheltering sites available;
- > Some sites, particularly in the Greater Sydney region occur in highly disturbed areas;
- > The species is active by day and usually breeds in summer when conditions are warm and wet;
- > Males call while floating in water and females produce a raft of eggs that initially float before settling to the bottom, often amongst vegetation;
- > Tadpoles feed on algae and other plant-matter; adults eat mainly insects, but also other frogs; and
- > Preyed upon by various wading birds and snakes.

This species was not detected on the Subject Site during surveys. However, it is known from recent occurrence records and suitable habitat was observed to be present in the form of a small waterbody containing *Typha* spp. reeds.

#### **(a) Lead to a long-term decrease in the size of an important population of a species;**

The species is not well known from the locality and the Subject Site is located approximately 20 km from the nearest key population of this species under the NSW draft Recovery Plan for the Green and Golden Bell Frog. Therefore, the local population is not considered to constitute an important population of this species.

Development of the Subject Site would remove habitat for this species from the local area, including potential breeding habitat. However, numerous similar small waterbodies are present in the locality and the local population is not considered dependent on the waterbody of the Subject Site for their survival.

#### **(b) Reduce the area of occupancy of an important population;**

As above, the local population of this species is not considered to constitute an important population.

The development of the Subject Site would remove suitable habitat for this species from the locality. However, this habitat is not limited in the local area with several major creeklines and numerous vegetated ponds and dams within 5 km. The removal of suitable habitat from the Subject Site is not considered to represent a significant reduction in available habitat for the local population of this species.

#### **(c) Fragment an existing important population into two or more populations;**

Habitat for this species would not be fragmented or isolated by the development of the Subject Site. The species would retain its current level of mobility through Kenny Creek and its tributaries following development through Manooka Reserve. Lands to the north and west of the Subject Site have already been developed and do not provide connectivity for this species in the locality.

#### **(d) Adversely affect habitat critical to the survival of a species;**

The Subject Site contains a small pond, representing suitable breeding habitat for this species. However, this habitat is not limited in the locality, with several major creeklines and numerous ponds and dams present within 5 km of the Subject Site.

The habitat present on the Subject Site is not considered critical to the survival of this species.

#### **(e) Disrupt the breeding cycle of an important population;**

As above, the local population of this species is not considered to constitute an important population.



The small pond on the Subject Site is considered to constitute suitable breeding habitat for this species. However, this habitat is not limited in the locality with several major creeklines and numerous ponds and dams present within 5 km of the Subject Site.

Development of the Subject Site is not considered likely to disrupt the breeding cycle of an important population of this species.

**(f) *Modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline;***

The development of the Subject Site would remove suitable habitat for this species from the local area, including potential breeding habitat. However, this represents a small portion of the available habitat for this species in the locality with several major creeklines and numerous vegetated ponds and dams within 5 km of the Subject Site.

The removal of habitat from the Subject Site is not considered likely to impact on local habitat for this species to the extent that it is likely to decline.

**(g) *Result in invasive species that are harmful to a vulnerable species becoming established in the vulnerable species' habitat;***

Development of nearby lands for residential purposes has led to an increase in the local population of exotic predators, potentially harmful to this species (domestic cats). The development of the Subject Site for residential purposes is not considered likely to lead to a significant increase in the local population of these domestic predators.

**(h) *Introduce disease that may cause the species to decline; or***

The Chytrid fungus has the potential to be introduced through unclean soil and untreated water used on site (e.g. for dust suppression) during development works. However, as detailed in **Section 5** of this report, this risk can be managed through appropriate safeguards.

Provided recommended mitigation measures are implemented, this risk is not considered to be significant.

**(i) *Interfere substantially with the recovery of the species.***

The Subject Site contains a small portion of suitable habitat for the local population of this species, including potential breeding habitat. However, this habitat is not considered limited in the locality. Several significant creeklines and numerous vegetated ponds and dams are present within 5 km of the Subject Site and the species' ability to disperse across the landscape would not be reduced by the development of the Subject Site.

The development of the Subject Site is not considered likely to interfere substantially with the recovery of this species.

#### *Conclusion*

Suitable habitat for this species is present on the Subject Site as a small stand of woody vegetation, grasslands and a small vegetated pond. Future development of the Subject Site would entail the removal of the entire occurrence of this habitat. However, this loss is not considered significant on the locality scale with large areas of suitable habitat present on adjacent lands to the south and east and the wider locality. The development of the Subject Site is not considered likely to place this species at risk of extinction in the locality.

No significant impact on this species is anticipated by the future development of the Subject Site. Consequently, further assessment through a referral to the federal Minister of the Environment is not considered necessary.

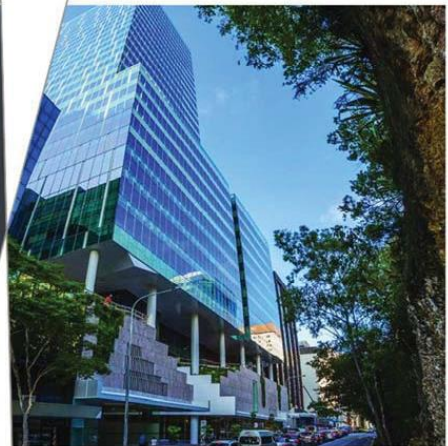




# Traffic Impact Assessment

Stage 2C Caulfield Close

80219016



Prepared for  
Wolin Investments and Landco Pty Ltd

2 December 2019





Traffic Impact Assessment  
Stage 2C Caulfield Close

ORD01

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### Document Information

Prepared for	Wolin Investments and Landco Pty Ltd
Project Name	Stage 2C Caulfield Close
File Reference	80219016-TR-REP-001 Stage 2C Caulfield Close TIA ver B.docx
Job Reference	80219016
Date	2 December 2019
Version Number	B

Effective Date	8/03/2019
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Date Approved	8/03/2019
---------------	-----------

### Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
A	20/02/19	Draft	Aaron Pau	Hayden Calvey
B	08/03/19	Final	Aaron Pau	Hayden Calvey
C	18/11/19	Amended Final	Aaron Pau	Hayden Calvey

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Attachment 1



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## 1 Introduction

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### 1.1 Background

Cardno has been commissioned by Wolin Investments and Landco Pty Ltd to produce a Traffic Impact Assessment (TIA) to accompany a planning proposal to amend the Minimum Lot Size Development Standard applying to land at Currans Hill.

The site was approved by Camden Council for the subdivision of 9 lots on the 26 November 2014, as contained in DA/2014/560/1, 8 lots of which are on the subject site. While this current planning proposal pertains to the use of the site only, an indicative layout suggests that it is possible to achieve a total of 17 lots, therefore in terms of traffic generation there is a potential net increase of 9 dwellings.

### 1.2 Scope of Works

The following scope of works has been undertaken as part of this study:

- > Review existing public transport facilities and future commitments to establish if any modifications to the public transport network is required to support the development.
- > Review traffic generation potential against the RMS Guide.
- > Assess the impact of the development on the existing road network.
- > Modelling of Currans Hill Drive / Spring Hill Circle and Glenfield Drive / Spring Hill Circle using the traffic modelling software SIDRA.
- > Identify potential impacts, if any, to residential amenity and road safety considerations.
- > Review potential access / driveway arrangements and provide assessment of any issues / mitigations.

### 1.3 Reference Documents

In preparing this report, reference has been made to a number of background documents, including:

- > Schedule of Classified Roads and Unclassified Regional Roads (Roads and Maritime Services, 2014).
- > Development Control Plan (DCP) Part B: General Land Use Controls (Camden Council, 2011).
- > Camden Growth Centre Precincts DCP (Department of Planning and Environment, 2015).
- > Turner Road Precinct DCP (Department of Planning and Environment, 2018).
- > Guide to Traffic Generating Developments (Roads and Maritime Services, 2002).
- > Technical Direction (TDT 2013/04a) (Roads and Maritime Services, 2013).
- > Walking, Riding and Access to Public Transport (Department of Infrastructure and Transport, 2013).

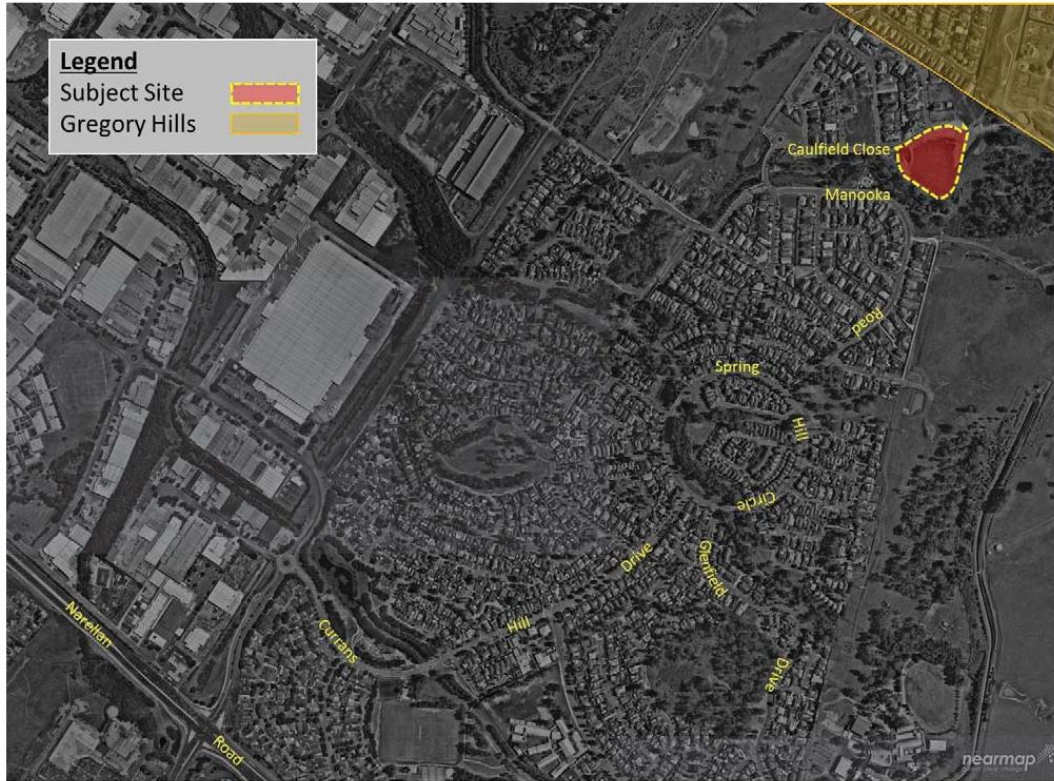


## 2 Existing Conditions

### 2.1 Subject Site

The subject site is located to the south of Gregory Hills and north of Narellan Road as shown in **Figure 2-1**.

Figure 2-1 Subject Site Location

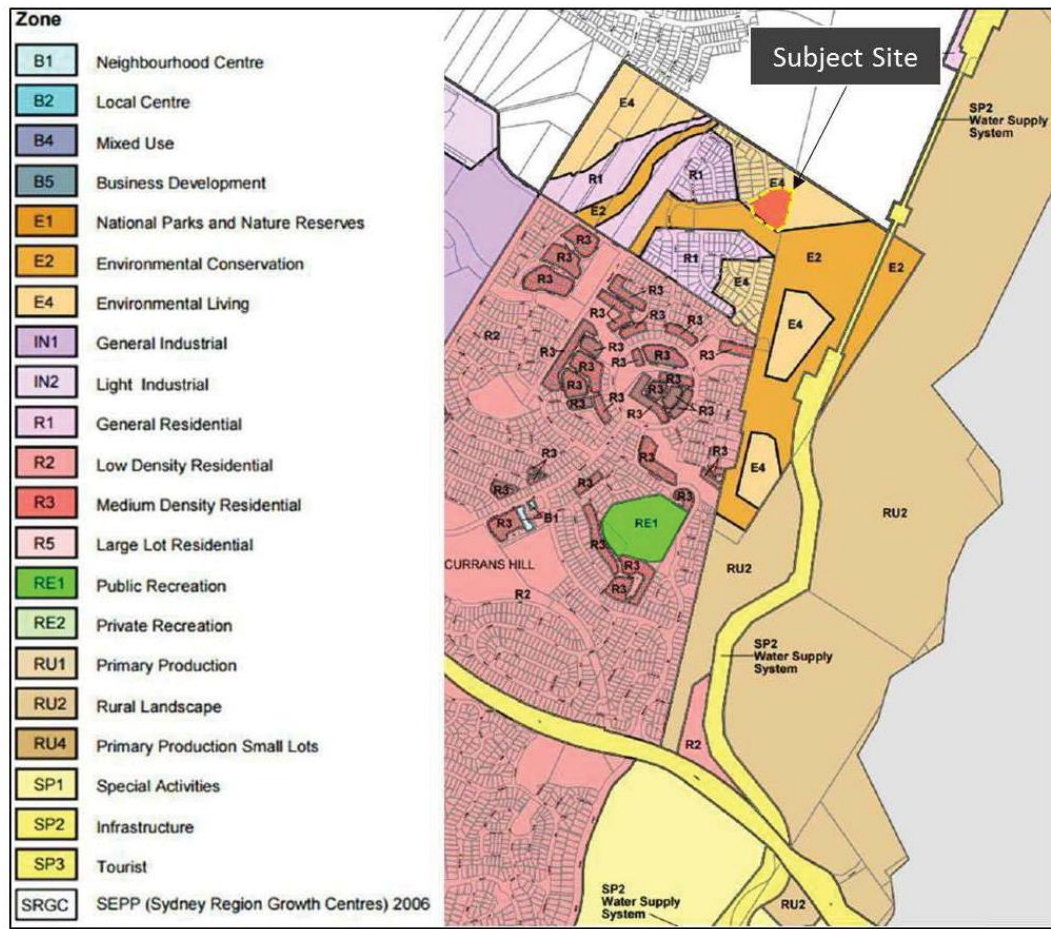


Source: Nearmap, 2019

The subject site is currently zoned as E4 – Environmental Living. A map of the existing zoning in the surrounding area is illustrated in **Figure 2-2**.



Figure 2-2 Existing Zoning Map



Source: Camden Local Environmental Plan 2010

## 2.2 Existing Road Network

### 2.2.1 Schedule of Road Classification

Roads and Maritime in partnership with local government established an administrative framework of State, Regional and Local Road categories to assist managing the extensive network of roads.

State roads are managed and financed by Roads and Maritime, and Regional / Local Roads are managed and financed by councils. Notwithstanding, Regional Roads perform an intermediate function between the main arterial network of State Roads and council controlled Local Roads and therefore received financial assistance from Roads and Maritime.

### 2.2.2 Narellan Road

Narellan Road is classified as a State Road under the care and maintenance of Roads and Maritime, connecting Campbelltown at Appin Road to Narellan at The Northern Road.

Narellan Road is a major arterial road signposted with a speed limit between 60km/h - 80km/h along various sections of the road.



### 2.2.3 Currans Hill Drive

Currans Hill Drive is a local road under the care and maintenance of Camden Council. The road is signposted with a speed limit of 50km/h. A 40km/h school zone exists between Hodges Place and William Mannix Avenue. Parking is generally allowed on both sides of Currans Hill Drive.

### 2.2.4 Spring Hill Circle

Spring Hill Circle is a local road under the care and maintenance of Camden Council. The road is signposted with a speed limit of 50km/h.

### 2.2.5 Glenfield Drive

Glenfield Drive is a local road under the care and maintenance of Camden Council. The road is signposted with a speed limit of 50km/h and parking is generally allowed on both sides of the road.

## 2.3 Current Road Upgrades

### 2.3.1 Narellan Road

Narellan Road has been upgraded between Camden Valley Way, Narellan and Blaxland Road, Campbelltown. The upgrade has been completed and opened to public April 2018. The upgrade has helped reduce congestion and improve safety and travel time within the vicinity of the subject site.

### 2.3.2 Camden Valley Way

Camden Valley Way has been upgrade to a four lane divided road with a wide vegetated median. Camden Valley Way now has an off-road shared pedestrian / cyclist path along the western carriageway and bus priority to the new South West Rail Lin Station at Leppington.

### 2.3.3 The Northern Road

The Northern Road is currently undergoing upgrades between Richmond Road, Bligh Park and Camden Valley Way, Narellan. The upgrades aim to provide more reliable journeys through connections to motorways and new growth areas and provide additional capacity to the road network in anticipation of the significant growth in Western Sydney.

### 2.3.4 Spring Farm Parkway Extension

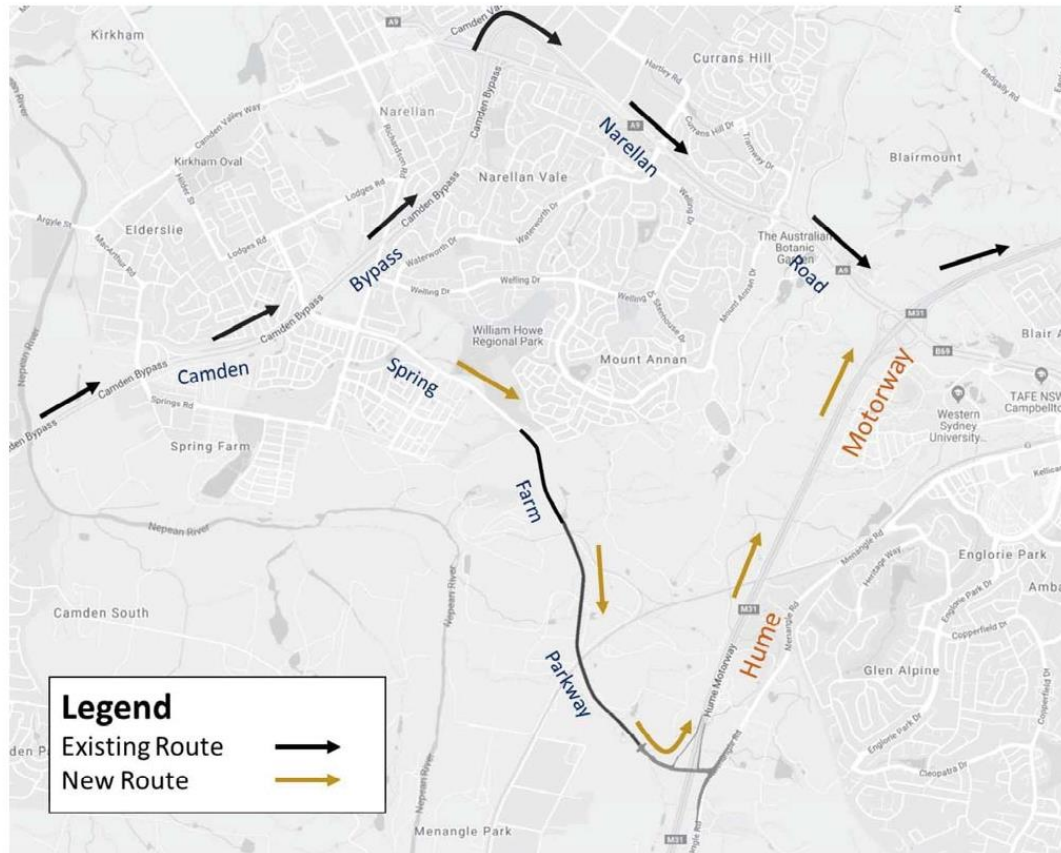
The NSW Government is proposing to build a link road from the Menangle Park development area to Menangle Road to support future growth. This 2.5 kilometre road, including north facing motorway ramps, will form part of the future Spring Farm Parkway linking the Camden Bypass, the M31 Hume Motorway and Menangle Road, Menangle Park.

It is anticipated that Spring Farm Parkway will alleviate the traffic issues on Narellan Road. **Figure 2-3** illustrates the new route for those travelling from Camden Bypass to Hume Motorway bypassing Narellan Road.





Figure 2-3 Spring Farm Parkway Extension



## 2.4 Existing Traffic Volumes

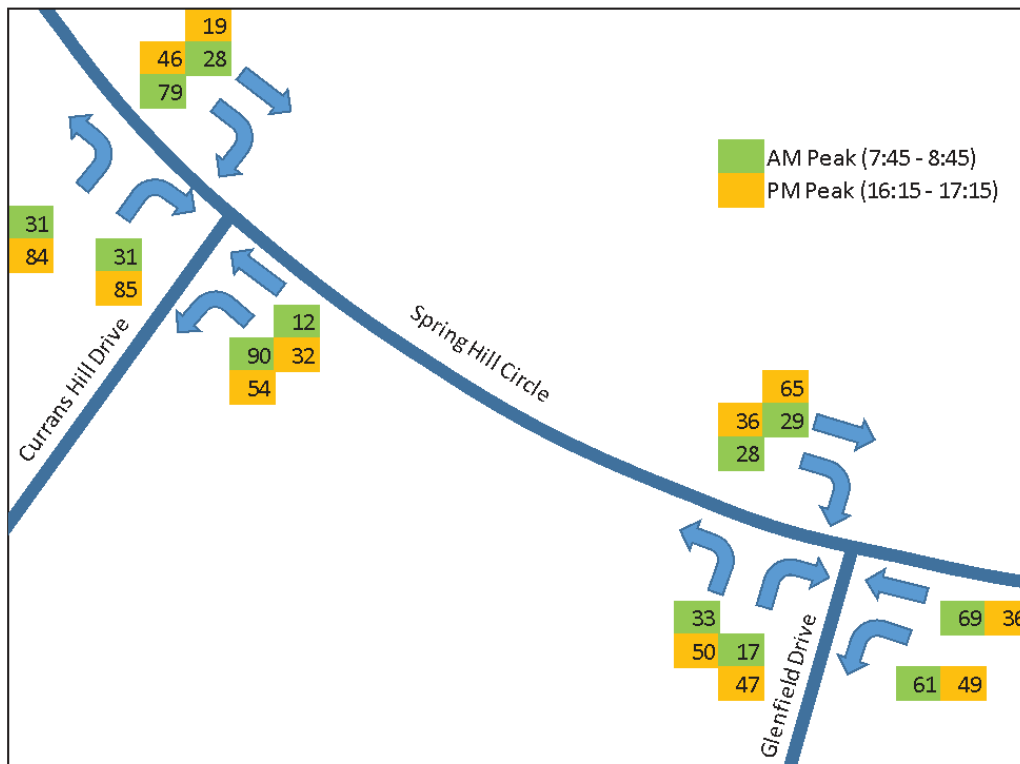
An indication of the existing traffic volumes in the vicinity of the subject site is provided by peak hour traffic surveys undertaken on 8 December 2016 between 7am-9am and 4pm-6pm at the following intersections:

- > Currans Hill Drive / Spring Hill Circle
- > Spring Hill Circle / Glenfield Drive

The survey data for Currans Hill Drive / Spring Hill Circle and Glenfield Drive / Spring Hill Circle is summarised in **Figure 2-4**.



Figure 2-4 Surveyed Turn Volumes at Spring Hill Circle / Manooka Road (2016)



## 2.5 Public Transport Service

"Most people are prepared to spend about 10 minutes walking or riding to a high-frequency, direct public transport service such as a train or express bus. This equates to 800 metres walking or two to three kilometres riding. For less frequent or indirect local services, people are generally prepared to walk for up to five minutes, about 400 metres." Department of Infrastructure and Transport (Walking, Riding and Access to Public Transport, 2013).

### 2.5.1 Existing Bus Services

The closest operational bus stops are Glenfield Drive before Spring Hill Circle (2567139) providing services westbound and Glenfield Drive after Spring Hill Circle (2567145) providing services eastbound. According to Google Maps, these bus stops are a 1.3km walk (16 minutes) from the subject site. The following bus services operate from these bus stops:

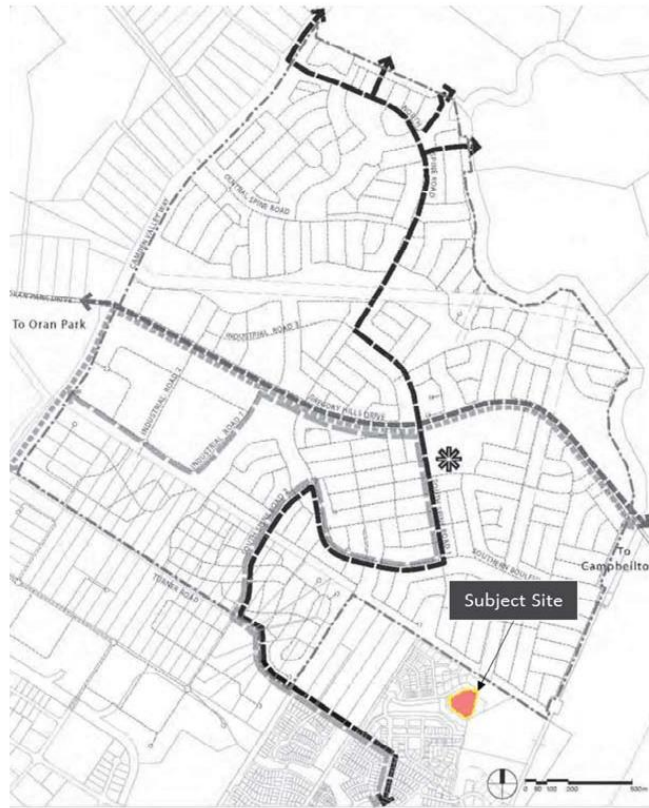
- > 890 – One (1) service running eastbound to Campbelltown Station at 3:10pm on weekdays.
- > 891 – Runs approximately every 30 minutes and takes about 25 minutes to arrive at Campbelltown Station during morning peak hour.
- > 896 – One (1) service running westbound to Gregory Hills and Oran Park at 7:27 am on weekdays. One (1) service running eastbound to Campbelltown Station at 3:09 pm on weekdays.

### 2.5.2 Potential Bus Services

Turner Road Precinct DCP proposes a new bus route servicing the Turner Road Precinct travelling from Turner Road to Campbelltown (from Catherine Fields). **Figure 2-5** is sourced from the Turner Road Precinct DCP and illustrates the proposed route for the bus service. This bus route is approximately 500m from the subject site and, if implemented, will provide a service accessible to the subject site.



Figure 2-5 New Bus Route - Turner Road to Campbelltown (from Catherine Fields)



Source: Turner Road Precinct DCP

### 2.5.3 Train

The Subject site is located approximately 6 km from both Campbelltown Station and Macarthur Station by car. The currently connected rail networks include:

- T2 Airport, Inner West and South Line, comprising three varying routes connecting Sydney CBD to Macarthur, Edmondson Park and Leppington;
- T5 Cumberland Line connecting to Schofields through the Western Suburbs of Sydney, including Parramatta and Blacktown, and
- Southern Highland Line, connecting Campbelltown with rural regional centres such as Bowral and Goulburn.

The future South West Rail Link Extension is proposed to run from the existing Leppington Station to a new station at Narellan, approximately 5 km from the site. This new line will have the potential to connect with the future Western Sydney Airport at Badgerys Creek. This will attract trips to the west of the site for commuters linking with heavy rail transport.



### 3 Proposed Development

The Planning Proposal would facilitate a potential subdivision of the land into approximately 17 lots for low density dwellings. The built design of houses and driveways is subject to individual development applications and construction certificates.

Error! Reference source not found. illustrates an indicative layout for the subject site.

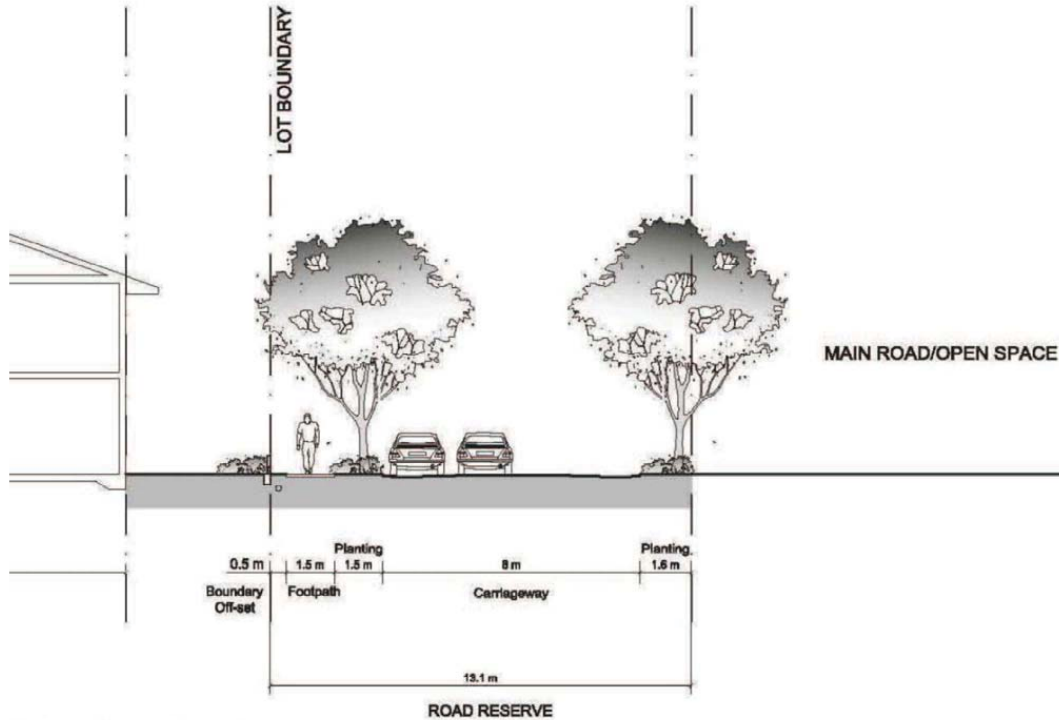




### 3.1 Road Layout

Due to the low traffic volumes utilising the road infrastructure, a loop access street is deemed suitable to provide access to the dwellings. **Figure 3-1** illustrates a typical access street cross section.

Figure 3-1 Typical Access Road Cross Section



Source: Camden Growth Centre Precincts Development Control Plan

According to the DCP, the carriageway is to be a minimum width of 8m, however, it can be reduced to a minimum of 6.5m subject to consideration of traffic volumes and road safety issues.

### 3.2 Driveways

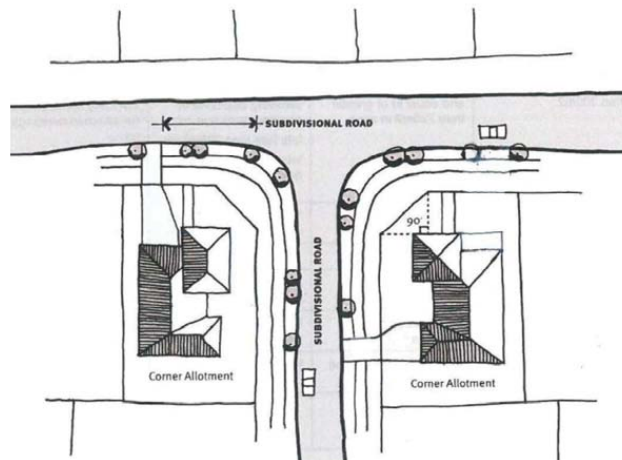
The driveway design and location are to adhere to Council specification and are subject to individual development applications and construction certification.

#### 3.2.1 Corner Lots

Corner lots are to be designed in accordance with AS 2890 and Council’s Engineering Specifications. An example of a corner lot driveway layout can be found in Camden Growth Centre DCP and is provided in **Figure 3-2**.



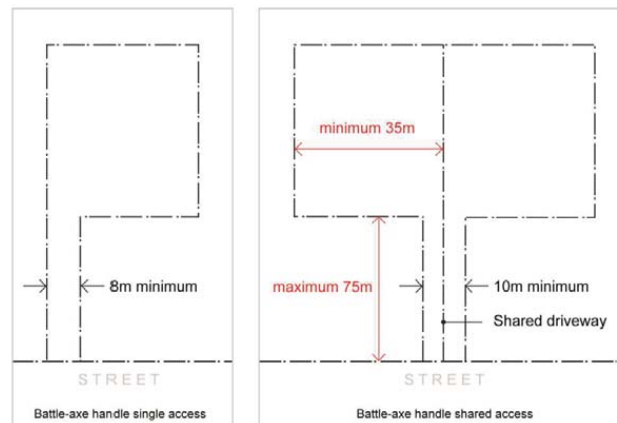
Figure 3-2 Corner Lots Driveway Layout



3.2.2 Battle-axe Lots

Driveway for battle-axe lots will adhere to specifications outlined in their DCP requirements as illustrated in Figure 3-3.

Figure 3-3 Battle-axe Lot Dimensions



Source: Camden Growth Centre Precincts Development Control Plan

Note: This Report supports a Planning Proposal which is to amend an existing Minimum Lot Size Development Standard to 500m<sup>2</sup>. A subdivision layout will be the subject of a separate application. The indicative layout confirms that it is feasible to subdivide the land and meet Councils controls and guidelines.



## 4 Traffic Impact Assessment

### 4.1 Traffic Generation

An indication of the traffic generation potential of the proposed development is sourced from the Roads and Maritime's Technical Direction (TDT 2013/04a), which nominates the following traffic generation rates applicable to the proposed development:

#### Low Density Residential Dwellings (Sydney)

- > AM Peak: 0.95 peak hour vehicle trips per dwelling.
- > PM Peak: 0.99 peak hour vehicle trips per dwelling.

Table 4-1 below summarises the estimated traffic generation of the proposed 17 residential lots.

Table 4-1 Traffic Generation Summary

Land Use	RMS Guide Definition	Quantum	Traffic Generation	
			AM	PM
Residential	Low-Density	17 lots	17 trips	17 trips

Improved public transport infrastructure (such as an extension to the existing bus services to service dwellings in the vicinity of the proposed development) and improved walking and cycling facilities would help reduce reliance on private vehicle usage and will therefore reduce the traffic generation of the development.

When considering the existing approval of 8 dwellings, the site is forecast to **generate an additional 9 peak hour vehicle trips**. This is relatively low, being 1 vehicle movement every 5 minutes which would have a negligible impact on the surrounding local road network and not be of a noticeable difference to the existing neighbourhood. This volume would not adversely impact residential amenity considerations or road safety performance of the local road network. There is no nexus between the application, and increase of 1 vehicle every 5 minutes, with road safety or crash types in the area of Currans Hill.

Furthermore, concerning the consideration of traffic volumes in the determination of carriageway width of an access street, the proposed development can be reduced to a minimum carriageway width of 6.5m.

### 4.2 Trip Distribution and Assignment

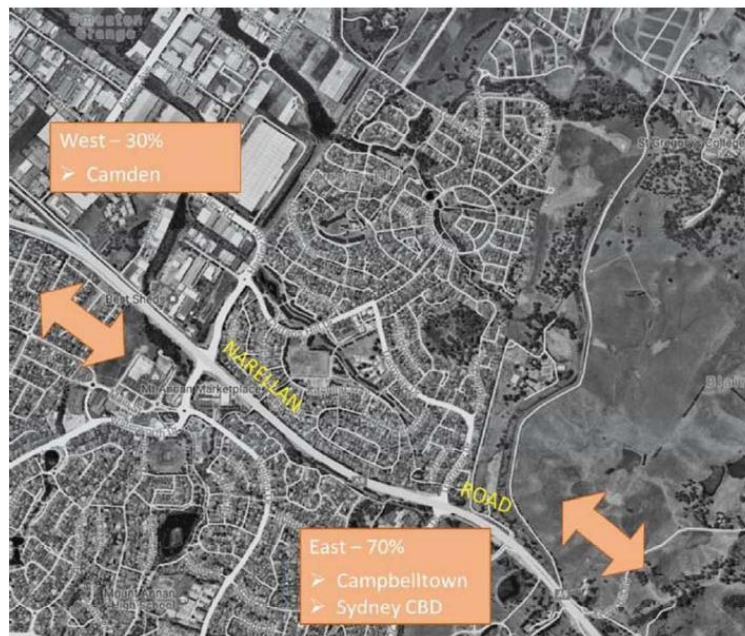
#### 4.2.1 Directional Distribution

The directional distribution and assignment of traffic generated by the proposed development would be influenced by a number of factors:

- > Configuration of the adjoining local road network in the vicinity of the site.
- > Accessibility and suitability of the local road network to cater for additional traffic.
- > Existing operation of intersections providing access around the adjoining road network.
- > Development of a residential lots layout within the subject area.
- > Surroundings employment centres, retail centres and schools in relation to the site.
- > Likely distribution of employee's residences in relation to the site.
- > Configuration of the access arrangement to the site.

