

Attachments

Ordinary Council Meeting

Camden Council

Administration Centre

70 Central Avenue

Oran Park

8 August 2023



camden
council

ATTACHMENTS

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Camden Council

Submission to Western Sydney Airport -
draft Airport Plan and
draft Environmental Impact Statement 2015





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Executive Summary

The Australian Government's proposed Western Sydney Airport project has the potential to transform South-Western Sydney, including the Camden local government area, bringing with it a range of facilities, services, employment and other opportunities for the community.

Camden Council has a longstanding policy position of opposition to the construction of a second major airport within the Sydney Basin, including the proposed Badgerys Creek site. Notwithstanding Council's position, it is important to note the following submission acknowledges the intent of the proposed airport, and seeks to articulate objective commentary based on the conclusions of planning merit enshrined in the draft airport plan and draft Environmental Impact Statement (EIS). In this regard, given the scale of the project, Council is of the view that the draft airport plan and draft EIS warrant an exhibition period of more than the 60 days prescribed by the Australian Government.

Council is currently presented with a unique challenge, in responding to the draft airport plan and draft EIS. While the Camden local government area is currently a community of 70,000+ residents, upon opening of a proposed airport at Badgerys Creek in the mid-2020's our community is anticipated to be upwards of 150,000, with the potential for 250,000 residents once the proposed airport is fully developed. In this regard, Council's submission is considered in a context mindful of our future residents, whom have not yet arrived in the Camden area. It is both the current community, and the community of the future that Council seeks to effectively represent through the following submission, to ensure the Camden beyond 2040 reflects the vision of today.

Pursuant to this point, the issue of delivering effective and efficient integrated planning and transport infrastructure in South-West Sydney remains a considerable challenge for all tiers of government. Camden Council has identified a number of key issues regarding the proposed airport, highlighting points of concern, implications and recommendations for project outcomes. Council's submission is structured in response to issues pertinent to the Camden local government area identified in the Australian Government's draft airport plan and draft EIS.

Following is an overview of the key messages identified by Council. Of particular concern is the apparent urgency with which the draft airport plan and draft EIS was prepared. This is evident in the extent of information gaps that exist throughout various technical documents. Compounded by a rejected request to the Australian Government for access to data used in formulating the draft airport plan and draft EIS, Council strongly recommends that further work be undertaken before proceeding any further with the proposed development.

Key Messages

Aircraft Flight Paths (Noise)

The absence of defined flight paths and other airspace management strategies for the proposed airport is of significant concern for Council. This means the draft EIS is predicated on flight path alignments that may be significantly different compared to



when the proposed airport is operational, subject to decisions made by the airport operator and Air Services Australia.

The absence of definitive flight paths in the draft EIS means there is no assessment of the scale or severity of community annoyance resulting from aircraft noise. In this regard, given uncertainties concerning the final form of the airspace design, the extent of noise mitigation measures is not adequately quantified.

Air Quality & Human Health

Air quality resulting from a second major airport within the Sydney Basin has long been a key point of concern for Council. As the exhibited draft EIS does not adequately respond to the guidelines, the following statement raised in Council's 1998 EIS submission to the Australian Government, still holds true:

"The construction of a major international airport at Badgerys Creek would impose dangerously high incremental burdens of critical air pollutants on an already stressed environment. A major airport development would 'lock in' long term....pollutants from both air and ground transport sources".

The adverse outcome of poor air quality resulting from the proposed airport will ultimately impact on human health; the community that Council represents. Findings from the draft EIS should be presented in a way that helps to communicate the scale of the population affected by issues such as air quality, and other significant issues, so that a quantitative and qualitative assessment of the combined impacts to our community may be determined.

Traffic & Transport

The issue of transport remains a prominent point of concern for South-Western Sydney, both now and into the future. Notwithstanding the commitment demonstrated to this issue through the Governments 'Western Sydney Infrastructure Plan', lack of detailed analysis on the impacts of the proposed airport demonstrated through limited modelling data in the draft EIS is of significant concern. Further work is needed in this area prior to the proposed airport development proceeding.

Council notes that post-exhibition of the draft airport plan and draft EIS, the Australian Government announced a 12 month scoping study into the future provision of a rail connection to the proposed airport site. It is strongly recommended that the outcomes of this study are integrated with those of a revised and amended EIS, with both technical documents concurrently re-exhibited thereafter.

As part of a strategic response to public transport connections in South-Western Sydney, Council advocates the position that rail services should include the rail line extension to Narellan, and further to the Main Southern Rail Line to service the recently announced 'Greater Macarthur Land Release Investigation Area'.

Environment (Biodiversity)

As in assessing the various other parts of the draft airport plan and draft EIS, with regard to biodiversity Council is concerned as to the lack of non-compliance in some areas relative to the EIS guidelines. In particular there appears an underestimation of the



range of mitigation and management measures required to account for threatened biodiversity in the longer-term development area, nor what implications any of the stage 1 management measures might have.

In this regard, it is recommended there be a review of current listings of threatened species, populations and communities prior to any construction of the proposed airport. Furthermore, a review of the current biodiversity legislation, assessment and offsetting requirements would also be appropriate, prior to construction of the longer-term development.

Economic & Employment

The draft EIS notes a number of economic benefits resulting from the proposed airport, however the extent of these benefits are not adequately quantified. While the projection for jobs growth is speculated to be in the thousands, it is not clear as to what type of employment opportunities this represents, nor the cumulative impact as a consequence of adjacent employment areas.

While it is anticipated the proposed airport will be a catalyst for business growth in South-Western Sydney, the draft EIS does not adequately respond to the way in which future business centres (i.e. Bringelly Enterprise Corridor, Western Sydney Employment Area, Leppington Major Centre etc.) will operate relative to each other. That being, will each of these enterprise sites be complimentary, competitive or conflicting?



Draft Airport Plan (& Airspace)

Key Issues for Council

- Need for a coordinated approach with the NSW Government to re-visit the South West Growth Centre Structure Plan in the context of the proposed airport, with a revised focus on integrated land use planning and transit orientated development.
- Important to re-visit the hierarchy of Centres identified in the South West Growth Centre Structure Plan.
- If population is a key element for identifying the need for a proposed airport in Western Sydney, it is crucial any EIS assessment is based on greater certainty of population projection and location.
- Potentially problematic issue of proposed higher density development in key centres, before supporting infrastructure is constructed (e.g. a rail line) to the proposed airport, resulting in dis-orderly rate of development and potentially adverse urban planning outcomes (whether temporary or permanent).
- The level of analysis and detail in the draft EIS does not reflect the level of significance of the expected impacts on the environment. Unknown variables and assumptions made in the assessment, such as future aircraft types, proposed staged runway development, technology implementation, assumed traffic projections require further, require more detailed analysis.
- Stage 1 of the proposed airport should be re-assessed using realistic (i.e. not conservative) projected passenger numbers.

Implications & Opportunities

- The proposed airport project provides a significant opportunity as a catalyst for a targeted approach to integrated land use planning and transit orientated development. However, based on the existing South West Growth Centre Structure Plan, the project may potentially result in planning outcomes inconsistent with this approach.

For example, the existing 'Growth Centres Model' of achieving 15 dwellings per hectare may be considerably altered throughout parts of the Camden and Liverpool local government area, particularly in proximity to the proposed airport site (and any proposed future rail station locations connecting to the proposed airport site).

An additional element to this issue is the period of transition in time between when the proposed airport is constructed (and subsequently operational). It may be reasonable to expect that development will proceed in anticipation of future land use in proximity to the proposed airport, without key items of infrastructure committed to (e.g. rail line access to the proposed airport site). This is further



complicated by applying existing planning controls that may be inconsistent with future land use. The potential implications of this issue should warrant a concurrent review with the NSW Government of the South West Growth Centre Structure Plan.

- Further to the issue of reviewing the South West Growth Centre Structure Plan, a key element of this issue is the need to re-visit the hierarchy of Centres identified. For example, construction of a proposed airport may advocate the emergence of higher order Centres in the Camden local government area; conversely, there may be cause to reflect on the status of the Leppington Major Centre, given it is no longer situated as a pivotal origin/destination. These examples, combined with the other Centres that may soon benefit from the proposed airport, should warrant a concurrent review of the Centres hierarchy, and how they relate to each other.
- The issue of timing in delivery of the proposed airport is critical as to its potential impact on development, particularly for pre-empting re-zonings in the South West Growth Centre. For example, permitting higher density development in key centres before supporting infrastructure is delivered may be problematic (i.e. from low density to high density, in the absence of the necessary supporting transport infrastructure).

As part of a concept plan for delivery of the proposed airport, a strategy is required to determine how the orderly rate of development may be managed to mitigate any adverse urban planning outcomes resulting from this phenomenon, whether temporary or permanent. For example, residential areas in proximity to the proposed airport site to feature an option to up-lift zoning once the airport is constructed.

- With regard to flight paths for the initial development of the proposed airport, the draft EIS refers to a single model of flight paths, with specific entry and exit 'gates'. It does not consider alternatives which move noise and emission corridors away from sensitive and populated areas. The evaluation relies on mitigation as justification, but does not consider other possible methods of avoiding environmentally sensitive (populated) areas.

The initial flight paths and airspace for the airport are constructed so as not to require a change to Sydney Kingsford Smith Airport operations. There will, however, be changes required to operations at both Bankstown and Camden Airports, with the former having significant amendment required and possibly operational restrictions. This impact is not quantified.

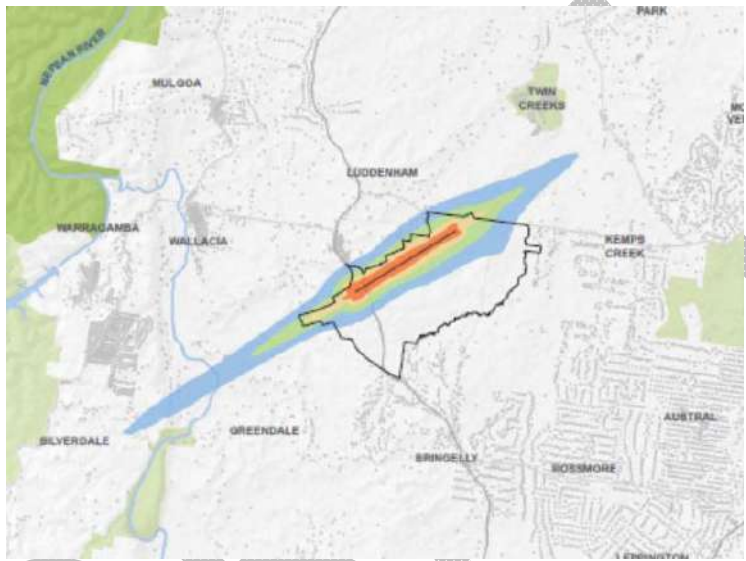
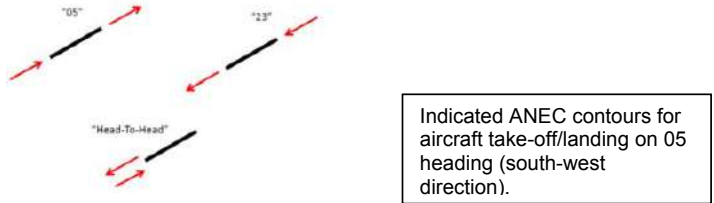
The flight paths developed for the initial proposed airport layout do not coincide with those intended for the ultimate airport layout. This may have resistance to change by the time those procedures could be implemented. It is worth considering a Sydney Basin Traffic Management Review sooner than the proposed timeline indicates.

- Stage 1 of the proposed airport is predicated on conservatively low projected passenger numbers. To ensure a robust assessment of the potential impacts



associated with the initial stage of the proposed airport, the draft EIS should be re-visited based on the possibility of higher passenger numbers.

Figure 11: Idealised Airport Operating Mode: Options for R05 (Data: Kees, Willemse & Storey, 2015)



- Rationale for the north-east/south-west runway alignment configuration is based on aircraft flying over the Western Sydney Employment Area (to the north-east of the proposed airport site), or 'the predominantly rural area to the south-west'. While Council questions the rationale of the latter part of this statement, the pertinent point to raise is the potential 'head-to-head' aircraft movements on the 05 heading (as per the image above).

Council is of the understanding that, subject to prevailing conditions (wind, volume of aircraft movements) a 'head-to-head' pattern (where aircraft take-off and land to/from the south-west) may become a common occurrence in operation of the proposed airport. This may in part negate the rationale for the locating of the Western Sydney Employment Area, as it is subject to fewer aircraft movements than residential areas. The extent of this possibility is not adequately addressed in the draft EIS, and requires further investigation.



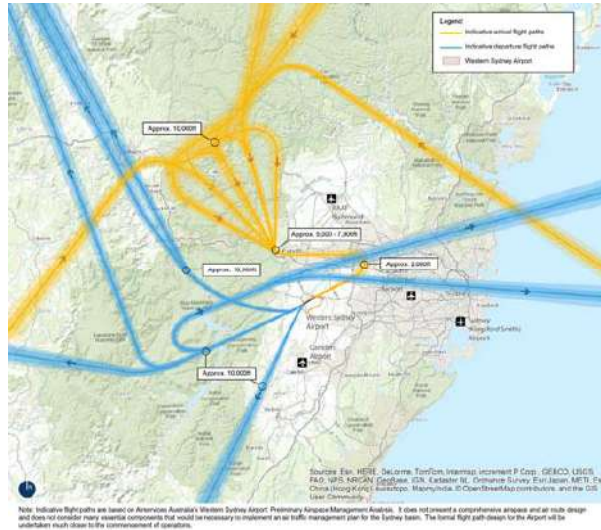
Noise (aircraft)

Key Issues for Council

- The absence of defined flight paths and other airspace management strategies in the draft EIS.
- No assessment of the scale or severity of community annoyance resulting from aircraft noise.
- Given uncertainties concerning the final form of the airspace design, the extent of noise mitigation measures is not adequately quantified.
- High passenger numbers per plane, possibly decreasing overall plane movements.

Implications & Opportunities

- The absence of defined flight paths and other airspace management strategies in the draft EIS and technical documents highlights a key concern for Council regarding the aircraft noise assessment. The effect of this absence is that the flight paths used for the modelling may change at the time operations commence for Stage 1 of the proposed airport. This creates significant uncertainty as to the modelling presented and the assessment of what areas and how many people will be affected by aircraft noise. The review also highlights that there has been no attempt to try and quantify this uncertainty. In addition, there has not been any sensitivity analysis that would give an idea of the implications that changes in flight paths would have.
- Not having final flight paths and airspace design also limits impacts on the identification of appropriate mitigation methods, an aspect that is not adequately addressed in the draft EIS.



Indicative flight paths – how can the community expect aircraft to take-off/land in these directions?

- There has been no assessment of the potential scale or severity of community annoyance that is likely to result in reaction to aircraft noise. This point is also highlighted in the Health Risk Assessment. This issue is particularly relevant to the Camden local government area; whilst there are small areas in the north of Cobbitty and Bringelly that fall within areas designated as affected using standard aircraft noise criteria (e.g. ANEC/ANEF, N70 and N60 contours) there are much greater areas of the local government area that will be exposed to aircraft noise, that is less than these criteria. Further work is required through the draft EIS to respond to this issue.
- As previously noted, further work is required on the draft EIS based on more definitive (i.e. not indicative) flight paths and other aspects of air space management, to allow a better prediction of aircraft noise impacts.
- *Low Stage 1 movement numbers:* the total aircraft movement numbers for the Stage 1 development are relatively low when compared to other international airports in Australia. Given the objective of the proposal is to develop a major international airport, the low movement numbers raises the question of the suitability of the 5 year time horizon as the appropriate primary assessment scenario for the purpose of obtaining approval for the development. Further, it is unclear how the incremental and periodic approvals that would need to occur as part of the ongoing expansion of the airport provides a sufficient basis for considering the initial 5 years of operation as the primary period for the assessment of noise impacts.
- *Airspace management strategy uncertainties:* the draft EIS clearly indicates that the airspace management strategy used as the basis for noise modelling is a proof-of concept design, and as previously noted, further work is required to determine the actual flight paths which would be flown in practice. Information about the extent of potential changes is limited. The uncertainty surrounding the final airspace management design that would be implemented represents a



potentially significant source of uncertainty in the noise assessment. The potential significance of this source of uncertainty has not been quantified and, with exception of alternative merge points for Stage 1, there has not been any sensitivity analysis carried out to assess the implications of potential flight path changes.

- *Assessment of community annoyance:* the draft EIS includes exposed population statistics which provide a useful indication of the potential scale of the community who may be affected by aircraft noise to varying degrees. However, in isolation, this data does not provide an indication of the scale or severity of potential community reaction to aircraft noise levels as a result of annoyance. The Health Risk Assessment provides the most discussion of community annoyance, including references to research concerning the relationship between noise exposure and community annoyance, but ultimately states that no quantitative assessment of annoyance was conducted as part of the study. While the assessment of the risk of community annoyance is complex, the scale of the proposed airport and the number of people potentially affected warrant further evaluation of the subject. The introduction of a new 24-hour international airport at a greenfield development site introduces a risk of wide spread and prolonged community annoyance. A better understanding of this potential risk would be prudent to inform the environmental impact assessment process and the extent to which operational noise mitigation should be prioritised relative to other non-safety related airspace management considerations.
- *Land use impacts:* the draft EIS includes calculated Australian Noise Exposure Concept (ANEC) contours for the Stage 1 and long term development operating scenarios. ANECs are often presented as an indication of the extent of a potential future Australian Noise Exposure Forecast (ANEF) contour which would be used to guide land use planning for noise-sensitive developments in the vicinity of airports. However, while the draft EIS provides population counts for the various ANEC bands, no assessment is provided of the extent to which land use controls may change as a result of a future ANEF prepared as part of the detailed airspace design for the project. Specifically, the draft EIS does not quantify the potential extent of changes to land use controls relative to the measures which have been in place since the original EIS was undertaken in 1985. Most significantly, the discussion of land use planning impacts in the draft EIS notes that the National Airports Safeguarding Framework (the Framework) would *'be instrumental in managing potential future operational noise impacts for future land use planning and development around the airport'*. The Framework could potentially translate to the creation of land use planning controls which extend over significantly greater areas than either the current land use planning controls (based on the 1985 EIS) or the 2063 ANEC contours provided in the draft EIS, however this has not been discussed or assessed in the draft EIS.
- *Greater Blue Mountains World Heritage Area (GBMWH):* the draft EIS presents information to evaluate the potential impacts of aircraft operations on the acoustic amenity of the GBMWH. The assessment indicates the potential for a large number of audible aircraft events within the GBMWH. While the levels are predicted to be relatively low (below 50 – 55 dB L_{Amax}), aircraft over flights would be expected to be audible and represent a significant and widespread impact for a World Heritage Area where natural soundscapes are a likely to be a



valued feature of the areas amenity. Accordingly, the assertion within draft EIS chapter that noise levels below 50 and 55 dB L_{Amax} are 'not significant' is not considered to have been sufficiently justified, and the assessment may therefore not adequately reflect the potential impact to the values of tranquillity within the World Heritage Area.

- *Mitigation measures and residual noise impacts:* the draft EIS noise modelling is based on an indicative proof-of concept air traffic management design which does not present a comprehensive airspace and air route design. Given the uncertainties concerning the final form of the airspace design, the final form of noise mitigation measures to be implemented is not yet known. Accordingly, the mitigation measures that have been referred to in the aircraft noise assessment are generic in nature. This is a particularly important point for an airport development as, unlike other forms of infrastructure development, the policies used to manage aircraft overflight noise do not generally stipulate noise limits that airport operations must adhere to at surrounding noise-sensitive locations. Accordingly, without a defined airspace design, a defined noise mitigation strategy or defined noise criteria to adhere to in practice, the residual impacts and the location of these impacts is subject to considerable uncertainty. Further, it is unclear how noise considerations would be prioritised among other non-safety related airspace management and operational considerations associated with the proposed airport site.

Based on the above considerations, further information and assessment are considered necessary before Council can reach an informed view on the potential scale and significance of aircraft overflight noise impacts associated with the proposed airport site.

Noise (ground operations, construction, road and rail)

Key Issues for Council

- Inadequate response to EIS guidelines for ground noise impacts.

Implications & Opportunities

- The assessment does not fulfil the requirements of the *Guidelines for the Content of a Draft Environmental Impact Statement – Western Sydney Airport 2015* (EIS Guidelines) which state that the type and magnitude of impact, both pre-mitigation and post-mitigation should be presented. The ground noise assessment should be updated to include this assessment.
- There is insufficient detail to satisfy the EIS Guidelines on the source of the noise data used in noise predictions. As these assumptions form the basis for the noise assessment, changes to the source noise data could potentially lead to a significantly different outcome.



- The assessment excludes the use of Auxiliary Power Units (APU) and does not present sufficient detail for an alternative ground-based power supply. As an alternative power supply method is not presented, there is potential for additional noise sources being introduced that have not been considered.
- A single rating background level has been assumed for all receptors, rather than several location-specific values. This generalisation has underestimated the magnitude of noise impacts at receptors close to the airport that are currently exposed to low levels of environmental noise.
- The nearest noise sensitive receptors in Luddenham were not included in the background noise monitoring and therefore it is uncertain if noise impacts have been adequately assessed at this location.

Furthermore, noise sensitive receptors represented in the draft EIS reflect only existing communities; they make no representation of the potential future sites of other noise sensitive receptors i.e. residential areas, schools, parks etc. This data should be re-modelled using the South West Growth Centre Structure Plan, to identify future community locations.

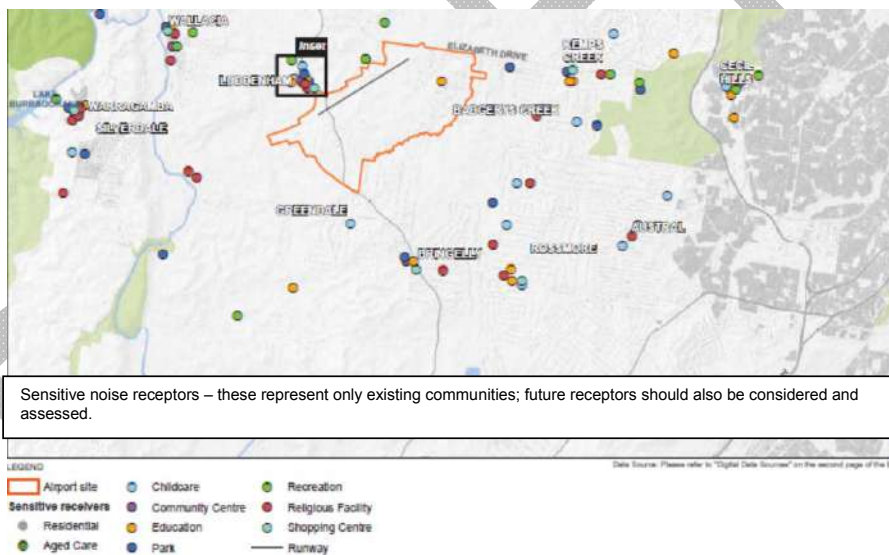


Figure 10-7 - Sensitive Receivers surrounding the airport site

- No consideration has been given to the cumulative noise impact from all ground noise sources at the nearest noise sensitive receptors both with and without mitigation measures as required by the EIS Guidelines. Additional assessment should also be undertaken for other ground noise sources, such as the compass calibration pad.



- It is recommended that the mitigation measures identified in the assessment, including the restriction of APUs and the limitation of engine ground run-ups during the night, are formalised as part of the project approval.
- The assessment does not provide sufficient evidence that all reasonable and feasible mitigation measures have been considered to reduce noise impacts from taxiing and ground run-ups.
- Semi-enclosed pens and bunded areas to reduce noise impacts from engine ground run-up noise are considered in the assessment. It is recommended that these measures are considered further as part of the approvals and subsequent design stages.
- No consideration has been given to the cumulative noise impact from the new M12 motorway and realignment of The Northern Road that are being developed to accommodate the proposed airport.
- The draft EIS contains misleading statements relating to operational road traffic noise which do not acknowledge the limitations of the assessment. The development of the M12 motorway and realignment of The Northern Road have been excluded from the assessment and statements regarding operational road traffic noise should include these limitations.
- The draft EIS does not include ground-based noise in the summary or conclusion for the long term development. It is recommended that the outcomes of the revised long-term development ground-based noise assessment are included in these sections so that all impacts are clearly presented.
- It is considered that the ground-based noise assessment does not provide an appropriate level of detail on a number of key aspects including:
 - The derivation and allocation of assessment criteria
 - Noise impacts at the nearest sensitive receptors in Luddenham
 - Noise source levels
 - The type and magnitude of impacts with and without mitigation
 - Evidence that all reasonable and feasible mitigation has been considered
 - Cumulative noise impacts from operational activities and road traffic projects.

As a result, without further clarification or justification, it is uncertain that the draft EIS has adequately presented and addressed the noise impacts associated with the proposed development.

It is recommended that these items are addressed to reduce the level of uncertainty, increase the accuracy of the assessment and to satisfy the requirements of the EIS Guidelines.



Air Quality and Greenhouse Gases

Key Issues for Council

- Inadequate response to EIS guidelines for air quality and greenhouse gases.

Implications & Opportunities

- It is noted that with regard to the air quality and greenhouse gases chapter of the draft EIS, there exist a number of typographical errors and inconsistencies that undermine the credibility of the air quality assessment. In this regard, these sections of the draft EIS require a thorough technical and editorial review by its authors to address the issues outlined in the review to improve transparency and credibility of the air quality assessment.
- As a consequence of the rail line not being part of the draft EIS, the air quality assessment of the longer term development of the proposed airport is speculative, and does not provide a sufficiently robust basis to support approval of the longer term development of the proposed airport.
- The draft EIS indicates that the proposed airport will increase the 1-hour ozone concentration by 4.5 parts per billion (ppb); significantly more than the 1ppb maximum allowable increment allowed in the NSW EPA's tiered approach. A similar result was also noted for the 4-hour average ozone concentration which is predicted to be 3.7ppb, significantly more than the 1ppb maximum allowable increment allowed in the NSW EPA's tiered approach. Exposure to ozone results in a number of health effects such as induction of respiratory symptoms (such as coughing, throat irritation and chest tightness, wheezing and shortness of breath) a decrease in lung function and inflammation of airways. Exposure to ozone can also make asthma symptoms worse and increase sensitivity to asthma triggers.
- The potential impacts due to fuel dumping were not quantified. The EIS stated *"fuel dumping is not considered likely to have a significant immediate or future impact on air quality"* due to *"the inability of many aircraft to perform dumps, the rapid vaporisation and wind dispersion of jettisoned fuel, the strict guidelines on fuel dumping altitudes and locations, and the anticipated reduction in fuel dumping events and volumes in the future."*

In addition to the issues associated with risk, there is a need for the draft EIS to quantify the implications for air quality with regard to fuel dumping.

- Council has retained longstanding concerns associated with the air quality and the proposed airport, as was reflected in our submission to the Australian Government in response to the 1998 draft EIS. The following points were noted in Council's previous submission, which still hold true today regarding air quality.



The Sydney Airshed is located within the valleys and estuaries of three major river systems of Sydney, being the Georges, Parramatta and the Hawkesbury/Nepean, and is surrounded by mountains in the south and west.

Air movement in the Sydney Airshed is essentially circular – moving west on the prevailing wind during the day, draining northward down the valleys at night, eastward to the coast in the early morning then returning back inland. Because of this circular pattern, parcels of air become entrained in the flow, the same parcels crossing back over the metropolitan area, accumulating pollutants and returning the following day to the Hawkesbury Basin.

During times of stable weather, and when temperature inversions occur, this cycle can go on for days or weeks with pollutants either emitted within the basin or transported into it from the east being retained rather than dispersed. Thus the capacity of the Hawkesbury Basin to assimilate pollutant emissions is less than that of the eastern sectors of the Sydney Airshed.

The Camden local government area comprises an area of land approximately 206km², the greater part of which lies within a topographic basin within the Sydney Airshed known as the Camden Basin. This Basin lies within the Hawkesbury Basin and is bounded on the north by a series of low hills to the west of South Creek (near the proposed airport site) and on the west, east and south by the 100m contour. While of only shallow depth (approximately 40m) the Camden Basin is an important sub-region in local air quality considerations because of its ability to trap and inhibit the dispersion of low level air emissions.

The Camden Basin is subject to extremely stable air conditions at night resulting from deep strong temperature inversions and is completely decoupled from the flow of air above thus allowing trapped air to deteriorate within the Basin until the inversion has lifted and sufficient wind flow occurs to displace it.

In the absence of clear analysis in the draft EIS on this issue, it may be reasonable to conclude that an accurate picture of what happens with air chemistry, and in fact air quality as a whole, within the Camden Basin has not yet been established.

Human Health

Key Issues for Council

- The health chapters of the draft EIS should assess the health impacts/effects of changes in the full range of environmental and social determinants of health and the potential inequalities/equity issues due to the proposed development. The level of analysis and detail should be reflective of their likely significance. Examples are changes to road traffic movements and their potential health consequences (community severance, risk of road traffic accident and injury), changes in qualities and characteristics of the surrounding areas (including land values and other economic impacts) and changes in recreational use, amenity of natural areas and access to greenspace and nature and their associated health



and wellbeing impacts through, for example, changes to levels of physical activity; effects on services and amenities.

- Findings from the draft EIS should be presented in a way that helps to communicate the scale of the population affected, by determinant of health, and also what the combined impacts are likely to be to various communities from exposure to the combined hazards.
- Not all unknown variables, assumptions, and limitations are included in the assessment. A specific comment relates to certain health impacts (e.g. air quality-related health impacts on children, other chronic effects such as incidence of chronic bronchitis in adults) known to occur from exposure to air pollution but for which the level (extent/magnitude) of the health impact associated with a certain level of pollution exposure is uncertain or unknown. These additional health impacts, for which quantification is uncertain or unknown, are not discussed. The Health chapters of the draft EIS should consider and discuss health impacts where quantification is not currently recommended by national guidance (e.g. Australian Government 'Guidelines for Health Risk Assessment') such as air quality impacts on children, other chronic effects, and other additional morbidity effects of short-term exposure but for which there is a widely acceptable evidence base supporting their likely occurrence.

Implications & Opportunities

Air Quality & Noise

- It is not clear what baseline incidence rates were used (Sydney average or Liverpool/suburb rates). If Sydney rates are used, this may have resulted in a small underestimation of risks.
- Risks are estimated for 2030 and 2063 snapshots and separately for each pollutant. An overview of the expected scale of impacts resulting from the combined effect of all pollutants should be provided to convey a picture of the total risk to the exposed communities.
- There is no discussion of the implication of the distribution of effects for inequality and equity although baseline information on sensitive/vulnerable groups.
- Community feedback and any potential perceptions or concerns of local residents are not discussed. Community feedback on health concerns should be described and how this feedback was considered and addressed in the assessment should be discussed. Where community comments have not been incorporated or addressed an explanation justifying this should be presented. If there were no specific comments or concerns about health impacts/effects or some determinants of health then this should also be stated explicitly. There should also be a discussion of how communities were consulted.
- Perception effects are different from biological or epidemiological risks, can cause stress and anxiety, and should be considered separately from mortality and morbidity effects.



- Mitigation measures are not discussed; readers are cross-referred to the air quality chapter. An outline of proposed measures (i.e. an air quality management framework or plan) should be provided in the health chapter and an explanation provided for how and to what extent these measures will mitigate the identified health impacts.
- A qualitative analysis and discussion of impacts/risks/effects on vulnerable/sensitive groups and on health inequality/equity issues has not been undertaken.

Water Quality

- A complete health risk assessment is not provided for water quality due to the limitations in water quality sampling (i.e. only 1997 data was available; no new data was collected for the draft EIS). A more complete assessment is required that includes a clear list of assumptions, a description of population affected, and an assessment of impacts on vulnerable population groups.

Traffic and Transport

- Higher levels of traffic in residential areas are associated with poor health and lower levels of social cohesion. This particularly affects older people and children. Time spent commuting can impact on family life and mental wellbeing. Increases in traffic can lead to increases in traffic related accidents. The social impact assessment identifies opportunity for *“comprehensive planning, improvements to the road network in conjunction with new public transport infrastructure would create connected communities, reducing commute times and providing opportunities for an active lifestyle”* (pg. 97). In addition, increased local job opportunities were predicted to reduce travel times and improve quality of life. Risk due to aircraft accidents is discussed but road traffic accidents due to increased traffic density have not been assessed.

Odour

- Odour can cause annoyance and avoidance behaviour (for example, changes in use of outside areas). Odour from exhaust emissions and the on-site waste water treatment plant is assessed within the Air Quality Assessment. These were assessed to be below detectable levels off site for Stage 1. Odour was not assessed for the longer term scenario.

Climate Change

- Climate change has significant impacts on human health ranging from changes to food production to increases in extreme weather events. Climate change is addressed in the draft EIS in the Biodiversity assessment, and is identified as being exacerbated by the proposed airport. Potential impacts on health from climate change have not been identified.



Employment

- Evidence shows that higher levels of employment lead to better population health. Participating in employment has been shown to have strong positive effects on mental and physical wellbeing. In general, being in work is better for health than having no job; however there are exceptions. Workers in jobs that are poor quality, low paid and precarious (insecure) have similar health scores to the unemployed. Low paid, low skill, insecure jobs with few opportunities for training, development and progression are less healthy than higher paid, higher skill, secure jobs with good opportunities for training, development and progression. Previous health impact assessments of airports have shown that airports tend to generate a relatively high proportion of lower paid, low skill level jobs.
- Employment and economic impacts are discussed in depth in the Social Impact Assessment (SIA) technical report. It is estimated that during stage 1 construction there will be approximately 758 full-time equivalent (FTE) jobs created. In addition, there is an estimated 7,500 FTE airport related employment by the end of stage 1 (2030) and a further 4,400 FTE jobs in the business parks associated with the airport. Longer term it is estimated that approximately 61,500 FTE jobs would be required for airport operations (2063). Although employment opportunities are expected to increase there are some expected negative impacts on agricultural and manufacturing industry due to competition for land. This could also result in potential loss of agricultural land. The potential health impacts related to the existing local economy and those employed in that economy are not described in the SIA.

The SIA identified a potential reduction in commuting times for Western Sydney residents by being able to access jobs closer to where they live. This could have positive benefits for community and family life.

Community facilities

- Changes on population, both residential and workforce, can lead to increased demand on health services. There are also potential effects on health services through risks associated with airport development. People within healthcare facilities also tend to be disproportionately vulnerable to impacts such as noise and air quality. The SIA identifies insignificant impacts on healthcare demand for Stage 1 and potential additional demand in the longer term scenario. Health care facilities are also identified as 'sensitive social infrastructure' more likely to be affected by impacts such as noise, social amenity, etc. but the specific health impact on these sensitive settings is not assessed.

Other public and community services

- The SIA identifies sensitive social structures that may be particularly vulnerable to potential negative impacts (child care, schools, hospitals, recreational spaces and places of worship) but the specific health impact on these sensitive structures is not assessed.
- The SIA identifies that it is likely that new facilities will be developed as part of the growth associated with the airport.



Recreation resources

- Access to good quality green space is associated with improved mental and physical health outcomes. This may happen through ameliorating stress, increased physical activity and there is also evidence of exposure to nature reducing blood pressure. The mental health benefits of activities in a natural environment have been identified as:
 - Social, emotional, creative and cognitive development of children and young people
 - Quality of life and relaxation
 - Recovery from stress
 - Relief of symptoms
 - Therapeutic and healing; spiritual
 - Physical activity; sport; adventure; challenge
 - Learning; intellectual and creative development
 - Sense of meaning/purpose/perspective
 - Social contact; cohesion; belonging; identity
 - Volunteering; conservation; "giving something back"

The SIA identifies loss of amenity for recreational areas from visual and noise impacts. Noise is expected to negatively impact on the amenity of Bents Basin Recreational Area in Greendale, Rossmore Grange, Twins Creek Golf and Country Club, Whalan Reserve at St Marys, Burragorang State Conservation Area and a small part of the Western Sydney Parklands and Prospect Nature Reserve). The Greater Blue Mountains World Heritage Area is going to be negatively impacted on by noise and visual impact from planes. The impacts on recreational facilities and greenspace on health have not been considered.

Social capital and community cohesion

- Research has demonstrated a link between social capital and health, in particular mental wellbeing. Communities with high social capital have higher levels of trust, reciprocity and participation. At an individual level social participation and support are associated with lower levels of mental health problems and higher levels of self-reported health. Further discussion on how social capital and community cohesion is addressed in the points below.

Land take for airport

- Loss of housing and forced relocation of residents and businesses have been shown to have significant negative health impacts on individuals as well as community level impacts due to loss of or disruption to social capital and community cohesion. The SIA excludes the impacts of forced relocation on health and wellbeing because the relocations have already taken place.
- The SIA identifies that there will be a loss of agricultural land. Food security is an important public health issue and has not been assessed within the EIS.



Community disruption due to noise of air traffic and noise and severance of construction and operation related road traffic

- The health chapter includes an assessment of noise related impacts in terms of awakenings, cardiovascular events, learning and cognitive development in children. Air quality is assessed in terms of impacts on physical health (e.g. cancer risk, increased mortality and morbidity). Community disruption and impacts on social capital and community wellbeing are not assessed in the health chapters. Stress and anxiety related impacts are also not assessed. Within the SIA loss of amenity due to air and road traffic noise is identified as a potential negative impact. The implications of this for public health and wellbeing are not identified. The draft EIS has not assessed the potential increase in road traffic accidents as a result of airport related traffic.

Migration of workers and presence of non-local workers

- Migration of workers and the presence of non-local workers in communities can cause community disruption and impacts on local facilities and resources. The SIA identifies that the majority of the workforce is expected to be local but also some moving into the area permanently and also people commuting in from other parts of Sydney. The expectation for a mostly local workforce appears to be based on the availability of working-age people in the South Western Sydney area. It is not clear whether the expected increase in employment opportunities will benefit young residents, unemployed residents and residents experiencing deprivation in the surrounding area. These residents are also likely to be most negatively affected by existing and future environmental, social and health impacts from airport activities.

Community concerns/perceptions and beliefs about the airport

- Evidence of health impacts, as laid out in the draft EIS, may not be the same as the community's perception of health risks. The perception of changes to noise, air quality, and home prices can influence the behaviour of local community members and in turn affect their health. This has been evidenced by other health impact assessments on airport developments. The extent to which individuals and communities have control over their lives has a significant influence on mental health and overall health. Lack of control and lack of influence (believing you cannot influence the decisions that affect your life) are independent risk factors for stress. Heightened risk perceptions, low control and low involvement in decision-making are associated with negative physical and mental health impacts. The SIA acknowledges uncertainty over the airport plans (e.g. flight path location) that could cause anxiety among local community but the potential impacts on health and wellbeing are not drawn out. This is a potentially significant area of health impact that has not been assessed.

Housing

- The SIA reports that most stakeholders noted housing affordability during consultation as a key issue. The SIA identified no significant impacts on values for large blocks of land that are currently common around the airport. The population forecast carried out for the draft EIS predicts significant population



growth in South-Western Sydney. Areas close to the airport have been identified as both employment and housing growth areas. The SIA identifies that potential longer term housing unaffordability due to growth may negatively impact on already disadvantaged groups.

- In addition, housing prices may be relatively more affordable in areas exposed to higher levels of noise. This means that already vulnerable population groups are more likely to live closer to environmental risks. Communities close to the airport may have already experienced disruption and corresponding loss of identity, social capital and social cohesion due to relocation of housing and community facilities, changes in employment opportunities, and other environmental impacts due to the airport development. Although longer-term housing unaffordability is identified as a potential problem in the SIA, the implications of this for health and health equity are not drawn out.

Visual intrusion

- The proposed airport and associated development, construction and additional traffic will negatively impact on visual amenity. The SIA identifies the loss of agricultural land; this will impact on the visual amenity of the area as it is replaced by other more built up industries. As mentioned previously, recreational areas including the Blue Mountains will suffer loss of visual amenity due to the presence of planes overhead and for some areas changes to the landscape. Some residential areas will also have views of the airport.
- The potential negative permanent impacts from the loss of amenity and green space on health are not identified in the SIA. These impacts would affect future generations. The potential health impacts on communities that will experience multiple amenity impacts (e.g. noise and visual) has not been considered. These impacts can lead to a significant loss of community and sense of place (with or without any additional increase in aircraft noise) making the area less desirable to live in and affecting community identity and cohesion.

Hazard and Risk

Key Issues for Council

- Early preservation of a corridor, and early construction of a dedicated pipeline to supply aviation fuel to the proposed airport site.
- The risks associated with fuel dumping, and the proximity of the proposed airport site relative to Sydney's primary water catchment area.
- Proximity of vital infrastructure to the proposed airport site, and indicative flight paths.
- The impacts of safe operation of the proposed airport resulting from adverse weather conditions i.e. fog.



Implications & Opportunities

- As noted elsewhere in Council's submission, a key concern is the cumulative impacts of the proposed airport on the Western Sydney transport network. A significant contributor to this issue is the forecast fuel demand for the proposed airport operation that would require the mobilization of approximately 43 B-double trucks of fuel per day. This number of additional, hazardous truck movements on the local road network presents a clear risk to the community.

As noted in the draft EIS, if a dedicated fuel supply pipeline is not provided to the proposed airport site, the number of truck movements would need to increase in line with the growth in air traffic. In this regard, Council recommends the early preservation and construction of a fuel supply pipeline, as well as comprehensive risk mitigation strategies to safeguard the community from road-based fuel supply movements.

- Observations noted in the draft EIS depict a low risk assessment associated with the jettisoning of fuel from aircraft, due primarily on the basis that occurrences are rare. Council is concerned any occurrence of the airborne emission of toxic chemicals in the form of aviation fuel as a significant environmental and community risk.

For example, more than four million people in Sydney, the Illawarra and the Blue Mountains rely on water from the surrounding catchments; one of which is in immediate proximity to the proposed airport site. Water is collected from over 16,000 km² of land and stored in 21 storage dams (11 major dams) that hold a total of 2,500 billion litres of water. Exposure to this natural resource from airborne chemical spillage, even of a rare occurrence, is a significant issue that requires an appropriate mitigation strategy.

- It is noted that 'Appendices H - Hazard and Risk' in the draft EIS addresses issues such as aircraft accidents, adverse weather, terrorism and other risk-related issues associated with the proposed airport site. However, there are other significant risks that require consideration, such as those associated with public infrastructure.

Aircraft accidents impacting on vital infrastructure such as electricity (e.g. sub-stations), telecommunication, roads and bridges, rail etc. are significant considerations that warrant an appropriate response in a revised draft EIS.

- It is noted that the draft EIS states a study undertaken by the Bureau of Meteorology, indicates the most significant weather aspect of the airport site is likely to be the occurrence of fog. This is a key point of concern, as the draft EIS states the development of fog overnight in the western Sydney Basin is possible during all months of the year (and for extended periods of time during winter). Notwithstanding the advent of systems such as 'Runway Visual Range' and 'Instrument Landing Systems' to land modern aircraft in such conditions, a robust assessment is required in 'Appendices H - Hazard and Risk' of the draft EIS relative to the issue of fog.



Traffic, Transport and Access

Key Issues for Council

- Earlier provision of rail access to the proposed airport site (than is indicated in the draft EIS).
- Accurate, corroborated traffic data upon which meaningful modeling may be conducted, and associated impacts assessed.

Implications & Opportunities

- In the context of stage 1 of the proposed airport development, no analysis is conducted as to the benefit derived on the surrounding transport network based on the earlier provision of a rail link. Conversely, as assessment of the draft EIS suggests an additional rail link capacity (above and beyond the South West Rail Link Extension) would be required to accommodate both proposed airport trips and background growth trips, before 2063.

The post-draft EIS announcement by the Australian and NSW Governments of a scoping study into the provision of a rail link to the proposed airport site highlights the significance of this issue, in that it warrants meaningful and supported analysis.

It remains Council's position that rail services should at least include the rail line extension to Narellan, and further to the Main Southern Rail Line to service the recently announced 'Greater Macarthur Land Release Investigation Area'.

- The strategic transport model (STM3) used as a basis for the draft EIS assessment is currently in development and requires further review and corroboration by Transport for NSW. In the absence of confirmed assumptions on which the EIS are based, there is diminished certainty as to whether many of the claimed conclusions are valid.
- In line with similar major projects, intersection modelling needs to be completed as part of the assessment of the traffic and transport impacts resulting from the proposed airport. Assessing the impact of the proposed airport on key intersections and corridors is essential as part of the stage 1 development. As a further example, as noted in the draft EIS the traffic impacts caused by the proposed airport is predicted to be significant, and should there be no rail options, the new M12 Motorway is predicted to fail in 2050 (being approximately 13 years before the ultimate long term airport development year (2063)).
- Intersection layouts, including the potential need for grade separation and associated land acquisition, need to be established. Of particular concern for the Camden local government area are the following intersections:
 - Bringelly Road / Camden Valley Way / Cowpasture Road;
 - Camden Valley Way / Raby Road; and

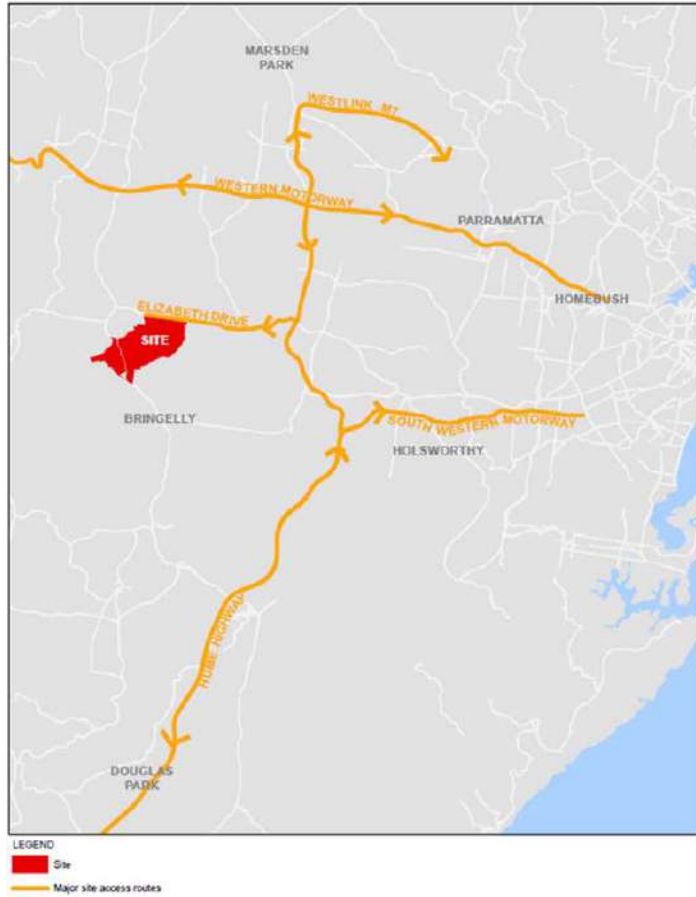


- The Northern Road / Camden Valley Way / Narellan Road / Camden Bypass.

- Vehicle travel time comparisons need to be provided, to enable a comprehensive assessment of the potential impacts of the proposed airport on the local and regional traffic network.
- Traffic generation of freight (other than for air cargo) and private vehicles (other than air passengers) need to be assessed for the airport precinct.
- Long term strategic mitigation measures for The Northern Road should be identified in the assessment including detailed public transport alternatives to road travel.
- The draft EIS states *“the substantial package of road improvements proposed as part of the [Western Sydney Infrastructure Plan], in addition to those identified in the [Broader Western Sydney Employment Area] and [South West Growth Centre] would have sufficient capacity to cater for the expected airport passenger and employee travel demand in 2031.”*

However, it is noted that Western Sydney Infrastructure Plan has funded the Northern Road upgrade and Bringelly Road upgrade, in providing four lanes, which is the provision identified by the NSW Government to cater for the initial stages of the South West Growth Centre only. No commitment has been made by the NSW or Australian Government to further upgrade these roads to six lanes or provide additional intersection grade separation. Furthermore no commitment beyond the Special Infrastructure Contribution gazettal has been made to the upgrade of Raby Road. Without such guarantees in place there is no certainty that such road upgrades will be undertaken by 2031.

- Council is aware that the NSW Government is currently investigating a study area to identify a recommended corridor, for the future Outer Sydney Orbital. As a significant future transport corridor for South-Western Sydney (and the Sydney region), one of the key elements of the Outer Sydney Orbital is to facilitate strategic access to the airport site. In this regard, given the NSW Government release of a recommended corridor for the Outer Sydney Orbital is imminent, Council recommends further assessment in the draft EIS of the subject implications to the broader traffic network.



Proposed airport site access
 – the draft EIS does not
 assess access context
 inclusive of a future Outer
 Sydney Orbital

Biodiversity

Key Issues for Council

- With regard to conducting an overall assessment of the draft EIS relative to Biodiversity, Council is concerned as to the lack of non-compliance in some areas relative to the EIS guidelines e.g. the biodiversity package has not yet been finalised.
- Council would support a threatened flora translocation plan to consider the suitability of the sites within the environmental conservation zone and biodiversity offset sites, (in proximity to the proposed airport site), in order to maintain populations of these species as close to their original location as is possible.

Camden Council Submission
 – Western Sydney Airport: Draft Airport Plan & Draft Environmental Impact Statement (December 2015)



Implications & Opportunities

Biodiversity matters for consideration

- The site contains the Critically Endangered Ecological Community *Cumberland Plain Woodland (CPW)* and the Endangered Ecological Communities *River-Flat Eucalypt Forest (RFEF)* and *Shale-Gravel Transition Forest (SGTF)*. These communities total 433.8 ha in area. There is a small component of artificial freshwater wetlands (35.4 ha).
- One threatened species *Pultenea parviflora* (which is listed as Vulnerable under the *Commonwealth's Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act)* and Endangered under the *NSW Threatened Species Conservation Act 1995 (TSC Act)*) was recorded at the site. An additional seven flora species are considered to likely occur at the airport site and may be affected by the proposed airport. Three of these occur in the Camden local government area. They include *Cynanchum elegans* and *Pimelia spicata* (both listed as Endangered under the EPBC Act and TSC Act), and *Grevillea juneripina subsp. juniperina* which was found in recent years in Gundungurra Reserve at Narellan Vale and is listed as Vulnerable under the TSC Act.
- Ninety three stems of the *Marsdenia viridiflora subsp. viridiflora* which is listed as an Endangered Population under the TSC Act have been recorded in the centre of the proposed airport site adjacent to Longleys Road. *Marsdenia viridiflora subsp. viridiflora* is recorded in Camden local government area and has been identified along the roadside at Bringelly Road and Greendale Road.
- Connectivity for fauna species is mainly along the Badgerys Creek riparian corridor or between closely linked patches within the proposed airport site. Connectivity with vegetation outside the airport site is limited. There is limited connectivity to South Creek riparian corridor.
- Fifty one species of threatened fauna (listed under the EPBC Act and/or TSC Act) have been recorded or are predicted to occur at the proposed airport site or within the locality.
- Nine threatened fauna species were found on the site during the survey. Eight of these species occur in the Camden local government area. They include the Grey-headed Flying-fox (*Pteropus poliocephalus*) listed as Vulnerable under the EPBC Act and the TSC Act and the Eastern Freetail-bat (*Mormopterus norfolkensis*), the following bird species which are listed as Vulnerable under the TSC Act, Varied Sittella (*Daphoenositta chrysoptera*), Little Lorikeet (*Glossopsitta pusilla*), Little Eagle (*Hieraaetus morphnoides*), Blue-billed Duck (*Oxyura australis*), Scarlet Robin (*Petroica boodang*). The Cumberland Plain Snail (*Meridolum corneovirens*) is listed as Endangered under the TSC Act. All species are recorded at a number of sites in the Camden local government area.
- Seven migratory bird species which are listed under the EPBC Act under the international agreements such as the China-Australia Migratory Bird Agreement (CAMBA) or the Japan Australia Migratory Bird Agreement (JAMBA) were



recorded at the proposed airport site during the field surveys. Four of these species have been recorded in the Camden local government area. They include the Cattle Egret (*Ardea ibis*), Latham's Snipe (*Gallinago hardwickii*), White-bellied Sea Eagle (*Haliaeetus leucagaster*), Rainbow Bee-eater (*Merops ornatus*).

Identified Impacts on Biodiversity

- Approximately 280.8 hectares of native vegetation will be removed, comprising around 146.1 hectares of good native vegetation, 146.1 hectares which is in good condition and 134.7 hectares in poor condition. Most of the vegetation to be lost is CPW with a small area of good condition artificial freshwater wetland (25.4 ha). Around 61 hectares of native vegetation would also be retained in the environmental conservation zone at the proposed airport site.
- The draft EIS estimates that the percentage loss of terrestrial and wetland fauna habitat is 0.91 % loss of woodland in the locality (i.e. 90.80 ha from 10,014 ha) and 1.6 % loss of riparian forest (29.8 ha from 2,555 ha). However these percentages are based on Western Sydney regional vegetation and not on percentages based on the local extent of the vegetation.
- The draft EIS identifies that “notably, the population of *Marsdenia viridiflora* subsp. *viridiflora* at the airport site would be removed, which would comprise a significant impact at the local scale.”
- The draft EIS also states that the removal of vegetation at the airport site would result in the loss of fauna foraging, breeding, roosting, sheltering and/or dispersal habitat. The loss of habitat includes grassland, artificial wetlands and patches of woodland vegetation. Construction of Stage 1 development will result in the loss of 50 hollow-bearing trees which may provide roosting and nesting habitat for birds and arboreal mammals species including microbats. As a result of the vegetation removal, habitat fragmentation and fauna displacement will occur.
- Other impacts identified with fauna include bird and bat strike. The risk assessment found that a number of bird species would present at least a moderate strike risk during operation of the Stage 1 development. Habitats that are found to create the most risk are farm dams, landfills and Flying Fox camps in the locality. It is noted that one of major food source for Australian White Ibis is the Eastern Creek Landfill Site and it is proposed to close in 2017.

Proposed Mitigation and Management Measures

- The draft EIS identifies that mitigation measures and biodiversity offsets would be further developed with reference to relevant conservation advice and recovery plans for threatened biota potentially affected by the proposed airport.
- The proposed environmental conservation zone will retain woodland along Badgerys Creek, Oaky Creek and Duncans Creek and will maintain some degree of fauna movement along riparian corridors and habitat stepping stones. This includes approximately 122 hectares of land and 61 hectares of land that will need to be revegetated.



- It is proposed to stage vegetation clearance to provide the opportunity for fauna that are resident in the construction zone to seek refuge in alternative habitat in the environmental conservation zone, long term development area or outside the airport area. It is proposed to prepare a biodiversity management plan and threatened fauna management plan prior to construction and this would include mitigation measures. It is also proposed to prepare a threatened flora translocation plan.
- An offset package has been prepared to compensate for the removal of approximately 90.8 hectares of CPW, 120.6 hectares of foraging habitat for the Grey-headed Flying Fox, and other features mentioned in regards to the affected mentioned threatened flora and fauna species, and to some extent the population of *Marsenia viridiflora subsp. viridiflora*.

Further commentary

- The direct impact of the loss of vegetation and habitat for threatened fauna and flora is confined within the proposed airport site. The loss of mostly CPW (90.8 ha) and the abovementioned threatened flora and fauna is significant. While the draft EIS identifies that the percentage loss of remnant vegetation is a few percentage points, at a local extent the loss is approximately 20%.
- The above proposed removal of vegetation and translocation of threatened species do not directly impact Camden local government area. Indirect impacts such as offsetting and fauna and flora management as discussed below are not identified to occur in the Camden local government area. However in the short to medium term there will be displacement of fauna and a considerable number will likely relocate to the northern part of the Camden local government area.
- A threatened flora translocation plan is proposed to consider the suitability of the sites within the environmental conservation zone and biodiversity offset sites within the vicinity of the site in order to maintain populations of these species as close to their original location as is possible.
- Potential Biobank Offset sites have been identified at a number of sites outside the proposed airport site. None are located within Camden local government area but are identified and make a reference to the Biobanking methodology and the required species credits.
- The suggested Biobank sites for CPW are based on candidate sites from a desktop assessment which includes BioBanking online registers and “like for like” vegetation match.
- Potential offsite sites for threatened fauna and flora include some of these candidate sites that allow for appropriate “like for like” vegetation and habitat. It also acknowledges that the listed threatened flora and fauna species have been recorded at some of these candidate sites.



- Camden Council has extensive areas of CPW, and will in the coming year assess the Biobanking potential of some of its high conservation significant reserves with the view to register them as potential Biobank candidate sites. A Biodiversity Corridor Plan is also to be prepared in the coming year for the Cobbitty/Cobbitty Hills corridor which contains high conservation value land. Additionally it is noted that there will be a significant loss of habitat trees and Council should consider accommodating the reuse of these hollows as part of its Biobanking Sites Assessment and Biodiversity Corridor Plan for Cobbitty/Cobbitty Hills.

Surface Water and Groundwater

Key Issues for Council

- With regard to conducting an overall assessment of the draft EIS relative to Surface Water and Groundwater, Council is concerned as to the lack of qualification of the data and interpretation of the reliability and uncertainty of outcomes.

Implications & Opportunities

- Comment on how the reliability of the information was tested and what uncertainties (if any) are in the information is not presented. Further, figures and maps are provided, however, many figures and maps are not clear and could be improved to aid understanding. Mitigation and management measures are identified, however, are generally broad and do not necessarily target specific residual impacts or propose specific measures or targets.

The identified gaps in the assessment relate to:

- Flooding – Residual impacts in Cosgroves, Oaky and Badgerys Creek are identified. It is difficult to confirm whether the statements and conclusions are valid as there is a lack of supporting information and presentation of inputs and results are not clear and concise. Further, these impacts still require management to mitigate them to negligible levels.
- Duncans Creek and its tributaries have not been modelled to allow definition of baseline and relative hydraulic impacts in these locations. Such impacts have been assessed by the changes in the hydrology for these catchments. As such, all summary impacts do not fully consider impacts to the Duncans Creek downstream areas. Investigation of a basin at this location is proposed as a mitigation/management measure.
- Many of the figures/maps provided in both the main chapters of the draft EIS and in the technical reports are either not easy to understand or omit relevant information to aid ease of understanding.



- Cumulative impacts have been discussed, however, no assessment has been undertaken to quantify the potential impacts other than for climate change scenarios.
- Water quality has not been presented in terms of achieved pollutant load reduction or assessment against guideline pollutant reduction targets. The draft EIS seems to dismiss any relevance of increased pollutant loads on the receiving environment and instead determines that impacts are acceptable because there are general improvements in pollutant concentrations due to increased flow volumes.
- The draft EIS discusses the tributary of Badgerys Creek that joins Badgerys Creek approximately 300 metres downstream of Elizabeth Drive under existing conditions. It acknowledges that threatened ecological communities have not been mapped outside the site as part of the biodiversity assessment, but there is evidence of some remnant native vegetation along this reach of creek which would be reliant on occasional flooding and would be impacted under the current proposals. Such impacts need to be assessed to ensure there are no impacts and any mitigation and management measures identified.

Surface water impact management is required to address the following residual risks to surface water:

- Outstanding localised increases to flood depths in Cosgroves, Oaky and Badgerys Creeks.
- Risks to erosion and geomorphological changes to the downstream creeks due to increases in bed shear stress at various locations.
- Undefined impacts and mitigation for runoff to Duncans Creek.
- Implications of increases in pollutant loads, particularly for cumulative impacts are not addressed.
- Ecological impacts in receiving waters are not clearly addressed.
- Impacts of potential use of stormwater to provide water supply for site preparation works has not been considered.

Ground water system impacts contain a number of shortcomings with regard to data analysis. The identified gaps in the assessment relate to:

- The lack of qualification of the data (previous data and interpretation of the reliability and uncertainty of outcomes).
- The identification of MNES is not provided in the groundwater studies. The MNES of relevance appears to be the Cumberland Plain Woodland. This ecosystem is also classified as a high priority groundwater dependant ecosystem under the NSW regulatory framework. The text of the draft EIS does not clearly define the Cumberland Plain Woodland as a MNES. Additionally, the text in the



draft EIS documents locates the Cumberland Plain Woodland along Badgerys Creek; however, the map appears to locate the ecosystem at several places over the site. Due to the nature of the project, vegetation over most of the site is expected to be cleared. As such, impacts to the Cumberland Plain Woodland ecosystem need only to be addressed for the groundwater impact assessment along creek lines. This is provided in the draft EIS documents.

- Sufficiently complete characterisation of the weathered rock (regolith) aquifer is not provided as no additional data from previous studies was collected.
- Similarly, no baseline time-series data has been collected. This is especially a limitation when it comes to characterisation of the weathered rock (regolith) aquifer and the contribution of this aquifer to the alluvium formations along the creek lines where groundwater dependant ecosystems are primarily located.
- The impacts are reasonably well identified; however some of the impact assessment is missing a clear outcome statement.
- Impact management and mitigation measures are only discussed generally with potential mitigation measures to be considered and monitoring to be implemented. Groundwater impact management is required to address the two residual risks to groundwater values:
 - Risk of soil and subsurface contamination from spill/release of chemicals or contaminants.
 - Risk of impact on groundwater dependant ecosystems from reduced water supply to the creek alluvium system. The draft EIS documents do not provide a robust impact assessment of the risk to the Cumberland Plain Woodland along Badgerys Creek. The following management and mitigation approach could be considered to address the draft EIS guidelines requirements:
 - Implementation of baseline data acquisition with an aim to document the contribution of recharge to the creek alluvial system from the weathered rock (regolith) aquifer and the Bringelly Shale;
 - A review of the risk to the groundwater dependant ecosystem;
 - Based on the outcome of the previous item, the management and mitigation will vary with the level of risk. A risk propagation based monitoring strategy and response plan may be suitable. In this case, a response plan would propose a suitable early warning indication of impact propagation and provide the management and mitigation measures if necessary to prevent adverse impact. If the risk is identified to be more significant, engineered solutions may need to be considered in the site design.



Aboriginal Heritage

Key Issues for Council

- The site is owned by the Australian Government, and thus for heritage is covered by federal legislation (not State or local legislation) i.e. the *Environmental Protection and Biodiversity Conservation Act* (EPBC Act). However the heritage assessment undertaken is consistent with that required by the NSW Heritage Council.

Implications & Opportunities

- 74 aboriginal sites are identified on the airport site (49% consist of single stone tools).
- At least 39 sites are directly impacted upon (requiring destruction).
- The alteration of landscape will have adverse effects on the intangible value of the landscape to Aboriginal people.
- The potential to avoid or to mitigate the items is limited due to the need to create a large flat platform that is well drained for the proposed airport.
- 11 sites (including a highly significant grinding grooves and scarred tree) are located in Badgerys Creek and thus can be retained and incorporated in open space and conservation areas.
- Salvage of the items (which need to be removed) and continued consultation with Aboriginal people is recommended.
- There is no direct impact on the Aboriginal items of the Blue Mountains World Heritage site, however the protection of quiet wilderness areas are important and should be considered in determining the flight paths.

European Heritage

Key Issues for Council

- The proposed airport does not have any direct impacts on the heritage of Camden Council, due to its distance from the Camden local government area. The study area (which is larger than the proposed area of the airport) extends to the corner of Bringelly and the Northern Roads.

Implications & Opportunities

- 19 European items are identified within the airport site, and 22 within the study area. Most were assessed as being of Commonwealth (equivalent to local



heritage significance). Of these, 18 items within the site will be directly affected (demolished), and most will be indirectly affected, for example by visual and ambience impacts.

- The items to be demolished include those in the townships of Badgerys Creek, Luddenham, Bringelly and Greendale.
- Mitigation and management measures proposed prior to commencement of construction include:
 - further archival and archaeological investigations;
 - relocation of movable objects;
 - relocation of remains interred in graves from cemetery sites;
 - interpretation by displaying items in an onsite museum, use of heirloom plantings in landscaping.

Social

Key Issues for Council

- *Translation of issues within the draft EIS* - the Specialist Social Impact Study identifies a number of likely adverse impacts to local communities. Despite the significance of these impacts and their potential to raise notable social concerns, many are given relatively minor reference in the relevant chapters (23 and 37) with no reference in the Executive Summary. This results in an ill-informed view of social issues for readers of the draft EIS who may not progress to read Chapter 23 or Appendix P in detail.
- *Statements without Assessment* - In both the social and economic chapters (23, 24 and 37) many of the potential issues are stated with little assessment of their implications to communities, their degree of significance or duration and alternative approaches that may be applied to alleviate them i.e. alternative open spaces available during construction, the severity of noise impacts to recreational areas, the degree of noise disturbance for different locations over the short and longer terms. This approach weakens the readers' appreciation of the issues and the means to mitigate them. It could also result in greater angst by the community as to the likely degree, duration and severity of impacts.
- *Mitigation of Longer Term Impacts* - a review of the discussion concerning mitigation measures over the longer term focuses heavily on planning mechanisms (i.e. zoning of land to exclude residential uses) together with local and State Government investment to address broader traffic, transport and infrastructure issues. There is no discussion however of how this would be co-ordinated or resourced to address specific impacts resonating from the proposed airport. There is no discussion either as to who the key accountability would fall with. This results in a potential risk that some mitigation measures and impacts would be missed or forgotten over time.



- *Direct Response to Stakeholder Engagement* - the initial stakeholder engagement program for the proposed airport identified a range of social and economic concerns (Vol.1). A number of these concerns are listed by the specialist studies yet are not specifically addressed by the draft EIS. It is recommended that each is appropriately considered and responded to so as to identify the most appropriate mitigation measures and minimise community concerns.
- *Potential of adverse implications associated with the proposed airport* - It is noted in the draft EIS for the proposed airport that perceived impacts are as important as actual impacts, as people may modify their behaviours or experience discomfort simply because of a perceived impact.

Implications & Opportunities

- The physical and perceived impacts of a new airport (and resulting restrictions to access across the locality) to social cohesion should be considered, and any associated community and cultural connections.
- The potential social concerns relating to the perceived or actual impacts of the proposed airport to the local communities health (i.e. noise disturbance, fuel jettisoning etc.) should be evaluated.
- Consideration should be given of the social implications of the locality changing from a rural and low density residential area to a more urbanised one. Whilst the draft EIS makes the assumption that this transition would be a positive one, Council notes that different communities may value varying levels of urbanisation differently. Therefore a change to a denser built form may be considered undesirable and stressful for some established and retired community members.
- Consideration should be given of the degree and duration of the impacts to existing residents located in Luddenham, Badgerys Creek, Bringelly, Greendale and Wallacia during construction and operation i.e. construction noise, access and traffic congestion.
- It remains un-clear as to how potential social and economic impacts would be managed and mitigated with such a significant and relatively quick increase in the number of passengers and associated on site employment (+120%) over the 13 year period between 2050 and 2063.
- The draft EIS should identify what impact the additional flight paths, operations and associated amenity impacts would have to the longer term development potential of affected areas in Western Sydney i.e. height and noise restrictions to increasing residential density.
- Consideration should be given as to the degree to which the airport could “...lead to the reduction in social amenity and impacts on the existing lifestyle of people living and working...” (Pg. 138) identified by the draft EIS.



- Further analysis is required as to the economic costs or implications of the proposed airport's "...role in attracting economic activity to the Region" at the expense of others i.e. "There is a reduction in value-add in the Rest of Australia" (Pg. 139).
- The draft EIS identified the potential for additional amenity impacts to the local communities as a consequence of the proposed airport. Means to mitigate these impacts are not identified other than general references to the need for local and state Government planning (i.e. appropriate land use zoning) and service provision (i.e. new community facilities etc.).

Whilst it is difficult to be definitive with respect to mitigation measures over such a period of time, this predicament, combined with the significant scale of the development, creates a significant risk over the longer term. This risk is on account of uncertainties as to how these additional facilities would be funded and who would be responsible for their provision, operation and maintenance to a level that adequately addressed the impacts. This reliance on other parties to manage the proposed airport's impacts has the potential to result in missed mitigation measures and governance overlaps or gaps.

- While potential social issues are stated in the draft EIS, little assessment of the associated implications (e.g. discussion of potential health impacts) have been explored; furthermore, community feedback/discussion was not outlined indicating several assessment gaps. In this regard, it is strongly recommended that there is further assessment of social impacts.
- It is noted that consultation with Indigenous stakeholders is apparently unclear in the draft EIS. In this regard, further clarification is required as to the extent of consultation that has occurred, and/or that further consultation take place if required.
- Existing residents may experience associated negative effects due to relocation, the change to a denser built form and the associated changes to land use. There will also be issues around loss of access to existing facilities, recreation resources and green space affecting health, mental health, food security etc.

Economic

Key Issues for Council

- Impacts – while there is a strong focus in the draft EIS on the economic benefits of the proposed airport, this is distinct from a balanced discussion of economic and social costs and benefits. For example the economic Chapter (24) in Vol. 2 focuses entirely on the regional (Western Sydney) and broader (Sydney, NSW and Australian) employment and economic benefits of the proposed airport with only one general and unclear reference to potential adverse economic impacts:



“However there would be some negative impacts in the immediate vicinity of the airport site due to combination of the airport development and the changing land uses” Vol. 2, Chapter 23, Pg. 504

Council seeks a better balance of discussion in relation to matters such as impacts to local business activity during construction or the potential impacts of a new business park (with retail as a permissible use) to existing and proposed centres in the South West (i.e. Leppington, Edmondson Park and Liverpool).

- Geography – Council also has concerns as to the balance of discussion regarding the draft EIS’s strong focus on the regional and Australian economic benefits of the proposed airport as distinct from any prospective local impacts. For example the economic benefits and costs to centres within close proximity to the proposed airport (i.e. Bringelly, Luddenham etc.) are little, if at all discussed.
- Transfer and Redistribution Effects - the draft EIS commentary regarding the economic value add as a consequence of the proposed airport recognises its *“...role in attracting economic activity to the Region” at the expense of others i.e. “There is a reduction in value-add in the Rest of Australia” (Pg. 139) and “The model assumed the future regional employment growth would be redistributed across Sydney...” (Pg.141).*

Whilst the generation of jobs in Western Sydney is a strong positive of the proposed airport, the draft EIS does not discuss the economic or social implications of this transfer of activity from the other areas in Sydney or “the rest of Australia”.

Implications

- While it may be debated that the overall benefits of the proposed airport might outweigh the costs for Sydney, a more detailed discussion of costs, and who would be affected is recommended i.e. costs with respect to increased traffic generation and congestion, health impacts, the loss of agricultural land, local business impacts etc.
- In this regard it is unclear what the ‘standing’ of any cost benefit analysis is for the assessment – that is what is the area being assessed. If the standing is Western Sydney as a whole, there would be a net benefit gained by the proposed airport to the area of assessment. If the standing is Greater Sydney, the Specialist Studies infer that there would be no nett increase with regards to job growth or value add over the short term as result of the proposed airport.
- The draft EIS recognises that the proposed airport would increase congestion on parts of the M4, M5 and M7 Motorways together with the M31 Hume Highway. The potential impacts to businesses reliant on these access routes for servicing and delivery should be considered.
- There is no assessment of the potential impacts of the proposed airport (positive or negative) to the future operation of businesses within the Western Sydney



Employment Area (i.e. in relation to noise or congestion impacts, access improvements and land value).

