



Department of
Infrastructure, Planning and Natural Resources



Memorandum Of Understanding
for the implementation of the
INTERIM
LAND RELEASE CONTRIBUTION
POLICY

At Elderslie and Spring Farm Release Areas

Between the
Director-General of the Department of Infrastructure,
Planning and Natural Resources,
The Chief Executive Officer of the Roads and Traffic Authority of NSW
and the General Manager Camden Council.

INTRODUCTION

This Memorandum of Understanding (MOU) is entered into by the Director-General of the Department of Infrastructure, Planning and Natural Resources (the 'Department'), the Chief Executive Officer of the Roads and Traffic Authority of NSW and the General Manager of Camden Council, herein called the "parties". The parties acknowledge that the purpose of this MOU is to form the basis for co-operative relations between the parties in relation to the provision of regional transport infrastructure associated with urban release area development at Elderslie and Spring Farm in the Camden local government area.

1 OBJECTIVE

The objective of the MOU is to facilitate the implementation of the Interim Land Release Contribution as it relates to the Elderslie and Spring Farm Release Areas, by ensuring that satisfactory arrangements for the provision of regional transport infrastructure are in place prior to the issue of any development consent for subdivision for urban development.

Regional transport Infrastructure includes, but is not limited to:

- rail, busway or road links to district centres;
- rail, busway or road links to sub-regional transport road and rail networks, including station and track upgrades;
- ancillary works such as cycleways and pedestrian footpaths to encourage use of non-motorised transport or to encourage use of public transport;
- promotion of public transport in the area and of the benefits of non-motorised forms of transport such as walking and cycling;
- acquisition of land for transport infrastructure purposes; and
- administration fees associated with the implementation and management of the Interim Land Release Contribution Policy.

2 PURPOSE

2.1 The purpose of this MOU, in accordance with the Interim Land Release Contribution Policy, is to:

(a) establish effective processes and co-operative arrangements between

- The Department of Infrastructure, Planning and Natural Resources as the State agency responsible for the co-ordination and prioritisation of transport infrastructure and for the co-ordination of the Metropolitan Development Program;
- The Roads and Traffic Authority of NSW as the provider of the state road infrastructure; and
- Camden Council as the consent authority responsible for the urban release areas at Elderslie and Spring Farm;

- (b) achieve provision of regional transport infrastructure in association with the development of urban release areas in Elderslie and Spring Farm; and
- (c) document the agreement between the parties to implement the Interim Land Release Contribution Policy in the Camden local government area.

3 TERM

- 3.1 Subject to clauses 3.2 and 3.3, this MOU commences on the date of endorsement by the respective parties.
- 3.2 This MOU must be reviewed, and amended or replaced as necessary, upon any review or amendment to the Interim Land Release Contribution Policy and/or to relevant environmental planning instruments as notified by the appropriate party.
- 3.3 The process to review and amend or replace this MOU must be undertaken within a timeframe agreed to by all parties at the commencement of that process. If agreement cannot be reached, the decision of the Director-General of the Department of Infrastructure, Planning and Natural Resources as to this timeframe shall prevail.

4 PRINCIPLES

4.1 The Urban Release Areas

- 4.1.1 The parties acknowledge that the urban release area at Elderslie has the potential for a new urban community.
- 4.1.2 The parties acknowledge that the urban release area at Spring Farm has the potential for a new urban community.
- 4.1.3 The development of infrastructure will be linked to the increased capacity of the land for urban development such that urban development is not activated without provision being made for regional transport infrastructure.

4.2 Planning

- 4.2.1 The parties agree to work collaboratively to provide a framework under which the urban development of Elderslie and Spring Farm can proceed in conjunction with the provision of regional transport infrastructure. Attachment A sets out the application of the Policy to Elderslie and Spring Farm Release Areas.
- 4.2.2 Camden Council, as the local planning authority for Elderslie and Spring Farm Release Areas, agrees to include provisions within environmental planning instruments to provide a mechanism whereby arrangements for regional transport infrastructure, as described in the Interim Land Release Contribution Policy (dated October 2003) prepared by DIPNR and the RTA, are a prerequisite to urban development of land in the Elderslie and Spring Farm Release Areas.
- 4.2.3 The parties agree that development within the urban release areas should be consistent with the State Government's *Integrated Land Use and Transport – A Planning Policy Package* (2001).

4.3 Administration

- 4.3.1 On behalf of the State Government, the Department of Infrastructure, Planning and Natural Resources is responsible for the administration of Land Release Contributions under the Interim Land Release Contribution Policy (dated October 2003 as amended).
- 4.3.2 The parties acknowledge that the Land Release Contributions for Regional Transport Infrastructure do not affect, and exist separately and in addition to, any contributions toward the provision of local transport infrastructure identified under any Section 94 Contributions Plan made by Camden Council.
- 4.3.3 The parties agree that Land Release Contributions will be calculated in accordance with the Interim Land Release Contribution Policy and will be updated over time in accordance with the Interim Land Release Contribution Policy.
- 4.3.4 Nothing in this MOU removes or constrains any legal obligation imposed on the parties by common or statute law or any instrument made thereunder.