Having considered all the above and Census Journey to Work (JTW) data, the directional distribution of development generated traffic is established in **Figure 4-1**.

Figure 4-1 Directional Traffic Distribution



The above figure indicates 70% of generated trips will head east towards Campbelltown and Sydney CBD and 30% of generated trips will head west towards Camden.

#### 4.2.2 Inbound / Outbound Distribution

The ratio of the inbound and outbound traffic movements is assumed to be 20:80 in the AM peak hour (i.e. 20% inbound and 80% outbound) and 80:20 in the PM peak hour (i.e. 80% inbound and 20% outbound).

#### 4.2.3 Trip Assignment

For the purposes of this report, the following two (2) intersections will be assessed:

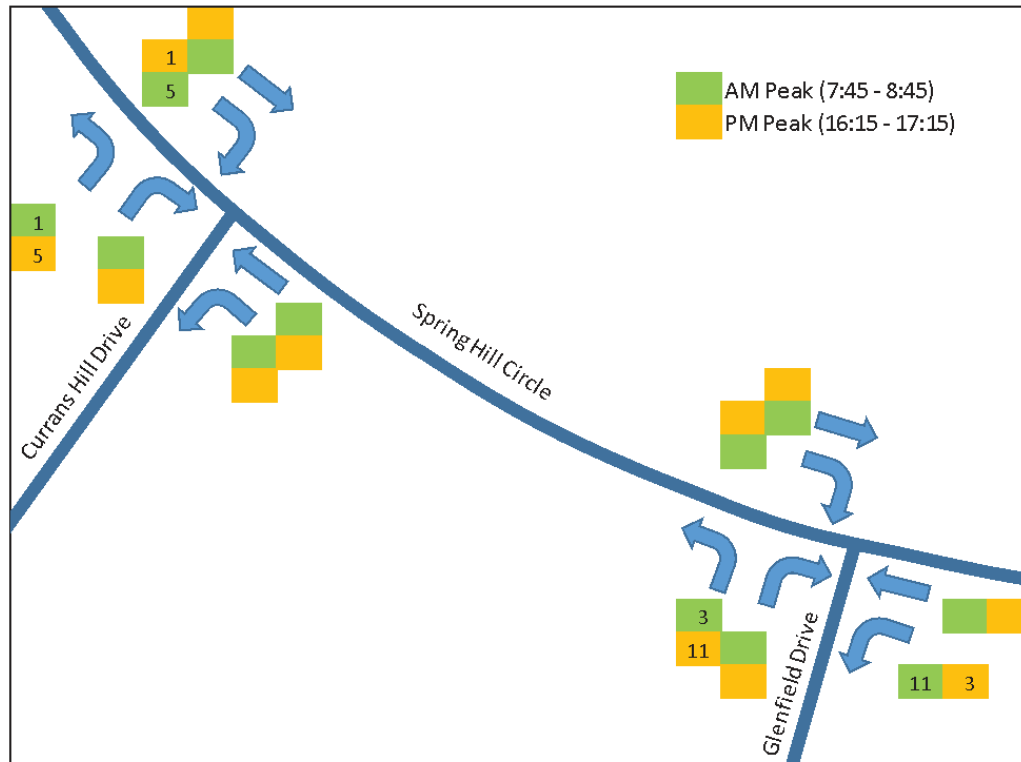
- > Currans Hills Drive / Spring Hill Circle
- > Glenfield Drive / Spring Hill Circle

**Figure 4-2** incorporates the aforementioned trip generation and directional split of the proposed development.





Figure 4-2 Traffic Assignment of Stage 2C Caulfield Close



**4.3 Level of Service Criteria for intersections**

In an urban area, the capacity of a road network can be largely determined by the capacity of the controlling intersections. The existing intersection operating performance was assessed using the SIDRA software package to determine the Degree of Saturation (DOS), Average Delay (AVD in seconds) and Level of Service (LOS) at each intersection. The key indicator of intersection performance is Level of Service, where results are placed on a continuum from 'A' to 'F', as shown in Table 4-2.

Table 4-2 Intersection Level of Service

LOS	Traffic Signal / Roundabout	Give Way / Stop Sign / T-Junction Control
A	Good operation	Good operation
B	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	Satisfactory	Satisfactory, but crash study required
D	Operating near capacity	Near capacity and crash study required
E	At capacity at signals, incidents will cause excessive delays	At capacity and requires alternative control model
F	Unsatisfactory and requires additional capacity Roundabout requires alternative control mode	Exceeds capacity and requires alternative control mode

The Average Vehicle Delay (AVD) provides a measure of the operational performance of an intersection as indicated in Table 4-3 which relates AVD to LOS. The AVDs should be taken as a guide only as longer delays could be tolerated in some locations (i.e. inner city conditions) and on some roads (i.e. minor side street intersection with major arterial route). For traffic signals, the average delay over all movements should be taken. For roundabouts and priority control intersections (sign control) the critical movement for level of service assessment should be that movement with the highest average delay.



Table 4-3 Intersection Average Vehicle Delay

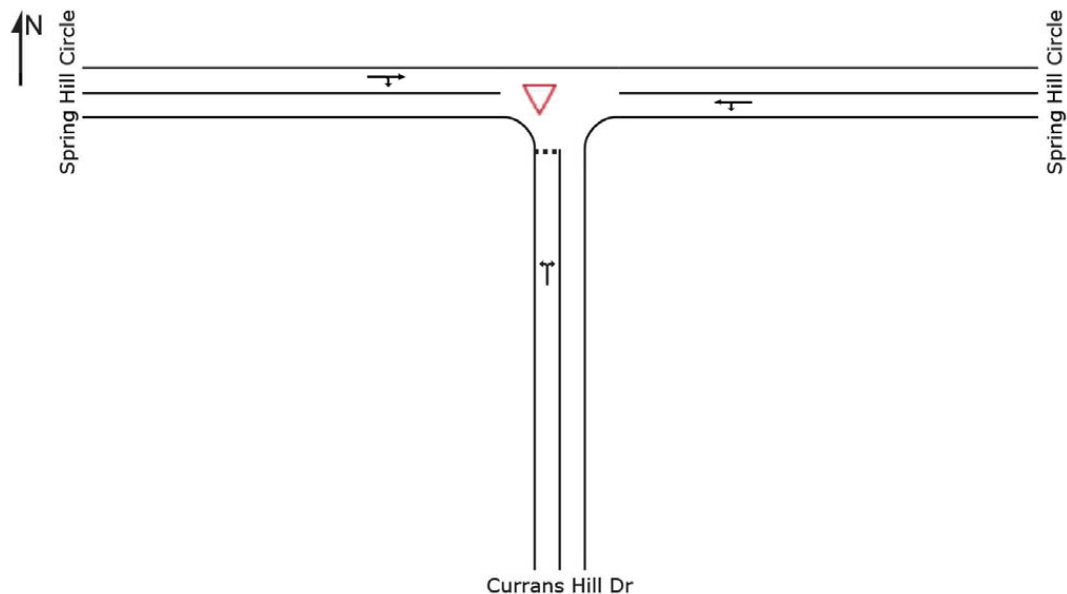
LoS	Average Delay per Vehicle (seconds)
A	Less than 14
B	15 to 28
C	29 to 42
D	43 to 56
E	57 to 70
F	More than 70

The degree of saturation (DOS) is another measure of the operational performance of individual intersections. For intersections controlled by traffic signals both queue length and delay increase rapidly as DOS approaches 1.000. It is usual to attempt to keep DOS to less than 0.9. DOS in the order of 0.7 generally represent satisfactory intersection operation, when DOS exceed 0.9 vehicle queues can be expected.

**4.3.2 Currans Hill Drive / Spring Hill Circle**

The layout of Currans Hill Drive / Spring Hill Circle is illustrated in **Figure 4-3**.

Figure 4-3 Currans Hill Drive / Spring Hill Circle Intersection Layout



The SIDRA assessment of Currans Hill Drive / Spring Hill Circle intersection is summarised in **Table 4-4**.

Table 4-4 Currans Hills Drive / Spring Hill Circle Intersection

Scenario	AM			PM		
	DOS	Delay (s)	LOS	DOS	Delay (s)	LOS
2021 Base	0.054	5.5	A	0.133	5.1	A
2021 Base + Development	0.055	5.5	A	0.137	5.1	A

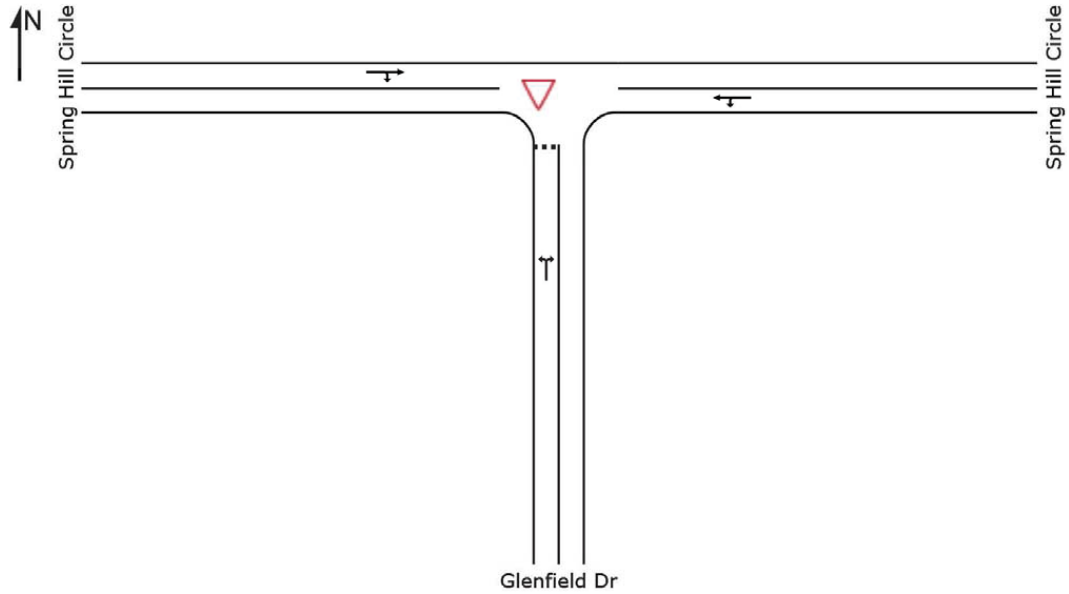
The above SIDRA results indicate that the intersection is expected to operate satisfactorily in both the AM and PM peak hour for both assessment scenarios with LOS A. The SIDRA movement summaries are provided in **Appendix A**.



**4.3.3 Glenfield Drive / Spring Hill Circle**

The layout of Glenfield Drive / Spring Hill Circle is illustrated in **Figure 4-4**.

Figure 4-4 Glenfield Drive / Spring Hill Circle Intersection Layout



The SIDRA assessment of Glenfield Drive / Spring Hill Circle intersection is summarised in **Table 4-5**.

Table 4-5 Glenfield Drive / Spring Hill Circle Intersection

Scenario	AM			PM		
	DOS	Delay (s)	LOS	DOS	Delay (s)	LOS
2021 Base	0.042	5.4	A	0.078	5.2	A
2021 Base + Development	0.044	5.4	A	0.086	5.2	A

The above SIDRA results indicate that the intersection is expected to operate satisfactorily in both the AM and PM peak hour for all assessment scenarios with LOS A. The SIDRA movement summarised are found in **Appendix A**.



## 5 Conclusions

---

Cardno has been commissioned by Wolin Investments and Landco Pty Ltd to produce a Traffic Impact Assessment (TIA) to accompany a planning proposal to amend the Minimum Lot Size development Standard applying to a single parcel of land on Caulfield Close at Currans Hill. The site is currently approved for 8 dwellings seeking approval for an increase of 9 additional dwellings.

The following conclusion outlines the analysis and discussions presented within this report:

- > It is anticipated that Spring Farm Parkway Extension will alleviate the traffic issues on Narellan Road.
- > Nearest bus stop is approximately 1km from the subject site with a bus service to Campbelltown running every 30 minutes during peak hours.
- > The proposed increase of 9 dwellings would equate to 1 vehicle movement every 5 minutes which would have a negligible impact on the surrounding local road network and not be of a noticeable difference to the existing neighbourhood.
- > Assessment done on Currans Hill Drive / Spring Hill Circle indicate that no significant impact on the road network will be caused by the proposed development.
- > Assessment done on Glenfield Drive / Spring Hill Circle indicate that no significant impact on the road network will be caused by the proposed development.

ORD01

Attachment 1



## MOVEMENT SUMMARY

Site: [2021 Base AM Currans Hill Dr x Spring Hill Circle]

Opening Year Base 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h	
South: Currans Hill Dr												
1	L2	33	9.7	0.054	4.7	LOS A	0.2	1.5	0.05	0.53	45.8	
3	R2	33	19.4	0.054	5.5	LOS A	0.2	1.5	0.05	0.53	45.1	
Approach		65	14.5	0.054	5.1	LOS A	0.2	1.5	0.05	0.53	45.5	
East: Spring Hill Circle												
4	L2	95	6.7	0.060	4.6	LOS A	0.0	0.0	0.00	0.47	46.5	
5	T1	13	0.0	0.060	0.0	LOS A	0.0	0.0	0.00	0.47	47.4	
Approach		107	5.9	0.060	4.1	NA	0.0	0.0	0.00	0.47	46.6	
West: Spring Hill Circle												
11	T1	29	3.6	0.067	0.3	LOS A	0.3	2.3	0.22	0.39	47.3	
12	R2	83	1.3	0.067	4.9	LOS A	0.3	2.3	0.22	0.39	45.9	
Approach		113	1.9	0.067	3.7	NA	0.3	2.3	0.22	0.39	46.3	
All Vehicles		285	6.3	0.067	4.2	NA	0.3	2.3	0.10	0.45	46.2	

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

▽ Site: [2021 Base + Development AM Currans Hill Dr x Spring Hill Circle]

Opening Year Base + Development 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed	
		Total veh/h	HV %	v/c	sec		Vehicles veh	Distance m		per veh	km/h	
South: Currans Hill Dr												
1	L2	34	9.4	0.055	4.7	LOS A	0.2	1.5	0.05	0.53	45.8	
3	R2	33	19.4	0.055	5.5	LOS A	0.2	1.5	0.05	0.53	45.1	
Approach		66	14.3	0.055	5.1	LOS A	0.2	1.5	0.05	0.53	45.5	
East: Spring Hill Circle												
4	L2	95	6.7	0.060	4.6	LOS A	0.0	0.0	0.00	0.47	46.5	
5	T1	13	0.0	0.060	0.0	LOS A	0.0	0.0	0.00	0.47	47.4	
Approach		107	5.9	0.060	4.1	NA	0.0	0.0	0.00	0.47	46.6	
West: Spring Hill Circle												
11	T1	29	3.6	0.070	0.3	LOS A	0.3	2.4	0.22	0.40	47.2	
12	R2	88	1.2	0.070	4.9	LOS A	0.3	2.4	0.22	0.40	45.9	
Approach		118	1.8	0.070	3.8	NA	0.3	2.4	0.22	0.40	46.3	
All Vehicles		292	6.1	0.070	4.2	NA	0.3	2.4	0.10	0.45	46.2	

Site Level of Service (LOS) Method: Delay (RTANSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

Site: [2021 Base PM Currans Hill Dr x Spring Hill Circle]

Opening Year Base 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h	
South: Currans Hill Dr												
1	L2	88	1.2	0.133	4.7	LOS A	0.5	3.7	0.11	0.53	45.9	
3	R2	87	3.6	0.133	5.1	LOS A	0.5	3.7	0.11	0.53	45.4	
Approach		176	2.4	0.133	4.9	LOS A	0.5	3.7	0.11	0.53	45.6	
East: Spring Hill Circle												
4	L2	57	5.6	0.049	4.6	LOS A	0.0	0.0	0.00	0.34	47.3	
5	T1	34	0.0	0.049	0.0	LOS A	0.0	0.0	0.00	0.34	48.1	
Approach		91	3.5	0.049	2.9	NA	0.0	0.0	0.00	0.34	47.6	
West: Spring Hill Circle												
11	T1	20	0.0	0.040	0.2	LOS A	0.2	1.3	0.19	0.37	47.4	
12	R2	48	2.2	0.040	4.8	LOS A	0.2	1.3	0.19	0.37	46.1	
Approach		68	1.5	0.040	3.5	NA	0.2	1.3	0.19	0.37	46.5	
All Vehicles		335	2.5	0.133	4.1	NA	0.5	3.7	0.10	0.44	46.4	

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

▽ Site: [2021 Base + Development PM Currans Hill Dr x Spring Hill Circle]

Opening Year Base + Development 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Currans Hill Dr											
1	L2	94	1.1	0.137	4.7	LOS A	0.5	3.8	0.11	0.53	45.9
3	R2	87	3.6	0.137	5.1	LOS A	0.5	3.8	0.11	0.53	45.4
Approach		181	2.3	0.137	4.9	LOS A	0.5	3.8	0.11	0.53	45.6
East: Spring Hill Circle											
4	L2	57	5.6	0.049	4.6	LOS A	0.0	0.0	0.00	0.34	47.3
5	T1	34	0.0	0.049	0.0	LOS A	0.0	0.0	0.00	0.34	48.1
Approach		91	3.5	0.049	2.9	NA	0.0	0.0	0.00	0.34	47.6
West: Spring Hill Circle											
11	T1	20	0.0	0.041	0.2	LOS A	0.2	1.3	0.19	0.37	47.4
12	R2	49	2.1	0.041	4.8	LOS A	0.2	1.3	0.19	0.37	46.1
Approach		69	1.5	0.041	3.5	NA	0.2	1.3	0.19	0.37	46.5
All Vehicles		341	2.5	0.137	4.1	NA	0.5	3.8	0.10	0.45	46.4

Site Level of Service (LOS) Method: Delay (RTANSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

▽ Site: [2021 Base AM Glenfield Dr x Spring Hill Circle]

Opening Year Base 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glenfield Dr											
1	L2	35	15.2	0.042	4.9	LOS A	0.2	1.2	0.17	0.52	46.0
3	R2	18	17.6	0.042	5.4	LOS A	0.2	1.2	0.17	0.52	45.5
Approach		53	16.0	0.042	5.1	LOS A	0.2	1.2	0.17	0.52	45.8
East: Spring Hill Circle											
4	L2	64	1.6	0.073	4.6	LOS A	0.0	0.0	0.00	0.25	48.1
5	T1	73	1.4	0.073	0.0	LOS A	0.0	0.0	0.00	0.25	48.6
Approach		137	1.5	0.073	2.2	NA	0.0	0.0	0.00	0.25	48.3
West: Spring Hill Circle											
11	T1	31	0.0	0.037	0.4	LOS A	0.2	1.2	0.22	0.26	48.1
12	R2	29	17.9	0.037	5.2	LOS A	0.2	1.2	0.22	0.26	46.9
Approach		60	8.8	0.037	2.7	NA	0.2	1.2	0.22	0.26	47.5
All Vehicles		249	6.3	0.073	2.9	NA	0.2	1.2	0.09	0.31	47.6

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

▽ Site: [2021 Base + Development AM Glenfield Dr x Spring Hill Circle]

Opening Year Base + Development 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
		Total veh/h	HV %	v/c	sec		Vehicles veh	Distance m		per veh	km/h
South: Glenfield Dr											
1	L2	38	13.9	0.044	4.9	LOS A	0.2	1.3	0.17	0.52	46.0
3	R2	18	17.6	0.044	5.4	LOS A	0.2	1.3	0.17	0.52	45.5
Approach		56	15.1	0.044	5.1	LOS A	0.2	1.3	0.17	0.52	45.9
East: Spring Hill Circle											
4	L2	76	1.4	0.079	4.6	LOS A	0.0	0.0	0.00	0.28	48.0
5	T1	73	1.4	0.079	0.0	LOS A	0.0	0.0	0.00	0.28	48.4
Approach		148	1.4	0.079	2.3	NA	0.0	0.0	0.00	0.28	48.2
West: Spring Hill Circle											
11	T1	31	0.0	0.038	0.4	LOS A	0.2	1.2	0.23	0.26	48.1
12	R2	29	17.9	0.038	5.3	LOS A	0.2	1.2	0.23	0.26	46.9
Approach		60	8.8	0.038	2.8	NA	0.2	1.2	0.23	0.26	47.5
All Vehicles		264	6.0	0.079	3.0	NA	0.2	1.3	0.09	0.32	47.5

Site Level of Service (LOS) Method: Delay (RTANSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

Site: [2021 Base PM Glenfield Dr x Spring Hill Circle]

Opening Year Base 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles											
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h
South: Glenfield Dr											
1	L2	53	4.0	0.078	4.7	LOS A	0.3	2.1	0.12	0.53	46.3
3	R2	49	0.0	0.078	5.2	LOS A	0.3	2.1	0.12	0.53	45.9
Approach		102	2.1	0.078	4.9	LOS A	0.3	2.1	0.12	0.53	46.1
East: Spring Hill Circle											
4	L2	52	2.0	0.048	4.6	LOS A	0.0	0.0	0.00	0.31	47.8
5	T1	38	2.8	0.048	0.0	LOS A	0.0	0.0	0.00	0.31	48.2
Approach		89	2.4	0.048	2.6	NA	0.0	0.0	0.00	0.31	48.0
West: Spring Hill Circle											
11	T1	68	0.0	0.060	0.2	LOS A	0.2	1.5	0.14	0.19	48.6
12	R2	38	5.6	0.060	4.9	LOS A	0.2	1.5	0.14	0.19	47.6
Approach		106	2.0	0.060	1.8	NA	0.2	1.5	0.14	0.19	48.2
All Vehicles		298	2.1	0.078	3.1	NA	0.3	2.1	0.09	0.34	47.4

Site Level of Service (LOS) Method: Delay (RTA NSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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## MOVEMENT SUMMARY

▽ Site: [2021 Base + Development PM Glenfield Dr x Spring Hill Circle]

Opening Year Base + Development 2021  
Giveway / Yield (Two-Way)

Movement Performance - Vehicles												
Mov ID	OD Mov	Demand Total veh/h	Flows HV %	Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue Vehicles veh	Distance m	Prop. Queued	Effective Stop Rate per veh	Average Speed km/h	
South: Glenfield Dr												
1	L2	64	3.3	0.086	4.7	LOS A	0.3	2.3	0.11	0.53	46.3	
3	R2	49	0.0	0.086	5.2	LOS A	0.3	2.3	0.11	0.53	45.9	
Approach		114	1.9	0.086	4.9	LOS A	0.3	2.3	0.11	0.53	46.2	
East: Spring Hill Circle												
4	L2	55	1.9	0.050	4.6	LOS A	0.0	0.0	0.00	0.32	47.7	
5	T1	38	2.8	0.050	0.0	LOS A	0.0	0.0	0.00	0.32	48.2	
Approach		93	2.3	0.050	2.7	NA	0.0	0.0	0.00	0.32	47.9	
West: Spring Hill Circle												
11	T1	68	0.0	0.060	0.2	LOS A	0.2	1.5	0.14	0.19	48.6	
12	R2	38	5.6	0.060	4.9	LOS A	0.2	1.5	0.14	0.19	47.6	
Approach		106	2.0	0.060	1.8	NA	0.2	1.5	0.14	0.19	48.2	
All Vehicles		313	2.0	0.086	3.2	NA	0.3	2.3	0.09	0.35	47.4	

Site Level of Service (LOS) Method: Delay (RTANSW). Site LOS Method is specified in the Parameter Settings dialog (Site tab).

Vehicle movement LOS values are based on average delay per movement.

Minor Road Approach LOS values are based on average delay for all vehicle movements.

NA: Intersection LOS and Major Road Approach LOS values are Not Applicable for two-way sign control since the average delay is not a good LOS measure due to zero delays associated with major road movements.

SIDRA Standard Delay Model is used. Control Delay includes Geometric Delay.

Gap-Acceptance Capacity: SIDRA Standard (Akçelik M3D).

HV (%) values are calculated for All Movement Classes of All Heavy Vehicle Model Designation.

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**Travers**  
bushfire & ecology

# Bushfire Protection Assessment

Planning Proposal

Part Lot 627 DP 1163903  
Lot 2C, Caulfield Close, Currans Hill

Under Section 117(2) Direction No 4.4  
of the EP&A Act

December 2019  
(REF:18CSL02)







## Bushfire Protection Assessment

Planning Proposal  
Part Lot 627 DP 1163903

Lot 2C, Caulfield Close, Currans Hill

Report Authors:	Nicole van Dorst B. App. Sc., Grad. Dip., BPAD-L3 2361 Emma Buxton B. App. Sc.
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Checked by:	Nicole van Dorst
Date:	2/12/19
File:	18CSL02

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### Disclaimer:

This report has been prepared to provide advice to the client on matters pertaining to the particular and specific development proposal as advised by the client and / or their authorised representatives. This report can be used by the client only for its intended purpose and for that purpose only. Should any other use of the advice be made by any person including the client then this firm advises that the advice should not be relied upon. The report and its attachments should be read as a whole and no individual part of the report or its attachments should be relied upon as meaning it reflects any advice by this firm. The report does not suggest or guarantee that a bush or grass fire will not occur and or impact the development. This report advises on matters published by the *NSW Rural Fire Service* in their guideline *Planning for Bush Fire Protection 2006* and other advice available from that organisation.

The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy, the location of all mapped features are to be confirmed by a registered surveyor.

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## EXECUTIVE SUMMARY

A bushfire protection assessment has been undertaken for the proposed amendment to the Minimum Lot Size Development Standard that applies to land located at Lot 2C, Caulfield Close, Currans Hill.

The site is located at the southern end of Caulfield Close and is zoned E4 - Environmental Living and in part E2 - Environmental Conservation. The planning proposal seeks to amend the Minimum Lot Size Development Standards to allow for a minimum lot size of 500m<sup>2</sup>.

This report identifies matters for consideration for the planning proposal and highlights the required bushfire protection measures, including asset protection zones (APZs), for future development under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, *Section 117 Direction 4.4* and in accordance *Planning for Bush Fire Protection 2006 (PBP)* and *Community Resilience Practice Note 2/12 Planning Instruments and Policies*.

This assessment will also take into consideration the methodology outlined in the *Pre-release PBP 2018*. It is anticipated that *PBP 2018* will become legislated early next year. Until then, *PBP 2018* is in a 'pre-release' stage, also known as the transitional period. Until *PBP 2018* becomes legislated, *PBP 2006* is the legally referenced document, however *PBP 2018* can be used on a performance basis.

The key principle for the proposal is to ensure that future development is capable of complying with *PBP*. Planning principles for the proposal include the provision of adequate access including perimeter roads, establishment of adequate APZs for future housing, specifying minimum lot depths to accommodate APZs and the introduction of controls which avoid placing inappropriate developments in hazardous areas and placement of combustible material in APZs.

Our assessment found that bushfire can potentially affect the site from the woodland vegetation associated within the riparian corridor to the south & west resulting in possible ember attack and radiant heat attack. Indicative APZ's have also been provided to the eastern boundary of the site to provide a 'worst case' scenario based on woodland vegetation. This area includes a transmission easement to the east, which will be managed regularly in accordance with Transgrid guidelines.

The bushfire risk posed to the planning proposal can be mitigated if appropriate bushfire protection measures (including APZs) are put in place and managed in perpetuity.

The assessment has concluded that future development on site will provide compliance with the planning principles of *PBP* and *Community Resilience Practice Note 2/12 – Planning Instruments and Policies*.

**GLOSSARY OF TERMS**

AHIMS	Aboriginal Heritage Information System
APZ	asset protection zone
AS1596	<i>Australian Standard – The storage and handling of LP Gas</i>
AS2419	<i>Australian Standard – Fire hydrant installations</i>
AS3745	<i>Australian Standard – Planning for emergencies in facilities</i>
AS3959	<i>Australian Standard – Construction of buildings in bushfire-prone areas 2009</i>
BAL	<i>bushfire attack level</i>
BSA	Bushfire safety authority
EEC	endangered ecological community
FDI	fire danger index
IPA	inner protection area
LEP	<i>local environmental plan</i>
NCC	<i>National Construction Code</i>
OPA	outer protection area
PBP	<i>Planning for Bush Fire Protection 2006</i>
RFS	NSW Rural Fire Service
SFPP	special fire protection purpose

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*Travers bushfire & ecology*) has been requested by *Cardno* to undertake a bushfire protection assessment for the planning proposal located at Lot 2C (Part Lot 627 1163903), Caulfield Close, Currans Hill.

The proposal is located on land mapped by *Camden Council* as being bushfire prone. *Direction 4.4, Planning for Bush Fire Protection 2006 (PBP)* identifies matters for consideration for planning proposals that will affect, or are in proximity to land mapped as bushfire prone.

As such, the proposal is subject to the requirements of Section 117(2) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* which requires Council to consult with the Commissioner of the NSW Rural Fire Service (RFS) and to take into account any comments by the Commissioner.

#### 1.1 Aims of the assessment

The aims of the bushfire protection assessment are to:

- review the bushfire threat to the landscape
- undertake a bushfire attack assessment in accordance with *PBP*
- provide advice on planning principles, including the provision of perimeter roads, asset protection zones (APZs) and other specific fire management issues
- review the potential to carry out hazard management over the landscape, taking into consideration the proposed retention of trees within the final development plans.

#### 1.2 Project synopsis

The aim of the Planning Proposal is to seek an amendment to the Camden Local Environmental Plan (CLEP) 2010. The proposed amendment is to apply a minimum lot size of 500m<sup>2</sup> to the subject land.

An indicative layout sketch has been provided in Figure 1.2 and Schedule 1 attached, bushfire constraints have been highlighted and minimum APZs have been recommended. The final subdivision design should ensure that APZ's are either contained within the perimeter road or within the individual lot boundaries to ensure ongoing maintenance.

Recommendations have also been made for future road design, building construction, water supply and utilities.

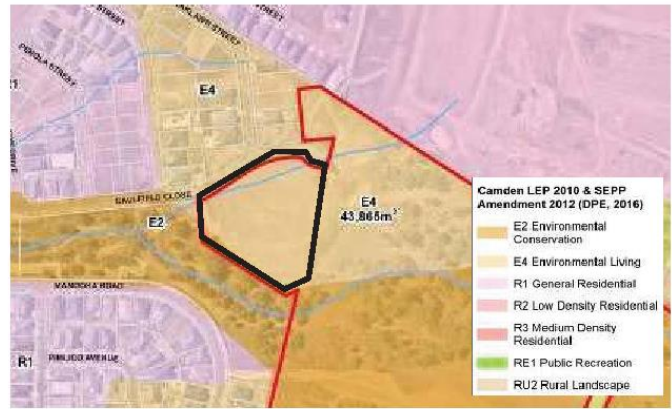


Figure 1.1 – Zoning



Figure 1.2 – Proposed layout plan  
(source: *Cardno*, 18/10/19)

**1.3 Information collation**

To achieve the aims of this report, a review of the information relevant to the property was undertaken prior to the initiation of field surveys. Information sources reviewed include the following:

- Lot Layout – Option 5, Currans Hill Subdivision, prepared by *Cardno*, dated 18/10/19

- Bushfire protection assessment – Rezoning Application Stage 3 Manooka Valley, prepared by *Travers bushfire & ecology* dated March 2017 (amended July 2017)
- Manooka Stage 3 Rezoning: Flora and Fauna Assessment – final report (version 2) prepared by *Biosis* dated 27<sup>th</sup> February 2017.
- Camden Local Environmental Plan 2010
- Camden Development Control Plan 2011
- NearMap aerial photography
- Topographical maps *DLPI of NSW* 1:25,000
- *Australian Standard 3959 Construction of buildings in bushfire-prone areas*
- *Planning for Bush Fire Protection 2006 (PBP)*
- *Draft Planning for Bush Fire Protection 2018 (PBP)*
- *Community Resilience Practice Notes 2/12 Planning Instruments and Policies.*

An inspection of the proposed development site and surrounds was undertaken by Nicole van Dorst to assess the topography, slopes, aspect, drainage, vegetation and adjoining land use. The identification of existing bushfire measures and a visual appraisal of bushfire hazard and risk were also undertaken.

#### 1.4 Site description

The site is located at Lot 2C Caulfield Close, Currans Hill (refer Figure 1.3). The site forms part of the greater Lot 627 DP 1163903.

The property is adjoined by Caulfield Close and residential land to the north, a mixture of managed land, grassland and bushland associated with the existing TransGrid Electrical Easement to the east and woodland vegetation associated with a riparian corridor to the south and west.



**Figure 1.3 – Aerial appraisal**  
(source: Nearmap, 2018)



## 1.5 Legislation and planning instruments

### 1.5.1 Environmental Planning and Assessment Act 1979 (EP&A Act) and bushfire prone land

The EP&A Act governs environmental and land use planning and assessment within New South Wales. It provides for the establishment of environmental planning instruments, development controls and the operation of construction controls through the *National Construction Code (NCC)*. The identification of bushfire prone land is required under Section 146 of the EP&A Act.

Bushfire prone land maps provide a trigger for the development assessment provisions. The property is located on land that is mapped by *Camden Council* as being bushfire prone – Category 2 open woodland vegetation (depicted orange) and its associated buffer (depicted yellow) (refer Figure 1.4).



**Figure 1.4 – Bushfire prone land map (11<sup>th</sup> October 2013)**  
(Source: Camden Council)

PBP (pg 4) stipulates that if a proposed amendment to land use zoning or land use affects a designated bushfire prone area then the Section 117(2) Direction No 4.4 of the EP&A Act must be applied. This requires Council to consult with the Commissioner of the RFS and to take into account any comments by the Commissioner and to have regard to the planning principles of PBP (detailed within Section 1.5.3).

### 1.5.2 Local Environmental Plan (LEP)

A LEP provides for a range of zonings which list development that is permissible or not permissible, as well as the objectives for development within a zone.

The proposal, including the provision of APZs, would seek to comply with the objectives of the zoning with APZ's excluded from the E2 zoned land.

### **1.5.3 Planning for Bush Fire Protection 2006 (PBP)**

Bushfire protection planning requires the consideration of the RFS planning document entitled *PBP*. The policy aims to provide for the protection of human life (including fire fighters) and to minimise impacts on property and the environment from the threat of bushfire, while having due regard to development potential, on site amenity and protection of the environment.

*PBP* outlines the following planning principles that must be achieved for all planning proposals:

1. provision of a perimeter road with two way access which delineates the extent of the intended development.
2. provision, at the urban interface, for the establishment of adequate APZs for future housing.
3. specifying minimum residential lot depths to accommodate APZs for lots on perimeter roads.
4. minimising the perimeter of the area of land interfacing the hazard, which may be developed.
5. introduction of controls which avoid placing inappropriate developments in hazardous areas, and
6. introduction of controls on the placement of combustible materials in APZs.

In addition to the above, *PBP* outlines the bushfire protection measures required to be assessed for new development in bushfire prone areas.

The planning proposal has been assessed in compliance with the following measures to ensure that future development is capable of complying with *PBP*:

- asset protection zones
- building construction and design
- access arrangements
- water supply and utilities
- landscaping
- emergency arrangements

### **1.5.4 National Construction Code (NCC) and the Australian Standard AS3959 Construction in bushfire-prone areas 2009 (AS3959)**

The *NCC* is given effect through the *EP&A Act* and forms part of the regulatory environment of construction standards and building controls. The *NCC* outlines objectives, functional statements, performance requirements and deemed to satisfy provisions. For residential dwellings these include Classes 1, 2 and 3 buildings. The construction manual for the deemed to satisfy requirements is *AS3959*.

Although consideration of *AS3959* is not specifically required in a planning proposal, this report (Section 3.2) provides the indicative setbacks for each dwelling construction level and can be used in future planning for master plans and / or subdivision proposals.

**1.6 Environmental and cultural constraints**

**1.6.1 Environmental constraints**

A review of the broader Manooka Valley Flora and Fauna Assessment prepared by Biosis (dated 27<sup>st</sup> February 2017) has been undertaken. The mapping has not identified any Critically Endangered Ecological Community (CEEC) or Endangered Ecological Community (EEC) within the current study area. A small portion of the site (south-eastern corner) is mapped as exotic grassland vegetation with the remainder of the site identified as cleared land (refer Figure 1.5).



Figure 1.5 – Vegetation Community (Biosis, 2017)

**1.6.2 Cultural constraints**

A basic search was conducted on the Aboriginal Heritage Information System (AHIMS). The results show that there are four (4) identified Aboriginal sites of significance within the broader Lot 627 DP 1163903 or within 50m of the site.