- The draft EIS does not assess the potential economic impacts of the retail floorspace relative to the economic viability of existing centres in the South West (i.e. Luddenham or Liverpool) or the timely delivery of proposed centres (i.e. Leppington and Edmondson Park).
- There is no assessment of the demand for, or impacts as a result of, a new business park in this part of the South West and the potential implications to other centres such as Leppington that are identified as a future major centre in South-Western Sydney.
- The draft EIS does not assess the demand for, and implications of a potential 845,000m² of additional industrial floorspace to the Western Sydney Employment Area, nor the potential benefits of a business park and how these jobs would align with the characteristics and skills of the new population in South-Western Sydney.
- The draft EIS does not assess the level of demand for, and impact to social infrastructure in the locality as a result of these uses and their employees (+4,400 to +27,000 people).
- While the draft EIS identified an adverse correlation between airport noise and land values in Brisbane and Adelaide, it did not make the same finding for land affected by Sydney and Melbourne airports. The draft EIS poses a number of reasons for this result including the fact that property values in central Sydney may be more significantly and positively influenced by factors other than noise including proximity to Sydney CBD. Council cautions any conclusions that seek to draw the same correlation as central Sydney between property prices and airport noise for the proposed airport. Despite this, Chapter 24 of the draft EIS concludes:

“Overall there would be no discernable negative impact expected on property values, as the anticipated value uplift from land use changes will outweigh any consequence or concern about noise impacts” Pg. 489

Council is of the view that the characteristics of land and properties surrounding the proposed airport could be more akin to the localities surrounding Adelaide or Brisbane airports (i.e. land that is not located within a few kilometres of a Global CBD) resulting in a different correlation between noise and land values to the Sydney airport analysis.

Council also questions the draft EIS conclusion made on the growth rates for properties affected by Sydney airport being on par with other non-affected areas in Sydney. Whilst this may certainly be the case with respect to growth rates, there is likely to be very different actual sale value starting points i.e. lower land values in noise affected areas than non-affected areas consistent with the findings of other literature cited by the draft EIS.



Opportunities

Camden Council's Economic Development Strategy (EDS) is built around maximising and seizing opportunities from growth while supporting and encouraging local business. The proposed airport will provide areas of opportunity that will enhance and support this strategy and Council's community strategic plan, *Camden 2040*.

- The need to reduce long journeys to work is a key challenge for the South-Western Sydney (including the Camden local government area), the location of the proposed airport at Badgery's Creek will provide employment opportunities for local residents closer to home, enabling reduced costs of travel; potentially reducing commuter times for individuals and thereby reducing energy use, cutting carbon emissions, raising the overall productivity of the workforce and increasing people's quality of life and social benefits.
- The location of the proposed airport which is approximately 5-10kms from Camden local government area (i.e. Bringelly Road, Bringelly) will provide increased employment opportunities for Camden local government area residents.
- The proposed airport will make it more attractive for business to establish in the Camden local government area as they will have access to a greater number of workers, operating in closer proximity to other firms, enabling knowledge spill-over.
- The Camden local government area is well placed to attract new businesses into South-Western Sydney, providing a desirable location for business and family life.
- The proposed airport will provide an opportunity to increase 'visitor appeal' and to maximise domestic and international tourism into the Camden local government area.
- The proposed airport will provide key tourism infrastructure such as road and potential rail infrastructure, which will support tourism growth in South-Western Sydney and the Camden local government area.
- The proposed airport will provide a mix of direct and indirect employment opportunities for residents of the Camden local government area. It has the potential to impact jobs and population growth spatially throughout NSW, influencing where people will live and work. In particular, it is expected to significantly contribute to employment growth in and around the airport.
- Camden's construction industry has a unique opportunity to enhance its financial position during the construction phase of the proposed airport. The construction sector is currently Camden local government area's largest industry, accounting for 3,995 local jobs, equalling 17.1% of the employment in the Camden region (2013/2014- *National Institute of Economic and Industry Research - NIEIR*).



Current planning forecasts show that jobs in the construction industry are likely to closely follow the planned growth in population. The significant population growth is driving growth in the construction sector over a number of decades and provides employment and training opportunities for existing and potential new Camden residents. With the total Western Sydney employment footprint expected to reach 2,700 jobs in 2022 and a total of 11,300 persons over the construction period, Camden residents employed in construction, and construction related businesses have a unique opportunity to take advantage of the construction occurring as part of the proposed airport project.

- Many Camden residents will be attracted to jobs at the on-site business park which will support 4,440 employees in 2031 and 27,150 employees in 2063.
- As a neighbouring Council to the proposed airport site, more information and assessment is required on the negative and positive economic impacts to the Camden local government area businesses e.g. what are some of the negative impacts in the immediate vicinity of the proposed airport (to the Camden local government area) that will occur due to construction (traffic related issues), changing land uses and airport development/new business park? More specifically what would the economic impact be on the Leppington Major Centre?



ORD02

CONTRIBUTIONS PLANNING POLICY P4.0298.1

Attachment 1

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CONTRIBUTIONS PLANNING POLICY

DIVISION: GROWTH AND FINANCE

BRANCH: CONTRIBUTIONS PLANNING

CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 Under the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council has the power to require the payment of Development contributions toward the cost of providing infrastructure and facilities to meet demand generated by the development. Transparency and accountability underpin the planning system to help maintain public confidence in the collection and use of contributions for infrastructure.
- 1.2 Where Development contributions are required by the Council through Conditions of Consent, the contribution must be in accordance with a Contributions Plan adopted by the Council. Council has several Contributions Plans that require the payment of contributions toward the provision of open space, recreation facilities, community facilities, roads, drainage and other community infrastructure.
- 1.3 This Policy has been developed in the context of the relevant statutory planning framework, as well as industry best practice and lessons learned through the implementation of the various Contributions Plans and development specific issues in the Camden Local Government Area (Camden LGA).

2. OBJECTIVES

- 2.1 The objectives of this Policy are to:
 - Provide the framework for the efficient and equitable determination, collection and management of Development contributions toward the provision of local infrastructure generated by development within the Camden LGA;
 - offer guidance, certainty, reduce the complexity of and ensure consistency with implementation, review and retirement of Contributions Plans; and
 - Promote the timely delivery of infrastructure in the Camden LGA.

3. SCOPE

- 3.1 This Policy applies to all land covered by a Contributions Plan as defined in cl. 7.1 of the Environmental Planning & Assessment Act 1979

4. DEFINITIONS

- 4.1. **Apportionment** means the proportional cost of each infrastructure item, or all, that can be attributed to new development. The proportion of the cost of infrastructure attributable to demand from sources other than new development, including the demand from existing development and backlogs in infrastructure provision for existing development, cannot be provided for in a Contributions Plan.
- 4.2. **Attributable cost** means the estimated cost for each item in the works schedules of the relevant Contributions Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any Works-in-Kind proposal.
- 4.3. **Bank guarantee** means an irrevocable and unconditional undertaking without any expiry or end date in favour of Council to pay an amount or amounts of money to Council on demand issued by an Australian bank, non-bank/financial institution, or insurance company subject to prudential supervision by the Australian Prudential Regulatory Authority and has a credit rating of "A" or above (as assessed by Standard and Poor's) or "A2" or above (as assessed by Moody's Investors Service) or "A" or above (as assessed by Fitch Ratings).
- 4.4. **CDC** means a Complying Development Certificate within the meaning of s4.27 of the *EP&A Act*.
- 4.5. **Consent/Conditions of Consent** - a Condition of Consent describes the conditions under which a Consent is granted. This may include the payment of Development contributions.
- 4.6. **Contributions Plan** means a document approved by the Council under s7.18 of the *EP&A Act* for the purposes of enabling the Council to impose Conditions of Consent requiring Development contributions.
- 4.7. **Council** means the Camden Council.
- 4.8. **Development Consent** means Consent under Part 4 of the *EP&A Act* to carry out development and includes, unless expressly excluded, a complying development certificate.
- 4.9. **Development contribution** means a monetary contribution or the dedication of land free of cost referred to in section 7.11 or a levy referred to in section 7.12 of the *EPA Act*.
- 4.10. **Development contribution area** means the area to which a specific contribution plan applies.
- 4.11. **DCMC** means the Development Contributions Management Committee.
- 4.12. **Enabling Infrastructure** means infrastructure that enables other **development** and is the highest priority infrastructure for delivery in a Contributions Plan. It may be forward funded by Council prior to the collection of Development contributions.
- 4.13. **EP&A Act** means the *Environmental Planning and Assessment Act 1979*.
- 4.14. **EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2000*.
- 4.15. **ILP (Indicative Layout Plan)** establishes a framework for the urban form and defines the critical components of the site. These include land use, drainage areas, vegetation conservation areas, access points and collector roads, easements and open space, and areas with a restriction on height.
- 4.16. **IPART** means Independent Pricing and Regulatory Tribunal of NSW.
- 4.17. **Index** - Indexation is a method of adjusting contribution rates to account for changes in the cost of land or infrastructure over time. It helps to ensure that contributions remain reflective of cost. Indexation methodologies will be used for Contributions Plans.
- 4.18. **Land Contribution** means the area of land to be dedicated to Council in full or part satisfaction of Conditions of Consent requiring Development contributions to be made to Council.

- 4.19. **LGA** means local government area.
- 4.20. **LVI** means the Land Value Index published annually by the Council on its website or in its Management Plan, or both.
- 4.21. **Material Public Benefit (MPB)** - a MPB can consist of either a Works-in-Kind or the provision of certain public amenities or services that are not scheduled within a Contributions Plan that equals or exceeds an item/s in a Local Contribution Plan. An MPB is offered by a Developer and accepted by Council in satisfaction of a Condition of Consent. The Council does not encourage and generally will not accept MPB offers in lieu of Development contributions that provide essential supporting infrastructure.
- 4.22. **NDA** means Net Developable Area – this is the total area of the residential lots within a land subdivision and is used to calculate contributions on an area basis. The list of land that is excluded from the Net Developable Area is provided in Section 7.11.1. It is used to calculate the portion each development is required to pay for some types of infrastructure classes in Council's Plans, namely road and transport and watercycle management.
- 4.23. **Nexus** - in a contribution plan, means the relationship between the expected types of development in the LGA and the demand for additional infrastructure and Public Facilities to meet that demand. In relation to development proposed by a development application, the term refers to the demand created by the development for additional Public Facilities in the LGA.
- 4.24. **Planning agreement** means a voluntary Planning agreement referred to in section 7.4 of the EP&A Act.
- 4.25. **Policy** means the Camden Contributions Planning Policy (this Policy). 4.25 **Public Facilities** means public infrastructure, facilities and amenities.
- 4.26. **Recurrent costs** means any cost which is of a repeated nature that is **required** for the operation or maintenance of a public facility.
- 4.27. **Secondary Dwelling** means a self-contained dwelling that:
- a) is established in conjunction with another dwelling (the principal dwelling); and
 - b) is on the same lot of land as the principal dwelling; and
 - c) is located within, or is attached to, or is separate from, the principal dwelling.
- 4.28. **Surplus Credit** means the \$ amount by which the value of works accepted by the Council in satisfaction of a Development contribution required to be made under a Condition of Consent exceeds the amount of the Development contribution.
- 4.29. **Works-in-Kind (WIK)** means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a Contributions Plan in part or full satisfaction of a Development contribution required under a Consent Condition.
- 4.30. **Works Schedule** means the schedule of the specific public amenities and public services for which a contribution may be required as set out in a Contributions Plan.

PART 2 - POLICY STATEMENT

This Policy shall be referenced when preparing new Contributions Plans in the Camden LGA, in conjunction with the Camden Contributions Plan Template.

This plan is also relevant for the administration, reviewing and retiring of contribution plans.

This Policy shall not limit or fetter Council's statutory discretion or duty in determining development applications under the *Environmental Planning and Assessment Act 1979*.

5. INTRODUCTION

5.1 Purpose of this Policy

Under the provisions of the EP&A Act, Council has the power to require the payment of Development contributions toward the cost of providing infrastructure and facilities to meet the demand generated by development.

Development contributions are a means of funding infrastructure needed to support new development. Contributions may be in the form of monetary payment, the dedication of land, the provision of a Material Public Benefit (including through Works-in-Kind), or a combination of these.

The EP&A Act provides the overarching framework for the NSW planning system. The EP&A Regulation supports the day-to-day requirements of this system and contains key operational provisions including those related to Development contributions and Planning agreements. These instruments are supported by Practice Notes published by the NSW Department of Planning, Industry and Environment.

This Policy seeks to be a best practice guide and standardise Council's approach to Development contributions to foster greater efficiency and consistency in the preparation, administration and closure of plans and Planning agreements.

The purpose of this Policy is to:

- Provide the framework for the efficient and equitable determination, collection and management of Development contributions toward the provision of local infrastructure;
- encourage transparency and put into place accountability measures for the collection and expenditure of contributions and the provision of Public Facilities, underpinning confidence in the system;

- set out guiding principles for specific issues regarding Development contributions, thereby giving stakeholders clear direction; and
- maximise the delivery of infrastructure and minimise the risk associated with liabilities for existing development, where appropriate.

This Policy, supported by a Contributions Plan Template, Planning Agreement Policy, and Works-in-Kind Policy will help establish the contributions framework for Council in the development and implementation of future Contributions Plans. It will help ensure that local infrastructure is delivered in a timely, transparent and efficient manner.

The guiding principles embedded in this Policy will form the foundation of any subsequent Contributions Plans.

5.2 Relevant Council Policies and Documents

This Policy should be read in conjunction with the following adopted Policies and Documents:

- Contributions Plan Template;
- Planning Agreements Policy;
- Works-in-Kind Policy.

5.3 What is a Contributions Plan?

A Contributions Plan sets out the infrastructure and land that future residents, businesses and workers of the area will need. Councils must have a section 7.11 or section 7.12 Contributions Plan in place that is in accordance with the EP&A Act in order to levy contributions.

A Contributions Plan must contain:

- The purpose of the plan;
- The land to which the plan applies;
- The relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and services to meet that development;
- The formulas to be used for determining the s7.11 contributions required for different categories of public amenities and services;
- The section 7.11 contribution rates for different types of development, as specified in a schedule to the plan;
- If the plan authorises the imposition of a section 7.12 condition -
 - The percentage of the section 7.12 levy and, if the percentage differs for different types of development, the percentage of the levy for those different types of development, as specified in a schedule to the plan, and
 - The manner (if any) in which the proposed cost of carrying out the development, after being determined by the consent authority, is to be adjusted to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date of that determination and the date the levy is required to be paid;

- The council's policy concerning the timing of the payment of monetary section 7.11 contributions, section 7.12 levies and the imposition of section 7.11 conditions or section 7.12 conditions that allow deferred or periodic payment;
- A map showing the specific public amenities and services proposed to be provided by the council, supported by a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds); and
- If the plan authorises monetary section 7.11 contributions or section 7.12 levies paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions or levies, particularised by reference to the works schedule.

Generally, contributions can only be sought for the following:

- Capital costs, including land acquisition costs;
- Public infrastructure that a Council has responsibility to provide. For IPART reviewed plans with a dollar value over a certain threshold, some types of infrastructure cannot be levied if they are not under the 'essential works' list (see Section 7.2.1 of this Policy); and
- Public Facilities that are needed because of, or to facilitate, new development.

5.4 When is a Contributions Plan required?

A Contributions Plan is to be developed for a prescribed area, where the collection of funding (in the form of money, land, or both) is required to enable the provision of infrastructure to support new residents and/or workers due to demand triggered by development.

A condition of Consent requiring a contribution can only occur when there is a valid and lawfully adopted Contributions Plan in place.

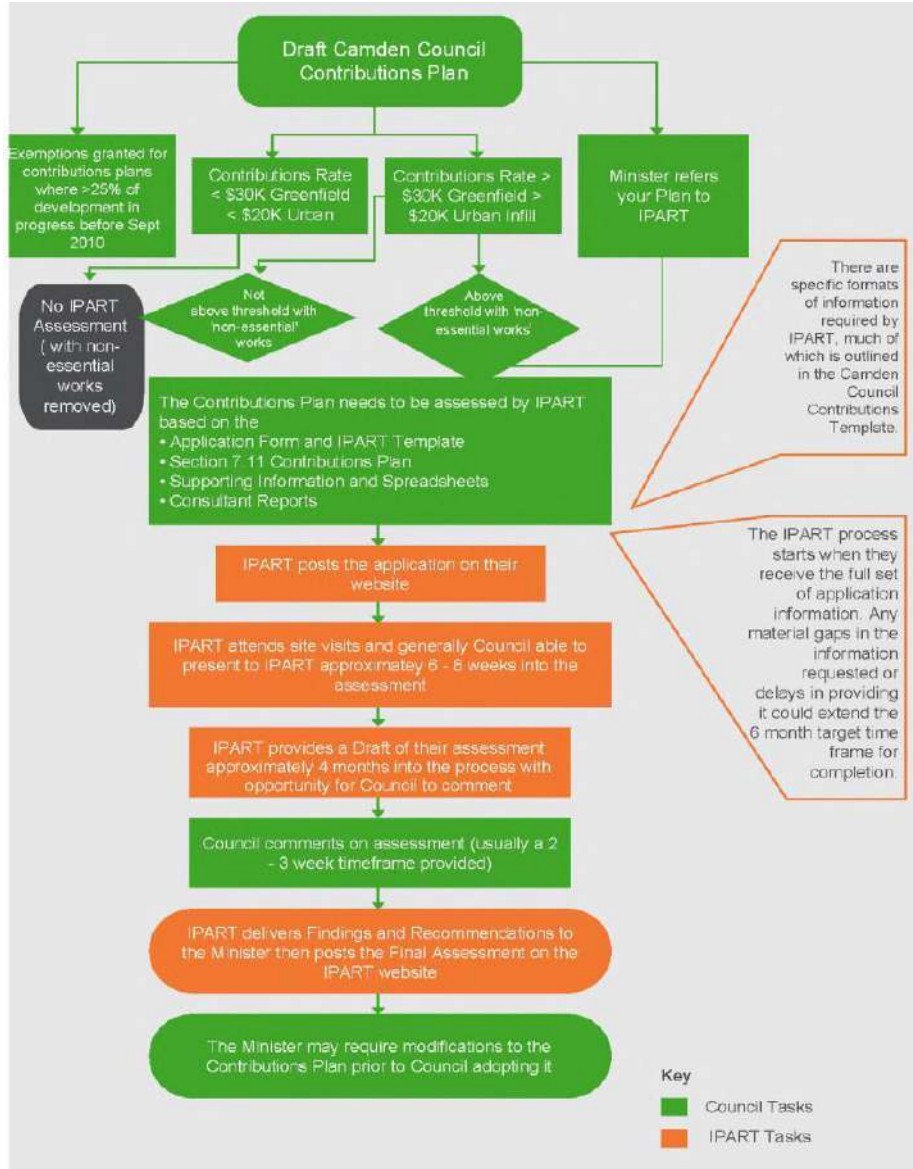
5.5 Thresholds on Section 7.11 Contributions and role of IPART

On 21 August 2012, the Minister for Planning issued a Direction to Council that capped section 7.11 contributions for residential development. On 17 July 2017, The Minister for Planning issued an amended direction that raised the caps on section 7.11 contributions and have since been phased out for IPART reviewed plans. Therefore, as of 1 July 2020, there will no longer be a cap on contributions associated with a Development Consent issued after this date. The required contribution in a plan will be able to be levied as a condition of Consent for IPART reviewed plans.

However, it should be noted that IPART reviewed plans will rarely cover the entire cost of infrastructure delivery. Items deemed non-essential works cannot be levied for in a Contributions Plan where the plan requires IPART review. An IPART review is required where residential dwelling contributions exceed \$30,000 in a greenfield context or \$20,000 in an infill context. The items that cannot be levied (i.e. 'non-essential' works), still appear the in the Work Schedules for transparency but are not included in calculating the contribution required.

5.6 Contributions Plan framework

The Contributions Plan framework and key roles played by IPART and the Minister of Planning is illustrated in the flowchart diagram below:



5.7 Principles underlying a Contributions Plan

A Development contributions Plan for any Development contribution area is to be prepared in accordance with the following key principles:

- *Nexus* - The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development (generated through additional population, workers or business requirements) and the demand created should be clearly established (Nexus). This a fundamental principle when assessing reasonableness (see key principle for *reasonableness* below). An infrastructure item that is needed does not necessarily have to be delivered within the boundary of the plan i.e. the expected new resident population may contribute to the demand for an LGA-significant piece of infrastructure. Similarly, an LGA-significant item of infrastructure may be delivered within the boundary of land to which the plan applies, but a broad base of existing or new development outside the boundary may use the facility.
- *Apportionment* - Refers to the concept that a charge made under a Contributions Plan only ever reflects the infrastructure demand generated by residents or workers of new developments and no other demands. Excluded demands may include backlogs of infrastructure to serve an existing population and demand generated by background growth outside boundary of the Contributions Plan. The proportional needs of the existing population or background growth must be quantified and deducted from the infrastructure item costs when calculating a Development contribution.
- *Reasonableness* - A significant consideration given to the reasonableness of a Contributions Plan is founded on the two key principles of Nexus and Apportionment, and the assumptions and projections that determine that relationship. This includes how the costs of land and facilities for infrastructure are derived and the methodology applied to calculate the contributions rate and escalate it over time.
- *Transparency* - Both the method for calculating the Development contribution and the way it is applied should be clear, transparent and simple to understand and administer.
- *Equity* - Development contributions should generally be levied from all developments within a Development contribution area, based on their relative contribution to the demand generated. Exceptions are outlined in this Policy.
- *Certainty* - All Development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.
- *Consistency* - Development contributions should be applied uniformly across a Development contribution area and the methodology for applying contributions should be consistent.
- *Accountability* - There must be accountability in the way Development contributions are determined and expended. This includes the completion of a Work Schedule in a Contributions Plan which also prioritises infrastructure according to milestones.

NOTE: The three principles Nexus, Apportionment and Reasonableness only apply to a s7.11 Contributions Plan. Furthermore s7.11(2) imposes a statutory requirement that s7.11(1) contributions must be reasonable, and that the nexus and apportionment principles are the principal means of achieving this.

6. POLICY CONTEXT

6.1 Legislative framework

- Environmental Planning and Assessment Act 1979* – Provides the legislative framework for infrastructure contributions.
- Environmental Planning and Assessment Regulation 2000* – Provides further requirements relating to the making, amending and revocation of Contributions Plans, giving public notice and other procedural arrangements.
- Practice Notes* – The practice notes are made for the purposes of clause 25B(2) and clause 26(1) of the EP&A Regulation. While the practice notes are not legally binding, in some cases they may advocate greater restrictions on the content and use of Development contribution plans and Planning agreements than is provided for in the EP&A Act and EP&A Regulation. The practice notes also set out various templates designed to standardise Development contributions documentation.
- Ministerial Directions* – under section 9.1 of the EP&A Act, these Directions require consideration for planning for issues such as employment, environment and heritage, housing, infrastructure and urban development.

6.2 Development contribution context

This Policy forms part of Council's Development contribution system.

Council may impose a condition of Consent to a development application or a complying development application requiring a Development contribution under section 7.11 or the payment of a levy under section 7.12 of the EP&A Act (if consistent with the relevant Contributions Plan).

A Planning agreement can be used in conjunction with or instead of a Contributions Plan in several ways. These allow Council and a developer to negotiate the delivery of public benefits in a manner that may be unavailable via a Contributions Plan. It can also be utilised where the landowner is neither a developer nor Council.

Sections 7.4 and 7.11(6)(b) of the EP&A Act set out the way a Planning agreement can influence the contributions and levies imposed as conditions of a Development Consent. This includes the ability of a Planning agreement to wholly or partly exclude the application of section 7.11 or section 7.12 in respect of a development. However, this can only occur when Council or the Minister is a party to the agreement.

Where Council is the Consent authority for development, the exclusion of section 7.11 or section 7.12 through a Planning agreement will be a matter of negotiation between Council and the developer on a case-by-case basis. Refer to the Camden Council Planning Agreement Policy.

6.3 Strategic alignment

Preparation of Contributions Plans are informed by Council's Strategic Planning Framework. This ensures legitimacy to the overall direction of the Contributions Plan and provides an overarching strategic foundation. Relevant strategic plans and related documents include, but are not limited to:

- Western City District Plan
- Community Strategic Plan
- Local Strategic Planning Statement
- Local Housing Strategy
- Economic Development Strategy
- Rural Lands Strategy
- Recreation and Leisure Strategy
- Integrated Transport Strategy
- Library Strategic Plan
- Precinct Plans
- Associated 'hard' infrastructure studies (road and transport studies, engineering assessments for watercycle management)
- Local infrastructure studies
- Infrastructure demand studies (open space and recreation and other social infrastructure).

Contributions Plans also reference:

- Open Space Design Manual;
- Buildings Design Manual;
- Sportsfield and other recreation strategies; and
- Engineering Standards.

Accordingly, any Contributions Plan should refer to the relevant strategic framework, to help set the context for infrastructure demand and delivery.

In addition to those outlined above, Council may undertake other strategic planning investigations which provide more detail on issues directly related to a specific Contributions Plan. For example, Council may prepare an open space management plan that results in fundamental changes to the way Council provides facilities (e.g. a move away from "pocket parks" to more comprehensive facilities). In these instances, there is likely to be a flow-on effect to the Contributions Plan that should be considered.

This underlines the need for regular review of Contributions Plans. It also emphasises the need for a multi-disciplinary approach within Council to the management of Contributions Plans to ensure their currency.

6.4 Integrated Planning and Reporting framework

When preparing a Contributions Plan and establishing the type of infrastructure to be included in the plan, Council will consider the integrated planning and reporting (IPR) framework and proposed projects, actions and services which may be identified in the plans and strategies. These include:

- Community Strategic Plan
- Combined Delivery Program and Operational Plan
- Resourcing Strategy

Where funding sources other than contributions are to be utilised (e.g. to account for Apportionment to existing development), these are to be noted and aggregated in the Work Schedule of the Contributions Plan. This enables tracking of Council liabilities that cannot be covered by contributions.

Planning agreements can also be used to implement the relevant priorities contained in Council's Local Strategic Planning Statement (LSPS), such as:

- Local Priority I1 - Aligning infrastructure delivery with growth
- Local Priority L1 - Providing housing choice and affordability for Camden's growing and changing population
- Local Priority L3 - Providing services and facilities to foster a healthy and socially connected community
- Local Priority S4 - Protecting and restoring environmentally sensitive land and enhancing biodiversity.

6.5 Relationship to LEPs, DCPs and master plans

One of the key foundations of population projections in a Contributions Plan is the underlying local statutory planning framework, which includes the Camden Local Environmental Plan (LEP) and *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Western Parkland City SEPP). Influencing factors of expected population growth in the LEP or SEPP include proposed:

- Land use and zoning (permissible uses) or Indicative Layout Plans
- Land identified for acquisition either within instruments or proposed
- Principal or proposed development standards controlling density, such as:
 - Floor space ratio
 - Minimum subdivision lot size
 - Height of buildings.
- Identified land constraints, including those identified in Indicative Layout Plans, limiting significant growth, such as:
 - Heritage
 - Flood prone land
 - Airspace operations (OLS)
 - Environmentally sensitive land (i.e. Riparian Corridors, land supporting endangered species, land identified in the Biodiversity Conservation Act 2016 (Biodiversity Values Map))
 - Engineering constraints regarding the suitability of the site or the public interest (i.e. land prone to land slips requiring an engineering solution to mitigate risks)
 - Land necessary for public utility infrastructure
 - Any matters required to be evaluated under s4.15 of the EP&A Act in relation to a development application.

Accordingly, the LEP or *SEPP Growth Centres* (or planned changes to these instruments) will provide the basis for growth and development or changes to future development potential that may lead to additional demand. Actual delivery of development should be monitored for the purposes of keeping Contributions Plans current.

The Camden Development Control Plan 2019 (DCP), which provides development guidelines, has an influence on a Contributions Plan. Examples of influencing controls are those which limit building footprint such as minimum landscaped area, site coverage, setbacks, and design of infrastructure including road widths, drainage design and open space requirements.

A master plan is the process by which analysis is undertaken and strategies are prepared, as well as the resulting coordinated proposals for buildings, infrastructure, spaces, circulation, and land use. These are conceived in three dimensions and are supported by carefully orchestrated delivery strategies.

Master plans can be prepared to influence planning controls, or they may be informed by current planning controls. They may also be prepared in phases, with a considerable period passing between each phase. Comprehensive studies are undertaken to support master plans, which often identify the impacts the expected population may have on public services and amenities.

For a master plan to be comprehensive it must be supported by financial, economic, and social Policy documents and delivery mechanisms. Without these, it has little meaning or likelihood of effective implementation. It is therefore fundamental that a Contributions Plan be prepared or amended to:

- Determine the demand for infrastructure and Public Facilities generated by the planned population; and
- To ensure that the development makes a reasonable contribution towards the provision of infrastructure to meet that demand.

It is considered reasonable that contributions be sought towards the cost of specialist studies which have been required to inform the preparation of the Contributions Plan. This is consistent with the Department of Planning, Infrastructure and Environment's Development contributions Practice Notes (July 2005). The costs associated with the preparation of the relevant plan can therefore be levied under that plan.

7. PREPARING A CONTRIBUTIONS PLAN

7.1 How must a Contributions Plan be set out?

There are minimum requirements for Contributions Plans, which are set out in the EP&A Regulation. Each requirement and reference to the section or Part of the Camden Contributions Template that deals with that requirement is listed in the table below.

Contributions Plan Template Requirements

Requirement in the Regulations	Where this requirement is addressed in Council's template
(1) A Contributions Plan must include particulars of the following:	
(a) the purpose of the plan,	1.1
(b) the land to which the plan applies,	1.2
(c) the relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and services to meet that development,	Part 2 and Appendices
(d) the formulas to be used for determining the section 7.11 contributions required for different categories of public amenities and services,	1.4 and/or 3.1.4
(e) the section 7.11 contribution rates for different types of development, as specified in a schedule to the plan	1.3
(f) if the plan authorises the imposition of a section 7.12 condition: (i) the percentage of the section 7.12 levy and, if the percentage differs for different types of development, the percentage of the levy for those different types of development, as specified in a schedule to the plan, and (ii) the manner (if any) in which the proposed cost of carrying out the development, after being determined by the Consent authority, is to be adjusted to reflect quarterly or annual variations to readily accessible Index figures adopted by the plan (such as a Consumer Price Index) between the date of that determination and the date the levy is required to be paid,	NA
(g) Council's Policy concerning the timing of the payment of monetary section 7.11 contributions, section 7.12 levies and the imposition of section 7.11 conditions or section 7.12 conditions that allow deferred or periodic payment	3.1
(h) a map showing the specific public amenities and services proposed to be provided by the Council, supported by a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds)	A.3
(i) if the plan authorises monetary section 7.11 contributions or section 7.12 levies paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions or levies, particularised by reference to the works schedule.	3.4

7.2 Which funding or delivery mechanism?

This section outlines the circumstances under which either a section 7.11 or section 7.12 plan should be considered. It is important to note that a development consent can only be the subject of either a section 7.11 contribution or a section 7.12 levy, not both. However, different classes of development in the same locality may have different types of contribution funding mechanisms. It also explores options of other delivery mechanisms, including Planning agreements and Works-in-Kind Agreements.

Key considerations when evaluating which funding and/or delivery mechanism is the most appropriate include:

- The ability to deliver adequate levels of infrastructure driven by demand as a result of population growth;
- the ability of the type of Contributions Plan to appropriately manage liability for Council related to infrastructure delivery generated from existing developments; and
- the ability for additional Material Public Benefit to be delivered, without compromising the essential infrastructure required for a development to function.

7.2.1 Section 7.11 Contribution Plans

Section 7.11 allows Council to determine the contribution based on the cost of infrastructure to be delivered. It is the most appropriate funding mechanism for areas of high growth, such as urban release and greenfield areas or areas of major redevelopment (Precinct Planning), where Apportionment and Nexus can be clearly established. In these situations, the rate and type of development is usually more predictable and the increased demand for infrastructure is more apparent than where development is occurring in established areas. Further, new release areas often have little or no existing public infrastructure in place. Nexus and Apportionment are therefore more easily demonstrated.

A Contributions Plan that proposes a rate above that proposed under the Ministerial Direction relating to section 7.17 of the EP&A Act, must be submitted to IPART for an independent review. An IPART reviewed Contributions Plan must only include 'essential works'. Essential works are defined to include the following:

- Land for open space (i.e. sporting facilities and parks) including base-level embellishment;
- Land for community services (i.e. childcare centres and libraries) but not works for the facilities;
- Land and facilities for transport (i.e. road works, traffic management, pedestrian and cyclist facilities);
- Land and facilities for watercycle management; and
- The costs of plan preparation and administration.

Under the current legislation, section 7.11 and section 7.12 can only be applied to the capital funding of infrastructure, not recurrent funding for operation and maintenance. The only recurrent funding permitted is the ongoing maintenance of roads where heavy vehicular traffic movements arise directly from a specific development activity such as mining. Planning agreements allow for recurrent funding for other items.

Benefits	<ul style="list-style-type: none"> • Optimal for areas of high growth where there is a clear Nexus between the infrastructure and new development and there is minimal or manageable liability for infrastructure costs apportioned to existing development • Useful for areas with multiple owners who are unable to coordinate dedications, Planning agreements or Works-in-Kind • Collection is transparent as it is associated with clear development milestones
Issues	<ul style="list-style-type: none"> • Can only be applied to the capital funding of infrastructure • Cost in developing a section 7.11 plan for smaller development • Can only be applied via conditions of Development Consent (i.e. at the Development Application or Complying Development Certificate stage)

Council will utilise a section 7.11 plan when:

- There is a high volume of new development in either a greenfield or infill context and a distinct boundary can be set (i.e. around land that will or has been rezoned);
- The development will create significant demand for new infrastructure;
- The cost attributable to existing development does not create an unserviceable liability for Council;
- There is multiple landowner’s dependent on a co-ordinated approach to enable development;
- There may be a need to forward fund some infrastructure to facilitate development;
- There are complex environmental/planning issues to be managed (including in the case of smaller developments); and
- The Council liability for the apportioned costs to existing development is minimal or manageable considering Council’s other financial resources.

7.2.2 Section 7.12 Contribution Plans

Section 7.12 contribution plans are an alternative to section 7.11 contribution plans.

Section 7.12 of the EP&A Act allows Council to prepare a Contributions Plan to levy a flat rate contribution towards, or recoup, the capital costs of providing or extending facilities, infrastructure and services necessary to meet the increased demand created by new development in a particular area.

Levies under these plans are charged as a flat percentage of the estimated cost of development. This is generally no greater than 1% (capped through regulation 25K of the EP&A Regulation). Under section 7.12, Council is not required to establish the Nexus between the development paying the levy and the object of the expenditure of the levy.

In some infill scenarios, determining the demand for local infrastructure solely from new development (as required under a section 7.11 plan) can be challenging. In an established area, the requirement of a section 7.11 Contributions Plan to apportion the cost of new infrastructure between the existing and new development can create a significant liability for Council. A section 7.12 approach may be preferable for infill development in an established area, while section 7.11 is more suited to major planned urban renewal precincts.

Benefits	<ul style="list-style-type: none"> • Little growth and slow accrual of funds in established urban areas or rural areas that does not justify the cost of developing a section 7.11 Contributions Plan • Suitable for low growth areas where Council liabilities for existing development would be untenable • Suitable for areas with multiple ownership with little scope for land dedications or Works-in-Kind • Costs of needed infrastructure are relatively low and spread out over time • Less complex to develop and greater flexibility in directing funds to various infrastructure items
Issues	<ul style="list-style-type: none"> • Lower value of contributions (note that this is currently under review) but greater flexibility in expenditure • Can only be applied via conditions of Development Consent (i.e. at the Development Application or Complying Development Certificate stage) • Can only be applied where the proposed cost of development is above a certain threshold (>\$100,000)

Council will utilise a section 7.12 plan to allow appropriate Development contributions to be levied in areas such as:

- Rural areas, where there are slow rates of development and growth, or development is sporadic.
- Established urban areas, where development is mainly 'infill' development and there is fragmented land ownership.
- Where Council needs to limit its liability for existing development.

7.2.3 Planning agreements

A Planning agreement, often referred to as a Voluntary Planning Agreement (VPA), is an agreement entered into by Council and a developer in accordance with the provisions of section 7.4 of the EP&A Act. Under a Planning agreement, a developer agrees to provide infrastructure and/or fund public amenities and public services including recurrent funding, affordable housing, and/or transport or other infrastructure.

A VPA provides flexibility in terms of delivery and timing. The funds or works are not required to have a direct Nexus with the proposal but should be related. A VPA should be considered where Council is satisfied that there is a direct benefit over and above the existing Contributions Plans in place. Council must be satisfied that entering into a VPA will not compromise the delivery of infrastructure outlined in a Contributions Plan.

Council should consider the circumstances under which it will consider a VPA in lieu of contributions under an existing plan or where payment of both will be expected. The VPA should also acknowledge the infrastructure identified in the relevant Contributions Plan. A VPA also allows for recurrent funding, whereas a Contributions Plan does not. Therefore, a VPA may be particularly valuable where there are ongoing maintenance and/or operational costs associated with a facility, such as watercycle management.

A VPA may also include the delivery of Material Public Benefit in the form of affordable housing and other related planning issues, which are not identified in a Contributions Plan.

Benefits	<ul style="list-style-type: none"> • Provides more flexibility in terms of delivery and timing of Material Public Benefits • Provision of contributions or a range of public purposes which can extend beyond the scope of conventional local infrastructure Contributions Plans, such as affordable housing • More successful where major growth or development occurs in a distinct area • Can meet ongoing (recurrent) costs associated with a facility • Negotiated at the Planning Proposal stage
Issues	<ul style="list-style-type: none"> • Quality VPA outcomes are often difficult to achieve and Council experience suggests substantial resources are required to implement a satisfactory agreement

A VPA is most appropriate when:

- There is a Planning Proposal submitted to Council and there is little disaggregation between various landowners/developers;
- It is associated with a Development Application or a Planning Proposal; and
- It is in accordance with the Camden Planning Agreement Policy, which details the circumstances under which such an arrangement may be sought.

VPAs should be limited to distinct developments where:

- The cost resources of developing a section 7.11 plan would be prohibitive; or
- There are generally one or a small group of landowners and it is associated with a specific Planning Proposal or Development Application.

7.2.4 Works-in-Kind Agreement

A Works-in-Kind (WIK) Agreement is the completion of a work specifically included in a Development contributions Plan.

The purpose of providing Works-in-Kind Agreement is to satisfy the conditions of a Development Consent that requires contributions to be made (i.e. to construct works instead of making a cash payment to Council).

A developer may seek to construct public infrastructure or provide another form of Material Public Benefit in lieu of making a monetary contribution. This is in accordance with the provisions of section 7.11(5)(b) of the EP&A Act.

WIK agreements provide opportunities for developers to deliver infrastructure for the community earlier than Council may be able to achieve, with the advantage of accelerating housing and infrastructure delivery. By constructing works, developers can offset the Development contributions they would otherwise be required to pay to Council.

It is Council Policy that the WIK agreement will be of equal value to the costs identified in the Contributions Plan for the infrastructure at the appropriate Indexed value, unless otherwise agreed between the developer and Council.

If the value exceeds that payable under a Contributions Plan, under some circumstances, developers can seek a credit for difference in value to be applied against future Development contribution requirements for that kind of work. For example, where a proportion of the work is attributable to other parcels of land or existing development (refer to the Camden Works-in-Kind Policy, Part 10). Delivery of infrastructure over-and-above the standard identified in the Contributions Plan, however, will not constitute a credit, unless expressly agreed to by Council in writing.

Care needs to be taken when drafting WIK agreements to ensure that the valuation process and proper scope of works are clearly defined. Failure to do so could impact on Council's ability to recover any shortfall in Development contributions.

Benefits	<ul style="list-style-type: none"> • Provides more flexibility in terms of delivery and timing • Can enable the delivery of infrastructure much earlier than otherwise would be provided by Council • More successful where major growth or development occurs in a distinct area
Issues	<ul style="list-style-type: none"> • Need to ensure the valuation process and scope of works are clearly defined in the WIK agreement.

7.3 Developments excluded from Contributions Plan or excluded from some categories of infrastructure contributions

Council exempts some types or classes of development from the payment of Development contributions based on strategic planning, economic or social purposes. A Contributions Plan must be specific about the types of development to be exempted from the plan. To ensure consistency across all development plans, the following types of development must be nominated as exempt from contributions:

1. A dwelling house on a single allotment of land where the new dwelling house replaces an existing dwelling (Section 7.11 only)
2. Development where a contribution has previously been paid for the same development at the subdivision stage under a predecessor plan

3.	A dwelling house on a vacant allotment of land where a section 7.11 or Section 7.12 contribution was imposed on that allotment under a Development Consent
4.	Alterations and additions to an existing attached dwelling, dual occupancy or dwelling house (Section 7.11 only)
5.	Social housing and affordable housing (excluding Secondary Dwellings under the Affordable Housing SEPP), that is provided and/or managed by a social or community housing provider or not-for-profit
6.	Development for the purposes of any form of seniors housing defined in the <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> that is provided and/or managed by a social or community housing provider, as defined under the SEPP
7.	Development for the sole purpose of the adaptive reuse of an item of environmental heritage, as listed in the relevant Environmental Planning Instrument
8.	Residual lots, where no demand for public amenities or public services is generated
9.	Superlots, where the final demand for public amenities or public services will be generated after a further subdivision of land
10.	Emergency services facilities
11.	Government schools (established under the <i>Education Act 1990</i> by the Minister for Education) as per Circular D6 – Crown Development Applications and Conditions of Consent (issued by Dept of Urban Affairs and Planning, 21 September 1995).
12.	Exclude contributions towards social and community infrastructure for Private Schools
13.	Class 10 buildings (carports, garages, pergolas and the like)
14.	Utility undertakings to be carried out by Sydney Water, Endeavour Energy or other water, sewer or energy providers
15.	Development that an executed Planning agreement excludes from the application of section 7.11 or section 7.12 of the EP&A Act
16.	Public amenities or public services not listed in a Contributions Plan prepared under section 7.11 or section 7.12 of the EP&A Act
17.	Public infrastructure provided by or on behalf of State Government or Council
18.	Development that in the opinion of Council would not, if carried out, result in a net increase in demand for any of the public amenities or public services addressed in the relevant Contributions Plan (Section 7.11 only)
19.	Development exempted from section 7.11 contributions or section 7.12 levies by way of a direction made by the Minister for Planning.

Council may consider fully or partially exempting some developments or deferring part of a contribution's payment, or categories of infrastructure, from the requirement for a contribution, including in instances of:

- A privately-provided health or education facility in which case only roads and transport and watercycle management would be charged
- Development that otherwise provides a demonstrable public benefit by placing less burden on the demand for publicly provided infrastructure.

Applicants must demonstrate that their development is consistent with the exclusion criteria in their development application based on the key principles of:

- The development provides a public benefit; and
- The development does not increase demand for Public Facilities (however it may create demand for roads and transport and watercycle management).

If Council is satisfied that the development satisfies the exclusion criteria, it will exempt the development from the need to pay a contribution or certain categories of contributions.

In the case of complying development, Council must first verify any exclusions in writing.

Council should not factor exempted developments (or developments covered by a section 7.12 plan) into the assessment of demand for the purposes of a Development Contributions Plan. Where the exempted development will create future demand, and Council intends to cater for this demand through provision of infrastructure (e.g. through the application of section 7.12 levies), it must specify the exempted portion of the development.

7.3.1 Exemption of employment land from some categories of infrastructure contributions

In most cases, Council will exempt employment land uses from the infrastructure categories of open space and recreation and community facilities. While workers can generate demand for these facilities, there is social benefit in promoting employment-generating uses providing job opportunities for residents. For many employment uses, there may also not be a clear Nexus between workers and the demand generated. An example of this is industrial development, remote from a centre, and hence less likelihood of workers using social infrastructure.

However, there is a clear Nexus between businesses and workers generating demand for roads and transport as well as stormwater management. Hence, it is Council Policy to charge infrastructure contributions to employment uses for these infrastructure categories.

Exceptions where workers are likely to generate significant demand for social infrastructure may be:

- In a particular renewal or greenfield area that has a very high proportion of employment generating uses compared to a residential area; and
- There are specific facilities proposed to encourage employment uses and subsequently attracting workers to an area.

7.4 Policy for Secondary Dwellings

Secondary Dwellings are defined in the *Camden Local Environmental Plan 2010* and can be an affordable form of housing in the residential areas of the Camden LGA. These dwellings – also known as ‘granny flats’ – are often constructed to provide accommodation for the extended family of the principal dwelling but can also be used to generate income.

While these types of dwellings make an important contribution to the social sustainability and housing mix in the LGA, they result in an increase in demand for the provision of infrastructure. Council applies the infrastructure categories of watercycle management and road and transport at a Net Developable Area approach. The primary dwelling pays contributions towards these infrastructure categories (based on land area) and the contribution should not be reapplied to the subsequent development of a Secondary Dwelling. However, recognising that Secondary Dwellings generate demand for community facilities and open space, a contribution should be levied for these infrastructure categories. Secondary Dwelling is not a specific category under ABS Census data, therefore, it is more difficult to determine the average occupancy of Secondary Dwellings. The same social infrastructure charges apply for Secondary Dwellings as to apartments (see section 7.11.2 on **Calculating resident population and average dwelling occupancy**) and are based on the number of bedrooms.

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* (AHSEPP) does not affect the levying of Development contributions under section 7.11 of the EP&A Act.

7.5 **Benchmarked versus Quantity Survey cost in Work Schedules and on-costs and contingencies**

Council has engaged quantity survey professionals to provide benchmark costs for specific types of infrastructure for open space embellishment, watercycle management infrastructure, roads and traffic management and community facilities.

These benchmark costs are reviewed every three years as part of a review of each contribution plan.

A Works Schedule can be prepared in two ways – using benchmark costs or through quantity survey. IPART allows contingencies and on-cost percentages to be added using the IPART benchmark costs. It is Council Policy to apply the same contingencies, with the exception of infrastructure identified as ‘Enabling Infrastructure’ which is to be forward-funded by Council (this will be dealt with via a future annexure to this Policy).

Contingencies and on-costs for benchmark methodologies for Work Schedules (Source: IPART Recommendations)

Table 7.1 Recommended contingency allowances for benchmark items

Project stage	Open space embellishment	Community facilities	Roads	Stormwater
Strategic Review	20%	15%	30%	30%
Business Case	15%	10%	20%	20%

Infrastructure designated as ‘Enabling Infrastructure’ in a Contributions Plan will be quantity surveyed to inform the works schedule as this is required to calculate interest accrual on infrastructure. The following on-costs and contingencies, as per IPART advice, will be included in the Works Schedule.

On-costs and contingencies for Quantity Surveyed costs in a Work Schedule

On-cost calculations	Percentage
Preliminary	6%
Margin	6%
Approvals	1%
Professional Fees	10%
Legal	0.3%
Project Management	2.5%
Total	26%
Interest	As per discounted rate under the Low Interest Loan Initiative
Contingency	10%

Contributions Plans enable the option for out-of-sequence land acquisitions subject to *Land Acquisition (Just Terms Compensation) Act 1991* No 22 hardship clauses under Division 3 Owner-initiated acquisition in cases of hardship. In addition to the above, a 12% contingency is added to all land scheduled to be acquired to accommodate land acquisition costs under Just Terms to cover risks. High levels of land fragmentation will increase the risks of Just Terms.

7.6 Forward funding of infrastructure

Forward funding of infrastructure will likely be required in some instances as development cannot occur without certain infrastructure.

To determine the appropriateness of forward funded infrastructure, factors that need to be considered while preparing a Contributions Plan include:

- Growth areas where local infrastructure will need to be provided ahead of subdivision and development (such as key roads or bridges);
- Fragmented land ownership;
- Market failure;
- Pooling of funds cannot deliver sufficient funds to deliver the infrastructure;
- Permanent drainage basins where appropriate; or
- The requirement for temporary stormwater detention on future or Council-owned land.

Items of infrastructure that will require forward funding to enable development are defined as 'Enabling Infrastructure' in the Works Schedule (this will be dealt with via a future annexure to this Policy). Interest accrual on these items can be included in the Contributions Plan for these items, subject to the conditions of a future annexure to this Policy and, if required, IPART approval.

7.7 Enabling Infrastructure

Enabling Infrastructure is infrastructure that facilitates other development, and therefore requires forward funding.

This is infrastructure that is a prerequisite for settlement or the operation of an industry, without which other types of infrastructure cannot be supported. For example, no development may occur if a collector road is not constructed enabling other development.

The Contributions Plan, and its supporting documents, should identify Enabling Infrastructure in the Works Schedule as the highest priority infrastructure attracting the pooling of funds.

Enabling Infrastructure should:

- Be identified in the strategic planning phase. Strategic planning should consider how staging may avoid the forward funding of the infrastructure in some circumstances i.e. other development can occur in earlier stages that enables the collection of funds for the later stages.
- Where Enabling Infrastructure is required, it should be nominated as the highest priority and identified for forward funding and pooling (further guidance on pooling in section 9.1. Interest accrual will be dealt with in a future annexure to this Policy).

7.8 Loan interest costs

This section explores how Contributions Plans may recoup the costs of interest accrued as a result of borrowings to forward fund local infrastructure delivery.

The Indexation of contribution rates may not adequately account for the total opportunity cost of capital and, therefore, it is considered reasonable that the Contributions Plan also includes interest costs. Pursuant to the EP&A Regulation and the Practice Notes, interest can be charged on forward funded infrastructure.

However, significant interest accrual and the way that the combination of Indexation and interest interaction (i.e. double-dipping) has not been tested through an IPART or LEC processes. IPART indicates that a Net Present Value (NPV) approach avoids the issue but there are several complications to using the broader approach in Contributions Plans for Council. Similarly, the recalculation of contributions will become complicated if some infrastructure uses a Net Present Value approach, while others are Indexed.

Council is currently considering alternatives to NPV. The outcome of these considerations will be an annexure to this Policy in the future.

7.9 Low Cost Loans Initiative

The Low Cost Loans Initiative (LCLI) program is a joint initiative of the Department of Planning, Industry and Environment (DPIE), Office of Local Government (OLG) and NSW Treasury Corporation (TCorp).

Under the program:

- Any Council is eligible to apply for the LCLI. Loans may be taken out through [TCorp](#) or another financial institution of Council's choice;
- The loans must be used for infrastructure that enables new housing supply; and
- Councils must have current or draft planning controls in place which are applicable to the Council area and meet the relevant housing target as set out in the District Plan.

The aim of the Low-Cost Loans Initiative (LCLI) is to help Councils fund critical Enabling Infrastructure projects that support and accelerate housing supply, including roads and utilities in areas of significant growth. It allows Councils to borrow up to \$500 million for infrastructure that enables new housing supply by halving the cost of interest on their loans.

Where interest accrual for the forward funding of infrastructure is proposed, and borrowing utilises the LCLI, the discount must be applied within the Contributions Plan according to recent IPART Contributions Plan review processes.

7.10 Indexation

Indexation is a method of adjusting contribution rates to account for changes in the cost of land or infrastructure over time. It helps to ensure that contributions remain reflective of cost. Indexation methodologies will be used for Contributions Plans.

Clause 32(3)(b) of EP&A Regulation permits changes to contribution rates, without the need to prepare a new Contributions Plan, to reflect quarterly or annual variations by reference to readily accessible index figures adopted by the plan (such as a Consumer Price Index), or index figures prepared by or on behalf of the Council from time to time that are specifically adopted by the plan.

Council's Contributions Plans will specify a base contribution rate for each infrastructure category and separate rates for land and works. In accordance with the EP&A Regulation, the Contributions Plan will specify the Index that will be applied to adjust the base contribution rate, and how frequently the adjustment will occur. The Contributions Plan includes the formula for the adjustment, specifying the Index being utilised for land and different types of works and the base rate of the Index when the Contributions Plan was created.

It is reasonable and valid for Council to adopt different methods of Indexation for the cost of works and/or land values already incurred and for the cost of works and/or land yet to be incurred, and there are several methods available.

Types of Indices

Council has evaluated indices according to the relevant clauses in the EP&A Regulation and IPART rulings, as well as the potential trade-offs between accuracy (in how the Index tracks costs), transparency (in how the Index is calculated), ease of applying the Index (to determine contribution amounts) and cost of maintaining the Index. Council has determined appropriate indices that are likely to accurately reflect movements in the cost of land and different types of works over time. These include:

- Land Value Index (LVI) – Council already utilises a Land Value Index, which is to be maintained as this can be one of the most volatile in terms of change.
- CPI or Building Escalation Indices for works – Research indicates that different indices have yielded quite different result over the 2006–2019 period. This includes:
 - Consumer Price Index NSW Index having escalated by June 2006 (86.4) to June 2019 (116.5) = 134% growth
 - Road and Bridges Index NSW June 2006 (80.1) to June 2019 (117.9) = 147% growth (recommended for use by IPART for Road/Bridges and Stormwater)

- Non-residential building construction Index NSW - June 2006 (88.2) – June 2019 (121.5) = 138% growth (recommended for use by IPART for Open Space)
- Building Construction Index – New South Wales June 2006 (86.6) to July 2019 (126.2) = 145% growth.

Utilising a privately provided Index is also accepted by IPART.

Council will assess the level of infrastructure within the plan to determine if it is practical and worthwhile to utilise different indices for works. For example, based on the above rates of growth in indices, a Contributions Plan that includes significant road/bridge and stormwater infrastructure would likely benefit from the use of the Roads and Bridges Index NSW.

A Net Developable Area methodology is utilised for watercycle management and roads and transport within Camden, while a per person/dwelling occupancy methodology is used for other infrastructure.

Development Contributions Plans are to include a clause that sets out how a contribution will adjust between the granting of the Consent and the payment of the contribution. A sample clause can be found in the Camden Development contributions Plan Template.

All contribution plans must include a clear explanation of the methodology during exhibition to facilitate stakeholder review, understanding and feedback, and publish the results of the Index on their website after the plan has been adopted.

7.10.1 Consumer Price Index

The most used Index in Contributions Plans in the Sydney Metropolitan area is the Consumer Price Index (CPI).

Notwithstanding its popularity, the CPI may not track the change in prices for land and works in a Contributions Plan as closely as other indices. CPI was developed to monitor increase in prices of general household expenditure and does not fully reflect the actual increase in infrastructure delivery and land costs as it has little correlation with construction costs.

If an alternative to CPI is adopted for either the cost of works or the cost of land (or both), an explanation is required in the application for assessment by IPART, including supporting information to assist in understanding how the Index is intended to be applied.

7.10.2 Producer Price Index

An alternative to CPI includes the ABS Producer Price Index (PPI), which can be applied to each specific category of works, which is more reflective of the change in costs in delivering infrastructure.

The table below shows IPART's preferred indices for roads and stormwater management works and open space embellishment. However, there may be instances where it is reasonable to use an Index other than those listed in the following table.

Works category	Producer Price Index (PPI)
Roads	ABS PPI Road and Bridge Construction Index for NSW
Stormwater Management	ABS PPI Road and Bridge Construction Index for NSW
Open Space	ABS PPI Non-Residential Building Construction Index for NSW

7.10.3 Building Price Index

The Building Price Index (BPI) illustrates price development for newly constructed dwellings, that is, the price an investor or final consumer pays for a construction project. The statistics include multi-dwelling buildings and collectively built one or two-dwelling buildings. A project with collectively built one or two-dwelling buildings can contain one or more one or two-dwelling buildings.

Rawlinsons and AIQS are commercial entities who collate building cost data and release it every quarter, and Council would need to subscribe to access these rates. The associated costs and resources required to apply this Index may be offset by the value added to the Contributions Plan.

7.10.4 Land costs in Work Schedules and Indexation of Land Contributions

Unlike the cost of works, which are procured in a relatively homogeneous market with minimal regional price variation (within major cities), the price of land and property can vary significantly between locations. Accordingly, Camden Contributions Plans adopt a land or property value Index to adjust the contribution rate for land, specifically related to the Contributions Plan area or comparable land.

The land in Contributions Plans is often made up of land with different zonings, constraints, lot sizes and development potential, which can have a significant impact on the base year price and the movement of the underlying cost of land after the plan is adopted.

The methodology used to calculate the value of land to be acquired when a Contributions Plan is first developed is as follows:

- Land valuations for land with comparable development potential is compiled and assessed by a qualified land valuer (e.g. R2 Low Density Residential, B4 Mixed Use)
- Land valuations are also compiled for constrained land (e.g. land constrained by flooding, biodiversity or other factors)
- Each piece of land to be acquired is assessed for its future development potential and constraints (e.g. a parcel of land may be 60% suitable for future residential development, 20% undevelopable due to a flooding constraint and 20% impacted by biodiversity)
- The relevant land values, according to the above assessments, are applied to each portion of each type of land to determine a total value. All acquisitions according to infrastructure category are then added together to develop a total cost for land according to each infrastructure category.

Indexation of the land cost to account for the change in value is to be undertaken quarterly by a qualified land valuer. The land value Index is applied to the costs in the contribution plan, using the following formula:

$$\frac{\text{Latest Land Valuation Acquisition Total}}{\text{Original Land Acquisition Total}} \times 100$$

7.11 Methods of Calculating Section 7.11 Development contributions

There are several ways in which section 7.11 Development contributions can be calculated. At present, Council uses a combination of the Net Developable Area (NDA) approach for hard infrastructure (roads and transport as well as watercycle management) and a per person/average occupancy per dwelling approach for social infrastructure (community facilities – land only where a Contributions Plan has undergone IPART Review – and open space and recreation). The circumstances under which each approach should be utilised is provided below.

7.11.1 Net Developable Area approach for 'hard' infrastructure

The NDA approach is used for 'hard' infrastructure (road and transport and watercycle management) rather than social infrastructure.

Social infrastructure generally requires a more nuanced approach depending on how many people are likely to place demand on the infrastructure, which is usually the benchmarking standard for social infrastructure delivery. An NDA approach to social infrastructure can be inequitable where people in high density areas may pay less for social infrastructure, but potentially utilise it more.

Advantages

The NDA approach is employed for roads and transport, as well as watercycle management, when:

- It equitably distributes the cost of 'hard infrastructure' across all development types
- The intent is not to require contributions for employment-generating uses for social infrastructure
- Calculating numbers of workers is problematic due to the relative unknown specific commercial uses and there is an unclear Nexus about the demand workers place on social infrastructure
- There is a significant amount of mixed-use development

Disadvantages

A disadvantage of this approach is that it is difficult to provide landowners and developers a clear indication of contributions as it uses a combination of different methodologies that requires calculations by Council officers (NDA for some infrastructure categories and per person for others).

Calculating Net Developable Area

It is critical that a common approach is developed to calculate NDA between the strategic planning that informs the Contributions Plan, the Contributions Plan calculations of costs associated with the delivery of infrastructure and how the NDA is calculated to ascertain contributions required from specific development.

For all these purposes, Net Developable Area means:

The area of land to which a DA or CDC relates and includes the area of any land that the Development Consent authorises, but excludes:

- (a) land identified in this plan's Technical Document as being excluded from Net Developable Area
- (b) existing roads or road reservations to be used as part of the proposed road network and proposed roads in any indicative layout plan
- (c) any part of the land that is below the level of a 1:100 ARI flood event, if that part of the land is unsuitable for development by virtue of it being at or below that level
- (d) any part of the land that is required as a bushfire Asset Protection Zone
- (e) any other land that is nominated as too hazardous for development or features biodiversity that is to be conserved
- (e) any land to be reserved, dedicated or otherwise set aside as, or for the purpose of, any of the following:
 - (i) a government school (within the meaning of the *Education Act 1990*)
 - (ii) a tertiary institution, including a university or TAFE establishment, that provides formal education and is constituted by or under an Act
 - (iii) an emergency services facility
 - (iv) a health services facility owned and operated by a public authority
 - (v) a golf course
 - (vi) a passenger transport facility
 - (vii) a public reserve or a drainage reserve (within the meaning of the *Local Government Act 1993*)
 - (viii) an easement for an above-ground electricity transmission line
 - (ix) a public transport corridor (other than a road corridor)
 - (x) a public utility undertaking
 - (xi) roads or other public amenities or public services, in connection with which Development contributions have been imposed under Section 7.11 or Section 7.12 of the Act or may be imposed in accordance with a Contributions Plan approved under Section 7.18 of the EP&A Act
 - (xii) roads or other infrastructure in connection with which SICs have been, or may be, imposed in accordance with Section 7.24 of the EP&A The calculations of Net Developable Area are provided in the Technical Document accompanying this Plan.

Where a proposed road in the indicative layout plan is not required due to an alternative acceptable solution agreed to by Council, contributions will be payable for that land.

7.11.2 Using a per resident approach

Using a per resident approach to determine demand on infrastructure is one of the most widely accepted methodologies, particularly for social infrastructure. This estimates the future population in residential development based on expected types of dwelling delivery and average occupancy of those types of dwellings.

With regard to employment-generating uses, Council will only charge contributions for watercycle management, road and transport if the criteria detailed in section 7.3.1 isn't met. In those circumstances, Council will utilise a per resident/per worker based on transport studies approach outlined in 7.11.3.

Utilising the NDA for watercycle management, road and transport, and the per resident approach for social infrastructure has advantages and disadvantages.

Advantages

- Simplifies the calculations of Nexus and Apportionment;
- Avoids the complications of worker/resident ratios in mixed use development; and
- May provide a further incentive or attractiveness for business to locate in the LGA.

Disadvantages

- May not be supportable in a locality where there is a high level of employment; and/or
- Specific infrastructure is provided to support workers rather than residents.

Calculating resident population and average dwelling occupancy

As part of the strategic planning process for any significant uplift in development potential, a new expected resident population is to be calculated based on the expected types of dwellings to be delivered and average household occupancy of different types of dwellings.

Council aims to encourage housing affordability and diversity to provide options for a variety of household formations and budgets. Infrastructure contributions should therefore be commensurate with the expected occupancy of a diverse range of housing types and sizes.

For social infrastructure, the contribution rate is determined on a per dwelling basis. This is determined by a per person charge for social infrastructure multiplied by the average occupancy of each dwelling type.

For apartments/Secondary Dwellings, the contribution will be based on the number of bedrooms (e.g. a 1-bedroom apartment will attract lower contributions than a 2-bedroom apartment).

Strategic studies that identify likely dwelling yield and population will identify an average occupancy for the following categories of dwellings at a minimum:

- Apartments or other type of residential accommodation (e.g. new generation boarding house) – studio or similar
- Apartments/Secondary Dwellings – 1 bedroom
- Apartments/Secondary Dwellings – 2 bedrooms
- Apartments/Secondary Dwellings – 3 bedrooms
- Multi-dwelling unit – 2/3 bedrooms
- Multi-dwelling unit – 4+ bedrooms
- Detached house – any number of bedrooms.

7.11.3 Using a per resident/per worker approach based on transport studies

Traffic and transport studies generally have a list of detailed assumptions about the types of employment and associated worker ratio as well as the future residential population that can be used to determine the demand for infrastructure. This methodology is only used where there is a significant proportion of workers versus residents in an area and/or specific facilities are being provided for workers.

Advantages

- Contributions are evenly distributed among all classes of relevant development and linked to the demand generated
- Likely the only reasonable methodology to use in a high-density infill scenario with a high mix of commercial functions.

Disadvantage

- May possibly over-burden employment-generating land uses for social infrastructure however assumptions can be utilised to counter-act this (e.g. a worker's use of library facilities may be 25% of that of resident population)
- Greater complexity than the Net Developable Area/per resident approach in calculating Nexus and Apportionment.

8 SETTLEMENT OF CONTRIBUTIONS

8.1 Timing of contribution payments

The timing of payments of monetary contributions required is as follows:

- *Subdivision only* – at release of linen plans, prior to issuing a Subdivision Certificate
- *New dwelling only (no subdivision)* – prior to issuing a Construction Certificate
- *Subdivision with new dwelling or dual occupancy* – prior to issuing a Construction Certificate OR a Subdivision Certificate, whichever occurs first
- *Super lots* – at the subdivision stage
- *Secondary Dwellings* – prior to issuing a Construction Certificate

- *Residential Flat Buildings* –prior to issuing the first Construction Certificate.
- *Development applications where no construction certificate is required* – at the time of Development Consent. The applicant may make a cash payment of contributions prior to issuing of the Development Consent or alternatively lodge a suitable Bank guarantee, also prior to issue of the Consent. This Bank guarantee will be called up upon commencement of the Consent.

8.2 Circumstances under which deferred or periodic payments be made

Council may permit deferred payment of Development contributions in certain circumstances in accordance with the criteria outlined below.

- An application for deferred payment by instalments is to be made in writing to Council explaining the circumstances of the request (if applicable, this may entail the lodgement of a modification to a Development Consent under the provisions of section 4.55 of the EP&A Act).
- The decision to allow deferred payment will be at the sole discretion of Council.
- The timing or the manner of the provision of Public Facilities included in the works program will not be prejudiced.
- The works to which the request applies do not relate to public safety or health.
- The amount of the contribution or outstanding balance is not less than \$5,000.
- The maximum period of deferred payment of the contribution is two years from the standard payment date.
- Deferred payments and payments by instalments (with the exception of those resulting from delays in executing a VPA) are subject to interest charges equivalent to that applied to overdue rates and an administration charge equivalent to the Bank guarantee lodgement fee for subdivision related matters as stated in Council's Fees and Charges.

If Council decides to accept deferred payment by instalments, the applicant will need to provide a Bank guarantee with the following conditions:

- The Bank guarantee(s) must be in Australian Dollars from a major bank trading in Australian and in the name of Camden Council;
- The Bank guarantee(s) must have no end date, be unconditional and irrevocable, and be in the favour of Camden Council;
- The sum of the Bank guarantee(s) will be the amount due to Council at the date of issue, plus an additional amount specified by Council to make provision for any anticipated Indexation during the life of the Bank guarantee until the estimated date of release;
- The bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- Where a Bank guarantee has been deposited with Council, the guarantee shall not be cancelled until the original contribution, accrued interest and other charges are paid; and
- An administration fee may apply to utilise the Bank guarantee option.

8.3 Complying development and obligations of certifiers

Accredited certifiers are responsible for calculating the contribution for complying development in accordance with the relevant Contributions Plan then imposing a condition in the complying development certificate (CDC) requiring the contribution.

Accredited certifiers must notify Council of their determination within two days of making the determination, in accordance with section 130(4) of EP&A Regulation. Applicants must pay their contribution before commencing the complying development works.

A section 7.11 condition would not generally be required to be imposed on a CDC unless the complying development will or is likely to require the provision of or increase the demand for the local infrastructure included in the Contributions Plan. Section 7.21 of the *EP&A Act* provides that, in relation to a complying development, a contribution plan must specify whether or not the registered certifier must, if a CDC is issued, impose a condition under s7.11 or s7.12. For example, a new dwelling on a vacant allotment of land would not be subject to a section 7.11 condition because it would likely have been imposed and paid at the subdivision DA stage. However, a Secondary Dwelling CDC would be subject to a section 7.11 condition under this Contributions Plan, because the development increases infrastructure demands beyond the original dwelling development for certain infrastructure categories if the Net Developable Area approach has been utilised.

The only exceptions to the requirement are where a Works-in-Kind, Voluntary Planning agreement, dedication of land and/or a deferred payment arrangement has been agreed by Council. In those situations, the Complying Development would need to be modified under s4.30 of the *EP&A Act*.

It is the responsibility of the accredited certifier issuing a construction certificate to certify that the section 7.11 contributions have been paid to Council prior to the issue of the certificate.

8.4 Valuation of Works-in-Kind and other Material Public Benefits

There will be circumstances where Council wishes to assess the value of a Works-in-Kind or Material Public Benefit (MPB) offer. The key considerations for Council are:

- There must be a statement within the Contributions Plan that details the criteria that must be satisfied for acceptance of such an offer;
- Such alternatives should only be accepted if the standard of the works to be undertaken is at least equal to that in the Contributions Plan and/or related strategic documents that would otherwise be required unless there is a compelling reason to do so;
- Council should critically examine its works program to ensure that it would not adversely affect the overall implementation of the program;
- The value of the works should be provided by the applicant and be independently certified by a qualified professional (e.g. a quantity surveyor). Council should indicate that it may review the valuation of works and may seek the services of an independent person to verify the costs (which should be borne by the applicant); and

- The value of works offered as Works-in-Kind is the Attributable cost of the works (or a proportion of the Attributable cost if the offer involves providing only part of the works) in accordance with the provisions of the relevant Contributions Plan including any Indexation.

The Attributable cost of works will be used in the calculation of the value of any offset of monetary contributions required under the Contributions Plan.

The value of any other kind of MPB will be determined by a process agreed to between the Council and the entity making the offer at the time the development application is being prepared.

The value of land will be the Attributable cost of the land under the relevant Contributions Plan, Indexed in accordance with that plan to the time the agreement is entered into.

8.5 Provision of Works-in-Kind and other MPBs in excess of contribution requirements

It is at Council's discretion whether it will accept the provision of Works-in-Kind (which is the Attributable cost of the works, Indexed in accordance with the provisions of the relevant Contributions Plan) or other MPB from a developer where the value of the works exceeds the value of Development contributions required by Conditions of Consent.

Where Council does agree to accept works with a value greater than the contributions required, Council can hold the 'surplus value' of the works as a credit in favour of the developer and will apply this credit against future Development contribution requirements for that type of work. For example, if works are provided for the provision of a community facility that has a value greater than the community facility contribution required, then the difference (being the 'surplus value') may be held as a credit and will only be used to offset future contributions for community facility works by that developer within the area of land covered by that Contributions Plan.

That is, Council would not offset requirements to make contributions for the purposes of recreation facilities, open space land acquisition, plan administration or any other types of facilities required under this plan or any other Contributions Plan against this 'surplus value', as the surplus value relates only to the provision of community facilities.

Developers providing Works-in-Kind and other MPBs that are in excess of their contribution requirements should not expect 'settle-up' monetary payment from Council until all contributions toward the provision of the works identified in this Contributions Plan have been received from other developers of land in the Precinct that the development is situated in, and the surplus contributions are available to meet the payment.

Refer also to the Camden Works-in-Kind Policy (Part 14) for further detail in relation to the treatment of Surplus Value specific to WIK agreements.

8.6 Credits for existing development

In the case of existing development on a site, it is accepted practice that a credit equal to that existing development on a site is taken into consideration. For example:

- Where an existing detached dwelling is located on a site, the credit would be for a single dwelling;
- Where a residential allotment is vacant, the credit would be for a standard residential allotment;
- Where a residential flat building is located on a site, the credit would be for the floorspace or unit mix (i.e. 1, 2 and 3-bedroom units) on the site;
- Where a contribution has been paid on a site and the development application has been superseded by another application/contribution; or
- Where a contribution has been paid on a site and the Development Consent has lapsed.

For commercial and industrial development, credits are more complicated, as the same development may have different implications such as higher (or lower) levels of traffic generation. Council will assess these on a case by case basis.

9 OTHER ADMINISTRATION MATTERS

9.1 Pooling of contributions funds

Council's ability to forward fund (internally borrow) infrastructure is limited. Consequently, infrastructure provision is largely contingent upon the availability of contributions funds. In some cases, Enabling Infrastructure is required where development cannot effectively occur without the infrastructure, such as a collector road. Pooling of funds is enabled under the provisions clause 27(1)(h) of the EP&A Regulation, which allows borrowing between contribution accounts. This allows greater flexibility and timeliness in the way facilities can be provided.

Council can pool funds, rather than holding smaller amounts in discrete accounts. This allows facilities to be provided to meet demand. Clause 27(3) of the EP&A Regulation states that a Contributions Plan must not contain a provision that authorises monetary section 7.11 contributions or section 7.12 levies paid for different purposes to be pooled and applied progressively for those purposes unless Council is satisfied that the pooling and progressive [application](#) of the money paid will not unreasonably prejudice the bringing into effect, within a reasonable time, the purposes for which the money was originally paid.

