



Camden Council

Business Paper

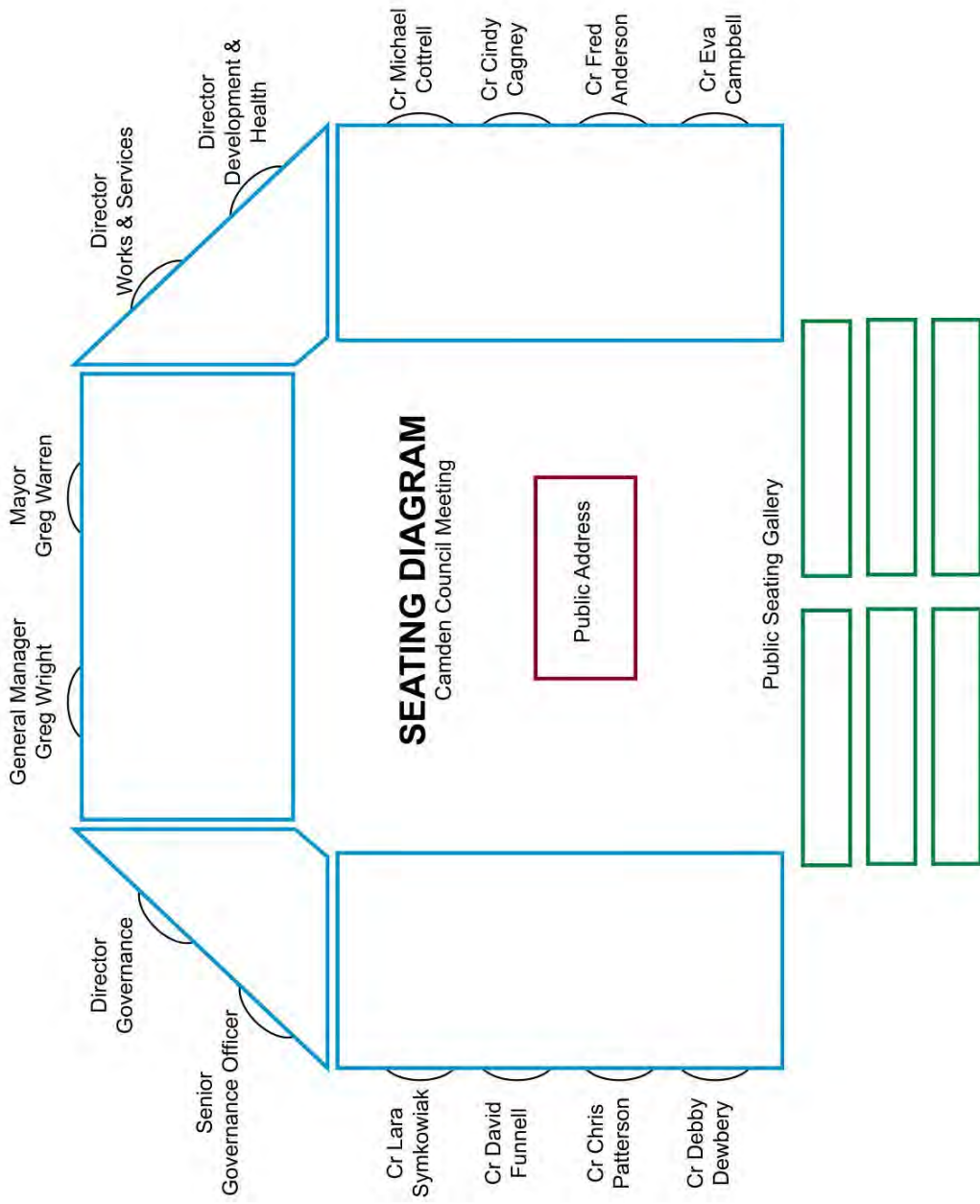
Ordinary Council Meeting
28 February 2012

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



***Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted at any time.***



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded for minute taking purposes.



ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 14 February 2012, and the Local Traffic Committee Meeting held 21 February 2012

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 14 February 2012, and the Local Traffic Committee Meeting held 21 February 2012, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: DEMOLITION OF OUTBUILDINGS, REMOVAL OF TREES AND CONSTRUCTION OF A TWO STOREY COMMERCIAL DEVELOPMENT AND ASSOCIATED SITE WORKS AT NO 78 (LOT 14, DP 193308) AND NO 80 (LOT 13, DP 193308) JOHN STREET, CAMDEN

FROM: Director, Development and Health

BINDER: Development Applications 2011

DA NO: 491/2011
OWNER: Isidate Pty Ltd
APPLICANT: Arthur Ban
ZONING: B2 Local Centre

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for a commercial development on this site.

This report also recommends that Council not proceed with the dedication of the rear of No's 76 – 80 John Street and No's 29 – 33 Hill Street to facilitate alternate vehicular access and/or deck construction in the future. However, it is recommended that Council review its parking strategy for the Camden Town Centre.

The application is referred to Council in accordance with its delegations as there remain unresolved issues in submissions received from the public. In addition, the application proposes a variation to a development standard in Camden Local Environmental Plan 2010.

SUMMARY OF RECOMMENDATION

It is recommended that Council:

1. rescind its previous resolution regarding the dedication of the rear of No's 76 – 80 John Street and No's 29 – 33 Hill Street, Camden to facilitate alternate vehicular access and/or deck construction in the future;
2. approve this DA subject to the draft Development Consent Conditions provided at the end of this report;
3. review its car park strategy for the Camden Town Centre.

BACKGROUND

The subject application was lodged with Council on 2 May 2011. The application was publicly notified between 11 and 25 May 2011. Three submissions were received as a result of this notification.

In September 2011 the proposed building was modified by reducing its height and roof pitch as recommended by the submitted conservation schedule of works. These changes were communicated to the three objectors, with one of them lodging a

supplementary submission in January 2012. The application, including the three submissions received, has been assessed and is recommended for approval.

Council has previously resolved to require the dedication of land to the rear of the subject and adjoining sites to extend its car park. The proposed building extends over the land to be dedicated. It is recommended that Council rescind its previous resolution to dedicate the land and review its car parking strategy for Camden Town Centre.

THE SITE

The site comprises two rectangular lots located at the southern end of John Street in the Camden Town Centre, known as No's 78 and 80 John Street (Lots 14 and 13, DP 193308). Both lots have an area of 614m² each and therefore an overall combined total area of 1,228m². No 80 John Street also has a secondary frontage with Broughton Street to the south-east.

Both lots contain timber clad cottages with both of them currently being used as medical practices. These are existing uses and there are no records of any formal off-street car parking spaces being required for them.

Both of these cottages are local heritage items identified in Camden Local Environmental Plan 2010. Both lots contain a number of mature trees at the rear, with overgrown grass and a cleared but unformed area used for informal off-street car parking. The site has a cross fall from Broughton Street of approximately 5.3m to the north-western boundary of No 78 John Street.

A site location map is provided at the end of this report (Attachment 1).

THE PROPOSAL

Development consent is sought for:

1. demolition of two existing outbuildings (including the rear skillion additions), and removal of three trees (on No 78 John Street);
2. construction of a two storey commercial building at the rear of both lots, with a total gross floor area of 222.4m² and a frontage to Broughton Street;
3. construction of 12 off-street parking spaces, with seven provided for the proposed building and five provided for the two existing medical practices;
4. conservation works to the two existing cottages including the upgrade of the two existing driveways, restoration of the rear kitchens, upgrading of existing downpipes and repainting.
5. landscaping within the site;
6. consolidation of the two existing lots into one lot.

The application does not include the use of the proposed building. Any future use of the building and signage will be subject to a separate DA.

A copy of the proposed plans is provided at the end of this report (Attachment 2).

The application was referred to the Camden Local Area Command for a Safer by Design evaluation. The Police have identified this development as being a low crime risk and have made several recommendations including the installation of CCTV cameras in the lift, lighting for the car park and landscaping maintenance. All of the Police recommendations are included in the draft Development Consent Conditions provided at the end of this report.

NOTIFICATION

This application was publicly notified between 11 and 25 May 2011. Three submissions were received as a result of this notification (all objecting to the application).

The issues raised in the submissions are assessed in the “1(d) Any Submissions” section of this report.

Copies of the submissions are provided with the Business Paper supporting documents.

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

1. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
2. Camden Local Environmental Plan 2010
3. Camden Development Control Plan 2011.

ASSESSMENT

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. The following comments are made with respect to the application:

(1)(a)(i) The provisions of any Environmental Planning Instrument

Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this Policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. The proposed stormwater drainage design and draft Development Consent Conditions will ensure protection of the river system.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The land is zoned B2 Local Centre under the LEP. The proposed development is defined as a “commercial premises” by the LEP and is permissible with development consent in this zone.

Zone Objectives

In terms of the proposed development’s consistency with the zone objectives, the relevant objectives of this zone seek “to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in

and visit the local area” and “to encourage employment opportunities in accessible locations.”

It is considered that the proposal is generally compliant with these objectives. The development is for a commercial use which will provide employment opportunities in an accessible location within the Camden town centre.

Height of Buildings

When this DA was lodged with Council, the proposed building height ranged from 5.6m at the Broughton Street elevation (from the street level of Broughton Street) to 8.8m above the existing ground level along the northern boundary with No. 78 John Street.

Following discussions with the applicant, amended plans were lodged and the height of the proposed building was reduced to range from 5.1m at the Broughton Street elevation (from the street level of Broughton Street) to 8.35m above the existing ground level along the northern boundary with No. 78 John Street.

Pursuant to the Clause 4.3 of the LEP, part of the proposed building does not comply with the site’s maximum building height of 7m.

Pursuant to Clause 4.6 of the LEP, the applicant has requested a variation from the building height development standard in this instance on the following basis:

1. it is not possible to further reduce the building height as it will impact on the appearance of the cottage façade of the proposed building when viewed from Broughton Street;
2. the height of the building, when viewed from the Broughton Street frontage, is under the maximum height limit, and provides a building form that is consistent with other similar cottages in John Street and Hill Street, particularly in relation to the front façade and architectural roof features including roof form, roof pitch and materials; and
3. the visual impacts of the development are not considered to be unreasonable and will only have minimal impacts upon solar access and disruption of views.

Council staff have reviewed the request to vary the 7m maximum building height development standard and support the applicant’s justification.

The variation is supported as the height of the building has been designed to have a presentation that is generally consistent with other cottages in the surrounding area (having particular regard to the Broughton Street frontage).

The encroachment relates to part of the roof of the proposed building. The building is located at the rear of the site (when viewed from John Street), so the height above 7m will be softened by this setback, the mature vegetation in the John Street road reserve, and the existing cottages along the site’s John Street frontage.

It is recommended that the proposed variation to this LEP development standard be supported by Council.

Heritage Conservation

Pursuant to Clause 5.10 of the LEP, the development is located within a heritage conservation area which covers the Camden Town Centre. Both No's 78 and 80 John Street contain two cottages (one on each lot) which the LEP identifies as local heritage items.

The relevant objectives in this clause seek to “conserve the environmental heritage of Camden”, and to “conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.”

It is considered that the proposal is generally consistent with these objectives. The proposed building is designed to match the appearance of adjoining cottages in the area, and will therefore conserve the environmental heritage of the Camden Town Centre.

The applicant has provided a Heritage Impact Statement (HIS) and a Conservation Schedule of Works in support of this DA. In summary, the main recommendations of these documents are:

1. conservation works to the two existing cottages including upgrade of the two existing driveways, restoration of the rear kitchens, upgrade of existing downpipes and repainting;
2. a distance of about 10m is to be maintained between the rear of the existing cottages and the proposed building;
3. the new building is to maintain the low residential character of the area and the design of the new building is to incorporate elements from nearby buildings, including colour schemes and architectural features including roof form, pitch, materials etc.; and
4. the demolition of the two outbuildings at the rear of the cottages (including the rear skillion additions) are supported as they are deemed to not be of significance in the context of the cottages and have been altered from the original fabric and function.

The HIS and schedule of works have been assessed by Council staff and, subject to the recommended draft Development Consent Conditions, it is considered that the proposed development will not adversely affect the heritage significance of the two existing cottages or the wider heritage conservation area.

(1)(a)(ii) The provisions of any proposed instrument that is, or has been, the subject of public consultation under *the Act* and that has been notified to the Consent Authority

There are no relevant draft Environmental Planning instruments applicable to this site or development.

(1)(a)(iii) The provisions of any Development Control Plan

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

Part B1.1 – Erosion and Sedimentation

Erosion and sediment control measures, which comply with the DCP's requirements, are included in the draft Development Consent Conditions provided at the end of this report.

Part B1.2 – Earthworks

The development responds to the natural topography of the site, however there will be some minor cutting and filling on-site to grade the land for the development. This is compliant with the DCP's requirements.

Part B1.4 – Water Management

Stormwater management, drainage and connection to sewer has been assessed by Council staff and deemed satisfactory subject to the draft Development Consent Conditions provided at the end of this report. This complies with the DCP's requirements.

Part B1.5 – Trees and Vegetation

Three trees are proposed to be removed at the rear of the No. 78 John Street as they are within the footprint of the proposed building and the hardstand area for the off-street car parking spaces. The tree removal has been assessed by Council staff and is considered acceptable as the trees are not listed in the significant tree register and will not adversely affect the visual amenity of the site or surrounding area. Additionally, the removal of the trees will be necessary to ensure that the proposed car parking complies with the relevant parts of Australian Standard AS2890.1.

The existing vegetation at the front of the two cottages (fronting John Street) will be retained and will assist in maintaining the character of this frontage.

Part B1.9 – Waste Minimisation and Management

A Waste Management Plan was provided as part of the DA and related to the construction of the proposed development as well as ongoing management of waste. This Plan addresses the DCP's requirements.

Part B2 – Landscape Design

Landscaping Plans submitted by the applicant provide landscaping for the development which has been assessed by Council staff. This landscaping is considered to be acceptable in that it complies with the DCP's controls relating to enhancing the visual setting and design qualities of the built form and maximising surveillance opportunities within the car parking area.

Part B3.1 – European Heritage

The heritage impacts of this development have already been assessed in the “Camden Local Environmental Plan 2010” section of this report. It is considered that the proposed development complies with this part of the DCP.

Part B5 – Access and Parking

For commercial developments, the DCP requires one space per 35m² of net floor area (NFA). The total NFA of the proposed building is 190m².

The car parking calculations for this development are:

$$190 / 35 = 5.4 \text{ (rounded up to 6).}$$

Therefore the development requires six spaces. Seven spaces have been provided, which complies with the DCP.

It is noted that these seven spaces are secured by way of garage doors. The inclusion of these garage doors are an integral part of the architectural elements along the south-west façade, however it is recommended as an advice note that these spaces also be made available for visitor use during the approved hours of operation for any future commercial use in this building (which will be subject to a separate DA).

In addition to the above, the proposed development will provide five additional off-street car parking spaces for the two existing medical practices in the two existing cottages on the site. This is a positive outcome as neither of these medical practices currently has any formalised off-street car parking spaces.

Part D3.2 – General Controls Applying to all Business Zone Areas

Function and Uses

The intent of the building is for a commercial use that will serve the local needs of the community, however no use has been nominated as part of this application and will be subject to a separate DA.

Layout and Design

The development addresses Broughton Street and does not detract from significant views north to the rural areas outside of Camden, or to vistas which includes adjoining heritage listed buildings.

Built Form and Appearance

The proposed building demonstrates a similar mass and scale to the street as adjoining cottages in the vicinity by way of an architectural design, including a similar roof form, roof pitch and materials.

The building's north-west façade is to have recessed partial walls (i.e. bricked up articulated window sills). Additional features are that the pitch of the roof is to be 30° and any hardstand areas are to not have stencilled concrete. These requirements are included in the draft Development Consent Conditions provided at the end of this report.

Pedestrian Amenity

The development can facilitate pedestrian movements by way of a clearly identified entrance from Broughton Street, as well as the car parking areas below the commercial floor space.

Parking and Access

The development's parking and access areas are minimised and are not the dominant features of the site from either street frontage. The number of car parking spaces provided is in excess of those required by Part B5 of the DCP.

Part D3.5 Camden – B2 Local Centre

Layout and Design

The proposed development maintains and enhances the historic character of the Camden Town Centre.

Heritage and Character

The heritage impacts of this development have already been assessed in the "Camden Local Environmental Plan 2010" section of this report. It is considered that the proposed development complies with this part of the DCP.

Town Centre Strategy (the Strategy)

The proposed development is in accordance with the relevant principles of this Strategy, those being to maintain the unique heritage character of the town centre, to adopt a contemporary design that is compatible with heritage values, to ensure the ongoing economic viability of the town centre and to encourage a range of residential and commercial developments.

The site is located in the Strategy's Precinct 8 (Hill Street). Figure 11 of the Strategy identifies the potential for two storey development on this site. The proposal is considered to be a non-intrusive development that maintains the existing streetscape character and significant views.

(1)(a)(iia) The provisions of any Planning Agreement

There are no Planning Agreements that apply to this site or development.

(1)(a)(iv) The provisions of the Regulations

The Regulations prescribe several Development Consent Conditions that are included in the draft Development Consent Conditions provided at the end of this report.

(1)(b) The likely impacts of the Development

The likely impacts of this development include:

1. Economic Impacts

Given Camden's status as a major centre in the region and with increased demands in commercial and retail floor space, this commercial development will,

in part, meet this demand, as well as increase employment opportunities for Camden.

2. Existing Council Car Park Extension

Council has previously considered the dedication of land to the rear of the subject and adjoining land to extend the Council car park. On the 10 November 2009 Council resolved the following:

“Council establish the boundary of the John/Hill Street car park within the current alignment of the existing car park with the dedication of the rear of the last 6 lots at the Broughton Street end of the car park, being Lots 13-15 DP 193308 (No’s 76-80 John Street) and Lots 10 & 12 DP 193308 and Lot 100 DP 836883 (No’s 29-33 Hill Street) to the same alignment to facilitate alternate vehicular access and/or deck construction in the future.”

A plan showing the proposed development in the context of the land required to be dedicated by the 2009 Resolution is provided at the end of this report (Attachment 3).

Since that time Council has not required the dedication of the land or included the land dedication requirement in any planning instrument.

The proposed building the subject of this DA is located at the rear of the site, over the land to be dedicated. As discussed at a Councillor workshop in late 2011, Council does not have any policies in place that prevent development occurring on the land and Council has not acquired the land.

The DA has been assessed against Council’s current planning instrument and policies, and is recommended for approval. On this basis it is recommended that Council rescind its resolution to require the land to be dedicated and review its car parking strategy for the Camden Town Centre.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

(1)(c) The suitability of the site for the development

This site is considered to be suitable for the proposed development. The development will not result in any unacceptable environmental impacts and is consistent with the LEP and DCP. There are no site specific conditions that render this site unsuitable for the proposed development.

(1)(d) Any submissions

A total of three submissions were received, all objecting to the proposal. The following is a list of the issues raised and an officer assessment of them:

1. *The Heritage Impact Statement was prepared before the plans lodged were finalised.*

Officer comment:

There were some inconsistencies between the initial plans submitted with this DA and the HIS. These inconsistencies were addressed in a revised HIS and amended plans. The revised HIS now assesses the proposal fully.

2. *There is no detailed colour scheme.*

Officer comment:

A colour scheme for the proposed building has been specified in the Conservation Schedule of Works with the building to be constructed of red face brick, and the other exterior elements to be either light straw or off-white.

3. *There is no detailed Landscaping Plan.*

Officer comment:

Landscaping Plans submitted by the applicant provide landscaping for the development which has been assessed by Council staff. This landscaping is considered to be acceptable and complies with the DCP's controls relating to enhancing the visual setting and design qualities of the built form and maximising surveillance opportunities within the car parking area.

4. *Clarification is required as to whether the outhouse for the No. 80 John Street cottage is being removed. If so, it is an important part of the fabric/interpretation of the building and contradicts the statement in the Heritage Impact Statement that there will be no minor or major demolition.*

Officer comment:

The outhouse (one of the two outbuildings) is to be demolished as part of this proposed development. The outbuildings are not deemed to be of significance in the context of the cottages and have been altered from the original fabric and function. The removal of these outbuildings will allow the rear of the cottages, and in particular the chimney structures, to have greater prominence from Broughton Street.

The outbuildings are located in an area nominated for off-street car parking. It is considered that the removal of the outbuildings and the provision of formalised off-street car parking spaces is the best outcome for the site. Overall the development will achieve a reasonable balance between heritage conservation and site usability.

5. *If the outhouse is to be removed, it should be retained and relocated elsewhere.*

Officer comment

As mentioned before, the outbuildings are to be demolished as part of this proposed development. There are no other locations on the site that would be appropriate for its relocation. However, it is a recommended Development Consent Condition that an archival record of the outbuildings is prepared prior to the outbuildings being demolished.

6. *The proposed tree removals are considered inappropriate, and in particular with the large Jacaranda tree at the rear of No. 78 John Street.*

Officer comment:

The proposed tree removal has been assessed by Council staff and is considered acceptable as the trees are not listed in the significant tree register and their removal will not adversely affect the visual amenity of the site or surrounding area. Additionally, the removal of the trees will be necessary to ensure that the proposed car parking complies with the relevant parts of Australian Standard AS2890.1.

7. *Increased hardstand areas will result in increased pressure on the existing stormwater system and also present an unwelcome visual impact.*

Officer comment:

The extent of the hardstand surface areas within the proposed development is necessary to ensure that the car parking complies with the relevant parts of Australian Standard AS2890.1 for Off Street Parking.

Stormwater management has been assessed by Council staff and deemed satisfactory subject to the draft Development Consent Conditions provided at the end of this report.

The proposed hardstand areas are largely located at the rear of the site behind the existing cottages and will not be overly visible from any significant public view points.

8. *The true pitch of the roof is to be the same as that of the adjoining buildings.*

Officer comment:

The pitch of the roof is to be 30° which is similar to the adjoining buildings.

9. *The south-west façade is inappropriate, with the wrong proportions and not being compatible with the area.*

Officer comment:

The building's south-west façade facing the rear of the two cottages is to have a face brick finish and painted render finish, with five windows overlooking the driveway/car park area. This design has been supported by the submission of a Heritage Impact Statement and is considered to be suitable for this site and surrounding area. The proportions of the elements in this design are considered to be appropriate.

10. *The height of the building exceeds that of the Height of Buildings map in the Camden LEP 2010.*

Officer comment:

Council staff have assessed the applicant's proposed variation to the LEP's building height development standard of 7m and support the applicant's justification. This assessment is detailed in the "Camden Local Environmental Plan 2010" section of this report.

11. *Signage details are to be provided up front.*

Officer comment:

No use of the building is proposed as part of the DA, so no details of signage are required at this stage. The first use of this building will be subject to a separate DA, and any signage will be required to comply with the signage controls in the DCP, and in particular with all heritage controls.

12. The car parking is to allow for more landscaping.

Officer comment:

The proposed landscaping is considered to be acceptable in that it complies with the DCP's controls relating to enhancing the visual setting and design qualities of the built form, and maximising surveillance opportunities within the car parking area.

13. The area viewed from Broughton Street will change.

Officer comment:

Whilst it is noted that the streetscape of Broughton Street will change as a result of this development, it is considered that the impact on this streetscape will be acceptable, as the building is of a bulk and scale that is similar to other cottages located in John and Hill Streets, and it will not unduly obstruct any current northward views and vistas that are currently available from Broughton Street.

14. The windows on the Broughton Street frontage should be constructed of timber.

Officer comment:

The windows frames are to be constructed of timber.

15. The entry/exit arrangements are to be flipped around so as to not create a hazard at the John Street and Broughton Street intersection.

Officer comment:

This matter has been assessed by Council staff. The new driveway for No. 80 John Street will be located more than 6m from the kerb return with Broughton Street, and therefore complies with AS2890.1 with respect to vehicular access from the property. Consequently the proposed driveway location will not have any safety impacts upon the John/Broughton Street intersection.

(1)(e) The public interest

It is considered that the proposed development is generally consistent with the relevant objectives and controls of Camden Local Environmental Plan 2010 and Camden Development Control Plan 2011. The proposed development represents the planned and orderly development of the site and will not result in any unacceptable impacts. These achievements are within the public interest.

CONCLUSION

Council has received a DA for a new commercial development on this site.



The application has been publicly exhibited and the submissions received have been considered. The applications have been assessed under Section 79C of the *Environmental Planning and Assessment Act 1979*.

The application is referred to Council because of the unresolved issues raised in the three submissions received, as well as a variation to a development standard in Camden Local Environmental Plan 2010 relating to the height of the proposed building.

It is considered that the proposed development is generally consistent with the applicable LEP and DCP. The development is for a commercial use which will provide for employment opportunities in an accessible location in Camden Town Centre, and will conserve the environmental heritage of the Camden Town Centre.

It is also recommended that Council not proceed with the 2009 Council resolution relating to the dedication of part of this site and other land on adjoining properties for the extension of an existing Council car park. It is recommended that Council instead prepare a Car Park Strategy for the Camden Town Centre.

Consequently the development is able to be recommended to Council for approval, subject to the draft Development Consent Conditions shown below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Sheet 1/5	Floor Plan	J-Designs	15/3/11
Sheet 2/5	Basement Parking	J-Designs	15/3/11
Sheet 3/5	South Western Elevation and North Eastern Elevation	J-Designs	15/3/11
Sheet 4/5	South Eastern Elevation and North Western Elevation	J-Designs	15/3/11
Sheet 5/5	Site Plan	J-Designs	15/3/11
08127E	Drainage Concept Plan	D & M Consulting	16/1/12
08127E	Car park layout	D & M Consulting	16/1/12
	Statement of Heritage Impact	Stedinger Associates	Oct 2010
	Conservation Schedule of Works and Landscape Plan	Stedinger Associates	Aug 2011

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Individual Tenancies (Unknown Use)** – Approval is given for the construction of a commercial development. The use and occupation of the development are subject to a separate Development Application being lodged with the Consent Authority.
- (3) **Amendments to Approved Plans** – The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate:
 - (a) The height of the building is to be that indicated on the plans “Broughton Street Cottage Façade”, “John Street Façade, South West Elevation”, “John Street Façade, North East Elevation” and “North West Elevation” as per pages 32 to 35 of the Conservation Schedule of Works and Landscape Plan, prepared by Stedinger and Associates, dated August 2011.
 - (b) The building materials and colour scheme is to be that indicated in Section 4.1 of the Conservation Schedule of Works and Landscape Plan, prepared by Stedinger and Associates, dated August 2011.
 - (c) The building’s north-west façade is to have recessed partial walls (i.e. bricked up articulated window sills).
 - (d) A 1.5m high retaining wall is to be constructed 2m from the Broughton Street property boundary in accordance with the plan titled car parking layout, prepared by D & M Consulting, dated 16/1/12.
 - (e) The car parking for spaces 8 to 12 is to be in accordance with the plan titled car parking layout, prepared by D & M Consulting, dated 16/1/12.
- (4) **Building Code of Australia** – All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (5) **Driveways and Kerbing on John Street** – The driveways and kerbing is to be that indicated in Figure 2.3 of the Conservation Schedule of Works and Landscape Plan, prepared by Stedinger and Associates, dated August 2011.
- (6) **Broughton Street Fence** – The fence along the Broughton Street frontage is to be restored in accordance with the recommendations indicated in Section 2.4 of the Conservation Schedule of Works and Landscape Plan, prepared by Stedinger and Associates, dated August 2011.
- (7) **Conservation of Existing Cottages** – The conservation of the cottages shall be in accordance with Section 3.1 of the Conservation Schedule of Works and Landscape Plan, prepared by Stedinger and Associates, dated August 2011.

All conservation work to be carried out by practitioners experienced in heritage conservation work.

- (8) **Public Road Approval** – Footpath crossing at the entrances off John Street and drainage work in Broughton Street shall be carried out to Council's standard, subject to approval under the Roads Act 1993.
- (9) **Advertising Signs Application** – Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (i.e. Camden Council) prior to the erection of any advertising signs. All signage for the new building shall be in accordance with Section 3.1 of the Conservation Schedule of Works and Landscape Plan, prepared by Stedinger and Associates, dated August 2011.
- (10) **No Stencilled Concrete** – No stencilled concrete is permitted on any section of the driveway or rear car parking and manoeuvring areas.
- (11) **Removal of Trees** – Only the removal of vegetation behind the two cottages is permitted as part of this consent.
- (12) **Historical Significance** – Given the location of the subject site and its proximity to other sites and buildings of historical significance, no alterations to the external appearance of the building including painting must be carried out unless the prior written approval of Camden Council has been obtained.
- (13) **Safer By Design (CPTED) requirements** – Prior to the issue of the Construction Certificate, all recommendations contained in the Safer By Design Report must be addressed and be reflected in all relevant plans submitted with the Construction Certificate Application.

The development be must designed in accordance with the NSW Police Service, Camden Local Area Command and Safer By Design Crime Risk Evaluation Report, dated 31 May 2011, applying to this development.

- (14) **Demolition WorkCover NSW Notifications and Permits** – The demolition work for the outhouses must be notified to WorkCover NSW at least seven (7) days before work starts in accordance with Clauses 333 and 345 of the *Occupational Health and Safety Regulation 2001*.

Demolition work must not begin until a WorkCover NSW stamped copy of the notification has been received and is displayed on site for inspection by any interested party.

- (15) **Demolition WorkCover NSW Licence** – Persons undertaking demolition work shall be licensed under the *Occupational Health and Safety Regulation 2001*.

A copy of this licence must be obtained from WorkCover NSW and displayed on the site where demolition work is carried out.

- (16) **Asbestos Licence** – An asbestos licence must be obtained from WorkCover NSW for asbestos removal.

The required asbestos licence must be obtained prior to any demolition works commencing.

A copy of the licence is to be displayed on the demolition work site.

- (17) **Demolition Australian Standard** – Demolition of the building shall be carried out in accordance with the requirements of Australian Standard *AS2601:2001 - Demolition of Structures*.

2.0 - Construction Certificate Requirements

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

- (1) **Protection for Existing Trees and Other Landscape Features On-site** – The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the development site.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (2) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:
- (a) A list of any fire safety measures that are proposed to be implemented in the building or on the land on which the building is situated, and
 - (b) If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, an existing building, a separate list of those measures currently implemented in the building or on the land on which the building is situated.
- (3) **Access for People with Disabilities** – Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia. Prior to the issue of a Construction Certificate, the plans shall be amended to reflect the above.
- (4) **Section 94 Contributions** – Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$9.25 per square metre, total \$2,057.00, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid prior to the issue of a Construction Certificate.

The monetary contribution may be offset by the value of land transferred to Council or by works-in-kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed prior to the release of a Construction Certificate.

- (5) **Section 94 Contributions** – Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$4,251.00 per hectare, total \$225.00, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid prior to the issue of a Construction Certificate.

- (6) **Salinity** – Due to the inherent characteristics of the Camden Local Government Area, buildings erected in the area may be susceptible to soil salinity levels that may have a cumulative damaging effect over time.

Camden Council therefore requires:

- a Salinity Investigation Report be undertaken; **OR**
- compliance with the 'minimum requirements' specified in this condition.

NOTE: Where it is proposed to cut and fill the site more than 0.5m, a Salinity Investigation Report shall be undertaken.

Salinity Investigation Report

Prior to the issue of a Construction Certificate, a Salinity Investigation Report shall be prepared for the development in accordance with the requirements of "*Site Investigation for Urban Salinity (Local Government Salinity Initiative)*" prepared by the *Department of Land and Water Conservation (2002)*.

The recommendations from this report (that includes any revised concrete strengths) shall be followed and incorporated into the design and construction of the development and are to be approved by the certifying authority.

Minimum Salinity Requirements for Camden LGA

Where a Salinity Investigation Report is not undertaken, the following construction inclusions shall be incorporated as a minimum in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- (a) Concrete Strength: The minimum concrete strength to bored piers, piles, strip footings and concrete floor slabs in contact with the ground shall be 40MPa.
- (b) Damp-Proofing Membrane: Concrete floor slabs in contact with the ground shall be provided with a damp-proofing membrane that is a 0.2mm thickness polyethylene film and of "high impact resistance" (as determined in accordance with AS2870).

The above minimum requirements shall be incorporated in the structural design and construction of the development and are to be approved by the certifying authority with the Construction Certificate application.

Consideration in the design and construction of the development should also be made to the following matters (where relevant):

- the provision of drainage to the building perimeter (including subsoil drainage), to prevent water ponding or soil waterlogging in the building vicinity;
- external finished ground levels, including pavements, should not be higher than the base of the first course of brickwork, or the brickwork and mortar below a damp proof course (DPC) should be exposure rated;
- DPC material must be carried through to the face of any applied finishes;
- retaining walls should be built of salinity resistant materials;
- porous pavement products such as cement and clay pavers may show permanent efflorescence and salt corrosion. The use of these products should be confirmed with the manufacturer as being suitable for use in a saline environment, prior to installation.

- (7) **Civil Engineering Plans** – Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.

Note:

- (a) Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (8) **Dilapidation Survey** – A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to the Council prior to the issuing of the Construction Certificate.

The survey must include descriptions of each photo and the date when each individual photo was taken.

- (9) **Environmental Site Management Plan** – An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control; and

- (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (10) **Performance Bond** – Prior to the issue of the Construction Certificate, a performance bond of \$25,000.00 or perpetual bond agreement details must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (11) **Design and Construction Standards** – All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with:
- (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011.

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads Authority, Camden Council, prior to the issue of any Construction Certificate

- (12) **Public Risk Insurance Policy** – Prior to the issue of the Construction Certificate, the owner or contractor is to take out Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (13) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hard paved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by an Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority prior to the Construction Certificate being issued.

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council prior to the Occupation Certificate being issued.

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

- (14) **Drainage Design** – A stormwater management plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (15) **Traffic Management Plan** – A Construction Traffic Management Plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (16) **Construction Management Plan** – A Construction Management Plan shall be prepared prior to the issue of the Construction Certificate and submitted to the Principal Certifying Authority. Such Construction Management Plan shall

address stages of construction adjoining the Council's retaining wall on Broughton Street. Any work on public road or car park or road closure affecting pedestrian and vehicular traffic shall be approved by Council subject to a lodgement of a Public Road Activity application with appropriate public liability insurance.

- (17) **Stormwater Detention** – The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, works-as-executed plans are to be prepared by a Registered Surveyor or the Design Engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the Designer and are to clearly make reference to:

- (a) the works having been constructed in accordance with the approved plans,
- (b) actual storage volume and orifice provided, and
- (c) the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88b Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

- (a) Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (i.e. Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:
 - (i) view the state of repair of the basin;
 - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies, the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
- (b) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

3.0 - Prior To Works Commencing

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

- (1) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (2) **Toilet Facilities** – Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - (c) be a temporary chemical closet approved under the Local Government Act 1993.
- (3) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (4) **Construction Certificate Before Work Commences** – This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (5) **Soil Erosion and Sediment Control** – Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (6) **Access from Public Places** – Construction access from public places (reserves, parks, walkways and the like) other than roads shall not occur without the prior consent of Camden Council. Bonds or legal agreements may be required to protect Council's assets if access from these places is approved.
- (7) **Archival Recording of the Outbuildings** – Archival recording of the two outbuildings and skillion additions of both cottages to be demolished must be recorded before demolition. This must be carried out in accordance with the office of Environment and Heritage (Heritage Branch). Photographic recording of Heritage Items using film or digital capture, 2006. Two copies must be deposited with Council.
- (8) **Disconnection of Services** - All services (such as sewer, telephone, gas, water and electricity) must be disconnected prior to the commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (9) **Notice to Adjoining Properties of Demolition** - The following matters must be satisfied prior to and during demolition:
 - (a) seven days prior to the commencement of demolition, the applicant shall give written notice to adjoining land owners and residents, advising of the commencement date for the demolition works;
 - (b) safe access to and from adjoining buildings shall be maintained at all times;
 - (c) no demolition activity shall cause damage to or adversely affect the structural integrity of any adjoining building;
 - (d) consideration shall be given to the need for shoring and underpinning, and to changes in soil conditions as a result of the demolition, and appropriate measures implemented;
 - (e) the affects of vibration and concussion on adjoining buildings and their occupants must be minimised;
 - (f) where the surface of an adjoining building is exposed by demolition, the need for weatherproofing the exposed surface shall be investigated and temporary or permanent protection provided as appropriate;
 - (g) the demolition of below ground walls which support the adjoining ground shall not be undertaken until it is established that demolition will not cause the collapse of the adjoining ground, or effective lateral support is provided to prevent collapse.
- (10) **Information Required Prior to Demolition** - The demolisher shall lodge with Camden Council or the Principal Certifying Authority at least 48 hours prior to the commencement of demolition work the following details:

- (a) written notice indicating the date when demolition of the building is to commence;
 - (b) copy of the demolition licence and details of name, address and business hours contact telephone number;
 - (c) a copy of the applicable asbestos licence (if required for demolition works involving asbestos);
 - (d) copy of the WorkCover NSW permit for the demolition works;
 - (e) copy of the WorkCover NSW stamped notification form including any asbestos removal notification.
- (11) **Signs to be Erected on Demolition Sites** - Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000*, a sign must be erected in a prominent position on any site on which demolition work is being carried out:
- (a) showing the name and a copy of the licence of the 'demolition contractor' and a telephone number on which that person may be contacted outside working hours,
 - (b) stating that unauthorised entry to the work site is prohibited, and
 - (c) displaying all WorkCover NSW requirements for the demolition work.

Any such sign is to be maintained while the demolition work is being carried out, but must be removed when the work has been completed.

Clause 327 of the *Occupational Health and Safety Regulation 2001*, also specifically requires the following matters to be displayed on the demolition site:

- (a) a copy of the demolition licence,
- (b) a copy of the applicable asbestos licence (if required for demolition works involving asbestos),
- (c) a copy of the WorkCover NSW permit for the demolition works on the site, and
- (d) a copy of the WorkCover NSW demolition notification, including any asbestos removal notification.

4.0 - During Construction

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

- (1) **Survey Report (Peg Out)** – The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (2) **Retaining Walls** – If the soil conditions require it:
 - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority prior to any works commencing on the site. Manufacturers installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Council is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to a stormwater disposal system within the property boundaries;
 - (c) retaining walls shall not be erected within drainage easements;
 - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as, easements for support and maintenance).
- (3) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7am and 6pm, Monday to Friday (inclusive);
 - (b) 7am to 4pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (4) **Damaged Assets** – Any work and public utility relocation within a public place shall incur no cost to Council.
- (5) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7am - 6pm, Monday to Friday, and between 8am - 4pm on Saturdays;
 - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
 - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;

- (d) waste must not be burnt or buried on-site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved waste disposal depot;
 - (e) a waste control container shall be located on the development site.
- (6) **Connect Downpipes** – All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.
- (7) **Footpath Levels** – The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (8) **Shoring and Adequacy of Adjoining Property** – Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (9) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected sufficient to prevent any substance from, or in connection with the work, falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (10) **Fill Material** – Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

*For "Virgin Excavated Natural Material (VENM)":-

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
- (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site

Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".

- (d) confirm that the fill material:
 - (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;
 - (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - (iv) is suitable for its intended purpose and land use; and
 - (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- (e) less than 6000m³ - 3 sampling locations,
- (f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (e) and (f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 <i>(see Note 1)</i>	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of two separate samples from different locations must be taken.

- (11) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste including building or demolition waste must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the development consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (10) **Unexpected Findings Contingency** – Upon the identification of suspected contamination or hazardous materials at any stage of the development process, all development in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination/hazard in accordance with the NSW DEC Guidelines. The assessment results together with a suitable management plan must be provided to the Consent Authority (Camden Council) for written approval prior to the removal or treatment of such findings contamination/hazardous materials.

- (12) **Removal of Waste Materials** – Where there is a need to remove any waste materials from the site that contain fill/rubbish/asbestos, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlns/index.htm). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.
- (13) **Location of Stockpiles** – Stockpiles of excavated soil should not be located on/near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles shall be suitably covered to prevent dust from being a nuisance.
- (14) **Disposal of Stormwater** – Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (15) **Construction Noise Levels** – Noise levels emitted during remediation works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (16) **Civil Engineering Inspections** – Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
- (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all

work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (17) **Services** – All services affected due to the proposed work shall be adjusted in consultation with the appropriate Service Authority at no cost to Council.
- (18) **Compaction** – Any filling up to a 1.0m on the site must be compacted in accordance with Camden Council's current Engineering Design Specifications.

5.0 - Prior to Issue of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Street Trees, Their Tree Root Barrier Guards, Protective Guards and Bollards** – During any earthworks and development works relating to this Consent, the applicant is advised:
 - (a) that any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred;
 - (b) any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision/Occupation Certificate;
 - (c) an inspection must be arranged with Council's Landscape Development Officer, to determine that the street trees and any protective or installation measures have been restored correctly and some degree of re-establishment has occurred;
 - (d) the inspection must occur prior to the issue of the Subdivision/Occupation Certificate.
- (2) **Consolidation** – Lots 13 and 14 are to be consolidated as one allotment. A copy of the registered plan of consolidation (from the Land and Property Information) is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate for the development.
- (3) **Graffiti Management Plan** – A Graffiti Management Plan needs to be incorporated into the maintenance plan for the development. All graffiti shall be removed within 48 hours of the offence.
- (4) **Survey Report (Completion)** – A survey report prepared by a registered Land Surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (5) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the

development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (6) **Works-as-Executed Plan** – Prior to the Occupation Certificate being issued, a works-as-executed plan in both paper, .pdf and .dwg or equivalent formats must be submitted in accordance with Camden Council's current Engineering Construction Specifications to the Principal Certifying Authority.
- (7) **Footpath Crossings** – The existing sandstone gutter crossings shall be retained and only any subsidence shall be rectified to Council standard. The driveway from the back of the layback to the paved walkway shall be constructed in concrete to Council's standard. The walkway at the driveways shall be repaved on a concrete base (125mm+F82mesh) to prevent any subsidence of pavers. All existing pavers shall be saved and used in the driveway.
- (8) **Gutter/Footway Crossings** - The following works must be constructed prior to the issue of the Subdivision/Occupation Certificate, and under the Roads Act 1993 must be approved by Camden Council:
 - (a) provision of a light duty industrial footway crossing at all points of ingress and egress.

All works must be carried out strictly in accordance with Camden Council's current Engineering Specifications. Prior to works commencing the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

END OF CONDITIONS

RECOMMENDED

That Council:

- i. **rescind its previous resolution regarding the dedication of the rear of 76 – 80 John Street and 29 – 33 Hill Street, Camden to facilitate alternate vehicular access and/or deck construction in the future; and**
- ii. **approve this DA subject to the draft Development Consent Conditions provided at the end of this report; and**
- iii. **review its car park strategy for the Camden Town Centre.**

ATTACHMENTS

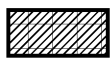
ORD01

1. Location plan
2. Proposed plans
3. 2009 Resolution Context Plan
4. Submissions - *Supporting Document*



SITE LOCATION MAP

78 and 80 John Street, Camden



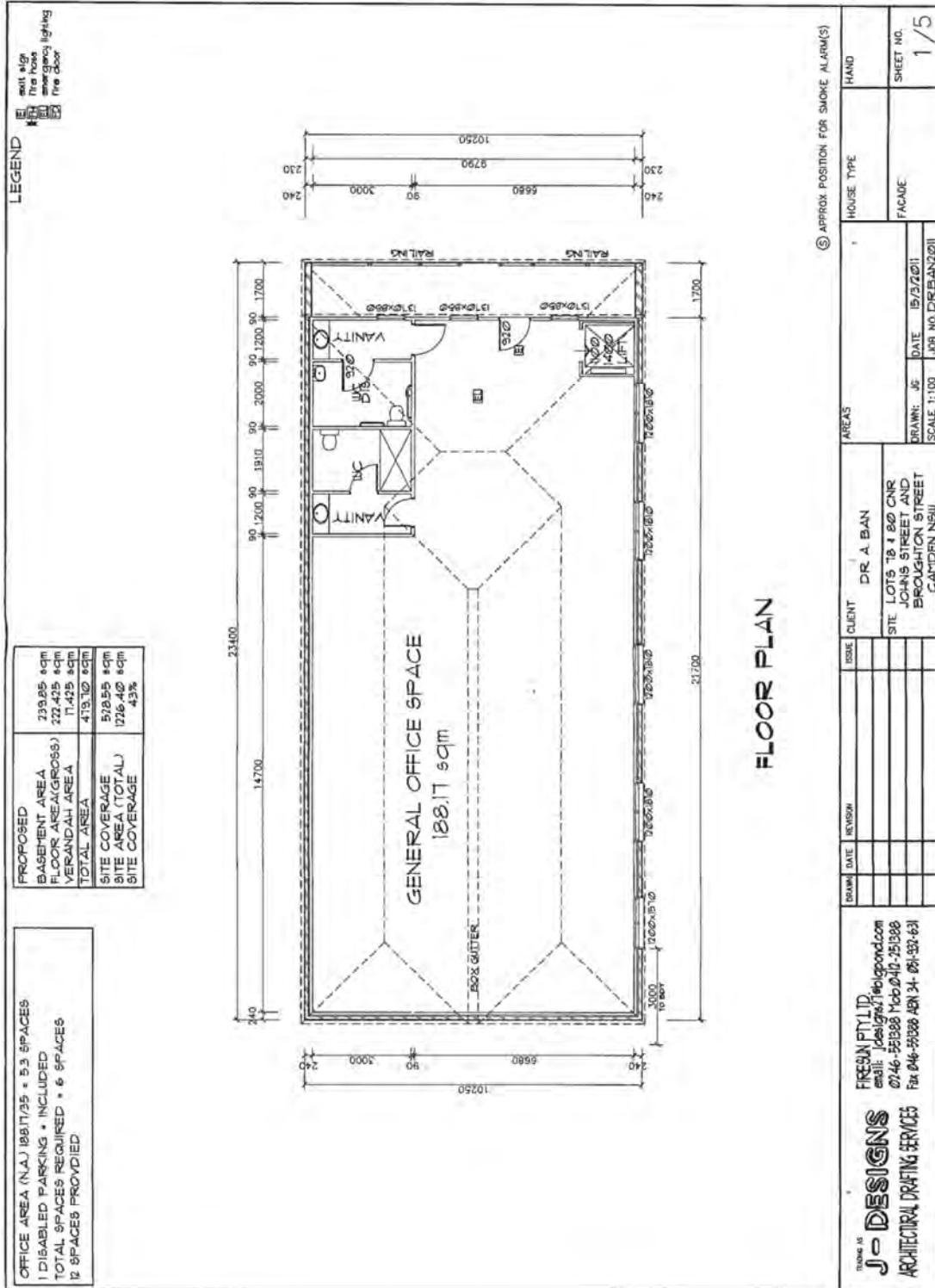
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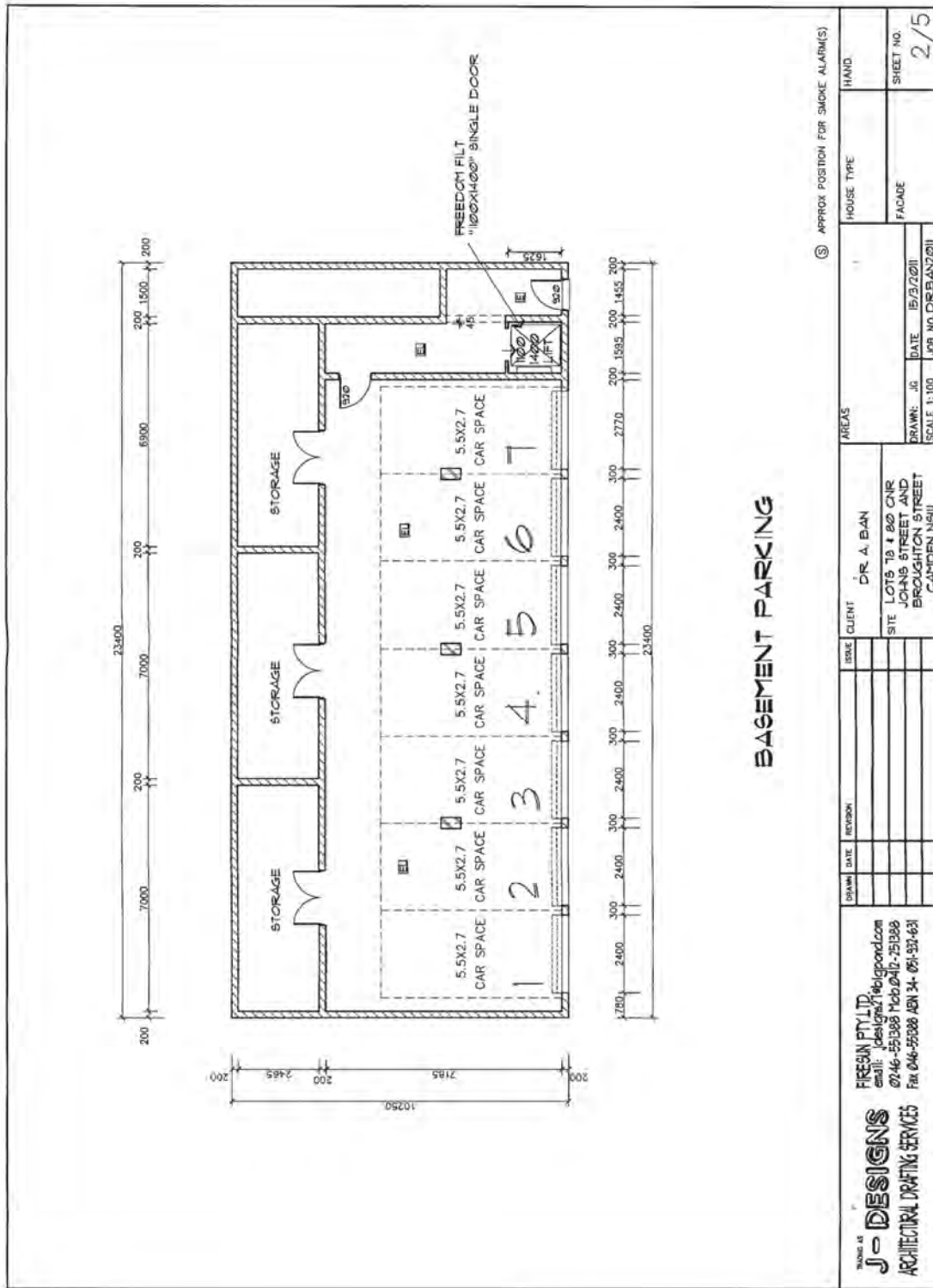
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ORD01

Attachment 1

Attachment 2 **ORD01**



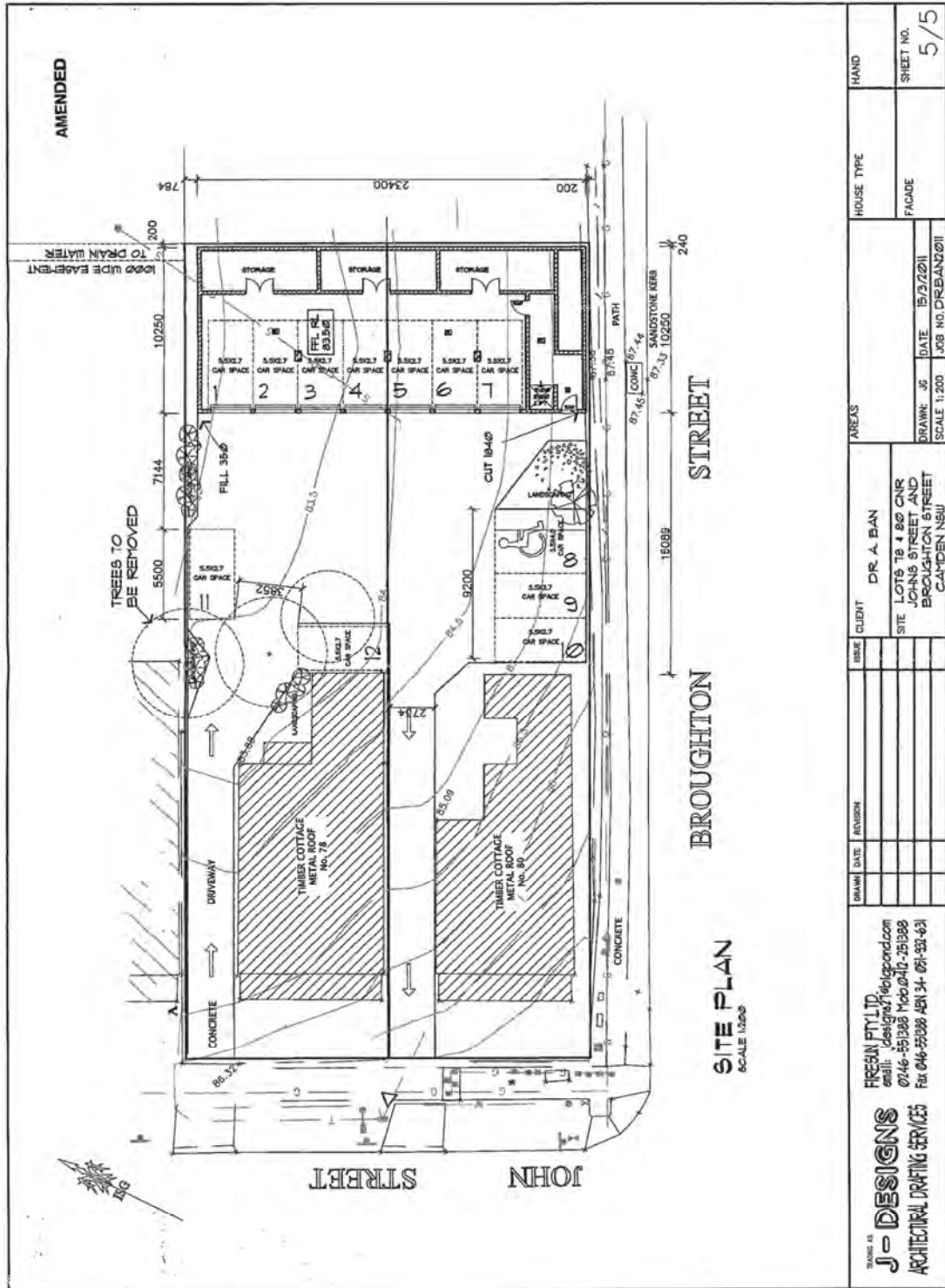


Attachment 2

ORD01

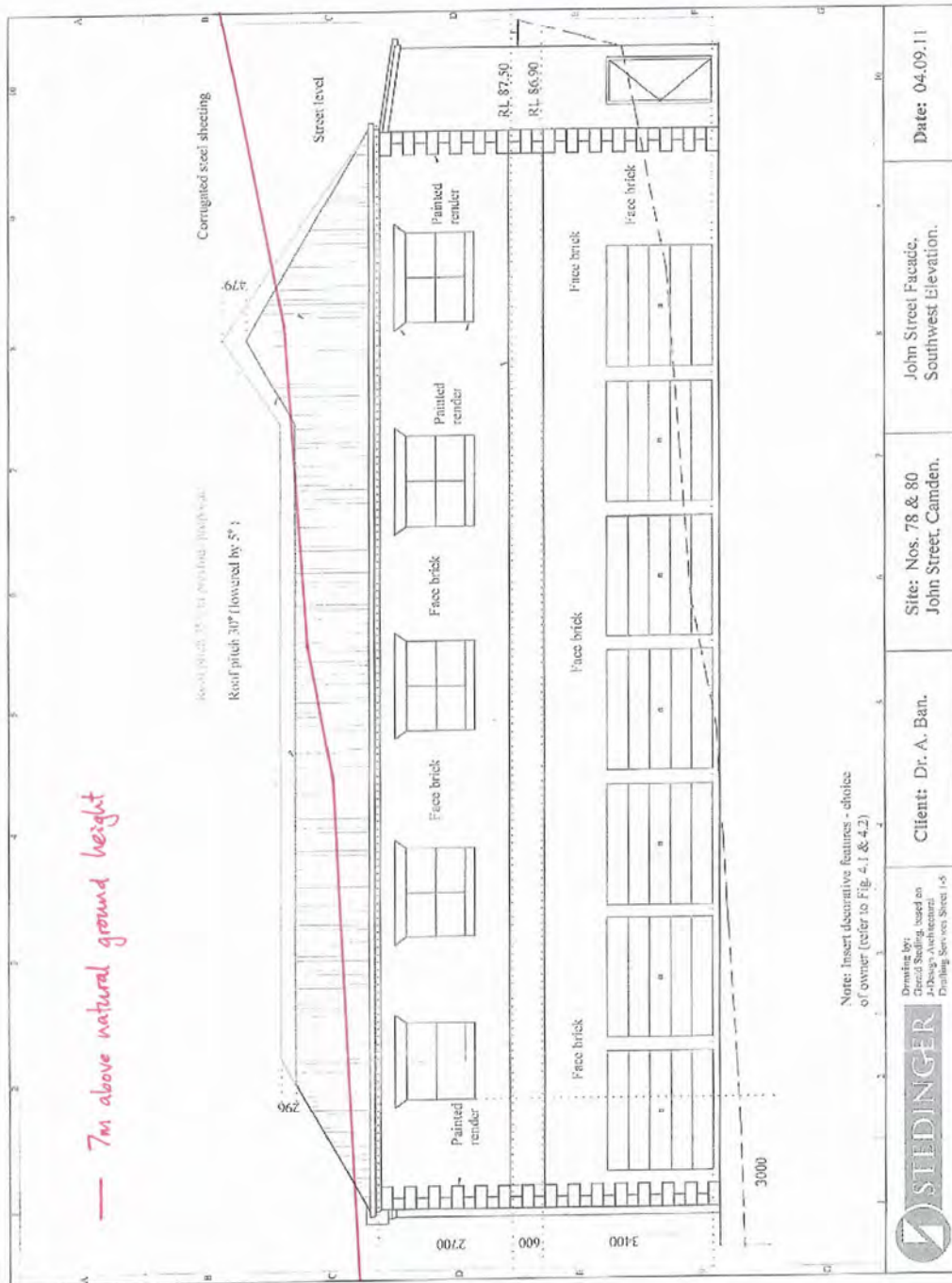
ORD01

Attachment 2



DRAWN BY: FREEMAN PTY LTD email: des@freemantp.com 07146-551288 Mobs: 071-251588 07146-551288 AEN 34- 071-331-631		DRAWN: JF DATE: 15/3/2011 SCALE: 1:200 JOB NO: DREANZ011	HOUSE TYPE: FACADE SHEET NO: 5/5
CLIENT: DR. A. BAN SITE: LOTS 78 & 80 CNR JOHN STREET AND BROUGHTON STREET CAMDEN NSW	AREAS:	HAND:	HOUSE TYPE: FACADE SHEET NO: 5/5

78-80 John St, Camden. Conservation Works & Landscape Plan.



— 7m above natural ground height

Note: Insert decorative features - choice of owner (refer to Fig. 4.1 & 4.2)



Drawn by:
David Seidler, based on
J. Deane's Architectural
Drawing Service Street 1-6

Client: Dr. A. Ban.

Site: Nos. 78 & 80
John Street, Camden.

John Street Facade,
Southwest Elevation.

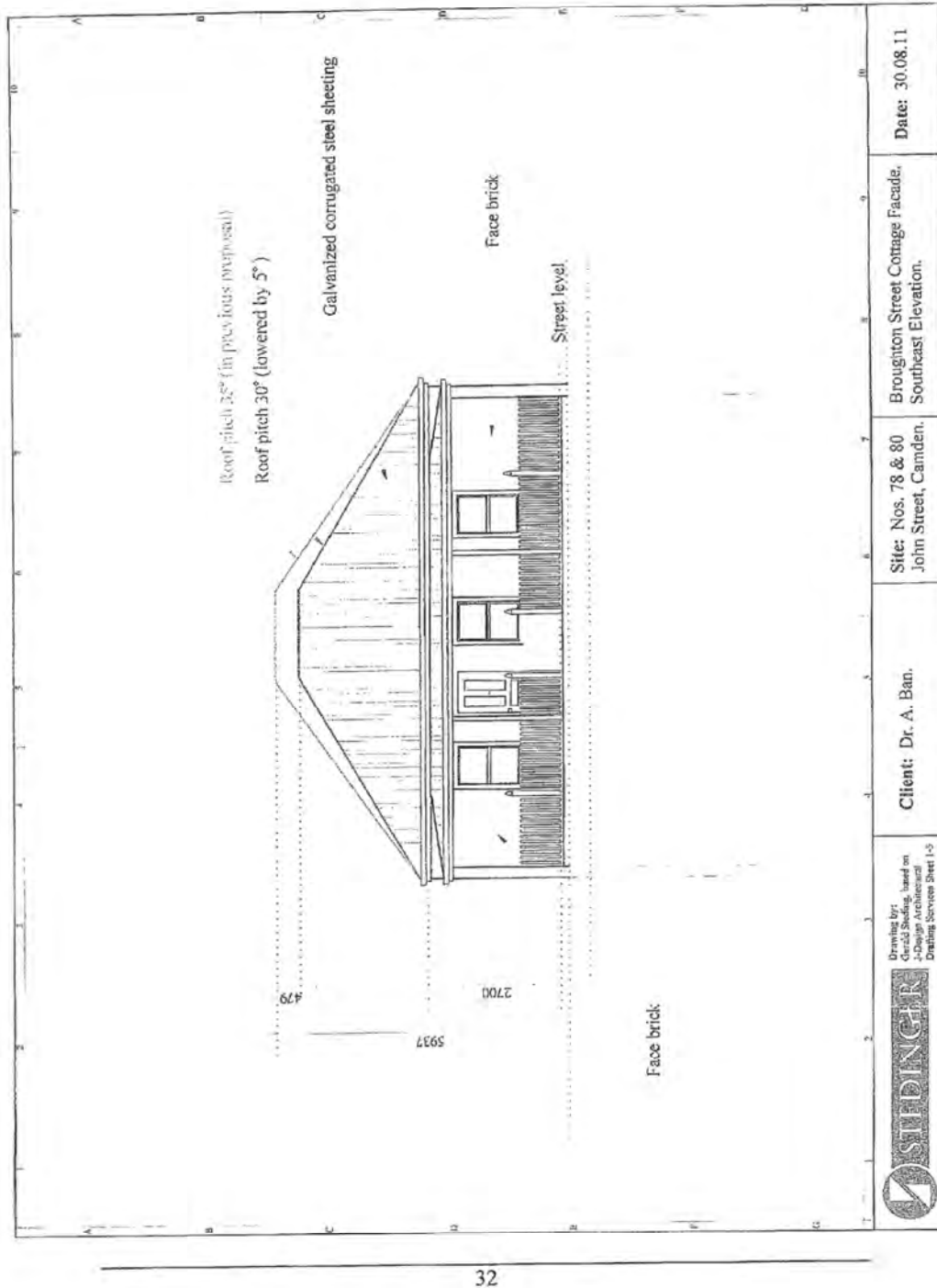
Date: 04.09.11

ORD01

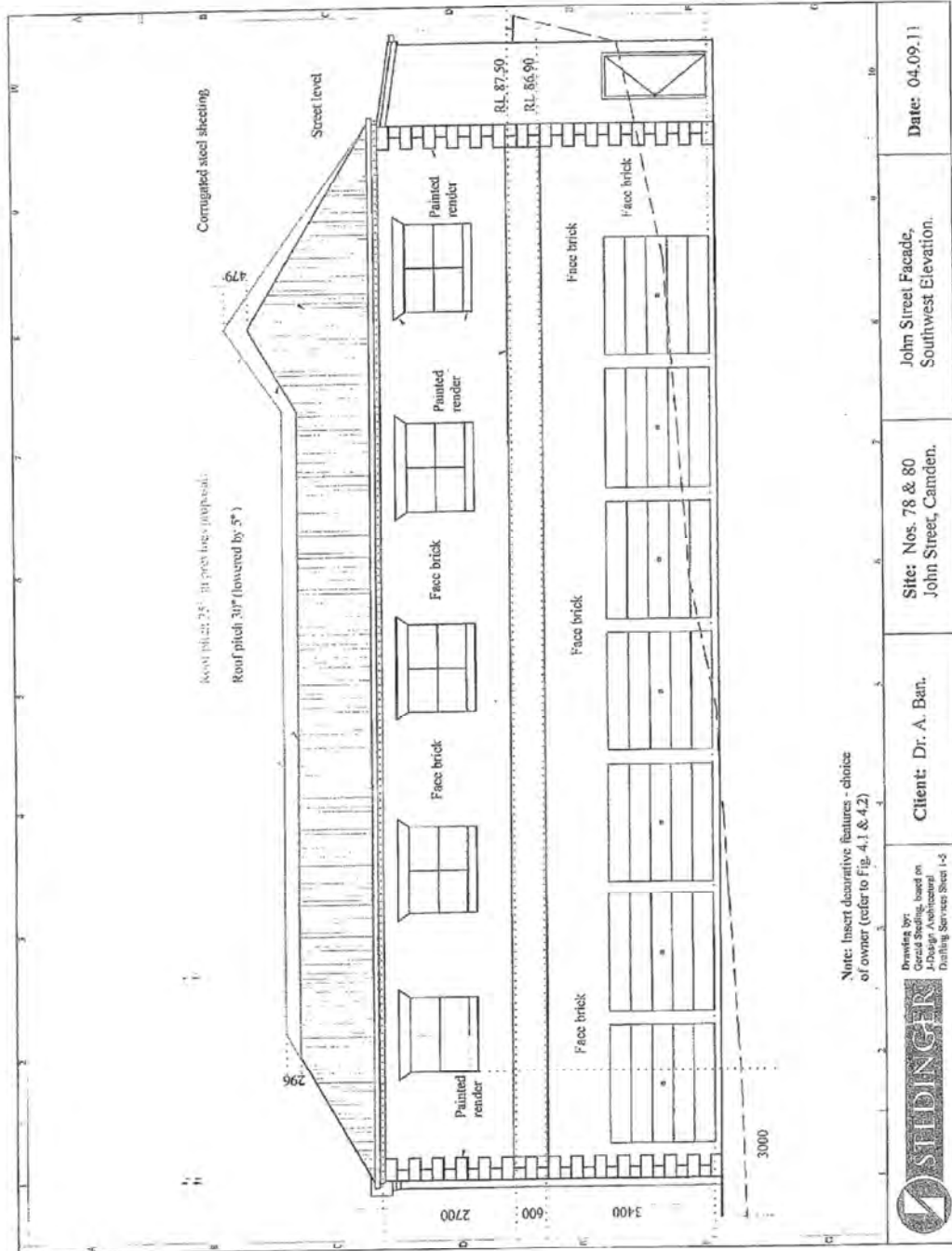
Attachment 2

Attachment 2
ORD01

78-80 John St, Camden. Conservation Works & Landscape Plan.



78-80 John St, Camden. Conservation Works & Landscape Plan.



Date: 04.09.11

John Street Facade,
Southwest Elevation.

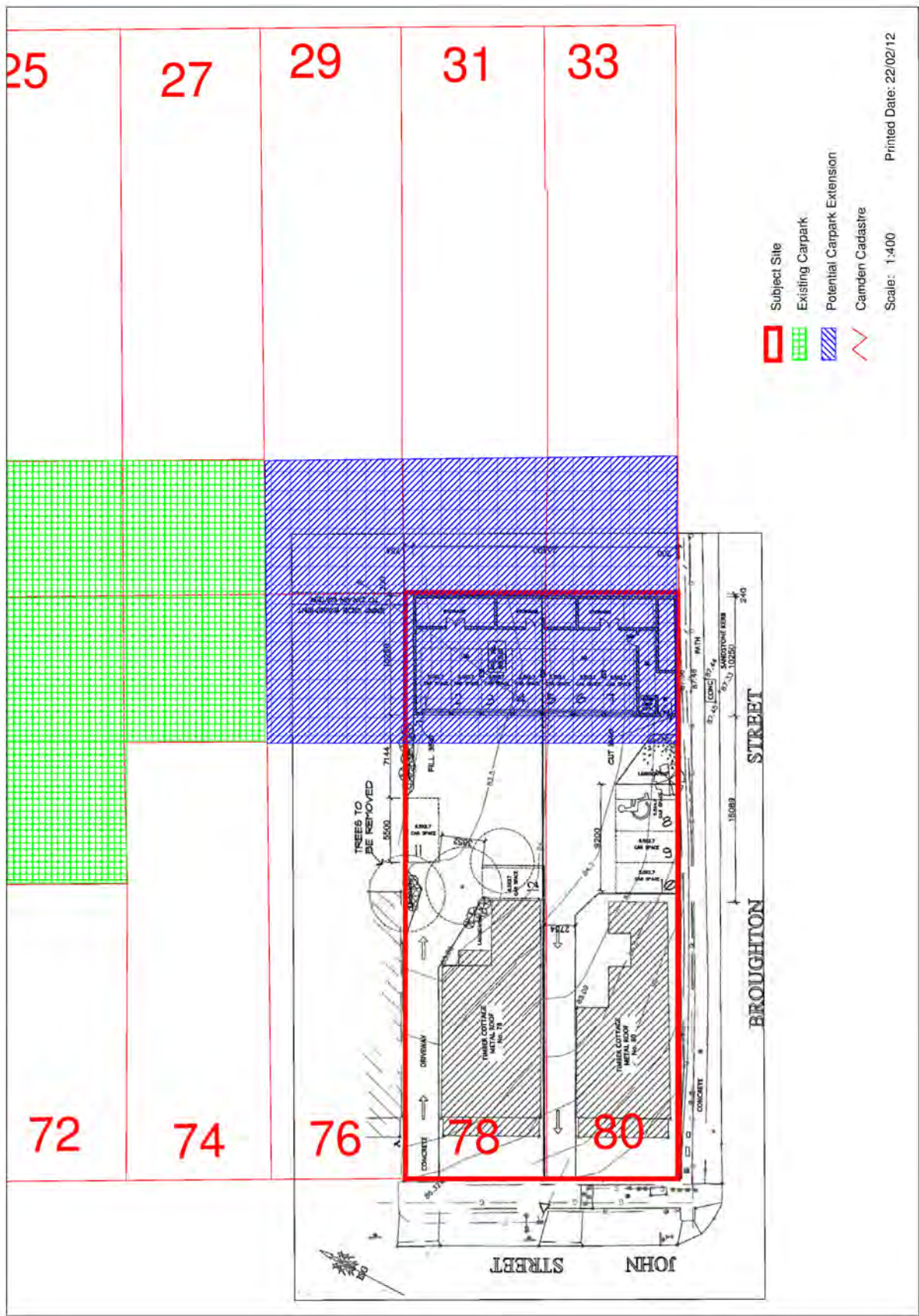
Site: Nos. 78 & 80
John Street, Camden.

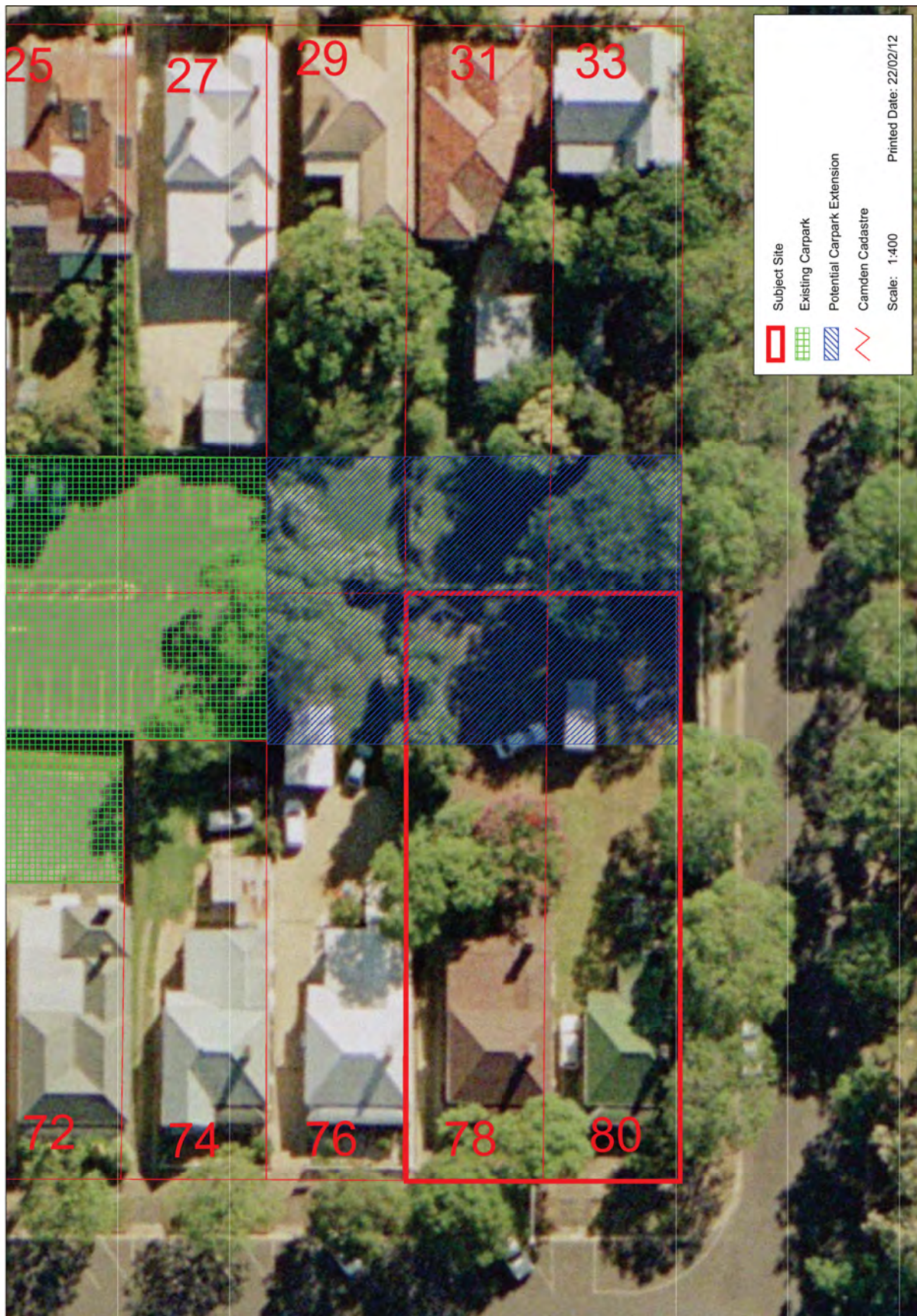
Client: Dr. A. Bar.

Drawn by:
Gerard Stealing, based on
J. Baggot's Architectural
Drawing Services Sheet 1-5



Attachment 3
ORD01





ORD01

Attachment 3



ORD02

ORDINARY COUNCIL

ORD02

SUBJECT: OUTCOME OF A LAND AND ENVIRONMENT COURT APPEAL FOR A CHANGE OF USE TO A SEX SERVICES PREMISES AT NO 1 (LOT 11, DP 834527) KIBBLE PLACE, NARELLAN (DA27/2011)
FROM: Director, Development and Health
BINDER: Development Applications 2011

PURPOSE OF REPORT

The purpose of this report is to inform Councillors of the outcome of the Land and Environment Court (LEC) Appeal *Hall v Camden Council (NSW) LEC 1003* and of the costs incurred by Council during these legal proceedings.

BACKGROUND

At the Ordinary Council meeting of 28 June 2011, Council refused a Development Application for the change of use of an office building to a sex services premises at No 1 (Lot 11, DP 834527) Kibble Place, Narellan.

The applicant lodged an appeal against this decision with the LEC on 12 August 2011.

In preparation for the appeal, all members of the public who had made a submission on the proposal were advised of the appeal site visit and hearing dates.

MAIN REPORT

The appeal was heard by Commissioner Pearson on 13 and 14 December 2011.

Both Council and the appellant provided the Court with expert evidence from professional Town Planners and Traffic Engineers. Council utilised its in-house Traffic Engineer as an expert traffic witness and an external Town Planner as an expert town planning witness.

Following the hearing Commissioner Pearson handed down her judgement on 12 January 2012. The judgement was that the appeal was upheld and that the sex services premises was approved subject to several development consent conditions.

A copy of the Court judgement is provided with the Business Paper supporting documents.

Significantly, the Commissioner approved base hours of operation from 9.00 am to 10.00 pm, 7 days a week and imposed a condition requested by Council that sets a 12 month trial period for the premises to operate between the hours of 10.00 pm and 3.00 am. The imposition of this condition will allow for further monitoring of any impacts the operation of the premises may have during these hours and is a positive outcome.

The total costs incurred by Council to defend this appeal were \$58,552.90, including Council's legal fees and expert town planning witness.



Council is seeking costs from the applicant due to modified plans being lodged with the LEC during the Court proceedings. However, even if Council is successful in obtaining these costs, they are not anticipated to be significant.

CONCLUSION

On 12 January 2012 the LEC upheld an appeal against Council's decision to refuse a Development Application for a change of use from an office building to a sex services premise at No 1 (Lot 11, DP 834527) Kibble Place, Narellan. The costs incurred by Council for this appeal are described in this report.

RECOMMENDED

That Council note this information.

ATTACHMENTS

1. Land and Environment Court Judgement - *Supporting Document*

ORD02



ORD03

ORDINARY COUNCIL

ORD03

SUBJECT: SUPPLEMENTARY REPORT FOR A SUBDIVISION TO CREATE 10 LOTS, A NEW ROAD, DRAINAGE AND LANDSCAPING AT NO 181 (LOT 101, DP 1143373) CAMDEN VALLEY WAY, KIRKHAM
FROM: Director, Development and Health
BINDER: DA 290/2011

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for a subdivision on this site. The DA was previously considered by Council at the Ordinary Council meeting of 31 January 2012, where it was deferred.

BACKGROUND

The DA was previously considered by Council at the Ordinary Council meeting of 31 January 2012. At this meeting Council resolved to:

"...defer consideration of this item pending a site inspection, further negotiations with Roads and Maritime Services, discussions with the developer and a Councillor workshop."

A copy of the Council report considered at the Ordinary Council meeting of 31 January 2012 is provided at the end of this report (Attachment 1).

MAIN REPORT

The actions taken by Council staff on each part of the above Council resolution are:

Site Inspection

A site inspection was attended by Councillors and staff prior to the Ordinary Council meeting of 14 February 2012.

Negotiations with the Roads and Maritime Services (RMS)

Council staff have contacted the RMS to discuss the proposed intersection with Camden Valley Way and the proposed right turn bay to be installed within the Camden Valley Way road reserve. The RMS has reiterated their previous advice that they have no objection to the proposed development.

Discussions with the Developer

Council staff have discussed Council's concerns with the developer. The developer supports the DA as described in the Council report of 31 January 2012.

Councillor Workshop

Council staff presented a Councillor workshop on this DA following the Ordinary Council meeting of 14 February 2012.

At the workshop, Councillors discussed the option of requiring a second exit from the end of the proposed road across Lot 1 and connecting to the Camden Valley Way road reserve. This could be achieved by a Condition of Consent to the effect that:

Alternative Exit – An alternative exit from the site is to be provided from the cul-de-sac at the end of the proposed road, across proposed lot 1, onto the Camden Valley Way road reserve for emergency vehicles only. This access is not to be constructed but is to be provided with a kerb ramp to facilitate access off the proposed subdivision road. This access is to be kept gated and closed at all times and is only to be used in the event of the proposed subdivision road being blocked to provide an alternative exit from the site.

Additional matters

To accommodate Council's current proposal to install a traffic refuge and bus stops in the vicinity of the proposed intersection, modifications are proposed to two of the draft Conditions of Consent.

A copy of the modified conditions is provided at the end of this report (Attachment 2).

CONCLUSION

At the Ordinary Council meeting of 31 January 2012 Council considered a DA for a subdivision on this site. At this meeting Council resolved to:

"...defer consideration of this item pending a site inspection, further negotiations with Roads and Maritime Services, discussions with the developer and a Councillor workshop."

The actions required by this resolution have been completed and are described in this report.

The provision of a second vehicle access to Camden Valley Way can be required through an additional Condition of Consent.

This matter is now reported back to Council for determination.

RECOMMENDED

That Council approve Development Application 290/2011 for a subdivision to create 10 lots, construction of a new road, drainage and landscaping at No 181 (Lot 101, DP 1143373) Camden Valley Way, Kirkham, subject to:

- i. the draft Development Consent Conditions as reported at the Ordinary Council meeting of 31 January 2012 and provided in Attachment 1, except where modified by the updated conditions in Attachment 2; and**
- ii. an additional condition requiring a second vehicle driveway to be provided for emergency vehicles only, as described within this report.**

ATTACHMENTS



ORD03

1. Council Report and Plans for meeting of 31/1/12
2. Modified draft conditions



ORDINARY COUNCIL

ORD04

SUBJECT: SUBDIVISION TO CREATE 10 LOTS, A NEW ROAD, DRAINAGE AND LANDSCAPING AT NO 181 (LOT 101, DP 1143373) CAMDEN VALLEY WAY, KIRKHAM

FROM: Director, Development and Health

BINDER: Development Application 290/2011

DA NO: 290/2011

OWNER: Mr J Mourshed

APPLICANT: Mr Joe Mourshed c/- SPD Town Planners

ZONING: R2 Low Density Residential, R5 Large Lot Residential & RE1 Public Recreation

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for a subdivision on this site. The application is referred to Council in accordance with its delegations as there remain unresolved issues raised in a submission received from the public.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve this DA subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

In 2005 the applicant submitted an application to rezone the site to permit residential development. Subsequent to this a Voluntary Planning Agreement (VPA) was signed between Council and the applicant.

The initial staging plan of the VPA was designed to allow conservation works to Yamba, the workers cottage, barn, and roadside stall to be staged and undertaken when funds were generated via selling off parts of the site in a staged approach. Once the works to the workers cottage are completed, the staging aspect of the VPA will no longer apply. At this stage the works have been largely completed.

As part of the VPA process Council adopted a site specific DCP for this site which sets out controls relating to road location, landscaping, drainage and heritage etc. These controls are now part of Camden Development Control Plan 2011.

The subject DA was lodged on 16 March 2011. The application has undergone detailed assessment with the applicant responding to several issues raised by Council staff.

The application has been assessed and is now able to be referred to Council for determination.

A copy of the Yamba Indicative Master Plan is provided in Attachment 1 at the end of the report.

This is the report submitted to the Ordinary Council held on 31 January 2012 - Page 1

ORD03

Attachment 1



THE SITE

The site is located on the corner of Camden Valley Way and Kirkham Lane in Kirkham. The site is roughly rectangular in shape and contains a local heritage item known as 'Yamba' which contains Yamba cottage, a workers cottage, barn and roadside stall. The site is burdened by existing Endeavour Energy electricity transmission lines and an associated easement.

The surrounding area is characterised by vacant acreage located directly behind the subject site and residential dwellings located to the east. Studley Park golf course and residential dwellings are south of the site, and to the north the area is bound by the Kirkham suburb. Narellan lies to the east whilst to the south the area is bound by Camden Valley Way and the suburb of Elderslie. The west of the area is bound by Kirkham Lane and Camden Town.

A site location map is provided in Attachment 2 at the end of this report.

THE PROPOSAL

Development Consent is sought for the following development:

1. subdivision of the site into 7 residential lots ranging in area from approximately 3,720m² to 8,031m², 1 public reserve, 1 residue lot containing Yamba cottage and 1 lot containing the existing workers cottage;
2. demolition of an existing dwelling and several outbuilding structures; and
3. construction of a new road, drainage and landscaping.

It is noted that the proposed residential lots will be the subject of separate development applications for residential dwellings. These dwellings will have to comply with the site specific development controls in Camden Development Control Plan 2011 which address design, heritage and view lines etc.

The proposed development is classified as Nominated Integrated Development as it requires a Controlled Activity Approval from the NSW Office of Water (NOW) due to there being works proposed within 40m of a watercourse. The application was referred to NOW and approval has been received.

The proposed development is also classified as Integrated Development as it proposes to provide an access road off Camden Valley Way. Therefore approval from the Roads and Maritime Services (RMS) is required. The application was referred to the RMS who have provided conceptual approval subject to development consent conditions which have been included in the draft Development Consent conditions at the end of this report.