# Bushfire Threat Assessment

## 2

To assess the bushfire threat and to determine the required width of an APZ for a development, a review of the elements that comprise the overall threat needs to be completed.

*PBP* provides a methodology to determine the size of any APZ that may be required to offset possible bushfire attack. These elements include the potential hazardous landscape that may affect the site and the effective slope within that hazardous vegetation.

### 2.1 Hazardous fuels

*PBP* guidelines require the identification of the predominant vegetation formation, for a distance of at least 140m from a proposed development envelope, in accordance with David Keith (2004) to determine APZ distances.

Recently these vegetation groups have been subject to further fuel load research by the University of Wollongong (UoW) and Dr Penny Watson. These fuel loads have been published in the 2017 public draft release of PBP 2017 (RFS 2017) and are summarised in Table 2.1. The fuel loads adopted in this assessment are based on UoW research and are current best practice.

The hazardous vegetation within 140m of the planning proposal (to the east) has been mapped by Bioisis (refer Figure 1.5) and consists of a mixture of grassland, woodland and forested wetland. The vegetation within Manooka Reserve to the south and west is mapped by NPWS (2002) as Shale Plains Woodland.

Table 2.1 – Vegetation / fuel load

Vegetation community	Vegetation Formation / Fuel load (PBP 2006)	Vegetation Class / Fuel load (Pre-release PBP 2018)
Cumberland Plain Woodland Cumberland Plain Woodland - derived shrubland Shale Plains Woodland	Woodland (10/15 t/ha)	Woodland (grassy & woody) (10.5 / 20.2 t/ha)
River-Flat Eucalypt Forest	Forested Wetland (15/20 t/ha)	Coastal Floodplain Wetland (8.2 / 15.1 t/ha)
Exotic Grassland	N/A	Grassland (6 / 6 t/ha)



**Photo 1:** Woodland vegetation located within the riparian corridor (south)

A TransGrid easement runs parallel and adjacent to the development area to the immediate east. This easement consists of a mixture of managed land, grassland and bushland. A worst case scenario has been adopted and a 'woodland' vegetation formation has been used in the calculations. A reassessment of the APZ required will be undertaken at subdivision stage following a further review of the future maintenance of the easement.

## **2.2 Effective slope**

The effective slope is determined by reviewing the slopes within 100m of the development boundary. Effective slope refers to that slope which provides the most effect upon likely fire behaviour. A mean average slope may not in all cases provide sufficient information such that an appropriate assessment can be determined.

The effective slope within the hazardous vegetation to the south and west is 5 – 10 degrees downslope. The effective slope within the grassland / potential future woodland vegetation to the east is level to upslope.

## **2.3 Bushfire attack assessment**

A fire danger index (FDI) of 100 has been used to calculate bushfire behaviour on the site using forest vegetation located within the Greater Sydney region.

Table 2.2 below provides a summary of the bushfire attack assessment and the minimum required APZs in compliance with BAL 29 building construction standards as outlined in Pre-release PBP 2018. This is considered an alternative solution approach.

Table 2.2 – Bushfire attack assessment

Aspect	Vegetation formation within 140m of development	Effective slope of land	Minimum APZ required Pre-release PBP 2018 (metres)	Building construction standards Pre-release PBP 2018 (metres)
North	Managed lands	N/A	N/A	N/A
South, south-east and west	Woodland	5-10 <sup>0D</sup>	20	BAL 29 (20-<28) BAL 19 (28 - <39) BAL 12.5 (39-<100)
East	Woodland	Level to upslope	12	BAL 29 (12-<18) BAL 19 (18 - <26) BAL 12.5 (26-<100)

Notes: \* Slope is either 'U' meaning up slope or 'C' meaning cross slope or 'D' meaning down slope

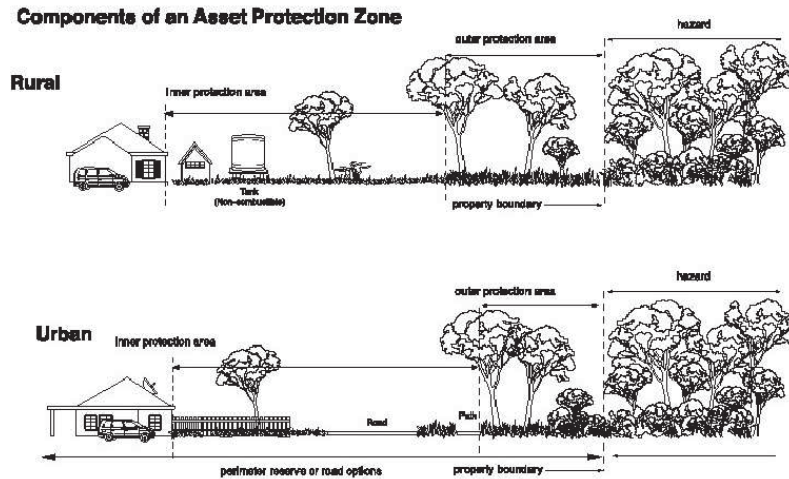


# Specific Protection Issues

## 3

### 3.1 Asset protection zones (APZs)

APZs are areas of defensible space separating hazardous vegetation from buildings. The APZ generally consists of two subordinate areas, an inner protection area (IPA) and an outer protection area (OPA). The OPA is closest to the bush and the IPA is closest to the dwellings. In this case the APZ will consist of an IPA only. The IPA cannot be used for habitable dwellings but can be used for all external non-habitable structures such as pools, sheds, non-attached garages, cabanas, etc. A typical APZ and therefore defensible space is graphically represented below:



Source: RFS, 2006

**Note:** Vegetation management as shown is for illustrative purposes only. Specific advice is to be sought in regard to vegetation removal and retention from a qualified and experienced expert to ensure APZs comply with the RFS performance criteria.

*PBP* dictates that the subsequent extent of bushfire attack that can potentially emanate from a bushfire must not exceed a radiant heat flux of  $29kW/m^2$  for residential subdivision developments. This rating assists in determining the size of the APZ in compliance with *PBP* to provide the necessary defensible space between hazardous vegetation and a building. Table 3.1 outlines the proposals compliance with the performance criteria for APZs.

Table 3.1 – Performance criteria for asset protection zones (PBP guidelines pg. 19)

Performance criteria	Acceptable solutions	Acceptable solution	Performance solution	Comment
Radiant heat levels at any point on a proposed building will not exceed 29kW/m <sup>2</sup>	APZs are provided in accordance with Appendix 2  APZs are wholly within the boundary of the development site	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer Section 2.3. An alternative solution has been used to determine minimum APZ's based on Pre-release PBP 2018. APZ's have been recommended based on a radiant heat exposure of less than 29kW/m <sup>2</sup> .
APZs are managed and maintained to prevent the spread of fire towards the building	In accordance with the requirements of <i>Standards for Asset Protection Zones</i> (RFS 2005)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The APZ will consist of landscaped areas  The APZ is not located on slopes exceeding 18°.
APZ maintenance is practical, soil stability is not compromised and the potential for crown fires is negated	The APZ is located on lands with a slope of less than 18°	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes. APZs are located on slopes less than 18°

### 3.2 Building protection

In terms of future subdivision approval, the minimum APZ must be provided in accordance with *PBP*. The APZs provided in Table 2.2 (Section 2.3) of this report are based on an alternative solution approach to comply with the setbacks provided in Pre-release PBP 2018 (Table A1.12.5)

Although not required in terms of a planning proposal, the following advice in relation to building construction levels can be used for future planning and subdivision design.

The construction classification system is based on five (5) bushfire attack levels (BAL). These are BAL – Flame Zone (FZ), BAL 40, BAL 29, BAL 19 and BAL 12.5 AS3959 – *Construction of buildings in bushfire-prone areas*. The lowest level, BAL 12.5, has the longest APZ distance while BAL – FZ has the shortest APZ distance. These allow for varying levels of building design and use of appropriate materials.

Table 2.2 provides an indication of the BAL setbacks that are likely to apply for future building construction. These BAL levels are for planning purposes only and will be assessed / confirmed prior to building construction stage. The APZ depicted in Schedule 1 attached is based on BAL 29 building construction for those lots fronting the bushfire hazard.



### 3.3 Hazard management

In terms of implementing and / or maintaining APZs, there is no physical reason that would constrain hazard management from being successfully carried out by normal means (e.g. mowing / slashing).

The APZs are to be managed in accordance with the RFS guidelines *Standards for Asset Protection Zones (RFS, 2005)*, with landscaping to comply with Appendix 5 of *PBP*.

A summary of the guidelines for managing APZs is attached as Appendix 1 to this report.

Minimum APZs have been recommended and are depicted in Schedule 1. The APZ will consist of an IPA only. The final subdivision design should ensure that APZ's are either contained within a perimeter road or within individual lot boundaries to ensure ongoing maintenance.

### 3.4 Access for fire fighting operations

Future residential development within the site will access Caulfield Close in the north.

An indicative layout sketch has been provided (refer Schedule 1 attached). Future road design should comply with the performance criteria and acceptable solutions for public roads as outlined within the table below. Perimeter roads (fronting the bushfire hazard) are to have a carriageway width of 8m (excluding parking). Internal roads are required to have a carriageway width of 5.5m (excluding parking) as allowable within Pre-release PBP 2018.

Table 3.3 outlines the performance criteria and acceptable solutions for future public roads within future subdivision design.

Table 3.2 – Performance criteria for public roads (*PBP guidelines pg. 20*)

Performance criteria	Acceptable solutions
<p>Fire fighters are provided with safe all weather access to structures (thus allowing more efficient use of fire fighting resources).</p> <p>Public road widths and design that allow safe access for fire fighters while residents are evacuating an area.</p>	<p>Public roads are two-wheel drive, all weather roads.</p> <p>Urban perimeter roads are two way, that is, at least two traffic lane widths (carriageway 8m minimum kerb to kerb) allowing traffic to pass in opposite directions. Non perimeter roads comply with Table 3.3 below.</p> <p>Perimeter road is linked with the internal road system at an interval of no greater than 500m in urban areas.</p> <p>Traffic management devices are constructed to facilitate access by emergency services.</p> <p>Public roads have a cross fall not exceeding 3°.</p> <p>All roads are through roads. If unavoidable, dead end roads are not more than 200m in length, incorporate a minimum 12m outer radius turning circle, sign posted dead end and direct traffic away from the hazard.</p> <p>Curves of roads (other than perimeter) have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress.</p> <p>The minimum distance between inner and outer curves is 6m.</p> <p>Maximum grades for sealed roads do not exceed 15° and an average grade of not more than 10°.</p> <p>Minimum vertical clearance of 4m above the road at all times.</p>
<p>The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles</p>	<p>The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (15 tonnes for reticulated water and 28 tonnes for all other areas). Bridges clearly indicate load rating.</p>
<p>Roads that are clearly sign posted (with easily distinguishable names) and buildings / properties that are clearly numbered.</p>	<p>Public roads &gt;6.5m wide to locate hydrants outside of parking reserves to ensure accessibility to reticulated water.</p> <p>Public roads 6.5-8m wide are No Parking on one side with the hydrant located on this side to ensure accessibility to reticulated water.</p> <p>Public roads &lt;6.5m wide provide parking within parking bays and locate services outside of parking bays to ensure accessibility to reticulated water.</p> <p>One way only public access are no less than 3.5m wide and provide parking within parking bays and locate services outside of parking bays to ensure accessibility to reticulated water.</p>

Performance criteria	Acceptable solutions
There is clear access to reticulated water supply. Parking does not obstruct the minimum paved width	<p>Parking bays are a minimum of 2.6m wide from kerb edge to road pavement. No services or hydrants are located within parking bays.</p> <p>Public roads directly interfacing the bushfire hazard are to provide roll top kerbing to the hazard side of the road.</p>

Table 3.3 – Minimum widths for public roads that are not perimeter roads

Curve radius (inside edge) (metres width)	Swept path (metres width)	Single lane (metres width)	Two way (metres width)
<40	3.5	4.5	8.0
40-69	3.0	3.9	7.5
70-100	2.7	3.6	6.9
>100	2.5	3.5	6.5

### 3.5 Water supplies

Town reticulated water supply is available to the property in the form of an underground reticulated water system.

Table 3.4 outlines the performance criteria and acceptable solutions for reticulated water supply.

Table 3.4 – Performance criteria for reticulated water supplies (*PBP* guidelines pg. 27)

Performance criteria	Acceptable solutions
Water supplies are easily accessible and located at regular intervals.	<p>Reticulated water supply to urban subdivision uses a ring main system for areas with perimeter roads.</p> <p>Fire hydrant spacing, sizing and pressures comply with AS2419.1 - 2005. Where this cannot be met, the RFS will require a test report of the water pressures anticipated by the relevant water supply authority. In such cases, the location, number and sizing of hydrants shall be determined using fire engineering principles.</p> <p>Hydrants are not placed within any road carriageway.</p> <p>All above ground water and gas pipes external to the building are metal, including and up to taps.</p> <p>The provisions of parking on public roads are met.</p>

### 3.6 Gas

Table 3.5 outlines the required performance criteria for the gas supply.

**Table 3.5 – Performance criteria for gas supplies (PBP guidelines pg. 27)**

Performance criteria	Acceptable solutions
Location of gas services will not lead to the ignition of surrounding bushland land or the fabric of buildings	<p>Reticulated or bottled gas bottles are to be installed and maintained in accordance with AS1596 (2002) and the requirements of relevant authorities. Metal piping is to be used.</p> <p>All fixed gas cylinders are to be kept clear of flammable materials to a distance of 10m and shielded on the hazard side of the installation.</p> <p>If gas cylinders are to be kept close to the building the release valves must be directed away from the building and at least 2m away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are metal.</p> <p>Polymer sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used.</p>

### 3.7 Electricity

Table 3.6 outlines the required performance criteria for electricity supply.

**Table 3.6 – Performance criteria for electricity services (PBP guidelines pg. 27)**

Performance criteria	Acceptable solutions
Location of electricity services limit the possibility of ignition of surrounding bushland or the fabric of buildings	<p>Where practicable, electrical transmission lines are underground</p> <p>Where overhead electrical transmission lines are proposed:</p> <ul style="list-style-type: none"> <li>• Lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas: and</li> <li>• No part of a tree is closer to a power line than the distance set out in accordance with the specification in <i>Vegetation Safety Clearances</i> issued by <i>Energy Australia</i> (NS179, April 2002).</li> </ul>
Regular inspection of lines in undertaken to ensure they are not fouled by branches.	



# Conclusion & Recommendations

# 4

## 4.1 Conclusion

A bushfire protection assessment has been undertaken for the planning proposal located at Lot 2C, Caulfield Close, Currans Hill.

Our assessment found that bushfire can potentially affect the site from the woodland vegetation associated with the riparian corridor to the south and west and the woodland extending beyond the electrical easement to the east resulting in possible ember attack and radiant heat attack.

The bushfire risk posed to the planning proposal however can be mitigated if appropriate bushfire protection measures (including APZs) are put in place and managed in perpetuity.

Future development on site is to comply with the following planning principles.

**Table 4.1 – Planning principles**

Planning principles	Recommendations
Provision of a perimeter road with two way access which delineates the extent of the intended development.	A perimeter road (8m carriageway width) is to be provided adjacent to all bushland areas.
Provision, at the urban interface, for the establishment of adequate APZs for future housing.	APZs have been recommended in compliance with BAL 29 (Pre-release PBP 2018).
Specifying minimum residential lot depths to accommodate APZs for lots on perimeter roads.	Future subdivision design is to allow for the minimum APZs as recommended within Table 2.2 and as depicted within Schedule 1 attached.
Minimising the perimeter of the area of land interfacing the hazard, which may be developed.	Compliant.
Introduction of controls which avoid placing inappropriate developments in hazardous areas.	Future development consists of residential dwellings and is appropriate for the level of bushfire risk.
Introduction of controls on the placement of combustible materials in APZs.	Compliant – can be made a condition of consent.

The following recommendations are provided to ensure that future residential development is in accordance with, or greater than, the requirements of *PBP*.

#### 4.2 Recommendations

**Recommendation 1** - APZs are to be provided to the future residential development. APZs are to be measured from the exposed wall of any dwelling toward the hazardous vegetation. The minimum APZ must be achievable within all lots fronting the bushfire hazard as nominated in Table 2.2 and also as generally depicted in Schedule 1.

**Recommendation 2** - Fuel management within the APZs is to be maintained as an inner protection area with regular maintenance of the landscaped areas, mowing of lawns in accordance with the guidelines provided in Appendix 1, and as advised by the RFS in their publications.

**Recommendation 3** - Building construction standards are to be applied for future residential dwellings in accordance with *Australian Standard AS3959 Construction of buildings in bushfire-prone areas (2009)* with additional construction requirements as listed within Section A3.7 of Addendum Appendix 3 of *PBP*.

**Recommendation 4** – Public access roads are to comply with the performance criteria as outlined within Section 4.1.3 of *PBP* (refer Section 3.4 of this report). A perimeter road is to be provided.

**Recommendation 5** – Water, electricity and gas supply is to comply with the acceptable solutions as provided within Section 4.1.3 of *PBP* (refer Sections 3.5, 3.6 and 3.7 of this report).

**REFERENCES**

- Australian Building Codes Board (2010) – *Building Code of Australia, Class 1 and Class 10 Buildings Housing Provisions Volume 2*
- Chan, K.W. (2001) – *The suitability of the use of various treated timbers for building constructions in bushfire prone areas*. Warrington Fire Research
- Councils of Standards Australia AS3959 (2009) – *Australian Standard Construction of buildings in bush fire-prone areas*
- Hon Brad Hazzard (7 June 2012) – *Planning proposal to rezone land at Boundary Road, Medowie from 1 (c1) Rural Small Holdings Zone to 1(c5) Rural Small Holdings, 1(c4) Rural Small Holdings and 7(a) Environmental Protection*
- Keith, David (2004) – *Ocean Shores to Desert Dunes – The Native Vegetation of New South Wales and the ACT*. The Department of Environment and Climate Change
- Rural Fire Service (2006) - *Planning for bushfire protection– a guide for councils, planners, fire authorities and developers*. NSW Rural Fire Service
- Rural Fire Service (2006) - Bushfire Attack Software on RFS web site
- Tan, B., Midgley, S., Douglas, G. and Short (2004) - *A methodology for assessing bushfire attack*. RFS Development Control Service
- Travers, J. (2003) *The Ecological Management of Asset Protection Zones at Wallarah Peninsula – A Case Study*
- Umwelt, 2012. *Ecological Assessment for Rezoning Application Lots 93 – 96 Boundary Road, Medowie*







DISCLAIMER: CAD #0219033\_GS-003\_Lm(Currg3 01) has been sent as a PDF. Therefore it is not georeferenced and has been aligned to LPI boundaries. Verification by a registered surveyor is required prior to finalisation.

**Legend**

- Site location
- Contours - 1m (source: LiDAR)
- Asset Protection Zone (Inner Protection Area)
- Proposed rezoning - E2 Environmental Management

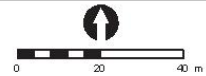
Aerial source: Nearmap



**PROJECT & MXD REFERENCE**  
 Lot 2C, Caulfield Close, Currans Hill  
 18CSL02\_BF001

**DATE & ISSUE**  
 2/12/2019  
 Issue 1

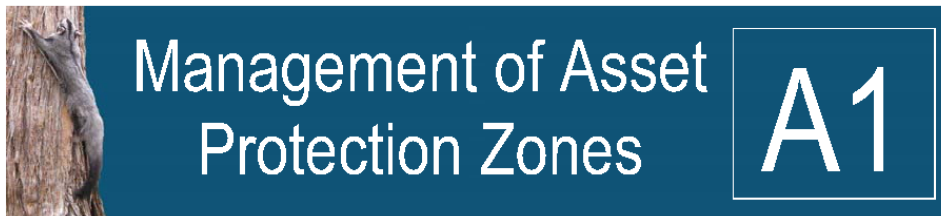
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 GDA 1994 MGA Zone 56



**TITLE**  
**Schedule 1 - Bushfire Protection Measures**

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Disclaimer: The mapping is indicative of available space and location of features which may prove critical in assessing the viability of the proposed works. Mapping has been produced on a map base with an inherent level of inaccuracy, the location of all mapped features are to be confirmed by a registered surveyor.

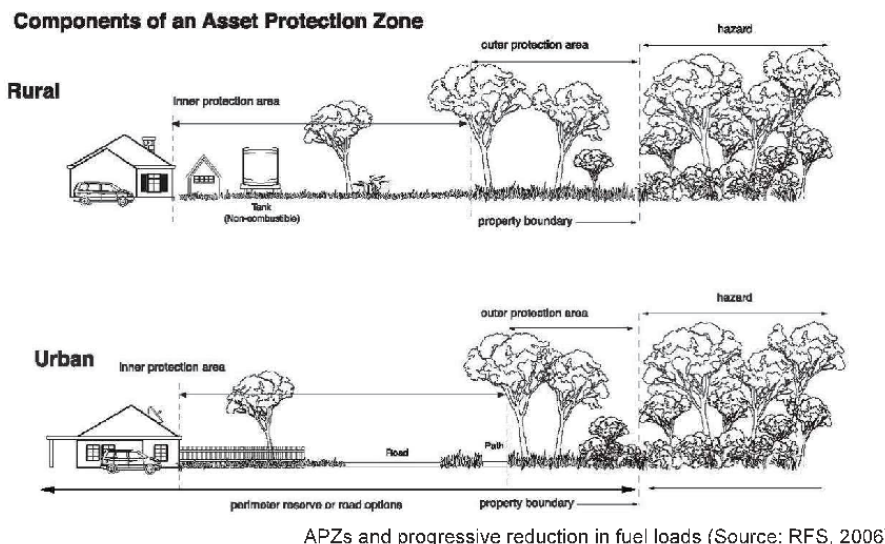


# Management of Asset Protection Zones

# A1

The RFS provides basic advice in respect of managing APZs through documents such as, *Standards for Asset Protection Zones* (RFS, 2005), with landscaping to comply with Appendix 5 of *PBP*.

The APZ generally consists of two subordinate areas, an inner protection area (IPA) and an outer protection area (OPA). The OPA is closest to the bush and the IPA is closest to the dwellings. The property is to be managed to IPA standards only. A typical APZ is graphically represented below:



**Note:** Vegetation management as shown is for illustrative purposes only. Specific advice is to be sought in regard to vegetation removal and retention from a qualified and experienced expert to ensure APZs comply with the RFS performance criteria.

The following provides maintenance advice for vegetation within the IPA and OPA.

Inner protection area (IPA)

Fuel loads within the IPA are to be maintained so it does not exceed 4t/ha.

Trees are to be maintained to ensure;

- canopy cover does not exceed 15%
- trees (at maturity) do not touch or overhang the building

- tree canopies (at maturity) should be well spread out and not form a continuous canopy
- lower limbs should be removed up to a height of 2m above ground
- preference should be given to smooth barked and evergreen trees.

Shrubs are to be maintained to ensure;

- large discontinuities or gaps in vegetation
- shrubs should not be located under trees
- shrubs should not form more than 10% of ground cover
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of vegetation.

Grass is to be maintained to ensure;

- a height of 10cm or less
- leaves and debris are removed.

Landscaping to the site is to comply with the principles of Appendix 5 of PBP. In this regard the following landscaping principles are to be incorporated into the development:

- Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
- Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
- When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and
- Use of low flammability vegetation species.



State Environmental Planning Policy	Consistency	Comment
State Environmental Planning Policy No 1— Development Standards	N/A	
State Environmental Planning Policy No 19— Bushland in Urban Areas	The PP is consistent with SEPP 19.	The site is subject to the provisions of SEPP 19.  SEPP 19 applies to the proposed rezoning as Camden Council LGA is listed in Schedule 1 – ‘Areas and part areas to which the Policy applies’. The study area contains native vegetation which is similar to the original vegetation community, fitting the definition of bushland provided in Clause 4.1 of the Act.  The Subject Site does not contain nor border land that is zoned or reserved for public open space purposes, and thus no Plan of Management is required.
State Environmental Planning Policy No 21— Caravan Parks	N/A	
State Environmental Planning Policy No 30— Intensive Agriculture	N/A	
State Environmental Planning Policy No 33— Hazardous and Offensive Development	N/A	
State Environmental Planning Policy No 36— Manufactured Home Estates	N/A	
State Environmental Planning Policy No 44— Koala Habitat Protection	N/A	The site does not support Koala Habitat
State Environmental Planning Policy No 47— Moore Park Showground	N/A	
State Environmental Planning Policy No 50— Canal Estate Development	N/A	
State Environmental Planning Policy No 52— Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
State Environmental Planning Policy No 55— Remediation of Land	The PP is consistent with SEPP 55.	Based on the results of contamination investigations previously undertaken at the site by GeoEnviro Consultancy Pty Ltd, January 2015, the Subject Site was generally assessed to have a low risk of gross ground contamination. Additionally, the site is identified as a contaminated site by the Environment Protection Authority contamination register. Therefore, the site is therefore considered suitable for the proposed rezoning.
State Environmental Planning Policy No 62— Sustainable Aquaculture	N/A	
State Environmental Planning Policy No 64— Advertising and Signage	N/A	

State Environmental Planning Policy	Consistency	Comment
State Environmental Planning Policy No 65— Design Quality of Residential Flat Development	N/A	
State Environmental Planning Policy No 70— Affordable Housing (Revised Schemes)	N/A	
State Environmental Planning Policy (Affordable Rental Housing) 2009	N/A	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A	
State Environmental Planning Policy (Coastal Management) 2018	N/A	
State Environmental Planning Policy (Educational Establishment and Child Care Facilities) 2017	N/A	
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A	
State Environmental Planning Policy (Gosford City Centre) 2018	N/A	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A	
State Environmental Planning Policy (Infrastructure) 2007	N/A	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A	
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
State Environmental Planning Policy (Miscellaneous Consent Provision) 2007	N/A	
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	
State Environmental Planning Policy (Rural Lands) 2008	N/A	
State Environmental Planning Policy (State and Regional Development) 2011	N/A	
State Environmental Planning Policy (State Significant Precinct) 2005	N/A	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	

State Environmental Planning Policy	Consistency	Comment
State Environmental Planning Policy (Three Ports) 2013	N/A	
State Environmental Planning Policy (Urban Renewal) 2010	N/A	
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	The PP is consistent with SEPP (Vegetation in Non-Rural Area) 2017.	No trees and vegetation are proposed to be removed as part of the PP. A small number of trees may potentially be removed in future subdivision of the land but the Flora / Fauna Assessment that accompanies this PP has found that the loss of these trees would not have a significant impact on the ecological values of the locality.  Existing Cumberland Plain Woodland would be protected through the retention of the existing E2 Environmental Conservation and E4 Environmental Living zones.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A	
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A	
Sydney Regional Environmental Plan No 9— Extractive Industry (No 2—1995)	N/A	
Sydney Regional Environmental Plan No 16— Walsh Bay	N/A	
Sydney Regional Environmental Plan No 20— Hawkesbury-Nepean River (No 2—1997)	N/A	
Sydney Regional Environmental Plan No 24— Homebush Bay Area	N/A	
Sydney Regional Environmental Plan No 26— City West	N/A	
Sydney Regional Environmental Plan No 30— St Marys	N/A	
Sydney Regional Environmental Plan No 33— Cooks Cove	N/A	
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	



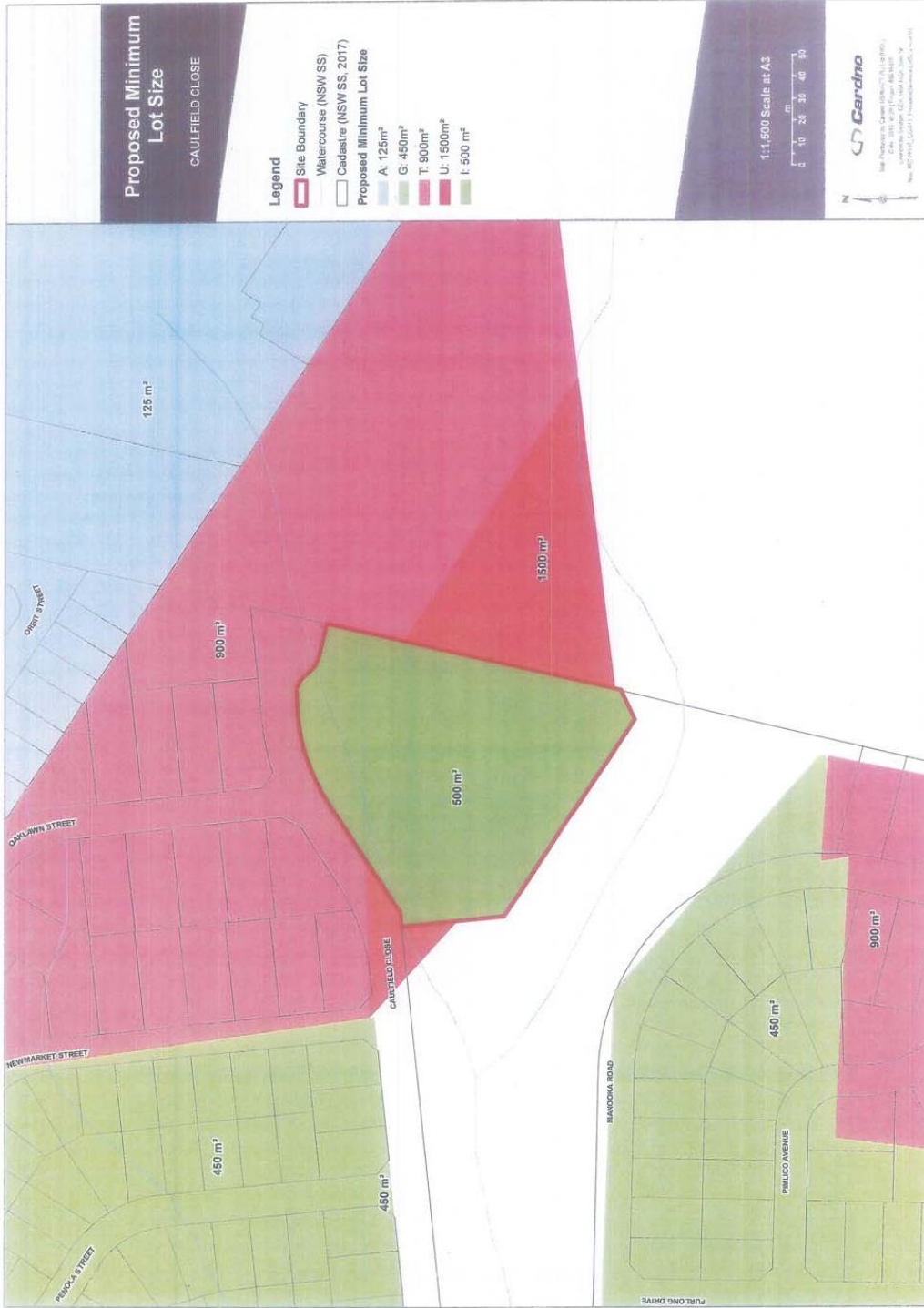




OPTION 5 LAYOUT PLAN  
SCALE 1:500

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<p>Scale: 1:500</p>		<p>North Arrow</p>		<p>Revision</p>			





## Assessment against Key Strategic Documents

## Greater Sydney Region Plan

Great Sydney Region Plan		
Direction	Objective	Officer Comment
Direction 4 Liveability-Housing the City	Objective 10: Greater Housing Supply	The proposal is consistent with this objective through the provision of an addition 19 lots.
	Objective 11: Housing is more diverse and affordable	The proposal is consistent with this objective. The proposal will increase 9 additional residential lots with a minimum lot size of 500m <sup>2</sup> in an area where residential development is currently permitted.
Direction 6 Sustainability – A City in its landscape	Objective 28: Scenic and cultural landscape are protected	<p>The proposal is consistent with this objective. The proposal does not seek to amend the current E2 Environmental Conservation and E4 Environmental Living zones which apply to the site. The E4 zone allows low impact residential development.</p> <p>The site is considered suitable for residential development and will not significantly detract from the integrity of the scenic and cultural landscape of Manooka Valley.</p>

## Western Sydney District Plan

Western City District Plan	
Planning Priority	Officer Comment
Planning Priority W1 Planning for a city supported by infrastructure	The proposal is consistent with this priority. The proposal seeks to facilitate additional 9 residential lots in an established urban area with existing infrastructure. The proposed increase of density will not have significant impacts on existing local and collector roads in the area.
Planning Priority W5 Providing housing supply, choice and affordability, with access to job and services	The proposal is consistent with this priority as it seeks to increase the housing supply by 9 additional lots in an established residential area with access to jobs and services.
Planning Priority W16 Protecting and enhancing scenic and cultural landscape	The proposal is consistent with this priority. The site is suitable for residential development and will not significantly detract from the integrity of the scenic and cultural landscape of Manooka Valley.

## Community Strategic Plan

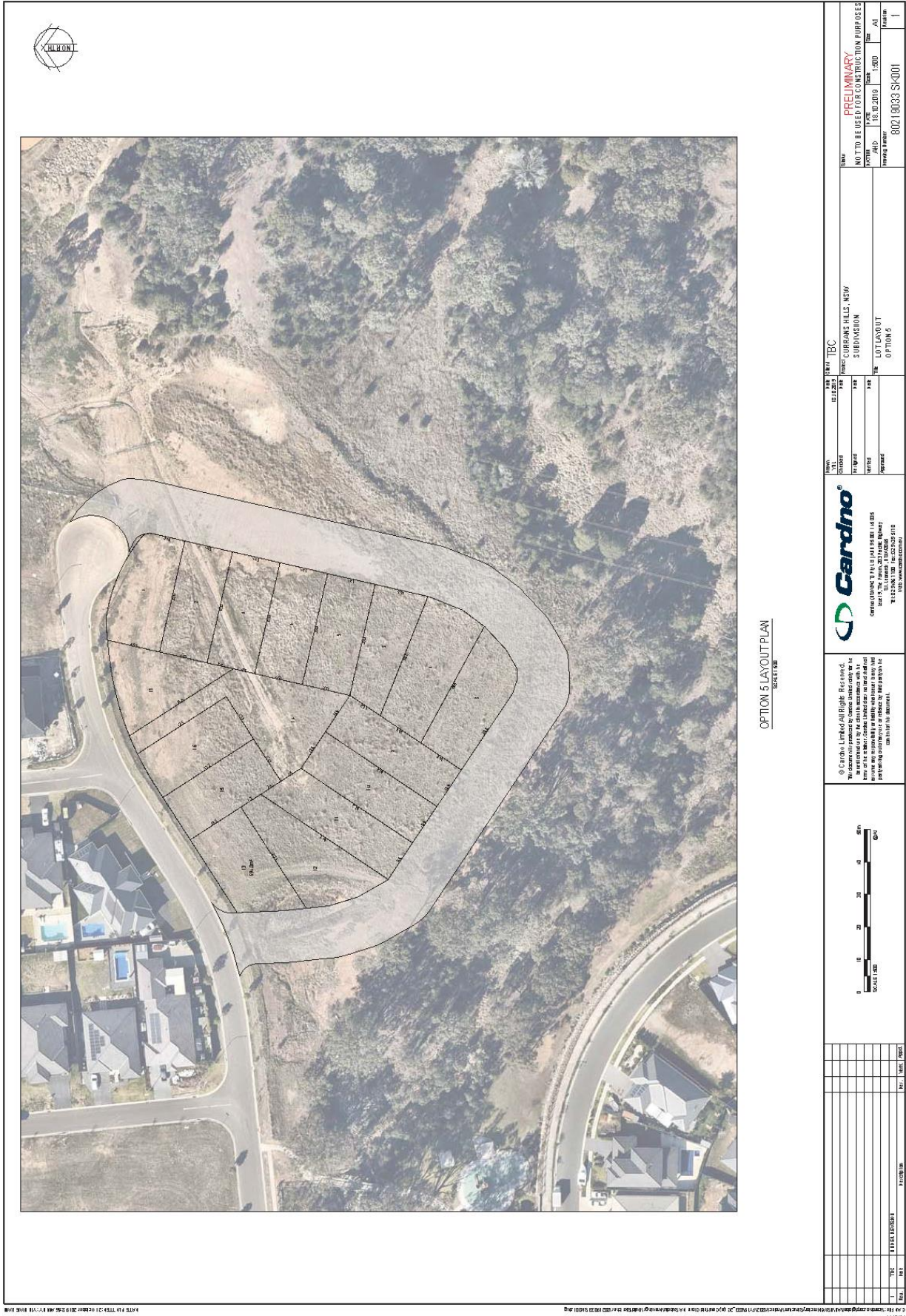
Community Strategic Plan	
Strategy	Officer Comment
Strategy 1.1.1 Ensure provision of appropriate urban development for sustainable growth in the Camden LGA	The proposal is consistent with this strategy. The proposal seeks to increase the housing supply by 9 additional lots in an established area suitable for residential development.