Pooling has benefits in that it assists in delivering more infrastructure to the community earlier than would otherwise be possible. The NSW Government also has an agenda to ensure that Development contributions are spent in a timely fashion. To comply with the above, the following principles should be applied to the pooling of funds:

- There is clear prioritisation of infrastructure in the Works Schedule with an indication of timeframe linked to a development milestone (e.g. 500th final lot or dwelling).
- Funds should be pooled according to the prioritisation.

- Funds pooled from other sources cannot be greater than the cost apportioned to new development within the Contributions Plan. Funding for the Apportionment based on existing development or over-expenditure, should be made available from other revenue sources within Council. This ensures that there is no shortfall or lag in the delivery of other infrastructure based on the prioritisation set out in the Work Schedule.

Pooling of funds should be directed to the highest priority infrastructure identified in the Contributions Plan and prioritised in the Work Schedule.

A specific clause to permit pooling should be included in the contribution plan, for example:

This plan expressly authorises monetary section 7.11 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

Where appropriate, a Development Staging Plan must be completed for the location subject to the Contributions Plan. Works must be prioritised according to:

- Land and works Enabling Infrastructure (road and transport, drainage) according to the Staging Plan, where applicable.
- Land acquisitions for open space and community infrastructure (according to the Staging Plan, where applicable).
- Other infrastructure as appropriate.

Some guiding principles for when reprioritisation of infrastructure in a works schedule should be considered are:

- Where significant development is occurring in a precinct that is not in line with the expected staging.
- Where environmental management factors emerge as needing prioritisation (e.g. stormwater management).
- Market factors outside of Council's control.

9.2 Voluntary Planning agreement Policy (VPA) and contributions alignment

Principles

- VPAs can be used to formalise arrangements for developers delivering infrastructure that is out-of-sequence compared to the priorities in the Contributions Plan.
- VPAs should clearly specify any land or works that are within the Contributions Plan, the cost outlined in the Schedule of Works and the Indexing method. It should reference the infrastructure priorities section of the Contributions Plan to indicate when the developer should receive credit for the infrastructure they forward deliver.
- VPAs that include land or works that are not included in the Contributions Plan should be specified as not being subject to credit from the relevant plan.
- When a Contributions Plan is being prepared or is in draft form, it should reflect any VPA that was also prepared.
- VPAs should conform with the infrastructure priorities in any draft plan and written advice from Council.
- Update plans if a VPA is in excess of the contingency and Indexation in the relevant Contributions Plan.

9.3 Accounting and management of funds

Council is required to comply with a range of financial accountability and public access to information requirements in relation to Development contributions. These are addressed in Divisions 5 and 6 of Part 5 of the EP&A Regulation and include:

- Maintenance of, and public access to, a contributions register;
- Maintenance of, and public access to, accounting records for contributions receipts and expenditure; annual financial reporting of contributions; and
- Public access to Contributions Plans and supporting documents.

These records are to be made available for inspection free of charge at Council. The accounting records for Contributions Plans will indicate the following:

- The various kinds of public amenities or services for which expenditure is authorised by the plan;
- The monetary contributions received under the plan, by reference to the various kinds of public amenities or services for which they have been received;
- In respect of Development contributions paid for different purposes, the pooling or progressive application of the contributions or levies for those purposes, in accordance with any requirements of the plan or any ministerial direction under Division 6 of Part 4 of the Environmental Planning & Assessment Act; and
- The amounts spent in accordance with the plan, by reference to the various kinds of public amenities or services for which they have been spent.

9.4 Investment and interest

Council will invest funds received to maintain the time-value of monetary contributions between the time of payment and the time of expenditure for the purpose for which they are required. Records of contributions (including investment return) will be kept and distinguished from other accounts. This will ensure that interest from Development contributions accounts is returned to the accounts rather than being placed within general revenue funds.

9.5 Review and amendment of Contributions Plans

The Development contributions Practice Notes July 2005 (2005 Practice Notes) recommend Councils commit to reviewing plans at least every five years, or more regularly where an area is growing rapidly.

Council will review Contributions Plans every three years to ensure plans adequately reflect the latest planning assumptions (including population estimates) and best estimates of the cost of providing public infrastructure. Regular review helps to ensure that Council recoups appropriate amounts from new developments.

While the Indexation of contribution rates is an important consideration for Councils when preparing plans, Indexation should not replace regular review of the Contributions Plan.

All new contribution plans should be subject to legal review to ensure they can be properly administered. Contribution plans should also be updated in the event of new case law and legislative changes to ensure currency and best practice.

Contributions Plans will need to be reviewed to:

- Reflect State legislative or Policy changes;
- Reflect significant changes in cost of infrastructure (i.e. due to market and scope changes);
- Reflect any changes in the statutory planning framework, including zoning;
- Minimise financial risk associated with any identified infrastructure cost no longer likely to adequately cover the cost of infrastructure delivery, despite Indexing;
- Reflect significant infrastructure design changes required to achieve better design outcomes or new standard requirements;
- Address 'real world' evidence that indicative yields are inaccurate (e.g. there is a higher number of dwellings being delivered such as Secondary Dwellings, or a lower number of dwellings is being delivered);
- Consider case law that may have an impact on the Contributions Plan;
- Address where there are planning changes that impact Nexus and Apportionment assumptions; or
- Where evidence does not match planning assumptions such as average household sizes.

There may be instances where new greenfield or brownfield development areas are released, and a new Contributions Plan is subsequently prepared. The development within this area will be making contributions towards its own specific facilities, however, it is also likely that the new residents will also be making contributions to facilities that are being provided for the entire local government population. In this case, it is desirable for the new Development Contributions Plan to become a subset of the main Development Contributions Plan so that it is clearly tied to other contributions and underpinning documents.

9.6 Contributions register

A Contributions Register will be maintained for a Contributions Plan in accordance with the EP&A Regulation and may be inspected upon request. This register will be updated at regular intervals and include the following:

- Details of each Development Consent for which contributions have been sought;
- Nature and extent of the contribution required by the relevant condition of Consent;
- Name of the Contributions Plan imposing the condition of Consent; and
- Date the contribution was received, for what purpose and the amount.

At the end of each financial year, Council is required to make an annual statement within the yearly budget. This statement must include the following:

- Opening and closing balances of money held in the Contributions Plan by the Council for the accounting period;
- Total amounts received by way of monetary contribution under this Plan;
- Total amount spent in accordance with this Plan; and
- Outstanding obligations of the Council to provide works for which contributions have been received.

9.7 Amendment and Retirement of Contributions Plans

In accordance with the EP&A Regulation, Council may amend a Contributions Plan as result of a subsequent Contributions Plan. Council may also make the following kinds of amendments to a Contributions Plan without the need to prepare a new Contributions Plan:

- Minor typographical corrections;
- Changes to the rates of section 7.11 monetary contributions set out in the plan to reflect quarterly or annual variations to:
 - Readily accessible Index figures adopted by the plan (such as a Consumer Price Index), or
 - Index figures prepared by or on behalf of the Council from time to time that are specifically adopted by the plan; or
- The omission of details concerning works that have been completed.

In accordance with the EP&A Regulation, Council may also retire a Contributions Plan as result of a subsequent Contributions Plan, or for other reasons, however this intention must be published on Council's website 14 days prior to the decision, including the reasons for the decision.

Even if retired, contributions still apply to any valid and existing Development Consents issued under the respective Contributions Plan.

The triggers for the requirement to prepare a new Development Contributions Plan include:

- If the works program within the Contributions Plan is to be amended (apart from the removal of items that are complete) which may have consequent impacts on contributions such as increasing the levels or changing the proportional responsibility for provision (Apportionment);
- If the basis of the Contributions Plan is to be changed such as the base population in an area, occupancy rates, standards of provision or timing of delivery in the event the catchment area changes. This may be the result of a boundary change to a local government area or be necessitated for function reasons; and
- If, in the case of a joint Contributions Plan, one or both Councils propose any of the above.

As the reviewing of a Contributions Plan, in accordance with the above, is done by way of a new Contributions Plan, the requirements for public consultation also apply to the amending plan. For example, there are also likely to be population changes during the life of a Contributions Plan (or plans) that must be recognised such as changes in the demand for childcare and youth facilities. Ongoing review of the Contributions Plan enables the projections to be closely monitored and adjusted as more accurate information becomes available.

9.8 The Development Contributions Management Committee (DCMC)

Council's approach is an integral component of Council's financial management. A contributions system must have regard to the IPR Framework as well as other relevant adopted plans, strategies and policies to ensure that contributions are integrated within the overall management framework.

Given that Contributions Plans are one of several mechanisms for funding public infrastructure, the Development contributions system should also integrate with relevant financial management plans prepared by Council for budgeting and expenditure purposes.

The implications arising from the adoption of any Development Contributions Plan or entering into a Planning agreement must be considered in the context of Council's overall service delivery function. The Development contributions system affects all sections/departments of Council including:

- Planning and Environmental Services – forecasting and facilitating development, preparing and reviewing Contributions Plans and providing advice on Planning agreements as well as the issue and enforcement of Development Consents;
- Engineering, Community and Recreation Services – providing and managing Public Facilities; and
- Corporate Services – managing the administrative, legal and financial accounting processes.

It is therefore critical that the preparation and ongoing administration of the Development contributions system involves all relevant departments of Council.

The DCMC is an internal Council committee comprised of senior management and specialist staff representing the strategic planning, , finance and capital works departments.

The DCMC meets on a regular basis to manage the Development contributions system. DCMC meetings are closed to the public and decisions are made unanimously. DCMC meeting minutes, decisions and recommendations in relation to Works-in-Kind agreements/Voluntary Planning agreements are communicated directly to the applicant who makes a written application.

Decision making is guided by the Development Contributions Management Committee Terms of Reference 2023 (as amended from time to time).

□ * * *

RELEVANT LEGISLATIVE INSTRUMENTS:	<i>Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 Land Acquisition (Just Terms Compensation) Act 1991 Local Government Act 1993 State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>
RELATED POLICIES, PLANS AND PROCEDURES:	Camden Works-in-Kind Policy Camden Planning Agreements Policy Development Contributions Management Committee Terms of Reference 2019
RESPONSIBLE DIRECTOR:	Growth & Finance
APPROVAL:	General Manager through the Executive Leadership Group

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	ELG	New	24/09/2020	20/313859

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PLANNING AGREEMENT POLICY

DIVISION: GROWTH AND FINANCE
BRANCH: CONTRIBUTIONS PLANNING
CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1. The Planning Agreements Policy (the Policy) has been prepared to provide a framework for the preparation and execution of Planning Agreements pursuant to the provisions of Part 7 of the EP&A Act.
- 1.2. The Policy sets out the purpose, scope and objectives for the preparation of Planning Agreements and also includes a set of guidelines to assist in the application of the policy to planning and development within the local government area.
- 1.3. The Policy forms part of Council's local planning framework including the Community Strategic Plan, Local Strategic Planning Statement, Local Environmental Plan and Contribution Policy and Plans.
- 1.4. At the time of writing this Policy, the NSW Department of Planning, Industry and Environment (the Department) was in the process of reviewing the Planning Agreements Policy Framework however, which included publishing for public consultation draft Planning Agreements Practice Note ('2020 Practice Note'), and a draft Ministerial Direction on Planning Agreements ('2020 Ministerial Direction'). However, a decision on the proposed changes had not been made at the time of this review.
- 1.5. Until such time as any legislative amendments are put in place, it is considered relevant to have a policy framework in place to address any Planning Agreement offers that might arise. In setting that framework, it is considered relevant to identify some of the key outcomes expected by the State Government of the current review. These were:
 - Public Benefit from the Planning Agreement must relate to the development;
 - Identification of a fair, reasonable and transparent Planning Agreement negotiation process;
 - Identification of appropriate infrastructure through an assessment of local community needs;
 - Establishing a preferred pathway to secure affordable housing through an affordable housing contribution scheme;
 - Setting out new principles under the acceptability test for Planning Agreements;
 - Consideration of thresholds for the use of Planning Agreements;
 - New emphasis on strategic infrastructure planning;
 - Timing of exhibition; and

- Improved transparency and reporting of contributions received via Planning Agreements.

1.6. Council reserves the right to amend and/or update this policy document at the conclusion of the work by the NSW Productivity Commission and any subsequent amendment of the statutory policy framework (i.e. amendments to the EP&A Act; EP&A Regulation; Planning Circulars; Guidelines etc).and/or adoption of the 2020 Practice Note and 2020 Ministerial Direction etc).

2. OBJECTIVES

2.1 The objectives of the Camden Planning Agreements Policy are to:

- Establish a fair, transparent and accountable framework governing the use of Planning Agreements by Council;
- Promote the timely delivery of infrastructure in the Camden LGA;
- Adopt innovative and flexible approaches to the provision of infrastructure and other Material Public Benefits in a manner that is consistent with Council's strategic and infrastructure plans; and
- Ensure that Planning Agreements do not compromise the full suite of infrastructure delivery required to support growing communities.

3. SCOPE

3.1 This Policy applies to all land covered in the Camden LGA subject to the EP&A Act.

3.2 This Policy applies when Council is negotiating and entering into a Planning Agreement within the meaning of s7.4 of the EP&A Act with a Developer to provide Material Public Benefit in the Camden LGA.

4. DEFINITIONS

The following are terms used in this policy.

Attributable cost	Means the estimated cost for each item in the works schedules of the relevant Contributions Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any executed Planning Agreement, where relevant.
CDC	Means a Complying Development Certificate issued under the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.Assessment Act, 1979</i>
Consent / Conditions of Consent	Means a development consent issued for a Development Application. A Condition of Consent describes the conditions under which a consent is granted. This may include the payment of Development Contributions.
Contributions Plan	Is a document that has been publicly exhibited and adopted by the Council pursuant to section 7.18 of the EP&A Act.
Council	Means Camden Council.

Defects Liability Period (DLP)	Means the period agreed to in relation to the Works where Council may give the Developer a rectification notice stating the works to be rectified at the Developers cost to meet the terms of the Planning Agreement. This is specified as follows: <ul style="list-style-type: none"> • All open space - 12 months • Civil works (roads, paths, truck drainage) - 12 months • Natural or riparian areas – 60 months.
Developer	Means an owner of land or a Developer engaged by an owner of land to develop the land on behalf of the owner either through a Planning Proposal or Development Application. Includes an unincorporated group of persons or a person authorised to represent that group.
Development Application	Means an application for consent under Part 4 of the <i>Environmental Planning and Assessment Act, 1979</i> (EP&A Act) to carry out development (but does not include an application for a complying development certificate - see separate definition under CDC).
Development Consent / Conditions of consent	Means consent under Part 4 of the EP&A Act to carry out development and includes, unless expressly excluded, a complying development certificate. A Condition of Consent describes the conditions under which a consent is granted. This may include the execution of a Planning Agreement.
Development Contribution	Means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other Material Public Benefit, or any combination of them, to be used for, or applied towards a Public Purpose.
DCMC	Means Council's Development Contributions Planning Committee.
EP&A Act	Means the <i>Environmental Planning and Assessment Act 1979</i> .
EPA Regulation	Means the <i>Environmental Planning and Assessment Regulation 2000</i> .
Hand-Over Date	Means the date no later than the date specified in a Planning Agreement in which the Developer will hand over the works to Council.
Indexing	Refers to a method used in Contributions Plans for the contribution to be escalated using a recognised number or ratio (a value on a scale of measurement) derived from a series of observed facts that can reveal relative changes as a function of time.
IPR	Means Council's Integrated Planning and Reporting framework
Land Contribution	Means the area of land to be dedicated to Council..
LGA	Means Local Government Area.
LVI	Means the Land Value Index published annually by the Council on its website or in its Management Plan, or both.
Maintenance Period	Means the period agreed to in relation to specific works (or facility) where Council expects the Developer to be responsible for day- to- day maintenance of the work (or facility) at the Developer's cost to meet the terms of the Planning Agreement. <ul style="list-style-type: none"> • All open space -12 months maintenance • Embellishment riparian/transmission easement land 5 years maintenance as per Dedication of Constrained Lands Policy.

Material Public Benefit (MPB)	Means a benefit that is generally not a monetary contribution or the dedication of land but is for a public purpose and provides a specific and measurable Public Benefit. A Material Public Benefit does not need to be a physical work. Material Public Benefits may comprise social, economic, environmental and/or cultural benefits. Their “notional value” should be expressed in monetary terms.
Nexus	Means the relationship between the expected types of development in the area and the demand for additional infrastructure and public facilities to meet that demand.
Planning Agreement	Has the same meaning as in section 7.4 of the EP&A Act: <i>A Planning Agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the Developer)—</i> <ul style="list-style-type: none"> (a) <i>who has sought a change to an environmental planning instrument, or</i> (b) <i>who has made, or proposes to make, a Development Application or application for a complying development certificate, or</i> (c) <i>who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,</i> <i>under which the Developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other Material Public Benefit, or any combination of them, to be used for or applied towards a public purpose.</i>
Planning Authority	A Planning Authority has the same meaning as in Division 7.1 of Part 7 of the EP&A Act, and means: <ul style="list-style-type: none"> • a council, or • the Minister for Planning, or • the Planning Ministerial Corporation, or • a development corporation (within the meaning of the <i>Growth Centres (Development Corporations) Act 1974</i>), or • a public authority (such as Transport for NSW).
Planning Proposal	A proposal to change an environmental planning instrument to facilitate a development which may be the subject of a Planning Agreement.
Planning Purpose	Planning Purposes are outcomes that can be identified in the statutory planning controls and other adopted strategic planning and policies applying to development.
Practice Note	The Practice Notes (current and draft) on Planning Agreements published by the Department of Planning and Environment.
Proponent	Applicant of an application (i.e. Development Application, complying development certificate or Planning Proposal).
Public	The community as a whole or, where context requires, a section of the community.
Public Benefit	Is the benefit enjoyed by the public as a consequence of a Development Contribution or Planning Agreement.

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Public Purpose	<p>Has the same meaning as in Section 7.4 of the EP&A Act:</p> <p><i>A public purpose includes (without limitation) any of the following:</i></p> <ul style="list-style-type: none"> <i>a) the provision of (or the recoupment of the cost of providing) public amenities or public services,</i> <i>b) the provision of (or the recoupment of the cost of providing) affordable housing,</i> <i>c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,</i> <i>d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,</i> <i>e) the monitoring of the planning impacts of development,</i> <i>f) the conservation or enhancement of the natural environment.</i>
Public Facilities	Means public infrastructure, facilities, services and amenities.
Recurrent Costs	Means any cost which is of a repeated nature that is required for the operation or maintenance of a public facility.
Surplus Value	Surplus value means the value of the Developer's provision under a Planning Agreement less the sum of the value of public works required to be carried out by the Developer under a condition imposed under Section 4.17 (1) of the EP&A Act and the value of Development Contributions that are or could have been required to be made under Section 7.11 or Section 7.12 of the EP&A Act in respect of the development the subject of the Planning Agreement.
Value Capture	<p>Means Council capturing, for the community benefit, some of the land value increase accruing to a parcel of land from a change to a planning instrument (such as a rezoning or increase in FSR), which increases the development potential of the land and hence its value.</p> <p>Planning Agreements should not be used explicitly for value capture in connection with the making of planning decisions. For example, they should not be used to capture land value uplift resulting from rezoning or variations to planning controls. Such agreements often express value capture as a monetary contribution per square metre of increased floor area or as a percentage of the increased value of the land. Usually, the Planning Agreement would only commence operation as a result of the rezoning proposal or increased development potential being applied.</p>
Works-in-Kind (WIK)	Means the undertaking of a work or provision of a facility by an applicant, which is already nominated in the works schedule of a Contributions Plan.
Works schedule	Means the schedule of the specific public amenities and public services for which a contribution may be required as set out in a Contributions Plan's technical document.

PART 2 - POLICY STATEMENT

This Policy shall be referred to when negotiating and entering into an agreement with a Developer, landowner, or similar entity to provide Material Public Benefit in the Camden Local Government Area (LGA). The acceptance of an offer to enter into a Planning Agreement is at the absolute discretion of Council.

This Policy shall not limit or fetter Council's statutory discretion or duty in determining Development Applications under the EP&A Act.

5. INTRODUCTION

5.1. Purpose of this Policy

This Policy sets out the statutory framework for Planning Agreements and provides key guiding principles governing their use.

The Policy provides a framework for the preparation and execution of Planning Agreements related to the provisions of Part 7, Division 7.1 Subdivision 2 of the EP&A Act.

The Policy sets out the purpose, scope and objectives for the preparation of Planning Agreements and includes guidelines that set out how the policy will be used in planning and development within the Camden LGA.

The Policy applies to Planning Agreements that the Council might enter into with a landowner or Developer who requests changes to a Local Environmental Plan either through a Planning Proposal request or a Development Application for land within the Camden LGA.

5.2. Related Council Policies

This Policy should be read in conjunction with the following Council Policies and Documents:

- Contributions Planning Policy; and
- Works-in-Kind Policy.

5.3. Application

This Policy applies when Council is negotiating and entering into a Planning Agreement with a Developer or landowner to provide Material Public Benefit in the Camden LGA.

5.4. What is a Planning Agreement?

Planning Agreements, often referred to as a Planning Agreement or Voluntary Planning Agreement (VPA), are used widely in the planning system as a tool for delivering innovative or complex infrastructure and Public Benefit outcomes in connection with Planning Proposals, Development Applications and Complying Development Certificates.

They provide a way for Council and Developers to negotiate flexible outcomes in respect of development and infrastructure contributions and enables the NSW planning system to deliver sustainable development achieving key economic, social and environmental objectives.

Planning Agreements authorise Development Contributions for a variety of public purposes, some of which extend beyond the scope of section 7.11 and 7.12 (local infrastructure contributions), or section 7.24 (special infrastructure contributions or SICs) of the EP&A Act. Executed under the agreement, a Developer can agree to provide or fund:

- Public amenities and public services
- Affordable housing
- Transport or other infrastructure
- Protection and enhancement of the natural environment, and
- Recurrent expenditure relating to any of the above provisions.

Contributions under a Planning Agreement can be made through:

- The dedication of land (free of cost)
- Monetary contributions
- Construction of infrastructure
- Material Public Benefits; and
- Combination of the above.

Planning Agreements form part of Council's planning framework. This framework includes Council's section 7.11 contribution plans and the Contributions Planning Policy, which provides the overarching foundations and guiding principles for the contributions framework.

5.5. Objectives of Planning Agreements

Planning Agreements may be directed towards achieving the following broad objectives:

- Meeting the demands created by development for new public infrastructure, amenities and services.
- Prescribing the nature of development to achieve specific planning objectives.
- Securing planning benefits for the wider community so that development delivers a Material Public Benefit.
- Compensating for the loss of or damage to a public amenity, service, resource or asset by development through replacement, substitution, repair or regeneration.

5.6. Benefits of a Planning Agreement

Planning Agreements may be used for a variety of reasons in order to achieve Public Benefits that are not ordinarily available through the planning system, the existing Contributions Plan or may only be available in a restricted manner. Their use will be dictated by the circumstances of individual cases.

Planning Agreements:

- Provide a flexible means of achieving tailored development outcomes and focused Public Benefits.
- Can provide enhanced and more flexible infrastructure funding opportunities and better planning implementation.
- Allow for the flexible delivery of infrastructure for a development proposal which may have good planning merit but is out of sequence with broader strategic planning processes.
- Allow opportunities for more innovative and efficient provision of Public Benefits than might be realised by other means.
- Provide opportunities for the local community to participate in the quality and delivery of infrastructure or Material Public Benefits.
- Allow Developers to have an input to the type, quality, timing and location of Material Public Benefits.
- Allow infrastructure or other Public Benefits to be secured earlier in the planning process, if executed as part of a Planning Proposal.
- Provide a flexible framework under which councils and other Planning Authorities can share responsibility for the provision of infrastructure in new greenfield release areas.
- Offers Developers a degree of control and certainty they would not otherwise have.
- Can be prepared to specifically target the needs of the development and community.

5.7. When can Planning Agreements be used

Planning Agreements have the potential to be used in a wide variety of circumstances and to achieve many different planning outcomes. These circumstances are provided in the following sub-sections.

5.8. Compensation for loss or damage caused by development

Planning Agreements can provide for Development Contributions that compensate for increased demand on the use of a public amenity, service, resource or asset that will or is likely to result from the carrying out the development.

For example, development may result in the loss of or increased impact on the provision of public open space, public car parking, public access, water and air quality, bushland, wildlife habitat or other natural areas.

A Planning Agreement can impose planning obligations directed towards replacing, substituting or restoring the public amenity, service, resource or asset to an equivalent standard or serviceability to that existing before the development is carried out, together with any further provision or embellishment required as a result of the demand generated by the development itself. In this way, Planning Agreements can offset development impacts that may otherwise be unacceptable.

5.9. Meeting demand created by development

Planning Agreements can provide for Development Contributions that meet the demand for new public infrastructure, amenities and services created by development. For example, development may create a demand for public transport services, drainage services, public roads, public open space, streetscape and/or other public domain improvements, community and recreational facilities.

The Public Benefit provided under the agreement could be the provision, extension or improvement of public infrastructure, amenities and services to meet the additional demand created by the development.

5.10. Providing planning benefits to the wider community

Planning Agreements can be used to secure the provision of broader planning benefits for the wider community.

The provision of planning benefits through Planning Agreements involves an agreement between a Developer and Council to allow the wider community to share in part of the development uplift to achieve specified Public Benefits.

The planning benefit may be provided in conjunction with planning obligations or other measures that address the impacts of particular development on surrounding land or the wider community.

Planning benefits may take the form of additional or improved quality of public facilities than is required for a particular development. Alternatively, planning benefits may involve the provision of public facilities that, although not strictly required to make the development acceptable in planning terms, are not wholly unrelated to the development. An example of this might be Development Contributions towards the provision or retention of offsite affordable housing.

5.11. Recurrent funding

Planning Agreements may provide for Public Benefits that take the form of Development Contributions towards the Recurrent Costs of infrastructure, facilities and services.

Such benefits may relate to the Recurrent Costs of items that primarily serve the development to which the Planning Agreement applies or neighbouring development. In such cases, the Planning Agreement may establish an endowment fund, managed by a trust, to pay for the Recurrent Costs of the relevant item. In addition, it may bind future owners in a development to make periodic payments to the fund for the Recurrent Costs of the item.

For example, a Planning Agreement may fund the Recurrent Costs of habitat protection where development will have a demonstrated impact on nearby sensitive habitat.

Planning benefits may also take the form of interim funding of the Recurrent Costs of infrastructure, facilities and services that will ultimately serve the wider community. The Planning Agreement would only require the Developer to make such contributions until a public revenue stream is established to support the ongoing cost of the maintenance or management of the infrastructure, facilities or services.

5.12. Planning Agreement Principles

The overarching Planning Agreement principles of this Policy provide a framework for negotiating, entering into and administering Planning Agreements.

The principles are:

- 1 The proper planning consideration is to be given to the proposed Planning Agreement.
- 2 Council will assess the Material Public Benefit offer and the public interest when deciding whether to proceed with the Planning Agreement.
- 3 The negotiation and preparation of Planning Agreements must be informed by Council's Strategic Planning Framework and the outcomes of Planning Agreements should align with the relevant strategies, plans and studies of Council. Where they do not align with the Strategic Planning Framework, or were not envisaged in strategic plans, there must be clear justification based on clear planning principles.
- 4 Development Applications, Planning Proposals or Complying Development Certificates will be assessed on their own merits without undue weight being given to associated or proposed Planning Agreements.
- 5 Council will act consistently, fairly and impartially in negotiating Planning Agreements with Developers and landowners.
- 6 Council must evaluate the most appropriate contributions method according to the circumstances of the development to minimise risk to Council and deliver the appropriate level of infrastructure.
- 7 The preparation of Planning Agreements is to be in accordance with the relevant provisions of the EP&A Act, the EP&A Regulations, *Local Government Act 1993* and any other applicable legislation or State Planning Policy requirements.
- 8 The exclusion of section 7.11 contributions or section 7.12 levies through a Planning Agreement will be a matter of negotiation between the Council and the Developer, on a case-by-case basis.
- 9 Council must be satisfied that entering into a Planning Agreement will not compromise the delivery of infrastructure outlined in an adopted or draft Contributions Plan.
- 10 Planning Agreements that include land or works that are not included in the Contributions Plan should be specified as not being subject to credit from the relevant plan unless it is assessed by Council as providing an equal (or better) outcome for the community and which will replace land or works in a Contributions Plan.
- 11 Benefits provided under a Planning Agreement must not be exchanged for a variation from a development standard under clause 4.6 of the EP&A Act, under any circumstances. Variations to development standards must be justified on planning grounds and the benefit under a Planning Agreement should contribute to achieving the planning objectives of the development standard.
- 12 When exercising its functions under the EP&A Act in relation to a proposal, Council will consider and take into account:
 - Whether the proposed Planning Agreement is relevant to and should be considered in connection with a proposal
 - Whether demand for new public infrastructure or services that is created by the proposal.

- 13 In the situation of competing proposals, Council may apply discretion and approve the proposal that offers the greatest planning benefit, so long as it is made known to the relevant parties beforehand.
- 14 Council will not agree to a Planning Agreement providing for any alleged surplus value under a Planning Agreement being refunded to the Developer or offset against 7.11 or 7.12 Development Contributions required to be made by the Developer in respect of other development in the LGA.

6. POLICY CONTEXT

This section outlines the legislative, strategic and local planning framework underpinning this Policy and key policy considerations when entering into and administering Planning Agreements.

6.1. Legislative framework

- EP&A Act – Provides the legislative framework for Planning Agreements.
- EP&A Regulation – outlines the procedural requirements for the use of Planning Agreements as well as the making, amending and revocation of Planning Agreements and the public notice of Planning Agreements.
- *Practice Notes* – provide advice on matters surrounding Planning Agreements and provide an overview of current trends and best practices. The practice notes are made for the purposes of clause 25B(2) and clause 26(1) of the EP&A Regulation. While the practice notes in themselves are not legally binding without an accompanying Ministerial direction, in some cases they may advocate greater restrictions on the content and use of Planning Agreements than is provided for in the EP&A Act and EP&A Regulation. The practice notes also set out a template designed to standardise the form of Planning Agreements. If there is any inconsistency between this Policy and the Practice Notes, this Policy prevails.

As at the date of this Policy, the key Practice Notes relating to Planning Agreements include:

- Practice Note on Planning Agreements, dated July 2005
 - Exhibition Draft Practice Note – Planning Agreements, dated April 2020; and
 - Draft Practice Note – Planning Agreements, dated November 2016.
- Ministerial Directions - under section 9.1 of the EP&A Act, Ministerial Directions require consideration for plan making covering issues such as employment, environment and heritage, housing, infrastructure and urban development. This includes infrastructure contributions, of which Planning Agreements are a form of.

6.2. EP&A Act

- *Ministerial Directions* - under section 7.9 of the EP&A Act, the Minister may make directions as to the procedures to be followed in negotiating a Planning Agreement, the publication of those procedures, the method of determining the extent of provision of the Public Benefit to be made by the Developer under a Planning Agreement and other standard requirements with respect to Planning Agreements. Under Section 7.17 of the EP&A Act, the Minister may also make directions as to various matters relating to Development Contributions under s7.11 and s7.12 of the EP&A Act.

As at the date of the Policy, the key Ministerial Direction relating to Planning Agreements is *Environmental Planning And Assessment (Planning Agreements) Direction 2019* which requires all councils to consider a series of matters when negotiating a Planning Agreement with a Developer for the purposes of affordable housing in connection with a development.

6.3. Environmental Planning and Assessment Act 1979

Part 7, Division 7.1, Subdivision 2 of the EP&A Act sets out, amongst other matters:

Provision	Section of the EP&A Act
The definition of a Planning Agreement	7.4(1)
The definition of a public purpose	7.4(2)
The mandatory, minimum requirements for a Planning Agreement	7.4(3)
The relationship of a Planning Agreement to the application of section 7.11 and section 7.12 of the Act	7.4(2), 3A, 5,6
The ability of the Council to enter into a joint Planning Agreement with another council of other public authority	7.4(8)
Limitations on the content of a Planning Agreement	7.4(9)

6.4. Environmental Planning and Assessment Regulation 2000

Part 4, Division 1A of the EP&A Regulation sets out, amongst other matters:

Provision	Clause of the EP&A Regulation
The form and subject matter of Planning Agreements	25B
The signing and commencement of a Planning Agreement	25C
Amendment and revocation of a Planning Agreement	25C
Public notice requirements, including the timing of that notice in regard to a Development Application and a Planning Proposal	25D
Requirements for an explanatory note and the content of that note	25E
Requirements for the public inspection of Planning Agreements	25F, 25G and 25H

Principle:

- The preparation of Planning Agreements is to be in accordance with the relevant provisions of the EP&A Act, the EP&A Regulations, *Local Government Act 1993* and any other applicable legislation or State Planning Policy requirements.

6.5. Strategic Planning Framework

The negotiation and preparation of Planning Agreements must be informed by Council's Strategic Planning Framework. This ensures legitimacy to the overall direction of the Planning Agreement and provides an overarching strategic foundation. Relevant strategic plans and related documents include, but are not limited to:

- Western City District Plan
- Local Strategic Planning Statement
- Local Housing Strategy
- Economic Development Strategy
- Rural Lands Strategy
- Recreation and Leisure Strategy
- Sustainability Strategy
- Integrated Transport Strategy
- Library Strategic Plan
- Sportsfield and other recreation strategies
- Precinct Plans
- Local infrastructure studies
- Associated 'hard' infrastructure studies (road and transport studies, engineering assessments for watercycle management)
- Infrastructure demand studies (open space and recreation and other social infrastructure.)

To ensure Public Benefits align with Council's technical requirements (i.e. in the case of land dedication and works in kind), Planning Agreements should also give reference to:

- Open Space Design Manual
- Buildings Design Manual
- Engineering and Street Design Standards
- Relevant Australian Standards

Some of the key strategies are discussed in more detail in the following sub-sections.

Principle:

- The negotiation and preparation of Planning Agreements must be informed by Council's Strategic Planning Framework and agreements should align with the relevant strategies, plans and studies of Council. Exceptions may be where the particular project was not envisaged by the strategic planning and conforms to robust planning principles.

6.6. Western City District Plan

Planning Agreements can assist with the delivery of the directions and planning priorities outlined in the Western City District Plan (District Plan), which are set out under the overarching themes from the Greater Sydney Region Plan – A Metropolis of Three Cities. These include:

1. Infrastructure and collaboration;
2. Liveability;
3. Productivity; and
4. Sustainability.

Liveability is a particularly important theme because it influences the quality of life that people experience. The creation and renewal of places, neighbourhoods and business centres are central objectives to improving liveability. Improvements to liveability can occur through a variety of actions including providing:

- Local infrastructure.
- More and improved public spaces including better use of and access to those spaces.
- Well-connected places.
- People-friendly, workable and safer streets, lanes and pathways that are accessible by people of all ages and abilities.

Sustainability objectives can also benefit from Planning Agreements particularly in terms of:

- Protecting and enhancing biodiversity.
- Achieving energy, water and climate change mitigation strategies.

6.7. Local Strategic Planning Statement

Planning Agreements should also be used to implement the relevant priorities contained in Council's Local Strategic Planning Statement (LSPS), such as:

- Local Priority I1 - Aligning infrastructure delivery with growth
- Local Priority L1 - Providing housing choice and affordability for Camden's growing and changing population
- Local Priority L3 - Providing services and facilities to foster a healthy and socially connected community
- Local Priority S4 - Protecting and restoring environmentally sensitive land and enhancing biodiversity.

6.8. Integrated Planning and Reporting framework

When negotiating Planning Agreements and establishing the type of public facilities to be included in the agreement, all parties must take into consideration the Council's integrated planning and reporting (IPR) framework and proposed projects, actions and services which may be identified in the plans and strategies. This ensures that Planning Agreements align with Council's broader corporate strategic planning and land use planning policies, goals, and strategies. These include:

- The Community Strategic Plan.
- The combined Delivery Program and Operational Plan.
- Resourcing Strategy.

6.9. The Development Contributions Management Committee

A whole-of-Council approach is an integral component of Council's financial management. A contributions system must have regard to the IPR Framework as well as other relevant adopted plans, strategies and policies to ensure that contributions are integrated within the overall management framework.

Given that Planning Agreements are one of several mechanisms for funding public infrastructure, such agreements form part of the Development Contributions system. Therefore, Planning Agreements will integrate with relevant financial management plans prepared by Council for budgeting and expenditure purposes.

The implications arising from entering into a Planning Agreement must be appreciated in the context of Council's overall service delivery function. The Development Contributions system affects all sections/departments of Council including:

- Planning and environmental services – in forecasting and facilitating development, preparing and reviewing Contributions Plans and providing advice on Planning Agreements as well as the issue and enforcement of development consents.
- Engineering, community and recreation services – in providing and managing public facilities administrative.
- Corporate services – in managing the administrative, legal and financial accounting processes.

It is therefore critical that the preparation and ongoing administration of the Development Contributions system involve all relevant departments of Council.

The DCMC is an internal Council committee comprised of management and specialist staff representing strategic planning, finance and capital works sections. This is considered good practice.

The DCMC meets monthly to manage the Development Contributions system. DCMC meetings are closed to the public and decisions are made by consensus. DCMC meeting minutes, decisions and recommendations in relation to Planning Agreements are communicated directly to the applicant who makes a written application to enter a Planning Agreement.

Decision-making is guided by the Development Contributions Management Committee Terms of Reference 2019 as amended from time to time.

7. SCOPE OF PLANNING AGREEMENTS

This part provides guidance and key principles in relation to the scope of Planning Agreements, including relationship of Planning Agreements with local Contributions Plans, Development Applications and Planning Proposals.

7.1. Relationship of a Planning Agreement to Contribution Plans

This Policy forms part of Council's Development Contributions framework, which includes the Contributions Planning Policy and Contributions Plan Template.

Council may impose a condition of consent to a Development Application, or a complying Development Application, requiring a Development Contribution under section 7.11 or the payment of a levy under section 7.12 of the EP&A Act (if consistent with the relevant Contributions Plan).

A Planning Agreement may partly or fully exclude the application of section 7.11 or section 7.12 contributions to development the subject of a Planning Agreement. Sections 7.4 and 7.11 of the EP&A Act set out the way a Planning Agreement can influence contributions and levies imposed as conditions of development consent. This includes the ability of a Planning Agreement to wholly or partly exclude the application of section 7.11 or section 7.12 in respect of a development.

Planning Agreements can be used to formalise arrangements for Developers delivering infrastructure that is out-of-sequence compared to the priorities in the Contributions Plan. In this circumstance, where the delivery of infrastructure is aligned, this generally should wholly or partly exclude the application of sections 7.11 or 7.12. Planning Agreements should clearly specify any land or works that are within the Contributions Plan, the cost outlined in the Schedule of Works and the indexing method. It should reference the infrastructure priorities section of the Contributions Plan to indicate when the Developer should receive credit for the infrastructure they deliver.

In other circumstances, the intent of a Contributions Plan must not be undermined by Planning Agreements delivering infrastructure which does not align with established infrastructure priorities. Infrastructure not identified in a relevant Contributions Plan or a strategic plan, but which otherwise achieves a justifiable Material Public Benefit, will be considered on a case-by-case basis.

Planning Agreements that include land or works that are not included in the Contributions Plan should be specified as not being subject to credit from the relevant plan. Planning Agreements that include land or works that are included in the Contributions Plan should be specified as being subject to credit from the relevant plan.

Principles:

- The exclusion of section 7.11 contributions or section 7.12 levies through a Planning Agreement will be a matter of negotiation between the Council and the Developer, on a case-by-case basis.
- When a Local Contributions Plan is being prepared or in draft form, this should reflect any relevant Planning Agreement already in place.
- Infrastructure works identified in an adopted Local Contributions Plan will be prioritised and infrastructure not identified in such a plan, but which achieves a Material Public Benefit, will be considered.
- Planning Agreements that include land or works that are not included in the Contributions Plan should be specified as not being subject to credit from the relevant plan.

7.2. Planning Agreements and Development Applications

When determining a Development Application, Council is required by section 4.15 (previously section 79C) of the EP&A Act, to take into consideration any relevant Planning Agreement that has been entered into or a draft agreement a Developer has offered to enter into. Council is also required to take into consideration any public submissions made in respect of the Development Application, which may include submissions relating to a Planning Agreement.

Section 7.7 prevents Council refusing a DA on the grounds that a Planning Agreement has not been entered into in relation to the proposed development.

Section 7.7 also authorises Council to require a Planning Agreement to be entered into as a condition of development consent, but only if it requires an agreement that is in the terms of an offer made by the Developer in connection with the Development Application or a Planning Proposal.

Council and Developers must make a judgement in each case about whether the use of a Planning Agreement is beneficial and otherwise appropriate. However, Planning Agreements should never be used to require compliance with, or re-state obligations imposed by conditions of development consent as it may create unnecessary and inappropriate duplication.

Principles:

- A Planning Agreement should not be given undue weight when the merits of an application are assessed.
- The approval of a Development Application should never be contingent on the proponent entering into a Planning Agreement.
- Planning Agreements should never be used to require compliance with, or re-state obligations imposed by, conditions of development consent.
- Demand for new public infrastructure or services that is created by a Planning Proposal and/or Development Application is to be considered and taken into account.

7.3. Relationship between Planning Agreements and varying development standards (Clause 4.6)

The Land and Environment Court has handed down decisions limiting the ability of consent authorities and Developers to rely on Planning Agreements to justify variations to development standards contained in local environmental plans proposed by Development Applications. Relevant case law includes;

- *Jubilee Properties v Warringah Council* [2015] NSWLEC 1042
- *Mecone Pty Limited v Waverley Council* [2015] NSWLEC 1312.

The Land and Environment Court decisions reinforce the principle that the benefits provided under a Planning Agreement should not be used to justify a variation from a development standard unless the benefit is directed towards achieving the planning objectives of the relevant development standard.

Principle:

- Benefits provided under a Planning Agreement must not be exchanged for a variation from a development standard under clause 4.6 of the EP&A Act under any circumstances. Variations to development standards must be justified on planning grounds and the benefit under a Planning Agreement should contribute to achieving the planning objectives of the development standard.

7.4. Planning Agreements and Planning Proposals

Planning Agreements can be entered into in connection with a proposal to change the land use zoning and/or make changes to development controls in an LEP in relation to a site. Planning Agreements negotiated in this context will generally seek to offset any associated uplift afforded by an LEP amendment by way of providing infrastructure provision or other related Material Public Benefits to support the development and wider community.

The EP&A Act requires a planning authority to state the objectives and outcomes of a Planning Proposal, and to describe and justify the process by which they will be achieved. The role of a Planning Agreement in facilitating these objectives or outcomes should be clearly set out in the Planning Proposal documentation.

Council is to consider all applications for Planning Proposals on their merits. The unwillingness of a Developer to offer to enter into a Planning Agreement related to land value increase should not be a reason why a Planning Proposal is refused. Equally, a Planning Proposal that may have negative planning outcomes cannot be justified solely on the basis of an opportunity to enter into a Planning Agreement.

Council will not prioritise site-specific Planning Proposals on the basis they provide for opportunity to capture windfall gain or LGA-wide strategic planning initiatives. For instance, infrastructure and Public Benefit, including affordable housing, are likely to be planned and delivered in a more comprehensive way if linked to broad strategic planning exercises, rather than if planning impacts and potential Public Benefits are determined on a site-by-site basis.

Other contributions mechanisms can also provide for a more efficient and reasonable distribution of the costs of infrastructure associated with growth, rather than focusing on individual large developments. These considerations are not inconsistent with the role of a council to assess site specific Planning Proposals on their planning merits.

Principles:

When exercising its functions under the EP& A Act in relation to a Planning Proposal, Council will consider:

- Whether the proposed Planning Agreement is relevant to a proposal and whether it should be considered in connection with the proposal.
- Demand for new public infrastructure or services that is created by the proposal.

7.5. Competing proposals to provide planning benefits

Situations may arise where Council is faced with competing applications, each accompanied by offers to enter into Planning Agreements providing Material Public Benefits. In such cases, provided the planning benefits offered are not wholly unrelated to development, they may be considered in connection with the applications and it may be perfectly rational for Council to approve the proposal which offers the greatest Material Public Benefit, all things being equal.

Principle:

- In the situation of competing proposals, Council may apply discretion and approve the proposal which offers the greatest Material Public Benefit.

7.6. Planning Agreement or other contributions mechanism?

Planning Agreements should complement other contribution mechanisms, including section 7.11 contributions and section 7.12 levies for local infrastructure. They can be used to deliver infrastructure outcomes specified in these mechanisms, strategic planning documentation, or additional Public Benefit.

A Planning Agreement provides flexibility in terms of delivery and timing. The funds or works are not required to have a direct nexus with the proposal but should be related. A Planning Agreement should be considered where Council is satisfied that there is a direct benefit over and above the existing Contributions Plans in place. Council must be satisfied that entering into a Planning Agreement will not compromise the delivery of infrastructure outlined in a Contributions Plan.

A Planning Agreement also allows for Recurrent Costs, whereas a Contributions Plan does not (under current legislation). Therefore, a Planning Agreement may be particularly valuable where there is ongoing maintenance and or operational costs associated with infrastructure, such as watercycle management.

A Planning Agreement may also include the delivery of Material Public Benefit in the form of affordable housing (providing the Council complies with the *Environmental Planning and Assessment (Planning Agreements) Direction 2019*) and other related planning issues, which are not identified in a Contributions Plan.

However, Planning Agreements generally should not be used as *de facto* substitutes for Contributions Plans. There is a clear legislative, regulatory and policy framework supporting Contributions Plans which does not (presently) apply to Planning Agreements. Where there is a need for public infrastructure across a development area with a range of landowners, a Contributions Plan is more appropriate because it simplifies transactions and has clearer underpinning strategic planning.

The table below identifies some factors in development outcomes and infrastructure needs that may be considered when identifying an appropriate contribution mechanism:

Contribution Mechanism	Application
Section 7.11 Development Contributions	<ol style="list-style-type: none"> 1 In urban release areas and major urban renewal precincts 2 In areas where growth is faster and higher levels of contributions can offset the considerable administration costs, financial risks and inefficiencies of managing money amongst and within the funds 3 In areas with multiple owners who are unable to coordinate offering dedications or provision of a Material Public Benefit 4 Where Council can access supplementary funds to meet the non-development demand for the infrastructure included in the Contributions Plan 5 Areas where the overall rate of growth is uncertain but different landholders are likely to proceed with development at rates different to other landholders
Section 7.12 levies	<ol style="list-style-type: none"> 1 In established urban areas where supplementary funding of infrastructure to meet nondevelopment demands is uncertain 2 In high growth urban centres where infrastructure needs are mixed and where a high number of developments can contribute to shared costs In areas where both the rate and the infrastructure impacts of future development are relatively low, difficult to predict, or spread over time

	<ol style="list-style-type: none"> 3 Where the provision of the infrastructure benefits a dispersed set of contributors and nexus is difficult to identify 4 Where resources to manage the development, contributions are limited 5 In areas with multiple ownership with little scope for land dedications or provision of a Material Public Benefit as alternatives to paying a monetary contribution 6 Where the costs of needed infrastructure are relatively low and spread over time
Planning Agreements	<ol style="list-style-type: none"> 1 In relation to a major development site or precinct that is owned by a single Developer/land owner or a consortium of Developers/land owners 2 Where the proponent has an incentive to be directly involved in the delivery of community infrastructure, such as quicker timeframes for delivery of infrastructure are important for the Developer to bring the product to market 3 Where a proposed development is unanticipated by Council and thus works and facilities to cater for this development have not been identified. 4 Where the proponent agrees to be involved in the provision of public infrastructure rather than just community infrastructure 5 Where the owners want to provide community infrastructure additional to, or at a higher standard than, what has been specified under the Contributions Plan 6 Where Council and the proponent can, by negotiation, achieve different and better or more innovative outcomes than can be achieved through imposing direct or indirect contributions
Works in Kind Agreements (WIK) NOTE: This refers to an agreement entered into under s7.11(5)(b) of the EP&A Act	<ol style="list-style-type: none"> 1 Provides more flexibility in terms of delivery and timing 2 Can enable the delivery of infrastructure much earlier than otherwise would be provided by Council 3 More successful where major growth or development occurs in a distinct area 4 Need to ensure the valuation process and scope of work are clearly defined in the WIK agreement

See also Section 7.2 of the Contributions Planning Policy for detailed discussion of funding mechanisms.

Principles:

- Council must evaluate the most appropriate contributions method according to the circumstances of the development to minimise risk to Council and deliver the appropriate level of infrastructure.
- Council must be satisfied that entering into a Planning Agreement will not compromise the delivery of infrastructure outlined in a Contributions Plan.

8. GUIDELINES & PRINCIPLES FOR NEGOTIATING & PREPARING PLANNING AGREEMENTS

This section outlines guidelines, procedures and key principles when entering into and preparing Planning Agreements. It also discusses the public interest and probity considerations in connection with the use of Planning Agreements.

8.1. Circumstances where Council may enter into a Planning Agreement

Where possible, a Planning Agreement should be negotiated between Council and the proponent before an application is made or a Planning Proposal is submitted so that applications may be accompanied by a draft agreement and considered/assessed concurrently.

Council may negotiate a Planning Agreement with a proponent (and/or associates) in connection with any Development Application (including a modification of a Development Application), complying development certificate or Planning Proposal to change a Local Environmental Plan relating to any land in the Council's area.

When considering a 'bonus scheme', planning authorities should carry out public consultation, consider the apportionment of funding, look at the feasibility impact and determine the need for the infrastructure. Such a scheme should also satisfy the fundamental principles and considerations for acceptability set out in **Section 8.4 - Acceptability test to be applied to Planning Agreements.**

If an agreement is negotiated, it is documented as a draft Planning Agreement and the parties agree on the terms of the accompanying explanatory note required by the EP&A Regulation. The parties also agree on the content of the application to which the draft agreement relates.

Principles:

- A Planning Agreement cannot impose an obligation on Council to grant consent to a Development Application or support a Planning Proposal.

8.2. When should negotiations commence?

Negotiation of Planning Agreements should run in parallel with applications to change environmental planning instruments or Development Applications.

It is preferable that negotiations for a Planning Agreement commence before the lodgement of a Development Application or a request for a Planning Proposal is made. Negotiations can commence as part of a formal pre-Development Application or pre-Planning Proposal meeting.

8.3. Who will prepare a Planning Agreement?

Unless otherwise determined between the parties, Council will be responsible for drafting the Planning Agreement at the Developer's cost. This will be confirmed at the outset of negotiations.

The process for Council to negotiate a Planning Agreement commences with the submission of a written Public Benefit offer by the Developer. The offer must adequately describe the Public Benefit and must be signed by the proponent.

Once drafted, the agreement will be submitted to the Developer for review.

The explanatory note, which must be exhibited with a Planning Agreement, is to be prepared jointly by Council and the Developer. The offer must:

- Be in writing
- Be addressed to Council
- Be executed by or on behalf of all parties to the Planning Agreement, other than Council to whom the offer is made
- Outline in enough detail, to allow proper consideration by Council, the matters required to be included in a Planning Agreement as specified in section 7.4(3) of the EP&A Act
- Address in enough detail, to allow proper consideration by the planning authority, any relevant matters
- Outline in enough detail, to allow proper consideration by the planning authority, all other key terms, and
- Conditions proposed to be contained in the Planning Agreement.

All new Planning Agreements will be subject to legal review to ensure they can be properly administered.

8.4. Acceptability test to be applied to Planning Agreements

Council will consider the following criteria in order to evaluate the Material Public Benefit associated with a proposed Planning Agreement:

- 1 Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to the statutory planning controls and other adopted planning policies and infrastructure strategies and the circumstances of the development?
- 2 Does the proposed Planning Agreement provide for a reasonable means of achieving the relevant planning purpose and securing the relevant Material Public Benefit?
- 3 Will the proposed Planning Agreement produce outcomes that benefit or protect the public interest against poor planning outcomes?
- 4 Does the proposed Planning Agreement promote Council's principles in relation to the use of agreements as set out in this Policy?
- 5 Are there any relevant circumstances that preclude Council from entering into the proposed Planning Agreement?
- 6 Will the proposed Planning Agreement provide benefits that have a relationship to the development or the wider community?
- 7 Is the Public Benefit proposed appropriate having regard to the nature of the development?
- 8 Will there be any initial or ongoing costs for Council as a result of the Planning Agreement?
- 9 Will it undermine the intent of any adopted Contributions Plan that applies to the land?

8.5. The public interest

The Acceptability Test requires that Planning Agreements are in the public interest. The public interest is directed towards securing Public Benefit for the community.

In some cases, the public interest may be measured in terms of the need to mitigate any adverse impacts of development or the desirability of providing a planning benefit to the wider community.

The negotiating framework for Planning Agreements raises the fundamental issue of what is an appropriate Planning Agreement. The process involves the exercise of discretion for both Council and the Developer, giving both parties room to accommodate subjective values and varying concepts of the public interest, private interests and other standards.

The ability for a Planning Agreement to wholly or partly exclude the application of local infrastructure contributions to development gives Council scope for trade-offs under an agreement. This means that the financial, social and environmental costs and benefits of development can be redistributed through a Planning Agreement.

Principles:

- A key consideration in whether to enter into a Planning Agreement is whether the agreement is in the public interest.
- Individuals or groups do not outweigh the public interest when considering Planning Agreements.

8.6. Planning purpose

The Acceptability Test requires that Planning Agreements are directed towards legitimate planning purposes, that can be identified in the statutory planning controls and other adopted planning policies applying to development.

The provision of planning benefits for the wider community through Planning Agreements involves capturing part of the uplift in underlying land value as a result of the Development Application or Planning Proposal. The value of planning benefits could consider a reasonable share of that uplift value to ensure commercial feasibility of the development.

Furthermore, planning benefits, though primarily directed to the wider community, must never be wholly unrelated to development contributing the benefit.

To ensure that Development Contributions provided under Planning Agreements are directed towards appropriate and legitimate planning purposes, Council will consider whether the proposed Planning Agreement:

- 1 Mitigates or compensates for the impact of the relevant development
- 2 Addresses the demands created by the development for new public infrastructure, amenities or services
- 3 Aligns the timing of the development with the delivery of the Public Benefit
- 4 Meets Council's Policy objectives and principles.
- 5 Meets the requirements for new public infrastructure identified in Council's infrastructure delivery and resourcing plans
- 6 Meets the objectives of Local Environmental Plans, Development Control Plans, and other relevant planning strategies, studies and policies of future planning arrangements
- 7 Meets the objectives or needs of other relevant draft or adopted Council policies, strategies, plans, technical standards and specifications

- 8 Is in a form suited to the particulars of the application to which the Planning Agreement relates
- 9 Provides Public Benefits that provide innovation or technology not anticipated in Contributions Plans.

Principles:

- The proper planning consideration is to be given to the proposed Planning Agreement.
- Council will not use Planning Agreements for any purpose other than to provide a Material Public Benefit to the community.
- Provision of infrastructure should generally align with strategic planning documentation.

9. OTHER PROCEDURAL GUIDELINES

9.1. Valuation of Material Public Benefits under a Planning Agreement

The Public Benefit proposed under a Planning Agreement will be attributed a notional value in the agreement. This attributed value will be agreed between Council and the Developer as part of the negotiation and drafting process. The value should be identified in specific numerical (\$) terms, together with the relevant date (by financial year).

If a Development Contribution under a Planning Agreement is the carrying out of works for a public purpose, Council will attribute a value to that Development Contribution. In respect of work that is included in the Council's Contributions Plan, the value attributed to the work should be the value as specified in the Contributions Plan. In respect of work that is not included in the Council's Contributions Plan, the value will be based on a cost estimate for the works prepared by a suitably qualified quantity surveyor engaged by Council at the Developer's cost or by reference to Council's standard rates and costs where appropriate.

Where the Development Contribution under a Planning Agreement includes the transfer or dedication of land, Council may seek the services of an appropriately qualified land valuer, at the Developer's cost, in order to attribute a value to the land being transferred or dedicated, unless the land is included in the Council's Contributions Plan in which case the value attributed to the land should be as specified in the Contributions Plan.

If a Developer procures a valuation from a Quantity Surveyor or Land Valuer Council reserves the right to have their report peer-reviewed, at the Developer's cost, or provide its own independent assessment.

Any Developer's works and services that would normally be provided as a condition of development consent (i.e. a road or on-site detention required to service a proposed development) will be deemed to have no value under the Planning Agreement.

9.2. Surplus value and credits

In certain circumstances, applicants may, through previous Development Applications, have made more local contributions to Council than was required under a Contributions Plan. This would only likely have occurred when the applicant provided land or other Material Public Benefit through a Works-in-Kind or land dedication agreement and this extra provision is referred to as 'surplus value'.

It is at Council's discretion whether it will accept the provision of a Planning Agreement such as land dedication or Works-in-Kind or other Material Public Benefits, where the value exceeds the value of Development Contributions that would be applicable or required by conditions of consent or under a Contributions Plan.

Council will not allow the surplus value under a Planning Agreement to be offset against any applicable Development Contributions required to be made in respect of other development outside of the area of any applicable Contributions Plan.

If a person is seeking to settle a contribution obligation with the Council and would like Council to consider accrued surplus value relating to an earlier consent and agreement, they must submit a written request together with details of the earlier agreement. The earlier agreement should explicitly acknowledge that previous 'payments' exceeded contributions that were required at that time. In such circumstances, Council may offset the surplus value from an earlier agreement against a current application or more recent consent.

Where the value of the works undertaken is less than the contribution required as a condition of consent, the Developer will be required to pay the difference.

Refer to the Contributions Planning Policy (Section 8.5) for further detail in relation to provision of Material Public Benefits in excess of contribution requirements.

Refer also to the Camden Works-in-Kind Policy (Section 14) for further detail in relation to the treatment of Surplus Value specific to WIK agreements.

Principle:

- Council will not agree to a Planning Agreement providing for any alleged surplus value under a Planning Agreement being refunded to the Developer or offset against 7.11 or 7.12 Development Contributions required to be made by the Developer in respect of other development in the LGA.
- Planning Agreements that include land or works that are not included in the Contributions Plan should be specified as not being subject to credit from the relevant plan.

9.3. Pooling of Development Contributions

Council's ability to forward fund (internally borrow) infrastructure is limited. Consequently, infrastructure provision is largely contingent upon the availability of contributions funds. In some cases, enabling infrastructure is required where development cannot effectively occur without the infrastructure, such as a collector road. Pooling of funds is enabled under the provisions of s7.3(2) of the EP&A Act and clause 27(1)(i) of the EP&A Regulation, which allows borrowing between contribution accounts. This allows greater flexibility and timeliness in the way facilities can be provided.

Where a proposed Planning Agreement provides for a monetary contribution by the Developer, Council may seek to include a provision permitting money paid under the agreement to be pooled with money paid under other Planning Agreements or Contributions Plans. This will be applied progressively for the different purposes under those agreements or plans.

Pooling may be appropriate to allow Public Benefits to be provided in a fair and equitable way, particularly enabling infrastructure. Pooling of funds should be directed to the highest priority infrastructure, as identified in the Contributions Plan and as prioritised in the Work Schedule.

This is in accordance with the Contributions Planning Policy, and provisions of the EP&A Act and EP&A Regulation.

Refer to Section 9.1 of the Contributions Planning Policy for further detail on the pooling of contribution funds.

9.4. Recurrent contributions

An applicant may offer, and Council may request, Developers to make Development Contributions towards Recurrent Costs of infrastructure through a Planning Agreement. Generally, the Planning Agreement will only require the Developer to make contributions towards the Recurrent Costs until a public revenue stream is established to support the on-going costs of the facility, or for a time agreed between the parties.

There must be a clear determination of when that revenue stream will likely be enough for Council to consider the timing of cessation of recurrent Costs.

Any initial or ongoing costs for Council as a result of the Planning Agreement will be taken into consideration when assessing the acceptability of the offer.

9.5. Standard contributions

Wherever possible, Council will seek to standardise Development Contributions sought under Planning Agreements in order to streamline negotiations and provide fairness, predictability and certainty for Developers. Although the value of Planning Agreements will be considered on their merits.

9.6. Parties to a Planning Agreement

The Council and the Developer are always parties to a Planning Agreement. It will be frequently necessary for the landowner to be an additional party. The circumstances where the landowner will be required to be a party include (but are not limited to) where the Planning Agreement will be registered on the land title, where the Planning Agreement requires land to be dedicated to the Council, where the Planning Agreement requires the creation of covenants, easements, rights or way and the like burdening land, where the Planning Agreement requires works to be carried out on private land that will be handed over to the Council on completion of the works, where the Planning Agreement provides for access to or across private land to enable the carrying out of works, where the security for performance provided under the Planning Agreement is a charge on land, and the like. The Council will make an assessment of whether the landowner or any other person in addition to the Council and the Developer should be a party to a Planning Agreement in each particular case.

9.7. Probity

Council is committed to fairness, equity and ethical behaviour in the care, control and management of the Camden LGA and in the administration of this Policy. To this end, the following practices will apply:

- a) Roles and responsibilities within the processes for a Planning Agreement, a Planning Proposal, Complying Development Certificate and a Development Application will be managed to ensure transparency, impartiality and accountability and to avoid conflicts of interest. This will generally include separation of roles and responsibilities.
- b) Commercial and financial information will be treated as confidential material.

Depending on the type of Planning Agreement and the Council's involvement, Council may engage a probity expert for advice and assistance with the agreement. Costs associated with this service will be shared between the Council and the other parties associated with the agreement.

Independent third parties could be used in a variety of situations involving Planning Agreements. The situations include:

- Where an independent assessment of a proposed change to an environmental planning instrument or Development Application is necessary or desirable.
- Where information requires validation.
- Where sensitive financial or other confidential information must be verified or established during negotiations.
- Where facilitation of complex negotiations are required for large projects or where numerous parties or stakeholders are involved.
- Where dispute resolution is required under a Planning Agreement.
- Where there may be an actual or perceived conflict of interest between Council and the Developer.

Furthermore, all actions associated with negotiating and administering Planning Agreements must comply with the requirements of Council's Corporate Operational Risk referenced as OR 147 – Fraud or Corruption.

Principle:

- Council will act consistently, fairly and impartially in negotiating Planning Agreements with Developers.

9.8. Dispute resolution

Different kinds of dispute resolution mechanisms may suit different kinds of matters and this should be reflected in a Planning Agreement. For example, mediation may be suitable to deal with most disputes while expert determination may be most suitable to resolve disputes of a technical nature. Similarly, arbitration may be suitable for resolving commercial disputes.

Council will require a Planning Agreement to provide for mediation of disputes between the Parties, at their own cost, before the parties may exercise any other legal rights in relation to the dispute. Unless the parties agree otherwise, the Planning Agreement will provide that such mediation will be conducted pursuant to the Mediation Rules published by the Law Society of NSW current at the time the agreement is entered into.

9.9. Past deficiencies in infrastructure provision

Planning Agreements may be used to overcome past deficiencies in infrastructure provision that would otherwise prevent development from occurring. This may involve the conferring of a planning benefit under the agreement, but only where it is justified, material and in the public interest.

9.10. Public Notification

Planning Agreements must be publicly notified and made available for public inspection before they can be entered into. A Planning Agreement cannot be entered into, amended or revoked unless public notice is given and the Planning Agreement is first made publicly available for inspection for a minimum period of 28 days.

If the draft Planning Agreement is in connection with a Development Application, the public notice will be given, if practicable, as part of a contemporaneously with, and in the same manner as any notice of the Development Application, or if that is not practicable, as soon as possible and after a draft agreement has been prepared and agreed by the parties.

If the draft Planning Agreement is in connection with a Planning Proposal (i.e. proposal to change to the Camden Local Environmental Plan 2010), the public notice will be given, if practicable, as part of any public notice of the relevant Planning Proposal that is required under the EP&A Act. This is so that Council can ensure that the public can consider all elements of the change to the Local Environmental Plan at the same time.

Where it is not practicable to give public notice at such times, the EP&A Regulation requires that this be undertaken by Council as soon as practical.

Amendments may be required as a result of public submissions or for other reasons. Any material changes that are proposed to be made to a Planning Agreement after a public notice has been given should be subject to renotification if the changes would materially affect:

- How any of the matters specified in s7.4 of the EP&A Act are dealt with by the Planning Agreement.
- Other key terms and conditions of the Planning Agreement.
- The planning authority's interests or the public interest under the Planning Agreement.
- Whether a non-involved member of the community would have made a submission objecting to the change if it had been publicly notified.

An explanatory note is required to be prepared to accompany public notice of a draft Planning Agreement and this should be written in plain English. The explanatory note should help the community to understand what the Planning Agreement is proposing, how it delivers Public Benefit and why it is acceptable and in the public interest.

9.11. Planning Agreement Register

Section 25F (1) and (2) of the EP&A Regulation states that a Council must keep a Planning Agreement register. Council must keep a record of the following in its register:

1. A short description of any Planning Agreement (including any amendment) that applies to the area of the Council
2. The date the agreement was entered into
3. The names of the parties, and
4. The land to which it applies.

For reasons of transparency, the Planning Agreement register is available on Council's website, together with a copy of each Planning Agreement.

9.12. Planning Agreement deferrals and variations

Planning Agreements may contain clauses enabling a Developer to defer or vary obligations under a Planning Agreement.

- Deferral of Works is an option in a Planning Agreement available to a Developer that intends to defer or delay the delivery of works beyond the obligations specified in the Planning Agreement Schedule of Works.
- Variation of Works is an option in a Planning Agreement available to a Developer or council that intends to vary the design or specification of any work that is required to be carried out under a Planning Agreement.

Developers must apply to Council in writing if they wish to defer or vary their obligations under a Planning Agreement. The party proposing the modification must bear the other party's cost of the modification.

Any material changes that are proposed to be made to a Planning Agreement after a public notice has been given should be the subject of re-notification. This would be the case where proposed changes would materially affect:

- How any of the matters specified in section 7.4(3) of the EP&A Act are dealt with by the Planning Agreement;
- Other key terms and conditions of the Planning Agreement; or
- Council's interests or the public interest under the Planning Agreement

9.13. Costs of entering into Planning Agreements

Council requires a Planning Agreement to make provision for payment, by the Developer, of Council's costs for commercial negotiations of a Planning Agreement, together with the cost of employing independent consultants and third parties if necessary.

Generally, Council will require that all reasonable costs for the drafting, legal negotiations, exhibition, execution, registration and removal of registration of the agreement are met by the Developer.

Council will require the Planning Agreement to make provision for a contribution by the Developer towards the ongoing administration of the agreement.

This also applies to any amendment to a Planning Agreement instigated by the Developer.

9.14. Provision of security under a Planning Agreement

Council will require a Planning Agreement to make provision for security to cover the Developer's obligations under the agreement. This will include monetary contributions not paid at the time the agreement is executed by the parties.

The form of security will be a performance bond provided in accordance with Council's Development Infrastructure Bond Policy, as amended from time to time.

The security must be in favour of the Council to the full value of the Developer's obligations under the Planning Agreement or as otherwise agreed by Council.

Where the Development Contribution under a Planning Agreement includes the transfer or dedication of land, Council will generally require a Planning Agreement to contain a right for Council to acquire the land in the event that the Developer fails or is unable to meet its transfer or dedication obligations under the agreement and/or possibly step-in' rights to complete parks, open space and the like.

Council will require a Planning Agreement to contain a provision requiring the Developer to agree to registration of the agreement on the title to the Developer's land pursuant to section 7.6 of the EP& A Act.

9.15. Registration of Planning Agreements and caveat

As discussed in **Section 9.14** above, Council will require a Planning Agreement to contain a provision requiring the Developer to agree to registration of the agreement on the title to the Developer's land pursuant to section 7.6 of the EP&A Act.

On execution of the Planning Agreement and until it is registered on title, the Developer may be required to consent to Council lodging a caveat on the title of the relevant land.

Council will require the relevant registered landowner to consent to and procure the consent of any other prior registered interests to the registration of the Planning Agreement and the caveat.

Provision should ordinarily be made in a registered Planning Agreement about when the notation of the Planning Agreement on the title to land can be removed. This may, for example, occur when:

- The Developer has complied with all obligations under the Planning Agreement relating to the land and is discharged from the Planning Agreement;
- The Developer has complied with all relevant obligations under the Planning Agreement relating to a stage of development and the notation about that stage in the Planning Agreement on the title to the land is removed
- Land the subject of the Planning Agreement is subdivided and titles for new lots are created and the Developer has complied with all relevant Planning Agreement obligations relating to the subdivision, or
- Additional valuable security for performance of the Planning Agreement acceptable to the planning authority is provided by the Developer in exchange for removal of the notation of the Planning Agreement from the title to land.

9.16. Implementation of agreements

Before the lodgement of a Development Application or prior to issue of a Construction Certificate (prior to works commencing) on land subject to a Planning Agreement, Council will require the Developer to issue for approval:

- Concept and detailed designs, technical specification and standard of any work required by the Planning Agreement to be undertaken by the Developer, and/or
- The terms on which the Developer will provide Council with access to the land (or vice versa), and/or
- The way completed work is to be inspected and handed over to Council.

To ensure Public Benefits align with Council's technical requirements (i.e. in the case of land dedication and works), Planning Agreements should give reference to:

- Open Space Design Manual
- Buildings Design Manual; and
- Engineering Standards.

9.17. Monitoring and review of a Planning Agreement

Council will monitor and enforce the performance of the Developer's obligations under a Planning Agreement.

Monitoring systems will enable information about the implementation of Planning Agreements be made readily available to public agencies, Developers and the community. Planning Agreements will contain a mechanism for their periodic review that involves the participation of all parties.

All draft Planning Agreements will be subject to legal review to ensure they can be properly administered.

9.18. Modification and discharge of Developer's obligations

Planning Agreements must set out the circumstances in which the parties agree to modify or discharge the Developer's obligations under the agreement. The modification or discharge (or closure) should be affected by an amendment to the agreement.

The circumstances that may require Planning Agreements to be modified or discharged may include the following:

- The Developer's obligations have been fully carried out in accordance with the Planning Agreement; or
- The development consent to which the Planning Agreement relates has lapsed, or
- The instrument change to which the Planning Agreement relates did not proceed, or
- The development consent to which the agreement relates has been modified to such an extent that the planning obligations may not be appropriate, or
- The performance of the Planning Agreement has been frustrated by an event or events beyond the reasonable control of the parties, or
- The Developer has fully and completely assigned the Developer's interest under the Planning Agreement in accordance with its terms, or
- Other material changes affecting the operation of the Planning Agreement have occurred, or
- Council and the Developer otherwise agree to the modification or discharge of the agreement.

ORD02

Attachment 2

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RELEVANT LEGISLATIVE INSTRUMENTS: *Environmental Planning and Assessment Act 1979*
Environmental Planning and Assessment Regulation 2000

RELATED POLICIES, PLANS AND PROCEDURES: Contributions Planning Policy
 Works In Kind Policy
 Contributions Plan Template
 Development Performance Bond Policy

RESPONSIBLE DIRECTOR: Growth and Finance

APPROVAL: General Manager through the Executive Leadership Group.