As the site contains an existing Endeavour Energy (Endeavour) electricity transmission line and easement, the application was referred to Endeavour for comment pursuant to Clause 45 of State Environmental Planning Policy (infrastructure) 2007. Endeavour has not raised any objections to the proposed development subject to a development consent condition which has been included in the draft Development Consent conditions at the end of this report.

This is the report submitted to the Ordinary Council held on 31 January 2012 - Page 2



A copy of the proposed plans is provided in Attachment 3 at the end of the report.

NOTIFICATION

The application was publicly notified between 31 March and 29 April 2011. Notification letters were sent to surrounding properties and an advertisement was placed in the local press. One submission was received as a result of this notification.

The issues raised in the submission are assessed in the "1(d) Any Submissions" section of this report.

A copy of the submission is provided with the Business Paper supporting documents.

PLANNING CONTROLS

The following are relevant planning controls that have been considered in the assessment of this application:

1. State Environmental Planning Policy No 55 – Remediation of Land
2. Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River
3. Camden Local Environmental Plan 2010
4. Camden Development Control Plan 2011

ASSESSMENT

(1)(a)(i) The provisions of any Environmental Planning Instrument

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

This SEPP requires Council to be satisfied that the proposed site is suitable for its intended use (in terms of contamination) prior to granting development consent.

A contamination assessment of the site has been prepared and concluded that the site is suitable for residential development.

On this basis the site is considered to be suitable for its intended use.

Deemed State Environmental Planning Policy No 20 – Hawkesbury/Nepean River

It is considered that the aims and objectives of this policy will not be prejudiced by this development and there will be no detrimental impacts upon the Hawkesbury/Nepean River system as a result of it. It is a recommended development consent condition that a water quality treatment basin is provided as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The land to which the subdivision applies is zoned R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation. Subdivision of land is permissible with consent in these zones.

Zone Objectives

This is the report submitted to the Ordinary Council held on 31 January 2012 - Page 3

ORD03

Attachment 1

ORD03

Attachment 1



In terms of the proposed development's consistency with the zone objectives, the relevant objectives of the applicable zones include provisions to "provide for the housing needs of the community within a low density residential development, to minimise conflict between land uses within the provided zones and land uses within adjoining zones, and to provide housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations."

It is considered that the proposal is generally compliant with these objectives. The development is for the subdivision of land into large residential lots within a preserved rural setting. The development has been assessed and it is not considered that it will cause any conflict upon any land uses in other zones.

Lot Sizes

The site is subject to a 40ha minimum lot size. Clause 13 of Schedule 1 of the LEP allows for the proposed development to occur subject to certain criteria including the number of lots to be created, which this development fully complies with.

However this clause does not cover the creation of proposed lot 9, which has a proposed area of 8,031m², and is therefore well below the minimum 40ha lot size.

The applicant has lodged a request to vary this minimum lot size development standard pursuant to Clause 4.6 of the LEP. The applicant has made this request on the basis that:

1. the creation of this undersize lot is unavoidable when undertaking the subdivision of the Yamba site;
2. the creation of this lot is consistent with Camden Development Control Plan 2011 (DCP); and
3. this lot will, in accordance with the DCP, be the subject of a future development application for further residential development.

Council staff have reviewed this request to vary the minimum 40ha lot size development standard and agree with the applicant's justification. The creation of this undersize lot has to occur in order to undertake the development of the Yamba site in accordance with the DCP. It is noted that the lot complies with the DCP and that in accordance with the DCP it will be subject to a future development application for residential development.

Consequently it is recommend that Council support this variation from the 40ha minimum lot size development standard.

Heritage

As mentioned earlier, this site contains the Yamba local heritage item. The proposed subdivision and associated works are consistent with a conservation management plan that has been prepared for this site. It is considered that the development achieves the objectives of this part of the LEP by conserving the heritage elements of the site.

(1)(a)(ii) The provisions of any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

This is the report submitted to the Ordinary Council held on 31 January 2012 - Page 4



There are no relevant draft environmental planning instruments that are applicable to this site or development.

(1)(a)(iii) The provisions of any Development Control Plan

The following parts of Camden Development Control Plan 2011 (DCP) are relevant and the proposal has been assessed against:

Part C3.3 – Yamba

Subdivision

The proposed subdivision is considered to be acceptable in terms of the DCP's subdivision controls on the basis that the subdivision of the site is generally consistent with the lot layout depicted on the indicative master plan.

Contamination

A contamination assessment of the site has been completed and demonstrates that the site is suitable for the proposed use.

Landscaping and Weed Management

It is a recommended development consent condition that detailed landscaping plans, which comply with the DCP's requirements, be completed prior to the issue of a Construction Certificate for this development.

The applicant has prepared a weed management plan that complies with the DCP's requirements.

Vehicular access

The proposed subdivision is considered to be acceptable in terms of the DCP on the basis that vehicular access to the site shall be achieved by a single point near the eastern corner of the site, as shown on the DCP map (Yamba Indicative Master Plan) provided with this report and is to have direct access to Camden Valley Way. The access road within the site shall be constructed as a minor access road as per Council's Engineering Specifications.

In addition, the new subdivision access road's intersection with Camden Valley Way will be provided with a small right turn bay to allow motorists to queue when waiting to turn right into the new road. This will help facilitate traffic movement across Camden Valley Way and into the site and improve safety for motorists.

(1)(a)(iii) The provisions of any Planning Agreement

This site and development is subject to a VPA. The proposed development is consistent with this VPA.

(1)(a)(iv) The provisions of the Regulations

The Regulations prescribe several development consent conditions which are recommended as draft conditions and are provided at the end of this report.

This is the report submitted to the Ordinary Council held on 31 January 2012 - Page 5

ORD03

Attachment 1



(1)(b) The likely impacts of the development

The likely impacts of this development include:

1. Economic impacts

The development will contribute to labour force employment during the development phase whilst the resident population will ultimately contribute to the viability of support services in the local economy.

2. Social impacts

The proposed development will potentially contribute to diversity through provision of housing stock, subject to future DAs for individual dwellings.

All other likely impacts of the proposed development have been assessed elsewhere in this report.

(1)(c) The suitability of the site for the development

The proposal fits in with the locality in terms of its ability for future dwellings to conform to the relevant development controls, and the site attributes make it conducive to the development in relation to connections to services, salinity, contamination and heritage issues. Therefore it is considered that this site is suitable for the proposed development.

(1)(d) Any submissions

As a result of public notification, one submission was received. The following details the issues raised in the submission and provides an assessment of them:

1. There will be increased vehicular traffic associated with the proposed subdivision inconveniencing the motoring public in peak commuting time.

Officer comment:

The applicant has submitted a traffic assessment report in support of this application. This report was assessed by both Council staff and the Roads and Maritime Services (who raise no objections to the development). Following assessment, Council staff are satisfied that no unreasonable traffic impacts will occur given the small size of this development and low levels of traffic that will be generated.

2. The site should be reviewed with up to date flood studies.

Officer comment:

A flood study was submitted by the applicant in support of this application. Council staff have reviewed this study, consider it acceptable and recommend approval subject to the development consent conditions provided at the end of this report.

3. Consideration to the view corridors.

Officer comment:

This is the report submitted to the Ordinary Council held on 31 January 2012 - Page 6



The proposed development is consistent with the Yamba Indicative Master Plan outlined in the DCP and demonstrates compliance with the required view corridors.

4. The street lights on this site should be of such a design that they do not spoil the ambience of the flood plain.

Officer comment:

This concern is noted, however it is also noted that under the DCP the street lights are required to meet AS 1158 to provide for pedestrian and motorist safety in the development. It is not anticipated that the street lighting will spoil the ambience of the flood plain and the rural environment.

5. Two storey 9m+ high buildings on this site will block out significant portions of the flood plain.

Officer comment:

The above issue does not relate to this DA in that no dwellings are proposed. Separate development applications will be required for the dwellings on the proposed lots.

6. There should be a development curtilage around Yamba limiting development within 50m around the historical site.

Officer comment:

The Yamba cottage will be located on its own lot of land and any further residential development on the lot will be limited to an extension at the rear in accordance with the DCP. This will provide an appropriate separation distance between the cottage and future dwellings on the other proposed lots.

Importantly, the proposed subdivision layout and separation distances are consistent with the DCP.

7. This site should not be developed and should be part of the public open space like that afforded to the Herbert's Hill above it.

Officer comment:

The zoning for the subject site and DCP allows for the proposed development of the subject site. The carrying out of this development will achieve the identified objectives and land development goals for the property, whilst conserving the Yamba heritage item.

8. All historical sites should be removed from officer delegation authority and revert back to the community representatives who are voted in by the ratepayers.

Officer comment:

It is noted that this DA is to be considered at the Council meeting of 31 January 2012.

(1)(e) The Public Interest

This is the report submitted to the Ordinary Council held on 31 January 2012 - Page 7

ORD03

Attachment 1

ORD03

Attachment 1



It is considered that the public interest will be positively served by the proposed subdivision as it is consistent with the relevant LEP, the applicable VPA and will not result in any unacceptable impacts upon the surrounding environment or the Yamba heritage item.

CONCLUSION

Council has received a DA for a subdivision on this site.

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* and the public submission received has been considered.

It is considered that the proposed development is acceptable on the basis that it is consistent with Camden Development Control Plan 2011, will not impact upon the heritage significance of the Yamba local heritage item and represents an appropriate form of development for the site.

Consequently the development is recommended to Council for approval, subject to the draft development consent conditions shown below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
C1 Rev E	Part 1 of Concept Civil Work Plan.	Steven Waters	September 2011
C2 Rev E	Part 2 of Concept Civil Work Plan.	Steven Waters	September 2011
C3 rev E	Longitudinal Section	Steven Waters	September 2011
C4 Rev C	Demolition Plan	Steven Waters	September 2011
C4	Typical Section at culvert Bridge	Steven Waters	September 2011
C5 Rev E	Part 1 of Diagram of cut and fill	Steven Waters	September 2011
C6 Rev E	Part 2 of Diagram of Cut and fill	Steven Waters	September 2011
D1 Rev D	Part 1 of the Site Concept Drainage Plan	Steven Waters	September 2011
R22111mf2028kirk hamv3	Acoustic assessment**	Koikas Acoustics Pty. Ltd.	22 November 2011
Weed and vegetation management plan	Weed and vegetation management plan	Horticultural management Services	26 October 2007
Traffic and parking assessment report	Traffic and parking assessment report	Dobinson & Associates Pty. Ltd.	February 2011

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- ** The acoustic assessment is indicative only and does not apply to lots 1 and 10. No works detailed in the acoustic assessment are approved by this Development Consent and must be subject to separate development application.

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Design and Construction Standards** - All proposed civil and structural engineering work associated with the development must be designed and constructed strictly in accordance with: -
- (a) Camden Council's current Engineering Specifications, and
 - (b) Camden Council's Development Control Plan 2011

It should be noted that designs for line marking and regulatory signage associated with any proposed public road within this subdivision MUST be submitted to and approved by the Roads Authority, Camden Council, prior to the issue of any Construction Certificate.

- (3) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- (a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval,
 - (b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.
- (4) **Sewer Access Chambers and Mains** -
- (a) No sewer access chambers are to be constructed within the proposed Road Reserves, Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
 - (b) No sewer mains are to be constructed within both proposed and existing Public Reserves and Drainage Reserves without prior approval of the Principal Certifying Authority.
- (5) **Completed in Stages** - Where the development must be completed in stages, a plan must be submitted showing details of subdivision boundaries for each stage and their relationship to adjoining buildings, together with details as to site works, landscaping works, road and drainage works and erosion and sediment control works to be undertaken in conjunction with each stage, and the expected timing of such development.

In addition, details must be shown as to any proposed reciprocal rights of access and rights of way or easement designed to ensure the effective future functioning, maintenance and use of common areas such as roadways and open spaces.

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The above details must be submitted to the Consent Authority (ie Camden Council) prior to the Construction Certificate being issued.

- (6) **Noxious Weed Control** – Noxious weed control must be carried out in conjunction with the Weed and Vegetation Management Plan prepared by Horticultural Management Services for the proposed subdivision Development of 181 Camden Valley Way, Kirkham, NSW.

In addition to the Vegetation Management Plan, the applicant must fully and continuously suppress and destroy by appropriate means all noxious and environmentally invasive weed infestations that occur during and/or after the subdivision. Any new infestations must be reported to Camden Council.

As per the requirements of the Noxious Weeds Act 1993, the applicant must also ensure at all times all machinery, vehicles or other equipment entering or leaving the site, must be clean and free of any Noxious Weed material, to prevent the spread of Noxious Weeds to and from the property.

- (7) **External Authorities** - General Terms of Approval (GTAs) and comments from the Roads and Maritime Services are attached to and form part of this development consent. All requirements of these GTAs and comment must be fully complied with at all times.

- (8) **Waste Disposal Areas for Residential Allotments** - A waste bin collection point must be provided for each unit/lot and must be in accordance with the following requirements:

(a) Each unit/lot must be provided with a level area adjacent to the kerb suitable for the placement of bins for collection. This area must be on level ground, running parallel to the rear of the kerb and measured 3m long by 900mm wide and allow 3.9m clear vertical space to allow for the truck-lifting arm.

(b) The collection vehicle must be able to approach parallel to the collection area either directly next to or within a car width of the kerb. The designated area must also be clear from the positioning of tree plantings (or tree canopies), street lighting or other fixtures.

If this area cannot be provided in front of the lot to which the service is allocated, a more appropriate location shall be provided in front of another lot following consultation with Council. The nominated area shall not be located more than 50m from the lot and must be agreed to by Council.

- (9) **Intersection with Camden Valley Way** - The subdivision's proposed intersection with Camden Valley Way must be designed in accordance with Section 7.7.2 of the Austroads Guide to Road Design (Part 4A). The proposed turn bay must be designed in accordance with this guide at a design speed of 60km/hr.

Signage, line marking and associated traffic control devices must be approved by the Camden Local Traffic Committee prior to works commencing. The intersection must also be street lit to the requirements of AS 1158.

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The applicant must liaise with the Roads and Maritime Services to secure the relocation of the existing speed zone change from 60km/hr to 70km/hr away from the proposed intersection.

The design of the intersection must also retain a pedestrian refuge crossing at the western side of the proposed intersection in accordance with AS 1742.10.

The design of the intersection must also accommodate a Council planned bus stop on the downstream (eastern) side. The bus stop must have a 150mm kerb and concrete boarding point a minimum of 1.6m wide and 2.1m deep. The bus boarding point must have a connecting footpath at least 1.2m wide to the pedestrian refuge with pram ramps on either side of the proposed access road, constructed to Council's Engineering Specifications. Signage and line marking associated with the bus stop must be approved by the Camden Local Traffic Committee.

Should this bus stop already be existing at the time of the development, it must be relocated eastwards as part of the approved works at no cost to Council and a bus boarding point and access path, in accordance with the Disability Standards for Accessible Public Transport 2004, must be installed.

The right-turn bay, intersection and bus stop design shall be submitted to the Environmentally Sustainable Design Branch of Council and the NSW Roads and Maritime Services for approval

- (10) **Camden Valley Way Frontage Upgrade** – The Camden Valley Way frontage of this site (from its eastern boundary up until the existing culvert) must be reconstructed to an urban standard with barrier kerb, guttering and associated drainage.

Construction plans indicating drainage, roads, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.

Note:

- (a) Under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- (b) Under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.
- (11) **Removal of African Olive** - The African Olive that is growing within the site as a hedge (along the site's Camden Valley Way frontage) must be completely removed (with the roots poisoned). Replacement planting (within the site) along this frontage of *Viburnum Odoratissimum* or *Loropetalum Chinesis* (either Burgundy, Sizzling Pink or Plum Gorgeous) must be provided. Within the view lines identified in Figure C6 of Camden Development Control Plan 2011, this replacement planting must not be a continuous hedge and must not obstruct the

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view lines. Outside of these view lines the replacement planting may form a hedge.

- (12) **Existing Driveways** - As part of this development, the existing driveways from the Yamba cottage and workers cottage lots must be gated and kept closed to prevent access. As required by Camden Development Control Plan 2011, new driveways constructed from gravel, bitumen or coloured concrete must be provided to these properties from the new road constructed as part of this development.
- (13) **Wastewater Disposal** – The proposed development must be serviced by Sydney Water sewer. If in the event the development cannot be serviced by Sydney Water sewer, the boundary line between lots 1 and 2 shall be adjusted to provide additional area for effluent disposal for lot 2 and comply with the following:
- (i) Lot 2 - An area that is a minimum of 874m² in size shall be demonstrated on the site plan for effluent disposal.
 - (ii) Compliance with all applicable buffer distances as detailed in Camden Council's Sewage Management Strategy shall be demonstrated.
 - (iii) Provision for a suitable building envelope incorporating driveway access shall be demonstrated.

If the boundaries are adjusted to accommodate the above an amended subdivision plan must be submitted to Council prior to the issue of a Construction Certificate.

- (14) **Sydney Water** - All allotments shall be connected to Sydney Water sewage infrastructure. Only where Sydney Water is unable to service these allotments will on-site disposal be considered. Written correspondence from Sydney Water shall be provided to Council regarding the availability of such services prior to the issue of a Construction Certificate.

2.0 - Construction Certificate Requirements

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

- (1) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of line marking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications and are to be submitted for approval to the Principal Certifying Authority prior to the Construction Certificate being issued:
- (a) under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve;
 - (b) under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority for subdivision work and has the option of undertaking inspection of physical construction works.

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- (2) **Environmental Site Management Plan** - An Environmental Site Management Plan must be submitted to the Certifying Authority for approval and inclusion in any application for a Construction Certificate. The plan must be prepared by a suitably qualified person in accordance with AS/NZ ISO 14000 – 2005 and must address, but not be limited to, the following:
- (a) all matters associated with Council's Erosion and Sediment Control Policy;
 - (b) all matters associated with Occupational Health and Safety;
 - (c) all matters associated with Traffic Management/Control;
 - (d) all other environmental matters associated with the site works such as noise control, dust suppression and the like.
- (3) **Dilapidation Survey** - A photographic dilapidation survey of existing public roads, kerbs, footpaths, drainage structures and any other existing public infrastructure within the immediate area of the development site must be submitted to Council prior to the issuing of the Construction Certificate.
- The survey must include descriptions of each photo and the date when each individual photo was taken.
- (4) **Provision of Kerb Outlets** – Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots. Such kerb outlets shall be:
- (a) located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the Principal Certifying Authority;
 - (b) constructed in accordance with Camden Council's current Engineering Specification/s; and
 - (c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.
- (5) **Turning Facilities** – All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with the current edition of AS 2890.2 and in accordance with Camden Council's current Engineering Specifications.
- (6) **Traffic Management Plan** – A Construction Traffic Management Plan is required in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Public Risk Insurance Policy** - Prior to the issue of the Construction Certificate, the owner or contractor is to take out a Public Risk Insurance Policy in accordance with Camden Council's current Engineering Design Specifications.
- (8) **Connection to Existing Public Roads** - The proposed road construction must connect with the existing public roads. The connection at such locations must be carried out in accordance with the provisions and requirements of Camden Council's issued Public Road Activity (Road works) approval. Further, all such

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work must be completed to the satisfaction of the Roads Authority, Camden Council, prior to the issue of any Subdivision Certificate.

- (9) **Civil Engineering Details** - The developer must submit details of all engineering works on engineering plans to the Certifying Authority for approval prior to a Construction Certificate being issued.
- (10) **Drainage Design** - A Stormwater Management Plan is to be prepared prior to the issue of a Construction Certificate to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (11) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.
- (12) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary, an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows in accordance with Camden Council's current Engineering Design Specifications.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council prior to the issue of the Occupation Certificate. The plans are to be certified by the designer and are to clearly make reference to:

- (a) the works having been constructed in accordance with the approved plans,
- (b) actual storage volume and orifice provided,
- (c) the anticipated performance of the system with regard to the design intent.

The developer must prepare a Section 88b Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (a) view the state of repair of the basin;
- (b) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of

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receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.

Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.

- (13) **Protection for Existing Trees and Other Landscape Features On-site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the development site.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (14) **Waterfront Construction Works** - A Construction Certificate will not be issued over any part of the site that requires a Controlled Activity Approval (CAA) issued by NSW Office of Water (NOW) until a copy of the CAA has been provided to the Consent Authority (ie, Camden Council).
- (15) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety, and to minimise the effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS 1742.3 1985 and to the requirements and approval of Council (and the RMS). Plans and proposals must be approved by Council (and the RMS) prior to the Construction Certificate being issued.
- (16) **Location of Temporary Water Quality Facilities** - A temporary water quality facility must be provided for the site. The facility may be provided in the following locations:
- (a) within any proposed public road and/or drainage reserve contained within the site,
 - (b) within any proposed residue lot contained within the site,

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(c) within any adjoining property that is privately owned. In this regard appropriate easements, pursuant to s.88B of the Conveyancing Act 1919, must be registered by the Department of Lands – Land and Property Information, prior to the issue of any Construction Certificate.

- (17) **Location of Permanent Water Quality Facilities** - A permanent water quality facility must be provided for the site. Such a facility must be located within proposed and/or existing public land.
- (18) **Design of the Permanent Water Quality Facility** - The design of the water quality facility must be prepared in accordance with the requirements of Council's Engineering Design Specification.

The design must be certified by an accredited certifier with Civil Engineering accreditation and must be submitted to the Certifying Authority for inclusion in any application for a Construction Certificate.

- (19) **Flood Line Identification** - The 1:20 year (5% AEO) and 1:100 year flood line (1% AEP) must be marked on the plan of subdivision.
- (20) **Structural Engineer's Certificate** - A certificate must be prepared by a practising structural engineer and must be submitted to Council attesting that the bridge design is capable of withstanding the effects of water and water pressure due to flooding. The bridge design must be legal, permanent, fail safe and maintenance free. The certificate must be submitted to Council prior to the Construction Certificate being issued.
- (21) **Flood Risk Management Policy** – The development must comply with Camden Council's Flood Risk Management Policy prior to a construction certificate being issued.
- (22) **Water Quality Devices** – Provision of gross pollutant traps acceptable to Council are required prior to discharge into any receiving system. Gross pollutant traps are to be located within the proposed public road.
- (23) **Detailed Landscaping Plans** - Prior to the issue of a Construction Certificate, detailed Landscaping Plans prepared by a qualified Landscape Architect or qualified Landscape Designer, must be submitted with the Construction Certificate application in accordance with Camden Council's current Engineering Design Specifications.

The detailed Landscaping Plans must supply sufficient information in regards to (but not limited to):

- (1) Street trees (including the site's Camden Valley Way frontage):
- (a) ensure that the necessary street tree installation and proposed establishment maintenance details are clearly shown in the Landscaping Plans;
 - (b) that the street trees have well constructed tree guard protection installed. A minimum requirement is the installation of at least 3 bollards per street tree. The bollards are to be installed approximately 1m from the main stem of the tree. The bollards are to be sourced in minimum 1.8m length, which will allow for

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- 1.2m above ground exposure and .6m buried support. The bollards are to be timber (or other acceptable composite material) and a minimum 150mm x 150mm width. Timber bollards are to be a durability minimum of H4 CCA;
- (c) that Eucalyptus, Angophora and Araucaria trees are not to be used in any median or nature strip roadside planting; and
- (d) all street planting along the site's Camden Valley Way frontage must be appropriate spaced to minimise the impact upon existing view lines and corridors to Yamba cottage from Camden Valley Way. The proposed species of trees must be agreed to by Council prior to the finalisation of the landscape plan.
- (2) The detailed Landscaping Plans must mirror and be consistent with the approved Concept Landscaping Plans.
- (3) The detailed Landscaping Plans lodged for the issue of the Construction Certificate must include a planting schedule. The planting schedule must clearly detail the positioning, species by botanical and common names, quantities, planting sizes and the estimated size of the plant at approximately 20 years maturity. The planting schedule must also clearly show the proposed establishment and maintenance programme to be applied to the installed landscaping.
- (24) **Endeavour Energy Approval** – Prior to the issue of a Construction Certificate, the following information must be submitted to and approved in writing by Endeavour Energy:
- (a) A Centreline Profile Survey to be submitted so that an assessment can be carried out to ensure that statutory clearance is maintained within the easement. This is to include:
- lot and DP number of the block;
 - date, time and temperature at the time each reading is taken;
 - total length of each span;
 - pole/structure numbers; and
 - existing RL at the base of each structure.
- (b) A survey:
- in AutoCAD 2006 format;
 - have a vertical exaggerated scale of 10:1, e.g horizontal scale 1:1000, and vertical scale 1:100 or HOR-1:500 vertical 1:50; and
 - information on the paper size that the drawing needs to be printed at for the scale to be correct, for example HOR 1:1000 Vert 1:100 when printed on A2.
- (c) A long section drawing showing existing and proposed levels throughout the easement through the proposed reserve will be required to be submitted

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- (d) The detail of any proposed service crossing within the easement area is required.
 - (e) A landscape schedule is to be submitted for the area affected by the easement.
 - (f) On the conductor close to the ground a reading is required every 10m of the existing RL (ground Level) for the entire span.

Other information may be required where the structures are strained or change of direction or on pole lines. Please contact Endeavour Energy for further information.

- (25) **Sewage Management System Diagram** - The applicant shall provide to Council a scaled diagram accurately plotting the position of the on site sewage management system (including tanks and disposal area) currently servicing the 3 existing dwellings located with proposed allotments 1, 9 and 10.

3.0 - Prior To Works Commencing

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

- (1) **Stabilised Access Point** - A Stabilised Access Point (SAP) incorporating a truck shaker must be installed and maintained at the construction ingress/egress location prior to the commencement of any work. The provision of the SAP is to prevent dust, dirt and mud from being transported by vehicles from the site. Ingress and egress of the site must be limited to this single access point
- (2) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (3) **Hoardings and Security Fencing** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by Camden Council.

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No site or demolition works must commence before the hoarding or fence is erected. Public thoroughfares must also not be obstructed in any manner whatsoever during demolition works.

All demolition works must comply with the requirements of AS2601:2001 - Demolition of Structures.

- (4) **Signs to be Erected on Demolition Sites** - Under Clause 98A of the Environmental Planning and Assessment Regulation 2000, a sign must be erected in a prominent position on any site on which demolition work is being carried out.

Any such sign is to be maintained while the demolition work is being carried out, but must be removed when the work has been completed.

Clause 327 of the Occupational Health and Safety Regulation 2001 must also be complied with.

- (5) **Pollution Warning Sign** – A sign must be erected at all entrances to the subdivision site prior to work commencing and maintained until the subdivision has reached 80% occupancy. The sign must be constructed of durable materials and be a minimum of 1200 x 900mm. The wording of the sign must be as follows:

“WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) - Solution to Pollution.”

The warning and fine statement wording must be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details must be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

The location and details of the signage shall be shown on the soil and water management plan prior to the release of the construction certificate.

4.0 - During Construction

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

- (1) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following stages of construction:
- (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, access ways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of sub grade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;

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- (h) final inspection after all works are completed and "Work As Executed" plans, including work on public land, have been submitted to Council.

Where Council is not nominated as the Principal Certifying Authority, documentary evidence in the form of Compliance Certificates stating that all work has been carried out in accordance with Camden Council's Development Control Plan 2011 and Engineering Specifications must be submitted to Council prior to the issue of the Subdivision/Occupation Certificate.

- (2) **Construction** – All roads, infrastructure and landscaping shall be constructed in accordance with the Salinity Management Measures outlined in Report titles "Phase 1-4 Salinity Assessment prepared by Aargus dated 18 April 2011 Ref: ES4151/2 and addendum letter dated 31 August 2011.
- (3) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

*For "Virgin Excavated Natural Material (VENM)":-

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
- (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
- (ii) is free of contaminants;
- (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- (iv) is suitable for its intended purpose and land use, and
- (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes: -

- (e) less than 6000m³ - 3 sampling locations,



- (f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (e) and (f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (4) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends the following:

Construction period of 4 weeks and under

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the back ground level by more than 10dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (5) **Compaction (Roads)** - All filling on roadways must be compacted in accordance with Camden Council's current Engineering Construction Specifications.
- (6) **Survey Marks** - Permanent Survey co-ordination marks must be placed within the subdivision in accordance with the Surveyors Act and Regulations.
- (7) **Compaction (Allotments)** - Those proposed allotments which are subject to filling must be compacted in accordance with Camden Council's current Engineering Construction Specifications. The applicant's Geotechnical Engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798-1990.
- (8) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

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- (a) The delivery of material shall only be carried out between the hours of 7am - 6pm Monday to Friday, and between 8am - 4pm on Saturdays.
 - (b) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.
 - (c) Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - (d) Waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.
 - (e) A waste control container shall be located on the development site.
- (9) **Liquid Wastes** - All liquid wastes other than stormwater generated on the site must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (10) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** – During any earthworks and development works relating to this Consent, the Applicant is advised:
- (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Subdivision Certificate.
 - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the street trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
 - (d) The inspection must occur prior to the issue of the Subdivision Certificate.
- (11) **Soil Classification** - A geotechnical report must be submitted detailing the classification of soil type generally found within the subdivision. A general classification for each lot within the subdivision must be provided and such classifications must be made by a Geotechnical Engineer in accordance with the provisions of SAA AS 2870 "Residential Slabs and Footings". The classification reports must be submitted to Council prior to release of the Subdivision Certificate.
- (12) **Removal Of Waste Materials** - where there is a need to remove any identified materials from the site that contains fill, this material will need to be assessed in accordance with the NSW DECC Waste Classification Guidelines (April 2008) (refer www.environment.nsw.gov.au/waste/envguidlms/index.htm). Once assessed the materials will be required to be disposed to a licenced waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council.

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- (13) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- (a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval,
- (b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.
- (14) **Protection for Existing Trees and Other Landscape Features On-site** - The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the development site.

The works and procedures involved with the protection of existing trees and other landscape features, are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

5.0 - Subdivision Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Maintenance Bond** - A maintenance bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, must be lodged with Council prior to the release of the Subdivision Certificate. This bond is to cover the maintenance of civil works constructed during subdivision works and any damage to existing roads, drainage lines, public reserves or other Council property or works required as a result of work not in accordance with Council's standards, and/or development consent conditions.

The maintenance bond shall be for (12) twelve months or such longer period as determined by Council's engineer, and shall commence on the date of release of the linen plan in the case of subdivision works, or the date of the issue of the compliance certificate in the case of development works.

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Note 1: In accordance with Council's current Fees and Charges an administration fee for processing of bonds in the form of cash or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond unless a suitable replacement bond is submitted.

(2) **Value of Works** - Prior to release of the Subdivision Certificate, the applicant must submit itemised data and value of civil works for the inclusion in Council's Asset Management System. The applicant can obtain from Council upon request, a template and requirements for asset data collection.

(3) **Lot Numbers and Street Names** - Prior to Issue of a Subdivision Certificate, lot numbers, house numbers and street names must be stencilled on the face of kerb, or in such location as directed by the Principal Certifying Authority.

The stencil medium must be of a good quality UV stabilised paint and applied to the kerb accordingly:

(a) Lot numbers:

(i) White number on **Blue** background located on the prolongation of both common boundaries of each lot..

(b) Street names:

(i) White lettering on **Blue** background at kerb and gutter tangent points or at such locations as directed by the Principal Certifying Authority.

(4) **Works as Executed Plan** - Prior to the issue of any Subdivision Certificate, a works-as-executed plan in both hard copy and electronic form (.dwg files or equivalent) in accordance with Camden Council's current Engineering Construction Specifications must be provided.

(5) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, Pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.

(6) **Services** - Prior to the issue of any Subdivision Certificate, the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:

(a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities (where such sewerage facility connections are available) are available to each allotment;

Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.

(b) a Notification of Arrangements from Endeavour Energy; and

(c) written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been

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made for the provision of underground telephone plant within the subdivision/development.

- (7) **Show Easements on the Plan of Subdivision** - The developer must acknowledge all existing easements on the final plan of subdivision.
- (8) **Show Restrictions on the Plan of Subdivision** - The developer must acknowledge all existing restrictions on the use of the land on the final plan of subdivision.
- (9) **Plot Watercourses** - The developer must chart the natural watercourse on the subdivision.
- (10) **Plot Piped Watercourse** - The developer must chart the piped natural watercourse on the plan of subdivision.
- (11) **Section 88b Instrument** - The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:
 - (a) Easement for services.
 - (b) Easement to drain water.
 - (c) Drainage easement over overland flow paths.
 - (d) Easement for on-site-Detention.
 - (e) Easement for water quality.
 - (f) Reciprocal right of carriageway. The owners of the subject properties burdened by the Right-Of-Way shall be responsible for on-going maintenance and the Public Liability of the Right-Of-Way.
 - (g) Restricted building zone over the 1% flood inundation area of the natural watercourse which prohibits the erection of structures, including fences, the placement of fill and the planting of trees.
 - (h) Restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. The developer must provide the 1% AEP and 5% AEP flood profile of the natural watercourse with superimposed lot boundary location.
 - (i) Restriction as to user over all lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.
 - (j) Restriction as to user over sub-surface drainage pipes contained within the building area of allotments.
 - (k) Restriction as to user over any lots adjacent to a public reserve stipulating dividing fence type.
 - (l) Restriction as to user detailing that no person must alter, remove or destroy any soil, planting or any part of the fence which forms part of the acoustic barrier without the prior approval of the Consent Authority (ie

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Camden Council) and that the landowners or their assigns must maintain the acoustic barrier in good order at all times. If the acoustic barrier is not maintained to the satisfaction of Camden Council, Council may enter upon the land and carry out the necessary work at full cost to the owner.

- (m) Restriction as to user preventing the alteration of the final overland flow path shape, and the erection of any structures (other than open form fencing) in the overland flow path without the written permission of Council.
- (n) Restriction as to user on those lots adjacent to the overland flow paths to ensure that the floor level of any habitable room is not less than 600mm above the 1% AEP level, such levels to be detailed on the Section 88b Instrument and related to AHD.
- (o) Restriction as to user indicating that no buildings must be permitted outside the boundaries of the building envelopes as shown on the approved plans.
- (p) Restriction as to user on lots 2, 3, 4 and 5 specifying that any dwellings on these lots must comply with the Acoustic Assessment Road Traffic Noise for Lot 3 Camden Valley Way, Kirkham prepared by Koikas Acoustics, dated 22 November 2011, ref R221111mf2028Kirkhamv3.docx. Compliance with this assessment and DECC's Environmental Criteria for Road Traffic Noise must be demonstrated for each dwelling application.
- (q) Restriction as to user specifying that all bedrooms for each dwelling shall be orientated away from the noise exposed facades, ie. the façade that directly faces to road traffic noise.
- (r) Restriction as to user on lots 2, 3, 4, 5, 6 and 7 specifying that the design of any dwellings on these lots must comply with Camden DCP 2011, the Voluntary Planning Agreement and the Conservation Management Plan for the Yamba site.

The following restrictions must only be created where the development is not serviced by Sydney Water sewer

- (s) Restriction as to user on all lots specifying that:
 - (a) All applicable approvals must be sought from Council prior to the installation of any on site sewage management facility at the premises. This includes but is not limited to approvals under section 68 of the Local Government Act 1993 for the installation/construction/alteration of sewage management facilities and the operation of sewage management facilities.
 - (b) An aerated wastewater treatment system that is accredited by the NSW Department of Health shall be provided for the treatment of wastewater generated from each allotment.
 - (c) Flooding:

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- i. 1% AEP (1:100yr) flood contours: The on-site sewage management facility (tanks) shall be located above the 1:100yr flood contour line (the tank shall be located on flood free land);
 - ii. 5% AEP (1:20) Flood Contours: No portion of the related effluent application area is permitted to be located below the 5% AEP (1:20) flood contour.
 - (d) Dwelling location and additional site intensification may be restricted by effluent disposal requirements for each allotment
 - (t) Restriction as to user on lots 1 and 10 specifying that the existing on-site sewage management system including all drainage, tanks and disposal area shall:
 - a. be located wholly within the boundary's of the allotment;
 - b. demonstrate compliance with the required buffer distances detailed within Camden Council's Sewage Management Strategy;
 - c. be operating in a satisfactory manner

Where the existing on-site sewage management system cannot demonstrate compliance with a., b. and c., application shall be made to Council for approval for a replacement system and/or disposal area.

Where a replacement system is required for Lot 1 and or Lot 10, compliance with Camden Council's Sewage Management Strategy shall be demonstrated
 - (u) Restriction as to user on lots 2 and 3 specifying that the total area required for the disposal of effluent for lots 2 and 3 shall consist of:
 - a. a primary area 583m² in size of subsurface drip irrigation;
 - b. a further 291m² reserve area.

Location and design of the effluent disposal area shall comply with all buffer distances detailed in Camden Council's Sewage Management Strategy.

Dwelling construction will be restricted to a maximum of 3 bedrooms with a maximum occupancy of 5 persons. Any proposed dwelling greater than 3 bedrooms or with an occupancy greater than 5 persons, or any proposed on-site system of sewage management other than an AWTs with sub-surface drip irrigation, may be considered where compliance with Camden Council's Sewage Management Strategy can be demonstrated.
 - (v) Restriction as to user on lots 4 and 5 specifying that the total area required for the disposal of effluent for lots 4 and 5 shall consist of:
 - a. a primary area 700m² in size of subsurface drip irrigation;
 - b. a further 350m² reserve area.

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Location and design of the effluent disposal area shall comply with all buffer distances detailed in Camden Council's Sewage Management Strategy.

Dwelling construction will be restricted to a maximum of 4 bedrooms with a maximum occupancy of 6 persons. Any proposed dwelling greater than 4 bedrooms or with an occupancy greater than 6 persons, or any proposed on-site system of sewage management other than an AWTS with sub-surface drip irrigation, may be considered where compliance with Camden Council's Sewage Management Strategy can be demonstrated.

- (w) Restriction as to user on lots 6 and 7 specifying that the total area required for the disposal of effluent for lots 6 and 7 shall consist of:
- a. a primary area 600m² in size of subsurface drip irrigation;
 - b. a further 300m² reserve area.

Location and design of the effluent disposal area shall comply with all buffer distances detailed in Camden Council's Sewage Management Strategy.

Dwelling construction will be restricted to a maximum of 4 bedrooms with a maximum occupancy of 6 persons. Any proposed dwelling greater than 4 bedrooms or with an occupancy greater than 6 persons, or any proposed on-site system of sewage management other than an AWTS with sub-surface drip irrigation, may be considered where compliance with Camden Council's Sewage Management Strategy can be demonstrated.

- (x) Restriction as to user on lot 7 specifying that:
- (a) approval from the Office of Water shall be obtained for works within 40m of the proposed drainage reserve. In the event that such approval is not granted for on-site wastewater disposal, the allotment will be required to be serviced by a pump-out system;
 - (b) a minimum of a 20m buffer shall be provided between the drainage reserve and effluent disposal area. Boundary buffer plantings may be conditioned at time of section 68 Application.
- (y) Restriction as to user on lot 9 specifying that all dwellings (including units) located within this allotment shall be connected to Sydney Water sewerage mains infrastructure.
- (z) Restriction to user on all lots specifying that where an allotment is unable to connect via a gravity line to Sydney Water sewerage mains infrastructure, all applicable approvals must be sought from Council prior to the installation of any pump-to-sewer sewage management facility at the premises. This includes but is not limited to approvals under section 68 of the Local Government Act 1993 for the installation/construction/alteration of sewage management facilities and the operation of sewage management facilities.

(12) **Construction of Permanent Water Quality Facilities** – A permanent water

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quality facility must be constructed:

- (a) in accordance with the approved plans,
- (b) to the requirements of Camden Council,
- (c) when Occupation Certificates for dwellings associated with 80% of the lots have been issued.

Any earth batters associated with such a facility must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

- (13) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate, a certificate from a Registered Surveyor must be submitted to the Certifying Authority certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (14) **Street Lighting** - Street lighting must be provided within the subdivision in accordance with the relevant Australian standards, Endeavour Energy approval and the satisfaction of the Principal Certifying Authority. All such work must be complete and operative prior to the issue of the Subdivision Certificate.
- (15) **Burdened Lots to be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions must also be suitably burdened.
- (16) **Permanent Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Prior to the issue of any Subdivision Certificate, Operation and Maintenance and Monitoring Manual/s for the permanent water quality facilities must be submitted to the Principal Certifying Authority for approval.

The manuals must be prepared by a suitably qualified professional in accordance with the requirements of the water quality criteria contained within the approved Water Cycle Master Plan and must provide detailed information regarding the following:

- (a) vegetation management;
- (b) removal of noxious weeds;
- (c) replacement of filter medium; and
- (d) water quality.

Sampling - water quality sampling should be undertaken for all relevant water quality parameters contained within the approved "Water Cycle Master Plan". Samples are to be taken from the inlet point of the "on-site detention/sediment Control Basin" and the outlet point of the "Water Quality Facility".

Frequency - the frequency of sampling for each facility must include quarterly sampling. Where prolonged drought conditions exist and water is unavailable for testing on a quarterly basis then a minimum of 4 samples must be taken (within a 12 month period) when water is available with a minimum of 2 months

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between sampling periods.

Discussion of sampling results - a comparison of results with respect to the level of compliance with water quality targets/ criteria will be required and include recommendations for corrective action where non-compliance is determined.

In that regard the manual must indicate that water quality sampling and monitoring report/s must be submitted to Camden Council at the commencement of monitoring and six (6) months after the initial sampling.

Methodology for attainment of the required water quality discharge parameters - Methodology/measures are required to ensure that the subject temporary facilities remain functional/operational until such time as they are decommissioned and replaced/reconstructed as a permanent water quality facility.

- (17) **Section 94 Contributions** - Pursuant to **Contributions Plan No 20** adopted in October 1996, a contribution must be paid to Council of \$22.00 per additional lot or dwelling, total \$176.00, for **Fire and Other Emergency Facilities and Equipment**.

The contribution must be indexed to the Consumer Price Index, and paid **prior to the issue of a subdivision Certificate**.

- (18) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$7,000.00 per additional lot or dwelling, total \$56,000.00, for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid **prior to issue of the Subdivision Certificate**.

The monetary contribution may at the sole discretion of Council be offset by the value of land transferred to Council or by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such an agreement is to be undertaken, it must be signed **prior to the issue of a Subdivision Certificate**.

- (19) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended July 2004, a contribution must be paid to Council of \$311.00 per additional lot or dwelling, total \$2,488.00, for **s.94 Administration and Management**.

The contribution must be indexed by the methods set out in paragraph 2.4 of the plan and paid **prior to the issue of a Subdivision Certificate**.

- (20) **Section 94 Contributions** - Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be made to Council of 112.84m² per additional lot or dwelling, total 902.72m², for **s.94 Open Space Land Acquisition** and 3.68m² per additional lot or dwelling, total 29.44m², for **s.94 Community Land Acquisition**.

The land must be dedicated free of charge in accordance with paragraph 5.1.6 of the plan and clearly identified on the plan of subdivision.

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Alternatively, a contribution must be paid to Council of \$12,667.00 per additional lot or dwelling, total \$101,336.00.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan and paid **prior to the issue of a Subdivision Certificate**.

- (21) **Voluntary Planning Agreement (VPA)** - The applicant must lodge a Construction Certificate for the upgrading of Yamba Cottage and the Workers Cottage, and the construction of the internal access road prior to making an application for a Subdivision Certificate for the residential lots in accordance with clause 7 of the Yamba Cottage Planning Agreement made between Camden Council and Joseph Mourshed dated 23 June 2009.
- (22) **Decommissioning of Existing On-site Sewage Management System(s)** – Where no connection to Sydney Water sewer is available, the septic tank/AWTS and associated drainage on all lots shall be decommissioned in accordance with the following:
- (i) the septic tank/holding well/aerated wastewater treatment system tank(s) shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council;
 - (ii) the sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed;
 - (iii) the inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall than be emptied by a licensed liquid wastewater contractor;
 - (iv) the septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site;
 - (v) materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches shall be removed and disposed of at a suitably licensed landfill site (ie aggregates, rubble, sand, concrete slabs and the like). The transpiration beds/absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level;
 - (vi) receipts for the disposal of the tank and associated drainage shall be submitted to Council;
 - (vii) the excavation from the removal of the tank(s) shall be filled with VENM of a similar soil consistency of the surrounding soil type.
- (23) **Decommissioning of Existing On-site Sewage Management System(s)** - Where connection to Sydney Water sewage infrastructure is not available for all allotments, the septic tank/AWTS and associated drainage servicing the brick residence located between Lot 8 & 9 (and potentially system servicing 2 other dwellings) shall be decommissioned in accordance with the following:

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- (i) The septic tank/holding well/Aerated wastewater treatment system tank(s) shall be emptied by a licensed liquid wastewater contractor and the contents disposed of at an approved wastewater depot. A copy of the receipt is to be submitted to Council,
 - (ii) The sides, lid, baffle (if fitted) and square junctions of the tank should be hosed down as the waste is being removed,
 - (iii) The inlets and outlets should be plugged and the tank should then be filled with clean water and disinfected to a minimum level of 5mg/l of free residual chlorine, with a one half hour contact time. The lid should be exposed to the chlorine solution. The chlorine should be allowed to dissipate naturally and not be neutralised. The contents of the tank/ and or well shall than be emptied by a licensed liquid wastewater contractor.
 - (iv) The septic tank and any associated drainage and disposal field shall be removed and disposed of at a suitably licensed landfill site.
 - (v) Materials and drainage pipes used in the construction and connection of the existing redundant transpiration beds/ absorption trenches/ irrigation systems shall be removed and disposed of at a suitably licensed landfill site. (ie aggregates, rubble, sand, concrete slabs and the like) The transpiration beds/ absorption trenches are to be backfilled with clean filling material and finished to the surrounding ground level.
 - (vi) Receipts for the disposal of the tank and associated drainage shall be submitted to council.
 - (vii) The excavation from the removal of the tank(s) shall be filled with VENM of a similar soil consistency of the surrounding soil type.

END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 290/2011 for a subdivision to create 10 lots, construction of a new road, drainage, services and landscaping at No 181 (Lot 101, DP 1143373) Camden Valley Way, Kirkham, subject to the draft development consent conditions shown above.

MOTION

Moved Councillor Campbell, Seconded Councillor Cagney that Council defer consideration of this Item, pending a site inspection, further negotiations with Roads and Maritime Services, discussions with the developer and a Councillor Workshop.

ORD1/12 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Anderson, Cagney, Campbell, Dewbery and Warren voted in favour of the Motion. Councillors Funnell, Symkowiak and Patterson voted against the Motion.)



ATTACHMENTS

1. Yamba Indicative Master Plan
2. Location map
3. Proposed Plans
4. Submission - *Supporting Document*

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Attachment 1

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Attachment 1

Camden Council
Development Control Plan

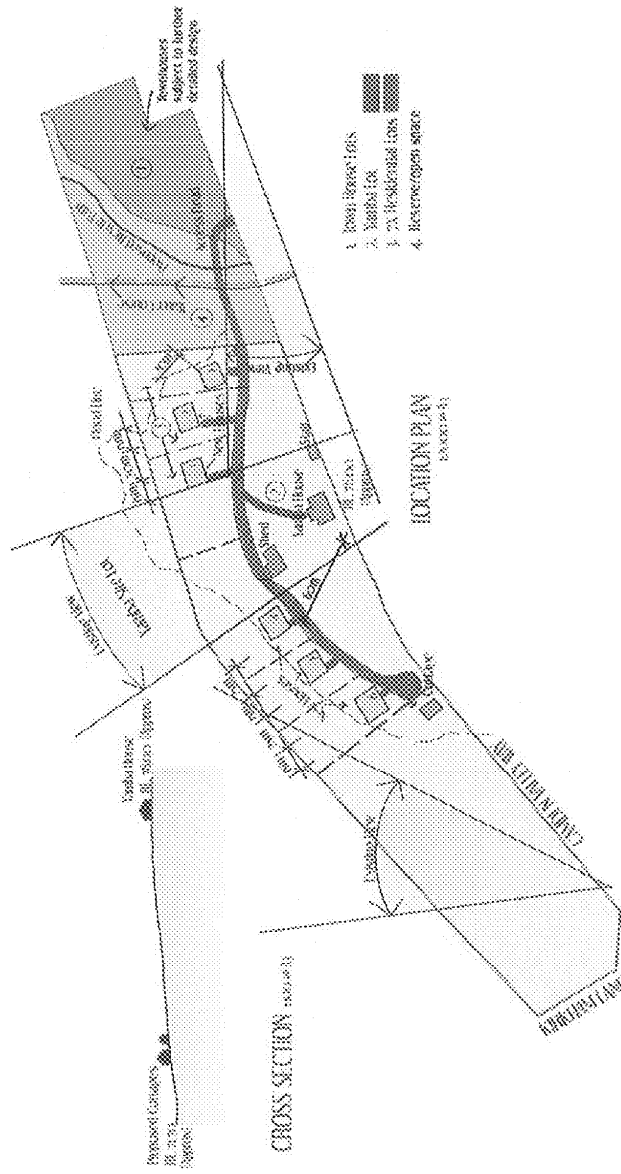
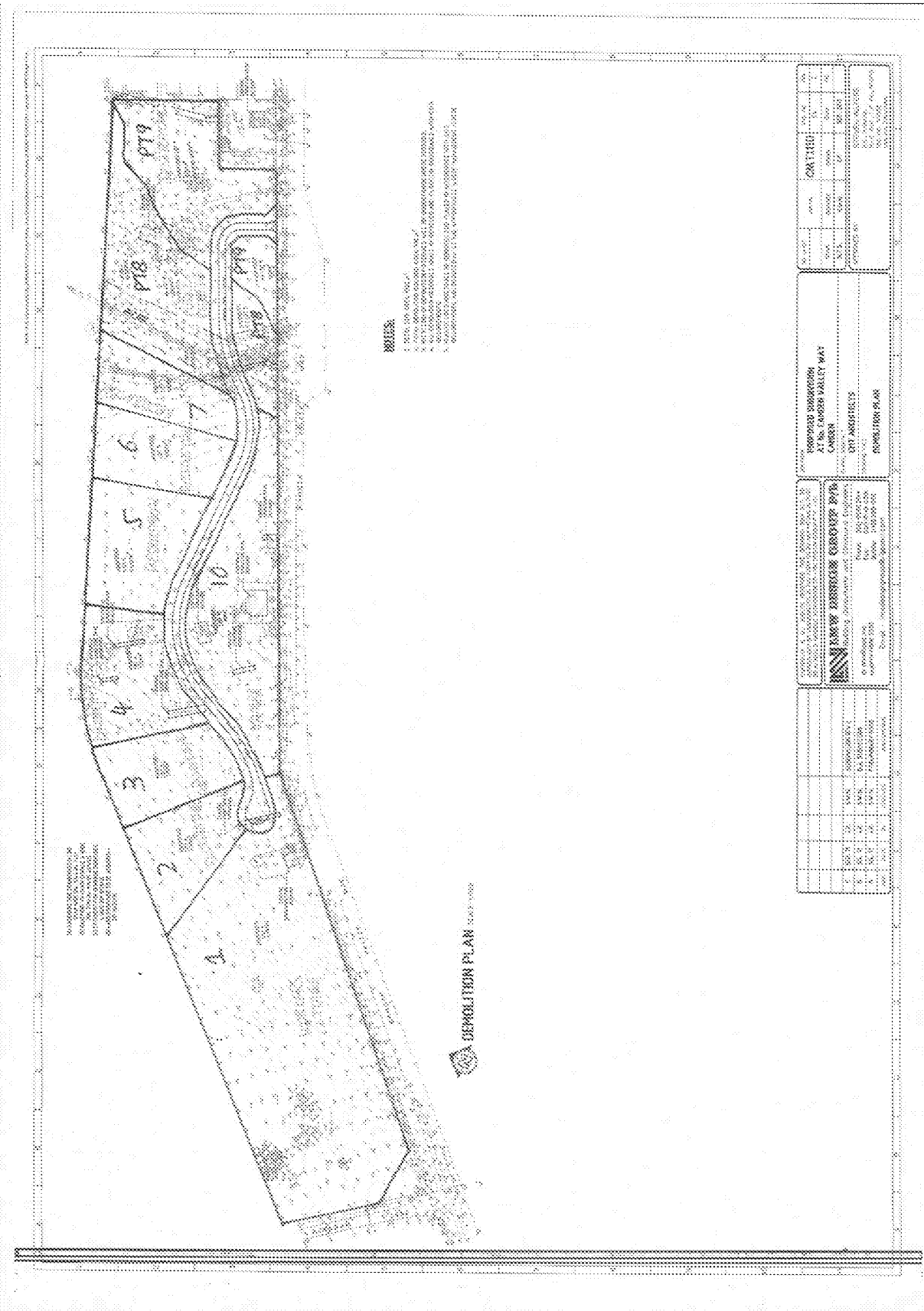


Figure C6 Yamba Indicative Master Plan



ORD03

Attachment 1

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Attachment 2

Attachment 2: Modified draft conditions of consentDraft Condition 9 in Section 1.0 – General Requirements

Intersection with Camden Valley Way - The subdivision's proposed intersection with Camden Valley Way must be designed with a channelised right turn bay in accordance with the Austroads Guide to Road Design for a design speed of 60km/hr.

Signage, line marking and associated traffic control devices must be approved by the Camden Local Traffic Committee prior to works commencing. The intersection must also be street lit to the requirements of Australian Standard AS 1158.

The applicant must consult with the NSW Roads and Maritime Services concerning any proposed changes to speed zones.

The design of the intersection must also accommodate a pedestrian refuge crossing a safe stopping distance from the western side of the proposed intersection, in accordance with Australian Standard AS 1742.10 and the Austroads Guide to Road Design.

The design of the intersection must also accommodate a bus stop on the downstream (eastern) side of the pedestrian refuge, in accordance with the Disability Standards for Accessible Public Transport 2004. The bus stop must have a 150mm kerb and concrete boarding point a minimum of 1.6m wide and 2.1m deep. The bus boarding point must have a connecting footpath at least 1.2m wide to the pedestrian refuge with pram ramps on either side of the proposed access road, constructed to Council's Engineering Specifications. Signage and line marking associated with the bus stop must be approved by the Camden Local Traffic Committee.

Should this bus stop and/or pedestrian refuge crossing already be existing at the time of the development and require relocation to accommodate the intersection, they must be relocated as part of the approved works at no cost to Council.

The right-turn bay, intersection and bus stop design shall be submitted to Council for approval.

Draft Condition 11 in Section 1.0 – General Requirements

Removal of African Olive – The African Olive that is growing within the site and on the road reserve as a hedge (along the site's Camden Valley Way frontage) must be completely removed (with the roots poisoned). Replacement planting (within the site) along this frontage of Viburnum Odoratissimum or Loropetalum Chinesis (Burgundy, Sizzling Pink or Plum Gorgeous) must be provided. Within the view lines identified in Figure C6 of Camden Development Control Plan 2011, this replacement planting must not be a continuous hedge and must not obstruct the view lines. Outside of these view lines the replacement planting may form a hedge. The planting must not obstruct sight lines at the proposed intersection.



ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: VOLUNTARY PLANNING AGREEMENT OFFER BY SEKISUI HOUSE, GLEDSDOOD AND EAST SIDE LANDOWNERS FOR LAND KNOWN AS EL CABALLO BLANCO GLEDSDOOD AND EAST SIDE, AT GLEDSDOOD HILLS

FROM: Director Governance

BINDER: Planning/Central Hills/El Caballo Blanco

PREVIOUS ITEMS: ORD06 - Voluntary Planning Agreement Offer by Sekisui House, Gledswood and East Side Landowners for Land Known as El Caballo Blanco Gledswood and East Side - Ordinary Council - 23 August 2011

PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to publicly re-exhibit a package of planning documents related to the proposed rezoning and development of the El Caballo, Gledswood and East Side lands (the ECBG land), including:

- A revised Voluntary Planning Agreement (VPA) offered by the landowners in relation to the rezoning of the land;
- A Planning Proposal to rezone the land (previously known as Draft LEP 151, it is now in a "Planning Proposal" format at the request of the Department of Planning and Infrastructure (DPI); and
- A revised Draft Development Control Plan for the site.

The revised Planning Proposal, Draft DCP and Draft VPA are included as **Attachment 1, Attachment 2 and Attachment 3 respectively to this report.**

BACKGROUND

The ECBG land adjoins the Turner Road precinct of the South West Growth Corridor, but is not included within the Growth corridor. The land is divided into two portions by the Sydney Catchment Authority's Water Supply Canal. The Western Portion contains the El Caballo land owned by Sekisui House and the Gledswood land owned by Caldla Pty Ltd. The Eastern Portion is divided into East Side 1, East Side 2 and East Side 3, and is under several ownerships, including the Galluzo and Pisciuneri families.

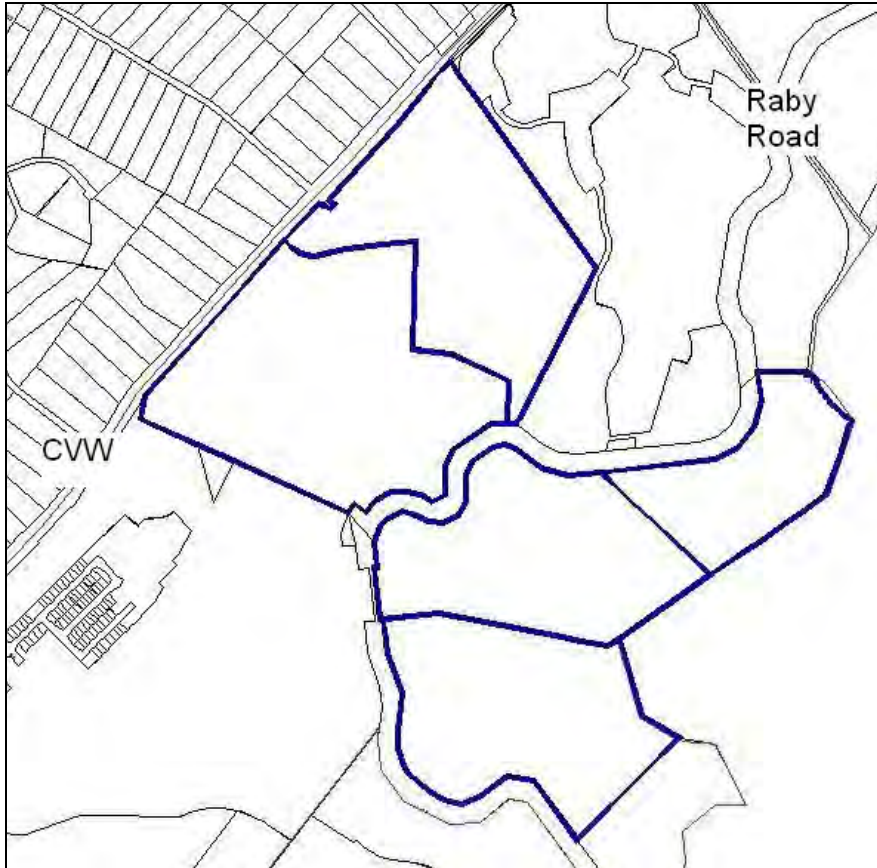
The land has frontage to Camden Valley Way and is shown edged heavy black in the Location Map (Figure 1) on the next page.

This site is currently zoned RU2 Rural Landscape under Camden LEP 2010. It is proposed to rezone the land to R1 (General Residential), R2 (Low Density Residential), R5 (Large Lot Residential), RE2 (Private Recreation), RU2 (Rural Landscape) and SP3 Tourist. The proposed rezoning was previously reported to Council as being Draft LEP No. 151 and has been rewritten as a 'Planning Proposal' at the request of the DPI.

The owners of the land commenced discussions with Council in relation to entering into a VPA for the site to help facilitate rezoning of the land. In addition to making arrangements for the provision of local infrastructure to support development of the

site, the VPA ensures that the future development of the land will achieve important environmental outcomes, such as the conservation of vegetation and the management of the water cycle. In this respect, the proposed development includes significant areas of land zoned RE2 – Private Recreation, which is proposed to be developed as a golf course and will be designed to incorporate the vegetation and water management works.

Figure 1: Location Map



The Draft LEP was previously exhibited from 4 February to 4 March 2009. The project was delayed following this public exhibition due to various changes in ownership of the El Caballo Blanco land. The current owner, Sekisui House, declined to take up options to purchase land in the Eastern Portion, resulting in those landowners becoming part of the development consortium negotiating the terms of a VPA with Council. A Draft VPA was prepared and publicly exhibited from 31 August to 27 September 2011, along with the Draft DCP and Draft LEP. During the public exhibition period, submissions were received from Campbelltown Council, the East Side landowners and Sekisui House.

There have been substantial negotiations with the landowners regarding the Draft VPA in the time following the exhibition period. This has resulted in proposed amendments to the Draft VPA which warrant re-exhibition of the Draft Agreement. There have also been some amendments to the rezoning proposal and to the Draft DCP. This report outlines the nature of the proposed amendments to the Planning Proposal, Draft DCP and Draft VPA and seeks a Council resolution to place these documents on public exhibition for a period of 28 days.

MAIN REPORT

A Draft LEP, Draft DCP and Draft VPA were previously exhibited from 31 August to 27 September 2011 for the purposes of rezoning the ECBG land to allow residential development. The development includes the provision of a minimum 18 hole golf course and will achieve important vegetation and water cycle management objectives.

During the public exhibition submissions were received from Campbelltown Council, the East Side landowners and SJB Planning on behalf of Sekisui House and are provided as **Attachment 4 to this report**. These submissions and further negotiations have resulted in changes to the proposed rezoning boundaries, the Draft DCP and the Draft VPA. The following sections of this report will discuss the submissions received in response to the public exhibition, the changes to the proposed rezoning, to the Draft DCP and to the Draft VPA.

Public Exhibition

Three submissions were received during the public exhibition period.

Campbelltown Council submission

Campbelltown Council's submission provides in principle support for the proposed rezoning and Voluntary Planning Agreement on the basis that infrastructure upgrades are provided as part of the initial stages of development. In particular, it notes concerns about the cumulative detrimental impacts on local infrastructure and services, especially transport and road network issues.

The development of the subject land will require the provision of new intersections on both Raby Road and Camden Valley Way. While Campbelltown Council's request for early provision of these facilities is noted, the timing of the intersection construction will be determined by the Roads and Maritime Services (RMS) as part of their consideration of Development Applications for the site and their associated traffic impact. Applicants will be required to submit traffic reports with any Development Applications, and will be referred to the RMS who will require conditions of consent relating to the provision of the intersections.

East Side Landowners submission

The submission provided by the East Side landowners indicates their full support for the rezoning and VPA. They do request some minor amendments to the VPA and Draft DCP, which are discussed in the following sections of this report.

Sekisui House submission

The submission provided by Sekisui House requests an amendment to the proposed zoning boundaries to address heritage issues. They also note that they were undertaking a legal review of the Draft VPA and may provide further comments in relation to the Draft VPA. The proposed amendments are discussed in the following sections of this report.

There are no unresolved objections to the proposed rezoning of the land, the Draft DCP or the Draft VPA.

Changes to the Draft Planning Proposal

When the ECBG land rezoning process first began, Council prepared a draft planning instrument to rezone the land known as Draft LEP No. 151. Since this time, the Camden LEP 2010 has come into force, which is a consolidated LEP. Also, new legislation has come into force relating to the rezoning process. As a result, the DPI has required Council to prepare the rezoning proposal for the site in the form of a "Planning Proposal".

The Draft Planning Proposal is provided as **Attachment 1 to this report**. The Planning Proposal is substantially the same as Draft LEP 151, with amendments made to ensure it relates appropriately to the Camden LEP 2010.

In response to the submission received from Sekisui House the zoning boundaries have been amended to increase the landscape buffer to the existing Gledswood Homestead entry. The landscape buffer was proposed to be 10m wide and has been increased to 30m wide to comply with specialist heritage advice. This has resulted in an equal land swap for Precinct 1 of R1 General Residential land and RE2 Private Recreation land. A map showing these changes to the zoning boundaries is provided in the Sekisui House submission provided in **Attachment 4 to this report**

The exhibition of the draft LEP 151 included a package of maps. A range of minor changes have been required for this draft Planning Proposal. These are:

- the Environmentally Sensitive Map is no longer required as part of the LEP package of maps but will be recorded on Council's mapping system;
- the Land Provision Map is not required but this information is converted into the Land Release Area Map as part of the LEP package of maps;
- an incorrect Heritage Map was exhibited as part of the draft LEP 151 exhibition showing the Gledswood Land as a Heritage Conservation Area when in fact it is a Heritage Item. The water canal was also incorrectly not shown as a Heritage Item. Both Heritage Items are currently shown correctly in the Camden LEP 2010 so are not required as part of this Planning Proposal.
- all maps reflect the changes to boundaries as a result of the land swap for a wider vegetated buffer

Changes to the Draft DCP

As a consequence of changes to the zoning boundaries, the Draft DCP maps have been amended accordingly.

In response to a submission from the East Side landowners, the minimum lot width for lots in Precinct 5 with a minimum lot size of 800m² has been reduced from 22m to 20m. This proposed reduction in lot width will not have any adverse impacts on the development and is considered reasonable.

Changes to the Draft VPA

Following the previous public exhibition of the Draft VPA, Sekisui House has undertaken an extensive legal review of the document. This has resulted in amendments to the Draft VPA that have been negotiated and agreed with all parties. While the proposed changes do not alter the type and scope of works and contributions to be made by the parties, there are many changes to how the VPA is interpreted and

administered. Council has received legal advice recommending that the Draft VPA be re-exhibited due to the changes that have been made.

A summary of the changes to the Draft VPA is provided as **Attachment 5 to this report**.

Some of the key changes to the Draft VPA include:

- amendments to some definitions;
- clarifications regarding when certain works, plans and strategies are required and who is responsible;
- a major review of Clause 9 relating to the Golf Holes Strategy to provide a means for one or more landowners to prepare the strategy, which is required for the whole site, and discussing the level of detail that must be provided. This Clause also allows a landowner to seek to use the land for a purpose other than a golf course, but only after the golf holes have been constructed. In this way, if a golf course becomes financially unviable, the use of the land could be changed;
- administrative changes that allow future amendments of the Vegetation and Water Cycle Management Strategies and Plans, and Development Staging Plan, with Council's approval, to respond to changes in the development over time;
- clarification of reporting of performance requirements; and
- change to the operation of dispute resolution provisions.

Next Steps

Public Exhibition

It is proposed to re-exhibit the Draft VPA given the nature and extent of the changes that have been made post-exhibition.

The Draft VPA contains references to the Draft DCP. However, at this time the Draft DCP is described as the document that was previously exhibited in September 2011. As outlined in this report, changes have been made to this DCP, which make this reference invalid. As a result, it is proposed to re-exhibit the Draft DCP with the Draft VPA as this will provide an opportunity to clearly identify the latest version of the Draft DCP and update references in the Draft VPA accordingly.

Given that the Draft VPA and Draft DCP will be re-exhibited, it is also proposed to include the Planning Proposal in the package of exhibition documents as the planning legislation requires that a Draft VPA be exhibited with the proposed rezoning proposal where possible.

Heritage Agreement

In conjunction with entering into an agreement with Council to secure the environmental outcomes for the site, the owners of the Gledswood property are entering into a VPA with the Minister for Planning and Infrastructure to secure the heritage conservation of the Gledswood Homestead, which is a State listed heritage item. This agreement is expected to establish an appropriate curtilage for the site and require the carrying out of heritage conservation works.

Council has previously advised all landowners that it would not rezone the land until the Heritage Agreement has been executed. At the time of writing this report, the Heritage Agreement has been considered by the Heritage Council, which has recommended to the Minister that the Minister sign the agreement. It is expected that this Agreement will have been executed during the proposed public exhibition period for the Draft VPA with Council. The report to Council at the conclusion of the exhibition period will provide a further update on the status of the Heritage Agreement.

CONCLUSION

Following negotiations with the relevant landowners, there have been changes proposed to the rezoning proposal, Draft DCP and Draft VPA in relation to the ECBG land. While these changes do not substantially alter the nature of the development or the scope of works and development contributions, they are numerous and warrant re-exhibition for the purposes of ensuring Council meets its legislative requirements to consult with the public and is transparent in its dealings with landowners seeking a zoning change.

The proposed rezoning will allow development of the ECBG land, which will include the provision of a minimum 18 hole golf course. The Draft VPA will provide a mechanism for Council to ensure vegetation conservation and revegetation on the site, and implementation of a water cycle management system.

The amendments to the various planning documents are the product of negotiations with the landowners and are an important milestone in reaching agreement regarding how the site can be developed and managed, to ensure long term public benefits in the form of vegetation conservation.

RECOMMENDED

That Council:

- i. place on public exhibition for a period of 28 days the Planning Proposal, revised Draft Development Control Plan and revised Draft Voluntary Planning Agreement related to the El Caballo Blanco, Gledswood and East Side land in accordance with the requirements of the *Environmental Planning and Assessment Act*; and**
- ii. receive a report at the conclusion of the public exhibition period in relation to any submissions received and to consider entering into the Voluntary Planning Agreement.**

ATTACHMENTS

1. Planning Proposal
2. Draft DCP
3. Draft Voluntary Planning Agreement
4. Submissions received during Public Exhibition period
5. Summary of changes to draft VPA

El Caballo Blanco & Gledswood Rezoning
Planning Proposal



By Camden Council and
APP Corporation Pty Ltd

February 2012

ORD04

Attachment 1



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 El Caballo Blanco & Gledswood – Planning Proposal
 Camden Council

INTRODUCTION

Background

Camden Council resolved to prepare a draft Local Environmental Plan (LEP) in respect to the land within the Central Hills area at Gledswood Hills known as El Caballo Blanco & Gledswood Rezoning (ECBG). A Local Environmental Study was prepared by APP Corporation P/L and Council commenced with the rezoning process which was publicly exhibited in February 2009. The landowners have prepared several investigative studies since the preparation of the LES, including a Vegetation Management Strategy prepared by Eco Logical Australia (2011), a Water Management Strategy – Stormwater Quality and Stream Health prepared by Equatica (2011), and a Preliminary Stormwater Quantity Management & Flooding Assessment by Brown Consulting (2011).

A draft Development Control Plan and Voluntary Planning Agreement have also been prepared for the site. Both documents were publicly exhibited during September 2011. Minor changes are being completed arising from submissions made during the exhibition process. A Heritage Agreement is being separately negotiated between the landowners and the Heritage Council, for the signature of the Minister for Planning and Infrastructure.

The initial rezoning process envisaged rezoning the site via an amendment to Camden LEP No. 48. However that LEP has now been superseded by the comprehensive Camden LEP 2010. As the LEP No 48 no longer exists, this Planning Proposal submission seeks a Gateway determination supporting the proposed rezoning via an amendment to the Camden LEP 2010.

Land to which this Planning Proposal applies

The subject site is located between Raby Road and Camden Valley Way, either side of the Water Supply Canal at Gledswood Hills. The location of the site and the boundary of the study area is shown in Figure 1.

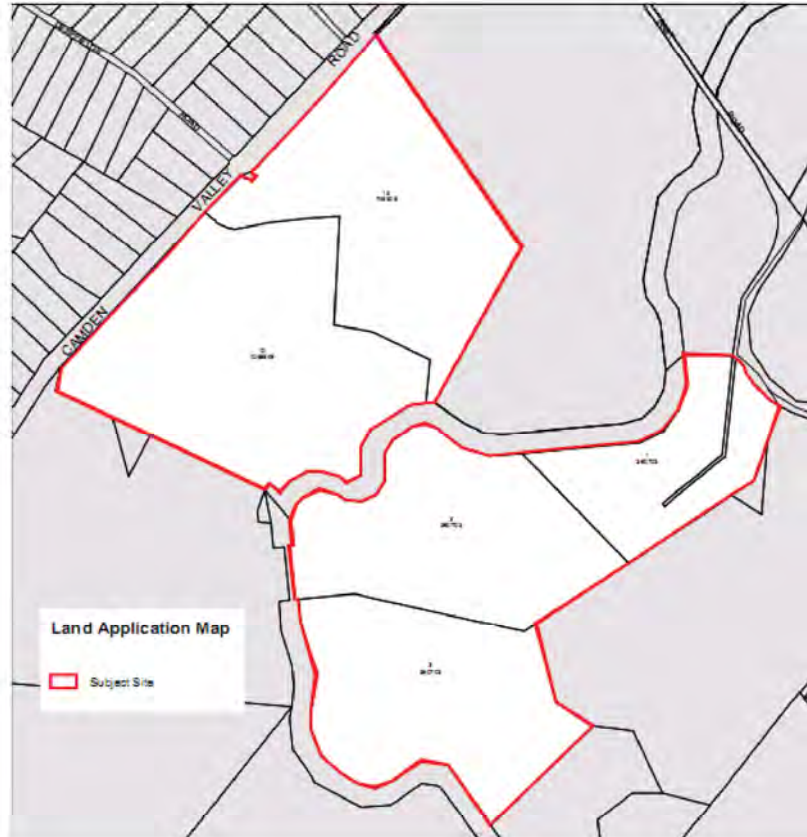
ECBG comprises 207.4 hectares and includes the Gledswood Homestead and Winery property, the former El Caballo Blanco site and three adjoining properties to the east of the Water Supply Canal. The land has frontage and access to both Raby Road and Camden Valley Way. The Gledswood component of the study area operates as a tourist and functions facility. Gledswood is a colonial homestead itself which together with its context, is listed as a local Item of heritage under Camden LEP 2010 and on the State Heritage

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Attachment 1

Register. The site also contains scattered remnants of Cumberland Plain Woodland and riparian corridor vegetation.

Figure 1 – Outline of Planning Proposal Area





PART 1 – OBJECTIVES

Council resolved in 2004 to investigate the development potential of the Central Hills area, specifically the land defined to the west by Camden Valley Way, to the north by Raby Road, to the east by Macarthur Grange Golf Course and to the south by the Turner Road Growth Centre Precinct. Specialist investigations were undertaken in the context of assessing the potential for residential, recreational and associated development to contribute to the achievement of scenic, heritage and tourism objectives.

The site is located immediately west of the Campbelltown (LGA) boundary, and provides an important visual and landscape buffer between the Campbelltown and Camden areas. Within the adjoining Campbelltown area are a number of recreational, residential and educational land uses such as the Macarthur Grange Golf Course and the suburbs of Kearns and Raby. To the south of the site lies the Turner Road growth centre precinct, the Gregory Hills development, Smeaton Grange industrial area and the Currans Hill residential estate. To the west lies Oran Park and Catherine Field, and to the north is the Camden Lakeside golf course and residential development. The planning proposal applies to the site as identified in Figure 1.

The site is currently zoned RU2 Rural Landscape under Camden LEP 2010.

The objective of this planning proposal is to provide controls through the rezoning that will allow a high quality low scale residential and golf course development in a landscape setting of the Gledswood Homestead and the Central Hills.

Council has a number of clear planning objectives for the wider Central Hills area and the ECBG site specifically. These objectives are focused on:

- protecting the scenic and landscape character of the area, particularly when viewed from public land such as the key arterial roads;
- facilitating ongoing and additional tourism and private recreation development, including through activities which are landscape focused;
- delivering additional employment opportunities in the Camden area through additional tourism and golf course related land uses; and

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- ensuring a robust and long term framework is put in place through the rezoning process for the management of the significant heritage and environmental assets within the study area.

The particular aims of this draft Planning Proposal are as follows:

- ensure Camden retains its valued traditional qualities, character and scenic landscapes while providing for sustainable urban growth,
- ensure that the new community of El Caballo Blanco and Gledswood is planned and developed in an orderly, integrated and sustainable manner,
- ensure that the stresses from development on the natural systems are minimised and overall improvements to the natural systems in Camden are achieved,
- ensure that new developments are integrated with existing and planned transport systems and promote sustainable transport behaviour in Camden,
- ensure that new development is designed and located to ensure the safety and security of people and property in Camden,
- ensure that the recreation and social needs of all existing and future residents of Camden are appropriately planned for,
- ensure that new developments are planned and constructed to contribute to the social, environmental and economic sustainability of Camden,
- preserve the landscape character of the Central Hills area particularly as viewed from Camden Valley Way, Raby Road and Gledswood precinct,
- permit development of residential housing in areas of low visual sensitivity,
- to require that, prior to subdivision of land into lots of less than 40 hectares for residential uses, that satisfactory arrangements have been made for the provision of designated state public infrastructure,
- ensure that new development seeks to minimise potential impacts on the integrity, safety, security and heritage values of the Upper Canal,
- ensure that the ongoing maintenance of Gledswood precinct is taken into consideration, and
- ensure that the intersection treatments are clearly identified and signalised.



PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by amending selected Camden LEP 2010 maps. The following maps will require amendment under this proposal:

1. Zoning Map – Sheet LZN_016
2. Height Map – Sheet HOB_016
3. Minimum Lot Size Map – Sheet LSZ_016 (proposed changes shown in Attachment 3)
4. Urban Release Area Map – Sheet URA_016 (proposed changes shown in Attachment 5)

The specific amendments to each LEP map are outlined below:

1. Amendments to the Zoning Map (Refer to Attachment 1)

It is proposed to rezone the majority of the site from RU2 to the following zones:

- R1 General Residential;
- R2 Low Density Residential;
- R5 Large Lot Residential;
- RE2 Private Recreation; and
- SP3 Tourist.

2. Amendments to the Height Map (Refer to Attachment 2)

It is proposed to change the height map from the existing 9.5 metres to the following:

- Removing any height from the area coloured white;
- Changing the height to 7 metres in the area coloured a light green
- Leaving the height as 9.5 metres in the area coloured dark green.

3. Amendments to the Minimum Lot Size Map (Refer to Attachment 3)

It is proposed to change to the lot size map from the existing 40 ha to the following:

- 400m² for the area coloured light green

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-
- 600m² for the area coloured yellow
 - 800m² for the area coloured white
 - 4000m² for the area coloured pink
 - 20000m² for the area coloured mauve

4. Amendments to the Urban Release Area Map (Refer to Attachment 5)

It is proposed to change the Urban Release Area Map in the following way:

- The El Caballo Blanco Gledswood release area will be coloured in blue and labelled 'El Caballo Blanco Gledswood'.

Attachment 1



PART 3 – JUSTIFICATION

A. Need for the planning proposal

1. *Is this planning proposal a result of any strategic study or report?*

The planning proposal is supported by a Local Environmental Study (LES) that was prepared in concert with the preparation of the draft LEP Amendment No. 151 which was previously exhibited. A copy of this LES is included in the planning proposal submission.

2. *Is the planning proposal the best means of achieving the objectives or intended outcome, or is there a better way?*

The LES considered the development of the ECBG site and justified the rezoning proposal. The ECBG site cannot be left as rural land due to the properties direct interface with the Turner Road Growth Centres Precinct.

The findings of the LES and land capability studies have indicated that the site is suitable for low scale urban development. The consultant investigation of ecological and water management have recommended the conservation of key vegetation and riparian corridors. The resultant rezoning proposal is for approximately 91 hectares of land to be set aside for golf course, together with an extension to the heritage curtilage of Gledswood House as private recreation land. In addition some 10 hectares as riparian corridor and vegetation offset resulting in approximately 82 hectares of developable land for approximately 860 detached lots.

3. *Is there a net community benefit?*

The planning proposal is a positive outcome and meets the community benefit test. Appendix A is a table addressing the community benefit test.

B. Relationship to strategic planning framework

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

The ECBG rezoning is consistent with the underlying objectives of the Metropolitan Strategy, particularly when considered in the context of development proposed in the adjacent Growth Centre Precinct and the opportunities to secure long term recreation, residential, employment and heritage outcomes for the site.

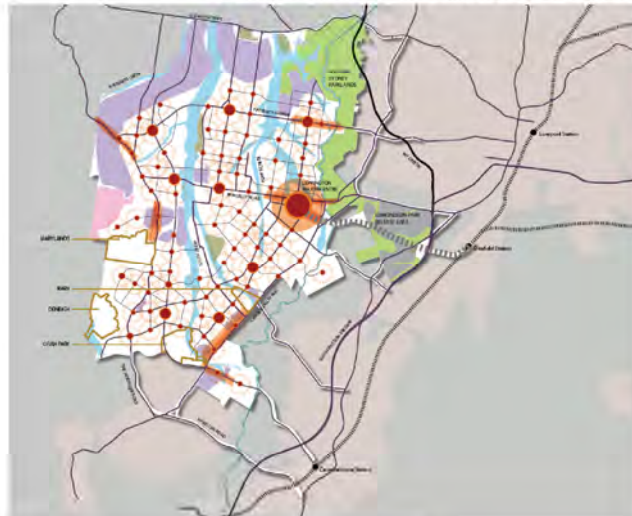


The entire ECBG site lies outside the South West Growth Centre and adjoins the Turner Road Growth Centre Precinct.

The South West Growth Centre Structure planning has released the first release precincts of Edmondson Park, Oran Park and Turner Road. The precincts of Austral North Leppington, Leppington, Leppington, East Leppington and Catherine Field South have all been released for precinct planning. Camden Council worked closely with the Department to coordinate the planning of all precincts in the Camden LGA. The planning for the first release precincts was guided through the original structure plan prepared for the area. This was updated post gazettal of Oran Park and Turner Road, as shown in **Figure 2**.

Figure 2 – South West Growth Centre Structure Plan

SOUTH WEST GROWTH CENTRE STRUCTURE PLAN (EDITION 2)



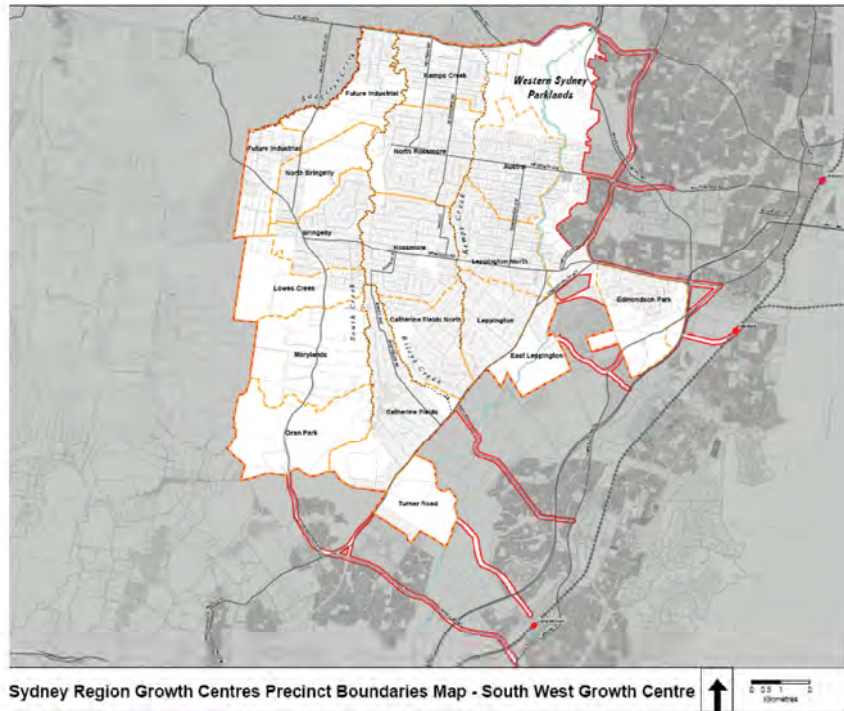
Source: www.qcc.nsw.gov.au

The planning and development of Oran Park and Turner Road have significant implications for the site, particularly in terms of infrastructure planning. Oran Park will see the delivery of about 7,600 new homes and Turner Road approximately 4,000 dwellings.

Figure 3 below shows the various defined precincts for the South West Growth Centre.