### Assessment against Key Strategic Documents

<p><u>Strategy 1.1.2</u> Manage and plan for a balance between population growth, urban development and environmental protection</p>	<p>The proposal is consistent with this strategy. The proposal seeks to facilitate 9 additional lots in an established urban area with access to existing infrastructure, jobs and services. The proposal also seeks to protect the environment and scenic landscape by retaining the current E2 Environmental Conservation and E4 Environmental Living zones which apply to the site.</p>
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### Draft Camden Local Strategic Planning Statement

<b>Draft Camden Local Strategic Planning Statement</b>	
<b>Local Priorities</b>	<b>Officer Comment</b>
<p><u>Liveability Priority L1</u> Providing housing choice and affordability for Camden's growing and changing population.</p>	<p>The proposal is consistent with this local priority, as it proposes 9 additional residential lots to be provided in an established urban area.</p>
<p><u>Sustainability Priority S4</u> Protecting and restoring environmentally sensitive land and enhancing biodiversity</p>	<p>The proposal is consistent with this local priority. The proposal does not seek to amend the current E2 Environmental Conservation and E4 Environmental Living zones which apply to the site. The E2 zoned land provides protection to the existing Cumberland Plain Woodland on the site. The E4 Environmental Living zoned land allows low impact residential development.</p>



OPTION 5 LAYOUT PLAN  
SCALE 1:500

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# Camden Local Planning Panel

**Closed Meeting Minutes**  
**20 August 2019**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue, Oran Park**



**PRESENT**

Michael File (Expert Panel Member), Rachel Harrison (Expert Panel Member), Bill Rooney (Community Member – Central Ward).

**APOLOGIES**

Stuart McDonald (Chairperson) was absent from the meeting and provided an apology.

Due to the chair being absent it was determined by the Panel that Michael File assume the position of the Chairperson for the meeting.

**ALSO IN ATTENDANCE**

Director Planning & Environment, Manager Strategic Planning, Team Leader Land Use Planning, Team Leader Growth Areas, Strategic Planner, Strategic Planning Officer, Governance Officer – Panel and Committees.

**DECLARATION OF INTEREST**

Mr Bill Rooney declared a conflict of interest in relation to CCLPP01 – A Saddle Close Currans Hill Planning Proposal. Mr Rooney advised that he would take no part in the panel's discussion and recommendation to Council on this matter.

**CCLPP01      A SADDLE CLOSE CURRANS HILL PLANNING PROPOSAL**

Due to the conflict raised by Mr Rooney, the Panel did not have a quorum to provide advice on CLPP01 – A Saddle Close Currans Hill Planning Proposal.

It was determined that this item be deferred to be considered electronically with Stuart McDonald, Michael File and Rachel Harrison. The minutes will be updated to include the recommendation.



**ELECTRONIC CONSIDERATION**

<b>DATE OF FINALISATION</b>	22 August 2019
<b>PANEL MEMBERS</b>	Stuart McDonald, Michael File, Rachel Harrison
<b>APOLOGIES</b>	N/A
<b>DECLARATIONS OF INTEREST</b>	None

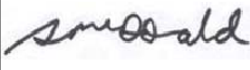

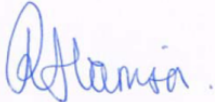
**CCLPP01 A SADDLE CLOSE CURRANS HILL PLANNING PROPOSAL****PANELS RECOMMENDATION**

The Camden Local Planning Panel has considered the draft Planning Proposal and is of the view that the proposal should not proceed to Gateway Determination as it fails to demonstrate strategic merit for the following reasons:

- It doesn't provide a diversity of lot sizes consistent with the planning of the surrounding area.
- The current zoning provides an appropriate transition to the immediately adjoining E2 zoned land containing Cumberland Plain Woodland.
- The existing E2 Environmental Conservation zone should be retained, as CPW vegetation has been identified on the E2 zoned land.

**VOTING NUMBERS**

The Panel voted 3-0 in favour of the recommendation.

<b>PANEL MEMBERS</b>	
 <b>Stuart McDonald</b>	 <b>Michael File</b>
 <b>Rachel Harrison</b>	

**Trust Deed**  
**Alan Baker Art Gallery Trust**

---

Max Tegel (**Founder**)

Macaria Gallery Limited (ABN\_\_\_\_) (**Trustee**)

**Marsdens Law Group**

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96389131 - (LIT)

79911441 - 161163 (NMP)

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## Trust Deed

### Alan Baker Art Gallery Trust

#### Parties

<b>Trustee</b>	<b>Name</b>	Macaria Gallery Limited
	<b>Address</b>	
	<b>ABN</b>	
<b>Founder</b>	<b>Name</b>	Max Tegel
	<b>Address</b>	

#### Recitals

- A** The Founder wishes to establish the Trust.
- B** The Founder has paid the Settled Sum to the Trustee to hold on the trusts outlined in this deed and in accordance with the Relevant Law.

#### Operative provisions

##### 1 Definitions and interpretation

###### 1.1 Defined Terms

In this deed, words beginning with a capital letter that are defined in Part 1 of **Schedule 1** have the meaning ascribed to them in that schedule.

###### 1.2 Interpretation

The interpretational rules contained in Part 2 of **Schedule 1** apply in the interpretation of this deed.

##### 2 Creation of Trust

###### 2.1 Declaration of Trust

The Trustee declares that it will hold the Trust Fund upon trust with, and subject to the powers and provisions contained within this deed.

###### 2.2 Name

The Trust is to be known as the **Alan Baker Art Gallery Trust**.

##### 3 Objects

###### 3.1 Objects of the Trust

- (1) The primary object of the Trust is the collection, promotion, preservation and exhibition of the Arts:
  - (a) for the pleasure and education of the broader public; and
  - (b) for the advancement of culture within the Camden Local Government Area.
- (2) The incidental objects of the Trust include the following:
  - (a) To acquire (commercially or otherwise) appropriate works to form part of the Trust's public collection.
  - (b) To encourage and accept public gifts, donations and contributions of money or property.

- 
- (c) To deal with the income of the Trust in accordance with the terms of this deed.
  - (d) To supplement the works comprising the Trust's public collection with material and loans from other sources.
  - (e) To increase public interest and facilitate greater public involvement through the provision of services incidental to the Objects.
  - (f) To advertise the activities of the Trust and to maintain a high level of public attendance.
  - (g) To provide research facilities, assist in the documentation of various works and to offer source material for educational development via community programs and publications.
  - (h) To develop, operate and maintain the Gallery and carry on any business incidental to its operation.
  - (i) To ensure that the Gallery is accessible to the public, safe and attractively maintained.

(the objects in paragraphs (1) and (2) collectively being the **Objects**)

- (3) For the sole purpose of carrying out the Objects, the Trustee has the power and capacity to:
  - (a) do all such acts, deeds and things as a Trustee has capacity and power to do at law; and
  - (b) to do the acts and things set out in this deed.

### 3.2 Restriction on activity

- (1) The Trust must not engage in any activity that is not related to the Objects.
- (2) In the exercise of any power or function either under this deed or generally, the Trustee must act in the pursuit and promotion of the Objects.

### 3.3 Factors Trustee may consider

In exercising any discretion under this deed, the Trustee may have regard to:

- (1) the Objects; and
- (2) any relevant provisions of the *Local Government Act 1993* (NSW), any Regulations in force under that Act, any relevant adopted policies of Camden Council and any relevant requirements of the NSW Office of Local Government.

### 3.4 Policies and rules

For the purpose of paying or applying the Trust Fund, the Trustee may:

- (1) formulate policies;
- (2) make rules in connection with a policy; and
- (3) revoke or amend a policy or rule and formulate others,

provided that any such policy or rules do not conflict with any provision of this deed. The Collection Policy initially adopted forms **Schedule 2** to this deed.

## 4 Transactions

---

### 4.1 Transaction that is uncommercial

- (1) The Trustee may not enter into any transaction that is uncommercial when entered into, unless the transaction is in the course of, or the furtherance of the Objects.
- (2) In paragraph (1), a transaction that is uncommercial is the provision of a financial or other benefit on terms which:
  - (a) would not be reasonable in the circumstances if the benefit were provided on an arms length basis; or

- (b) are more favourable to the recipient than the terms referred to in paragraph (a),

and which a reasonable person in the position of the Trustee would not have entered into having regard to all relevant circumstances.

#### 4.2 Benefits

- (1) Apart from a payment or application authorised under clause 11, or a payment or application approved by the Commissioner, no part of the Trust Fund may be paid or applied, directly or indirectly, to or for:
- (a) a Trustee;
  - (b) a member, director, employee, agent or officer of a Trustee;
  - (c) the Founder.

### 5 Qualifications of Trustee

#### 5.1 Trustee must be a corporation

Each Trustee must be a corporation to which paragraph 51(xx) of the Constitution applies or a body corporate that is incorporated in a Territory.

#### 5.2 Requirement for Responsible Persons

- (1) Each Trustee must maintain a board of directors or other controlling body which includes a majority of Responsible Persons.
- (2) No person may be appointed as a Director unless upon that appointment the Company would comply with any requirement of the tax law in relation to the number or proportion of Responsible Persons on the Board.

#### 5.3 Failure to satisfy requirements

- (1) If the requirements in clauses 5.1 and 5.2 are not met at any time the Trustee must not exercise any discretion or power until the requirements are met except:
- (a) for the purpose of exercising a statutory or corporate power to appoint a new or additional Trustee or board member;
  - (b) to protect the Trust Fund; or
  - (c) in the case of urgency.
- (2) If the requirements in clauses 5.1 and 5.2 are not met and if the Trustee is unable to exercise a statutory or corporate power of appointment with respect to a new or additional trustee or board member as outlined in paragraph (1), the Trustee may by writing appoint a new or additional Trustee.

### 6 Trustee's powers

#### 6.1 Investment according to the law

The Trustee must invest the Trust Fund only in a way in which trustees are permitted to invest under the laws of Australia or of any state or territory of Australia.

#### 6.2 Powers of investment

Subject to clause 6.1 the Trustee may:

- (1) change an investment or vary the terms and conditions on which an investment is held;
- (2) sell or otherwise dispose of the whole or any part of the investments or property of the Trust Fund;
- (3) borrow or raise or secure the payment of money and secure the repayment of any debt, liability, contract, guarantee or other engagement in any way and, in particular, by mortgage, charge, lien, encumbrance, debenture or other security, fixed or floating, over any present or future asset of any kind and wherever situated;
- (4) take and act on the opinion of a barrister practicing in Australia in relation to the interpretation of effect of this deed or any of the trusts or powers of this deed

- 
- without responsibility for any loss or error resulting from doing so, but this provision does not stop the Trustee from applying to a court of competent jurisdiction;
- (5) take any action for the adequate protection or insurance of any part of the Trust Fund;
  - (6) purchase, draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, and other negotiable or transferable instruments of any kind;
  - (7) subject to the terms and trusts of this deed, generally:
    - (a) perform any administrative act; and
    - (b) pay or deduct all costs, charges, commissions, stamp duties, imposts, outgoings and expenses of or incidental to the Trust Fund or its management (whether or not the Trustee is under any legal obligation to make the payment) or in connection with the preparation, execution and stamping of this deed, as though the Trustee were the absolute owner of the Trust Fund;
  - (8) employ and pay or provide any benefit for any employee without being responsible for the default of the employee or for any loss occasioned by the employment;
  - (9) engage and pay any agent, contractor or professional person without being responsible for the default of the agent, contractor or employee or for any loss occasioned by the engagement;
  - (10) accept as part of the Trust Fund any gifts (by will or otherwise), donations, settlements or other dispositions in money, moneys worth or property to or in favour of the Trust Fund and either retain them in their original form without selling or converting them into money, or invest, apply or deal with them in any way that the Trustee may invest, apply or deal with the Trust Fund under this deed;
  - (11) decline or otherwise refuse to accept as part of the Trust Fund any gift (by will or otherwise), donation, settlement or other disposition in money, moneys worth or property;
  - (12) manage any real property it holds with all the powers of an absolute owner including, but not limited to, power to allow any person to occupy the property on the terms and conditions the Trustee thinks fit; and
  - (13) do all other things incidental to the exercise of the Trustee's powers under this deed including conducting any business in furtherance of the Objects.

### 6.3 Powers are supplementary

The powers and discretions in clause 6.2 are to be treated as being supplementary or additional to the powers vested in trustees by law.

## 7 Liability for breaches of trust

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### 7.1 Indemnity

Subject to clause 7.2, the Trustee and any officer, agent or employee of the Trustee, where purporting to act in the exercise of the trusts of this deed or exercise powers or discretions under this deed is:

- (1) not liable for any loss or liability; and
- (2) entitled to be indemnified from the Trust Fund in respect of any loss, liability, costs and expenses relating to:
  - (a) entering into this deed or any deed amending this deed;
  - (b) establishing, operating, administering, amending, terminating and winding up the Trust; or
  - (c) all matters incidental to the Trust, and

all liability incurred (including liability for income tax and any other taxes and all fines and penalties payable in relation to those taxes) and acts and things done in connection with or resulting from the matters referred to in paragraph (2) including,



but not limited to, to the Trustee performing its duties and exercising its powers and discretions under this deed.

## 7.2 Limitations

Notwithstanding clause 7.1, the Trustee and an officer, agent or employee of the Trustee is prohibited from being indemnified from the Trust Fund if the loss, liability, cost or expense is attributable to:

- (1) the dishonesty of that Trustee, officer, agent or employee of the Trustee;
- (2) gross negligence or recklessness of that Trustee, officer, agent or employee of the Trustee;
- (3) a deliberate act or omission known by that Trustee, office, agent or employee of the Trustee to be a breach of trust.

## 8 The Trust Fund

### 8.1 Maintaining a Trust Fund

The Trustee must establish and maintain for the Objects of the Trust, a Trust Fund:

- (1) into which money, gifts and deductible contributions made to, or otherwise received by the Trust must be deposited by the Trustee; and
- (2) into which any money received by the Trustee because of those gifts and deductible contributions is to be credited.

### 8.2 Investment of moneys in the Trust Fund

The investment of moneys in the Trust Fund must be made in accordance with the terms contained within this deed.

### 8.3 Separate Bank Account for Trust Fund

The Trustee must maintain for the Trust Fund:

- (1) a separate bank account; and
- (2) proper accounting records.

### 8.4 Winding up if performance of the Trust onerous or impracticable

At any time after the twentieth anniversary of the date on which the Alan Baker Art Gallery operated by the Alan Baker Art Gallery Trust is first opened to the public the Trustee may (without the need for a Special Resolution under its constitution) resolve to terminate and wind the Trust up if in the Trustee's opinion it is impracticable or onerous for it to continue the Trust.

### 8.5 Winding up if Trust not supported

- (1) At any time after the twentieth anniversary of the date on which the Alan Baker Art Gallery operated by the Trust is first opened to the public the board of the Trustee must meet with Council (at the request of either of them) to, in good faith:
  - (a) review the Alan Baker Art Gallery operated by the Trust; and
  - (b) determine whether the Alan Baker Art Gallery retains the support of Council.
- (2) If, as a result of that review, Council and the Board agree that the Baker Gallery does not retain the support of Council, the directors of the Trustee may resolve (without the need for a Special Resolution under its constitution) that the Trust be terminated and wound up.

### 8.6 Winding Up or Revocation of Endorsement

Upon the earlier of:

- (1) the winding up of the Trust;
- (2) the revocation of the Trust's endorsement as a deductible gift recipient under Subdivision 30-BA of ITAA 1997,

any surplus gifts, Deductible Contributions or other assets of the Trust must, upon the satisfaction of the Trust's debts and liabilities, be transferred to one or more Eligible Entities, the identity of which must be decided by the Trustee.

#### 8.7 Conditions

Where gifts or donations are only deductible if, among other things, the conditions set out in the relevant item in Subdivision 30-B of the ITAA 1997 are satisfied, a payment or application under this part must be made in accordance with those conditions.

### 9 Returns, and giving material to the Commissioner in compliance with Australian law and the Relevant Law

#### 9.1 Returns

The Trustee must provide to the Commissioner and the Department statistical information on the Gifts and Deductible Contributions made to the Trust Fund every six (6) months (commencing on 1 January and 1 July each year) within twenty one (21) days of the end of the relevant reporting period so far as required by a Relevant Law.

#### 9.2 Requirements about giving material to the Commissioner

The Trustee must comply with the requirements about giving material to the Commissioner required by Subdivision 388 in Schedule 1 to the TAA 1953 and any other Relevant Law.

#### 9.3 Trust to keep accounts

The Trustee must keep or cause to be kept proper accounts in respect of all receipts and payments on account of the Trust Fund and of all dealings connected with the Trust Fund and must comply with the record keeping obligations of deductible gift recipients required by Subdivision 382-B in Schedule 1 to the TAA 1953 and any other Relevant Law.

#### 9.4 Financial statements

As soon as practicable after the end of each Financial Year the Trustee must prepare or cause to be prepared a financial statement showing the financial position of the Trust Fund at the end of that Financial Year and a statement of financial performance for that Financial Year in accordance with the accounting standards.

#### 9.5 Audit

The financial statements of the Trust Fund must be audited by a person registered as an auditor under Part 9.2 of the *Corporations Act 2001* (Cth) before the date on which the Trustee is required to give a return to the Commissioner.

#### 9.6 Receipts

- (1) The Trustee may receive capital and other money and give valid receipts for all purposes including:
  - (a) those of any statute; and
  - (b) the receipt of any capital money which may or may not be deemed to be capital money for the purposes of any law relating to settled land, and even if the Trustee is a sole trustee.
- (2) The Trustee must issue receipts for all Gifts.
- (3) Receipts must state the information required by Section 30-228 of the ITAA 1997 and any other Relevant Law.

#### 9.7 Investment strategy

The Trustee must so far as required under a Relevant Law prepare or cause to be prepared, maintain and implement a current investment strategy in a form so that the Trustee, an auditor or the Commissioner may determine whether the fund has complied with this deed and any other relevant Australian laws.

### 10 Amending this deed

- (1) Subject to paragraphs (2), and (3) and (4), the Trustee may by deed revoke, add to or vary any of the provisions of this deed.

- 
- (2) However, unless the Commissioner **and the Minister for Local Government consents (in writing)** to a revocation, addition or variation:
- (a) no amendment is to be made to clause 2.2, or made in a manner materially affecting clauses 3, 4.1, 6.1 or the definition of Trust Fund in **Schedule 1**; and
  - (b) no amendment is to be made to this clause 10 so as to permit this deed to be amended in a manner prohibited by paragraphs (1) and (2).
- (3) The Trustee must if required by a Relevant Law notify the Commissioner of any amendment to this deed within twenty one (21) days in any form specified by the Commissioner from time to time.
- ~~(3)~~(4) **The Trustee must only revoke, add to or vary any of the provisions of this deed with the prior written consent of the Minister for Local Government.**

## 11 Trustee's remuneration and expenses

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The Trustee may apply the income or capital of the Trust Fund to:

- (1) pay fair and reasonable remuneration for the services of the Trustee in administering the Trust at a rate not exceeding 1.056% annually (GST inclusive) of the gross value of the Trust Fund; and
- (2) reimburse the Trustee for reasonable expenses incurred as trustee of the Trust.

## 12 General

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### 12.1 In Australia

The Trust is established in and must operate only in Australia.

### 12.2 Patrons

The Trustee may appoint a patron of the Trust.

### 12.3 Receipts by others

The receipt of the person purporting to be the treasurer, secretary or other officer of any recipient of a payment or application of income or capital from the Trust Fund is a sufficient discharge to the Trustee and the Trustee need not see to the application of the payment or application.

### 12.4 Trustee's discretions and powers

Except where there is an express contrary provision in this deed, every discretion given to the Trustee is absolute and uncontrolled and every power given to it is exercisable at its absolute and uncontrolled discretion.

### 12.5 Personal interest of Trustee

Subject to the requirements of clause 4.1 and the Relevant Law, the Trustee and any person who is a member of the board or other controlling committee of the Trustee or a member of the Trustee may exercise or concur in exercising all powers and discretions given by this deed or by law even though the Trustee or that person:

- (1) has or may have a direct or personal interest or a conflict of fiduciary duty in the method or result of exercising the power or discretion; or
- (2) may benefit either directly or indirectly from the exercise of any power or discretion, and even though the Trustee is a sole trustee.

### 12.6 Trustee's decisions

- (1) The Trustee may decide:
  - (a) whether any money is to be considered as capital or income;
  - (b) whether any expense, outgoing or other payment ought to be paid out of capital or income; and
  - (c) all questions and matters of doubt arising in the execution of the trusts of this deed.

- 
- (2) Every decision on these matters, whether made on a question actually raised or implied in the acts or proceedings of the Trustee, is conclusive and binds all persons interested under this deed.

#### 12.7 Compliance with purpose

The Trust must comply with any rules which the Treasurer or the Minister may make to ensure that gifts made to the Trust Fund will only be used for the Trust's Objects.

### 13 Administrative provisions

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#### 13.1 Notices

- (1) Any notice, consent or other communication under this deed must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
- (a) delivered to that person's address;
  - (b) sent by pre-paid mail to that person's address; or
  - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:
- (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
  - (b) if sent by pre-paid mail, on the third Business Day after posting; and
  - (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause the address of a person is the address set out in this deed or another address of which that person may from time to time give notice to each other person.

#### 13.2 Unenforceability

Any provision of this deed which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this deed or affecting the validity or enforceability of that provision in any other jurisdiction.

#### 13.3 Governing law

- (1) The law in force in the State of New South Wales governs this deed. Each party bound by this deed:
- (a) submits to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this deed; and
  - (b) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of forum non conveniens.
- (2) Where any part of the Trust Fund is territorially or notionally situated within the jurisdiction of another Australian State or Territory or foreign country the Trustee for the time being may declare that such part or parts of the Trust Fund are to be administered and construed in accordance with the laws of and applying in the appropriate State, Territory or country.
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## Schedule 1

### Defined terms and Interpretation

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#### Part 1 - Definitions

---

**Commissioner** means the Commissioner of Taxation, a Second Commissioner of Taxation or a Deputy Commissioner of Taxation for the purposes of the ITAA 97.

**Deductible Contribution** means a contribution of money or property as described in item 7 item 8 of the table in section 30-15 of the ITAA 97 in relation to a fundraising event held for the purposes of the Trust.

**Donor** means the donor of a Gift to the Trust.

**Eligible Entity** means a fund, authority or institution:

- (1) with Objects similar to the Objects of the Trust;
- (2) which prohibits the distribution of property and income to its members;
- (3) to which gifts are deductible under items 1 or 4 of the table in section 30:15 of the ITAA 1997;
- (4) which has as its main purpose a then current art gallery within the Camden or Campbelltown Local Government Areas or if no such entity is identified within that area within such other area as the Trustee determines; and
- (5) is charitable at law.

**Financial Year** means the period from the date of this deed to the following 30 June and then each period of twelve (12) months beginning on 1 July and ending on 30 June in each year or such other period as agreed to by the Commissioner.

**Gallery** means the art gallery operated by the Trustee from time to time.

**ITAA 36** means the *Income Tax Assessment Act 1936* (Cth).

**ITAA 1997** means the *Income Tax Assessment Act 1997* (Cth).

**Relevant Law** means:

- (1) an Act of which the Commissioner has the general administration (including a part of an Act to the extent to which the Commissioner has the general administration of the part); and
- (2) regulations under such an Act (including such a part of an Act).

**Responsible Person** means an individual who:

- (1) performs a significant public function including that of Councillor, Council General Manager or Mayor;
- (2) is a member of a professional body having a code of ethics or rules of conduct;
- (3) is officially charged with spiritual functions by a religious institution;
- (4) is a director of a company whose shares are listed on the Australian Securities Exchange;
- (5) has received formal recognition from government for services to the community; or
- (6) is approved as a responsible person by the Commissioner or is a member of a class of persons generally approved as such for the purposes of a Relevant Law,

and who is not:

- (7) disqualified from managing a corporation under the *Corporations Act 2001* (Cth); or
- (8) disqualified from being a responsible person or a registered charity by the ACNC Commissioner.

**Settled Sum** means \$100.

**TAA 1953** means the *Taxation Administration Act 1953* (Cth).

**Trust** means the Trust established under this deed.

**Trustee** means the person named in this deed as the Trustee and any other trustee for the time being of the Trust.

**Trust Fund** means:

- (1) the Settled Sum;
- (2) all money, investments and assets paid or transferred to and accepted by the Trustee as additions to the Trust Fund including all gifts and deductible contributions received in accordance with the ITAA 1997;
- (3) all income of the Trust Fund including income earned or to which it is entitled;
- (4) all accretions to the Trust Fund;
- (5) all accumulations of income; and
- (6) all money, investments and property from time to time representing the above or into which they are converted,

and includes any part of the Trust Fund.

#### **Part 2 – Interpretational rules**

<b>clauses, annexures and schedules</b>	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this deed.
<b>variations or replacements</b>	a document (including this deed) includes any variation or replacement of it.
<b>reference to statutes</b>	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
<b>singular includes plural</b>	the singular includes the plural and vice versa.
<b>Person</b>	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
<b>executors, administrators, successors</b>	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
<b>Dollars</b>	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
<b>calculation of time</b>	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
<b>reference to a day</b>	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
<b>accounting terms</b>	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
<b>reference to a group of persons</b>	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
<b>meaning not limited</b>	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not

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	limit the meaning of the words to which the example relates to that example or examples of a similar kind.
<b>next day</b>	if an act under this deed to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>Headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this deed.
<b>Agreement</b>	a reference to any agreement, deed or instrument includes the same as varied, supplemented, novated or replaced from time to time.
<b>Gender</b>	a reference to one gender extends and applies to the other and neuter gender.

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## Schedule 2 Collection Policy

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### 1 Purpose & Scope

- 1.1 This Schedule sets out the rationale and guidelines for the acquisition and management of artworks comprising the permanent collection of the Alan Baker Art Gallery Trust (Trust).
- 1.2 It aims to facilitate the development and management of a high quality collection which reflects the diversity of the Camden Local Government Area.

### 2 Alan Baker works

- 2.1 Unless the Board of the Trustee resolves otherwise, the Trust may only acquire genuine works by Alan Baker.
- 2.2 Unless the Board of the Trustee resolves otherwise, the Trust must only allow genuine Alan Baker works to be displayed in the Gallery.
- 2.3 The Trust must not deaccess or dispose of any works without a resolution of the Board of the Trustee consenting to that deaccessioning or disposal.

### 3 Acquisitions

- 3.1 'Acquisition' means the acceptance, through gift or purchase, of an artwork into the Trust's collection.
- 3.2 In that respect, all artworks proposed for acquisition must further the Objects of the Trust.
- 3.3 The primary object of the Trust is the promotion, collection, preservation and exhibition of the Arts:
- (1) for the pleasure and education of the broader public; and
  - (2) for the advancement of culture within the Camden Local Government Area.

### 4 Acquisition Procedures

- 4.1 All acquisitions must meet the following conditions:
- (1) The artwork to be acquired must be in, or must be capable of being returned to, an acceptable state of preservation.
  - (2) The Trust must be able to house and care for the artwork in accordance with accepted practices.
- 4.2 Consideration must also be afforded to the ongoing viability of a particular artwork for exhibition in a public collection.
- 4.3 Where appropriate, such considerations will include the following:
- (1) The artwork's potential for future public display and in terms of conservation or storage requirements, flexible options for the ongoing display of large or complex artworks.
  - (2) The financial or logistical considerations relevant to the re-installation or ongoing exhibition of a particular artwork.
  - (3) The presence of any technological aspect which may become obsolete over time and whether such aspects may be replaced or upgraded in an appropriate manner.

### 5 Means of Acquisition

- 5.1 Artworks may be acquired for exhibition via two (2) main channels – purchase or donation.

#### Purchase

The Trust may draw upon the Trust Fund to purchase artworks direct from dealers, collectors, agents or artists.

#### Donation

The Trust can receive artworks via donations to the Trust pursuant to direct donation, bequest or the Cultural Gifts Program (CGP).



- 
- 5.2 The Trust recommends that all prospective donors seek prior legal and financial advice in relation to any proposed donation as well as the resulting taxation and estate planning implications in that respect.
- 5.3 The Trust reserves the right to decline a proposed donation where the artwork does not accord with, or further its primary objects.
- 6 Deaccessioning**
- 6.1 Deaccessioning is a legitimate approach to collection management which refers to the formal adjustment of Trust records to reflect the removal of an artwork from the Trust's collection.
- 6.2 Deaccessioning will be considered in the following circumstances:
- (1) An artwork ceases to be of relevance or significance to the Trust's permanent collection.
  - (2) An artwork no longer accords with the level of aesthetic quality or significance required to further the objects of the Trust.
  - (3) The Trust is unable to utilise or care for the artwork in accordance with usual practice.
- 6.3 Deaccessioning will be undertaken in accordance with the following procedure:
- (1) A written proposal for the deaccessioning of a particular artwork must be prepared and lodged with the Trustee for consideration.
  - (2) The Proposal must contain the following information:
    - (a) The artwork's accession reference or number.
    - (b) The artwork's provenance details including:
      - (i) details of the artworks acquisition;
      - (ii) applicable prohibitions on deaccessioning; and
      - (iii) applicable legislative restrictions on deaccessioning; and
    - (c) The artwork's estimated current marketvalue.
    - (d) The reasons behind the proposed deaccessioning.
    - (e) Any recommendations relevant to methods of disposal.
  - (3) The artwork may only be approved for deaccessioning pursuant to a unanimous resolution of the Trustee's board of directors.
  - (4) Where the artwork is approved for deaccessioning it must be removed from the Trust's permanent collection.
  - (5) A record of the artworks deaccessioning must be entered in the Trust's accession register which sets out in detail what happened to the particular artwork.
- 7 Disposal**
- 7.1 Disposal is the physical act of removing an artwork from the Trust's collection in accordance with a decision to deaccession that particular artwork.
- 7.2 Other than in accordance with a unanimous resolution of the Trustee's Board, disposal must be carried out via transfer to an institution:
- (1) which has similar objects to those of the Trust;
  - (2) which has been endorsed as a deductible gift recipient by the Australian Taxation Office; and
  - (3) which is located within the Camden or Campbelltown Local Government Areas.
- 8 Collection Management**
- 8.1 The Trustee or its delegates will endeavour to ensure that the Trust's collection is housed and cared for in accordance with industry best practice.

- 
- 8.2 The Trustee or its delegates will routinely monitor the Trust's collection and will document the condition of the collection on an ongoing basis.
  - 8.3 This collection policy will be subject to ongoing review and may be amended in any manner so decided by the Trustee's board of directors from time to time.
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Execution page

Executed as a deed

Dated:

Signed sealed and delivered by Max Tegel in the presence of:

Witness (Signature)

Max Tegel (Signature)

Name of Witness (Print Name)

Executed in accordance with section 127 of the Corporations Act by Macaria Gallery Limited by its duly authorised officers with the authority of its board of directors and in the presence of:

Directors (Signature)

Director/secretary (Signature)

(Print Name)

(Print Name)

## Constitution of Macaria Gallery Limited

A Company Limited by Guarantee and not having Share Capital

---

### Marsdens Law Group

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49 Dumaresq Street  
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Attachment 2

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## Constitution of Macaria Gallery Limited

### Part 1 – Objects & Financial Matters

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#### 1 Definitions

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##### 1.1 Defined terms

In this Constitution, words beginning with a capital letter that are defined in Part 1 of **Schedule 1** have the meaning ascribed to them in that schedule.

##### 1.2 Interpretation

The interpretational rules contained in Part 2 of **Schedule 1** apply in the interpretation of this Constitution.

#### 2 Replaceable rules

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The Replaceable Rules contained in the Act do not apply to the Company.

#### 3 Name of Company

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The name of the Company is to be "Macaria Gallery Limited".

#### 4 Objects

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##### 4.1 Objects of Company

- (1) The object of the Company is to:
- (a) assist in the formation of, act as the Trustee for and administer, the Alan Baker Art Gallery Trust; and
  - (b) establish, operate and maintain as part of that trust, a public art gallery in the Camden Local Government Area for the purpose of the display of works by Alan Baker and other purposes permitted by the terms of the Alan Baker Art Gallery Trust,

**(Objects).**

- (2) For the sole purpose of carrying out the Objects, the Company has the power and capacity to:
- (a) do all such acts, deeds and things as a Company has capacity and power to do pursuant to the Act; and
  - (b) to do the acts and things set out in **Schedule 2**.

##### 4.2 Restriction on activity

The Company must not engage in any activity that is not related to the Objects. **This includes, but is not limited to, the Company forming or participating in the formation of a corporation, or acquiring a controlling interest in a corporation.**



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#### 4.3 Reference to Objects

In the exercise of any power or function either under this Constitution or generally, all officers of the Company must act in the pursuit and promotion of the Objects.

### 5 Financial matters

---

#### 5.1 Annual fees

The Board will determine from time to time:

- (1) the Annual Fee payable by Members to the Company; and
- (2) the required timing and manner of that payment.

#### 5.2 Income and Property

- (1) The income and property of the Company will be applied solely towards the pursuit and promotion of the Objects.
- (2) No portion of the income and property of the Company may be paid or transferred, directly or indirectly, by way of dividend, bonus or any other means of profit to Members except as:
  - (a) payment, in good faith, of reasonable and proper remuneration to any officer or employee of the Company, or to any Member, in return for any services actually rendered to the Company;
  - (b) in return for any services actually rendered, or goods supplied, to the Company in the ordinary and usual course of the relevant Member's business;
  - (c) payment of interest at a rate not exceeding interest at the rate for the time being charged by the Company's bankers for overdrawn accounts on money lent;
  - (d) repayment of out of pocket expenses reasonably incurred by a Member on behalf of the Company; or
  - (e) if the Member is a statutory or government authority in payment of a charge, rate, levy, tax assessed or imposed by the Member in that capacity.

### 6 Financial Records and Auditor

---

#### 6.1 General obligation

The Directors must ensure that proper accounting records relating to the financial position of the Company are kept in accordance with the Act.

#### 6.2 Access to books

All Members are entitled to have access to the accounts, books and register of the Company provided that reasonable notice is given to the Board.

---

**6.3 Auditor**

A properly qualified Auditor or Auditors will be appointed and their remuneration fixed and duties regulated in accordance with the Act.

**6.4 Auditor**

The Auditor:

- (1) must be appointed by the Board; and
- (2) is to be permitted to:
  - (a) have access to the records and books of the Company; and
  - (b) attend all meetings of the Company.

**6.5 Auditor's Report**

The Auditor must, and the Directors must procure that the Auditor:

- (1) examine the accounts of the Company and prepare the Auditor's Report at least once in every twelve (12) month period; and
- (2) comply with the provisions of the Act in relation to the records and accounting of the Company.

**6.6 Winding Up**

- (1) If upon the winding up or dissolution of the Company there remains after satisfaction of all its debts and liabilities any property whatsoever, then such property must not be paid to or distributed among the Members but is to be given or transferred to one (1) or more Eligible Entities as determined by the Members at or before the time of dissolution.
  - (2) If the Members are unable to identify an institution of the kind referred to in paragraph (1), and so far as effect cannot be given to the preceding paragraphs, then the property of the Company that remains after winding up is to be given or transferred to an organisation that has charitable objects as determined by the Members.
-

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## Part 2 – Membership and Member’s Meetings

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### 7 Members

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#### 7.1 Membership

The number of Members will be one (1) or such greater number determined by a unanimous resolution of the Members from time to time. The initial Member is Council.

#### 7.2 Admission of new Members

A Member may only be admitted as a Member by a unanimous resolution of the then existing Members.