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	ELG	New	15/10/2020	20/353342



ORD02

WORKS-IN-KIND POLICY P4.0058.2

Attachment 3

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WORKS-IN-KIND POLICY

DIVISION: GROWTH AND FINANCE
BRANCH: CONTRIBUTIONS PLANNING
CATEGORY: 2

ORD02

PART 1 – INTRODUCTION

1. BACKGROUND

- 1.1 Under the provisions of the *Environmental Planning and Assessment Act 1979*, Council has the power to require development contributions toward the cost of providing services and facilities to meet the demand generated by the development. Council has a number of Contributions Plans that require contributions toward the provision of open space, recreation facilities, community facilities, roads, drainage and other community infrastructure.
- 1.2 In some instances, a developer may seek to construct public infrastructure in lieu of making a monetary contribution. This is known as ‘works-in-kind’.
- 1.3 Works-In-Kind Agreements provide opportunities for developers to deliver infrastructure for the community much earlier than Council would often be able to achieve, as they are already constructing works on site. By constructing works, developers can offset the development contributions they would otherwise be required to pay to Council.

2. OBJECTIVE

- 2.1 To provide a framework for Works-In-Kind Agreements that includes:
 - Procedures for making an application and entering into a Works-In-Kind Agreement, and
 - How Council will assess and determine whether it will enter into a Works-In-Kind Agreement.

3. SCOPE

- 3.1 This policy applies to all requests to carry out works-in-kind in full or part satisfaction of conditions of consent requiring development contributions to be made to Council.

4. DEFINITIONS

- 4.1 **Attributable Cost** means the estimated cost for each item in the works schedules of the relevant Contributions Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

Attachment 3

- 4.2 **Bank guarantee** means an irrevocable and unconditional undertaking without any expiry or end date in favour of Council to pay an amount or amounts of money to Council on demand issued by an Australian bank, non-bank financial institution or insurance company subject to prudential supervision by the Australian Prudential Regulatory Authority and which has a credit rating of "A" or above (as assessed by Standard and Poors) or "A2" or above (as assessed by Moody's Investors Service) or "A" or above (as assessed by FitchRatings).
- 4.3 **Consent** means a development consent issued for a development application.
- 4.4 **Contributions Plan** means a document that has been publicly exhibited and adopted by the Council pursuant to section 7.18 of the EP&A Act.
- 4.5 **Council** means Camden Council.
- 4.6 **Defects Liability Period** means the period agreed to in relation to the Works where council may give the developer a rectification notice stating the works to be rectified at the developers cost.
- 4.7 **Development contribution** means a contribution referred to in section 7.11 of the EP&A Act.
- 4.8 **Development Contributions Management Committee (DCMC)** means an internal Council committee comprised of management and specialist staff representing strategic planning, , finance and capital works sections. The committee meets on a regular basis to manage the development contributions system. Committee meetings are closed to the public and decisions are made by consensus. Committee meeting minutes, decisions and recommendations in relation to Works-In-Kind Agreements are communicated directly to the applicant who makes a written application to enter a Works-In-Kind Agreement.
- 4.9 **EP&A Act** means the *Environmental Planning and Assessment Act 1979*.
- 4.10 **EPA Regulation** means the *Environmental Planning and Assessment Regulation 2000*.
- 4.11 **Hand-Over Date** means a date no later than the date specified in a Works-In-Kind- agreement in which the developer will hand over the works to Council.
- 4.12 **LGA** means the local government area.
- 4.13 **Land Contribution** means the area of land to be dedicated to Council in full or part satisfaction of conditions of consent requiring development contributions to be made to Council.
- 4.14 **Material Public Benefit (MPB)** means either works-in-kind or the provision of certain public amenities or services that are not scheduled within a Contributions Plan in lieu of the part or full payment of either a monetary contribution or the dedication of land that is required as a condition of development consent.
- 4.15 **Works-in-kind (WIK)** means the undertaking of a work or provision of a facility by an applicant which is already nominated in the Schedule of Works of a Contributions Plan.
- 4.16 **Works-In-Kind Agreement** means an agreement between Council and a developer concerning works-in-kind.

PART 2 - POLICY STATEMENT

The Council has sole discretion to decide whether it will accept works-in-kind in lieu of monetary contributions toward the provision of community infrastructure. Where the Council agrees to accept the provision of works-in-kind, they must be the subject of a formal Works-In-Kind Agreement. This agreement is a legally binding contract that is entered into by both developer and Council. The agreement must be entered into prior to commencing work.

This policy shall not limit or fetter Council's statutory discretion or duty in determining development applications under the EP&A Act.

5. WHAT IS THIS POLICY ABOUT?

- 5.1 Under the provisions of the EP&A Act, Council has the power to require development contributions toward the cost of providing services and facilities to meet the demand generated by the development. In order to require development contributions, Council must have a Contributions Plan in place which authorises contributions to be imposed as a condition of development consent. Council has a number of Contributions Plans that require contributions toward the provision of open space, recreation facilities, community facilities, roads, drainage and other community infrastructure.
- 5.2 A Contributions Plan contains a Schedule of Works, which identifies the infrastructure to be provided and includes an estimate of the cost. The cost of providing the infrastructure is then shared across an area or type of development. For Council to levy a contribution, it must impose a condition of consent on the development requiring the development contributions. These contributions may be satisfied by the payment of money, the dedication of land free of cost, or both.
- 5.3 In accordance with section 7.13 of the EP&A Act, Council may accept the provision of a Material Public Benefit (other than land or money) in full or part satisfaction of a condition of consent requiring development contributions. The most common form of a 'Material Public Benefit' is the construction of works that have been identified in the Schedule of Works in the Contributions Plan. This is known as 'works-in-kind'.
- 5.4 Council is ultimately responsible for these facilities and therefore needs to approve the proposed works before the developer commences any works and must ensure the works are carried out appropriately. This policy establishes what the developer needs to do if they want to carry out works-in-kind and their expectations throughout the process.
- 5.5 It is entirely at Council's discretion whether it will accept the provision of works-in-kind instead of a monetary contribution. Where Council does agree to accept works-in-kind, they must be the subject of a formal Works-In-Kind Agreement entered into by both the developer and the Council prior to commencement of works. The agreement is a legally binding contract. The purpose of this policy is to provide a framework for establishing when and how Council will enter into Works-In-Kind Agreements.
- 5.6 For the purposes of satisfying the tendering requirements under Section 55 of the *Local Government Act 1993*, in making this policy, Council resolved, at its meeting of the 24 November 2009 (ORD281/09), that it will not invite tenders in respect of Works-In-Kind Agreements or Voluntary Planning Agreements on the grounds that a satisfactory result will not be achieved due to the unavailability of competitive tenderers in accordance with the provisions of s 55(3)(i) of the EP&A Act.

6. WHAT OTHER COUNCIL DOCUMENTS DOES THIS RELATE TO?

- 6.1 This policy should be read in conjunction with the relevant adopted Section 7.11 or 7.12 Development Contributions Plan, the Development Application Conditions of Consent and the Engineering Design Specification.

7. WHEN IS A WORKS-IN-KIND APPLICATION REQUIRED?

- 7.1 If a developer would like to undertake works that are identified in a Contributions Plan in either full or part satisfaction of conditions of consent requiring development contributions to be made to Council, then the developer will need agreement from Council that it will accept the provision of the works-in-kind..
- 7.2 Council will only consider a request by a Developer to enter into a Works-In-Kind Agreement once the request has been made in writing.

NOTE: A Works-In-Kind Agreement to allow a developer to provide works-in-kind in full or part satisfaction of development contribution requirements is solely at Council's discretion. This Works-In-Kind Agreements policy is intended as a guide only. The applicant should not assume that compliance with the requirements in the policy will automatically give them approval.

8. WHAT IS THE PROCESS FOR OBTAINING APPROVAL TO PROVIDE WORKS-IN-KIND?

8.1 *Step 1 – Initial Discussions with Council's Contributions Planner*

Prior to applying for Council's approval, an appointment should be made to discuss the Council's requirements in relation to the proposed works. This will include a discussion of the Attributable Cost of the land/works. Please contact Council's Contributions Planner to schedule a meeting.

These discussions should occur as early as possible and, in the case of land subdivision, certainly well before time constraints are likely to impact on the ability for Council to issue a prompt subdivision certificate.

8.2 *Step 2 – Written Application*

The applicant must write to Council advising of its desire to undertake the land dedication/works that are identified in a Contributions Plan and request approval to enter into a Works-In-Kind Agreement. The applicant should do this as soon as they have received their development consent. The information provided should explain details of the works involved, their location and estimated costs in the form of detailed quotations (refer to section 9 – *What information is required in the written application?*).

NOTE: The applicant should lodge the written application as early as possible to allow sufficient time for Council to assess the application without impacting on the applicant's development schedule. Failure to meet these timeframes may result in delays to the development. Delays in development are not a relevant factor in considering any application.

8.3 *Step 3 – Council considers your application*

Upon receipt, Council will assess the information the applicant has provided against the provisions criteria outlined. This may include referral to the DCMC for consideration. In some circumstances, referral to the elected Councillors may be required. Council will then determine whether or not it is prepared to support the proposal and enter into a Works-In-Kind Agreement with the applicant.

8.4 *Step 4 – Determination*

Council (DCMC under delegation) will advise the applicant whether or not it will accept the provision of works-in-kind. Where Council does agree to accept the offer, the developer and Council will enter into a Works-In-Kind Agreement drafted by Council's solicitors. The document establishes the scope of works, the rights and responsibilities of each party and the financial arrangements relating to the Attributable Value of the land/works and their offset against development contribution requirements.

If the applicant wishes to vary any of the draft Works-In-Kind Agreement, the applicant is to provide a detailed description or marked up version of the draft Works-in-Kind Agreement with justification to Council's Contributions Planner. Council's Contributions Planner will refer all the applicant's proposed variations to Council's legal representatives for legal opinion and drafting. The applicant is liable for all of Council's legal costs with respect to considering variations to the agreement.

Council officers will consider the legal opinion and drafting received. The legal opinion received by Council is confidential. However, the applicant will be advised of any legal drafting changes once a decision to approve/reject variations after due consideration is given to the legal opinion provided by Council's legal representatives.

NOTE: The applicant should lodge all proposed variations as early as possible to allow sufficient time for Council to obtain legal advice. Failure to meet these timeframes may result in delays to the development.

The Contributions Planner will forward final copies (one for each party to the agreement) of the agreed Works-In-Kind Agreement to the applicant for signing. The applicant is to return the signed hard copies of the Works-In-Kind Agreements to the Contributions Planner. Council's Coordinator Contributions Planning has delegated authority to sign the Works-In-Kind Agreement on behalf of Camden Council.

Council expects Works-In-Kind agreements to be signed by the applicant within a reasonable period.. Should the agreement not be signed within three months, the applicant should seek re-approval by DCMC.

8.5 *Step 5 – Approvals for the works*

It is the responsibility of the applicant to obtain all necessary approvals for the works and relevant land dedications. The applicant must work cooperatively with relevant Council staff regarding design and specifications for the proposed works prior to submitting a development application and prior to submitting an application for a construction certificate.

Prior to commencing design of any Items of works which relate to a community and recreation facilities, including parks and playgrounds or other unique type of facility, the developer is to request that the Council provide the developer with its

requirements for the design, materials and specifications for the provision of the Works. The developer may provide a proposal, including preliminary concept designs as a starting point for discussion with Council as to the proposed works.

The Council is to advise the developer in writing whether it approves of the initial design of Works within 40 working days of receiving the initial design from the Developer.

It is important for the developer to understand that Council entering into a Works-In-Kind Agreement does not imply that development consent for the subject work has, or will, be given. The normal development assessment process under Section 4.15 of the EP&A Act will apply.

In the event that the applicant has obtained development consent for the subject work prior to entering a Works-In-Kind Agreement with Council and working with Council to develop the approved scope and concept design the applicant may be required to amend the development application so that the proposed works are in accordance with Council's designs, specifications, standards and intentions for infrastructure. Any modifications to development consents for subject works and land dedications will attract fees and costs that are to be entirely borne by the applicant. Council takes no responsibility for costs incurred by the applicant.

NOTE: All works shall be in accordance with Council's design, specification standards or as otherwise agreed.

8.6 *Step 6 – Construction Phase*

Upon completion of the first five steps and compliance with the Works-In-Kind Agreement, construction of the work may commence. No additions or alterations, including variations to costs, should be made to the works without Council's consent in writing. This consent may need to include a Section 4.55 Development Consent Modification Approval.

The works will be inspected by Council as stated in the Works-In-Kind Agreement and/or development approval consent, including an inspection when construction is complete, to ensure the facility has been built to an acceptable standard. Any defects must be rectified during the Defects Liability Period in accordance with the provisions of the Works-In-Kind Agreement.. The agreed defects liability and maintenance periods will be listed in the Works-In-Kind Agreement.

8.7 *Step 7 – Handover Phase*

The applicant must submit an AutoCAD drawing file or equivalent file form as required by Council. This AutoCAD drawing file must be provided in electronic format including all notation. PDF documents are not satisfactory.

The applicant is also required to complete and submit Council's Asset Data Sheet or Fair Value Valuation for each asset to be handed over to Council. The Asset Data Sheet is available on Council's website.

The developer is to give the Council not less than 20 calendar days' written notice of the date on which it proposes to hand over any works to the Council, being a date not later than the Hand-Over Date and the Items of work the subject of the notice.

NOTE: Where there is deviation from Council's standards, specifications, plans, data or otherwise at handover, this could result in delays to the development.

9. WHAT INFORMATION IS REQUIRED IN THE WRITTEN APPLICATION?

9.1 The applicant must provide the following information as a minimum:

- Detailed description of the works proposed to be undertaken and/or land to be dedicated to Council in lieu of section 7.11 conditions of consent. It would be desirable for the description to be supported by concept/detailed design drawings.
- Legal description of the land to be dedicated and/or land on which any works are proposed to be carried out under the agreement.
- If the applicant seeks to claim the value of works on land that is not owned by the applicant, all the landowners must be identified as parties to the Works-In-Kind Agreement. It is the responsibility of the applicant to obtain written confirmation from all the landowners that they raise no objection to the applicant claiming the Attributable Value of works on their property, forfeiture of the landowner's rights to enter an agreement for the subject works at a later date, and an understanding that Council has discretion to accept the land dedication as a contribution at a later date.
- The estimated Attributable Cost of the land and works. A sufficient level of detail will be required to enable Council to verify the value of works.

(Note: Council will only provide an offset against development contributions at a maximum to the extent of the Attributable Cost of the works i.e. the amount provided for in the Contributions Plan.)

- A schedule identifying the relationship between those land dedications and works and the relevant Contributions Plan.
- An explanation as to whether the proposed works are intended to be completed in full or to be partially completed, relative to the specifications contained in the Contributions Plan and any existing development consent approval/s for works.
- Detailed description of the expected timeframe and staging for design, construction and handover of works.
- A summary table of the development contributions payable on conditions of consent and the extent the proposed Works-In-Kind Agreement will offset these conditions of consent.
- For applicants who have accrued a surplus credit in previous Works-In-Kind agreements, identify the current and remaining surplus credit position if the Works-In-Kind Agreement is entered into.

10. WHAT ARE YOUR (THE APPLICANT'S) RESPONSIBILITIES?

10.1 If Council agrees to accept the proposal to provide works-in-kind, the applicant must:

- Work cooperatively with Council to develop a design that achieves a positive outcome for the community having regard to aesthetics, sustainability, life cycle costs and value for money prior to lodgement of a DA for the works.
- Comply with all statutory requirements and regulations that relate to the works.
- Fulfill any requirements set out in the Works-In-Kind Agreement.
- Indemnify Council against all claims etc related to the works undertaken.
- Retain a suitable public risk insurance policy with a minimum liability of \$20,000,000 (or other minimum required by Council) and present Council with a copy of this policy and other insurances set out in the Works-In-Kind Agreement.
- Not make any variations to the agreed works without written approval from Council.

NOTE: Council is not liable for any variations between the Attributable Value of the works/land in the Contributions Plan and estimated (actual) construction costs.

- Notify Council when all inspections are required as per the Works-In-Kind Agreement and/or Development Consent.
- Provide Council with a Land Tax Clearance issued by the Office of State Revenue dated less than one month prior to the land transfer to Council.
- To pay all costs incurred with Council appointing a qualified quantity surveyor to provide a "fair value" valuation for the asset/s to be dedicated to Council. The valuation must be carried out by a registered valuer and in accordance with AASB 116 and the NSW Department of Local Government Code of Accounting Practice and Financial Reporting. Valuations are not required for roads, bridges or drainage. The valuation of buildings should be componentised and land valued on the basis of its intended use. i.e. operational or community land.
- When the works-in-kind are complete they will need to be handed over to Council. The Works-In-Kind Agreement will specify the Hand-Over Date and provisions relating to rectification of defects. Generally, items of work will need to be maintained in accordance with Council's Engineering Specifications.
- Upon the handover or dedication of land, property and buildings to Council, the applicant must provide an AutoCAD drawing file or equivalent to Council and notice of intended Hand-Over Date.
- Provide security for rectification of defects for the duration of the Defects Liability Period in accordance with Council's Engineering Specifications.

These responsibilities will be further explained in the Works-In-Kind Agreement.

NOTE: Council maintains the right to instruct the developer to modify the form, quality or quantity of the works.

11. HOW WILL THE VALUE OF WORKS BE OFFSET AGAINST REQUIREMENTS TO MAKE DEVELOPMENT CONTRIBUTIONS?

- 11.1 The purpose of providing works-in-kind is to satisfy the conditions of development consent that require contributions to be made (i.e. to construct works instead of making a cash payment to Council).
- 11.2 Council will only offset the value of works-in-kind against the development contribution required for that particular type of work. For example, construction of a road can only be offset against contributions required for roads. The construction of the road would not satisfy contributions that were required for the purposes of open space or drainage.
- 11.3 Council preference is to only accept land and works-in-kind to the value of the development contributions required by conditions of consent. It is at Council's discretion whether it will accept the provision of works-in-kind where the combined value of the land and works exceeds the value of development contribution required by conditions of consent. For example, where the Attributable Cost of constructing a road is \$500,000, but the contribution required for the purposes of roads is only \$300,000.
- 11.4 Works-in-kind credit will be applied as an agreed reduction of contributions payable under the relevant development consent in accordance with s 7.11(5) of the EPA Act. The condition requiring the payment of the contributions does not need to be modified. Works-in-kind credit cannot be applied once development contributions have been paid.
- 11.5 In the exceptional circumstances where Council agrees to accept works with a value greater than the contributions required, Council will hold the surplus value of the works as a credit in favour of the developer and will apply this credit against future development contribution requirements for that particular type of work.

For example, the surplus value of constructing a road with an Attributable Cost of \$500,000, where the contribution required is only \$300,000, would be \$200,000 ($\$500,000 - \$300,000 = \$200,000$). In this instance, the surplus value of \$200,000 will be held as a credit and will only be used to offset future requirements to make development contributions for the purpose of roads and indexed. Council will not offset requirements to make contributions for the purposes of recreation facilities, open space land acquisition, plan administration and the like against this surplus value, as the surplus value relates only to the provision of roads.

- 11.6 Where the value of works undertaken is equal to the contribution required as a condition of consent, Council will consider those works to be the equivalent of the payment of the contribution in full.
- 11.7 Where the value of the works undertaken is less than the contribution required as a condition of consent, the developer will be required to pay the difference.
- 11.8 Council will not offset against the value of required development contributions, the value of any work which is required under Section 4.17 of the Act, being works required as a result of the considerations of Section 4.15 of the Act.

NOTES:

Council does not accept any financial risk associated with the construction of the works and will only cover those Attributable Costs agreed to in the Works-In-Kind Agreement entered into by the developer. Any costs beyond this will be borne by the developer.

Council does not accept any liability for costs associated with altering the design or construction of works or land dedications if the applicant has received development consent for the land/works prior to execution of a Works-In-Kind Agreement.

12. WHAT SECURITY ARRANGEMENTS WILL BE REQUIRED FOR THE WORKS-IN-KIND?

12.1 As Council is agreeing to offset the value of works-in-kind against the requirements to pay development contributions, satisfactory security arrangements need to be in place. This falls into two main categories: works that will be completed prior to a subdivision certificate being issued and works that will be completed after a subdivision certificate is issued.

12.2 Generally, all works-in-kind are to be completed prior to a subdivision certificate being issued for the development consent which is the subject of the development contributions. However, in some circumstances this may not be possible.

12.3 Council may accept a bank guarantee if the applicant, or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council that non-compliance with the Works-In-Kind Agreement is justified. Acceptance of any request is entirely at the discretion of the Council.

12.4 The Contributions Planner shall prepare a memo with a recommendation for consideration by Council against the following criteria.

Bank guarantees may be permitted in any one or more of the following circumstances:

Making of the contribution at the time stipulated in the development consent or the relevant Contributions Plan is unreasonable or unnecessary in the circumstances of the case.

- Deferral of the contribution by means of a bank guarantee will not prejudice the timing or the manner of the provision of public facilities included in the Contributions Plan works program.
- The execution of a Works-In-Kind Agreement in lieu of a 7.11 monetary contribution as required is imminent.
- A Works In Kind agreement is 'imminent' if
 - Council is satisfied the draft agreement is expected to be executed within a three-month timeframe;
 - The draft Works-In-Kind Agreement has progressed through Steps 1 to 3 of the Works-in-Kind process outlined in section 6 of this Policy and;
 - There are no outstanding legal matters to be resolved, that is, no matters pending a legal opinion or legal drafting of variations to Works-In-Kind Agreement template.

- There are extenuating circumstances justifying the deferred or periodic payment of the contribution.
- 12.5 Council staff will consider the request and make a recommendation as to whether the request is in the public interest.
- 12.6 If the Council does decide to accept deferred or periodic payment, the payment may be deferred for a period not exceeding 12 months from the date that such payment is due under the relevant conditions.
- The Bank Guarantee must be for the amount of the total contribution, or the amount of the outstanding contribution.
 - If the applicant has not entered an agreement with Council within the abovementioned timeframes, the bank guarantee be for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to 10 percent of the outstanding amount plus any charges associated with establishing or operating the bank security.
 - A non-refundable administration charge must be paid to Council at the date of lodgement of the Bank Guarantee to cover any bank charges and to contribute to the coverage of Council administration costs. Refer to Council's adopted Fees and Charges for current administrative charges. Administrative charges are also payable for substituting bank guarantees with Council.
 - The developer may, at any time after lodging the Bank Guarantee, make part payments of either 25% or 50% of the Bank Guarantee amount. An adjustment to the interest payable will be made after the payment of the contribution in full.
 - If the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to twelve months interest has not been paid within 12 months from the date that the payment of the development contribution was due or the Works-In-Kind Agreement has not been executed, the Council will call on the Bank Guarantee without reference to the developer, landowner or other person who lodged the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development to which the Bank Guarantee relates.
 - The bank's obligations are discharged when payment to the Council is made in accordance with the Bank Guarantee or when council notifies the bank in writing that the Bank Guarantee is to be released. Where a bank guarantee has been deposited with the Council, the guarantee shall not be cancelled until such time as the original consent contribution plus indexation in accordance with this Plan from the date of the consent has been paid.

12.7 Security requirements for works to be completed **prior** to a subdivision certificate being issued

For works that are being constructed and handed over to Council prior to a subdivision certificate being issued, Council acknowledges that the subdivision certificate itself is a form of security. As a result, Council will only require security to be provided in the following instances:

- Works constructed on privately owned land – NIL
- Works constructed on publicly owned land where there will be no disruption to existing services and facilities – an amount sufficient for Council to make the works safe if they are left incomplete. This will be negotiated on a case-by-case basis and could be as minimal as the cost to erect a fence around the works.
- Works constructed on publicly owned land where there will be disruption to existing services and facilities – an amount will be negotiated on a case-by-case basis. In some instances (such as road works on an existing public road) Council may require an amount equal to the cost of completing the works.

Any exclusion from the need to lodge Bank Guarantees for the purposes of development contributions does not extend to Bank Guarantees for performance or damage to existing infrastructure.

12.8 Security arrangements for works to be completed **after** a subdivision certificate has been issued

For works that are to be completed and handed over to Council after a subdivision certificate has been issued, Council will require a security equal to 115% of the cost of the remaining works.

13. OWNERSHIP OF WORKS PROVIDED BY WORKS IN KIND AGREEMENTS

- 13.1 Works become the property of the Council when they are handed over to Council. The Works-In-Kind Agreement will specify a Hand-Over Date. No credit will be provided for the works until they have been handed over to the Council or in the case of works to be completed after a subdivision certificate has been issued, appropriate bank guarantee arrangements are in place.
- 13.2 When the work undertaken by the applicant is for the design of an item of infrastructure, the design work will become the intellectual property of the Council. All plans and related documentation must be provided to the Council for credit to be acknowledged for the work.
- 13.3 If the applicant is to dedicate land to Council in a Works-In-Kind Agreement, the landowner is to provide a land tax clearance certificate to Council.

14. PAYMENT OF LEGAL COSTS

- 14.1 Council will instruct its solicitors to draft, amend and finalise the agreement at the developers costs.
- 14.2 Amendments to the agreement post execution, will be at the cost of the party requiring the amendment.

15. TREATMENT OF SURPLUS VALUE

- 15.1 In certain circumstances applicants may, through previous development applications, have contributed more to the Council than was required. This would only likely have occurred when the applicant provided land or other material public benefit through a works-in-kind or land dedication agreement and this extra

- provision is referred to as 'surplus value'.
- 15.2 If a person seeking to settle a contribution obligation with the Council would like Council to consider accrued surplus value relating to an earlier consent and agreement, they must submit a written request together with details of the earlier agreement. The earlier agreement should explicitly acknowledge that previous payments exceeded contributions that were required at that time. In such circumstances, Council may offset the surplus value from an earlier agreement against a current application or more recent consent.
- 15.3 Council will only consider applying the surplus value to future developments after land and works in previous Works-In-Kind Agreements have already been completed and dedicated to the Council.
- 15.4 Whether Council has already granted consent or not, the subject development application will, if granted, include the relevant condition(s) requiring full payment of development contributions and land dedications. The offset against surplus value will be resolved externally to the consent in an agreement.
- 15.5 The surplus value of works and land in agreements is subject to indexation consistent with the indexation approach set out in the relevant Contributions Plan.
- 15.6 The settlement of contributions against those paid under previous consents should be viewed as a variation of that earlier agreement. The applicant is effectively submitting a request for variation of the agreement. If Council agrees, it will issue a 'Letter of Variation of the Past Agreement', which both parties must sign.
- 15.7 The written application to Council must contain the following information:
- Particulars of executed Works-In-Kind Agreements: Date of execution and Surplus Value
 - Letter(s) of Variation of the Past Agreement issued by Council (if any), and
 - Recent section 7.11 advice obtained from Council's Contribution Accountant on the indexed monetary contributions payable.
- 15.8 Council may at its discretion permit the offset. Each request will be considered on a case by case basis using the following minimum criteria:
- Evidence of the applicant's compliance with executed Works-In-Kind Agreements, that is, the handover of land to Council, completion of works and acceptance by Council;
 - The applicant seeking to offset surplus value in accordance with the relevant infrastructure category and Contributions Plan that the monetary contribution is due, and;
 - The financial implications for cash flow and the continued implementation of the works schedule being included in the relevant Contributions Plan(s).
- 15.9 An applicant may make a written application to Council to transfer part or all of surplus value to a third party. The following criteria will be used to determine whether this arrangement is acceptable:
- The current surplus value held in favour of the applicant relevant to each

Contributions Plan and infrastructure category (e.g. drainage, open space)

- The level of section 7.11 offsets sought from the third party in relation to development consents granted
- Implications on Council's financial position
- Impact on Council's ability to deliver infrastructure.

15.10 Should Council approve the transfer of surplus value, this will be subject to conditions including but not limited to the following:

- The applicant agrees to pay all legal costs.
- All parties (Council, applicant and third party) must enter a legally binding agreement - a 'Letter of Variation of the Past Agreement'.
- The third party acknowledges that they have read and understood this policy.
- Neither the applicant nor third party can transfer surplus value to another party without Council's prior approval.

15.11 Surplus credits will be paid when land has been dedicated or works have been awarded practical completion. In the event that insufficient funds are held within the contributions plan or funds are committed within Council's capital works program, Council has the right to delay repayment for a period of up to 24 months. Any unpaid balance will be subject to indexation as per the requirements in the relevant plan.

□ * * *

RELEVANT LEGISLATIVE INSTRUMENTS: *Environmental Planning and Assessment Act 1979*

RELATED POLICIES, PLANS AND PROCEDURES:

RESPONSIBLE DIRECTOR: Growth & Finance

APPROVAL: Council

HISTORY:

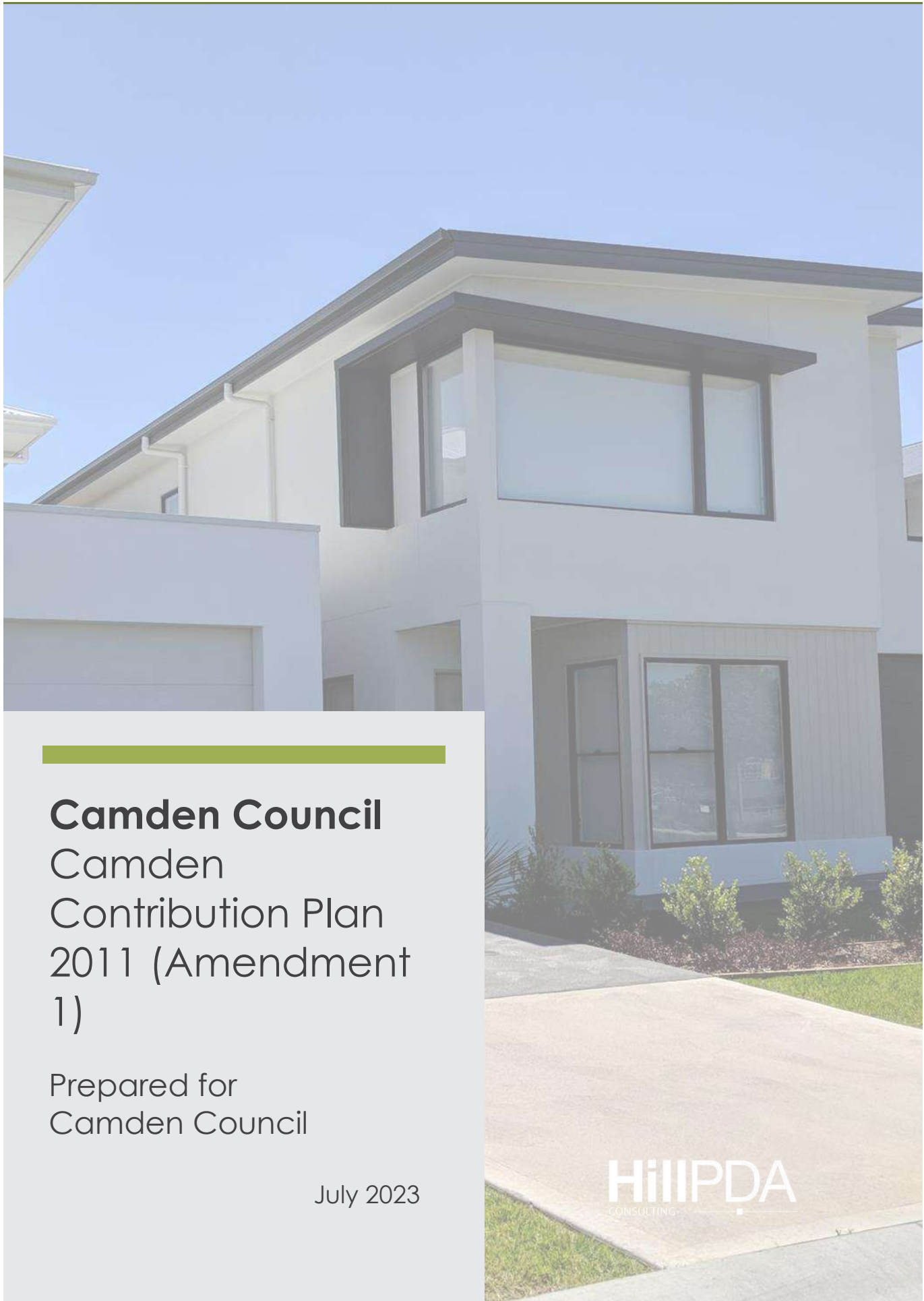
Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	13/09/2012	15/217085
2	Council	Minor amendments	10/08/2021	21/397388

ORD02

Attachment 3

ORD03

Attachment 1



Camden Council
Camden
Contribution Plan
2011 (Amendment
1)

Prepared for
Camden Council

July 2023

HiIPDA
CONSULTING

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Reviewer

Signature	<input type="text" value="L:\Administration\Staff\Electronic Signatures"/>	Dated	<input type="text" value="Click here to enter a date."/>
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1.0 INTRODUCTION

1.1 Overview of this Plan

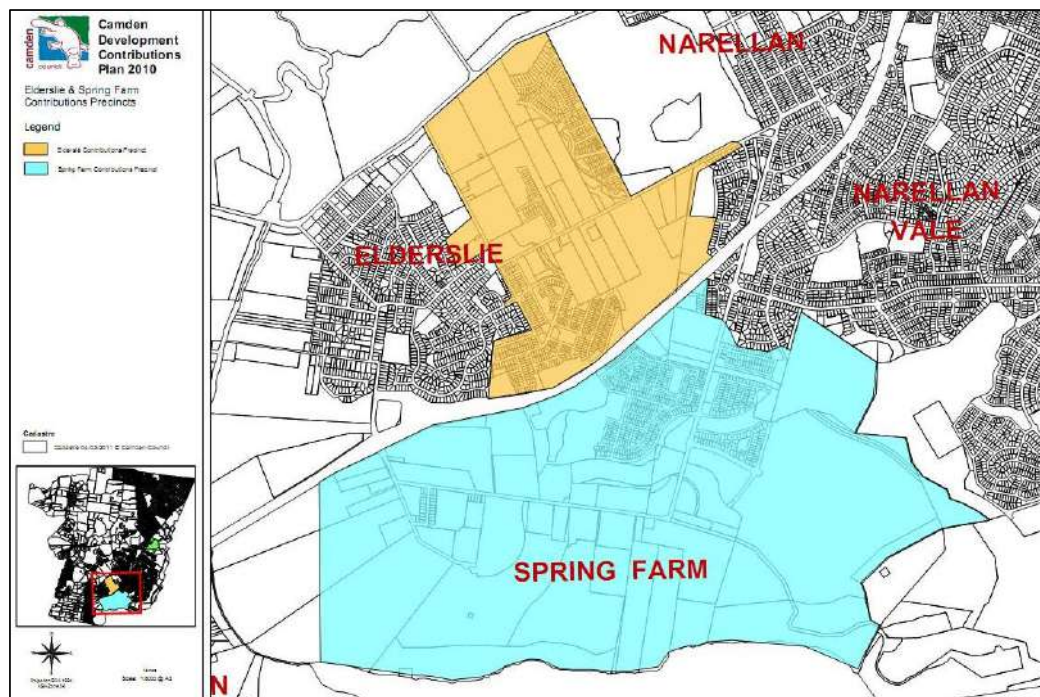
The Camden Local Government Area (LGA) is located on the south-western fringe of Greater Sydney and contains a mix of agricultural lands, country towns, residential areas and new residential subdivisions with associated commercial and industrial development.

The Camden LGA has been experiencing significant and relatively rapid urban development over the last two decades. In 2001, the population was recorded at 43,779 which grew to 119,325 in 2021, an increase of 75,546 residents. This growth is expected to continue and slightly increase over the coming two decades with a forecast growth of 78,410 residents resulting in a population of 197,735 in 2041.

This Plan focuses on the projected demands for local infrastructure arising from remainder of the planned development in Spring Farm and Elderslie. In the original Section 7.11 plan for Camden, released in 2012, Spring Farm had a projected population growth of 11,641 and Elderslie had a projected population growth of 6,118.

Figure 1 below shows the location of the Spring Farm and Elderslie greenfield precincts.

Figure 1: Spring Farm and Elderslie Greenfield Precincts



Source: Camden Council 2023

Since the release of the Section 7.11 plan in 2012, contributions have been levied on developments to provide infrastructure to support each precinct’s growth. The majority of assumptions within this plan are consistent with those provided in 2012 as the assumptions, and in turn contribution rates, have been successful in delivering much-needed infrastructure to support the residential growth in the precincts. Updating the assumptions at this stage risks unintended impacts around infrastructure delivery which can fragment the precincts.

The future occupants and users of the development in Spring Farm and Elderslie will generate an increase in the demand for local infrastructure. While a number of projects have been funded and completed through Section



7.11 contributions since 2012, some projects are not yet fully funded. In general, these projects can be categorised under:

- Land acquisition for future open space development and infrastructure,
- Upgrades to existing open spaces,
- Drainage and road works, or
- Plan preparation and administration services.

This Plan sets out:

- The relationship or nexus between the expected development in the area affected by the Plan and the local infrastructure that is required to meet the demands of that development,
- The formulas to be used for determining the reasonable contributions required from expected development for different types of local infrastructure,
- The contribution rates for the anticipated types of development in the area,
- Maps showing the location of the local infrastructure proposed to be provided by Council supported by a works schedule setting out an estimate of their cost and staging, and
- The administrative and accounting arrangements applying to contributions that are required by this Plan.

This Plan will be reviewed on a regular basis. Amendments to the plan will be publicly exhibited in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (EP&A Regulations).

1.2 Legislative requirements

Section 7.11 of the EP&A Act authorises a consent authority responsible for determining a development application to grant consent to the proposed development subject to a condition requiring the payment of a monetary contribution, or the dedication of land free of cost, or a combination of them, towards the provision of public amenities and public services to meet the development.

Where the consent authority is a council or an accredited certifier, such a contribution may be imposed on a development only if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

This plan has been prepared to authorise the imposition of Section 7.11 contributions on development expected to occur on land identified in Figure 1 of this plan.

This plan has been prepared:

- In accordance with the EP&A Act and EP&A Regulations, and
- Having regard to the latest practice notes issued by the NSW Department of Planning and Environment.

On 21 August 2012, the *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012* was published which set a maximum amount for monetary contributions charged under section 94 of the EP&A Act, now renamed section 7.11. Conditioning the imposition of this cap, Schedule 1 of the direction identified land which is exempted from the cap. Within the schedule, the Spring Farm Release Area and Elderslie Release Area as identified in the *Camden Contributions Plan 2011 (Spring Farm and Elderslie)* were identified to not have a cap.

There are minimum requirements for Section 7.11 contributions plans set out in the EP&A Regulation. Each requirement and reference to the section or Part of this document that deals with that requirement are listed in Table 1 below.



Table 1: Legislative requirements

Requirements	Section
Purposes of the plan	Section 2.5
Land to which the plan applies	Section 2.7
The relationship or nexus between the expected development and the public amenities and public services that are required to meet the demands of the development	Section 4.1.2, Section 4.2.2, Section 4.3.2, Section 4.4.2 and Section 4.5.1
The formulas to be used for determining the contributions for different types of local infrastructure	Sections 4.1.3, Section 4.2.3, Section 4.3.3, Section 4.4.3 and Section 4.5.2
The contribution rates for the anticipated types of development	Section 6
Council's policy concerning the timing of the payment (including deferred or periodic payment) of monetary contributions)	Section 2.18
Maps showing the specific public amenities and services proposed to be provided by the Council, supported by a works schedule that contains an estimate of their cost and staging	Section 6 and Section 7
If the plan authorises monetary contributions paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions, particularised by reference to the works schedule.	Section 2.21
In relation to the issue of a complying development certificate, the plan must provide that the payment of monetary contributions be made before the commencement of any building work or subdivision work authorised by the certificate.	Section 2.15
A contributions plan may authorise the pooling of monetary contributions if council is satisfied that the pooling and progressive application of the money paid will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.	Section 2.21

Source: HillPDA 2023

1.3 How to use this Plan


The plan is structured in the following way.

Main Document (this document):

- Section 1 contains an introduction to the Plan, setting out an overview of the Plan and any legislative requirements,
- Section 2 covers the administration and operation of the Plan, containing elements such as the land and development to which the Plan applies as well as how contributions are calculated and indexed,
- Section 3 sets out the residential evidence base for the Plan, reporting statistics about the Camden LGA as a whole as well as specific information about Spring Farm and Elderslie including dwelling delivery and population growth,
- Section 4 contains the evidence base for the contributions levied within the Plan, covering the infrastructure required for open space and recreation facilities, community facilities, Elderslie and Spring Farm local facilities and the cost of plan preparation and administration,
- Section 5 lists the references used within the Plan,
- Section 6 provides a work schedule for the Plan, and
- Section 7 contains the maps used within the Plan.

ORD03

Attachment 1



CAMDEN
CONTRIBUTION PLAN
2011 (AMENDMENT 1)



2.0 ADMINISTRATION AND OPERATION OF THIS PLAN

2.1 Definitions

In this Plan, specific words and phrases have the following meanings:

- **Actual cost** means the actual expenditure for items in the works schedules.
- **Attributable cost** means the estimated cost for each item in the works schedules set out in Section 6 of this Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.
- **CDC** means a complying development certificate.
- **Council** means Camden Council.
- **CPI** means the Consumer Price Index (All Groups – Sydney) published by the Australian Statistician.
- **DA** means a development application.
- **EP&A Act** means the *Environmental Planning and Assessment Act 1979*.
- **EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.
- **LGA** means local government area.
- **Planning agreement** means a voluntary planning agreement referred to in section 7.4 of the EP&A Act.
- **Works in kind** means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan as a means of either fully or partly satisfying a condition of consent requiring development contributions to be made.
- **Works schedule** means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources, as set out in Section 6 of this Plan.

2.2 What are development contributions?

Development contributions are contributions made by those undertaking development approved under the EP&A Act toward the provision of public services and public amenities. Development contributions are addressed under Division 7.1 Development contributions under Part 7 Infrastructure contributions and finance of the EP&A Act.

Contributions may be in the form of the dedication of land free of cost, or the payment of a monetary contribution. There are different classes of development contributions provided for under the EP&A Act:

- Special infrastructure contributions,
- Local infrastructure contributions, which may be either section 7.11 contributions or section 7.12 fixed rate levies,
- Contributions included in voluntary planning agreements, and
- Contributions toward the provision of affordable housing.

This Plan is principally concerned with the imposition of conditions of consent requiring development contributions for local infrastructure under section 7.11 of the EP&A Act.

More detail on the types of infrastructure levied for under this Plan is included in Section 4 of this Plan.



2.3 Prerequisites for seeking development contributions

2.3.1 Contributions must be authorised by a contributions plan

The EP&A Act establishes that a council (or an accredited certifier) can require, through imposition of a condition or conditions on a development consent (or on a complying development certificate), development contributions if:

- There is a contributions plan applying to the development that is in force and that authorises the contribution, and
- The contribution is imposed in accordance with the provisions of such a plan.

Alternatively, or in addition to the levying of section 7.11 contributions, a council may negotiate a voluntary planning agreement with a developer for the provision of local infrastructure.

Council may seek to negotiate voluntary planning agreements with relevant parties in relation to major developments. Such agreements may address the substitution of, or be in addition to, the contributions required under this Plan.

Any draft planning agreement shall be subject to any provisions of Ministerial directions made under the EP&A Act or EP&A Regulation relating to planning agreements.

2.3.2 Section 7.11 contributions must be reasonable

Section 7.11 of the EP&A Act authorises a consent authority responsible for determining a development application to grant consent to the proposed development subject to a condition requiring the payment of a monetary contribution or the dedication of land free of cost or a combination of them towards the provision of public amenities and public services (public facilities) to meet the development.

The power to levy a section 7.11 contribution relies on there being a clear relationship (or 'nexus') between the development being levied and the need for the public amenity or service for which the levy is required.

A condition may only be imposed under section 7.11 towards the future provision of public facilities:

- If the proposed development will or is likely to require the provision of, or increase the demand for, public facilities within the local government area, and
- To require a reasonable dedication or monetary contribution for the provision, extension or augmentation of the public facilities concerned.

A condition may be imposed under section 7.11 towards the recoupment of the cost of public facilities previously provided if:

- The consent authority has, at any time, provided public facilities within the local government area in preparation for or to facilitate the carrying out of development in the area, and
- Development for which development consent is sought will, if carried out, benefit from the provision of those public facilities.

2.4 Name of this Plan

This plan is called the *Camden Contributions Plan 2011 (Spring Farm and Elderslie)*.

2.5 Purposes of this Plan

The primary purpose of the plan is to authorise:

- Council or a planning panel, when granting consent to a DA to carry out development to which this plan applies, or



- An accredited certifier, when issuing a CDC for development to which this plan applies.

To require a contribution to be made towards either/both:

- The provision, extension or augmentation of public amenities and public services only where development is likely to require the provision of or increase the demand for those amenities and services, and
- The recoupment of the cost of providing existing public amenities and public services within the area to which this plan applies.

Other purposes of the plan are as follows:

- To provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and public services generated by development within the Camden Growth Areas,
- To determine the demand for public facilities generated by the remaining population forecast in the Spring Farm and Elderslie greenfield areas and ensure that development makes a reasonable contribution toward the provision of public amenities and public services that are required for that population,
- To ensure that the existing community is not unreasonably burdened by the provision of public amenities and public services required (either partly or fully) as a result of development in the Spring Farm and Elderslie greenfield areas, and
- To ensure Council's management of development contributions complies with relevant legislation and guidelines, and achieves best practice in plan format and management.

2.6 Commencement of this Plan

This plan commenced on 26 April 2012 and was updated on [update date].

Development applications (DAs) and complying development certificates (CDCs) determined on or after this date will be subject to the provisions of this Plan.

2.7 Land to which this Plan applies

This Plan applies to the Spring Farm greenfield precinct and Elderslie greenfield precinct as identified in Figure 1.

2.8 Development to which this Plan applies

Except as provided for by Section 2.9, this plan applies to the subdivision or use of land for residential purposes, including seniors living dwellings and secondary dwellings, within the Spring Farm and Elderslie precincts.

2.9 Exemptions

This Plan shall not apply to development:

- For the sole purpose of affordable housing,
- For the sole purpose of the adaptive reuse of an item of environmental heritage,
- For the purposes of public infrastructure provided by or on behalf of State Government or the Council,
- For the purposes of local infrastructure under this Plan or another contributions plan prepared under section 7.13 of the EP&A Act,
- For infrastructure provided by Sydney Water, Endeavour Energy or equivalent water, sewer or energy provider,
- That in the opinion of Council does not increase the demand for the categories of local infrastructure addressed by this Plan, or



- For which section 7.11 contributions will not be levied in accordance with a direction by the Minister under section 7.17 of the EP&A Act.

2.10 Relationship to other contribution plans

Other contributions plans may also apply to development affected by this Plan. This Plan does not affect the operation of any other contributions plan adopted by the Council and in force at the date that this Plan was made.

For details of other contributions plans that apply to land in Camden LGA, refer to Council's web site.

2.10.1 Camden Contributions Plan 2011

This plan updates the *Camden Contribution Plan 2011* so that it only applies to the Elderslie Release Area and the Spring Farm Release Area. The remaining precincts will be accommodated in the *Camden Section 7.12 Contributions Plan 2023*.

2.11 Minister's direction

Schedule 1 of the Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012 lists land in respect of which there is no cap on the amount of the contribution by virtue of this Direction. Schedule 1 identifies as the Elderslie Release Area or the Spring Farm Release Area in *Camden Contributions Plan 2011*. This Plan only applies to the Elderslie Release Area and Spring Farm Release Area.

2.12 Local infrastructure costs and delivery

2.12.1 How are the costs of infrastructure derived?

Costs for infrastructure included in this Plan were derived as follows:

- Future planned open space, recreation, community facilities' costs (both project base and on costs) have been estimated by a qualified quantity surveyor drawing on the experience of this and other councils in providing similar facilities,
- Future planned local facilities' costs are the costs contained in the reports titled *Spring Farm Revised Section 94 Plan and Cost Estimate and Elderslie Revised Section 94 Plan and Cost Estimate* prepared by Lean and Hayward Pty Ltd (September 2006), indexed to the date this Plan is adopted using the Consumer Price Index Sydney Group,
- The cost of land to be acquired under this Plan has been derived from valuations prepared by registered valuers. References of valuations used in the determination of contribution rates for land acquisitions included in this Plan are listed in Section 5 of this Plan, and
- The costs of existing facilities to be partly recouped under this Plan (including acquired land) is the completed cost of each facility indexed using the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician.

At the time this Plan was prepared, the planning for different infrastructure items had been carried out at different levels. Planning for and delivery of some infrastructure was well advanced and so costs are more accurately defined. For other infrastructure the planning has only been carried out at a strategic level.

2.12.2 How are infrastructure costs apportioned to expected development?

The development contribution for each of the facilities identified in this Plan is determined by dividing the total cost of the facility by the contribution catchment (which is expressed in persons). This process ensures that fair apportionment of facility costs is calculated for development expected to occur under this Plan.



The contribution catchments for each facility are shown in the works schedule – Section 6 of this Plan.

The size of the contribution catchment depends on whether the facility is yet to be provided or if it is an existing facility. The contribution catchment is the number of people (or future residents) the facility has been designed for.

Facilities included in this Plan have been sized to reflect the demand generated by the population attributable to the expected residential development under this Plan.

2.12.3 How will the local infrastructure be delivered?

Council will require contributions from developers under this Plan toward provision of the local infrastructure identified in this Plan. These contributions may be in the form of monetary contributions, works in kind, land dedications, or a combination of these.

Developers may choose to provide, subject to the agreement of the Council, one or more infrastructure items identified in this Plan as works-in-kind or provide another type of material public benefit as means of satisfying development contributions required under the Plan (refer Section 2.20 of this Plan). A Works In Kind Agreement must be in place prior to commencing the works in accordance with Council's Works In Kind Agreements Policy.

The facilities will be developed in a manner that allows the facilities to effectively serve the demand attributable to development envisaged under this Plan.

The costs and indicative timing of individual works for all categories of infrastructure are included in Section 6.

The location of these works, where this location was known at the time this Plan commenced, is shown on maps included in Section 6.

Council will prepare design concepts for the facilities so that specification and costing of the facilities can be more accurately defined as implementation of this Plan proceeds. This may result in amendment of this Plan.

Some of the facilities strategies included in Section 4 of this Plan are based on strategic information. It is likely that, as the planning process for the different development areas proceeds, modified and more cost effective solutions that still meet the strategy objectives will be developed.

As part of its regular review of Contribution Plan, Councils may identify, through strategic planning documents, additional infrastructure for inclusion. Conversely, items may also be identified for removal or modification on the works list.

Where alternatives to the works schedule are proposed in conjunction with the development of areas and the alternatives are approved by the Council, the development contribution applicable to a development the subject of a development application may be reviewed, or the works schedule in this Plan updated, or both.

2.13 Formulas used for determining contribution rates applicable under this Plan

The formulas used to determine the contributions rates applicable under this Plan are set out in Sections 4.1.3, 4.2.3, 4.3.3, and 4.4.2.

2.13.1 Allowances for existing development

Monetary contributions determined under this Plan will be calculated according to the estimated net increase in demand (usually represented as the population) that a particular development is projected to generate. Council will take into consideration an assumed population relating to the development site for the purpose of determining the net increase, at the rates cited in Table 2.



Table 2: Assumed population by development

Residential Development Type	Occupancy Rate
Subdivided lots for residential or rural residential purposes	3.1 persons per lot
Dwellings (other than multi-dwelling housing, residential flat buildings, seniors living housing and group homes)	3.1 persons per dwelling
Multi-dwelling housing	2.0 persons per dwelling
Residential flat buildings	1.8 persons per dwelling
Seniors living housing	1.5 persons per dwelling
Group homes	1 person per bedroom
Boarding houses and hostels	1 person per bed

Source: Camden Council 2023

Note: the assumed occupancy rates relate to the analysis included in Section 3.4 of this Plan

2.14 Section 7.11 contributions may be required as a condition of approval

2.14.1 Monetary contributions

This Plan authorises the Council, when granting consent to an application to carry out development to which this Plan applies, to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution to the Council towards:

- The provision of public amenities and public services as specified in the works schedule to meet the demands of the development, or
- The recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

This Plan requires the Council or an accredited certifier, when determining an application for a complying development certificate relating to development to which this Plan applies, to impose a condition under section 7.11 of the EP&A Act requiring the payment of a monetary contribution towards:

- The provision of public amenities and public services as specified in the works schedule to meet the demands of the development, or
- The recoupment of the cost of public amenities and public services previously provided in advance of development within the area.

2.14.2 Land contributions

This Plan authorises Council, by imposition of a condition of development consent, to require in connection with any development on land to which this Plan applies:

- The payment of a monetary contribution to the Council for land to be acquired under this Plan, and/or
- The dedication of any part of the development site that is land that is to be acquired under this Plan free of cost to the Council. The value of the land dedicated free of cost should not exceed the monetary contribution otherwise authorised by this Plan.

For the purposes of this section, the value of the land is to be calculated in accordance with the value of the land as indexed by the Land Value Index established under this Plan.

The monetary development contribution otherwise authorised by this Plan shall be reduced by an amount corresponding to the value of the land required to be dedicated.

The contribution rates may be indexed, but not so as to exceed the section 7.11 contributions cap under Section 7.17 of the Environmental Planning and Assessment Act 1979 for land where the cap applies within the Camden LGA.



2.14.3 Variation to contributions authorised by this Plan

Council retains the right to reduce the development contribution otherwise calculated in accordance with the provisions of this Plan.

A developer's request for variation to a contribution calculated in accordance with this Plan must be supported by written justification included with the development application. Such a request will be considered as part of the assessment of the application.

2.15 Obligations of accredited certifiers

In relation to an application made to an accredited certifier for a CDC:

- The accredited certifier must, if a CDC is issued, impose a condition requiring a Section 7.11 contribution, if such a contribution is authorised by this plan,
- Any such contribution may only be a monetary contribution required under this plan,
- The amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this plan in respect of the development.

It is the responsibility of the principal certifying authority to accurately calculate and apply the Section 7.11 contribution conditions to the CDC. Section 7.11 contributions imposed on a CDC must be paid prior to the work authorised by the CDC commencing. Deferred payments of contributions required by a condition of a CDC will not be accepted.

A Section 7.11 condition would not generally be required to be imposed on a CDC unless the complying development will or is likely to require the provision of or increase the demand for the specific local infrastructure included in this Plan. For example, a new dwelling on a vacant allotment of land would not be subject to a Section 7.11 condition because Section 7.11 contributions would likely have been imposed and paid at the subdivision DA stage.

However, a secondary dwelling CDC would be subject to a Section 7.11 condition under this Plan, because the development increases infrastructure demands beyond the original dwelling house development.

Accredited certifiers should contact Council if there is any doubt whether Section 7.11 conditions should be imposed on particular CDCs.

Likewise, it is the responsibility of an accredited certifier issuing a construction certificate to certify that the Section 7.11 contributions have been paid to Council prior to the issue of the certificate. The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, voluntary planning agreement, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.16 Indexation of contribution rates under this Plan

The purpose of this section is to ensure that the monetary contribution rates imposed at the time of development consent reflect the indexed cost of the provision of facilities included in this Plan. The Consumer Price Index is generally used as a measure to increase contribution rates however it is not a suitable index for adjusting contributions of land yet to be acquired as it is not related to fluctuations in land values. As a result, Council will prepare and publish a customised Land Value Index on a regular basis, and at least annually by engaging a



registered valuer to prepare revised land valuations. The Land Value Index will be published on Council's website www.camden.nsw.gov.au.

Council may, without the necessity of preparing a new or amending contributions plan, make changes to the monetary section 7.11 contribution rates set out in this Plan to reflect quarterly changes to the Consumer Price Index (for all works schedule items identified in this Plan apart from the items comprising land yet to be acquired) and the customised Land Value Index (for works schedule items identified in this Plan involving land yet to be acquired).

The contribution rates may be indexed, but not so as to exceed the section 7.11 contributions cap under section 7.17 of the EP&A Act for land where the cap applies within the LGA.

2.16.1 Contribution rates for all works schedule items (other than land yet to be acquired)

The contribution rate for works schedule items (other than land yet to be acquired) will be indexed as follows:

$$\frac{\$C_A \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

- $\$C_A$ = the contribution rate for works schedule items (other than land yet to be acquired) at the time of adoption of the Plan expressed in dollars.
- Current CPI = the most recent level of the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the time of the review of the contribution rate.
- Base CPI = the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the date of adoption of this Plan.

The contribution rate will not be less than the contribution rate specified at the date of the adoption of this Plan. The base CPI for Amendment 1 of this Plan is 132.7 (March 2023).

2.16.2 Contribution rates for works schedule items involving land yet to be acquired

The contribution rate for works schedule items involving land yet to be acquired will be indexed as follows:

$$\frac{\$C_A \times \text{Current LVI}}{\text{Base LVI}}$$

Where:

- $\$C_A$ = the land values within the Plan at the time of adoption of the Plan expressed in dollars.
- Current LVI = the most recent level of the Land Value Index as published by the Council at the time of the review of the contribution rate.
- Base LVI = the Land Value Index as published by the Council at the date of adoption of this Plan.

The contribution rate for land acquisition will not be less than the contribution rate specified at the date of the adoption of this Plan.



Process for publishing the land value index

The Base LVI relates to the value of land at September 2022 of this amended Plan¹, as follows:

Spring Farm Area:

- Developable land ('unconstrained') \$400 per square metre
- Developable land ('good') \$320 per square metre
- Constrained or riparian land:
 - Above 1 in 100 year flood level \$150 per square metre
 - Below 1 in 100 year flood level \$100 per square metre

Elderslie Area:

- Developable land ('premium') \$400 per square metre
- Developable land ('good') \$320 per square metre
- Constrained or riparian land:
 - Above 1 in 100 year flood level \$150 per square metre²
 - Below 1 in 100 year flood level \$100 per square metre

Council will, through the life of the Plan, engage a registered valuer on at least an annual basis to review and (if necessary) update the LVI for each of the land categories listed above.

The updated LVI will be obtained by dividing the value of the land at the time of the review by the value of the land at the date of adoption of this Plan and multiplying this figure by 100.

Council will publish updates to its LVI on either its website or Management Plan, or both. The LVI will be published periodically by Council for the purpose of determining the Land Contribution under this plan. The LVI will measure any increase/decrease in average land values within the Camden LGA between the date this Plan was adopted and the current date. The data on which the index is based will be obtained through land valuations carried out on behalf of the Council for the purpose of determining the current value of the land index.

2.17 Indexation of contributions required by a condition imposed under this Plan

The purpose of this section is to ensure that the monetary contributions at the time of payment reflect the indexed cost of the provision of facilities included in this Plan.

A contribution required by a condition of development consent imposed in accordance with this Plan may require indexation between the date of the grant of the consent and the date on which the contribution is made as follows.

The total contribution at the time of payment is determined by the following formula:

$$\frac{\$C_c \times CPI_p}{CPI_c}$$

Where:

- $\$C_c$ = the contribution amount for all works schedule items (other than land yet to be acquired) shown in the development consent expressed in dollars.

¹ Camden Elderslie and Spring Farm Land Value Rates – HillPDA Consulting, September 2022

² This is an average amount. The base valuation referred to in Section 6 of this Plan assessed different parcels of constrained land above the flood line at either \$65 or \$125 per square metre.



- CPI_t = the most recent quarterly level of *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the time of the payment of the contribution.
- CPI_c = the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician which applied at the time of the issue of the development consent.

The contribution payable will not be less than the contribution specified on the development consent.

2.18 Timing of payment of monetary contributions required under this Plan

Council's policy in relation to the timing of payments of monetary contributions required under this Plan is as follows:

- Development involving subdivision - prior to the release of the first subdivision certificate (linen plan) or strata certificate,
- Other development that requires a construction certificate - prior to the release of the construction certificate, and
- Other development not requiring the issuing of a construction certificate - prior to the issuing of the first occupation certificate or commencement of the use, whichever occurs first.

2.19 Policy on deferred or periodic payments

Council may accept the deferred or periodic payment of part or all of a monetary contribution required under this Plan if the applicant, or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council that non-compliance with the payment provisions is justified. Acceptance of any request for deferred or periodic payment is entirely at the discretion of the Council. Generally acceptance of deferred or periodic payments will only be accepted in exceptional circumstances and will be assessed on a case-by-case basis. Deferred or periodic payments related to contributions imposed on a CDC will not be allowed.

Deferred or periodic payments may be permitted in any one or more of the following circumstances:

- Compliance with the provisions of Section 2.18 of this Plan is unreasonable or unnecessary in the circumstances of the case,
- Deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program, and/or
- There are other circumstances justifying the deferred or periodic payment of the contribution.

If Council does decide to accept deferred or periodic payment, the payment may be deferred for a period not exceeding 12 months from the date payment is due and Council will require the applicant to provide a bank guarantee³ for the full amount of the contribution or the outstanding balance on the condition that:

- If the applicant has not entered an agreement with Council, the bank guarantee includes an additional amount equal to 10 percent of the full contribution or outstanding amount,
- The bank provides that the bank or financial institution must pay the guaranteed sum on demand by the Council without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development,
- The bank or financial institution's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank or financial institution in writing that the guarantee is no longer required, and

³ Bank guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of Council to pay an amount or amounts of money to Council on demand issued by an Australian bank, non-bank financial institution or insurance company subject to prudential supervision by the Australian Prudential Regulatory Authority and which has a credit rating of "A" or above (as assessed by Standard and Poors) or "A2" or above (as assessed by Moody's Investors Service) or "A" or above (as assessed by FitchRatings).



- Where the bank guarantee contains an end date, the developer agrees that the Council is free to call on the guarantee in respect of the outstanding balance of the development contribution as indexed if the development contribution has not been paid 14 days prior to the end date.

Council is also entitled to claim any charges associated with establishing or operating the bank security. The applicant is to be provided with the details of any such expenses.

2.20 Works in kind and other material public benefits offered in part or full satisfaction of contributions

A person may make an offer to the Council to carry out work or provide another kind of material public benefit (MPB) in lieu of making a contribution in accordance with a section 7.11 condition imposed under this Plan, in the terms described below.

In addition to the requirements set out in this Section:

- The acceptance of any offer of works-in-kind or other material public benefits is entirely at Council's discretion,
- Offers of works-in-kind shall be subject to any works-in-kind policy adopted by the Council, and
- A Works In Kind Agreement must be in place prior to commencing the works.

2.20.1 Offer of a material public benefit made after the imposition of a Section 7.11 contribution under this Plan

The Council may accept an offer made in writing to the Council that provides for:

- A material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition already imposed requiring the payment of a monetary contribution, or
- The dedication of land free of cost towards the provision of public facilities to meet the demands of the development.

Council will only consider offers of this type where the proposed work or dedication of land is contained in the works schedule included in this Plan (i.e. a works-in-kind offer).

Where the Council accepts such an offer, it is not necessary for the consent to be amended under section 4.55 of the EP&A Act.

The value of the works to be substituted must be provided by the application at the time of the request. Council will require the applicant to enter into a written agreement for the provision of the works.

Council will determine at its discretion the value of works or land to be dedicated and surplus credits having regard to the estimate of costs of works identified in the Contributions Plan.

2.20.2 Offer of a material public benefit made before the imposition of a section 7.11 contribution condition under this Plan

An applicant for consent to carry out development to which this Plan applies may request that any consent granted to the development is made subject to a condition that the applicant carries out work or provides another material public benefit that would satisfy the requirements of this Plan in relation to the development.

The applicant's request:

- May be contained in the relevant development application, or
- May constitute an offer to enter into a planning agreement relating to the development accompanied by the draft agreement.



The Council will consider the request as part of its assessment of the development application.

If the Council decides to grant consent to the development and agrees to a request made in the relevant development application, it may impose a condition under section 4.17 of the EP&A Act requiring the works to be carried out or the material public benefit to be provided.

If the applicant makes an offer to enter into a planning agreement, the Council will, if it proposes to enter into the agreement, publicly exhibit the draft agreement and an explanatory note relating to the draft agreement together with the development application in accordance with the requirements of the EP&A Act.

If the Council decides to grant consent to the development and agrees to enter into the planning agreement, it may impose a condition under section 7.7 of the EP&A Act requiring the agreement to be entered into and performed.

It is Council's preference that voluntary planning agreements that it enters into be registered on the property title.

2.20.3 Matters to be considered by the Council in determining offers of material public benefits

In addition to any matters identified in sections 2.20.1 and 2.20.2, Council will take into account the following matters in deciding whether to accept an offer of material public benefit:

- The requirements contained in any material public benefits or works-in-kind policy that the Council has adopted,
- The standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction,
- The conditions applying to the transfer of the asset to the Council are to Council's satisfaction, and
- The provision of the material public benefit will not unduly prejudice the timing or the manner of the provision of public facilities included in the works program.

Where the offer is made in accordance with section 2.20.2 and relates to material public benefit that is not a works-in-kind proposal Council will take into account the following additional matters:

- The overall benefit of the proposal,
- Whether the works schedule included this Plan would require amendment,
- The financial implications for cash flow and the continued implementation of the works schedule included in this Plan (including whether Council would need to make up for any shortfall in contributions by its acceptance of the offer, and
- The implications of funding the recurrent cost of the facility(s) the subject of the offer.

Council will require the applicant to enter into a written agreement for the provision of the works prior to the commencement of works or the development. If the offer is made by way of a draft planning agreement under the EP&A Act, Council will require the agreement to be entered into and performed via a condition in the development consent.

Works in kind and material public benefit agreements shall be made between the Council and the developer and (if the developer is not the land owner) the land owner.

Agreements shall specify (as a minimum) the works the subject of the offer, the value of those works, the relationship between those works and this Plan, the program for delivering the works. Planning agreements shall address the matters included in the EP&A Act and Regulation.



2.20.4 Valuation of offers of works-in-kind and other material public benefits

The value of works offered as works-in-kind is the attributable cost of the works (or a proportion of the attributable cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this Plan.

The attributable cost of works will be used in the calculation of the value of any offset of monetary contributions required under this Plan.

The value of any other kind of material public benefit will be determined by a process agreed to between the Council and the person making the offer at the time the development application is being prepared.

The value of land will be the attributable cost of the land under this Plan indexed in accordance with this Plan to the time the agreement is entered into.

2.20.5 Provision of works-in-kind and other material public benefits in excess of contribution requirements

It is at Council's discretion whether it will accept from a developer the provision of works-in-kind (which is the attributable cost of the works indexed in accordance with the provisions of this Plan) or other material public benefits where the value of the works exceeds the value of development contribution required by conditions of consent.

Where Council does agree to accept works with a value greater than the contributions required, Council will hold the 'surplus value' of the works as a credit in favour of the developer and will apply this credit against future development contribution requirements for that particular type of work.

For example, if works are provided that relate to the provision of a community facility that have a value greater than the community facility contribution required, then the difference (being the 'surplus value') will be held as a credit and will only be used to offset future requirements imposed on that developer to make development contributions for the purposes of community facilities.

That is, Council would not offset requirements to make contributions for the purposes of recreation facilities, open space land acquisition, plan administration or any other types of facilities required under this plan or any other contributions plan against this 'surplus value', as the surplus value relates only to the provision of community facilities.

2.21 Pooling of funds

To provide a strategy for the orderly delivery of the public services and amenities, this Plan authorises monetary contributions paid for different purposes in accordance with the conditions of various development consents authorised by this Plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this Plan are the priorities for works as set out in the works schedule in Section 6.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council will have to first be satisfied that such action will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

2.22 The Goods and Services Tax (GST)

Items in the works schedule of this Plan have been calculated without any GST component, in accordance with ATO rulings current at the time this plan was made.



2.23 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 7.11 contributions. These are addressed in Division 4 Records to be kept by councils of Part 9 Infrastructure contributions and finance within the EP&A Regulation and include:

- Maintenance of, and public access to, a contributions register,
- Maintenance of, and public access to, accounting records for contributions receipts and expenditure,
- Annual financial reporting of contributions, and
- Public access to contributions plans and supporting documents.

These records are available for inspection at the Council, published on Council's website and the NSW Planning Portal (where permitted).

2.24 Review of Plan without the need for public exhibition

Pursuant to section 215 of the EP&A Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and amendments to rates resulting from changes in the indexes adopted by this Plan (see Section 2.16).

While Council has the ability to make minor changes without public exhibition, it should be noted that adding, removing or modifying items on the works list of contribution plans does require public exhibition.

2.25 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.



3.0 FACILITIES NEEDED BY NEW DEVELOPMENT

3.1 Development context

3.1.1 Current development context

The Camden LGA is located on the south-western fringe of Greater Sydney and contains a mix of agricultural lands, country towns, residential areas and new residential subdivisions with associated commercial and industrial development. Campbelltown (to the east), Liverpool (to the north) and Wollondilly LGAs (to the west and south) adjoin the Camden LGA.

Initial urban development of the area grew around the old Camden town precinct, itself a service and administrative centre for one of the earliest farming districts in Australia following European settlement. The development envelope was constrained by the Nepean River floodway – still a major environmental feature dictating settlement form. Significant heritage assets remain in Camden to provide evidence of its history. Further, significant cultural landscapes, including the floodplains and hills, continue to be used for agriculture or for rural residential purposes.

Camden's primary role as a rural service centre continued up until the 1970s, when the gradual outward spread of Sydney's urban area began to impact on the LGA. Since that time significant urban development and settlement has occurred largely to the east of Camden town along Camden Valley Way and Narellan Road. The neighbourhoods include Narellan, Mount Annan, Harrington Park, Currans Hill and adjacent suburbs. Town centres at Narellan and Mount Annan provide a service focus for the residents who live in these areas.

These recent urban areas are complemented by the Smeaton Grange industrial area, which is located to the north of Narellan Road. Smeaton Grange is the principal area for industrial and warehouse activity in the LGA that enjoys good access to regional and interstate markets via The Northern Road and the Hume Highway.

3.1.2 Development within the Spring Farm and Elderslie Greenfield Precincts

Spring Farm and Elderslie are greenfield precincts located on the southern edge of the Camden LGA. These precincts were identified as vital development areas which could be used to encompass elements of Camden's population growth. Due to their nature as greenfield precincts, infrastructure in the area is lacking meaning development contributions need to be levied to support development. In 2012, Spring Farm had a projected population growth of 11,641 and Elderslie had a projected population growth of 6,118.

Spring Farm and Elderslie are mature precincts, having consistently delivered dwellings and infrastructure through contributions. Since greenfield precincts mainly appeal to first home buyers who desire a detached housing an occupancy rate of 3.1, matching the rate per dwelling identified earlier was used. This is supported by the 2021 Census where 92.5% of occupied dwellings in Camden were detached houses. Since 2012 Spring Farm has had 2,714 net dwelling completions which have resulted in an estimated population increase of 8,414 residents and Elderslie has had 986 net completions resulting in an estimated population increase of 3,057.

3.2 Population

3.2.1 Historic estimated residential population

Camden's role as a key land bank for Sydney's urban growth is reflected in the sustained growth in resident population experienced in the area since 2001, as shown in Table 3. Camden's population nearly tripled between 2001 and 2022.

Table 3: Camden's population 2001 - 2022

Year	Population	Change in population from previous year	Growth per annum (%)
2001	45,167	N.a	N.a
2002	47,176	2,009	4.4%
2003	48,445	1,269	2.7%
2004	48,929	484	1.0%
2005	49,994	1,065	2.2%
2006	50,632	638	1.3%
2007	52,182	1,550	3.1%
2008	53,739	1,557	3.0%
2009	55,379	1,640	3.1%
2010	56,848	1,469	2.7%
2011	58,440	1,592	2.8%
2012	61,128	2,688	4.6%
2013	64,095	2,967	4.9%
2014	68,645	4,550	7.1%
2015	74,103	5,458	8.0%
2016	80,268	6,165	8.3%
2017	88,229	7,961	9.9%
2018	95,876	7,647	8.7%
2019	104,489	8,613	9.0%
2020	112,157	7,668	7.3%
2021	119,951	7,794	6.9%
2022	127,637	7,686	6.4%

Source: Australian Bureau of Statistics 2023 and HillPDA 2023

3.2.2 Population projections

As part of a set of common planning assumptions, the Department of Planning and Environment (DPE) releases population projections for all local government areas. In 2021, DPE released population projections for the next 20 years to 2041. Table 4 below shows the forecasted growth in Camden's population.