Figure 3 – South West Growth Centre Precincts



Source: www.qcc.nsw.gov.au

The precinct planning for Oran Park and Turner Road is of relevance to ECBG in a number of ways, including:

- the Government has committed to the early delivery of infrastructure to enable more sustainable development outcomes to be achieved, meaning amongst other things, that Camden Valley Way and Raby Road are to be upgraded;
- additional water and sewer infrastructure will be provided to service the new development area, with the potential to integrate ECBG into this overall servicing plan, although opportunities to separately service (particularly for sewer) can still be pursued; and

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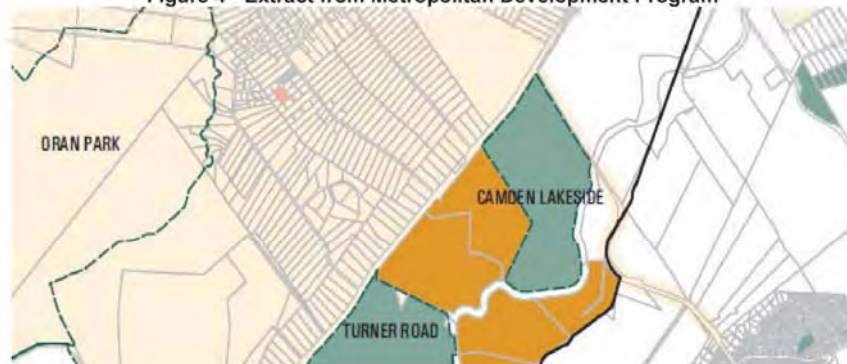


- by delivering approximately 100,000 housing lots in a very urban context, there will be a need for some housing of a different style to fill a niche within the market, and ECBG offers some potential in this regard given the landscape and golf focus of the site.

While not a major rezoning, ECBG offers the potential to contribute to housing supply and meet the long term objectives of Government in providing adequate housing for a growing population located adjacent to the South West Growth Centre and on key arterial roads. The landscape focus of the housing areas would complement the more urban focus within the growth centre, thereby contributing to housing diversity.

The ECBG site sits outside the Growth Centres boundary, however the area is identified as a "Major site" within the Department of Planning's – Metropolitan Development Program (MDP). Figure 4 below, extracted from the MDP, shows the ECBG site situated between the Turner Road and Camden Lakeside areas. The land being identified in the MDP is subject to rezoning and submission of an environmental assessment. This has previously been undertaken.

Figure 4 - Extract from Metropolitan Development Program



Source: Metropolitan Development Program

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

Camden 2040 was adopted in June 2011. One of the key aims of the plan is to actively manage Camden's growth. Council sees this as allowing for new growth in the growth centre



and other areas, while retaining aspects of Camden's rural feel, as well as providing for effective transport options.

The proposed rezoning meets this aim by providing a range of housing styles on lots from 400sqm to rural residential lots in order to preserve the scenic quality of the area. Riparian corridors will be preserved and revegetated, and the golf course development will add to the area's scenic quality and protect open vistas from Gledswood. The indicative layout plan for the site provides for two bus routes in order to provide public transport options to the site.

The rezoning process for ECBG originally included the neighbouring Camden Lakeside Country Club property to the north. The Department of Planning was consulted in relation to the proposal for separate rezonings. The Department indicated in October 2006 that the rezonings could proceed separately. Camden Lakeside has now been rezoned for residential development through a separate process.

Council's comprehensive new LEP for the whole of the local government area was gazetted in 2010. This plan provides a consistent set of objectives and controls across Camden. The rezoning of the ECBG land will be integrated into this plan as required.

6. *Is the planning proposal consistent with applicable state planning policies?*

A number of general State Environmental Planning Policies (SEPP's) are applicable to the land by virtue of the fact that they are relevant to all land in NSW. These SEPP's include:

- SEPP 19 – Bushland in Urban Areas;
- SEPP 55 – Remediation of Land;
- SEPP (Housing for Seniors or People with a Disability) 2004;
- SEPP (Sydney Region Growth Centres) 2006;
- SEPP (Building Sustainability Index: BASIX) 2004; and
- SEPP (Mining, Petroleum Production and Extraction Industries) 2007.

The majority of these SEPP's will be applicable in the detailed planning phase of the study upon gazettal. SEPP 55, for example, will guide the remediation of any contamination found on the site. SEPP 19 seeks to preserve bushland within urban areas, particularly where flora and fauna is rare or endangered. The Threatened Species Conservation Act and SEPP 19

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will jointly guide the planning decisions made in relation to flora and fauna within the study area. The Vegetation Management Strategy and draft DCP have been prepared having regard to SEPP 19 and the Threatened Species Conservation Act.

Draft SEPP 66 – Integration of Land Use and Transport seeks to achieve improved integration of land use and transport planning. In new development areas such as ECBG, the policy seeks to achieve densities and street patterns which are supportive of public transport use, as well as integrated and convenient pedestrian and cycle networks.

The BASIX SEPP requires, as of 1 July 2004, all new dwellings to achieve a range of environmental targets.

7. *Is the planning proposal consistent with applicable Ministerial Directions (Section 117 Directions)?*

The planning proposal has addressed the applicable Section 117 Directions which are found in Appendix B.

C. Environmental, social and economic impact

The proposed development has addressed the environmental, social and economic impacts of the rezoning in the LES. The study finds that the impacts are generally likely to be minor, and can be addressed through appropriate management practices.

Impacts considered that are addressed in detail include:

- environmental impacts including loss of habitat and the potential for salinity;
- wider impacts such as increased traffic levels on the surrounding road network; and
- a resultant demand for additional community facilities and open space should development proceed.

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

The site offers both development and conservation constraints and opportunities. From an environmental conservation point of view, there are opportunities to protect and restore the Rileys Creek corridor that runs through the site, and small areas of Remnant Cumberland



Plain Woodland. A Vegetation Management Strategy (VMS) has been prepared to ensure the protection and revegetation of key areas. Future development will be contingent on the implementation of the VMS through a future Vegetation Management Plan.

The primary drivers of which areas may be suitable for development were the need to ensure that the heritage objectives relating to the Gledswood property are achieved and the landscape and visual objectives of the Central Hills area were protected. A comprehensive visual and landscape analysis was undertaken for the LES and identified potential development areas in a variety of locations. This development framework identifies approximately 860 detached dwellings being constructed on the ECBG site.

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

A range of management plans are proposed to address the impacts and the management plans will address the following issues:

- a heritage conservation plan for the management and ongoing conservation of Gledswood House;
- a vegetation management plan – to address the restoration and ongoing conservation of the bushland areas and riparian zones;
- a bushfire management plan – to ensure the required bushfire safety strategies are implemented on an ongoing basis;
- a transport management plan – to implement the transport package of measures; and
- a water cycle management plan – to ensure water conservation and water quality targets are able to be met.

10. How has the planning proposal adequately addressed any social and economic effects?

The study area contains a small number of Aboriginal heritage sites, the majority ranging from low to moderate in significance. Parts of the site are considered to have high scenic value. Watercourses through the site are generally treated as part of the drainage and water collection system for grazing, although Rileys Creek traverses the western portion of the study area.

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Attachment 1



The Gledswood site is characterised by a combination of the existing tourism-related activities and the low intensity grazing undertaken as part of the heritage farming activities. Almost all of the Gledswood site is of low ecological constraint, reflecting its largely cleared landscape. However, Rileys Creek traverses the site, and has high ecological significance. The westernmost edge of the site, adjoining the existing site entry, has an area of moderate ecological value reflecting the scattered mature Eucalypt trees in that location.

The Gledswood homestead is the dominant feature of the existing landscape. It is listed on the State Heritage Register. The homestead is located towards the northern most boundary of the site and has a strong visual relationship with its immediate surrounds, and also with parts of Camden Lakeside. Areas to the south, particularly those west of Rileys Creek and south/southeast of the tourism complex and homestead, are less visually constrained.

The site plays an important tourism and economic role in the Camden community. Some funds raised from the development will be guaranteed, through the Heritage Agreement, to be used for the restoration and maintenance of Gledswood., which in turn will assist in its long term upkeep.

The defunct El Caballo Blanco facilities are located along the southwest boundary. The facilities remain in a dilapidated condition and included show rings, stables, exhibition rooms, picnic areas and associated amenities.



D. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

- Sewer

Reticulated Sydney Water gravity and pressure sewerage systems are located within adjoining suburbs and discharge to the West Camden Sewage Treatment Plant located at Sheathers Lane, Camden. The Sewage Treatment Plant then discharges the treated effluent to the Hawkesbury Nepean River System. There is no reticulated sewerage to the site; with the nearest Sydney Water sewage pump station (SP1156) located some 1.5km southwest near the intersection of Camden Valley Way and Gregory Hills Drive. Sydney Water is considering building a new pumping station near the intersection of Camden Valley Way and Raby Road.

- Water

The existing potable water supply is from the water reservoirs located in Woolgen Park Road, 2km north of the Raby Road and Camden Valley Way intersection. There are two reservoirs at this location: one 15ML surface reservoir at RL143 and one 0.57L elevated reservoir.

Sydney Water advised that the existing reservoirs have sufficient capacity for the full extent of development currently envisaged. An additional water main will need to be constructed from the end of the existing 450mm main at Dwyer Road to enable adequate servicing of the residential component.

In addition, Sydney Water has commenced a full review of its strategy to service the higher levels of growth expected in the area, including within the neighbouring growth centre. They have finalised an overall strategy for the South West of Sydney. Consultation with Sydney Water will continue to ascertain the details specific to the proposed development of ECBG.

- Electricity

The existing Integral Energy network has three existing zone substations located at Narellan, Minto and Bringelly, however Integral Energy has advised that this site will be best served from the Narellan zone Substation due to proximity and capacity.

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The existing electricity grid is not suitable for large development. It has only marginal capacity for smaller types of development or if a landuse activity changes in a minor way.

There are two transmission easements traversing the eastern side of ECBG from north to south; one being the 330kV transmission easement and the other the 132 kV transmission easement from the Narellan zone substation. Neither transmission line can be drawn from to service this site.

A new 11Kv feeder will be required to power supply will therefore be required to be constructed. This issue is explored in more detail later in Chapter 7 when the specific impacts of the proposed concept master plan are considered.

- Gas

The Eastern Gas Pipeline is located within a 20m easement in the eastern adjoining land, outside the subject site. The pipeline is owned by Alinta and cannot be utilised in this project. This pipeline does not impact the proposed development.

The closest available gas service is located at Smeaton Grange, approximately 3.5km from the southern boundary of the site. It is a 110 mm diameter medium pressure (210kPa) main and has the capacity to service all the lots in the development.

- Communications

Telstra has assets along Camden Valley Way that can be utilised to enable the provision of the full range of currently available telecommunication services. There were no constraints to the timely implementation of the telecommunications strategy identified.

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

The views of State and Commonwealth authorities have been consulted through the Section 62 process and exhibition. The comments from all authorities were incorporated into the final LES post exhibition.



PART 4 – COMMUNITY CONSULTATION

Consultation has occurred in accordance with the processing of the rezoning amendment with Section 62 – Public Authority consultation occurring in August 2008 and the exhibition of the draft LEP from 2 February to 4 March 2009. Comments were received from the authorities including Campbelltown Council and the Growth Centres Commission.

In respect to community comments there has been no significant concerns raised with respect to the draft LEP. The Local Aboriginal Land Council has also been consulted and has not raised concerns.

Issues raised by the Heritage Council concerning the conservation of Gledswood House have been addressed by the land owner with a Heritage Agreement and Conservation Management Plan.



CONCLUSION

This planning proposal is seeking a Gateway determination to continue to process the rezoning submission to enable the finalisation of the amendment to Camden Council's LEP 2010. The planning proposal is supported by a LES which has previously been consulted and exhibited as part of the previous draft LEP amendment.

The LES and supporting studies addressed the following issues:

- land capability – including geotechnical issues, mineral resources and subsidence, air quality, water catchments, contamination, salinity and groundwater and agricultural capacity;
- ecology and bushfire – flora and fauna communities; connectivity and bushland corridors; bushfire, public access arrangements, and ongoing management of conservation zones;
- water cycle – water sensitive urban design, existing catchment and sustainability;
- transport – promoting alternative modes to the car, impact on surrounding areas, funding arrangements and traffic issues;
- heritage and landscape – Aboriginal heritage, European heritage items, visual attributes, view lines, and long term conservation strategies;
- infrastructure – existing capacity; effluent disposal; and
- community facilities – recreation, existing capacity, future facilities and networks.

In addition, the planning investigation has examined how the ECBG site would be integrated with the neighbouring landholdings, including those within the Growth Centre. The proposed planning controls and Development Control Plan has addressed the linkages with the adjoining landholdings.

The ECBG site offers the potential to assist in the achievement of many of the objectives of the Metropolitan Strategy. The opportunity exists to extend and secure the tourism and an economic role played by the site, benefitting the community and protecting the heritage and landscape values of the area.

In addition, a voluntary planning agreement is being negotiated for the site which requires the delivery of vegetation and water management works, as well as the provision of local



parks, bridges, roads, pedestrian and cycle links and new golf holes. The VPA will ensure the development delivers real benefits to the future community.

Finally, the opportunity exists to secure for the long term a key recreation asset and landscape and scenic protection outcomes, by locking in new zonings which protect those assets while allowing limited housing in less visually and environmentally sensitive areas.

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Appendix A – Community Benefit Test

Evaluation criteria	Rezoning planning proposal	Existing rural land
Will the LEP be compatible with agreed state and regional strategic direction for development in the area?	The proposal is compatible with the Metropolitan Strategy, the Southwest Draft Subregional strategy and the Precinct plans for the adjoining Growth Centres area.	The existing rural land adjoins the Turner Road release area that is part of the Precinct releases in the Growth Centres. The proposed rezoning is compatible with this release area and provides a connection to the adjoining area.
Is the LEP likely to create a precedent or change the expectations of the landowner or other land holders?	The proposal is site specific and therefore will not create a precedent.	The draft LEP is supported by a Local Environmental Study that addresses the conservation of heritage items and vegetation corridors.
Have the cumulative effects of other spot rezoning proposals been considered?	The planning proposal is for the rezoning of the land to accommodate low scale residential development amongst a golf course development.	The rezoning proposal is consistent with the landscape quality of the area and with the planning studies for the locality.
Will the LEP facilitate a permanent employment generating activity?	Yes - the rezoning incorporates a golf course component which will assist in local employment.	The employment activity will be limited to the golf course and recreational development opportunities.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes – it will increase the diversity and supply of residential land with the proposed residential land providing for a low scale golf course development which is not found in the Council area.	The rezoning proposal has additional benefits in the diversification of residential land that will be offered with this development.
Is the existing infrastructure capable of servicing the proposed site?	The capacity of the infrastructure being is adequate. New intersections are proposed onto Camden Valley Road and Raby Road.	Adequate provisions are available for infrastructure.
Will the proposal result in changes in car distances travelled by customers, employees and suppliers?	The rezoning proposal will not significantly increase car distances travelled and will offer alternate access to other facilities.	The rezoning proposal will not significantly alter car trips.
Are there significant government investments in infrastructure or	The proposal will not have a material effect on government services and infrastructure above and beyond the	N/A



Evaluation criteria	Rezoning planning proposal	Existing rural land
services in the area whose patronage will be affected by the proposal?	existing situation. The proposal will not impact on the patronage to services and infrastructure.	
Will the proposal impact on land that the government has identified a need to protect or have other environmental impacts?	No – the proposal is contained within an existing area and will not impact on any government land. Areas identified for the conservation of vegetation and on-going management of the vegetation have been identified as Private Recreation land.	The arrangements to protect the vegetation and on-going maintenance are proposed to be agreed in a Voluntary Planning Agreement.
Will the LEP be compatible / complementary with surrounding land use?	Yes – the rezoning proposal is consistent and complementary with the surrounding land uses and will be linked to adjoining residential development to the south in the Turner Road precinct and to the north in the Camden Lakeside development.	The Local Environmental Study supports the proposed rezoning.
Will the proposal increase choice?	Yes – the rezoning proposal provides low density housing amongst a golf course surrounds as an alternate form of housing in the area.	The rezoning proposal provides for an alternate offer for residential housing.
What are the public interest reasons for preparing the draft plan?	The heritage conservation of the State Heritage item of Gledswood House has been documented as an important conservation agreement with the rezoning proposal. The draft rezoning plan includes the conservation of vegetation corridors as an essential element of the proposal as part of the golf course development. The historic and natural environmental benefit to the community of these restoration and conservation matters is integral with this rezoning proposal.	The land owners have offered a Voluntary Planning Agreement to protect these conservation areas as part of the rezoning submission These outcomes are significantly more difficult to achieve without the agreement for the conservation of the heritage item and the vegetation agreement.

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Appendix B – Applicable section 117 directions

Direction	Objective	Response
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<p>The land was previously zoned 7(d) Environmental Protection under the Camden LEP 48. The relevant objectives for this zone were:</p> <ul style="list-style-type: none"> to maintain the visual amenity of prominent ridgelines, to enable cluster housing and recreation and tourist orientated uses to be carried out if they are in keeping with the environmentally sensitive nature of the zone. <p>The conversion of Camden LEPs to the Template LEP was a 'like for like' process. It was considered that the current zone for this land (RU2 Rural Landscape) was the best fit for the zone under the previous LEP.</p> <p>The relevant objectives for RU2 are:</p> <ul style="list-style-type: none"> To provide a range of compatible land uses, including extensive agriculture To protect and enhance areas of scenic value by minimizing development and providing visual contrast to nearby urban development To maintain the visual amenity of prominent ridgeline. <p>While this land has been zoned for rural purposes it is not viable to be used as rural land. Primarily the land was zoned to protect the rural landscape. The proposed development has been designed to protect the rural scenic value of this land.</p>
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas	<p>The draft Planning Proposal is generally consistent with this direction.</p> <p>The proposed development respects the environmentally and visually sensitive areas within the Camden Scenic Hills area.</p>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The draft Planning Proposal is generally consistent with this direction.</p> <p>The proposed development respects the environmentally and visually sensitive areas within the Camden Scenic Hills area.</p> <p>The NSW Heritage Office has been consulted as part of the Section 62</p>



Direction	Objective	Response
3.1 Residential Zones	<p>The objectives of this direction are:</p> <p>(a) To encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) To minimise the impact of residential development on the environment and resource lands.</p>	<p>consultation process.</p> <p>The draft Planning Proposal is generally consistent with this direction in the following way:</p> <ul style="list-style-type: none"> - A variety of residential zones are incorporated in this proposal. - Existing and upgraded infrastructure will facilitate this development. - A Vegetation Management Strategy has been developed for this site in ensure good environmental outcomes. <p>The proposed development respects the environmentally and visually sensitive areas within the Camden Scenic Hills area.</p>
3.4 Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) Improving access to housing, jobs and services by walking, cycling and public transport, and increasing the choice of available transport and reducing dependence on cars,</p> <p>(b) Increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) Reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) Supporting efficient and viable operation of public transport services, and</p> <p>(e) Providing for the efficient movement of freight.</p>	<p>The draft Planning Proposal is generally consistent with this direction in the following way:</p> <ul style="list-style-type: none"> - The proposed development is within an area of other development occurring within the Camden LGA. A feature of this wider development is employment lands and neighbourhood centres - A bus route is planned through the centre of the proposed development <p>It should be noted that the infrastructure outcomes associated with the ECBG development will be integrated and co-coordinated with the transport planning for the neighbouring developments and wider South West Growth Centre Precinct plans.</p>
4.1 Acid Sulfate	The objective of this direction is to	The draft Planning Proposal is

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Direction	Objective	Response
Soils	avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	consistent with this direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The area referred to in the draft Planning Proposal is not in a mine subsidence area.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) To encourage sound management of bush fire prone areas.	The draft Planning Proposal is consistent with this direction.
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The draft LEP is consistent with this direction.
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcome and actions contained in the Metropolitan Plan for Sydney 2036	The draft Planning Proposal is not inconsistent with this direction

APPENDIX C

Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

under the
Environmental Planning and Assessment Act 1979

I, the Minister for Planning, pursuant to section 70 of the Environmental Planning and Assessment Act 1979,
make the local environmental plan set out hereunder.

Minister for Planning

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Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

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Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

Part 1 Preliminary

1.1 Name of Plan

This Plan is Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

1.2 Aims of Plan

- (1) The particular aims of this Plan are as follows:
- (a) ensure Camden retains its valued traditional qualities, character and scenic landscapes while providing for sustainable urban growth,
 - (b) ensure that the new community of El Caballo Blanco and Gledswood is planned and developed in an orderly, integrated and sustainable manner,
 - (c) ensure that the stresses from development on the natural systems are minimised and overall improvements to the natural systems in Camden are achieved,
 - (d) ensure that new developments are integrated with existing and planned transport systems and promote sustainable transport behaviour in Camden,
 - (e) ensure that new development is designed and located to ensure the safety and security of people and property in Camden,
 - (f) ensure that the recreation and social needs of all existing and future residents of Camden are appropriately planned for,
 - (g) ensure that new developments are planned and constructed to contribute to the social, environmental and economic sustainability of Camden,
 - (h) preserve the landscape character of the Central Hills area particularly as viewed from Camden Valley Way, Raby Road and Gledswood precinct,
 - (i) permit development of residential housing in areas of low visual sensitivity,
 - (j) to require that, prior to subdivision of land into lots of less than 40 hectares for residential uses, that satisfactory arrangements have been made for the provision of designated state public infrastructure,
 - (k) ensure that new development seeks to minimise potential impacts on the integrity, safety, security and heritage values of the Upper Canal,
 - (l) ensure that the ongoing maintenance of Gledswood precinct is taken into consideration, and
 - (m) ensure that the intersection treatments are clearly identified and signalised.

1.3 Land to which Plan applies

This Plan applies to the land identified on the Land Application Map.

1.4 Definitions

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes

Notes in this Plan are provided for guidance and do not form part of this Plan.

Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

Note. The following maps are adopted by this Plan:

- Land Application Map
 - Land Zoning Map
 - Height of Building Map
 - Lot Size Map
 - Local Provisions Map
 - Environmentally Sensitive Land Map
 - Heritage Map
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

1.8 Repeal of other local planning instruments applying to land

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.
- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.9 Suspension of covenants, agreements and other instruments

- (1) For the purpose of enabling development on land within any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or

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- (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
- (d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001.
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Pursuant to section 28 of the Act, before the making of this clause, the Governor approved of subclauses (1)–(3).

1.10 Application of SEPPs and REPs

- (1) This Plan is subject to the provisions of any State environmental planning policy and any regional environmental plan that prevail over this Plan as provided by section 36 of the Act.

Note. Section 36 of the Act generally provides that SEPPs prevail over REPs and LEPs and that REPs prevail over LEPs. However, a LEP may (by an additional provision included in the Plan) displace or amend a SEPP or REP to deal specifically with the relationship between this Plan and the SEPP or REP.

- (2) The following State environmental planning policies and regional environmental plans (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1 - Development Standards

State Environmental Planning Policy No 4 - Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6)

State Environmental Planning Policy No 60 - Exempt and Complying Development

Camden Local Environmental Plan 151 (El Caballo Blanco and Gledswood)

Part 2 Permitted or prohibited development

2.1 Land use zones

The land use zones under this Plan are as follows:

Rural Zones

RU2 Rural Landscape

Residential Zones

R1 General Residential

R2 Low Density Residential

R5 Large Lot Residential

Recreation Zones

RE2 Private Recreation

Special Purpose Zones

SP3 Tourist

2.2 Zoning of land to which Plan applies

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and land use table

- (1) The Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without consent, and
 - (c) development that may be carried out only with consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.
- (3) In the Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.
Note. Clause 2.4 requires consent for subdivision of land.

2.4 Subdivision—consent requirements

- (1) Land to which this Plan applies may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of any one or more of the following:
 - (a) widening a public road,
 - (b) a minor realignment of boundaries that does not create:
 - (i) additional lots or the opportunity for additional dwellings, or
 - (ii) lots that are smaller than the minimum size shown on the Lot Size Map in relation to the land concerned,

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- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve, and
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

Note. If a subdivision is exempt development, the Act enables the subdivision to be carried out without consent.

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Land Use Table

Zone RU2 Rural Landscape

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To protect and enhance areas of scenic value by minimising development and providing visual contrast to nearby urban development.
- To maintain the visual amenity of prominent ridgelines.
- To prevent development in geologically hazardous areas and escarpments.
- To permit limited tourist and visitor accommodation where it is ancillary to the use of the land for primary production purposes.

2 Permitted without consent

Extensive agriculture; Home occupations.

3 Permitted with consent

Dwelling houses; Environmental protection works; Farm buildings; Roads; Any other development not specified in items 2 or 4.

4 Prohibited

Agriculture (other than pond-based aquaculture, natural water based aquaculture and intensive plant agriculture); Airports; Amusement centres; Business premises; Bulky goods premises; Car parks; Caravan parks; Correctional centres; Crematoriums; Entertainment facilities; Exhibition homes; Extractive industries; Freight transport facilities; Function centres; Funeral chapels, Funeral homes; Health services facilities; Heliports; Highway service centres; Home occupation (sex services); Industrial retail outlets; Industries (other than home industries); Information and education facilities; Landscape and garden supplies; Mortuaries; Moveable dwellings; Nightclubs; Office premises; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Research stations; Residential accommodation (other than dwelling houses, secondary dwellings and rural worker's dwellings); Restricted premises; Retail premises (other than cellar door premises); Rural industries (other than agricultural produce industries); Rural supplies; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation (other than bed and breakfast accommodation and farm stay accommodation); Transport depots; Timber and building supplies; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Wholesale supplies.

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

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- To provide for a subdivision pattern that allows for connectivity with adjoining existing suburban areas and permeability within the urban environment, particularly for pedestrians and cyclists.
- To provide for a variety of recreation forms within open space areas.
- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.
- To retain a close physical and visual contact with the rural setting.

2 Permitted without consent

Home occupations.

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Exhibition homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Any other development not specified in items 2 or 4.

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises (other than medical centres); Car parks; Caravan parks; Charter and tourism boating facilities; Correctional centres; Crematoriums; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral chapels; Funeral homes; Home occupation (sex services); Industries (other than home industries); Landscape and garden supplies; Mortuaries; Moveable dwellings; Nightclubs; Office premises; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Retail premises (other than kiosks and neighbourhood shops); Rural industries; Rural supplies; Rural worker's dwellings; Service stations; Sewerage systems (other than sewage reticulation systems); Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation (other than bed and breakfast accommodation); Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Wholesale supplies.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.
- To retain a close physical and visual contact with the rural setting.

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2 Permitted without consent

Home occupations

3 Permitted with consent

Dwelling houses; Educational establishments; Group homes; Health consulting rooms; Places of public worship; Secondary dwellings; Roads; Any other development not specified in items 2 or 4.

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises (other than medical centres); Car parks; Caravan parks; Charter and tourism boating facilities; Correctional centres; Crematoriums; Depots; Dual occupancy; Electricity generating works; Entertainment facilities; Exhibition homes; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Funeral chapels; Funeral homes; Health services facilities; Home occupation (sex services); Industries (other than home industries); Landscape and garden supplies; Mortuaries; Moveable dwellings; Nightclubs; Office premises; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation (other than dwelling houses, secondary dwellings, seniors housing and group homes); Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sewerage systems (other than sewage reticulation systems); Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation (other than bed and breakfast accommodation); Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Wholesale supplies.

Zone R5 Large Lot Residential

1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential allotments do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

2 Permitted without consent

Extensive agriculture; Home occupations.

3 Permitted with consent

Dwelling houses; Roads; Secondary dwellings; Recreation areas; Any other development not specified in items 2 or 4.

4 Prohibited

Advertising structures; Agriculture; (other than extensive agriculture); Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises (other than medical centres); Car parks; Caravan parks; Charter and tourism boating facilities; Correctional centres; Crematoriums; Depots;

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Electricity generating works; Entertainment facilities; Exhibition homes; Extractive industries; Freight transport facilities; Function centres; Funeral chapels; Funeral homes; Health services facilities; Home occupation (sex services); Industries (other than home industries); Landscape and garden supplies; Mortuaries; Moveable dwellings; Nightclubs; Office premises; Public administration buildings; Recreation facilities (major); Registered clubs; Residential accommodation (other than dwelling houses and secondary dwellings); Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sewerage systems (other than sewage reticulation systems); Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation (other than bed and breakfast accommodation); Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Wholesale supplies.

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Nil

3 Permitted with consent

Advertisements; Advertising structures; Boat launching ramps; Boat repair facilities; Boat sheds; Caravan parks; Charter and tourism boating facilities; Community facilities; Drainage; Earthworks; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Function centres; Jetties; Kiosks; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facility (major); Recreation facilities (outdoor); Registered clubs; Roads; Signage; Telecommunications facilities; Waterbodies (artificial); Water recycling facilities; Water supply systems.

4 Prohibited

Any other development not specified in item 2 or 3.

Zone SP3 Tourist

1 Objectives of zone

To provide for a variety of tourist-oriented development and related uses.

2 Permitted without consent

Nil

3 Permitted with consent

Dwelling house; Educational establishment; Function centre; Information and education facility; Recreation facility (outdoor); Registered club; Retail premises; Tourist and visitor accommodation; Viticulture.

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4 Prohibited

Any development not otherwise specified in items 2 or 3.

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Part 3 Exempt and complying development

3.1 What is exempt and complying development?

- (1) Development of minimal environmental impact listed as exempt development in Chapter 2 of Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006 is **exempt development**, despite any other provision of this plan.
- (2) Development listed as complying development in Chapter 3 of Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006 is **exempt development** if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Part B of *Camden Development Control Plan (DCP) 2006* as adopted by the Council on 10 July 2006.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Chapter 3 of Part B of *Camden Development Control Plan (DCP) 2006* adopted by the Council, as in force when the certificate is issued.

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Part 4 Principal development standards

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are:
 - (a) to ensure that subdivision reflects and reinforces the predominant subdivision pattern of the area, and
 - (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties, and
 - (c) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls, and
 - (d) to ensure that lot sizes and dimensions allow dwellings to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

4.2 Minimum lot sizes for other development

Development must not be carried out on a lot within Zone R1 for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes:

- (a) attached housing – 250m²
- (b) residential flat building – 2000m²
- (c) multi dwelling housing – 1000m²
- (d) dual occupancy – 750m²

Notwithstanding clause 4.1(4) the minimum size of any lot resulting from the subdivision of land (whether by Torrens strata or community title) for a secondary dwelling shall not be less than the minimum lot size shown on the lot size map.

4.3 Rural subdivision

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.
- (2) This clause applies to the following rural zone:
 - (a) Zone RU2 Rural Landscape,
- (3) Land in a zone to which this clause applies may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.
- (5) A dwelling cannot be erected on such a lot.

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Note. A dwelling includes a rural worker's dwelling (see definition of that term in the Dictionary).

4.4 Height of buildings

- (1) The objective of this clause is to establish height of buildings.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

4.5 Exceptions to development standards

- (1) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Consent must not be granted under this clause for a subdivision of land in Zone RU2 or R5, if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

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- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
 - (c) clause 6.5.

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Part 5 Miscellaneous provisions

5.1 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
- (3) Despite the provisions of this Plan relating to the purposes for which development may be carried out, consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (4) The clause does not prescribe a development standard that may be varied under this Plan.

5.2 Controls relating to miscellaneous permissible uses

- (1) **Bed and breakfast accommodation**
If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.
- (2) **Home businesses**
If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50 square metres of floor area.
- (3) **Home industries**
If development for the purposes of a home industry is permitted under this Plan, the carrying on of the light industry must not involve the use of more than 50 square metres of floor area.
- (4) **Secondary dwellings**
If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:
 - (a) 60 square metres,
 - (b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

5.3 Architectural roof features

- (1) The objective of this clause is to ensure that the building is sympathetic to the character of the locality.

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- (2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.1 may be carried out, but only with consent.
- (3) Development consent must not be granted to any such development unless the consent authority is satisfied that:
 - (a) the architectural roof feature:
 - (i) comprises a decorative element on the uppermost portion of a building, and
 - (ii) is not an advertising structure, and
 - (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and
 - (iv) will cause minimal overshadowing, and
 - (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.4 Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by New South Wales Fire Brigades or by a private service provider.
- (2) The following development may be carried out, but only with consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of New South Wales Fire Brigades to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm x 100mm x 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:

private service provider means a person or body that has entered into an agreement that is in force with New South Wales Fire Brigades to monitor fire alarm systems.

5.5 Preservation of trees or vegetation

- (1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

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- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.
Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.
- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:
- development consent, or
 - a permit granted by the Council.
- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.
- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.
- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.
- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:
- that is or forms part of a heritage item, or
 - that is within a heritage conservation area.
- Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.6 will be applicable to any such consent.
- (8) This clause does not apply to or in respect of:
- the clearing of native vegetation that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003* or that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
 - the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
 - trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or
 - action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying Act 2002*, or
 - plants declared to be noxious weeds under the *Noxious Weeds Act 1993*, or
 - the following trees:
 - Fruit trees (agricultural)
 - Privet (*Ligustrum*)
 - African Olive (*Olea Africana*)
 - Honey Locust (*Gleditsia tracanthos*)
 - Coccus Palm (*Syagrs rhomanzofianum*)

5.6 Bush fire hazard reduction

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

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5.7 Heritage conservation

(1) Objectives

The objectives of this clause are:

- (a) to conserve the environmental heritage of the Camden Local Government Area, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(3) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to a place of Aboriginal heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

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- (d) the development is exempt development.
- (4) Effect on heritage significance**
- The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) Heritage impact assessment**
- The consent authority may, before granting consent to any development on land:
- (a) on which a heritage item is situated, or
 - (b) within a heritage conservation area, or
 - (c) within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) Heritage conservation management plans**
- The consent authority may require, after considering the significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) Archaeological sites**
- The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) Places of Aboriginal heritage significance**
- The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:
- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
 - (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) Demolition of item of State significance**
- The consent authority must, before granting consent for the demolition of a heritage item identified in Schedule 1 as being of State significance (other than an item listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) Conservation incentives**
- The consent authority may grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected,

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even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.8 Infrastructure development and use of existing buildings of the Crown

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under the State Environmental Planning Policy (Infrastructure) 2007.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

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Part 6 Infrastructure provision

6.1 Aims of part

(1) This part aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance, and
- (b) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of such land to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

6.2 Relationship between clause and remainder of Plan

A provision of this part prevails over any other provision of this plan to the extent of any inconsistency.

6.3 Application of part

This clause applies to land shown by blue edging on the Local Provisions Map, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

6.4 Designated State public infrastructure

For the purpose of this clause:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

State and regional roads,

- (a) bus interchanges and bus lanes,
- (b) rail infrastructure and land,
- (c) land required for regional open space, and
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services, justice).

6.5 Arrangements for designated State public infrastructure

- (a) Development consent must not be granted for the subdivision of land to which this clause applies if the subdivision would create a lot smaller than 40 ha, unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (b) Subclause (1) does not apply to:
 - (i) any lot identified in the certificate as a residue lot; or
 - (ii) any lot that is proposed in the development application to be reserved or declared for public open space, public roads, public utilities, educational facilities, or any other public purpose; or
 - (iii) a subdivision for the purpose only of rectifying an encroachment on any existing allotment.

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- (c) Clause 4.5 Exceptions to development standards, does not apply so as to allow an exception from, or a variation of, any requirement made by this clause.

6.6 Public utility infrastructure

- (a) Development consent must not be granted for development on land to which this part applies unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (b) In this clause, public utility infrastructure includes infrastructure for any of the following:
 - (i) the supply of water,
 - (ii) the supply of electricity,
 - (iii) the disposal and management of sewage.
- (c) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

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Part 7 Additional Local Provisions

7.1 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental impacts.
- (2) Despite any other provision of this plan, consent may be granted to development on land within any zone for any temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Any such consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use is necessary and reasonable for the economic use of the land pending its subsequent development in accordance with this plan and other relevant environmental planning instruments, and
 - (b) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this plan and any such other instrument, and
 - (c) the temporary use does not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (d) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (e) at the end of the temporary use period, the use and any associated structures will be removed and the site appropriately restored.

7.2 Environmentally sensitive land

- (1) The objective of this clause is to protect, maintain and improve the diversity of landscapes, including:
 - (a) protecting the biological diversity of native fauna and flora, and
 - (b) protecting ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of threatened species, communities and populations and their habitats.
- (2) This clause applies to land identified as environmentally sensitive land on the Environmentally Sensitive Land Map.
- (3) Consent must not be granted for development on environmentally sensitive land unless the consent authority is satisfied that the development satisfies the objective of this clause and:
 - (a) the development is designed and will be located and managed to avoid any potential adverse environmental impact, or
 - (b) where a potential adverse environmental impact cannot be avoided, the development:
 - (i) is designed and located so as to have minimum adverse impact, and
 - (ii) incorporates effective measures to remedy or mitigate any adverse impact caused.

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Schedule 1 Environmental heritage

(Clause 57)

Suburb	Item Name	Address	Property Description	Significance
Catherine Field	"Gledswood" Homestead (including homestead, storeroom, shearing shed, shearing quarters, garden grounds)	900 Camden Valley Way	Lot 12, DP 748303	State

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Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means an industry involving the handling, treating, processing or packing of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

agriculture means any of the following:

- (a) animal boarding or training establishments,
- (b) aquaculture,
- (c) extensive agriculture,
- (d) farm forestry,
- (e) intensive livestock agriculture,
- (f) intensive plant agriculture.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place used for the landing, taking off, parking, maintenance or repair of aeroplanes (including associated buildings, installations, facilities and movement areas and any heliport that is part of the airport).

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

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animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

aquaculture means:

- (a) cultivating fish or marine vegetation for the purposes of harvesting the fish or marine vegetation or their progeny with a view to sale, or
- (b) keeping fish or marine vegetation in a confined area for a commercial purpose (such as a fish-out pond).

but does not include:

- (c) keeping anything in a pet shop for sale or in an aquarium for exhibition (including an aquarium operated commercially), or
- (d) anything done for the purposes of maintaining a collection of fish or marine vegetation otherwise than for a commercial purpose, or
- (e) any other thing prescribed by the regulations (made under the *Fisheries Management Act 1994*).

This Dictionary also contains definitions of **natural water-based aquaculture**, **pond-based aquaculture** and **tank-based aquaculture**.

archaeological site means an area of land:

- (a) shown on the Heritage Map as an archaeological site, and
- (b) the location and nature of which is described in Schedule 5, and
- (c) that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land (not being an individual lot in a strata plan or community title scheme), and
- (c) none of the dwellings is located above any part of another dwelling.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means tourist and visitor accommodation:

- (a) that has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) that will generally provide accommodation on a bed basis (rather than by room).

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means tourist and visitor accommodation comprising a dwelling (and any ancillary buildings and parking) where the accommodation is provided by the permanent residents of the dwelling and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

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biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolid waste application means the application of sludge or other semi-solid products of human sewage treatment plants to land for the purpose of improving land productivity, that is undertaken in accordance with the NSW Environment Protection Authority's guidelines titled *Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 1997) and *Addendum to Environmental Guidelines: Use and Disposal of Biosolids Products* (EPA 2000a).

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (d) that has rooms that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or **height of building**) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol, but that does not include general advertising of products, goods or services.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
 - (b) the outside face of any balcony, deck or the like, or
 - (c) the supporting posts of a carport or verandah roof,
- whichever distance is the shortest.

bulky goods premises means a building or place used primarily for the sale by retail, wholesale or auction of (or for the hire or display of) bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, or

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- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
- (i) the name of the person or business, and
- (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

and may include, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, medical centres, betting agencies and the like, but does not include sex services premises.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means retail premises that sell wine by retail and that are situated on land on which there is a commercial vineyard, where all of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

cemetery means a building or place for the interment of deceased persons or their ashes.

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charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,

but does not include:

- (c) a building or place used for home-based child care, or
- (d) an out-of-home care service provided by an agency or organisation accredited by the NSW Office of the Children's Guardian, or
- (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
- (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
- (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
- (i) a school, or
- (j) a service provided at exempt premises (within the meaning of section 200 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(see *Roads Act 1993* for meanings of these terms).

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,

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(b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.
(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community.

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the Camden Council.

crematorium means a building in which deceased persons or pets are cremated, and includes a funeral chapel.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy where the only restriction facilities present are the milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

demolish, in relation to a heritage item, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item or the building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means 2 dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

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dwelling house means a building containing only one dwelling.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) the Ambulance Service of New South Wales,
- (b) New South Wales Fire Brigades,
- (c) the NSW Rural Fire Service,
- (d) the NSW Police Force,
- (e) the State Emergency Service,
- (f) the New South Wales Volunteer Rescue Association Incorporated,
- (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub, nightclub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops), or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) animal boarding or training establishments,
- (e) aquaculture,

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- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) 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.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means tourist and visitor accommodation provided to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

feedlot means a confined or restricted area used to rear and fatten cattle, sheep or other animals for the purpose of meat production, fed (wholly or substantially) on prepared and manufactured feed, but does not include a poultry farm, dairy or piggery.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or
- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of "fish"

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

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flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the El Caballo Blanco and Gledswood Local Environmental Plan 151 2008 Floor Space Ratio Map.

food and drink premises means retail premises used for the preparation and retail sale of food or drink for immediate consumption on or off the premises, and includes restaurants, cafes, take away food and drink premises, milk bars and pubs.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or
- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral chapel means premises used to arrange, conduct and cater for funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons, but does not include premises with mortuary facilities.

funeral home means premises used to arrange and conduct funerals and memorial services, and includes facilities for the short-term storage, dressing and viewing of bodies of deceased persons and premises with mortuary facilities.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
 - (b) habitable rooms in a basement or an attic, and
 - (c) any shop, auditorium, cinema, and the like, in a basement or attic,
- but excludes:
- (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and

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- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a dwelling that is a permanent group home or a transitional group home.

group home (permanent) or permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged.

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

group home (transitional) or transitional group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people.

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

hazardous industry means development for the purpose of an industry that, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

hazardous storage establishment means any establishment where goods, materials or products are stored that, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

ORD04

Attachment 1

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health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means a medical centre that comprises one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals who practise in partnership (if there is more than one such professional) who provide professional health care services to members of the public.

health services facility means a building or place used as a facility to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes the following:

- (a) day surgeries and medical centres,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) facilities for the transport of patients, including helipads and ambulance facilities,
- (e) hospitals.

heavy industry means an industry that requires separation from other land uses because of the nature of the processes involved, or the materials used, stored or produced. It may consist of or include a hazardous or offensive industry or involve the use of a hazardous or offensive storage establishment.

Height of Buildings Map means the El Caballo Blanco and Gledswood Local Environmental Plan 151 2008 Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

heritage conservation area means an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
- (b) the location and nature of which is described in Schedule 1, and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Department of Planning that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item, archaeological site, place of Aboriginal heritage significance or other heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object:

- (a) shown on the Heritage Map as a heritage item, and
- (b) the location and nature of which is described in Schedule 1, and
- (c) specified in an inventory of heritage items that is available at the office of the Council.

Heritage Map means the El Caballo Blanco and Gledswood Local Environmental Plan 151 2008 Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

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home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is appropriately licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) involve the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the business carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the business.

home industry means a light industry carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the light industry carried on in the dwelling), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building, but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used to carry on the light industry.

home occupation means an occupation carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling to indicate the name of the resident and the occupation carried on in the dwelling), or

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- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include bed and breakfast accommodation, a brothel or home occupation (sex services).

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any notice, advertisement or sign, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include retail sales or viticulture.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops or refreshment rooms,
- (e) transport of patients, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not it is carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and
- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

hotel or motel accommodation means tourist and visitor accommodation (whether or not licensed premises under the *Liquor Act 1982*):

- (a) comprising rooms or self-contained suites, and
- (b) that may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry (including a light industry) but not in conjunction with a warehouse or distribution centre, and
- (b) is situated on the land on which the industry is carried out, and

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- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry is carried out.

Note. See clause 5.4 for controls relating to the retail floor area.

industry means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, goats, horses or other livestock, that are fed wholly or substantially on externally-sourced feed, and includes the operation of feed lots, piggeries, poultry farms or restricted dairies, but does not include the operation of facilities for drought or similar emergency relief or extensive agriculture or aquaculture.

intensive plant agriculture means any of the following carried out for commercial purposes:

- (a) the cultivation of irrigated crops (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means retail premises used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area.

Land Application Map means the El Caballo Blanco and Gledswood Local Environmental Plan 151 2008 Land Application Map.

Land Reservation Acquisition Map means the El Caballo Blanco and Gledswood Local Environmental Plan 151 2008 Land Reservation Acquisition Map.

Land Zoning Map means the El Caballo Blanco and Gledswood Local Environmental Plan 151 2008 Land Zoning Map.

landscape and garden supplies means a building or place where trees, shrubs, plants, bulbs, seeds and propagating material are offered for sale (whether by retail or wholesale), and may include the sale of landscape supplies (including earth products or other landscape and horticulture products) and the carrying out of horticulture.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

light industry means an industry, not being a hazardous or offensive industry or involving use of a hazardous or offensive storage establishment, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise.

liquid fuel depot means storage premises that are used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid and at which no retail trade is conducted.

livestock processing industry means an industry that involves the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes such activities as abattoirs, knackeries, tanneries, woolscours and rendering plants.

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Lot Size Map means the El Caballo Blanco and Gledswood Local Environmental Plan 151 2008 Lot Size Map.

maintenance, in relation to a heritage item or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care. It does not include the removal or disturbance of existing fabric, alterations, such as carrying out extensions or additions, or the introduction of new materials or technology.

market means retail premises comprising an open-air area or an existing building used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

medical centre means business premises used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals, and may include the ancillary provision of other health services.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme) each with access at ground level, but does not include a residential flat building.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of "native vegetation"

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- (1) **Native vegetation** means any of the following types of indigenous vegetation:
- trees (including any sapling or shrub, or any scrub),
 - understorey plants,
 - groundcover (being any type of herbaceous vegetation),
 - plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

natural water-based aquaculture means aquaculture undertaken in natural waterbodies (including any part of the aquaculture undertaken in tanks, ponds or other facilities such as during hatchery or depuration phases).

Note. Typical natural water-based aquaculture is fin fish culture in cages and oyster, mussel or scallop culture on or in racks, lines or cages.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area.

nightclub means premises specified in a nightclub licence under the *Liquor Act 1982*.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

offensive industry means any development for the purpose of an industry that would, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

offensive storage establishment means any establishment where goods, materials or products are stored and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map that is:

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- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It can (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

place of public entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

place of public entertainment means:

- (a) any theatre or cinema (including a drive-in or open-air theatre or cinema) that is used or intended to be used for the purpose of providing public entertainment, or
- (b) any premises the subject of a licence under the *Liquor Act 1982* or a certificate of registration under the *Registered Clubs Act 1976*, that are used or intended to be used for the purpose of providing entertainment, including public entertainment, but not including amusement provided by means of an approved gaming machine within the meaning of the *Gaming Machines Act 2001*, or
- (c) any public hall that is used or intended to be used for the purpose of providing public entertainment.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

pond-based aquaculture means aquaculture undertaken in structures that are constructed by excavating and reshaping earth, which may be earthen or lined, and includes any part of the aquaculture undertaken in tanks, such as during the hatchery or pre-market conditioning phases, but does not include natural water-based aquaculture.

Note. Typical pond-based aquaculture is the pond culture of prawns, yabbies or silver perch.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 1982* the principal purpose of which is the sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold on the premises.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public entertainment has the same meaning as in the Act.

Note. The term is defined as follows:

public entertainment means entertainment to which admission may ordinarily be gained by members of the public on payment of money or other consideration:

- (a) whether or not some (but not all) persons are admitted free of charge, and
- (b) whether or not the money or other consideration is demanded:

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- (i) as a charge for a meal or other refreshment before admission is granted, or
- (ii) as a charge for the entertainment after admission is granted.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services, and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club in respect of which a certificate of registration under the *Registered Clubs Act 1976* is in force.

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relic means any deposit, object or other material evidence of human habitation:

- (a) that relates to the settlement of the area of El Caballo Blanco and Gledswood, not being Aboriginal settlement, and
- (b) that is more than 50 years old, and
- (c) that is a fixture or is wholly or partly within the ground.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, but does not include tourist and visitor accommodation.

residential care facility means accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care, not being a dwelling, hospital or psychiatric facility.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

restaurant means a building or place the principal purpose of which is the provision of food or beverages to people for consumption on the premises and that may also provide takeaway meals and beverages.

restricted dairy means a dairy (other than a dairy (pasture-based)) where restriction facilities are present in addition to milking sheds and holding yards, and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during periods of drought or similar emergency relief). A restricted dairy may comprise the whole or part of a restriction facility.

restricted premises means business premises or retail premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises but does not include hotel or motel accommodation, a pub, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for retail selling of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area.

rural industry means an industry that involves the handling, treating, production, processing or packing of animal or plant agricultural products, and includes:

- (a) agricultural produce industry, or

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- (b) livestock processing industry, or
- (c) use of composting facilities and works (including to produce mushroom substrate), or
- (d) use of sawmill or log processing works, or
- (e) use of stock and sale yards, or
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise, undertaken for commercial purposes.

rural supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

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 (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area.

self-storage units means storage premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

semi-detached dwelling means a dwelling that is on its own lot of land (not being an individual lot in a strata plan or community title scheme) and is attached to only one other dwelling.

seniors housing means residential accommodation that consists of:

- (a) a residential care facility, or
- (b) a hostel, or
- (c) a group of self-contained dwellings, or
- (d) a combination of these.

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the residential accommodation or in the provision of services to persons living in the accommodation, but does not include a hospital.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

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serviced apartment means a building or part of a building providing self-contained tourist and visitor accommodation that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and
- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

sewerage system means a biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these.

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means retail premises that sell groceries, personal care products, clothing, music, homewares, stationery, electrical goods or other items of general merchandise, and may include a neighbourhood shop, but does not include food and drink premises or restricted premises.

shop top housing means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes:

- (a) building identification signs, and
- (b) business identification signs, and
- (c) advertisements,

but does not include traffic signs or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

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stock and sale yard means a building or place used on a commercial basis for the purpose of offering livestock or poultry for sale and may be used for the short-term storage and watering of stock.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any business premises or retail premises on the same parcel of land.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means food and drink premises that are predominantly used for the preparation and sale of food or drink (or both) for immediate consumption away from the premises.

tank-based aquaculture means aquaculture utilising structures that are constructed from materials such as fibreglass, plastics, concrete, glass or metals, are usually situated either wholly or partly above ground, and may be contained within a purpose built farm or industrial style sheds or plastic covered hothouse to assist in controlling environmental factors.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or to be used, in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber and building supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in the construction and maintenance of buildings.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes hotel or motel accommodation, serviced apartments, bed and breakfast accommodation and backpackers' accommodation.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

ORD04

Attachment 1

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truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

vehicle sales or hire premises means a building or place used for the display, sale (whether by retail or wholesale) or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for commercial purposes for use in the production of fresh or dried fruit or wine.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste management facility means a facility used for the storage, treatment, purifying or disposal of waste, whether or not it is also used for the sorting, processing, recycling, recovering, use or reuse of material from that waste, and whether or not any such operations are carried out on a commercial basis. It may include but is not limited to:

- (a) an extractive industry ancillary to, required for or associated with the preparation or remediation of the site for such storage, treatment, purifying or disposal, and
- (b) eco-generating works ancillary to or associated with such storage, treatment, purifying or disposal.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

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water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

water supply system means a water reticulation system, water storage facility, water treatment facility, or any combination of these.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

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APPENDIX D



- Project Management
- Business Consulting Services
- Urban Development & Property
- Events
- Technology

Urban Development & Property



El Caballo Blanco & Gledswood Rezoning Local Environmental Study

Prepared for Camden Council



Prepared by APP Corporation Pty Ltd

October 2008

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Appendix D	List of Abbreviations

Executive Summary

Background

Camden Council resolved in 2004 to investigate the development potential of the Central Hills area, specifically the land defined to the west by Camden Valley Way, to the north by Camden Lakeside Country Club, to the east by Macarthur Grange Golf Course and to the south by the Turner Road growth centre precinct. Specialist investigations were undertaken in the context of assessing the potential for residential, recreational and associated development to contribute to the achievement of scenic, heritage and tourism objectives. The El Caballo Blanco and Gledswood (ECBG) site lies within the Central Hills area.

This report is a Local Environmental Study (LES). It supports the accompanying draft Local Environmental Plan (LEP), summarising the wide range of specialist consultant reports which were undertaken. The purpose of the LES is to report on the capability (or otherwise) of specific sites to accommodate development. In that role, the LES will be a valuable resource during the public consultation phase of the planning process. Once Camden Council has taken into account the submissions received during the public exhibition phase, it will determine whether to support development of the ECBG site.

Site Descriptions

The Central Hills area is located within the suburb of Catherine Field. The site is located immediately to the west of the Campbelltown LGA boundary, and provides an important visual and landscape buffer between the Campbelltown and Camden areas. Within the adjoining Campbelltown area lies a number of recreational, residential and educational land uses such as the Macarthur Grange Golf Course and the suburbs of Kearns and Raby. To the general south of the site lies the Turner Road growth centre precinct, Marist Brothers land at Currans Hill, Smeaton Grange industrial area and the Currans Hill residential estate. To the general west lies Oran Park and Catherine Field, and to the general north is the Leppington rural residential area. To the north lies the Camden Lakeside Country Club, which is also currently undertaking investigations into the potential development rezoning opportunities that exist.

The ECBG study area comprises 207.4 hectares and includes the Gledswood Homestead and Winery property, the former El Caballo Blanco site and three adjoining sites to the east of the Upper Canal. The land has frontage and access to both Raby Road and Camden Valley Way. The Gledswood component of the study area operates as a tourist and

functions facility. Gledswood is a colonial homestead itself which together with its context is listed as a local Item of heritage under Camden LEP No.48 and on the State Heritage Register. The site also contains scattered remnants of Cumberland Plain Woodland and riparian corridor vegetation.

Strategic and Statutory Planning Framework

It is important that planning for the study area takes into account the key strategic planning directions established by both the NSW Government and Camden Council. In doing so, it should be noted that the study area lies outside (but immediately adjacent to) the south-west Sydney growth centre, and is not on the NSW Government's Metropolitan Development Program. However, the NSW Department of Planning has indicated that it is appropriate for Camden Council to investigate the development potential of the study area.

The Government's broader planning policy objectives are summarised in the metropolitan strategy, which was released in 2005. The strategy establishes key planning goals for the metropolitan region, with a strong focus on balancing economic, environmental and social objectives. The strategy also has a strong focus on infrastructure planning and supporting key regional centres. The strategy is based around seven key sub-strategies focused on issues such as housing, transport and employment. Chapter 3 demonstrates how each of these directions is addressed in the planning for ECBG.

The regional planning framework is also substantially shaped by the planning for the South West Growth Centre. The growth centre will eventually see the planning and delivery of over 100,000 new homes in south-western Sydney. Planning for the first release precincts is already underway and ECBG is located just north of the Turner Road precinct, and in relatively close proximity to the Oran Park precinct. In addition, both Camden Valley Way and Raby Road, bordering ECBG, are within the growth centre.

Existing Environment

The existing environment is characterised predominantly by early and current rural uses of the land.

The study area contains a small number of Aboriginal heritage sites, the majority ranging from low to moderate in significance. Parts of the site are considered to have high scenic value. Watercourses through the site are generally treated as part of the drainage and water

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collection system for grazing, although Rileys Creek traverses the western portion of the study area.

The Gledswood site is characterised by a combination of the existing tourism-related activities and the low intensity grazing undertaken as part of the heritage farming activities. Almost all of the Gledswood site is of low ecological constraint, reflecting its largely cleared landscape. However, Rileys Creek traverses the site, and has high ecological significance. The westernmost edge of the site, adjoining the existing site entry, has an area of moderate ecological value reflecting the scattered mature Eucalypt trees in that location.

The Gledswood homestead is the dominant feature of the existing Gledswood landscape. It is listed on the State Heritage Register. The homestead is located towards the northern most edge of the site and has a strong visual relationship with its immediate surrounds, and also with parts of Camden Lakeside. Areas to the south, particularly those west of Rileys Creek and south/southeast of the tourism complex and homestead, are less visually constrained.

The site plays an important tourism and economic role in the Camden community.

The defunct El Caballo Blanco facilities are located along the southwest boundary. The facilities remain in a dilapidated condition and included showrings, stables, exhibition rooms, picnic areas and associated amenities.

Development and Conservation Opportunities

The site offers both development and conservation opportunities. From an environmental conservation point of view, there are opportunities to protect and restore the Rileys Creek corridor that runs through the site and small areas of Cumberland Plain Woodland.

The primary drivers of which areas may be suitable for development were the need to ensure that the heritage objectives relating to the Gledswood property are achieved and the landscape and visual objectives of the Central Hills area were protected. A comprehensive visual and landscape analysis was undertaken and identified potential development areas in a variety of locations. If this development framework was implemented, it would result in approximately 860 detached dwellings being constructed on the site.

Impacts of Preferred Development Framework

The proposed development framework outlined in Chapter 6 would see some impacts on the existing environment and surrounding area. These impacts are outlined in Chapter 7, and specific management responses are nominated to ensure these impacts are addressed. The study finds that the impacts are generally likely to be minor, and can be addressed through routine management practices.

Impacts considered in more detail in Chapter 7 include:

- environmental impacts including loss of habitat and the potential for salinity;
- wider impacts such as increased traffic levels on the surrounding road network; and
- a resultant demand for additional community facilities and open space should development proceed.

Management Plans

A range of management plans are proposed to address the impacts described above. The detailed strategies within each of the management plans are described in Chapter 8 in more detail. The management plans will address the following issues:

- a conservation management plan – to address the restoration and ongoing conservation of the bushland areas and riparian zones;
- a bushfire management plan – to ensure the required bushfire safety strategies are implemented on an ongoing basis;
- a transport management and accessibility plan – to implement the transport package of measures;
- a conservation management plan – to guide the ongoing conservation of the Upper Water Supply Canal; and
- a water cycle management plan – to ensure water conservation and water quality targets are able to be met.

Summary of Recommendations

Chapter 10 of this LES provides a range of recommendations for further investigations and measures to guide the future development of the study area. When the LES is complete, the recommendations will draw on:

- the analysis of the specialist consultants;
- the views of the members of the project control group;

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- the input of selected community representatives and Government agencies obtained through both formal and informal consultation prior to and during public exhibition;
- the outcomes of negotiations with specific agencies; and
- input from specialist staff from Camden Council.

It is important to note that in preparing the LES, the project control group has taken into account a wide range of views, as listed above. In some cases, specialist advice by consultants has been taken into account and balanced against a range of competing needs. In these cases, the recommended outcome described below may differ from the views of a particular consultant, but these balanced outcomes have arisen only after careful consideration of a comprehensive range of factors.

The recommendations described in Chapter 10 should also be read in conjunction with Camden Council's existing policies in a range of areas. This LES does not seek to contradict or overrule those policies except where explicitly noted. The recommendations do not therefore attempt to address all planning and development issues which are likely to arise for ECBG, but instead reflect requirements which specifically arise as a result of the planning considerations for ECBG.

General Finding

Based on the analysis undertaken to support this LES, and subject to the implementation of the following recommendations, ECBG is considered to be suitable for urban development in line with the development concept outlined in Chapter 6.

1 Chapter 1 - Introduction

1.1 Introduction

Camden Council has resolved to prepare a draft LEP and a LES for land within the Central Hills. The site is located between Raby Road and Camden Valley Way, either side of the Upper Canal at Catherine Field. The LES and LEP relates to the land within the existing ECBG site. The location of the site and the boundary of the study area is shown in Figure 1.1.

This document forms the LES which will be accompanied by a LEP for the rezoning of the land. These documents (in concert ultimately with relevant development control plans and master plans) will guide the future planning and development of the land, should a decision be made to rezone the sites for residential and conservation outcomes.

The LES has been prepared by APP Corporation, on behalf of Camden Council. Its compilation has been managed by a project control group comprising Camden Council, APP Corporation and Paynter Dixon Golf (development manager).

The objectives of the LES are to:

- summarise the findings of a wide range of technical investigations relating to the sites;
- provide a synthesised review of those investigations; and
- document a framework for the planning and development of the sites which is firmly based on the sustainable planning outcomes sought by Camden Council.

The structure of this LES is designed to demonstrate the thorough investigation process which has been undertaken, and the integrated manner in which the various constraints and opportunities have been taken into account. It also reflects the significant attention which has been given to the future management of various issues, including ongoing management of conservation and heritage lands. The LES and its supporting studies will form the basis of the community consultation prior to any final decision on whether the area will be rezoned.

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Figure 1.1 – Study Area



Source: Eco Logical Australia, 2008

1.2 Project Team

The overall rezoning process has been overseen by a project control group comprising Camden Council and representatives of the landowners. The following consultants were also involved in the project.

Role	Consultant
Project Management, LES & LEP Preparation	APP Corporation
Water Cycle & Civil Infrastructure Assessment	Cardno Forbes Rigby
Community Facilities & Open Space Assessment	Elton Consulting & Tangent Leisure Consultants
Ecological & Bush Fire Assessments	Eco Logical Australia
Landscape Conservation Management Plan	Clive Lucas, Stapleton and Partners
Aboriginal Heritage Assessment	Australian Museum Business Services
Landscape & Visual Assessment	LFA
Land Capability Assessment	Douglas Partners
Acoustic Planning Report	Atkins Acoustics
Transport Management & Accessibility Plan	Maunsell AECOM
Level 3 Odour Impact Assessment	Benbow Environmental
Gledswood Conservation Management Plan	Godden Mackay Logan



2 Chapter 2 – Site Descriptions

2.1 Introduction

This chapter describes the property which is the subject of this rezoning process, briefly summarises previous planning undertaken for the sites and describes Camden Council's principles which have underpinned the investigations undertaken during the Local Environmental Study process.

2.2 Site Description

The 207.4 ha study area is located adjacent to Camden Valley Way and extends east of the Upper Canal, with northeast access to Raby Road. The lands comprise of The Gledswood Homestead and Winery property, the former El Caballo Blanco tourist facility and the whole of three adjoining rural grazing sites to the east of the Upper Canal. The entire study area lies outside the South West Growth Centre.

The Upper Canal is a convict built channel traversing north-south across the study area. The Upper Canal is primarily open, apart from a short tunnel located where the eastern component of the study area abuts the Turner Road growth centre precinct.

The study area forms part of the scenic Central Hills range, parts of which are reasonably elevated in relation to the surrounding topography. This area forms a natural landscape barrier between the urban areas of Camden and Campbelltown.

The Gledswood Homestead and Winery property forms the northern most portion of the study area, west of the Upper Canal, and comprises 46.5 ha of gently undulating rural land. The homestead is a historically significant convict built sandstone home consisting of two wings, running north/south and east/west respectively, with extensive lawns and gardens extending out to meet the views of the nearby lands. The property now operates as a tourism and entertainment facility, including:

- a restaurant;
- a functions facility;
- educational excursions; and
- historic tours.



The former El Caballo Blanco tourist facility (57.9 ha) and the adjoining private landholdings to the east of the Upper Canal (102.9 ha) total 160.8 ha. Both sites are predominantly utilised for grazing, with a compound of disused buildings and structures associated with the former 'Australiana Park' existing within close proximity of ECB's southern boundary and four private residential dwellings located adjacent to and along the study area's western boundary. A series of effluent disposal ponds are located centrally to the study area, west of the Upper Canal.

The development options for study area are being managed by Paynter Dixon Golf.

2.3 Previous Planning for the Site

The Camden Structure Plan, which was prepared in 1999, originally saw the Central Hills area as being largely kept free of further development with the focus on scenic and landscape protection. However the plan was amended in 2003 in recognition of the opportunity to contribute to economic and tourism objectives while also still focusing on landscape objectives. The amendment to the Structure Plan recognised that there was some potential for residential development in the area, provided it was undertaken in conjunction with landscape focused tourism and recreational proposals.

It should be noted that the Camden Structure Plan was prepared prior to the NSW Government's announcements about the South West Growth Centre.

The final aspect of previous planning for this site is related to the fact that the rezoning process for ECBG originally included the neighbouring Camden Lakeside Country Club property to the north, which is now the subject of a separate rezoning. The rezonings were twice separated after delays relating to the transfer of development management and ownership related to the El Caballo Blanco and Gledswood Homestead and Winery sites. Whilst some of the figures within this LES include both the ECBG and Camden Lakeside Country Club sites, it should be noted that this LES relates to the proposed rezoning of the ECBG site only.

The original Council resolution to commence the rezoning recognised that while it was preferable to manage all the land through one rezoning process, the opportunity needed to exist for the sites to be separated if significant issues arose.

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The Department of Planning was consulted in relation to the proposal for two separate, but coordinated, rezonings. The Department indicated in October 2006 that the rezonings could proceed separately provided the following issues are addressed in each rezoning:

- the need to address the Metropolitan Strategy's Sustainability Criteria;
- an integrated structure plan for the area needs to be prepared to demonstrate integration with neighbouring sites; and
- consideration should be given to the relationship of the proposal to the South West Growth Centre.

2.4 General Planning Objectives for the Sites

Camden Council has a number of clear planning objectives for the wider Central Hills area and the ECBG site specifically. These objectives are focused on:

- protecting the scenic and landscape character of the area, particularly when viewed from public land such as the key arterial roads;
- facilitating ongoing and additional tourism development, including through activities which are landscape focused;
- through additional tourism-related land uses, delivering additional employment opportunities in the Camden area; and
- ensuring a robust and long term framework is put in place through the rezoning process for the management of the significant heritage assets within the study area.

These objectives have shaped the planning for the ECBG and guided a number of the investigations reported in this LES.



3 Chapter 3 – Strategic Planning Framework

This chapter summarises the strategic planning framework in which the development potential and conservation outcomes for ECBG are being considered. The statutory planning framework is considered in the following chapter.

3.1 Regional Planning Framework

3.1.1 Metropolitan Strategy

The current metropolitan strategy was released in December 2005. Addressing the long term future of the metropolitan plan, *City of Cities* contains initiatives targetted around seven key strategies:

- economy and employment;
- centres and corridors;
- housing
- transport;
- environment and resources;
- parks and public places; and
- implementation and governance.

The strategy seeks to implement those strategies while accommodating a further 1.1 million people in 640,000 new homes over 25 years. It aims to do so in a way which reinforces the role that key centres play in delivering services and employment to the community. It has a strong focus on the global economic corridor centred around the Sydney central business district. Delivering more jobs in Western Sydney is a key priority. The strategy also seeks to deliver high quality, well located recreation and open space facilities. Finally, the role that the heritage of Sydney plays in defining places and facilitating understanding is recognised.

ECBG offers the potential to assist in the achievement of many of the objectives of the metropolitan strategy. The opportunity exists to extend and secure the tourism and economic role played by the sites.

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While not a major rezoning, ECBG offers the potential to contribute to housing supply and meet the long term objectives of Government in providing adequate housing for a growing population. While not immediately adjacent to the existing urban area, this housing would in future be located adjacent to the South West Growth Centre and on key arterial roads. The landscape focus of the housing areas would complement the more urban focus within the growth centre, thereby contributing to housing diversity.

Finally, the opportunity exists to secure for the long term a key recreation asset and landscape and scenic protection outcomes, by locking in new zonings which protect those assets while allowing limited housing in less visually and environmentally sensitive areas.

The ECBG rezoning is therefore consistent with the underlying objectives of the Metropolitan Strategy, particularly when considered in the context of the development proposed in the adjacent South West Growth Centre and the opportunities to secure long term recreation, employment and heritage outcomes.

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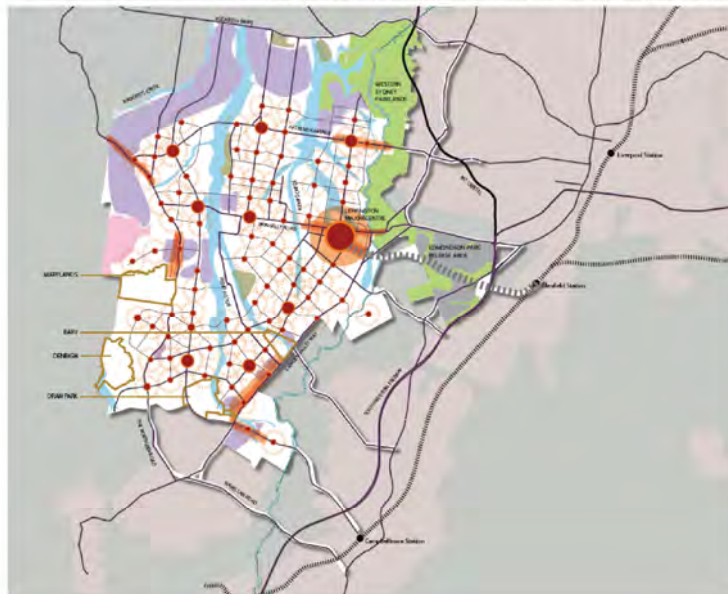
3.1.2 South West Sector Structure Planning

The NSW Government has announced the establishment of the Growth Centres Commission, and charged it with the responsibility of coordinating the planning and development of over 180,000 new homes in the north-west and south-west of Sydney.

Structure planning has been undertaken for these areas over the period 2003 – 2006, and the first release precincts of Edmondson Park, Oran Park and Turner Road were announced. Camden Council is working closely with the Growth Centres Commission to coordinate the planning of Oran Park and Turner Road, the two releases in the Camden local government area. The planning for the first release precincts was guided through the original structure plan prepared for the area. This was updated post gazettal of Oran Park and Turner Road, as shown below.

Figure 3.1 – South West Growth Centre Structure Plan

SOUTH WEST GROWTH CENTRE STRUCTURE PLAN (EDITION 2)



Source:

www.gcc.nsw.gov.au



The precinct planning for Oran Park and Turner Road is of relevance to ECBG in a number of ways, including:

- the Government has committed to the early delivery of infrastructure to enable more sustainable development outcomes to be achieved, meaning amongst other things, that Camden Valley Way and Raby Road are to be upgraded;
- additional water and sewer infrastructure will be provided to service the new development area, with the potential to integrate ECBG into this overall servicing plan, although opportunities to separately service (particularly for sewer) can still be pursued; and
- by delivering approximately 100,000 housing lots in a very urban context, there will be a need for some housing of a different style to fill a niche within the market, and ECBG offers some potential in this regard given the landscape and golf focus of the site.

3.2 Local Planning Framework

3.2.1 Camden Structure Plan

The Camden Structure Plan was prepared in 1999. Its aim was to provide a planning framework for Camden to the year 2025 which preserved Camden's unique characteristics while accommodating urban growth.

The Plan sought to contain future urban development to the "Camden Basin" between the Scenic and Central Hills and Nepean floodplain, and focused upon the then identified urban release areas, including Harrington Park, Spring Farm and Elderslie. It also identified that there was further limited urban development potential in selected areas, including within Harrington Park 2, provided this development was sensitively undertaken and facilitated the achievement of other objectives such as heritage and bushland management.

In April 2003, the Plan was amended to include planning principles for the ECBG, as follows:

- Preservation of the integrity of the ECB-Gledswood Lands as a significant buffer between Camden and Campbelltown LGAs;
- The scenic qualities of the ECB-Gledswood Lands as a generally open landscape to be promoted with any built environment elements; and
- Appropriate management of access and impacts upon Camden Valley Way.

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The wider Central Hills study area, including ECBG, offers the opportunity to achieve these objectives provided appropriate levels of development are sensitively located and styled, and management frameworks are put in place for long term sustainability of both the heritage and ecological values of the sites.

3.2.2 Camden 2025 Strategic Plan

The Camden Strategic Plan establishes a vision for Camden in 2025. The vision sees Camden retaining its rural character, while accommodating new community forecasts through levels of urban growth. In accommodating urban growth, Camden is keen to ensure that this growth is managed in such a way as to ensure that Camden is not simply an extension of the suburban growth of Sydney.

Landscapes and vistas should be protected, and local communities should enjoy access to various resources and facilities. Ecosystems should be protected and restored, and a diverse and strong economic base is a clear objective.

Each of the elements of this vision will need to be carefully woven into the planning and development of the Central Hills area, including for ECBG. The planning investigations reflected in this LES demonstrate that significant regard has been paid to the community's vision for wider Camden.

3.2.3 Camden Local Environmental Plan

Camden Council has commenced the preparation of a comprehensive LEP for the whole of the local government area, in line with the expectations of the NSW Government. This plan will provide a consistent set of objectives and controls across Camden. Planning for specific areas such as ECBG will be integrated into this plan as required. The plan is in its formative stages of drafting and will be based on the template LEP issued by the NSW Department of Planning. The draft LEP to rezone ECBG will also be consistent with the template LEP to enable integration with the comprehensive plan.



3.2.4 Camden Natural Assets Policy

Council adopted a Natural Assets Policy in May 2003. The policy integrates the various state government natural resource laws and provides guidance for future development. Among other things, it aims to:

- facilitate ecologically sustainable development through retention and long term management of the natural assets in Camden; and
- provide an off-setting mechanism so as to ensure that the policy is able to be flexibly implemented.

Given the areas of bushland on the site and the presence of streams, the Natural Assets Policy will play a strong role in shaping the planning of the site. Further reference is made to the policy in a number of locations throughout this LES.

3.2.5 Population and Housing Trends

Camden Council has experienced rapid growth in the last decade, particularly in recent years. The growth has largely been occurring in release areas and new suburbs such as Harrington Park, Mount Annan, Currans Hill and Narellan Vale.

At the end of 2005, Council estimates that the population of the local government area was just over 50,000, having grown by more than 18,000 people since 1996. The population was housed in an estimated 16,500 dwellings, with the number of dwellings having increased by 6,500 over the period since 1996, although these have almost exclusively been detached dwellings in a suburban environment. Average household size has remained reasonably constant at just over three people per dwelling.

These growth rates are among the highest in the Sydney metropolitan area and are expected to continue over the next five years, with both Elderslie and Spring Farm release areas likely to develop in that period. Given metropolitan levels of demand for new housing, it is expected that ECBG would be contributing to housing supply, although in relatively smaller terms.



4 Chapter 4 – Statutory Planning Framework

4.1 Introduction

This chapter summarises the local and regional statutory planning framework for the Camden area. It describes how, in general terms, the plans are relevant to the proposed development of ECBG. This chapter also explains the requirements of a LES.

Chapter 9 describes in more detail how the proposed planning approach addresses the legislative requirements relating to the site.

4.2 Regional and State Planning Policies

4.2.1 State Environmental Planning Policies

A number of general State Environmental Planning Policies (SEPPs) are applicable to the land by virtue of the fact that they are relevant to all land in NSW. These SEPPs include:

- SEPP 1 – Development Standards;
- SEPP 4 – Development Without Consent;
- SEPP 19 – Bushland in Urban Areas;
- SEPP 55 – Remediation of Land;
- SEPP (Housing for Seniors or People with a Disability) 2004;
- SEPP (Sydney Region Growth Centres) 2006;
- SEPP (Building Sustainability Index: BASIX) 2004; and
- SEPP (Mining, Petroleum Production and Extraction Industries) 2007.

The majority of these SEPPs will be applicable in the detailed planning phase of the study, should the rezoning proceed. SEPP 55, for example, will guide the remediation of any contamination found on the site. SEPP 19 seeks to preserve bushland within urban areas, particularly where flora and fauna is rare or endangered. The Threatened Species Conservation Act and SEPP 19, in the context of Council's Natural Assets Policy, will jointly guide the planning decisions made in relation to flora and fauna within the study area.



A further draft SEPP (at the time of writing) is also relevant to the site. Draft SEPP 66 – Integration of Land Use and Transport seeks to achieve improved integration of land use and transport planning. In new development areas such as ECBG, the policy seeks to achieve densities and street patterns which are supportive of public transport use, as well as integrated and convenient pedestrian and cycle networks.

The BASIX SEPP requires, as of 1 July 2004, all new dwellings to achieve a range of environmental targets. This SEPP will be particularly relevant to the site, and the relevant consultants have closely addressed this issue.

The SEPP relating to Development Standards is a revised version of SEPP 1 and is therefore of a general nature.

4.3 Local Planning Controls

4.3.1 Camden Local Environmental Plan No. 48

The Central Hills sites are currently zoned under Camden LEP 48. This LEP addresses all the rural areas of Camden, and seeks to:

- consolidate planning controls for rural areas;
- maintain the rural atmosphere of the area;
- maintain the agricultural productivity of the area;
- effectively manage subdivision and development within the rural areas; and
- conserve environmental heritage.

The LEP was gazetted in 1992 and has progressively been amended for various reasons.

Under this LEP, ECBG is zoned 7(d) Environmental Protection (Scenic), with a minimum lot size of 40 hectares. The objectives of this zone are to protect the scenic character of the Central Hills area while facilitating tourism and other uses which are consistent with these landscape and scenic objectives.



4.3.2 *Camden Section 94 Contributions Plan*

Since November 2003 Council has had in place an LGA wide Contributions Plan. This plan was reviewed in 2004, and has operated consistently since that date. Since then, a number of key factors have necessitated a review of the plan, including new information derived from specialist studies through master planning exercises, escalating construction costs and a land valuation regime that maintains market currency.

The issues Camden Council must address in order to effectively manage this growth include:

- relatively small geographic size and population in comparison to the projected development;
- pace of development;
- lack of transport infrastructure;
- need to preserve its historic values;
- substantial areas of ecological significance; and
- increasing involvement of State agencies in regulating how Councils manage natural assets, in particular waterways.

The opportunity exists to effectively execute a planning agreement for the site. Alternatively, the Section 94 plan would need to be amended by including site-specific schedules. A decision on this issue will be made during this planning process, with the focus being on achieving the best planning outcomes in the simplest planning framework.

Should it be put in place prior to this rezoning being finalised, the development proposed for ECBG would need to address the revised plan.

4.4 Statutory Requirements for the LES and LEP

4.4.1 Statutory Process

The preparation of an LEP and the LES is governed by Part 3 of the Environmental Planning and Assessment Act 1979.

Under Section 54, Council decides to prepare the LEP. Section 57 of the Act then governs how and where an environmental study shall be prepared.



Under the Act, the LES is to address the requirements specified by the Director General of the Department of Planning. Camden Council consulted (the former) DIPNR in early 2005 in relation to a draft specification for the LES, thereby fulfilling the consultation requirements of that stage of the process. The main comments provided by Department of Planning are summarised below.

Section 61 then requires the Council to prepare the LEP having regard to the findings of the LES.

Subsequent sections then deal with the consultation requirements in preparing the LEP and LES, both prior to and subsequent to the public exhibition phase. Under Section 62, Council is required to consult with public authorities such as government departments prior to publicly exhibiting the draft plan. It can also involve other organisations and individuals at its discretion at this stage.

After taking into account the Section 62 comments, the draft plan is then submitted to the Department. After the Department issues a Section 65 certificate, or indicates that the plan can be dealt with under delegation, the Council then proceeds to a formal public exhibition phase.

This LES is part of the initial stage of the process described above, and its overall purpose is to assess the suitability of the land for a range of purposes and to thereby inform the preparation of the LEP(s).

A further statutory requirement is outlined in Section 34A of the Environmental Planning and Assessment Act, 1979. . This section sets out the procedures for formal consultation with the former National Parks and Wildlife Service (now Department of Environment and Climate Change (DECC)) on matters within their jurisdiction, including protection of critical habitat and threatened species. This consultation is to be combined with the Section 62 consultation process.

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4.4.2 Former Central Hills Rezoning

As noted above, Camden Council originally resolved to undertake rezoning investigations in the Central Hills area in relation to three adjacent sites. As well as ECBG, the Central Hills rezoning originally included the Camden Lakeside Country Club. However, the project has now been split into two rezonings, with the Camden Lakeside site proceeding as a separate rezoning from the ECBG process. The potential for this separation was acknowledged in the original Section 54 resolution because it was not the intention of Council to unduly delay the rezoning of some of the land if there were delays associated with one or other of the sites.

The Department of Planning's current position and requirements in relation to the separate rezonings are outlined above in section 2.3.

4.4.3 Scope of LES

The objectives prepared by Camden Council for the LES were to:

- assess the suitability of the study area for the development of lifestyle housing and tourist facilities, which would be designed to integrate with the natural and cultural characteristics of the study area and identify areas that are appropriate for development and those that should be preserved/enhanced/rehabilitated;
- ensure a consistent and coordinated approach to the planning of the sites;
- integrate the planning of the study area, with the preliminary and emerging outcomes of the south-west investigation exercise carried out by the Department of Planning, including contributions to infrastructure upgrades;
- assess the scenic and cultural landscape of the study area and its landscape character, particularly with regard to exposure and view lines from the immediate locality and the wider regions and identify development options which reflect these important constraints;
- assess the transport and traffic implications of development options on the broader locality, having regard to the likely future developments in the vicinity of the study area and recommend access locations, traffic and transport works required to support development of the land;
- undertake negotiating the delivery of the transport outcomes including discussions with the Growth Centres Commission;

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- identify the extent to which the site can be developed given the constraints that exist and any works that are required to facilitate that development;
- inform the preparation of a draft LEP for the study area;
- develop a framework for natural systems and landscape/cultural heritage conservation;
- develop a strategy to support physical and human infrastructure provision;
- acknowledge the preliminary development principles for the Central Hills adopted by Council in the Camden Structure Plan; and
- develop an outline structure plan which provides the template for site specific master planning.

In order to achieve these objectives, the LES and supporting studies were to address the following issues:

- land capability – including geotechnical issues, mineral resources and subsidence, air quality, water catchments, contamination, salinity and groundwater and agricultural capacity;
- ecology and bushfire – flora and fauna communities; connectivity and bushland corridors; bushfire, public access arrangements, and ongoing management of conservation zones;
- water cycle – water sensitive urban design, existing catchment and sustainability;
- transport – promoting alternative modes to the car, impact on surrounding areas, funding arrangements and traffic issues;
- heritage and landscape – Aboriginal heritage, European heritage items, visual attributes, view lines, and long term conservation strategies;
- infrastructure – existing capacity; effluent disposal; and
- community facilities – recreation, existing capacity, future facilities and networks; and

In addition to the scope identified by Council for the LES, the Department of Planning requested that the way in which the ECBG site would integrate with the neighbouring landholdings, including those within the Growth Centre, be demonstrated.



5 Chapter 5 – Existing Environment

5.1 Introduction

This chapter draws on the work undertaken by the various specialist consultants to summarise the existing conditions at Central Hills in relation to a range of issues. It also draws on the existing knowledge of Council.

The purpose of the chapter is to provide a clear understanding of the existing environment of the Central Hills study area. This understanding will shape and better inform future decisions about potential development and conservation areas, as well as a range of other outcomes, including heritage and infrastructure planning.

5.2 Scenic and Landscape Issues

5.2.1 *Landscape and Visual*

One of the defining characteristics of Camden is its scenic and visual character. This is, in turn, defined primarily by the rural landscape. In considering ECBG, Council is particularly concerned to ensure that any development that may occur does not unduly compromise the established landscape character, distinctive assets and prevailing rural qualities.

A detailed analysis and assessment of the visual and landscape character was undertaken to identify the potential zones that could be developed for urban and tourism purposes. This determined that the visual and landscape character of ECBG could be examined through employing a 'sieve' process. This process categorically takes account of the main visual and landscape elements that physically form the site, such that any development is subservient to the prevailing rural qualities of the area. The sieve process addresses landform, existing features and land uses described below.

Topography

The landform for the majority of the site is comprised of gently rolling hills, ridgelines and naturally undulating land vegetated as grassed open paddocks. Gentle to moderate slopes



generally range from 1:50 to 1:20. Very few limited areas achieve steeper ground in the 1:10 to 1:5 range, as shown in Figure 5.1.

The primary drainage line centrally located to the west of the Upper Canal is Rileys Creek. The creek transects the Gledswood property before continuing into the neighbouring Camden Lakeside Country Club. Other minor drainage lines are located across the study area.

Substantial areas achieve a low or non-existent visibility due to the position of ridgelines, rolling hills, gently sloping plains and drainage corridors.

Existing Features

The principal building within the study area is the Gledswood Homestead, due to its historical significance. The homestead's associated lawn and gardens extend out from the homestead, with sweeping views across nearby lands and Rileys Creek. South of the homestead are a series of ponds that were previously operated for the disposal of effluent.

The site contains significant remnant vegetation, albeit scattered and in relatively small quantities. More intact vegetation communities occur along the banks of Rileys Creek with some mature remnant trees located west of the creeks southern end.

The site is transected by the Upper Canal with water dams of varying sizes and capacities spread across the whole study area are, as shown in Figure 5.2.

Land Uses

Existing land uses within the study area comprise of the tourist and entertainment activities associated provided by The Gledswood Homestead and Winery, with the remainder of the lands west of the Upper Canal being utilised for grazing. East of the Upper Canal along the western study area boundary are four rural residences, up to two stories in height, accessed via a private road from Raby Road.