#### 7.3 Cessation of Membership

- (1) A Member ceases to be a Member if:
- (a) they fail to pay the required Annual Fee within three (3) months of demand being made for payment by the Company;
  - (b) they are removed as a Member by a Special Resolution of the Members;
  - (c) in the case of a person, they die;
  - (d) in the case of a corporation or other entity, they are dissolved except as part of a statutory reorganisation, or other merger or consolidation;
  - (e) they resign their membership by notice in writing to the Company; or
  - (f) they are disqualified from being a Member under this Constitution or by operation of law.
- (2) Any resolution removing a Member under paragraph (1)(b) will not be effective unless:
- (a) the Member in question was provided with at least one (1) months notice of the proposed meeting;
  - (b) the Member the subject of the proposed resolution was afforded an opportunity to:
    - (i) provide a written statement to the Company for circulation to Members; and
    - (ii) make oral submissions to the Members at the relevant meeting, and
  - (c) any statement provide by the Member under paragraph (b)(i), that is less than one thousand (1,000) words long and is not defamatory, is circulated to the Members by:
    - (i) sending a copy of the notice to everyone to whom notice of the meeting was sent; or if there is insufficient time to do so

- 
- (ii) having the statement distributed to the Members who attend the relevant meeting and ensuring the statement is read out at the meeting before the resolution is voted on.

#### 7.4 Members Contribution

- (1) The liability of the Members is limited.
- (2) Every Member must contribute:
  - (a) to the property of the Company in the event of it being wound up while they are a Member, or within one (1) year after they cease to be a Member, for payment of the debts and liabilities of the Company contracted before they ceased to be a Member;
  - (b) to the costs, charges, and expenses of winding up; and
  - (c) for the adjustment of the rights of the contributories among Members,

provided that the amount of any such contribution required to be made by a Member will not exceed one hundred dollars (\$100.00).

#### 7.5 Membership not transferable

Membership is personal to Council and that membership, or any of the rights attaching to it, may not be transferred by Council except as part of statutory consolidation, merger or reorganisation.

### 8 Meetings

---

#### 8.1 Types of Meetings

There are to be two (2) types of Members' meetings of the Company:

- (1) the Annual General Meeting; and
- (2) General Meetings.

#### 8.2 First General Meeting

The first General Meeting is to be held when required by law.

#### 8.3 Annual General Meeting

- (1) The Company must hold an Annual General Meeting when required by law.
- (2) The following business must be transacted at each Annual General Meeting:
  - (a) subject to this Constitution, the election of the Directors;
  - (b) the consideration of the:
    - (i) Annual Financial Report;
    - (ii) the Directors' Report; and

---

(iii) the Auditor's Report,

(c) the appointment of the Auditor; and

(d) the fixing of the remuneration of the Auditor and the Officeholders.

#### 8.4 Convening a General Meeting

Subject to the Act the Secretary may convene a General Meeting:

- (1) if requested to do so by a Director; or
- (2) if requested to do so by at least one tenth (1/10<sup>th</sup>) of the Members.

#### 8.5 Notice of a General Meeting

All Members must be informed of the holding of a General Meeting. The notice must:

- (1) comply with any requirements of the Act;
- (2) be in writing;
- (3) specify the date, time and place of the meeting;
- (4) specify the business to be transacted at the meeting; and
- (5) subject to the Act, be sent to Members no less than twenty one (21) days prior to the date of the meeting.

#### 8.6 Quorum

- (1) If there are three (3) Members or less at the time of a Member's Meeting, a quorum for that Meeting is all Members present in person or by proxy.
- (2) If there are more than three (3) Members or less at the time of a Member's Meeting, a quorum for that Meeting is three (3) Members present in person or by proxy.
- (3) No business may be transacted at a Members' Meeting unless a quorum is present.
- (4) If a quorum is not achieved at a Members' Meeting then the meeting is to be adjourned to the same day, time and place in the following week. If a quorum is not present at the commencement of the adjourned meeting then the meeting must be dissolved.

#### 8.7 Adjournment

- (1) A General Meeting of the Company may be adjourned by the Chairperson of the relevant meeting.
- (2) A meeting adjourned under paragraph (1) is to be reconvened at the day, time and place nominated by the Chairperson.
- (3) If the adjourned meeting is to reconvene more than thirty (30) days from the date of the original meeting the Directors must ensure that new notices of the meeting are sent to all Members.

---

## 9 Voting at Members' Meetings

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### 9.1 Decision making

- (1) Resolutions are to be decided on a show of hands unless a poll is demanded:
  - (a) by the Chairperson; or
  - (b) by at least two (2) Members present in person or by proxy.
- (2) Before a vote is taken, the Chairperson must inform the meeting whether any proxy votes have been received and how the proxy votes are cast.
- (3) Unless a poll is demanded, a declaration by the Chairperson that a resolution has on a show of hands been:
  - (a) carried unanimously;
  - (b) carried by a particular majority; or
  - (c) lost,

and an entry to that effect in the book containing the minutes of the proceedings of the Company will be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

### 9.2 Polls

- (1) A poll may be demanded by the Chairperson of the meeting, or by at least two (2) Members in attendance and entitled to vote at the meeting in person or by proxy:
  - (a) before a vote is taken;
  - (b) before the voting results on a show of hands is declared; or
  - (c) immediately after the voting results on a show of hands are declared.
- (2) The demand for a poll may be withdrawn.
- (3) If a poll is duly demanded it will be taken:
  - (a) forthwith, if the question to be determined by the poll is the election of a Chairperson or on a question of an adjournment; or
  - (b) in any other case in such manner and either at once or after an interval or adjournment or otherwise as the Chairperson directs.
- (4) The result of a poll will be a resolution of the meeting at which the poll was demanded.

### 9.3 Equality of Votes

In the case of an equality of votes at any Member's Meeting, whether on a show of hands or on a poll, the Chairperson of the relevant meeting is entitled to a second or casting vote.

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## 10 Voting Rights

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### 10.1 Entitlements

Members are entitled to one (1) vote each at meeting of the Company, regardless of whether a resolution is decided on a show of hands or by poll, unless they are disqualified at law or under the Act.

### 10.2 Circular resolutions

- (1) A resolution may be passed without the conduct of a meeting at which all Members physically attend in person or by proxy if a copy of a written notice of the resolution is signed by all Members entitled to vote on the resolution. A resolution passed that way will be deemed to have been passed at a Members Meeting.
- (2) For the purpose of paragraph (1) the Members who sign a notice referred to in that paragraph may sign any number of separate copies of the resolution.
- (3) The date of a resolution passed under paragraph (1) will be that date on which the notice is last signed by a Member.

### 10.3 Technology

A meeting of the Company may be held at two (2) or more venues using any technology that gives all Members a reasonable opportunity to participate in the meeting.

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## 11 Proxy Voting

---

### 11.1 Appointment of Proxy

- (1) A Member may appoint a person as their proxy to attend a Members' Meeting and exercise the voting rights of the Member.
- (2) An instrument appointing a proxy:
  - (a) must be in writing in a form approved by the Board;
  - (b) must be signed by the Member appointing the proxy; and
  - (c) may contain directions as to the manner in which the proxy is to vote in respect of a particular resolution.

### 11.2 Lodgement of proxy instrument

The appointment of a proxy is not effective unless the instrument appointing the proxy is deposited with the Secretary at least forty eight (48) hours prior to the meeting at which the proxy has been appointed to vote.

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## Part 3 - The Board

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### 12 Directors

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#### 12.1 Constitution & Powers

- (1) The Directors may exercise all the powers of the Company except any powers that the Act or this Constitution requires the Company to exercise in Members' Meeting.
- (2) The Board is to consist of a minimum of three (3) and a maximum of ten (10) Directors, no more than two (2) of which may ordinarily reside outside of Australia.
- (3) No person may be appointed as a Director unless upon that appointment the Company would comply with any requirement of the tax law in relation to the number or proportion of Responsible Persons on the Board.
- (4) Council may at any time resolve to increase or reduce the maximum number of Directors by giving notice to the Company.

#### 12.2 Appointment – specific positions

- (1) The following persons may be appointed as Directors by the Member by notice to the Company by the Member:
  - (a) The Mayor of Council from time to time, or his or her delegate.
  - (b) one (1) or more elected Councillor of Council from time to time.
  - (c) The General Manager of Council from time to time, or his or her delegate.
- (2) If requested to do in writing the Member must allow the following persons to be appointed as Directors upon their request:
  - (a) a lineal descendant of Max Tegel (and for the purpose of clarity, the Member is only obliged to appoint one (1) such descendant at any time). In the event of more than one lineal descendant requesting appointment, Council may choose which descendant will be appointed; and
  - (b) a lineal descendant of Alan Baker (and for the purpose of clarity, the Member is only obliged to appoint one (1) such descendant at any time). In the event of more than one lineal descendant requesting appointment, Council may choose which descendant will be appointed.
- (3) Where possible, the remaining Directors from time to time should be independent in that they are not associated with the Member, the Tegel family or the Baker family.

#### 12.3 Appointment by Directors

- (1) The Directors may, by resolution, appoint any other person (whether or not a Member) to be a Director to fill a vacancy in the Board.
- (2) A Director appointed in accordance with paragraph (1) may be appointed:
  - (a) for a specified term; or



- (b) until they are removed in accordance with this Constitution or the Act.

#### 12.4 Removal & Resignation

- (1) A Director may resign as a Director at any time by notice in writing to the Company.
- (2) A Director may be removed from office by Council by notice to the Company. Council may not remove a Director who is one of the lineal descendants of Max Tegel or Alan Baker unless in Council's opinion, reasonably formed, that Director is guilty of conduct that is disruptive, or his or her continued appointment is or may be harmful to the reputation of the Company;
- (3) If Council removes as a Director one of the lineal descendants of Max Tegel or Alan Baker it must appoint another lineal descendant as soon as practicable after any request to do so in accordance with clause 12.2(2).

#### 12.5 Vacancy

The position of Director becomes vacant if the Director in question:

- (1) ceases to be, or is prohibited from being, a Director by operation of the Act or this Constitution;
- (2) becomes bankrupt or makes any arrangements or composition with their creditors generally;
- (3) is convicted on indictment of an offence and the Board does not, within one (1) month of that conviction, resolve to confirm the Director's appointment;
- (4) fails to attend Board Meetings on more than three (3) occasions without leave of absence from the Board; or
- (5) becomes of unsound mind.

#### 12.6 Term of Office

Directors of the Company hold office until they are removed in accordance with this Constitution or the Act.

#### 12.7 Remuneration and expenses

- (1) The Directors are not to be remunerated.
- (2) The Company must reimburse Directors for all reasonable travelling and other expenses incurred by them in:
  - (a) attending and returning from meetings of the Company; or
  - (b) otherwise in the proper discharge of their duties on behalf of the Company.

#### 12.8 Committees - Delegation of Powers

- (1) The Directors may form Directors Committees as they think fit.
- (2) A Directors Committee must be made up of Directors, however a Directors Committee may consult with and receive recommendations from any third party they think fit.

- 
- (3) The Directors may delegate all or part of the exercise of their powers to a Directors Committee upon a unanimous resolution of the Board to that effect.
  - (4) All meetings of the Directors Committees are to be held generally in accordance with the rules relating to meetings of the Directors.

#### **12.9 Committees - Recommendations**

- (1) The Directors may form General Committees as they think fit.
- (2) A General Committee must contain at least one (1) Director.
- (3) The Directors may not delegate the exercise of any of their powers to a General Committee however they may accept any recommendations made by such a committee.
- (4) All meetings of the General Committees are to be held generally in accordance with the rules relating to meetings of the Directors.

#### **12.10 Interested Transactions**

- (1) A Director must disclose the nature and extent of any interest in any transaction which is proposed to be entered into by the Company.

#### **12.11 Powers of Directors**

- (1) Subject to the Act, management of the Company and its business is to be vested solely in the Directors.
- (2) In managing the Company the Directors are to have the benefit of all powers conferred upon them in the Act.

### **13 Chairperson**

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#### **13.1 Appointment**

The Directors may appoint one (1) of the Directors appointed by the Council under clause 12.2(1) to be the Chairperson.

#### **13.2 Role of Chairperson**

The Chairperson must chair all meetings of the Members and Directors and ensure the orderly and efficient conduct of those meetings in accordance with:

- (1) this Constitution;
- (2) the Act; and
- (3) generally accepted rules of procedural fairness.

#### **13.3 Alternate Chairperson**

- (1) If the Chairperson appointed under clause 13.1 is absent from any meeting of the Company then:

- 
- (a) for a meeting of the Board, the Directors present at that meeting may appoint any Director to act as Chairperson for the meeting; or
  - (b) for a Member's Meeting, the Members present at that meeting may appoint any Member to act as Chairperson for the meeting.

#### 14 Secretary

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- (1) The Company must have at least one (1) Secretary who is ordinarily resident in Australia.
- (2) The Secretary may only be appointed:
  - (a) by the Board;
  - (b) in accordance with the Act; and
  - (c) for such term, at such remuneration (if any) and upon such conditions as the Board thinks fit.

#### 15 Board Meetings

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##### 15.1 Convening meetings of the Board

- (1) Any Director may request that the Secretary convene a Board Meeting.
- (2) The Secretary must convene a Board Meeting as soon as possible after being requested to do so in accordance with paragraph (1).

##### 15.2 Frequency of Directors' Meetings

The Board may meet at such frequency as it determines.

##### 15.3 Notice

- (1) Notice of any Board Meeting must be in writing and sent to the address of each Director contained in the Company register or records.
- (2) The notice of meeting:
  - (a) must state the time and place of the meeting;
  - (b) need not state the general nature of business to be discussed at the meeting;
  - (c) may be given immediately before the meeting;
  - (d) may be given in person, by post, by facsimile, by telephone, by e-mail or by any other electronic means; and
  - (e) will be deemed to have been given to an Alternate Director if it is given to the Director who appointed them and vice versa.
- (3) A Director may:
  - (a) waive the requirement for them to be given notice of any Board Meeting/s; or

- (b) specify a different manner in which they may receive notice of any such meeting/s,

by notice in writing to the Company from time to time.

#### 15.4 Failure to receive notice

Failure to receive notice of a meeting by any Director does not invalidate any resolution passed at that meeting if:

- (1) the failure was the result of accident or error; or
- (2) the Director, or their Alternate Director:
  - (a) had waived the requirement for them to be provided with such notice;
  - (b) have notified the Company of their agreement to the resolutions proposed to be passed at the meeting; or
  - (c) attend the meeting.

#### 15.5 Proxies

- (1) A Director may appoint a proxy to attend a Board meeting to exercise the voting rights of that Director.
- (2) A Director may only appoint a proxy if:
  - (a) the person appointed as proxy is a Director; or
  - (b) if the person appointed as proxy is not an existing Director, notice is given to the Chairman at least seven (7) days prior to the Board meeting at which the proxy is to attend and vote.

#### 15.6 Quorum

A quorum for a Board Meeting is three (3) Directors present in person, the majority of which must be Directors appointed by Council under clause 12.2(1). A Board Meeting shall only be deemed to have a quorum for so long as the majority of Directors present are Directors appointed by Council under clause 12.2(1).

#### 15.7 Insufficient Directors

If there are insufficient Directors in office to constitute a quorum the Board may act for the purpose of requesting Council to appoint one or more Directors sufficient to constitute a quorum.

#### 15.8 Voting

- (1) Subject to this Constitution, resolutions of the Board and questions arising at any meeting of the Board are to be decided:
  - (a) by a majority of votes; and
  - (b) a determination by a majority of the members of the Board.
- (2) In case of an equality of votes, the Chairperson will have a second or casting vote.

**15.9 Form of Meeting**

A resolution is to be considered duly passed at a Board Meeting if:

- (1) the resolution was contained on a circular presented to all Directors and a majority of Directors entitled to vote on it assented to the resolution by signing the resolution or a copy of it, including:
  - (a) at least two Directors appointed by Council under clause 12.2(1);
  - (b) at least one Director (provided there is such a serving Director) who is a lineal descendant of Max Tegel or Alan Baker; or
- (2) the meeting was conducted by the use of electrical or electronic media (including telephone, internet and video conferencing) and:
  - (a) a quorum was present via that medium (or a combination of media); and
  - (b) the resolution was passed by the required majority of Directors.

**15.10 Interested Transaction**

Subject to the Act, a Director may vote in respect of any contract or proposed contract with the Company in which he is interested, or any matter arising out of such a contract.

**15.11 Matters requiring a Special Resolution**

- (1) This clause 15.11 only has effect until the twentieth anniversary of the date on which the Alan Baker Art Gallery operated by the Alan Baker Art Gallery Trust is first opened to the public.
- (2) Subject to paragraph (3), the following matters may only be resolved by a Special Resolution of the Board:
  - (a) The consent to, or making of, any amendment to the Trust Deed for the Alan Baker Art Gallery Trust, including the Collection Policy which forms part of that Trust Deed.
  - (b) Any consent to, or the undertaking of, any act that is inconsistent with the Trust Deed for the Alan Baker Art Gallery Trust, including the Collection Policy which forms part of that Trust Deed.
  - (c) The permanent relocation or closure of the Alan Baker Art Gallery operated by the Alan Baker Art Gallery Trust other than on or pursuant to the termination of the Trust in accordance with its terms.
  - (d) The termination, surrender, assignment and/or election to not exercise any options to renew any lease of premises from which the Alan Baker Art Gallery is operated other than on or consequent upon the termination of the Trust in accordance with its terms.
- (3) A Special Resolution of the Board may not be passed at any time after a Director who is one of the lineal descendants of Max Tegel or Alan Baker ceases to be a Director and:
  - (a) the reason for the cessation was the removal of that Director under clause 12.4(2);

- 
- (b) a request for replacement nominating a replacement Director has been made under clause 12.4(3) within 10 business days of that removal;
  - (c) the replacement Director has consented and continues to consent to act and is not prevented from acting by this Constitution or any law;
  - (d) Council has failed to appoint the replacement Director.
- (4) The Board may (without the need for Special Resolution) give its consent to uses of the upper floor of the Alan Baker Art Gallery located at Macaria Building 37 John Street, Camden that are complementary to the use, and which do not negate the overall character, of the ground floor as a gallery dedicated primarily to the works of Alan Baker, including the use of the upper floor for the display of work by other artists and the conduct of art classes.
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## Part 4 – Miscellaneous

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### 16 Execution of documents

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#### 16.1 Execution by Directors

A document is validly executed by the Company where it is signed by two (2) Directors, or a Director and the Secretary.

#### 16.2 Execution by one Director

The Directors may, by resolution in writing, authorise one (1) Director to sign any document on behalf of the Company and any document executed by the authorised officer is as binding on the Company as if it had been signed in accordance with clause 16.1.

#### 16.3 Company Seal

- (1) The Directors may resolve that the Company have a company seal.
- (2) If the Company has a seal it is not necessary for the seal to be affixed to a document in order for that document to be validly executed by the Company.

### 17 Notices

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#### 17.1 Means of service

A notice is given by the Company to a Member when it is:

- (1) served personally on the Member;
- (2) sent to the address of the Member recorded in the register of members;
- (3) transmitted by facsimile to the facsimile number for that Member recorded in the register of members; or
- (4) transmitted by e-mail to the Member's usual e-mail address or by any other electronic means available at the time.

**17.2 Deemed service**

A Member is deemed to have received a notice served in accordance with clause 17.1:

- (1) on the date that the notice is served personally upon them;
- (2) forty eight (48) hours after the notice is posted; or
- (3) upon receipt of confirmation of transmission in the case of a notice transmitted by facsimile.

**17.3 Persons entitled to receive notice of a Member's Meeting**

Notice of a Members' Meeting must be given to:

- (1) each Member or personal legal representative of a Member entitled to vote at General Meetings;
- (2) each Director; and
- (3) any Auditor.

**18 Indemnity and Insurance****18.1 Indemnity in favour of officers**

- (1) Subject to the Act and clause 18.2, the Company indemnifies each Officeholder against all liability incurred by them in the course of discharging their duties as a Officeholder.
- (2) The indemnity contained in paragraph (1) does not apply to liability:
  - (a) owed to a related body corporate of the Company;
  - (b) for a pecuniary penalty or a compensation order under the Act; or
  - (c) owed to a person other than the Company that did not arise out of conduct in good faith.

**18.2 Indemnity for legal costs**

- (1) Subject to paragraph (2), the Company indemnifies each Officeholder against any liability for legal costs incurred by them in the course of discharging their duties as a Officeholder.
- (2) The indemnity contained in paragraph (1) does not apply to liability for legal costs:
  - (a) in defending or resisting proceedings in which the Officeholder is found to have a liability for which they could not be indemnified under clause 18.1;
  - (b) in defending or resisting criminal proceedings in which the Officeholder is found guilty;
  - (c) in defending or resisting proceedings brought by the ASIC or a liquidator for a court order if the grounds for making the order are found by the court to have been established (but this paragraph does not apply to costs incurred in

responding to actions taken by the ASIC or a liquidator as part of an investigation before commencing proceedings for the court order); or

- (d) in connection with proceedings for relief to the Officeholder under the Act in which the court denies the relief.

### 18.3 Insurance

Subject to the Act, the Company may pay a premium for a contract insuring a person who is or has been an Officeholder of the Company acting in that capacity against:

- (1) costs and expenses in defending any proceedings, whether civil or criminal, whatever their outcome; or
- (2) a liability arising from negligence or other conduct.

### 18.4 Indemnity and insurance for other officers

The Company may indemnify and insure other officers and employees in accordance with the clauses 18.1 – 18.3 (inclusive).

## 19 Obligations of members

Each Member is subject to, and must comply with, the obligations set out below:

- (1) To keep strictly confidential and not to use or disclose any Company reports, data, submissions or other information prepared by or for the Company. This obligation is subject to the following exceptions:
  - (a) where the Company consents to the disclosure;
  - (b) where the disclosure is made to professional advisers (including legal and financial advisers) of the Member who are subject to a duty of confidentiality; or
  - (c) where the disclosure is required by law.
- (2) Not to engage in any conduct (either by making statements or otherwise) that would materially harm or prejudice the ability of the Company to achieve the Objects.
- (3) To ensure that the Company has sufficient funds available to it from time to time to allow it to pursue the Objects.
- (4) Not to engage in any conduct (either by making statements or otherwise) that would bring the Company into disrepute.

## 20 Additional Requirement for Amendment to Constitution

This Constitution may only be amended with the prior written consent of the Minister for Local Government.



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**Schedule 1:  
Defined terms and interpretation**

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**Part 1 - Definitions**

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<b>Act</b>	means the <i>Corporations Act (Cth) 2001</i> including any regulations made under that Act.
<b>Annual General Meeting</b>	means a meeting held pursuant to clause 8.3.
<b>Annual Fee</b>	means the annual fee payable by Members to the Company in accordance with clause 5.1.
<b>Annual Financial Report</b>	means a report as to the financial position of the Company in each twelve (12) month period for presentation to the Members at an Annual General Meeting.
<b>Auditor</b>	means an auditor of the Company appointed by the Board from time to time
<b>Auditor's Report</b>	means a report prepared by the Auditor in relation to the financial affairs and position of the Company for each twelve (12) month period for presentation to the Members at an Annual General Meeting.
<b>Board</b>	means collectively the directors of the Company.
<b>Board Meeting</b>	means a meeting of the Board.
<b>Chairperson</b>	means a chairperson of the Company appointed by the Board from time to time.
<b>Company</b>	means "Macaria Gallery Limited"
<b>Constitution</b>	means this constitution.
<b>Council</b>	means Camden Council or such other local government body which replaces it from time to time.
<b>Directors</b>	means the directors of the Company appointed by the Board from time to time.
<b>Directors Committee</b>	means a committee formed under clause 10.8 made up entirely of Directors.
<b>Directors' Report</b>	means a report on the affairs of the Company for each twelve (12) month period for presentation to the members at an Annual General Meeting.
<b>Eligible Entity</b>	means a fund, authority or institution: <ul style="list-style-type: none"> <li>(1) with objects similar to the objects of the Trust;</li> <li>(2) which prohibits the distribution of property and</li> </ul>

	income to its members;
	(3) to which gifts are deductible under items 1 or 4 of the table in section 30:15 of the ITAA 1997;
	(4) which has as its main purpose a then current art gallery within the Council Local Government Area or Campbelltown Local Government Area or if no such entity can be identified within such other area as the Member determines; and
	(5) which is charitable at law.
<b>General Committees</b>	means a committee formed under clause 10.9 made up of at least one (1) Director and such other persons as the Board determines.
<b>General Meeting</b>	means a Members' Meeting other than an Annual General Meeting.
<b>Member</b>	means a member of the Company from time to time.
<b>Members' Meeting</b>	means either an Annual General Meeting or a General Meeting.
<b>Objects</b>	means the objects of the Company set out in clause 4.
<b>Officeholders</b>	means collectively the Directors and the Secretary.
<b>Responsible Person</b>	means an individual who: <ol style="list-style-type: none"> <li>(1) performs a significant public function including that of Councillor, Council General Manager or Mayor;</li> <li>(2) is a member of a professional body having a code of ethics or rules of conduct;</li> <li>(3) is officially charged with spiritual functions by a religious institution;</li> <li>(4) is a director of a company whose shares are listed on the Australian Securities Exchange;</li> <li>(5) has received formal recognition from government for services to the community; or</li> <li>(6) is approved or is of a class of persons generally approved by the Commissioner as responsible persons,</li> </ol> <p>and who is not:</p> <ol style="list-style-type: none"> <li>(7) disqualified from managing a corporation under the Act; or</li> </ol>

(8) disqualified from being a responsible person or a registered charity by the ACNC Commissioner.

**Secretary** means any person appointed to perform the duties of a secretary of the Company pursuant to this Constitution and Act.

**Special Resolution** means a resolution of the Directors in favour of which at least one (1) Director referred to in clause 12.2(2) (during any time that there are such Directors on the Board) has voted. For the purpose of clarity, if there are no such Directors on the Board at the time of the relevant resolution, then the resolution may be passed by simple majority.

#### Part 2 - Interpretational Rules

**clauses, annexures and schedules** a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this Constitution.

**reference to statutes** a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.

**singular includes plural** the singular includes the plural and vice versa.

**person** the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.

**executors, administrators, successors** a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.

**dollars** Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.

**calculation of time** if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.

**reference to a day** a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.

**accounting terms** an accounting term is a reference to that term as it is used in accounting standards under the Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.

**reference to a group of persons** a group of persons or things is a reference to any two or more of them jointly and to each of them individually.

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<b>meaning not limited</b>	the words “include”, “including”, “for example” or “such as” are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
<b>next day</b>	if an act under this Constitution to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this Constitution.
<b>agreement</b>	a reference to any agreement, Constitution or instrument includes the same as varied, supplemented, novated or replaced from time to time.
<b>gender</b>	a reference to one gender extends and applies to the other and neuter gender.

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**Schedule 2:  
Company Powers**

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The Company is authorised:

- (1) To accept or refuse any gift, endowment or bequest made to or acquired by the Company generally for the Objects.
- (2) To take such lawful steps by personal or written appeal public meetings or otherwise as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of the Company in the form of donations, annual subscriptions or otherwise in order to allow it to pursue and promote the Objects.
- (3) To publish or to contribute to the publication of any periodical, journal or magazine and to print and circulate books, papers, pamphlets and information to provide and circulate any annual or other report of the Company and its proceedings and work.
- (4) To subscribe to, become a member of and co-operate with any other association or organisation, whether incorporated or not, whose objects are altogether or in part similar to those of the Company provided that the Company must not subscribe to or support with its funds any association or organisation which does not prohibit the distribution of its income and property among its members to an extent at least as great as that imposed on the Company under or by virtue of clause 5.2.
- (5) In furtherance of the Objects to buy, sell and deal in all kinds of apparatus, literature and other items required by the members of the Company or persons frequenting the Company's premises.
- (6) To purchase, take on lease or in exchange, hire and otherwise acquire any lands, buildings, easements or property, real and personal and any rights or privileges which may be requisite for the purposes of, or capable of being conveniently used in connection with, any of the Objects provided that in case the Company takes or holds any property which may be subject to any trusts the Company may only deal with that property in such manner as is allowed by law having regard to such trusts.
- (7) To enter into any arrangements with any Government or authority, supreme, municipal, local or otherwise that may seem conducive to the Objects or any of them; and to obtain from any such Government or authority any rights, privileges and concessions which the Company thinks it desirable to obtain; and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
- (8) To appoint, employ, remove or suspend such managers, clerks, secretaries, servants, workmen and other persons as may be necessary or convenient for the Objects.
- (9) To invest and deal with the money of the Company not immediately required in such manner as may be permitted by law for the investment of trust funds and any other investments as might be made by a prudent investor.
- (10) To borrow or raise or secure the payment of money in such manner as the Company may think fit and to secure the repayment of that money or the repayment or performance of any other debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Company in any way.
- (11) To make, draw, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments.

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- (12) In furtherance of the Objects to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Company.
  - (13) To make donations for patriotic or charitable purposes.
  - (14) To do all such other things as are incidental or conducive to the attainment of the Objects and the exercise of the powers of the Company.
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**Investment Summary Report  
November 2019**

**Camden Council**

Executive Summary - November 2019



**Investment Holdings**

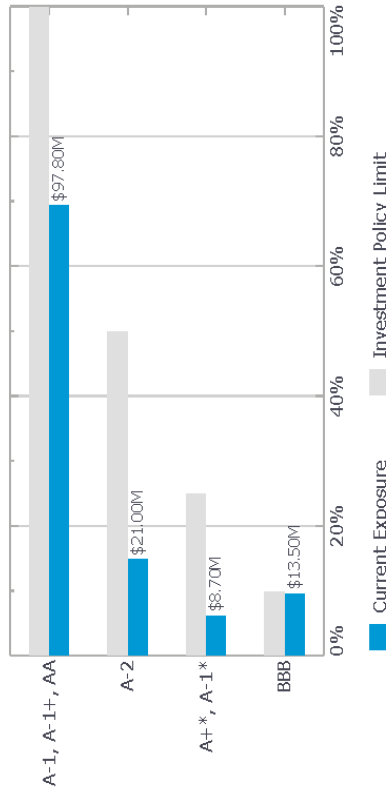
	Amount (\$)	Current Yield (%)
Cash	4,000,000.00	1.30
Term Deposit	137,000,000.00	2.37
	<b>141,000,000.00</b>	

	Amount (\$)	Policy Max
Between 0 and 1 Year	105,300,000	75% 100% ▼
Between 1 and 3 Years	24,000,000	17% 60% ▼
Between 3 and 5 Years	11,700,000	8% 30% ▼
	<b>141,000,000</b>	

*Percentages in this report may not add up to 100% due to rounding*

**Total Credit Exposure**



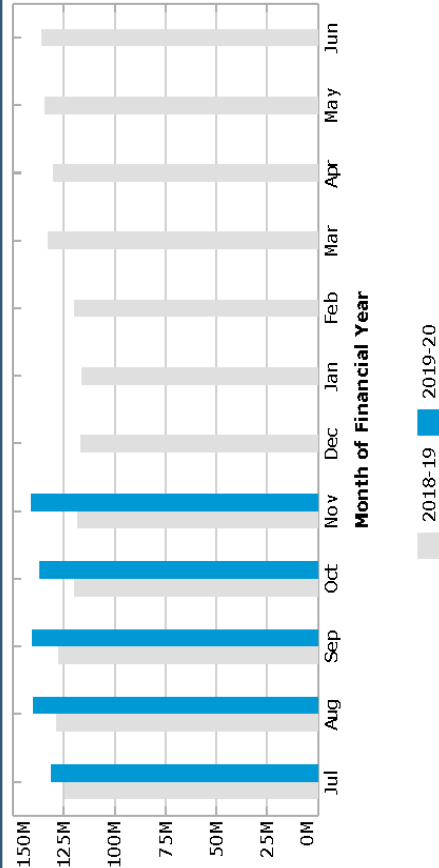
*\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 25% of the total portfolio*

**Sources of Funds**

	Amount (\$)
Section 7.11 Developer Contributions	85,076,395
Restricted Grant Income	2,381,405
Externally Restricted Reserves	17,136,649
Internally Restricted Reserves	18,239,377
Camden Regional Economic Taskforce	347,500
General Fund	17,818,674
<b>Total Funds Invested</b>	<b>141,000,000</b>

Council's investment portfolio has increased by \$4m since the October reporting period. The increase primarily relates to the November instalment of rates income.

**Investment Portfolio Balance**





**Camden Council**

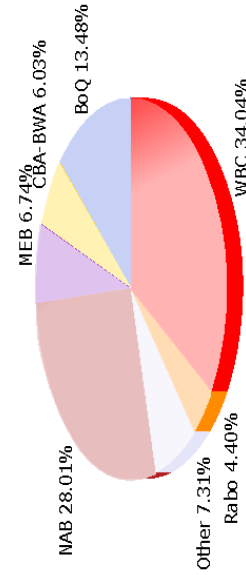
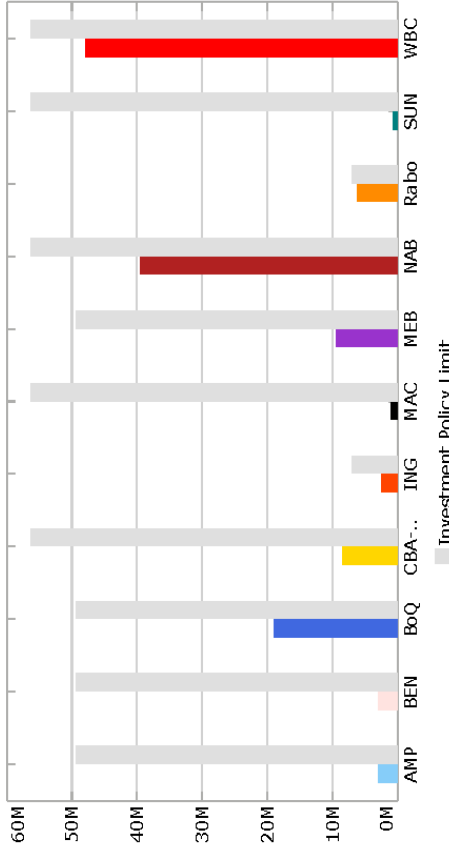
Individual Institutional Exposures Report - November 2019



Individual Institutional Exposures

Parent Group	Exposure (\$M)	Credit Rating	Policy Limit	Actual	Capacity
AMP Bank	3.00M	A-2, BBB+	35.00%	2.13%	46.35M
Bank of Queensland	19.00M	A-2, BBB+	35.00%	13.48%	30.35M
Bendigo and Adelaide Bank	3.00M	A-2, BBB+	35.00%	2.13%	46.35M
Commonwealth Bank of Australia	8.50M	A-1+, AA-	40.00%	6.03%	47.90M
ING Bank Australia (Foreign Sub)	2.50M	A-1*, A-*	5.00%	1.77%	4.55M
Macquarie Bank	1.00M	A-1, A	40.00%	.71%	55.40M
Members Equity Bank	9.50M	A-2, BBB	35.00%	6.74%	39.85M
National Australia Bank	39.50M	A-1+, AA-	40.00%	28.01%	16.90M
Rabobank Aus (Foreign Sub)	6.20M	A-1*, A+*	5.00%	4.40%	.85M
Suncorp Bank	.80M	A-1, A+	40.00%	.57%	55.60M
Westpac Group	48.00M	A-1+, AA-	40.00%	34.04%	8.40M
	<b>141.00M</b>				

Individual Institutional Exposure Charts



\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 5% of the total portfolio in any single entity

Council's portfolio is within its individual institutional investment policy limits.  
 Council's portfolio is within its term to maturity investment policy limits.  
 Council's portfolio complies with the NSW Ministerial Investment Order.