Table 4: Camden population forecast

Year	Males	Females	Persons	Median age
2021	53,329	54,579	107,908	32.6
2026	61,655	62,186	123,841	34.9
2031	72,167	72,715	144,882	36.6
2036	83,507	84,415	167,922	37.7
2041	98,147	99,588	197,735	38.3

Source: Department of Planning and Environment 2023 and HillPDA 2023



Table 5: Average annual Camden population growth rates 2021 - 2041

Period	Annual population growth	Annual compound growth rate
2021-26	3,187	2.8%
2026-31	4,208	3.2%
2031-36	4,608	3.0%
2036-41	5,963	3.3%

Source: Department of Planning and Environment 2023 and HillPDA 2023

Table 6: Camden population projections by age 2006 – 2036

Age	2021	2026	2031	2036	2041
0-4	9,055	9,311	10,096	11,388	13,619
5-9	9,125	8,680	9,331	10,176	11,681
10-14	8,036	9,374	9,455	10,205	11,368
15-19	6,900	8,434	9,871	10,093	11,119
20-24	6,754	7,078	8,782	10,156	10,811
25-29	8,184	8,114	9,077	11,133	13,131
30-34	9,582	10,049	10,927	12,375	15,433
35-39	9,254	10,674	12,026	13,219	15,476
40-44	7,704	9,860	11,780	13,270	14,988
45-49	7,230	8,105	10,525	12,468	14,288
50-54	6,088	7,527	8,597	11,030	13,193
55-59	5,181	6,428	7,938	9,029	11,652
60-64	4,401	5,633	6,872	8,321	9,574
65-69	3,523	4,749	5,927	7,070	8,552
70-74	2,900	3,680	4,937	6,034	7,214
75-79	1,858	2,977	3,803	5,029	6,160
80-84	1,125	1,806	2,859	3,667	4,889
85+	1,010	1,362	2,080	3,258	4,587
Total	107,908	123,841	144,882	167,922	197,735

Source: Department of Planning and Environment 2023 and HillPDA 2023

3.2.3 Growth in Spring Farm and Elderslie

Mirroring the LGA as a whole, Spring Farm and Elderslie are expected to experience further residential growth and continue their delivery of dwellings. This residential growth places pressure on existing infrastructure, often lacking in greenfield developments, necessitating the updating of this Plan. In the original Plan released in 2012, a forecast was created for the development of Spring Farm and Elderslie which is shown below in Table 7.

Table 7: 2012 forecast for Spring Farm and Elderslie

Precinct	Expected number of lots	Expected number of dwellings	Expected residents
Spring Farm	3,755	3,755	11,641
Elderslie	1,942	2,002	6,118
Total	5,697	5,757	17,759

Source: Camden Council 2012



Since the above forecast in 2012, substantial residential development has occurred in Spring Farm and Elderslie which delivered contributions and in turn infrastructure to Council. DPE's Greater Sydney Urban Development Program provides a record of dwelling completions in greenfield precincts which can be combined with household projections identified in Section 3.1.2 to estimate a yearly dwelling and population growth. This process is shown below in Table 8.

Table 8: Dwelling delivery and population growth in Spring Farm and Elderslie

Year	Spring farm dwelling growth (population)	Elderslie dwelling growth (population)
2012-13	193 (598)	92 (285)
2013-14	303 (939)	147 (456)
2014-15	257 (797)	159 (493)
2015-16	204 (632)	168 (521)
2016-17	285 (884)	167 (518)
2017-18	416 (1290)	91 (282)
2018-19	464 (1438)	72 (223)
2019-20	156 (484)	18 (56)
2020-21	237 (735)	60 (186)
2021-22	199 (617)	12 (37)
Total	2,714 (8,414)	986 (3,057)

Source: Department of Planning and Environment 2023 and HillPDA 2023

Combining the forecast in Table 7 with the dwelling completions and population estimates in Table 8, an estimate of the remaining dwelling and population growth to be accommodated can be created. Through this estimation, it can be said that Spring Farm has 1,041 dwellings remaining to deliver and Elderslie has 1,016 dwellings to deliver. This is shown in Table 9.

Table 9: Estimated remaining deliver in Spring Farm and Elderslie

Precinct	Forecast dwelling growth (population)	Delivered dwellings (population)	Remaining dwellings (population)
Spring Farm	3,755 (11,641)	2,714 (8,414)	1,041 (3,227)
Elderslie	2,002 (6,118)	986 (3,057)	1,016 (3,061)
Total	5,757 (17,759)	3,700 (11,471)	2,057 (6,288)

Source: HillPDA 2023

3.3 Demographic characteristics

Characteristics of the population living in the Camden LGA may be summarised as follows:

- High rates of population growth compared to Greater Sydney as a whole,
- A younger age profile with a high proportion of children and relatively low proportion of older people compared to Greater Sydney as a whole,
- A high proportion of family households with children and a corresponding low proportion of other types of households,
- Relatively high average household occupancy rates with 3.1 persons per household compared with 2.7 persons for Greater Sydney as a whole,
- Low rates of unemployment when compared to Greater Sydney at 3.5% of residents over the age of 15 compared to 5.1%,
- Lower rates of people with university qualifications and employed in professional occupations, but higher rates working in technical and trades positions as well as machinery operators and drivers,

- Higher rates of home ownership and vehicle ownership when compared to Greater Sydney, and
- Camden has an extremely high proportion of its dwelling stock as detached, termed separate within the Census, dwellings at 92.5% compared to 55.8% in Greater Sydney.

Based on projections shown in Tables 4 and 5 there is likely to be:

- Sustained levels of population growth in the LGA over the long term with annual compound growth rates around 3 percent,
- A declining amount of children as a share of the total population and a corresponding increase in persons aged over 50 years, and
- A steady increase in the median age of residents.

The Spring Farm and Elderslie greenfield precincts are expected to have residents with similar characteristics to the resident population of other urban release areas in Camden, i.e.:

- A relatively high proportion of young couples and families with children in the early stages of lot release,
- Low proportions of empty nesters and older people but, depending on the level of provision of a diversity in housing stock, will increase over time once services and public transport become well established,
- Over time, the peaks in the age distribution associated with a predominance of young families will reduce and the population will become more diverse, and
- Declining proportions of young children and young adults and increasing proportions of both older children with older parents and persons aged over 55 years over time.

Over time, the population profile of release areas is likely to come to resemble that of an established area with a variety of age and household characteristics.

3.4 Household occupancy rates

The likely level of household occupancy within expected future residential development is critical in calculating the contribution rate for various residential development types under this Plan. Below are the three of specific types of residential developments levied under this Plan:

- Conventional residential subdivision accommodating detached dwelling houses,
- Multi-unit housing and residential flat buildings, and
- Seniors living independent living units.

The Occupancy rates recorded for these dwelling types in Camden at the 2006 Census are shown in Table 10.

Table 10: 2006 household occupancy rates for private dwellings in Camden

Private dwelling type	Number of dwellings	Number of persons	Occupancy rate (persons per dwelling)
Separate house	14,840	46,163	3.11
Semi-detached, row or terrace house	506	855	1.69
Flat, unit or apartment	249	335	1.35
Other dwelling	125	186	1.49
Dwelling structure not stated	4	24	NA
Total	15,724	47,563	3.02

Source: Australian Bureau of Statistics 2006 and Camden Council 2006

For the purpose of calculating contribution rates by dwelling type in the 2011 Plan, the 2006 occupancy rates were adjusted as follows:



- The occupancy rate for separate houses and subdivision of lots to support separate house development was assumed to be 3.1 persons per dwelling,
- The occupancy rate for multi-unit housing (excluding seniors living dwellings) was assumed to be 2.0 persons per dwelling. This was considered reasonable notwithstanding that the combined result for multi-unit dwellings was 1.56 persons per dwelling at the 2006 Census. The Census result was an inadequate assumption for future development under the Plan having regard to:
 - The age of the existing multi-unit dwellings in Camden,
 - The relatively small number and proportion of these types of dwellings in the Camden housing mix (2.5 percent of the total dwellings in 2006), and
 - The detailed assessment of assumed occupancy rates for similar dwelling types in the Oran Park and Turner Road release areas suggesting likely occupancy rates of between 1.8 and 2.4 persons per dwelling, and
- The occupancy rate for seniors living dwellings (independent living units) was assumed to be 1.5 persons per dwelling. The Census does not segment occupancy rates for this dwelling type – it may be expected to comprise part of the stock of semi-detached, row or terrace housing. Compared to conventional multi-unit housing, seniors living housing may be expected to have fewer persons per household as they will almost exclusively be occupied by one- and two-person households. A figure of 1.5 persons per household is reasonable given this context.

The Occupancy rates recorded in Camden at the 2021 Census are shown in Table 11.

Table 11: 2021 household occupancy rates for private dwellings in Camden

Private dwelling type	Number of dwellings	Number of persons	Occupancy rate (persons per dwelling)
Separate house	34,397	109,494	3.18
Semi-detached, row or terrace house	2,192	4,872	2.22
Flat, unit or apartment	365	664	1.82
Other dwelling	153	236	1.54
Dwelling structure not stated	62	136	NA
Total	37,169	115,402	3.10

Source: Australian Bureau of Statistics 2023 and HillPDA 2023

As shown in Table 10 and 11, occupancy rates in the LGA generally increased from 2006 to 2021, especially for semi-detached, row or terrace houses and flats, units and apartments.

Secondary dwellings were assumed to have 1 person per bedroom.

For the purposes of this Plan, the utilised occupancy rates will remain at 2011 level to create consistency with previous infrastructure provision since the Plan's inception. Council notes that this will result in a slight reduction in contribution payments however it considers the benefits from consistency to outweigh the minor financial impacts. The Occupancy rates can be summarised in the following table, repeated from Section 2.13.1.

Table 12: Assumed population by development

Residential development type	Occupancy Rate
Subdivided lots for residential or rural residential purposes	3.1 persons per lot
Dwellings (other than multi-dwelling housing, residential flat buildings, seniors living housing and group homes)	3.1 persons per dwelling
Multi-dwelling housing	2.0 persons per dwelling
Residential flat buildings	1.8 persons per dwelling



Residential development type	Occupancy Rate
Seniors living housing	1.5 persons per dwelling
Group homes	1 person per bedroom
Boarding houses and hostels	1 person per bed

Source: Camden Council 2023

3.5 Facility demands

The Camden LGA has been experiencing significant urban development over at least the last 50 years. This is forecast to continue both within the LGA and in Spring Farm and Elderslie. Development within these greenfield precincts is forecast to continue and deliver the remaining 1,041 dwellings in Spring Farm and 1,016 dwellings in Elderslie, with an associated resident population of 3,227 and 3,061 respectively. This will add a further 6,288 residents to the Camden LGA.

While small in relative terms, development in greenfield precincts significantly impact on the demand for, and therefore the provision of, local infrastructure in these constrained areas. There is therefore a need for Council to address the infrastructure impacts of these remaining 2,057 dwellings through the preparation of this contributions plan.

Existing facilities and services have been generally designed to accommodate the existing population, although some facilities have additional capacity to accommodate population growth. Future residential development, and the populations that will occupy such development, can only be sustained by a significant investment in new and augmented facilities and services. While a number of projects have been funded and completed in the precincts through Section 7.11 contributions since 2012, there are some projects that are not yet fully funded. In general, these projects can be categorised under:

- Land acquisition for future open space development and infrastructure,
- Upgrades to existing open spaces,
- Drainage and road works,
- Ecological conservation,
- Plan preparation and administration services.

To aid in the administration of this Section 7.11 contribution Plan, the infrastructure needs and associated charges have been grouped under six categories being:

- Open space and recreation facilities,
- Community facilities,
- Local facilities – Spring Farm,
- Local facilities – Elderslie, and
- Plan preparation and administration services.

More detail on the demand for local infrastructure, the relationship of the infrastructure with the expected development, and the strategies for the delivery of the infrastructure are included in Sections 4.1 to 4.7 of this Plan.

The costs and programs of works related to these facility categories are shown in Section 6 of this Plan.



4.0 STRATEGY PLANS FOR LOCAL INFRASTRUCTURE

4.1 Open space and recreation facilities

This section:

- Identifies the projected open space and recreation facility needs of the resident population in development addressed by this Plan, and
- Describes the method of calculating a reasonable contribution from development toward the provision of open space and recreation facilities demanded by that development.

4.1.1 Summary of local infrastructure demand and how that demand will be met

Residential development in the Spring Farm and Elderslie precincts was forecast at 17,759 persons in 2012. Since the forecast was made, roughly 11,471 residents have moved into the area with 6,288 residents still forecast to arrive. Such development will generate additional demand for open space and recreation works including:

- New parks and reserves for both active and passive recreation purposes, and
- New sports facilities, including sports fields, outdoor sports courts, playgrounds, leisure centres, and an athletics track.

Most of the required facilities are existing, having been provided since 2012. The remainder of facilities are partly funded by previous contributions and Council will seek a reasonable contribution from expected development towards the estimated final cost of those facilities.

The below sections have the infrastructure demand calculations as they were in 2012. Since the precincts are mature it is not proposed to revisit the infrastructure demands.

4.1.2 What is the nexus between the expected types of development and the demand for local infrastructure?

4.1.2.1 Open space land and embellishment

For the purposes of assessing facility demands, Council has in the past adopted the following planning open space planning standard:

- 3.64 hectares per 1,000 residents⁴

Other relevant and related criteria for the provision of new open space in the area include the following:

- Open space to be provided in two components – district and local open space,
- The relative provision rates are to be generally 3.24 hectares per 1,000 residents for district open space and 0.4 hectares per 1,000 residents for local open space,
- District open space is to (wherever practicable):
 - Be located within 2 kilometres of all dwellings,
 - Be located near public transport routes or be easily accessible to cars, pedestrians and public transport,
 - Be not less than 5 hectares in size,
 - Provide walking and cycle tracks as an alternative to vehicle usage,
 - Provide a link to significant natural systems and features, and
 - Provide disability access.

⁴ This is the planning standard contained in the Camden Council Open Space Strategy, adopted by Council on 29 January 2002



- Local open space is to (wherever practicable):
 - Be located within 500 to 700 metres walking distance of all dwellings,
 - Have a minimum size of 2,000 square metres, and
 - Provide a lower level of development focusing on an informal park setting, including the following facilities as a base: grassed areas for walking, play, casual games, etc, trees, seating and shade, playground equipment.
- Open space areas must be provided with a slope of less than 1 in 6 for passive open space and a slope of less than 1 in 50 for active open space.

Application of the total area standard of 3.64 hectares per 1,000 residents standard to the projected population addressed under this Plan would result in that population needing a further 92.9 hectares of embellished parkland.

Council proposes to meet the demand for open space land by providing future facilities and through the provision of Rheinbergers Hill park in advance of development. The cost of acquiring Rheinbergers Hill will be recouped through the Contributions Plan.

Council has identified the following areas of local and district open space to be made available to meet the needs of future development:

- 11.23 hectares of land in the Elderslie release area (less land already acquired),
- 54.4 hectares of land in the Spring Farm release area,
- 16.76 hectares of land fronting the Nepean River south of Spring Farm, and
- 0.96 hectares of land within the Central Hills release area.

Together these areas comprise a total of 84.05 hectares of open space.⁵ When compared to the projected additional population under this Plan, this equates to a planned standard of additional provision of 3.4 hectares per 1,000 residents.

This amount includes some of the land acquired under previous contributions plans at Rheinbergers Hill that has been provided in advance of development and will, in part, meet future development needs. This Plan authorises the recoupment of part of the cost of acquiring this land.

Such parkland will meet the need for both local and district open space, and the provision of both passive and active recreation facilities.

Taking the existing and planned future areas into account results in an open space planning provision less than the 3.64 hectares per 1,000 residents standard. It is considered however that this Plan makes adequate provision for open space to meet the needs of development addressed by the Plan considering:

- The prevailing standard applied by the Growth Centres Commission in the planning of the Growth Centre urban release areas (being 2.8 hectares per 1,000 residents),
- That additional open space is to be provided in shared use drainage corridors in the Elderslie and Spring Farm release areas, and
- That the Plan includes limited additional embellishment works on existing open spaces to help address the notional shortfall in land quantum. The open areas nominated for passive open space embellishment include Glenlee Reserve, Sedgewick Reserve, Wandarra Reserve, Birriwa Reserve, Manna Gum Reserve, Downes Reserve, Elizabeth Reserve).

⁵ This area does not include approximately 23.73 hectares of flood-free riparian areas planned to be made available for passive recreational use, and addressed as local area contributions in this Plan, in the Elderslie and Spring Farm release areas.



The active recreation component is expected to take up approximately 26.1 hectares of the open space leaving approximately 61 hectares needing to be embellished suit its purpose for passive recreation. This Plan includes allowance for development to meet the cost of embellishing passive open space land.

The future open space lands are those identified in:

- The master plan for the Elderslie urban release area,
- The master plan for the Spring Farm urban release area,
- Concept plans for the Central Hills urban release area, and
- Camden Contributions Plan No. 6, being open space fronting the Nepean River.

Council will also recoup part of the cost of providing the following existing open space at Rheinberger's Hill Park.

It is anticipated that almost all of the land required for open space purposes will be dedicated through conditions of consent imposed on subdivision approvals for land.

The value of land yet to be acquired, and which will be levied on development, has been assessed by Council's valuer. At the time this Plan was prepared the value of the required lands was based on the values shown in Section 2.15 of this Plan.

The value of land already acquired is the actual cost of the land to Council at the time of acquisition from the developer, indexed to the date of adoption of the Plan in accordance with the EP&A Regulation.

Council may consider amendments to future local open space in the Spring Farm or Elderslie Development Areas. Proposals to amend the location of local open space land and embellishment in the *Camden Contributions Plan 2011 (Spring Farm and Elderslie)* must satisfy the following minimum requirements:

- Amalgamation of smaller local open space land parcels within a release area to provide a minimum 2,000m² local open space land parcel,
- Proposed local open space land should be situated in within 500 metres walking distance of all dwellings, and
- Proposed open space land dimensions, embellishment and maintenance should be consistent with relevant specifications as set out in this Contributions Plan and to the satisfaction of Council's Works Section.

Amendments to the Spring Farm and Elderslie Open Space and Recreation Facilities Plan Maps in Section 6 of this Contributions Plan may also require corresponding amendments to Part C of the Camden Development Control Plan 2011, relevant Open Space and Recreation Strategy and/or Landscape Master Plan.

4.1.2.2 Recreation facilities

For the purposes of assessing facility demands, Council has adopted the planning standards for open space and recreation facilities listed in Table 13.

Table 13: Open space and recreation facility planning standards

Facility type	Standard	Source of standard
Sports grounds	1 sports ground per 1,850 residents	Recreation Study 1993 (GHD Pty Ltd)
Outdoor courts (netball, tennis, basketball)	1 outdoor court per 1,075 per residents	Recreation Study 1993 (GHD Pty Ltd)
Children's playground	1 playground or play space per 1,200 residents	Recreation Study 1993 (GHD Pty Ltd) identified a standard of 1 playground per 600 residents, with all facilities being within 400m walk of residents. Planning for the Growth Centre Precincts is considered to be more contemporary, reflecting in larger and better quality facilities spaced



Facility type	Standard	Source of standard
		further apart. This standard is applied to development addressed under this Plan.
Athletics track	1 track per 75,000 residents	Recreation Study 1993 (GHD Pty Ltd) identified a standard of 1 track per 10,000 residents. This standard has since been found to be excessive. In addition, planning for the first Growth Centre Precincts has identified a standard of 1 per 75,000 residents for this facility type. This Plan assumes that a single, higher quality facility will be appropriate to meet the demands of existing and future residential development.
Leisure centre	1 centre per 37,500 residents	Recreation Study 1993 (GHD Pty Ltd) identified a standard of 1 centre per 50,000 residents. This standard has since been found to be inadequate and Council plans to provide 2 centres – 1 at Camden and 1 at Narellan – to meet the demands of existing and future residential development.
Youth focused recreation facility	89 square metres per 1,000 residents plus outdoor facilities	Recreation Study 1993 (GHD Pty Ltd) identified a standard of 1 centre per 10,000 residents. Council now wishes to provide either one or two centres with a youth recreation focus and to provide such a facility or facilities at a similar scale and with similar inclusions to that specified for the first Growth Centre Precincts. The floor space standard used here reflects the standard applied in those Precincts.

Source: Camden Council 2023

Features of the current (2009) level of provision and use of these recreation facilities are as follows:

- Council provides 47 sports fields, including general purpose, AFL rugby and soccer fields. This equates to a level of provision of 1 field for every 1,100 residents, which is in excess of the planning requirement. Bookings for the use of fields however indicate that there is no available spare capacity in the provision of sports fields,
- Council provides 65 outdoor courts, including basketball, netball and tennis courts. This equates to a level of provision of 1 court for every 800 residents, which is also in excess of the planning requirement. Bookings and user surveys however indicate that there is no available spare capacity in the provision of outdoor courts,
- Council provides 66 playgrounds within open space reserves throughout the LGA. However the play facilities provided are of varying age and quality. This equates to a level of provision of 1 playground for every 784 residents. Many playgrounds do not meet contemporary needs for a range of play experiences in the one location. The planning for Camden's Growth Centre precincts involves providing fewer facilities of higher quality and amenity for users. This is an appropriate strategy for Council to pursue in seeking to meet the demands of development in the remainder of the LGA,
- There is no athletics track provided by Council in the LGA, yet a need exists for such a facility from the existing population,
- Council provides one leisure centre at Mount Annan. It has been Council's desire for some years to augment the facilities at this centre to cater for future population growth, and
- Council's previous contributions plan (Camden Contributions Plan 2004) indicated that there was about 916 square metres of floor space provided by Council dedicated to structure youth activities in Camden LGA, which equates to a level of provision of around 21 square metres per 1,000 residents. The planning for Camden's Growth Centre precincts involves providing centralised facilities with a recreation focus (called a 'Recreation and Youth Centre'. The centre's floor space equates to a provision standard of 89 square metres per 1,000 residents and also includes outdoor components such as BMX track and skate park. The higher standard of provision is justified on the grounds that more detailed planning of youth

needs has been undertaken and that Council needs to plan for contemporary needs rather than merely replicating existing levels of service provision.

The above commentary indicates that there is generally little or no spare capacity in existing recreation facilities and that new or augmented facilities will be required to be provided to meet the demands of expected development. In the case of recreation facilities for youth, a higher (than current) standard of facility provision is required to meet contemporary needs.

Application of the standards in Table 13 to the projected population results in that population needing the facilities listed in Table 14. The proposed means of delivering the required facilities is also described in Table 14.

Table 14: Open space and recreation facility requirements and deliver strategies

Facility type	Facility demands under this Plan	Source of standard
Sports grounds	14 sports grounds	<p>8 grounds will be provided on land at the southern end of Spring Farm. 2 further grounds will be provided within Elderslie release area.</p> <p>Council will consider the following options for the provision of the further 4 grounds in the longer term:</p> <ul style="list-style-type: none"> Ferguson Lane land north west of Camden town centre Provision of more grounds in the Growth Centre Precincts <p>Council will retain the flexibility of providing some of the required grounds as smaller or “modified” sports grounds.</p>
Outdoor courts (netball, tennis, basketball)	24 courts	<p>Council will provide new courts to address both existing deficiencies in provision and provision related to the demands of new development.</p> <p>Council will provide a further 16 courts to augment the Kirkham facility.</p> <p>A further 6 courts will be provided on land in the Spring Farm release area and 2 courts at Onslow Park, Camden.</p> <p>Council will consider the following options to meet any remaining needs of the current and future population:</p> <p>Provision of more courts in the Growth Centre Precincts</p>
Children’s play space	21 play spaces	<p>The historic practice of Council providing smaller playgrounds with minimal facilities that are all within walking distance of residents will be modified.</p> <p>Instead, Council will seek to provide higher quality facilities with a greater range of play experiences on fewer sites. Play spaces may include bouldering features, climbing areas, ‘learn to’ cycleways through to cycle obstacle course, skate facility, BMX/ mountain bike jumps and tracks.</p> <p>This strategy reflects the practice and rate of provision associated with playground and play space facilities planned for the Growth Centre Precincts.</p> <p>This strategy is more in keeping with contemporary community expectations and will be achieved as follows.</p> <p>Playgrounds will be provided in the following locations:</p> <ul style="list-style-type: none"> At minimum of 9 in Elderslie release area (2 in Kirkham Park and 2 other locations identified in Schedule 3 Works Maps), A minimum of 8 in Spring Farm release area (8 play space locations are identified in Schedule 3 Works Maps), A minimum of 2 in the Central Hills release area, Or as larger facilities replacing existing outdated playgrounds on existing parks in the LGA.
Athletics track	0.33 track (1 track to serve both existing and new development)	The location of the facility is yet to be determined, however possible sites include Camden Showground, Ferguson Lane or south of Spring Farm release area.
Leisure centre	0.66 centre (2 centres to serve)	The delivery strategy to meet facility demand is twofold:

Facility type	Facility demands under this Plan	Source of standard
	both existing and new development)	<ul style="list-style-type: none"> Council will collect a reasonable contribution from future development toward works proposed in Stage 2 of the Mt Annan Leisure Centre. Council will collect a reasonable contribution toward the planned cost to Council (excluding any confirmed grants) of improving the Camden pool.
Youth focused recreation facility	2,271 square meters accommodated in either 1 or more centres	<p>Contemporary planning for the recreation and social needs of younger people is reflected in the 'Recreation and Youth Centre' facility proposed to serve the future populations of both Oran Park and Turner Rd Growth Centre Precincts.</p> <p>Council intends to apply the same philosophy to planning for the needs of youth in the remainder of the LGA's residential development areas.</p>

Source: Camden Council 2023

4.1.3 How are contributions calculated?

Contributions will be collected from all residential development toward active open space and recreation facilities identified under this Plan. Rural residential development will only be levied the cost of providing passive recreation facilities.

The monetary contribution per person is calculated as follows:

$$\text{Contribution per person (\$)} = \frac{C}{P}$$

Where:

- C = the estimated cost - or if the facility is existing, the indexed, completed cost - of providing each of the open space and recreation facilities (refer Section 6 – works schedule). Note: This cost should reflect the removal or modification of any item on the works list.
- P = the contribution catchment (in persons) attributable to each facility (refer Section 6 – works schedule)

The monetary contribution for different residential development types is determined by multiplying the contribution per person by the assumed average household occupancy rates included in Table 15. The Residential Development Types listed in Table 15 are identical to the definitions of these land uses in the *Camden Local Environmental Plan 2010*.

Table 15: Household occupancy rates for residential development types

Residential development type	Occupancy Rate
Subdivided lots for residential or rural residential purposes	3.1 persons per lot
Dwellings (other than multi-dwelling housing, residential flat buildings, seniors living housing and group homes)	3.1 persons per dwelling
Multi-dwelling housing (other than dual occupancies, attached dwellings, exhibition homes, rural worker's dwellings, semi-detached dwellings and shop top housing).	2.0 persons per dwelling
Residential flat buildings	1.8 persons per dwelling
Seniors living housing	1.5 persons per dwelling
Group homes	1 person per bedroom
Secondary dwellings	1 person per bedroom
Boarding houses and hostels	1 person per bed

Source: Camden Council 2023



4.2 Community facilities

This section:

- Identifies the projected community facility needs of the resident population in development addressed by this Plan, and
- Describes the method of calculating a reasonable contribution from development toward the provision of civic and community facilities demanded by that development.

4.2.1 Summary of local infrastructure demand and how that demand will be met

Expected residential development in Spring Farm and Elderslie addressed by this Plan is likely to result in approximately 6,288 additional persons living in the LGA.

Such development will generate demand for community facilities infrastructure including the following:

- New library floor space to meet the needs of Central Hills residents.
- New multi-purpose community centre floor space (both local and district level facilities).
- Land for new community facilities.

Some of the required facilities are existing (that is, library facilities), having been required in advance of development. Council will seek a reasonable contribution from expected development towards recouping part of the cost of those facilities.

Other facilities are proposed to be provided in the future and Council will seek a reasonable contribution from expected development towards the estimated cost of those facilities.

4.2.2 What is the nexus between the expected types of development and the demand for local infrastructure?

4.2.2.1 Land for community facilities

Land to be acquired for community facilities is associated with the facilities proposed to be provided under this Plan. Council has traditionally applied a land acquisition estimate equivalent to 2.5 times the amount of community floor space proposed to be constructed.

It is anticipated that the land required for community purposes will be acquired through a mix of dedications through conditions of consent imposed on subdivision approvals and through Council selectively purchasing land parcels.

The value of land yet to be acquired, and which will be levied on development, has been assessed by Council's valuer. This Plan assumes a cost of \$130 per square metre to acquire community facilities land.

The value of land already acquired is the value of the land at the time Council acquired the land from the developer, indexed to the date of adoption of the Plan in accordance with the Regulation.

4.2.2.2 Libraries

At the time of preparing this Plan, Council provided library services at the following locations:

- Narellan library (2,548 square meters of floor area)
- Camden library (806 square meters of floor area)

These facilities comprise a total of 3,354 square meters of floor area.

In planning for future facility needs for development anticipated under this Plan, Council uses the 'population based benchmark' published by the State Library of NSW (i.e. *People Places, A guide for Public Library Buildings in NSW*). Applying that standard to the current population (51,717) suggests that there is a current need for 2,212



square meters of library floor space. There was, at the time this Plan was prepared, therefore a notional oversupply of library floor space of 1,142 square meters.

This situation has occurred because both the new Narellan library and upgraded Camden library was provided to cater for current and anticipated future needs.

The estimated future resident population of Camden (outside of the Growth Centre Precincts) that is addressed by this Plan is approximately 77,000. Applying the State Library standards to this projected population results in a projected library floor area need of 3,310 square meters. This is approximately the same as the current level of facility provision. On its face, this result suggests that Council need only recoup the cost of existing facilities provided in advance of development occurring, and does not need to provide new facilities.

This conclusion ignores the location of a significant future population at Central Hills (3,819 persons) that will be relatively remote from the Narellan and Camden facilities. Council therefore considers it unreasonable to not provide new local library facilities to meet the needs of this population and will therefore provide additional floor space in the adjacent Oran Park and Turner Road Precincts of the Growth Centre to address this. Again using the State Library standards, a total of 192 square meters of floor area will be needed.

Council's strategy to address the library facility needs associated with development addressed by this plan is to:

- Recoup part of the historic cost of providing library facilities at Camden and Narellan, and
- Provide additional library floor space as part of the proposed Oran Park Town Centre library.

4.2.2.3 Multi-purpose community facilities

Bookings and user surveys indicate that there is no available spare capacity in the current provision of multi-purpose community floor space provided by the Council.

For the purposes of assessing facility demands, Council has adopted the following planning standard:

- 42 square metres per 1,000 residents for the provision of local community facilities, plus
- 13 square metres per 1,000 residents for the provision of district community facilities (comprising additional floor space to one or more of the local community centres.

This total standard of 55 square metres per 1,000 residents reflects the provision strategy adopted by Council in its previous contributions plan.

Application of the planning standard to the projected population resulting from development addressed by this Plan results in the following additional floor area needs:

- 1,072 square metres of multi-purpose community floor space to meet local level needs, and
- 332 square metres of multi-purpose community floor space to meet district level needs.

It is proposed to meet the total demand for 1,403 square metres of multi-purpose community floor space by providing the following new or expanded facilities:

- 1 centre of approximately 800 square metres of floor space within either the Elderslie and Spring Farm release area. This facility will primarily serve the demands generated by expected development in those areas.
- Approximately 150 square metres of floor space to be added to the multi-purpose community facility planned for the Turner Road Precinct. The Oran Park and Turner Road Section 94 Contributions Plan provides for a 515 square metre facility in this location. This facility expansion will primarily serve the demands generated by expected development in the Central Hills release area.
- The remaining 453 square metres floor space is to be provided as a district level facility adjunct to an existing Narellan Community Centre.



- This residual floor space would also be oriented to catering to families and children with, potential provision for sessional space for practitioners as well as meeting space for playgroups.

4.2.3 How are the contributions calculated

Contributions will be collected from all residential development toward community facilities identified under this plan.

The monetary contribution per person is calculated as follows:

$$\text{Contribution per person (\$)} = \sum \left(\frac{C}{P} \right)$$

Where:

- C = the estimated cost - or if the facility is existing, the indexed, completed cost - of providing each of the community facilities (refer Section 6 – works schedule). Note: This cost should reflect the removal or modification of any item on the works list.
- P = the contribution catchment (in persons) attributable to each facility (refer Section 6 – works schedule)

The monetary contribution for different residential development types is determined by multiplying the contribution per person by the assumed average household occupancy rates included in Table 16. The Residential Development Types listed in Table 16 are identical to the definitions of these land uses in the *Camden Local Environmental Plan 2010*.

Table 16: Household occupancy rates for residential development types

Residential development type	Occupancy Rate
Subdivided lots for residential or rural residential purposes	3.1 persons per lot
Dwellings (other than multi-dwelling housing, residential flat buildings, seniors living housing and group homes)	3.1 persons per dwelling
Multi-dwelling housing	2.0 persons per dwelling
Residential flat buildings	1.8 persons per dwelling
Seniors living housing	1.5 persons per dwelling
Group homes	1 person per bedroom
Secondary dwellings	1 person per bedroom
Boarding houses and hostels	1 person per bed

Source: Camden Council 2023

4.3 Elderslie and Spring Farm local facilities

This section:

- Identifies the projected local facility needs related to expected development in two specific urban release areas addressed by this Plan: Elderslie and Spring Farm, and
- Describes the method of calculating a reasonable contribution from development in each of those areas toward the provision of the facilities demanded by development in each area.

4.3.1 Summary of local infrastructure demand and how that demand will be met

The facility demands arising from the development of the Elderslie and Spring Farm release areas are addressed by this Plan.

Aside from generating a need for open space and recreation and community facilities (which is addressed in Sections 4.1 and 4.2 of this Plan), development in these areas will generate demand for:



- New and augmented roads, traffic and transport facilities, and
- New and augmented stormwater drainage facilities.

Some of the required facilities are existing, having been required in advance of development. Council will seek a reasonable contribution from expected development towards recouping part of the cost of those facilities.

Most facilities are proposed to be provided in the future and Council will seek a reasonable contribution from expected development towards the estimated cost of those facilities.

4.3.2 What is the nexus between the expected types of development and the demand for local infrastructure?

4.3.2.1 Roads, traffic and transport facilities

Occupants of expected development in the release areas will utilise a transport network comprising:

- Facilities for private vehicles, including roads and intersections,
- Facilities for public transport (primarily bus infrastructure), and
- Facilities for walking and cycling.

The existing transport network in these areas has generally been planned and developed to serve the historic rural and primary production land uses in the area, and not necessarily future urban development. Existing conditions for public transport, walking and cycling are either minimal or poor and are reflected in low levels of use for these modes.

While there is some operational spare capacity available in most of the surrounding road network it is not sufficient to cater for all the additional demands that will be attributable to the expected development in these areas.

The master plans and concept plans for the areas have identified a number of transport infrastructure upgrades to address the demands likely to be created by new urban development. The required infrastructure includes:

- New and upgraded intersections,
- New collector roads,
- Reconstruction of existing roads,
- Traffic management facilities (such as roundabouts),
- Provision of half-road widths fronting open space and drainage areas,⁶
- Services adjustments,
- Bus shelters,
- Cycleways,
- Pedestrian bridges,
- Streetscape facilities, and
- Land acquisition associated with the above.

Council will require contributions from developers under this Plan toward provision of the transport infrastructure that needs to be provided by a range of developments in each area.

As part of Amendment 1 of this Plan, the traffic and transport requirements have changed so that the following infrastructure will no longer be delivered as part of the Plan: E23 Pedestrian bridge over bypass, E37 Traffic signals (Link Rd and Lodges Rd intersection), SF21 Pedestrian overbridge.

A range of other transport management facilities will be required by Council to be undertaken directly by the developer as conditions of consent under section 4.17 of the EP&A Act. Such facilities are likely to include local

⁶ The initial contributions plan applying to the Elderslie and Spring Farm development areas (CP2004) sought contributions for these facilities. Some of the facilities had been constructed at the time this Plan was prepared.



roads, footpaths and street tree planting within proposed subdivisions and traffic management devices and treatments on local roads required to provide safe and convenient access to the development - the demand for which is generated entirely by the proposed single development.

4.3.2.2 Stormwater drainage facilities

A significant investment in a modern stormwater drainage system is required in order to cater for the anticipated change in development context in the Elderslie and Spring Farm areas from predominantly rural and primary production uses to urban land uses.

The master plans and concept plans for the areas have identified a number of stormwater drainage facilities to address the demands likely to be created by new urban development. The required infrastructure includes:

- 'Rain gardens' and 'bioribbons',
- Wetlands and basins,
- Rehabilitation and landscaping of drainage reserves,
- Sediment control pits,
- Culverts,
- Services adjustments,
- Provision of half-road widths fronting open space and drainage areas, and
- Land acquisition associated with the above.

A range of other stormwater management facilities will be required by Council to be undertaken directly by the developer as conditions of consent under section 4.17 of the EP&A Act. Such facilities may include construction of kerb and gutter on local roads, installation of drainage pits and grates, and pipe connections to the trunk drainage network - the demand for which is generated entirely by the proposed development.

4.3.3 How are contributions calculated

Contributions will be collected from all residential development within the Elderslie and Spring Farm urban release areas toward local infrastructure identified under this Plan.

The monetary contribution per person is calculated as follows:

$$\text{Contribution per person (\$)} = \frac{C}{P}$$

Where:

- C = the indexed estimated cost - or if the facility is existing, the indexed, completed cost - of providing the local infrastructure in the respective urban release area (refer Section 6 – works schedule). Note: This cost should reflect the removal or modification of any item on the works list.
- P = the contribution catchment (in persons) attributable to each infrastructure item, being the projected resident population of the respective urban release area (refer Section 6 – works schedule)

The monetary contribution for different residential development types is determined by multiplying the contribution per person by the assumed average household occupancy rates included in Table 17. The Residential Development Types listed in Table 17 are identical to the definitions of these land uses in the *Camden Local Environmental Plan 2010*.

Table 17: Household occupancy rates for residential development types

Residential development type	Occupancy Rate
Subdivided lots for residential or rural residential purposes	3.1 persons per lot



Residential development type	Occupancy Rate
Dwellings (other than multi-dwelling housing, residential flat buildings, seniors living housing and group homes)	3.1 persons per dwelling
Multi-dwelling housing	2.0 persons per dwelling
Residential flat buildings	1.8 persons per dwelling
Seniors living housing	1.5 persons per dwelling
Group homes	1 person per bedroom
Secondary dwellings	1 person per bedroom
Boarding houses and hostels	1 person per bed

Source: Camden Council 2023

These contributions do not apply to secondary dwellings, because it is considered that the initial lot had already contributed to roads and facilities in the precinct.

4.4 Plan preparation and administration

This section:

- Identifies the activities associated with the preparation and administration of this Plan,
- Describes the anticipated costs of those activities, and
- Describes the method of calculating a reasonable contribution from development toward the provision of contributions plan preparation and administration services.

4.4.1 What is the nexus between the expected types of development and the demand for local infrastructure?

Preparation and administration of contributions plans by councils incur significant costs.

Council staff are deployed to:

- Prepare and review contributions plans,
- Account for contributions receipts and expenditure, and
- Coordinate the implementation of contributions plans and works, including involvement in negotiating works in kind and material public benefit agreements.

Consultant studies are also commissioned by Council from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions of the contributions plan. Council is also required to engage the services of legal professionals from time to time to assist it in the administration of this Plan.

It is reasonable that the costs associated with preparing and administering this Plan be recouped from contributions from development.

Costs associated with the ongoing administration and management of the contributions plan will be levied on all applications which require a development contribution.

Costs included in this Plan for these purposes are determined as follows:

- The estimate of legal expenses will be determined by calculating the average annual legal expenses that Council has incurred for development contributions matters in the years immediately prior to the commencement of this Plan, and extending this average figure over the life of this Plan,
- The estimate of administration costs is equivalent to the current annual salary and on-costs (at the time the Plan is adopted) for 1 full time development contributions planning officer and 0.5 full time development contributions accounting officer and, and extending this annual figure over the life of the plan,



- The estimate of costs to engage a land valuer to prepare and update at regular intervals the Land Value Index described in Section 2.15 of this Plan, and
- The costs of consultant studies used to prepare this Plan are the completed, indexed costs of the studies.

4.4.2 How are the contributions calculated?

Contributions will be collected from all residential development towards plan preparation and administration activities.

The monetary contribution per person is calculated as follows:

$$\text{Contribution per person (\$)} = \frac{C}{P}$$

Where:

- C = the estimated cost - or if the facility is existing, the indexed, completed cost - of providing each of the open space and recreation facilities (refer Section 6 – works schedule). Note: This cost should reflect the removal or modification of any item on the works list.
- P = the contribution catchment (in persons) attributable to each facility (refer Section 6 – works schedule)

The monetary contribution for different residential development types is determined by multiplying the contribution per person by the assumed average household occupancy rates included in Table 18. The Residential Development Types listed in Table 18 are identical to the definitions of land uses in the Camden Local Environmental Plan 2010.

Table 18: Household occupancy rates for residential development types

Residential development type	Occupancy Rate
Subdivided lots for residential or rural residential purposes	3.1 persons per lot
Dwellings (other than multi-dwelling housing, residential flat buildings, seniors living housing and group homes)	3.1 persons per dwelling
Multi-dwelling housing	2.0 persons per dwelling
Residential flat buildings	1.8 persons per dwelling
Seniors living housing	1.5 persons per dwelling
Group homes	1 person per bedroom
Secondary dwellings	1 person per bedroom
Boarding houses and hostels	1 person per bed

Source: Camden Council 2023



5.0 REFERENCES

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6.0 WORK SCHEDULES

6.1 Contributions schedule

Facility	Total Cost to Existing and Future Development (\$)	Monetary Contribution							
		Urban Residential Development				Secondary Dwellings			
		Per Person	Per Subdivided Lot or Dwelling	Per Dwelling in a Multi Dwelling Housing Development	Per Seniors Living Dwelling	1 Bedroom	2 Bedroom	3 Bedroom	
<i>Occupancy Rate:</i>		1	3.1	2	1.5	1	2	3	
Open Space and Recreation Facilities									
Land Acquisition	\$ 167,131,357	\$ 6,317	\$ 19,582	\$ 12,633	\$ 9,475	\$ 6,317	\$ 12,633	\$ 18,950	
Works	\$ 23,917,716	\$ 3,401	\$ 10,543	\$ 6,802	\$ 5,102	\$ 3,401	\$ 6,802	\$ 10,203	
Total	\$ 191,049,073	\$ 9,718	\$ 30,125	\$ 19,436	\$ 14,577	\$ 9,718	\$ 19,436	\$ 29,153	
Community Facilities									
Land Acquisition	\$ 1,067,084	\$ 40	\$ 125	\$ 81	\$ 60	\$ 40	\$ 81	\$ 121	
Works	\$ 21,340,868	\$ 458	\$ 1,420	\$ 916	\$ 687	\$ 458	\$ 916	\$ 1,374	
Total	\$ 22,407,952	\$ 498	\$ 1,545	\$ 997	\$ 748	\$ 498	\$ 997	\$ 1,495	
Local Facilities - Elderslie Development Area									
Land Acquisition	\$ 22,623,236	\$ 3,698	\$ 11,463	\$ 7,395	\$ 5,547				
Works	\$ 85,715,649	\$ 14,010	\$ 43,431	\$ 28,020	\$ 21,015				
Total	\$ 108,338,885	\$ 17,708	\$ 54,894	\$ 35,415	\$ 26,561				
Local Facilities - Spring Farm Development Area									
Land Acquisition	\$ 55,382,006	\$ 4,758	\$ 14,749	\$ 9,515	\$ 7,137				
Works	\$ 139,308,200	\$ 11,968	\$ 37,099	\$ 23,935	\$ 17,951				
Total	\$ 194,690,206	\$ 16,725	\$ 51,848	\$ 33,450	\$ 25,088				
Plan Preparation and Administration Services									
Services	\$ 4,363,891	\$ 165	\$ 511	\$ 330	\$ 247	\$ 165	\$ 330	\$ 495	
Total	\$ 4,363,891	\$ 165	\$ 511	\$ 330	\$ 247	\$ 165	\$ 330	\$ 495	
Total contributions required under the Plan for residential development areas (per subdivided lot or dwelling house)									
Elderslie Development Area	\$87,075								
Spring Farm Development Area	\$84,030								
Secondary Dwelling (per bedroom)	\$10,381								



6.2 Open space and recreation

Item	Facility	Status	Quantity	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
Land acquisition								
OS1	Open Space - Elderslie (excludes Rheinbergers Hill recoupment) - i.e. 14.63ha - 2.9ha = 11.73ha (2.578 ha left)	In progress	117,300	25,782	\$10,519,056	\$36,400,944	\$46,920,000	2022-2023
OS2	Open Space - Elderslie - deduction of 0.5ha as a result of re-masterplanning of precinct	Complete	5,000			-\$1,836,000	-\$1,836,000	
OS3	Open Space - Spring Farm - all classes of land type - 31.814ha (2.76ha left for acquisition)	Complete	318,140			\$66,281,381	\$66,281,381	
OS4	Open Space - Spring Farm - deduction of 3.358ha as a result of re-masterplanning of precinct	Complete	33,580			-\$5,830,650	-\$5,830,650	
OS5	Open Space - Spring Farm - Area L1 (6.14ha) identified in Tim Elliott report of 26 Nov 2008	Complete	61,400			\$26,920,755	\$26,920,755	
OS6	Open Space - Spring Farm - flood affected (19.79ha) (5.88ha left for acquisition)	In progress	58,800	58,800	\$5,997,600	\$14,188,200	\$20,185,800	2022-2023
OS7	Open Space - Nepean River - area identified for acquisition under CP6 (16.76ha) (2.129ha left for acquisition)	In progress	167,600	21,290	\$2,171,580	\$9,558,420	\$11,730,000	2022-2023
OS8	Central Hills local open space (passive recreation only)	Complete	9,600			\$2,760,071	\$2,760,071	
Total			694,260	105,872	\$18,688,236	\$148,443,121	\$167,131,357	
Works								
OS9	Embellishment of passive open space - future and recoupment (2.76 ha left to be delivered)	In progress	611,400	105,872	\$6,683,725	\$25,139,947	\$31,823,672	Ongoing
OS10	Embellishment of existing passive open space identified in Camden Contributions Plan 2004	Complete	50,000		\$837,897	\$1,764,628	\$2,602,525	2022-2023
OS11	Children's playgrounds/playspaces	In progress	21	1 (Herbert's Hill)	\$450,000	\$4,380,750	\$4,830,750	2026-2027
OS12	Sportsgrounds	In progress	14	6 (Spring Farm, Hilder Reserve)	\$7,720,002	\$781,578	\$8,501,580	Ongoing
OS13	Sportsgrounds amenities	In progress	7	2 (Spring Farm, Hilder Reserve)	\$5,328,854	\$6,868,035	\$12,196,889	Ongoing

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Item	Facility	Status	Quantity	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
OS14	Outdoor sports courts	In progress	24	12	\$1,464,909	\$1,690,135	\$3,155,044	2024-2025
OS15	Youth recreation facility.	Complete				\$7,234,249	\$7,234,249	
OS16	Youth recreation facility fit out	Outstanding			\$1,432,329		\$1,432,329	2022-2023
OS17	Youth recreation outdoor components (BMX, skatepark)	Complete				\$780,164	\$780,164	
OS18	Youth recreation facility carpark and landscaping	Complete				\$277,602	\$277,602	
OS19	Leisure centre (Mt Annan Stage 2)	Complete				\$12,883,727	\$12,883,727	
OS20	Athletics track	Complete				\$515,300	\$515,300	
OS21	Open space and recreation facilities strategy	Complete				\$282,577	\$282,577	
OS22	Open Space - Rheinbergers Hill acquisition (approx 2.9ha)	Complete				\$9,911,803	\$9,911,803	
	Credit from previous contributions plans							
	CP6 funds balance as at 31 Octboer 2011 (Actual cost indexed to current)					-\$7,080,802	-\$7,080,802	
Total					\$23,917,716	\$65,429,692	89,347,308	



6.3 Community facilities

Item	Facility	Status	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Contribution catchment (persons)	Contribution rate (per person)	
Land acquisition								
C1	Land for new community centres	Complete		\$1,067,084	\$1,067,084	26,464	\$40	
Total					\$1,067,084		\$40	
Works								
C2	Augmentation of Oran Park Library							
		Branch library, building component	Complete		\$679,571	\$679,571	26,464	\$26
		Branch library, fit out (loose FFE, books, computers, shelving and security)	Complete		\$211,534	\$211,534	26,464	\$8
		Landscaping and parking component	Complete		\$39,975	\$39,975	26,464	\$2
C3	Elderslie/Spring Farm multipurpose community centre							
		Community centre building and fit out component	Complete		\$3,397,856	\$3,397,856	26,464	\$128
		Landscaping and parking component	Complete		\$166,562	\$166,562	26,464	\$6
C4	Augmentation of Turner Road multipurpose community centre							
		Community centre building and fit out component	Complete		\$637,098	\$637,098	26,464	\$24
		Landscaping and parking component	Complete		\$31,230	\$31,230	26,464	\$1
C5	District level multipurpose community floor space – adjunct to Narellan Community Centre							
		Community centre building and fit out component						
		Landscaping and parking component	Complete		\$2,244,773	\$2,244,773	26,464	\$85
C6	Narellan Library	Complete		\$11,696,406	\$11,696,406	78,181	\$150	
C7	Camden Library	Complete		\$2,235,863	\$2,235,863	78,181	\$29	
Total					\$21,340,868		\$458	



6.4 Elderslie

Item	Facility	Status	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
Land acquisition							
E1	Land for drainage works - not flood affected (6.483ha)	In progress	6,151	\$941,103	\$4,226,649	\$5,167,752	2022-2023
E2	Land for drainage works - flood affected (10.791ha)	In progress	6,375	\$650,250	\$4,852,520	\$5,502,770	2022-2023
E3	Land for road works include half road fronting open space (7.99ha)	In progress	9,325	\$3,804,600	\$8,148,113	\$11,952,713	2022-2023
Total				\$5,395,953	\$17,227,283	\$22,623,236	
Works							
Drainage works – Elderslie							
E4	Design	Complete			\$325,476	\$325,476	
E5	Litter/sediment control pits	Complete			\$810,680	\$810,680	
Herbert Rivulet							
E6	Raingardens	In progress	531	\$107,117	\$608,611	\$715,728	2024-2025
E7	Subsurface wetlands/basins	In progress	1,071	\$261,966	\$2,053,659	\$2,315,626	2023-2024
E8	Riparian corridor general earthworks	In progress	3,076.00	\$24,704	\$1,385,698	\$1,410,401	2024-2025
E9	Cycleways & retaining walls	In progress	3,087.50	\$405,685	\$1,131,182	\$1,536,867	2025-2026
E10	Landscaping of riparian corridor	In progress	3,076.00	\$54,326	\$3,050,796	\$3,105,121	2024-2025
E11	Pedestrian bridges over riparian corridor	Complete			\$572,058	\$572,058	
Oxley Rivulet							
E12	Raingardens	Complete			\$931,577	\$931,577	
E13	Subsurface wetlands/basins	Complete			\$2,499,911	\$2,499,911	
E14	Riparian corridor general earthworks	Complete			\$1,263,153	\$1,263,153	
E15	Cycleways & retaining walls	In progress		\$173,292	\$1,319,711	\$1,493,003	2022-2023
E16	Landscaping of Riparian corridor	In progress		\$84,727	\$2,979,532	\$3,064,259	2022-2023

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Item	Facility	Status	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
E17	Pedestrian bridges over riparian corridor	In progress	1	\$421,516	\$421,516	\$843,032	2024-2025
E18	Local culverts(LC1, LC2,LC3, LC4)	Complete			\$3,205,015	\$3,205,015	
E19	Distributor culvert (DC1)	Complete			\$1,413,976	\$1,413,976	
E20	Distributor bridge (DB1)	Outstanding	1	\$2,262,363		\$2,262,363	2023-2024
	Road works – Elderslie						
E21	Intersection, CVW / Kirkham	Outstanding	1	\$3,346,412		\$3,346,412	2023-2024
E22	Intersection, CVW / Hilder	Outstanding	1	\$797,483		\$797,483	2023-2024
E23	Pedestrian bridge over bypass	No longer required					
E24	Intersection, Bypass / Collector	Complete			\$2,319,397	\$2,319,397	
E25	Intersection CVW Macarthur Road	Complete			\$914,613	\$914,613	
E26	Design collector roads	Complete			\$741,999	\$741,999	
E27	Road pavement excl. half roads fronting open space	In progress	1.71	\$2,740,287	\$5,128,022	\$7,868,309	2023-2024
E28	Link road construction	In progress	684	\$2,224,468	\$9,671,601	\$11,896,069	2023-2024
E29	Lodges Road construction	Complete			\$6,149,856	\$6,149,856	
E30	Hilder Street construction	Complete			\$1,918,766	\$1,918,766	
E31	Bus Shelters (quantity 12)	Complete			\$226,237	\$226,237	
E32	Street scape (Lodges Rd) and electrical reticulaton	In progress		\$8,000	\$2,190,344	\$2,198,344	2022-2023
E33	Street scape (Link Rd) \$500/lin m	In progress	684	\$644,773	\$1,544,948	\$2,189,722	2023-2024
E34	Street scape (Hilder St) \$500/lin m	In progress	1	\$748,080	\$748,080	\$1,496,160	2023-2024
E35	Roundabouts (Minor)	Complete			\$492,063	\$492,063	
E36	Roundabouts (Major) (1 of 4 remaining)	In progress	1	\$216,810	\$867,239	\$1,084,049	2023-2024
E37	Traffic signals (Link Rd and Lodges Rd intersection)	No longer required					
E38	Half roads fronting open space	In progress	0.29	\$472,018	\$7,406,865	\$7,878,883	2023-2024

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Item	Facility	Status	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
E39	Masterplan - Elderslie as at September 2009	Complete			\$577,822.82	\$577,823	
E40	Half roads land dedicated and works constructed by developers. Provided in advance of development. as at September 2009	Complete			\$5,851,218.54	\$5,851,219	
Total				\$14,994,028	\$70,721,622	\$85,715,649	



6.5 Spring Farm

Item	Facility	Status	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
Land acquisition							
SF1	Land for drainage works - non flood affected (17.25ha)	Complete			\$15,429,543	\$15,429,543	
SF2	Land for drainage works - flood affected	In progress	3,974	\$608,022	\$18,146,433	\$18,754,455	2025-2026
SF3	Land for road works - non flood affected (6.9ha)	In progress			\$11,685,968	\$11,685,968	
SF4	Land for road works - flood affected (1.37ha)	Complete			\$742,482	\$742,482	
SF5	Half roads fronting open space	In progress	3,000	\$1,224,000	\$7,545,557	\$8,769,557	2024-2025
Total				\$5,395,953	\$17,227,283	\$22,623,236	
Works							
Drainage works – Spring Farm							
SF5	Design	In progress	25%	\$394,179	\$1,182,536	\$1,576,715	2024-2025
SF6	Litter / Sediment Control	Complete			\$1,621,360	\$1,621,360	
SF7	Bio Ribbons	In progress	15%	\$1,437,307	\$8,144,742	\$9,582,049	2025-2026
SF8	Subsurface wetlands	In progress	3,974	\$1,025,508	\$11,247,810	\$12,273,318	2025-2026
SF9	Riparian Corridor General earthworks	Complete			\$3,741,383	\$3,741,383	
SF10	Riparian Corridor landscaping	Complete			\$18,902,042	\$18,902,042	
SF11	Culverts Richardson Rd crossing riparian corridor	Complete			\$1,696,772	\$1,696,772	
SF12	Dam Reconstruction & embell.	Complete			\$1,300,858	\$1,300,858	
SF13	Underground cable over dam	Complete			\$848,386	\$848,386	
SF14	Springs Road Bridge	Complete			\$2,262,362	\$2,262,362	
Road works – Spring Farm							
SF15	Roundabouts (Minor)	Complete			\$437,391	\$437,391	
SF16	Roundabouts (Major)	In progress	1	\$325,215	\$2,926,932	\$3,252,146	2022-2023
SF17	Culvert collectors	Complete			\$3,959,134	\$3,959,134	

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Item	Facility	Status	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
SF18	Intersection CVW/Macarthur Rd	Complete			\$3,959,134	\$3,959,134	
SF19	Macarthur Rd Traffic Management	Outstanding	100%	\$2,339,472		\$2,339,472	2022-2023
SF20	Intersection Bypass/Link Road Collector	Complete			\$4,580,809	\$4,580,809	
SF21	Pedestrian Overbridge	No longer required					
SF22	Pedestrian links over riparian corridor	Complete			\$1,300,858	\$1,300,858	
SF23	Richardson Road Design	Complete			\$110,539	\$110,539	
SF24	Richardson Rd Construction 1200 lin m	Complete			\$3,902,575	\$3,902,575	
SF25	Richardson Rd underground power	Complete			\$3,770,605	\$3,770,605	
SF26	Richardson Rd street scape	Complete			\$1,674,148	\$1,674,148	
SF28	Link Rd (Bypass CH 0 to Ch 495))	Complete			\$2,535,731	\$2,535,731	
SF29	Link Rd Intersection with Richardson Rd (Ch 495)	Outstanding	1	\$744,694		\$744,694	2022-2023
SF30	Link Rd (Richardson Rd Ch 495 to Ch 1495)	Complete			\$4,986,624	\$4,986,624	
SF31	Link Rd Traffic Lights (Ch 1495)	Complete			\$490,178	\$490,178	
SF32	Link Rd (Ch 1495 to Ch 2360)	Complete			\$2,818,527	\$2,818,527	
SF33	Link Rd Intersection with Industrial Service Road	Complete			\$1,257,497	\$1,257,497	
SF34	Link Rd Street Scape (Ch 0 to Ch 495) @ \$500/ lin m	Complete			\$406,565	\$406,565	
SF35	Link Road Street scape (Ch 495 to Ch 2360)(1/2 road) @ \$300/ lin m	Complete			\$1,054,827	\$1,054,827	
SF36	Link Rd Culvert	Complete			\$557,529	\$557,529	
SF37	Springs Rd upgrade to urban design	Complete			\$110,539	\$110,539	
SF38	Springs Rd upgrade to urban construct	Complete			\$3,325,673	\$3,325,673	
SF39	Springs Rd upgrade to urban design (remainder)	Complete			\$48,360	\$48,360	
SF40	Springs Rd upgrade to urban construct (remainder)	Complete			\$1,138,251	\$1,138,251	
SF41	Springs Rd Street Scape 1,550m @ \$410 per lin.m	In progress	Final stages	\$8,000	\$1,190,110	\$1,198,110	2022-2023
SF42	Springs Road electrical works	Complete			\$272,426	\$272,426	

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Item	Facility	Status	Quantity remaining	Total estimated cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Priority/staging
SF43	Springs Road lowering works	Completed using credit from CP 6			\$6,626,764	\$6,626,764	
SF44	Macarthur Rd (Electrical) - undergrounding of overhead electrical power lines	Complete			\$867,239	\$867,239	
SF45	Glenlee Rd design	Complete			\$64,942	\$64,942	
SF46	Glenlee Rd construction	Complete			\$1,528,509	\$1,528,509	
SF47	Glenlee Rd Street Scape 470 lin m @ \$500 per lin m	Complete			\$382,172	\$382,172	
SF48	Glenlee Rd electrical reticulation and street lighting	Complete			\$301,649	\$301,649	
SF49	Industrial service road construction	Complete			\$4,415,378	\$4,415,378	
SF50	Bus shelters (quantity 36)	In progress	2	\$37,706	\$641,003	\$678,709	2023-2024
SF51	Shared cycleway/footpath within Bush Corridor (120m long and 2.5m wide)	Complete			\$45,247	\$45,247	
	Other						
SF52	Open Space - Regeneration of Elderslie Banksia Scrub (EBS)	In progress	77,000	\$3,498,572	\$7,918,819	\$11,417,391	Ongoing
SF53	Open Space - Acoustic Barrier next to substation	Complete			\$1,300,858	\$1,300,858	
SF54	Half roads fronting open space 10290 lin m (5.478ha)	In progress	3,000	\$568,766	\$8,971,158	\$9,539,924	2024-2025
SF55	Masterplan - Spring Farm. Provided in advance of development. Actual cost as at September 2009	Complete			\$1,689,634	\$1,689,634	
SF56	Half roads land dedicated and works constructed by developers. Actual cost as at September 2009 9(1.13ha)	Complete			\$3,038,958	\$3,038,958	
	Credit from previous contributions plans						
	CP 6 funds balance as at 30 Jun 2009 for item SF43				-\$6,626,764	-\$6,626,764	
Total				\$10,379,418	\$128,928,782	\$139,308,200	



6.6 Plan preparation and administration services

Item	Facility	Status	Quantity remaining	Total estimated cost	Actual cost (admin costs spent)	Total cost of complete and outstanding infrastructure	Priority/staging
PA1	Provision of a development contributions planning officer over 15 years	In progress	4 years	\$612,342	\$1,683,941	\$2,296,283	Progressively over the life of the Plan
PA2	Provision of a development contributions accounting officer over 15 years	In progress	4 years	\$353,559	\$972,287	\$1,325,846	Progressively over the life of the Plan
PA3	Provision of legal services in relation to the implementation of this Plan over 15 years	In progress	4 years	\$113,030	\$310,834	\$423,864	Progressively over the life of the Plan
PA4	Provision of valuation advice provided at least annually to maintain the Land Value Index	In progress	4 years	\$84,773	\$233,125	\$317,898	Progressively over the life of the Plan
PA5	Plan preparation costs	Complete					Prior to commencement of the Plan
Total				\$1,163,704	\$3,200,187	\$4,363,891	



6.7 Camden Contributions Plan 2011 non development assumptions summary

Occupancy Rates	
	Persons per dwelling
Subdivided lot or dwelling	3.1
Multi-dwelling housing (other than attached dwellings, dual occupancies, exhibition homes, rural worker's dwellings, semi-detached housing and shop top housing).	2.0
Residential flat buildings	1.8
Seniors living dwelling	1.5

Land valuations for land acquisition items*	
	Cost per m2
Elderslie open space	
Premium land (assumed to be 50% of total)	\$125.00
Good land (assumed to be 50% of total)	\$85.00
Elderslie drainage	
Elderslie - non flood affected (assumed weighted average)	\$65.00
Elderslie - flood affected	\$40.00
Elderslie roads	
Premium land	\$125.00
Spring Farm	
Spring Farm - unconstrained	\$125.00
Spring Farm - constrained - not flood affected	\$65.00
Spring Farm - constrained - flood affected	\$40.00

*Source: Review of Land Valuations for Camden Council, April 2011

Existing facilities costs to be partially recouped under this Plan		
	Completed cost (as at September 2009 CPI 168.1)	Benefit population
Open space and recreation		
Open Space - Rheinbergers Hill acquisition (approx 2.9ha)	\$ 7,461,865	26,114
Narellan Library	\$ 8,805,358	78,181
Camden Library	\$ 1,683,216	78,181
Public car parking		
Nil		



6.8 Camden Contributions Plan 2011 development assumptions summary

Population Projections		<i>Dwellings</i>	<i>People</i>
Current Population (estimate 31 Dec 07)		16,820	51,717
Land zoned for Residential Purposes		12,163	37,084
Land proposed to be zoned for Residential Purposes		850	2,635
Rural Residential Development		113	350
Less development on land addressed by VPAs		4,461	13,605
Development growth addressed by this Plan		8,665	26,464
<i>Growth Centres precincts</i>		<i>54,161</i>	<i>150,936</i>
<i>Radar Sites - UNCERTAIN</i>		<i>100</i>	<i>600</i>
TOTAL		97,333	283,392

Residential Development

<i>Area</i>	<i>No of Lots</i>	<i>No of Dwellings</i>	<i>No of People</i>
<i>Land Zoned for Residential Purposes</i>			
Elderslie	1,942	2,002	6,118
Spring Farm	3,755	3,755	11,641
<i>Sub Total</i>	11,993	12,163	37,084

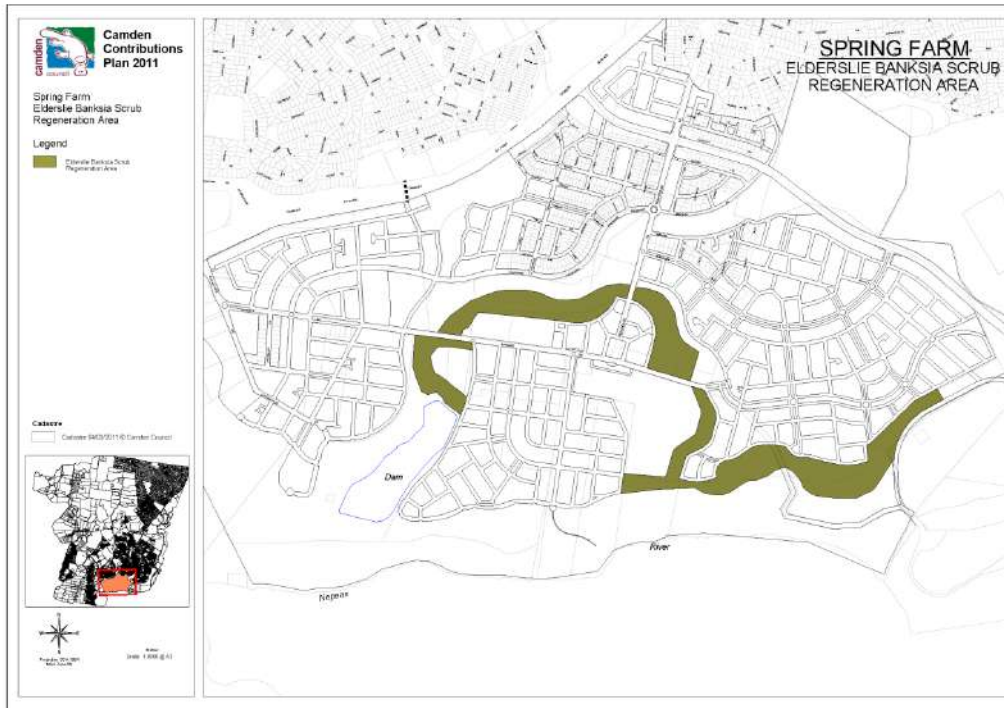


7.0 MAPS

The following maps showcase the location of relevant items from the work schedules:

- Spring Farm Banksia Regeneration,
- Spring Farm Drainage Land and Works,
- Spring Farm Open Space and Recreation Facilities,
- Spring Farm Riparian Regeneration Areas,
- Spring Farm Road Works, and
- Elderslie Roadworks and Drainage.

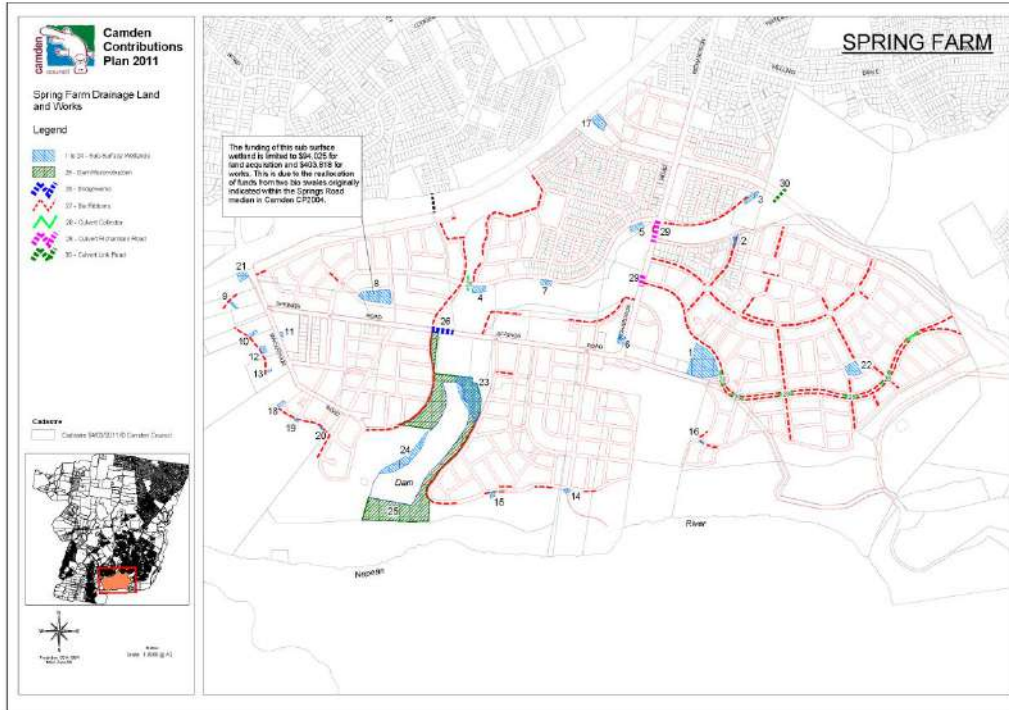
Figure 2: Spring Farm Banksia Regeneration



Source: Camden Council 2023



Figure 3: Spring Farm Drainage Land and Works



Source: Camden Council 2023

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Attachment 1



Figure 5: Spring Farm Riparian Regeneration Areas



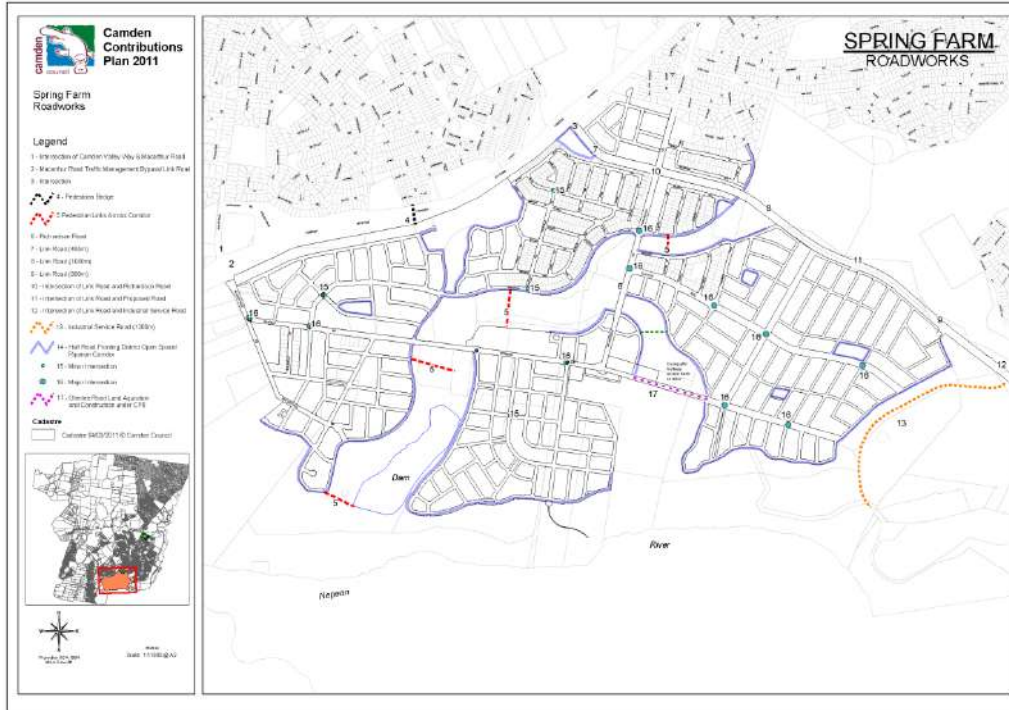
Source: Camden Council 2023

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Attachment 1



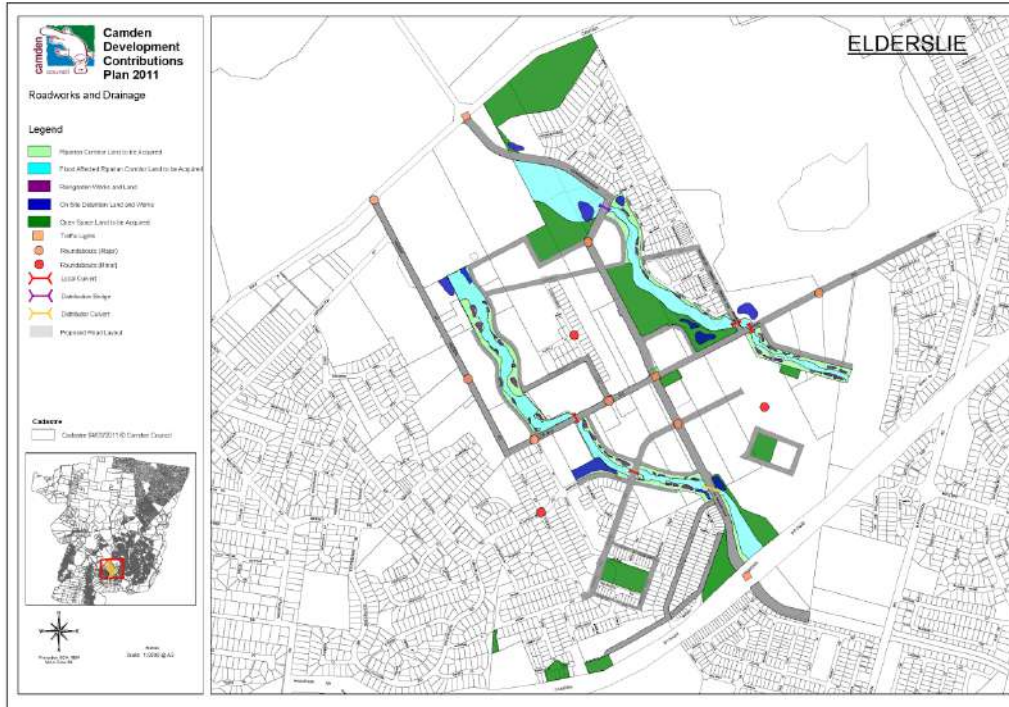
Figure 6: Spring Farm Road Works



Source: Camden Council 2023



Figure 7: Elderslie Roadworks and Drainage



Source: Camden Council 2023

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Attachment 1



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Attachment 1



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Attachment 2



Camden Council Heavy Haulage Contribution Plan

Prepared for
Camden Council

July 2023



HiIPDA
CONSULTING



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Reviewer

Signature	L:\Administration\Staff\Electronic Signatures	Dated	Click here to enter a date.
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Report Details

Job Number	P22052
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File Name	Click here to enter a response
Date Printed	11 July



EXECUTIVE SUMMARY

This heavy haulage contribution plan allows Camden Council to levy contributions under section 7.11 of the *Environmental Planning and Assessment Act 1979* in areas within the Camden Local Government Area subject to increased heavy vehicle movements. Increased heavy vehicle movements increase road maintenance requirements, therefore it is reasonable that contributions are charged.