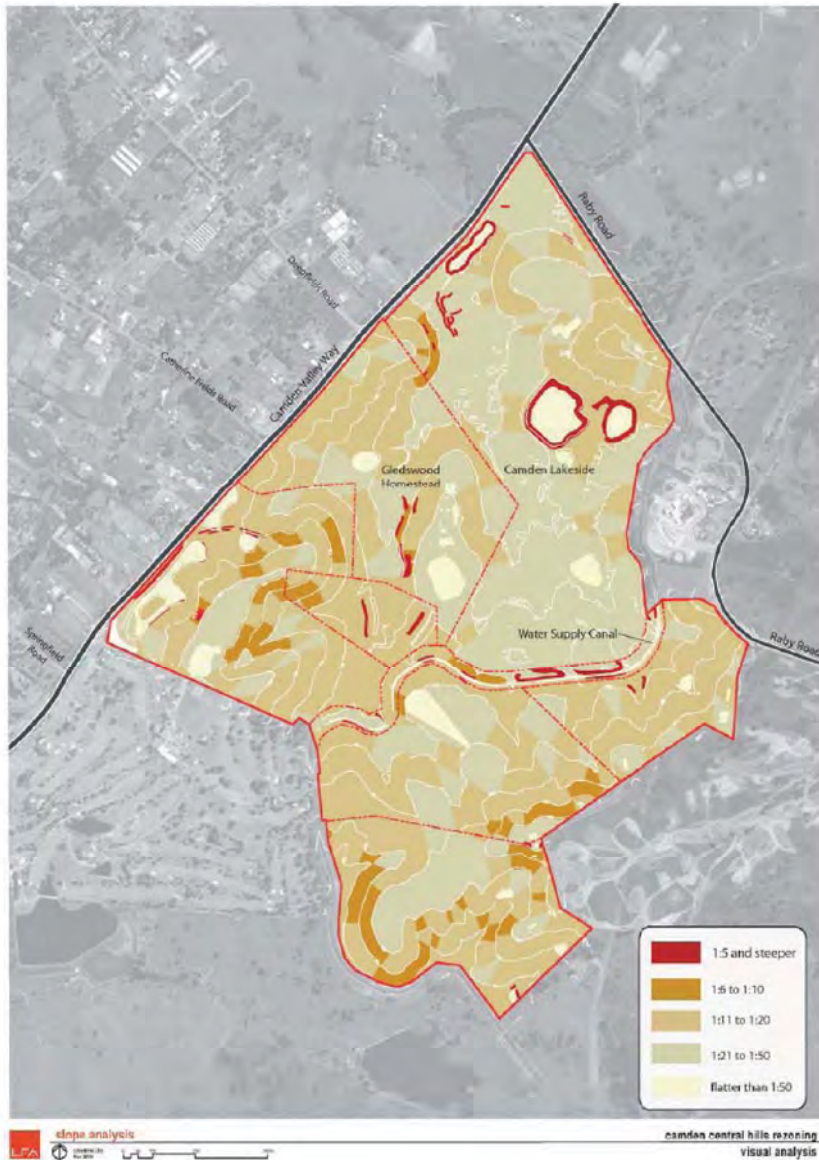
Regional infrastructure services and associated easements containing 330kV and 132kV are located in the eastern half of ECBG, as shown in Figure 5.3.

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Figure 5.1 – Slope Analysis



Source: LFA, 2005



Figure 5.2 – Landform and Drainage Pattern



Source: LFA, 2005



Land uses and activities immediately adjacent to the site area include Raby House (north/north-west) and the Jehovah's Witness facility (north/north-east).

Consideration of these key existing elements will be an important factor in determining which parts of the study area are suitable for development from a physical perspective and will provide a framework for subsequent detailed landscape management plans.

Figure 5.4 shows the land uses as described above.

5.2.2 *Scenic Aesthetic*

To achieve an assessment of the physical landscape in a visual sense, it is necessary to identify the number of prominent and important views available in and around the study area from a scenic aesthetic aspect. These are particularly important to the residents of Camden and should be protected as a priority.

In considering the scenic aesthetic, those corridors that are able to be viewed from public places and important roads tend to be of greater significance because they are available to a wider proportion of the community.

The main views, both to and from the study area, are described below.

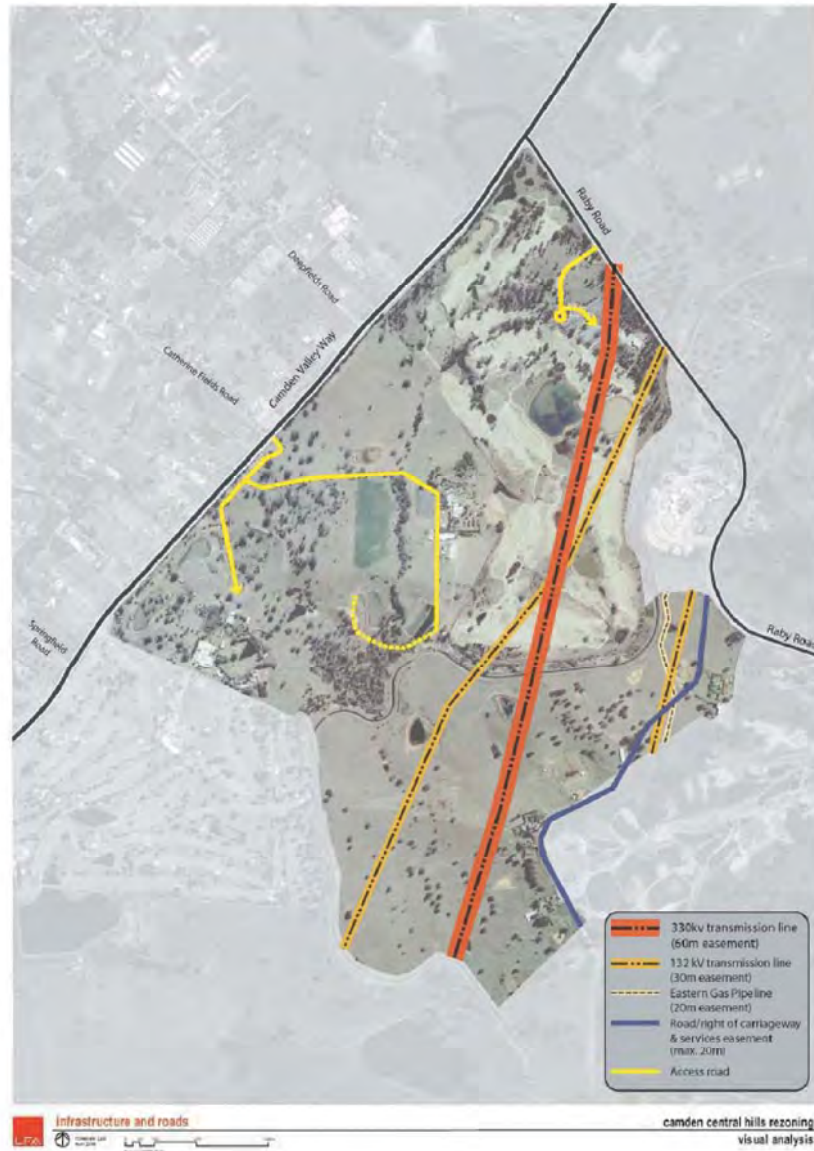
Views from Camden Valley Way

Views from Camden Valley Way are dominated by vegetation and a roadside embankment, which in turn dictates the character experienced. However, opportunities to distinguish the sites individual prevailing characteristics is achieved in specific locations depicted in Figure 5.5 and described in terms of dominance as follows:

- natural bushy landscape character via immediate heavy screens of vegetation with views limited to patches of open grassland and the Camden Lakeside golf course fairways (Viewpoint 1 to 3);
- natural bushy landscape character with glimpses of the Gledswood grazing lands between vegetation, but no clear views of the homestead itself (Viewpoint 4 & partially 5);



Figure 5.3 – Infrastructure and Roads



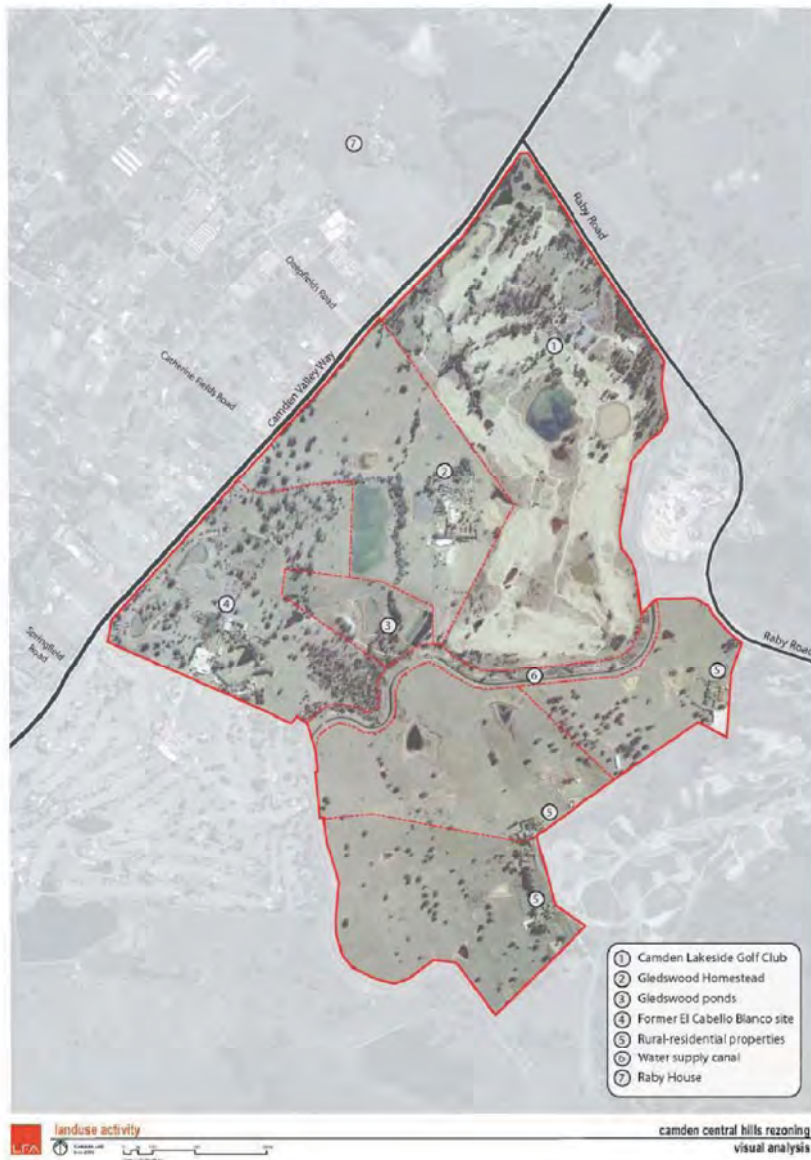
Source: LFA, 2005

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Figure 5.4 – Landscape Activity



Source: LFA, 2005



- rural and historical character via panoramic views taking in distinct grazing lands, dam, Rileys Creek and partial views of Gledswood Homestead and gardens (Viewpoint 6 & 7);
- remnant vegetation character which permits limited views into the study area (Viewpoint 8 & 10); and
- sweeping hillside character with scattered remnant and exotic planting, in addition to the facilities of the former El Caballo Blanco (Viewpoint 9).

It should be noted that glimpses of the Camden Lakeside Country Club golf course land use are afforded from viewpoints 4 and 6 in the distance, providing a complimentary backdrop to the study area.

Figure 5.5 shows the visual accessibility as detailed above.

Views from Raby Road

Views from Raby Road are limited due to the prevailing location of boundary vegetation, ground slope and built form, as follows. Viewpoint 17 affords the only relevant views into the study area, though their significance is restricted to far distant views of the Gledswood grazing lands and some of the associated tourist facilities and structures, which offer no historic or aesthetic value.

Figure 5.6 shows the visual accessibility as detailed above.

Views from Gledswood Homestead

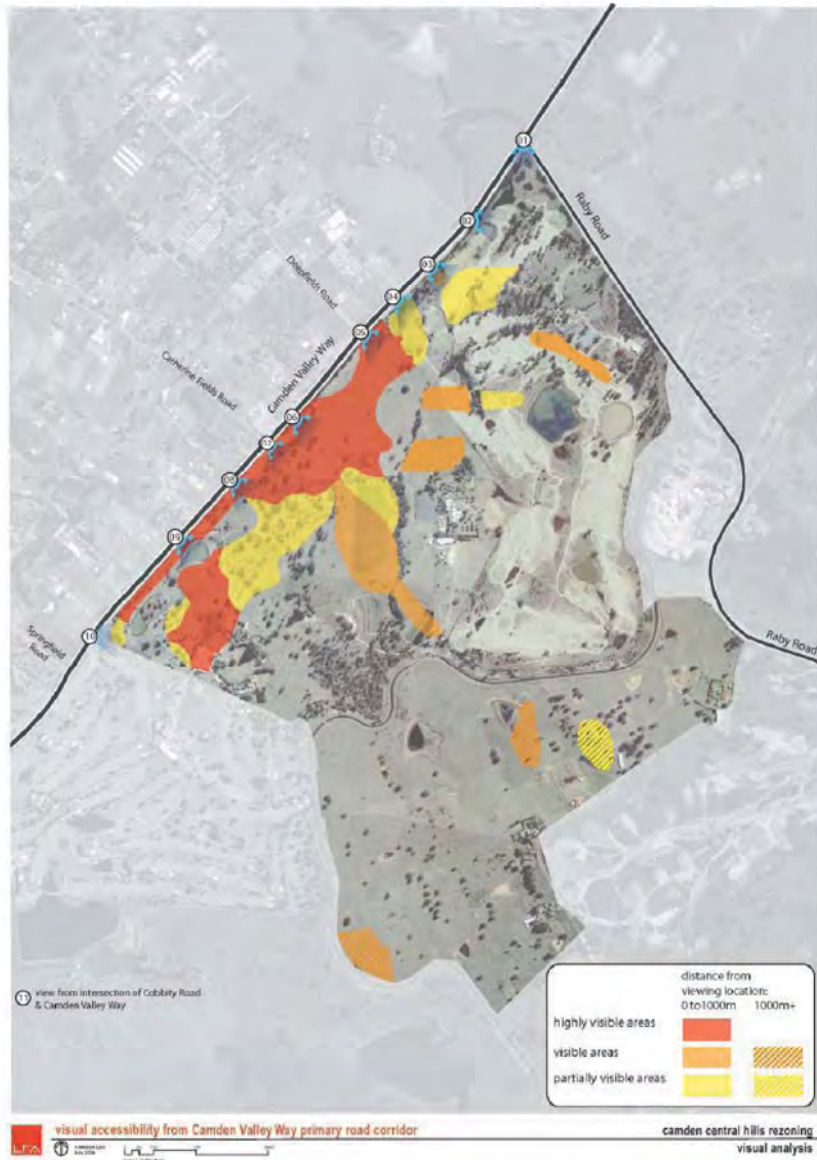
Views from Gledswood Homestead are either focused on the historic gardens (Viewpoint 18) or form part of divergent views encompassing historic pine tree plantings, mature remnant trees, rural grazing lands, riparian vegetation along Rileys Creek, drainage lines, the prominent ridgeline and the neighbouring golf course lands (Viewpoint 19 & 20). This is shown in Figure 5.7. Consideration of these views will be an important factor in determining which parts of the study area are suitable for development from a visual perspective.

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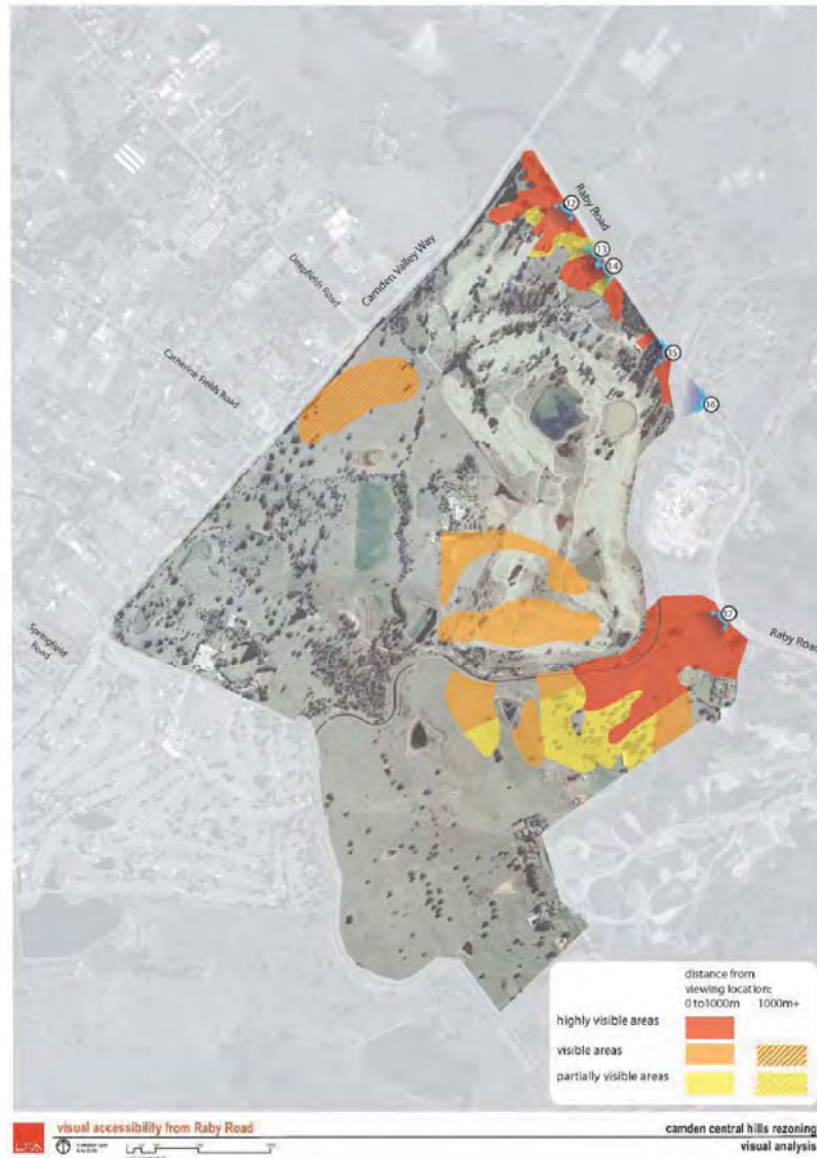
Figure 5.5 – Visual Accessibility from Camden Valley Way Primary Road Corridor



Source: LFA, 2005



Figure 5.6 – Visual Accessibility from Raby Road



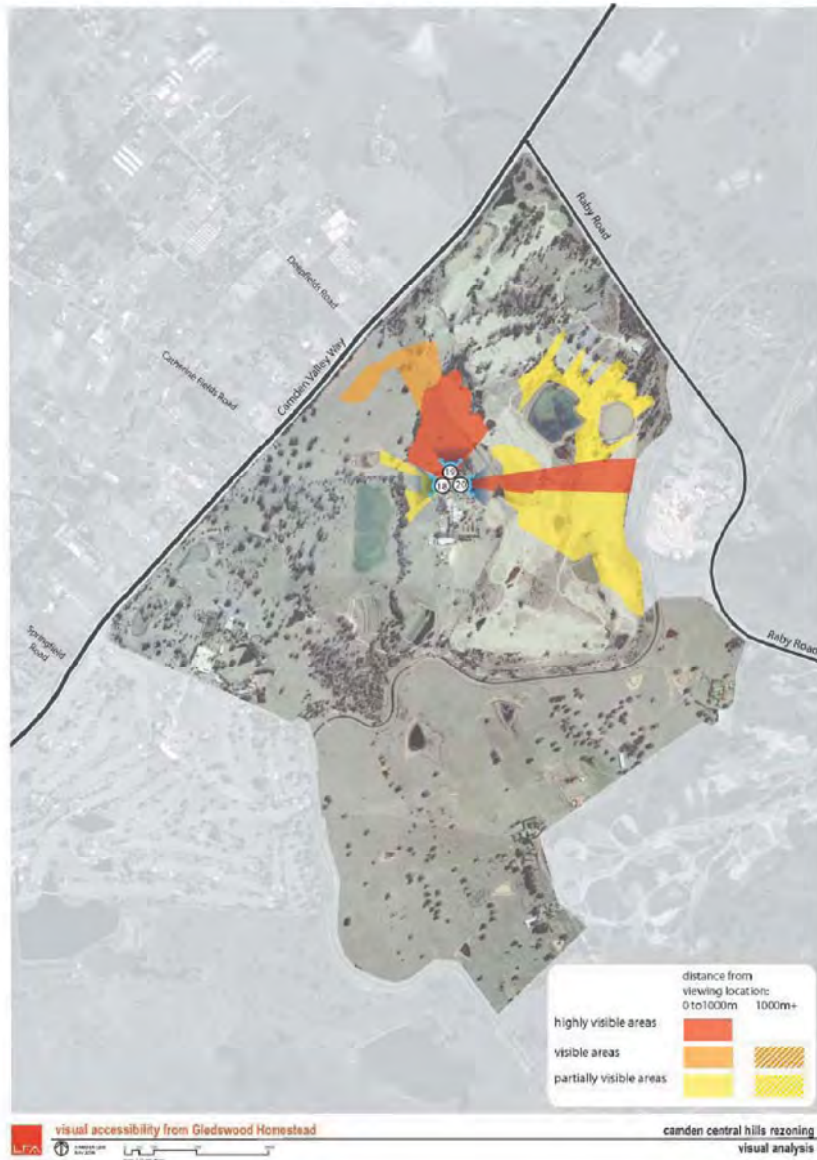
Source: LFA, 2005

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Figure 5.7 – Visual Accessibility from Gledswood Homestead



Source: LFA, 2005



5.2.3 Vegetation

A field survey of the dominant flora species within identified vegetation stratum polygons across ECBG was undertaken. Targeted searches were made to locate threatened plant species, and of these, the most likely threatened species to occur on site included:

- *Pimelea spicata*; and
- *Marsdenia viridiflora* subsp. *viridiflora*.

It should be noted that no threatened species or regionally significant species were observed during the field survey.

Eucalyptus tereticornis and *Eucalyptus molucana* were the most commonly encountered tree species across the site while *Lycium ferocissimum* and *Olea europaea* subsp. *africana* were the most frequently observed shrubs. *Themeda australis*, *Cynodon dactylon*, *Bothriochloa macra*, *Microlaena stipoides* var *stipoides* and *Aristida vagans* often occurred in the groundcover, however, weeds such as kikuyu (*Pennisetum clandestinum*), *Plantago lanceolata*, *Lotus angustissimus*, *Paspalum dilatatum* and *Lolium perenne* typically dominated the groundlayer at the site.

In addition to identifying individual species, an analysis of vegetation communities was conducted. Three communities of native vegetation were identified across the study area and their significance is discussed in more detail below. Analysis of vegetation on the study area has been previously mapped as part of the vegetation of the Cumberland Plain by the NSW National Parks and Wildlife Service (now DECC) using aerial photography taken in 1996.

The three communities identified within the study area are:

- Shale Hills Woodland
- River Flat Eucalypt Forest
- Mixed Native Grassland

Of these communities, Shale Hills Woodland (Cumberland Plain Woodland) and River-Flat Eucalypt Forest are listed under the Threatened Species Conservation Act 1995 (TSC Act) as endangered ecological communities (EEC). Cumberland Plain Woodland (CPW) is also



listed as an EEC under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

These communities are shown in Figure 5.8 and their aerial based area calculations listed in Table 5.1 below.

Table 5.1 – Vegetation Community Aerial Calculations

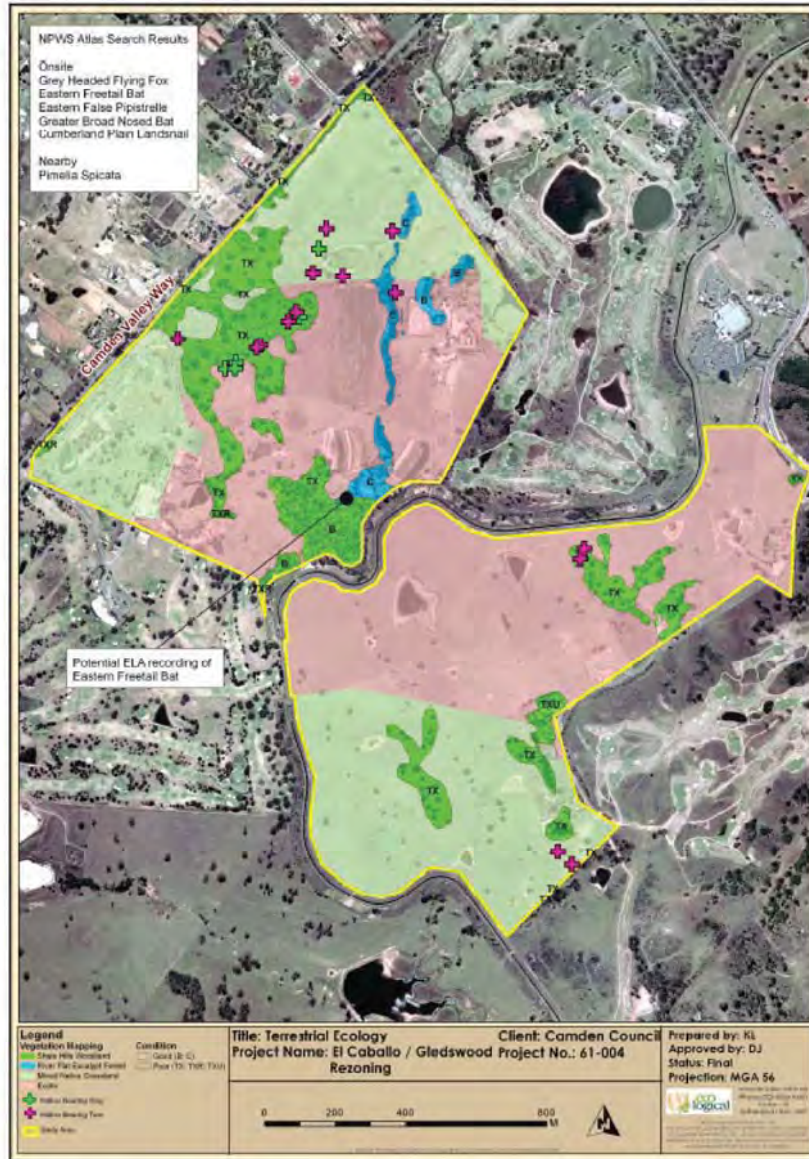
Community / Condition	NSW Status (TSC Act)	Total Native Vegetation (ha)
River Flat Eucalypt Forest	River Flat Eucalypt Forest	4.64
Shale Hills Woodland	Cumberland Plain Woodland	29.99
Grand Total		34.63

5.2.4 Ecological Constraint Mapping

Ecological Constraints Mapping (ECM) was undertaken across the study area and determined the existing vegetation on site, as shown in Figure 5.9, only achieved 46 ha of 'moderate' ecological constraint. This signifies that the vegetation mapped attains only some habitat value for a narrow range of species, but is generally dominated by edge species and has a moderate to poor recovery potential. These habitats do play an important corridor function however.



Figure 5.8 – Vegetation and Threatened Species Locations



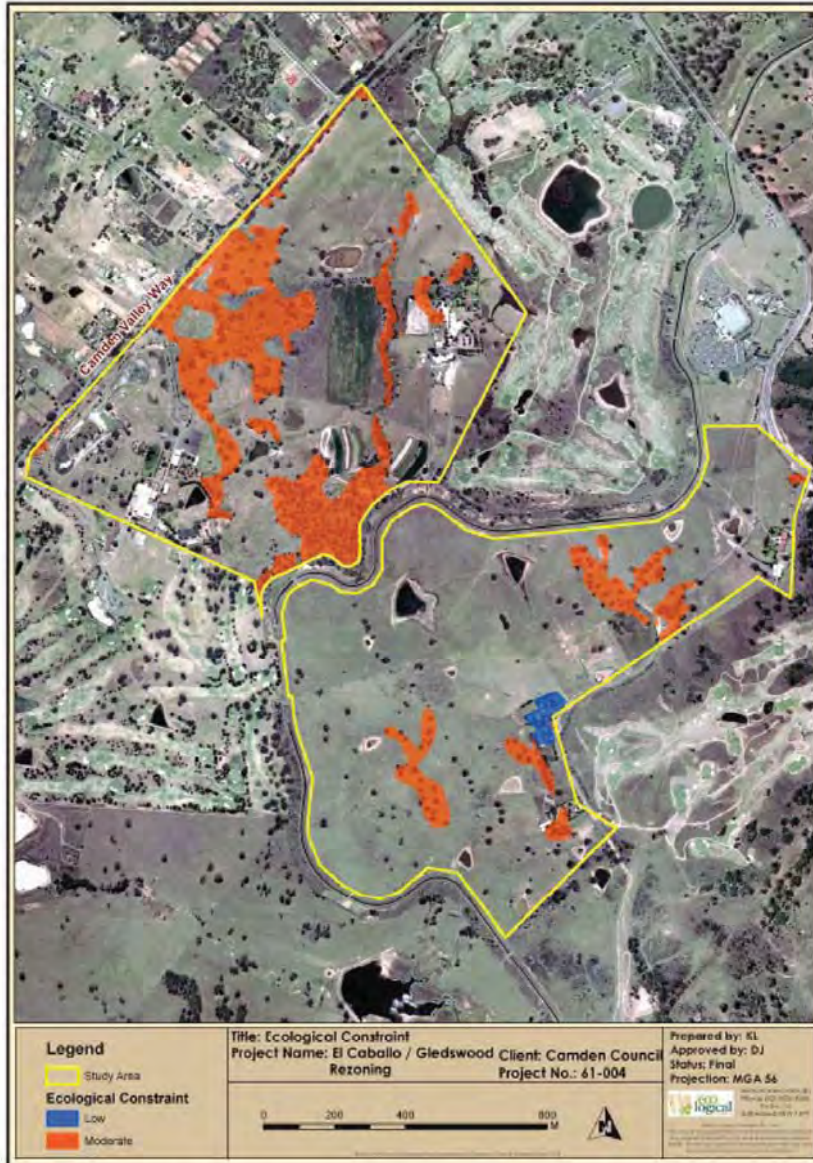
Source: Eco Logical Australia, 2008

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Figure 5.9 – Ecological Constraint



Source: Eco Logical Australia, 2008



5.2.5 Conservation Significance Assessment

A Conservation Significance Assessment (CSA) was undertaken in line with the Camden Natural Assets Policy (CNAP) methodology, with the results identifying that all vegetation is classified as either having 'No CSA Value', 'Core Local' or 'Support for Core'. CNAP outlines two options for the offsetting of loss of habitat; Protection Provision and Restoration. Both options require the application of multiplier tables, dependant on classification.

For this particular site, it is considered that the vegetation conservation significance has been overstated due to its location within the CNAP corridor, as shown in Figure 5.10.

The CNAP corridor mapping is an indicative measure of regional connectivity with the Camden LGA. Eco Logical Australia recommended that the regional linkages can be provided with appropriate land use planning and conservation initiatives on site without the retention of all existing vegetation on site in its current condition and location

5.2.6 Riparian Corridor Mapping

Field assessment of existing riparian values was undertaken for Riley's Creek and its tributaries. Consideration was given to the potential for establishing environmental corridors and additional habitat areas within the golf course to improve connectivity. In this regard the golf course can augment riparian areas to provide the required regional habitat linkage across the study area as a habitat node that achieves biodiversity linkage.

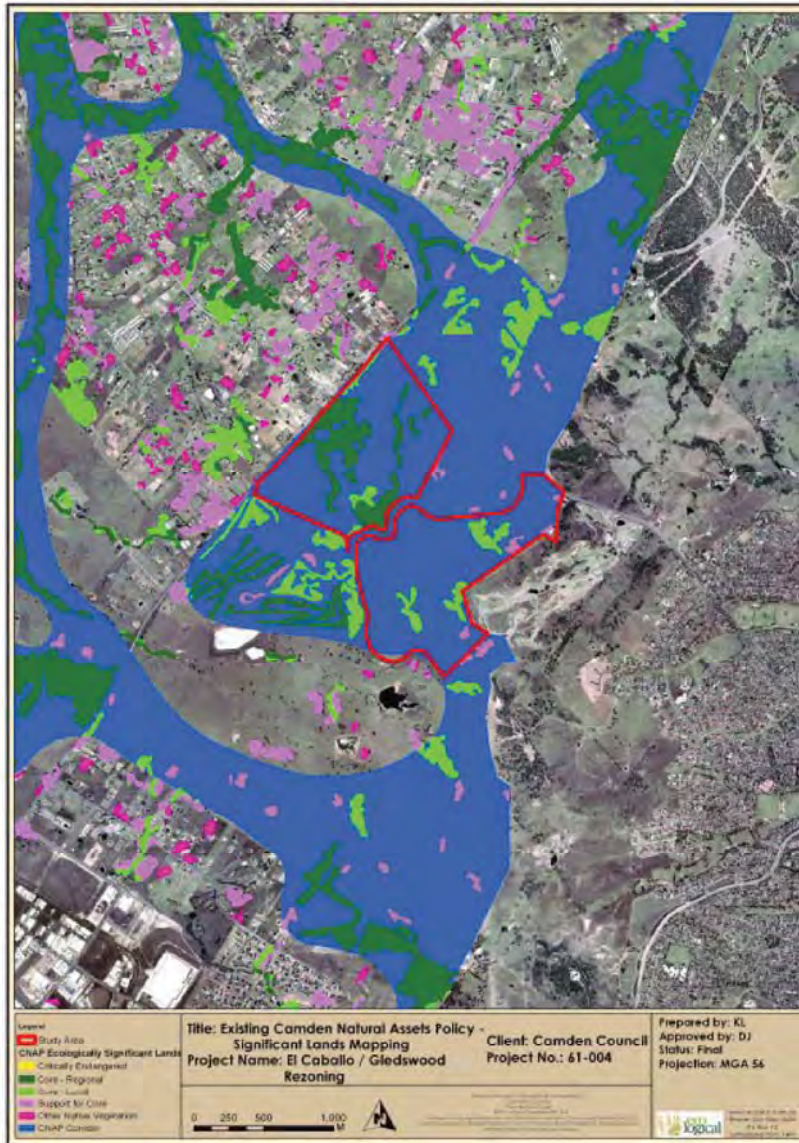
The riparian categories are shown in Figure 5.11.

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Figure 5.10 – Riparian Corridors

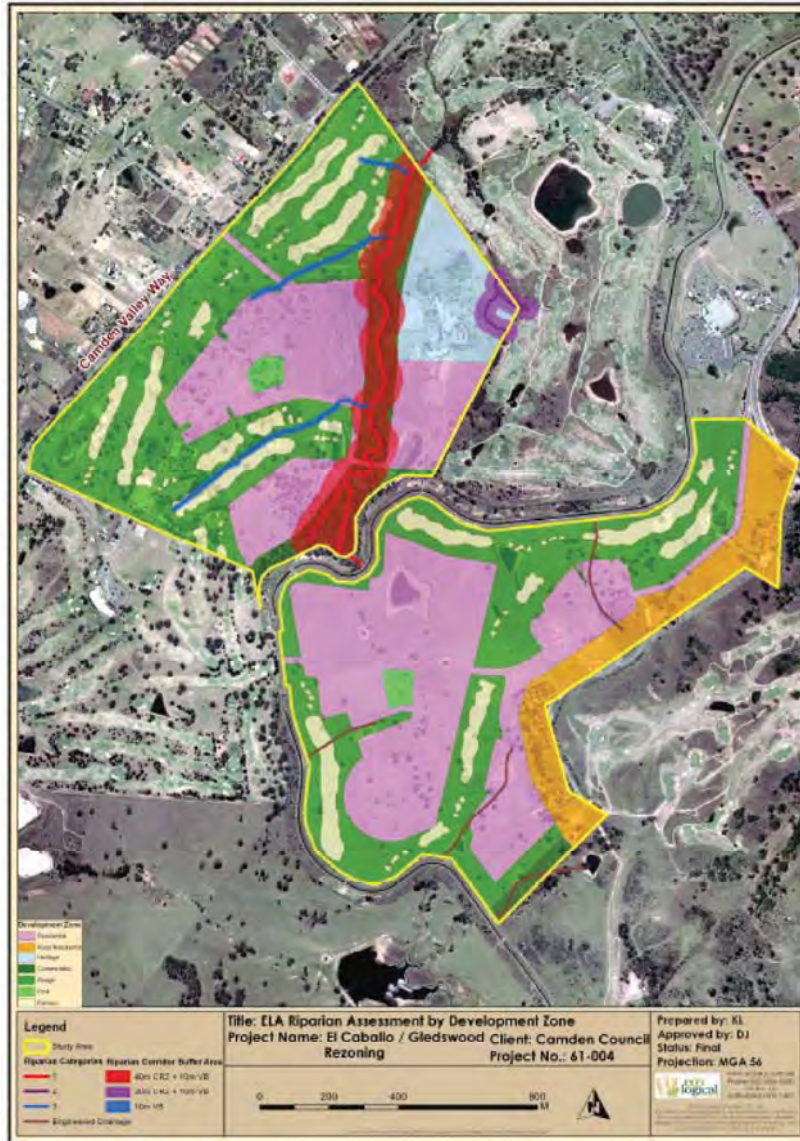


Source: Eco Logical Australia, 2008



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Figure 5.11 – Riparian Corridors



Source: Eco Logical Australia, 2008

Attachment 1



5.2.7 Fauna

A field survey identified 58 fauna species across the ECBG. Targeted searches were made to locate threatened fauna species, and of these, the most likely threatened species to occur on site included:

- *Meridolum corneovirens* (Cumberland Plain Land Snail);
- *Apus pacificus* (Fork Tailed Swift);
- *Ardea alba* (Great Egret/White Egret);
- *Ardea ibis* (Cattle Egret);
- *Hirundapus caudacutus* (White-throated Needletail);
- *Lathamus discolor* (Swift Parrot);
- *Merops ornatus* (Rainbow Bee-eater);
- *Monarcha melanopsis* (Black-faced Monarch);
- *Myiagra cyanoleuca* (Satin Flycatcher);
- *Rhipidura rufifrons* (Rufous Fantail);
- *Chalinolobus dwyeri* (Large-eared Pied Bat/Large Pied Bat);
- *Falsistrellus tasmaniensis* (Eastern False Pipistrelle);
- *Miniopterus schreibersii oceanensis* (Eastern Bentwing-bat);
- *Mormopterus norfolkensis* (Eastern Freetail-bat);
- *Myotis adversus* (Large-footed Myotis);
- *Pteropus poliocephalus* (Grey-headed Flying-fox);
- *Saccolaimus flaviventris* (Yellow-bellied Sheathtail-bat); and
- *Scoteanax rueppellii* (Greater Broad-nosed Bat).

It should be noted that only one threatened species, *Mormopterus norfolkensis* (Eastern Freetail-bat), was possibly identified during the survey via Anabat recording, but could not be confirmed. Five threatened fauna species were previously recorded within the study area, as shown on Figure 5.8.

Birds were the most common faunal group observed (37 species), followed by mammals (11 species), amphibians (6 species), reptiles (2 species) and fish (2 species).

Regionally significant fauna species, as identified in the Urban Bushland Biodiversity Survey (NSW NPWS 1997) are as follows:

- *Acanthiza chrysorrhoa* (Yellow-rumped Thornbill);
- *Alcedo azurea* (Azure Kingfisher);



- *Corcorax melanorhamphos* (White-winged Chough);
- *Coturnix ypsilophora* (Brown Quail);
- *Hieraaetus morphnoides* (Little Eagle); and
- *Lalage tricolor* (White-winged triller).

It should be noted that no regionally significant fauna species were observed during the field survey.

5.2.8 Aquatic Assessment

Aquatic habitat within the study area consists of a network of ephemeral streams along with constructed permanent and ephemeral dams, usually situated along these streams. The main creek within the study area is Rileys Creek which bisects the study area.

Streams within the study area ranged in condition from 'moderate/poor' to 'moderate/good'. Differences in vegetation adjacent to streams can be attributed to extensive clearing in the past and prevention of reestablishment of vegetation due to widespread grazing.

Barriers to fish movement were identified within streams and these are likely to hinder localised movements of fish species within the site as well as natural flow regimes. A number of larger more significant barriers are likely to occur downstream from the site.

The condition and location of the mapped streams are shown in Figure 5.11.

Six species of frog were identified during the frog chorus survey, though no threatened species were identified. Suitable potential habitat for the Green and Golden Bell Frog exists within the study area, but the Ecologist has determined that the frog is highly unlikely to occur at the site.

Species of threatened fish are unlikely to occur within the site due to changes in hydrology and the placement of barriers making it difficult for these species to migrate to streams within the site. Two species of fish, *Gambusia holbrooki* (Plague Minnow) and the common carp (*Cyprinus carpio*), were observed in dams within the site, though both of these fish species are considered feral pests.

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Attachment 1



Figure 5.11 – Aquatic Habitat Condition



Source: Eco Logical Australia, 2008



5.3 Bushfire Planning

An assessment of the bushfire hazard affecting the concept master plan sought to identify both the potential current and future bushfire hazards may be present.

Existing and future vegetation has been assessed as falling into the bushfire vegetation groups of Grassy Woodlands (Woodlands) and Forested Wetlands, as shown in Figure 5.12. Other areas of vegetation within the golf course and parkland were not identified as providing a bushfire hazard.

The study area generally slopes to the north and towards Rileys Creek and was observed to generally be less than 5°. Slopes of between 5-10° were observed within creek corridors in the west and south and steeper areas of 10-15° were observed to the north-east of the Piscineri property.

Consideration of the Planning for Bushfire Protection guidelines (PBP) (RFS 2006) has identified two categories of Asset Protection Zone (APZ) requirements, with respect to the concept master plan, namely Residential and Special Fire Protection Purpose APZs. These are shown in Table 5.3 below and mapped in Figure 5.12.

Table 5.2 – Minimum Required Asset Protection Zones

Vegetation Group	Slope (degrees)	Type	Residential APZ Required (m)	SFPP APZ Required (m)
Woodland	0-5	Downslope	15	50
	>5-10	Downslope	20	60
	>10-15	Downslope	25	70
Forested Wetland	0-5	Downslope	20	60

Review of the Bush Fire Prone Lands Mapping for Camden LGA will be required so that those areas identified for re-vegetation (i.e. future bushfire prone vegetation) are included.

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Attachment 1



Figure 5.12 – Asset Protection Zones



Source: Eco Logical Australia, 2008



It should be noted that this analysis was focused on measuring the hazard which occurs as a result of the interface between cleared areas and vegetated areas, and was undertaken prior to detailed discussion of the draft development footprint. Further analysis in relation to the proposed development footprint, including the development of appropriate asset protection zones, is provided in Chapter 7 of this LES.

5.4 Non-Indigenous Heritage

A survey and physical analysis of the non-indigenous heritage for ECBG was undertaken by Clive Lucas, Stapleton and Partners to examine the context of the study area. The existing landscape is a very good example of the picturesque, one of the chief landscape theories followed in the nineteenth century. Although many features have succumbed to the passage of time, the essential character has survived.

The place currently and historically known as Gledswood Estate originally extended far beyond its current boundaries. Detailed investigation of the buildings and gardens however were not carried out. The purpose of the survey was to understand the physical fabric of the place. The survey covered all of the study area, but was more detailed on the parts that were in the visual catchment of the Gledswood homestead and near public roads.

A statement of significance for the study area reads as follows:

'Owned for over 120 years by the Chisholm family, the former Gledswood Estate is of outstanding historical and aesthetic significance as a 19th century rural villa estate with intact house, outbuildings, garden, specimen plantings, carriage drive and estate roads, paddocks and dams, one of a group of such estates (of varying degrees of intactness) which are important to the agricultural and sociopolitical history of New South Wales and the Camden district. Presently comprised of a number of land parcels with rural land uses (subdivided from 1959), the former estate can still be seen and understood as a whole, the house complex sitting in a vale of pasture and golf fairways.'

Notwithstanding the major changes to its use and ownership, the Gledswood Estate largely survives as it was in Chisolm's time. The following ideals are derived from the main issues raised in the Statement of Significance:

- Conserve the rural visual character of the former Gledswood Estate; and
- Ensure the viability of the continuing use of the Gledswood house and grounds.

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Also of significance within the study area is the Upper Canal, which forms part of the Upper Nepean Water Supply System and is owned by the Sydney Catchment Authority. The Upper Canal traverses the site and is a heritage item listed on the State Heritage Register. A Conservation Management Plan (CMP) for the Upper Canal has been endorsed by the Heritage Council of NSW. The CMP contains recommendations and policies for the treatment of the Upper Canal and also addresses heritage impacts.

The continuation of the Upper Canal's historic use as an open water supply is essential to the retention of its heritage significance.

Godden Mackay Logan have been commissioned by Paynter Dixon Golf to prepare a Conservation Management Plan (CMP) for Gledswood. Future development within the site should be guided by this CMP. The document should also form an integral component of any rezoning and/or Development Application made to the NSW Heritage Council or Camden Council and of any future Heritage Agreement negotiated with the Heritage Office.

The CMP has been prepared having regard to the methodology outlined in the NSW Heritage Manual guidelines for the preparation of Conservation Management Plans. It also follows the approach set out in The Conservation Plan, by James Semple Kerr (National Trust of Australia (NSVV), fifth edition, 2000), and the guidelines of The Burra Charter. The Australia ICOMOS Charter for Places of Cultural Significance 1999 (the Burra Charter).

It has also been prepared in accordance with the guidelines outlined in the publication Heritage Curtilages, published by the Heritage Office and Department of Urban Affairs and Planning, 1996.

5.5 Aboriginal Heritage

An Aboriginal heritage assessment was conducted by Australian Museum Business Services to provide input into the planning process for the future development of ECBG. Consultation with Tharawal Local Aboriginal Land Council (TLALC) and Cubbitch Barta Native Title Claimants Aboriginal Corporation (CBNTCAC) was undertaken with respect to identifying, managing and protecting Aboriginal heritage of cultural significance. This consultation was undertaken in accordance with DECC guidelines to produce an Aboriginal Heritage Conservation Strategy.

Attachment 1



It should be noted that no cultural significance has been identified by the registered Aboriginal stakeholders for the study to date.

The level of disturbance and landform modification varies, however the majority of ECBG has been subject to moderate levels of disturbance and minimal landform modification. Large areas have been cleared of vegetation and the primary use of the area has been agricultural, in particular grazing for cattle and sheep. Areas around small and large dams are also generally heavily disturbed.

Predictive modelling utilised in fieldwork identified that archaeological potential to occur:

- within 50 metres of 1st and 2nd order streams;
- along ridge-lines and spurs with flat or gently sloping crests;
- in areas of gently undulating slopes despite distance to water, targeting areas retaining intact vegetation; and
- in areas with moderate to high disturbance.

The results of the survey identified seven sites and four Potential Archaeological Deposits (PADs) within the study area, concurrent with the predictive modelling detailed above. This suggests that the archaeological resource of ECBG is typical of the Cumberland Plain Aboriginal archaeology demonstrated by previous archaeological studies reviewed as part of this assessment. Although surface visibility throughout much of the study area was low due to grass coverage and the presence of a number of built structures, the effective surface coverage achieved by the survey was sufficient to assess the archaeological significance of the site.

Figure 5.13 indicates the locations of Aboriginal sites and PADs.

5.6 Transport Context

A Transport Management and Accessibility Plan (TMAP) has been investigated and prepared by Maunsell AECOM. The study has been undertaken with reference to the Interim Guidelines for Transport Management to identify a package of transport measures for ECBG that aim to manage travel demand and reduce travel by private vehicles, appropriate to a small scale development proposal such as ECBG.

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The strategic transport context (STC) is governed by both state and local planning. The primary impacts of the STC on the site can be seen as:

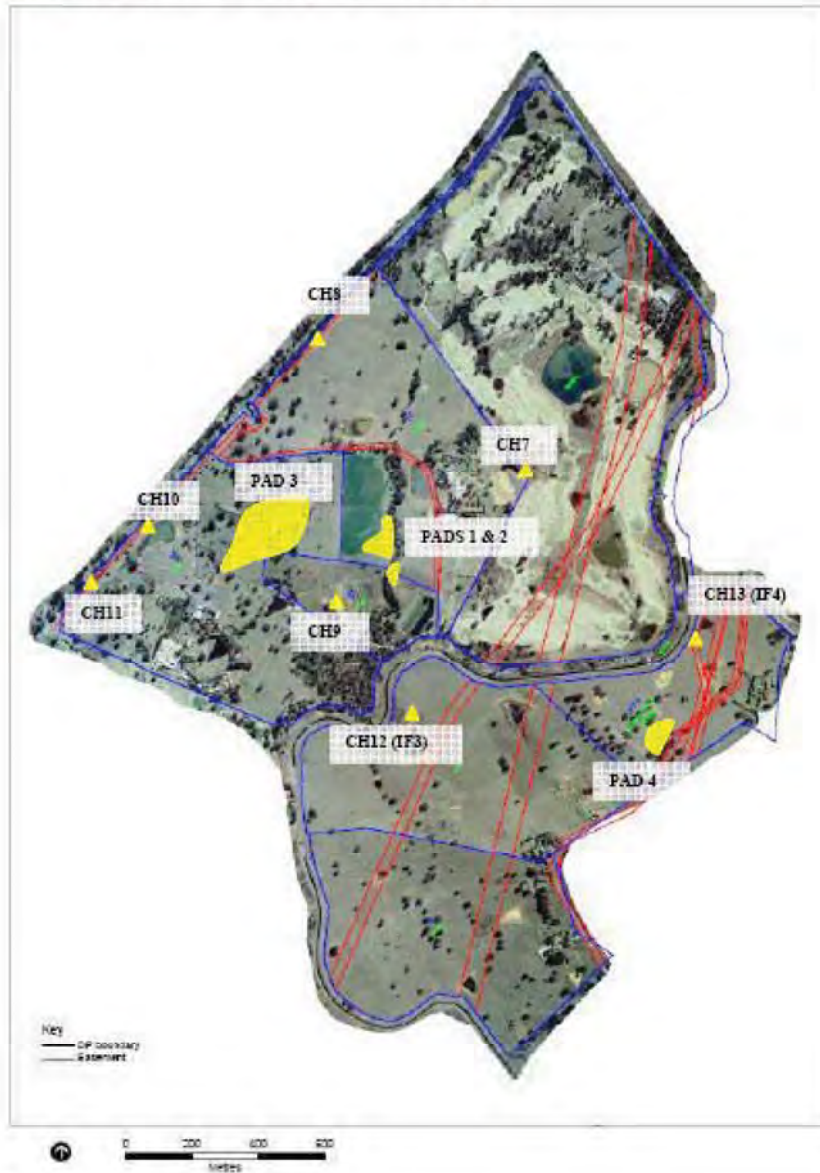
- The emerging Route Development Strategy for Camden Valley Way, and its impacts on the road network and pedestrian/cycle network;
- The strategic east-west routes, comprising either, or both of Deepfields Road/Raby Road, and/or Cobbitty Road/Badgally Road;
- The ongoing development of the South West Growth Centre (particularly the scale and timing of development);
- The proposed upgrading of Campbelltown and Macarthur rail stations; and
- The South West Rail Link to Glenfield and future extension to Leppington.

The core aims of the STC are to support population growth whilst providing integrated transport choice to reduce environmental impacts.

Attachment 1



Figure 5.13 – Location of Aboriginal Sites and PADs



Source: AMBS, 2008

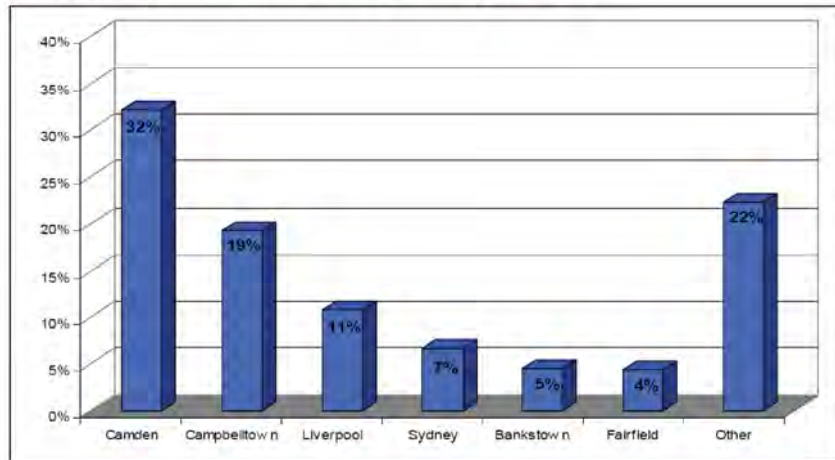


5.6.1 *Travel Behaviour*

A high proportion of Journey to Work (JTW) for existing Camden residents are to employment destinations within the Camden LGA itself or to the neighbouring LGAs of Liverpool and Campbelltown. These three LGAs equate for over 60% of the employment destinations for Camden residents, as shown in Figure 5.14. When this data is re-based to account for non-travel, this equates to an 86% car and 15% public transport mode split.

This indicates that while there is a reasonable reliance on long distance commuting to other parts of Sydney, the majority of Camden residents work in the south-west.

Figure 5.14 – Workplace Destinations of Camden Residents



Source: Maunsell AECOM, 2008

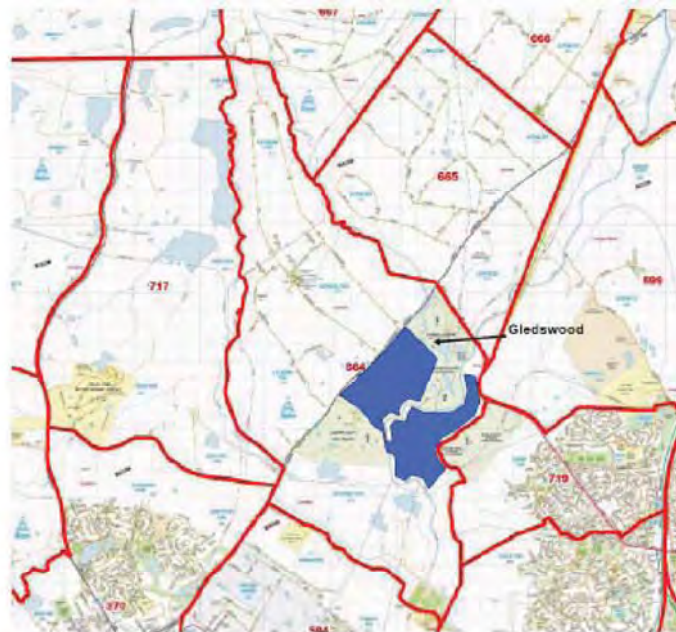
ECBG is located within Travel Zone 664, as indicated in Figure 5.15. Analysis of JTW for Travel Zone 664 noted similar trends when re-based to account for non-travel, with car use remaining the dominant transport mode at 76% for resident employees working in either Camden, Liverpool or Campbelltown. Car ownership and subsequent high car usage is reflective of the differences in accessibility to employment and alternative transport with 1.6 vehicles per household.



Statistics on public transport ridership and travel are not widely available in the area, partly as a result of the competitive nature of the local privately operated service providers. However, it is noted that the majority of bus services have spare capacity at most times due to circuitous road networks making it difficult to provide fast and efficient service, as is the case for most outer suburbs of Sydney.

There are no rail services within the Camden LGA

Figure 5.15 – Travel Zone 664, Catherine Field, Camden



Source: Maunsell AECOM, 2007

5.6.2 Transport Infrastructure and Services

Pedestrian and cyclist infrastructure is currently being implemented via Council's Pedestrian Access and Mobility Plan and Camden Bike Plan. Existing facilities within the area immediately surrounding the ECBG are very limited, reflecting the rural character of many of these roads (Raby Road) or their limited access arterial role (Camden Valley Way).

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Attachment 1



Improved facilities for pedestrians, commensurate with those provided inside the ECBG development, will be required to achieve reasonable levels of pedestrian activity.

As previously highlighted, bus patronage is particularly low, notwithstanding the reasonable levels of route coverage. Improvements to bus operations are expected given the local importance of Camden Valley Way and Raby Road as strategic corridors, though the implementation of these improvements has not been specifically identified.

Access to train services for residents of Camden is primarily provided at Campbelltown, Macarthur Stations. Trains operating on the Cumberland, Main South and East Hills Line service Campbelltown, with some East Hills Line services extending to Macarthur. Capacity at Macarthur is restricted by the lack of turnback capacity, although this is expected to be rectified over the next five to ten years. The train services provided from these stations play a small, but important role for Camden residents, particularly those making longer distance commutes to areas such as the Sydney CBD.

The main components of the road network in the vicinity of ECBG are:

- Narellan Road, an RTA road approximately 3km southwards from the southern boundary of the site. This road carried approximately 50,000 vehicles per day in 2005;
- Camden Valley Way, forming the northwestern boundary of the site and linking Edmondson Park/Liverpool to the Camden area. Camden Valley Way is classed as a regional road through to Camden and increased from around 15,000 vehicles per day in 1996 to over 20,000 in 2005;
- Raby Road, forming the northeastern boundary of the site, is a regional road connecting Camden Valley Way to Campbelltown Road. The intersection of Raby Road and Camden valley Way has recently been upgraded to improve congestion and safety issues. This road carried 10,700 AADT in east of Camden Valley Way and 21,100 AADT in west of Campbelltown Road in 2002.
- Hume Highway/ F5/ M5 – the major highway linking the south-west with the rest of Sydney to the north and the Southern Highlands to the south.
- Dwyer Road is a local road which primarily serves as an access road to rural properties and therefore traffic flows are minor. The Dwyer Road intersection with Camden Valley Way operates as a priority junction.



- Deepfields Road is a local road and provides a link north to Bringelly Road. The intersection with Camden Valley Way operates as a priority junction recording 26 crashes in the five year period to 2004.
- Catherine Fields Road is a local road and provides access to Catherine Field and Bringelly Road to the north. The intersection with Camden Valley Way operates as a priority junction with 20 recorded crashes in the five year period from 1999 to 2004.
- Springfield Road is a local road and connects to Catherine Fields Road. The intersection with Camden Valley Way operates as a priority junction.
- Cobbitty Road is a local road and provides a link with the outer west Camden areas of Werombi, Orangeville and Theresa Park. The intersection with Camden Valley Way operates as a priority junction and currently suffers from a lack of capacity during peak periods.
- Badgally Road is a private access road serving St Gregorys Equestrian Centre and College. Traffic volumes using Badgally Road from Camden Valley Way are minor.
- The intersection of Anderson Road and Camden Valley Way has recently been upgraded to a fourway signalised intersection to provide access into Harrington Park. The upgrade included the addition of a bicycle lane on the northbound carriageway of Camden Valley Way. Anderson Road will act as the main access from Camden Valley Way into the developing Smeaton Grange employment area.

The existing road network is shown in Figure 5.16. Note that the intersection of Camden Valley Way and Raby Road is now under signal control.



Figure 5.16 – Road Network



Source: Maunsell AECOM, 2008

Traffic analysis of the nine key intersections and two minor intersections, indicated in Figure 5.16, established that the morning peak was between 7.30am and 8.30am, while the evening peak was from 4.45pm to 5.45pm. This analysis indicated that Camden Valley Way accommodates traffic flows consistent with its arterial road function, though minor approach roads experience of poor level of service during peak hours due to the traffic volumes at these times. This is due mainly to turning movements in and out of minor roads as a result of inadequate acceleration and deceleration lanes, opposing high traffic flow.

With respect to Raby Road, accesses to the two intersections are subject to delays for exiting movements. The roundabouts though operate at an acceptable level of service.



The levels of service at these intersections are summarised in Tables 5.4 and 5.5, for the morning and evening peak periods respectively, noting that all analysis was undertaken prior to the signalised upgrade of Camden Valley Way and Raby Road, which would have improved the existing operation of this intersection to an acceptable level.

It should be noted that the analysis does not imply that all intersections and roads in the Camden area are performing effectively. Furthermore, as development increases in the surrounding area, the performance of these intersections can be expected to decline, unless upgrades occur. In particular, the turning movements in and out of the minor roads impact the level of service on Camden Valley Way.

Table 5.4 – Existing Intersection Performance, Morning Peak Hour

Intersection Location	Degree of Saturation	Level of Service (LOS) AM Peak			Ave Delay (Sec / Vehicle)
	Whole Intersection	Minor Approach	Major Approach	Whole Intersection	Whole Intersection
1. Camden Valley Way / Dwyer Road	1.0	F (Dwyer)	A (nb) A (sb)	n/a	6.5
2. Camden Valley Way / Raby Road	0.9	C (Raby)	B (nb) B (sb)	B	14.4
3. Camden Valley Way / Deepfields Road	1.0	F (Deepfields)	A (nb) D (sb)	n/a	31.1
4. Camden Valley Way / Catherine Fields Road	1.0	F (Catherine) F (ECB Access)	A (nb) C (sb)	n/a	29.7
5. Camden Valley Way / Springfield Road	1.0	F (Springfield)	A (nb) F (sb)	n/a	>120
6. Camden Valley Way / Cobbitty Road	>1.2	F (Cobbitty)	A (nb) A (sb)	n/a	68.0
7. Camden Valley Way / Anderson Road / Harrington Park Access	0.9	B (Harrington Park) D (Anderson)	C (nb) D (sb)	C	32.2
8. Raby Road / Epping Forest Drive / Thunderbolt Drive	0.3	B (Thunderbolt) A (Epping)	A (wb) A (eb)	A	8.7
9. Raby Road / Eagle Vale Drive	0.9	B (Eagle Vale)	A (nb) B (sb)	B	12.2
10. Raby Road / Camden Lakeside Golf Club	0.4	F (Lakeside)	A (wb) C (eb)	n/a	8.9
11. Raby Road / Site Access	0.4	C (Site Access)	A (wb) A (eb)	n/a	0.1

Source: Maunsell AECOM, 2008



Table 5.5 – Existing Intersection Performance, Evening Peak Hour

Intersection Location	Degree of Saturation	Level of Service (LOS) PM Peak			Ave Delay (Sec / Vehicle)
	Whole Intersection	Minor Approach	Major Approach	Whole Intersection	Whole Intersection
1. Camden Valley Way / Dwyer Road	1.0	F (Dwyer)	A (nb) A (sb)	n/a	8.9
2. Camden Valley Way / Raby Road	1.0	C (Raby)	B (nb) C (sb)	B	18.8
3. Camden Valley Way / Deepfields Road	>1.2	F (Deepfields)	A (nb) C (sb)	n/a	63.1
4. Camden Valley Way / Catherine Fields Road	1.0	F (Catherine) F (ECB Access)	A (nb) B (sb)	n/a	36.8
5. Camden Valley Way / Springfield Road	1.0	F (Springfield)	A (nb) F (sb)	n/a	99.6
6. Camden Valley Way / Cobbitty Road	1.0	F (Cobbitty)	A (nb) A (sb)	n/a	20.6
7. Camden Valley Way / Anderson Road / Harrington Park Access	0.8	C (Harrington Park) E (Anderson)	A (nb) C (sb)	C	30.8
8. Raby Road / Epping Forest Drive / Thunderbolt Drive	0.3	A (Thunderbolt) A (Epping Dr)	A (wb) A (eb)	A	9.0
9. Raby Road / Eagle Vale Drive	1.0	E (Eagle Vale)	A (nb) B (sb)	C	24.2
10 Raby Road / Camden Lakeside Golf Club	0.5	F (Lakeside)	A (wb) A (eb)	n/a	4.4
11 Raby Road / Site Access	0.5	E (Site Access)	A (wb) A (eb)	n/a	0.3

Source: Maunsell AECOM, 2008

5.7 Air Quality

Potential impacts on air quality was assessed as part of the TMAP, reflecting the fact that the main cause of air pollution in south-west Sydney is motor vehicle use.

Regional air quality is monitored by the DECC, drawing on initial work undertaken for the Metropolitan Air Quality Study (1998). While the sources of air pollution are diverse, a number of characteristics of the Camden area make it a candidate for moderate levels of air pollution, including high levels of car use, topography and population growth. The meteorological conditions and topography, both at a local and regional level, also means the area tends to function as a 'sink' for airborne pollution.



Notwithstanding this, the most recent data indicates that Camden experienced high levels of air pollution on only 6 days in 2005-2006, despite a 4.8% increase in the number of vehicles in Camden from the previous reporting period. On 81% of days, low levels of pollution were recorded. Low levels are broadly consistent throughout the year, with incidences of high pollution generally attributed to the frequency of bushfires and extreme drought conditions.

Table 5.6 shows the entire 2005-2006 pollution levels.

Table 5.6 - Camden Air Quality

Pollution Level Description	Number of Days	Regional Pollution Index
High	6	1 %
Medium	87	18 %
Low	271	81 %

Source: Maunsell AECOM, 2008

5.8 Noise Issues

An Acoustic Planning Report was undertaken by Atkins Acoustics, which identified the following sources of noise which may impact the amenity of future residents:

- road traffic noise, both internal and external;
- on-site infrastructure locations and services; and
- activities associated with the Gledswood Homestead facility.

Amenity noise goals have been established by the NSW Government's Environmental Criteria for Road Traffic Noise (ECRTN) which determine acceptable noise levels, as shown in Table 5.7, as well as assessment procedure from Camden Council's DCP 2006, the DECC Industrial Noise Policy and the Liquor Administration Board goals for licensed premises..



Table 5.7 – Amenity Noise Goals

Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended L_{Aeq} Noise Level, dB(A)	
			Acceptable	Recommended Maximum
Residence	Rural	Day	50	55
		Evening	45	50
		Night	40	45
	Suburban	Day	55	60
		Evening	45	50
		Night	40	45

Source: Atkins Acoustics, 2007

5.8.1 Road Traffic Noise

Major roads surrounding the study area include Camden Valley Way, which runs parallel to the western boundary, and Raby Road, which is adjacent the most north-eastern boundary. It should be noted that the internal road networks have the potential to also create noise impacts to future residents.

The impact of external traffic noise on future development was based on the ECRTN and the proposed traffic volumes for 2016, produced as part of the TMAP. The noise assessment determined that the difference between daytime $L_{Aeq,15hr}$ and nighttime $L_{Aeq,9hr}$ traffic noise is approximately 10dB(A), based on peak hour traffic volumes. As the daytime traffic noise is higher than the nighttime traffic noise, daytime traffic noise has been adopted for assessment purposes.

Figures 5.17 and 5.18 summarise the predicted 2016 daytime and nighttime traffic noise contours, noting that the potential for secondary noise control measures or shielding residential buildings were not considered in the modelling. As such, the residential development would need to be setback the following distances from the respective roads if no buffers were implemented:

- 320 - 450 metres for Camden Valley Way; and
- 200 - 220 metres for Raby Road.



Figure 5.17 - Predicted 2016 Daytime $L_{Aeq,15hr}$ Road Traffic Noise Contours



Source: Atkins Acoustics, 2008

5.8.2 On Site Infrastructure Services

On site infrastructure services such as air conditioning, watering systems, etc can create noise intrusion. The intrusiveness of a noise source is considered to be acceptable if the $L_{Aeq, 15 \text{ minute}}$ does not exceed the Rated Background Level by more than 5db(A). The recommended acceptable levels for suburban residential areas is L_{Aeq} 55db(A) daytime, L_{Aeq} 45db(A) evening and L_{Aeq} 40db(A) night-time.

At the time of preparing the report, the exact location of such facilities was not known, and further site specific audits will be required as part of the detailed design phase.



Figure 5.18 - Predicted 2016 Nighttime $L_{Aeq,9hr}$ Road Traffic Noise Contours



Source: Atkins Acoustics, 2008

5.8.3 Licensed Premises

Further detailed investigation, at subdivision stage, will be required to fully understand the impacts of Gledswood Homestead and the neighbouring Entertainment Centre, within Turner Road, on future residences. If required, noise could be mitigated through built noise controls, control of internal noise and on site management.

5.9 Odour Issues

A level 1 odour impact assessment was conducted to determine the potential for odour impacts. Four poultry farms within 1.5 kilometres of ECBG to the west underwent screening calculations, which determined a level 3 odour impact assessment was required.



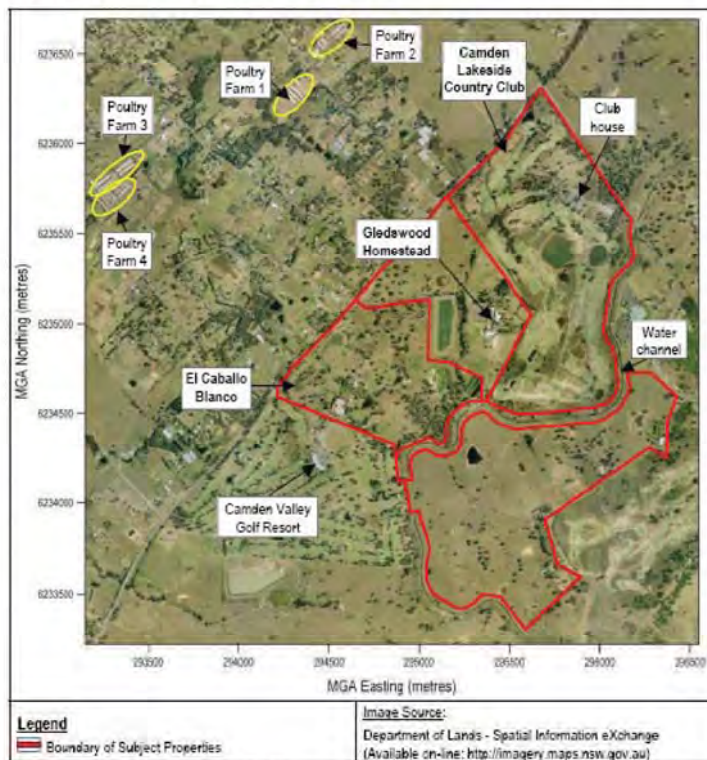
Table 5.8 details poultry farms that were the focus of the assessment and Figure 5.19 indicates their location with respect to ECBG.

Figure 5.8 - Poultry Farm Summary Details

Farm	Address	Number of sheds*	Total number of birds
1	99-105 Deepfields Road	3	61,100
2	108 Deepfields Road	3	53,100
3	148-154 Springfield Road	4	84,000
4	136-146 Springfield Road	7	109,900

Source: Benbow Environmental, 2007

Figure 5.19 - Odour Assessment Context



Source: Benbow Environmental, 2007



5.9.1 *Odour Assessment*

Separation distances were calculated in accordance with Section 5 of the Technical Notes accompanying the DECC Technical Framework. In this respect, the separation distances were increased by 20% where overlap occurred only. Individual and combined odour DECC's recommended model for simulating dispersion in areas with complex terrain.

The terrain gradually declines between the subject properties and the odour sources, which is favourable in minimising odour. When this is combined with the low to moderate seasonal winds, most commonly originating from the south and south-west throughout the year, and the atmospheric stability, it was concluded that the katabatic flow does not magnify odour impacts during poor dispersion conditions.

Odour emission rates (OER) were calculated based on odour sampling during week 6 of a batch in a naturally ventilated poultry house in the early morning and the early evening, thus determining the average OER includes peak odours. Odour from poultry sheds varies over both the course of a day and over the duration of the batch cycle. Odour tends to be at its strongest in the morning when the side curtains of sheds are raised, allowing odour that has built-up overnight to escape. Odour also increases as the birds grow.

It should be noted that it was assumed that all four farms operate in a synchronous fashion, so as to ensure that maximum odour impacts were predicted.

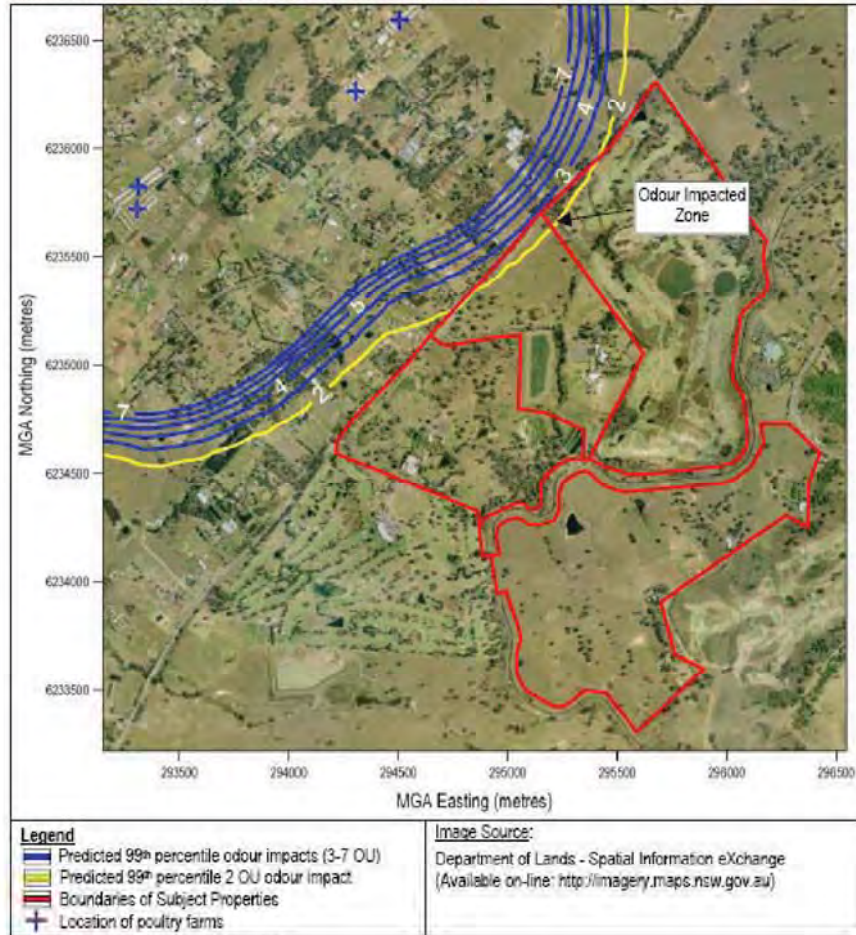
5.9.2 *Modelled results*

Modelling the combined odour impacts from all four farms indicated that a thin stretch of land along the western perimeters of ECBG is impacted upon. The 2 OU contour reaches 80 metres into the subject land, with the 3 OU contour just entering the perimeter, as shown in Figure 5.20.

With ECBG retaining a none residential purpose, via golf course development, the odour impact on the study area were recorded as being irrelevant.



Figure 5.20 - Predicted Cumulative Odour Impacts



Source: Benbow Environmental, 2007

5.10 Water Quality and Drainage

Cardno Forbes Rigby completed a Water Cycle and Civil Infrastructure Assessment of the study site, outlining Water Sensitive Design Measures (WSUD) measures and appraising servicing options for the proposed rezoning.



ECBG is drained by small ephemeral tributary creek systems with limited base flows, due mainly to varying degrees of historical physical modification with respect to grazing. The site is drained by two catchments, namely Rileys Creek for the northern portion and South Creek for the southern portion. In the upper parts of each catchment, runoff is conveyed to drainage structures passing both under and over the Upper Canal. Farm dams have been constructed on various small gullies within the study area and it is probable that low flow discharges to the mainstreams are significantly affected by these structures as the majority of stormwater runoff is harvested.

Figure 5.21 notes the catchment extent across ECBG.

The average annual rainfall is 854 mm, though base flow within creek systems is negligible and they are often dry, only flowing during and immediately after rainfall as a result of sheet flow off the grassed paddocks. Most of the small tributary watercourses to Rileys Creek have stable beds and banks with limited bank line vegetation. The majority of rainfall that occurs across ECBG is in events which are less than 5-10 mm, with the average potential evaporation in any given month being more than double the rainfall. These factors combine to create a low flow regime characterised by small amounts of runoff in periods of light rainfall and negligible baseflow.

Creek morphology is generally not well defined except in the lower reaches, as the streams are ephemeral and the catchments limited in size. The sites are under considerably high hydrological and environmental stresses due to the catchment's limited size, water extraction activities, restricted permanent base flows, a general lack of riparian vegetation and some degrees of past landform modification.

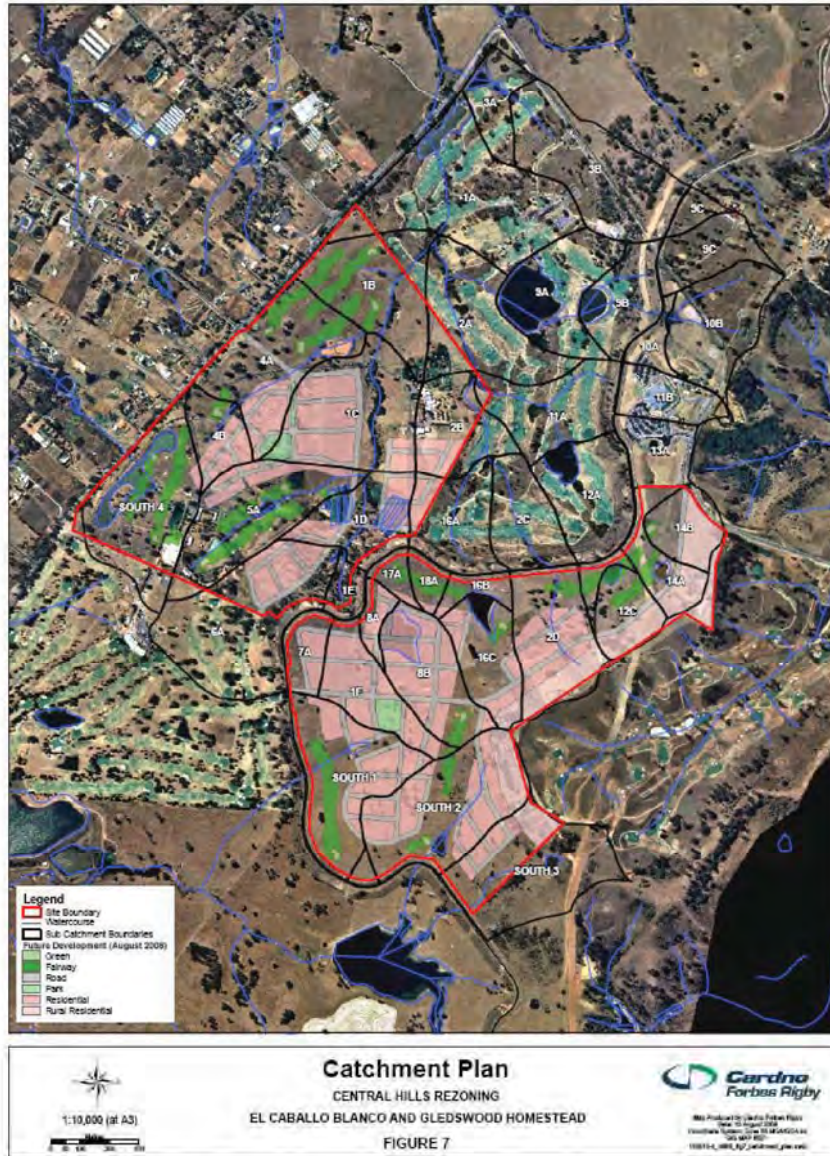
The various watercourses passing through the site have been categorised into two types by Department of Water and Energy (DWE) (formerly Department of Natural Resources (DNR)) as follows:

- Category 1 - Environmental Corridor
- Category 3 - Bed and Bank Stability / Water Quality

These categories are shown in Figure 5.22.



Figure 5.21 - Catchment Plan



Source: Cardno Forbes Rigby, 2008

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Attachment 1



Figure 5.22 - DNR Creek Classification





5.11 Land Capability

A land capability assessment of the study area comprised site history searches, site inspections, non-intrusive and intrusive site investigation. This was followed by laboratory testing of selected samples, engineering analysis and reporting. As part of the assessment, investigations included:

- surface and subsurface investigations to identify geotechnical constraints (such as instability and erosion), areas of environmental concern (such as soil contamination) and assessment of coal resources and agricultural capacity;
- physical and chemical testing of soil samples;
- constant head and falling head permeameter tests to determine hydraulic conductivity of the site soils; and
- ground based electromagnetic survey to determine soil salinity potential.

5.11.1 Soil Characteristics

The soil profile is characterised by topography of 'gently undulating rises on Wianamatta Group Shale, with local relief to 30 metres and slopes usually less than 5%'. This is also known as Blacktown Soil Landscape which comprises up to four soil horizons, ranging from shallow red-brown hardsetting sandy clay soils on crests and upper slopes to deep brown to yellow sand and clay soils overlying grey plastic mottled clay on mid to lower slopes. Typically, these soils are of low fertility, are moderately reactive and have a generally low wet-bearing strength.

Test pit excavation was undertaken, noting that relatively uniform conditions were underlying the site. Most of the site comprises residual soils resulting from weathering of the underlying Bringelly Shale. The majority of the succession of strata may be broadly summarised as follows:

- Silty Clay - typically humid, brown clayey silt, silt and silty clay to depths of 0.05-0.4 metres;
- Clay - stiff to hard silty clay, clay, gravelly clay to depths of 0.7-3 metres (gravelly particles are generally ironstone); and
- Bedrock - variably extremely low to medium strength shale, extremely low to medium strength sandstone and siltstone below depths of 0.7-3 metres.

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It was noted that in some areas towards the bottom of gullies, alluvium overlies the residual soil profile. The alluvium is typically silty clay with trace gravel (ironstone), observed to depths of up to 2.9 metres.

Laboratory testing of the soil samples generally indicated a standard optimum moisture content of an intermediate to high plasticity. This implies that the clays would be susceptible to shrinkage and swelling movements associated with changes in soil moisture content. The testing also indicated that soils were slightly to non-dispersive.

5.11.2 Slope Related Issues and Topography

No evidence of hillslope instability has been observed within the site, with the exception of one instance which was restricted to surficial soil creep in a single gully head. It is considered that any hillslope and stream bank instability would not impose significant constraints. As such, no significant stability hazard exists within the site.

5.11.3 Erosion

The soils encountered on site are typically of moderate erodibility, though the more sodic or saline soils can have high erodibility, presenting a moderate to very high erosion hazard. Laboratory testing however indicates that the soils have a low to moderate risk of erosion. Localised areas of sheet erosion were also noted in areas of previous surface disturbance.

It is considered that the erosion hazard within the areas proposed for development would be within usually accepted limits that could be managed by good engineering and land management practices.

5.11.4 Groundwater

Two groundwater bores were installed on a catchment basis at the three exit points of the major catchments. No free groundwater was observed within the two groundwater monitoring wells on-site.

Attachment 1



5.11.5 Mineral Resources

There is minor potential that coal could be extracted from within the vicinity of the site due to the likely presence of an economic thickness of Bulli Seam below the site, in addition to the potential for other deeper seams. The site is currently located at significant distances from existing coal development areas and the resource is currently unallocated with no plans to mine in the next 30 years.

Coal Bed Methane (CBM) is generally associated with the Illawarra Coal Measures, a geological unit underlying the site, and its potential to be located within the site is considered to be high and is the resource which has the highest potential for extraction. The site is wholly located within Petroleum Production Lease No. 5. The holder of this lease is AGL Gas Production (Camden) P/L and Sydney Gas (Camden) Operations P/L. The purpose of the lease is for methane gas extraction.

ECBG falls within Stage 3 of the Camden Gas Project, currently being developed by Sydney Gas Limited (SGL). SGL has indicated that it will want to secure as many drill sites as possible for its proposed gas development areas.

The potential for petroleum, extractive minerals such as soil, sand, sandstone or other construction aggregates within the site appears to be low. The implications of a search for geothermal energy are unknown at this stage.

5.11.6 Contamination

A Phase 1 Environmental Site Assessment was conducted and included an appraisal of the potential for site contamination that may have resulted from past and present land uses. The Phase 1 assessment included the following scope of works:

- field mapping by an environmental engineer;
- a search for statutory notices current on any parts of the study area under the Contaminated Land Management Act (1997);
- a review of historical aerial photography;
- a review of previous site ownership records;
- a search of historical Council records pertaining to previous site use and any known areas of flood prone land, or site contamination;

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- interviews with local residents and land owners;
- installation and development of groundwater bores;
- groundwater and sediment sampling program; and
- excavation of 32 test pits to preliminarily determine the distribution of fill materials present on the site and the underlying geology.