**Camden Council**

Performance Summary - November 2019



**Interest Summary**

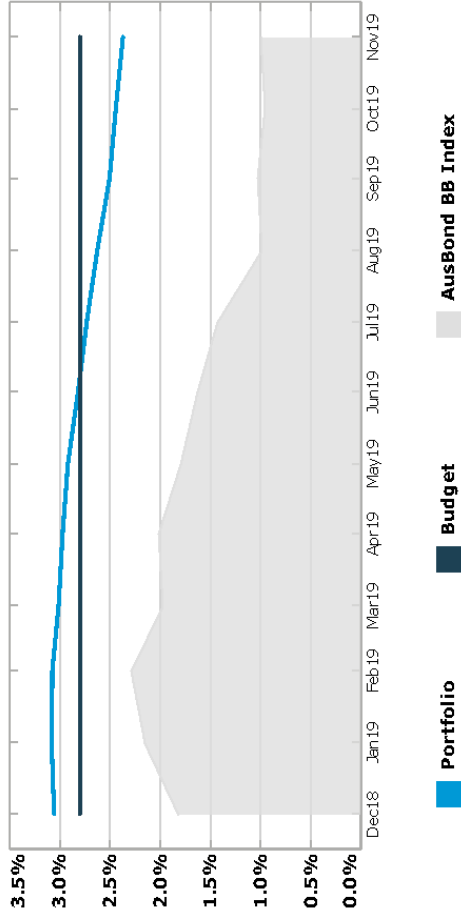
Interest Summary as of November 2019	
Number of Investments	98
Average Days to Maturity	315
Weighted Portfolio Yield	2.37%
CBA Call Account	1.30%
Highest Rate	4.25%
Lowest Rate	1.59%
Budget Rate	2.80%
Average BBSW (30 Day)	0.87%
Average BBSW (90 Day)	0.91%
Average BBSW (180 Day)	1.00%
Official Cash Rate	0.75%
AusBond Bank Bill Index	1.00%

**Interest Received During the 2019/2020 Financial Year**

	November	Cumulative	Original Budget	*Revised Budget
General Fund	\$87,765	\$447,202	\$1,450,000	\$1,350,000
Restricted	\$187,143	\$988,994	\$1,800,000	\$2,150,000
<b>Total</b>	<b>\$274,908</b>	<b>\$1,436,196</b>	<b>\$3,250,000</b>	<b>\$3,500,000</b>

\*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

**Investment Performance**



**Historical Performance Summary**

	Portfolio	AusBond BB Index	Outperformance
Nov 2019	2.37%	1.00%	1.37%
Last 3 Months	2.44%	1.00%	1.44%
Last 6 Months	2.58%	1.17%	1.41%
Financial Year to Date	2.54%	1.08%	1.46%
Last 12 months	2.80%	1.58%	1.22%

**Investment Performance**

Council's portfolio returned 2.37%pa on a weighted average yield basis during November. This compares favourably with the Ausbond Bank Bill Index's return of 1.00%pa for the month.

### Camden Council Investment Holdings Report - November 2019



<b>Cash Accounts</b>									
Amount (\$)	Current Yield	Institution	Credit Rating	Amount (\$)	Deal No.	Reference	Amount plus Accrued Int (\$)	Deal No.	Reference
4,000,000.00	1.30%	Commonwealth Bank of Australia	A-1+	4,000,000.00	535548				
<b>4,000,000.00</b>				<b>4,000,000.00</b>					
<b>Term Deposits</b>									
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Coupon Frequency	Reference
2-Dec-19	1,500,000.00	2.90%	ING Bank (Australia)	A-1*	27-Nov-17	1,500,476.71	535596	Annually	3035
2-Dec-19	1,500,000.00	2.83%	Rural Bank	A-2	1-Dec-17	1,542,217.40	536020	Annually	3037
2-Dec-19	1,500,000.00	2.30%	ME Bank	A-2	24-May-19	1,518,053.42	537972	At Maturity	3226
4-Dec-19	1,500,000.00	4.25%	Bendigo and Adelaide Bank	A-2	28-Nov-14	1,500,523.97	535488	Annually	2762
9-Dec-19	1,500,000.00	2.25%	National Australia Bank	A-1+	28-May-19	1,517,291.10	537983	At Maturity	3227
11-Dec-19	1,500,000.00	4.00%	National Australia Bank	A-1+	16-Dec-14	1,557,369.86	535504	Annually	2766
16-Dec-19	1,000,000.00	2.25%	Bank of Queensland	A-2	29-May-19	1,011,465.75	537988	At Maturity	3228
16-Dec-19	1,800,000.00	2.21%	National Australia Bank	A-1+	31-May-19	1,820,053.48	537993	At Maturity	3229
18-Dec-19	2,500,000.00	2.28%	ME Bank	A-2	3-Jun-19	2,528,265.75	537998	At Maturity	3230
18-Dec-19	1,500,000.00	2.05%	National Australia Bank	A-1+	19-Jun-19	1,513,900.68	538049	At Maturity	3237
19-Dec-19	1,000,000.00	3.85%	Macquarie Bank	A-1	19-Dec-14	1,190,706.85	535503	At Maturity	2767
23-Dec-19	2,000,000.00	2.20%	National Australia Bank	A-1+	4-Jun-19	2,021,698.63	538001	At Maturity	3231
30-Dec-19	1,500,000.00	2.15%	Bank of Queensland	A-2	11-Jun-19	1,515,285.62	538022	At Maturity	3234
2-Jan-20	1,000,000.00	2.15%	Bank of Queensland	A-2	5-Jun-19	1,010,543.84	538008	At Maturity	3233
6-Jan-20	1,000,000.00	2.15%	Bank of Queensland	A-2	12-Jun-19	1,010,131.51	538033	At Maturity	3235
6-Jan-20	3,000,000.00	1.80%	Westpac Group	A-1+	30-Sep-19	3,009,172.60	538565	At Maturity	3277
8-Jan-20	1,500,000.00	2.05%	National Australia Bank	A-1+	17-Jun-19	1,514,069.18	538044	At Maturity	3236
13-Jan-20	1,000,000.00	2.05%	National Australia Bank	A-1+	19-Jun-19	1,009,267.12	538050	At Maturity	3238
15-Jan-20	1,500,000.00	2.10%	Bank of Queensland	A-2	24-Jun-19	1,513,808.22	538068	At Maturity	3239
20-Jan-20	1,000,000.00	2.00%	National Australia Bank	A-1+	26-Jun-19	1,008,657.53	538080	At Maturity	3240
22-Jan-20	1,500,000.00	2.00%	Bank of Queensland	A-2	3-Jul-19	1,512,410.96	538167	At Maturity	3245



## Camden Council Investment Holdings Report - November 2019

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
28-Jan-20	1,500,000.00	1.90%	ME Bank	A-2	22-Jul-19	1,510,306.85	538324	10,306.85	At Maturity	3248
30-Jan-20	1,500,000.00	1.90%	National Australia Bank	A-1+	24-Jul-19	1,510,150.68	538335	10,150.68	At Maturity	3249
31-Jan-20	3,000,000.00	1.68%	Westpac Group	A-1+	31-Oct-19	3,004,280.55	538636	4,280.55	At Maturity	3285
2-Feb-20	1,000,000.00	3.90%	Westpac Group	A-1+	2-Feb-15	1,032,054.79	535537	32,054.79	Annually	2772
5-Feb-20	2,000,000.00	1.83%	National Australia Bank	A-1+	1-Aug-19	2,012,233.42	538351	12,233.42	At Maturity	3251
10-Feb-20	1,000,000.00	2.90%	ING Bank (Australia)	A-1*	8-Feb-18	1,023,517.81	536215	23,517.81	Annually	3065
12-Feb-20	1,500,000.00	1.80%	ME Bank	A-2	5-Aug-19	1,508,728.77	538365	8,728.77	At Maturity	3253
17-Feb-20	1,500,000.00	1.80%	National Australia Bank	A-1+	7-Aug-19	1,508,580.82	538372	8,580.82	At Maturity	3254
17-Feb-20	1,000,000.00	2.00%	AMP Bank	A-2	21-Aug-19	1,005,589.04	538409	5,589.04	At Maturity	3760
19-Feb-20	1,500,000.00	1.80%	National Australia Bank	A-1+	8-Aug-19	1,508,506.85	538378	8,506.85	At Maturity	3255
20-Feb-20	1,000,000.00	1.70%	National Australia Bank	A-1+	20-Aug-19	1,004,797.26	538400	4,797.26	At Maturity	3259
24-Feb-20	1,500,000.00	1.75%	National Australia Bank	A-1+	12-Aug-19	1,507,982.88	538384	7,982.88	At Maturity	3256
26-Feb-20	2,000,000.00	1.70%	National Australia Bank	A-1+	15-Aug-19	2,010,060.27	538393	10,060.27	At Maturity	3257
2-Mar-20	1,000,000.00	1.67%	ME Bank	A-2	26-Aug-19	1,004,438.08	538416	4,438.08	At Maturity	3261
4-Mar-20	1,500,000.00	1.65%	National Australia Bank	A-1+	28-Aug-19	1,506,441.78	538423	6,441.78	At Maturity	3262
9-Mar-20	1,500,000.00	1.65%	National Australia Bank	A-1+	28-Aug-19	1,506,441.78	538424	6,441.78	At Maturity	3263
11-Mar-20	2,000,000.00	1.65%	National Australia Bank	A-1+	29-Aug-19	2,008,498.63	538432	8,498.63	At Maturity	3264
16-Mar-20	1,500,000.00	1.63%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,506,028.77	538446	6,028.77	At Maturity	3265
18-Mar-20	1,500,000.00	1.63%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,506,028.77	538447	6,028.77	At Maturity	3266
23-Mar-20	1,500,000.00	1.62%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,505,991.78	538448	5,991.78	At Maturity	3267
25-Mar-20	1,000,000.00	1.70%	National Australia Bank	A-1+	5-Sep-19	1,004,052.05	538498	4,052.05	At Maturity	3268
30-Mar-20	1,000,000.00	1.72%	National Australia Bank	A-1+	10-Sep-19	1,003,864.11	538513	3,864.11	At Maturity	3269
1-Apr-20	700,000.00	1.75%	National Australia Bank	A-1+	16-Sep-19	702,550.68	538528	2,550.68	At Maturity	3270
1-Apr-20	800,000.00	1.70%	Suncorp Bank	A-1	16-Sep-19	802,831.78	538529	2,831.78	At Maturity	3271
6-Apr-20	1,000,000.00	1.92%	Westpac Group	A-1+	19-Sep-19	1,003,840.00	538537	3,840.00	At Maturity	3272
6-Apr-20	500,000.00	1.75%	Westpac Group	A-1+	27-Sep-19	501,558.22	538561	1,558.22	At Maturity	3275

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## Camden Council

## Investment Holdings Report - November 2019



Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
8-Apr-20	1,000,000.00	1.75%	Westpac Group	A-1+	23-Sep-19	1,003,308.22	538554	3,308.22	At Maturity	3273
8-Apr-20	500,000.00	1.75%	Westpac Group	A-1+	27-Sep-19	501,558.22	538562	1,558.22	At Maturity	3276
13-Apr-20	1,500,000.00	1.75%	Westpac Group	A-1+	25-Sep-19	1,504,818.49	538558	4,818.49	At Maturity	3274
15-Apr-20	1,500,000.00	1.68%	Westpac Group	A-1+	2-Oct-19	1,504,142.47	538588	4,142.47	At Maturity	3278
20-Apr-20	1,000,000.00	1.63%	Westpac Group	A-1+	9-Oct-19	1,002,366.85	538618	2,366.85	At Maturity	3279
22-Apr-20	1,500,000.00	1.66%	Westpac Group	A-1+	14-Oct-19	1,503,274.52	538607	3,274.52	At Maturity	3280
27-Apr-20	1,000,000.00	1.66%	Westpac Group	A-1+	18-Oct-19	1,002,001.10	538619	2,001.10	At Maturity	3281
29-Apr-20	1,500,000.00	1.70%	Westpac Group	A-1+	24-Oct-19	1,502,654.79	538627	2,654.79	At Maturity	3282
4-May-20	1,500,000.00	1.73%	Westpac Group	A-1+	30-Oct-19	1,502,275.07	538631	2,275.07	At Maturity	3283
6-May-20	1,000,000.00	1.75%	Westpac Group	A-1+	31-Oct-19	1,001,486.30	538635	1,486.30	At Maturity	3284
11-May-20	1,000,000.00	1.75%	Westpac Group	A-1+	5-Nov-19	1,001,246.58	538648	1,246.58	At Maturity	3286
13-May-20	1,500,000.00	1.74%	Westpac Group	A-1+	11-Nov-19	1,501,430.14	538659	1,430.14	At Maturity	3288
18-May-20	1,000,000.00	1.75%	Westpac Group	A-1+	5-Nov-19	1,001,246.58	538649	1,246.58	At Maturity	3287
18-May-20	1,500,000.00	1.59%	Westpac Group	A-1+	22-Nov-19	1,500,588.08	538776	588.08	At Maturity	3291
20-May-20	1,000,000.00	1.72%	Westpac Group	A-1+	13-Nov-19	1,000,848.22	538667	848.22	At Maturity	3289
25-May-20	1,500,000.00	1.69%	Westpac Group	A-1+	19-Nov-19	1,500,833.42	538739	833.42	At Maturity	3290
27-May-20	1,000,000.00	1.65%	Rabobank Australia	A-1*	27-Nov-19	1,000,180.82	538827	180.82	At Maturity	3294
1-Jun-20	2,000,000.00	1.67%	Westpac Group	A-1+	26-Nov-19	2,000,457.53	538823	457.53	At Maturity	3292
8-Jun-20	2,000,000.00	1.66%	Westpac Group	A-1+	28-Nov-19	2,000,272.88	538845	272.88	At Maturity	3295
10-Jun-20	2,000,000.00	1.66%	Westpac Group	A-1+	28-Nov-19	2,000,272.88	538846	272.88	At Maturity	3296
15-Jun-20	1,500,000.00	1.65%	Westpac Group	A-1+	29-Nov-19	1,500,135.62	538851	135.62	At Maturity	3297
1-Jul-20	1,500,000.00	1.95%	National Australia Bank	A-1+	1-Jul-19	1,512,260.96	538107	12,260.96	At Maturity	3243
29-Jul-20	1,500,000.00	1.85%	ME Bank	A-2	29-Jul-19	1,509,503.42	538340	9,503.42	At Maturity	3250
19-Aug-20	1,000,000.00	1.61%	National Australia Bank	A-1+	19-Aug-19	1,004,587.40	538397	4,587.40	At Maturity	3258
12-Oct-20	2,000,000.00	1.64%	Westpac Group	A-1+	26-Nov-19	2,000,449.32	538822	449.32	At Maturity	3293
18-Jan-21	2,000,000.00	2.15%	AMP Bank	BBB+	15-Jul-19	2,016,375.34	538210	16,375.34	Annually	3247



**Camden Council**  
Investment Holdings Report - November 2019

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
15-Mar-21	1,000,000.00	3.60%	Bank of Queensland	BBB+	15-Mar-17	1,025,742.47	535484	2,5742.47	Annually	2958
29-Mar-21	1,500,000.00	2.65%	Bank of Queensland	BBB+	29-Mar-19	1,526,899.32	537758	26,899.32	Annually	3201
7-Apr-21	1,000,000.00	3.50%	Bank of Queensland	BBB+	3-Apr-17	1,023,205.48	535486	23,205.48	Annually	2963
17-May-21	1,000,000.00	3.10%	Westpac Group	AA-	16-May-17	1,001,104.11	535544	1,104.11	Quarterly	2975
23-Jun-21	1,500,000.00	2.05%	Bank of Queensland	BBB+	26-Jun-19	1,513,310.96	538081	13,310.96	Annually	3241
3-Aug-21	1,000,000.00	1.90%	Bank of Queensland	BBB+	2-Aug-19	1,006,298.63	538357	6,298.63	Annually	3252
1-Feb-22	1,000,000.00	3.60%	Westpac Group	AA-	1-Feb-17	1,002,958.90	535538	2,958.90	Quarterly	2936
2-Feb-22	1,500,000.00	3.57%	Westpac Group	AA-	2-Feb-17	1,503,961.23	535539	3,961.23	Quarterly	2937
10-Feb-22	1,000,000.00	3.56%	Westpac Group	AA-	10-Feb-17	1,001,950.68	535540	1,950.68	Quarterly	2938
15-Feb-22	1,500,000.00	3.75%	Bank of Queensland	BBB+	15-Feb-17	1,544,537.67	535547	44,537.67	Annually	2939
22-Feb-22	2,000,000.00	3.64%	Westpac Group	AA-	22-Feb-17	2,001,795.07	535541	1,795.07	Quarterly	2940
28-Feb-22	1,000,000.00	3.75%	Bank of Queensland	BBB+	27-Feb-17	1,028,458.90	535483	28,458.90	Annually	2946
28-Feb-22	1,000,000.00	3.55%	Westpac Group	AA-	28-Feb-17	1,000,291.78	535542	291.78	Quarterly	2950
1-Mar-22	1,000,000.00	3.58%	Westpac Group	AA-	1-Mar-17	1,008,827.40	535543	8,827.40	Quarterly	2952
3-Mar-22	1,000,000.00	3.60%	Westpac Group	AA-	3-Mar-17	1,008,778.08	535545	8,778.08	Quarterly	2954
9-Mar-22	1,000,000.00	3.61%	Westpac Group	AA-	9-Mar-17	1,008,209.04	535546	8,209.04	Quarterly	2956
23-Mar-22	500,000.00	3.80%	Bank of Queensland	BBB+	23-Mar-17	513,065.75	535485	13,065.75	Annually	2960
4-May-22	1,000,000.00	3.60%	Bank of Queensland	BBB+	8-May-17	1,020,416.44	535487	20,416.44	Annually	2971
27-Jun-22	1,500,000.00	2.10%	Bank of Queensland	BBB+	26-Jun-19	1,513,635.62	538082	13,635.62	Annually	3242
11-Dec-23	2,000,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	2,059,893.15	537431	59,893.15	Annually	3070
18-Dec-23	4,500,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	4,634,759.59	537432	134,759.59	Annually	3071
3-Jan-24	2,000,000.00	3.40%	Rabobank Australia	A+*	4-Jan-19	2,061,665.75	537443	61,665.75	Annually	3173
28-Feb-24	1,000,000.00	3.20%	Rabobank Australia	A+*	28-Feb-19	1,024,197.26	537586	24,197.26	Annually	3189
4-Mar-24	1,200,000.00	3.20%	Rabobank Australia	A+*	4-Mar-19	1,228,615.89	537601	28,615.89	Annually	3192
28-Mar-24	1,000,000.00	3.00%	Rabobank Australia	A+*	29-Mar-19	1,020,301.37	537765	20,301.37	Annually	3200
<b>137,000,000.00</b>							<b>138,396,182.36</b>	<b>1,396,182.36</b>		



**Investment Summary Report  
December 2019**



**Camden Council**  
Executive Summary - December 2019

**Investment Holdings**

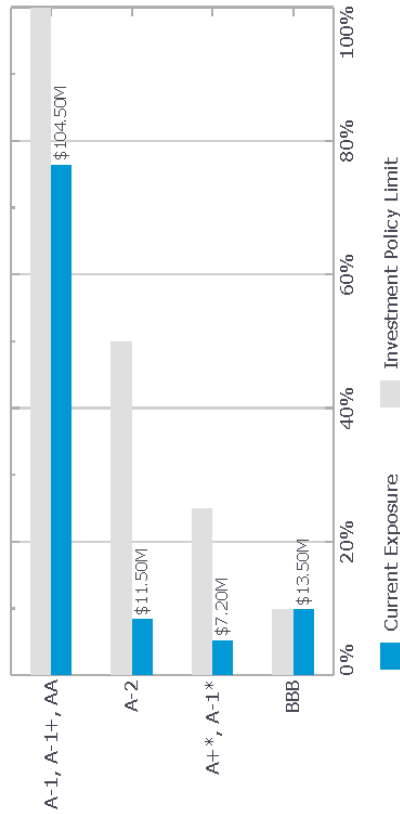
	Amount (\$)	Current Yield (%)
Cash	6,000,000.00	1.30
Term Deposit	130,700,000.00	2.19
	<b>136,700,000.00</b>	

**Term to Maturity**

	Amount (\$)	Policy Max
Between 0 and 1 Year	101,000,000	74% 100% ✓
Between 1 and 3 Years	24,000,000	18% 60% ✓
Between 3 and 5 Years	11,700,000	9% 30% ✓
	<b>136,700,000</b>	

*Percentages in this report may not add up to 100% due to rounding*

**Total Credit Exposure**



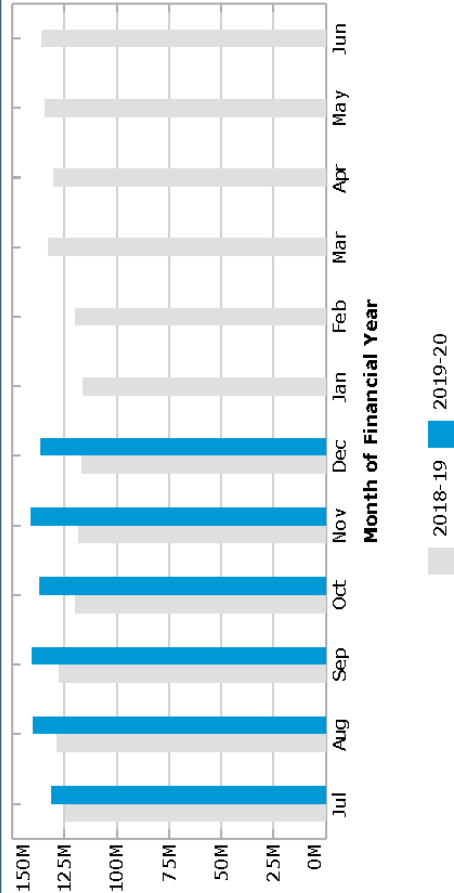
*\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by AFRA to a maximum 25% of the total portfolio*

**Sources of Funds**

	Amount (\$)
Section 7.11 Developer Contributions	84,087,684
Restricted Grant Income	2,171,315
Externally Restricted Reserves	16,716,649
Internally Restricted Reserves	17,862,377
Camden Regional Economic Taskforce	347,500
General Fund	15,514,475
<b>Total Funds Invested</b>	<b>136,700,000</b>

Council's investment portfolio has decreased by \$4.3m since the November reporting period. The decrease primarily relates to operational and capital expenditure during December.

**Investment Portfolio Balance**





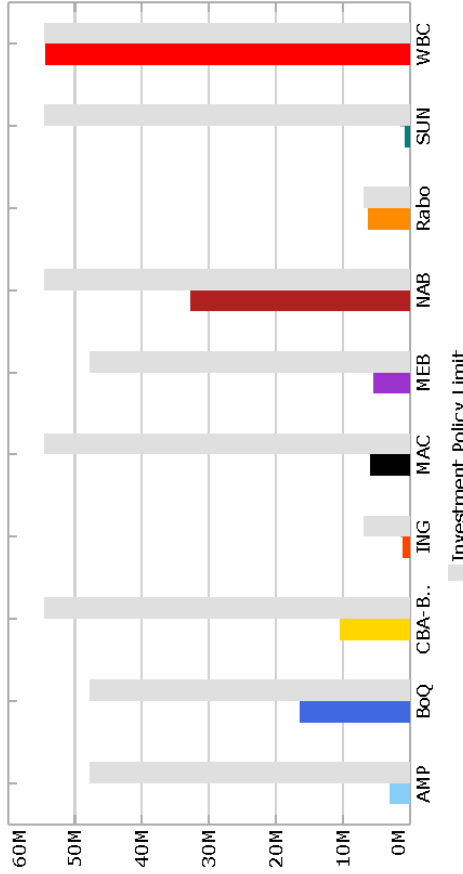


**Camden Council**  
Individual Institutional Exposures Report - December 2019

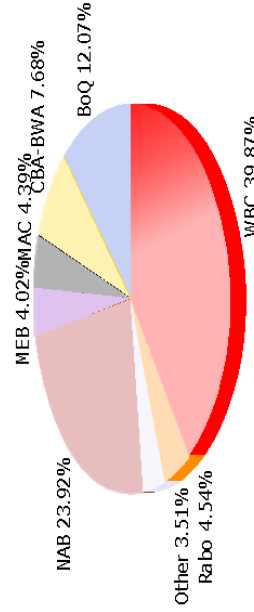
Individual Institutional Exposures

Parent Group	Exposure (\$M)	Credit Rating	Policy Limit	Actual	Capacity
AMP Bank	3.00M	A-2, BBB+	35.00%	2.19%	44.84M
Bank of Queensland	16.50M	A-2, BBB+	35.00%	12.07%	31.34M
Commonwealth Bank of Australia	10.50M	A-1+, AA-	40.00%	7.68%	44.18M
ING Bank Australia (Foreign Sub)	1.00M	A-1*, A-*	5.00%	.73%	5.83M
Macquarie Bank	6.00M	A-1, A+	40.00%	4.39%	48.68M
Members Equity Bank	5.50M	A-2, BBB	35.00%	4.02%	42.34M
National Australia Bank	32.70M	A-1+, AA-	40.00%	23.92%	21.98M
Rabobank Aus (Foreign Sub)	6.20M	A-1*, A+*	5.00%	4.54%	.64M
Suncorp Bank	.80M	A-1, A+	40.00%	.59%	53.88M
Westpac Group	54.50M	A-1+, AA-	40.00%	39.87%	.18M
	<b>136.70M</b>				

Individual Institutional Exposure Charts



\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 5% of the total portfolio in any single entity



Council's portfolio is within its individual institutional investment policy limits.  
Council's portfolio is within its term to maturity investment policy limits.  
Council's portfolio complies with the NSW Ministerial Investment Order.



**Camden Council**  
Performance Summary - December 2019

**Interest Summary**

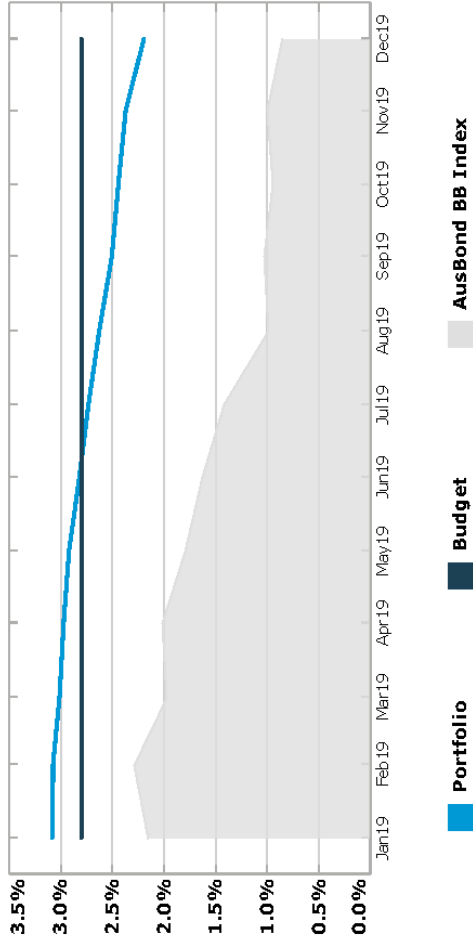
Interest Summary as of December 2019	
Number of Investments	92
Average Days to Maturity	318
Weighted Portfolio Yield	2.19%
CBA Call Account	1.30%
Highest Rate	3.90%
Lowest Rate	1.56%
Budget Rate	2.80%
Average BBSW (30 Day)	0.82%
Average BBSW (90 Day)	0.89%
Average BBSW (180 Day)	0.95%
Official Cash Rate	0.75%
AusBond Bank Bill Index	0.85%

**Interest Received During the 2019/2020 Financial Year**

	December	Cumulative	Original Budget	* Revised Budget
General Fund	\$67,952	\$515,154	\$1,450,000	\$1,350,000
Restricted	\$177,076	\$1,166,070	\$1,800,000	\$2,150,000
<b>Total</b>	<b>\$245,028</b>	<b>\$1,681,224</b>	<b>\$3,250,000</b>	<b>\$3,500,000</b>

\*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

**Investment Performance**



**Historical Performance Summary**

	Portfolio	AusBond BB Index	Outperformance
Dec 2019	2.19%	0.85%	1.34%
Last 3 Months	2.34%	0.94%	1.40%
Last 6 Months	2.48%	1.04%	1.44%
Financial Year to Date	2.48%	1.04%	1.44%
Last 12 months	2.73%	1.50%	1.23%

**Investment Performance**

Council's portfolio returned 2.19%pa on a weighted average yield basis during December. This compares favourably with the Ausbond Bank Bill Index's return of 0.85%pa for the month.



## Camden Council Investment Holdings Report - December 2019

<b>Cash Accounts</b>						
Amount (\$)	Current Yield	Institution	Credit Rating	Amount (\$)	Deal No.	Reference
6,000,000.00	1.30%	Commonwealth Bank of Australia	A-1+	6,000,000.00	535548	
<b>6,000,000.00</b>				<b>6,000,000.00</b>		

<b>Term Deposits</b>										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Jan-20	1,000,000.00	2.15%	Bank of Queensland	A-2	5-Jun-19	1,012,369.86	538008	12,369.86	At Maturity	3233
6-Jan-20	1,000,000.00	2.15%	Bank of Queensland	A-2	12-Jun-19	1,011,957.53	538033	11,957.53	At Maturity	3235
6-Jan-20	3,000,000.00	1.80%	Westpac Group	A-1+	30-Sep-19	3,013,758.90	538565	13,758.90	At Maturity	3277
8-Jan-20	1,500,000.00	2.05%	National Australia Bank	A-1+	17-Jun-19	1,516,680.82	538044	16,680.82	At Maturity	3236
13-Jan-20	1,000,000.00	2.05%	National Australia Bank	A-1+	19-Jun-19	1,011,008.22	538050	11,008.22	At Maturity	3238
15-Jan-20	1,500,000.00	2.10%	Bank of Queensland	A-2	24-Jun-19	1,516,483.56	538068	16,483.56	At Maturity	3239
20-Jan-20	1,000,000.00	2.00%	National Australia Bank	A-1+	26-Jun-19	1,010,356.16	538080	10,356.16	At Maturity	3240
22-Jan-20	1,500,000.00	2.00%	Bank of Queensland	A-2	3-Jul-19	1,514,958.90	538167	14,958.90	At Maturity	3245
28-Jan-20	1,500,000.00	1.90%	ME Bank	A-2	22-Jul-19	1,512,727.40	538324	12,727.40	At Maturity	3248
30-Jan-20	1,500,000.00	1.90%	National Australia Bank	A-1+	24-Jul-19	1,512,571.23	538335	12,571.23	At Maturity	3249
31-Jan-20	3,000,000.00	1.68%	Westpac Group	A-1+	31-Oct-19	3,008,561.10	538636	8,561.10	At Maturity	3285
2-Feb-20	1,000,000.00	3.90%	Westpac Group	A-1+	2-Feb-15	1,035,367.12	535537	35,367.12	Annually	2772
5-Feb-20	2,000,000.00	1.83%	National Australia Bank	A-1+	1-Aug-19	2,015,341.92	538351	15,341.92	At Maturity	3251
10-Feb-20	1,000,000.00	2.90%	ING Bank (Australia)	A-1*	8-Feb-18	1,025,980.82	536215	25,980.82	Annually	3065
12-Feb-20	1,500,000.00	1.80%	ME Bank	A-2	5-Aug-19	1,511,021.92	538365	11,021.92	At Maturity	3253
17-Feb-20	1,500,000.00	1.80%	National Australia Bank	A-1+	7-Aug-19	1,510,873.97	538372	10,873.97	At Maturity	3254
17-Feb-20	1,000,000.00	2.00%	AMP Bank	A-2	21-Aug-19	1,007,287.67	538409	7,287.67	At Maturity	3760
19-Feb-20	1,500,000.00	1.80%	National Australia Bank	A-1+	8-Aug-19	1,510,800.00	538378	10,800.00	At Maturity	3255
20-Feb-20	1,000,000.00	1.70%	National Australia Bank	A-1+	20-Aug-19	1,006,241.10	538400	6,241.10	At Maturity	3259
24-Feb-20	1,500,000.00	1.75%	National Australia Bank	A-1+	12-Aug-19	1,510,212.33	538384	10,212.33	At Maturity	3256
26-Feb-20	2,000,000.00	1.70%	National Australia Bank	A-1+	15-Aug-19	2,012,947.95	538393	12,947.95	At Maturity	3257



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Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Mar-20	1,000,000.00	1.67%	ME Bank	A-2	26-Aug-19	1,005,856.44	538416	5,856.44	At Maturity	3261
4-Mar-20	1,500,000.00	1.65%	National Australia Bank	A-1+	28-Aug-19	1,508,543.84	538423	8,543.84	At Maturity	3262
9-Mar-20	1,500,000.00	1.65%	National Australia Bank	A-1+	28-Aug-19	1,508,543.84	538424	8,543.84	At Maturity	3263
11-Mar-20	2,000,000.00	1.65%	National Australia Bank	A-1+	29-Aug-19	2,011,301.37	538432	11,301.37	At Maturity	3264
16-Mar-20	1,500,000.00	1.63%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,508,105.34	538446	8,105.34	At Maturity	3265
18-Mar-20	1,500,000.00	1.63%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,508,105.34	538447	8,105.34	At Maturity	3266
23-Mar-20	1,500,000.00	1.62%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,508,055.62	538448	8,055.62	At Maturity	3267
25-Mar-20	1,000,000.00	1.70%	National Australia Bank	A-1+	5-Sep-19	1,005,495.89	538498	5,495.89	At Maturity	3268
30-Mar-20	1,000,000.00	1.72%	National Australia Bank	A-1+	10-Sep-19	1,005,324.93	538513	5,324.93	At Maturity	3269
1-Apr-20	700,000.00	1.75%	National Australia Bank	A-1+	16-Sep-19	703,591.10	538528	3,591.10	At Maturity	3270
1-Apr-20	800,000.00	1.70%	Suncorp Bank	A-1	16-Sep-19	803,986.85	538529	3,986.85	At Maturity	3271
6-Apr-20	1,000,000.00	1.92%	Westpac Group	A-1+	19-Sep-19	1,005,470.68	538537	5,470.68	At Maturity	3272
6-Apr-20	500,000.00	1.75%	Westpac Group	A-1+	27-Sep-19	502,301.37	538561	2,301.37	At Maturity	3275
8-Apr-20	1,000,000.00	1.75%	Westpac Group	A-1+	23-Sep-19	1,004,794.52	538554	4,794.52	At Maturity	3273
8-Apr-20	500,000.00	1.75%	Westpac Group	A-1+	27-Sep-19	502,301.37	538562	2,301.37	At Maturity	3276
13-Apr-20	1,500,000.00	1.75%	Westpac Group	A-1+	25-Sep-19	1,507,047.95	538558	7,047.95	At Maturity	3274
15-Apr-20	1,500,000.00	1.68%	Westpac Group	A-1+	2-Oct-19	1,506,282.74	538588	6,282.74	At Maturity	3278
20-Apr-20	1,000,000.00	1.63%	Westpac Group	A-1+	9-Oct-19	1,003,751.23	538618	3,751.23	At Maturity	3279
22-Apr-20	1,500,000.00	1.66%	Westpac Group	A-1+	14-Oct-19	1,505,389.32	538607	5,389.32	At Maturity	3280
27-Apr-20	1,000,000.00	1.66%	Westpac Group	A-1+	18-Oct-19	1,003,410.96	538619	3,410.96	At Maturity	3281
29-Apr-20	1,500,000.00	1.70%	Westpac Group	A-1+	24-Oct-19	1,504,820.55	538627	4,820.55	At Maturity	3282
4-May-20	1,500,000.00	1.73%	Westpac Group	A-1+	30-Oct-19	1,504,479.04	538631	4,479.04	At Maturity	3283
6-May-20	1,000,000.00	1.75%	Westpac Group	A-1+	31-Oct-19	1,002,972.60	538635	2,972.60	At Maturity	3284
11-May-20	1,000,000.00	1.75%	Westpac Group	A-1+	5-Nov-19	1,002,732.88	538648	2,732.88	At Maturity	3286
13-May-20	1,500,000.00	1.74%	Westpac Group	A-1+	11-Nov-19	1,503,646.85	538659	3,646.85	At Maturity	3288
18-May-20	1,000,000.00	1.75%	Westpac Group	A-1+	5-Nov-19	1,002,732.88	538649	2,732.88	At Maturity	3287

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**Camden Council**  
Investment Holdings Report - December 2019