4.4 Regional Transport Infrastructure

- 4.4.1 Appropriate transport infrastructure identified for the Elderslie and Spring Farm urban release areas includes, but is not limited to:
- public transport and road links to local transport (Narellan and Campbelltown/Macarthur);
 - public transport and road links to regional transport (southern rail line);
 - arterial road links;
 - ancillary works such as regional cycleways and pedestrian footpaths to encourage use of non-motorised transport or to encourage use of public transport; and
 - promotion of public transport information in the area.
- 4.4.2 Attachment B contains a preliminary list of works, including an agreed priority for the first three items of regional transport infrastructure.
- 4.4.3 Additions to and/or revision of this list are likely to be required over the life of the MOU for several reasons, including any amendments to relevant planning instruments, variations in take up rates and development proposals for destinations and routes evolving over time. Any such revisions shall be carried out in accordance with the Interim Land Release Contribution Policy and be agreed between the parties.
- 4.4.4 Where the urban release area is a beneficiary of a specialist study or the allocation of agency resources, the Land Release Contribution Policy will still continue to apply.

4.5 Effect of Certificate

- 4.5.1 The parties acknowledge that the issue of a Certificate by the Director-General specifying that satisfactory arrangements have been made for the provision of regional transport infrastructure is likely to affect the future development potential of the land to which the Certificate relates. As such, the Council agrees that following receipt of notification from the Department that a Certificate has been issued under the Policy, the Council will include a notation to that effect on any future planning certificate it issues pursuant to section 149 of the *Environmental Planning and Assessment Act* with respect to that land.
- 4.5.2 The Council agrees that it will notify the Department in writing or electronically once it has issued a subdivision certificate for land to which this MOU applies.

5 EXCHANGE OF INFORMATION AND DATA

- 5.1 In recognition of the spirit of co-operation embodied in this MOU and so as to enable the parties to more effectively carry out their statutory functions, each party must share or supply relevant data and information and provide updated information as appropriate.

6 COSTS

- 6.1 Each party agrees to cover its own costs for day to day work related to and in support of this MOU that are aligned with its core business.

7 QUALIFICATIONS

- 7.1 Nothing in this MOU is to be considered as fettering the proper exercise of statutory discretion by any relevant authority.
- 7.2 The parties acknowledge and agree that nothing in this MOU is intended to create legally binding contractual relations between them.

**ATTACHMENT A
APPLICATION OF POLICY TO ELDELSLIE AND SPRING FARM RELEASE AREAS
(October 2003)**

The application of the policy to the Elderslie and Spring Farm Release Areas comprises 3 key aspects:

- Elderslie LEP and Spring Farm LEP to include provision for satisfactory arrangements for regional transport infrastructure prior to determination of any development application for subdivision of land for residential or mixed use purposes into lots less than the current minimum.
- The land subject of the contribution is as set out in Camden Local Environmental Plan No. 117 for Elderslie and the Camden Local Environmental Plan No. 121 for Spring Farm.
- Upon receipt of a Certificate from the Director-General of Infrastructure, Planning and Natural Resources specifying that satisfactory arrangements have been made for the provision of regional transport infrastructure, section 149(5) certificates shall be amended to include reference to this Certificate applying to the subject land.

In addition it should be noted that:

- Payment of the contribution, bank guarantee, in kind contributions or other forms of payment will be as specified in the Deed of Agreement between the Minister and the land owner and development applicant.
- A review of this MOU will need to be considered should any amendments be proposed to the Elderslie LEP or DCP or Spring Farm LEP or DCP in effect or as adopted on the same day as this MOU.
- The Department of Infrastructure, Planning and Natural Resources agrees to consult Council in regard to any review of the inclusions of the specific list of works identified as regional transport infrastructure and their priority.

ATTACHMENT B - LIST OF WORKS:

The three priority works identified in clause 4.4.2 are:

1. Intersection improvements on Narellan Road to include signals and bus priority measures
2. Narellan Road extension to the Northern Road
3. Improvements to Macarthur station and interchange

Other measures not prioritised may include:

- Public transport information and promotion measures
- Additional Bus priority measures
- Spring Farm Link Road conversion from collector to arterial road
- Narellan Road upgrade
- Intersections on the southern section of Camden Valley Way
- Camden By-Pass extension to Camden Valley Way

This Memorandum of Understanding is made between the Department of Infrastructure, Planning and Natural Resources, Roads and Traffic Authority of NSW and Camden Council.

SIGNED for and on behalf of the Department of Infrastructure, Planning and Natural Resources

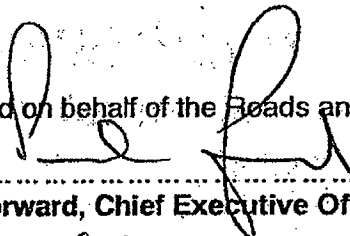

.....
Jennifer Westacott, Director-General

.....
Witness to the above signature

Louise Higgins
.....
(Print name)

24 January 2005
.....
(Date)

SIGNED for and on behalf of the Roads and Traffic Authority of NSW

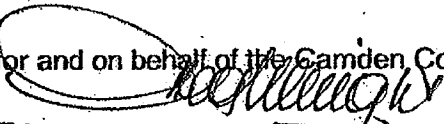

.....
Paul Forward, Chief Executive Officer

.....
Witness to the above signature

Lesley Pavlis
.....
(Print name)

28 February 2005
.....
(Date)

SIGNED for and on behalf of the Camden Council


.....
GREG WRIGHT
~~Sherridan Dodley~~, General Manager

.....
Witness to the above signature

Denis Moore
.....
(Print name)

2 February 2005
.....
(Date)