From this, 70 Potential Areas of Environmental Concern (PAECs) were identified and underwent analysis. Following inspection and review of findings, 33 Areas of Environmental Concern (AEC) were determined as contaminants of concern, as shown in Figure 5.23.

5.11.7 Salinity

An electromagnetic survey examined the soil salinity potential to supplement the laboratory testing of discrete sampling from 32 test pits, representative of the study area.

Areas of moderate or greater salinity risk are shown in Figure 5.24, though it should be noted that localised apparent very saline zones are included, but may be found related to cultural features due to their vicinity to mapped dam seepage and locations of possible steel boundary fences or lengths of steel from the disused rail system.

It should be noted that salinity risk is generally low across the site.

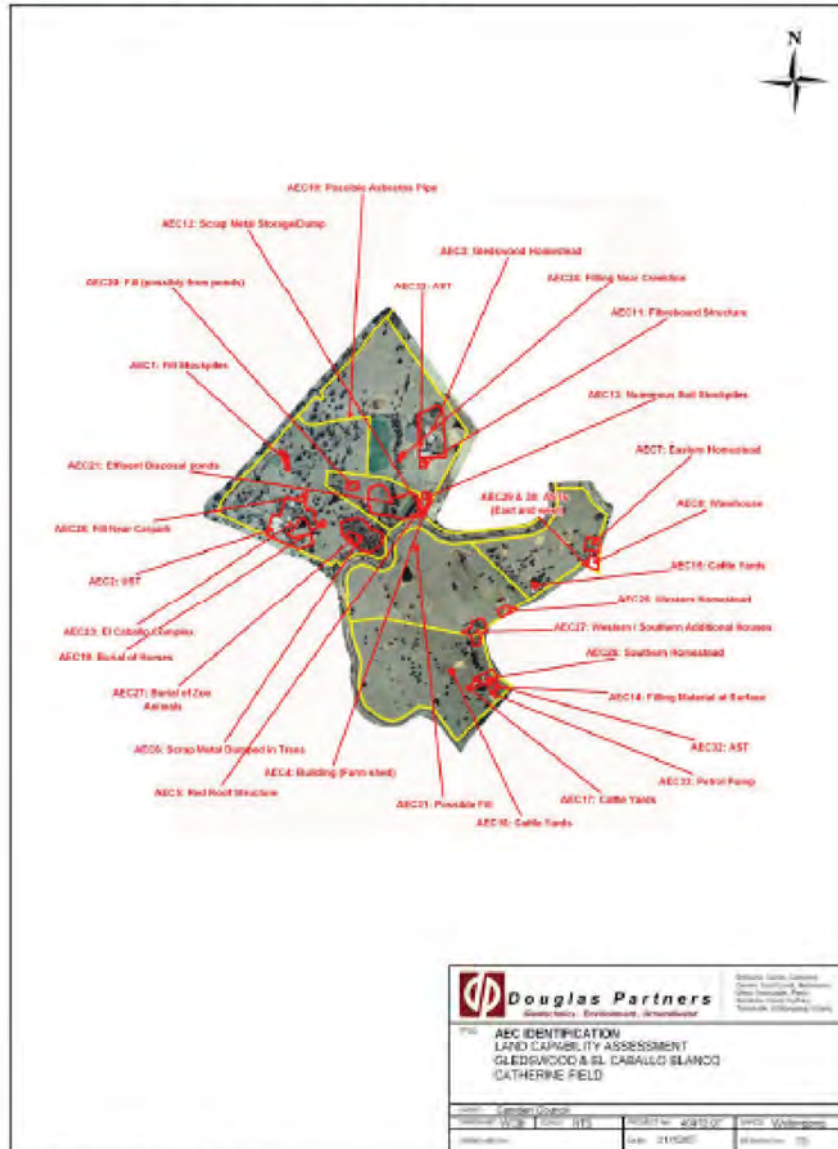
5.11.8 Agricultural Capability

The agricultural capability of the site was assessed and classified as Class 3, being well suited for grazing or pasture improvement and may be cropped in rotation with pasture. Class 4 lands were also delineated based on their high and known salinity potential, though these areas are suitable for grazing but not cultivation.

Attachment 1



Figure 5.23 - Areas of Environmental Concern



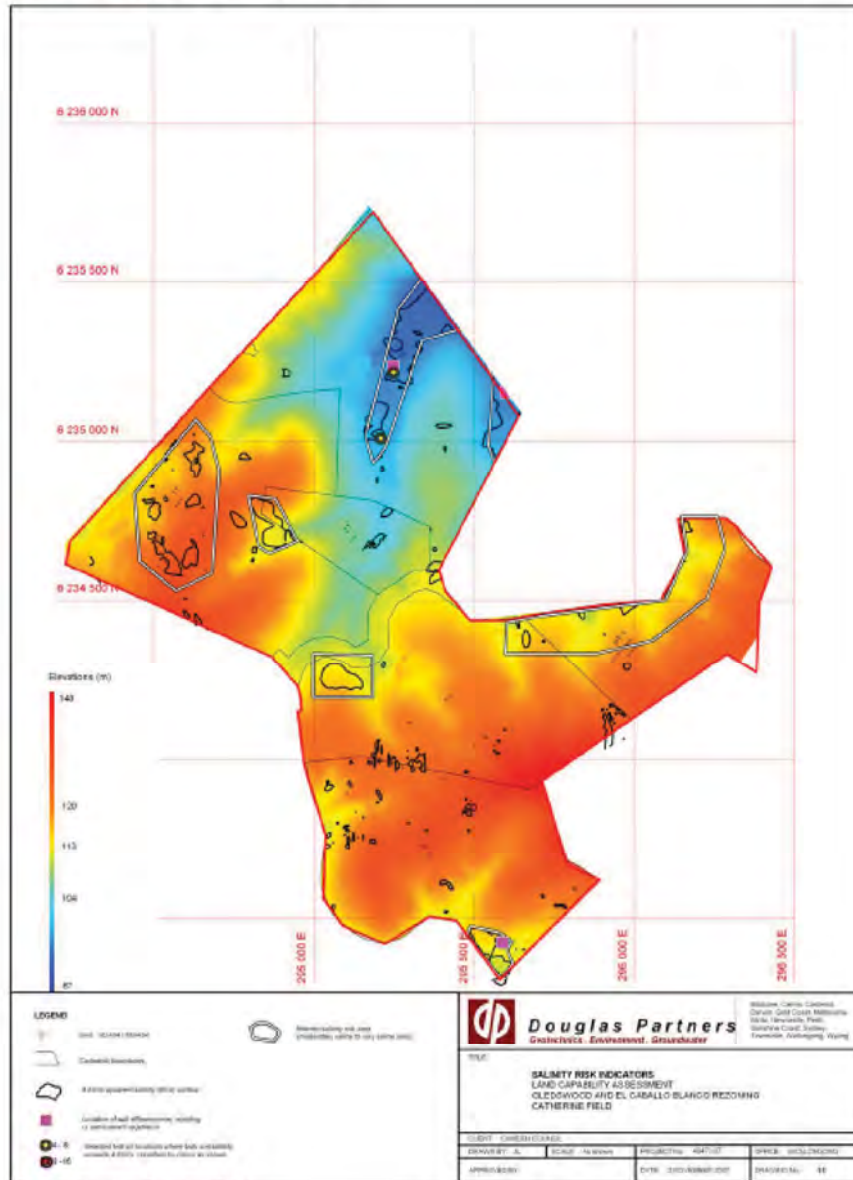
Source: Douglas Partners, 2008

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Attachment 1



Figure 5.24 - Areas of Salinity Risk



Source: Douglas Partners, 2008



5.12 Existing Infrastructure

5.12.1 Sewer

Reticulated Sydney Water gravity and pressure sewerage systems are located within adjoining suburbs and discharge to the West Camden Sewage Treatment Plant located at Sheathers Lane, Camden. The Sewage Treatment Plant then discharges the treated effluent to the Hawkesbury Nepean River System. There is no reticulated sewerage to the site, with the nearest Sydney Water sewage pump station (SPS614) located some 4.5km southwest on Camden Valley Way.

5.12.2 Water

The existing potable water supply is from the water reservoirs located in Woolgen Park Road, 2km north of the Raby Road and Camden Valley Way intersection. There are two reservoirs at this location: one 15ML surface reservoir at RL143 and one 0.57L elevated reservoir.

Sydney Water advised that the existing reservoirs have sufficient capacity for the full extent of development currently envisaged. An additional water main will need to be constructed from the end of the existing 450mm main at Dwyer Road to enable adequate servicing of the residential component.

In addition, Sydney Water has commenced a full review of its strategy to service the higher levels of growth expected in the area, including within the neighbouring growth centre. They have finalised an overall strategy for the South West of Sydney. Consultation with Sydney Water will continue to ascertain the details specific to the proposed development of ECBG.

5.12.3 Utilities

Electricity

The existing Integral Energy network has three existing zone substations located at Narellan, Minto and Bringelly, however Integral Energy has advised that this site will be best served from the Narellan zone Substation due to proximity and capacity

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The existing electricity grid is not suitable for large development. It has only marginal capacity for smaller types of development or if a landuse activity changes in a minor way.

There are two transmission easements traversing the eastern side of ECBG from north to south; One being the 330kV transmission easement and the other the 132 kV transmission easement from the Narellan zone substation. Neither transmission line can be drawn from to service this site.

A new 11Kv feeder will be required to power supply will therefore be required to be constructed. This issue is explored in more detail later in Chapter 7 when the specific impacts of the proposed concept master plan are considered.

Gas

The Eastern Gas Pipeline is located within a 20m easement in the eastern adjoining land, outside the subject site. The pipeline is owned by Alinta and cannot be utilised in this project. This pipeline does not impact the proposed development.

The closest available gas service is located at Smeaton Grange, approximately 3.5km from the southern boundary of the site. It is a 110 mm diameter medium pressure (210kPa) main and has the capacity to service all the lots in the development.

Communications

Telstra has assets along Camden Valley Way that can be utilised to enable the provision of the full range of currently available telecommunication services. There were no constraints to the timely implementation of the telecommunications strategy identified.

5.13 Community Facilities and Open Space

The Camden area was settled very early in Sydney's European history, and many of its defining social characteristics have been inherited from the early colonial days. This section of the LES examines the general population of the Camden LGA, the existing local population of the Catherine Field area and examines the needs of the potential incoming population.



5.13.1 Community Profile

The population of Camden LGA underwent a significant growth of more than 10,000 people in the period 1996 – 2001. In contrast the population of Catherine Field increased only marginally, suggesting a fairly stable population. This LGA population, when compared with the overall population of Sydney, is characterised by:

- very high rates of population growth, associated with the release of new residential areas;
- a younger age profile, a high proportion of children and relatively low proportion of older people;
- a high proportion of family households with children, and low proportion of other types of households;
- a high proportion of residents in higher household income brackets and low rates of unemployment;
- a low proportion of indigenous people and people from non English speaking backgrounds;
- low rates of people with university qualifications and employed in professional and managerial occupations, but higher rates working in trades, clerical, service and sales positions;
- high rates of home ownership and vehicle ownership; and
- very high proportion of housing stock is separate houses, with very low proportions of medium density dwellings types.

Based on the proposed development yield, and assuming an average occupancy rate of 2.77 people per detached dwelling, it is anticipated that the resultant ECBG population will be in the order of 2,382 people. The development is likely to attract people within the Camden area who wish to trade up, down size or improve their amenity whilst staying within the area.

5.13.2 Community Facilities

In identifying existing community services and facilities, the focus for local level services has been the areas immediately around the site (including areas within the Campbelltown LGA)

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while district level services have included all of Camden LGA and regional services have considered the wider Macarthur region.

An examination of community facilities and services has identified the following:

- the distribution of services across the LGA is considerably dispersed, and this creates access difficulties, particularly for the older and younger members of the community;
- the closest neighbourhood shopping centre is at Harrington Park and the closest district shopping centre is at Narellan. Regional level shops and commercial services are located in Campbelltown / Macarthur;
- there is no spare capacity in local childcare centres or pre-schools; and
- a particular need has been identified for more leisure and recreation opportunities for young people.

An examination of the existing community facilities has shown that, with regard to new development within the study area:

- there is existing spare capacity in primary and high schools in the area surrounding the area to absorb the likely demand increase. There is further potential to meet the increased demand through construction of additional planned government and Catholic schools in nearby areas (particularly in Oran Park) and by expansion of existing private schools;
- there is no available capacity in local childcare centres or pre-schools;
- there is some spare capacity in the Catherine Field Community Centre which is closest to the site, although refurbishment of the facility would be required. Raby and Kearns Neighbourhood Centres are heavily used and would not be able to absorb additional demand unless a community centre was incorporated within the study area;
- there is very little spare capacity in health, welfare and support services which are already stretched coping with the rapid population growth which has occurred in the area. However, the small scale of the Central Hills development will lead to only a very marginal increase in demand for these types of services;
- services and facilities available for young people in the LGA have improved recently, but they are still inadequate to meet demand and there are none in the Catherine Fields/Central Hills area; and
- cultural facilities, leisure and entertainment activities and places of worship are all quite limited in the Central Hills area, with residents needing to travel to facilities in Camden, Narellan and Campbelltown to meet most of their needs.



5.13.3 Open Space

Camden LGA retains a rural atmosphere which is becoming increasingly rare on the fringes of Sydney city. It is comprised of a series of independent residential areas and urban villages that are enhanced by the development of open space which:

- provides appropriate separation, containment and linkage of urban development;
- preserves cultural landscape elements by the retention of view corridors and adequate buffers around these significant items;
- establishes sustainable populations of native flora and fauna; and
- provides appropriate leisure opportunities for the community.

Camden Council's Open Space Framework Plan 2002 and Camden Recreation and Leisure Strategy 2005 have been used to categorise and inform the open space provision for the study area. Current provision of open space is at a high level across the LGA, however it is noted that to maintain existing standards, there will be a need to increase the supply of open space and sporting facilities in proportion to population growth.

Council believes there is an ongoing demand for open space including:

- more, well drained, and appropriately located sports fields, providing for a range of sports with floodlighting and a higher standard of amenities;
- natural areas as places to experience the natural environment, away from the urban setting. This includes walking trails and picnic areas and opportunities for adventurous activities such as horse riding, mountain biking or 4 x 4 driving; and
- local open space to encourage community interaction and extended family activity. Local parks will be required within 500 m walking distance of all dwellings.

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5.14 Summary of Constraints

Having reviewed the existing environment in some detail, it is clear that there are a number of constraints to development in parts of the site, as well as some clear development opportunities. These opportunities will be discussed in more detail in Chapter 6.

In summarising the constraints, it is important to recognise that some of them actually serve to define the character of the study area, both in its current state and the nature of future development.

The key constraints which need to be recognised in shaping the development footprint for Central Hills therefore are:

- the strong landscape focus in ascertaining which areas are suitable for development, but with opportunities to integrate the golf course and heritage curtilage in this regard;
- the need for small areas of vegetation to be protected;
- the need to manage salinity; and
- the potential implications of long term coal and coal bed methane extraction.

Provided these constraints are managed, either through appropriately locating development or managing its construction and operation, the ECBG site offers potential for housing to be developed in a number of areas and for the golf course to be re remodelled in a way which protects its design integrity, contributes to heritage outcomes and facilitates appropriate levels of housing development to be integrated into its design.

Attachment 1



6 Chapter 6 – Development and Conservation Opportunities

6.1 Introduction

Drawing on the analysis of constraints and planning issues outlined in Chapter 5, this chapter describes the development, conservation and scenic protection opportunities on the ECBG site. A proposed development footprint is outlined, together with a rationale for the balancing of the various constraints and opportunities. Opportunities for scenic protection, ecological conservation and integration of heritage outcomes are also identified. There is a brief discussion of staging issues. The following chapter describes the implications and impacts of this proposed development footprint.

6.2 Proposed Concept Master Plan and Development Footprint

6.2.1 Introduction

The key factors shaping the development footprint on ECBG were:

- the priority placed on maintaining a high quality landscape and visual outcome;
- recognising the need to protect the visual amenity of the Gledswood Homestead;
- incorporating the proposed future golf course requirements;
- locating development in a way that does not compromise scenic or environmental outcomes;
- addressing areas of clear constraint such as vegetation, riparian buffers and heritage curtilages; and
- ensuring a high degree of integration between ECBG, Camden Lakeside rezoning and the Turner Road Growth Centre precinct, and where appropriate, with surrounding areas.

Taking these factors into account, a concept master plan for the site has been prepared. It is shown below in Figure 6.1. Key features of the concept master plan are summarised below and explained in further detail subsequently. They include:

- protection of the heritage curtilage for Gledswood Homestead, with the focus being on protecting the landscape elements in areas of ' prominence;
- protecting the riparian corridor along Riley's Creek and its main tributary;
- setting development back from the historic Upper Canal;
- providing connectivity with existing and proposed neighbouring development ;

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- integration of housing areas and golf course design to achieve scenic objectives; and
- delivery of approximately 860 housing lots.

The following sections examine the proposed concept master plan in more detail. It reviews the plan from a landscape and environmental perspective, and provides a more detailed rationale for the proposed development concept. The preparation of the concept master plan has been substantially informed by the technical investigations and has been concurrently prepared to ensure maximum integration of planning and development outcomes.

Visual analysis of the study area supports the location of the proposed development within the site. The topography and existing vegetation within the site inhibits visual access from both Raby Road and Camden Valley Way, providing development opportunities consistent with the scenic values of the Central Hills.

A further key element of the landscape outcomes within the study area is the protection of the heritage curtilage of the Upper Canal. A minimum buffer is to be established, thereby ensuring that the Upper Canal remains located in a landscape focused setting. Appropriate landscape planting will enhance this outcome.

6.2.2 *Landscape Elements*

Protecting the scenic character of the Central Hills area is a fundamental objective of the rezoning process. It is important that development be generally contained to areas where the visual impact is minimised. In particular, the extent to which development is visible from the surrounding arterial roads (Camden Valley Way and Raby Road) and the Gledswood Homestead should be minimised.

The concept master plan for ECBG has been substantially influenced by the landscape and visual assessment undertaken to support the preparation of this LES. This work identified areas where development would not be visually sensitive, as well as areas where development could proceed provided suitable vegetation screening was put in place.

Attachment 1



Figure 6.1 – ECBG Concept Master Plan

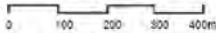


Legend

--- Site boundary



Scale 1:6000@ A2



Source: Jackson Teece, 2008

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The majority of areas identified for housing in the concept master plan fall within areas identified by the landscape and visual assessment as being suitable for development. Some additional screening will be required to screen housing proposed to be located in areas close to the Gledswood Homestead, but generally the topography of the land ensures that development will not be visible from the arterial roads or Gledswood Homestead.

To further reinforce the landscape and visual experience of the Central Hills area, it is proposed that extensive landscape buffers be established along the Camden Valley Way. A detailed landscape plan would be prepared as part of a future development application for this work. This strategy would need to strike the appropriate balance between maintaining the bushland character of parts of these roads and also preserving more extended rural landscape and pastoral views.

Finally, the primary means by which the underlying scenic protection outcomes are to be achieved through the concept master plan is the fact that the substantial majority of the study area is proposed to be further developed as a golf course. This is consistent with the underlying zoning and strategic planning objectives for the Central Hills area. Furthermore, the landscape treatment within the golf course is to be similar to the existing treatment within the neighbouring Camden Lakeside, with its strong emphasis on native species and a "links style" course which provides for extended open views of the land.

6.2.3 *Tourism and Economic Objectives*

Both the existing underlying zoning and the Council resolution relating to this rezoning focused on facilitating tourism and economic development through land uses which retained a strong landscape focus. The concept master plan addresses these objectives in a number of ways.

The existing Gledswood Homestead already plays a leading role in the Camden tourism industry and it is intended that these activities remain in place. The owner of Gledswood has also undertaken a substantial renovation of the main function facility on the site in order to upgrade facilities for major events. In addition, Gledswood Homestead operations also have significant event businesses operating, providing further tourism and local employment benefits.



A further economic component of the concept master plan is the proposed entertainment centre within the Turner Road precinct, adjacent ECBG's southern boundary to the west of the Upper Canal. This proposal will provide a large source of local employment and be a convenient retail, recreation and entertainment hub for future residents of ECBG and the wider future community.

6.2.4 *European Heritage Outcomes*

Gledswood is a state significant heritage homestead listed on the State Heritage Register of outstanding cultural heritage significance as a substantially intact early nineteenth century rural estate..

As noted above, from a landscape perspective, a substantial heritage curtilage has been established for Gledswood, encompassing the majority of the site, including all the land which is visible from the principal frontage of the homestead. Furthermore, by integrating the golf course development treatment across ECBG, the effective curtilage is extended..

As noted above, the Upper Canal is also a significant heritage item and as a result a buffer has been established along its entire frontage. One crossing is proposed where the Upper Canal is piped, but no other crossings are proposed within the concept master plan to ensure the heritage integrity of this infrastructure will not be affected by the proposed development. Recent correspondence from Sydney Catchment Authority, notes the preference for minimum required setbacks and a landscape strip or road around the perimeter to further ensure protection.

6.2.5 *Proposed Housing Areas and Staging*

The concept master plan for ECBG would see the delivery of approximately 860 standard detached residential dwellings across the study area. The housing areas would comprise a mix of lot sizes and would have a strong landscape focus. The majority of lots are orientated and located to provide golf course frontage housing, further reinforcing the strong linkages to the landscape outcomes.



The housing areas would comprise a mix of lot sizes and would have a strong landscape focus. The majority of lots are orientated and located to provide golf course frontage housing, further reinforcing the strong linkages to the landscape outcomes.

6.2.6 Environmental Factors

The Conservation Significance Assessment completed by Eco Logical Australia was based on a CNAP methodology. The assessment identified 22.59 ha of 'Core Regional', 10.52 ha of 'core local' and 1.59ha of 'Support for Core'. The results of the existing area of Core Local and Support for Core, the respective communities as well as the areas to be lost, retained or re-created under the current concept master plan are shown below in Figure 6.2 and Figure 6.3:

Figure 6.2 – Existing vegetation within CNAP CSA areas

COMMUNITY	CONDITION	FINAL CSA				Grand Total
		2. Core Habitat-Regional	3. Core Habitat-Local	4. Support	No CSA	
Alluvial Woodland	B	0.90				0.90
	C	3.74				3.74
Shale Hills Woodland	B	3.80		0.41		4.21
	TX	14.04	9.45	1.02		24.52
	TXR	0.11	0.11	0.16		0.38
	TXU		0.96			0.96
No CSA				173.11		173.11
Grand Total		22.59	10.52	1.59	173.11	207.81

	2. Core Habitat-Regional (Ha)	3. Core Habitat-Local (Ha)	4. Support for Core (Ha)	Grand Total (Ha)
Loss of existing veg (residential, rural res and fairway)	8.61	7.66	0.74	17.01
Retention of existing veg (conservation, rough, heritage, park)	13.96	2.81	0.85	17.62
Re-creation of veg in existing cleared areas (conservation, rough and parks)				70.89

notes

total area of loss = 17ha	Area to be rehabilitated and re-created total = 88.51ha	Heritage Grassland re-creation = 5.62ha
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Source: Eco Logical Australia, 2008



Figure 6.3 – Existing vegetation within CNAP CSA areas

Class of Offsetting	Class of Affected Habitat				Totals
	2. Core Habitat Regional	3. Core Habitat Local	4. Support for Core		
<i>Protection</i>					
core regional	51.64	36.32	2.97	core regional	92.93
core local	60.24	45.99	3.71	core local	109.94
<i>Restoration</i>					
corridor			2.97		2.97
riparian buffer			2.97		2.97

CNAP Offsetting Multipliers

		class of protected habitat	
		core regional	core local
class of affected habitat	core regional	6	7
	core local	5	6
	support for core	4	5
	other	3	4

		class of receiving habitat	
		corridor	riparian buffer
class of affected habitat	support for core	4	4
	other native vegetation	3	3

Source: Eco Logical Australia, 2008

DECC have maintained that there should be no loss of areas of high ecological constraint or adjoining areas of moderate ecological constraint. As there are no areas of high ecological constraint on the site, all the vegetation on site may be suitable for offsetting. For this site it is considered that the CNAP CSA methodology overstates the value of much of the vegetation on site.

The current concept master plan will require a minimum protection offset of 92.93 ha of core regional vegetation. The area proposed for regeneration and managed for biodiversity by the concept master plan is 94.13 ha, an excess of 1.2 ha. The impact of future infrastructure, such as stormwater treatment, easements, footpath and cycleways has not been determined.

Strategic ecological outcomes have been increased by the following key features:

- retention of key vegetation nodes and habitat values (hollow bearing trees and 70% of all large trees);



- central category 1 riparian corridor along Riley's Creek connecting Camden Lakeside Golf Course through to Turner Road and South Creek;
- security of ongoing revegetation, management and restricted access by way of a comprehensive CMP;
- areas of rough to be created and managed as fully vegetated woodland corridors throughout the golf course; and
- designing pods of development to allow site wide connectivity.

This approach enables the proposed golf course to become a habitat node, rather than a barrier to species movement. The concept master plan adequately addresses width and area requirements for a Category 1 riparian corridor classification to Rileys Creek, achieving a regional habitat linkage. The remaining stream's classifications were lowered due to their lack of strategic value or in recognition of the future urban environment context.

Figure 6.4 identifies and locates the proposed regional habitat linkage.

6.3 Conclusion

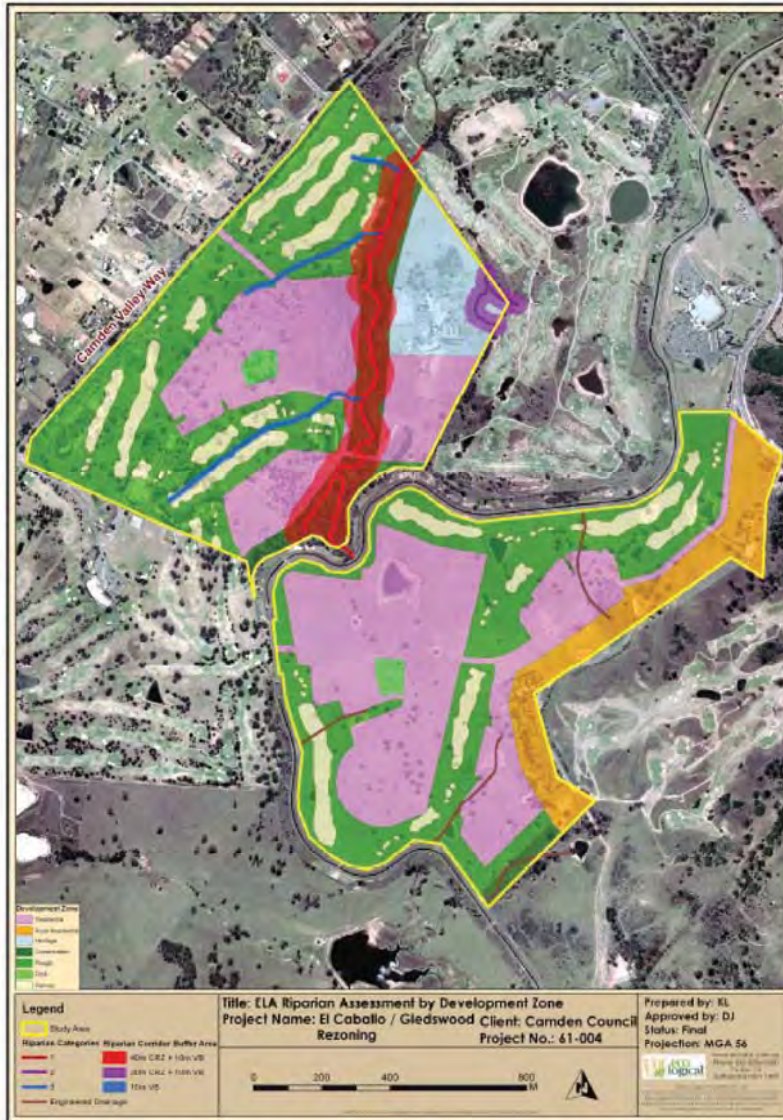
This chapter has provided a comprehensive summary of the development and conservation opportunities available within the study area. A clear rationale has been established for the preferred conservation and development footprints.

This footprint achieves an appropriate balance between the conservation and development outcomes, with the study area delivering:

- approximately 91.9 hectares of land for use as golf course layout, which also serves as a permanent extension to the curtilage for Gledswood Homestead;
- approximately 82.0 hectares of developable land, focused in areas of limited visual impact, with a mix of housing types including approximately 860 detached lots;
- restoration and protection of key riparian corridors (approximately 10.2 hectares) across the study area;
- enhanced public open space (approximately 2.5 hectares).



Figure 6.2 – Existing vegetation within CNAP CSA areas



Source: Eco Logical Australia, 2008



7 Chapter 7 – Impacts of Preferred Development and Management Frameworks

7.1 Introduction

The proposed development footprint and future urban development will result in impacts on the local environment, items of heritage significance as well as the existing transport network, infrastructure and community facilities. An overview of these impacts are presented in this chapter along with the management framework to reduce or manage these impacts. Where the potential impact is not yet fully understood, additional work is recommended prior to subsequent stages in the planning process.

7.2 Flora and Fauna Impacts and Management

The creation of a new community on the study area can impact on the existing threatened and endangered species and ecological communities through:

- loss of habitat;
- loss of connectivity between habitat areas;
- impacts to river health (stormwater flows, increased erosion and sedimentation); and
- human contact (road accidents, weed infestations, etc).

7.2.1 Camden Council Natural Assets Policy

Flora and fauna impacts need to be considered in the context of Council's Natural Assets Policy. The objectives of this policy include:

- facilitating ESD through substantial retention and long term management of natural assets;
- considering cumulative impacts on natural resources;
- protecting, conserving and restoring parcels of vegetation in consolidated forms and at a sufficient scale;
- maintaining natural hydrological processes; and
- providing an offset mechanism to enable flexible implementation of the policy.

In seeking to achieve these objectives, the policy will rely on the application of three principles:



- no net loss – meaning no net loss in the overall extent, quality, security and integrity of the biodiversity values of the Camden LGA;
- precautionary principle – where uncertainty exists about the potential impact, avoid actions where the risk is significant; and
- cumulative impact – consider the cumulative impacts of a range of decisions.

7.2.2 Site by Site Analysis

The investigation into the development potential of ECBG has required substantial and significant consideration being undertaken to locate development. The resulting extent, form and shape considers overall cumulative impacts on the sites' natural resources. This assessment has resulted in the development footprint seeking to supplement planting for both remnant assets and proposed urban areas, particularly where impacts occur.

7.2.3 Conservation Management Plan

A Conservation Management Plan will provide a detailed framework for the restoration and ongoing management of the conservation zone and its natural assets. This plan will provide the necessary detail on annual maintenance costs and initial restoration costs.

The objectives of the Conservation Management Plan will address:

- biodiversity conservation;
- land uses located outside conservation areas;
- access to conservation areas;
- recreational use;
- weed removal and bush regeneration management;
- bush regeneration species selection;
- bushfire management;
- riparian corridors; and
- community awareness and appreciation of the natural and cultural values.

7.2.4 Management Principles

The main principles which will guide the implementation of the Conservation Management Plan will be:

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- compliance with the relevant statutory requirements;
- protection of conservation values through legislative mechanisms;
- effective integration of the environmental management regime of the golf course into the wider management framework for the sites;
- allow natural regeneration for existing high quality areas;
- focusing on weed control and prevention in designated restoration areas;
- focus on reinstatement in areas which have been highly disturbed;
- establishment of asset protection zones for bushfire management as part of wider bushfire strategy;
- formalise access to conservation zones so that areas of particular sensitivity remain protected, while other areas are accessible to the public (in a controlled manner) as part of the education focus of the conservation zone;
- preservation of as much native vegetation as possible within the development areas;
- collection of seed from any native vegetation that needs to be removed; and
- regular and long term monitoring.

7.3 Bushfire Impacts and Management

Asset protection zones need to be established within the development footprint to provide adequate buffers to manage bush fire hazard. A comprehensive assessment of the proposed development footprint was undertaken, and was further informed by the proposed Conservation Management Plan for the bushland corridor. After considering existing slopes and vegetation types, as well as the vegetation which would exist after restoration took place, asset protection zones were determined. These zones vary across the site and will generally be able to be incorporated into perimeter roads and front setbacks to houses.

Further consideration of asset protection zones will also be undertaken as part of the detailed planning of the site, should the rezoning proceed. This work would be undertaken as part of the detailed component of the development control plan.

The Bushfire Management Strategies have been established based on an assessment of the site's context. This provides a suite of site specific recommendations and strategies in support of the LES and draft LEP, addressing standards regarding setbacks, provision of water supply, fuel management protocols and other key issues considered necessary. The planned result is to mitigate the potential risk posed by the threat of bushfire to persons,



property and the local environment. The strategies also identify measures which would be suitable for inclusion in a future Development Control Plan or similar document.

The Bushfire Management Strategies for managing the potential for bushfire risk within the site are as follows:

- review Certified Bushfire Prone Land Map;
- provision of Asset Protection Zones;
- management of Asset Protection Zones;
- fuel management of riparian corridors/conservation areas;
- fire truck access;
- water supply for firefighting operations;
- building construction; and
- evacuation/emergency management.

The principles which underpin the Bushfire Management Strategies are as follows:

- validation of existing and proposed vegetation;
- compliance with NSW Rural Fire Service's Guidelines;;
- management of existing and proposed bushfire prone vegetation with regard to residential development and special fire protection development;
- preparation of a fuel management plan;
- maintain ecological bio-diversity within the riparian corridors/conservation areas;
- access provisions to all future development within the site;
- compliance with Australian Standard A.S 2419.1, 1994;
- compliance with Australian Standard A.S 3959, 1999; and
- preparation and distribution of an Evacuation Plan.

Water resources for bushfire fighting purposes are discussed in more detail in section 7.6 below.

7.4 Heritage Impacts and Management

7.4.1 European Heritage

In recognition of the cultural heritage significance of the Gledswood Homestead, the development footprint does not disturb the visual integrity of the Gledswood estate.

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The following initiatives have been considered in the planning of ECBG to conserve the significance of the Gledswood Estate whilst facilitating the development objectives:

- planning for the future of the study area has considered the place as a whole, regardless of present property boundaries; and
- the existing recreational use will continue as long as it is viable and can be controlled to avoid impacting the primacy of Gledswood homestead.

7.4.2 *Aboriginal Heritage*

As a whole, the Aboriginal heritage assessment determined that large portions of the study area exhibited minor archaeological potential due to previous land use and disturbance, concluding a classification of low to moderate archaeological significance. Each of the sites identified contained observable archaeological material.

The report recognised the archaeological sites in the context of rarity and representativeness, presenting a comprehensive archaeological assessment with the specific recommendation of no further surveying required to be undertaken. The remaining specific recommendations were as follows:

- No further archaeological survey of the study area is required;
- Conservation of all known Aboriginal sites within the study area should be given prime consideration when establishing heritage management strategies during the master planning process. The study area represents a relatively intact cultural landscape and conserving representative portions is a desirable outcome;

At this stage of the planning process, it is considered that the following factors combine to provide sufficient rationale for permitting the rezoning from an Aboriginal heritage perspective:

- the relatively low number of deposits identified across the study area;
- the moderate to highly disturbed nature of the study area;
- the fact that the riparian zones and areas are being protected; and
- the fact that much of the vegetation and bushland is regrowth, following more extensive clearing and intensive agriculture in the past.

The overall approach to managing the heritage assets identified within the study area is designed to provide a sustainable heritage outcome in the long term. In considering the development potential of the study area, Camden Council has been keen to assess the

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extent to which appropriate levels of carefully sited development can facilitate and ensure the conservation of both Aboriginal and European heritage items.

Management of items that are located within the proposed footprint should clearly be subject to more detailed investigation at the development application stage. This consultation and investigation would need to address all legislative requirements outlined in the National Parks and Wildlife Act, as well as recent interim guidelines on consultation with Aboriginal representatives, as issued by DECC.

7.5 Visual and Landscape Impacts and Management

It is important to retain elements of scenic value and the rural character within the future development to allow interpretation of a sense of place, in addition to maintaining and improving the visual aesthetic. The study area achieves significant development capability due to topography, existing features and proposed land use, thus physically reducing potential impacts derived from the proposed development layout. The development footprint is responsive to this and recognises that proposed design is to be sympathetic to the visual environment, and the impacts minimised through:

- protecting and enhancing significant existing viewing corridors;
- not developing areas that would significantly diminish the natural landscape;
- locating development that considers visibility and complimentary outcomes;
- establishing suitable setbacks;
- retaining and supplementing key vegetation; and
- maintaining an open and picturesque aesthetic.

Development has been located within vegetated buffers and ridgelines to sustain the landscape's visual dominance. These areas were identified as being relatively unexpansive and lacking in diversity or complexity when compared to other more significant and visually accessible areas within the site. Planting adjacent to new dwellings is proposed to supplement existing vegetation and establish a complimentary and more continuous character. Where development encroaches on identified key viewing locations, the predominant sightlines are not diminished and the visual impact is negligible.

From a landscape perspective, it was considered that the visual link to Gledswood Homestead was of primary importance, and that the areas of development recommended by

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the consultant were of secondary importance to this extent. Development has been discretely located without diminishing the scenic qualities of the heritage values of Gledswood Homestead. The locations are not incompatible with the existing land as experienced from Gledswood Homestead and the golf course reinforces the original picturesque setting.

In addition, the future approach to detailed landscaping and street tree planting will be an important factor in complementing the built environment. Selective landscaping and screening will be used, and urban layouts will be designed to take advantage of views within and outside the development, yet screen views into the development through topographical features. Species selection should be undertaken carefully, including consideration of the potential for some species to be invasive or cause damage to underground infrastructure such as water pipes.

7.6 Water Cycle Management

The planning and creation of a new urban community warrants integrated consideration of all water cycle issues. Impacts on local river health arising from stormwater discharge need to be taken into account and overall levels of potable water demand and the disposal of sewage and stormwater also need to be taken into account. Geotechnical conditions are an important consideration in managing the integrated nature of the water cycle, including issues such as permeability and erosion.

An integrated water cycle management approach has therefore been adopted to minimise the impacts on the local river health and promote sustainable use of the available water resources. The water cycle management strategy includes:

- rain water tanks for to capture roof runoff for non-potable uses;
- water saving devices (AAA rated fittings);
- stormwater detention, treatment and potential reuse for irrigation of open space; and
- potable water supply from Narellan South Reservoir;

7.7 Land Capability Issues



Throughout the study area the potential impacts of the proposed development on issues such as salinity and soil erosion can generally be addressed through good engineering and land management practices. There are no high risks associated with land instability.

The site is not on the MDP, nor part of the South West Growth Centre. However, the site will assist in the provision of housing supply in the shorter term, whilst the precinct planning of other land releases is underway. The site can fill an immediate gap in housing supply for Camden.

Economic coal resources have been identified below the study area, however this resource is currently unallocated and there are no plans to mine in the next 30 years. Future mining of this resource may impact on the future community of through subsidence if conventional longwall mining methods are adopted. Given the fact that mining is not currently proposed for at least 30 years, it is considered that development at the levels envisaged in the development footprint is appropriate from this perspective. Potential future subsidence issues will need to be addressed through both the mining design process (should it proceed) and the established procedures of the Mine Subsidence Board. It is not considered reasonable to prevent development on this basis, given the high levels of uncertainty about whether the resource will ever be mined.

Economic coal bed methane resources have also been identified below the study area. Extraction of this resource requires construction of a gas plant, gas wells and associated pipe network. Sydney Gas have identified a desire to secure as many drill sites within the study area as possible for future extraction. Potential impacts to the future community such as noise, odour, visual, compatible land use would need to be assessed prior to the extraction of this resource.

7.8 Transport

The proposed community of ECBG is not of sufficient size to support new high schools and employment areas, resulting in a high percentage of journeys with destinations outside of the community for these purposes. Due to relatively low density and distances to these destinations, a high percentage of trips will be undertaken by private car with limited opportunities for cycling and walking.

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The relatively low population does not justify a high frequency public transport (bus) service internal to the site. Ideally, the strategic bus network will be expanded in the future to include Camden Valley Way and Raby Road. This would connect the site to Campbelltown Rail Station and the upgraded Macarthur interchange. An opportunity also exists to provide a bus route through the site given that the ECBG site will be linked by an internal road, although further discussions with the Ministry of Transport would be required.

To reduce the impact of private car use, the following additional infrastructure is suggested to assist alternate transport modes:

- create a pedestrian network within the site that provides accessibility to the external network, external public transport services and other land uses;
- provide cycle connectivity between the site and the regional network ;
- implement a directional signage system for pedestrians and cyclists;
- supply cycle parking at recreational / tourist sites; and
- provide up to date public transport information at external stops.

Maunsell AECOM has undertaken an assessment of the impact of traffic generated from the future community on the surrounding road network. This assessment considers traffic generated from neighbouring (Elderslie, Spring Farm, Narellan Town Centre, Smeaton Grange, Harrington Park 2 and Mater Dei, Oran Park and Turner Road) and proposed developments as well as potential destinations (Macarthur Anglican School, Narellan Town Centre, Campbelltown Town Centre, Macarthur Regional Centre and other employment zones).

As part of the planning and infrastructure outcomes of the South West Growth Centres, the majority of intersections along Camden valley Way have been, or will be upgraded by 2016.

The intersections have therefore been modeled in their future form. These upgrades include:

- upgrade of Camden Valley Way to two (with a future option of three) through – lanes in each direction with appropriate turning bays at signalised intersections;
- upgrade of the Camden Valley Way / Lakeside – Gledswood Site Access Road to form a four - way signalled intersection with Catherine Field;
- upgrade of Camden Valley Way / Deepfields Road intersection to accommodate signal control;
- banned movements at Camden Valley Way / Springfield Road intersection to allow left in/left out movements only; and



- realignment of Cobbitty Road to Badgally Road to cater for east – west flow.

The assessment concludes that the traffic generated from the future development will have a relatively minor impact on the surrounding road network. The future networks (including committed upgrade works described above) will have sufficient capacity to cater for the proposed development and no additional works are required to mitigate the development impacts.

7.8.1 Draft Package of Measures

A draft package of measures has been developed to address the transport impacts associated with the proposed levels of development, and to ensure transport outcomes are as sustainable as possible given the land use and transport planning context. It is important that the package of measures be implemented in full if the performance measures are to be achieved. ECBG's role in implementing this package will be determined in discussion with the Department of Planning, Growth Centres Commission, Camden Council and the transport agencies. These discussions will take into account ECBG's relatively small role in the regional transport context relative to other surrounding developments such as Oran Park and Turner Road within the south west Growth Centre.

The draft package contains a mix of contributions to already committed transport infrastructure improvements and actions focused on improving access to public transport services, pedestrian and cycle facilities.

- high quality "new resident" information kits, tailored to provide walking, cycling and public transport information to the incoming population, would improve people's understanding of transport choice;
- create a pedestrian network within the site that provides accessibility to the external network, public transport services (external) and other land uses;
- provide cycle connectivity between the sites and the regional network;
- implement a directional signage system for pedestrians and cyclists;
- supply cycle parking at recreational / tourist sites;
- ensure Camden Valley Way / Raby Road bus infrastructure is developed;
- provide up-to-date public transport information at external stops;
- upgrade of Camden Valley Way to two (with a future option of three) through-lanes in each direction with appropriate turning bays at signalised intersections;

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- upgrade of the Camden Valley Way / Lakeside – Gledswood Site Access Road to form a four - way signalled intersection with Catherine Field;
- upgrade of Camden Valley Way / Deepfields Road intersection to accommodate signal control;
- banned movements at Camden Valley Way / Springfield Road intersection to allow left-in, left-out movements only; and
- realignment of Cobbitty Road to Badgally Road to cater for east-west flow.

Further discussion is proposed with the transport agencies and the Growth Centres Commission prior to any rezoning approval, with the objective of integrating transport contributions identified as being the responsibility of the landowner into the overall development agreements, should that be the preferred implementation mechanism.

A high reliance on private vehicles within ECBG has the potential to impact on local air quality through:

- electricity consumption resulting in greenhouse gas emissions;
- increased emissions due to increased vehicles in the Camden LGA; and
- increased potential for traffic congestion with results in inefficient vehicle operation and increased emissions.

As part of the TMAP, Maunsell AECOM have provided a qualitative assessment of these potential air quality impacts. Maunsell noted that the daily traffic flows associated with the proposed development will be a very small proportion of total traffic in the region. Based on this small population, coupled with the current trend in unleaded fuel-driven cars, it was concluded that there will be a minimal impact to air quality, particularly in proportional terms when the future development of the South West Growth Centre is taken into account.

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7.9 Infrastructure

7.9.1 Sewer

Investigations into the treatment of sewage from the ECBG development site have considered the following options:

Option 1 – On site sewage treatment and reuse – this option would treat all the sewage generated from the various developments and reuse the treated effluent as irrigation for the golf course. The treated effluent irrigation would supplement harvested rainwater currently being used under licence.

The use of treated effluent to irrigate the golf course raises a number of environmental and health related concerns. These are summarised below and relate to salinity, human health, buffers and potential pollution.

Salinity

Treated effluent has been utilised successfully for irrigation purposes on golf courses and other public recreational areas in recent times and, while treated effluent has higher levels of salts than potable water, the level of salts can depend on a number of factors. In the case of the ECBG development, the treated effluent will be combined with harvested rainwater and sprayed over a large areas. This will ensure that sufficient dilution and concentration control occurs to avoid increased salinity risks. As part of a future subdivision development application, a Salinity Management Plan should be prepared which identifies areas which are suitable for treated effluent use and identifies mitigation and management techniques if required.

Buffers

The use of treated effluent requires that consideration be given to buffer zones for spray irrigation, noise and odour. To address these concerns there are a number of strategies that can be adopted to satisfy site specific issues for this development. Some of the measures are listed below:

- Recommended buffer distances to water resources and public areas are provided in Department of Environment and Conservation (now DECC) Environmental Guidelines –Use of Effluent by Irrigation". The recommendations for a buffer distance for low strength effluent (as proposed on the Camden Lakeside site due to

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the treated effluent being diluted with stormwater from the onsite stormwater harvesting) is 'site specific'. It clarifies this by stating 'within the Sydney Water Drinking Water Catchment the Sydney Catchment Authority would seek a buffer of 100m in the absence of a neutral or beneficial effect on water quality'.

- Should the 100m still be an impost to potential irrigation areas for some fairways located adjacent to the canal, a separate irrigation system could be installed that utilises stormwater only in the more sensitive areas.
- Other mitigation measures may be the planting of vegetation buffers, lower height and lower pressure sprayers, larger droplet sizes to avoid the potential of spray drift.
- Anemometers may be used to determine wind speed and predict direction and extent of spray drift. They may be used to cut off irrigation systems under high wind conditions.
- Noise issues can be remedied with acoustic fencing or measures within the treatment plant.
- Odour can be mitigated by the use of aeration beds that effectively draw the air below ground level, filter it through a carbon medium prior to releasing to the atmosphere. The use of well maintained 'odour scrubbers' will prevent any potential odour issues around the treatment plant.

An environmental management plan would be required, addressing location, timing and duration. This would be the governing factor in calculating any buffer zones from the Upper Canal and residential areas.

Risk to Human Health

Risk associated with human or animal contact with treated effluent is from infection by microorganisms (ie. bacteria, viruses, protozoa or helminths). Populations of microorganisms in effluent are reduced through specific types of treatment processes. A number of disinfection treatments can be incorporated into the system to reduce the pathogen levels such as chlorine, ozone, UV radiation and sand or membrane filtration. Levels of disinfection should be as per the current guidelines and standards at the time of the release of the development.

To assist in avoiding mosquito infestation around the treated effluent dams it will be important to ensure that no incidental ponding of the treated effluent occurs around the outer edges. The minimum slope of the outer edges of the dam would need to be 1 vertical to 10



horizontal. The final design would include other measures, such as aerators, to ensure water flow/movement in the dam whilst the treated effluent is stored.

Risk management systems would be prepared and implemented to reduce the public health risks.

Pollution downstream

The dams would be clay lined to avoid any potential leaching into the creek system and located off-line from the existing creeks.

None of the above issues are considered to be an impediment to the installation of an on site sewage treatment plant. However, it is recommended that the future detailed design of the plant would need to consider all of these issues in detail.

The environmental management plan would need to address management of recycled water quality and environmental risks.

Option 2 – On site greywater treatment and reuse and blackwater disposal to SPS 614 – this option would treat all greywater generated from the development in an on site package treatment plant and reuse the water as irrigation for the golf course. Blackwater would be pumped to the Sydney Water system at sewage pump station (SPS) 614.

This option, like option 1, would conserve potable water and ensure a reliable source of irrigation supply for the golf course.

Option 3 – Off site sewage disposal to SPS 614 – this option would transfer all wastewater from the development to Sydney Water's SPS 614 located approximately 3.9km south of the site. Irrigation water for the golf course would continue to be sourced from the harvested stormwater and from the potable water supply.

A new sewage pump station and rising main would be required for the site to collect and transfer gravity sewage from the development to the Sydney Water pump station. This is a more traditional method of providing sewer reticulation.

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Option 4 – Off site sewage disposal to SPS 614 and transfer of treated effluent from Camden STP – this option would transfer all wastewater to Sydney Water's SPS 614. Treated effluent would be transferred from the West Camden STP, located approximately 11.5km from the site for golf course irrigation purposes. The treated effluent main being commissioned in 2007 as part of the STP upgrade is remote from the site and is not located or sized for potential supply of treated effluent to the site.

Option 1 and Option 4 are considered to be the preferred solutions to the sewerage servicing for the proposed development. There are no apparent significant constraints that would preclude the successful implementation of either option, although detailed assessment of the environmental impacts would need to be considered at the detailed design stage should Option 1 be selected.

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Figure 7.4 – Sewerage Scheme



Source: Cardno Forbes Rigby, 2008

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7.9.2 Water

The residential lots can be serviced from the surface reservoir up to an approximately RL110m to 115m AHD. Should there be development above this range, water can be drawn from the elevated reservoir, however this will require upgrades to the existing pumps that transfer the water from the surface reservoir to the elevated reservoir. Given the close proximity to the existing water reservoirs and the available capacity to service the development it is considered the only viable option for the provision of potable water.

No significant constraints that would preclude timely implementation if this water supply strategy.

Sydney Water advised that a duplicate trunk water main would be required from the intersection of Camden Valley Way and Dwyer Road to the study area. Indicatively the main was sized as a 450mm diameter. Final sizing and design of the trunk water main would be undertaken during the detailed design phase for the project.

To satisfy the key objective of water conservation targets in the brief and meet the BASIX guidelines there are a number of initiatives that can be introduced to the proposed dwellings such as:

- AAA Rated Showerheads: These devices can cut water delivery from the shower in half without affecting shower quality.
- Bathroom Fixtures: Installation of water saving devices like dual flush toilets, water saving aerators and flow regulators in taps.
- Landscaping: Choosing indigenous species will result in less maintenance and watering.
- Rainwater tanks: Can be used for flushing toilets, watering the garden, washing the car.
- Effluent re-use: Can be used for flushing toilets and outdoor garden applications

Application of the above measures will essentially enable the proposed dwellings to meet the BASIX requirement of reducing water consumption by 40% as introduced by NSW Planning in June 2004.



Figure 7.5 – Potable Water Scheme



Source: Cardno Forbes Rigby, 2008

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7.9.3 Utilities

Common trenching for electricity, gas and telecommunications is proposed to minimise costs as well as visual impacts. Care should be taken to avoid conflict with trenching for water and sewage.

Electricity

To serve the development, a two 11kV feeders from the Narellan zone substation will need to be provided at the developer's expense. It is envisaged that the 11kV feeders could utilise the existing 132kV easement from the Narellan zone substation either by underground trenches or co-location above ground with the 132kV. The option to use the existing 132kV easement has some risk, in that there will be negotiations required between private landholders along the designated route.

The negotiations should be made easier by taking the option to install this feed underground within the easement. This will negate the need to rebuild the existing 132kV assets with co-located 11kV lines as this entails new, taller poles spaced closer together.

Co-ordination with power servicing plans for the nearby Turner Road precinct within the growth centre will be necessary. Negotiations with Integral Energy have commenced on behalf of the Turner Road precinct, and this should be considered in future negotiations.

There appears to be no technical constraints to the implementation of the electricity strategy. From discussions with Integral Energy, it is understood that one 11kV feeder could serve up to 600 dwellings.

Whilst potential methods to service the sites have been considered, Integral Energy will need to understand the layout, densities and staging to provide more specific information. Integral Energy advised that it would be worthwhile liaising with an Accredited Service Provider (ASP) once this information is at hand. The ASP would provide the 'middle man' between the developer and Integral Energy, addressing matters such as detailed design.

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**Gas**

The existing gas main can be extended approx 3.5km from Smeaton Grange. It is a 110 mm diameter medium pressure (210kPa) main and has the capacity to service all the lots in the development.

Agility advised that BASIX requirements make it difficult for dwellings to comply with the energy rating of 40 and gas is seen as a good alternative to electricity, especially for heating and hot water. Agility also suggested that developers may need to undertake to install fixed flued gas heaters in each dwelling to assist in gaining the necessary rating. Solar/Gas combined hot water may also need to be looked into as a further means to that end.

Agility cannot assess the cost to provide gas to this development until it has a general development plan showing street layouts etc. The cost to Agility will include bringing the main from Smeaton Grange to each development area plus the internal reticulation. Agility do an assessment on what revenue will be gained from the development and the developer pays the difference as a contribution.

Common service trenching (ie. electricity, Telstra, gas, etc) will also assist in reducing or eliminating any cost contribution amount.

Communications

Telstra will provide the 'outpost' MDF to service the development, requiring a parcel of land 20 m x 10m at a location along Camden Valley Way, and communications services will be able to be reticulated from there.

There are no apparent constraints to the timely implementation of the telecommunications strategy.



7.10 Community Facilities

The proposed development encompassing the ECBG site will be planned in an integrated manner. The proposal aims to provide housing in a landscaped setting associated with the golf course and Gledswood homestead, resulting in a predominantly low density development, with population dispersed among a number of clusters, separated by areas of open space. In this context, it is recognised that strategies for community facilities and open space need to be innovative and responsive to the special and unique characteristics of the site.

Summarising Council policies, the key issues for consideration in planning the new community are:

- achieving housing and lifestyle choice and population diversity, to create social mix and a balanced community;
- creating a pleasant and safe environment which promotes a sense of security, health, well being and quality of life, with spaces for social interaction and an active, lively neighbourhood;
- providing a range of facilities, services and programs that meet the learning, social, cultural, health, leisure and recreational needs of the community and help build its resources;
- providing convenient and equitable access within the development to jobs, shops, public transport, schools and social and recreational facilities in the wider region;
- creating an identity and image for the development that promotes civic pride and celebrates its unique sense of place, along with respect, interpretation and celebration of the site's natural and cultural heritage;
- integrating with surrounding communities and the wider region, both physically and socially, in ways that promote inclusion and social cohesion;
- providing opportunities for all age groups and sections of the population to become involved in the life of the community, to develop community networks and connections with other residents, to create a sense of belonging and to have opportunities for cultural expression;
- providing opportunities to participate in the on-going planning and development of the community and to develop stewardship over its resources.

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In their study, Elton Consulting note that the future population of the site will be relatively small and will not reach thresholds required to justify providing most types of community facility. Most of the requirements of the population will be met by existing facilities and services in the wider area and impacts on these services are expected to be marginal. The development would benefit from the following facilities, which could be combined with the existing clubhouse or function facilities.

- convenience retail facility (ancillary to the Golf Clubhouse);
- spaces for informal social interaction; and
- community meeting and activity space.

It is recognised however, that the development will contribute to the cumulative growth in population occurring across Camden, which is placing strains on existing services. In this way, the development will contribute to a need for additional recurrent funding to enhance staffing and programs in health, welfare, family and individual support services.

In terms of open space requirements, Council's Contributions Plan requires 0.4ha of local open space per 1,000 population. Council are satisfied with the proposed provision of 2.5 ha of open space (community parks) within the site

7.10 Noise Issues

The noise assessment undertaken by Atkins Acoustics and discussed in Section 5, did not result in the sterilisation of land from future residential development. However it did conclude that without noise attenuation strategies the noise criteria may be exceeded at residences adjacent to Camden Valley Way and Raby Road.

Proposed noise attenuation strategies along the major roads include building form strategies, such as rows of purpose built residences within the impacted area that provide a continuous building façade, to reduce the buffer zone.

As noted earlier in Chapter 5, it is difficult to determine precise management measures for the road-related noise for two reasons. Firstly, there is limited detail about the proposed future scale and exact alignment of the key arterial roads, such as Camden Valley Way and Raby Road. These roads are likely to be upgraded in response to proposed development in the SWGC to the north and south of the study area, but design details are not yet available.

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Funding for any noise amelioration measures should be provided as part of the substantial upgrades likely to be undertaken on those roads.

The proposed response to these issues is to ensure that further noise assessment is undertaken as part of the detailed planning phase. Further information will be available by then on both the nature of future nearby developments and the proposals for upgrading relevant roads. However, these future strategies will need to focus on a suite of measures which specifically excludes noise walls or acoustic mounding, which would unduly compromise the scenic and landscape objectives of the planning for the study area.

Modelling for internal roads are dependant on traffic speed, traffic volumes and building alignments. Detailed investigation would be required at subdivision stage and appropriate controls identified such as barriers, mounds, building design or on site management.

Noise from on site infrastructure such watering services would need to be controlled. A specific noise management plan should be prepared at the subdivision stage. This would include identification of noise source locations, plant selections, engineering noise controls and site specific Noise Management Plans.

Noise from internal car parks and the Gledswood function facilities have the potential to impact on future residents. Detailed investigation would be required at subdivision stage and appropriate controls identified such as noise hours of operation and buffer zones.

7.11 Odour Issues

Using the 2 OU contour line as a measure of where odour is acceptable from the results in Figure 5.20, there is little in way of consequences for residential zoning. With the ECBG site creating a golf course frontage, odour impacts on this land are irrelevant.

The presence of the 2 OU contour 80 metres inside the grounds of the property is of no significance, as not all of the western side of the site will house dwellings. Part of the affected area in this case will include a vegetative golf course landscape buffer along Camden Valley Way, which will assist in obstructing and redirecting migrating odours. Furthermore, considering that dwellings on the site will not be form a contiguous residential community, but rather pockets of dwellings, an odour criterion higher than 2 OU can be

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justified since the population is lower. Given that odours will not even reach 3 OU, and peaks will occur late in the night when people are indoors, the predicted impacts are very acceptable and even unlikely to be detected.

In no uncertain terms, the poultry farms in the vicinity of the sites nominated for rezoning pose no obstacle to the successful rezoning in regards to odour impacts.

7.12 Conclusion

As noted at the beginning of this chapter, the management strategies and frameworks which are summarised above are designed to provide a broad framework for subsequent planning of the study area. It is essential that these management plans are implemented. Without them, there is a risk that the environmental impacts associated with the development would not be able to be satisfactorily addressed. On the other hand, the implementation of these management plans will allow development to proceed in a manner consistent with the planning and environmental objectives of Camden Council and a range of Government agencies. The key outcomes of protecting the scenic and rural character of the area, conserving the built and Aboriginal heritage, and protecting (in an ongoing way) the natural assets of the study area will be able to be realised if the above plans are implemented in concert with sensitively planned development.

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8 Chapter 8 – Compliance with Statutory Requirements

8.1 Introduction

This chapter briefly describes how the fundamental objectives of key pieces of NSW and Commonwealth legislation have been addressed in this planning process. It is not intended to be an exhaustive demonstration of compliance with those Acts because many of them have operational sections which will be addressed over time if the development proceeds. All Acts listed below are NSW legislation, unless specifically noted.

The chapter also addresses the way in which the planning for the study area has taken into account relevant Section 117 directions issued by the Minister for Planning.

8.2 Threatened Species Conservation Act 1995

This Act establishes procedures for the listing and subsequent protection and recovery of threatened species, populations and ecological communities, as well as key threatening processes.

The objectives of the Act are to:

- conserve biological diversity and promote ecologically sustainable development;
- prevent the extinction and promote the recovery of threatened species, populations and ecological communities;
- protect the critical habitat of those threatened species, populations and ecological communities that are endangered;
- eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities;
- ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed; and
- to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.

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This LES contributes to the achievement of these objectives by:

- protection of Cumberland Plain Woodland;
- off-setting the impacts on Cumberland Plain Woodland through planting of additional areas on the site; and
- continuing to integrate conservation objectives, particularly as they relate to native species, in the operation and design of the ECBG golf course.

8.3 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act (EP&A Act) is the primary planning legislation in NSW, and is therefore necessarily wide-ranging and complex. A number of the parts of the Act, as well as several of the objectives, are therefore not directly relevant to the planning investigations for the study area. However, the Act does provide the statutory planning framework in which these investigations have been undertaken.

8.3.1 EP&A Act Objectives

The objectives of the EP&A Act are to:

- encourage:
 - the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - the promotion and co-ordination of the orderly and economic use and development of land;
 - the protection, provision and co-ordination of communication and utility services;
 - the provision of land for public purposes;
 - the provision and co-ordination of community services and facilities; and
 - the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats;
- ecologically sustainable development;
- the provision and maintenance of affordable housing;
- to promote the sharing of the responsibility for environmental planning between the different levels of government in the State; and



- to provide increased opportunity for public involvement and participation in environmental planning and assessment.

The proposed development of the ECBG site would address a number of these objectives. The site is contiguous with the future growth centre precincts, including the first release precinct at Turner Road.

8.3.2 EP&A Act Statutory Process Requirements

The EP&A Act establishes the legal processes involved in preparing local environmental plans. These processes are set out in Part 3 Division 4 of the Act, in sections 53 – 72. This section briefly summarises how those requirements have been addressed in this planning process.

Section 54 enables a Council to make a decision to prepare a LEP and requires the Council to inform the Director General of the Department of that decision. Camden Council decided to prepare the LEP, and undertake the LES, at a meeting held on 13 December 2004. The Department of Planning was informed of this decision on 22 December 2004.

Section 57 requires a Council to prepare an environmental study to support the LEP(s). This document meets the requirements of Section 57. Section 61 simply requires the LEP(s) to be prepared with reference to the environmental study. In this case, the LEPs will be prepared after careful consideration of the issues described in this LES.

Section 62 requires the Council to consult with relevant state and Commonwealth government agencies, and any other persons as it sees fit, during the preparation of the LEP(s). This consultation will be undertaken once the draft LES is completed.

Section 63 requires government agencies to provide relevant information to assist in the preparation of the LES and LEP(s).

Section 64 relates to the Council submitting a copy of the draft LEP(s) to Department of Planning to enable DoP to determine whether it will issue a section 65 certificate allowing it to be exhibited.

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The remaining sections relate to the consideration of submissions made during the public exhibition phase and the formal making of the plan. These events will occur in the future

In addition, section 34A of the Act requires consultation with the National Parks and Wildlife Service (now DECC) in relation to conservation and Aboriginal heritage issues. This consultation will be combined with the EP&A Act Section 62 consultation process.

8.3.3 Section 117 Directions

Section 117 of the EP&A Act allows the Minister to issue directions to Councils and other public authorities in relation to their functions and roles under the Act. A wide range of section 117 directions has been issued, but a number of them are not relevant to this study area. The manner in which those that are relevant have been addressed in this planning process is summarised below.

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Table 9.1 – Relevant Section 117 Directions

Direction Number	Direction Title	Objectives	Response
1.1	Business and Industrial Zones	The objectives of this direction are to: (a) Encourage employment growth in suitable locations; (b) Protect employment land in business and industrial zones; and (c) Support the viability of identified strategic centres.	Not applicable
1.2	Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Not applicable Current zoning is 7(d) Environmental Protection (scenic)
1.3	Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	The draft LEP will not create a prohibition on mining therefore is consistent with this direction. The Department of Primary Industries will be consulted as part of the Section 62 consultation process, and their response documented in Appendix A.
1.4	Oyster Aquaculture	The objectives of this direction are: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a draft LEP; and (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse	Not applicable

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Direction Number	Direction Title	Objectives	Response
2.1	Environmental Protection Zones	<p>impacts on water quality and consequently, on the health of oysters and oyster consumers.</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>The draft LEP is generally consistent with this direction.</p> <p>The proposed development respects the environmentally and visually sensitive areas within the Camden Scenic Hills area.</p> <p>The Department of Environment and Climate Change will be consulted as part of the Section 62 consultation process, and their response documented in Appendix A.</p> <p>Not applicable</p>
2.2	Coastal Protection	The objective of this direction is to implement to the principles in the NSW Coastal Policy.	Not applicable
2.3	Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The draft LEP is consistent with this direction.</p> <p>The proposed development respects the environmentally and visually sensitive areas within the Camden Scenic Hills area.</p> <p>The NSW Heritage Office will be consulted as part of the Section 62 consultation process, and their response documented in Appendix A.</p> <p>Not applicable</p>
2.4	Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Not applicable
3.1	Residential Zones	<p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs;</p>	<p>The draft LEP is consistent with this direction.</p> <p>The proposed development respects the environmentally and visually sensitive areas within the Camden Scenic Hills area.</p>

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Direction Number	Direction Title	Objectives	Response
3.2	Caravan Parks and Manufactured Homes Estates	<p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p>The objectives of this direction are:</p> <p>(a) to provide for a variety of housing types; and</p> <p>(b) to provide opportunities for caravan parks and manufactured home estates.</p>	Not applicable
3.3	Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	The draft LEP is consistent with this direction.
3.4	Integrating Land Use and Transport	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport;</p> <p>(b) increasing the choice of available transport and reducing dependence on cars;</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car;</p>	<p>The draft LEP is consistent with this direction.</p> <p>It should be noted that the infrastructure outcomes associated with the ECBG development will be integrated and co-ordinated with the transport planning for the neighbouring developments and wider south west Growth Centres proposals.</p>

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Direction Number	Direction Title	Objectives	Response
3.5	Development Near Licensed Aerodromes	<p>(d) supporting the efficient and viable operation of public transport services; and</p> <p>(e) providing for the efficient movement of freight.</p> <p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of aerodromes;</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	Not applicable
4.1	Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The draft LEP is consistent with this direction.
4.2	Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The draft LEP is consistent with this direction. The Mine Subsidence Board will be consulted as part of the S62 process and their response documented in Appendix A.
4.3	Flood Prone	The objectives of this direction are:	The draft LEP is consistent with this direction.



Direction Number	Direction Title	Objectives	Response
	Land	<p>(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>; and</p> <p>(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	
4.4	Planning for Bushfire Protection	<p>The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and</p> <p>(b) to encourage sound management of bushfire prone area.</p>	The draft LEP is consistent with this direction.
5.1	Implementation of Regional Strategies	<p>The objective of this direction is to give legal effect of the vision, land use strategy, policies, outcomes and actions contained in regional strategies.</p>	The draft LEP is consistent with this direction.
5.2	Sydney Drinking Water Catchments	<p>The objective of this direction is to protect water quality in the hydrological catchment.</p>	The draft LEP is consistent with this direction.
5.3	Farmland of State and Regional Significance on the NSW far	<p>The objectives of this direction are:</p> <p>(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre;</p>	Not applicable

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Direction Number	Direction Title	Objectives	Response
5.4	North Coast Commercial and Retail Development along the Pacific Highway, North Coast	<p>(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning; and</p> <p>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</p> <p>The objectives for managing commercial and retail development along the Pacific Highway are:</p> <p>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter and intra-regional road traffic route;</p> <p>(b) to prevent inappropriate development fronting the highway;</p> <p>(c) to protect public expenditure invested in the Pacific Highway;</p> <p>(d) to protect and improve highway safety and highway efficiency;</p> <p>(e) to provide for the food, vehicle service and rest needs of travellers on the highway; and</p> <p>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p>	Not applicable
5.5	Development in the vicinity of	The objective of this direction is to ensure that development in the vicinity of the villages of Ellialong.	Not applicable

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Direction Number	Direction Title	Objectives	Response
	Eilalong, Paxton and Millfield (Cessnock LGA)	Paxton and Millfield is consistent with the Cessnock City Wide Settlement Strategy and the Lower Hunter Regional Strategy.	
5.6	Sydney to Canberra Corridor	The objective of this direction is to ensure that draft LEP's are prepared in accordance with the Sydney to Canberra Corridor Strategy.	Not applicable
5.7	Central Coast	The objective of this direction is to ensure that land is zoned in accordance with the appropriate regional strategy for the Central Coast.	Not applicable
5.8	Second Sydney Airport: Badgery's Creek	The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgery's Creek.	Not applicable
6.1	Approval and Referral Requirements	The objective of this direction is to ensure the LEP provisions encourage the efficient and appropriate assessment of development.	The draft LEP is consistent with this direction. Consultation to occur as part of the S62 process and responses documented in Appendix A. Pre-Section 62 discussions to be held with key agencies as required, prior to the draft LEP being formally issued for the S62 process.
6.2	Reserving Land for Public Purposes	The objective of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes; and (b) to facilitate the removal of reservations of land	Not applicable

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Direction Number	Direction Title	Objectives	Response
6.3	Site Specific Provisions	<p>for public purposes where the land is no longer required for acquisition.</p> <p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	The draft LEP is consistent with this direction.



8.4 Protection of the Environment Operations Act 1997

As with the Environmental Planning and Assessment Act 1979, the Protection of the Environment Operations (POEO) Act contains wide-ranging objectives which seek to improve environmental outcomes. Public participation in those environmental outcomes is encouraged, and pollution prevention is a focus of the Act.

The objectives of the POEO Act are to:

- protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development;
- provide increased opportunities for public involvement and participation in environment protection;
- ensure that the community has access to relevant and meaningful information about pollution;
- reduce risks to human health and prevent the degradation of the environment by the use of mechanisms that promote the following:
 - pollution prevention and cleaner production;
 - the reduction to harmless levels of the discharge of substances likely to cause harm to the environment;
 - the elimination of harmful wastes;
 - the reduction in the use of materials and the re-use or recycling of materials;
 - the making of progressive environmental improvements, including the reduction of pollution at source;
 - the monitoring and reporting of environmental quality on a regular basis;
- rationalise, simplify and strengthen the regulatory framework for environment protection;
- improve the efficiency of administration of the environment protection legislation; and
- assist in the achievement of the objectives of the Waste Avoidance and Resource Recovery Act 2001.

The various aspects of environmental management outlined in Chapter 8 and likely to be implemented through development consent conditions, should the rezoning proceed, will see environmental management practices improve compared to the current situation. In relation to the operations of the proposed golf course, a strong environmental management focus will be applied. The development of the site therefore has the potential to contribute significantly to the achievement of the objectives of this Act.



8.5 Environment Protection and Biodiversity Conservation Act 1999

The Environmental Protection and Biodiversity Conservation (EPBC) Act is the main piece of Commonwealth environmental legislation. While planning matters are almost exclusively managed by NSW legislation, the EPBC Act has the potential to be relevant to the planning of ECBG.

The objectives of the Act are to:

- provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance;
- promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources;
- promote the conservation of biodiversity;
- provide for the protection and conservation of heritage;
- promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
- assist in the co-operative implementation of Australia's international environmental responsibilities;
- recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity; and
- promote the use of indigenous peoples' knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.

While the planning for ECBG has addressed, in general terms, a number of these objectives, the main reason that these sites may be covered by the EPBC Act is that Cumberland Plain Woodland is a listed threatened ecological community under section 181 of the Act.

However, the EPBC Act is triggered by activities which are likely to have an actual physical impact. The rezoning of land, in and of itself, is not considered to have such an impact, and the EPBC Act is therefore not triggered at this stage. Development activities which may be proposed following the rezoning or sale of land, such as clearing or construction, may need to be referred to Environment Australia.



An action such as this will require approval from the Environment Minister if the action has, will have, or is likely to have a 'significant impact' on a listed ecological community. The 'EPBC Act Administrative Guidelines on Significance' state that the action will have, or is likely to have a significant impact on a critically endangered or endangered ecological community if it does, will, or is likely to:

- lead to a long-term adverse affect on an ecological community; or
- reduce the extent of a community; or
- fragment an occurrence of the community; or
- adversely affect habitat critical to the survival of an ecological community; or
- modify or destroy abiotic (non-living) factors (such as water, nutrients, or soil) necessary for the community's survival; or
- result in invasive species that are harmful to the critically endangered or endangered community becoming established in an occurrence of the community; or
- interfere with the recovery of an ecological community.

The objectives of the Act will also be substantially addressed through the implementation of the requirements of Council's Natural Assets Policy.

8.6 National Parks and Wildlife Services Act 1974

The National Parks and Wildlife Services (NPWS) Act again has a strong environmental focus, with an emphasis on managing, protecting and providing access to natural landscapes. The Act encourages public involvement in these landscapes. The Act facilitated the establishment of the NPWS, which has since been absorbed into the Department of Environment and Climate Conservation.

The objectives of the NPWS Act are:

- the conservation of nature, including, but not limited to, the conservation of:
 - habitat, ecosystems and ecosystem processes;
 - biological diversity at the community, species and genetic levels;
 - landforms of significance, including geological features and processes;
 - landscapes and natural features of significance including wilderness and wild rivers;
- the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to:
 - places, objects and features of significance to Aboriginal people;

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- places of social value to the people of New South Wales;
- places of historic, architectural or scientific significance;
- fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation; and
- providing for the management of land reserved under this Act in accordance with the management principles applicable for each type of reservation.

Protection, restoration and ongoing maintenance of the environmental assets of the ECBG site will see these objectives advanced.

8.7 Heritage Act 1977

While the Heritage Act does not have formally specified objectives, it formalised a wide range of heritage issues, and established the Heritage Council. It also set out processes for protecting heritage assets, and for establishing and maintaining the State Heritage Register.

Guidance is provided on heritage agreements, including the range of issues which these agreements can address. Finally, the Act provides advice on the procedures for applications in relation to heritage items.

The planning process for ECBG has considered heritage conservation outcomes. Due regard was been given to an appropriate curtilage around the Upper Canal and the impact of development on the setting of the Gledswood estate.

8.8 Water Management Act 2000

The Rivers and Foreshores Improvement Act 1948 has now been repealed and the Water Management Act 2000 sets the legislative reference. Its key area of relevance in relation to ECBG is the identification, restoration and ongoing protection of the riparian corridors identified within the study area.

The planning process undertaken to support this LES involved the following measures in this regard:

- review of initial mapping of riparian corridors as mapped by Camden Council;
- liaison with DWE to confirm the extent of these corridors and the key protection priorities;

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- ecological assessment by Eco Logical Australia to confirm and define the corridors of highest value; and
- consideration of the incorporation of these corridors into the zoning components of the study area.

8.9 Fisheries Management Act 1994

The Fisheries Management Act deals with both the management of fish resources within NSW and the protection of the habitats in which fish are located. As was demonstrated in the aquatic habitat survey described in Chapter 5, the study area does provide some limited potential habitat for aquatic species.

The general objectives of this Act are to conserve, develop and share the fishery resources of the State for the benefit of present and future generations. More specifically, the Act seeks to:

- conserve fish stocks and key fish habitats;
- conserve threatened species, populations and ecological communities of fish and marine vegetation;
- promote ecologically sustainable development, including the conservation of biological diversity; and
- and, consistently with those objects:
 - promote viable commercial fishing and aquaculture industries;
 - promote quality recreational fishing opportunities;
 - appropriately share fisheries resources between the users of those resources; and
 - provide social and economic benefits for the wider community of New South Wales.

While there are limited permanent water sources within the study area, there are some areas of potential aquatic habitat. These will be conserved through the establishment of generous riparian zones around the major streams. These areas will also be subjected to extensive restoration and ongoing conservation.

Measures to control water quality will also lead to improvements in water quality and therefore aquatic habitats. These benefits will extend beyond the site into the neighbouring stream system.

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8.10 Soil Conservation Act 1938

As is common with older pieces of legislation, the Soil Conservation Act does not contain explicitly stated objectives. The Act is primarily concerned with protecting valuable soil landscapes and minimising erosion. The Act establishes a Soil Conservation Commissioner and empowers the responsible Minister to issue notices requiring action on the part of individuals to prevent erosion.

The planning for ECBG has considered these objectives and is recommending a range of initiatives which will contribute to the achievement of the Act's objectives.

Douglas Partners undertook analysis of soil conditions and slopes. Areas of unstable soil, which are primarily related to steep slopes, have been quarantined from the development footprint. Restoration of the riparian zones, some of which suffer from localised erosion, will be undertaken. Areas of environmental concern, which have the potential to be contaminated, have been identified and will be remediated where appropriate.

8.11 Summary

This chapter has demonstrated that the planning work undertaken to support this LES has been cognisant of the various legislative requirements applying to urban development in NSW. A number of the Acts referred to in this chapter will continue to be applicable throughout the detailed planning and development phases of the site, so it is not intended that this chapter be a demonstration of complete compliance with the relevant Acts.

In addition, there have been some instances where the requirements of particular Acts have intersected. Careful balancing of the various planning issues has been undertaken, so that the overall requirements of the most relevant legislation, the Environmental Planning and Assessment Act, 1979, have been met.



9 Chapter 9 – Proposed Development Principles

9.1 Introduction

The planning process undertaken to support the preparation of the draft LEP and this LES has been focused on assessing the capability and determining the suitability of the land for development. Preliminary concept planning has also been undertaken, and is reflected in the concept master plan outlined in Chapter 6.

This preliminary concept planning has been undertaken to demonstrate the application of the various planning outcomes to the land.

However, it is important that the LES establish a clear framework of planning principles to guide future development of the site. This chapter summarises the key development principles for ECBG and is based on recommendations from each of the specialist consultants.

The principles are not intended to reflect all the recommendations of the consultants or those developed by the PCG and contained in this LES. These are summarised in Chapter 10. Nor are the principles designed to supersede existing Camden Council and NSW Government policies. They are simply intended to illustrate in more detail the proposed planning approach for future development on the site.

9.2 Sustainability Framework

The sustainability framework contains a wide range of measures designed to ensure that development in the ECBG achieves very high levels of sustainability. As a minimum, the requirements of BASIX will be implemented, with the opportunity to voluntarily achieve higher levels of performance in terms of energy and water consumption. The framework also extends into areas which are not currently legislatively enforced in NSW.

While there will be some flexibility about how the sustainability outcomes are achieved, the basic principles are:

- all design initiatives, from overall site master planning through to dwelling design, should seek to reduce the production of carbon dioxide;

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- transport systems should aim to reduce reliance on car travel;
- construction materials should be selected to minimise the amount of waste going to landfill, and to maximise the use of recycled materials;
- measures to reduce water demand should be implemented in both the public and private domains;
- respond to the bushland setting, through minimising existing bushland removal and encouraging native planting landscaping;
- site layout planning should encourage high levels of community interaction as a means of contributing to higher levels of overall social wellbeing;
- lot layouts should, as far as possible, comply with the former Sustainable Energy Development Authority's Solar Access for Lots guide; and
- as far as is possible, locally sourced materials and labour should be used to facilitate retention of economic benefits at the local level.

9.3 Social and Economic Sustainability

As well as the focus on environmental outcomes, social and economic sustainability principles should underpin the master planning for ECBG. Principles addressing the social aspects of sustainability were developed by Elton Consulting during the Community Facilities and Open Space study. The principles are:

- achieve housing and lifestyle choice and population diversity, to create a social mix and balanced community;
- a pleasant and safe environment should be created to contribute to the health and well-being of future residents;
- a range of community facilities, services and programs should be provided to help meet the community's learning, social, cultural, health and recreation needs;
- convenient access to these facilities and jobs should be provided through strong linkages with the surrounding area;
- the ECBG site should be effectively physically integrated with surrounding areas, recognising the challenges posed by the natural features of the sites in this regard;
- opportunities should be provided for all age groups to participate in community events and networks; and
- residents should be provided with ongoing involvement in the planning and development of their community, and in the stewardship of the community's resources, including through the proposed community title scheme(s).



The third element of sustainability encompasses economic outcomes. Objectives of relevance to ECBG in this regard include:

- facilitating local and regional economic growth, both through the construction phase and as a result of expenditure by future households;
- continuing to provide employment opportunities for local residents, both through the various recreation and functions activities undertaken at ECBG; and
- giving the opportunity to the landowners to achieve a return commensurate with the development risk.

9.4 Water Cycle Management

The water cycle management scheme will be a fundamental factor shaping development outcomes within the study area. While a framework for it has been developed as part of this planning process, the following principles should guide its implementation or any modifications to it.

The principles are:

- siting, design and construction of buildings should be responsive to natural features such as landforms, the Upper Canal, drainage and vegetation;
- stormwater design should respect natural features such as landforms, waterways, drainage patterns and vegetation;
- street layout and design should respect natural features such as topography, natural drainage and ecosystems;
- landscape practices should encourage indigenous plant species and minimise fertiliser and herbicide requirements;
- a combination of grassed swales, sand filters and communal stormwater tanks should be used to conserve water and enhance water quality; and
- if reclaimed water is to be used, it should be done so in conjunction with an appropriate public education strategy.

9.5 Infrastructure

The civil infrastructure requirements relating to the proposed development are relatively straightforward. In most cases, it involves the provision of traditional trunk infrastructure



within existing or proposed road networks. In all cases, further detailed investigations and design work will need to be undertaken prior to delivery of this infrastructure.

The following general principles should be taken into consideration when undertaking further detailed design for this infrastructure. The principles include:

- early liaison with utility providers in relation to the supply of adequate levels of service;
- the use of common trenching as far as possible; and
- ensuring that the highest practical levels of access are provided to communications opportunities, including broadband internet and adequate mobile telephone coverage.

9.6 Flora and Fauna

The following principles should guide the detailed master planning in relation to flora and fauna issues:

- conserve and enhance existing vegetation, riparian corridors and interconnect patches of bushland to improve regional connectivity and flora and fauna habitats;
- retain, restore or reinstate vegetation to a self sustaining condition;
- locate housing footprints to minimise vegetation removal; and
- provide opportunities for passive recreation and environmental education.

9.7 Bush Fire Planning

The following principles should guide the detailed bushfire planning aspects of the future master plans:

- adequate water supplies should be available for fire fighting;
- appropriate access and egress should be provided to enable evacuation of residents and access by emergency services;
- asset protection zones should be provided between areas of potential hazard and development;
- bushland should be appropriately managed within recommended fuel accumulation regimes;
- development should be sited to minimise bushfire hazard and impacts and should, as far as possible and where necessary, be constructed from materials with a high fire tolerance;



- bushfire management regimes should be appropriately resourced and funded over time; and
- community education about bushfire planning and management should be undertaken.

9.8 Heritage and Landscape

As has been noted earlier, the landscape conservation management plan recommendations have been taken into account in preparing the development footprint. The following principles developed by the consultant are relevant factors to shape the master planning outcomes. These principles include:

- retain the cultural heritage significance of the place, including its significant character, elements, fabric and relationship to its wider setting;
- development in areas of identified indigenous archaeological significance that cannot be conserved will be removed in accordance with the relevant provisions of the National Parks and Wildlife Act;
- development should not occur on prominently visible ridge lines;
- the location of development should minimise the disturbance to existing district views both to and from the site;
- heritage curtilages should be respected and incorporated into detailed plans;
- development controls should be prepared for new development in the vicinity of sensitive areas;
- perimeter roads should be used as much as possible so that the principal elevations of houses face out onto the conservation zones and open space areas, as part of efforts to reinforce the rural character of the estates;
- provide recommendations for the conservation (including adaptation) of areas, elements and fabric of the place;
- identify elements which adversely affect the site and warrant modification or removal;
- identify where and how adaptation and new works can be carried out that are compatible with the above policies and will provide for the conservation and long-term security of the significant features of the site; and
- identify how conservation requirements should be co-ordinated with the other demands on the place (functional, financial etc) to ensure appropriate solutions for its development and management in the short and longer term.

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Following from these principles, adverse impacts on components, fabric or other aspects of significance including use should only be permitted where:

- it makes possible the recovery of aspects of greater significance;
- it helps ensure the security and viability of the place;
- there is no feasible alternative (ie. to meet safety and/or legal requirements);
- the area, element, fabric or other aspect of significance is adequately recorded; and
- full assessment of alternative options has been undertaken to minimise adverse impacts.