Development Subject to a contribution

This plan applies to any development that, in the opinion of Council, generates a greater than normal impact on Council roads as a result of heavy vehicle movements.

Contribution rates

Development Type	Contribution Rate
Traffic Generating Development	To be determined by a traffic assessment using methodology outlined within this plan

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Attachment 2



HEAVY HAULAGE CONTRIBUTION PLAN



1.0 ADMINISTRATION

1.1 Legislative requirements

This plan is made under Section 7.11 of the *Environmental Planning and Assessment Act (EP&A Act)*. Section 7.11 allows Camden Council (Council) to impose, as a condition of consent, the payment of a monetary contribution where a development will, or is likely to, require the provision of, or increase the demand for, public amenities and public services.

1.2 Purpose of this plan

This plan seeks to fund the cost of maintaining Council roads used for heavy haulage (including extractive industry) by means of a road maintenance contribution.

1.3 Name of this plan

This plan is called *Camden Section 7.11 Contribution Plan – Heavy Haulage 2023*.

1.4 Commencement of this plan

This Plan comes into effect on the day on which notice of the council's decision to approve the plan is published on the council's website, or a later day specified in the notice.

1.5 Land to which the land applies

This plan applies to the Camden Local Government Area (LGA).

1.6 Definitions

<p>Extractive industry</p>	<p>Extractive industry means the winning or removal of extractive materials by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming. For the purpose of this plan, extractive industry also includes mines and the processing and/or refining of extractive materials and water from springs/bores.</p>
<p>ESA</p>	<p>ESA means Equivalent Standard Axels. One ESA is a dual tyred single axle transmitting a load of 8u0kN or 8.2 tonnes.</p>



2.0 NEXUS AND IMPACT OF TRAFFIC GENERATING DEVELOPMENT

2.1 Where the contribution applies

Contributions will be applied where Council deems a development will have ongoing heavy vehicle activity on a Council road. This could include extractive industry, mines, or agriculture.

Heavy haulage contributions can only apply to roads under the control of Council, to the extent where it reaches the nearest State or Regional Road or the Council boundary.

2.2 Why does the contribution apply?

Heavy vehicles deteriorate roads faster than standard vehicles. When the movement of heavy vehicles is directly attributable to a development, it is reasonable that the development contributes to the maintenance resulting from the increased level of deterioration. This contribution plan funds the additional routine maintenance, repairs and rehabilitation that would be required to keep the road serviceable and safe as a result of the additional heavy vehicle movements. The extent of additional expenditure is directly related to heavy vehicles, and their movements, on the roads.

2.3 Contributions will be spent on the maintenance of roads

These contributions will be allocated to fund the maintenance of the roads identified in the Traffic Study, unless other roads are identified as being impacted by the operator, such as where the operator deviates from an approved route regularly.



3.0 HOW ARE CONTRIBUTIONS CALCULATED

Contributions are calculated on a development-specific basis, based on the roads that will be affected.

The contribution rate is calculated on the basis of the following formula:

$$R = \frac{P}{E + P} \times \frac{C}{Y \times T \times L}$$

Where:

R = contribution rate per tonne per km travelled

P = proposed increased traffic load attributable to development as measured in ESAs

E = total existing traffic load as measured in ESAs.

C = total costs of the road maintenance, including minor maintenance (such as potholes, bitumen edge repair, and maintenance of small pipe culverts), heavy patching and resealing, and major repairs and reconstruction of the road. This will be calculated based on the roads affected by the proposed heavy vehicle activity.

Y = design life of the road measured in years.

L = total length of haulage route. This will be provided in the Applicant's transport study.

T = amount of material hauled as measured in tonnes. This will be provided by the applicant and verified by Council.

Each year, the contribution that is paid is then calculated using the following formula:

$$\text{Annual contribution} = T \times L \times R$$

Where:

T = tonnes of extracted material

L = length of haulage route as set in condition of consent

R = contribution rate (cents per tonne), which is indexed quarterly within PPI, Road and Bridge Construction.



4.0 HOW ARE CONTRIBUTIONS PAID

4.1 Annual invoice

The consent will include a condition of consent that requires the applicant or operator to report to Council the:

- Details of the development
- ESA (class of vehicle)
- Number of trips
- Length of traffic route

This information will be used to produce an invoice each year.

4.2 Timing of payment

Council's policy in relation to the timing of payments of monetary contributions required under this plan is 30 days upon receipt of an invoice.

4.3 Audit

As a condition of consent, Council will retain the right to:

- Inspect records relating to transport of material to and from a development
- Inspect records relating to vehicle trips generated

These records would include:

- Extraction site/zone
- Date and time of movement
- Monthly unity and nature of material
- Daily number and type (including registration number) of trucks and trailers
- Bus/coach trips generated by development
- Annual payment date and amount of traffic generating contributions made to Council

It is expected that operators will keep necessary information to verify. Council will provide 14 days notice of any request to inspect records.

4.4 Contributions 'in-kind' and material public benefit

Council will not accept 'in-kind' contributions under this plan. The purpose of this plan is to fund accelerated maintenance of roads due to faster deterioration because of heavy vehicle movements directly attributable to development. Therefore, the only work items are ongoing maintenance which will be completed by Council.

4.5 Planning agreements

A planning agreement is an alternative to the imposition of contributions. Planning agreements will be negotiated in accordance with Council's Planning Agreements Policy.



5.0 OTHER ADMINISTRATION MATTERS

5.1 Review of contribution rates

Contribution rates will be indexed quarterly by Producer Price Index Road and Bridge construction (PPI Road and Bridge Construction). Indexation is based on the cost calculation.

$$R_{indexed} = \frac{R_{Base} \times \text{Current PPI Road and Bridge Construction}}{\text{Base PPI Road and Bridge Construction}}$$

Where:

R_{Base} = the rate calculated at the time when the contribution was imposed

Current PPI Road and Bridge Construction = the applicable PPI for the quarter immediately before the time the contribution rate is charged

Base PPI Road and Bridge Construction = the applicable PPI at the date the R_{Base} was calculated

5.2 Relationship with other contributions plans

This plan repeals and replaces *Camden Contributions Plan No. 7 Road Maintenance: Extractive Industry* adopted 25 October 1993.

This plan does not limit or otherwise affect any requirements to pay contributions under any other Section 7.11 or 7.12 Plan that may apply to a proposed development that is also impacted by this plan.

5.3 Pooling of contributions

This Plan expressly authorises monetary 7.11 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. As developments are conditioned to pay a contribution under the plan, the roads identified will be included in an appendix. Contributions will be used to fund a portion of the maintenance as required.

5.4 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of the Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.



APPENDIX A : CONTRIBUTIONS UNDER THE PLAN

A.1 SSD 5684 – Bringelly Quarry/Brickworks

Camden Council collects contributions from the Bringelly Brickworks, as per the State Significant Development Approval. As this was approved prior to the adoption of this Plan, the development still falls under the *Camden Contributions Plan No.7 Road Maintenance: Extractive Industry*. The contribution rate is as follows:

Development	Rate per tonne	Index	Index at adoption date	Adoption Date
91/1194	\$0.0811	CPI	106.8	December 2014



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Camden Council
Section 7.12
Development
Contributions Plan

Prepared for
Camden Council

July 2023

HiIPDA
CONSULTING

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1.0 SUMMARY

1.1 Background to the Plan

This Development Contributions Plan (the Plan) has been prepared under Section 7.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Section 7.12 under Subdivision 3 of Part 7 of the EP&A Act authorises Camden Council or an accredited certifier to impose a contribution on a development to fund the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation).

This Plan sets out where the contribution applies and how it is to be calculated. The Plan also indicates the infrastructure works that may be funded through developer contributions collected under the plan.

1.2 Development subject to a contribution

This Plan applies to any residential and non-residential development with a proposed cost of more than \$100,000 that is not otherwise subject to a Section 7.11 contribution, authorised by a Section 7.11 contributions plan adopted by Council.

1.3 Local Infrastructure needs

A summary of the local infrastructure to be met by development is summarised below. **Error! Reference source not found.** and B outlines the relationship of local infrastructure with the expected development in the plan.

1.4 Contribution Rates

Table 1 outlines the applicable levies under the Plan.

Table 1: Section 7.12 levy rates

Proposed cost of carrying out the development	Contribution rate	Capped contribution rate
Up to and including \$100,000	Nil	Nil
More than \$100,000 and up to and including \$200,000	1% of that cost	0.5% of that cost
More than \$200,000	3% of that cost	1% of that cost

While the NSW Government currently caps contribution rates at 0.5% and 1% of the cost of development, this Plan adopts higher rates in anticipation of policy change or approval to charge higher rates. Until that time when the increased contribution rates can apply, the capped 0.5% and 1% rates apply.

In this current version of the Plan, the capped contribution rates apply instead of the contribution rate.

1.5 Determining the contribution rate

The total levy amount that is imposed on any individual development is calculated by multiplying the applicable contribution rate in Table 1 by the proposed cost of development.

For example,

- An addition to an existing building costing \$150,000 would pay a levy of \$750 if the capped contribution rates apply and \$1,500 if the full contribution rates apply.
- A development of a new residential building costing \$400,000 would pay a levy of \$4,000 if the capped contribution rates apply and \$12,000 if the full contribution rates apply.

1.6 Works schedule

Contributions obtained by a levy under the Plan will be applied to the provision of public amenities or public services shown in Table 2. A detailed version of this schedule as well as corresponding maps identifying the location of each infrastructure item is provided in Appendix B and Appendix C.

Table 2: Works schedule

Public Facilities	Estimated Cost
Parking	\$12,387,541
Emergency	\$1,015,164
Roads	\$779,948
Open Space	\$1,652,939
Community Facilities	\$8,618,000
Total	\$15,835,592



SECTION 7.12 PLAN

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2.0 INTRODUCTION

Camden is a rapidly growing LGA covering an area of 206 square kilometres with an expected population of almost 90,000 people by 2041. It is critical that planning and infrastructure provision gives Council the means to continue to provide high quality services to Camden’s residents. This plan provides for the establishment of a simplified infrastructure charging mechanism for growth that occurs within already developed areas to allow Council to meet the continued improvement of community infrastructure.

This section describes the Plan’s purpose, where it applies and the development it applies to. It also outlines how Camden Council will use contributions, account for it and when it will review the Plan.

2.1 Legislative Requirements

This Plan is made under Section 7.12 of the EP&A Act which allows council to impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

Where the consent authority is a council or an accredited certifier, such a contribution may be imposed on a development only if it is of a kind allowed by and determined in accordance with a contributions plan, such as this Plan.

This Plan has been prepared:

- In accordance with the EP&A Act and Environmental Planning and Assessment Regulation 2021 (EP&A Regulation), and
- Having regard to the latest practice notes issued by the NSW Department of Planning and Environment.

There are minimum requirements for Section 7.12 contribution plans set out in the EP&A Regulation. Each requirement and reference to the section or Part of this document that deals with that requirement are listed in Table 3.

Table 3: Legislative Requirements

Requirement	Section / Part
Purposes of the plan	2.2
Land to which plan applies	2.6
The relationship or nexus between the expected development and the public amenities and public services that are required to meet the demands of that development	Appendix A
The formulas to be used for determining the contributions for different types of local infrastructure	3.1 and 0
The contribution rates for the anticipated types of development	3.1 and 0
Council’s policy concerning the timing of the payment (including deferred or periodic payment) of monetary contributions	4.1 and 4.2
Maps showing the specific public amenities and services proposed to be provided by the council, supported by a works schedule that contains an estimate of their cost and staging	Appendix B and Appendix C
If the plan authorises monetary contributions paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions, particularised by reference to the works schedule.	5.3
In relation to the issue of a complying development certificate, the plan must provide that the payment of monetary contributions be made before the commencement of any building work or subdivision work authorised by the certificate.	4.5

2.2 Purpose of the Plan

The primary purposes of the Plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the EP&A Act, and
- To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the local government area.

2.3 Name of the Plan

The Plan is called the *Camden Section 7.12 Development Contributions Plan 2023*.

2.4 Commencement of the Plan

The Plan comes into effect on the day on which notice of the Council's decision to approve the plan is published on the Council's website, or a later day specified in the notice.

2.5 Definitions used in the Plan

In the Plan, the following phrases have the following meanings:

- EP&A Act – *Environmental Planning and Assessment Act 1979*,
- EP&A Regulation – *Environmental Planning and Assessment Regulation 2021*,
- The Plan – *Camden Section 7.12 Development Contributions Plan 2022*, and
- Council – Camden Council

2.6 Land to which the land applies

This plan applies to land within Camden LGA.

2.7 Applicable development

This plan applies to all applications for development consent and complying development on the applicable land:

- Residential development (including alternations and additions greater than \$100,000)
- Non-residential development (including alterations and additions)

2.8 Development exempt from the Plan

Council may consider exemption on application for the following types of development:

- A dwelling house on a vacant allotment of land where a Section 7.11 contribution was imposed on that allotment under a development consent
- Repair and/or replacement of development that has been impacted by natural disasters or unpreventable events such as fires, flooding, lightning, hail etc.
- Development triggered by a force majeure event.
- For the sole purpose of affordable housing
- For the sole purpose of the adaptive reuse of an item of environmental heritage
- Public infrastructure provided by or on behalf of State Government or the Council

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- Public amenities or public services listed in this plan or another contributions plan prepared under Section 7.13 of the EP&A Act
- Utility undertakings to be carried out by Sydney Water, Endeavour Energy or other water, sewer or energy provider
- Any development excluded from paying a contribution by a Ministerial direction under Section 7.17 – ‘Directions by Minister’ of the EP&A Act.

Attachment 3

3.0 HOW ARE CONTRIBUTIONS CALCULATED

3.1 Summary of rates

Table 4 outlines the applicable levies under the Plan.

Table 4: Section 7.12 levy rates

When the proposed cost of carrying out the development is	Contribution rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	1.5% of that cost
More than \$200,000	3% of that cost

While the state government currently caps rates at 0.5% and 1% of cost, the plan adopts higher rates in anticipation of policy change or approval to charge higher rates. Until that time, the capped rates apply.

3.2 Calculation of monetary contributions

The levy will be determined on the basis of the rate as set out below. The levy will be calculated as follows:

$$\text{Levy Payable} = \text{Proposed Cost} \times \text{Levy Rate}$$

Where:

- The levy rate refers to the applicable levy rate in Table 4, and
- Proposed Cost refers to the proposed cost of the development.

3.3 Calculating the proposed cost of development

When a section 7.12 is required to be imposed under this Plan, the DA or CDC application must be accompanied by a Cost Estimate Report.

Clause 208 of the EP&A Regulation sets out the procedures for determining the proposed cost of the development.

A cost estimate report prepared by a suitably qualified person at the applicant's cost. Table 5 outlines the suitable cost requirement for the report.

Table 5: Requirements for cost estimate report

Cost Threshold	Requirements
Work value less than \$1,000,000	A cost summary report must be prepared by a suitably qualified building industry professional.
Work value greater than or equal to \$1,000,000	A detailed cost report must be completed by a registered Quantity Surveyor

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

3.4 Adjusting contribution rates at the time of payment

The EP&A Regulation authorises council to adjust the proposed cost of development before the payment of the levy to reflect quarterly or annual variations to readily accessible index figures between the day on which the proposed cost was determined by the consent authority and the day by which the development levy must be paid.

Contributions required as a condition of consent under the provisions of the Plan will be indexed quarterly in accordance with movements in the Consumer Price Index; All Groups CPI; issued by the Australian Bureau of Statistics (ABS Series ID A2325806K).

The following formula for indexing contributions is to be used:

$$\text{Indexed Development cost (\$)} = \frac{\text{Original Cost} \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

- \$C is the original contribution as set out in the consent
- CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued
- CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

The indexed development cost is then utilised as an input into the development contribution formula:

$$\text{Levy Payable} = \text{Indexed Development cost} \times \text{Levy Rate}$$

Where:

- The levy rate refers to the applicable levy rate in Table 4.

3.5 Section 7.12 Condition

Where a contribution is payable, the consent authority will include a condition in the consent or complying development certificate specifying the contribution payable.

The terms of a condition requiring a section 7.12 levy are as follows:

Prior to issuing a [subdivision/strata/construction/complying development/occupation certificate] the developer must make a monetary contribution to Camden Council of \$[amount] for the purposes of local infrastructure identified in Camden Section 7.12 Development Contribution Plan.

4.0 HOW AND WHEN CAN A CONTRIBUTION REQUIREMENT BE SETTLED

4.1 Timing of payments

A contribution is to be paid in accordance with the time specified in the condition that imposes the condition. Council will generally provide for payment at the following times:

- Development involving subdivision - prior to the release of the first subdivision certificate (linen plan) or strata certificate.
- Development that requires the issuing of a construction certificate - prior to the release of the first construction certificate.
- Development authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commences, as required by Section 156 of the EP&A Regulation.
- Other development not requiring the issuing of a CDC or construction certificate – prior to the issuing of the first occupation certificate or commencement of the use, whichever occurs first.

4.2 Policy on deferred payment

Council may accept the deferred or periodic payment of part or all of a monetary contribution required under this plan if the applicant, or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council that non-compliance with the payment provisions is justified.

Acceptance of any request for deferred or periodic payment is entirely at the discretion of the Council. Generally, deferred or periodic payments will only be accepted in exceptional circumstances and will be assessed on a case-by-case basis. Deferred or periodic payments related to contributions imposed on a CDC will not be allowed.

Deferred or periodic payments related to contributions imposed on a DA may be permitted in any one or more of the following circumstances:

- Compliance with the standard payment terms described in section 4.1 of this plan is unreasonable or unnecessary in the circumstances of the case.
- Deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program.
- There are other circumstances justifying the deferred or periodic payment of the contribution.

If Council does decide to accept deferred or periodic payment, the payment may be deferred for a period not exceeding 12 months from the date payment is due. Council will require the applicant to provide a bank guarantee¹, for the full amount of the contribution or the outstanding balance on the condition that:

- If the applicant has not entered an agreement with Council, the bank guarantee includes an additional amount equal to 10 percent of the full contribution or outstanding amount,
- the bank guarantee provides that the bank must pay the guaranteed sum on demand by the Council without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development,

¹ Bank guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of Council to pay an amount or amounts of money to Council on demand issued by an Australian bank, non-bank financial institution or insurance company subject to prudential supervision by the Australian Prudential Regulatory Authority and which has a credit rating of "A" or above (as assessed by Standard and Poors) or "A2" or above (as assessed by Moody's Investors Service) or "A" or above (as assessed by FitchRatings).

- the bank obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank or financial institution in writing that the guarantee is no longer required, and
- Where the bank guarantee contains an end date, the developer agrees that the Council is free to call on the guarantee in respect of the outstanding balance of the development contribution as indexed if the development contribution has not been paid 14 days prior to the end date.

Council is also entitled to claim any charges associated with establishing or operating the bank security. The applicant is to be provided with the details of any such expenses.

4.3 Contributions 'in-kind' and material public benefits

Developers may choose to provide, subject to the agreement of the Council, one or more infrastructure items identified in this plan as works-in-kind or provide another type of material public benefit (MPB) as means of satisfying development contributions required under the plan.

4.3.1 Offers made prior to the imposition of a Section 7.12 condition

An application for a consent to carry out development to which this Plan applies may request that any consent granted to the development is made subject to a condition that the applicant carries out work or provides another MPB that would satisfy the requirements of this plan in relation to the development.

The applicant's request:

- May be contained in the relevant DA; or
- May constitute an offer to enter into a Works-In-Kind or Voluntary Planning Agreement relating to the development accompanied by the draft agreement.

Council will consider the request as part of its assessment of the DA and if the Council decides to grant consent to the development and agrees to a request made in the relevant DA, it may impose a condition under section 4.17 of the EP&A Act requiring the works to be carried out or the MPB to be provided.

Council's preference is for a Works-In-Kind agreement in line with the *Works-In-Kind Policy 2021* however Council can accept Voluntary Planning Agreements.

If the applicant makes an offer to enter into a Voluntary Planning Agreement, the Council will, if it proposes to enter into the agreement, publicly notify the draft agreement and an explanatory note relating to the draft agreement together with the DA in accordance with the requirements of the EP&A Act.

If the Council decides to grant consent to the development and agrees to enter into the planning agreement, it may impose a condition under Section 7.7 of the EP&A Act requiring the agreement to be entered into and performed.

It is Council's preference that voluntary planning agreements that it enters into be registered on the property title.

4.3.2 Offers of MPB made after the imposition of a condition

The Council may accept an offer made in writing to the Council that provides for:

- an MPB (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition already imposed requiring the payment of a monetary contribution; or
- the dedication of land free of cost towards the provision of public amenities and public services to meet the demands of the development.

Council will only consider offers of this type where the proposed work or dedication of land is contained in the works schedule included in this plan (i.e. a works-in-kind offer).

Where the Council accepts such an offer, it is not necessary for the consent to be amended under section 4.55 of the EP&A Act.

4.3.3 Matters to be considered by Council

In addition to any matters identified in sections 4.3.1 and 4.3.2 of this plan, Council will consider the following matters in deciding whether to accept an offer of MPB:

- the requirements contained in any material public benefits or works-in-kind policy that the Council has adopted; and
- the standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction; and
- the conditions applying to the transfer of the asset to the Council are to Council's satisfaction; and
- the provision of the material public benefit will not unduly prejudice the timing or the manner of the provision of public amenities and public services included in the works program.

Where the offer relates to works-in-kind, the offer shall be subject to any works-in-kind policy adopted by the Council.

Where the offer is made in accordance with section 4.3.2 and relates to a MPB that is not a works-in-kind proposal Council will consider the following additional matters:

- the overall benefit of the proposal; and
- whether the works schedule included this plan would require amendment; and
- the financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether Council would need make up for any shortfall in contributions by its acceptance of the offer); and
- the implications of funding the recurrent cost of the facility(s) the subject of the offer.

The acceptance of any offer of works-in-kind or other MPBs is entirely at Council's discretion.

If it accepts an offer, the Council will require the applicant to enter into a written agreement for the provision of the works prior to the commencement of works or the development. If the offer is made by way of a draft planning agreement under the EP&A Act, Council will require the agreement to be entered into and performed via a condition in the development consent.

Works-in-kind and MPB agreements shall be made between the Council and the developer and (if the developer is not the land owner) the land owner.

Agreements shall specify (as a minimum) the works the subject of the offer, the value of those works, the relationship between those works and this plan, the program for delivering the works. Planning agreements shall address the matters included in the EP&A Act and EP&A Regulation.

4.3.4 Valuation of works in kind and other MPB

The value of works offered as works-in-kind is the attributable cost of the works (or a proportion of the attributable cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this plan.

The attributable cost of works will be used in the calculation of the value of any offset of monetary contributions required under this plan.

The value of any other kind of MPB, including the value of land, will be determined by a process agreed to between the Council and the applicant making the offer at the time the DA is being prepared.

4.3.5 Provision of works in kind and other MPBs in excess of contribution requirements

It is at Council's discretion whether it will accept from a developer the provision of works-in-kind (which is the attributable cost of the works indexed in accordance with the provisions of this plan) or other MPBs where the value of the works exceeds the value of development contributions required by conditions of consent.

Where Council does agree to accept works with a value greater than the contributions required, Council will hold the 'surplus value' of the works as a credit in favour of the developer and will apply this credit against future development contribution requirements.

4.4 Planning agreements

A planning agreement is an alternative to the imposition of conditions under 7.12. A planning agreement between the Council and applicant for works in kind, material public benefit, dedication of land and/or deferred payment arrangement can occur in lieu of the payment of Section 7.12 contributions.

A planning agreement cannot exclude the application of Section 7.12 contributions in respect of development unless the consent authority for the development is a party to the agreement.

The requirements for planning agreements are detailed in the EP&A Act under Section 7.4.

4.5 Obligations of accredited certifiers

In accordance with section 156 of the EP&A Regulation, a CDC must be issued with conditions to pay the section 7.12 levy and the levy must be paid before any works are commenced. As a precondition to authorising works the certifier must ensure levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council. Failure to follow this procedure may render the CDC invalid.

In accordance with section 20 and section 67 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, a certifier must be satisfied that any preconditions required by a development consent have been met this includes ensuring the payment of a section 7.12 contribution before building work is carried out.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

5.0 OTHER ADMINISTRATION MATTERS

5.1 Amendment of the Contribution Plan without exhibition

Pursuant to Section 215(5) of the EP&A Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and the omission of details of works that have been completed.

5.2 Relationship with other contributions plans

In accordance with Section 7.12(2) of the EP&A Act, a Section 7.12 development contribution cannot be imposed by this Plan on the same development consent which a contribution is imposed under a Section 7.11 development contributions plan.

5.3 Pooling of contributions

In accordance with Section 7.3 of the EP&A Act, the Plan expressly authorises monetary 7.12 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in Appendix B.

5.4 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of the Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.

For development including alterations and additions to dwellings and knockdown and rebuild of dwellings, the provisions do not come into effect until 24 months after the notice of the Council's decision to approve the plan is published on Council's website, or a later day specified in the notice.

APPENDIX A ANTICIPATED DEVELOPMENT

This appendix describes development anticipated in the Camden LGA. This is a key indicator of development-generated infrastructure demand and cost. This informs the infrastructure that is funded under the Plan.

The Department of Planning and Environment forecasts the population of Camden LGA will increase from 107,908 in 2021 to 197,735 in 2041 with annualised growth of 3.07%. Camden will grow three times faster than the state average over this period. There will be significant infrastructure addition and augmentation to accommodate for the near doubling in population over the next twenty years.

Population.ID forecast dwelling growth for Camden Council from 39,582 in 2021 to 85,374 in 2041, which represents a doubling in the number of dwellings in the LGA. Most of this growth will occur in Lowes Creek, Maryland and Leppington, which has addressed in the Growth Areas Contribution plan. This plan addresses growth in areas that are currently more established such as Mount Annan, Narellan, Camden, Currans Hill, and Elderslie.

Table 6: Forecast Dwelling Growth

Camden Council	2021		2041		Change between 2021 and 2041	
Area	Number	%	Number	%	Number	%
Camden Council	39,582	100.0	85,374	100.0	+45,792	+115.7
Camden	3,178	8.0	3,656	4.3	+478	+15.0
Catherine Field North Precinct	977	2.5	5,649	6.6	+4,672	+478.1
Catherine Field Precinct	1,640	4.1	2,850	3.3	+1,210	+73.8
Currans Hill	1,889	4.8	1,944	2.3	+55	+2.9
Elderslie	2,611	6.6	2,721	3.2	+110	+4.2
Grasmere - Ellis Lane - Cawdor - Bickley Vale - Cobbitty Hills	1,373	3.5	1,671	2.0	+298	+21.7
Harrington Park - Kirkham	4,445	11.2	4,515	5.3	+70	+1.6
Leppington North - Leppington Precincts	486	1.2	9,137	10.7	+8,651	+1,781.8
Lowes Creek Precinct	167	0.4	5,934	7.0	+5,767	+3,447.4
Maryland Precinct	15	0.0	17,515	20.5	+17,500	+116,161.7
Mount Annan	3,723	9.4	3,779	4.4	+56	+1.5
Narellan - Smeaton Grange	1,550	3.9	2,315	2.7	+765	+49.3
Narellan Vale	2,338	5.9	2,378	2.8	+40	+1.7
Oran Park Precinct	5,156	13.0	7,698	9.0	+2,542	+49.3
Spring Farm	3,347	8.5	4,506	5.3	+1,159	+34.6
Turner Road Precinct and Central Hills	6,685	16.9	9,104	10.7	+2,419	+36.2

Source: Population.ID

Employment in the LGA will continue to grow with Transport for NSW projecting an increase in employment in the LGA of 25,471 from 32,959 in 2021 to 58,430 in 2041. This includes a significant increase in job density from 164 people employed per square km to 291 employed people per square km in the LGA.

This growth requires supporting infrastructure across the LGA that will provide services and amenity for people including upgrades to emergency services facilities, community services, roads, open space, and carparking.

APPENDIX B: INFRASTRUCTURE SCHEDULES

The infrastructure requirements are informed by:

- Local Strategic Planning Statement 2020,
- Camden Council Sports Ground Strategy 2020-2024,
- Spaces and Places Strategy 2020,
- Cultural Activation Strategy 2022-2026,
- Camden Library Strategy 2021-2025, and
- Active Aging Strategy 2017.

B.1 Initial tranche of works (carried over works)

ID	Category	Description	Total Cost
P1	Car Parking	Oxley Street Car Park - deck structure	\$2,372,206
P2	Car Parking	Doncaster Avenue Car Park – deck structure	\$9,248,019
P3	Car Parking	Doncaster Avenue Car Park – service relocations and electrical substation	\$767,316
RFS1	Volunteer Emergency	RFS stations	\$235,310
SES1	Volunteer Emergency	SES sites	\$779,853
R1	Roads	Remaining road works in Turner Road	\$670,644
R2	Roads	Bus Stops in Oran Park	\$109,304
OS1	Open Space	Land acquisition - other passive open space in Turner Road	\$1,385,670
OS2	Open Space	Remaining open space in Turner Road	\$267,269
	Total		\$15,835,592

B.2 Future works

Future works to be funded by the S7.12 Plan will be informed by detailed planning as required but may include road, water, waste, open space, and community facility works. Some of the relevant strategies and potential infrastructure for delivery are identified below.

- Camden Local Strategic Planning Statement (LSPS)
 - Action 117 Council will investigate opportunities for infrastructure to support the management of waste at a local and regional level.
- Spaces and Places Strategy 2020
 - Recommendation 7 Investigate provision of affordable performance space for dance and other performance-based community activities within future community facilities or through partnerships with other agencies or providers
 - Recommendation 21 Investigate areas for future open space provision to meet projected population growth and monitor demand generated by proposed new developments e.g. Cawdor.
 - Recommendation 26 Consider upgrades to Cut Hill Reserve to provide quality passive open space that supports social interaction and low- impact recreation for an aging population.
 - Recommendation 43 Development of the Oran Park Leisure Centre (OPLC) and the review of existing Aquatic and Leisure facilities for relevance to the new and existing communities.
- Active Ageing Strategy 2017
 - Action 4.3 Include age-friendly exercise equipment in parks and open space.
- Camden Council Sports Ground Strategy 2020-2024

ORD03

Attachment 3

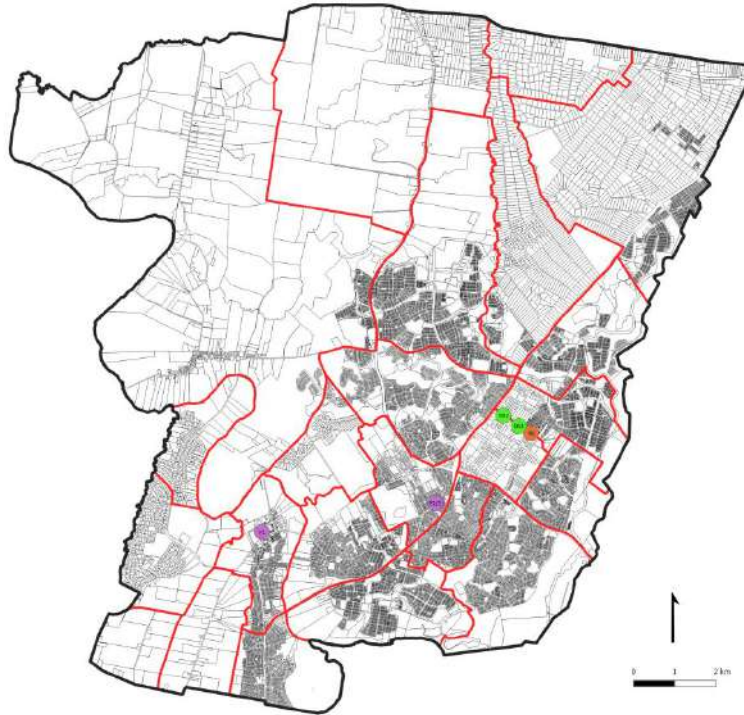
- This strategy identifies the delivery of various sports fields for sports like soccer and AFL, as well as baseball diamonds, multipurpose courts, tennis courts and a BMX track
- Camden Library Strategy 2021-2025
 - Action 2.3 Monitor community need to inform the planning and delivery of adequate library space to support residents within the Camden LGA.



APPENDIX C: MAPS

Figure 1: Map of initial tranche of works

- LEGEND**
- Open Space Works
 - Parking Works
 - Road Works
 - Local Government Area
 - Suburb
 - Lot



Source: HillPDA 2023

ORD03

Attachment 3



APPENDIX D: SAMPLE COST SUMMARY REPORT

Development/Applicant Details

Development Application or Complying Development Certificate Number	
Applicant's Name	
Applicant's Address	
Location of development	

Analysis of development costs

Item	Cost (\$)
Demolition and excavation	
Remediation	
Site preparation	
Building construction	
Hydraulic/mechanical and fire services	
External work and services	
Preliminaries and margin	
Sub-total	
Consultant Fees	
Other related development costs	
Sub-total	
Goods and Services Tax	
TOTAL DEVELOPMENT COST	

I certify that I have

- inspected the plans the subject of the application for development consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 208 of the Environmental Planning and Assessment Regulation 2021 at current prices.
- included GST in the calculation of development cost.

Signed	
Name	
Position and qualifications	
Date	



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Attachment 3



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ORD04



Attachment 1

Oran Park
Section 7.11
Contribution Plan
(Amendment 1)

Prepared for
Camden Council

July 2023



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1.0 EXECUTIVE SUMMARY

The Oran Park and Turner Road Precinct Section 7.11 Contributions Plan (CP) included the Oran Park and Turner Road Precincts (the Precincts), located in the northern part of the Camden local government area.

The Oran Park and Turner Road Precincts have been developed in line with the plan, and as a result may undergo additional renewal. As a result, these developed precincts are no longer appropriate for inclusion in this plan, and will instead be included in a Section 7.12 plan.

This CP now only covers portions of the Oran Park precinct that are yet to be developed. These remaining portions are currently mainly used for rural or recreation purposes, but this is set to change with the area having been identified for future urban development within Sydney's South West Growth Centre.

The NSW Government's approach to planning the Growth Centres represents a change from the past where new communities have been developed without quality design outcomes and with infrastructure provision lagging behind development. Planning for the Growth Centres is to focus on better matching infrastructure investment to the pace of development.

From the initial iteration of the CP, the expected future development in the Oran Park precinct was predicted as follows:

- approximately 7,500 dwellings, with an associated anticipated population of about 21,500 residents;
- a new Oran Park town centre and smaller neighbourhood centres comprising retail, commercial, civic and community uses. Approximately 30 hectares of net developable land will be made available for these purposes;
- employment areas comprising a net developable area of approximately 18 hectares;
- educational, institutional, community and recreation land uses to support the resident population; and
- a development horizon of approximately 20 years.

The original plan anticipated 11,500 dwellings with an association population of about 33,700 residents. So far, 10,064 dwellings have been approved for development and the remaining portions of the Precinct are expected to yield up to 3,005 more dwellings. As such, it is forecast that 13,069 dwellings will be delivered in total, exceeding the original anticipated figure by 1,569.

The occupants and users of development in the Precincts, especially when they exceed estimated growth, generate an increase in the demand for public services and amenities. This development should make a reasonable contribution toward the provision of new and/or augmented facilities to meet this additional demand.

The public services and amenities required to meet demands of the development are as follows:

- traffic and transport management facilities;
- water cycle management facilities;
- open space and recreation facilities; and
- community facilities.

Section 7.11 of the Environmental Planning and Assessment Act 1979 (EPA Act) authorises a consent authority responsible for determining a development application to grant consent to a proposed development subject to a condition requiring the payment of a monetary contribution or the dedication of land free of cost, or both, towards the provision of public amenities and public services.

Where the consent authority is a council, a contribution under section 7.11 of the EPA Act may only be imposed on a development if it is of a kind allowed by and determined in accordance with a contributions plan, such as this Plan.

This Plan has been prepared:

- with regard to the Growth Centres Infrastructure Plan (that addresses regional level infrastructure needs) and the Growth Centres Development Code;
- in conjunction with the preparation of the Indicative Layout Plans for the Precincts. In keeping with the requirements of the Growth Centres Development Code, this Plan addresses local infrastructure not provided for by the Growth Centres Infrastructure Plan and the special infrastructure contribution;
- having regard to the Practice Notes issued by NSW Department of Planning in accordance with clause 211(6) of the Environmental Planning and Assessment Regulation 2021 (EPA Regulation); and
- having regard to Ministerial Directions and Planning Circulars correct at the time of initial preparation, in particular the NSW Department of Planning Circular PS 10-014 Local Development Contributions issued on 6 November 2007 and the 2 January 2008 Ministerial Direction and associated Explanatory Note.

The Plan has been amended in accordance with:

- The EPA Act;
- The EPA Regulation; and
- Having regard to Practice Notes issued by the NSW Department of Planning in Accordance with clause 26(1) of the EPA Regulation.

This Plan sets out:

- the relationship between the expected types of development in the Precincts and the public amenities and services required to meet the demands of that development;
- the formulas to be used for determining the contributions required for different categories of public amenities and services;
- the contribution rates for the anticipated types of development in the Precincts;
- maps showing the location of the public facilities proposed to be provided by Camden Council supported by a works schedule setting out an estimate of their cost; and
- the administrative and accounting arrangements applying to section 7.11 contributions that are required by this Plan.

Background information to this Plan is contained within the references included in Section 6 of this Plan.

1.1 Works schedule and contribution rate summary

Facility	Total Cost to Development (\$)^	Total Area of Land to be Acquired (m2)^	Contributions for:									
			Open Space, Recreation and Community Facilities				Water Cycle Management				Transport Management	
			Residential Development				All Development*				All Development*	
							Urban Lands		Transition Lands-		Urban Land	Transition Lands-
			Per person	Per Detached Dwelling / Lot	Per Semi-detached or Attached Dwelling	Per Apartment	Per net developable hectare (South Creek Catchment)	Per net developable hectare (Cobbitty Creek Catchment)	Per net developable hectare (South Creek Catchment)	Per net developable hectare (Cobbitty Creek Catchment)	Per net developable hectare	Per net developable hectare
Occupancy Rate (persons per dwelling)			1	3.3	2.4	1.8						
Open Space and Recreation												
Land Acquisition	\$ 96,579,003	63,662	\$ 4,503	\$ 14,861	\$ 10,808	\$ 8,106						
Capital Works	\$ 66,623,241		\$ 3,106	\$ 10,251	\$ 7,456	\$ 5,592						
Total	\$ 163,202,243		\$ 7,610	\$ 25,112	\$ 18,263	\$ 13,698						
Community												
Land Acquisition	\$ 2,787,396	9,060	\$ 93	\$ 305	\$ 222	\$ 167						
Capital Works	\$ 11,460,928		\$ 381	\$ 1,259	\$ 915	\$ 687						
Total	\$ 14,248,324		\$ 474	\$ 1,564	\$ 1,138	\$ 853						
Transport Management												
Land Acquisition	\$ 86,151,444	49,049									\$ 150,801	\$ 20,868
Capital Works	\$ 63,312,336										\$ 110,823	\$ 15,336
Total	\$ 149,463,780										\$ 261,623	\$ 36,203
Water Cycle Management												
Land Acquisition	\$ 17,646,000	34,600				\$ 176,941	\$ 97,105	\$ 24,485	\$ 13,437			
Capital Works	\$ 4,374,669					\$ 74,260	\$ 52,383	\$ 10,276	\$ 7,249			
Total	\$ 22,020,669					\$ 251,202	\$ 149,488	\$ 34,761	\$ 20,686			

^ Total Cost to Development' and 'Total Area of Land to be Acquired' columns includes the full costs and areas of those facilities that are designed to serve both Precincts - i.e. the actual costs/areas attributable to development in this Precinct are less than those shown

* Except development that is excluded from the Plan - refer to Section 2.6

- Refer to definition contained in Section 2.10 of the Plan

2.0 ADMINISTRATION

2.1 What are development contributions

Development contributions are contributions made by those undertaking development approved under the EPA Act.

Contributions may be in the form of money, dedication of land or some other material public benefit (or a combination of these) directed:

- in the case of contributions made under Section 7.11 of the EPA Act - toward the provision or improvement of public amenities or services (or the recouping of the cost of provision or improvement of public amenities or services); or
- in the case of contributions made under a planning agreement prepared in accordance with Sections 7.4 to 7.10 of the EPA Act – toward public purposes.

2.1.1 Section 7.11 contributions

Section 7.11 of the EPA Act enables councils to seek contributions from developers where development is likely to increase the demand for public facilities. Section 7.11 contributions are levied at the time of development consent.

The EPA Act establishes that a council can only require a section 7.11 contribution if:

- it is satisfied that a development, the subject of a development application, will or is likely to require the provision of, or increase the demand for, public amenities and public services within the area;
- it has adopted a contributions plan justifying the contribution; and
- the contribution is reasonable.

The power to levy a section 7.11 contribution relies on there being a clear relationship (or ‘nexus’) between the development being levied and the need for the public amenity or service for which the levy is required.

Generally, contributions can only be made towards:

- capital costs including land acquisition costs;
- public facilities which a council has a responsibility to provide; and
- public facilities which are needed as a consequence of new development.

Further detail on the types of public facilities that can be funded through section 7.11 contributions is included in Section 2.7 of this Plan.

2.1.2 Planning agreement contributions

The EPA Act allows for the negotiation of voluntary planning agreements between councils, developers, and/or other planning authorities for the provision of public purposes.

Public purposes are defined in the EPA Act as (without limitation):

- the provision of (or the recoupment of the cost of providing) public amenities or public services;
- the provision of (or the recoupment of the cost of providing) affordable housing;
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;
- the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- the monitoring of the planning impacts of development; and
- the conservation or enhancement of the natural environment.

Camden Council (Council) may seek to negotiate planning agreements with relevant parties in relation to major developments. Such agreements may address the substitution of, or be in addition to, the section 7.11 contributions required under this Plan.

Any draft planning agreement shall be subject to any provisions of all Ministerial directions made under the EPA Act or Regulation relating to planning agreements.

2.2 Name of this Plan

This Plan is called the *Oran Park Section 7.11 Contributions Plan*. A previous iteration of this Plan was called the *Oran Park and Turner Road Precincts Section 94 Contributions Plan*.

2.3 Purposes of this Plan

The primary purpose of the Plan is to authorise Council, when granting consent to an application to carry out development to which this Plan applies, to require a contribution to be made towards the provision, extension or augmentation of public amenities and public services that will, or are likely to be, required as a consequence of development in the Precincts. This contribution can also be put towards the recoupment of costs for public amenities and services that have been provided prior to the development.

Other purposes of the Plan are:

- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of public amenities and services generated by development within the Precinct;
- to determine the demand for public facilities generated by the incoming population to the Precinct and ensure that development makes a reasonable contribution toward the provision of services and facilities that are required for that population;
- to ensure that the existing community is not unreasonably burdened by the provision of public infrastructure required (either partly or fully) as a result of development in the Precinct; and
- to ensure Council's management of development contributions complies with relevant legislation, Camden's Contribution Planning Policy and guidelines, and achieves best practice in plan format and management.

2.4 Commencement of this Plan

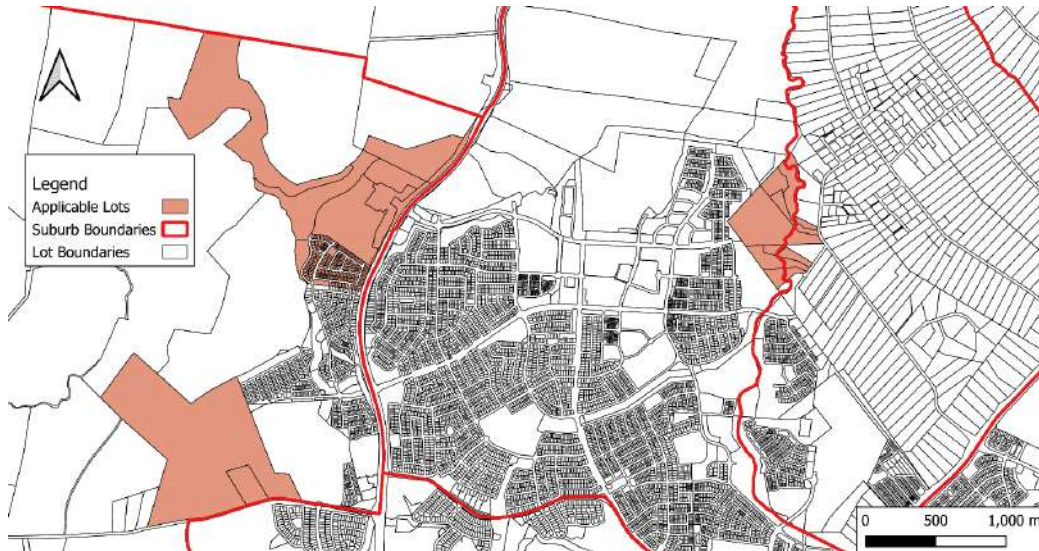
This Plan, subject of an amendment, commences on [Day] [Month] 2023

The initial iteration of this Plan commenced on 20 February 2008.

2.5 Land to which this Plan applies

The Plan applies to all land in Figure 2.1.

Figure 1 Land to which this Plan applies



2.6 Development to which this Plan applies

Council may impose a contribution under section 7.11 of the EPA Act on consents issued for different types of development. The type and quantum of the contribution will relate to the form of the development proposed.

The following sets out the types of development that may be required to make a section 7.11 contribution, and the contributions that the development type may be subject to:

- subdivision for residential purposes; construction of a dwelling, a dual occupancy, multiple dwelling housing, multi unit housing, seniors housing or other dwellings – contributions identified in Sections 4.1 to 4.4 of this Plan.
- other developments – contributions identified in Sections 4.1 and 4.2 of this Plan.

2.6.1 Exemptions

This Plan shall not apply to development:

- for the sole purpose of affordable housing;
- for the sole purpose of the adaptive reuse of an item of environmental heritage;
- for the purposes of roads, public transport, drainage, utility, open space, recreation, education, health, emergency services or community facilities to be provided by or on behalf of State Government or the Council;
- for the purposes of infrastructure utilising special infrastructure contributions under section 7.22 of the EPA Act;
- for the purposes of infrastructure under this Plan or another contributions plan prepared under section 7.11 of the EPA Act;
- for facilities provided by Sydney Water, Endeavour Energy or equivalent water, sewer or energy provider; or
- that in the opinion of Council does not increase the demand for the categories of public facilities and services addressed by this Plan.

2.7 Facilities addressed by this plan

The plan addressed open space and recreation, community, transport and water cycle management infrastructure. It was originally informed by a Ministerial Direction issued 2 January 2008 which provided directions on the types of facilities that may be funded through local infrastructure contributions (that is, section 7.11 contributions or section 7.12 levies).

Clause 5.1 of the Direction stated that contributions will only fund 'the provision, extension or augmentation of the following types of public amenities and public services:

- local roads;
- local bus infrastructure;
- local parks;
- drainage and stormwater management works;
- capital costs (including land) associated with local community infrastructure;
- land for other community infrastructure and recreation facilities, excluding land for the purposes referred to in clause 5.3(d)'.

Clause 5.3(d) stated that a contributions plan may not provide for facilities required for existing populations or as a result of general population growth, council-wide community or recreation facilities or acquisition of land for riparian corridors, unless required for local parks or stormwater management.

The Direction provided further clarification in relation to the scale of the public amenities and public services that can be funded through Section 7.11 in clause 5.2. This clause states that 'the public amenities and public services referred to in Clause 5.1(a), (b), (c), (d) and (e) are limited to public amenities and public services which will service a development site, Precinct or Precincts, being an area of up to no greater than 25,000 lots.

The types of public facilities that will be required to meet demands of the expected future development in the Precincts are as follows:

- traffic and transport management facilities;
- water cycle management facilities;
- open space and recreation facilities; and
- community facilities.

The specification of works identified in this Plan as detailed in Sections 4 and 5 of this plan are in accordance with the Ministerial Direction.

2.7.1 Changes to the works schedule since original publication

As part of the regular review of contribution plans, Councils may identify, through strategic planning documents, additional infrastructure items for inclusion. Conversely, items on the works list may also be identified for removal or modification if it is found they are not appropriate in the current context or if their desired outcomes could be more efficiently achieved through a different approach. These changes are to be effected through public exhibition.

As part of Amendment 1 of this Contribution Plan, the remaining passive open space portions of OSR 1.7 and OSR 4.3 were removed as they were found to no longer serve an adequate public purpose.

2.8 Relationship to other contribution plans

Any other contributions plan approved by Council under Division 7.1, Subdivision 3 does not apply to development that is subject to a requirement to pay a contribution under this Plan.

Land that was subject to the former Section 7.11 contribution plan may be required to contribute to future Section 7.12 plans when proposing development, that in the view of Council adds to demand in the precinct beyond what the Section 7.11 contribution considered.

2.9 Relationship to special infrastructure contributions

This Plan does not affect the determination, collection or administration of any special infrastructure contribution levied under section 7.22 of the EPA Act in respect to development on land to which this Plan applies.

Applicants should refer to the most recent Practice Notes for details on the application of special infrastructure contributions to the Precincts.

2.10 Definitions

In this Plan, the following words and phrases have the following meanings:

Actual Cost means the agreed cost of a work as defined in a Voluntary Planning Agreement or the attributed cost of delivering an infrastructure item in the plan once it is completed.

Attributable cost means the estimated cost for each item in the works schedules set out in Section 5 of this Plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

Contribution means the dedication of land or the making of a monetary contribution, as referred to in section 7.11 of the EPA Act.

Council means The Council of Camden.

EPA Act means the Environmental Planning and Assessment Act 1979.

EPA Regulation means the Environmental Planning and Assessment Regulation 2000.

LGA means local government area.

Net developable land means all land in the Oran Park Precinct that can be used for economic purposes plus half the width of any adjoining access roads that provide vehicular access, but excluding land:

- that has been identified by the Growth Centres Commission to be required for the provision of infrastructure utilising special infrastructure contributions under section 7.22 of the EPA Act.
- set aside for publicly owned community facilities and/or community services provided or to be provided under this Plan or another contributions plan prepared under section 7.11 of the EPA Act;
- set aside for roads provided or to be provided under this Plan or another contributions plan prepared under section 7.11 of the EPA Act;
- used as regional RTA roads;
- used as existing roads to be included as part of the proposed road network;
- identified in the Oran Park or Turner Road Precinct Plans as being set aside for public open space;
- that is flood affected, below the 1 in 100 year flood level;
- that is within a core riparian zone or riparian buffer area;
- for public schools and TAFE colleges;
- for publicly owned health facilities;
- for ambulance stations, fire stations & police stations;
- for bus depots, bus/rail interchanges;
- for rail corridors, rail stations & associated parking facilities; and
- for facilities provided by Sydney Water, Integral Energy or equivalent water, sewer or energy provider.

For the purpose of this Plan, economic purposes are residential purposes and retail, commercial, business, industrial, education or other employment purposes.

Planning agreement means a voluntary agreement referred to in section 7.4 of the EPA Act.

Precincts means all of the land within the Oran Park and Turner Road Precincts, as shown in Figures 2.1 and 2.2 of this Plan.

Special infrastructure contribution means a contribution imposed as a condition of development consent in accordance with section 7.22 of the EPA Act.

Transition Lands means all of the land identified for 'Transition, Heritage and Landscape Protection' purposes in the Oran Park Precinct Indicative Layout Plan prepared by the Growth Centres Commission.

Works in kind means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan.

Works schedule means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources, as set out in Section 5 of this Plan.

2.11 Formulas used for determining contributions

The formulas used to determine the contributions rates applicable under this Plan are set out in Sections 4.1.3, 4.2.3, 4.3.3 and 4.4.3.

2.11.1 Allowances for existing development

Except where provided for below, monetary contributions determined under this Plan will be calculated according to the estimated net increase in population that a particular development is deemed to generate. Council will take into consideration an assumed population relating to the development site for the purpose of determining the net increase, at the rates cited in Table 2.1.

Residential development type	Average household occupancy rate
Subdivided lot with a dwelling entitlement	3.3 persons per lot
Detached (or low density) dwellings	3.3 persons per dwelling
Attached and semi-detached (or medium density)	2.4 persons per dwelling
Apartment (or high density) dwellings	1.8 persons per dwelling
Housing for older people	1.5 persons per dwelling

Source: Elton Consulting (2007c), *Oran Park and Turner Road Precinct Plans Demographic Issues*, Briefing Paper prepared for the Section 94 Working Group, May 2007

2.12 Section 7.11 contributions may be required as a condition of consent

This Plan authorises the Council or an accredited certifier, when determining a development application or an application for a complying development certificate relating to development to which this Plan applies, to impose a condition under section 7.11 of the EPA Act requiring:

- the payment of a monetary contribution; and/or
- the dedication of land free of cost,

to the Council towards the provision of public facilities to meet the demands of the development as specified in the works schedule to this Plan.

2.12.1 Land dedication

Developers of land to which this Plan applies will be required to provide either:

- sufficient, usable land (where appropriate) embellished land for the particular facilities identified in this Plan to meet the needs of the population attributable to proposed development; or, alternatively
- an equivalent monetary contribution to Council for the acquisition and embellishment of land for the particular facilities identified in this Plan.

Council will, wherever appropriate, require developers to dedicate land free of cost for the facilities identified in this Plan. Where the development does not, or cannot provide the full land area required as a contribution the shortfall will be required as a monetary contribution. The contribution rates included in this plan reflect the monetary contribution required where land is not dedicated free of cost.

Where the contribution required is by way of dedication free of cost, the land:

- (where the dedication relates to the provision community or open space and recreation facilities) is to have an associated draft plan of management prepared in accordance with Part 2, Division 2 of the *Local Government Act 1993* and Part 4, Division 2 of the *Local Government (General) Regulation 2005* and prepared at full cost of the developer; and
- will have a value equal to the attributable cost under this Plan at the time of transfer. The attributable cost will be offset against monetary contributions required under this Plan.

2.13 Construction certificates and the obligations of accredited certifiers

In accordance with section 7.21 of the EPA Act and clause 212(4) of the EPA Regulation, a certifying authority must not issue a construction certificate for building work or a subdivision certificate for subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with section 13 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. Failure to follow this procedure may render such a certificate invalid. The only exceptions to this requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the Council or where the applicant has entered into a planning agreement with the Council. In such cases, Council will issue a letter confirming that an alternative payment arrangement has been agreed with the applicant.

2.14 Indexation of contribution rates under this Plan

The purpose of this clause is to ensure that the monetary contribution rates imposed at the time of development consent reflect the indexed cost of the provision of facilities included in this Plan.

The Council may, without the necessity of preparing a new or amending contributions plan, make changes to the monetary section 7.11 contribution rates set out in this Plan to reflect quarterly changes to the Consumer Price Index (for all works schedule items identified in this Plan apart from the items comprising land yet to be acquired) and the Land Value Index prepared by or on behalf of the council from time to time and specifically adopted by this Plan (for works schedule items identified in this Plan involving land yet to be acquired).

2.14.1 Contribution rates for all works schedule items (other than land yet to be acquired)

The contribution rate for works schedule items (other than land yet to be acquired) will be indexed as follows:

$$\text{Indexed price} = \frac{\$C_A \times \text{Current CPI}}{\text{Base CPI}}$$

Where:

$\$C_A$ is the contribution rate for works schedule items (other than land yet to be acquired) at the time of adoption of the Plan expressed in dollars.

Current CPI is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the review of the contribution rate.

Base CPI is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the date of adoption of this Plan.

Note: The contribution rate will not be less than the contribution rate specified at the date of the adoption of this Plan.

2.14.2 Contribution rates for works schedule items involving land yet to be acquired

The contribution rate for works schedule items involving land yet to be acquired will be indexed as follows:

$$\text{Indexed price} = \frac{\$C_A \times \text{Current LV Index CPI}}{\text{Base LV Index}}$$

Where:

$\$C_A$ is the contribution rate for land (both developable and non developable) that is yet to be acquired at the time of adoption of the Plan expressed in dollars.

Current LV Index CPI is the Land Value Index as published by the Council at the time of the review of the contribution rate.

Base LV Index is the Land Value Index as published by the Council at the date of adoption of this Plan.

Note: The contribution rate will not be less than the contribution rate specified at the date of the adoption of this Plan.

2.14.3 Process for publishing the Land Value Index

The Base LV Index (September 2022) relates to the value of en globo developable and non-developable land at the date of adoption of this amended Plan¹, viz:

Oran Park Precinct:

- Developable land (\$500 per m²)
- Non developable land:

¹ Camden Oran Park Land Value Rates Report – Hill PDA Consulting, September 2022

- Land within electricity easements (\$150 per m²)
- Riparian land² (flood prone) (\$110 per m²)

The Base LV Index for the land categories are:

- Developable land 500.00
- Non developable land:
 - Land within electricity easements 230.77
 - Riparian land³ (flood prone) 244.44

Council will, through the life of the Plan, engage a registered valuer on at least an annual basis to review and (if necessary) update the LV Index for both developable and non developable land.

The updated LV Index will be obtained by dividing the value of developable and non developable land at the time of the review by the value of developable and non developable land at the date of adoption of this Plan and multiplying this figure by 100.

Council will publish updates to its LV Index on either its web site or in its Management Plan or both.

2.15 Indexation of contributions required by a condition imposed under this plan

The purpose of this clause is to ensure that the monetary contributions at the time of payment reflect the indexed cost of the provision of facilities included in this Plan.

A contribution required by a condition of development consent imposed in accordance with this Plan will be indexed between the date of the grant of the consent and the date on which the contribution is made as follows.

2.15.1 Contributions for all works schedule items (other than land yet to be acquired)

The total contribution for all works schedule items (other than land yet to be acquired) at the time of payment is determined by the following formula:

$$\text{Indexed price} = \frac{\$C_c \times \text{CPI}_p}{\text{CPI}_c}$$

Where:

\$C _c	is the contribution amount for all works schedule items (other than land yet to be acquired) shown in the development consent expressed in dollars.
CPI _p	is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution.
CPI _c	is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of the development consent.

Note: The contribution payable will not be less than the contribution specified on the development consent.

² Note: Riparian land is not included in this Plan unless it is identified in the Works Schedule as required for passive open space.

³ Note: Riparian land is not included in this Plan unless it is identified in the Works Schedule as required for passive open space.

2.15.2 Contributions for works items involving land yet to be required

The total contribution for works schedule items involving land yet to be acquired at the time of payment is determined by the following formula:

$$\text{Indexed price} = \frac{\$C_c \times \text{LV Index}_p}{\text{LV Index}_c}$$

Where:

\$C _c	is the contribution amount for works schedule items involving land yet to be acquired shown in the development consent expressed in dollars.
LV Index _p	is the Land Value Index as published by the Council at the time of payment of the contribution.
LV Index _c	is the Land Value Index as published by the Council at the time of issue of the development consent.

Note: The contribution payable will not be less than the contribution specified on the development consent.

2.16 Timing of payment of monetary contributions required under this Plan

Council's policy in relation to the timing of payments of monetary contributions required under this Plan is as follows:

- development applications involving subdivision - prior to the release of the subdivision certificate (linen plan);
- development applications involving building work - prior to the release of the construction certificate; and
- complying development works – prior to the issue of a complying development certificate.

2.17 Policy on deferred or periodic payments

Council may accept the deferred or periodic payment of part or all of a monetary contribution required under this Plan if the applicant, or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council that noncompliance with the payment provisions is justified. Acceptance of any request for deferred or periodic payment is entirely at the discretion of the Council.

Deferred or periodic payments may be permitted in any of the following circumstances:

- compliance with the provisions of Clause 2.16 is unreasonable or unnecessary in the circumstances of the case;
- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program;
- where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication; or
- there are circumstances justifying the deferred or periodic payment of the contribution.

If Council does decide to accept deferred or periodic payment, the payment may be deferred for a period not exceeding 12 months from the date payment is due and Council will require the applicant to provide a bank guarantee by a bank or other appropriate financial institution for the full amount of the contribution or the outstanding balance on condition that:

- if the applicant has not entered an agreement with Council, the bank guarantee includes an additional amount equal to 10 percent of the full contribution or outstanding amount,
- the bank or financial institution must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the bank or financial institution's obligations are discharged when payment to the Council is made in accordance with this guarantee or when council notifies the bank or financial institution in writing that the guarantee is no longer required; and
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original consent contribution plus indexation in accordance with this Plan from the date of the consent has been paid.

Council is also entitled to claim any charges associated with establishing or operating the bank security. The applicant is to be provided with the details of any such expenses.

2.18 Works in kind and other material public benefits offered in part or full satisfaction of contributions

A person may make an offer to the Council to carry out work or provide another kind of material public benefit (MPB) in lieu of making a contribution in accordance with a section 7.11 condition imposed under this Plan, in the terms described below.

In addition to the requirements set out in this Section:

- the acceptance of any offer of works-in-kind or other material public benefits is entirely at Council's discretion,
- offers of works-in-kind shall be subject to any works-in-kind policy adopted by the Council, and
- a Works In Kind Agreement must be in place prior to commencing the works.

2.18.1 Offer of a material public benefit made after the imposition of a section 7.11 condition under this Plan

The Council may accept an offer made in writing to the Council that provides for:

- a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition already imposed requiring the payment of a monetary contribution; or
- the dedication of land free of cost towards the provision of public facilities to meet the demands of the development.

Council will only consider offers of this type where the proposed work or dedication of land is contained in the works schedule included in this Plan (i.e. a works-in-kind offer).

Where the Council accepts such an offer, it is not necessary for the consent to be amended under section 4.55 of the EPA Act. The value of the works to be substituted must be provided by the application at the time of the request. Council will require the applicant to enter into a written agreement for the provision of the works.

Council will determine at its discretion the value of works or land to be dedicated and surplus credits having regard to the estimate of costs of works identified in the Contributions Plan

2.18.2 Offer of a material public benefit made before the imposition of a section 7.11 condition under this Plan

An applicant for consent to carry out development to which this Plan applies may request that any consent granted to the development is made subject to a condition that the applicant carries out work or provides another material public benefit that would satisfy the requirements of this Plan in relation to the development.

If the Council agrees to the offer, the consent would not be made subject to a section 7.11 condition in relation to the work or the benefit.

The applicant's request:

- may be contained in the relevant development application; or
- may constitute an offer to enter into a planning agreement relating to the development accompanied by the draft agreement.

The Council will consider the request as part of its assessment of the development application.

If the Council decides to grant consent to the development and agrees to a request made in the relevant development application, it may impose a condition under section 4.17 of the EPA Act requiring the works to be carried out or the material public benefit to be provided.

If the applicant makes an offer to enter into a planning agreement, the Council will, if it proposes to enter into the agreement, publicly exhibit the draft agreement and an explanatory note relating to the draft agreement together with the development application in accordance with the requirements of the EPA Act.

If the Council decides to grant consent to the development and agrees to enter into the planning agreement, it may impose a condition under 7.10 of the EPA Act requiring the agreement to be entered into and performed.

2.18.3 Matters to be considered by the Council in determining offers of material public benefits

In addition to any matters identified in Sections 2.18.1 and 2.18.2 Council will take into account the following matters in deciding whether to accept an offer of material public benefit:

- the requirements contained in any material public benefits or works-in-kind policy that the Council has adopted; and
- the standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction; and
- the conditions applying to the transfer of the asset to the Council are to Council's satisfaction; and
- the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

Where the offer is made in accordance with Section 2.18.2 and relates to material public benefit that is not a works-in-kind proposal Council will take into account the following additional matters:

- the overall benefit of the proposal; and
- whether the works schedule included this Plan would require amendment; and
- the financial implications for cash flow and the continued implementation of the works schedule included in this Plan (including whether Council would need make up for any shortfall in contributions by its acceptance of the offer; and
- the implications of funding the recurrent cost of the facility(s) the subject of the offer.

Council will require the applicant to enter into a written agreement for the provision of the works prior to the commencement of works or the development. If the offer is made by way of a draft planning agreement under the EPA Act, Council will require the agreement to be entered into and performed via a condition in the development consent.

Works in kind and material public benefit agreements shall be made between the Council and the developer and (if the developer is not the land owner) the land owner.

Agreements shall specify (as a minimum) the works the subject of the offer, the value of those works, the relationship between those works and this Plan, the program for delivering the works. Planning agreements shall address the matters included in the EPA Act and EPA Regulation.

2.18.4 Valuation of offers of works-in-kind and other material public benefits

The value of works offered as works-in-kind is the attributable cost of the works (or a proportion of the attributable cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this Plan.

The attributable cost of works will be used in the calculation of the value of any offset of monetary contributions required under this Plan.

The value of any other kind of material public benefit will be determined by a process agreed to between the Council and the person making the offer at the time the development application is being prepared.

2.19 Pooling of funds

To provide a strategy for the orderly delivery of the public services and amenities, this Plan authorises monetary section 7.11 contributions paid for different purposes in accordance with the conditions of various development consents authorised by this Plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary section 7.11 contributions under this Plan are the priorities for works as set out in the works schedule in Section 5.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council will have to first be satisfied that such action will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

2.20 Goods and Services Tax (GST)

Items in the works schedule of this Plan have been calculated without any GST component, in accordance with ATO rulings current at the time this plan was made.

2.21 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to section 7.11 contributions. These are addressed in Part 9, Division 4 of the EPA Regulation and include:

- maintenance of, and public access to, a contributions register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of contributions; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at Council or on the Council website.

2.22 Review of Plan without the need for public exhibition

Pursuant to Clause 216 of the EPA Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections, amendments to rates resulting from changes in the Consumer Price Index or Land Value Index (see Section 2.14).

While Council has the ability to make minor changes without public exhibition, it should be noted that adding, removing or modifying items on the works list of contribution plans does require public exhibition.

2.23 Facility costs

Costs for facilities included in this Plan were derived from the services of a qualified quantity surveyor as well as from Council's experience of facility costs in other release areas. Assumptions used to derive estimated costs of facilities included in this Plan are detailed in Appendix A.

At the time this Plan was prepared, the planning of facilities was carried out at a strategic level. That is there were few, if any, facility concept plans upon which estimated costs could be based. As a result, a contingency allowance equivalent to 7 percent of the base cost was added to all works included in this Plan (excluding land acquisition).

For an item of work that is to be provided through a works-in-kind agreement or a planning agreement, the credit for the item will include any contingency amount provided for in the plan.

2.24 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

3.0 FACILITY NEEDS ASSOCIATED WITH THE EXPECTED DEVELOPMENT

3.1 Development and population projections

The expected development and estimates of the incoming population attributable to the expected residential development is shown in Table 3.1.

Land use	Expected dwellings	Expected residents
Residential Land Use		
High density	698	1,256
Medium density	2,632	6,317
Low density	4,211	13,896
Total all dwellings	7,541	21,470
Less assumed current Precinct population		-23
Projected net additional Precinct population		21,446

Source: Land budget provided by Camden Council, August 2007

The expected development and estimates of the incoming population attributable to the expected non-residential development is shown below.

Non-residential land use	Expected net developable area (ha)
Retail and Commercial	29.28
Employment	18.19

Section 3.4 shows the actual development that has occurred in Oran Park and the number of dwellings approved for construction.

3.2 Demographic and socio-economic characteristics

Existing and future demographic and socio-economic characteristics of the resident population of the Precincts and surrounding areas have been identified in community facilities and open space assessments prepared by Elton Consulting.^{4,5}

3.2.1 Pre-development

At the time the initial Oran Park Turner Road S94 Contributions Plan was prepared, characteristics of the population living in the wider Camden LGA may be summarised as follows:

- high rates of population growth compared to Sydney as a whole.
- a younger age profile, a high proportion of children and relatively low proportion of older people compared to Sydney as a whole.
- a high proportion of family households with children and a corresponding low proportion of other types of households.
- relatively high average household occupancy rates (3.0 persons compared with 2.7 persons for Sydney as a whole).
- increasing proportions of indigenous people and people from non English speaking backgrounds.