<b>Term Deposits</b>										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
18-May-20	1,500,000.00	1.59%	Westpac Group	A-1+	22-Nov-19	1,502,613.70	538776	2,613.70	At Maturity	3291
20-May-20	1,000,000.00	1.72%	Westpac Group	A-1+	13-Nov-19	1,002,309.04	538667	2,309.04	At Maturity	3289
25-May-20	1,500,000.00	1.69%	Westpac Group	A-1+	19-Nov-19	1,502,986.44	538739	2,986.44	At Maturity	3290
27-May-20	1,000,000.00	1.65%	Rabobank Australia	A-1*	27-Nov-19	1,001,582.19	538827	1,582.19	At Maturity	3294
1-Jun-20	2,000,000.00	1.67%	Westpac Group	A-1+	26-Nov-19	2,003,294.25	538823	3,294.25	At Maturity	3292
8-Jun-20	2,000,000.00	1.66%	Westpac Group	A-1+	28-Nov-19	2,003,092.60	538845	3,092.60	At Maturity	3295
10-Jun-20	2,000,000.00	1.66%	Westpac Group	A-1+	28-Nov-19	2,003,092.60	538846	3,092.60	At Maturity	3296
15-Jun-20	1,500,000.00	1.65%	Westpac Group	A-1+	29-Nov-19	1,502,237.67	538851	2,237.67	At Maturity	3297
15-Jun-20	2,000,000.00	1.65%	Macquarie Bank	A-1	5-Dec-19	2,002,441.10	538889	2,441.10	At Maturity	3298
17-Jun-20	2,000,000.00	1.65%	Macquarie Bank	A-1	5-Dec-19	2,002,441.10	538890	2,441.10	At Maturity	3299
17-Jun-20	1,500,000.00	1.56%	National Australia Bank	A-1+	9-Dec-19	1,501,474.52	538892	1,474.52	At Maturity	3301
19-Jun-20	2,000,000.00	1.65%	Macquarie Bank	A-1	5-Dec-19	2,002,441.10	538891	2,441.10	At Maturity	3300
22-Jun-20	2,000,000.00	1.71%	Westpac Group	A-1+	13-Dec-19	2,001,780.27	538903	1,780.27	At Maturity	3302
22-Jun-20	2,000,000.00	1.66%	Westpac Group	A-1+	20-Dec-19	2,001,091.51	538988	1,091.51	At Maturity	3303
24-Jun-20	2,500,000.00	1.72%	Westpac Group	A-1+	23-Dec-19	2,501,060.27	538994	1,060.27	At Maturity	3304
1-Jul-20	1,500,000.00	1.95%	National Australia Bank	A-1+	1-Jul-19	1,514,745.21	538107	14,745.21	At Maturity	3243
29-Jul-20	1,500,000.00	1.85%	ME Bank	A-2	29-Jul-19	1,511,860.27	538340	11,860.27	At Maturity	3250
19-Aug-20	1,000,000.00	1.61%	National Australia Bank	A-1+	19-Aug-19	1,005,954.79	538397	5,954.79	At Maturity	3258
12-Oct-20	2,000,000.00	1.64%	Westpac Group	A-1+	26-Nov-19	2,003,235.07	538822	3,235.07	At Maturity	3293
18-Jan-21	2,000,000.00	2.15%	AMP Bank	BBB+	15-Jul-19	2,020,027.40	538210	20,027.40	Annually	3247
15-Mar-21	1,000,000.00	3.60%	Bank of Queensland	BBB+	15-Mar-17	1,028,800.00	535484	28,800.00	Annually	2958
29-Mar-21	1,500,000.00	2.65%	Bank of Queensland	BBB+	29-Mar-19	1,530,275.34	537758	30,275.34	Annually	3201
7-Apr-21	1,000,000.00	3.50%	Bank of Queensland	BBB+	3-Apr-17	1,026,178.08	535486	26,178.08	Annually	2963
17-May-21	1,000,000.00	3.10%	Westpac Group	AA-	16-May-17	1,003,736.99	535544	3,736.99	Quarterly	2975
23-Jun-21	1,500,000.00	2.05%	Bank of Queensland	BBB+	26-Jun-19	1,515,922.60	538081	15,922.60	Annually	3241
3-Aug-21	1,000,000.00	1.90%	Bank of Queensland	BBB+	2-Aug-19	1,007,912.33	538357	7,912.33	Annually	3252



## Camden Council Investment Holdings Report - December 2019

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
1-Feb-22	1,000,000.00	3.60%	Westpac Group	AA-	1-Feb-17	1,006,016.44	535538	6,016.44	Quarterly	2936
2-Feb-22	1,500,000.00	3.57%	Westpac Group	AA-	2-Feb-17	1,508,509.32	535539	8,509.32	Quarterly	2937
10-Feb-22	1,000,000.00	3.56%	Westpac Group	AA-	10-Feb-17	1,004,974.25	535540	4,974.25	Quarterly	2938
15-Feb-22	1,500,000.00	3.75%	Bank of Queensland	BBB+	15-Feb-17	1,549,315.07	535547	49,315.07	Annually	2939
22-Feb-22	2,000,000.00	3.64%	Westpac Group	AA-	22-Feb-17	2,007,978.08	535541	7,978.08	Quarterly	2940
28-Feb-22	1,000,000.00	3.75%	Bank of Queensland	BBB+	27-Feb-17	1,031,643.84	535483	31,643.84	Annually	2946
28-Feb-22	1,000,000.00	3.55%	Westpac Group	AA-	28-Feb-17	1,003,306.85	535542	3,306.85	Quarterly	2950
1-Mar-22	1,000,000.00	3.58%	Westpac Group	AA-	1-Mar-17	1,002,942.47	535543	2,942.47	Quarterly	2952
3-Mar-22	1,000,000.00	3.60%	Westpac Group	AA-	3-Mar-17	1,002,860.27	535545	2,860.27	Quarterly	2954
9-Mar-22	1,000,000.00	3.61%	Westpac Group	AA-	9-Mar-17	1,002,274.79	535546	2,274.79	Quarterly	2956
23-Mar-22	500,000.00	3.80%	Bank of Queensland	BBB+	23-Mar-17	514,679.45	535485	14,679.45	Annually	2960
4-May-22	1,000,000.00	3.60%	Bank of Queensland	BBB+	8-May-17	1,023,473.97	535487	23,473.97	Annually	2971
27-Jun-22	1,500,000.00	2.10%	Bank of Queensland	BBB+	26-Jun-19	1,516,310.96	538082	16,310.96	Annually	3242
11-Dec-23	2,000,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	2,002,243.84	537431	2,243.84	Annually	3070
18-Dec-23	4,500,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	4,505,048.63	537432	5,048.63	Annually	3071
3-Jan-24	2,000,000.00	3.40%	Rabobank Australia	A+*	4-Jan-19	2,067,441.10	537443	67,441.10	Annually	3173
28-Feb-24	1,000,000.00	3.20%	Rabobank Australia	A+*	28-Feb-19	1,026,915.07	537586	26,915.07	Annually	3189
4-Mar-24	1,200,000.00	3.20%	Rabobank Australia	A+*	4-Mar-19	1,231,877.26	537601	31,877.26	Annually	3192
28-Mar-24	1,000,000.00	3.00%	Rabobank Australia	A+*	29-Mar-19	1,022,849.32	537765	22,849.32	Annually	3200
	<b>130,700,000.00</b>					<b>131,659,801.40</b>		<b>959,801.40</b>		



# OUTDOOR DINING POLICY P3.0104.2

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## PART 1 – INTRODUCTION

### 1. BACKGROUND

This policy is developed to outline the use of footpaths for outdoor dining purposes with clear guidelines to achieve amenable outdoor dining areas that are aesthetically pleasing, safe and practical.

### 2. OBJECTIVE

The objectives of the policy are:

- 2.1 To facilitate outdoor dining on Council controlled footpaths and foster improvement in the street vitality, amenity and economic viability of Camden's business zones.
- 2.2 To permit use of public space for private gain where the use is shown to be in the public interest.
- 2.3 To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining.
- 2.4 To set a high standard for accessibility and public safety for all including people with disabilities within and around outdoor dining activities.
- 2.5 To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation.
- 2.6 To ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and remain attractive elements of the civic space.

### 3. SCOPE

- 3.1 This policy applies to all outdoor dining applications on land which is controlled by Council under the *Roads Act 1993* (roads and footpaths) within the Camden Local Government Area.

### 4. DEFINITIONS

- 4.1 **Authorised Officer** means a Council officer with the delegated function to approve outdoor dining applications.
- 4.2 **Outdoor Dining Area** means an outdoor place on Council controlled footpaths, the principal purpose of which is to provide food or beverage for public consumption in association with an adjacent approved food business.

## PART 2 - POLICY STATEMENT

### 5. REQUIREMENTS

#### 5.1 Approval

Council approval must be obtained for an outdoor dining area.

## 5.2 Key Legislation

The *Food Act 2003* also applies in relation to the operation of outdoor dining areas as food premises. The *Liquor Act 2007* applies if there is a proposal for the service of alcohol.

## 5.3 Compliance

Outdoor dining areas should comply with the guidelines contained in this policy. Council however will assess applications for alternative arrangements where the applicant can demonstrate that, on the merits of the individual case, the alternative arrangement will better achieve the objectives of this policy.

## 5.4 Assessment

In assessing these applications, Council will take into account:

- 5.4.1 Pedestrian circulation, continuous accessible path of travel (including for people with a mobility or visual impairment) and vehicular circulation
- 5.4.2 The existing civic character, heritage, street qualities and function
- 5.4.3 Available area for outdoor dining, including width of footpath and public spaces
- 5.4.4 Proximity to associated approved food business and access points to nearby businesses
- 5.4.5 Siting and design of any existing outdoor dining in the locality
- 5.4.6 The interests and concerns of groups already using the street, and
- 5.4.7 Proximity to residential areas.

## 5.5 Making an Application

- 5.5.1 Applicants for an outdoor dining area must submit an Outdoor Dining Application Form, which is available from Council's Customer Service Centre and Council's website [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).
- 5.5.2 Prior to lodging an application, applicants are advised to contact Council to ensure that necessary plans, details, fees and insurance certificates are satisfactory for submission to Council.

## 5.6 Permanent Structures

- 5.7.1 The erection of permanent structures and awnings in outdoor dining areas will not be approved unless in the context of an integrated streetscape design prepared by Council.

## 5.7 Roads and Maritime Services (RMS) Requirements

- 5.7.1 Applications for an outdoor dining area on a classified road or adjacent to traffic control signals will require concurrence/approval from the RMS.

5.7.2 This concurrence/approval will be arranged by Council officers for applications to which these requirements apply.

### 5.8 Liquor Licence

5.8.1 A liquor licence needs to be obtained prior to the consumption of alcohol within an outdoor dining area from the relevant authority.

5.8.2 An applicant must secure an outdoor dining approval from Council prior to applying for a liquor licence for the outdoor dining area from the relevant authority.

5.8.3 If approved, alcohol shall not be served without a meal service.

## 6. LOCATION AND SITE GUIDELINES

### 6.1 Associated Premises

6.1.1 An outdoor dining area application will only be considered where:

- a) It is associated with an adjacent approved food business, and
- b) The applicant is the owner or proprietor of that food business.

6.1.2 Hours of operation for the outdoor dining area shall be in accordance with the hours of operation for the adjacent associated food premises.

### 6.2 Site Requirements

6.2.1 An outdoor dining area is only appropriate where:

- a) The public space is wide enough to accommodate the outdoor dining area while still maintaining a clear pathway for all pedestrians including those using mobility aids
- b) The ground surface of the outdoor dining area is suitably constructed, sealed and sufficiently level to accommodate the outdoor dining furniture, and
- c) The area may be used safely by and without inconvenience to pedestrians, diners or vehicular traffic.

### 6.3 Neighbourhood Amenity

6.3.1 The location and operation of outdoor dining areas must take into consideration the amenity of neighbours and other users of the public space.

6.3.2 The use of the area shall not give rise to any nuisance to adjoining properties or offensive noise as defined in the *Protection of the Environment Operations Act 1997*. Amplified music is not allowed to be played within the outdoor dining area.

6.3.3 No entertainment shall be permitted within the outdoor dining area without the consent of Council.

## 7. PLACEMENT GUIDELINES

### 7.1 Delineation of Outdoor Dining Areas

- 7.1.1 An outdoor dining area is to be clearly marked and operated within the approved area (as determined by Council).
- 7.1.2 The boundary markers of the outdoor dining area shall be installed and maintained by Council after approval is granted.
- 7.1.3 The markers that identify the boundary of the outdoor dining area must not be removed or their position altered without Council's prior written approval.
- 7.1.4 An outdoor dining area may be permitted to extend outside adjoining premises provided the written consent of the owner and tenant/proprietor are obtained and approval is obtained from Council.
- 7.1.5 The person who has been granted approval must discontinue using the extension of an outdoor dining area (at their own cost) and remove all furniture and other improvements if the owner or the tenant/proprietor of the adjoining premises withdraws consent to the extension for any reason.
- 7.1.6 Outdoor dining areas must be visible from the adjacent approved food business.

### 7.2 Access and Enclosure Requirements

- 7.2.1 An outdoor dining area should:
  - a) Provide an unobstructed pedestrian path of travel of at least two metres wide, generally adjacent to the building alignment, along the footway to ensure a continuous path of travel for those using the footpath
  - b) Generally be located adjacent to the road kerb to allow for continuous easy movement of pedestrians along the footpath, browsing in shop windows, entry into shops and ease of movement for people with vision impairment or other disabilities
  - c) In general, maintain a minimum clear width of one metre, exclusive of any obstruction or street fixtures (e.g. bench, bollard, barrier, tree, rubbish bin, pole, etc.) to provide access for pedestrians and persons using a mobility aid; in special circumstances (e.g. high-volume pedestrian or traffic areas, such as near busy intersections), greater widths if required
  - d) At street intersections, provide a setback of at least two metres from the building corner, exclusive of any obstruction or street fixture (e.g. bench, tree, rubbish bin, pole etc.)
  - e) Where vehicles are permitted to park against the kerb, be at least 0.8 metres from the kerb edge for safety considerations and to enable passengers to alight from and access parked vehicles

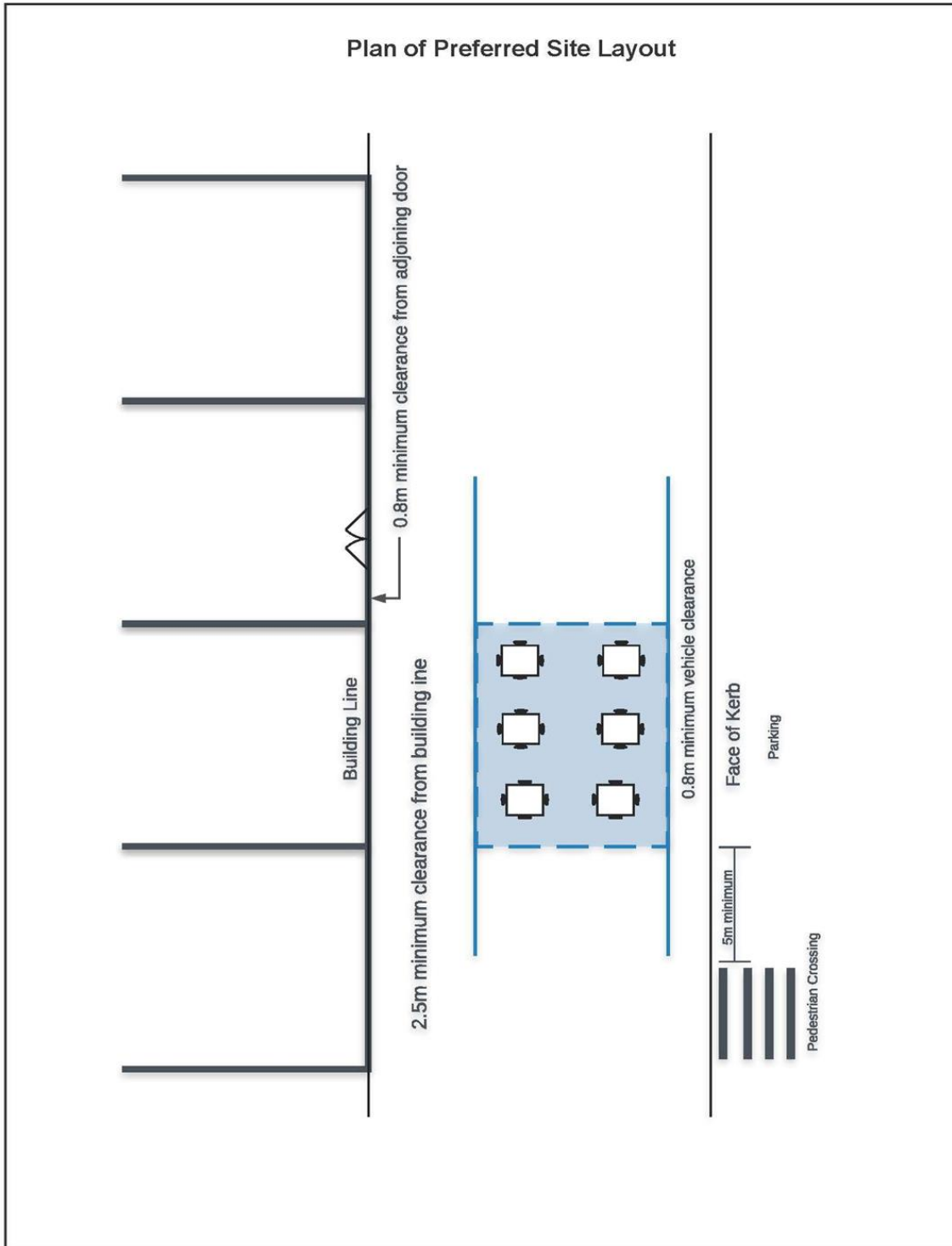
- f) Consist of a minimum 0.8 metre setback from any adjoining premises' door opening
- g) Not allow furniture, at any time to be placed outside the outdoor dining area (including while seats are being used) at any time
- h) Ensure that the layout and space of tables and chairs provides access and complies with safety standards at all times
- i) Provides a lightweight barrier (temporary, metal-framed fabric style or comparable) suitably enclosing the approved outdoor dining area

Note:

Such barrier shall be a minimum of 0.6 metres and a maximum of 1.2 metres high and be charcoal in colour. The boundary furniture should have no sharp edges and any protruding feet must be contained wholly within the marked outdoor dining area. Safety rails and bollards etc. will be permitted where required for safety reasons.

- j) Not impede access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like
- k) Conform to the RMS's requirements where relevant
- l) Not be located adjacent to bus stops, taxi zones, designated disabled parking spaces, construction zones and the like
- m) Not be located within five metres of any pedestrian crossing access point
- n) Not be located on both sides of the pedestrian access path unless the location has been purpose-built to accommodate placement of furniture or there is sufficient footpath width, and
- o) Be managed to ensure all items are kept clear of all required fire exits of the premises or of adjoining premises.

7.2.2 Outdoor dining areas may be approved against the shop front where, due to pedestrian crossings/site problems, they cannot be against the kerb and in otherwise favourable locations. Minor modifications of the nominated clearances may be appropriate subject to Council's approval.



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7.2.3 Planter boxes may not be included in an outdoor dining area without Council's prior written consent. The location of any planter boxes must be shown on all plans submitted to Council. Planter boxes may only be placed on the kerb side of the dining area and not between adjoining dining areas or between dining areas and pedestrian areas. In addition, planter boxes must:

- a) Not exceed 1.2 metres in length, 0.6 metres in width and 1.2 metres in height, including the plants
- b) Be located within the approved area at all times
- c) Not display any advertising
- d) Be planted and maintained to the satisfaction of Council, and
- e) Be removed from the outdoor dining area and stored outside trading hours.

7.2.4 Where applicants propose the use of a form of enclosure for outdoor dining areas, such as roll-up blinds and the like, the enclosures are:

- a) To be removed from the outdoor dining area and stored outside trading hours
- b) Not to be permanently rolled down (in the case of blinds), i.e. can be rolled up and down for use only in inclement conditions
- c) To be used around no more than two sides of the outdoor dining area

Note:

In the case of a row of outdoor dining areas, the enclosure should only be used on the perimeter of the entire row of outdoor dining areas so as not to work against the amenity of outdoor dining.

- d) Not to cause any obstruction to the minimum path clearance required for public access (including access for the disabled)
- e) Not to encroach on the roadway or be able to be blown onto the kerb edge/roadway area or pedestrian area
- f) Not to be located near any heating devices so as to cause a potential fire hazard
- g) To be securely fitted and installed to ensure that they withstand the effects of wind and further to be removed or closed in extremely windy conditions and removed when the outdoor dining is not in use
- h) Not to be fixtures that penetrate or damage the pavement on Council's footpaths
- i) Not to undermine the strength of the structure on which they are to be fitted, and
- j) Not to be used for the display of advertising.



### 7.3 Consumption of Alcohol

- 7.3.1 Areas covered by footpath approvals issued by Council to licensed premises are exempt from Alcohol-Free Zone restrictions.
- 7.3.2 Footpath approved areas are covered by responsible service of alcohol provisions and therefore any alcohol-related anti-social behaviour is the responsibility of the premises' operator.
- 7.3.3 Where alcohol will be served within an outdoor dining area, the area will need to be clearly delineated to show where the licensed area ends and the alcohol-free zone begins.

### 7.4 Smoking

7.4.1 The *Smoke Free Environment Act 2000* bans smoking in commercial outdoor dining areas from 6 July 2015 being:

- a) A seated dining area, or
- b) Within 4 metres of a seated dining area on premises that are licensed premises under the *Liquor Act 2007* or the premises of a restaurant as defined in that Act.

7.4.2 A seated dining area is:

- a) An area in which seating is provided and in which food that has been purchased and served on plates or packaged for immediate consumption is consumed

Note:

The seating must have been provided by the occupier of the premises where the food is purchased or by the operator of the business from which the food is purchased.

- b) Only a seated dining area when food is being consumed there or is available to be purchased and consumed there
- c) Not a seated dining area if the area is designated as not being for the consumption of food by the display within the area of signs complying with the Regulations

7.4.3 The occupier of an area designated as not being for the consumption of food must take reasonable steps to ensure that the consumption of food does not occur in the area.

## 8. FURNITURE GUIDELINES

### 8.1 Outdoor Furniture

8.1.1 Outdoor furniture must be safe, comfortable, of sturdy construction, hygienic and designed for outdoor use. Surface tops should be non-reflective and be of a design that inhibits the collection of food particles.

- 8.1.2 Outdoor furniture, including but not limited to tables, chairs, planter boxes and barriers, must, at all times, be properly placed and confined within the outdoor dining area and shall not impact upon the safety of other users.
- 8.1.3 Items placed in the outdoor dining area must not cause damage to the existing footway or other public infrastructure. The outdoor dining operator is responsible for any damage caused to third parties.
- 8.1.4 It is the responsibility of the food business operator and employees to ensure that patrons do not move furniture outside the boundaries of the outdoor dining area.
- 8.1.5 No outdoor furniture is to be permanently fastened to the footway.
- 8.1.6 All items must be removed from the outdoor dining area upon completion of trading each day and stored within the adjacent approved food business.
- 8.1.7 Outdoor dining areas on footways and public spaces to which vehicular traffic has access must be protected by approved barriers.
- 8.1.8 No outdoor furniture or other items, other than those approved by Council, are permitted within the outdoor dining area.

## **8.2 Furniture Colour Scheme**

- 8.2.1 The design and colour should make a positive contribution to the street environment and complement the surrounding streetscape.
- 8.2.2 A single style and colour scheme must be selected for tables and chairs, to provide consistency and identity.

## **8.3 Umbrellas and Shade Structures**

- 8.3.1 Umbrellas and shade structures must be anchored to ensure that they are secured to withstand the effects of wind. Fixtures that penetrate or damage Council's pavement will not be permitted.
- 8.3.2 The device used to anchor the umbrella must not present a trip hazard.
- 8.3.3 Umbrellas must not encroach on or interfere with pedestrian or vehicular movement.
- 8.3.4 Umbrellas and shade structures must be at least 2.2 metres above the ground level at the lowest point and be contained wholly within the outdoor dining area.
- 8.3.5 Umbrellas and shade structures must be manufactured from fire-retardant material if adjacent to a heating device.
- 8.3.6 Umbrellas must be removed or closed in extremely windy conditions and must be removed when the outdoor dining area is not in use.
- 8.3.7 Umbrellas must be maintained in sound and aesthetically-acceptable condition to the Council's satisfaction.

#### 8.4 Heating Devices

- 8.4.1 Free standing heaters located within outdoor dining areas must comply with Australian Standard AS 1596 (Storage and Handling) and must be certified by the Australian Gas Association.
- 8.4.2 Heating devices must be contained wholly within the outdoor dining area.
- 8.4.3 Heating devices must be positioned and secured to ensure that they will not cause any injury. Outdoor dining operators are responsible for any damage caused.
- 8.4.4 Access to the gas mains and use of electrical extension cords are not permitted.

#### 8.5 Advertising and Signage

- 8.5.1 The name of the associated food business or logo may be placed on outdoor umbrellas only and no other items of furniture (unless the written consent of Council has been obtained) and only if it:
  - a) Identifies the café or advertises products which are a core part of the food business and are supplied by the business to the public
  - b) Involves only one product or business name being advertised
  - c) Is in the nature of a corporate logo or identification, and
  - d) Is of a minor and integral element of the furniture design and does not have an excessive impact on the outdoor dining area or the streetscape.

#### 8.6 Animals

- 8.6.1 Animals are permitted within the outdoor dining area under the *Companion Animals Act 1998*. All requirements of the *Companion Animals Act 1998* must be met including:
  - a) The dog being under effective control by way of chain, cord or leash
  - b) The person in charge of the dog not feeding the dog or permitting the dog to be fed, and
  - c) The dog being kept on the ground.
- 8.6.2 The operator dining operator reserves the right to refuse animals within the approved area.

### 9. MANAGEMENT ISSUES

#### 9.1 Approval Conditions

- 9.1.1 Council will charge a fee for the use of the footpath as an outdoor dining area. Application fees and annual rental fees are as set out in Council's Fees and Charges Schedule.
- 9.1.2 It is the responsibility of the outdoor dining operator to meet all the conditions of approval.
- 9.1.3 All requirements of the food safety standards adopted under NSW legislation are to be fully met.
- 9.1.4 The outdoor dining operator shall take all reasonable precautions to ensure the good conduct of employees and patrons of the outdoor dining area.
- 9.1.5 An approval may be granted for a period up to seven years and shall conclude at the end of the approval period.
- 9.1.6 An existing approval cannot be extended. To obtain a new approval, a new application will be required.
- 9.1.7 Council will not be responsible for any costs, expenses or losses if public infrastructure needs to be accessed.
- 9.1.8 Council may revoke an approval or amend the approved area due to footway layout being altered (e.g. road works or streetscaping works).
- 9.1.9 An approval lapses if the adjacent approved food business ceases to trade.
- 9.1.10 Approvals are transferable provided Council is notified and proof of an acceptable current Public Liability Risk Insurance Certificate for the new proprietor is submitted to Council.
- 9.1.11 Despite any provisions of this policy, Council may amend any approval to meet legislative requirements or altered circumstances at specific sites at any time.

## 9.2 Insurance Requirements

- 9.2.1 The outdoor dining operator for an outdoor dining approval is to indemnify Council against any action taken against it by persons suffering any loss or injury as a result of the existence or operation of the outdoor dining area.
- 9.2.2 Public risk insurance must be taken out and maintained by the approval holder of the food business to the minimum value of \$20 million or any other amount as Council may stipulate from time to time (for each accident or event) with Council noted on such policy as an interested party.
- 9.2.3 The outdoor dining operator is required to lodge a copy of the policy with Council prior to the placement of furniture within the approved outdoor dining area.
- 9.2.4 A Certificate of Currency is required to be furnished to Council annually or on renewal of the insurance and with each outdoor dining renewal application.

### 9.3 Cleanliness and Maintenance

- 9.3.1 The outdoor dining area, furniture, facilities and the pavement must be maintained in a clean and tidy condition at all times, free from food scraps, refuse and disfigurement etc.
- 9.3.2 Food must not be cooked or prepared in the outdoor dining area.
- 9.3.3 No equipment ancillary to food service eg cutlery, condiments etc are to be stored within the outdoor dining area.
- 9.3.4 The approval holder must also maintain the adjacent areas and keep them free of any waste generated by the activity within the approved area.
- 9.3.5 The approval holder must have suitable arrangements for a commercial waste collection service for waste to be disposed of (not to street bins).
- 9.3.6 The approval holder is to bear the cost of all pavement repairs which have been caused by the outdoor dining activities. Such damage will be repaired by Council at the approval holder's cost.

### 9.4 Toilet Facilities

- 9.4.1 Inclusion of outdoor dining increases the number of seats to a cafe or restaurant and as such may require an increase in the provision of toilet facilities. Approval holders must ensure that toilet facilities are made available to patrons (inside and outside) in accordance with the requirements of the National Construction Code Series (Building Code of Australia).

### 9.5 Non-compliance

- 9.5.1 The use of an outdoor dining area will be reviewed if the use is not in accordance with the approval conditions.
- 9.5.2 The use of an outdoor dining area without approval or not in accordance with an approval is an offence and may result in the issue of a warning notice or other enforcement action.
- 9.5.3 Authorised Officers may provide a direction/order either verbally or in writing. Where possible, verbal notices will be followed up by a written notice.
- 9.5.4 The business owner, outdoor dining operator and persons employed by the business owner or operator must comply with any direction/order given by an Authorised Officer with respect to the outdoor dining area.
- 9.5.5 Authorised Officers are empowered to issue a direction/order (verbally or in writing), revoke an approval and remove furniture from an outdoor dining area in the case of a threat to health and safety or where the approval holder does not cease to use the site or does not remove the furniture and restore the site when requested (at the approval holder's expense).

- 9.5.6 An approval may be revoked by Council at any time for failure to comply with a direction/order given by an Authorised Officer or for a failure to comply with any condition of approval or policy.
- 9.5.7 Pedestrian movement patterns will be continuously monitored and may lead to a variation or revocation of an approval at any time should Authorised Officers consider it to be in the public interest to do so. In these circumstances, reasonable notice should be given to the approval holder and a reasonable period of time will be provided before the notice becomes effective. Generally, a reasonable period of notice will be five working days. This period of notice may however be shortened if the particular circumstances warrant the urgency. The provision of notice will not apply where, in the opinion of the Authorised Officer there is an imminent threat to the health and safety of the community.
- 9.5.8 If, in the opinion of an Authorised Officer, there is an imminent threat to the health and safety of the community (eg. pedestrian and vehicular traffic hazards, wind blown items etc), the business owner, operator or employee must take immediate action to any direction/order issued by an Authorised Officer. Should the business owner, operator or employee fail to take immediate action, an Authorised Officer may remove all furniture and take all necessary action required to eliminate the health and safety threat in respect of the outdoor dining area at the approval holder's expense.
- 9.5.9 Any approval issued under this policy is subject to any relevant legislative requirements including but not limited to the *Food Act 2003*, *Liquor Act 2007*, *Local Government Act 1993*, *Companion Animals Act 1998*, *Smoke Free Environment Act 2000*, *Work Health and Safety Act 2011*, *Impounding Act 1993* and National Construction Code Series (Building Code of Australia).

□ \* \* \*

**RELEVANT LEGISLATIVE INSTRUMENTS:**

*Roads Act 1993*  
*Environmental Planning and Assessment Act 1979*  
*Local Government Act 1993*  
*Food Act 2003*  
*Liquor Act 2007*  
*Companion Animals Act 1998*  
*Work Health and Safety Act 2011*  
*Smoke Free Environment Act 2000*  
*Impounding Act 1993*  
*Protection of the Environment Operations Act 1997*  
*National Construction Code Series (Building Code of Australia)*

**RELATED POLICIES, PLANS AND PROCEDURES:****RESPONSIBLE DIRECTOR:**

Director Customer and Corporate Strategy

**APPROVAL:**

Council

**HISTORY:**

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New policy	14/10/2014	15/216546
2	Council	Minor amendments		

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POLICY**  
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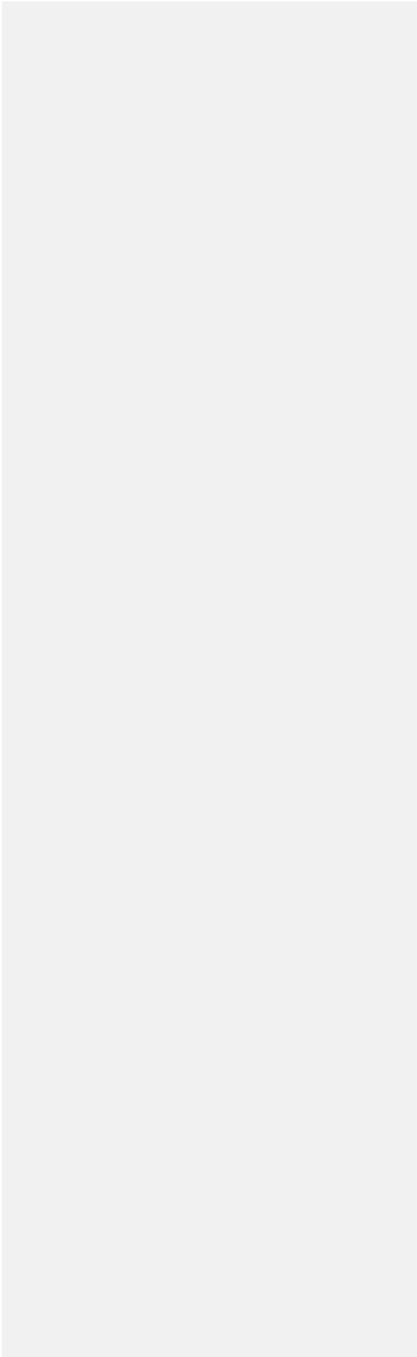
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## **PART 1 – INTRODUCTION**

### **1. BACKGROUND**

1.1 This policy is developed to outline the use of footpaths for outdoor dining purposes with clear guidelines to achieve amenable outdoor dining areas that are aesthetically pleasing, safe and practical.

### **1.2. OBJECTIVE**

The objectives of the policy are:

- 2.1 To facilitate outdoor dining on Council controlled footpaths and foster improvement in the street vitality, amenity and economic viability of Camden's business zones.
- 2.2 To permit use of public space for private gain where the use is shown to be in the public interest.
- 2.3 To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining.
- 2.4 To set a high standard for accessibility and public safety for all including people with disabilities within and around outdoor dining activities.
- 2.5 To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation.
- 2.6 To ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and remain attractive elements of the civic space.

### **2.3. SCOPE**

3.1 This policy applies to all outdoor dining applications on land which is controlled by Council under the *Roads Act 1993* (roads and footpaths) within the Camden Local Government Area.

### **3.4. DEFINITIONS**

4.1 **Authorised Officer** means a Council officer with the delegated function to approve Outdoor Dining Applications.

4.42 **Outdoor Dining Area** means an outdoor place on Council controlled footpaths, the principal purpose of which is to provide food or beverage for public consumption in association with an adjacent approved food business.

## **PART 2 - POLICY STATEMENT**

### **3 Title**

3.1 Outdoor Dining Policy

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**4 ~~Definition~~**

~~For the purposes of this policy, an **Outdoor Dining Area** is an outdoor place on Council controlled footpaths, the principal purpose of which is to provide food or beverage for public consumption in association with an adjacent approved food business.~~

**5 ~~Objectives of Policy~~**

~~The objectives of the policy are:~~

- ~~5.1.42.4.1 To facilitate outdoor dining on Council controlled footpaths and foster improvement in the street vitality, amenity and economic viability of Camden's business zones.~~
- ~~5.1.42.4.1 To permit use of public space for private gain where the use is shown to be in the public interest.~~
- ~~5.1.32.4.1 To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining.~~
- ~~5.1.42.4.1 To set a high standard for accessibility and public safety for all including people with disabilities within and around outdoor dining activities.~~
- ~~5.1.52.4.1 To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation.~~
- ~~5.1.62.4.1 To ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and remain attractive elements of the civic space.~~

**4.5. ~~APPROVAL REQUIREMENTS~~****5.1 ~~Approval~~**

~~Council approval must be obtained for an outdoor dining area.~~

**5.1 ~~This policy applies to all outdoor dining applications on land which is controlled by Council under the Roads Act 1993 (roads and footpaths) within the Camden Local Government Area.~~****5.2 ~~Key Legislation~~****5.2 ~~Key Legislation~~**

~~The *Food Act 2003* also applies in relation to the operation of outdoor dining areas as food premises. The *Liquor Act 2007* applies if there is a proposal for the service of alcohol. *Provision of other legislation, including the Local Government Act 1993, Companion Animals Act 1998, Smoke Free Environment Act 2000, Work Health and Safety Act 2011, Impounding Act 1993 and National Construction Code Series (Building Code of Australia) are also relevant.*~~

**5.3 ~~Compliance~~**

~~Outdoor dining areas should comply with the guidelines contained in this Policy. Council, however, will assess applications for alternative arrangements where the applicant can demonstrate that, on the merits of the individual case, the alternative arrangement will better achieve the objectives of this Policy.~~

**5.4 ~~Assessment~~**

~~In assessing these applications, Council will take into account:~~

~~5.2.15.4.1~~ Pedestrian circulation, continuous accessible path of travel (including for people with a mobility or visual impairment) and vehicular circulation

~~5.2.25.4.2~~ The existing civic character, heritage, street qualities and function

~~5.2.35.4.3~~ Available area for outdoor dining, including width of footpath and public spaces

~~5.2.45.4.4~~ Proximity to associated approved food business and access points to nearby businesses

~~5.2.55.4.5~~ Siting and design of any existing outdoor dining in the locality

~~5.2.65.4.6~~ The interests and concerns of groups already using the street, and

~~5.2.75.4.7~~ Proximity to residential areas.