9.9 Soil and Salinity Management

The development principles relating to soil and salinity management are:

- development should be limited or avoided in areas of known salinity potential;
- cut and fill should be minimised, where possible, to avoid stimulating further salinity problems;
- second stage contamination assessments should be conducted on the identified areas of environmental concern which are located within the development footprint; and
- steep slopes should be avoided as sites for development.

9.10 Transport

The Transport Management and Accessibility Plan prepared to support this LES recommended a package of measures designed to achieve more sustainable transport outcomes, while also addressing the transport impacts of the proposed development.

As well as that package of measures, a number of principles have been developed to guide the master planning for the sites. Those principles are:

- facilities for pedestrians and cyclists should be safe, direct and convenient, attractive, integrated with surrounding networks and focused on key destinations;
- the road network should have sufficient connectivity to enable effective bus services, including, where possible, multiple points of connection to the surrounding network;
- intersections on the surrounding road network which are to be upgraded as a result of the development of the study area should generally be designed to achieve level of service D. This will ensure the appropriate level of investment; and
- a desirable 5% mode shift to modes other than the private car.

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9.11 Noise Management

As well as the specific recommendations described in the following chapter, these additional principles should be used to guide development and master planning:

- noise mitigation measures should avoid compromising the scenic objectives of the study area, particularly when viewed from surrounding arterial roads; and
- measures should ensure the lifestyle of future residents is not unduly compromised.

9.12 Odour Management

Following the outcome of the modelling, no requirements are necessary. It is expected that the recommendations described in the following chapter (installations that are conducive to odour management, specifically air conditioning of dwellings and windbreaks) will form part of management anyway.

9.13 Conclusion

As noted in the introduction to this chapter, these development principles are intended as guideposts for the subsequent detailed planning to be undertaken by the landowners. They should be read in conjunction with a range of Camden Council policies and provide a basis for a more detailed development control plan to be prepared by Council.



10 Chapter 10 – Recommendations

10.1 Introduction

This chapter summarises the recommendations arising from the planning investigations of the ECBG study area. The recommendations draw on:

- the analysis of the specialist consultants;
- the views of the members of the Project Control Group;
- the input of selected community representatives and Government agencies obtained through both formal and informal consultation;
- the outcomes of negotiations with specific agencies; and
- input from specialist staff from Camden Council.

It is important to note that in preparing the LES, the Project Control Group has taken into account a wide range of views, as listed above. In some cases, specialist advice by consultants has been taken into account and balanced against a range of competing needs. In these cases, the recommended outcome described below may differ from the views of a particular consultant, but these differences have arisen only after careful consideration of a range of factors.

The recommendations described below should also be read in conjunction with Camden Council's existing policies in a range of areas. This LES does not seek to contradict those policies except where explicitly noted. The recommendations do not therefore attempt to address all planning and development issues which are likely to arise for the ECBG study area. The future detailed planning of the site will therefore need to take into account both these recommendations and a range of Council and NSW Government policies.

10.2 Overall Finding

Based on the analysis undertaken to support this Local Environmental Study, and subject to the implementation of the following recommendations, the ECBG site is considered to be suitable for urban development in line with the development concept outlined in Chapter 6.

10.3 General Recommendations



The following general recommendations relate to the wider planning context as distinct from specific issues.

Recommendation 1

That the areas known as EL Caballo Blanco and Gledswood be rezoned in accordance with the zoning map accompanying the draft LEP.

10.4 Land Capability Recommendations

Recommendation 2

That further assessment of the Area of Environmental Concern (AEC) located within the development footprint be undertaken so that the requirements of State Environmental Planning Policy No. 55 and Council's contamination policy can be satisfied.

Where this assessment shows that contamination does exist, subsequent development applications should be accompanied by a remediation action plan.

Recommendation 3

Preparation of a Salinity Management Plan prior to development approval to include all areas where the development footprint overlaps moderate to high salinity risk areas (>4dS/m ECe), and to assess the impact of the use of treated effluent for golf course irrigation.

10.5 Water Cycle Management Recommendations

Recommendation 4

Adopt a water cycle management strategy that aims to achieve higher than a 40% reduction in potable water consumption, reduces pollutant loads on receiving waters and appropriately reuses stormwater without exacerbating salinity issues.

Recommendation 5

Review water cycle strategy in light of future environmental management plan and any further information with respect to the release of the south-west sector review undertaken by Sydney Water.



10.6 Ecology and Bushfire Recommendations

Recommendation 6

Establish the CNAP CSA Protection Provision and Restoration zones within the zoning map attached to the accompanying draft LEP.

Recommendation 7

Establish the riparian zones reflected in the concept master plan and ensure their restoration in accordance with the Conservation Management Plan.

Recommendation 8

Ensure that the bushfire asset protection zones are further assessed and determined when more detailed design work is undertaken.

10.7 Transport Recommendations

Recommendation 9

Assess any contribution to infrastructure works further to negotiations with the Department of Planning, Growth Centres Commission, transport agencies and Council.

Recommendation 10

Confirm the package of measures described in the Transport Management and Accessibility Plan undertaken by Maunsell AECOM, as summarised in Chapter 7, and implement relevant items. This may require the execution of a deed of agreement between the landowners, Camden Council and the relevant NSW Government agencies. Where necessary, modify the package of measures after consultation with transport agencies and the Department of Planning.

10.8 Civil Infrastructure Recommendations

Recommendation 11

Ensure connections to trunk infrastructure are in place to service development.

Recommendation 12



Ensure suitability of proposed site sewage option selection in relation to issues to be assessed as part of the future detailed design, including noise, odour, buffer zones, human health implications and downstream pollution.

10.9 Community Facilities and Open Space Recommendations

Recommendation 13

Explore opportunities for space for informal social interaction and community meeting/activity space in addition to the existing clubhouse or function facilities.

10.10 Heritage and Landscape Recommendations

Recommendation 14

Ensure that any future subdivision development consents reflect the proposed heritage curtilage for the Gledswood homestead. Development controls also need to be prepared for new development in adjacent areas of sensitivity.

Recommendation 15

Adoption of the final CMP is to form the basis for the future conservation of the place. The CMP is to be reviewed every five years, or whenever new physical or documentary evidence is sourced, or when any substantial new work is proposed to ensure that it remains relevant and comprehensive in its conservation approach

Recommendation 16

A Heritage Agreement pursuant to Part 3B of the Heritage Act, 1977, should be entered into by the Minister and the owners of Gledswood to facilitate the appropriate conservation and future heritage management of the Gledswood site in exchange for the development of the less significant areas of Gledswood together with a corresponding SHR curtilage reduction.

10.11 Noise Recommendations

Recommendation 17

As part of subdivision applications, further investigations are undertaken and a Noise Management Plan prepared in relation to noise from on site infrastructure such as air

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conditioning, on site services such as golf course maintenance and the internal road network.

Further investigations should also be undertaken into the impact of car parks, the Gledswood facility and future licensed clubs and premises associated with the Turner Road growth centre precinct. Appropriate management or noise mitigation measures should be confirmed as part of the detail design phase.

Recommendation 18

Ensure that subdivision applications reflect the relevant noise setbacks and other treatments identified in the Acoustic Planning Report, particularly in relation to future development in the vicinity of Camden Valley Way and Raby Road. These measures need to address Camden Council's noise policy requirements and be integrated with the Roads and Traffic Authority's plans for these roads.

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Appendices

- Appendix A Consultation
- Appendix B Draft Local Environmental Plan
- Appendix C List of Supporting Studies
- Appendix D List of Abbreviations

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APPENDIX A

Consultation

Appendix A – Consultation

The table below provides a summary of the main issues raised by the various government authorities who were contacted in the initial round of Section 62 consultation:

Agency	Response
AGL ENERGY LIMITED	Phone conversation highlighted the need to ensure that utility undertakings are able to accommodated in future.
BUSWAYS	Submission (18.09.08) noted the challenges of the provision of public transport to the site, the need to accommodate future bus routes and that an east/west route could be provided in addition the north/south strategic corridor.
CAMPBELLTOWN CITY COUNCIL	Submission (10.09.08) reiterated concerns highlighted in submissions on Oran Park, Turner Road and Camden Lakeside in relation to the importance of the timely provision of infrastructure to support the needs of the future population, particularly in relation to transport and road networks.
CUBBITCH BARTA NATIVE TITLE CLAIMANTS (CBNTCAC)	No response
DARUG ABORIGINAL CULTURAL HERITAGE ASSESSMENTS (DACHA)	Submission (24.09.08) noted concern with statements made within the Aboriginal Heritage Assessment. Phone call confirmed that arrangements to undertake future site inspection prior to/during public exhibition will satisfy concerns due to passage of time.
DARUG CUSTODIAN ABORIGINAL CORPORATION (DCAC)	Submission (11.09.08) supported the recommendations, noted the desire to be involved in all future investigations and recommended education outcomes.
DARUG TRIBAL ABORIGINAL CORPORATION (DTAC)	Submission (03.09.08) supported the recommendations of DCAC.
DEPARTMENT OF AGING, DISABILITY & HOME CARE (DADHC)	No response
DEPARTMENT OF HEALTH & AREA HEALTH SERVICE	Submission (29.09.08) supported the key issues for consideration described in the LES, adding that a range of housing choices is encouraged, provision of funding for services and facilities for the community needs to be explored and adequate alternative forms of transport should be catered for.
GROWTH CENTRES COMMISSION (GCC)	Submission (23.09.08) noted that they had not formed an opinion as to whether the proposed rezoning of the site is or isn't appropriate, but highlighted the importance of future upgrades to surrounding transport and road networks.
INTEGRAL ENERGY	No response
MINISTRY OF TRANSPORT (MoT)	Submission (22.09.08) acknowledged the positive outcomes, but highlighted concerns in relation to the low density and dispersed development resulting from heritage and scenic objectives.
NSW DEPARTMENT OF	No response

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COMMUNITY SERVICES (DOCS)	
NSW DEPARTMENT OF EDUCATION & TRAINING (DET)	No response
NSW DEPARTMENT OF ENVIRONMENT & CLIMATE CHANGE (DECC)	Submission (02.10.08) encouraged the retention of existing vegetation, noted their desire for the riparian zone to be 'E2', and highlighted that DECC were currently drafting a flood clause for use by Council's.
NSW DEPARTMENT OF HOUSING	Email (26.09.08) requested the examination of the provision of affordable housing within the development.
NSW DEPARTMENT OF PLANNING (DOP)	Phone conversation confirmed that outcomes desired by DoP are consistent with those achieved on Camden Lakeside and that any issues can be addressed prior to/during exhibition.
NSW DEPARTMENT OF PRIMARY INDUSTRIES (DPI)	Phone conversation noted that there were no outstanding issues, though further advice may be forthcoming prior to/during exhibition in relation to coal/petroleum.
NSW DEPARTMENT OF SPORT & RECREATION (DSR)	No response
NSW DEPARTMENT OF WATER AND ENERGY (DWE)	Phone conversation confirmed that a future site visit and submission during public exhibition will better accommodate DWE's current program.
NSW FIRE BRIGADES	No response
NSW POLICE	No response
NSW RURAL FIRE SERVICE (RFS)	Phone conversation and email (30.09.08) noted that the Bushfire Report didn't raise any issues of particular concern, however the preference was to provide comments at the public exhibition stage.
PREMIERS DEPARTMENT	Declined to respond
RAILCORP	No response
ROADS TRAFFIC AUTHORITY, NSW (RTA)	Submission (26.09.08) instructs that no land within existing road widening is to be rezoned, that noise attenuation be addressed in the future design and that alternate forms of transport and service vehicles be accommodated. The submission also highlighted possible future changes to intersections as part of current preliminary investigations, though this is yet to be confirmed.
SYDNEY CATCHMENT AUTHORITY (SCA)	Submission (02.10.08) noted their desire to meet with Council regarding the development and their willingness to work with Council, as per the draft LEP 148 - Camden Lakeside.
SYDNEY WATER	Submission (26.09.08) recommends that a servicing strategy should be finalised for the site to determine a preferred option and that further assessment will occur upon application for a Section 73 Certificate.
TELSTRA	No response
THARAWAL LOCAL ABORIGINAL LAND COUNCIL (THARAWAL LALC)	No response

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APPENDIX B

Draft Local Environmental Plan

(Note: In electronic form, please refer to separate files for the LEP and accompanying maps.)

APPENDIX C
List of Supporting Studies

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Appendix C – List of Supporting Studies

- Aboriginal Heritage Assessment
El Caballo Blanco & Gledswood Rezoning
Australian Museum Business Services, July 2008
- Acoustic Planning Report
El Caballo Blanco & Gledswood Rezoning
Atkins Acoustics, July 2008
- Bush Fire Assessment
El Caballo Blanco & Gledswood Rezoning
Eco Logical Australia, July 2008
- Community Facilities & Open Space Assessment Report
El Caballo Blanco & Gledswood Rezoning
Elton Consulting in association with Tangent Leisure Consultants, July 2008
- Conservation Management Plan
Gledswood
Godden Mackay Logan, July 2008
- Ecological Assessment
El Caballo Blanco & Gledswood Rezoning
Eco Logical Australia, July 2008
- Landscape Conservation Management Plan
Former Gledswood Estate, Catherine Field
Clive Lucas, Stapleton and Partners, November 2005
- Landscape and Visual Assessment
Central Hills Rezoning
LFA, November 2005
- Landscape and Visual Assessment
Camden Lakeside and Gledswood Rezoning
LFA, November 2006
- Land Capability Assessment
El Caballo Blanco & Gledswood Rezoning
Douglas Partners, July 2008
- Level 3 Odour Impact Assessment
Rezoning of Camden Lakeside, El Caballo Blanco
& Gledswood Property
Benbow Environmental, November 2007
- Transport Management and Accessibility Plan
El Caballo Blanco & Gledswood Precinct
Maunsell AECOM, August 2008
- Water Cycle & Civil Infrastructure Assessment
Gledswood & El Caballo Blanco Rezoning
Cardno Forbes Rigby, August 2008

APPENDIX D

List of Abbreviations

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Appendix D – List of Abbreviations

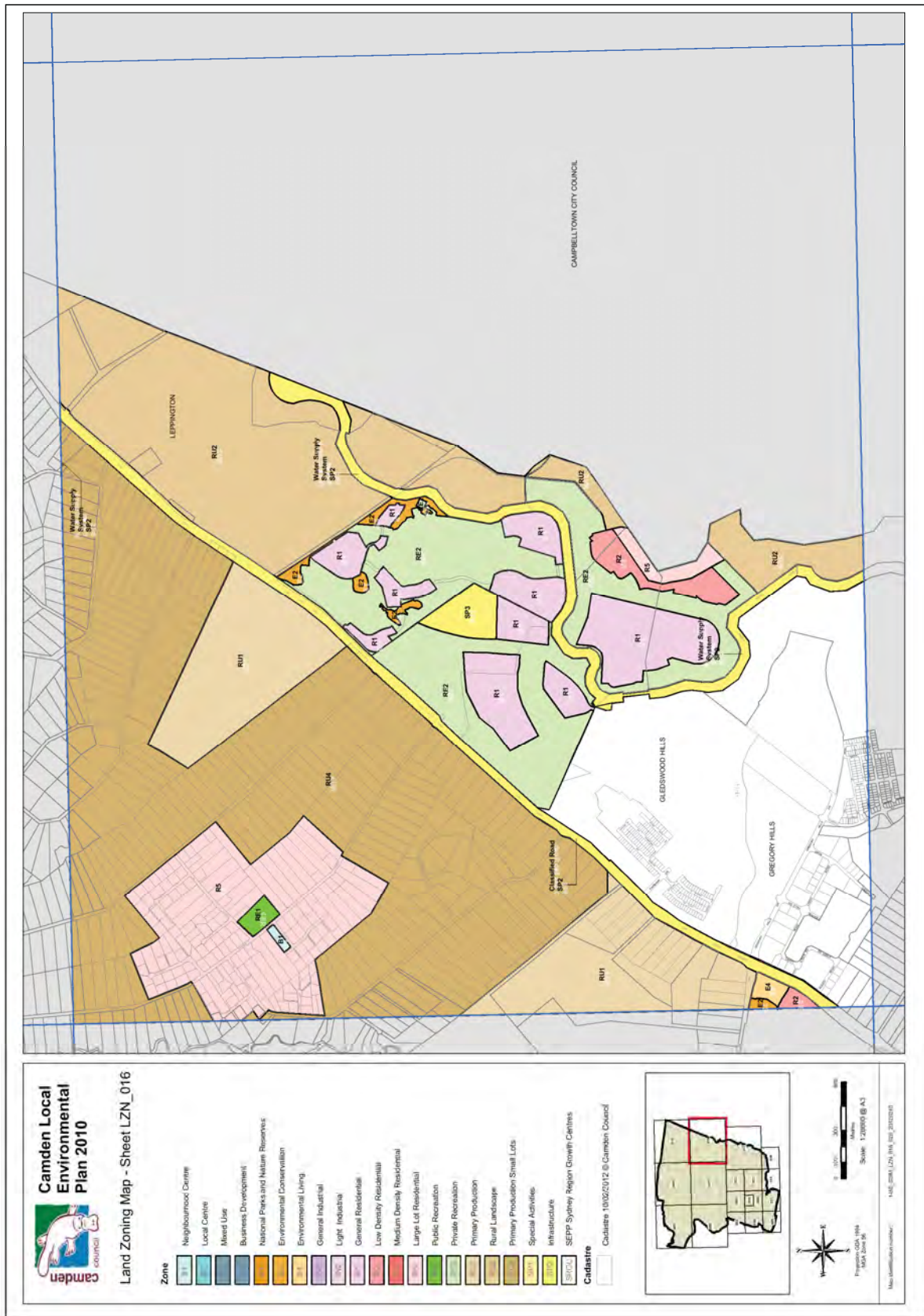
ANEC	Australian Noise Exposure Concept
ANEF	Australian Noise Exposure Forecast
APZ	Asset Protection Zone
BASIX	Building Sustainability Index
BMP	Bushfire Management Plan
CBD	Central Business District
CMP	Conservation Management Plan
DECC	Department of Environment and Climate Change
DWE	Department of Water and Energy
DoP	Department of Planning
DSP	Development Servicing Plan
EEC	Endangered Ecological Community
EPBC	Environmental Protection and Biodiversity Conservation Act
FPL	Flood Planning Level
GCC	Growth Centres Commission
LEP	Local Environmental Plan
LES	Local Environmental Study
LGA	Local Government Area
LoS	Level of Service
MDP	Metropolitan Development Program
PAD	Potential Archaeological Deposit
PCG	Project Control Group
REP	Regional Environmental Plan
RFS	Rural Fire Service
RTA	Roads and Traffic Authority
SEPP	State Environmental Planning Policy
SPS	Sewage Pumping Station
STP	Sewage Treatment Plant
TMAP	Transport Management and Accessibility Plan
TSC	Threatened Species Conservation Act

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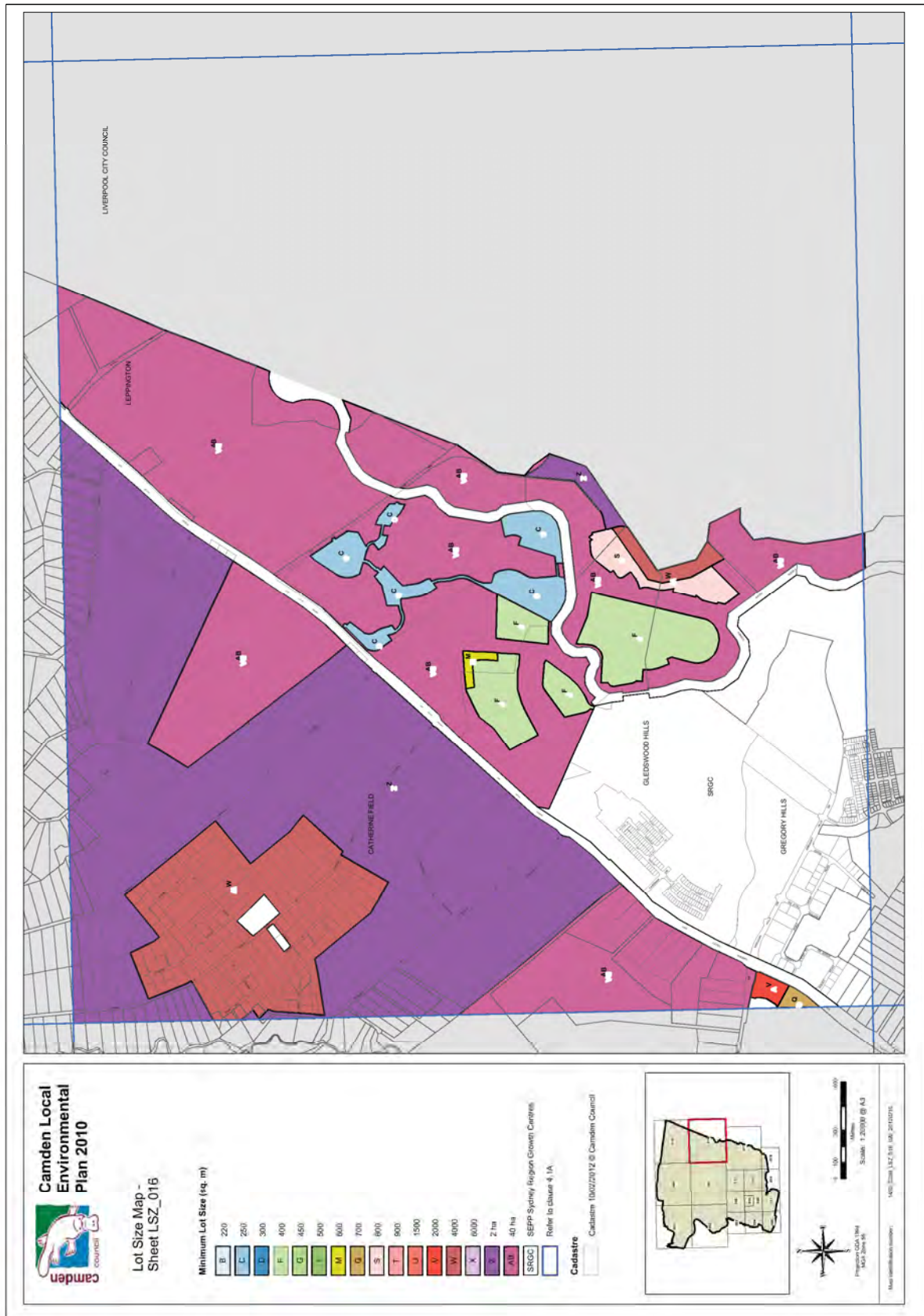
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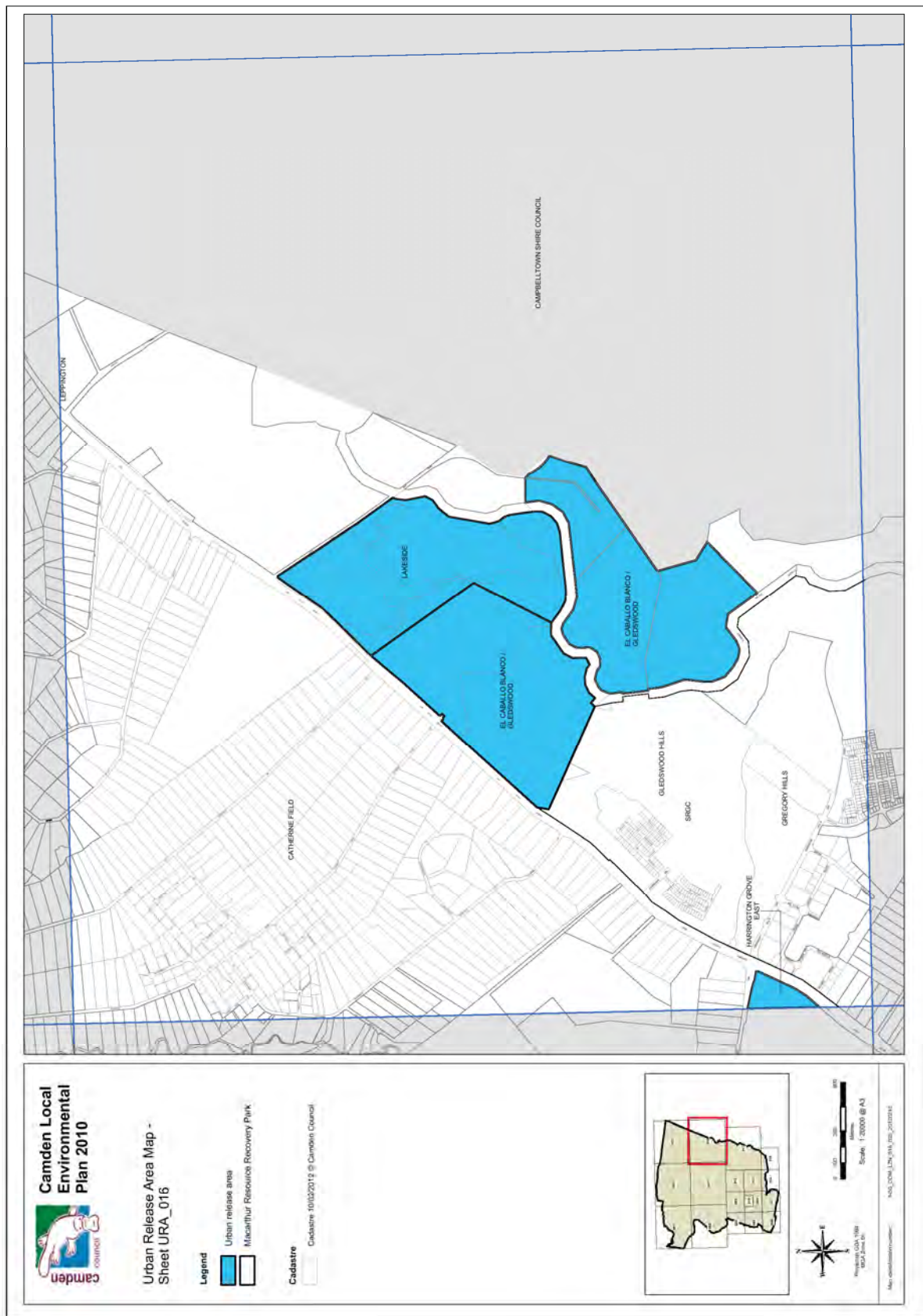
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Part C: Residential Subdivision

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C12 El Caballo Blanco and Gledswood

C12.1 Introduction

The El Caballo Blanco and Gledswood release area is located between the Camden Lakeside and Turner Road release areas. The site has a north western frontage to Camden Valley Way and a northern frontage to Raby Road. The area is traversed by the Sydney Water Canal, running from north to south through the area. The release area is shown in Figure C68.

The El Caballo Blanco and Gledswood sites will be characterised by high quality urban design, low scale interconnected neighbourhoods set within a landscaped setting of the Gledswood Homestead and Camden Valley Golf Resort.

The development will comprise a high quality golf course estate with the Gledswood Homestead and curtilage providing opportunities for tourist, entertainment facilities and other uses compatible with the heritage significance of the homestead.

The scenic and visual qualities of the area will be enhanced through the implementation of urban design guidelines and landscape treatments within the development.

This chapter contains objectives and supporting controls, intended to promote high quality design outcomes responsive to the characteristics of the site. The controls are minimum requirements of Council and development must demonstrate consistency with the relevant objectives.

Compliance with numerical controls does not necessarily guarantee approval of an application.

El Caballo Blanco and Gledswood Planning Principles

1. To facilitate the conservation and ongoing maintenance of Gledswood Homestead and its curtilage.
2. To enable Gledswood to be adaptively reused for compatible uses consistent with the Conservation Management Plan (CMP) such, as a tourist or entertainment facility.
3. To protect, enhance and rehabilitate the Rileys Creek riparian corridor.
4. To protect important visual elements within the landscape including long views, significant trees and vegetation.
5. To protect the visual setting of Gledswood through appropriate screening and setbacks for new development.
6. To retain and enhance significant pockets of Cumberland Plain Woodland.
7. To facilitate development of a scale that meets environmental sustainability objectives while respecting the character of Gledswood.
8. To maintain golf course uses as a compatible use that reinforces the scenic, visual and ecological qualities of the locality.
9. To promote housing that provides a high standard of residential amenity and architectural design.
10. To create walkable neighbourhoods.
11. To establish a natural and built environment that reflects a contemporary lifestyle and complements Gledswood Homestead and its curtilage.
12. To provide a golf course and associated facilities.
13. To integrate residential lots, community facilities and tourist related uses with golf course activity.

14. To promote an urban form that complements the landscape characteristics of the site and heritage significance of Gledswood Homestead and its curtilage.

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C12.2 Structure Plan

The site is part of a larger area undergoing change from rural to urban uses. Lands immediately to the north, known as Camden Lakeside, were the subject of a separate rezoning proposal and have been zoned for residential and recreational uses. Lands to the south are within the Turner Road precinct, a first release precinct of the South West Growth Centre.

The Structure Plan provides guidance for the connectivity of development on the subject lands with surrounding development. The Structure Plan seeks to ensure that:

- development is co-ordinated and infrastructure and facilities are delivered to support future residents and users; and
- conservation and environmental sustainability initiatives are implemented.

Lands to the west of Camden Valley Way are also part of the South West Growth Centre and will be the subject of future urban development. Connectivity and integration of the subject site to adjoining lands to the north and south is illustrated in Figure C68.



Figure C68 ECB/Gledswood Structure Plan

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C12.3 Indicative Layout Plan

The controls and Indicative Layout Plan have been prepared to respond to the conservation outcomes identified for Gledswood, including the protection of significant visual connections, interpretation of historic access roads and the provision of landscape buffer areas.

Objectives

1. To ensure development of the El Caballo Blanco and Gledswood lands (site) is undertaken in a co-ordinated manner.
2. To ensure the golf course facilities provide a unifying landscape setting across the subject site and integration with the Turner Road Precinct to the south while at the same time respecting the historic landscape of the Gledswood Estate.

Controls

1. Development is to be undertaken generally consistent with the ILP at Figure C69 subject to compliance with the objectives and development controls set out in this chapter.
2. Connectivity points as shown in Figures C68 and C71 are to be provided or suitable alternative points that maintain the same level of desired connectivity.
3. Where variation to the ILP is proposed, the applicant is to demonstrate that the proposed development is consistent with the vision, the Gledswood Estate CMP and the Development Objectives for development covered by this chapter.
4. Golf course facilities shall be designed so as to provide a unifying landscape element. The portion within the Gledswood Estate shall comply with the policies for landscape treatments contained within the CMP.



Figure C69 ECB/Gledswood ILP

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Precinct Areas**Development Precincts**

In recognition of the provision of housing integrated with a re-developed golf course the land covered by the ILP has been divided into eight Precincts (Figure C70) The Precincts have been identified as follows:

1. Housing
2. Housing
3. Housing
4. Housing
5. Large lot Housing
6. Rural Living
7. Gledswood Homestead
8. Golf Course and Riparian Lands

The housing provided within the precincts will generally comprise three broad categories.

The categories of housing will be:

1. "Golf Course Housing" which will be dwellings which share a frontage to the Golf course lands;
2. "Traditional Housing" which will be dwellings within the precinct on lots greater than 400m²; and
3. Attached Dwellings which for the purpose of this site are "Mews housing" on lots of 250m² and which are best located opposite either: golf course lands, RE2 zoned lands, riparian corridor lands or open space areas and accessible from a rear lane or second frontage.

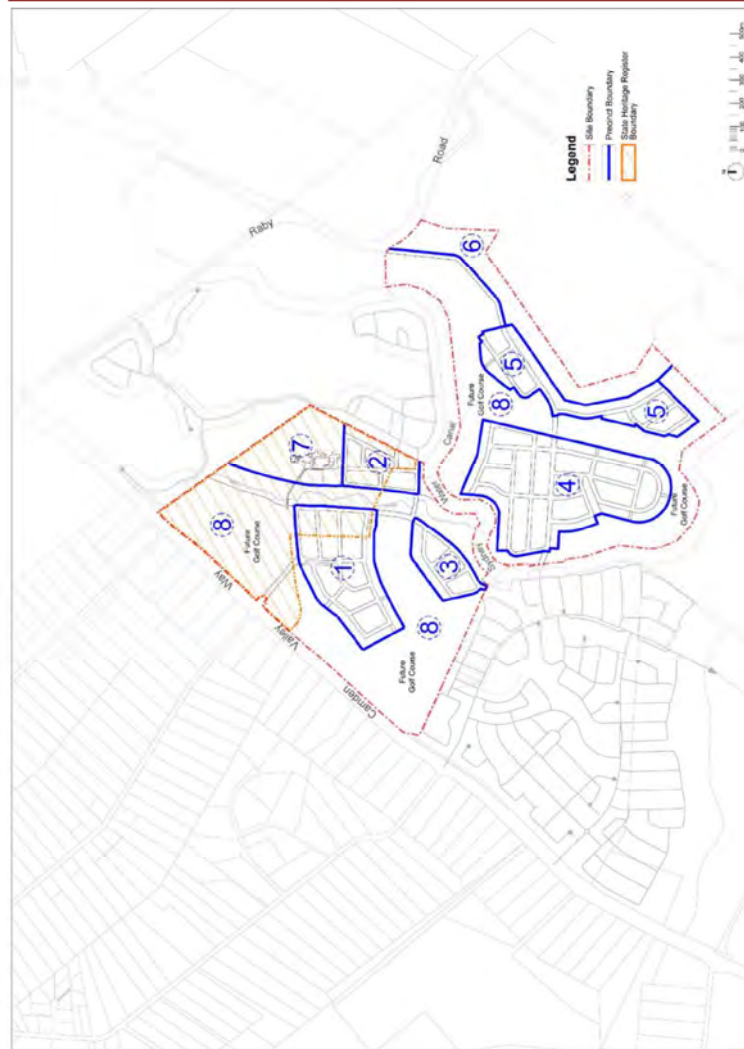


Figure C70 Precinct Identification

Precinct Key

- Precincts 1-4 Housing
- Precinct 5 – Large lot housing
- Precinct 6 – Rural living
- Precinct 7 – Gledswood Homestead
- Precinct 8 – Golf course and riparian lands

C12.4 Street Network and Design**Objectives**

1. To provide a hierarchy of interconnected streets that give safe, convenient and legible access within and beyond the site.
2. To provide a clearly discernable street hierarchy through variations in carriageway width, on street parking, incorporation of water sensitive urban design measures, street tree planting and pedestrian amenities.
3. To provide a safe and convenient public transport, pedestrian and cycleway network and connections to the Turner Road precinct to the south.
4. To ensure a high quality, functional, safe, legible and visually attractive public domain.
5. To protect the historic alignment and rural character of selected access roads to Gledswood Homestead.
6. To acknowledge the historical context of the site.

Controls

1. The street network is to be provided consistent with Figure C69 (ILP) and the road hierarchy diagram at Figure C71
2. Where variations to the street network shown in Figure C71 are proposed, the alternate street network is to achieve the following principles:
 - (i) establish a permeable network that is based on a modified grid system,
 - (ii) encourage walking and cycling and reduce travel distances,
3. The historic access road alignment to the Gledswood Homestead and adjacent verges and post and rail fence are to be retained in any new street pattern. The entry point into the estate and its connection to the historical access road to the Gledswood Homestead is to reflect a rural character.
4. The proposed street network is to provide connections to the Turner Road Precinct to the South.
5. The design and configuration of proposed roads and footpaths are to be consistent with Council's Engineering Design Specification (other than historic access roads). The road designation is shown on the road hierarchy diagram at Figure C71.

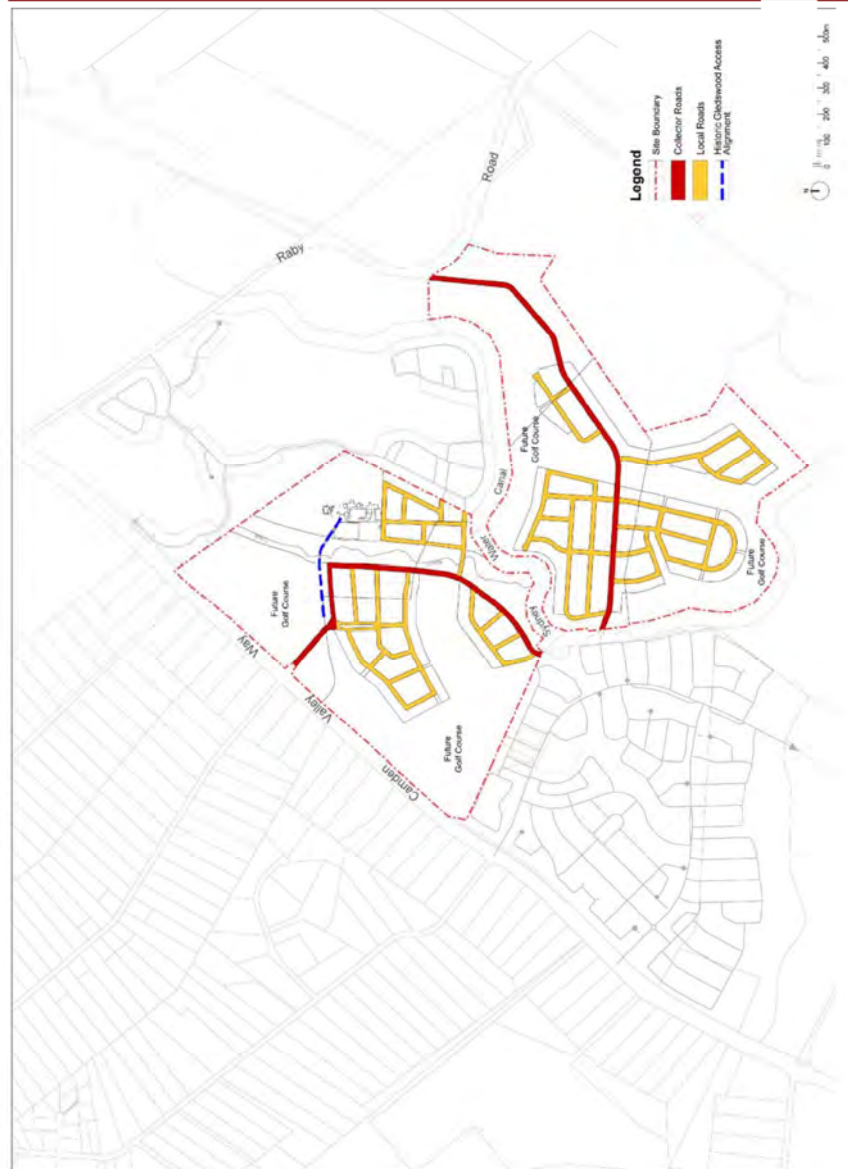


Figure C71 Road Hierarchy Diagram

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C12.5 Public Transport**Objectives**

1. To encourage the provision and use of public transport.
2. To ensure clear, safe pedestrian links to public transport stops.
3. To allow for the majority of residential lots to be within reasonable walking distance from an existing or proposed bus stop.

Controls

1. Bus routes are to be provided generally in accordance with Figure C72. Where the bus route is known, the route shall be indicated on the subdivision DA drawings. The final location of bus stops will be determined by Council's Local Traffic Committee.
2. A minimum travel-way width of 3.5m is to be provided along all bus routes. Roundabouts on bus routes are to be designed to accommodate bus manoeuvrability.
3. Bus stops are to be provided on-street and not within indented bays. Bus shelters are to be provided at key stops and installed at the subdivision construction stage.

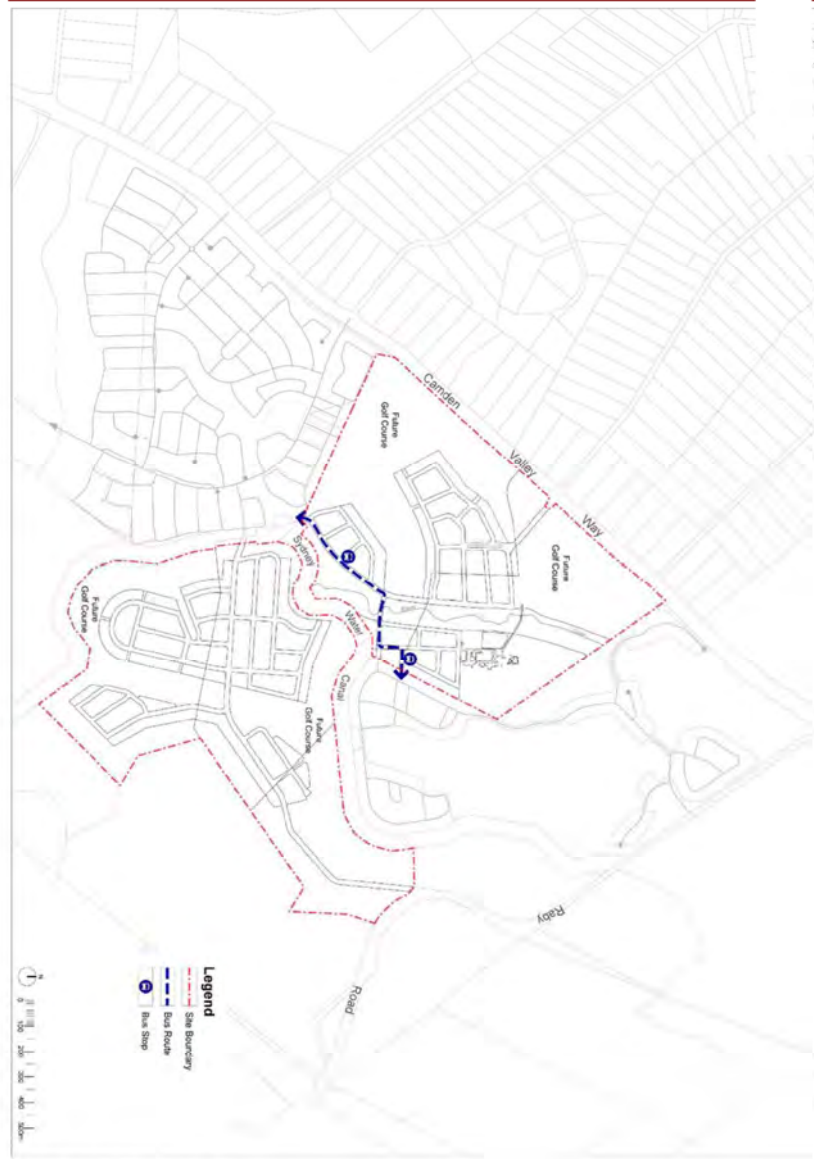


Figure C72 Bus Route Plan

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C12.6 Pedestrian and Cycle Network

Objectives

1. To provide a convenient, efficient and safe network of pedestrian and cycleway paths for the use of the community, within and beyond the site.
2. To encourage residents to walk or cycle, in preference to using motor vehicles, as a way of gaining access to schools, shops, and local community and recreation facilities.
3. To promote the efficient use of land by allowing pedestrian pathways and cycleways to be located within parks and corridors wherever practical.

Controls

1. Key pedestrian and cycleway routes are to be provided generally in accordance with Figure C73. The design of cycleways located within the road reserve is to be in accordance with the requirements of this DCP. The minimum width of any off-street shared cycle and pedestrian pathways is to be 2.5m.
2. All pedestrian and cycleway routes and facilities are to be consistent with the Planning Guidelines for Walking and Cycling (DoP & RTA 2004) and Council's Pedestrian Access and Mobility Plan 2003.
3. Pedestrian and cycle routes and facilities in public spaces are to be safe, well lit, clearly defined, functional and accessible to all.
4. Pedestrian and cycle pathways, and pedestrian refuge islands are to be designed to be fully accessible by all in terms of access points and gradients, generally in accordance with Australian Standard 1428:1-4.
5. Pedestrian and cycle pathways are to be constructed as part of the infrastructure works for each residential stage with detailed designs to be submitted with each DA.

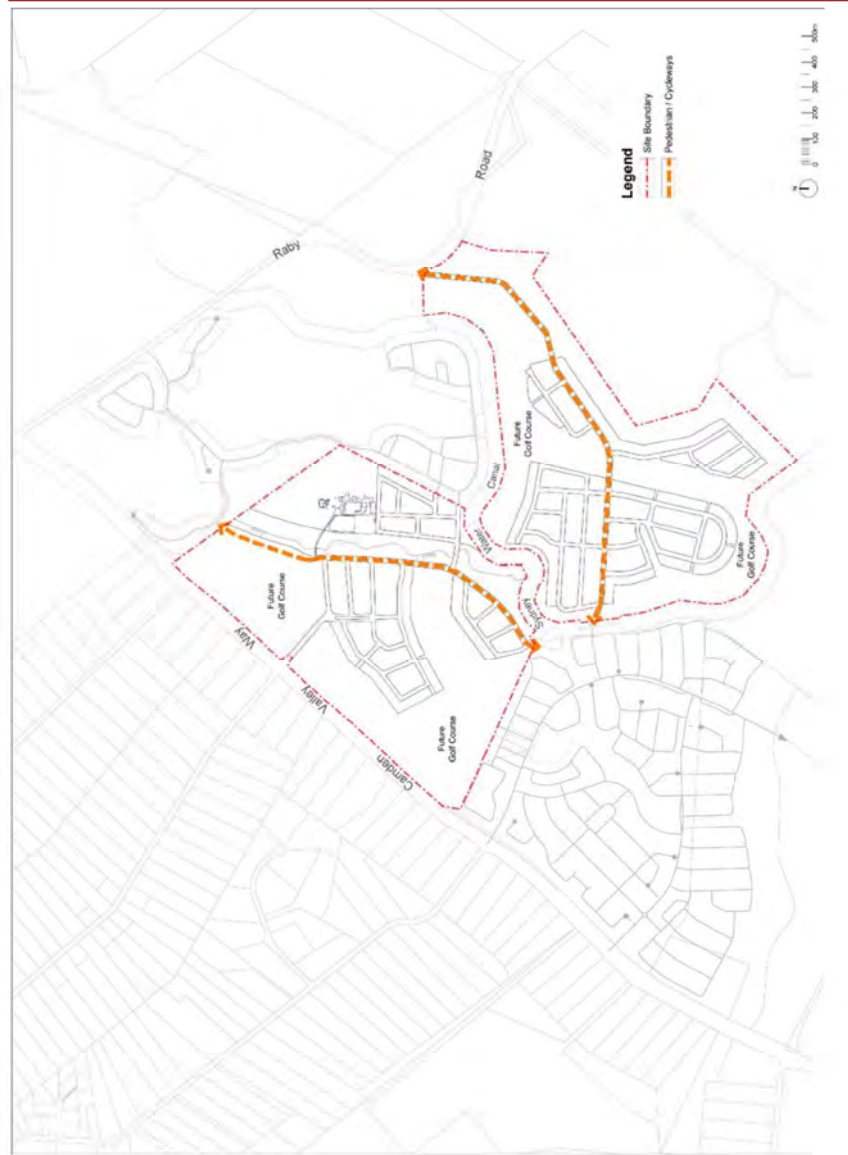


Figure C73 Pedestrian/Cycleway Routes

C12.7 Public Parks and Landscape**Objectives**

1. To meet the public open space and recreational needs of residents.
2. To provide an equitable distribution of open space and recreation opportunities.
3. To ensure high quality design and embellishment of open space.
4. To provide a framework for the protection and enhancement of remnant vegetation and riparian corridors within the public realm.
5. To utilise open space for water sensitive urban design and stormwater management.
6. To promote plant species selection and design which will minimise ongoing water and maintenance requirements.

Controls

1. Parks and other public open space areas and areas with landscape value are to be provided generally in accordance with Figure C69 (ILP). The spaces are to provide generally passive recreation opportunities.
2. The detailed design of public parks is to consider:
 - (i) the need for a range of play spaces and opportunities and cater for a range of ages;
 - (ii) provision of adequate parking, lighting and waste management facilities;
 - (iii) inclusion of interpretative signage detailing local history, the significance of the Gledswood estate, Aboriginal cultural values, environmental education themes and the like;
 - (iv) the design of public parks is to be consistent with Council's Landscape and Streetscape Elements Manual for Camden and any adopted Section 94 contributions plan.
 - (v) parks should be located and designed to accommodate remnant vegetation and where appropriate, should be linked to and integrated with riparian corridors; and
 - (vi) parks should be generally bordered by streets on all sides with houses oriented towards them for surveillance.
3. Where possible the buffer of the riparian corridors should provide opportunities for pedestrian and cycleways, fitness trails and passive recreation facilities in a manner that maintains the environmental significance of these areas. A range of themed elements such as boardwalks, eco-pathways, and educational tracks should be incorporated in appropriate locations (i.e. within the 10m riparian corridor buffer). The design of such elements is to be consistent with Council's Landscape and Streetscape Elements Manual for Camden.
4. A Landscape Concept and Development Plan is to be submitted for each public or community park at the time of subdivision of the adjoining residential area. The selection of landscape species for public open space areas is to consider bush fire risk. The Landscape Concept and Development Plan is to provide details on elements such as:
 - (i) earthworks
 - (ii) plant species and sizes
 - (iii) utilities and services - public art
 - (iv) hard and soft landscaping treatments – signage and lighting

- (v) any entry statements
- (vi) street furniture
- (vii) play equipment
- (viii) waste facilities
- (ix) interpretative material

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C12.8 Riparian Corridors**Objectives**

1. To protect, restore and enhance the environmental qualities of Rileys Creek.
2. To conserve and interpret the heritage significance of Rileys Creek.
3. To ensure that the development has a neutral or beneficial impact on the quality and quantity of water and water courses.
4. To allow the use of riparian corridor buffers for low impact recreation activities such as walking and cycling, and golf course crossings.
5. To manage riparian corridors, wherever possible, in single ownership and as a continuous corridor.
6. To screen views of the future residential development from Gledswood Homestead and its curtilage and entry drive.
7. To provide bed and bank stability.
8. To protect water quality.
9. To provide habitat and connectivity between habitat nodes for both terrestrial and aquatic fauna.

Controls

1. Riparian corridors are to be provided in accordance with Figure C74 and designed in accordance with any specific objectives and controls set out in any *Waterfront Lands Strategy* endorsed by the NSW Office of Water (NOW).
2. Infrastructure services, stormwater infrastructure, water quality treatment ponds, flood compatible activities (i.e. playing fields), pedestrian and cycleways, and asset protection zones are to be located outside of the Core Riparian Zone (CPR) unless permitted by NOW. These uses are permitted within the non-core riparian buffer if the impact on riparian functions is minimal and its integrity is maintained. Water quality treatment devices are permissible within the CRZ providing that they are vegetated dry basins, are above top of bank, do not increase flood levels and are consistent with a Watercourse and Riparian Strategy endorsed by the NOW.
3. The location of access ways to and within a riparian buffer is not to compromise the ecological integrity of any existing riparian vegetation, the streambed or bank stability.
4. The location of any accessways and/or any new crossings over the historic driveway near the riparian corridors is to have regard to the policies of the CMP.
5. The impact of pedestrian/cycleways and general access points to riparian corridors and road crossings is to be minimised by using ecologically informed design principles (for example, elevated accessways that allow sunlight to penetrate to facilitate the growth of vegetation beneath).
6. The impact of salinity on the landscape and watercourses shall be managed in accordance with the *Western Sydney Salinity Code of Practice*.
7. All CRZs are to be rehabilitated and revegetated with appropriate native vegetation having regard to its drainage function and vegetation management for bushfire protection. A Works Plan is to be submitted to Council as part of the residential subdivision DA for residential areas adjacent to a riparian corridor. The Works Plan is to:
 - (i) identify existing trees to be retained,
 - (ii) be consistent with NOW guidelines, and

- (iii) indicate the location, type and size and all new plant species.
8. Where wetlands are proposed, a management strategy outlining ownership, ongoing management, annual maintenance costs and initial development costs shall be submitted with any development application.
 9. The location of access ways to and within a riparian buffer are to be consistent with the ILP at Figure C69 and are not to compromise the ecological integrity of any existing riparian vegetation, the streambed or bank stability.
 10. The revegetation of the riparian corridor to the west of Gledswood Homestead is to maximise the screening of views across the riparian corridor to the future residential development from the homestead.
 11. Appropriate native vegetation species are to be utilised having regard to the drainage function of the riparian corridor.
 12. A minimum CRZ as shown on Figure C74 of 40m plus an additional vegetation width of 10m to counter edge effects with urban interface.

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Figure C74 Riparian Corridors

C12.9 Land Adjacent to the Sydney Catchment Authority Canal

Objectives

1. To enhance and protect the heritage significance of the Canal and respect its rural landscape setting.
2. To retain a continuous landscape buffer adjacent to the Canal.
3. To ensure that new development is set back and visually screened from the Canal.
4. To provide public access along the Canal perimeter for heritage interpretation purposes, while ensuring the security of the Canal is maintained at all times.
5. To minimise risks to public safety.
6. To prevent stormwater, treated effluent or other pollutants from entering the Canal system.

Controls

1. A continuous landscape buffer shall be provided along the western extent of the Canal. The landscape buffer shall have a minimum width of 5m. Council may consider the encroachment of a pathway into this landscape buffer where it is demonstrated that such encroachment is not inconsistent with the objectives of this control. The landscaped buffer is to be incorporated into the road reservation.
2. The landscape buffer shall be landscaped with native plant species of local provenance to soften the transition between the rural landscape setting of the Canal and the developable areas. A combination of native grasses and screening trees (native species) would be appropriate.
3. The design of the landscape buffer along the Canal shall incorporate elements that interpret the heritage significance of the Canal and the history of the area generally. DAs for subdivision adjacent to the Canal shall outline the proposed measures to achieve this control. Consideration should be given to the provision of a pathway or cycleway within the landscape buffer, interpretive signage, landscape treatments and road design.
4. A security fence shall be erected along the length of the boundary adjacent to the Canal. The fence shall be designed to satisfy the security requirements of the Sydney Catchment Authority without being detrimental to the heritage significance of the Canal. Consideration should be given to the style of the fence, the use of materials and colours and landscaping to soften the visual impact of the fence from the Canal and from the development. The fence shall be installed by the developer prior to any subdivision works occurring adjacent to the Canal.
5. The stormwater system shall be designed to ensure that stormwater will not enter the Canal. Management measures shall accommodate and not impede flows from the trail drains, banks/berms, pipes/flumes/culverts/siphons that convey stormwater across the canal.
6. Any development adjacent to the canal and roads crossing the canal shall be designed and constructed to minimise damage to the canal from vibration and cut and fill works. Construction techniques shall satisfy the requirements of the Sydney Catchment Authority.
7. Development shall also have regard to section B1.14 and chapter B3 Environmental Heritage

C12.10 Retention of Existing Vegetation**Objectives**

1. The configuration of the proposed development precincts within the ILP for this DCP has been prepared to achieve the following objectives:
 - (i) A consolidated, comprehensive vegetation outcome across the site in accordance with the El Caballo Blanco / Gledswood Vegetation Management Strategy (VMS) dated 29 June 2011;
 - (ii) Retention of key vegetation nodes and habitat values (hollow bearing trees and 70% of all large trees);
 - (iii) A central category 1 riparian corridor (as defined by the NSW Office of Water) along Riley's Creek connecting Camden Lakeside Golf Course through to Turner Road and South Creek;
 - (iv) Security of ongoing revegetation, management and restricted access by way of a comprehensive Vegetation Management Plan (VMP);
 - (v) Conservation of the historic landscape and setting of the Gledswood Estate through appropriate landscape design and selection within the State Heritage Register (SHR) curtilage area consistent with the policies of the CMP.
 - (vi) Areas of golf course rough, outside the Gledswood SHR curtilage, are to be created and managed as fully vegetated woodland corridors throughout the golf course; and
 - (vii) Designing Precinct pods of development to allow site wide connectivity.

Controls

1. A comprehensive VMP is to be developed at the development approvals stage for the creation of Precinct superlots. The VMP is to contain detailed monitoring requirements and reporting periods to ensure that agreed outcomes are being met throughout the staged development, and shall be consistent with the El Caballo Blanco/Gledswood Vegetation Management Strategy dated 29 June 2011 specifically.
2. The VMP shall demonstrate consistency within the vegetation, retention, re-creation and removal outcomes detailed at Table C12.1 and the Gledswood Estate CMP.
3. A Development Staging Plan shall be prepared in conjunction with the Vegetation Management Plan, prior to or at the development approvals stage. The plan shall illustrate, for each stage, the area, the amount and type of vegetation to be removed, and the corresponding area and location of land to be revegetated.
4. Retain all good condition vegetation along the riparian corridor and adjacent areas. If good condition vegetation cannot be retained, staging of works is recommended across the site.
5. Any removal of good quality Shale Hills Woodland should occur at the final stage only after it can be demonstrated that the loss has been compensated for by sufficient habitat elsewhere within the site.
6. Strict controls on all construction and earthmoving activities to ensure no impact on vegetation to be retained.
7. Restoration and revegetation of all areas of rough within the golf course (other than within the Gledswood Estate SHR curtilage) to full Cumberland Plain Woodland communities. The treatment of any areas of rough within the SHR Curtilage shall be consistent with the policies of the CMP.
8. Fence off areas of existing vegetation from stock as soon as possible to facilitate and allow natural regeneration to occur. This will allow for native understorey species existing in the soil profile to regenerate naturally (for example *Themeda australis*), creating a likely reduction in the cost of regeneration across the site.

9. Incorporate eco-sensitive development controls into the rural residential zoning along the western boundary of the site e.g. retention of existing vegetation, or excluding stock from sensitive areas to allow for natural regeneration.
10. Ensure that areas where development abuts riparian corridors and existing good quality vegetation that there is adequate controls in place to protect these areas from contaminated runoff, rubbish and public access.
11. Each development applications for the development of Precincts 1-8 shall demonstrate that a minimum protection offset of 97.0ha of core regional vegetation has been achieved as set out in table C12.1 below.
12. If a landholder enters into an agreement that provides for the protection and management of native vegetation located on land that has been identified in the LEP for development, revegetation requirements for that landholder can be reduced on the ratio of 4:1 to 1 (i.e. a reduction of 4.3m² of revegetation for every 1m² that is protected).
13. Council must consider the condition, viability and connectivity of the vegetation that is proposed to be retained and must consider the importance of the land that will no longer be revegetated in the context of the contribution to the connectivity and viability that this area would have made to the adjacent vegetation.
14. Clearing of vegetation required to be protected under the LEP may be considered by Council, subject to a 1 for 1 offset with vegetation that is otherwise approved in the LEP for development. The offset must be protected and managed.
15. Council must consider the condition, viability and connectivity of the vegetation that is proposed to be cleared or retained. Council may only consent to the clearing of vegetation that is otherwise proposed to be protected if an equal or higher class of vegetation (as identified in the Camden Natural Assets Policy) is proposed to be protected.

Table C12.1 Class of vegetation being retained, removed or re-created

Class of Vegetation	Core Habitat – Regional retained	Core Habitat – Local retained	Support for Core habitat retained	Re-created vegetation habitat	Heritage native grassland re-created	Total area of vegetation to be achieved
	13.2ha	2.8ha	0.7ha	74.8ha	5.5ha	97.0ha

Achievement of this level of vegetation retention and re-creation shall be demonstrated across each of the ownerships and be generally consistent with Figure C75 which illustrates where vegetation loss, retention and re-creation may occur.

For further controls on Environmentally Sensitive Land refer to Section B1.6 of this DCP.

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Attachment 2



Figure C75 – Indicative locations of vegetation removal, retention, and re-creation.
(Source:ECB/Gledswood VMS 20 June 2011)

C12.11 Bushfire Hazard Management

Objectives

1. To prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard.
2. To encourage sound management of bushfire prone areas.

Controls

These provisions should be read in conjunction with the requirements of B1.10 of this DCP

1. Generally at DA stage, any required APZs provided:
 - (i) are to be located wholly within the precinct;
 - (ii) may incorporate roads and flood prone land;
 - (iii) are to be located wholly outside of a CRZ but may be located within the buffer areas to the CRZs;
 - (iv) may be used for open space and recreation subject to appropriate fuel management;
 - (v) are to be maintained in accordance with the Planning for Bushfire Protection 2006;
 - (vi) may incorporate private residential land, but only within the building setback (no dwellings are to be located within the APZ); and
 - (vii) are not to burden public land; and
 - (viii) are to be bounded by a perimeter fire trail/road that is linked to the public road system at regular intervals in accordance with Planning for Bushfire Protection 2006.
 - (ix) where APZ's are located within golf course lands any application must include appropriate management requirements and demonstrate consistency with the vegetation retention requirements of Section C12.10.
2. Vegetation within public and community title parks is to be designed and managed as a 'fuel reduced area'
3. Where an allotment fronts and partially incorporates an APZ it shall have an appropriate depth to accommodate a dwelling with private open space and the minimum required APZ. The APZ will be identified through a Section 88B instrument.
4. Temporary APZs, identified through a Section 88B instrument, will be required where development is proposed on allotments next to undeveloped land. Once the adjacent stage of development is undertaken, the temporary APZ will no longer be required and shall cease.

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C12.12 Infrastructure Provision**12.12.1 Water Management Plan****Controls**

1. A detailed Water Management Plan shall be prepared and accompany any development application and demonstrate consistency with the El Caballo Blanco and Gledswood Lands Water Management Strategy: Stormwater Quality and Stream Health prepared by Equatica and dated 8 July 2011 (Figure C76, C77 and C78).
2. This Plan should demonstrate how stormwater quality targets will be achieved and include a separate monitoring plan that sets out procedures for water sampling, maintenance of water quality treatment facilities and risk management.
3. The Water Management Plan will specifically address the design standards, access to and maintenance of any water quality treatment or detention devices proposed to be located within the proposed golf course lands. Council shall be satisfied that any such devices located on land zoned RE 2 (i.e. golf course) intended to service the wider urban area will be appropriately managed and maintained. This may require the negotiation of licences, covenants or other such instruments to satisfy Council.



Figure C76 Water Management Strategy for Precincts 2, 4, 5 and 6

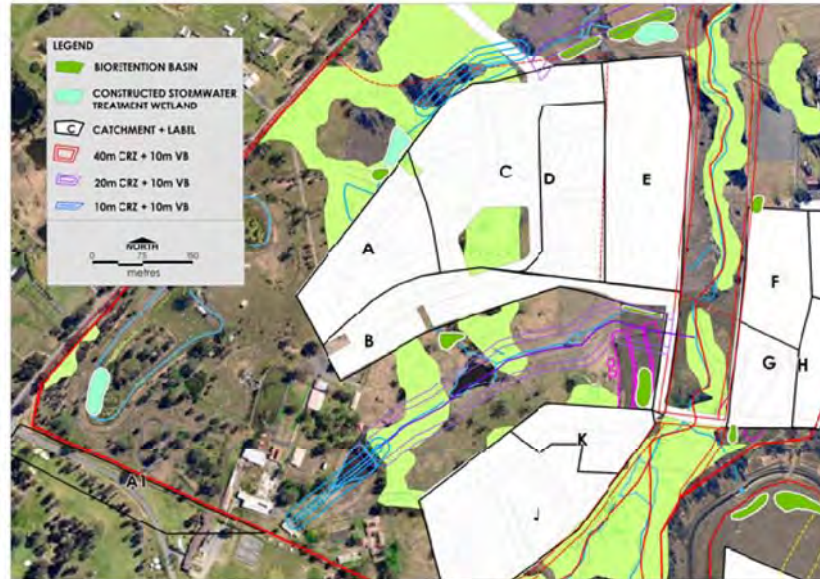


Figure C77 Water Management Strategy for Precincts 1, 2 and 3



C78 Water Management Strategy for Precincts 4 and 5

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Attachment 2

12.12.2 Stormwater Concept

Controls

1. Development shall demonstrate general consistency with the El Caballo Blanco and Gledswood Preliminary Stormwater Quantity Management and Flooding Assessment prepared by Brown Consulting and dated July 2011.
2. Detention basins shall generally include a water quality component to assist in meeting the water quality objectives of the El Caballo Blanco and Gledswood Lands Water Management Strategy.
3. The location and design of detention basins are to be consistent with the policies of the Gledswood Estate CMP.

12.12.3 Flood Planning Levels

Controls

1. In addition to the requirements of B1.11 Flood Hazard management of this DCP, all proposed residential lots and habitable floor levels are to be 500mm above the 100 year ARI flood levels for the site. The ARI flood levels have been identified in the El Caballo Blanco and Gledswood Preliminary Stormwater Quantity Management and Flooding Assessment prepared by Brown Consulting and dated December 2010.

12.12.4 Local Infrastructure

Controls

1. Local infrastructure shall be provided in accordance with the timeframes identified in the Voluntary Planning Agreement.
2. Local infrastructure will be provided to support the relevant precinct stages.

C12.13 Specific Development Precinct

The objectives for each Precinct have been identified to supplement and support the relevant development controls that will apply to housing within the site.

Development must be generally consistent with the relevant objectives.

Residential Precinct 1 – R1 General Residential**Objectives**

1. Housing within precinct 1 will comprise a range of "Golf Course Housing", "Traditional Housing" and Attached Dwellings (as defined in the Precinct Areas section of C12.3) that conforms to the 9.5m height limit that applies. Buildings will be a mix of 1, 2 and 3 storey buildings, except those located within the 7.0m height limited area identified in the Camden LEP 2010 as it applies to the site. The precinct abuts the western boundary of the Gledswood homestead curtilage and the landscape treatment to the boundary should reflect this relationship.
2. Buildings within the area identified in the Camden LEP as being subject to a 7.0m height limit will be on larger lots. These buildings will be single storey to protect the significant outlooks and character of the curtilage surrounding the Gledswood Homestead.
3. The road design, landscape setbacks, and building setbacks shall be in accordance with PartD.2.3.8 ECB/Gledswood of this DCP.
4. Dwelling houses that front golf course lands should be high quality and high amenity homes that respond to the attributes of outlook and access that these sites enjoy.
5. A range of dual occupancy, multi-dwelling and residential flat development is permitted across the precinct and preferably should be located opposite or in the vicinity of RE2 zoned lands or public open space.
6. Dual Occupancy development is permitted on lots of greater than 750m². The preferred outcome is for Dual Occupancy development to be carried out on corner lots and be designed to address both frontages.
7. Multi dwelling housing is permitted on lots greater than 1000m² and the preferred outcome is for these forms of development to front onto or be opposite either golf course lands, RE2 zoned lands, riparian corridor lands or public open space areas.
8. Residential Flat Buildings will be permitted on lots of a minimum of 2000m² with a minimum frontage of 60.0m at the building line.

Residential Precinct 2 – R1 General Residential**Objectives**

1. Housing within precinct 2 will predominantly comprise "Traditional Housing". Opportunities for Attached Dwellings are limited, due to the preference for these forms of housing to front onto open space areas and be provided with a secondary access. The precinct abuts the southern boundary of the Gledswood homestead curtilage and the landscape treatment to the boundary should reflect this relationship.
2. Buildings will be a mix of 1, 2 and 3 storey structures.
3. Dual Occupancy development is permitted on lots of greater than 750m². The preferred outcome is for Dual Occupancy development to be carried out on corner lots and be designed to address both frontages.
4. Multi dwelling housing is permitted on lots greater than 1000m² and the preferred outcome is for these forms of development to front onto or be opposite either golf course lands, RE2 zoned lands, riparian corridor lands or public open space areas.

5. Residential Flat Buildings will be permitted on lots of a minimum of 2000m² with a minimum frontage of 60.0m at the building line.

Residential Precinct 3 – R1 General Residential

Objectives

1. Housing within precinct 3 will predominantly comprise "Traditional Housing", with "Golf Course Housing" provided to the perimeter of the precinct. The precinct abuts the western boundary of the Gledswood homestead curtilage and the landscape treatment to the boundary should reflect this relationship.
2. Buildings will be a mix of 1, 2 and 3 storey structures.
3. Dwelling houses that front golf course lands should be high quality and high amenity homes that respond to the attributes of outlook and access that these sites enjoy.
4. Dual Occupancy development is permitted on lots of greater than 750m². The preferred outcome is for Dual Occupancy development to be carried out on corner lots and be designed to address both frontages.
5. Multi dwelling housing is permitted on lots greater than 1000m² and the preferred outcome is for these forms of development to front onto or be opposite either golf course lands, RE2 zoned lands, riparian corridor lands or public open space areas.
6. Residential Flat Buildings will be permitted on lots of a minimum of 2000m² with a minimum frontage of 60.0m at the building line.

Residential Precinct 4 – R1 General Residential

Objectives

1. Housing within precinct 4 will predominantly comprise "Golf Course Housing" and "Traditional Housing". Opportunities for Attached Dwellings are limited.
2. Buildings will be a mix of 1, 2 and 3 storey structures.
3. Dwelling houses that front golf course lands should be high quality and high amenity homes that respond to the attributes of outlook and access that these sites enjoy.
4. Dual Occupancy development is permitted on lots of greater than 750m². The preferred outcome is for Dual Occupancy development to be carried out on corner lots and be designed to address both frontages.
5. Multi dwelling housing is permitted on lots greater than 1000m² and the preferred outcome is for these forms of development to front onto or be opposite either golf course lands, RE2 zoned lands, riparian corridor lands or public open space areas.
6. Residential Flat Buildings will be permitted on lots of a minimum of 2000m² with a minimum frontage of 60.0m at the building line.

Residential Precinct 5 – R2 Low Density Residential Zone

Objectives

1. Housing within precinct 5 will predominantly comprise "Traditional Housing" which reflects the R2 zoning and larger lot sizes of 800m² and the precincts role as a transition into the rural landscape to the east.
2. Buildings will be a mix of 1, 2 and 3 storey structures.

3. Dwellings that front golf course lands should be high quality and high amenity homes that respond to the attributes of outlook and access that these sites enjoy.

Rural Living Precinct 6 – R5 Large Lot Residential and RU2 Rural Landscape

Objectives

1. Precinct 6 provides a transition between the residential development to the west and the rural landscapes to the east. The land is covered by two zones, RU2 Rural Landscape in the northern part of the precinct and R5 Large Lot Residential in the southern portion of the precinct. Land in the RU2 zone is subject to a minimum lot size of 2.0hectares while the R5 zoned land is subject to a 4000m² minimum lot size.
2. Housing in precinct 6 will be larger dwellings on large lots consistent with the transition from urban to non-urban land uses. Buildings will be a mix of 1 and 2 storey structures with larger setbacks to reflect the desired dominance of landscaping over the built form.
3. Dwellings within the RU2 Rural Landscape zone are required to be located below ridgelines to protect the existing long distance rural views.

Gledswood Homestead Precinct 7 – RE2 Private Recreation and SP3

Objectives

1. The use and management of Gledswood is to facilitate the long term maintenance and conservation of the buildings and landscape consistent with the Conservation Management Plan (CMP) prepared and adopted for the site.
2. A number of appropriate uses have been identified in the CMP that could be accommodated within the buildings and curtilage of Gledswood. These include tourism related uses, restaurants and functions, hotel and golf course related uses. The CMP will be the primary guiding document for the on-going preservation, maintenance and use of the Gledswood site.

Golf Course and Golf Facilities and Riparian Areas Precinct 8 – RE2 Private Recreation

Objectives

1. The Golf Course and golf course facilities precinct provides a unifying element and setting for the residential precincts and the future uses of the Gledswood Homestead. The golf course will be a "links" style golf course within which opportunities exist to retain and manage native vegetation, native grasses, habitat and riparian areas off the fairways that contribute to the maintenance of the biodiversity of the subject lands and the Camden local government area.
2. The golf course lands will accommodate golf course related uses and facilities such as a Club House, driving range, pro-shop and green keeping equipment storage and maintenance facilities.
3. Development of the golf course shall have regard to the Vegetation Management Plan (VMP) prepared for the area to facilitate the retention and conservation of native vegetation.
4. The development of golf course holes in the north west corner of the site between Camden Valley Way and Gledswood will be required to comply with the policies of the Conservation Management Plan (CMP) to maintain a landscape character consistent with the significance of this area as a portion of the Gledswood estate curtilage. The visual connections to and from the Gledswood Homestead and curtilage must be protected through compliance with the landscape policies within the CMP.

C12.14 Residential Subdivisions**Objectives**

1. To establish a clear urban structure that maximises the 'sense of neighbourhood' and encourages walking and cycling over private car use.
2. To establish a subdivision layout that utilises the residential development areas efficiently, maximises the natural attributes of the site and clearly defines and reinforces the public domain.
3. To ensure that all residential lots are afforded a high level of amenity in terms of solar access, views/outlook and/or proximity to public and community facilities and parks.
4. To ensure corner sites are developed as visually significant elements in order to promote a strong and legible character.
5. To maintain sight lines for the safety of pedestrians and vehicles.
6. To provide a range of densities, lot sizes and house types to foster a diverse community and interesting streetscapes.

Controls

1. Minimum Lot Widths
 - (i) Precincts 1, 2, 3 and 4:
 - Attached Dwelling: Minimum width at the building line of 7.5m
 - Dwelling Houses: Minimum width at the building line of 12.5m
 - Dual Occupancy: No minimum width but must be a corner lot of a minimum area of 750m²
 - Multi dwelling housing: Minimum width at the building line of 20.0m
 - Residential Flat Buildings: Minimum width at the building line of 60m
 - (ii) Precinct 5:
 - Dwelling Houses: Minimum width at the building line of 20m
 - (iii) Precinct 6:
 - Dwelling Houses: Minimum width at the building line of 35m
2. Lot Depths
 - (i) For development within precincts 1, 2 3 4 and 5 the preferred lot depths are between 30m and 35m.
 - (ii) Variations can be considered where it is demonstrated that housing opportunities can be provided on proposed lot depths that meet the desired housing character and form required by this part of the DCP. The provision of multi unit housing on lots with an area greater than 1000m² or Residential Flat Buildings on lots with an area greater than 2000m² can be considered on lots that may be irregular in shape or which do not have a depth in the preferred range of 30m to 35m.
3. Lot Alignments
 - (i) Proposed lots on the opposite sides of a road are encouraged to be offset to permit views and outlooks to the open space and golf course areas between the building setbacks created by the controls in this DCP.

4. Corner Lot Splays

- (i) Splays on corner lots shall be designed in accordance with Figure C79 other than where roundabouts are proposed.

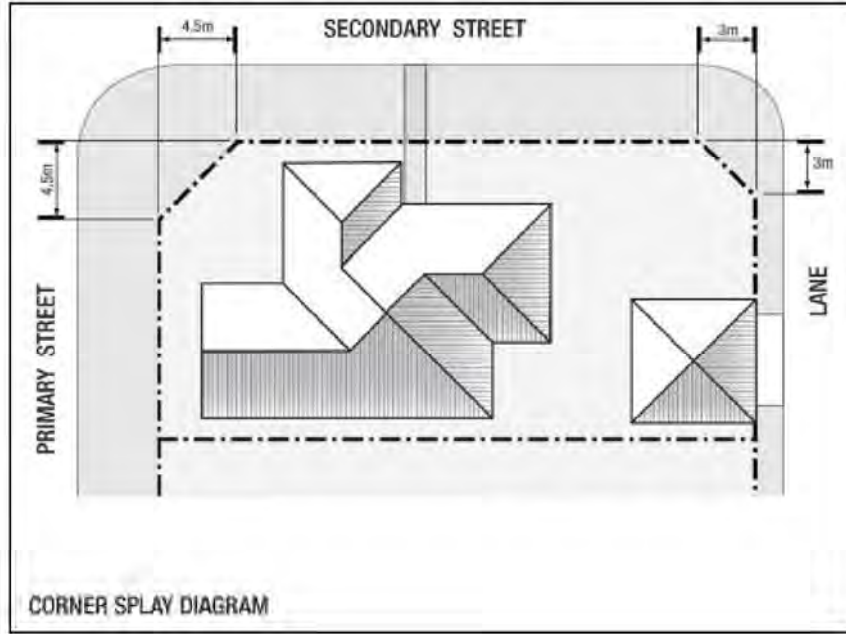


Figure C79 Corner Splay Diagram

C12.15 Gledswood and Approaches**Introduction**

Gledswood and its curtilage is listed on the State Heritage Register (SHR) and is also identified as a heritage item in the Camden LEP. Consistent with the significance of the site a Conservation Management Plan (CMP) has been prepared to guide the conservation, management, and possible adaptive re-use of the site and buildings.

The CMP has identified principles for the interpretation of visual connections and historic access roads. These principles have been incorporated within the ILP prepared for the development of the lands covered by this chapter of the DCP.

The CMP identifies a range of suitable uses for the existing buildings and where additional in-fill development can be considered.

Objectives

1. To protect the heritage significance of Gledswood and its curtilage.
2. To facilitate redevelopment and adaptive re-use of Gledswood in a manner that provides for its conservation and future maintenance that respects the heritage significance of the site.

Controls

1. Development is to demonstrate consistency with the adopted Conservation Management Plan for Gledswood. (Section 7.0 of CMP attached) and the principles of the CMP contained at Figure 7.1 of the CMP.
2. To maintain and enhance the rural character of the entry into the estate and to visually screen new development within Precinct 1 from view from the historic access drive, the Gledswood Road access is to incorporate a vegetated landscape buffer treatment consistent with Figure C80. The landscape buffer:
 - (i) is measured from the existing fence line to any new fence line adjacent to the new internal road of Precinct 1 and is to be 32 metres in depth comprising 2m of slashed native grasses and 30 m of Cumberland Plain Woodland Buffer;
 - (ii) the landscape buffer is generally located within land within zone RE2 Private Recreation.
3. The entry road from Camden Valley Way into the estate shall retain its historic alignment and rural character. Kerb and gutter should not be used on this section of the road. The historic post and rail fence is to be conserved.
4. Golf Course development in the north western section of Precinct 8 must be a links style course comprising open grasslands and plantings consistent with the policies of the CMP.

Any proposed subdivision of the Gledswood curtilage will require the approval of the Heritage Council and must ensure that the heritage significance and historic rural character of the estate is retained.

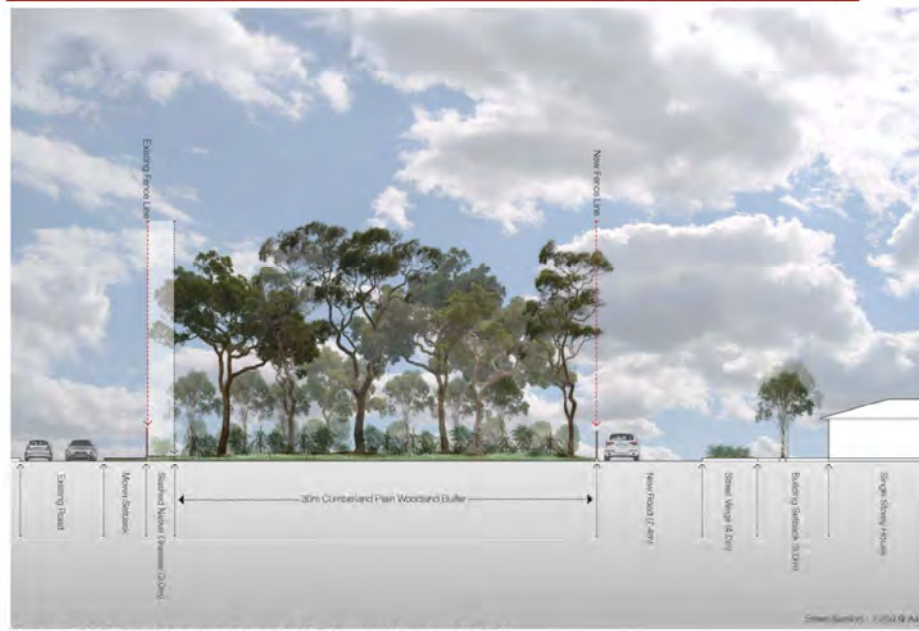


Figure C80 Cross Section through Gledswood Access Road

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Attachment 2

C12.16 Golf Course and Riparian Lands**Objectives**

1. To control the interface between the golf course and adjacent land uses.
2. To protect the character of the rural estate which surrounds and forms part of the curtilage of the Gledswood Homestead, consistent with the CMP.
3. To identify the materials, form and scale of boundary treatments at the interface between the golf course and adjacent land uses.
4. To provide where practical for the retention of existing trees both on the golf course and within adjacent lots.
5. To establish an appropriate physical separation between golf play areas, roads, dwellings and other activities within adjacent land areas.
6. To define the extent of the landscape curtilage which surrounds the community/golf course facilities and which forms the Precinct area.
7. To facilitate the appropriate physical separation between the community facilities and surrounding activities.
8. To establish site circulation, visual amenity and environmental management principles which apply to the Golf Course Facilities Precinct.
9. To facilitate pedestrian and bicycle access to the Golf Course/Community Facilities Precinct.
10. To utilise golf course areas to improve the ecological and environmental qualities of the area by implementing the Vegetation Management Plan and Water Management Plan.

Controls

1. The north west portion of the site within the SHR curtilage is to be landscaped in a manner that protects its heritage significance as part of the Gledswood Estate and enhances views of the Homestead from Camden Valley Way.
2. The requirements for safety setbacks are to be determined by a specialist golf designer or similarly qualified person.
3. A Golf Course Safety Report is to be submitted with all subdivision applications for the subdivision of land immediately adjacent to the proposed golf course and/or any golf course development applications.
4. Any proposed removal of existing vegetation is to have regard to the vegetation retention requirements for the RE2 zoned lands, the CMP and the VMP.
5. Where practical, new planting within the golf course is to be located to maximise existing views of the golf course from residential lots.
6. The design and management of the Golf Course is to be consistent with the requirements of any adopted VMP and the CMP.
7. A landscape plan prepared by suitably qualified landscape architect is to be provided with any application for the development of the Golf Course holes. The landscape treatment of land within the SHR boundary should be consistent with the policies of the CMP.
8. The golf course layout is to be designed to minimise the need for golfers and golf carts to cross public roads, where this is unavoidable, safe crossing points are to be provided to the satisfaction of council.

9. Where an existing significant tree cannot be retained, a replacement tree of the same species is to be planted within close proximity of the existing tree.
10. Greenkeepers and maintenance equipment storage sheds provided for the golf course are to be screened and treated to minimise their visual dominance in the landscape setting.
11. Any crossings of the Sydney Catchment Authority Canal are to comply with the requirements of the Sydney Catchment Authority and the NSW Heritage Office
12. The category 3 riparian areas located south of the entry point to the estate shall be revegetated to screen the residential portion of the estate from the entry road.
13. A 32 metre landscape buffer as shown in Figure C80 shall be provided adjacent to and along the length of the existing access road to Gledswood to the point that it meets the category 3 riparian creek.
14. Riparian revegetation along Rileys Creek within Precinct 8 shall be of an open grassland form.
15. Riparian revegetation along with the balance of Rileys Creek shall ensure that it is capable of screening views of Precinct 1 from the Gledswood Homestead Precinct 7.
16. Development is to demonstrate consistency with the adopted Conservation Management Plan for Gledswood (Section 7.0 of CMP attached) and the principles of the CMP contained at Figure 7.1 of the CMP.
17. Any proposed subdivision of the Gledswood curtilage will require the approval of the Heritage Council and must ensure that the heritage significance and historic rural character of the estate is retained.
18. The original access road to the Gledswood Homestead as referred in the CMP is to be managed and appropriately interpreted in accordance with the CMP.

C12.16.1 Club House Location Requirements

Should a new Club House for the golf course be required it could be provided to the south of the site adjoining the Turner Road Entertainment precinct. The Turner Road Entertainment precinct includes specific controls to protect view axes over the subject site and towards Gledswood Homestead.

The development of any Golf Clubhouse or similar development in the interface area between the land covered by this DCP and the Turner Road Entertainment precinct is to conform to the design and layout principles that seek to protect and reinforce the view axes. Where a building is proposed that is bisected by the secondary site axis from the Entertainment precinct building transparency zones and building breaks are to be provided consistent with the guidelines that apply to the Entertainment Precinct.

The principles are outlined in the following Figure C81.