⁴ Elton Consulting (2007a), *Oran Park Precinct Community Facilities and Open Space Assessment*, Draft Report, January 2007

⁵ Elton Consulting (2007b), *Turner Road Precinct Community Facilities and Open Space Assessment*, Draft Report, January 2007

- relatively high proportions of residents in the higher household income brackets and low rates of unemployment.
- lower rates of people with university qualifications and employed in professional and managerial occupations, but higher rates working in trades, clerical, service and sales positions; and
- very high rates of home ownership, vehicle ownership and dwelling houses⁶.

The current population of Oran Park has characteristics which differ from the wider Camden area. The characteristics of the population living in the Precinct may be summarised as follows:

- an older age profile to that of Camden, with higher proportions of teenagers, young adults and people in their 40's and 50's.
- a very high proportion of couples with children and high household occupancy rates (3.4 persons per dwelling). The children are more likely to be of secondary school age compared to the other urban release areas in which the children on average tend to be younger.
- weekly household income levels have high levels of occurrence at both the lower brackets (\$0-699) and the highest bracket (\$2000+); and
- given the rural context, there is a higher proportion of the workforce employed in agriculture⁷.

3.2.2 As a result of development

At the time of the preparation of this Plan, a number of assumptions were made in regards to the Oran Park Precinct to inform facility needs associated with the future development. These original assumptions are as follows.

- The existing predominantly rural populations of Oran Park are likely to be displaced by the population attributable to the expected development;
- the projected future occupancy rates at five years after dwelling occupation of:

Table 3.3 Dwelling type and projected occupancy

Dwelling type	Projected occupancy rates
Detached (or low density) dwellings	3.3 persons per dwelling
Attached and semi-detached (or medium density) dwellings	2.4 persons per dwelling
Apartment (or high density) dwellings ⁸	1.8 persons per dwelling

- in the early stages of development the Precinct is likely to have a comparable proportion of young couples and families with children to other release areas in the region, but a greater range of family types, reflecting the wider range of housing types and price markets to be provided;
- it is anticipated that the proportions of empty nesters and older people will be initially similar to that usually experienced in new release areas (that is, low) but, given the proposed diversity in housing stock, will rapidly increase to approximate those in the wider district once services and public transport become well established;
- over time, the peaks in the age distribution associated with a predominance of young families will reduce and the population will become more diverse. Increasing proportions of young adults and older people will be attracted to the area once the town centre facilities are established;
- the proportion of the population who are young children and young adults will decline as the population ages and the proportion of older children with older parents grows. The proportion of the population aged 55+ will also increase considerably as the area matures;

⁶ Elton Consulting (2007a), op. cit., page 11

⁷ Ibid., pages 11, 12

⁸ Elton Consulting (2007a), op. cit., page 25 and Elton Consulting (2007c)

- owner occupiers are likely to provide a stable group that will age in place through the life cycle stages, while tenant households will experience greater turnover, thereby maintaining a similar age profile as in the initial stages; and
- in this way, over time the population profile is likely to come to more closely approximate that of an established area with a variety of age and household characteristics, rather than a traditional new release area with particular age concentrations⁹.

Since the preparation of the Plan, numerous state-wide and local trends have affected Oran Park influencing the makeup of the local population. Generally however, the underlying assumptions have remained the same:

- Oran Park is now predominantly developed with 4,926 completions from July 2012 to July 2023 and is likely to support more growth when the train station to the Western Sydney Airport is built and surrounding areas like South Creek West, Lowes Creek Maryland and Pondicherry are developed;
- the Precinct has a comparable proportion of young couples and families with children to other release areas in the region, but a greater range of family types, reflecting the wider range of housing types and price markets to be provided. 87.3% of Oran Park households are families compared to 71.2% of the New South Wales average;
- proportions of single households were initially low and have remained low at 11.0% compared to 25% in New South Wales;
- the delivery of housing and infrastructure has gone some way to lowering the median age, dropping from 39 in 2011 to 29 in 2021; and
- owner-occupiers have remained a dominant population group, comprising 61.5% of households in 2021.

The general growth of Western Sydney spurred by the Western Sydney Aerotropolis and proposed Bradfield City Centre is not assumed to have a large impact on Oran Park due to its maturity and the advanced stage of its dwelling and infrastructure delivery.

In the future it is assumed that the Precinct will become denser and more diverse due to dwelling completions however the overall characteristics will be similar to what has been projected.

3.3 Facility demands

Table 3.4 The Camden LGA has been experiencing significant and relatively rapid urban development over at least the last 50 years. Over the past 10 years, Camden's growth has mostly been focused in the South West Growth Area, of which Oran Park is a part. From 2021 to 2041, Camden's population is expected to grow from 107,908 to 197,735.

Future development in the South West Growth Centre is forecast and is responsible for accelerating the rate of urban development in Camden. At completion, the Growth Centre will have a population of up to 300,000 people. It is estimated that about 162,000 of these people will live in Camden LGA. Development of the Growth Centre precincts will thus have a profound effect on Camden and the demand for facilities offered in the LGA.

Rapid population growth has placed strain on existing services and facilities within Camden, which are struggling to keep pace with new development. Any spare capacity in existing facilities and services which does currently exist is likely to be taken up by the developments currently approved in Camden outside of the Growth Centres boundaries, and so will not be available for the Growth Centre population¹⁰.

Prior to establishment of the initial Contributions Plan, existing facilities and services have been essentially designed to accommodate a relatively low population living in both Precincts. A change in the development

⁹ Elton Consulting (2007a), op. cit., page 28

¹⁰ Ibid.

profile of the Precincts from rural to urban development is envisaged. This future development, and the populations that will occupy such development, can only be sustained by a significant investment in new and augmented facilities and services.

Studies listed in Section 6 of this Plan have identified that the expected development in the Oran Park and Turner Road Precincts will generate the following impacts on public services and public amenities:

- increased demand for local active and passive recreation facilities, such as sports fields, playgrounds, walking trails and bike paths;
- increased demand for spaces that will foster community life and the development of social capital in the Precincts, such as meeting spaces and libraries;
- increased demand for facilities that will support safe and convenient travel between land uses both within each Precinct and to and from destinations outside of the Precincts, such as new roads and public transport facilities; and
- increased demand for water cycle management facilities as a result of the extra stormwater runoff generated by impervious surfaces associated with urban (as distinct from rural) development.

A range of public facilities and public amenities have been identified as being required to address the impacts of the expected development, including:

- traffic and transport management facilities;
- water cycle management facilities
- open space and recreation facilities; and
- community facilities.

More detail on the demand for public facilities and the relationship with the expected development is included in Sections 4.1 to 4.4 of this Plan.

Strategies for the delivery of these facilities and amenities are also detailed in Sections 4.1 to 4.4 of this Plan.

The costs and programs of works related to these facility categories are shown in Section 5 of this Plan.

Details on assumptions used for costing purposes are contained in Appendix A of this Plan.

3.4 Development status

Table 3.4 compares the dwelling forecasts when the initial OPTR CP was adopted to the current actual dwelling yields. Although various Planning Agreements have provided additional public infrastructure and amenities, there is clearly a higher demand for infrastructure in Oran Park than initially expected.

In established areas, most public amenities and infrastructure identified by the CP have been delivered, but most portions west of the Northern Road (W1, W7, W8) still have outstanding infrastructure for delivery.

Table 3.4 Dwelling forecasts and actual dwelling yields

MAP AREA NO.	Forecast equivalent lots developed to 2027*	Actual dwelling yields**
W1	63	0
W2	361	625
W3	227	
W4	126	480
W5	81	

MAP AREA NO.	Forecast equivalent lots developed to 2027*	Actual dwelling yields**
W6	171	
W7	141	
W8	193	900-950^
W9	tbd	0
Sub total (west of the Northern Road)	1,364	2,005 – 2,055
E1	1,200	
E2	1,140	
E3 (employment)	tbd	
E4	366	8,959
E5 (town centre)	160	
E6	1,467	
E7	673	
E8	135	0
Sub total (east of the Northern Road)	5,142	8,959
Totals	6,506*	10,964 – 11,014

Table prepared in consultation with the Oran Park and Turner Road Section 94 Working Group, August 2007 tbd = to be determined

* 'Equivalent lots' is a measure applied to illustrate indicative staging of the release area that ignores the fact that a range of housing forms will be developed. Total 'equivalent lots' is derived from dividing the total forecast population by the assumed occupancy rate for detached dwellings. 'Equivalent lots' is not a measure of the number of dwellings expected to be constructed, as a significant proportion of the created lots will contain more than one dwelling.

** Actual dwelling yields are based on the lots approved under a Development Application or a Planning Agreement.

^ These figures are derived from agreements that have not yet been executed

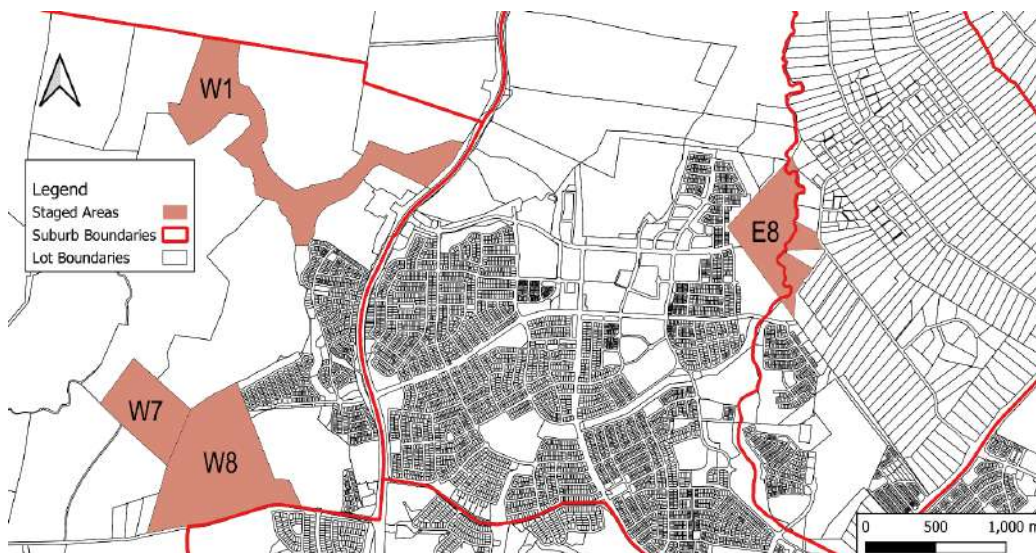


Figure 2 Staged areas in Oran Park precinct

4.0 STRATEGY PLANS

4.1 Transport management facilities

4.1.1 What is the relationship between the expected types of development and the demand for additional public facilities?

Occupants of expected development in the Precincts will utilise a transport network comprising:

- facilities for private vehicles, including roads and intersections;
- facilities for public transport; and
- facilities for walking and cycling.

The Indicative Layout Plan for each Precinct and the transport assessment and strategy for the Precincts¹¹ have identified a range of transport infrastructure works that will be required to mitigate the impacts of the expected development.

Details of:

- the assumptions of expected land use and development;
- the methodology used to determine the need for transport facilities attributable to the expected development in the Precincts; and
- the scope and specification of those facilities,

are contained in Precincts' transport strategy.

4.1.2 What is the strategy for delivering facilities?

4.1.2.1 Regional and local facilities

Of all the works required to mitigate the impacts of development in the Precincts:

- some of the works are required to meet a 'regional' demand that extends beyond the Precinct boundary to the remainder of the South West Growth Centre. The Growth Centres Commission has identified a number of works that are intended to be provided through special infrastructure contributions under Part 7.1, Subdivision 4 of the EPA Act¹²¹⁶. The works include arterial road and public transport links and bus passenger transport facilities (such as interchanges and bus shelters on roads to be funded via special infrastructure contributions). Special infrastructure contributions toward these facilities will be imposed via conditions of consent on developments in the Precinct in accordance with the Growth Centres Commission's Practice Note;
- other works are required to meet a demand that arises because of development expected to occur within each Precinct, including works that facilitate connections to surrounding precincts and that have not been identified by the Growth Centres Commission to be provided via special infrastructure contributions. These 'local' works will be provided through the Council placing conditions of development consent on development approvals that occasion the need for the facilities.

Within the category of local works, the conditions of consent will be imposed under either section 7.11 or section 80A(1)(f) of the EPA Act.

The integrated use of the different contributions mechanisms under the EPA Act will result in the transport infrastructure that is required as a consequence of the expected development in the Precincts being provided.

¹¹ Maunsell Australia Pty Ltd (2007), *Oran Park and Turner Road Precinct Plan Transport Assessment*, Final Draft Report, prepared for Growth Centres Commission, 19 April 2007

¹² Growth Centres Commission (2006), *Special Infrastructure Contribution Practice Note December 2006*

4.1.2.2 Section 7.11 facilities

Works the subject of a section 7.11 condition are addressed under this Plan. The works include:

- major collector roads and intersections;
- existing roads that are situated on or near the Precinct boundary (and intersections) that require upgrading as a result of Precinct development;
- bridges that traverse open space and riparian lands and that provide access through the Precinct and to adjacent Growth Centre precincts;
- public transport facilities (bus shelters); and
- major walking and cycling facilities adjacent to the core riparian zones and limited within the vegetated buffer of riparian corridors (that is, recreational routes).

Note: where roads included in this Plan intersect with roads that have been identified for construction or upgrading by the Growth Centres Commission using special infrastructure contributions, this Plan assumes that the cost of those intersections will be met by special infrastructure contributions.

This Plan includes only some of the transport management facilities that will be required to be provided to serve development in the Precincts, with the other facilities being provided either through special infrastructure contributions or by developers as part of the land subdivision. Selection of facilities for the facilities for this Plan has also been based on the land ownership arrangement whereby there may be difficulty in developers providing key transport links through parts of either Precinct where the ownership is more fragmented.

Details of the costs and timing of individual transport management works to be addressed through section 7.11 contributions are included in Section 5 of this Plan.

The location of these works is shown on maps included in Section 5.

4.1.2.3 Developer provided facilities

A range of other transport management facilities will be required by Council to be undertaken directly by the developer as conditions of consent under section 4.17 of the EPA Act - the demand for which is considered to be generated entirely by the proposed development.

Such facilities may include:

- local roads, footpaths and street tree planting not addressed by this Plan and located within or adjacent to proposed subdivisions; and
- traffic management devices and treatments on local roads (both temporary and permanent) required to provide safe and convenient access to the development.

4.1.3 How are the contributions calculated?

Per trip versus per hectare of net developable land basis

The determination of reasonable contribution rates for traffic facilities in section 7.11 contributions plans is often based on the number of vehicle trips generated by development. Apportionment to the different classes of development (that is, residential, commercial, employment, etc.) of the costs of facilities that are determined on a per trip basis is derived by calculating the degree to which the traffic generated by each land use class will use the different road links and intersections included in the contributions plan.

This Plan instead determines contributions for traffic and transport facilities on a net developable land basis.

This essentially results in all developments making the same contribution (based on land area) toward facilities included in this Plan, regardless of the projected level of use of the facility by each development class.

The Plan however acknowledges that development of certain land in the Precincts will result in significantly less impacts upon the demand for facilities, and such impacts should be reflected in a lower contribution rate. This land is the land identified for ‘Transition, Heritage and Landscape Protection’ purposes in the Oran Park Precinct Indicative Layout Plan and is referred to in this Plan as the Transition Lands (refer to ‘Formulas’ discussion below).

The net developable land area approach for determining contributions is considered reasonable for transport management works on the following grounds:

- the need for the works identified in this Plan is generated by the development of the Precincts as a whole. That is, the Precincts have been planned to accommodate services, facilities and employment locations to primarily meet the needs generated by the future residential population of the Precincts. In the circumstances, a levying approach for transport facilities that considers all developable land equally is not unreasonable;
- at the time this Plan was prepared, the land use mix and employment numbers attributable to those areas of the Precincts intended to accommodate employment and education uses were still being refined;
- the transport works included in this Plan include facilities for private vehicle trips and facilities for public transport, walking and cycling. The ‘per vehicle trip’ contribution approach is not robust enough to determine trip generation for trips attributable to travel modes other than the private vehicle;
- the public education and community uses being planned for the Precincts will generate traffic that is attributable to development both within and outside of the Precinct. Segmenting of non-Precinct generated demand for these facilities is difficult and it is considered more appropriate that the transport demand for the portion of these facilities generated by development in the Precincts be accounted for in the contributions made by the residential and employment areas. In this way, levying residential and employment development equitably is reasonable; and
- the net developable area approach is relatively easy to understand for the users of this Plan (the community and developers).

Formulas

$$\text{Contribution per hectare of net developable land (\$)} = \sum \left(\frac{C}{\text{NDA}} \right)$$

Where:

- C is the estimated cost - or if the facility has been completed, the indexed actual cost - of providing each of the transport management facilities to serve each Precinct under this Plan (refer Section 5 – works schedule). This cost should reflect the removal or modification of any item on the works list.
- NDA is the total area of net developable land in the relevant Precinct (in hectares) as shown in Section 5 – works schedule.

For the Oran Park Precinct only, NDA is in turn calculated as follows:

$$\text{NDA}_{\text{Urban Areas}} + (\text{NDA}_{\text{Transition Lands}} \left(\frac{\text{Average Residential Density}_{\text{Transition Lands}}}{\text{Average Residential Density}_{\text{Urban Areas}}} \right))$$

Average Residential Density_{Urban Areas}

Where:

NDA _{Urban Areas}	= 563.29ha
NDA _{Transition Land}	= 57.81ha
Average Residential Density _{Urban Areas}	= 15 dwellings per ha
Average Residential Density _{Transition Land}	= 2.08dwellings per ha

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the amount of net developable land (in hectares) on the site the subject of the proposed development.

4.1.4 How is cost apportionment determined?

Costs of facilities included in the works schedule in Section 5 reflect the level of demand for those facilities anticipated to be generated by expected Oran Park Precinct development.

Generally, all expected development in the Oran Park Precinct will generate the demand for the transport management works included in the works schedule (Section 5), except for sections of roads (including bridges over watercourses) that connect development in the Oran Park Precinct with existing or future roads on surrounding land.

These 'external' bridge crossings will likely need to be provided later in (or beyond) the development phase of the Oran Park Precinct and this Plan makes the necessary arrangements to ensure that there is sufficient funding available to provide the connections when they are required.

The Plan assumes that 50 percent of the cost of the external bridge crossings to surrounding land will be funded by development contributions in Oran Park Precinct. The full cost of all other works will be met by expected development in the Oran Park Precinct.

4.2 Water cycle management facilities

4.2.1 What is the relationship between the expected types of development and the demand for additional public facilities?

Drainage conditions during the adoption of the initial OPTR CP may be summarised as follows:

- existing land uses on the site are predominantly rural, and includes the Oran Park Raceway in the south west corner of the site. The precinct is dominated by undulating hills formed by narrow creeks and drainage lines;
- with the exception of South Creek, waterways across the precinct are typically ephemeral receiving flows only after periods of moderate to heavy rain;
- the waterways on the site are mostly modified with a series of on-line and off-line farm dams through the site;
- the site hydrology will be significantly impacted by urban development due to an increase in the impervious areas limiting infiltration and increasing the frequency and intensity of runoff events;

- the Precinct is immediately downstream of the headwaters of South Creek. This waterway has been identified as one of the most polluted streams in New South Wales, with urbanisation having a significant impact on the pollution loads and sediments within the creek. A significant goal of any development within the catchment should therefore be to reduce the pollution loads and sediments through the development of the land; and
- salinity mapping of the site has identified areas of highly and extremely saline lands typically along creeks and drainage depressions at depths of 0.5 to 1.5 metres.¹³

In summary, the Precinct essentially retains a natural watercourse system that provides sufficient capacity for the predominantly rural land uses that exist on the site, but no spare capacity to cater for the urban development that is expected to occur in the Precinct.

A significant investment in a new, comprehensive water cycle management scheme is required in order to cater for the anticipated change in development context in the Oran Park Precinct from predominantly rural to urban land uses.

The water cycle management strategy for the Oran Park Precinct was prepared by:

- applying the principles of water sensitive urban design (WSUD);¹⁴
- to meet the water management objectives contained in the Growth Centres Development Code;¹⁵
- taking into consideration salinity, erodible soils and the ephemeral nature of the creeks that cross the site;
- in a manner that recognises the potential to rehabilitate and enhance the ecological and hydrological values of the local creek systems; and
- in conjunction with the involvement of other environmental, engineering and design professionals as part of the preparation of the Oran Park Precinct Indicative Layout Plan.¹⁶

The elements of the water cycle management strategy for the Oran Park Precinct include the following:¹⁷

- stormwater quantity control so as to mitigate the flooding impacts of the proposed development, to be achieved through a two-pronged approach of minor and major on-site detention (OSD) basins including:
 - minor flows up to the 5 year Annual Recurrence Interval (ARI) will be detained in minor OSD basins adjacent to the creeks, and potentially lot-scale OSD within the town centre and employment zones (lot-scale basins will be addressed via development controls and not this Plan); and
 - flows up to the 1 in 100 year ARI event will be detained in major OSD basins.
- Stormwater quality control through a combination of 'regional' wetlands, bioretention facilities and distributed street-scale stormwater treatments where required to meet the stormwater quality reduction load targets;
- Riparian zone and creek management strategies including:
 - flows that meet the stream erosion index objectives established by the Department of Environment and Conservation (DEC) will flow into the creek;
 - flows beyond this level and up to the 2 year ARI event will bypass the creek via intercepting stormwater pipes to downstream storage for reuse or further attenuation. These elements to utilise and complement the minor OSD basins and ornamental water body storages; and
 - erosion control and bank stabilisation measures within the waterway.

¹³ Ecological Engineering, op. cit., pages 4-5

¹⁴ Ecological Engineering, op. cit., page 2

¹⁵ Ibid., page 3 and Growth Centres Commission (2006), Growth Centres Development Code, October 2006, pages B-17 to B-24

¹⁶ Ecological Engineering, op. cit., page 1

¹⁷ Ibid.

Strategies to address potable mains water conservation and reduction in wastewater discharge from the site are also included in the strategy. These strategies, including use of treated stormwater harvested on site and recycled waste water either treated on site or supplied by a dual pipeline are the subject of ongoing planning discussions with Sydney Water.

4.2.2 What is the strategy for delivering facilities?

The respective Precinct water cycle management strategies include layouts and concepts that show the location and schematic design of the bioretention, wetland and (in the case of Turner Road Precinct) OSD facilities required to mitigate the flooding and water quality impacts of the development.^{18 19}

Facilities pertaining to the management of water quantity and quality for the different sub-catchments will be implemented progressively as development occurs across each Precinct.

Details of the estimated costs and timing of individual works are included in Section 5. The location of these works is shown on maps included in Section 5.

Council will require contributions from developers under this Plan toward provision of the facilities and services. The relatively unfragmented land ownership arrangement (except certain portions of land, including in the south of the Turner Road Precinct) and the probability that development staging will be controlled by a few developers suggest that developer provision of the works will be the most efficient outcome. Council therefore encourages the provision of all water cycle management works identified in this Plan as works-in-kind in conjunction with the civil works undertaken as part of land subdivision.

A range of water cycle management facilities not included in this Plan will be required by Council to be undertaken directly by the developer as conditions of consent under section 80A(1)(f) of the EPA Act. The facilities may include lot-scale OSD basins, construction of kerb, gutter and piping in local roads, installation of drainage pits and grates, and pipe connections to the trunk drainage network.

Each Precinct’s water cycle management strategies is based on strategic information. It is likely that, as the planning process for the different development stages or sub-precincts proceeds, modified and more cost effective solutions that still meet the strategy objectives will be developed.

Where alternatives to the works identified in this Plan are proposed in conjunction with the development of sub-precincts and are approved by the Council, the development contribution applicable to a development the subject of a development application may be reviewed, or the works schedule in this Plan updated, or both.

4.2.3 How are the contributions calculated?

Contributions are determined on both a drainage catchment and a per hectare of net developable land basis.

$$\text{Contribution per hectare of net developable land (\$)} = \Sigma \left(\frac{C}{\text{NDA}} \right)$$

Where:

C is the estimated cost (or if the facility has been completed, the indexed actual cost) of providing each of the water cycle management facilities in the drainage catchment within which the development site is situated (refer Section 5 – works schedule). The relevant drainage

¹⁸ Ecological Engineering, op. cit., for example, Figures 5-1, 7-1, 7-2, 7-5, 10-1 and 10-2

¹⁹ GHD, op. cit., Appendix D

catchments for the Oran Park Precinct are South Creek and Cobbitty Creek, as shown in Figure 4.2. This cost should reflect the removal or modification of any item on the works list.

NDA is the total area of net developable land in the relevant Precinct (in hectares) as shown in Section 5 – works schedule.

For the Oran Park Precinct only, NDA is in turn calculated as follows:

$$NDA_{Urban\ Areas} + (NDA_{Transition\ Lands} \left(\frac{Average\ Residential\ Density_{Transition\ Lands}}{Average\ Residential\ Density_{Urban\ Areas}} \right))$$

Where:

NDA _{Urban Areas} (South Creek Catchment)	= 385.65ha
NDA _{Urban Areas} (Cobbitty Creek Catchment)	= 177.64ha
NDA _{Transition Land} (South Creek Catchment)	= 28.35ha
NDA _{Transition Land} (Cobbitty Creek Catchment)	= 29.46ha
Average Residential Density _{Urban Areas}	= 15 dwellings per ha
Average Residential Density _{Transition Land}	= 2.08dwellings per ha

4.2.4 How is cost apportionment determined?

Expected development in each Precinct will solely generate the demand for the water cycle management works included in the works schedule, Section 5.

Therefore the full cost of the works will be met by expected development in each Precinct.

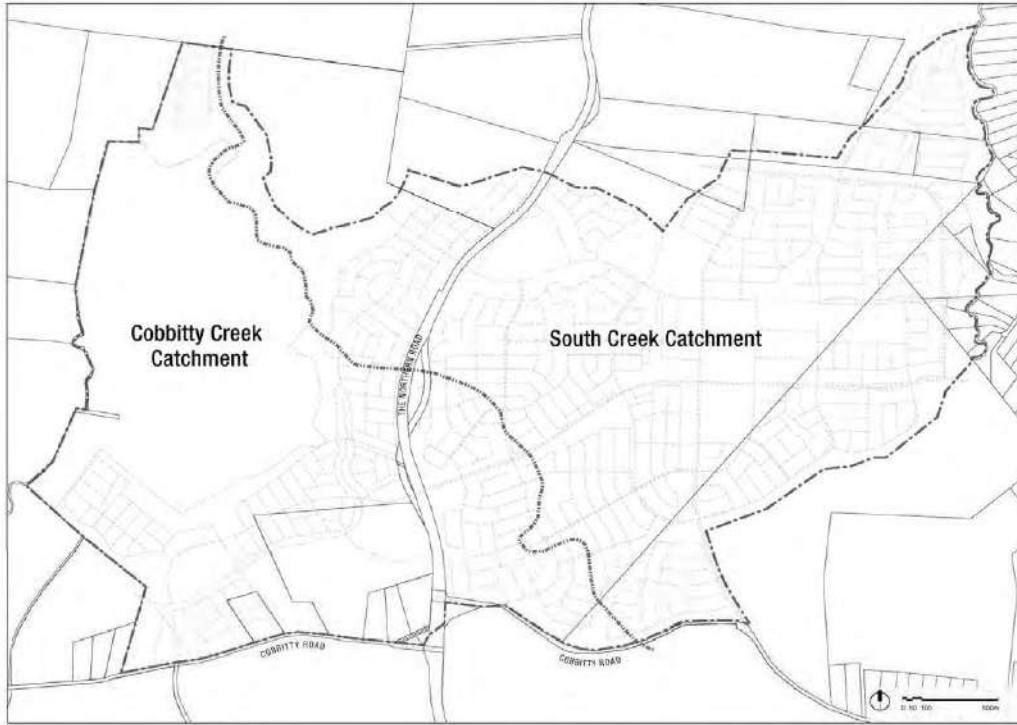


Figure 3 Water Cycle Management Contribution Areas - Oran Park Precinct

4.3 Open space and recreation facilities

4.3.1 What is the relationship between the expected types of development and the demand for additional public facilities?

The requirements for open space and recreation facilities as a result of the expected development of the Precincts are documented in the assessments prepared by Elton Consulting and Tangent Leisure Consultants²⁰
21 22 23

Existing open space and recreation facilities serving the Precinct and the wider area may be summarised as follows:

- while the quantum of open space is adequate for the current population, much of it has not been embellished to provide quality functional spaces to meet the sporting and recreation needs of the population. There is no spare capacity in existing facilities to satisfy demand from new populations;
- the current supply of recreation facilities is largely located in the southern parts of the Camden LGA, and it is not anticipated that the existing district facilities would be able to accommodate the increased in demand from the projected population of Oran Park and Turner Road Precincts;
- any existing capacity will be taken by other new release area developments currently under construction or planned in Camden;
- services in the area for young people are already inadequate and the development of the Precincts may further contribute to this situation; and
- local level open space within each release area has been provided to meet local level needs only, and so will not have capacity or be readily accessible for the future Precinct populations.²⁴

New residential development is expected to occur in the Precincts in the future, resulting in additional demands for open space and recreation facilities. The assessments of facility needs identified that the Council will need to facilitate the provision of a range of open space and recreation facilities to meet the expected development, including:

- passive open space;
- active open space; and
- indoor recreation facilities.

This Plan documents the open space and recreation facilities requirements pertaining to expected development of the Precincts.

Planning standards and principles

The amount of land required for local open space and recreation facilities in the Oran Park and Turner Road Precincts has been determined on the basis of a needs analysis having regard to a range of standards applied to development. The standards that were considered as part of the needs assessment included the following:

- public open space provided at a rate of 3.64 hectares per 1,000 people (Camden Council standard); and
- open space and recreation provided at a rate of 2.83 hectares per 1,000 people (Growth Centres Development Code standard).

²⁰ Elton Consulting (2007a), *Oran Park Precinct Community Facilities and Open Space Assessment, prepared for the Growth Centres Commission, January 2007*

²¹ Elton Consulting (2007b), *Turner Road Precinct Community Facilities and Open Space Assessment, prepared for the Growth Centres Commission, January 2007*

²² Tangent Leisure Consultants (2007), *Draft Open Space and Recreation Facilities for Oran Park and Turner Road, 5 March 2007*

²³ Elton Consulting and Tangent Leisure Consultants (2007), *Oran Park and Turner Road Section 94 Plan Revised Community and Recreation Facilities, November 2007*

²⁴ Elton Consulting (2007a), *op. cit.*, page 14

In determining an appropriate level of local open space provision, the needs assessment also had regard to the following principles:

- the type of facilities to be provided;
- the quality of facilities to be provided;
- recognition that riparian corridors and other conservation areas provide some passive open space opportunities;
- collocation of open space with community facilities;
- locating different open space and recreation facilities together and in central locations; and
- flexibility in use of open space areas and recreation facilities.

Having regard to the above standards and principles, the level of open space and recreation facilities to be provided in the Precincts, as shown in the works schedule (Section 5), is considered appropriate.

The total land area for open space and recreation facilities identified in this Plan and provided across both Precincts is 82.1 hectares. In addition to this provision within the Precincts, a total of 22 hectares of open space is proposed to be provided in the Maryland Precinct, as described below. Of this 22 hectares, 12.6 hectares is attributable to the populations of Oran Park and Turner Road, with the remaining 9.4 hectares to be attributable to development in the Maryland and/or Catherine Fields Precincts. The total amount of open space provided and attributable to the Oran Park and Turner Road Precincts is therefore 94.7 hectares, equating to 2.81 hectares per 1,000 people. While this rate of provision is below both the Camden Council and Growth Centres Commission standards, it does not account for any passive open space in riparian areas that may be included in the future open space network within the Oran Park and Turner Road Precincts. As a result, the proposed level of open space and recreation facilities for both Precincts is considered reasonable.

The proposed provision of 22 hectares of land in the Maryland Precinct allows for the development of a leisure centre and sports facilities that cater to the population of Oran Park and Turner Road and future populations within the Maryland and/or Catherine Fields Precincts up to a total population generated by 25,000 lots. The cost of these facilities has been apportioned appropriately. Early planning has identified suitable land in the Maryland Precinct for such facilities which is central to all of the identified populations who will use these facilities.

4.3.1.1 Facilities required

Application of the planning standards and the assessments of contemporary planning needs in the Precincts has led to the local open space and recreation facilities shown in Table 4.1 being identified as being required for the Precincts.

Table 4.1 Required open space and recreation facilities (Oran Park Precinct)

Facility	Guidelines	Minimum Size and Potential Location
6 x children's playgrounds suitable for 0-4 years and fenced with equipment.	Based on 1 per 500 children aged 0-4 years. Need based on Elton Consulting projections that indicate 13% (3,000) of the population will be children 0-4 years. Each play area should offer a different experience.	Land should be a minimum of 3,000 square metres. Total Area = 1.8 hectares. Playgrounds may be collocated with parks, conservation areas, school or community facilities.

<p>6 x play spaces suitable for 5-12 year olds to allow for more independent play, skill development and cognitive development.</p>	<p>Based on 1 per 500 children aged 5-12 years. Play spaces may include bouldering features, climbing areas, 'learn to' cycleways through to cycle obstacle course, skate facility, BMX/ mountain bike jumps and tracks. Need based on Elton Consulting projections that indicate 13% (3,000) of the population will be children aged 5-12 years.</p>	<p>Land should be a minimum of 3,000 square metres. Total Area = 1.8 hectares. These areas could be collocated with children's playgrounds, school or community facilities for supervision and convenience of use for carers.</p>
<p>Community parks and green spaces (x 2)</p>	<p>Managed lawn area/ green space suitable for informal recreation use. Spaces can act as nodes along cycleways to provide passive surveillance. May include walking, exercise, dog walking area, community gardens, picnic areas, picnic tables. Toilets and shelter are essential. Water features and public art provide interest and props for users. May be used for children's training, and lunchtime activities but not designed for competitions. The managed lawn could have a mix of hard and soft surfaces and should have internet access, services (power and water) for small community events/street theatre/markets.</p>	<p>Minimum 0.5 hectare in size. Total Areas = 1.0 hectares. Located within employment land or within the town centre. May be located adjacent to the core riparian zones and limited within the vegetated buffer of riparian corridors or collocated with playspaces, cycleways or playgrounds.</p>
<p>Cycleway - walkway</p>	<p>Minimum width 2.5m for dual use: walking and cycling, seats and bubblers essential along the cycleway and circular routes should be included where possible. Access points to the cycleway from employment and residential land and bike storage is essential for convenience of users. Fitness trails may be incorporated into the track.</p>	<p>Located adjacent to the core riparian zones and limited within the vegetated buffer of riparian corridors. Allow 0.7 hectare for each km in length.</p>
<p>2 x Playing Fields</p>	<p>Each park to accommodate demand for local sport and recreation training and competition. Rather than a series of single fields facilities are grouped to provide economies of scale for infrastructure. Components: 2 multipurpose fields or 1 cricket/AFL ovals; 2 tennis/netball courts; 2 half court basketball courts; lights for training; amenity building with change rooms, storage and meeting room; and parking</p>	<p>Each park 2.7 hectares in size. Total Area = 5.4 hectares.</p>

Table 4.2 Required open space and recreation facilities (Oran Park and Turner Road Precinct)

Facility	Guidelines	Minimum Size and Potential Location
<p>1 x Sports Park comprising 2 grounds and designed to service 50,000 people.</p>	<p>Facility to provide for local competitions and training. CPTED (Crime Prevention Through Environmental Design), environmental sustainability, climate shade/shelter and universal access design criteria is assumed as guiding principles.</p> <p>Amenity buildings, parking, lighting, storage, signage and soft landscaping are core inclusions.</p> <p>Ground 1 specification: playground 0.2 ha; multipurpose fields (hockey, league, union. soccer) 4.0 ha; netball/tennis courts x6 0.51 ha; parking 1.0 ha; practice Nets x4 600m²; and amenities and clubroom 850m².</p> <p>Ground 2 specification: playground 0.2ha; hockey fields x2 2.0ha; rugby fields x2 2.0ha; parking 0.6ha; amenities and Clubroom 850m²; and picnic/BBQ areas 0.6ha.</p>	<p>Land area of 12 hectares.</p> <p>Located on land without flooding or transmission line constraints.</p> <p>Proposed to be located in the Maryland Precinct</p>
<p>Recreation and Youth Centre</p>	<p>A recreation facility for the whole community, but with a youth focus. Building GFA of 3,000m².</p> <p>Components: indoor rock climbing wall; two court sports hall, which can double as a hall accommodating 1,500 people for events, performances etc; youth activity rooms with wooden floor for dance, martial arts and drama classes; cultural activity rooms; BMX and Skate facility; kitchen, amenities, storage, first aid room; and foyer.</p>	<p>Land area of 1.5 hectares.</p> <p>This centre may be integrated into a retail or commercial centre. The preferred location would be in or adjacent to the Oran Park Town Centre.</p>

Leisure Centre designed to service 75,000 people.	<p>Components:</p> <p>aquatic facility with 25m lap pool, freeform leisure pool and teaching pool;</p> <p>indoor (2 court hall);</p> <p>sports oval with grandstand;</p> <p>athletics track;</p> <p>3 training ovals;</p> <p>multi-purpose fields (x2);</p> <p>netball/tennis courts x6;</p> <p>practice nets x4;</p> <p>fitness Centre;</p> <p>amenities; and</p>	<p>Land area of 10 hectares.</p> <p>Located on land without flooding or transmission line constraints.</p> <p>Proposed to be located in the Maryland Precinct.</p>
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Source: Tangent Leisure Consultants (2007), Draft Open Space and Recreation facilities for Oran Park and Turner Road, 5 March 2007 and Elton Consulting and Tangent Leisure Consultants (2007), Oran Park and Turner Road Section 94 Plan Revised Community and Recreation Facilities, November 2007

The facilities listed in Table 4.1 and 4.2 will be complemented by the provision of passive open space throughout the residential neighbourhoods and (where this can be negotiated with owners and developers of riparian corridor land) along and adjacent to riparian corridors in the Precinct.

The areas for the proposed open space and recreation facilities included in this Plan do not include areas of the Precinct that may be publicly owned and intended to be used for water cycle management purposes.

4.3.1.2 Open Space facilities no longer required

As part of Amendment 1 of this Plan, the remaining passive open space portions of OSR 1.7 and OSR 4.3 will no longer be required as part of the contributions plan because they do not serve a public purpose.

4.3.2 What is the strategy for delivering facilities?

Council will require contributions from developers under this Plan toward provision of the facilities and services identified in this Plan. These contributions may be in the form of monetary contributions, works in kind, land dedications, or a combination of these.

All facilities will be developed in a manner that allows the facilities to serve the local needs generated by the population of the Precincts.

The costs, timing and location of individual works are included in Section 5.

Council will prepare design concepts for the facilities so that specification and costing of the facilities can be more accurately defined as implementation of this Plan proceeds. This may result in amendment of this Plan.

The open space and recreation facilities strategy is based on strategic information. It is likely that, as the planning process for the different sub-precincts proceeds, modified and more cost effective solutions that still meet the strategy objectives will be developed.

Where alternatives to the works schedule are proposed in conjunction with the development of sub-precincts and the alternatives are approved by the Council, the development contribution applicable to a development the subject of a development application may be reviewed, or the works schedule in this Plan updated, or both.

4.3.3 How are the contributions calculated?

Contributions will be collected from residential development toward open space and recreation identified under this Plan.

Contribution per person (\$) = $\Sigma (C/P)$

C is the estimated cost - or if the facility has been completed, the actual cost – of providing each of the open space and recreation facilities (refer Section 5 – works schedule). Note: This cost should reflect the removal or modification of any item on the works list.

P the contribution catchment (in persons) attributable to each facility (refer Section 5 – works schedule).

The monetary contribution for different residential development types is determined by multiplying the contribution per person by the assumed average household occupancy rates included in Table 4.3.

Residential development type	Average household occupancy rate
Subdivided lot	3.3 persons per lot
Detached (or low density) dwellings	3.3 persons per dwelling
Attached and semi-detached (or medium density) dwellings	2.4 persons per dwelling
Apartment (or high density) dwellings	1.8 persons per dwelling
Housing for older people	1.5 persons per dwelling

Source: Elton Consulting (2007), *Oran Park and Turner Road Precinct Plans Demographic Issues*, Briefing Paper prepared for the Section 94 Working Group, May 2007

For the calculation of open space contributions, it should be noted that OSR 1.7 and OSR 4.3 were removed from this contributions plan in Amendment 1. The revised contribution rate is reflected in the contributions schedule.

4.3.4 How is cost apportionment determined?

The development contribution for each of the facilities identified in this Plan is determined by dividing the total cost of the facility by the contribution catchment (in persons). This process ensures that fair apportionment of facility costs is calculated for development expected to occur in the Precincts.

For some facilities, the contribution catchment is the expected additional resident population of one or the other Precinct, for others the contribution catchment is the expected additional resident population of both Precincts. For the leisure centre and the sports parks, the contribution catchment is the expected resident population of both Precincts and expected resident populations in the Maryland and/or Catherine Fields Precincts.

The contribution catchments for each facility are shown in the works schedule – Section 5 of this Plan.

Facilities included in this Plan have been sized to reflect the demand generated by the population attributable to the expected residential development in the Precincts. Although there is likely to be some demand for many of the facilities generated by employees working in the Precincts and living outside the Precincts, this Plan has not quantified this demand. As a result, the cost of facilities identified in this Plan has not been apportioned to the population attributable to expected non residential development in the Precincts.

4.4 Community facilities

4.4.1 What is the relationship between the expected types of development and the demand for additional public facilities?

The requirements for community facilities as a result of the expected development of the Oran Park Precinct are documented in the assessments prepared by Elton Consulting and Tangent Leisure Consultants.^{25 26 27}

²⁵ Elton Consulting (2007a), *Oran Park Precinct Community Facilities and Open Space Assessment, prepared for the Growth Centres Commission*, January 2007

²⁶ Elton Consulting (2007b), *Turner Road Precinct Community Facilities and Open Space Assessment, prepared for the Growth Centres Commission*, January 2007

²⁷ Elton Consulting and Tangent Leisure Consultants (2007), *Oran Park and Turner Road Section 94 Plan Revised Community and Recreation Facilities*, November 2007

The assessment of existing community facilities and services currently provided in the wider area identified, among other things:

- local level facilities have been provided in adjoining areas to meet the needs of their local neighbourhood catchments, and have a local focus which does not extend to the Precincts. They are generally already being used to capacity, or will be used to capacity as proposed development outside of the Growth Centre boundaries occurs. There is no spare capacity in local level facilities that may be utilised by the population of the Precincts; and
- in particular, there is no available capacity in local childcare centres or pre-schools, and very little spare capacity in other family support and children's services.²⁸

Section 7.11 contributions plans currently applying to land in Camden specifically exclude reference to the community facilities needs generated by the Growth Centre precincts, including Oran Park and Turner Road.

New residential development is expected to occur in the Oran Park Precinct in the future, resulting in additional demands for community facilities. The assessment of facility needs identified that the Council will need to facilitate the provision of a range of community facilities to meet the expected development, including:

- child care centres and facilities;
- multi-purpose community centres; and
- a community resource centre (including a branch library).

This Plan documents the community facilities requirements pertaining to expected development in the Precincts and identifies those facilities that Council will facilitate the provision of.

This Plan addresses local community facilities demands only.

As part of the preparation of this Plan Council reviewed its role in the provision of child care centres and facilities in order to:

- respond to the planning directions described in the Elton Consulting assessments (including, for example, the need to plan for multi-purpose children's centres and for efficiencies in co-locating centres with other facilities);²⁹
- take account of changing trends in the provision of this type of community facility (including, for example, the involvement of the private sector); and
- take account of advice provided by the Department of Planning concerning the facilities that can and cannot be levied using section 7.11 funds.³⁰

A possible strategy for delivery of child care facilities in the Precincts could have been facilitating private sector provision of most child care with Council meeting the demand for services that the private sector traditionally do not provide (for example, care for special needs children). Council however is unable to levy for 'Council-wide' services and amenities using section 7.11 funds. The provision of services for special needs children would be a Council-wide service and, therefore, the provision of public children's services in the Precincts is not addressed by this Plan.

4.4.1.1 Planning standards and principles

Council has determined that the standards of provision of local community facilities used for the planning of other new urban areas in the Camden LGA are an appropriate basis for determining the local community facilities needs associated with the expected development of the Precincts.

²⁸ Elton Consulting (2007a), *op. cit.*, pages 12,13

²⁹ *Ibid.*, pp33-34

³⁰ Department of Planning (2007), *Planning Circular PS 07-018 Infrastructure Contributions*, issued 6 November

These standards are as follows:

- multi-purpose community centres to be provided at the rate of 42 square metres per 1,000 people;
- branch library to be provided at the rate of 39 square metres per 1,000 people plus 20 percent loading for circulation space;
- community resource space, deemed to be equivalent to the standard for district community centre space (that is 22 square metres per 1,000 people); and
- land for local community facilities is required at the rate of 2.5 times the floor area of facilities.

In determining the community facility needs of the future population of the Precincts Council also considered that space should be made available for local cultural activities. Camden's district cultural facility standard of 18 square metres per 1,000 people was used as a basis to determine the need for these facilities in the Precincts but was reduced to 12 square metres per 1,000 people to reflect that the facility needed to be a smaller size so that it only reflected local and not district needs.

A needs assessment was undertaken having regard to the projected population profiles and the relevant standards referred to above. The needs assessment also took into consideration the following principles in arriving at appropriate levels of community facility provision:

- collocation of facilities with outdoor recreation facilities or education facilities
- multi-purpose design and use of facilities
- clustering of facilities
- provision of complementary, rather than identical facilities; and
- flexibility in facility design to allow for changes in activity.

Having regard to the above standards and principles, the level of community facility provision in the Precincts, as shown in the works schedule (Section 5), is considered appropriate.

4.4.1.2 Facilities required

Application of these principles and standards translates into the local community facilities described in Table 4.4 being required for the Precincts.

Table 4.4 Required community facilities

Type of Facility	Number of Facilities/Places	Total Floor Area	Total Land Area
Multi-purpose community centre	2 centres	902m ²	2,255m ²
Branch library / community resource centre	1 centre	2,722m ² comprising a library (1,577m ²), community floor space (741m ²) and local culture space (404m ²)	6,805m ²

Source: *Oran Park and Turner Road Precinct Plans Community Facilities and Open Space Draft Section 94 Assessment*, For Discussion, Prepared by Elton Consulting 26 February 2007 and Camden Council and Elton Consulting and Tangent Leisure Consultants (2007), Oran Park and Turner Road Section 94 Plan Revised Community and Recreation Facilities, November 2007

4.4.2 What is the strategy for delivering facilities?

Council will require contributions from developers under this Plan toward provision of the facilities and services identified in this Plan. These contributions may be in the form of monetary contributions, works in kind, land dedications, or a combination of these.

All facilities will be developed in a manner that allows the facilities to serve the local needs generated by the population of the Precincts.

The costs and timing of individual works are included in Section 5. Costs also include an allowance for the provision of public art in each community facility.

The location of these works is shown on maps included in Section 5.

Council will prepare design concepts for the facilities so that specification and costing of the facilities can be more accurately defined as implementation of this Plan proceeds. This may result in amendment of this Plan.

The community facilities strategy for the Precincts is based on strategic information. It is likely that, as the planning process for the different sub-precincts proceeds, modified and more cost effective solutions that still meet the strategy objectives will be developed.

Where alternatives to the works schedule are proposed in conjunction with the development of sub-precincts and the alternatives are approved by the Council, the development contribution applicable to a development the subject of a development application may be reviewed, or the works schedule in this Plan updated, or both.

4.4.3 How are the contributions calculated?

Contributions will be collected from residential development toward community facilities identified under this Plan.

The monetary contribution per person is calculated as follows:

$$\text{Contribution per person (\$)} = \frac{C}{P}$$

Where:

- C is the estimated cost (or if the facility has been completed, the actual cost) of providing each of the open space and recreation facilities (refer Section 5 – works schedule). Note: This cost should reflect the removal or modification of any item on the works list.
- P the contribution catchment (in persons) attributable to each facility (refer Section 5 – works schedule).

The monetary contribution for different residential development types is determined by multiplying the contribution per person by the assumed average household occupancy rates included in Table 4.5.

Residential development type	Average household occupancy rate
Subdivided lot	3.3 persons per lot
Detached (or low density) dwellings	3.3 persons per dwelling
Attached and semi-detached (or medium density) dwellings	2.4 persons per dwelling
Apartment (or high density) dwellings	1.8 persons per dwelling
Housing for older people	1.5 persons per dwelling

Source: Elton Consulting (2007), *Oran Park and Turner Road Precinct Plans Demographic Issues*, Briefing Paper prepared for the Section 94 Working Group, May 2007

4.4.4 How is cost apportionment determined?

The development contribution for each of the facilities identified in this Plan is determined by dividing the total cost of the facility by the contribution catchment (in persons). This process ensures that fair apportionment of facility costs is calculated for development expected to occur in the Precincts.

For some facilities, the contribution catchment is the expected additional resident population of one or the other Precinct, for others the contribution catchment is the expected additional resident population of both Precincts.

The contribution catchments for each facility are shown in the works schedule – Section 5 of this Plan.

Facilities included in this Plan have been sized to reflect the demand generated by the population attributable to the expected residential development in the Precincts. Although there is likely to be some demand for many of the facilities generated by employees working in the Precincts and living outside the Precincts, this Plan has not quantified this demand. As a result, the cost of facilities identified in this Plan has not been apportioned to the population attributable to expected non residential development in the Precincts.

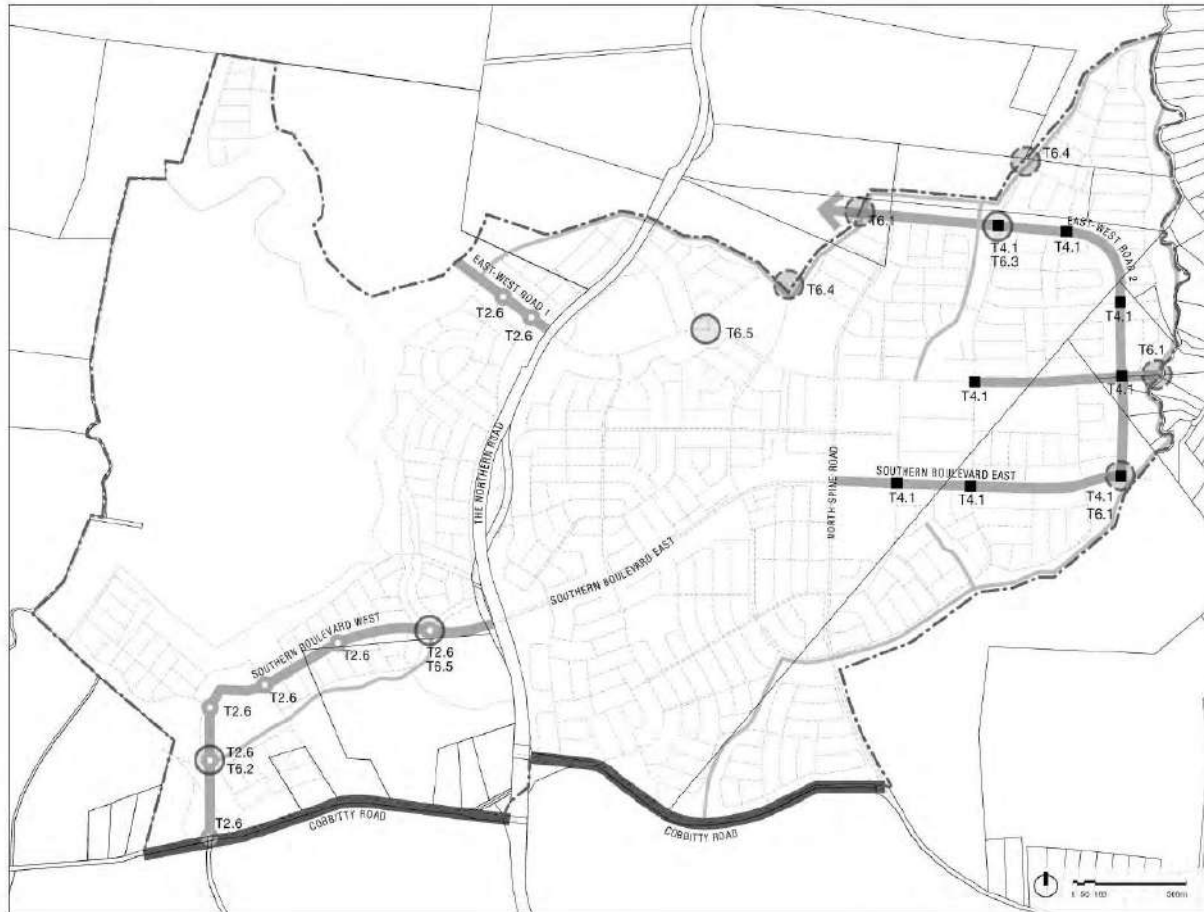
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Attachment 1

5.0 WORKS SCHEDULES AND MAPS

5.1 Oran Park Precinct – Transport Management Facilities

Infrastructure item		Delivery status			Cost	Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Estimated Total Cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Apportioned Estimated Total Cost	Contribution Catchment (persons)	Contribution Rate (per net developable hectare)	
T1	LAND ACQUISITION										
T1.1	Roads	In progress	168,924	49,049	\$ 25,015,194	\$ 61,136,250	\$ 86,151,444	\$ 86,151,444	571.29	\$ 150,800.66	2023-24 to 2025-26
	Total		168,924	49,049	\$ 25,015,194			\$ 86,151,444		\$ 150,801	
	WORKS										
T2	Urban Roads (4 Lanes = 32.0m total width, 2 Lanes = 16.0m)										
T2.1	East West Road 1 west of Northern Rd - (4 Lanes)	In progress	11,546	4,551	\$ 910,541	\$ 1,399,547	\$ 2,310,188	\$ 2,310,188	571.29	\$ 4,043.78	2024-25
T2.2	East-West Road 1 - west of Northern Road (2 Lanes)	Outstanding	3,683	3,683	\$ 736,901	\$ 736,901	\$ 736,901	\$ 736,901	571.29	\$ 1,269.88	2024-25
T2.3	Southern Boulevard East of Oran Park town centre (4 Lanes)	Complete	44,280		\$ 6,410,502	\$ 8,860,098	\$ 8,860,098	\$ 8,860,098	571.29	\$ 15,508.83	
T2.4	Southern Boulevard West of Oran Park town centre (2 Lanes)	In progress	36,764	27,040	\$ 5,410,502	\$ 1,945,699	\$ 7,356,201	\$ 7,356,201	571.29	\$ 12,876.39	2025-26
T2.5	East West Road 2 - (4 Lanes)	Complete	47,232		\$ 2,000,925	\$ 9,450,770	\$ 9,450,770	\$ 9,450,770	571.29	\$ 16,542.76	
T2.6	Roundabout (new)	In progress	6	5	\$ 2,000,925	\$ 1,200,555	\$ 3,201,481	\$ 3,201,481	571.29	\$ 5,603.92	2024-25 to 2025-26
T2.7	Transit Boulevard (4 Lanes)	In progress	25,420	13,776	\$ 2,756,475	\$ 2,329,877	\$ 6,086,352	\$ 6,086,352	571.29	\$ 8,903.22	2027-28
T3	Upgrade Rural Roads (7m width)										
T3.1	Cobbitty Rd - 2 sections (Only West section remaining)	In progress	23,600	8,697	\$ 434,551	\$ 756,000	\$ 1,190,551	\$ 1,190,551	571.29	\$ 2,063.96	2023-24
T3.2	Intersection upgrades	Complete	2			\$ 80,037	\$ 80,037	\$ 80,037	571.29	\$ 140.10	
T4	Intersections										
T4.1	Signalised intersection (Type 1)	Complete	8			\$ 3,201,481	\$ 3,201,481	\$ 3,201,481	571.29	\$ 5,603.92	
T5	Miscellaneous										
T5.1	Cycle ways/paths (assumed 2.5m wide) (refer Table 4.1)	In progress	25,000	4,815	\$ 732,219	\$ 3,069,540	\$ 3,801,758	\$ 3,801,758	571.29	\$ 6,654.65	2027-28
T5.2	Bus Stops (incl. State Roads)	Complete	24	0		\$ 618,462	\$ 618,462	\$ 618,462	571.29	\$ 1,082.57	
T6	Water crossings										
T6.1	4 Lane Road Bridge/Crossing (20m wide - 50m span - external) (1 of 3 left to be delivered)	In progress	3	1	\$ 3,401,573	\$ 6,803,146	\$ 10,204,719	\$ 5,102,360	571.29	\$ 8,931.24	2025-26
T6.2	2 Lane Road Bridge/Crossing (11m wide - 100m low span over culverts - internal)	Outstanding	1	1	\$ 3,301,527		\$ 3,301,527	\$ 3,301,527	571.29	\$ 5,779.04	2024-25
T6.3	4 Lane Road Road Bridge/Crossing (20m wide - 50m span - internal)	Complete	1			\$ 3,401,573	\$ 3,401,573	\$ 3,401,573	571.29	\$ 5,954.16	
T6.4	2 Lane Road Bridge/Crossing (11m wide - 50m span - external)	Complete	2			\$ 3,741,730	\$ 3,741,730	\$ 1,870,865	571.29	\$ 3,274.79	
T6.5	2 Lane Road Bridge/Crossing (11m wide - 50m span - internal)	Complete	2			\$ 3,741,730	\$ 3,741,730	\$ 3,741,730	571.29	\$ 6,549.58	
	Total				\$ 19,685,214	\$ 50,600,347	\$ 70,285,561	\$ 63,312,336		\$ 110,823	



Transport Management Facilities

- T1.1, T2 SUB-ARTERIAL ROADS
- T3 UPGRADE RURAL ROADS
- T4 INTERSECTIONS**
 - T4.1 Signalised intersection
- T5 MISCELLANEOUS**
 - T5.1 Cycle ways / paths
 - T5.2 Bus shelters(location TED)
- T6 SECTION BOUNDARY WATER CROSSINGS**
 - External precinct crossing
 - Internal precinct crossing

5.2 Oran Park Precinct – Water Cycle Management Facilities

Infrastructure item		Delivery status			Cost	Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Estimated Total Cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Contribution Catchment (net developable hectares)	COBBITTY CREEK Catchment Contribution Rate (per net developable hectare)	SOUTH CREEK Catchment Contribution Rate (per net developable hectare)	
W1	LAND ACQUISITION										
	South Creek Catchment										
	West of The Northern Road sub										
W1.1	Sub catchment 2A	Complete	14,500			\$ 7,395,000	\$ 7,395,000	389.57		\$ 18,982.31	
	East of The Northern Road sub										
W1.2	Sub catchment 1A-1E	Complete	28,100			\$ 14,331,000	\$ 14,331,000	389.57		\$ 36,786.40	
W1.3	Sub catchment 2A-2H	Complete	25,900			\$ 13,209,000	\$ 13,209,000	389.57		\$ 33,906.33	
W1.4	Sub catchment 4A-4F	Complete	1,300			\$ 663,000	\$ 663,000	389.57		\$ 1,701.86	
W1.5	Sub catchment 4A-4F (under power)	Complete	12,200			\$ 1,866,600	\$ 1,866,600	389.57		\$ 4,791.40	
W1.6	Sub catchment 5A-5J	Complete	30,400			\$ 15,504,000	\$ 15,504,000	389.57		\$ 39,797.39	
W1.7	Sub catchment 7A-7F	Complete	31,300			\$ 15,963,000	\$ 15,963,000	389.57		\$ 40,975.60	
	Cobbitty Creek Catchment										
	West of The Northern Road sub										
W1.8	Sub catchment 1A	Outstandin	1,100	1,100	\$ 561,000		\$ 561,000	181.72	\$ 3,087.16		
W1.9	Sub catchment 3A-3B	In	32,400	28,900	\$ 14,739,000		\$ 14,739,000	181.72	\$ 81,108.18		2024-25
W1.10	Sub catchment 4A-4B	Outstandin	4,600	4,600	\$ 2,346,000		\$ 2,346,000	181.72	\$ 12,909.95		2024-25
	East of The Northern Road sub catchments										
W1.11	Sub catchment 8A-8C	Complete	14,600			\$ 7,446,000	\$ 7,446,000	181.72	\$ 40,975.07		
W1.12	Sub Catchment 9A-9B	Complete	9,200			\$ 4,692,000	\$ 4,692,000	181.72	\$ 25,819.90		
	Total		205,600	34,600	\$ 17,646,000	\$ 81,069,600	\$ 98,715,600		\$ 97,105	\$ 176,941	

Infrastructure item		Delivery status			Cost	Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Estimated Total Cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Contribution Catchment (net developable hectares)	COBBITTY CREEK Catchment Contribution Rate (per net developable hectare)	SOUTH CREEK Catchment Contribution Rate (per net developable hectare)	
	WORKS										
	South Creek Catchment										
W2	Wetland Footprint										
	West of The Northern Road sub										
W2.1	Sub catchment 2A-2D	Complete	10,200			\$ 925,262	\$ 925,262	389.57		\$ 2,375.06	
	East of The Northern Road sub										
W2.2	Sub catchment 1A-1E	Complete	18,600			\$ 1,687,241	\$ 1,687,241	389.57		\$ 4,331.00	
W2.3	Sub catchment 2A-2H		13,400			\$ 1,215,539	\$ 1,215,539	389.57		\$ 3,120.18	
W2.4	Sub catchment 4A-4F		4,000			\$ 362,847	\$ 362,847	389.57		\$ 931.40	
W2.5	Sub catchment 5A-5J		17,900			\$ 1,623,742	\$ 1,623,742	389.57		\$ 4,168.00	
W2.6	Sub catchment 7A-7F		18,000			\$ 1,632,813	\$ 1,632,813	389.57		\$ 4,191.29	
W3	Water Quality										
	West of The Northern Road sub										
W3.1	Sub catchment 2A-2D	Complete	4,300			\$ 728,113	\$ 728,113	389.57		\$ 1,869.00	
	East of The Northern Road sub catchments										
W3.2	Sub catchment 1A-1E		9,500			\$ 1,608,623	\$ 1,608,623	389.57		\$ 4,129.19	
W3.3	Sub catchment 2A-2H		12,500			\$ 2,116,610	\$ 2,116,610	389.57		\$ 5,433.15	
W3.4	Sub catchment 4A-4F		9,500			\$ 1,608,623	\$ 1,608,623	389.57		\$ 4,129.19	
W3.5	Sub catchment 5A-5J		12,500			\$ 2,116,610	\$ 2,116,610	389.57		\$ 5,433.15	
W3.6	Sub catchment 7A-7F		13,300			\$ 2,252,072	\$ 2,252,072	389.57		\$ 5,780.87	
W4	Pipework										
W4.1	Pipework in catchment	Complete	8,500			\$ 11,051,727	\$ 11,051,727	389.57		\$ 28,368.80	

Infrastructure item		Delivery status			Cost	Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Estimated Total Cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Contribution Catchment (net developable hectares)	COBBITTY CREEK Catchment Contribution Rate (per net developable hectare)	SOUTH CREEK Catchment Contribution Rate (per net developable hectare)	
Cobbitty Creek Catchment											
W5	Wetland Footprint										
	West of The Northern Road sub catchments										
W5.1	Sub catchment 1A	X	0								
W5.2	Sub catchment 3A-3B	In Progress	30,900	28,900	\$ 2,621,572	\$ 181,424	\$ 2,802,996	181.72	\$ 15,424.79		2026-27
W5.3	Sub catchment 4A-4B	X	0								
	East of The Northern Road sub catchments										
W5.4	Sub catchment 8A-8C	Complete	11,000			\$ 997,831	\$ 997,831	181.72	\$ 5,491.03		
W5.5	Sub Catchment 9A-9B	Complete	5,900			\$ 535,200	\$ 535,200	181.72	\$ 2,945.18		
W6	Water Quality										
	West of The Northern Road sub catchments										
W6.1	Sub catchment 1A	Outstanding	1,100	1,100	\$ 186,262		\$ 186,262	181.72	\$ 1,024.99		
W6.2	Sub catchment 3A-3B	Complete	1,500			\$ 253,993	\$ 253,993	181.72	\$ 1,397.72		
W6.3	Sub catchment 4A-4B	Outstanding	4,600	4,600	\$ 778,912		\$ 778,912	181.72	\$ 4,286.33		2026-27
	East of The Northern Road sub catchments										
W6.4	Sub catchment 8A-8C	Complete	3,600			\$ 609,583	\$ 609,583	181.72	\$ 3,354.51		
W6.5	Sub Catchment 9A-9B	Complete	3,300			\$ 558,785	\$ 558,785	181.72	\$ 3,074.97		
W7	Pipework										
W7.1	Pipework in catchment	In Progress	2,150	606	\$ 787,923	\$ 2,007,513	\$ 2,795,436	181.72	\$ 15,383.18		2025-56
Total					\$ 4,374,669	\$ 34,074,152	\$ 38,448,821		\$ 52,382.70	\$ 74,260.28	



Water Cycle Management Facilities

- WETLANDS/DETENTION BASINS
- WATER QUALITY (BIORETENTION) / PIPEWORK
- - - SOUTH CREEK / COBBITTY CREEK CATCHMENT BOUNDARY

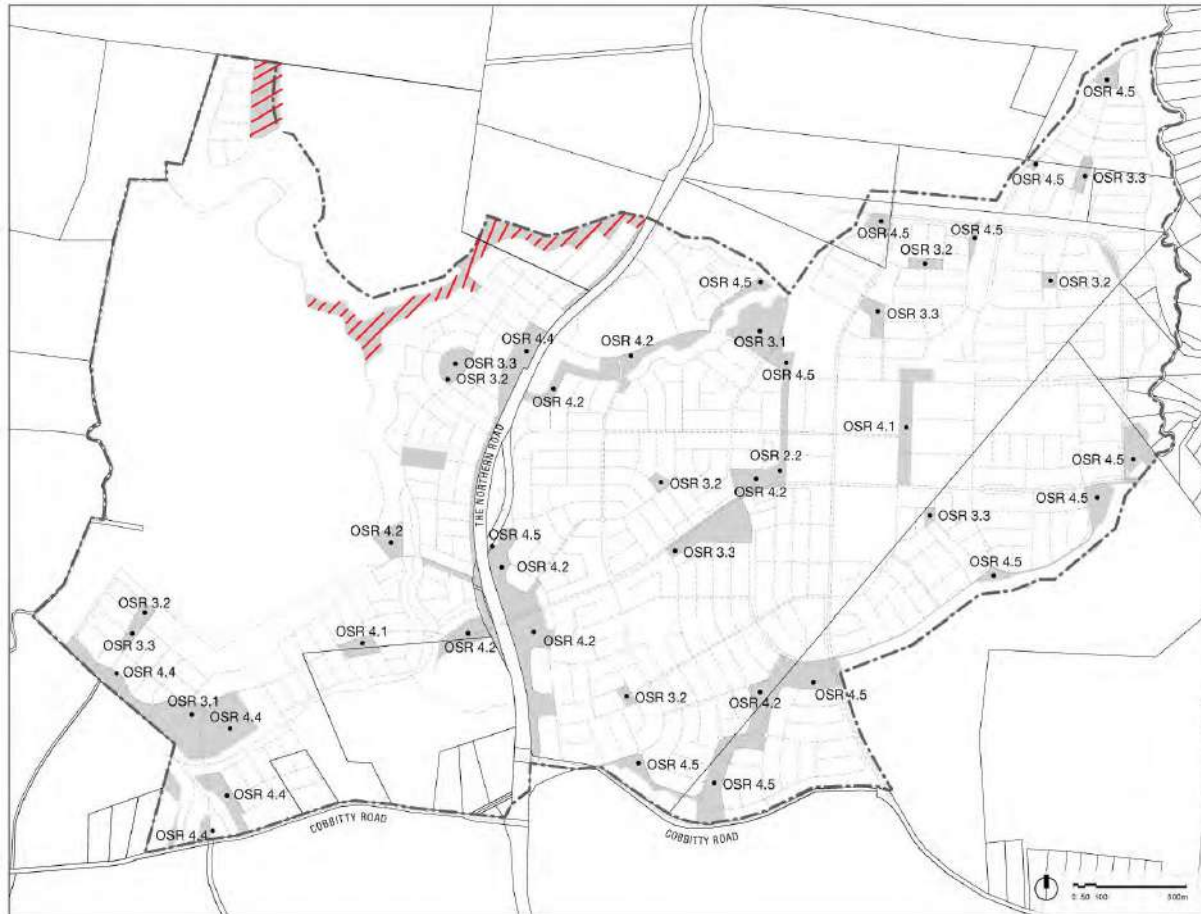
NOTE: Location of facilities subject to detailed design.