~~5.2.85.4.8~~ Whether the site is suitable for outdoor dining.

#### **~~5.35.5~~ Making an Application**

~~5.3.45.5.1~~ Applicants for an outdoor dining area must submit an Outdoor Dining Application Form, which is available from Council's Customer Service Centre and Council's website [www.camden.nsw.gov.au](http://www.camden.nsw.gov.au).

~~5.3.25.5.2~~ Prior to lodging an application, applicants are advised to contact Council to ensure that necessary plans, details, fees and insurance certificates are satisfactory for submission to Council.

#### **~~5.45.6~~ Permanent Structures**

5.7.1 The erection of permanent structures and awnings in outdoor dining areas will not be approved unless in the context of an integrated streetscape design prepared by Council.

#### **~~5.55.7~~ Roads and Maritime Services (RMS) Requirements**

~~5.5.45.7.1~~ Applications for an outdoor dining area on a classified road or adjacent to traffic control signals will require concurrence/approval from the RMS.

~~5.5.25.7.2~~ This concurrence/approval will be arranged by Council officers for applications to which these requirements apply.

#### **~~5.65.8~~ Liquor Licence**

~~5.6.45.8.1~~ A Liquor Licence needs to be obtained prior to the consumption of alcohol within an outdoor dining area from the relevant authority, the Office of Liquor, Gaming and Racing. Any application for a Liquor Licence is also subject to any applicable Alcohol Free Zones within the Camden Local Government Area.

~~5.8.2~~ An applicant must secure an outdoor dining approval from Council, prior to applying for a Liquor Licence for the outdoor dining area, from the relevant authority.

5.8.3 If approved, alcohol shall not be served without a meal service.

## 6. LOCATION AND SITE GUIDELINES

### 6.1 Associated Premises

6.1.1 An outdoor dining area application will only be considered where:

- a) It is associated with an adjacent approved food business, and
- b) The applicant is the owner or proprietor of that food business.

6.1.2 Hours of operation for the outdoor dining area shall be in accordance with the hours of operation for the adjacent associated food premises.

### 6.2 Site Requirements

6.2.1 An outdoor dining area is only appropriate where:

- a) The public space is wide enough to accommodate the outdoor dining area while still maintaining a clear pathway for all pedestrians including those using mobility aids
- b) The ground surface of the outdoor dining area is suitably constructed, sealed and sufficiently level to accommodate the outdoor dining furniture, and
- c) The area may be used safely by and without inconvenience to pedestrians, diners or vehicular traffic.

### 6.3 Neighbourhood Amenity

6.3.1 The location and operation of outdoor dining areas must take into consideration the amenity of neighbours and other users of the public space.

6.3.2 The use of the area shall not give rise to any nuisance to adjoining properties or offensive noise as defined in the *Protection of the Environment Operations Act 1997*. Amplified music is not allowed to be played within the outdoor dining area.

6.3.3 No entertainment shall be permitted within the outdoor dining area without the consent of ~~Camden~~-Council.

## 7. PLACEMENT GUIDELINES

### 7.1 Delineation of Outdoor Dining Areas

7.1.1 An outdoor dining area is to be clearly marked and operated within the approved area (as determined by Council).

7.1.2 The boundary markers of the outdoor dining area shall be installed and maintained by Council after approval is granted.

- 7.1.3 The markers that identify the boundary of the outdoor dining area must not be removed or their position altered without Council's prior written approval.
- 7.1.4 An outdoor dining area may be permitted to extend outside adjoining premises provided the written consent of the owner and tenant/proprietor ~~is~~ are obtained and approval is ~~gained~~ obtained from Council.
- 7.1.5 The person who has been granted approval must discontinue using the extension of an outdoor dining area (at their own cost) and remove all furniture and other improvements if the owner or the tenant/proprietor of the adjoining premises withdraws consent to the extension for any reason.
- 7.1.6 Outdoor dining areas must be visible from the adjacent approved food business.

## 7.2 Access and Enclosure Requirements

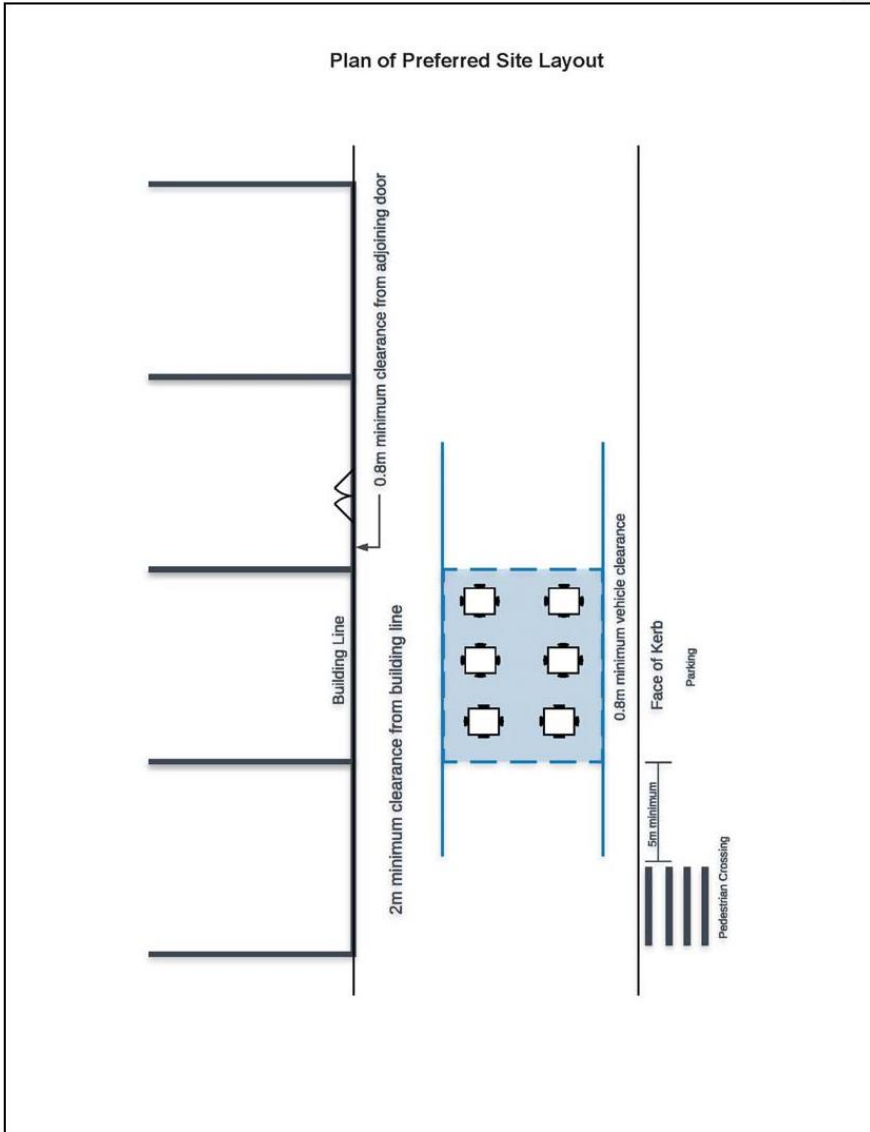
- 7.2.1 An outdoor dining area should:
- ~~Provide~~ an unobstructed pedestrian path of travel of at least ~~two~~ 2 metres wide, generally adjacent to the building alignment, along the footway to ensure a continuous path of travel for those using the footpath
  - ~~Generally~~ be located adjacent to the road kerb to allow for continuous easy movement of pedestrians along the footpath, browsing in shop windows, entry into shops and ease of movement for people with vision impairment or other disabilities
  - ~~In~~ general, maintain a minimum clear width of one (1) metre, exclusive of any obstruction or street fixtures (e.g. bench, bollard, barrier, tree, rubbish bin, pole, etc.) to provide access for pedestrians and persons using a mobility aid; ~~in~~ special circumstances (e.g. high volume pedestrian or traffic areas, such as near busy intersections), greater widths ~~may be~~ required
  - ~~At~~ street intersections, provide a setback of at least two ~~2~~ metres from the ~~building corner kerb~~, exclusive of any obstruction or street fixture (e.g. bench, tree, rubbish bin, pole etc.)
  - ~~Where~~ vehicles are permitted to park against the kerb, be at least 0.8 metres from the kerb edge for safety considerations and to enable passengers to alight from and access parked vehicles
  - ~~there must be~~ Consist of a minimum 0.8 metre setback from any adjoining premises' door opening
  - ~~Not allow~~ furniture, at any time ~~may to~~ be placed outside the outdoor dining area (including while seats are being used) at any time
  - ~~Ensure that~~ the layout and space of tables and chairs ~~must provide~~ access and comply with safety standards at all times
  - ~~Provide~~ a lightweight barrier (temporary, metal-framed fabric style or comparable) suitably enclosing the approved outdoor dining area



Note:

Such barrier shall be a minimum of 0.6 metres and a maximum of 1.2 metres high and complementary in colour to the outdoor furniture and the surrounding area. The boundary furniture should have no sharp edges and any protruding feet must be contained wholly within the marked outdoor dining area. Safety rails and bollards etc. will be permitted where required for safety reasons.

- j) ~~n~~Not impede access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like
  - k) ~~e~~Conform to the RMS's requirements where relevant
  - l) ~~n~~Not be located adjacent to bus stops, taxi zones, designated disabled parking spaces, construction zones and the like
  - m) ~~n~~Not be located within five ~~(5)~~ metres of any pedestrian crossing access point
  - n) ~~n~~Not be located on both sides of the pedestrian access path unless the location has been purpose—built to accommodate placement of furniture or there is sufficient footpath width, and
  - o) ~~Be managed to E~~ensure all items ~~must be~~ kept clear of all required fire exits of the premises or of adjoining premises.
- 7.2.2 Outdoor dining areas may be approved against the shop front where, due to pedestrian crossings/site problems, they cannot be against the kerb and in otherwise favourable locations. ~~M~~inor modifications of the nominated clearances may be appropriate subject to Council's approval.



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7.2.3 Planter boxes may not be included in an outdoor dining area without Council's prior written consent. The location of any planter boxes must be shown on all plans submitted to Council. Planter boxes may only be placed on the kerb side of the dining area and not between adjoining dining areas or between dining areas and pedestrian areas. In addition, planter boxes must:

- a) ~~Not~~ exceed 1.2 metres in length, 0.6 metres in width and 1.2 metres in height, including the plants
- b) ~~Be~~ located within the approved area at all times
- c) ~~Not~~ display any advertising
- d) ~~Be~~ planted and maintained to the satisfaction of Council, and
- e) ~~Be~~ removed from the outdoor dining area and stored outside trading hours.

7.2.4 Where applicants propose the use of a form of enclosure for outdoor dining areas, such as roll-up blinds and the like, the enclosures are:

- a) ~~To~~ be removed from the outdoor dining area and stored outside trading hours
- b) ~~Not~~ to be permanently rolled down (in the case of blinds), i.e. can be rolled up and down for use only in inclement conditions
- c) ~~To~~ be used around no more than two ~~(2)~~ sides of the outdoor dining area.

Note:

In the case of a row of outdoor dining areas, the enclosure should only be used on the perimeter of the entire row of outdoor dining areas so as not to work against the amenity of outdoor dining.

- ~~e)d) Not to~~ cause any obstruction to the minimum path clearance required for public access (including access for the disabled)
- ~~e)e) Not to~~ encroach on the roadway or be able to be blown onto the kerb edge/roadway area or pedestrian area
- ~~e)f) Not to~~ be located near any heating devices so as to cause a potential fire hazard
- ~~e)g) To~~ be securely fitted and installed to ensure that they withstand the effects of wind and further ~~to they~~ be removed or closed in extremely windy conditions and ~~must be~~ removed when the outdoor seating dining is not in use
- ~~e)h) Not to be~~ fixtures that penetrate or damage the pavement on Council's footpaths ~~will not be permitted~~
- ~~e)i) Not to~~ undermine the strength of the structure on which they are to be fitted, and

~~h) Not~~ to be used for the display of advertising.

### 7.3 Consumption of Alcohol

7.3.1 ~~Areas covered by footpath approvals issued by Camden Council to licensed premises are exempt from Alcohol-Free Zone restrictions.~~

7.3.2 ~~Footpath approved areas are covered by responsible service of alcohol provisions and therefore, any alcohol-related anti-social behaviour is the responsibility of the premises' operator.~~

7.3.3 ~~Where alcohol will be served within an outdoor dining area, the area will need to be clearly delineated to show where the licensed area ends and the alcohol-free zone begins.~~

~~The use of an outdoor dining area for the consumption of alcohol will be assessed on a case-by-case basis. The applicant will need to apply for the relevant liquor licence from the Office of Liquor, Gaming and Racing.~~

~~6.3.2 The consumption of alcohol will not be permitted within an area identified as an alcohol-free zone under the provisions of the Local Government Act 1993.~~

~~6.3.3 If approved, alcohol shall not be served without a meal service.~~

### 7.4 Smoking

7.4.1 The *Smoke Free Environment Act 2000* bans smoking in commercial outdoor dining areas from 6 July 2015 being:

- a) ~~a~~ seated dining area, or
- b) ~~w~~Within 4 metres of a seated dining area on premises that are licensed under the *Liquor Act 2007* or the premises of a restaurant as defined in that Act.

7.4.2 A "seated dining area" is:

a) ~~a~~An area in which seating is provided and in which food that has been purchased and served on plates or packaged for immediate consumption is consumed.

Note:

The seating must have been provided by the occupier of the premises where the food is purchased or by the operator of the business from which the food is purchased.

~~a) An area is e~~Only a seated dining area when food is being consumed there or is available to be purchased and consumed there

~~b) An area is n~~Not a seated dining area if the area is designated as not being for the consumption of food by the display within the area of signs complying with the Regulations

7.4.3 ~~t~~The occupier of an area designated as not being for the consumption of food must take reasonable steps to ensure that the consumption of food does not occur in the area.

## 8. FURNITURE GUIDELINES

### 8.1 Outdoor Furniture

- 8.1.1 Outdoor furniture must be safe, comfortable, of sturdy construction, hygienic and designed for outdoor use. Surface tops should be non-reflective and be of a design ~~which~~ that inhibits the collection of food particles.
- 8.1.2 Outdoor furniture, including but not limited to tables, chairs, planter boxes and barriers, must, at all times, be properly placed and confined within the outdoor dining area and shall not impact upon the safety of other users.
- 8.1.3 Items placed in the outdoor dining area must not cause damage to the existing footway or other public infrastructure. The outdoor dining operator is responsible for any damage caused to third parties.
- 8.1.4 It is the responsibility of the ~~food-business-operator~~ outdoor dining operator and employees to ensure that patrons do not move furniture ~~from~~ within ~~outside~~ the boundaries of the outdoor dining area.
- 8.1.5 No outdoor furniture is to be permanently fastened to the footway.
- 8.1.6 All items must be removed from the outdoor dining area upon completion of trading each day and stored within the adjacent approved food business.
- 8.1.7 Outdoor dining areas on footways and public spaces to which vehicular traffic has access must be protected by approved barriers.
- ~~8.1.8~~ No outdoor furniture or other items, other than ~~that~~ those approved by Council, ~~is~~ are permitted within the outdoor dining area.

### 8.2 Furniture Colour Scheme

- 8.2.1 The design and colour should make a positive contribution to the street environment and complement the surrounding streetscape.
- 8.2.2 A single style and colour scheme must be selected for tables and chairs, umbrellas and edge furniture to provide consistency and identity.

### 8.3 Umbrellas and Shade Structures

- 8.3.1 Umbrellas and shade structures must be anchored to ensure that they are secured to withstand the effects of wind. Fixtures that penetrate or damage Council's pavement will not be permitted.
- 8.3.2 The device used to anchor the umbrella must not present a trip hazard.
- 8.3.3 Umbrellas must not encroach on or interfere with pedestrian or vehicular movement.
- 8.3.4 Umbrellas and shade structures must be at least 2.2 metres above the ground level at the lowest point and be contained wholly within the outdoor dining area.

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- 8.3.5 Umbrellas and shade structures must be manufactured from fire-retardant material if adjacent to a heating device.
- 8.3.6 Umbrellas must be removed or closed in extremely windy conditions and must be removed when the outdoor ~~seating-dining~~ area is not in use.
- 8.3.7 Umbrellas must be maintained in sound and aesthetically-acceptable condition to the Council's satisfaction.
- ~~8.3.8 Umbrellas and shade structures must not contain general advertising but may include business premises identification and advertising associated with the adjacent approved food premises (e.g. coffee brand).~~

#### 8.4 Heating Devices

- 8.4.1 Free standing heaters located within outdoor dining areas must comply with Australian Standard AS 1596 (Storage and Handling) and must be certified by the Australian Gas Association.
- 8.4.2 Heating devices must be contained wholly within the outdoor dining area.
- 8.4.3 Heating devices must be positioned and secured to ensure that they will not cause any injury. Outdoor dining operators are responsible for any damage caused.
- 8.4.4 Access to the gas mains and use of electrical extension cords are not permitted.

#### 8.5 Advertising and Signage

- 8.5.1 The name of the associated food business or logo may be placed on outdoor umbrellas only and no other items of furniture (unless the written consent of Council has been obtained) and only if it:
  - a) Identifies the café or advertises products which are a core part or the food business and are supplied by the business to the public
  - b) Involves only one product or business name being advertised
  - c) Is in the nature of a corporate logo or identification, and
  - d) Is of a minor and integral element of the furniture design and does not have an excessive impact on the outdoor dining area or the streetscape.

#### 8.6 Animals

- 8.6.1 Animals are permitted within the outdoor dining area under the *Companion Animals Act 1998*. All requirements of the *Companion Animals Act 1998* must be met including:
  - a) The dog ~~must be being~~ under effective control by way of chain, cord or leash

b) The person in charge of the dog does not feeding the dog or permitting the dog to be fed, and

c) The dog is being kept on the ground.

8.6.2 The operator of the premises outdoor dining operator reserves the right to refuse animals within the approved area.

## 9. MANAGEMENT ISSUES

### 9.1 Approval Conditions

9.1.1 Council will charge a fee for the use of the footpath as an outdoor dining area. Application fees and annual rental fees are as set out in Council's Fees and Charges Schedule.

9.1.2 It is the responsibility of the outdoor dining operator to meet all the conditions of approval.

9.1.3 All requirements of the food safety standards adopted under NSW legislation are to be fully met.

9.1.4 The outdoor dining operator shall take all reasonable precautions to ensure the good conduct of employees and patrons of the outdoor dining area.

9.1.5 An approval may be granted for a period up to seven years and shall conclude at the end of the approval period.

9.1.6 An existing approval cannot be extended. To obtain a new approval, Expiration of the approval will require lodgement of a new application will be required.

9.1.7 Council will not be responsible for any costs, expenses or losses if public infrastructure needs to be accessed.

9.1.8 Council may revoke an approval or amend the approved area due to footway layout being altered (e.g. road works or streetscaping works).

9.1.9 An approval lapses if the adjacent approved food business ceases to trade.

9.1.10 Approvals are transferable, provided Council is notified and proof of an acceptable current Public Liability Risk Insurance Certificate for the new proprietor is submitted to Council.

9.1.11 Despite any provisions of this Policy, Council may amend any approval to meet legislative requirements or altered circumstances at specific sites at any time.

### 9.2 Insurance Requirements

9.2.1 The applicant/operator for an outdoor dining approval is to indemnify Council against any action taken against it by persons suffering any loss or injury as a result of the existence or operation of the outdoor dining area.

9.2.2 Public risk insurance must be taken out and maintained by the approval holder of the food business to the minimum value of \$20 million or any other amount as Council may stipulate from time to time (for each accident or event) with Council noted on such policy as an interested party.

9.2.3 The [outdoor dining](#) approval holder is required to lodge a copy of the policy with Council prior to the placement of furniture within the approved outdoor dining area.

9.2.4 A Certificate of Currency is required to be furnished [to Council](#) annually or on renewal of the insurance and with each [outdoor dining](#) renewal application.

### 9.3 Cleanliness and Maintenance

9.3.1 The outdoor dining area, furniture, facilities and the pavement must be maintained in a clean and tidy condition at all times, free from food scraps, refuse and disfigurement etc.

9.3.2 Food must not be cooked or prepared in the outdoor dining area.

9.3.3 No equipment ancillary to food service eg cutlery, condiments etc are to be stored within the outdoor dining area.

9.3.4 The approval holder must also maintain the adjacent areas and keep them free of any waste generated by the activity within the approved area.

9.3.5 The approval holder must have suitable arrangements for a commercial waste collection service for waste to be disposed of (not to street bins).

9.3.6 The approval holder is to bear the cost of all pavement repairs which have been caused by the outdoor dining activities. Such damage will be repaired by Council at the approval holder's cost.

### 9.4 Toilet Facilities

9.4.1 Inclusion of outdoor [seating-dining](#) increases the number of seats to a cafe or restaurant and as such may require an increase in the provision of toilet facilities. Approval holders must ensure that toilet facilities are made available to patrons (inside and outside) in accordance with the requirements of the National Construction Code Series (Building Code of Australia).

### 9.5 Non-compliance

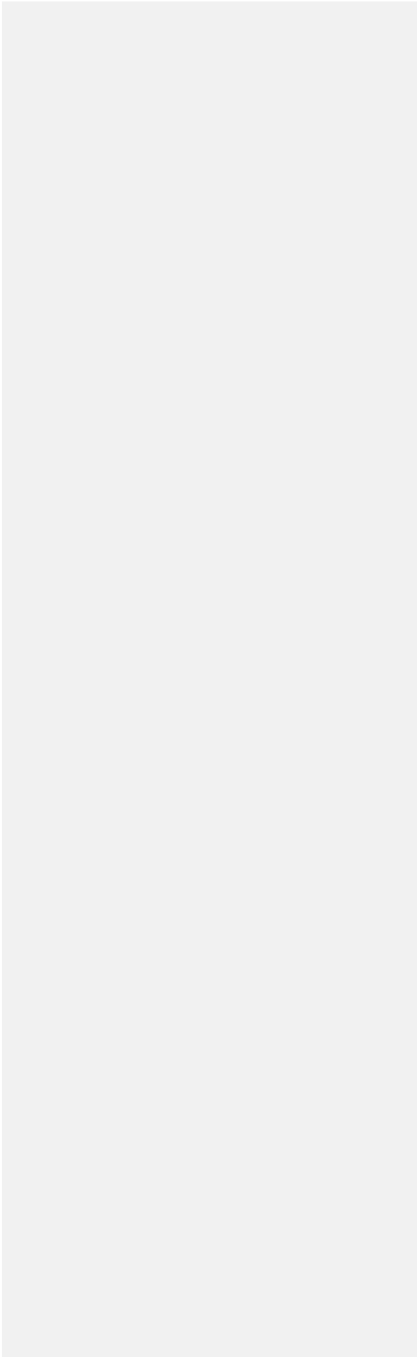
9.5.1 The use of an outdoor dining area will be reviewed if the use is not in accordance with the approval conditions.

9.5.2 The use of an outdoor dining area without approval or not in accordance with an approval is an offence and may result in the issue of a warning notice or other enforcement action.

9.5.3 Authorised [Officers](#) may provide a direction/order either verbally or in writing. Where possible, verbal notices will be followed up by a written notice.



- 9.5.4 The business owner, [outdoor dining](#) operator and persons employed by the business owner or operator must comply with any direction/order given by [an Council a](#)uthorised [O](#)fficer with respect to the outdoor dining area.
- 9.5.5 Authorised Officers [of Council](#) are empowered to issue a direction/order (verbally or in writing), revoke an approval, and remove furniture from an outdoor dining area in the case of a threat to health and safety or where the approval holder does not cease to use the site or does not remove the furniture and restore the site when requested (at the approval holder's expense).
- 9.5.6 An approval may be revoked by Council at any time for failure to comply with a direction/order given by an [A](#)uthorised [O](#)fficer [of Council](#) or for a failure to comply with any condition of approval or [P](#)olicy.
- 9.5.7 Pedestrian movement patterns will be continuously monitored and may lead to a variation or revocation of an approval at any time should [A](#)uthorised [O](#)fficers consider it to be in the public interest to do so. In these circumstances, reasonable notice should be given to the approval holder and a reasonable period of time will be provided before the notice becomes effective. Generally, a reasonable period of notice will be [5](#)ive working days. This period of notice may however be shortened if the particular circumstances warrant the urgency. The provision of notice will not apply where, in the opinion of the [A](#)uthorised [O](#)fficer there is an imminent threat to the health and safety of the community.
- 9.5.8 If, in the opinion of an [A](#)uthorised [O](#)fficer, there is an imminent threat to the health and safety of the community (eg. pedestrian and vehicular traffic hazards, wind blown items etc), the business owner, operator or employee must take immediate action to any direction/order issued by an [A](#)uthorised [O](#)fficer [of Council](#). Should the business owner, operator or employee fail to take immediate action, an [A](#)uthorised [O](#)fficer may remove all furniture and take all necessary action required to eliminate the health and safety threat in respect of the outdoor dining area at the approval holder's expense.
- 9.5.9 Any approval issued under this [P](#)olicy is subject to any relevant legislative requirements including but not limited to the *Food Act 2003*, *Liquor Act 2007*, *Local Government Act 1993*, *Companion Animals Act 1998*, *Smoke Free Environment Act 2000*, *Work Health and Safety Act 2011*, *Impounding Act 1993* and National Construction Code Series (Building Code of Australia).



□ \* \* \*

**RELEVANT LEGISLATIVE INSTRUMENTS:**

- Roads Act 1993*
- Environmental Planning and Assessment Act 1979*
- Local Government Act 1993*
- Food Act 2003*
- Liquor Act 2007*
- Companion Animals Act 1998*
- Work Health and Safety Act 2011*
- Smoke Free Environment Act 2000*
- Impounding Act 1993*
- Protection of the Environment Operations Act 1997*
- National Construction Code Series (Building Code of Australia)*

**RELATED POLICIES, PLANS AND PROCEDURES:**

**RESPONSIBLE DIRECTOR:**

Director Customer and Corporate Strategy

**APPROVAL:**

Council

**HISTORY:**

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New policy	14/10/2014	15/216546
2	Council	Minor amendments		

\* \* \*

**RELEVANT LEGISLATION:**

- Roads Act 1993*
- Environmental Planning and Assessment Act 1979*
- Local Government Act 1993*
- Food Act 2003*
- Liquor Act 2007*
- Companion Animals Act 1998*
- Work Health & Safety Act 2011*
- Smoke Free Environment Act 2000*
- Impounding Act 1993*
- National Construction Code Series (Building Code of Australia)*

**RELATED POLICIES AND PROCEDURES:**

**RELEVANT CAMDEN 2040 KEY**

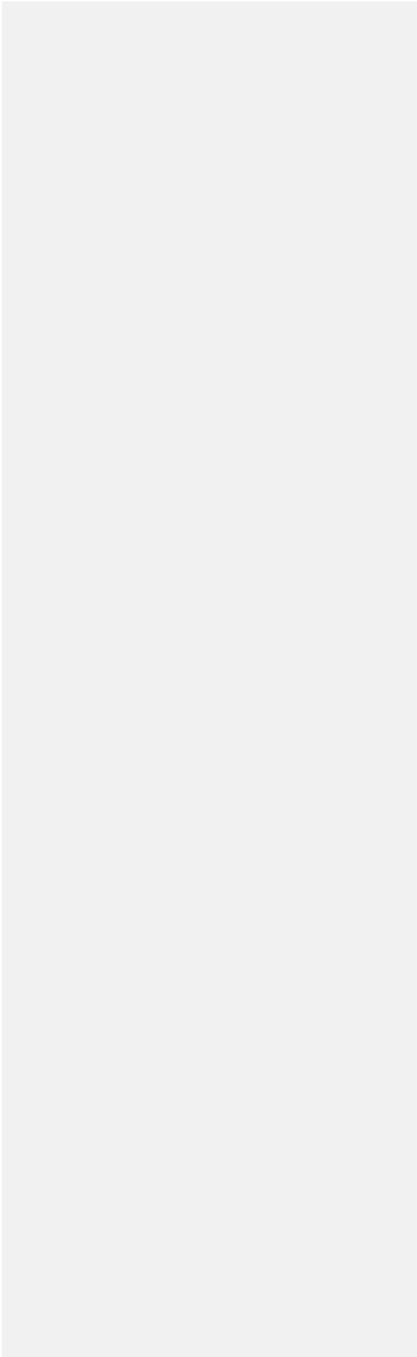
**DIRECTION AND OBJECTIVE:** Strong Local Leadership; 6.2 It is well-governed.

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~~RESPONSIBLE OFFICER: Director Customer and Corporate Strategy~~  
~~APPROVALS: ELG, Council~~  
~~NEXT REVIEW DATE:~~  
~~RECORD-KEEPING NOTES:~~  
~~CONFIDENTIALITY/PRIVACY REQUIREMENTS: Available to the Public~~





# Camden Council Minutes

**Audit, Risk and Improvement Committee  
Meeting**  
**30 September 2019**

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**Executive Boardroom  
Camden Council  
Administration Building  
70 Central Avenue  
Oran Park  
10:00AM**



## AUDIT, RISK AND IMPROVEMENT COMMITTEE

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Prior to the meeting, the Committee met separately "in-camera" with representatives from Council's External Auditors, the Audit Office of NSW, to discuss the audit.

The Committee meeting commenced at 10:05am.

**Voting Members present:**

John Gordon	Independent Member (Chair)
Elizabeth Gavey	Independent Member
Cr Michael Morrison	Camden Council Councillor

**Attendees:**

Chief Financial Officer  
Internal Audit Coordinator  
General Manager (arrived 10:09AM)  
Risk Management Officer (arrived 11:23AM)

**Invitees:**

Director Customer and Corporate Strategy  
Director Community Assets  
Director Sport, Community and Activation  
Director Planning and Environment  
Caroline Karakatsanis Audit Office of NSW (External Auditor)  
Farisha Ali Audit Office of NSW (External Auditor)

**Apologies:**

Cr Paul Farrow	Camden Council Councillor
Bruce Hanrahan	Independent Member

**BUS01 Apologies**

RECOMMENDED

That leave of absence be granted to Mr Bruce Hanrahan and Councillor Paul Farrow from the Audit, Risk and Improvement Committee.

DECISION

Leave of absence was granted to Mr Bruce Hanrahan and Councillor Paul Farrow from the Audit, Risk and Improvement Committee.

**BUS02 Declaration Of Interest**

RECOMMENDED

That the Audit, Risk and Improvement Committee declarations be noted.

DISCUSSION

Ms Gavey advised that she has been appointed as Chair for the Audit, Risk and Improvement Committee of Waverley Council. Mr Gordon advised he has been appointed as independent member for the Audit, Risk and Improvement Committee of Waverley Council.

DECISION

The declarations of both Mr Gordon and Ms Gavey were noted.

**BUS03 Minutes To The 7 August 2019 Audit, Risk And Improvement Committee Meeting**RECOMMENDED

That the Audit, Risk and Improvement Committee approve the minutes to the 7 August 2019 Audit, Risk and Improvement Committee meeting.

DISCUSSION

The Internal Audit Coordinator reminded the Committee that the Long Term Financial Plan presentation had been deferred for a date to be arranged with other upcoming presentations.

The Committee requested the cladding update be added to the Committee's actions list if it hasn't already. The Director Planning and Environment advised that they intended on bringing a response to this query to a future meeting.

DECISION

The Audit, Risk and Improvement Committee approve the minutes to the 7 August 2019 Audit, Risk and Improvement Committee meeting.

Moved: Ms Gavey

Seconded: Cr Morrison

The General Manager arrived at 10:09AM.

**BUS04 Review Of Financial Statements And External Audit Reports For The Year Ended 30 June 2019**RECOMMENDED

That the Audit, Risk and Improvement Committee:

- i. Note the Engagement Closing Report;
- ii. endorse the General Purpose Financial Statements for the year ended 30 June 2019 for submission to Council for adoption;
- iii. endorse the Special Purpose Financial Statements for the year ended 30 June 2019 for submission to Council for adoption;
- iv. endorse Special Schedules for the year ended 30 June 2019 for submission to Council for adoption.

## DISCUSSION

The Final Draft Engagement Closing Report was tabled at the meeting.

The Chief Financial Officer advised that the team responsible for delivering the statements was largely new this year. The Chief Financial Officer outlined Council's operating result and financial position for the year and provided explanations for significant movements, including the large infrastructure costs and one off expenses.

The Chief Financial Officer explained the key ratios for the year highlighting they are strong with those below benchmark explained.

The Committee asked whether there was anything outstanding that the Audit Office was waiting for. The Chief Financial Officer advised there are two outstanding items the Audit office should receive today.

The Audit Office ran through the closing engagement report advising that they intended to issue an unqualified audit report. The Audit Office advised there were no uncorrected errors in the financial statements and ran through the audit outcomes from their review of each risk/issued identified in their engagement plan. The Audit Office also highlighted the matters to be included in the management letter.

The Chief Financial Officer thanked the Audit Office for their work and the professionalism shown on the audit with the new finance staff.

The Committee provided a number of minor suggested changes/clarification points in relation to the financial statements. It was also advised that the Chair of the Committee had provided some changes/questions prior to the meeting. The Chief Financial Officer addressed the matters raised.

The Committee also asked about vacant land recorded as investment properties this year. The Chief Financial Officer explained the purpose for holding the land as an investment property at this stage.

The Committee requested an explanation for the prepayment in Council's financial statements and it was advised that it related to rates received in advance and payments received for road works.

The Committee commended Council and the leadership team for their engagement with the external audit process. The Committee acknowledged and thanked the work undertaken by the finance team and the Audit Office to complete the financial statements and external audit in a timely manner.

The General Manager acknowledged the Audit Office and the Audit Risk and Improvement Committee for the value provided.

## DECISION

The Audit, Risk and Improvement Committee, subject to the correction of minor items raised by the Committee being made to the Financial Statements and Special Schedules:

- i. Note the Final Draft Engagement Closing Report;
- ii. endorse the General Purpose Financial Statements for the year ended 30 June 2019 for submission to Council for adoption;



- iii. endorse the Special Purpose Financial Statements for the year ended 30 June 2019 for submission to Council for adoption;
- iv. endorse the Special Schedules for the year ended 30 June 2019 for submission to Council for adoption.

**BUS05 General Business**RECOMMENDED

That the Audit, Risk and Improvement Committee note any General Business items discussed.

DISCUSSION

The Internal Audit Coordinator advised the Committee of the discussion paper from the Office of Local Government on internal audit and risk management. It was advised that a questionnaire will be distributed to the Committee requesting their views on some changes that impact the Committee. This will assist Council to prepare a submission to the Office of Local Government by 31 December 2019.

It was also advised that a report is intended to be presented to the 11 December 2019 Committee meeting on the discussion paper.

The Internal Audit Coordinator advised that proposed meeting dates for 2020 will be distributed over the next month.

DECISION

The Audit, Risk and Improvement Committee note the General Business items discussed.

**CC01 Other Audit And Risk Related Matters**RECOMMENDED

That the Audit, Risk and Improvement Committee note the other audit and risk related matters report.

DISCUSSION

The Director Customer and Corporate Strategy outlined the content of the report.

DECISION

The Audit, Risk and Improvement Committee note the other audit and risk related matters report.

The Risk Management Officer entered the meeting at 11:23AM.

**Next Meeting:**

The next meeting of the Audit, Risk and Improvement Committee is scheduled for 11 December 2019 at Oran Park Executive Board Room, commencing at 4.30pm.

The meeting closed at 11:44am.

DRAFT