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Attachment 2

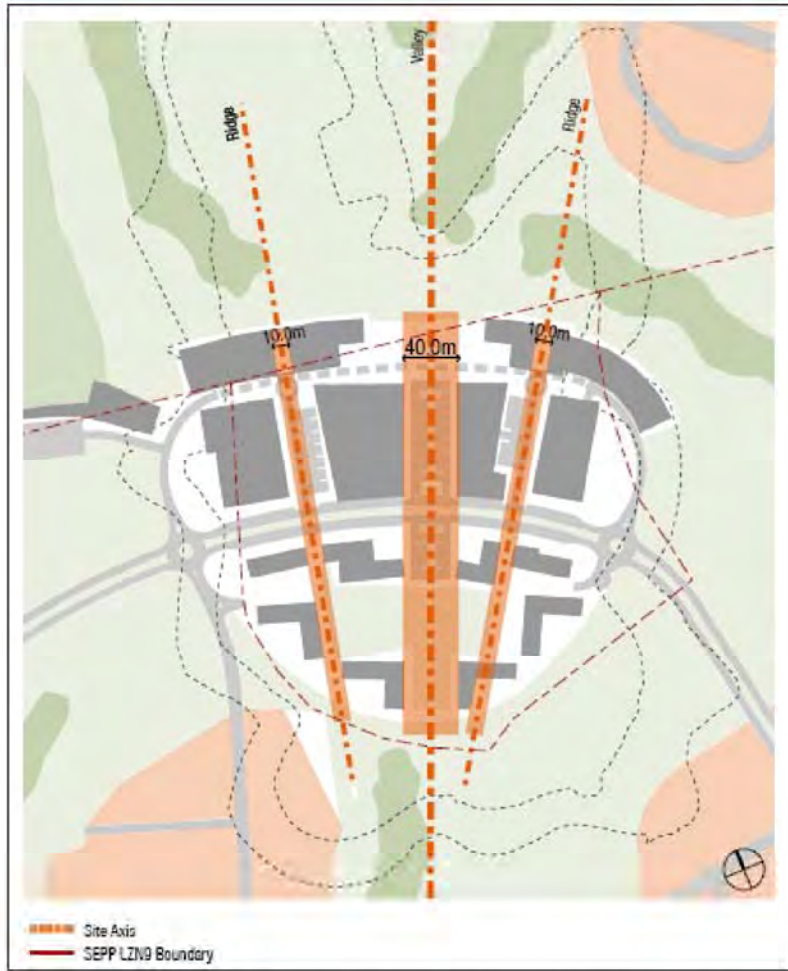


Figure C81 Principle north south axis along the valley and secondary axes along the ridgelines providing view corridors and view cone

C12. 17 Contamination

Objectives

1. To ensure that previously identified Areas of Environmental Contamination (AEC) are appropriately managed to minimise risks to human health and the environment.

Controls

1. Remediation Action Plans shall be provided in accordance with Council's Policy – Management of Contaminated Lands where development applications are submitted for land affected by AEC identified in any of the following reports:
 - (i) report on Phase 2 Contamination Assessment , Gledswood Effluent Treatment Ponds, Catherine Field, Prepared for Paynter Dixon, Project 40470C, February 2008; and
 - (ii) report on Sampling, Analysis and Quality Plan and Trial Treatment Methodology Gledswood Ponds, Catherine Field (Douglas Partners, 2 December 2009); and
 - (iii) report on Supplementary Contamination Assessment and Preliminary Waste Classification, Gledswood Ponds, Catherine Fields. Prepared for SH Camden Valley Pty Ltd, Project 40470.14 August 2010.
2. Council may require a Site Audit Statement (SAS) issued by an appropriately accredited Site Auditor where remediation works have been undertaken. The SAS is to confirm that areas identified as being contaminated are suitable for the proposed use. The SAS, if requested by Council, shall be submitted for review and written approval prior to the issue of a Subdivision Certificate.
3. All investigations, reporting and identified remediation works must be in accordance with the protocols of Council's Policy – Management of Contaminated Lands, and the Guidelines for Consultants Reporting on Contaminated Sites published by the NSW Office of Environment and Heritage; and should have regard to the reports listed in Control 1 above.
4. Further reference shall be made to the provisions of sections B1.3 Salinity Management and B1.12 Contaminated and Potentially Contaminated Land Management in this DCP.

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Attachment 3

El Caballo Blanco, Gledswood and East Side
Site

Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Camden Council

SH Camden Valley Pty Limited (As Trustee for the SH
Camden Valley Unit Trust)

Caldia Pty Limited

Vincenzo Pisciueneri, Elizabeth Pisciueneri

Rok Friscic, Teresa Friscic, Jozo Bernatovic, Eva Bernatovic

Frank Galluzzo, Maria Galluzzo, Samuel Galluzzo

The Owners - Strata Plan 36786

//Insert Date//

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

El Caballo Blanco, Gledswood and East Side Site
Planning Agreement

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

El Caballo Blanco, Gledswood and East Side Site
Planning Agreement

Summary Sheet

Council:

Name: Camden Council
Address: 37 John Street, Camden NSW 2570
Telephone: (02) 4654 7777
Facsimile: (02) 4564 7829
Email: mail@camden.nsw.gov.au
Representative: The General Manager

Landowner:

Name: SH Camden Valley Pty Ltd (As Trustee for the SH Camden Valley Unit Trust)
Address: 68 Waterloo Road Macquarie Park NSW 2113
Telephone: 8817 1400
Facsimile: 8817 4801
Email: Craig.D'Costa@sekisuihouse.com.au
Representative: Craig D'Costa

Name: Caldia Pty Ltd
Address: 42 Denham Court Road Denham Court NSW 2565
Telephone: 0418 289 601
Facsimile:
Email: roynasso@gmail.com
Representative: Roy Nasso

Name: Rok Friscic
Address: 190 Raby Road Gledswood Hills NSW 2557
Telephone: 9606 6071
Facsimile: 9606 6294
Email: N/A
Representative: Rok Friscic

Name: Teresa Friscic
Address: 190 Raby Road Gledswood Hills NSW 2557
Telephone: 9606 6071

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Facsimile: 9606 6294
Email: N/A
Representative: Teresa Friscic

Name: Jozo Bernatovic
Address: 188 Raby Road Gledswood Hills NSW 2557
Telephone: 9606 6291
Facsimile: 9606 6291
Email: N/A
Representative: Jozo Bernatovic

Name: Eva Bernatovic
Address: 188 Raby Road Gledswood Hills NSW 2557
Telephone: 9606 6291
Facsimile: 9606 6291
Email: N/A
Representative: Eva Bernatovic

Name: Vincenzo Piscuineri
Address: 182 Raby Road Gledswood Hills NSW 2557
Telephone: 9606 5886
Facsimile: 9606 2107
Email: piscuineri@optusnet.com.au
Representative: Vincenzo Piscuineri

Name: Elizabeth Piscuineri
Address: 182 Raby Road Gledswood Hills NSW 2557
Telephone: 9606 5886
Facsimile: 9606 2107
Email: piscuineri@optusnet.com.au
Representative: Elizabeth Piscuineri

Name: Frank Galluzzo
Address: 184 Raby Road Gledswood Hills NSW 2557
Telephone: 0419 602364
Facsimile: 9600 6659
Email: frankg@btconcepts.com.au
Representative: Frank Galluzzo

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Name: Maria Galluzzo
Address: 184 Raby Road Gledswood Hills NSW 2557
Telephone: 0419 602364
Facsimile: 9600 6659
Email: frankg@btconcepts.com.au
Representative: Maria Galluzzo

Name: Samuel Galluzzo
Address: 41 Cubitt Drive Denham Court NSW 2565
Telephone: 0419 144187
Facsimile: 9600 6659
Email: samuelgalluzzo@bigpond.com.au
Representative: Samuel Galluzzo

Name: The Owners – Strata Plan 36786
Address: P O Box 121, Liverpool BC NSW. 1871
Telephone: 0419 144 187
Facsimile: 9600 6659
Email: samuelgalluzzo@bigpond.com.au
Representative: The Secretary

Land:

See definition of *Land* in clause 1.1 and see clause 2.

Development:

See definition of *Development* in clause 1.1 and see clause 4.1.

Development Contributions:

See Parts 2-4 and Schedule 1.

Application of s94, s94A and s94EF of the Act:

See clause 7.

Enforcement:

See clauses 9.11, 12.5, 14.2, 15.2, 16.2, 19.3, 31, 32 33, 34 and 37

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Dispute Resolution:

Expert determination and mediation. See clauses 35 and 36.

Registration:

Yes. See clause 37.

Restriction on dealings:

See clause 39.

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Camden Council ABN 31 117 341 764 of 37 John Street Camden, NSW 2150
(Council)

and

SH Camden Valley Pty Limited ABN 37 137 331 376 of 68 Waterloo Road
Macquarie Park NSW 2113 **As trustee for the SH Camden Valley Unit Trust** (ABN 46 767
052 801) (SH Camden Valley)

and

Caldia Pty Limited ABN 83 003 108 781 of 42 Denham Court Road Denham Court
NSW 2565 (Caldia)

and

Vincenzo Pisciueneri of 182 Raby Road Gledswood Hills NSW 2557

and

Elizabeth Pisciueneri of 182 Raby Road Gledswood Hills NSW 2557 (together,
the Pisciueneri Parties)

and

Rok Friscic of 190 Raby Road Gledswood Hills NSW 2557

and

Teresa Friscic of 190 Raby Road Gledswood Hills NSW 2557, (together, the
Friscic Parties)

and

Jozo Bernatovic of 188 Raby Road Gledswood Hills NSW 2557,

and

Eva Bernatovic of 188 Raby Road Gledswood Hills NSW 2557 (together, the
Bernatovic Parties)

and

Frank Galluzzo of 184 Raby Road Gledswood Hills NSW 2557

and

Maria Galluzzo of 184 Raby Road Gledswood Hills NSW 2557

and

Samuel Galluzzo of 41 Cubitt Drive Denham Court NSW 2565 (together, the
Galluzzo Parties)

and

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

The Owners – Strata Plan 36786 of 1st Floor, 147 Northumberland Street, Liverpool NSW 2170 (The Owners Corporation)

Background

- A The Landowner is the owner of the Land.
- B The Landowner wishes to carry out the Development if the Instrument Change occurs.
- C The Landowner is prepared to make Development Contributions in connection with the carrying out of the Development in accordance with this Agreement.

Operative provisions

Part 1 - Preliminary

1 Definitions & Interpretation

- 1.1 In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Agreement means this Agreement and includes any schedules, annexures and appendices to this Agreement.

Approval in relation to Work means all necessary consents or approvals as required by law in order to carry out the Work.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) 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 Pools) or "A2" or above (as assessed by Moody's Investors Service) or "A" or above (as assessed by Fitch Ratings); or
- (b) any other financial institution approved by the Council in its absolute discretion.

Canal means the water supply canal between the Eastern Portion and the Western Portion that is owned or controlled by the Sydney Catchment Authority.

Compliance Certificate has the same meaning as in the Act.

Construction Certificate has the same meaning as in the Act.

Contribution Item means an item specified or described in Column 1 of Schedule 1.

Contribution Lot means a lot created for the purposes of a dwelling that is a Final Lot but is not a Non-Contribution Lot.

Defects Liability Period means the period commencing on the date of Works Completion and ending 12 months after that date.

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Development means development of:

- (a) the Land for urban purposes, involving subdivision to accommodate up to approximately 860 dwellings, associated non residential development and infrastructure; and
- (b) Golf Holes.

Development Application has the same meaning as in the Act and includes a project application under Part 3A of the Act.

Development Consent has the same meaning as in the Act and includes a project approval under Part 3A of the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards, the provision of Public Infrastructure or another public purpose.

Development Staging Plan means the plan referred to in clause 12.

Draft DCP means the draft amendment to *Camden Development Control Plan 2011* in relation to the Land as exhibited from [x] to [x]. **[Drafting Note: Details of the exhibition period to be added following exhibition once known]**

Eastern Portion means the East Side 1 Land, the East Side 2 Land and the East Side 3 Land being land generally to the east of the Canal as shown on Sheet 5 of the Map.

East Side 1 Land means Lot 1 DP 260703 as shown on Sheet 1 of the Map.

East Side 2 Land means:

- (a) Strata Plan 36786 Common Property Land, and
- (b) Strata Plan 36786 Lot 1 Land,
- (c) Strata Plan 36786 Lot 2 Land,
- (d) Strata Plan 36786 Lot 3 Land, and
- (e) Strata Plan 36786 Lot 4 Land.

East Side 3 Land means Lot 3 DP 260703 as shown on Sheet 1 of the Map.

ECB Land means Lot 10 DP 1086849 as shown on Sheet 1 of the Map.

Final Lot means a lot created or proposed to be created by a subdivision of the Land for separate occupation and disposition or any Non-Contribution Lot not being a lot:

- (a) that is to be dedicated or otherwise transferred to the Council,
- (b) containing any part of the Vegetation Management Land or Water Management Land,
- (c) that the Council considers, acting reasonably, based on information provided by the Landowner, will be further subdivided,
- (d) created for the purposes of the Golf Holes,
- (e) created for the purpose of any public utility undertaking (within the meaning of the *Standard Instrument (Local Environmental Plans) Order 2006* as at the date of this Agreement).

Gledswood Land means Lot 12 DP 748303 as shown on Sheet 1 of the Map.

Golf Holes means golf holes on the part of the Land identified as 'Golf Course' on Sheet 2 of the Map consistent with the Golf Holes Strategy.

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Golf Holes Strategy means the strategy as approved by Council in accordance with clause 9.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Instrument Change means an amendment of *Camden Local Environmental Plan 2010* to rezone the Land generally as described in the planning proposal the subject of public consultation from [x] to [x] as shown on Sheet 8 of the Map. **[Drafting Note: Details of the public consultation period to be added following exhibition once known]**

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

Land means the ECB Land, the Gledswood Land, the East Side 1 Land, the East Side 2 Land and the East Side 3 Land.

Landowner means:

- (a) SH Camden Valley in relation to the ECB Land,
- (b) Caldla in relation to the Gledswood Land,
- (c) the Pisciueneri Parties in relation to the Pisciueneri Land,
- (d) the Owners Corporation in relation to the Strata Plan 36786 Common Property Land,
- (e) Samuel Galluzzo in relation to the Strata Plan 36786 Lot 1 Land,
- (f) Samuel Galluzzo, Frank Galluzzo and Maria Galluzzo in relation to the Strata Plan 36786 Lot 2 Land,
- (g) Frank Galluzzo and Maria Galluzzo in relation to the Strata Plan 36786 Lot 3 Land, and
- (h) the Friscic and Bernatovic Parties in relation to the East Side 3 Land.

Map means the series of sheets of the map in Schedule 2.

Non-Contribution Lot means:

- (a) a lot created for the purpose of dwellings that existed on the Land on the date of this Agreement,
- (b) a lot created in lieu of Strata Plan 36786 Lot 1 Land,
- (c) a lot created in lieu of Strata Plan 36786 Lot 2 Land,
- (d) a lot created in lieu of Strata Plan 36786 Lot 3 Land,
- (e) a lot created in lieu of Strata Plan 36786 Lot 4 Land, and
- (f) a lot created for Gledswood House which will not, in the opinion of the Council, be further subdivided;
- (g) a lot created for the purposes of the Golf Holes.

Novation Deed means the draft deed in Schedule 3.

Portion means either or both of the Eastern Portion and the Western Portion as the context requires.

Party means a party to this agreement, including their assigns and a person bound by the Agreement under section 93H(3) of the Act.

Pisciueneri Land means Lot 1 DP 260703 and Strata Plan 36786 Lot 4 Land as shown on Sheet 1 of the Map.

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Rectification Notice means a notice in writing that identifies a defect in a work and requires rectification of the defect within a specified period of time.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Relevant Party in relation to a matter means a Landowner Party but does not include a Landowner whose land is unaffected by the matter.

Security means a Bank Guarantee or such other kind of security as is agreed to by the Council in its absolute discretion.

Stage means a stage of the Development identified in a Development Staging Plan.

Strata Plan 36786 Common Property Land means Lot CP SP36786.

Strata Plan 36786 Lot 1 Land means Lot 1 SP36786 as shown on Sheet 1 of the Map.

Strata Plan 36786 Lot 2 Land means Lot 2 SP36786 as shown on Sheet 1 of the Map.

Strata Plan 36786 Lot 3 Land means Lot 3 SP36786 as shown on Sheet 1 of the Map.

Strata Plan 36786 Lot 4 Land means Lot 4 SP36786 as shown on Sheet 1 of the Map.

Subdivision Certificate has the same meaning as in Part 4A of the Act.

Vegetation Establishment Obligation means the establishment of the Vegetation Management Land or any part of it in accordance with:

- (a) the relevant requirements of any Development Consent relating to the Development, and
- (b) to the extent not inconsistent with such a Development Consent, the Vegetation Management Plan.

Vegetation Establishment Period means the period commencing when the Development is physically commenced (within the meaning of the Act) or such other period or periods commencing at such other time or times as the Council and the Relevant Parties agree and ending when the Vegetation Establishment Obligation is completed to the reasonable satisfaction of the Council.

Vegetation Management Land means the land identified on Sheet 7 of the Map as 'Vegetation Re-Creation Zone' or 'Vegetation Retention'.

Vegetation Management Obligation means the management of the Vegetation Management Land in accordance with:

- (a) the relevant requirements of any Development Consent relating to the Development, and
- (b) to the extent not inconsistent with such a Development Consent, the relevant Vegetation Management Plan.

Vegetation Management Period means the period commencing immediately at the end of the Vegetation Establishment Period and continuing in perpetuity.

Vegetation Management Plan means a vegetation management plan prepared in accordance with the Draft DCP, the Vegetation Management Strategy and approved by the Council in accordance with clause 13.

Vegetation Management Strategy means the El Caballo Blanco / Gledswood Vegetation Management Strategy prepared by Eco Logical Australia for S H Camden Valley Pty Ltd on behalf of the Landowner dated 14

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

September 2010 an extract from which is Sheet 7 of the Map as amended from time to time in accordance with this Agreement.

Water Establishment Obligation means the implementation of the Water Management Strategy in accordance with:

- (a) the relevant requirements of any Development Consent relating to the Development, and
- (b) to the extent not inconsistent with such a Development Consent, the relevant Water Management Plan.

Water Establishment Period means the period commencing when the Development is physically commenced (within the meaning of the Act) or such other period or periods commencing at such other time or times as the Council and the Relevant Parties agree and ending when the Water Establishment Obligation is completed to the reasonable satisfaction of the Council.

Water Management Land means the land on which a wetland or biofilter is located in accordance with the Water Management Strategy.

Water Management Obligation means the management of the Water Management Systems (except those on land that has been dedicated to the Council) in accordance with:

- (a) the relevant requirements of any Development Consent relating to the Development, and
- (b) to the extent not inconsistent with such a Development Consent, the relevant Water Management Plan.

Water Management Period means the period commencing immediately at the end of the Water Establishment Period and continuing in perpetuity.

Water Management Plan means a water management plan prepared in accordance with the Draft DGP, the Water Management Strategy and approved by the Council in accordance with clause 15.

Water Management Strategy means:

- (a) the El Caballo Blanco and Gledswood Lands Water Management Strategy Stormwater Quality and Stream Health prepared by Equalica dated 20 January 2011; and
- (b) the El Caballo Blanco and Gledswood Preliminary Stormwater Quantity Management & Flooding Assessment report No. X10264 dated December 2010; and
- (c) an extract from which is Sheet 4 of the Map,

as amended in accordance with this Agreement

Water Management Systems means water management systems installed as part of the Water Establishment Obligation.

Western Portion means the Gledswood Land and the El Caballo Land being land generally to the west of the Canal.

Work means the physical result of any building, engineering or construction work in, on, over or under land required to be carried out by the Landowner under this Agreement.

Works Completion means in relation to a Work, the date on which the Council gives the Developer a notice under clause 26.1.

- 1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- 1.2.2 A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.
- 1.2.5 A reference in this Agreement to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Agreement includes the agreement recorded in this Agreement.
- 1.2.14 A provision in this Agreement that imposes a liability on a Party extends to imposing a liability on the Party in respect of the acts or omissions of servants, agents and contractors of the Party.
- 1.2.15 Any schedules, appendices and attachments form part of this Agreement.
- 1.2.16 Notes appearing in this Agreement are operative provisions of this Agreement.
- 1.2.17 A reference in this Agreement to a Landowner making an application for a Subdivision Certificate is taken to include an application made by another person with the written authority of the Landowner.
- 1.3 Except as otherwise provided by this Agreement, a reference to a Landowner and land is a reference to a Party and the corresponding part or parts of the Land owned by that Party specified in the definition of *Landowner* in clause 1.1.

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

2 Application of this Agreement

- 2.1 This Agreement applies to the Land and to the Development.

3 Commencement of this Agreement

- 3.1 This Agreement commences when it has been executed by all of the Parties.
- 3.2 The Party who executes this Agreement last is to notify the other Parties once it has done so and promptly provide them with a copy of the fully executed version of this Agreement.

4 Commencement of Development Contributions obligations

- 4.1 A Landowner is under no obligation to make the Development Contributions to the Council in accordance with this Agreement unless all of the following events have occurred:
- 4.1.1 the Instrument Change occurs,
- 4.1.2 Development Consent is granted to the Development or any part of it in relation to the Landowner's land subject to a condition requiring the Development Contributions to be made in accordance with this Agreement, and
- 4.1.3 the Development is physically commenced (within the meaning of the Act) on the Landowner's land.
- 4.2 Nothing in this Agreement shall be taken to require a Landowner to carry out all or part of the Development prior to a decision by that Landowner to physically commence the Development on the Landowner's land.
- 4.3 Nothing in this Agreement shall be taken to require a Landowner who has physically commenced the Development to produce any particular number of Final Lots or Contribution Lots.
- 4.4 However, nothing in this clause shall be taken to exempt a Landowner from the obligation to comply with the provisions of this Agreement that impose obligations other than the making of Development Contributions including those that require:
- 4.4.1 the submission of plans, strategies, reports and the like; and
- 4.4.2 other facilitation of the implementation of the Agreement without limitation including for registration of this Agreement and the provision of Security as and when specified.

5 Further Agreements Relating to this Agreement

- 5.1 The Parties may, at any time, enter into such other agreements or arrangements relating to the subject-matter of this Agreement that they consider are necessary or desirable in order to give effect to this Agreement.
- 5.2 An agreement or arrangement referred to in clause 5.1 is not to be inconsistent with this Agreement.

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Note: This clause is not intended to prevent amendment of this Agreement as authorised under the Act.

6 Surrender of right of appeal, etc.

6.1 A Party is not to commence or maintain, or cause to be commenced or maintained, any proceedings in a court involving an appeal against, or questioning the validity of, a Development Consent relating to the Development or an approval under s96 of the Act to modify a Development Consent relating to the Development to the extent that it relates to the validity of this Agreement or a condition of the Development Consent that requires this Agreement to be entered into and/or performed according to the terms of this Agreement.

7 Application of s94, s94A and s94EF of the Act to the Development

7.1 This Agreement excludes the application of s94 and s94A of the Act to the Development.

7.2 This Agreement does not exclude the application of s94EF of the Act to the Development.

Part 2 –Development Contributions

8 Provision of Development Contributions

8.1 A Landowner is to make Development Contributions in accordance with this Agreement to the reasonable satisfaction of the Council:

- 8.1.1 in respect of the part or parts of the Land owned by the Landowner, and
- 8.1.2 for which the Landowner is identified as being the Responsible Party in Column 6 of Schedule 1, and
- 8.1.3 as otherwise expressly provided by this Agreement.

8.2 For the avoidance of doubt, a Landowner is only jointly and severally liable for another Landowner's obligation to make Development Contributions if both Landowners are identified in Column 6 of Schedule 1 as being the Responsible Party for the making of the Development Contributions.

8.3 Schedule 1 has effect in relation to Development Contributions to be made by a Landowner under this Agreement in accordance with its terms. Nothing in Schedule 1 prevents a Landowner from electing to make a Development Contribution prior to the time it is required to do so.

8.4 A Landowner and the Council may agree in writing to vary the Landowner's obligations to make Development Contributions under this Agreement if the Council considers that the public interest would be better served by making the variation having regard to town planning conditions prevailing at the time of the variation.

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

- 8.5 The Council is to apply each Development Contribution made by a Landowner under this Agreement towards the public purpose for which it is made and otherwise in accordance with this Agreement.
- 8.6 Despite clause 8.5, the Council may apply a Development Contribution made under this Agreement towards a public purpose other than the public purpose specified in this Agreement if the Council considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified having regard to town planning conditions prevailing at the time.

9 Provision of Golf Holes

- 9.1 The Landowners are to carry out development for the purpose of Golf Holes within the Golf Course Boundary identified on Sheet 2 of the Map subject to this clause.
- 9.2 At least nine (9) of the Golf Holes are to be located on the Western Portion, and at least nine (9) are to be located on the Eastern Portion.
- 9.3 One or more of the Landowners is to prepare a Golf Holes Strategy and submit it to the Council for approval.
- 9.4 The draft Golf Holes Strategy is to identify:
- 9.4.1 how the Golf Holes are to be managed, either as:
- a 'stand alone' minimum 18 hole golf course, or
 - as two (2) x minimum nine (9) holes to be used in combination with one or more other golf courses;
- 9.4.2 the design intent of the Golf Holes;
- 9.4.3 any relevant standards or specifications that have informed the design intent of the Golf Holes; and
- 9.4.4 the means by which physical connectivity can be achieved between the golf holes in the Eastern and Western Portions respectively.
- 9.5 The draft Golf Holes Strategy is to be consistent with:
- 9.5.1 each relevant Vegetation Management Plan and each relevant Water Management Plan; and
- 9.5.2 to the extent that a Vegetation Management Plan or Water Management Plan has not yet been prepared for a part of the Land (not being land owned by a Landowner that prepares and submits the Golf Holes Strategy), the Vegetation Management Strategy and the Water Management Strategy as relevant.
- 9.6 To the extent that the Strategy relates to land in a Portion that is not owned by the Landowner who submits the Strategy, the Strategy may be conceptual only, to the reasonable satisfaction of the Council.
- 9.7 The draft Golf Holes Strategy is to be approved by the Council prior to the lodging of any Development Application for the carrying out of the Golf Holes
- 9.8 The Landowners (jointly or severally) shall use their best endeavours to gain approval for the Golf Holes Strategy by no later than 24 months after the Instrument Change occurs or such later time as is agreed between the Parties.
- 9.9 A Landowner of land in either Portion may seek the further approval of the Council for the amendment of the Golf Holes Strategy in relation to the Portion of which its land forms a part provided that:

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- 9.9.1 each Landowner of land in that Portion on which any of the Golf Holes are located (either in the existing Golf Holes Strategy or the Strategy as proposed to be amended) notifies the Council in writing that it agrees to the proposed amendment;
- 9.9.2 the Strategy as proposed to be amended for that Portion remains consistent with the Strategy as ongoing for the other Portion; and
- 9.9.3 the Strategy as proposed to be amended complies with clauses 9.4, 9.5 and 9.6 above.
- 9.10 The Council is not to unreasonably refuse to approve the Golf Holes Strategy or any amendment to it.
- 9.11 The Golf Holes are to be completed:
- 9.11.1 on the Eastern Portion, immediately prior to the release of a subdivision certificate for:
- (a) the 230th Final Lot on land zoned R1, R2, R5 or RU2 in East Side 1 and East Side 2 Land; and
 - (b) the 170th Final Lot on land zoned R1, R2, R5 or RU2 in East Side 3 Land; and
- 9.11.2 on the Western Portion, immediately prior to the release of a subdivision certificate for the 200th Final Lot on ECB Land zoned R1, or at such later time as is agreed in writing between the Council and the Relevant Parties. Nothing in this clause prevents a Landowner from electing to complete the Golf Holes prior to the time it is required to do so.
- 9.12 If:
- 9.12.1 the Golf Holes have been completed:
- (a) on the land to which the Golf Holes Strategy applies in accordance with this Agreement; or
 - (b) on either Portion where the other Portion is not expressly required to be used for golf holes in conjunction with that land under the Golf Holes Strategy;
- 9.12.2 a Landowner has obtained Approval for the use of some or all of the relevant land mentioned in clause 9.12.1 for a different permissible purpose;
- 9.12.3 the carrying out of the different purpose will not (in the reasonable opinion of the Council) adversely impact on the continuation of the use of any of the remaining land to which the Golf Holes Strategy applies for the purposes of a golf course; and
- 9.12.4 use of the land for the proposed use will not, in the reasonable opinion of the Council, have a material adverse impact on the implementation of the Vegetation Establishment Obligation, Vegetation Management Obligation, Water Establishment Obligation or Water Management Obligation as applicable to that land,
- the Council may, by written notice issued to all Landowner Parties, approve the Landowner to use the relevant land for the proposed use rather than for the purpose of the Golf Holes. Council is not to unreasonably refuse to approve the proposed use.

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10 Amendment of Water Management and Vegetation Management Strategies

- 10.1 A Landowner may seek approval of the Council for the amendment of the Water Management Strategy or the Vegetation Management Strategy in relation to the Portion of which its land forms a part.
- 10.2 The Council may approve the amendment provided that:
- 10.2.1 each Landowner of land in that Portion notifies the Council in writing that it agrees to the proposed amendment;
- 10.2.2 the Council is satisfied that:
- (a) the Strategy as proposed to be amended:
 - (i) remains consistent with the Strategy as ongoing for the other Portion;
 - (ii) will continue meet the objectives of the existing Strategy;
 - (b) each relevant Vegetation Management Plan and each relevant Water Management Plan will be amended as necessary to be consistent with the Strategy as amended; and
 - (c) any work already carried out in accordance with clauses 14 and 16 can and will be modified as necessary to comply with the proposed amended Strategy and amended Plan.
- 10.3 If at the time of giving an approval, the Water Establishment or the Vegetation Establishment Period has already expired, the Council must as a condition of its approval specify a later time for the completion of any relevant amended establishment work. If so:
- 10.3.1 the Relevant Parties for each Portion, at their own cost, are to complete any amended Vegetation Establishment or Water Establishment Obligations by the later time so specified;
- 10.3.2 following completion, the Vegetation Management and Water Management Obligations apply to those works as so amended in addition to remaining works.
- 10.4 If the later time specified under clause 10.3 is not the time proposed by the Landowner seeking the approval:
- 10.4.1 the Council will not specify the later time unless the Relevant Parties have been given a reasonable opportunity to consider and respond to the Council's proposed timing and the Council has considered any such response; and
- 10.4.2 the later time is to be reasonable.
- 10.5 The Council is not to unreasonably refuse to approve an amendment under this clause.

11 Development requiring access from Raby Road

- 11.1 A Development Application to create a Final Lot that would require access to and from Raby Road once developed is to be accompanied by an independently prepared and certified technical report prepared at the cost of

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the developer to the Council's satisfaction which addresses the need for Contribution Item 6.

- 11.2 Following consideration of the report, the Council is to notify the Landowner whether Contribution Item 6 is required and, if not, the Landowner need not provide Contribution Items 6 and 15 despite any other provision of this Agreement

12 Staging of Development

- 12.1 Prior to the lodgment of the first Development Application for Development in the Eastern Portion and the Western Portion respectively, the Landowners of land in a Portion are to submit and the Council is to approve a Development Staging Plan for that Portion.
- 12.2 Clause 12.1 does not apply to a Development Application for subdivision to create a Non-Contribution Lot.
- 12.3 The Landowners of land in a Portion may seek approval to amend a previously approved Development Staging Plan for that Portion.
- 12.4 The Development Staging Plan for each Portion is to identify:
- 12.4.1 each of the Stages of the Development to be carried out within that Portion;
 - 12.4.2 the vegetation to be removed from the land to which each Stage relates which is to be in accordance with the Vegetation Management Strategy;
 - 12.4.3 the associated land to be revegetated as part of each Stage which is to be in accordance with the Vegetation Management Plan as part of the Vegetation Establishment Obligation;
 - 12.4.4 the extent of Contribution Item 5 that is to be constructed in conjunction with each Stage to service Development within the land to which the Stage relates;
 - 12.4.5 the extent of Contribution Items 7, 8 and 9 to be constructed in conjunction with each Stage to service Development within the land to which the Stage relates; and
 - 12.4.6 any other thing necessary in order to service a future Stage of the Development as set out in the Water Management Plan.
- 12.5 The Council is not to unreasonably refuse to approve the Development Staging Plan or any proposed amendment. However, the Council may make reasonable alterations in order to ensure that adequate infrastructure will be available to meet each Stage of the Development. The Relevant Parties will be given a reasonable opportunity to consider and respond to any such alterations proposed to be made by the Council and the Council will consider any such response prior to determining the alterations to be made.
- 12.6 The Relevant Parties in relation to a Portion are to use their best endeavours to ensure that each Development Application for the Development is consistent with the relevant approved Development Staging Plan.
- 12.7 A Subdivision Certificate for a Contribution Lot within land to which a Stage relates must not be issued unless:
- 12.7.1 the following things have been done:
 - (a) the Vegetation Establishment Obligation has been performed in relation to that Stage;

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- (b) the Water Establishment Obligation has been performed in relation to that Stage; and
 - (c) all other Work identified in the Development Staging Plan has been completed in relation to that Stage, or
- 12.7.2 Security has been provided for any thing not so performed or completed as specified in clause 32.

Part 3 – Development contributions relating to Vegetation Management Land

13 Approval of draft Vegetation Management Plan

- 13.1 The Landowners of land in a Portion are to prepare a draft Vegetation Management Plan for the Portion and submit it to the Council for approval.
- 13.2 The draft Vegetation Management Plan is to be consistent with the Vegetation Management Strategy for the Portion and is to be approved before the approval of the Development Staging Plan.
- 13.3 The Council is not to unreasonably refuse to approve a draft Vegetation Management Plan.
- 13.4 The Council may approve a draft Vegetation Management Plan with such alterations as it reasonably considers necessary in order to ensure that the plan is consistent with the Draft DCP and the Vegetation Management Strategy. The Relevant Parties will be given a reasonable opportunity to consider and respond to any such alterations proposed to be made by the Council and the Council will consider any such response prior to determining the alterations to be made.
- 13.5 A Vegetation Management Plan, once approved, may be varied with the agreement of the Council and the Relevant Parties. The Council is not to unreasonably refuse to approve a variation of the plan.
- 13.6 A Landowner must ensure that any Development Application it makes in relation to the Vegetation Management Land is consistent with the relevant Vegetation Management Plan.

14 Establishment & Management of Vegetation Management Land

- 14.1 Each Landowner is, at its own cost to perform:
 - 14.1.1 the Vegetation Establishment Obligation during the Vegetation Establishment Period; and
 - 14.1.2 the Vegetation Management Obligation during the Vegetation Management Period,
 in relation to to its land.
- 14.2 The Vegetation Establishment Obligation must be completed as follows:
 - 14.2.1 in relation to the ECB Land - immediately prior to the issuing of the Subdivision Certificate for the 200th Final Lot in the ECB Land;

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- 14.2.2 in relation to the Gledswood Land - immediately prior to the issuing of the Subdivision Certificate for the 100th Final Lot in the Gledswood Land;
 - 14.2.3 in relation to the East Side 1 Land - immediately prior to the issuing of the Subdivision Certificate for a subdivision which will create the final (as determined by the Council) Final Lot in the East Side 1 Land;
 - 14.2.4 in relation to the East Side 2 Land - immediately prior to the issuing of the Subdivision Certificate for the 230th Final Lot in the East Side 2 Land;
 - 14.2.5 in relation to the East Side 3 Land - immediately prior to the issuing of the Subdivision Certificate for the 170th Final Lot in the East Side 3 Land.
- 14.3 Nothing in subclause 14.2 prevents a Landowner electing to complete the Vegetation Establishment Obligation prior to the time it is required to do so.

Part 4 – Development contributions relating to Water Management Strategy

15 Approval of draft Water Management Plan

- 15.1 The Landowners of land in a Portion are to prepare a draft Water Management Plan for the Portion and submit it to the Council for approval.
- 15.2 The draft Water Management Plan is to be submitted to the Council for approval and is to be approved before the approval of the Development Staging Plan.
- 15.3 The draft Water Management Plan is to be consistent with the Water Management Strategy and the Development Staging Plan for the Portion.
- 15.4 The Council is not to unreasonably refuse to approve the draft Water Management Plan.
- 15.5 The Council may approve a draft Water Management Plan with such alterations as it reasonably considers are necessary in order to ensure that the plan is consistent with the Draft DCP and the Water Management Strategy. The Relevant Parties will be given a reasonable opportunity to consider and respond to any such alterations proposed to be made by the Council and the Council will consider any such response prior to determining the alterations to be made.
- 15.6 A Water Management Plan, once approved, may be varied with the agreement of the Council and the Relevant Parties. The Council is not to unreasonably refuse to approve a variation of the plan.
- 15.7 A Landowner must ensure that any Development Application it makes in relation to the Water Management Land is consistent with the relevant Water Management Plan.

16 Establishment & Management of Water Management Land

- 16.1 Each Landowner is, at its own cost to perform:

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- 16.1.1 the Water Establishment Obligation during the Water Establishment Period; and
 - 16.1.2 the Water Management Obligation during the Water Management Period,
- in relation to its land.
- 16.2 A Water Management System forming part of the Water Establishment Obligation must be completed:
 - 16.2.1 in relation to ECB Land - immediately prior to the issuing of a Subdivision Certificate for any Contribution Lot in the ECB Land that is serviced by the Water Management System in the reasonable opinion of the Council;
 - 16.2.2 in relation to the Gledswood Land - immediately prior to the issuing of a Subdivision Certificate for any Contribution Lot in the Gledswood Land that is serviced by the Water Management System in the reasonable opinion of the Council;
 - 16.2.3 in relation to the East Side 1 Land - immediately prior to the issuing of a Subdivision Certificate for any Contribution Lot in the East Side 1 Land that is serviced by the Water Management System in the reasonable opinion of the Council;
 - 16.2.4 in relation to the East Side 2 Land - immediately prior to the issuing of a Subdivision Certificate for any Contribution Lot in the East Side 2 Land that is serviced by the Water Management System in the reasonable opinion of the Council;
 - 16.2.5 in relation to the East Side 3 Land - immediately prior to the issuing of a Subdivision Certificate for any Contribution Lot in the East Side 3 Land that is serviced by the Water Management System in the reasonable opinion of the Council.
 - 16.3 Nothing in subclause 16.2 prevents a Landowner electing to complete the Water Establishment Obligation prior to the time it is required to do so.

Part 5 – Provisions Relating to Development Contributions

- 17 Procedures relating to payment of monetary Development Contributions
 - 17.1 A monetary Development Contribution is made for the purposes of this Agreement when the Council receives the full amount of the contribution payable under this Agreement in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.
 - 17.2 A Landowner is to give the Council not less than 2 business days written notice of its intention to pay a monetary Development Contribution.
 - 17.3 Monetary Development Contributions are to be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician from the date of this Agreement until the date of payment.

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18 Procedures relating to the dedication of land

- 18.1 A Development Contribution comprising the dedication of land is made for the purposes of this Agreement when:
- 18.1.1 a deposited plan is registered in the register of plans held at the Land and Property Information that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *Local Government Act 1993*, or
 - 18.1.2 the Council is given an instrument in registrable form under the *Real Property Act 1900* that is effective to transfer the title to the land to the Council when registered.
- 18.2 For the purposes of clause 18.1.2:
- 18.2.1 the Relevant Party is to give the Council, for execution by the Council as transferee, an instrument of transfer under the *Real Property Act 1900* relating to the land to be dedicated,
 - 18.2.2 the Council is to execute the instrument of transfer and return it to Landowner within 7 days of receiving it from the Landowner,
 - 18.2.3 the Relevant Party is to lodge the instrument of transfer for registration at the Land and Property Information within 7 days of receiving it from the Council duly executed,
 - 18.2.4 the Relevant Party and the Council are to do all things reasonably necessary to enable registration of the instrument of transfer to occur
- 18.3 A Relevant Party is responsible for all of the costs of dedication of land as referred to in this clause and is to reimburse the Council for any reasonable costs it has or will incur, on demand.
- 18.4 If this Agreement requires a Landowner to dedicate land to Council on which the Landowner is required to carry out a Work under this Agreement, the Landowner is to give Council the instrument of transfer of the land under clause 18.2.1 no later than the time specified in Column 4 of Schedule 1, or such later period as agreed between Council and the Relevant Parties, after the Work is taken to have been completed in accordance with this Agreement.
- 18.5 Land that is dedicated to the Council in accordance with this Agreement is required to be free of all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land except as otherwise agreed between the Council and the Relevant Parties.
- 18.6 Immediately before dedicating land to the Council in accordance with this Agreement, the Landowner is to provide the Council with evidence reasonably satisfactory to the Council that no land tax, charges or other debts is or are payable in connection with the land.

19 Carrying out of Work

- 19.1 A Development Contribution comprising the carrying out of Work is made for the purposes of this Agreement on Works Completion.
- 19.2 Except as otherwise specifically provided by this Agreement, any Work that is required to be carried out by a Landowner under this Agreement is to be carried out in accordance with:
- 19.2.1 any relevant Development Consent,
 - 19.2.2 any other applicable law,

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- 19.2.3 an appropriate quality monitoring system as agreed between the Council and the Relevant Parties.
- 19.3 A Relevant Party identified as being the Responsible Party in Column 6 of Schedule 1 shall use its best endeavours to obtain Approval for the carrying out of Work comprising Contribution Items 3 and 4 as follows:
- 19.3.1 Contribution Item 4 – immediately prior to the issuing of the Subdivision Certificate for the 250th Final Lot in the Eastern Portion;
- 19.3.2 Contribution Item 3 - immediately prior to the issuing of the first Construction Certificate in respect of development the subject of a Development Consent that will result in the creation of a Final Lot within the ECB Land on the eastern side of Rileys Creek.
- 19.4 Nothing in subclause 19.3 prevents a Landowner electing to complete a Work to which that clause relates prior to the time it is required to do so.

20 Reporting on Work

- 20.1 Subject to this clause, a Landowner is to submit to the Council a written report on the progress of the carrying out of Work required to be carried out by the Landowner under this Agreement on an annual basis and date agreed with the Council.
- 20.2 Clause 20.1 applies to the Vegetation Establishment Obligation, Water Establishment Obligation, Vegetation Management Obligation and Water Management Obligation as if they are Work.
- 20.3 A report does not need to be submitted under clause 20.1:
- 20.3.1 before the Development is physically commenced on the Landowner's land;
- 20.3.2 following the expiry the Defects Liability Period for the Work or if there is no such period, following Works Completion for the Work.
- 20.4 A report in relation to the carrying out of the Vegetation Management Obligation and Water Management Obligation by a Landowner is to be submitted by the Landowner biennially after the commencement of the Vegetation Management Period and Water Management Period for a period of ten (10) years. The report is to be in accordance, respectively, with the Vegetation Management Strategy and the Water Management Strategy.

21 Access to the Land

- 21.1 A Landowner is to take such steps as are necessary to enable the Council, its officers, employees, agents and contractors to enter its land or any other land controlled by the Landowner at any time, upon giving reasonable prior notice, in order to inspect, examine or test any Work or to remedy any breach of a Landowner relating to the carrying out of a Work.
- 21.2 The Council is to take such steps as are necessary to enable the Landowner to enter and occupy any land owned or controlled by the Council for the purpose of enabling the Landowner to carrying out any Work under this Agreement that is required to be carried out on such land or to perform any other obligation imposed on the Landowner by or under this Agreement.
- 21.3 Each Landowner is to take such steps as are necessary to enable any other Landowner, its officers, employees, agents and contractors to enter the land of the Landowner upon giving reasonable prior notice and in accordance with

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any reasonable requirements of the other Landowner in order to carry out any Work or other obligation it is required to carry out under this Agreement or to inspect, examine or test any Work or to remedy any breach of the Landowner relating to the carrying out of a Work or other obligation.

22 Protection of people and property

- 22.1 A Landowner is to ensure to the fullest extent reasonably practicable in relation to the carrying out of any Work it is required to carry out that:
- 22.1.1 all necessary measures are taken to protect people and property, and
 - 22.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 22.1.3 nuisances and unreasonable noise and disturbances are prevented.
- 22.2 This clause extends to the Vegetation Establishment and Management Obligations and to the Water Establishment and Management Obligations as if they are Work.

23 Protection of public utilities & services

- 23.1 Except as authorised in writing by the Council, a Landowner is not to obstruct or damage any road, footpath, drain or watercourse or other public utility or service on or near land on which Work is or is to be carried out by the Landowner and is to remove immediately and at its own cost any such obstruction and make good any damage caused as a consequence of the obstruction.
- 23.2 This clause extends to the Vegetation Establishment and Management Obligations and to the Water Establishment and Management Obligations as if they are Work.

24 Damage and repairs to Work

- 24.1 A Landowner, at its own cost, is to repair and make good to the reasonable satisfaction of the Council any loss or damage to a Work it is required to carry out from any cause whatsoever which occurs before Works Completion. This does not apply to the extent that the loss or damage occurs as a consequence of a negligent or intentional act or omission of the Council.
- 24.2 This clause extends to the Vegetation Establishment Obligation and Water Establishment Obligation as if they are Work.

25 Variation of Work

- 25.1 A Work is not to be varied unless:
- 25.1.1 the Council and the Relevant Parties agree in writing to the variation, and
 - 25.1.2 any consent or approval required under the Act or any other law to the variation is first obtained.
- 25.2 For the purposes of clause 25.1, a variation may relate to any matter in relation to the Works that is dealt with by this Agreement.

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- 25.3 Council may, acting reasonably having regard to the Contribution Value for the Work set out Column 5 of Schedule 1, direct a Landowner, in writing, to:
- 25.3.1 vary a Work; or
- 25.3.2 carry out additional works which the Council considers are necessary in order for the Works to operate effectively.
- 25.4 Council is liable to pay to the Landowner an amount equal to the increase in the costs of completing a Work, which results from a variation directed by the Council under clause 25.3, but only if the variation is directed by the Council after a Construction Certificate has been issued for the Work.
- 25.5 Council shall pay the amounts referred to in clause 25.4 to the Relevant Party after the Work or additional works are complete, and within 28 days of receipt of:
- 25.5.1 a tax invoice for the amount claimed by the Relevant Party; and
- 25.5.2 documentation which demonstrates to Council's reasonable satisfaction, the increase in costs as a result of the variation directed by the Council, or the costs of any additional works directed by the Council.
- 25.6 For the avoidance of doubt, a variation to a Work under this clause does not require the variation of this Agreement, provided the Council is satisfied that the variation is generally consistent with the intended objectives and outcomes of this Agreement.
- 26 Procedures relating to the completion of Work
- 26.1 Work is completed for the purposes of this Agreement when the Council at the request of a Relevant Party gives a notice to the Landowner to that effect. The Council, acting reasonably, must either give the notice or refuse to give the notice.
- 26.2 If a completed Work is located on land owned by the Council, the Council accepts responsibility for the Work on completion.
- 26.3 In relation to other Works, the Council accepts responsibility for the Work subject to anything to the contrary in this Agreement on the dedication to the Council of the land on which the Work is located.
- 26.4 This clause applies to the Vegetation Establishment Obligation and Water Establishment Obligation as if they are Work.
- 27 Procedures relating to the rectification of defects
- 27.1 During the Defects Liability Period, the Council may, acting reasonably, give a Relevant Party one or more Rectification Notices.
- 27.2 Subject to clause 35 and clause 36, the Relevant Party is to comply with a Rectification Notice at its own cost and to the reasonable satisfaction of the Council.
- 27.3 If the Relevant Party breaches clause 27.2, the Council may have the relevant defect rectified and may recover its reasonable costs of so doing against the Relevant Party as a debt due in a court of competent jurisdiction.
- 27.4 There is no Defects Liability Period for the Water Establishment Obligation or the Vegetation Establishment Obligation.

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28 Failure to carry out Work

- 28.1 If the Council reasonably considers that a Landowner is in breach of any obligation under this Agreement relating to a Work, including compliance with a Rectification Notice, the Council may give the Landowner a written notice requiring the breach to be rectified to the Council's reasonable satisfaction.
- 28.2 A notice given under clause 28.1 is to allow the Landowner a period of not less than 28 days to rectify the breach or such further period as the Council considers reasonable in the circumstances.
- 28.3 The Council may carry out and complete the Work the subject of a notice under clause 28.1 if the Landowner fails to comply with the notice to the Council's reasonable satisfaction.
- 28.4 The Landowner is to do all things reasonably necessary to enable the Council to exercise its rights under clause 28.3.
- 28.5 If, following the exercise by the Council of its rights under clause 28.3, the Council incurs a cost in carrying out, completing or rectifying a defect in a Work resulting from non-compliance by the Landowner with this Agreement that is not met by calling-up the Security, the Council may recover the cost from the Landowner in a court of competent jurisdiction.
- 28.6 For the purpose of clause 28.5, the Council's costs of carrying out, completing or rectifying a defect in a Work are the Council's reasonable costs including, but not limited to:
- 28.6.1 the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
- 28.6.2 all fees and charges necessarily or reasonably incurred by the Council in order to have the Work carried out, completed or rectified, and
- 28.6.3 all legal costs and expenses reasonably incurred by the Council, by reason of the Landowner's failure to comply with this Agreement.
- 28.7 This clause extends to the Vegetation Establishment and Management Obligations and to the Water Establishment and Management Obligations as if they were a Work.

29 Works Completion Requirements

- 29.1 No later than 28 days after a Work is taken to have been completed in accordance with this Agreement, the Landowner is to submit to the Council the following:
- 29.1.1 a full works-as-executed plan in respect of the Work;
- 29.1.2 any warranties associated with any products used in the carrying out of the Work; and
- 29.1.3 copies of the relevant documentation associated with quality monitoring during the carrying out of the Work.

Part 3 – Other Provisions**30 Indemnity and Insurance**

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- 30.1 Each Landowner indemnifies the Council, its employees, officers, agents, contractors and workmen from and against all losses, damages, costs (including legal costs on a full indemnity basis), charges, expenses, actions, claims and demands whatsoever which may be sustained, suffered, recovered or made arising in connection with a negligent act or omission of the Landowner in carrying out any Work or the performance of any other obligation under this Agreement.
- 30.2 Before the physical commencement of a Work required to be carried out by a Landowner, the Landowner is to take out and keep current to the reasonable satisfaction of the Council the following insurances in relation to the Work up until the Work is taken to have been completed in accordance with this Agreement:
- 30.2.1 contract works insurance, noting the Council as an interested party, for the full replacement value of a Work (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Landowner's liability in respect of damage to or destruction of the Work,
- 30.2.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Landowner and any subcontractor of the Landowner, for liability to any third party,
- 30.2.3 workers compensation insurance as required by law, and
- 30.2.4 any other insurance required by law.
- 30.3 If the Landowner fails to comply with clause 30.2, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Landowner to the Council and may be recovered by the Council as it deems appropriate including:
- 30.3.1 by calling upon the Security provided by the Landowner to the Council under this Agreement, or
- 30.3.2 recovery as a debt due in a court of competent jurisdiction.
- 30.4 Prior to commencing the carrying out of any Work and whenever requested in writing by the Council, a Landowner is to provide to the Council satisfactory written evidence of all of the insurances specified in clause 30.2.
- 30.5 This clause applies to the Vegetation Establishment Obligation and Water Establishment Obligation as if they are Work.
- 31 Provision of Monetary Security for certain Development Contributions
- 31.1 In this clause 31 the following definitions apply:
- Collector Road** means Contribution Item 5.
- Local parks - east** means Contribution Item 2.
- Local parks - west** means Contribution Item 1.
- Raby Road Intersection Upgrade** means Contribution Item 6.
- Rileys Creek Crossing** means Contribution Item 3
- Sydney Catchment Authority Canal Crossing** means Contribution Item 4
- The Security:**
- (a) in relation to the Rileys Creek Crossing or the Sydney Catchment Authority Canal Crossing means a Security for the

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- Contribution Value of those Works as identified in Schedule 1 plus 15% or such other amount as the Landowner and the Council agree in writing;
- (b) in relation to Local parks - west means a Security for 45% of the Contribution Value of those Works as identified in Schedule 1 plus 15% or such other amount as the Landowner and the Council agree in writing.
 - (c) in relation to Local parks - east means a Security for 50% of the Contribution Value of those Works as identified in Schedule 1 plus 15% or such other amount as the Landowner and the Council agree in writing.
 - (d) in relation to the Vegetation Management Obligation for the Western Portion means a Security in the amount of \$128,600.
 - (e) in relation to the Vegetation Management Obligation for the Eastern Portion means a Security in the amount of \$95,950;
 - (f) in relation to the Water Management Obligation for the Western Portion means a Security in the amount of \$87,100;
 - (g) in relation to the Water Management Obligation for the Eastern Portion means a Security in the amount of \$116,300.
- 31.2 Subject to this clause, the Landowners of the Eastern Portion are to provide the Council with The Security relating to the Sydney Catchment Authority Canal Crossing before the issuing of the first Construction Certificate in respect of subdivision that will create a Contribution Lot in any part of the Eastern Portion.
- 31.3 Subject to this clause, the Landowners of the Western Portion are to provide the Council with The Security relating to the Rileys Creek Crossing before the issuing of the first Construction Certificate in respect of subdivision that will create a Contribution Lot in any part the Western Portion.
- 31.4 Subject to this clause, the Landowners of the Eastern Portion are to provide the Council with The Security relating to the Local Parks – east, the Vegetation Management Obligation for the Eastern Portion and the Water Management Obligation for the Eastern Portion before the issuing of the first Subdivision Certificate in respect of subdivision that will create a Contribution Lot in any part of the Eastern Portion.
- 31.5 Subject to this clause, the Landowners of the Western Portion are to provide the Council with The Security relating to the Local Parks – west, the Vegetation Management Obligation for the Western Portion and the Water Management Obligation for the Western Portion before the issuing of the first Subdivision Certificate in respect of subdivision that will create a Contribution Lot in any part of the Western Portion.
- 31.6 For the avoidance of doubt, the obligations imposed by clause 31.2 to 31.5 on Landowners of a particular Portion are joint and several.
- 31.7 The amount of a Security is to be indexed annually in accordance with the *Consumer Price Index (All Groups - Sydney)* published by the Australian Bureau of Statistics.
- 31.8 The Relevant Parties that provide The Security are to ensure that The Security held by the Council at all times equals the amount of The Security so indexed.
- 31.9 The Council and the Relevant Parties may agree to roll-over any unused Security or unused part of a Security for a different purpose under this Agreement than the purpose for which the Security was originally given.

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- 31.10 The Relevant Parties may at any time provide the Council with a replacement Security and, in such case, the Council is to release and return to the Landowner, as directed, the Security it holds that has been replaced.
- 31.11 On receipt of written advice from a suitably qualified person independent of the Parties that a Security required under this Agreement is in excess of the necessary Security for the obligations to which the Security relates, the Council may (but is not obliged to) so notify the Relevant Parties; and if so the relevant requirement for Security is taken to be reduced accordingly and the Council is to release or return to the Relevant Parties any relevant Security it holds to that extent.
- 31.12 The Council is to release and return a Security or any unused part of it to the Relevant Parties within 14 days of compliance by the Relevant Parties with its Development Contribution obligations to which the Security relates.
- 31.13 The Council may call-up a Security if it considers, acting reasonably, that the Landowner has not complied with its Development Contributions obligations under this Agreement to which the Security relates.
- 31.14 However, the Council is not to call-up a Security unless it has given the Relevant Parties not less than 30 days written notice of its intention to do so and the Relevant Parties have not rectified the non-compliance to the Council's reasonable satisfaction before that period has expired.
- 31.15 If the Council calls-up a Security, it may only use the amount paid to it in satisfaction of any reasonable costs incurred by it in remedying the non-compliance including but not limited to:
- 31.15.1 the reasonable costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
- 31.15.2 all fees and charges necessarily or reasonably incurred by the Council in order to have the Work carried out, completed or rectified, and
- 31.15.3 all legal costs and expenses reasonably incurred by the Council, by reason of the Landowner's non-compliance.
- 31.16 If the Council calls-up a Security, it may, by notice in writing to the Relevant Party, require the Relevant Party to provide a further or replacement Security in an amount that, when added to any unused portion of any existing Security, does not exceed the amount of the Security the Council is entitled to hold under this Agreement relating to the relevant Development Contribution obligation.
- 31.17 The dispute resolution provisions of this Agreement do not apply to a matter the subject of this clause.
- 31.18 If:
- 31.18.1 a Landowner who has provided Security gives written notice to Council under this sub-clause that it will not make an application for a Subdivision Certificate for the creation of a threshold lot which would create an obligation to provide a development contribution to which the Security relates; or
- 31.18.2 it is otherwise apparent, on reasonable grounds, that a Landowner will not be proceeding to make such an application at any time in the foreseeable future,
- the Council may elect, in its absolute discretion, to accept the Security for the Development Contribution as the Development Contribution itself.
- 31.19 However, the Council is not to accept a Security under clause 31.18.2 unless it has given the Landowner not less than 30 days written notice of its intention to do so and the Landowner has not demonstrated to the Council's

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reasonable satisfaction that it will make such an application in the foreseeable future before that period has expired.

32 Provision of Security for certain other Development Contributions

- 32.1 This clause applies in relation to a thing that has not been performed or completed by a Relevant Party as referred to in clause 12.7.2.
- 32.2 In this clause 32 the following definitions apply:
The Security means a Security for the estimated cost of doing or completing any thing that has not been performed or completed to which this clause applies plus 15% as determined by the Council and notified in writing to the Landowner.
- 32.3 Subject to this clause, the Relevant Party is to provide the Council with The Security prior to the issuing of a Subdivision Certificate for a Contribution Lot within the land to which the Stage relates.
- 32.4 For the avoidance of doubt, the obligation imposed on the Landowner by clause 32.3 is joint and several.
- 32.5 Clauses 31.7 to 31.19 apply to a Security required by this clause in the same way as they apply to a Security required under clause 31.

33 Security for deferral of time for completion of Works

- 33.1 A Landowner may request in writing that the Council agree to defer the time specified in Column 4 of Schedule 1 for the completion or provision of a Development Contribution.
- 33.2 If a Landowner makes a request under clause 33.1, the Council may, but is not obliged, to agree to the request.
- 33.3 If the Council agrees to such a request:
- 33.3.1 the Landowner must provide a Security to the Council as determined by the Council in an amount equal to the cost of providing or the value of the Development Contribution plus a contingency of 15%;
- 33.3.2 the Security shall be taken to form part of the Security required under clause 31;
- 33.3.3 the time specified for the completion of the Development Contribution is taken to be extended in accordance with the request.

34 Enforcement in a court of competent jurisdiction

- 34.1 Without limiting any other provision of this Agreement, the Parties may enforce this Agreement in any court of competent jurisdiction.
- 34.2 For the avoidance of doubt, nothing in this Agreement prevents:
- 34.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates,
- 34.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

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35 Dispute Resolution – expert determination

35.1 This clause applies to:

35.1.1 a dispute under this Agreement which relates to a matter that can be determined by an appropriately qualified expert; and

35.1.2 any dispute as to whether the dispute referred to in cl 35.1.1 can be determined by an appropriately qualified expert.

35.2 A dispute referred to in clause 35.1.2 is to be determined in accordance with clauses 35.3 to 35.10 prior to any attempt to determine the substantive issue under this clause.

35.3 A dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.

35.4 If a notice is given under clause 35.3, the Relevant Parties are to meet within 14 days of the notice, or resolution of dispute under clause 35.2, in an attempt to resolve the dispute.

35.5 If the dispute is not resolved within a further 28 days, the dispute must be determined by expert determination.

35.6 The expert determination shall be performed by an independent and appropriately qualified expert agreed by the Relevant Parties. If an expert is not agreed and appointed within five days from the date of referral of the dispute to expert determination, the expert shall be appointed by the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter).

35.7 The Relevant Parties agree that the expert determination will be conducted in accordance with and subject to The Institute of Arbitrators & Mediators Australia Expert Determination Rules. Any variation or amendment to those rules must be agreed in writing by the Relevant Parties.

35.8 Unless otherwise determined by the expert, each Relevant Party will pay its own costs incurred in connection with the expert determination together with the relevant proportion of the expert's fees and hearing allocation costs.

35.9 The expert determination is binding on the Relevant Parties except in the case of fraud or misfeasance by the expert.

35.10 In this clause 'Relevant Parties' is taken to also include the Council.

36 Dispute Resolution - mediation

36.1 This clause applies to any dispute under this Agreement other than a dispute to which clause 35 applies.

36.2 Such a dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the dispute.

36.3 If a notice is given under clause 36.2, the Relevant Parties are to meet within 14 days of the notice in an attempt to resolve the dispute.

36.4 If the dispute is not resolved within a further 28 days, the Relevant Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and must request the President of the Law Society, or the President's nominee, to select a mediator.

36.5 If the dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has

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been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.

36.6 In this clause 'Relevant Parties' is taken to also include the Council.

37 Registration of this Agreement

- 37.1 The Parties agree to register this Agreement on the title to the Land subject to obtaining the agreement of the persons specified in s93H(1) of the Act to registration.
- 37.2 Each Landowner is to use its best endeavours to obtain the consent of the persons specified in s93H(1) of the Act to registration of this Agreement on its land and to cause this Agreement to be registered on the title to that land or so much of that land as is possible having regard to its obligation under this clause.
- 37.3 If the agreement of the persons specified in s93H(1) of the Act to registration of this Agreement is obtained, the Council is to do such things as are reasonably necessary to enable registration to occur.
- 37.4 Subject to this clause, within 60 days of commencement of this Agreement, each Landowner is to provide the Council with the following documents to enable registration of this Agreement:
- 37.4.1 an instrument requesting registration of this Agreement on the title to its land in registrable form duly executed by the Landowner, and
- 37.4.2 the written irrevocable consent of each person referred to in s93H(1) of the Act to that registration.
- 37.5 The Parties also agree that the registration of the Agreement will be removed from the title to any Final Lot. The Council is to do such things as are reasonably necessary as requested by a Landowner to facilitate the lodging and grant of a request for the registration of this Agreement to be removed from the title to a Final Lot.
- 37.6 The Parties also agree that the registration of the Agreement will be removed from the title to any part of the Land in relation to which a Landowner proposes to sell Final Lots which are not yet created (**Superlot**), before the Landowner has met its obligations under this Agreement in relation to the Superlot, if:
- 37.6.1 the Landowner has notified the Council that it wishes to commence selling Final Lots to be created on the Superlot;
- 37.6.2 the Landowner has provided Council with a copy of the proposed plan of subdivision for the Superlot;
- 37.6.3 the Landowner is not in breach of this Agreement; and
- 37.6.4 the Landowner provides the Council with a Security in an amount equal to the Council's reasonable estimate of the cost of carrying out or completing any Development Contributions involving the carrying out of Work (plus a contingency of 15%) and any monetary Development Contributions in respect of the Superlot.
- 37.7 If the Security required by the Council under clause 37.6 is provided by the Landowner,
- 37.7.1 the Council is to do all things necessary as requested by the Landowner to enable the lodging and grant of a request for the registration of this Agreement to be removed from the title of the Final Lot;

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- 37.7.2 the Security is to be taken to form part of the Security required under clause 31.
- 37.8 The Council is to promptly agree to a request by a Landowner for the lodging of a request for the registration of this Agreement to be removed from the title of any part of the Landowners' land (other than Vegetation Management Land or Water Management land) once the Landowner has made all of the Development Contributions required of it under this Agreement that relate to the land the subject of the Landowner's request.
- 37.9 The Parties are to agree to the lodging of a request for the registration of this Agreement to be removed from the titles to any part of the Land if this Agreement is terminated.

38 Compulsory Acquisition

- 38.1 In the event that a Landowner does not dedicate land required to be dedicated under this Agreement, at the time at which it is required to be dedicated, the Landowner consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 38.2 Council must only acquire land pursuant to clause 38.1 if to do so is reasonable, having regard to the circumstances surrounding the failure by the Landowner to dedicate the land required to be dedicated under this Agreement.
- 38.3 Clause 38.1 constitutes an agreement for the purposes of s28 of the Just Terms Act.
- 38.4 If, as a result of the acquisition referred to in clause 38.1, the Council must pay compensation to any person other than the Landowner, the Landowner must reimburse the Council for that amount, upon a written request being made by the Council, or the Council can call on any Security.
- 38.5 Except as otherwise agreed between the Council and the Landowner, the Landowner must ensure that the land to be dedicated under this Agreement is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges), on both the date that the Landowner is liable to transfer that land to the Council under this Agreement, and the date on which the Council compulsorily acquires the whole or any part of that land in accordance with the Just Terms Act.
- 38.6 Each Landowner indemnifies and keeps indemnified the Council against all claims made against the Council as a result of any acquisition by the Council of the whole or any part of the Land.
- 38.7 A Landowner is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 38, including without limitation:
- 38.7.1 signing any documents or forms;
- 38.7.2 giving land owner's consent for lodgement of any Development Application;
- 38.7.3 producing certificates of title to the Registrar-General under the Real Property Act; and
- 38.7.4 paying the Council's reasonable costs arising under this clause 38.
- 38.8 Notwithstanding clause 38.4, if, despite having used its best endeavours, the Landowner cannot ensure that the land to be dedicated is free from all

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encumbrances and affectations, then the Landowner may request that Council agree to accept the land subject to those encumbrances and affectations, but the Council may withhold its agreement in its absolute discretion.

39 Assignment, Sale of Land, etc

- 39.1 Unless the matters specified in clause 39.2 are satisfied, the Landowner is not to do any of the following:
- 39.1.1 if the Landowner is the owner of the land, to sell or transfer the land (other than a Final Lot) to any person, or
- 39.1.2 assign the Landowner's rights or obligations under this Agreement, or novate this Agreement, to any person.
- 39.2 The matters required to be satisfied for the purposes of clause 39.1 are as follows:
- 39.2.1 the Landowner has, at no cost to the Council, first procured the execution by the person to whom the land or part is to be sold or transferred, or the Developer's rights or obligations are to be assigned, or this Agreement is to be novated, of a deed generally in accordance with the Novation Deed satisfactory to the Council, and
- 39.2.2 the Landowner has also executed that deed, and
- 39.2.3 the Council, by notice in writing to the Landowner, has stated that evidence satisfactory to the Council has been produced to show that the assignee, transferee or novatee, is reasonably capable of performing its obligations under that deed, and
- 39.2.4 the Landowner is not in breach of this Agreement, and
- 39.2.5 the Council otherwise consents to the sale, transfer, assignment or novation.
- 39.3 Clauses 39.1 and 39.2 do not apply in relation to any sale or transfer of any land if this Agreement is registered on the title of that land at the time of the sale.
- 39.4 A Landowner who has sold or transferred land in accordance with clause 39.1 or when clause 39.3 applies is thereafter no longer bound by this Agreement in respect of the land sold or transferred and is released from all future obligations imposed by this Agreement that arise after the sale or transfer in respect of the land.

40 Review of this Agreement

- 40.1 The Parties are to review this Agreement if any Landowner Party notifies the Council or the Council notifies any Landowner Party that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement, or the Council notifies any Landowner Party that it considers that circumstances exist that justify the review.
- 40.2 For the purposes of clause 40.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 40.3 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 40.2, the Parties are to use all reasonable

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endeavours to agree on and implement appropriate amendments to this Agreement.

- 40.4 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.
- 40.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 40.1 is not a dispute for the purposes of clauses 35 and 36 and is not a breach of this Agreement.

41 Notices

- 41.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - 41.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
 - 41.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
 - 41.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 41.2 If a Party gives the other Party 3 business days notice of a change of its address, fax number or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address, fax number or email address
- 41.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
 - 41.3.1 delivered, when it is left at the relevant address,
 - 41.3.2 sent by post, 2 business days after it is posted,
 - 41.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number, or
 - 41.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 41.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, or the period referred to in clause 41.3.4 expires on a day that is not a business day, or if on a business day, after 5pm on that day, it is to be treated as having been given or made at 9am on the next business day.

42 Approvals and Consent

- 42.1 Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.
- 42.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

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43 Costs

- 43.1 The Parties comprising the Landowners, as a group, are to pay to the Council the Council's reasonable costs of preparing, negotiating, executing, stamping and registering this Agreement, and any document related to this Agreement within 7 days of a written demand by the Council for such payment. The Parties agree that all costs that have been disclosed by the Council to them prior to the date of execution of this Agreement are deemed to be reasonable.
- 43.2 A Relevant Party is also to pay to the Council the Council's reasonable costs of enforcing a breach of this Agreement in relation to that Party within 7 days of a written demand by the Council for such payment.

44 Entire Agreement

- 44.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.
- 44.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

45 Further Acts

- 45.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

46 Governing Law and Jurisdiction

- 46.1 This Agreement is governed by the law of New South Wales.
- 46.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 46.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

47 No Fetter

- 47.1 Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

48 Representations and Warranties

- 48.1 The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

49 Severability

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- 49.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 49.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

50 Modification

- 50.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

51 Waiver

- 51.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 51.2 A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given.
- 51.3 It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

52 GST

- 52.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 52.2 Subject to clause 52.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 52.3 Clause 52.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.
- 52.4 No additional amount shall be payable by the Council under clause 52.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax

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- Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 52.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 52.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 52.5.2 that any amounts payable by the Parties in accordance with clause 52.2 (as limited by clause 52.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 52.6 No payment of any amount pursuant to this clause 52, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 52.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 52.8 This clause continues to apply after expiration or termination of this Agreement.

53 Explanatory Note Relating to this Agreement

- 53.1 The Appendix contains the Explanatory Note relating to this Agreement required by clause 25E of the Regulation.
- 53.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note in the Appendix is not to be used to assist in construing this Planning Agreement.

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Schedule 1

(Clause 8)

Development Contributions

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Contribution Item	Public Purpose	Nature / Extent	Timing	Contribution Value	Responsible Party
Carrying Out of Works					
1. Local parks – west	Passive recreation	One local park of 0.48 ha in the ECB Land, as shown on Sheet 2 of the Map, containing the following components: <ul style="list-style-type: none"> • Playground; and • Paths and Seating 	Immediately prior to the issue of the Subdivision Certificate for the 150 th Final Lot within the ECB Land.	\$254,112	Owner of the ECB land
2. Local parks – east	Passive recreation	One local park of 0.48 ha within the East Side 2 and East Side 3 Land, as shown on Sheet 2 of the Map, containing the following components: <ul style="list-style-type: none"> • Playground; and • Paths and Seating; and • Kick about space OR off-leash dog area OR hard courts OR BMX track OR skate park 	Immediately prior to the issue of the Subdivision Certificate for the 250 th Final Lot within the East Side 2 Land and the East Side 3 Land.	\$254,112	Owner of the East Side 1 Land, East Side 2 Land and East Side 3 Land
3. Rileys Creek Crossing	Roads and traffic management	A two lane vehicular crossing (max 30 m span or culverts), in the location shown on Sheet 3 of the Map.	Immediately prior to the issue of the Subdivision Certificate for any Final Lot proposed	\$638,880	Owner of the ECB Land

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			within the ECB Land on the eastern side of Rileys Creek.		
4. Sydney Catchment Authority Canal Crossing	Roads and traffic management	A two lane vehicular crossing connecting East Side 2 Land and the Turner Road Precinct, in the location shown on Sheet 3 of the Map.	Immediately prior to the issue of the Subdivision Certificate for the 450th Final Lot within the East Side 2 Land and the East Side 3 Land.	\$931,700	Owner of the East Side 1 Land, East Side 2 Land and East Side 3 Land
5. Collector Road	Roads and traffic management	The Collector Road identified on Sheet 3 of the Map.	Immediately prior to the issue of the Subdivision Certificate for the 200 th Final Lot within the East Side 2 Land.		Owner of the East Side 1 Land, East Side 2 Land and East Side 3 Land
6. Existing Intersection Upgrade (and approach works) to Raby Road	Roads and traffic management	The existing intersection upgrade and connection of the Collector Road to Raby Road, as shown on Sheet 3 of the Map.	Immediately prior to the issue of the Subdivision Certificate for the 300th Final Lot within the East Side 2 Land and the East Side 3 Land except as provided in clause 11.		Owner of the East Side 1 Land, East Side 2 Land and East Side 3 Land
7. Cycleway/Pedestrian	Roads and traffic management	The Cycleway/Pedestrian Pathway as shown indicatively on Sheet 3 of the Map within the ECB Land.	Immediately prior to the issue of the Subdivision Certificate for the 200 th Final Lot within the ECB Land.		Owner of the ECB Land
8. Cycleway/Pedestrian	Roads and traffic management	The Cycleway/Pedestrian Pathway as shown	Immediately prior to the issue of the		Owner of the Gledswood Land

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		indicatively on Sheet 3 of the Map within the Gledswood Land.	Subdivision Certificate for the 100 th Final Lot within the Gledswood Land.		
9. Cycleway/Pedestrian	Roads and traffic management	The Cycleway/Pedestrian Pathway as shown indicatively on Sheet 3 of the Map within the East Side 1 Land and the East Side 2 Land.	Immediately prior to the issue of the Subdivision Certificate for the 200 th Final Lot within the East Side 1 Land and the East Side 2 Land.		Owner of the East Side 1 Land, East Side 2 Land and East Side 3 Land
Dedication of Land					
10. Local parks-west	Passive recreation	Dedication of 0.48 ha of land, as shown on Sheet 6 of the Map, on which Item 1 is located.	Within 28 days of the completion of Item 1.	\$ 457,520	Owner of the ECB Land
11. Local parks-east	Passive recreation	Dedication of 0.48 ha of land, as shown on Sheet 6 of the Map, on which Item 2 is located.	Within 28 days of the completion of Item 2.	\$ 457,520	Owner of the East Side 2 Land, and East Side 3 Land.
12. Rileys Creek Crossing	Roads and traffic management	Dedication of relevant land associated with Item 3 (approx 20m x 100m), as shown on Sheet 6 of the Map.	Within 28 days of the completion of Item 3.		Owner of the ECB Land
13. Sydney Catchment Authority Canal Crossing	Roads and traffic management	Creation and dedication to Council, of a stratum lot containing the work associated with Item 4, as shown on Sheet 6 of the Map.	Within 28 days of the completion of Item 4.		Owner of the East Side 2 Land.
14 Collector Road	Roads and traffic management	Dedication of relevant land on which Item 5 is located as shown on Sheet 6 of the Map.	Within 28 days of the completion of Item 5.		Owner of the East Side 1 Land and East Side 2 Land
15. Intersection (and approach works) to Raby Road	Roads and traffic management	Dedication of relevant land on which Item 6 is located, as shown on Sheet 6 of the Map.	Within 28 days of the completion of Item 6 except as provided		Owner of the East Side 1 Land

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

			in clause 11.		
Monetary Contribution					
16. Monetary contribution	Various	An amount agreed between the parties to be paid to the Council and that the Council shall apply towards the provision of the following public purposes:	Immediately prior to the issue of the Subdivision Certificate for each Contributions Lot in per lot contributions of \$6,625.	\$6,625 per Contribution Lot as distributed below	Owner of the Land
		Sportsgrounds		\$750 per Contribution Lot	
		Sportsgrounds amenities		\$1,077 per Contribution Lot	
		Outdoor sports courts		\$259 per Contribution Lot	
		Youth recreation facility		\$639 per Contribution Lot	
		Youth recreation facility fit-out		\$122 per Contribution Lot	
		Youth recreation outdoor components		\$69 per Contribution Lot	
		Youth recreation facility carpark and landscaping		\$25 per Contribution Lot	
		Leisure centre (Mt Annan Stage 2 and Camden) augmentation		\$1125 per Contribution Lot	
		Athletics track		\$45 per Contribution Lot	
		Open space and recreation facilities strategy		\$23 per Contribution Lot	
		Acquisition of land for community centres		\$128 per Contribution Lot	
		Augmentation for Oran Park library		\$861 per Contribution Lot	
		Local multi-purpose community centre floor space		\$416 per Contribution Lot	
		District multi-purpose community centre floor space		\$128 per Contribution Lot	
		Narellan Library –		\$335 per	

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Monetary Contribution					
		recoupment of cost		Contribution Lot	
		Camden Library – recoupment of cost		\$64 per Contribution Lot	
		Bus Shelters		\$181 per Contribution Lot	
		Volunteer emergency services		\$33 per Contribution Lot	
		Contributions plan and planning agreement administration		\$365 per Contribution Lot	

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Schedule 2
(Clause 1.1)

Map

Sheet 1

Land Ownership



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Attachment 3

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Sheet 2

Golf Holes, Parks And Conservation Corridors



Attachment 3

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Sheet 3

Transport Plan



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Attachment 3

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Sheet 4

Water Management Strategy (Extract)



Attachment 3

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Sheet 5

Eastern Portion and Western Portion



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Attachment 3

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Sheet 6

Land Dedication

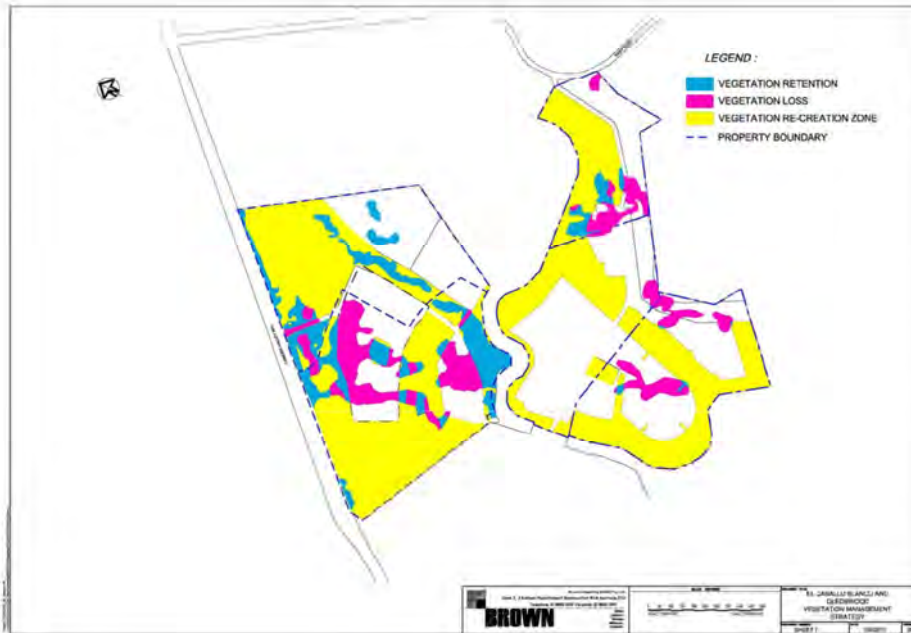


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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Sheet 7

Vegetation Management Strategy (Extract)



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Attachment 3

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Sheet 8

Zoning Map



Attachment 3

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Schedule 3
(Clause 39)

Novation Deed

[Novation/ Assignment] Deed

Camden Council
and

[Drafting Note: Insert name of Original Developer]

and

[Drafting Note: Insert name of New Developer]

Novation/ Assignment Deed

DATE

Parties

Camden Council ABN 31 117 341 764 of 37 John Street Camden, NSW 2150
(Council)

and

[Drafting Note. Insert name, ABN & address of Developer] (Original
Developer)

and

[Drafting Note. Insert name, ABN & address of Developer] (New Developer)

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Background

- A The Council and the Original Developer are parties to the Original Agreement.
- B The Original Agreement relates to the whole of the Land.
- C The Original Developer wishes to transfer **[the whole of [part or parts of] the Land comprising Lot [insert Lot number] in DP (Transferred Land) [insert Deposited Plan number] to the New Developer. [Drafting Note: to be included where all or part of the land is to be transferred to the New Developer and the Original Agreement is to be novated in relation to the Transferred Land].**

OR

The Original Developer wishes to novate all of its rights and obligations under the Original Agreement to the New Developer. **[Drafting Note: to be included where there is no transfer of the Land to the New Developer, but the Original Developer has entered into a separate arrangement with the New Developer that requires a novation of all the Original Developer's rights and obligations under the Original Agreement to the New Developer].**

OR

The Original Developer wishes to assign its rights and interests under the Original Agreement to the New Developer. **[Drafting Note: to be included where the Original Developer has entered into a separate arrangement with the New Developer and the Original Developer's rights and interests in the Original Agreement are to be assigned].**

Agreed terms

1 Interpretation

1.1 Definitions

1.1.1 In this document:

Effective Date means **[insert]**.**Council** means Camden Council **[Drafting Note: Only to be included where the Original Agreement is assigned to the New Developer].****Land** has the meaning given to that term in the Original Agreement.**Original Agreement** means the voluntary planning agreement dated **[insert]** and made between the Council the Original Developer and other parties.

1.2 Construction

1.2.1 Unless expressed to the contrary, in this document:

- (a) words in the singular include the plural and vice versa;
- (b) any gender includes the other genders;
- (c) if a word or phrase is defined its other grammatical forms have corresponding meanings;
- (d) "includes" means includes without limitation;

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

- (e) no rule of construction will apply to a clause to the disadvantage of a party merely because that party put forward the clause or would otherwise benefit from it; and
- (f) a reference to:
 - (i) a person includes a partnership, joint venture, unincorporated association, corporation and a government or statutory body or authority;
 - (ii) a person includes the person's legal personal representatives, successors, assigns and persons substituted by novation;
 - (iii) any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced; and
 - (iv) an obligation includes a warranty or representation and a reference to a failure to comply with an obligation includes a breach of warranty or representation.

1.3 Headings

- 1.3.1 Headings do not affect the interpretation of this document.

2 Novation in respect of Transferred Land **[Drafting Note - Delete clauses 2, 3 and 4 if novation is not applicable]**

2.1 Original Agreement

- 2.1.1 Subject to clause 3 and with effect from the Effective Date:

- (a) the New Developer is substituted for the Original Developer as a party to the Original Agreement;
- (b) the New Developer will be bound by the Original Agreement, and will be entitled to the benefit of the Original Agreement, as if the New Developer was a party to the Original Agreement instead of the Original Developer in relation to the Transferred Land; and
- (c) the Original Developer is released and discharged from all obligations and liabilities, and from all claims (whether for costs, damages, fees, expenses or otherwise), arising under the Original Agreement in relation to the Transferred Land.

2.2 Reference in Original Agreement

- 2.2.1 All references to the Original Developer in the Original Agreement are to be construed as references to the New Developer in relation to the Transferred Land.

2.3 Address for notices

- 2.3.1 The Council must address all notices and communications to be given or made by it in relation to the Transferred Land to the New Developer under the Original Agreement to the following address:

New Developer: [Insert details]

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Address: **[Insert details]**Fax: **[Insert details]**Contact Person: **[Insert details]**Email: **[Insert details]****3 Novation [Drafting Note - Delete clauses 2, 3 and 4 if novation is not applicable]****3.1 Original Agreement**

3.1.1 Subject to clause 3 and with effect from the Effective Date:

- (a) the New Developer is substituted for the Original Developer as a party to the Original Agreement;
- (b) the New Developer will be bound by the Original Agreement, and will be entitled to the benefit of the Original Agreement; as if the New Developer was a party to the Original Agreement instead of the Original Developer; and
- (c) the Original Developer is released and discharged from all obligations and liabilities, and from all claims (whether for costs, damages, fees, expenses or otherwise), arising under the Original Agreement.

3.2 Reference in Original Agreement

3.2.1 All references to the Original Developer in the Original Agreement are to be construed as references to the New Developer.

3.3 Address for notices

3.3.1 The Council must address all notices and communications to be given or made by it to the New Developer under the Original Agreement to the following address:

New Developer: [Insert details]Address: **[Insert details]**Fax: **[Insert details]**Contact Person: **[Insert details]**Email: **[Insert details]****4 Affirmation of the Original Agreement**

4.1 The Original Agreement will be read and construed subject to this deed, and in all other respects the provisions of the Original Agreement are ratified and confirmed, and, subject to the variation and novation contained in this deed, the Original Agreement will continue in full force and effect.