5.3 Oran Park Precinct – Open Space and Recreational Facilities

Infrastructure item		Delivery status			Cost	Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Estimated Total Cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Apportioned Estimated Total Cost	Contribution Catchment (persons)	Contribution Rate (per person)	
OSR1	LAND ACQUISITION										
OSR1.1	Local recreation (OSR 3.1 to OSR 4.1)	Complete	74,000			\$ 37,740,000	\$ 37,740,000	\$ 37,740,000	21,446	\$ 1,759.74	
OSR1.2	Local recreation (in riparian area on flood prone land)	Complete	26,000			\$ 2,917,200	\$ 2,917,200	\$ 2,917,200	21,446	\$ 136.02	
OSR1.3	Leisure Centre	Complete	100,000			\$ 51,000,000	\$ 51,000,000	\$ 14,583,552	75,000	\$ 680.00	
OSR1.5	Recreation and Youth Centre	Complete	15,000			\$ 7,650,000	\$ 7,650,000	\$ 4,876,645	33,643	\$ 227.39	
OSR1.6	Sports parks	Complete	120,000			\$ 61,200,000	\$ 61,200,000	\$ 26,250,394	50,000	\$ 1,224.00	
OSR1.7A	Other passive open space (treed hilltop parks) Portion delivered via a previous Planning Agreement	Complete	5,062	0		\$ 2,531,000	\$ 2,531,000	\$ 2,531,000	21,446	\$ 118.02	
OSR1.7B	Other passive open space (treed hilltop parks). Note: It has been identified that this residual portion does not serve a public purpose and will no longer be delivered in the Contributions Plan	Removed	284,883			\$ 142,441,500	\$ 142,441,500	\$ -		\$ -	
OSR1.8	Other passive open space (in power easement)	Complete	3,512			\$ 537,336	\$ 537,336	\$ 537,336	21,446	\$ 25.05	
OSR1.9	Other passive open space (in riparian area on flood prone land)	In progress	33,000	63,662	\$ 7,142,876		\$ 7,142,876	\$ 7,142,876	21,446	\$ 333.06	2025-26
	Total		376,574	63,662	\$ 7,142,876	\$ 163,575,536	\$ 170,718,412	\$ 96,579,003		\$ 4,503	

Infrastructure item		Delivery status			Cost	Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Estimated Total Cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Apportioned Estimated Total Cost	Contribution Catchment (persons)	Contribution Rate (per person)	
	WORKS										
OSR2	Local Active Recreation - Oran Park and Turner Road Precincts										
OSR2.1	Leisure Centre (refer Table 4.1 and Appendix of plan for specification)*	Complete	1			\$ 44,973,372	\$ 44,973,372	\$ 12,860,226	75,000	\$ 599.64	
OSR2.2	Recreation and Youth Centre (refer Table 4.1 and Appendix of plan for fit out	Complete	1				\$ -	\$ -	21,446	\$ -	
OSR2.2a	Multi purpose facility comprising 2 court sports hall, youth activity room,dance floor,kitchen area	Complete	3,000			\$ 11,349,228	\$ 11,349,228	\$ 7,234,791	33,643	\$ 337.34	
OSR2.2b	Multi Purpose facility fit out	Complete	3,000			\$ 2,163,524	\$ 2,163,524	\$ 1,379,181	33,643	\$ 64.31	
OSR2.2c	BMX, Skate park	Complete	2,000			\$ 1,209,491	\$ 1,209,491	\$ 771,014	33,643	\$ 35.95	
OSR2.2d	Carpark, landscaped area etc.	Complete	7,500			\$ 1,209,491	\$ 1,209,491	\$ 771,014	33,643	\$ 35.95	
OSR2.3	Sports parks (refer Table 4.1 and Appendix of plan for specification)	Complete	2			\$ 18,518,969	\$ 18,518,969	\$ 7,943,304	50,000	\$ 370.38	
OSR3	Local Active Recreation - Oran Park										
OSR3.1	Playing fields (refer Table 4.1 and Appendix of plan for specification)	Complete	54,000			\$ 8,926,045	\$ 8,926,045	\$ 8,926,045	21,446	\$ 416.20	
OSR3.2	Childrens playground (refer Table 4.1 and Appendix of plan for specification)	In progress	6	1	\$ 302,373	\$ 1,511,864	\$ 1,814,237	\$ 1,814,237	21,446	\$ 84.59	2028-29
OSR3.3	Playspaces (refer Table 4.1 and Appendix of plan for specification)	In progress	6	1	\$ 302,373	\$ 1,511,864	\$ 1,814,237	\$ 1,814,237	21,446	\$ 84.59	2028-29

Infrastructure item		Delivery status			Cost	Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Estimated Total Cost	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Apportioned Estimated Total Cost	Contribution Catchment (persons)	Contribution Rate (per person)	
OSR4	Local Passive Open Space										
OSR4.1	Community parks / Green space (2 No.) (refer Table 4.1 and Appendix of plan for specification)	Complete	10,000			\$ 3,447,050	\$ 3,447,050	\$ 3,447,050	21,446	\$ 160.73	
OSR4.2	Other passive open space (refer Table 4.1 and Appendix of plan for specification)	Complete	157,012			\$ 17,091,417	\$ 17,091,417	\$ 17,091,417	21,446	\$ 796.94	
OSR4.3A	Other passive open space - treed hilltop parks (W Oran Park Public Open Space Areas 1, 2, 5 and 14) Portion already delivered through a Planning Agreement.	Complete	5,062			\$ 127,551	\$ 127,551	\$ 127,551	21,446	\$ 5.95	
OSR 4.3B	Other passive open space - treed hilltop parks (W Oran Park Public Open Space Areas 1, 2, 5 and 14) Note: It has been identified that this residual portion does not serve a public purpose and will no longer be delivered in the Contributions Plan	Removed	40,383			\$ 1,017,560	\$ 1,017,560				
OSR4.4	Other passive open space - riparian style embellishment (W Oran Park Public Open Space Areas 3, 10, 12 and 13) (4 of 5 on the map yet to be delivered)	In progress	80,800	63,662	\$ 1,924,966	\$ 518,207	\$ 2,443,172	\$ 2,443,172	21,446	\$ 113.92	2027-28
OSR4.5	Other passive open space - riparian style embellishment (E Oran Park - connection between South Creek tributary and Harrington Grove)	Complete	43,200			\$ 1,306,251	\$ 1,306,251				
	Total			63,662	\$ 2,529,711	\$ 113,864,324	\$ 116,394,035	\$ 66,623,241		\$ 3,106.50	\$ -



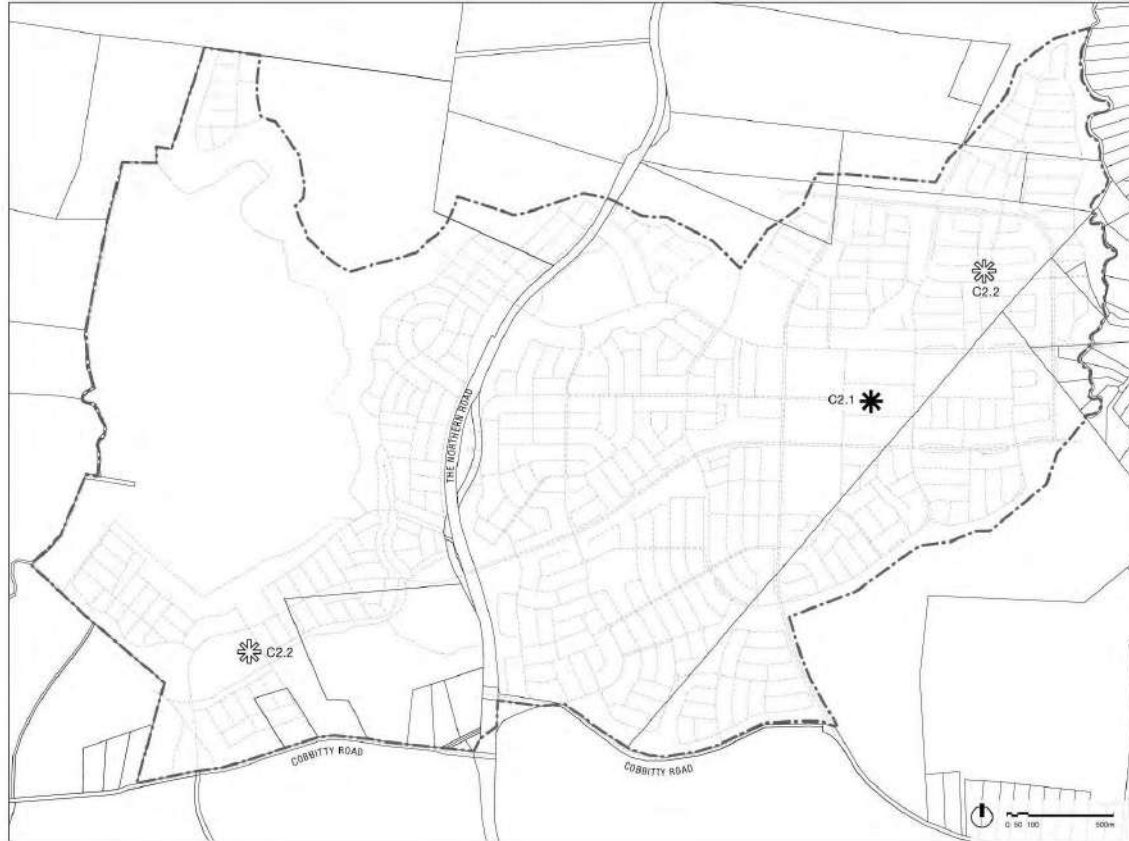
Open Space and Recreation Facilities

- OSR 1 LAND ACQUISITION**
Defined and shaded in this plan.
- Local Active Recreation and Passive open space
- OSR 1.7 Other passive open space (treed hilltop parks) - removed from this Contributions Plan
- OSR 2 and OSR 3 LOCAL ACTIVE RECREATION**
 - OSR 2.1 Leisure Centre (proposed to be located in the Maryland Precinct)
 - OSR 2.2 Recreation and Youth Centre
 - OSR 2.3 Sports Park (proposed to be located in the Maryland Precinct)
 - OSR 3.1 Playing Fields
 - OSR 3.2 Children's Playground
 - OSR 3.3 Play Spaces
- OSR 4 LOCAL PASSIVE OPEN SPACE**
 - OSR 4.1 Community Parks and Green Spaces
 - OSR 4.2 Other passive open space
 - ~~OSR 4.3 Other passive open space (treed hilltop parks)~~
 - OSR 4.4 Other passive open space (riparian style embellishment)
 - OSR 4.5 Other passive open space (riparian style embellishment)

Note: OSR 1.7 and OSR 4.3 have been removed from this map as they have been removed from this Contributions Plan.

5.4 Oran Park Precinct – Community Facilities

Infrastructure item		Delivery status			Actual Cost		Contribution rates			Staging
Item	Facility	Status	Qty	Qty remaining	Actual cost (if acquired or completed)	Total cost of complete and outstanding infrastructure	Apportioned Estimated Total Cost	Contribution Catchment (persons)	Contribution Rate (per person)	
C1	LAND ACQUISITION									
C1.1	Branch library / Community resource centre	Complete	6,805		\$ 3,470,550	\$ 3,470,550	\$ 2,212,371	33,643	\$ 65.76	
C1.2	Multi purpose community centres (refer Table 4.3)	In Progress	2,255	1,128		\$ 575,025	\$ 575,025	21,446	\$ 26.81	2025-26
	Total		9,060	1,128	\$ 3,470,550	\$ 4,045,575	\$ 2,787,396		\$ 93	
C2	WORKS									
C2.1	Branch library / community resource centre									
C2.1a	Branch library building component	Complete	1,577		\$ 6,712,495	\$ 6,712,495	\$ 4,279,013	33,643	\$ 127.19	
C2.1b	Branch library fitout (loose FFE, books, computers, shelving and security)	Complete	1,577		\$ 2,089,428	\$ 2,089,428	\$ 1,331,947	33,643	\$ 39.59	
C2.1c	Community centre building component	Complete	741		\$ 2,996,360	\$ 2,996,360	\$ 1,910,089	33,643	\$ 56.78	
C2.1d	Cultural facility building component	Complete	404		\$ 1,633,643	\$ 1,633,643	\$ 1,041,398	33,643	\$ 30.95	
C2.1e	Cultural facility fitout (refer to Appendix of plan for details)	Complete	404		\$ 311,496	\$ 311,496	\$ 198,570	33,643	\$ 5.90	
C2.1f	Carpark, landscaped area etc.	Complete	2,822		\$ 451,794	\$ 451,794	\$ 288,005	33,643	\$ 8.56	
C2.2	Multi-purpose community centres (1 of 2 left to be delivered) (refer Table 4.3)	In Progress	902	451	\$ 2,303,615	\$ 4,607,231	\$ 2,303,616	21,446	\$ 107.41	2028-29
C2.2a	Carpark, landscaped area etc. (for the 1 of 2 centres left to be delivered)	In Progress	1,353	677	\$ 108,289	\$ 216,580	\$ 108,290	21,446	\$ 5.05	2028-29
	Total			1,128	\$ 16,607,120	\$ 19,019,026	\$ 11,460,928		\$ 381.43	



Community Facilities

- C1 LAND ACQUISITION
Relates to C2 works.
- C2 WORKS
 - * C2.1 Community Resource Centre/Branch Library
 - ☼ C2.2 Multi-purpose Community Centres



6.0 BACKGROUND INFORMATION

Brown Consulting (2007), *Oran Park Precinct Masterplan Stormwater Quantity Management & Flooding*, March 2007, prepared for the Growth Centres Commission

Department of Infrastructure, Planning and Natural Resources (2005), *Development Contributions Practice Notes*

Department of Planning (2007), *Planning Circular PS 07-018 Infrastructure Contributions*, issued 6 November 2007

Ecological Engineering (2007), *Draft Oran Park WSUD Strategy*, Report for Growth Centres Commission, March

Elton Consulting (2007a), *Oran Park Precinct Community Facilities and Open Space Assessment, Draft Report*, January 2007

Elton Consulting (2007b), *Turner Road Precinct Community Facilities and Open Space Assessment, Draft Report*, January 2007

Elton Consulting (2007c), *Oran Park and Turner Road Precinct Plans Demographic Issues*, Briefing Paper prepared for the Section 94 Working Group, May 2007

Elton Consulting and Tangent Leisure Consultants (2007), *Oran Park and Turner Road Section 94 Plan Revised Community and Recreation Facilities*, November 2007

GHD (2007), *Growth Centres Commission Turner Road Precinct Water Cycle Management*, Draft Report

Growth Centres Commission (2006), *Special Infrastructure Contribution Practice Note December 2006*

Growth Centres Commission (2006), *Growth Centres Development Code*, October 2006

Maunsell Australia Pty Ltd (2007), *Oran Park and Turner Road Precinct Plan Transport Assessment*, Final Draft Report, prepared for Growth Centres Commission, 19 April 2007

Tangent Leisure Consultants (2007), *Draft Open Space and Recreation Facilities for Oran Park and Turner Road*, 5 March 2007

Valuation Report in respect of Section 7.11 Contribution rates for Land zoned for open space, "Public Reserve" purposes (otherwise capable of development) and land located within "Transmission Line Easements" within the proposed Oran Park Precinct – 20 August 2007

Valuation Report in respect of Section 7.11 Contribution rates for Land zoned for open space, "Public Reserve" purposes (otherwise capable of development) and land located within "Transmission Line Easements" within the proposed Turner Road Precinct – 20 August 2007



APPENDIX A : WORKS SCHEDULE COST ASSUMPTIONS AND SOURCES

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ORD04

Attachment 1



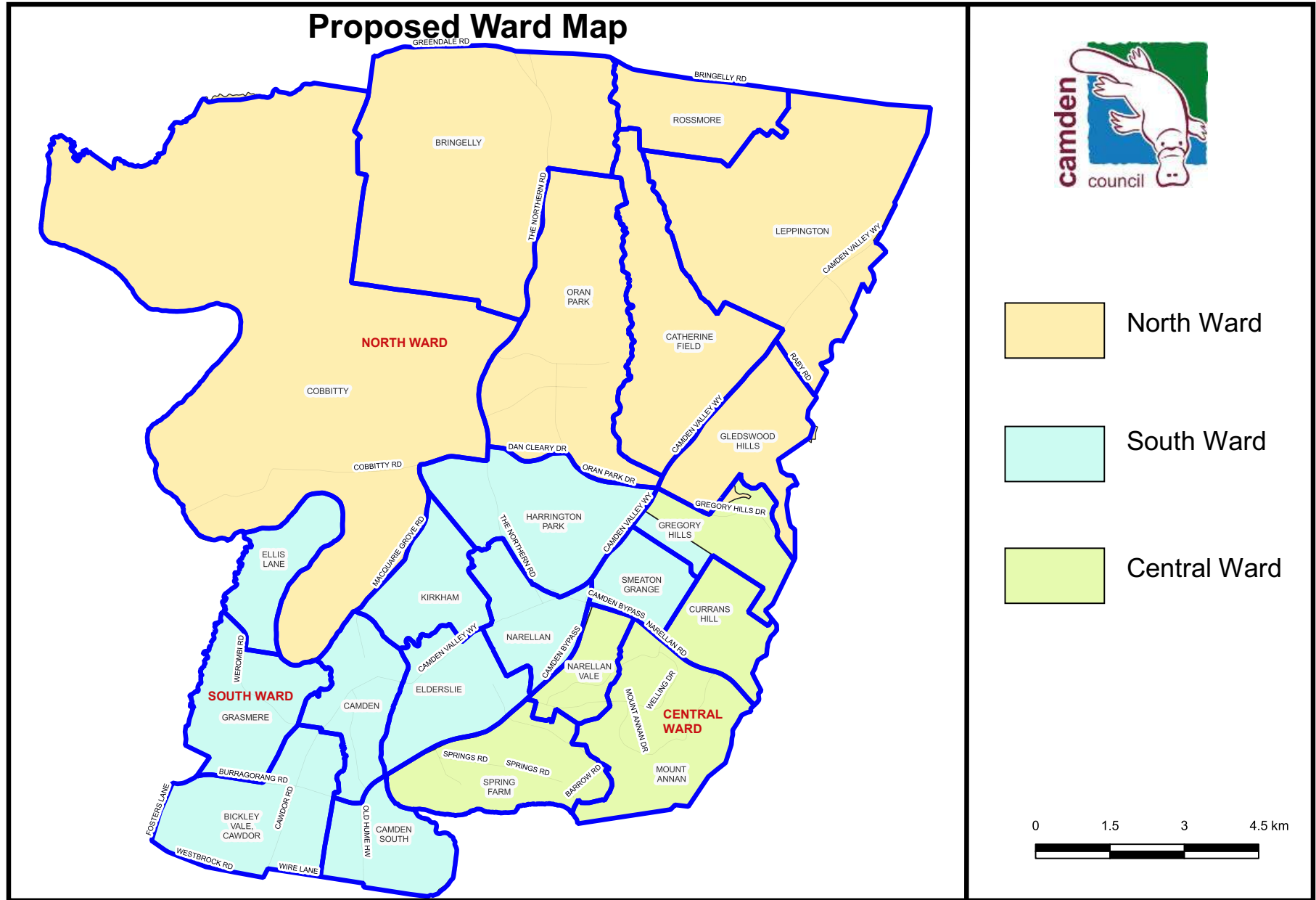
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Attachment 2

ORD10

ORD11

Attachment 1



CHAIN OF RESPONSIBILITY (HVNL) POLICY

P3.0354.1

CHAIN OF RESPONSIBILITY (HVNL) POLICY

DIVISION: Customer & Corporate Strategy

BRANCH: Safety & Risk Branch

CATEGORY: 1

PART 1 - INTRODUCTION

1. BACKGROUND

The Heavy Vehicle National Law (HVNL) imposes a duty upon all people in the supply chain who have direct or indirect influence or control over heavy vehicle road transport operations, to ensure the safety of those operations. People in this supply chain are referred to as being part of the “Chain of Responsibility” or CoR. This is because each and every one of them has a separate and distinct responsibility, as part of this chain, to promote the safety of transport operations within their sphere of control.

2. OBJECTIVE

The purpose of this policy is to establish Camden Council’s commitment to safety and compliance with the requirements of the Chain of Responsibility as it applies to Council’s heavy vehicle road transport activities.

3. SCOPE

This policy applies to all Councillors, Council Workers, contractors, and volunteers at Council who have a role in the Chain of Responsibility.

This policy applies to all Council road transport activities that involve the operation of road vehicles with a gross vehicle mass (GVM) of over 4.5 tonnes.

PART 2 - POLICY STATEMENT

4. PRINCIPLES

4.1. Camden Council will take reasonably practicable steps to ensure the safety of its heavy vehicle road transport operations by taking a risk-based approach and maintaining systems and processes to manage transport safety, including:

- Speed
- Mass
- Dimension
- Vehicle Standards and Maintenance
- Fatigue Management

Compliance with these systems and processes will be monitored, audited and reported regularly to the Executive Leadership Group (ELG).

4.2. Those in the Chain of Responsibility will be identified and trained in the responsibilities that are relevant to their role(s) under the HVNL. These roles will include:

- contracting, directing, or employing drivers, & engaging service or repairers
- procuring the purchase and/or hire of heavy vehicles and equipment
- preparing or packing goods for transport
- loading goods onto a vehicle
- managing loading operations
- consigning goods to be, or receiving goods having been, transported by road
- scheduling and completing maintenance and repair of heavy vehicles and equipment
- scheduling and directing the use of vehicles and drivers

4.3. Compliance with Chain of Responsibility legislative requirements is the responsibility of all parties in the supply chain to ensure the safety of the public and employees.

4.4. Council takes our Chain of Responsibility obligations seriously. Any breach of this Policy and its supporting processes and Procedures may result in disciplinary action.

□ * * *

RELEVANT LEGISLATIVE INSTRUMENTS:

*Heavy Vehicle National Law (HVNL)
 Heavy Vehicle (General) National Regulation
 Heavy Vehicle (Mass, Dimension and Loading) National Regulation
 Heavy Vehicle (Registration) National Regulation
 Heavy Vehicle (Fatigue Management) National Regulation
 Heavy Vehicle (Vehicle Standards) National Regulation*

RELATED POLICIES, PLANS AND PROCEDURES:

*Work Health and Safety Policy
 Safety Assurance Management Plan
 Chain of Responsibility Procedure
 WHS Risk Management Procedure
 Safety Occurrence Reporting & Investigation Procedure
 Safety Audit Procedure*

RESPONSIBLE DIRECTOR:

Customer & Corporate Strategy

APPROVAL:

Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Pending	New Policy	TBA	
2				

ORD13

Attachment 1



PURCHASING AND PROCUREMENT POLICY

P3.0161.56

PURCHASING AND PROCUREMENT POLICY

DIVISION: Customer and Corporate Strategy

BRANCH: Finance and Property Services

CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

1.1 This Policy refers to Council's procurement of all goods and services in pursuing its commitment to efficiently deliver services ~~to which~~ meet the needs of our community and maximise economic, social and environmental outcomes.

2. OBJECTIVE

2.1 The objective of this policy is to set out the principles and framework for Council's purchasing and procurement activities and to ensure that Council is at all times compliant with the *Local Government Act 1993 (The Act)*, *Local Government (General) Regulations 2005/2021 (The Regulation)*, *the NSW Modern Slavery Act 2018*, Tendering Guidelines for NSW Local Government and Council's Code of Conduct in relation to the procurement of goods and services.

2.2 Through the application of this Policy, Council is committed to the following:

- setting out Council's procurement governance framework;
- obtaining value for money for the Community which includes consideration of upfront costs as well as whole of life costs;
- transparency and accountability;
- ~~making environmentally sustainable decisions;~~
- advancing environmental and social sustainability and achieving positive sustainability outcomes;
- eliminating any conflicts of interest;
- monitoring and evaluating performance;
- providing policy and guidance on purchasing and procurement activities to ensure consistency;
- ~~setting out Council's procurement governance framework;~~

Commented [RM1]: Inclusion of new policy position on sustainable procurement

Commented [RM2]: Statement has been moved to the top.

3. SCOPE

3.1 This Policy applies to all purchasing, procurement, tendering and contracting activities undertaken by Camden Council, ~~other than statutory payments or payments for membership of regional or state organisations~~ and is binding on Council officers (i.e. staff, contractors, consultants, Committee members, volunteers etc) who are involved in any aspect of procurement on behalf of Council.

Commented [RM3]: This statement has been replaced with new policy section 3.2 to simplify this paragraph.

~~3.1.2~~ There are exemptions to tendering requirements provided for under Section 55 of the Act (for example, statutory payments). Further guidance in relation to these exemptions is provided in Council's *Procurement Procedures and Guidelines* documentation.

4. DELEGATED AUTHORITY

4.1 In order to purchase goods and services on behalf of Council, a delegated authority is required from the General Manager. Numerous employees of Council are charged with financial delegations for the Purchasing and Procurement of Goods, Works and Services. Employees may only procure goods and/or services applicable to their delegated authority.

4.2 Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. Employees may only procure goods and/or services in accordance with these delegations.

4.3 ~~The General Manager has delegated authority to accept Tenders up to a value of \$2 million (Including GST), noting the restrictions placed on this delegation under Section 377(1i) of the Local Government Act 1993.~~

4.24.4 ~~The General Manager has delegated authority to reject all Tenders in circumstances where no submitted tender meets the specifications set out by Council in the tender documents or where tender prices exceed approved budget estimates. The decision to decline all tenders and to enter into direct negotiations in relation to the subject matter of the tender, must still be made by a formal resolution of Council to ensure transparency and accountability.~~

4.34.5 Financial delegations are set out in ~~the~~ Council's Schedule of Sub Delegations Delegation Register which is available on ~~the intranet~~ Council's website.

Commented [RM4]: Inclusion of this Policy position will be via a specific resolution of Council.

Commented [RM5]: Inclusion of this Policy position will be via a specific resolution of Council.

PART 2 - POLICY STATEMENT

5. PURCHASING PROCEDURES

5.1 ~~Prescriptive~~Detailed purchasing procedures are ~~located~~ contained in Council's Procurement Procedures and Guidelines documentation.

5.2 The procedures outline Council's requirements when procuring goods and/or services on behalf of Council. Different requirements apply, depending on the total value of the supply.

5.3 All goods and/or services procured on behalf of Council must be procured following these procedures.

6. TENDERING PROCEDURES

6.1 Tenders are mandatory for the majority of purchases where the total anticipated expenditure is greater than \$250,000 (GST inclusive) ~~or above over more than one accounting period. This expenditure threshold could be for a single purchase or contract, or services provided over a number of years.~~ Council may also tender for purchases below this limit.

Commented [RM6]: Provide a better explanation of how services over a number of years could exceed expenditure threshold.

6.2 Detailed tendering procedures are contained in Council's Procurement Procedures and Guidelines documentation.

~~It is noted that the process for public tendering may be waived when dealing with prescribed NSWBuy Government Contracts, Local Government Procurement (LGP), Disability Employment Organisations or Procurement Australia Contracts.~~

~~Advice on this may be sought from Council's Purchasing and Procurement Coordinator.~~

- 6.3 In accordance with Section 55 of the Act, Council may elect to utilise prescribed entities when procuring good and services which exceed the tender threshold. These include NSWBuy, Local Government Procurement, Procurement Australia or an approved disability employment organisation. Further guidance in relation to these prescribed entities is provided in Council's *Procurement Procedures and Guidelines* documentation.

Commented [RM7]: Recommend this clause be re-written as below.

7. PROCUREMENT PROTOCOLS GOVERNANCE

7.1 Ethics and Probity

All Council Officers must comply with the standards of integrity, probity, professional conduct and ethical behaviour established by Council's *Code of Conduct*, Council's Statement of Business Ethics and Guidelines issued by ICAC.

Council officials must disclose any potential or actual conflict of interest (whether pecuniary or non-pecuniary) in order to protect the public interest and prevent breaches of public trust.

Council has adopted a Statement of Business Ethics which sets out the standards of behaviour that Council expects from its private/public partners.

Probity auditors may be commissioned where deemed appropriate by Council's General Manager (or their delegate), in circumstances where additional professional knowledge, experience or independent recommendation is required.

7.2 Fraud and Corruption Principles

Council has an adopted Fraud and Corruption Control Policy. The principal elements of ~~Council's Fraud and Corruption Prevention the~~ policy are:

- Preventing fraud at its origin, in particular, implementing effective control structures and procedures that aim to eliminate the prospect of fraud and corruption occurring;
- Making all staff, Councillors, contractors, ~~consultants to Council~~ and volunteers aware of their obligation to act ethically and to follow Council's Code of Conduct at all times;
- Making all contractors, consultants and those dealing with Council aware of the ethical standards that Council applies and of the ethical standards of others in their dealings with Council;
- Committing to a policy of detection, investigation and prosecution of individual cases of fraud and corruption; and
- Respecting the civil rights of individuals employees and members of the public and committing to natural justice.

Commented [RM8]: Minor adjustments to align with updates included in the Fraud and Corruption Control Policy.

Council has a Fraud and Corruption ~~Prevention Control~~ Plan that underpins this policy and details responsibilities of positions within Council ~~and the community~~. It also outlines steps involved in identifying, investigating, reporting and taking action around fraud and corruption.

The Fraud and Corruption ~~Prevention Control~~ Plan and Council's Code of Conduct also outline the policies and procedures ~~being~~ implemented by Council to ensure that any allegations and subsequent investigations into fraud are handled confidentially and in accordance with applicable legislation.

~~7.3 Value for Money~~

~~Council resources are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.~~

~~7.47.3 Record Keeping~~

All substantive communications with potential suppliers in respect of procurement and purchasing should be in writing and/or formal minuted meetings. Records for all procurement activities must be kept and recorded in Council's ~~records~~ electronic document management system.

~~7.57.4 Lobbying~~

Lobbying of Councillors and staff by tenderers or their agents is not permitted and shall result in their disqualification from the quotation or tender process on that occasion. For the purposes of this clause "lobbying" shall include seeking to influence, seeking to obtain support or assistance, urging or persuading.

~~7.67.5 Gifts and Benefits~~

Council officers must never seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence their decision making.

In some circumstances token or nominal gifts may be accepted but only in situations that do not create a sense of obligation on the staff or Councillors actions. Where you cannot reasonably refuse or return a gift or benefit of more than nominal value this must be disclosed to your supervisor and then ensure this is recorded in the Gifts and Benefits Register through Governance.

Council's Gifts and Benefits Procedure should be followed at all times. Under no circumstances should a gift of cash, or cash – like gift, be accepted.

8. VALUE FOR MONEY

~~8.1 Council resources are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.~~

~~8.2 Value for Money is considered to be a combination of product and/or service quality and the whole of life cost which is the most advantageous to Council. Value for money does not necessarily mean the lowest value or price.~~

~~8.3 In order to promote value for money outcomes, Council will include the following in its procurement assessment:~~

Commented [RM9]: Replace this with a new section which can be found at section 8.

Commented [RM10]: Propose new Policy Position for Value for Money to strengthen the importance of this policy position within the Policy. Also provides detail on how value for money is achieved.

- ~~Cost-related factors including whole-of-life costs and other transaction costs associated with the purchase of goods and/or services;~~
- ~~non-cost factors such as fitness for purpose, innovation, quality, risk, service, support, work health and safety (WHS), community, environment and sustainability requirements;~~
- ~~Contribution to the advancement of Council priorities, especially those set out in Council's current Community Strategic Plan and Delivery Program.~~

9. ~~STRENGTHENING LOCAL CAPACITY PROGRAM~~ ~~Buy Local Preference~~

~~Objectives~~

- 9.1 Council's approach to procurement is to support local ~~businesses and~~ suppliers and ~~to support economic business~~ activity within the Camden ~~Local Government Area~~ (LGA), where it is efficient to do so, while achieving ~~the~~ Council's overall 'value-for-money' objectives, which is also an expectation from our community.
- 9.2 To ~~assist support~~ local industry and local economic development, Council staff shall ~~apply the following initiatives at all times: (where reasonably practicable and appropriate in the circumstances):~~
- ~~encourage a 'buy local' culture within Council;~~
 - ~~encourage local suppliers to participate in Council business by registering in Vendor Panel and other means considered appropriate;~~
 - ~~utilise Vendor Panel Local Supplier Marketplace as a means to access local suppliers;~~
 - ~~ensure that procurement policies and procedures do not disadvantage local suppliers;~~
 - ~~encourage use of local suppliers by contractors, whenever goods or services are being sourced from outside the Camden LGA;~~
 - ~~ensure that category spend will not exceed the tender threshold over more than one accounting period or contract term;~~
 - ~~ensure that there is no current prescribed contract or current preferred supplier agreement in place for the goods/services required;~~
 - ~~ensure transparency in Council's procurement practices.~~

~~7.8 Tendering and Quotation Local Preference~~

~~Objective~~

- 9.3 ~~In addition to the initiatives outlined in section 9.2,~~ Council will ~~also~~ apply a local ~~capacity factor preference~~ to support local business and encourage economic business activity for the benefit of the local economy. ~~The local capacity factor will apply to quotations and tenders over \$100,000 (incl. GST).~~

~~Scope~~

~~The local preference applies to staff and contractors when assessing tenders and quotations over \$100,000 (inc GST).~~

~~Definition~~

- 9.4 ~~To be eligible to obtain the local capacity factor, suppliers and/or contractors will be required to have Suppliers with~~ a principal place of business in the Camden

Commented [RM11]: Propose new policy position for Local Capacity Program (former Buy Local Preference) to strengthen the importance of this position within the Policy

LGA or part of their business address (not a PO box) that is located within the Camden- ~~LGA~~ Local Government area.

9.5 The assessment criteria ~~will~~ ~~would~~ be ~~a point (or percentage) an evaluation system~~ as follows:

- ~~Award 5 points (or 5%) to suppliers located physically within Camden LGA;~~
- ~~Award between 1% to 4% to suppliers who engage sub-contractor firms or material supply firms located physically within Camden LGA;~~
- ~~Award 0 points (or 0%) to suppliers located outside Camden LGA; who do not use subcontractors and/or material supply firms within the Camden LGA;~~

The remaining financial and non-financial tender assessment criteria is scored out of 95 points (95%). ~~Within the remaining 95 points (95%) a weighting can be allocated as part of the tender evaluation plan where there is a potential contribution to the Camden LGA (e.g. local sub-contracting).~~

9.6 ~~Local suppliers who qualify under Council's On-Time Payment Policy will also receive payment within 20 days as part of the small business friendly councils initiative.~~

10. SUSTAINABLE PURCHASING

~~4.0.1 Along with quality, cost and social impacts, Council staff and its representatives must will consider the impact that their purchases have on the environment across the entire life of a product or service. Value for money in procurement is enhanced by promoting the efficient, effective and ethical use of resources.~~

~~4.0.2.1~~ Consideration will be given to areas such as:

- ~~Purchasing quantity – Staff are encouraged to only purchase products and services that are needed and only the required quality to reduce unnecessary spending and waste. Staff should also consider repairing, reusing and hiring as an alternative to purchasing;~~
- ~~Waste – All purchases should consider the waste hierarchy of avoidance (as most preferable) to resource recovery to disposal (as least preferable). This includes consideration across all stages of the product life cycle from inception to end-of-life management. This includes packaging, disposal, ability to be easily recycled, repurpose and product stewardship programs;~~
- ~~Use of recycled products – Staff should seek products that contain high levels of recycled content as this has a higher sustainability value and requires lower levels of virgin materials;~~
- ~~Efficient use of resources – Purchase products and services that use lower amounts of energy, water and other resources;~~
- ~~Pollution – Products should not contain hazardous or toxic substances and/or materials which may negatively impact human health, air, soil or water quality;~~
- ~~Greenhouse gas emissions – Higher value should be placed on products and services that reduce greenhouse gas emissions;~~
- ~~Biodiversity and habitat – Products and services that support environmental protection and conservation.~~
- ~~Minimising greenhouse gas emissions, waste, habitat destruction, soil degradation and toxicity;~~
- ~~Maximising water efficiency.~~

Commented [RM12]: This change in policy position recognises that larger companies can still promote local procurement through the use of local trades and suppliers through contract delivery. Returnable schedules have been developed to allow tender respondents to provide this information

Commented [RM13]: This proposed change includes greater clarity around what should be considered as part of the procurement process to ensure sustainability is promoted through all aspects of the procurement cycle

11. MODERN SLAVERY

11.1 Council must take reasonable steps to ensure that goods and services are not the product of modern slavery within the meaning of the NSW Modern Slavery Act 2018.

11.2 Council staff and its representatives must ensure its operations and supply chains do not cause, involve or contribute to modern slavery. Council must also ensure its suppliers, relevant stakeholders, and others whom we do business with respect and share our commitment to minimising the risk of modern slavery.

11.3 To ensure that Council takes reasonable steps to avoid engaging suppliers who engage in modern slavery practices, the following measures will be taken:

- Identifying where modern slavery risks exist in Council's supply chain and assessing the degree of those risks;
- Engaging with suppliers to identify those which are committed to minimising the risk of modern slavery in their own supply chains and operations;
- Undertaking modern slavery risk assessments as part of the procurement process;
- Providing training to Council staff to ensure they are aware of what modern slavery is, what Council's modern slavery risks are and how to raise any identified or potential concerns.

Commented [RM14]: New section required to meet policy obligations under the Modern Slavery Act Provisions.

44-12. WORKPLACE HEALTH AND SAFETY

12.1 All contractors must provide documented evidence of the safety systems they have in place relevant to the risk associated to the work to be performed. Please refer to the Contractor Safety Management Procedure.

44-12.2 All contractors, designers, manufacturers, importers, suppliers, installers and builders of Council must adhere to relevant Work Health and Safety (WHS) Act 2011-legislation. WHS performance will be monitored and reviewed to ensure continued adherence to legislation and relevant Council Policies.

44-12 All contractors, designers, manufacturers, importers, suppliers, installers and builders providing services to Camden Council are required to complete an Accreditation process. Please refer to the Contractor Management Procedures for more detail.

42-13. ADMINISTRATION OF THIS POLICY

42-13.1 General enquiries in regard to this Policy should be directed in the first instance to Council's Purchasing and Procurement Coordinator, Finance and Property Services Branch.

42-213.2 Council will deal promptly with any concerns or complaints regarding this Policy. Any issues should be directed in writing to the General Manager.

* * *

RELEVANT LEGISLATIVE INSTRUMENTS:

- [Government Information \(Public Access\) Act 2009](#)
- [Local Government Act 1993](#)
- [Local Government \(General\) Regulations 2021](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#)
- [Modern Slavery Act 2018 \(NSW\)](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [State Records Act 1998](#)
- [Tendering Guidelines for NSW Local Government](#)
- [Waste Avoidance and Resource Recovery Act 2001](#)
- [Work Health and Safety Act 2011](#)
- [Local Government Code of Accounting Practice and Financial Reporting](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Waste Avoidance and Resource Recovery Act 2001](#)
- [Related Party Transaction Act 2016](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [State Records Act 1998](#)

RELATED POLICIES, PLANS AND PROCEDURES:

- [Contractor Safety Management Procedure](#)
- [Code of Conduct](#)
- [Fraud and Corruption Control Policy](#)
- [Fraud and Corruption Control Plan](#)
- [ICAC Guidelines](#)
- [IT Service Provider and Third-Party Supplier Policy](#)
- [Procurement Procedures and Guidelines](#)
- [Purchase Card Policy](#)
- [Purchased Goods Safety Evaluation](#)
- [On-time Payment Policy](#)
- [Petty Cash Policy](#)
- [Schedule of Sub Delegations](#)
- [Staff Reimbursement of Council Expenses Procedure](#)
- [Record and Information Management Policy](#)
- [Record and Information Management Standard](#)
- [Tendering Guidelines for NSW Local Government](#)
- [Statement of Business Ethics](#)
- [Work Health and Safety Policy](#)
- [Purchase Card Policy](#)
- [Financial Delegations from General Manager](#)
- [Purchased Goods Safety Evaluation Sheet](#)
- [Contractor Management Procedure 5.0A](#)
- [Contractor Management \(PC\) Procedure 5.B](#)
- [Work Health and Safety Policy](#)
- [ICAC Guidelines](#)
- [Statement of Business Ethics](#)
- [Fraud and Corruption Prevention Policy](#)
- [Fraud and Corruption Prevention Plan](#)
- [ICAC Guidelines](#)

Purchasing and Procurement Policy
Adopted by Council: [23/06/2020](#) TBC

Next Review Date: [30/06/2024](#) TBC
TRIM #: 17/305833

Page 9 of 10

RESPONSIBLE DIRECTOR: Director Customer and Corporate Strategy

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	Minor	July 2002	15/167592
2	Council	Old policy (5.32) rescinded and updated policy (P3.0161.1) adopted	26/09/2017	17/305833
3	Council	Minor - addition of fraud and corruption principles	11/06/2019	17/305833
4	Council	Legislative changes	08/10/2019	17/305833
5	Council	Inclusion of Local Preference	23/06/2020	17/305833
<u>6</u>		<u>Inclusion of Modern Slavery Provisions, Changes to the application of Strengthening Local Capacity Program and other administrative changes to Policy</u>		<u>17/305833</u>

ORD13

Attachment 2



PURCHASING AND PROCUREMENT POLICY P3.0161.6

PURCHASING AND PROCUREMENT POLICY

DIVISION: Customer and Corporate Strategy

BRANCH: Finance and Property Services

CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

1.1 This Policy refers to Council's procurement of all goods and services in pursuing its commitment to efficiently deliver services which meet the needs of our community and maximise economic, social and environmental outcomes.

2. OBJECTIVE

2.1 The objective of this policy is to set out the principles and framework for Council's purchasing and procurement activities and to ensure that Council is at all times compliant with the *Local Government Act 1993* (The Act), *Local Government (General) Regulations 2021* (The Regulation), the *NSW Modern Slavery Act 2018*, *Tendering Guidelines for NSW Local Government* and Council's Code of Conduct in relation to the procurement of goods and services.

2.2 Through the application of this Policy, Council is committed to the following:

- setting out Council's procurement governance framework,
- obtaining value for money for the Community which includes consideration of upfront costs as well as whole of life costs;
- transparency and accountability;
- advancing environmental and social sustainability and achieving positive sustainability outcomes;
- eliminating any conflicts of interest;
- monitoring and evaluating performance;
- providing policy and guidance on purchasing and procurement activities to ensure consistency.

3. SCOPE

3.1 This Policy applies to all purchasing, procurement, tendering and contracting activities undertaken by Camden Council and is binding on Council officers (i.e. staff, contractors, consultants, Committee members, volunteers etc) who are involved in any aspect of procurement on behalf of Council.

3.2 There are exemptions to tendering requirements provided for under Section 55 of the Act (for example, statutory payments). Further guidance in relation to these exemptions is provided in Council's *Procurement Procedures and Guidelines* documentation.

4. DELEGATED AUTHORITY

- 4.1 In order to purchase goods and services on behalf of Council, delegated authority is required from the General Manager. Numerous employees of Council are charged with financial delegations for the *Purchasing and Procurement of Goods, Works and Services*. Employees may only procure goods and/or services applicable to their delegated authority.
- 4.2 Financial delegations define the financial limitations within which specified staff may approve a purchase, quotation and contractual processes. Employees may only procure goods and/or services in accordance with these delegations.
- 4.3 The General Manager has delegated authority to accept Tenders up to a value of \$2 million (Including GST), noting the restrictions placed on this delegation under Section 377(1i) of the *Local Government Act 1993*.
- 4.4 The General Manager has delegated authority to reject all Tenders in circumstances where no submitted tender meets the specifications set out by Council in the tender documents or where tender prices exceed approved budget estimates. The decision to decline all tenders and to enter into direct negotiations in relation to the subject matter of the tender, must still be made by a formal resolution of Council to ensure transparency and accountability.
- 4.5 Financial delegations are set out in Council's Schedule of Sub Delegations which is available on Council's website.

PART 2 - POLICY STATEMENT

5. PURCHASING PROCEDURES

- 5.1 Detailed purchasing procedures are contained in Council's *Procurement Procedures and Guidelines* documentation.
- 5.2 The procedures outline Council's requirements when procuring goods and/or services on behalf of Council. Different requirements apply, depending on the total value of the supply.
- 5.3 All goods and/or services procured on behalf of Council must be procured following these procedures.

6. TENDERING PROCEDURES

- 6.1 Tenders are mandatory for the majority of purchases where the total anticipated expenditure is greater than \$250,000 (GST inclusive). This expenditure threshold could be for a single purchase or contract, or services provided over a number of years. Council may also tender for purchases below this limit.
- 6.2 Detailed tendering procedures are contained in Council's *Procurement Procedures and Guidelines* documentation.
- 6.3 In accordance with Section 55 of the Act, Council may elect to utilise prescribed entities when procuring good and services which exceed the tender threshold. These include NSWBuy, Local Government Procurement, Procurement Australia or an approved disability employment organisation. Further guidance in relation to

these prescribed entities is provided in Council's *Procurement Procedures and Guidelines* documentation.

7. PROCUREMENT GOVERNANCE

7.1 Ethics and Probity

All Council Officers must comply with the standards of integrity, probity, professional conduct and ethical behaviour established by Council's *Code of Conduct*, Council's Statement of Business Ethics and Guidelines issued by ICAC.

Council officials must disclose any potential or actual conflict of interest (whether pecuniary or non-pecuniary) in order to protect the public interest and prevent breaches of public trust.

Council has adopted a Statement of Business Ethics which sets out the standards of behaviour that Council expects from its private/public partners.

Probity auditors may be commissioned where deemed appropriate by Council's General Manager (or their delegate), in circumstances where additional professional knowledge, experience or independent recommendation is required.

7.2 Fraud and Corruption Principles

Council has an adopted Fraud and Corruption Control Policy. The principal elements of the policy are:

- Preventing fraud at its origin, in particular, implementing effective control structures and procedures that aim to eliminate the prospect of fraud and corruption occurring;
- Making all staff, Councillors, contractors, consultants and volunteers aware of their obligation to act ethically and to follow Council's Code of Conduct at all times;
- Making all contractors, consultants and those dealing with Council aware of the ethical standards that Council applies and of the ethical standards of others in their dealings with Council;
- Committing to a policy of detection, investigation and prosecution of individual cases of fraud and corruption; and
- Respecting the civil rights of individuals and committing to natural justice.

Council has a Fraud and Corruption Control Plan that underpins this policy and details responsibilities of positions within Council. It also outlines steps involved in identifying, investigating, reporting and taking action around fraud and corruption.

The Fraud and Corruption Control Plan and Council's Code of Conduct also outline the policies and procedures implemented by Council to ensure that any allegations and subsequent investigations into fraud are handled confidentially and in accordance with applicable legislation.

7.3 Record Keeping

All substantive communications with potential suppliers in respect of procurement and purchasing should be in writing and/or formal minuted meetings. Records for

all procurement activities must be kept and recorded in Council's electronic document management system.

7.4 Lobbying

Lobbying of Councillors and staff by tenderers or their agents is not permitted and shall result in their disqualification from the quotation or tender process on that occasion. For the purposes of this clause "lobbying" shall include seeking to influence, seeking to obtain support or assistance, urging or persuading.

7.5 Gifts and Benefits

Council officers must never seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence their decision making.

In some circumstances token or nominal gifts may be accepted but only in situations that do not create a sense of obligation on the staff or Councillors actions. Where you cannot reasonably refuse or return a gift or benefit of more than nominal value this must be disclosed to your supervisor and then ensure this is recorded in the Gifts and Benefits Register through Governance.

Council's Gifts and Benefits Procedure should be followed at all times. Under no circumstances should a gift of cash, or cash – like gift, be accepted.

8. VALUE FOR MONEY

8.1 Council resources are to be used efficiently and effectively to procure goods, services and works and every attempt must be made to contain the costs of the procurement process without compromising any of the procurement principles set out in this Policy.

8.2 Value for Money is considered to be a combination of product and/or service quality and the whole of life cost which is the most advantageous to Council. Value for money does not necessarily mean the lowest value or price.

8.3 In order to promote value for money outcomes, Council will include the following in its procurement assessment:

- Cost-related factors including whole-of-life costs and other transaction costs associated with the purchase of goods and/or services;
- non-cost factors such as fitness for purpose, innovation, quality, risk, service, support, work health and safety (WHS), community, environment and sustainability requirements;
- Contribution to the advancement of Council priorities, especially those set out in Council's current Community Strategic Plan and Delivery Program.

9. STRENGTHENING LOCAL CAPACITY PROGRAM

9.1 Council's approach to procurement is to support local businesses and suppliers and to support economic activity within the Camden Local Government Area (LGA), where it is efficient to do so, while achieving Council's overall 'value-for-money' objectives, which is also an expectation from our community.

- 9.2 To support local industry and local economic development, Council staff shall apply the following initiatives at all times:
- a) encourage a 'buy local' culture;
 - b) encourage local suppliers to participate in Council business by registering in Vendor Panel and other means considered appropriate;
 - c) utilise Vendor Panel Local Supplier Marketplace as a means to access local suppliers;
 - d) ensure that procurement policies and procedures do not disadvantage local suppliers;
 - e) encourage use of local suppliers by contractors, whenever goods or services are being sourced from outside the Camden LGA;
 - f) ensure transparency in Council's procurement practices.
- 9.3 In addition to the initiatives outlined in section 9.2, Council will also apply a local capacity factor to support local business and encourage economic business activity for the benefit of the local economy. The local capacity factor will apply to quotations and tenders over \$100,000 (incl. GST).
- 9.4 To be eligible to obtain the local capacity factor, suppliers and/or contractors will be required to have a principal place of business in the Camden LGA or part of their business address (not a PO box) that is located within the Camden LGA.
- 9.5 The assessment criteria will be an evaluation system as follows:
- Award 5% to suppliers located physically within Camden LGA;
 - Award between 1% to 4% to suppliers who engage sub-contractor firms or material supply firms located physically within Camden LGA;
 - Award 0% to suppliers located outside Camden LGA who do not use subcontractors and/or material supply firms within the Camden LGA.
- The remaining financial and non-financial tender assessment criteria is scored out of 95 points (95%).
- 9.6 Local suppliers who qualify under Council's On-Time Payment Policy will also receive payment within 20 days as part of the small business friendly councils initiative.

10. SUSTAINABLE PURCHASING

- 10.1 Along with quality, cost and social impacts, Council will consider the impact that purchases have on the environment across the entire life of a product or service. Consideration will be given to areas such as:
- Purchasing quantity – Staff are encouraged to only purchase products and services that are needed and only the required quality to reduce unnecessary spending and waste. Staff should also consider repairing, reusing and hiring as an alternative to purchasing;
 - Waste – All purchases should consider the waste hierarchy of avoidance (as most preferable) to resource recovery to disposal (as least preferable). This includes consideration across all stages of the product life cycle from inception to end-of-life management. This includes packaging, disposal, ability to be easily recycled, repurpose and product stewardship programs;

- Use of recycled products – Staff should seek products that contain high levels of recycled content as this has a higher sustainability value and requires lower levels of virgin materials;
- Efficient use of resources – Purchase products and services that use lower amounts of energy, water and other resources;
- Pollution – Products should not contain hazardous or toxic substances and/or materials which may negatively impact human health, air, soil or water quality;
- Greenhouse gas emissions – Higher value should be placed on products and services that reduce greenhouse gas emissions;
- Biodiversity and habitat – Products and services that support environmental protection and conservation.

11. MODERN SLAVERY

- 11.1 Council must take reasonable steps to ensure that goods and services are not the product of modern slavery within the meaning of the NSW Modern Slavery Act 2018.
- 11.2 Council staff and its representatives must ensure its operations and supply chains do not cause, involve or contribute to modern slavery. Council must also ensure its suppliers, relevant stakeholders, and others whom we do business with respect and share our commitment to minimising the risk of modern slavery.
- 11.3 To ensure that Council takes reasonable steps to avoid engaging suppliers who engage in modern slavery practices, the following measures will be taken:
- Identifying where modern slavery risks exist in Council's supply chain and assessing the degree of those risks;
 - Engaging with suppliers to identify those which are committed to minimising the risk of modern slavery in their own supply chains and operations;
 - Undertaking modern slavery risk assessments as part of the procurement process;
 - Providing training to Council staff to ensure they are aware of what modern slavery is, what Council's modern slavery risks are and how to raise any identified or potential concerns.

12. WORKPLACE HEALTH AND SAFETY

- 12.1 All contractors must provide documented evidence of the safety systems they have in place relevant to the risk associated to the work to be performed. Please refer to the Contractor Safety Management Procedure.
- 12.2 All contractors, designers, manufacturers, importers, suppliers, installers and builders of Council must adhere to relevant Work Health and Safety Act 2011. WHS performance will be monitored and reviewed to ensure continued adherence to legislation and relevant Council Policies.

13. ADMINISTRATION OF THIS POLICY

- 13.1 General enquiries in regard to this Policy should be directed in the first instance to Council's Finance and Property Services Branch.
- 13.2 Council will deal promptly with any concerns or complaints regarding this Policy. Any issues should be directed in writing to the General Manager.

ORD13**Attachment 2**

* * *

RELEVANT LEGISLATIVE INSTRUMENTS:

Government Information (Public Access) Act 2009
Local Government Act 1993
Local Government (General) Regulations 2021
Local Government Code of Accounting Practice and Financial Reporting
Modern Slavery Act 2018 (NSW)
Privacy and Personal Information Protection Act 1998
State Records Act 1998
Waste Avoidance and Resource Recovery Act 2001
Work Health and Safety Act 2011

RELATED POLICIES, PLANS AND PROCEDURES:

Contractor Safety Management Procedure
 Code of Conduct
 Fraud and Corruption Control Policy
 Fraud and Corruption Control Plan
 ICAC Guidelines
 IT Service Provider and Third-Party Supplier Policy
 Procurement Procedures and Guidelines
 Purchase Card Policy
 Purchased Goods Safety Evaluation
 On-time Payment Policy
 Schedule of Sub Delegations
 Staff Reimbursement of Council Expenses Procedure
 Record and Information Management Policy
 Record and Information Management Standard
 Tendering Guidelines for NSW Local Government
 Statement of Business Ethics
 Work Health and Safety Policy

RESPONSIBLE DIRECTOR:

Director Customer and Corporate Strategy

APPROVAL:

Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	Minor	July 2002	15/167592
2	Council	Old policy (5.32) rescinded and updated policy (P3.0161.1) adopted	26/09/2017	17/305833
3	Council	Minor - addition of fraud and corruption principles	11/06/2019	17/305833
4	Council	Legislative changes	08/10/2019	17/305833
5	Council	Inclusion of Local Preference	23/06/2020	17/305833
6		Inclusion of Modern Slavery Provisions, Changes to the application of Strengthening Local Capacity Program and other administrative changes to Policy		17/305833

ORD13

Attachment 2

ORD14

Attachment 1



VOLUNTEER MANAGEMENT POLICY

P3.0100.23

VOLUNTEER MANAGEMENT POLICY

DIVISION: Customer and Corporate Strategy

BRANCH: People and Learning

CATEGORY: 2

PART 1 – INTRODUCTION

1. BACKGROUND

- 1.1 Council recognises the benefits and contributions ~~volunteers~~Volunteers make to the community in the Camden Local Government Area (LGA). The contribution made by ~~volunteers~~Volunteers is highly valued by Council.
- 1.2 ~~1.2~~—The activities undertaken by ~~volunteers~~Volunteers are of benefit to Council and the local community and complement, but do not replace, the services and programs facilitated by Council employees.

2. OBJECTIVE

- 2.1 ~~2.1~~—The purpose of this ~~policy~~Policy is to:
- a. ~~provide~~Provide an over-arching framework for consistent ~~volunteer~~Volunteer management across all Council business units ~~for formal Volunteering activities and events.~~
 - b. ~~establish~~Establish a high quality and consistent standard approach to recruiting, training, and managing ~~volunteers~~Volunteers across all areas and activities of Council.
 - c. ~~provide the opportunity~~Detail opportunities for community members to participate in Council programs or services as ~~volunteers~~Volunteers.
 - d. ~~ensure~~Provide an approach that ~~volunteers are~~promotes Volunteers ~~being treated ethically and~~ with equity, fairness ~~and~~ respect ~~and used ethically.~~
 - e. ~~ensure~~Promote the health, safety, and wellbeing of ~~volunteers is~~protected ~~protected~~Volunteers while undertaking volunteering activities in the ~~workplace.~~Workplace.

3. SCOPE

- 3.1 ~~3.1~~—This ~~policy~~Policy applies to all ~~volunteers~~Volunteers, committees and sub-committees involved in Council ~~organised~~ activities or programs, including Council staff that ~~volunteers to~~Volunteer to be involved in such activities or programs ~~which is external to~~outside of their ~~normal workplace duties, work hours.~~ To avoid doubt, this ~~policy~~Policy applies to ~~volunteer~~Volunteer committees, ~~reference groups and casual volunteering within~~ ~~established for~~

~~the purposes of section 355 and 377 of the Local Government Act 1993 (NSW). -Government Act 1993 (NSW).~~ the Local Government Act 1993 (NSW).

4. DEFINITIONS

~~4.1 4.1 Council means Camden Council.~~

~~4.1 4.2 Council means Camden Council~~

4.2 Formal Volunteering means volunteering that takes place within organisations (including institutions and agencies).

4.3 Inclusive Volunteering means suitable volunteering opportunities are available to people regardless of age, culture, gender, sexual orientation, ethnicity, religion, social status, disability

4.4 Skills-Based Volunteering means individual employees, with professional qualifications and/or experience, who offer their skills and expertise to Volunteer Involving Organisations to implement projects to enhance community capacity.

~~4.24.5~~ Volunteer means any person ~~from the community who offers to do work who undertakes volunteering activities~~ for Council without monetary compensation.

4.6 Volunteer Involving Organisation (VIO) means any organisation/company/department that engages volunteers.

4.7 Volunteering means time willingly given to engage in volunteering activities for the common good and without monetary compensation.

4.8 Worker means all employees of Camden Council (whether full-time, part-time or casual) and all persons performing work at the direction of, or on behalf of Camden Council including apprentices, trainees, persons gaining work experience, volunteers, contractors, subcontractors, employees of a contractor or subcontractor, employees of a labour hire company, consultants and temporary staff.

4.9 Workplace means a place where work is carried out for, or on behalf of, Camden Council and includes any place where a Worker goes or is likely to be, while at work.

PART 2 - POLICY STATEMENT

Council is committed to creating opportunities for ~~volunteers~~Volunteers that are productive, meaningful and of benefit to the community and the ~~volunteer~~Volunteer. Council will ~~ensure that all volunteers are treated~~endeavour to treat ~~Volunteers as~~Volunteers as equals, receive training where necessary, given appropriate recognition and support and protected through the provision of a safe and healthy ~~workplace~~Workplace. Council is committed to increasing ~~volunteering~~Volunteering opportunities that ~~will~~may lead to skills development and learning opportunities.

5. SELECTION, ENGAGEMENT AND MANAGEMENT OF VOLUNTEERS

5.1 Volunteering is open to any person who has been assessed as capable of carrying out the ~~volunteer~~Volunteer activities.

- 5.2 ~~Volunteers~~ must be approved by Council before undertaking any ~~volunteering duties~~Volunteering activities. Council may prescribe specific prerequisites for a ~~volunteer~~Volunteer performing certain activities (e.g. specific qualifications and/or medical clearance, Working With Children Check) to ensure the safety of the volunteer and/or others involved in the activity.
- 5.3 All required prerequisites will be included in the Volunteer Application Form~~Registration Pack~~ that must be completed by all volunteers and reviewed by Council before the volunteer is approved.
- 5.4 Volunteers will be appropriately managed, supervised and supported by Council in a way that is consistent with the duties the ~~volunteers~~Volunteers perform.
- 5.5 Council reserves the right to suspend or terminate the services of a ~~volunteer~~Volunteer or discontinue the running of an activity without notice as outlined in Council's Volunteer Handbook.

6. IDENTIFYING ACTIVITIES INVOLVING VOLUNTEERS

6.1 Council will:

- Identify activities within Council that involve, or are likely to involve, ~~volunteers~~Volunteers, including:
 - Community events.
 - Non-event activities (such as park and bush maintenance).
 - Community services and fundraising.
 - ~~Council committees and sub-committees (e.g. Section 355 Committees).~~
 - ~~Identifying volunteer roles for these activities.~~
 - Community projects, committees, or groups where skill-based volunteering is required to assist Council in service delivery outcomes for the LGA.

- 6.2 ~~Council~~Written approval must be obtained from Council prior to the commencement of any task to be undertaken by a ~~volunteer~~Volunteer who has been deemed competent to carry out the task. Approval for certain tasks contained within the Volunteer's Position Description can be provided by Council on an ongoing basis. For any work or activity relating to a program of works or relating to an unplanned event, the relevant Council Officer must be contacted for approval prior to that work or activity being commenced.

7. INCLUSIVE VOLUNTEERING

- 7.1 Council understands the role of Volunteering as a means of community empowerment and social inclusion. A socially inclusive society is one in which all people feel valued and can participate in. This leads to increased social capital for individuals and social cohesion for the community.
- 7.2 Council is committed to providing Volunteering opportunities, where suitable, to all people within the LGA. Achieving this means that people will have the opportunity to apply to engage in meaningful Volunteering activities, in an

attempt to develop a sense of belonging and empowerment.

7.8. OBLIGATIONS OF VOLUNTEERS

8.1 Volunteers are expected to maintain the same standards of confidentiality, courtesy, organisational discipline and compliance with Camden Council's Code of Conduct, Work, Health ~~and~~ Safety and other relevant ~~policies~~ Policies and ~~procedures~~ Procedures.

8.9. WORK HEALTH AND SAFETY

8.9.1 Under the *Work Health and Safety Act 2011* (NSW), Volunteers are deemed to be a ~~worker~~ Worker of Council and as such are owed a statutory duty of care while undertaking activities on behalf of Council.

9.2 Council will provide guidance to ~~volunteers~~ Volunteers in relation to the process of identifying and managing risks and hazards. ~~Council will also provide guidance on the implementation of appropriate controls to eliminate or if not possible, reduce the level of risk to an acceptable level to create a safer, healthier workplace for volunteers.~~

9.3 Volunteers have ~~an~~ responsibility not to ~~place~~ conduct themselves in a manner that would place them or other persons at risk while undertaking Council related activities or carrying out ~~work~~ those activities on Council owned premises or facilities.

10. WHS RISK MANAGEMENT

10.1 Council has a duty to provide a Workplace for Volunteers that is without safety and health risks, so far as is reasonably practicable. If identified risks cannot be eliminated, control measures must be implemented to reduce risks so far as is reasonably practicable.

10.2 Council has a WHS Risk Management Procedure which is applicable to all Workers, including Volunteers. The Procedure describes how Council identifies, assesses, and manages WHS risks. It explains the use of WHS risk management tools and defines responsibilities.

10.3 As a Worker, Volunteers have a duty under the *WHS Act (2011)* to take reasonable care for their own health and safety and that of others. This can include but is not limited to:

- Following all reasonable instructions given by Council.
- Read, understand, and cooperate with Policies, Procedures, Safe Work Method Statements and Safe Work Procedures provided by Council.
- Raise any health and safety concerns in relation to Volunteer activities with the program supervisor.
- Do not perform tasks that the Volunteer has not been trained or approved by Council for.
- Do not engage in unsafe behaviour.

9-11. REIMBURSEMENT OF EXPENSES

~~911.1~~ ~~Volunteers will be reimbursed by~~ Council ~~will consider reimbursement~~ for any ~~pre-approved~~ expenses reasonably incurred in connection with the performance of ~~voluntary work~~ Volunteer activities. A ~~volunteer~~ Volunteer making a claim for reimbursement must supply Council with proof of the expense claimed.

40-12. INSURANCE

~~4012.1~~ Appropriate and adequate insurance coverage will be provided to ~~volunteers~~ Volunteers.

44-13. MEDIA

~~4413.1~~ Volunteers are not permitted to make any comments to the media ~~on behalf of~~ in relation to their involvement with any volunteering activities they undertake with Council. Any queries for a statement to the media must be referred to Council's Media Advisor.

42-14. TRAINING

~~4214.1~~ Volunteers must attend all training required by Council.

43-15. REVIEW

~~4315.1~~ This policy will be reviewed biennially. More frequent reviews may be required ~~if there are changes due~~ to legislative ~~requirements or~~ organisational change or amendments to Council's related policies, procedures or Safety Management System.

□ * * *

RELEVANT LEGISLATIVE INSTRUMENTS:

Work Health and Safety Act 2011 (NSW)
Work Health and Safety Regulations 2017
Local Government Act 1993
Anti-Discrimination Act 1977
Child Protection (Working with Children) Act 2012
Privacy and Personal Information Protection Act 1998

RELATED POLICIES, PLANS AND PROCEDURES:

Camden Council Volunteer Handbook
[Volunteer Management Manual](#)
 Work Health & Safety Policy
[WHS Risk Management Procedure](#)
 Prohibited Substance & Alcohol Policy
[Prohibited Substance & Alcohol Procedure](#)
[Keeping Kids Safe Policy](#)
[Keeping Kids Safe Procedure](#)
 Code of Conduct Policy
 Respect & Dignity in the Workplace Policy
 Contractor Management Procedure
 Media Policy
 Procurement Procedures and Guidelines
[Personal Protective Equipment Procedure](#)
[Workplace Surveillance Policy](#)

RESPONSIBLE DIRECTOR:

Customer and Corporate Strategy

APPROVAL:

Council

HISTORY:

Version	Approved by	Changes made	Date	TRIM Number
1	Council	New	29/01/2013	15/216613
2	Council	Minor amendments	23/07/2019	15/216613



**Investment Summary Report
June 2023**



Camden Council
Executive Summary - June 2023

Investment Holdings **Sources of Funds**

Section 7.11 Developer Contribu
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Internally Restr

Term to Maturity

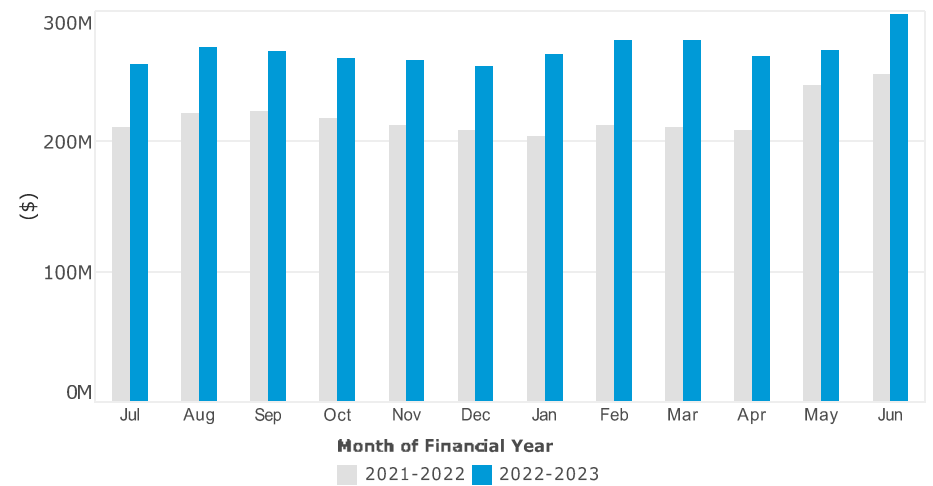
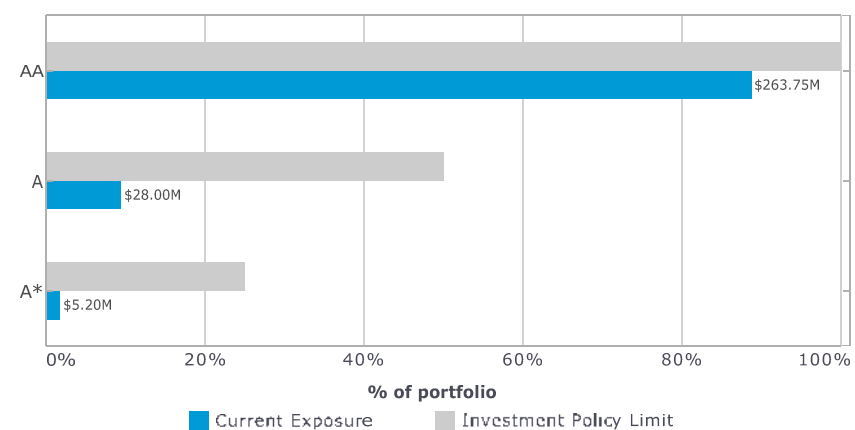
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Between 1 and 3

Total Funds In

Council's investment portfolio has increased by \$27.4m since th reporting period. The increase primarily relates to grant funding, borrowings and developer contributions received during the month. The source of funds invested are indicative only due to Council's a financial reports being finalised for 30 June 2023

Percentages in this report may not add up to 100% due to rounding

Total Credit Exposure **Investment Portfolio Balance**



*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 25% of the total portfolio



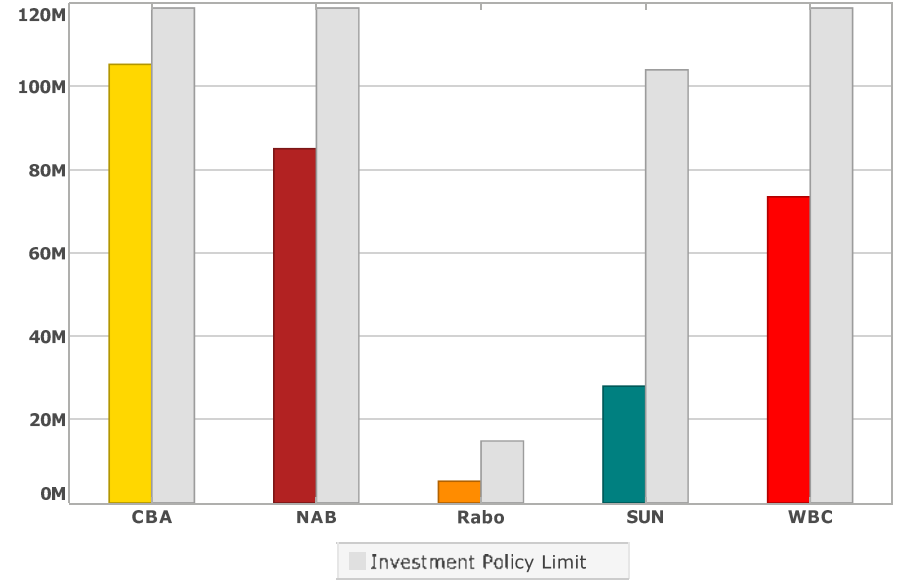
Camden Council

Individual Institutional Exposures Report - June 2023



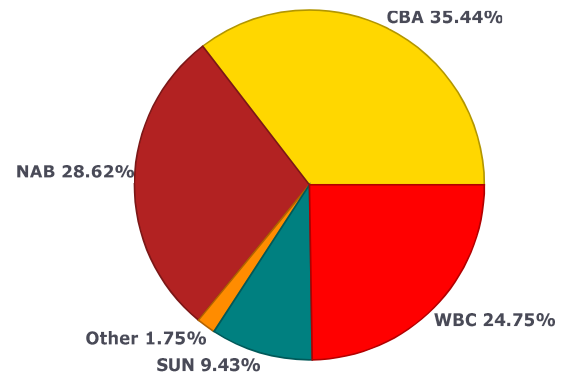
Individual Institutional Exposures Individual Institutional Exposure Charts

Current Expos
Commonwealth Bank of Australi
National Austral
Rabobank Aus [Foreign Sub] (A
Suncorp Bank (
Westpac Group (



*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
 Council's portfolio is within its term to maturity investment polic
 Council's portfolio complies with the NSW Ministerial Investment O

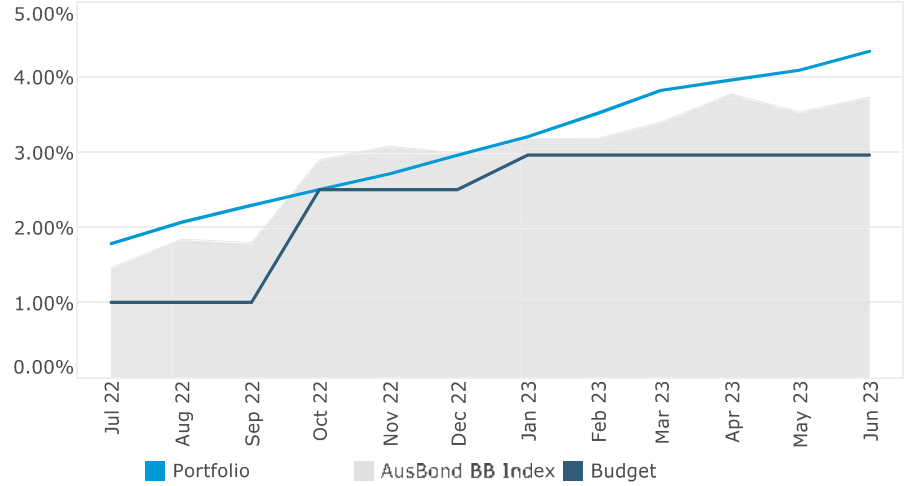




Camden Council
Performance Summary - June 2

Interest Summary **Investment Performance**

Interest Summary as of June
Number of Inve
Average Days t
Weighted Portfo
CBA Call Accoun
Average BBSW (
Average BBSW (
Average BBSW (
Official Cash Ra
AusBond Bank B



Interest Received During the 2022/2023 Financial Year

Historical Performance Summary (%pa)	AusBond BB In	Outperforman
Financial Year to		

Investment P

Council's portfolio returned 4.34%pa on a weighted average yield basis during J compares favourably with the Ausbond Bank Bill Index's return of 3.72%pa for t





Camden Council

Investment Holdings Report - June 2023

Accrued Int (\$)
Commonwealth Bank of Australi
National Austral
Commonwealth Bank of Australi
National Austral
National Austral
Commonwealth Bank of Australi
National Austral
National Austral
National Austral
National Austral
Rabobank Austr
Commonwealth Bank of Australi
Commonwealth Bank of Australi
National Austral
National Austral
Commonwealth Bank of Australi
National Austral
National Austral
Rabobank Austr
National Austral
Rabobank Austr
National Austral





Camden Council

Investment Holdings Report - June 2023

	Accrued Int (\$)
Rabobank Austr	
Commonwealth Bank of Australi	
Commonwealth Bank of Australi	
National Austral	
Commonwealth Bank of Australi	
National Austral	
Commonwealth Bank of Australi	
282,700,000.0	287,520,400.4



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