5 Assignment [Drafting Note - Delete if assignment is not applicable]**5.1 Assignment of Rights**

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

- 5.1.1 The Original Developer assigns to the New Developer absolutely all of the Original Developer's rights (both present, future, actual and contingent) under the Original Agreement or which arise as a result of the Original Developer exercising any right under the Original Agreement.
- 5.1.2 The New Developer accepts the assignment of the Original Developer's rights (both present, future, actual and contingent) under the Original Agreement on the terms of this deed.
- 5.2 Assumption of obligations**
- 5.2.1 On and from the Effective Date, the New Developer must properly and punctually observe and perform all of the Original Developer's obligations (both present, future, actual and contingent) under the Original Agreement or which arise as a result of the Council exercising any right under the Original Agreement and which are due to be performed on or after the Effective Date.
- 6 Indemnities**
- 6.1 The New Developer indemnifies the Original Developer on demand against all liabilities, claims, damages and loss which the Original Developer suffers or incurs in relation to the Original Agreement including those which arise or relate to acts or omissions occurring on or after the Effective Date.
- 7 Warranties and representations**
- 7.1 Warranties**
- 7.1.1 Each party represents and warrants that, at the time of execution, and at the Effective Date:
- (a) it has capacity unconditionally to execute, deliver and comply with its obligations under this document;
 - (b) it has taken all necessary action to authorise the unconditional execution and delivery of, and the compliance with, its obligations under this document;
 - (c) this document is a valid and legally binding obligation and is enforceable against it by each other party in accordance with its terms; and
 - (d) its unconditional execution and delivery of, and compliance with its obligations under, this document do not contravene:
 - (i) any law or directive from a government entity;
 - (ii) its constituent documents;
 - (iii) any agreement or instrument to which it is a party; or
 - (iv) any obligation of it to any other person.

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

7.2 Survival of warranties

7.2.1 The warranties and representations in clause 7.1 survive the execution of this document and the [novation/assignment] of the Original Agreement.

8 GST

8.1 Where a supply made under this deed gives rise to a liability for GST, the consideration to be provided for that supply (other than under this clause) shall be increased by an additional amount equal to the GST payable on the supply. The additional amount must be paid, and the supplier must provide a tax invoice, at the same time as the other consideration for that supply is to be provided under this deed. Terms used in this clause have the meanings in the *A New Tax System (Goods and Services Tax) Act 1999*.

9 Stamp duty and costs

9.1 The Original Developer and the New Developer are jointly and severally responsible for the Council's legal costs incidental to the negotiation, preparation and execution of this deed. [Drafting Note: To be included where the Original Agreement is being assigned.]

9.2 The New Developer will pay all stamp duty arising directly or indirectly from this deed.

10 Further acts

10.1 Each party will take all steps, execute all deeds and do everything reasonably required by any other party to give effect to any of the actions contemplated by this deed.

10.2 This deed binds each party which signs it even if other parties do not, or if the execution by other parties is defective, void or voidable.

11 Amendment

11.1 This document may only be varied or replaced by a document executed by the parties.

12 Governing law

12.1 This deed is governed by the law in force in the place specified in the New South Wales and the parties submit to the non-exclusive jurisdiction of the courts of that place.

13 Counterparts

13.1 This deed may consist of a number of counterparts and the counterparts taken together constitute one and the same instrument.

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council by affixing the SEAL in accordance with a resolution passed at a duly convened meeting held on:

General Manager

Mayor

Executed on behalf of the Original Developer in accordance with s127(1) of the Corporations Act (Cth) 2001

Name/Position

Name/Position

Executed on behalf of the New Developer in accordance with s127(1) of the Corporations Act (Cth) 2001

Name/Position

Name/Position

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Execution

Executed as an Agreement

Dated:

Executed on behalf of the Council by affixing the SEAL in accordance with a resolution passed at a duly convened meeting held on:

General Manager

Witness/Name/Position

[Drafting Note. Execution clauses for the Parties comprising the Landowners will be inserted when the Agreement is being finalised.]

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Appendix

(Clause 53)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the *Environmental Planning and Assessment Act 1979*

Parties

Camden Council ABN 31 117 341 764 of 37 John Street Camden, NSW 2150
(Council)

and

SH Camden Valley Pty Limited ABN 37 137 331 376 **As trustee for the SH Camden Valley Unit Trust** ABN 46 767 052 801 of 68 Waterloo Road Macquarie Park NSW 2113 (SH Camden Valley)

and

Caldia Pty Limited ABN 83 003108 781 of 42 Denham Court Road Denham Court NSW 2565 (Caldia)

and

Vincenzo Pisciueneri of 182 Raby Road Gledswood Hills NSW 2557

and

Elizabeth Pisciueneri of 182 Raby Road Gledswood Hills NSW 2557 (together, the Pisciueneri Parties)

and

Rok Friscic of 190 Raby Road Gledswood Hills NSW 2557

and

Teresa Friscic of 190 Raby Road Gledswood Hills NSW 2557. (together, the Friscic Parties)

and

Jozo Bernatovic of 188 Raby Road Gledswood Hills NSW 2557.

and

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Eva Bernatovic of 188 Raby Road Gledswood Hills NSW 2557 (together, the Bernatovic Parties)

and

Frank Galluzzo of 184 Raby Road Gledswood Hills NSW 2557

and

Maria Galluzzo of 184 Raby Road Gledswood Hills NSW 2557

and

Samuel Galluzzo of 41 Cubitt Drive Denham Court NSW 2565 (together, the Galluzzo Parties)

and

The Owners – Strata Plan 36786 of 1st Floor, 147 Northumberland Street, Liverpool NSW 2170 (The Owners Corporation)

Description of the Land to which the Draft Planning Agreement Applies

Lot 10 DP 1086849 (ECB Land)

Lot 12 DP 748303 (Gledswood Land)

Lot 1 DP 260703 (East Side 1 Land)

Lot 3 DP 260703 (East Side 3 Land)

Lots 1-4 SP36786 and Lot CP SP36786 (East Side 2 Land)

Description of Proposed Development

Means the development of

- (a) the Land for urban purposes, involving subdivision to accommodate approximately 860 dwellings, associated non residential development and infrastructure; and
- (b) golf holes on the part of the Land identified 'Golf Course' on Sheet 2 of the Map consistent with the Golf Holes Strategy (**Golf Holes**).

Instrument Change

The Agreement relates to an amendment of *Camden Local Environmental Plan 2010* to rezone the Land generally as described in the planning proposal the subject of public consultation from [x] to [x] as shown on Sheet 8 of the Map. **[Drafting Note: Details of the public consultation period to be added following exhibition once known].**

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objective of the Draft Planning Agreement is to require the Landowners to make Development Contributions in conjunction with the carrying out of development facilitated by the making of the Instrument Change if that occurs.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s93F of the *Environmental Planning and Assessment Act 1979 (Act)*. It is an agreement between the Council and the Landowners. The Draft Planning Agreement is a voluntary agreement under which Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) are to be made by the Landowners for various public purposes (as defined in s93F(3) of the Act).

Effect of the Draft Planning Agreement

In summary, the Draft Planning Agreement:

- Defines 'Landowner' to mean:
 - SH Camden Valley in relation to the ECB Land,
 - Caldla in relation to the Gledswood Land,
 - the Pisciuneri Parties in relation to the Pisciuneri Land,
 - the Owners Corporation in relation to the Strata Plan 36786 Common Property Land,
 - Samuel Galluzzo in relation to the Strata Plan 36786 Lot 1 Land,
 - Samuel Galluzzo, Frank Galluzzo and Maria Galluzzo in relation to the Strata Plan 36786 Lot 2 Land,
 - Frank Galluzzo and Maria Galluzzo in relation to the Strata Plan 36786 Lot 3 Land, and
 - the Friscic and Bernatovic Parties in relation to the East Side 3 Land.
- Provides that the Landowner is under no obligation to make the Development Contributions to the Council until:
 - the Instrument Change occurs,
 - Development Consent is granted to the Development or any part of it in relation to the Landowner's land subject to a condition requiring the Development Contributions to be made in accordance with the Agreement,
 - the Development is commenced (within the meaning of the Act) on the Landowner's land.
- excludes the application of s 94 and s94A of the Act to the Development but does not exclude s94EF,
- requires each Landowner to make certain Development Contributions in conjunction with the carrying out of the Development:
 - for which the Landowner is identified as being the Responsible Party in Column 6 of Schedule 1, and

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

- o in respect of the part or parts of the Land owned by the Landowner, and
 - o as otherwise expressly provided by the Agreement.
- such Development Contributions comprising:
 - o works, land dedications and monetary contributions set out in Schedule 1;
 - o establishment and maintenance of a vegetation management plan;
 - o establishment and maintenance of a water management plan;
 - o development for the purposes of the Golf Holes in accordance with a strategy approved by the Council such land to be managed as a 'stand alone' minimum 18 hole golf course, or as two (2) x minimum nine (9) holes to be used in combination with one or more other golf courses;
 - o making provision for the use of some or all of the land on which the golf holes have been completed for a purpose consistent with vegetation and water management objectives and the use of any remainder for golf holes;
- requires the Council to apply Development Contributions made under the agreement towards the specified purpose for which they were made and at the location, in the manner and to the standard (if any) specified in the agreement unless the Council considers that the public interest would be better served by applying the Development Contribution towards another purpose;
- requires the relevant Landowners to provide the Council with a security for the completion of the Rileys Creek Crossing, the Sydney Catchment Authority Canal Crossing in an amount equal to the Contribution Value of those Works plus 15% (unless otherwise agreed);
- requires the relevant Landowners to provide the Council with a security for Local parks – west in an amount equal to 45% of the Contribution Value of those Works plus 15% (unless otherwise agreed);
- requires the relevant Landowners to provide the Council with a security for Local parks – east, in an amount equal to 50% Contribution Value of those Works plus 15% (unless otherwise agreed);
- requires the relevant Landowners to provide the Council with a security for the completion of the Vegetation Management Obligation and the Water Management Obligation in the amounts specified in clause 31;
- requires the relevant Landowners to provide the Council with a security for the completion of components of the Vegetation Establishment Obligation, Water Establishment Obligation, Cycleway/Pedestrian pathways, Collector Road as required for each Stage of the Development if not completed or performed prior to the issuing of a subdivision certificate for a Contribution Lot in the amount of the Council's estimate of the cost of doing or completing the thing that has not been performed or completed plus 15%;
- allows the Landowner to request a deferral of the time for Development Contributions to be made;
- provides for the Landowner to rectify defects in Works;
- is to be registered on the title to the Land subject to the ability for the Landowner to request the removal of registration over:

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

- Final Lots; or
 - Superlots, but if the Landowner's obligations under the Agreement are not complete at that time in relation to the Superlot, subject to the provision of an appropriate security and other safeguards;
- if the Agreement is not registered on the land - imposes restrictions on the Developer selling or transferring the Land or part of the Land other than Final Lots or assigning its interest under or novating the Agreement, without Council's consent and unless it is not in breach of the Agreement,
- provides two for dispute resolution methods for a dispute under the agreement, being expert determination and mediation,
- provides that the agreement is governed by the law of New South Wales, and
- makes provision in relation to GST payable under *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The draft Agreement provides for the provision of local infrastructure:

- to meet the demands generated by the Development for new public infrastructure, and
- to mitigate the potential impacts of the Development.

The draft Agreement will:

- provide for appropriate management of potential environmental impacts arising from the Development,
- enable the subject Land to be developed in a timely and efficient manner to promote residential housing development, and
- provide for the dedication of roads and other land for public purposes.

The draft Agreement provides a reasonable means of achieving the above planning purposes because it appropriately balances the interests of the parties while promoting the public interest.

How the Draft Planning Agreement Promotes the Public Interest

The draft Agreement facilitates the carrying out of vegetation conservation works and water management works which will improve the local environment.

The draft Agreement also facilitates the timely construction of bridges and roads that will improve local traffic conditions and access to the land.

The draft Agreement also facilitates the delivery of local parks and golf holes to provide recreation opportunities.

The draft Agreement makes provision for the Landowner to make development contributions towards the cost of public amenities and public services to meet the demand created by the Development. This enables the subject land to be developed

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El Caballo Blanco, Gledswood and East Side Site Planning Agreement

in a timely and efficient manner to promote residential housing development, which in turn promotes the following objectives of the *Environmental Planning and Assessment Act, 1979* as contained in s5 of that Act:

- promotes and co-ordinates the orderly and economic use and development of the land,
- achieves the provision of land for public purposes,
- achieves the provision and co-ordination of community services and facilities, and
- provides increased opportunities for public involvement and participation in environmental planning and assessment.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter

The draft Agreement promotes the following two elements of the Council's Charter under s8(1) of the *Local Government Act 1993*:

- *To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.*
- *To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.*

These elements of the Council's Charter are promoted through the provision or improvement of various public facilities the need for which is created by the Development, including public roads, bridges, a public pedestrian / cycleway network drainage works, vegetation works and embellishment of local parks.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority's Capital Works Program?

All Capital Works are as a consequence of the Development and are to be provided by the Landowner in-kind. As such, the draft planning agreement conforms with Council's Capital Works Program.

All Planning Authorities - Whether the agreement, amendment or revocation specifies that certain requirements of the agreement

El Caballo Blanco, Gledswood and East Side Site Planning Agreement

must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued?

The draft Agreement specifies that certain works, plans and strategies must be complied with before the issue of a construction certificate or subdivision certificate.

The table in Schedule 1 to the draft Agreement sets out lot thresholds for certain works (including bridges, parks, collector road and cycleways), land dedications and monetary contributions and has effect under clause 8.

Clause 9 of the draft Agreement sets out lot thresholds for the delivery of the Golf Holes.

Clause 14 of the draft Agreement sets out lot thresholds by which time the Vegetation Establishment Obligation must be completed in relation to particular parts of the Land.

Clause 16 of the draft Agreement sets out lot thresholds by which time Water Management System forming part of the Water Establishment Obligation must be completed in relation to particular parts of the Land.

Clause 19 of the draft Agreement requires Landowners responsible for various Works to use their best endeavours to obtain Approval for the carrying out of those Works before the issuing of a Subdivision Certificate in relation to certain specified lot thresholds.

Clause 31 of the draft Agreement requires Landowners responsible for various Works to provide security before the issuing of certain Construction or Subdivision Certificates in relation to certain specified lot thresholds.

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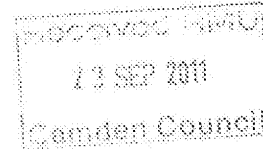
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21 September 2011

Mr Wright
 General Manager
 Camden Council
 DK 25807 CAMDEN



Attention: Ms Christina Heather

Dear Mr Wright

**Draft Voluntary Planning Agreement and draft Development Control Plan
 El Caballo Blanco, Gledswood and East Side Lands (Central Hills)**

Thank you for your correspondence (dated 2 September 2011) advising of the public exhibition of the draft Voluntary Planning Agreement and draft Development Control Plan for El Caballo Blanco, Gledswood and East Side Lands (Central Hills).

Whilst Campbelltown City Council does not object in principle to these draft plans, I wish to reiterate Council's previous request that consideration be given to the cumulative detrimental impacts on local infrastructure and services (particularly with regard to transport issues and the road network). Council's in principle agreement is subject to the provision of Infrastructure upgrades being provided as part of the initial stages of development.

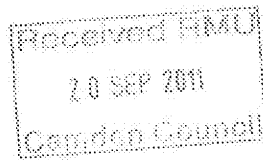
Council is appreciative of being given the opportunity to comment on these draft plans.

If you require any further information regarding the contents of this letter, please contact Ms Felicity Saunders on (02) 4645 4918.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Phil Jamison".

Phil Jamison
 Manager Environmental Services



The General Manager
Camden Council
37 John Street
CAMDEN NSW 2570

19th September 2011

Attention: Kate Speare

Re: Submission to the Public Exhibition of the Draft Voluntary Planning Agreement (VPA), draft Development Control Plan for El Caballo Blanco, Gledswood and East Side Lands.

We are the Landowners of the Lands, known as Gledswood, and East Side Lands and we make the following joint submission.

We have prepared our submission based on the Exhibition material, Draft Voluntary Planning Agreement, Draft LEP 151 and Draft Development Control Plan.

Our comments on the Voluntary Planning Agreement are based on updated VPA document received from Camden Council 18 August 2011, as amended for Exhibition on 31 August 2011, and includes comments submitted by East Side and Gledswood Landowners and Camden Council dated 7 July 2011.

The Landowners fully support the proposed Voluntary Planning Agreement and proposed Development Control Plan and wish to continue to work co-operatively, with Camden Council and the adjoining Landowner, Sekisui House.

Submission on the Voluntary Planning Agreement (VPA).

Definitions

Land - replace, Lot 1 DP 260703, with "East Side 1" --

Explanation - not consistent with the other definitions of "Land".

Clause 12 Staging of Development

12.1 - Amend by inserting after the words "Development Application" for a contribution lot"

Explanation - the requirement for a staging plan should only apply to development that creates a contribution lot.

Clause 19 -- Carrying out of Work

19.3 -- add "shall use his best endeavours" after the word "is" in the first line.

Explanation -- the Approval required for carrying out of work requires approval from other authorities not party to this VPA.

Clause 31 -- Provision of Security for certain Development Contributions.

31.6 -- Amend by inserting after the word landowners "in relation to that land".

Explanation - the obligations between the Landowners of the Eastern portion and the Western portion are not joint and several.

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31.15- add new clause as follows: "Upon completion of the work, the Council shall provide a letter to the Bank who provided the Bank Guarantee, that the Bank Guarantee may be cancelled and in the event of the security provided being a cash security, the Council shall return the security deposit to the landowner."

Explanation -- provides a process within the VPA for the release of a bank guarantee.

Clause 37 Registration of this Agreement

37.4 - remove "within 60 Days of the commencement of this agreement".

37.4.1 - leave as is.

37.4.2 - delete

37.5 (New Clause) - Subject to this clause, within 60 days of commencement of this Agreement, the Landowner will use its best endeavours, to provide the Council with the following documents to enable registration of this Agreement:

37.5.1 - the written irrevocable consent of each person referred to in s93H (1) of the Act to that registration.

Explanation -- clause 37.4 conflicts with clause 37.2

37.8 -- add after the word "agreement" on the last line "in respect to the lots being released from the terms of this agreement".

Explanation - clarifies which lots are to be released from the Terms of this agreement.

Clause 38 Assignment, Sale of Land, etc.

38.3 -- add at the end of this Clause "and in this event, the landowner shall no longer be liable under the terms of this agreement in respect to such land sold or transferred and by virtue of the transfer of the land, the landowner is hereby released from its obligations in respect to such lot or lots."

Explanation -- clarifies the Landowner will be released from its obligations under the agreement.

Schedule 1 -- Development Contributions

Item 14 -- in the column 6 delete "Eastside 3" as the collector road does not go through this land.

Appendix -- Explanatory Note

Effect of Draft Planning Agreement

- * Requires the Developer to provide the Council with a security for the completion of the Rileys creek crossing, the Sydney Catchment Authority Canal Crossing, Local Parks -- west, Local Parks -- East, the Raby Road intersection upgrade in an amount equal to the Contribution Value of the these works as identified in Schedule 1 plus 15%.

Explanation -- the above mentioned statement is not correct, to be amended.

- * Requires the developer to provide Council with a security for the completion of the Vegetation Management Obligation and the Water Management Obligation in the amounts specified in Clause (add clause 37)

Submission on the Development Control Plan (DCP).

The Landowners wish to raise only one concern with the Draft DCP as exhibited.

1. Clause C12.14 Residential Subdivisions

Controls 1. Minimum Lot Widths

(ii) Precinct 5: Dwelling Houses. Minimum Lot Width at the Building Line of 22m.

The Landowners of the East Side request the Minimum Lot width at the Building line be reduced to 20m.

ORD04

Attachment 4

Signed as Landowners,

Sam Galluzzo

Frank Galluzzo

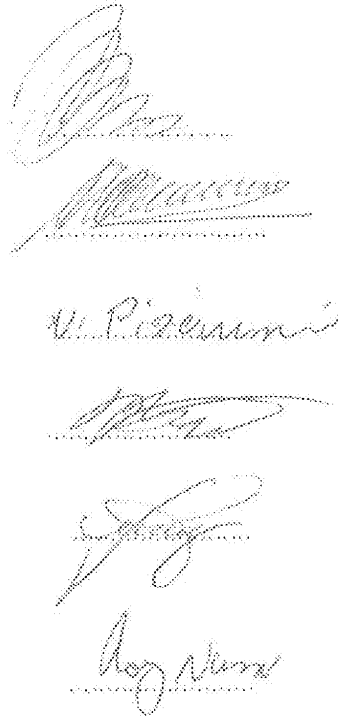
Vince Piscineri

Joso Bernatovic

Rok Frisco

Caldia Pty Ltd --

Roy Nassio, Director



The image shows six handwritten signatures, each written over a dotted horizontal line. From top to bottom, the signatures correspond to the names listed in the text blocks: Sam Galluzzo, Frank Galluzzo, Vince Piscineri, Joso Bernatovic, Rok Frisco, and Roy Nassio. The signatures are in cursive and vary in style and legibility.

SJB Planning

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 Level 2, 490 Crown St
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The General Manager
 Camden Council
 PO Box 183
 Camden NSW 2570

Attention Kate Speare

28 September 2011

Re: : Exhibition of Draft VPA and DCP - El Caballo Blanco, Gledswood and East Side lands (Central Hills)

Dear Kate,

We write in response to the exhibition of the draft VPA, DCP and LEP for the El Caballo Blanco, Gledswood and East Side lands and have prepared this submission on behalf of Sekisui House.

As discussed at our meeting of Friday 23rd of September, Sekisui House are seeking legal advice on the format and content of the draft VPA and will provide any comments arising from the legal advice at the appropriate time.

As also discussed at our meeting of Friday, 23 September the only other matter arising from the exhibition relates to a request for a minor reconfiguration of the proposed R1 zoned land that is located to the south of the access road to the Gledswood Homestead. The request arises from the finalisation of the Conservation Management Plan (CMP) for the Homestead and in particular an increase in the width of the landscaped buffer provided between the existing access road and the northern edge of the proposed R1 zoned land.

Initial heritage advice at the time of preparation of the zoning layouts was that a landscaped buffer of 17 m would be appropriate. The finalisation of the CMP has resulted in the provision of a 32m landscaped buffer between the existing fence alignment to the access road and the northern edge of the future residential land. The revised street section from the Draft DCP is attached for reference showing the increased buffer area.

The result is that a total of 7929m² of developable land has been lost to the provision of the increased buffer.

To retain the current quantum of available land a minor amendment to the configuration of the R1 zoned land is requested that would retain the status quo of developable land. As indicated in the attached plan this results in gaining 3714m² to the south of the residential zoned area and a further 4216 m² in the north western corner of the residential zoned area. The result is a total of 7930m² gained for residential development.

The requested reconfiguration of the R1 zoned land has been configured to ensure that the riparian setbacks to the creek line to the south of the residential zoned land is not encroached upon. The increased buffer to the access road also increases the vegetation buffer provided to the minor creek line to the south of the access way.

ORD04

SJB Planning



Preliminary advice has been sought from Ecological Australia regarding the impacts of the requested zone boundary adjustment on the vegetation retention and management outcomes for the site. The preliminary advice identifies that the requested amendment will not result in differing ecological impacts and may in a minor way reduce the amount of clearing required. Confirmation of this outcome will be provided under separate cover.

It is therefore requested that the configuration of the proposed R1 zoning be amended consistent with the attached diagram prepared by DPS, and that any consequential updates to the DCP diagrams and IPL be undertaken.

Should you wish to discuss our request please do not hesitate to contact me on (02) 9380 9911 or by email at sbarwick@sjb.com.au.

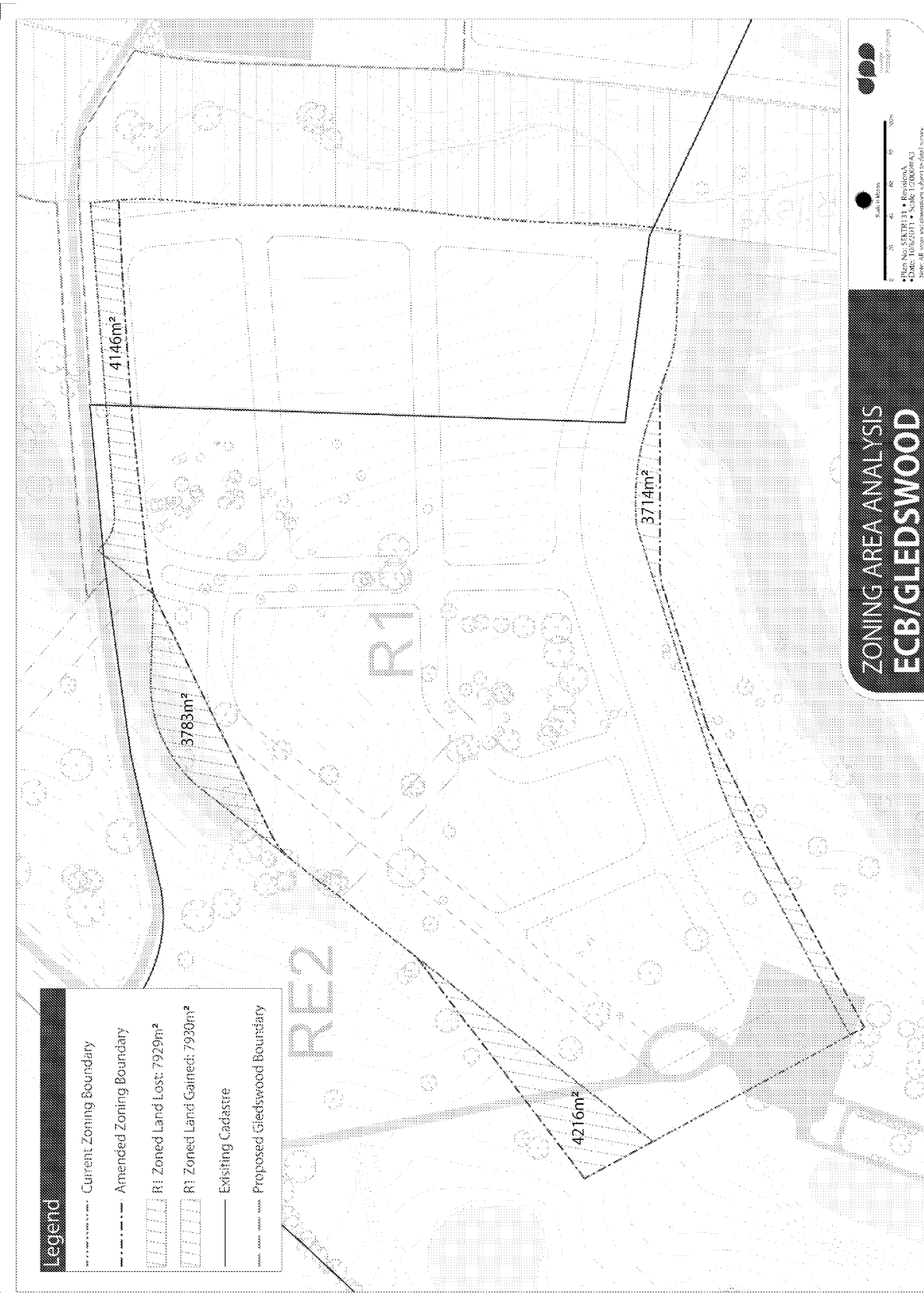
Regards

Scott Barwick
Associate

A handwritten signature in black ink, appearing to read 'Scott Barwick'.

Enclosures:

1. Zoning area analysis prepared by DPS dated 10 June 2011
2. Revised street section and landscape buffer diagram for Gledswood access road

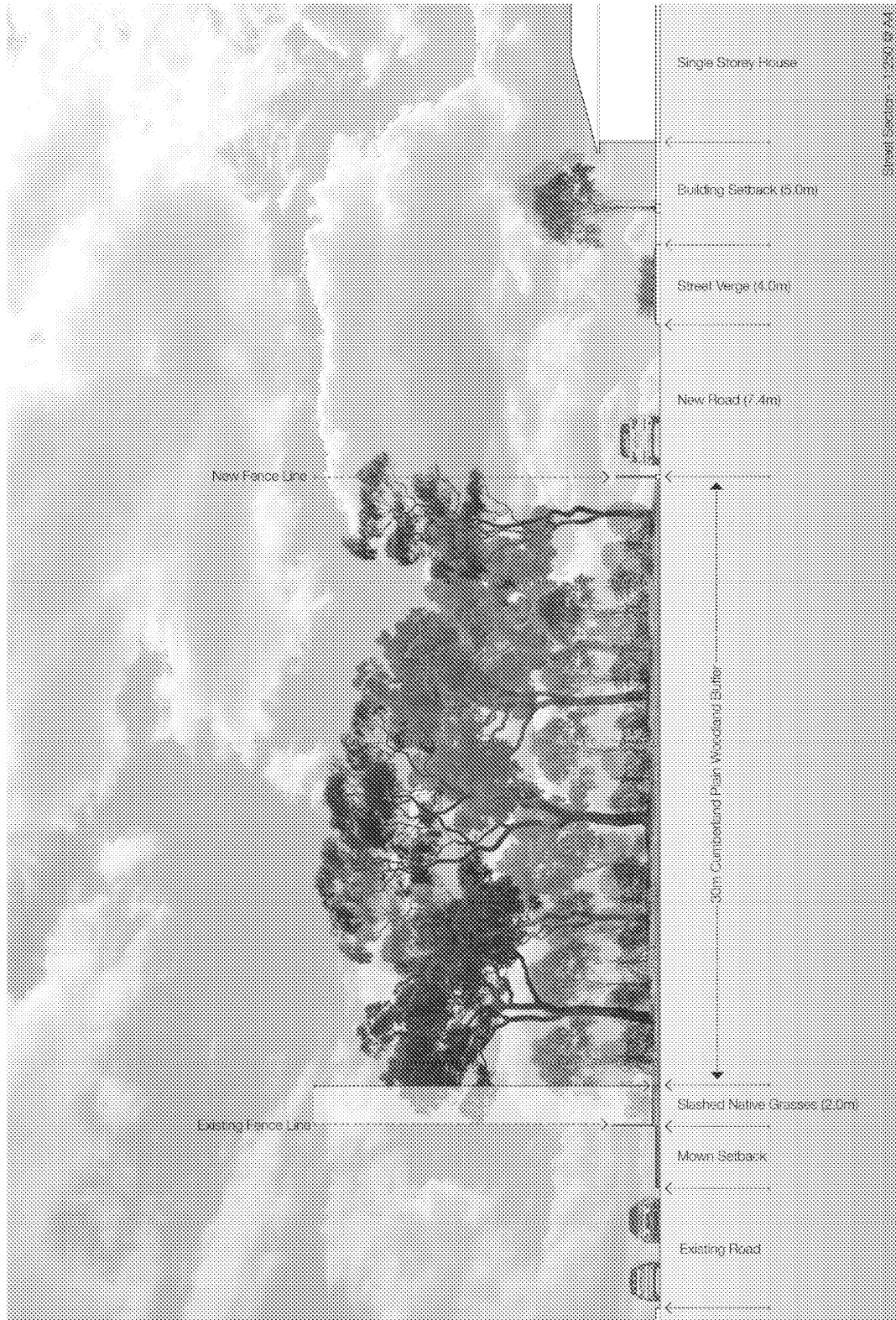


ORD04

Attachment 4

ORD04

Attachment 4



Summary of Changes to VPA

Parties
Change to description of SH Camden Valley Pty Ltd and update of some contact details for the parties.
Clause 1 - Definitions
Bank guarantee amended so that instead of naming particular Australian banks, it allows bank guarantees to be from Australian financial institutions that are regulated by the Australian Prudential Regulatory Authority (APRA) and have a minimum acceptable credit rating. The definition is based on advice issued by NSW Treasury.
Contribution Lot amended to clarify that it does not include lots that are created for the existing dwellings on the site, which are non-contribution lots.
Development amended to insert the words “up to” 860 lots, as there may be minor changes to final lot numbers. Lot production is not to exceed 860 lots, but could be less than 860 lots.
Draft DCP is a new term inserted into the definitions and means the Draft DCP relating to the ECB/Gledswood site as exhibited with the Draft VPA.
Final Lot amended to clarify that it excludes land that forms part of the golf course or land associated with provision of public utilities.
Golf Holes amended to remove reference to the number of holes as this is addressed in Clause 9 and was creating confusion.
Instrument Change amended to refer to Planning Proposal that is exhibited with the Draft VPA.
Non-Contribution Lot amended to clarify that this includes land used for the purposes of a golf course.
Parcel definition replaced with Portion , and has been amended to define the Eastern and Western land portions. This amendment assists in clarifying other clauses in the Draft VPA.
Relevant Party definition introduced to assist in implementing the agreement as there are some circumstances where only parties directly affected by a change need to agree to it, rather than all parties being required to agree.
Vegetation Establishment Period amended to clarify that it commences after works are “physically” commenced and that agreement is only needed with the “relevant parties”.
Vegetation Management Plan amended to update the reference to the Draft DCP.
Vegetation Management Strategy amended to allow for the possibility of it being amended in the future.
Water Establishment Period amended to clarify that it commences after works are “physically” commenced and that agreement is only needed with the “relevant parties”.
Water Management Plan amended to update the reference to the Draft DCP.
Water Management Strategy amended to allow for the possibility of it being amended in the future.

ORD04

Attachment 5

Clause 1.2 – Interpretation
A new Clause 1.2.17 has been inserted to provide that a Subdivision Application can be applied for by the Landowner, or by a person with written authority from the Landowner.
Clause 4 – Commencement of Development Contribution Obligations and throughout the Draft VPA
Some changes have been made to clarify that a Landowner is not required to make development contributions until after they have physically commenced works on their land. However, there are obligations a Landowner must undertake (such as preparing a Golf Holes Strategy and registration of the VPA on the property title) that are not exempted simply because the Landowner hasn't physically commenced work on their land.
Additionally, this clause has been amended to clarify that a Landowner who has commenced works on their land is not obligated to produce a specific number of lots.
For clarity (from Clause 4 onwards) references to "The Landowner" have been replaced with references to "A Landowner".
Clause 5 – Further Agreements Relating to this Agreement
A note has been inserted at the end of Clause 5 to clarify that the clause is not intended to prevent future amendment of the Agreement.
Clause 6 – Surrender of Right of Appeal etc
The reference to "Landowner" has been replaced with "Party".
Clause 8 – Provision of Development Contributions
Minor changes to provide that contributions must be made to the "reasonable" satisfaction of Council and for clarity in drafting.
The previous Clause 8.1.3 has been deleted as there have been changes to require that a Landowner is only obligated to make contributions in respect of their land.
Clause 8.2 has been amended to make it clear that Landowners are jointly and severally liable in relation to the provision of development contributions where they are identified as being responsible in the Schedule of Works.
Clause 8.3 has been amended to allow a Landowner to provide a development contribution early if they choose to do so.
The previous Clause 8.4 has been deleted as it was an unnecessary duplication of other provisions that require contributions to be to Council's reasonable satisfaction. Clauses have been renumbered accordingly.
Clause 9 – Provision of Golf Holes
This clause has undergone substantial review. The changes allow one Landowner to prepare a Golf Holes Strategy for the entire site, without participation from other Landowners provided that the Strategy deals with their own land to a high level of detail and the remaining land to a "concept" level of detail. The concept details must demonstrate that the Golf Holes Strategy is consistent with the Vegetation Management Strategy and Water Cycle Management Strategy. The purpose of this amendment is to ensure that one or more Landowners cannot delay the entire project if they are unwilling/not ready to participate in preparing the Golf Holes Strategy.
The Golf Holes Strategy must also demonstrate that the golf holes on the Eastern and Western portions of the land can be physically connected, as this will maximise the ongoing management options.
Given that one Landowner can prepare a Golf Holes Strategy for the entire site, provisions have

been put in place to allow amendment of the Golf Holes Strategy as further detailed planning is undertaken.

The clause provides that Landowners must use their best endeavours to have a Golf Holes Strategy approved within 2 years of the land being rezoned.

Arrangements have been introduced to allow Council to consent to a use of the "Golf Holes Land" for a purpose other than golf in certain circumstances. This clause was introduced to allow some flexibility should the operation of a golf course be financially unviable in the future.

Previous Clause 10 – Camden Valley Way Intersection Upgrade

This was previously addressed in Clause 10. This clause has been deleted as it is not an item of work to be delivered under this Agreement. This is a matter to be addressed by the State Government as part of the SIC Levy. Development consent conditions imposed by the RMS will inform when the intersection works are required.

New Clause 10 - Amendment of Water Management and Vegetation Management Strategies

A new clause 10 has been inserted to make provisions for the amendment of the Water Management Strategy and the Vegetation Management Strategy.

These strategies apply to the entire site. Clause 10 sets out the conditions where Council will consider approving amendment to the strategies. Primarily, if an amendment is proposed it must be before the works are completed and must be able to demonstrate that the changes are consistent with the Strategy for the other portions of land.

Clause 12 – Staging of Development

This clause has been amended to clarify that the Staging Plan must be prepared and submitted by all landowners within a Portion.

A new Clause 12.2 has been inserted to provide that a Landowner can submit a Development Application to create lots for the existing dwellings on the site, that are non-contribution lots, without first preparing a Development Staging Plan. Other clauses have been renumbered accordingly.

A new Clause 12.3 has been inserted to allow Landowners to seek approval to amend a previously approved Development Staging Plan. Other clauses have been renumbered accordingly.

Clause 12.5 (previously Clause 12.3) has been amended to provide an opportunity for the Landowners to respond to any changes that Council proposes to the Development Staging Plan.

Clause 12.7 (previously 12.5) has been amended to remove the need for Council to provide a notice.

Clause 13 – Approval of Draft Vegetation Management Plan

There are minor amendments to this clause for consistency in drafting and to reflect new provisions allowing for variation of the Vegetation Management Plan. In particular, it has been made clear that all of the Landowners within a portion must work together to prepare a Draft Vegetation Management Plan.

Clause 13.4 has been amended to provide an opportunity for the Landowners to respond to any changes that Council proposes to the Vegetation Management Plan.

The previous Clause 13.5 has been deleted to remove the need for Council to provide a notice.

A new Clause 13.6 has been inserted to provide that a Landowner may only submit a Development Application that is consistent with the Vegetation Management Plan.

ORD04

Clause 14 – Establishment & Management of Vegetation Management Land

There are minor amendments to this clause for consistency in drafting.

The previous Clause 14.3 has been deleted as the Draft VPA now makes provision for the variations to the Vegetation Management Strategy and Plan.

A new Clause 14.3 has been inserted to allow a Landowner to complete the required works early.

Clause 15 – Approval of Draft Water Management Plan

There are minor amendments to this clause for consistency in drafting and to reflect new provisions allowing for variation of the Water Management Plan. In particular, it has been made clear that all of the Landowners within a portion must work together to prepare a Draft Water Cycle Management Plan.

Clause 15.2 has been amended to require the Water Management Plan to be submitted for approval prior to the Development Staging Plan, rather than prior to the issue of the first Subdivision Certificate.

Clause 15.5 has been amended to provide an opportunity for the Landowners to respond to any changes that Council proposes to the Water Cycle Management Plan.

A new Clause 15.7 has been inserted to provide that a Landowner may only submit a Development Application that is consistent with the Water Cycle Management Plan.

Clause 16 - Establishment & Management of Water Management Land

There are minor amendments to this clause for consistency and clarity in drafting.

A new Clause 16.3 has been inserted to allow a Landowner to complete the required works early.

Clause 18 – Procedures relating to Dedication of Land

There are minor amendments to this clause for consistency in drafting and to allow dedication of land within a time frame specified in the Schedule of Works, rather than an arbitrary 28 days.

New clauses 18.5 and 18.6 have been inserted to ensure that any land dedicated to Council is free of any debts, such as land tax.

Clause 19 – Carrying out of Work

There are minor changes to this clause for consistency and clarity in drafting.

Clause 19.2.2 is deleted as Council's relevant policies and specifications would be reflected in the granted development consent, and clauses are renumbered accordingly.

Clause 19.2.4 which required the works to be "otherwise to the reasonable satisfaction of the Council" is deleted as the works should be satisfactory to Council provided that they are in accordance with the relevant development consent and applicable laws, and the quality of the work has been monitored.

Clause 19.4 which required the Landowner to comply with any direction given to it by Council to modify a design or specification has been deleted as these provisions are adequately addressed in Clause 25 – Variation of Work.

A new Clause 19.4 has been inserted to allow a Landowner to complete the required works early.

Attachment 5

Clause 20 – Reporting on Work
This clause is amended to clarify that it is not necessary to submit reports regarding the progress of work until the works are physically commenced. It also provides that reporting can cease when the works are complete and the Defects Liability Period has expired.
A new Clause 20.4 has been inserted to require that reporting on the Vegetation and Water Cycle management works must be provided for a 10 year period.
Clause 21 – Access to the Land
There are minor amendments to this clause for consistency in drafting and to require a Landowner to comply with the reasonable requirements of another Landowner if they need to enter their site to carry out works.
Clause 22 – Protection of People and Property
Some minor amendments for clarity and consistency in addition to the deletion of Clause 22.2, which required compensation to be paid to a Landowner if the carrying out of the works required any demolition, removal or re-siting of any structure on their land. Clauses are renumbered accordingly.
Clause 23 – Protection of Public Utilities & Services
There are minor amendments to this clause for consistency in drafting and clarity.
Clause 24 – Damage and Repairs to Work
There are minor amendments to this clause for consistency in drafting and clarity. In particular, it is clarified that a Landowner does not have to bear the cost of repairing and making good any damage that occurs as a consequence of a negligent act or omission of the Council.
Clause 25 – Variation of Work
There are minor amendments to this clause for consistency in drafting and clarity.
Clause 25.3 is amended to require Council to have regard to the Contribution Value of the Work when considering asking the Landowner to make variations or do additional works.
Clause 25.4.2 is deleted as it refers to a clause in the VPA regarding variations to work that has been deleted. Clauses have been renumbered accordingly throughout.
Clause 26 – Procedures relating to the Completion of Work
There are minor amendments to this clause for consistency in drafting. An additional provision has been made that requires the Council to either give or refuse to give the notice of works completion.
Clause 27 – Procedures relating to the Rectification of Defects
There are minor amendments to this clause for consistency in drafting. Clause 27.2 is amended to refer to the dispute resolution clauses. Clause 27.3 is amended to clarify who will be responsible for the Council's costs of rectifying a defect.
Clause 28 – Failure to Carry out Work
There are minor amendments to this clause for consistency in drafting and clarity.
Clause 28.2 has been deleted as it is intended that the dispute resolutions would apply. Clauses have been renumbered accordingly.
Clause 29 – Works Completion Requirements (previously labelled “Works-As-Executed Plan)
Minor amendment to require the Landowner to provide any documentation associated with quality monitoring during construction to Council after the works are complete, and to provide all documentation within 28 days of completing work (rather than 60 days).
Clause 30 – Indemnity and Insurance
There are minor amendments to this clause for consistency in drafting. Clause 30.2 is amended to specify that the Landowner must have insurance prior to the physical commencement of works.
A new Clause 30.5 has been added to clarify that the provision of indemnities and insurances also relates to vegetation and water cycle management works.

ORD04

Attachment 5

Clause 31 – Provision of Security for certain Development Contributions

There are minor amendments to this clause for consistency in drafting and clarity.

A new clause 31.18 has been introduced to allow Council to retain an amount provided as Security for an item of infrastructure if the Landowner who provided it is not going to provide the item of infrastructure.

A new clause 31.19 has been introduced to ensure the Council has provided written notice of its intention to retain a security amount. This will provide the Landowner with an opportunity (within 30 days) to demonstrate to Council's reasonable satisfaction that they will provide the item of infrastructure, and that Council should not draw on the Security.

Clause 32 - Provision of Security for certain other Development Contributions

There are minor amendments to this clause for consistency in drafting.

Clause 33 – Security for deferral of time for completion of Works

There are minor amendments to this clause for consistency in drafting.

Clause 35 – Dispute Resolution – expert determination

There are minor amendments to this clause for consistency in drafting and clarity.

Clause 35.1 has been amended to provide for both a dispute to be determined by an appropriately qualified expert, and if there is a dispute about what sort of expert is required, then this can also be referred to an appropriately qualified expert to determine this.

Changes to Clauses 35.6 and a new clause 35.7 has been inserted to provide for an arbitrator to be appointed by the President of the Institute of Arbitrators and Mediators Australia, rather than the President of the NSW Law Society and for their rules to apply. Clauses have been renumbered accordingly.

Clause 35.8 (previously 35.7) has been amended to allow the expert to determine who should pay costs associated with a dispute.

A new Clause 35.10 has been inserted to be clear that "relevant parties" may include Council.

Clause 36 – Dispute Resolution - mediation

There are minor amendments to this clause for consistency in drafting and clarity.

Clause 37 – Registration of this Agreement

There are minor amendments to this clause for consistency in drafting. Clause 37.7 has been amended to delete the requirement for the Landowner to provide security for any outstanding land dedication or monetary contribution required in relation to a Final Lot if they request to have the VPA Registration removed from the title of the Final Lot. In this instance, there is no need for security relating to land dedications as Council has the ability to compulsorily acquire land for the sum of \$1. Likewise, security is needed for monetary contributions as they are not due until the Final Lot is registered, at which point they must be paid.

A new Clause 37.6 has been inserted to deal with a situation where the Landowner may want to remove the VPA from the title of a superlot. This is helpful when selling lots prior to the Linen Plan being registered. In this circumstance, the Landowner must meet the criteria provided in this clause, which includes providing a security for any outstanding contributions (being works or payment of money, but not dedication of land).

A new Clause 37.7 has been inserted to deal with the administration of removing the VPA registration from the title of the superlot. Clauses are renumbered accordingly.

Clause 38 – Compulsory Acquisition

There are minor amendments to this clause for consistency in drafting and clarity.

Clause 39 – Assignment, Sale of Land, etc
There are minor amendments to this clause for consistency in drafting.
A new Clause 39.4 has been inserted to make it clear that if land has been sold or transferred in accordance with Clause 39, then the original landowner is no longer obligated in relation to that land under the VPA.
Clause 40 – Review of this Agreement
There are minor amendments to this clause for consistency in drafting.
Clause 40.1 and 40.2 have been deleted as they relate to requirements for reporting, which are already addressed in Clause 20. Clauses are renumbered accordingly.
Clause 43 - Costs
There are minor amendments to this clause for consistency in drafting and clarity.
Clause 43.1 has been amended so that the Landowners acknowledge that they will pay Council's costs of preparing and executing the Agreement, and that they agree that the costs are reasonable.
Clause 43.2 has been amended to clarify that a Landowner will be responsible for paying Council's costs of enforcing a breach of the Agreement.
Previous Clause 46 – Notations on Planning Certificates
This clause has been deleted. Council has the discretion to include a notation of the Voluntary Planning Certificates on Section 149(5) Certificates and does not need this clause to be able to exercise this power. Clauses have been renumbered accordingly.
Schedule 1 – Development Contributions
The Schedule is changed throughout to require works to be undertaken "immediately" prior to the lot threshold, to avoid uncertainty about being required to deliver works before the lot threshold.
Explanatory Note
The Explanatory Note has been updated in accordance with changes made to the Draft VPA.



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: CONSTRUCTION OF LIZ KERNOHAN DRIVE - FUNDING AGREEMENTS

FROM: Director Governance

BINDER: Spring Farm

PREVIOUS ITEMS: ORD06 - CONSTRUCTION OF LINK ROAD BETWEEN LODGES ROAD AND RICHARDSON ROAD – PRELIMINARY ACTIONS TO DELIVER THE INFRASTRUCTURE PACKAGE - Ordinary Council - 28 June 2011
ORD05 - Construction of Liz Kernohan Drive between Lodges Road and Richardson Road – Department of Planning and Infrastructure Agreements - Ordinary Council - 23 August 2011

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the agreement between Council and the Department of Planning and Infrastructure (DPI) for the exchange of Section 94 monies for the delivery of the Camden Bypass Intersection and construction of the portion of Liz Kernohan Drive between Richardson Road and the Camden Bypass.

BACKGROUND

Council, at its meetings on 28 June 2011 and 23 August 2011, resolved to enter into negotiations with the DPI which would see Council provide Section 94 monies to the DPI in return for the delivery of a portion of Liz Kernohan Drive between Richardson Road and Camden Bypass, the intersection on the Camden Bypass and a portion of Liz Kernohan Drive to link to other sections of this road leading to Lodges Road. As a result, Council would lift the current lot thresholds which restrict the release of lots within Elderslie and Spring Farm. Copies of the Council reports are provided as **Supporting Documents to this report**.

The Infrastructure Package to be delivered by the DPI included the following:

- Construction of a signalised intersection and its tail outs at the Camden Bypass/Liz Kernohan Drive intersection, which will include relevant street signposting, street lighting, and utility adjustment;
- Construction of a roundabout and its tail outs at the Richardson Road/Liz Kernohan Drive intersection;
- Construction of a two-way dual lane carriageway, extending from the tail outs of both intersections detailed above which will widen on the approach from all directions to the Camden Bypass/Liz Kernohan Drive intersection. The widening will include the provision of right hand turning lanes on the approach and merging slip lanes on the exit of the intersection; and
- Construction of central median islands along the stretch of proposed road.

Originally, the mechanism to ensure that the above will be delivered was through a Voluntary Planning Agreement (VPA) between Council and the DPI. Following legal advice, this agreement was to be delivered through a Memorandum of Understanding (MoU) which would provide an identical result to the VPA, without the drawn out legal process.

The MoU was to facilitate the transfer of Section 94 monies to the DPI, while a subsequent Works-in-Kind Agreement between the DPI and Landcom would be prepared to offset Special Infrastructure Contributions and facilitate the construction of the project.

MAIN REPORT

Council has finalised negotiations with the DPI and recently received correspondence indicating the DPI's commitment to the funding of the project. A copy of the letter is provided as an **Attachment to this report**.

However, the letter also advises that an alternate source of funding from the DPI is available, which will provide direct payment to Landcom from the Interim Transport Levy. As such, this will change the dynamics of the agreement between Council and the DPI. It is now proposed that Landcom will commission the construction on behalf of Council and the DPI. In this regard, a Funding Agreement is being prepared, which Section 94 funds and Interim Transport Levy funds will be paid directly to Landcom under specific claims. The format of this Funding Agreement is being negotiated by all stakeholders and upon acceptance; the Funding Agreement will be signed by the Director General of the DPI, the General Manager of Council and the Managing Director of Landcom.

Whilst the agreement is not in the form of the MoU as previously reported, the Funding Agreement is a formal agreement between Council, the DPI and Landcom, which will include provision of the following:

Council Obligations –

- Council to issue Landcom its contribution to the construction of the described infrastructure being \$4,429,555 (GST exclusive) of Section 94 monies (Indexed to December Quarter 2011).
- Abolish the current lot thresholds burdening development within Spring Farm and Elderslie.

DPI Obligations –

- The DPI to issue Landcom its contribution to the construction of infrastructure from the Interim Transport Levy.

Landcom Obligations –

- Commission the construction of a signalised intersection and its tail outs at the Camden Bypass/Liz Kernohan Drive intersection, which will include relevant street signposting, street lighting, and utility adjustment;
- Commission the construction of a roundabout and its tail outs at the Richardson Road/Liz Kernohan Drive intersection;
-

Commission the construction of a two-way dual lane carriageway, extending from the tail outs of both intersections detailed above which will widen on the approach from all directions to the Camden Bypass/Liz Kernohan Drive intersection. The widening will include the provision of right hand turning lanes on the approach and merging slip lanes on the exit of the intersection; and

- Commission the construction of central median islands along the stretch of proposed road.

The provision of the above infrastructure, the issue of the Section 94 monies and the funding from the DPI are essentially the foundations of the original negotiations and agreements. The Funding Agreement provides Council with certainty for the delivery of the regionally significant piece of infrastructure, with the opportunity to further open up development within Spring Farm and Elderslie.

The Funding Agreement states that the total cost of the project is approximately \$13.5 million. Council's contribution to the project is capped at \$4,429,555 (subject to indexation) with the DPI funding approximately \$9 million from the Interim Transport Levy funds. It should be noted that any variations to the final cost of the project will be met and funded by the DPI at no cost to Council.

FUNDING

There are sufficient funds within the Camden Contributions Plan to fund Landcom Council's contribution to the infrastructure described above. Financial modelling has been undertaken to ensure that Council has sufficient funds remaining in Section 94 to fund the projects already adopted in Council's four year Delivery Program.

CONCLUSION

The ongoing negotiations with the DPI have resulted in the preparation of a draft Funding Agreement to be signed by Council, the DPI and Landcom. This agreement provides Council with the certainty that the Liz Kernohan Drive infrastructure package, including the Camden Bypass Intersection, will be delivered which will facilitate the further release of lots within the Elderslie and Spring Farm release areas. Once the Funding Agreement is finalised and signed, Council will be in a position to lift the current lot thresholds burdening Spring Farm and Elderslie.

RECOMMENDED

That Council:

- i. Delegate authority to the General Manager to finalise and sign the Funding Agreement, which requires Council to pay \$4,429,555 (GST exclusive and indexed to December Quarter 2011) of Section 94 monies to Landcom in return for the delivery of the Camden Bypass/Liz Kernohan Drive/Richardson Road Infrastructure Package;**
- ii. Transfer the necessary funds from the Section 94 Reserve to fund the payment to Landcom;**
- iii. No longer apply conditions of Development Consent with respects to lot thresholds within Spring Farm and Elderslie once the Funding Agreement is signed; and**
- iv. Following the signing of the Funding Agreement, advise all land owners stating that lot thresholds conditions will no longer be imposed on new Development Consents issued within the Spring Farm and Elderslie urban release areas.**

ORD05

ATTACHMENTS

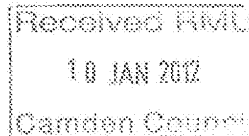
1. Council Report - 28 June 2011 - *Supporting Document*
2. Council Report 23 August 2011 - *Supporting Document*
3. Department of Planning and Infrastructure Commitment Letter

ORD05



Office of the Director General

Mr Greg Wright
General Manager
Camden Council
PO B ox 183
CAMDEN NSW 2570



11/22571

Dear Mr Wright

I am pleased to advise that the Housing Supply Subcommittee of Cabinet has endorsed the allocation of funds from the Interim Transport Levy (ITL) account to enable completion of construction of a planned signalised intersection on the Camden Bypass and connections to provide permanent access to the Spring Farm and Elderslie release areas.

The Housing Supply Subcommittee also endorsed Landcom to act as the agent to construct the enabling road works (state and local).

It is noted that the estimated cost of the works is around \$13.5 m of which council's S 94 Plan contributes an amount of \$5.1M. The ITL funds will therefore be in the order of \$8.4m subject to final delivery cost.

This funding commitment has been made in consideration of council's earlier advice that development thresholds preventing the issue of consents for subdivision in Spring Farm and Elderslie would be lifted as soon as guaranteed funding for these essential works was secured.

It is requested that council confirm the lifting of development thresholds to give effect to these arrangements.

The mechanism for the actual transfer of funds by the DP&I to Landcom will be made in due course.

The Subcommittee of Cabinet also endorsed the allocation of ITL funds to acquire land for the northern half of Liz Kernohan Drive. Acquisition will be undertaken by the Office of Strategic Lands.

Should you have any enquiries about this matter, I have arranged for William Preston, Strategies and Land Release – Infrastructure Planning and Coordination, of the Department of Planning and Infrastructure to assist you. Mr Preston can be contacted on telephone number (02) 9228 6449

Yours sincerely

Sam Haddad
Sam Haddad
Director General

23/12/2011

Bridge St Office: 23-33 Bridge St Sydney NSW 2000 GPO Box 99 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website: planning.nsw.gov.au

Attachment 3



ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: DECEMBER REVIEW OF THE 2011/12 BUDGET
FROM: Director Governance
BINDER: 2011/12 Budget

PURPOSE OF REPORT

This report presents the December Quarterly Budget Review for the 2011/12 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2011/12 Budget since the adoption of the September Review of the 2011/12 budget, and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the September Review of the 2011/12 Budget, Council approved a balanced budget position. Budget adjustments identified at the December Review represent a projected budget surplus for the 2011/12 financial year of \$160,986.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

ALLOCATION OF THE 2011/12 BUDGET SURPLUS

It is recommended that the surplus of \$160,986 be transferred to the Employee Leave Entitlements Reserve.

As a result of recent payments made from the Employee Leave Entitlements Reserve, the current cash balance of the reserve has decreased to 17.00% of the leave entitlements owed to employees. The allocation of the surplus (\$160,986) will increase the percentage to 19.5% which is in line with the industry benchmark of holding 20% cash reserves for leave entitlements owed to employees.

CURRENT RESERVE BALANCES

The balance of the Working Fund Reserve, Central Administration Building Reserve and Capital Works Reserve are as follows:

Working Funds Reserve (uncommitted) - \$2,184,066

The current balance of the Working Funds Reserve has been funded by the following transfers:

WORKING FUNDS RESERVE	
2010/11 Year End Budget Result	\$1,309,766
September Quarterly Review Projected Surplus	\$874,300
Current Balance of Reserve	\$2,184,066

The funds in this reserve are currently uncommitted. The funds are to be allocated to projects as a result of feedback from the Community Satisfaction Survey or considered by Council as part of the 2012/13 budget.

Central Administration Building Reserve - \$2,961,575

The current balance of the Central Administration Building Reserve has been funded by the following transfers:

CENTRAL ADMINISTRATION BUILDING RESERVE	
Property Sales – Narellan Precinct	\$925,000
2010/11 Year End Budget Surplus	\$1,000,000
2011/12 Original Budget	\$1,134,200
Less: Investigation & Planning Costs	(\$97,625)
Current Balance of Reserve	\$2,961,575

The reserve was established as part of the planning for a new central administration building.

Capital Works Reserve (uncommitted) - \$476,600

The uncommitted balance of the Capital Works Reserve is \$476,600. The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement.

MAIN REPORT- DECEMBER REVIEW OF THE 2011/12 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2011/12 is detailed below:

NOTE 1 – PROPOSED VARIATIONS TO BUDGET

Proposed variations between the adoption of the September Review for 2011/12 and the December Review for 2011/12 have led to a projected budget surplus of \$160,986. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

DECEMBER REVIEW OF THE 2011/12 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Parks & Gardens RTA Mowing Contract Shortfall (Net)	(\$55,344)
2. General Fund Interest on Investment Increase	\$50,000
3. Risk Management Insurance Scheme Dividends Increase	\$47,952
4. LEP & DCP Amendments Income Increase	\$43,400

DECEMBER REVIEW OF THE 2011/12 BUDGET PROPOSED VARIATIONS (Continued)	Budget Impact Increase / (Decrease)
Variations under \$15,000 - Various Shortfalls	(\$9,433)
Sub Total - Income Adjustments	\$76,575
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
5. Development Aerial Photography Savings	\$50,000
6. Corporate Superannuation Expense Savings	\$26,478
7. Street Bin Services Central Business Districts Savings	\$21,565
Variations under \$15,000 - Various Increases	(\$13,632)
Sub Total - Expenditure Adjustments	\$84,411
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$160,986

1. Parks & Gardens RTA Mowing Contract – Decrease in Income of \$55,344

Council provides contract mowing and litter collection works on regional roads on behalf of the RTA. Due to delays in finalising the contract extension and hence commencement of the contract works, Council will not be able to complete the expected number of cuts for 2011/12. A reduction in the number of cuts has resulted in a decrease in both expenditure and revenue.

2. General Fund Interest on Investment – Increase in Income of \$50,000

The second quarter performance of Council's investment portfolio was above budget expectations. Whilst interest rate projections have been revised downwards from 6.30% to 5.90% (a result of recent reductions in the official cash rate determined by the Reserve Bank), investment returns have been revised upward due to delays in a number of capital works projects. These delays have led to Council maintaining a higher than expected pool of funds available for investment.

3. Risk Mgmt Insurance Scheme Dividends – Increase in Income of \$47,952

Council is a member of a property and motor vehicle insurance fund, the income represents a rebate as a result of the fund's improving claims history.

4. LEP & DCP Amendments Income – Increase in Income of \$43,400

Council has received a number of applications for LEP & DCP amendments which incur a processing and review fee payable by the applicant. Income received to date is above budget expectations for 2011/12.

5. Development Aerial Photography – Decrease in Expense of \$50,000

Funding to update Council's aerial photography was allocated as part of the 2011/12 budget. Funding is no longer required due to the purchase of software which provides regular photographic updates.

6. Corporate Superannuation Expense – Decrease in Expense of \$26,478

The decrease in superannuation expenses relates primarily to the retirement or resignation of employees in the Defined Benefits Scheme. Savings have also been achieved in the Accumulation Scheme from a number of vacancies in Council's staff structure.

7. Street Bin Services Central Business Districts – Decrease in Expense of \$21,565

A review of current service requirements for street bin collections within the Narellan and Camden central business districts have resulted in savings against budget for 2011/12.

NOTE 2 – COUNCIL AUTHORISED VARIATIONS

Council has authorised six (6) budget variations since the adoption of the September Review of the 2011/12 budget.

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Community Services Local Carers Award Council Resolution 247/11 - 11/10/2011	\$800	\$800	\$0
Ron Dine Reserve - New Clubhouse & Facilities Council Resolution 260/11 - 25/10/2011	\$1,200,000	\$1,200,000	\$0
Flood Information Mapping & Surveys Council Resolution 273/11 - 08/11/2011	\$90,000	\$90,000	\$0
Welling Dr / Waterworth Dr Roundabout Council Resolution 274/11 - 08/11/2011	\$22,500	\$22,500	\$0
Community Services Small Grants Program Councillor Consolidated Ward Funds Council Resolution 308/11 - 13/12/2011	\$13,000 (\$13,000)	\$0	\$0
Waste & Sustainability Improvement Program Council Resolution 310/11 - 13/12/2011	\$317,822	\$317,822	\$0
TOTAL - COUNCIL APPROVED VARIATIONS	\$1,631,122	\$1,631,122	\$0

NOTE 3 – CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's projected budget result as both movements of income and expenditure are of equal value.

During the period 1 October 2011 to 31 December 2011, a number of contra adjustments have taken place amounting to a total of \$5,102,760 (an increase in both income and expenditure). For a detailed list of these adjustments, **please refer to attachment 2 provided in the business paper.**

NOTE 4 – EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2012/13 Budget, Managers and Directors are encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2012. There were two (2) revotes submitted by Managers and Directors at the December Review.

PROPOSED EXPENDITURE REVOTES	Total Revote	General Fund	Other Funds
Lodges Road & Hilder Street Reconstruction (Dept of Planning Loan Reserve)	\$3,000,000	\$0	\$3,000,000
Narellan Community Centre Redevelopment (Section 94 Developer Contributions)	\$328,250	\$0	\$328,250
TOTAL EXPENDITURE REVOTES	\$3,328,250	\$0	\$3,328,250

For a detailed explanation of the revotes identified as part of the review, **please refer to attachment 2 provided in the business paper.**

NOTE 5 – 2011/12 LIST OF UNFUNDED WORKS AND SERVICES

In adopting the 2011/12 Delivery Program and Budget, Council endorsed the List of Unfunded Works and Services. This list identifies works or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There were no adjustments to the List of Unfunded Works and Services during the period 1 October 2011 to 31 December 2011. For a copy of the current List of Unfunded Works and Services, **please refer to the Business Paper supporting documents.**

NOTE 6 – COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$160,986 as advised in this report.

CONSOLIDATED WARD FUNDS	
TOTAL FUNDS AVAILABLE	\$30,000
PROJECTS FUNDED IN 2011/12	
Senior Citizens Building Curtain Cleaning Council Resolution 158/11 - 12/07/2011	\$4,100
Macarthur BMX Club - Fee Contribution Council Resolution 205/11 - 13/09/2011	\$839
Narellan Anglican Church - Fee Contribution Council Resolution 297/11 - 13/12/2011	\$634
Community Small Grants Program Transfer Council Resolution 308/11 - 13/12/2011	\$13,000
Camden Junior AFL Club – Fee Contribution Council Resolution - 31/01/2012	\$1,525
Macarthur Lions – ANZAC Run Gold Sponsorship Council Resolution 21/12 – 31/01/2012	\$3,182
TOTAL PROJECTS FUNDED IN 2011/12	\$23,280
BALANCE OF CONSOLIDATED WARD FUNDS	\$6,720

SUMMARY OF DECEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 December 2011.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2010/11 Carried Forward Working Funds Balance			\$1,000,000
2011/12 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2011			\$0
2011/12 September Review Adjustments	\$5,242,056	\$5,242,056	\$0
Total Available Working Funds as at 30/09/2011			\$0
2011/12 December Review Adjustments			
NOTE 1: Proposed Variations	(\$151,611)	\$9,375	\$160,986
NOTE 2: Authorised Variations	\$1,631,122	\$1,631,122	\$0
NOTE 3: Contra Adjustments	\$5,102,760	\$5,102,760	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$3,328,250)	(\$3,328,250)	\$0
Total - December Review Adjustments	\$3,254,021	\$3,415,007	\$160,986
TOTAL AVAILABLE WORKING FUNDS			\$160,986

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 31 December 2011 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CONCLUSION

Council's budget remains in a surplus position as at the December Quarterly Budget Review. It is recommended that the surplus be transferred to the Employee Leave Entitlements Reserve.

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It is prudent to ensure that the Employee Leave Entitlements Reserve is maintained at an acceptable level. The reserve ensures that Council can pay employees leave entitlements upon retirement or resignation. The reserve also reduces the impact on the budget when a long serving employee or a number of employees leave in the same budget period.

It should also be noted that Council has \$2.18 million in the Working Funds Reserve for allocation to projects identified as part of the community satisfaction survey. The findings of the survey will be presented to Council at tonight's workshop. With officers currently preparing the 2012/13 budget the findings of the survey could be incorporated into the 2012/13 budget process.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.**
- ii. approve the transfer of the December Quarterly Review Budget surplus of \$160,986 to the Employee Leave Entitlements Reserve.**

ATTACHMENTS

1. Budget Appendix
2. Unfunded Works & Services
3. Quarterly Budget Review Statement

Summary of Budget Review Variations Greater Than \$15,000
December Review of the 2011/12 Budget

Change In Vote			Totals	Description	Comments
Expense	Income				
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures					
1) Proposed Budget Variations					
Proposed variations to the 2011/12 Budget based on income received and expenditure payments to date are as follows:					
14,869	889,169	874,300	Surplus / (Deficit) - Proposed Budget Variations September 2011/12 Review		
(67,200)	(122,544)	(55,344)	Parks & Gardens - RTA Mowing Contract*	Council provides contract mowing and litter collection works on regional roads on behalf of the RTA. Due to delays in commencing the contract works, Council will not be able to complete the expected number of cuts for 2011/12. A reduction in the number of cuts has resulted in a decrease in both expenditure and revenue.	
-	50,000	50,000	General Fund Interest on Investments	The second quarter performance of Council's investment portfolio was above budget expectations. Whilst interest rate projections have been revised downwards from 6.30% to 5.90% (a result of recent reductions in the official cash rate determined by the Reserve Bank), investment returns been revised upward due to delays in a number of capital works projects. These delays have led to Council maintaining a higher than expected pool of funds available for investment.	
(50,000)	-	50,000	Development Services - Aerial Photography	Funding to update Council's aerial photography was allocated as part of the 2011/12 budget. Funding is no longer required due to the purchase of software which provides regular photographic updates.	
-	47,952	47,952	Risk Management - Insurance Scheme Dividends	Council is a member of its property and motor vehicle insurance fund, the income represents a rebate as a result of the funds improving claims history.	
-	43,400	43,400	Development - LEP & DCP Amendments Income	Council has received a number of applications for LEP & DCP amendments which incur a processing and review fee payable by the applicant. Income received to date is above budget expectations for 2011/12.	
(26,478)	-	26,478	Corporate Salaries - Superannuation Expense	The decrease in superannuation expenses relates primarily to the retirement or resignation of employees in the Defined Benefits Scheme. Savings have also been achieved in the Accumulation Scheme from a number of vacancies in Council's staff structure.	
(21,565)	-	21,565	Street Bins Services - Central Business Districts	A review of current service requirements for street bin collections within the Narellan and Camden central business districts have resulted in savings against budget for 2011/12.	
13,632	(9,433)	(23,065)	Variations under \$15,000		
(151,611)	9,375	160,986	Surplus / (Deficit) - Proposed Budget Variations December 2011/12 Review		
(136,742)	898,544	1,035,286	Surplus / (Deficit) - Net Impact of Variations 2011/12		
* It should be noted where net increases or reductions have been shown within the main Council Report the income and expenditure column will not reconcile, as the two are separated within this attachment.					
2) Council Approved Budget Variations					
Since adopting the September Review of the 2011/12 Budget, Council has authorised the following changes to the budget:					
3,654,907	2,780,607	(874,300)	Surplus / (Deficit) - Authorised Variations September 2011/12 Budget Review		
800	-	-	Community Services - Local Carers Award	Authorised Council Resolution 247/11 - 11/10/2011	
-	800	-	NSW Carers Grant Income		
1,200,000	-	-	Ron Dine Reserve - New Clubhouse Facilities	Authorised Council Resolution 260/11 - 25/10/2011	
-	1,200,000	-	Community Infrastructure Grants Program		
90,000	-	-	Flood Information Mapping & Surveys	Authorised Council Resolution 273/11 - 08/11/2011	
-	90,000	-	Office of Environment & Heritage Grant Income		
22,500	-	-	Welling Dr / Waterworth Dr Roundabout Improvements	Authorised Council Resolution 274/11 - 08/11/2011	
-	22,500	-	Capital Works Reserve - Transfer from Reserve		
13,000	-	-	Community Services Small Grants Program	Authorised Council Resolution 308/11 - 13/12/2011	
(13,000)	-	-	Councillor Consolidated Ward Funds		

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Attachment 1

Summary of Budget Review Variations Greater Than \$15,000
December Review of the 2011/12 Budget

Change in Vote		Totals	Description	Comments
Expense	Income			
\$	\$	\$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures				
EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
317,822	-	-	Waste & Sustainability Improvement Payment Program	Authorised Council Resolution 310/11 - 13/12/2011
-	317,822	-	WaSIP Grant Income	
1,631,122	1,631,122	-	Surplus / (Deficit) - Authorised Variations December 2011/12 Budget Review	
5,286,029	4,411,729	(874,300)	Surplus / (Deficit) - Council Approved Variations 2011/12	
3) Contra Adjustments				
Contra adjustments that have no impact on Council's Budget:				
1,572,280	1,572,280	-	September 2011/12 Contra Adjustments	
-	3,415,000	-	Section 94 Contributions - Operating & Capital Income	Section 94 developer contributions income is above budget expectations for 2011/12. This is a result of cash payments received for a number of large developments in the south west growth precinct during the first half of the financial year. The income is restricted to reserve for the purpose of funding future infrastructure costs within these new release areas.
3,415,000	-	-	S94 Developer Contributions - Transfer to Reserve	
1,200,000	-	-	Elderslie Link Road Construction	As previously resolved by Council on the 13 December 2011 (ORD 312/11), budget adjustments reflecting the allocation of Section 94 funds to Council's Capital Works Budget for the Link Road construction are to be included within the December Quarterly Budget Review. This adjustment reflects the funds required for this project up to June 2012. The remaining funds required will be allocated to the 2012/13 Budget.
-	1,200,000	-	S94 Developer Contributions - Transfer from Reserve	
(900,000)	-	-	Ron Dine Reserve - New Clubhouse Facilities	As previously reported to Council on the 25 October 2011 (ORD 260/11), Council has been successful in securing funding under the Federal Government's Community Infrastructure Grants Scheme to construct new clubhouse facilities at Ron Dine Reserve. This adjustment is a result of the timing of milestone payments in accordance with the funding agreement, where \$300,000 will be received in 2011/12, and the remaining funding of \$900,000 will be received in 2012/13.
-	(900,000)	-	Community Infrastructure Grants Program	
-	500,000	-	Development Assessment Fund - DOP Funding	Council recently secured \$2 million from the NSW Department of Planning as part of the pilot program "Development Assessment Acceleration Fund". The program is to be used to employ additional staff for the purpose of expediting development approvals, and to also undertake a number of reviews of Council's development policies and practices. This adjustment recognises the final funding instalment payable to Council.
500,000	-	-	Development Assessment Fund - Transfer to Reserve	
(275,580)	-	-	Corporate Salaries & Overheads	Savings primarily reflect vacancies within Council's staffing structure. Savings from vacant positions are used to fund Council's vacancy provision target and is also required to fund a number of property related projects which require the use of contract staff for completion. Savings are also to be used to offset the additional recruitment costs which has been required to fill these vacant positions.
47,300	-	-	Corporate Management - Recruitment Related Costs	
16,036	-	-	Governance - Property Related Matters	
212,244	-	-	Corporate Management - Staff Vacancy Provision	
170,193	11,161	-	ELE Payments - Payments to/from Other Councils	Allocations are required to reflect the leave entitlements owed to staff which are transferable between Councils upon commencement & resignation. Income received is restricted to Council's ELE Reserve and expenditure made to other Councils is funded from the ELE Reserve.
(6,037)	-	-	ELE Reserve - Transfer to Reserve	
-	152,993	-	ELE Reserve - Transfer from Reserve	
147,789	-	-	Corporate Salaries - Termination Payments	This increase reflects payments made to employees on resignation and retirement. Payments made to employees on retirement and resignation are funded from Council's ELE Provisions Reserve.
-	147,789	-	Corporate Management - ELE Reserve Funding	
130,400	-	-	Family Day Care - Child Care Benefits Payment	Child Care Benefits payments are co-ordinated by Council's Family Day Care section. This increase reflects more families receiving a subsidy under the Federal Government scheme.
-	130,400	-	Family Day Care - CCS Grant Income	

Summary of Budget Review Variations Greater Than \$15,000
December Review of the 2011/12 Budget

Change in Vote			Description	Comments
Expense	Income	Totals		
\$	\$	\$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures				
EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				
120,000	-	-	Catherine Field Part Precinct Release Rezoning Studies	Council has secured funding from the Department of Planning to assist in the review and preparation of a number of rezoning studies relating to the Catherine Field Part Precinct land release.
-	120,000	-	NSW Department of Planning Funding	
-	114,500	-	Section 94 Contributions - Interest on Investments	Revenue projections for Section 94 interest on investments is above budget expectations. This is a result of additional cash payments which were received during the first half of this financial year and delays in capital works expenditure for projects such as Springs Road. The income is restricted to reserve for the purpose of funding future infrastructure costs within new release areas for which the contributions were collected for.
114,500	-	-	S94 Developer Contributions - Transfer to Reserve	
88,500	-	-	DOP Lodges Road Loan - Interest on Investments	Under the funding conditions of the interest Free Loan Agreement for the Upgrade of Lodges Road and Hilder Street, Council must restrict any interest income generated from the investment of the funds for the purpose of the project.
-	88,500	-	DOP Lodges Road Loan - Transfer to Reserve	
60,000	-	-	Austral Leppington North Growth Precinct Project Management	During the 2010/11 financial year, Council secured funding from the Department of Planning for a period of two years for the employment of a Planner to manage the increasing workload relating to the release of North Leppington precinct. This funding agreement has recently been extended for a further six months.
-	60,000	-	NSW Department of Planning Funding	
-	57,800	-	Public Cemeteries - Fees & Charges	Additional income was received during the first half of 2011/12 primarily as a result of a higher than expected reservation of plots. Income is restricted for the purpose of future expenditure at the Camden Cemetery.
57,800	-	-	Public Cemeteries - Transfer to Reserve	
26,182	-	-	Mount Annan Leisure Centre - Essential Building Works	As part of the 2010/11 Year End Results against Budget, Council established the Swimming Pool Major Repairs Reserve to fund unexpected expenditure required at the Mount Annan Leisure Centre or Camden Memorial Pool. During the second quarter of 2011/12 Council has been required to replace the carpet and the hot water system at the Mount Annan Leisure Centre. Funding is available within the Swimming Pools Major Repairs Reserve.
-	26,182	-	Swimming Pool Reserve - Transfer from Reserve	
-	(21,565)	-	Commercial Waste - Street Bin Service Charges	A review of current service requirements for street bin collections within the Narellan and Camden central business districts have resulted in lower than expected income. This has been offset by a reduction in the restriction of surplus funds to the Commercial Waste Service Reserve.
(21,565)	-	-	Commercial Waste - Transfer to Reserve	
5,102,760	5,102,760	-	December 2011/12 Contra Adjustments	
6,675,040	6,675,040	-	Total Contra Variations 2011/12	
4) Revotes for the 2011/12 Year to be included in the 2012/13 Budget				
Budget adjustments which have are proposed to be carried forward into the 2012/13 Budget:				
-	-	-	Total Revotes Identified for September Period	
(3,000,000)	-	-	Lodges Road & Hilder Street Reconstruction	Works associated with the temporary closure of Lodges Road cannot commence until Springs Road is reopened. This has resulted in delays to the completion date of this project.
-	(3,000,000)	-	DOP Loan Reserve - Transfer from Reserve	
(328,250)	-	-	Narellan Community Centre Redevelopment	Council will commence redevelopment of the Narellan Community Centre in early 2013. This will allow existing tenants of the Narellan Community Centre the opportunity to make alternative housing arrangements during site redevelopment.
-	(328,250)	-	Section 94 Contributions - Transfer from Reserve	
(3,328,250)	(3,328,250)	-	Total Revotes Identified for December Period	
(3,328,250)	(3,328,250)	-	Total Revotes Identified 2011/12	

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Attachment 1

Summary of Budget Review Variations Greater Than \$15,000
December Review of the 2011/12 Budget

Change in Vote		Totals	Description	Comments
Expense	Income			
\$	\$	\$		
Note: INCOME - Increases are shown as positive figures. Reductions are shown as negative figures				
EXPENDITURE - Increases are shown as positive figures. Reductions are shown as negative figures				

Reconciliation to 'December Review of the 2011/12'

2010/11 Carried Forward Working Funds Balance	1,000,000	
2011/12 Adopted Budget Surplus	-	
Available Working Funds 01/07/11	1,000,000	
Less:		
Minimum Desired Level	(1,500,000)	
Total Funds Available	-	Total Available Working Funds as at 01/07/2011
September Review	874,300	Significant Budget Variations
	(874,300)	Council Approved Variations
	-	Budget Contra Variations
	-	Budget Revotes (Carry-Overs)
	-	Sub Total - September Review Variations
	-	Total Available Working Funds as at 30/09/2011
December Review	160,986	Significant Budget Variations
	-	Council Approved Variations
	-	Budget Contra Variations
	-	Budget Revotes (Carry-Overs)
	160,986	Sub Total - December Review Variations
	160,986	Total Available Working Funds as at 31/12/2011

2011/12 Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY STRATEGY SUPPORT	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
Development Control				
R	Workforce Planning	Development - Additional Staff Member	104,500	Development Services
R	Operational Increase	Development - Contract Inspections Increase	100,000	Development Services
R	Operational Increase	LEP and DCP - Plan Reviews (5 Years)	50,000	Strategic Planning
			254,500	
Urban & Rural Planning				
R	Workforce Planning	Strategic Planning - Additional Staff Member	130,700	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	123,200	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	44,500	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	110,700	Strategic Planning
R	Workforce Planning	Strategic Planning - Additional Staff Member	58,500	Strategic Planning
R	Workforce Planning	Capital Works - Additional Staff Member	110,700	Capital Works
R	Workforce Planning	Capital Works - Additional Staff Member	110,700	Capital Works
R	Workforce Planning	Capital Works - Additional Staff Member	110,700	Capital Works
R	Workforce Planning	Capital Works - Additional Staff Member	110,700	Capital Works
R	Operational Increase	S94 Camden Contributions Plan Review (5 Years)	50,000	Strategic Planning
N	Operational Increase	Development Review - Off-Street Parking	26,000	Development Services
			966,400	
Heritage Protection				
R	Operational Increase	Heritage Grants Scheme	21,200	Strategic Planning
			21,200	
Waste Services				
R	Workforce Planning	Waste - Additional Staff Member	55,900	Environment & Health
R	Workforce Planning	Waste - Additional Staff Member	55,900	Environment & Health
R	Workforce Planning	Waste - Additional Staff Member	58,500	Environment & Health
R	Workforce Planning	Waste - Additional Staff Member	55,900	Environment & Health
R	Workforce Planning	Waste - Additional Staff Member	55,900	Environment & Health
R	Workforce Planning	Waste - Additional Staff Member	55,900	Environment & Health
R	Workforce Planning	Waste - Additional Staff Member	55,900	Environment & Health
R	Workforce Planning	Waste - Additional Staff Member	84,300	Environment & Health
N	Capital Upgrades	Waste Management - Depot Expansion	45,000	Environment & Health
			523,700	
Regulating the Use of Public Areas				
R	Workforce Planning	Environment - Additional Staff Member	79,500	Environment & Health
R	Workforce Planning	Environment - Additional Staff Member	79,500	Environment & Health
N	Capital Upgrades	Fence Council's Leash Free Area - River Rd Reserve	60,000	Environment & Health
N	Capital Upgrades	Leash Free Area - Growth Centres Release Area	10,000	Environment & Health
N	Operational Increase	Signage Policy Implementation	80,000	Environmentally Sustainable Design
N	Operational Increase	Digital Infringement Devices for Rangers	25,000	Environment & Health
N	Operational Increase	Playgrounds and Sportsfields - No Smoking Signage	22,000	Asset Management
			356,000	
Public Health				
R	Workforce Planning	Environment - Additional Staff Member	44,500	Environment & Health
R	Workforce Planning	Environment - Additional Staff Member	96,100	Environment & Health
			140,600	
Protection of the Natural Environment				
R	Workforce Planning	Environment - Additional Staff Member	96,100	Environment & Health
R	Workforce Planning	ESD - Additional Staff Member	44,500	Environmentally Sustainable Design
N	Capital Upgrades	Harrington Park Lake 3 - GPT Installation	40,000	Capital Works
N	Capital Upgrades	Birriwa Reserve - Drainage Rear of High School	25,000	Environmentally Sustainable Design
N	Capital Upgrades	Drainage Improvement - Centennial Lane Ellis Lane	8,000	Environmentally Sustainable Design

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2011/12 Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY STRATEGY SUPPORT	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Asset Management	Drainage Infrastructure - Asset Renewal	91,600	Asset Management
R	Asset Management	Drainage Infrastructure - Additional Maintenance	110,700	Asset Management
R	Asset Management	Drainage Infrastructure - Additional Operational	30,100	Asset Management
N	Capital Upgrades	Camden Town Centre - Drainage System Upgrade	750,000	Environmentally Sustainable Design
N	Capital Upgrades	Stormwater Repairs - Werombi Road Grasmere	58,000	Environmentally Sustainable Design
N	Capital Upgrades	Churchill Reserve Gross Pollutant Traps	150,000	Environmentally Sustainable Design
N	Capital Upgrades	Camden Residential Area - Drainage Upgrade	1,200,000	Environmentally Sustainable Design
N	Capital Upgrades	Narellan Town Centre - Drainage Upgrade	1,200,000	Environmentally Sustainable Design
N	Capital Upgrades	Camden South - Drainage Upgrade	1,200,000	Environmentally Sustainable Design
N	Capital Upgrades	Cascades - Construction of Additional Pipes	50,000	Environmentally Sustainable Design
N	Capital Upgrades	Mannix Avenue - Stormwater Channel Improvements	400,000	Environmentally Sustainable Design
N	Capital Upgrades	Mitchell/Edward St - Drainage Construction	250,000	Environmentally Sustainable Design
N	Capital Upgrades	Anthony Rd Causeway - Fish Habitat Improvement	130,000	Environmentally Sustainable Design
N	Capital Upgrades	Matthew Reserve Drainage Improvements	30,000	Environmentally Sustainable Design
N	Capital Upgrades	Culvert Extension Sheathers Lane	20,000	Asset Management
N	Capital Upgrades	Sickles Creek Riparian Restoration	325,000	Environmentally Sustainable Design
N	Capital Upgrades	Wilson Crescent Drainage Improvements	15,000	Environmentally Sustainable Design
			6,225,000	
Parks & Playgrounds				
R	Workforce Planning	ESD - Additional Staff Member	110,700	Environmentally Sustainable Design
R	Workforce Planning	Parks & Gardens - Additional Staff Member	100,300	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	100,300	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	63,400	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	100,300	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
N	Capital Upgrades	Additional Plant - Parks & Gardens Truck & Trailer	650,000	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	63,400	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Parks & Gardens - Additional Staff Member	100,300	Asset Management
R	Asset Management	Parks & Reserves - Asset Renewal	2,950,900	Asset Management
R	Asset Management	Parks & Reserves - Additional Maintenance	0	Asset Management
R	Asset Management	Parks & Reserves - Additional Operational	112,000	Asset Management
N	Capital Upgrades	Parks Truck - Sportsfield Mower Transport	110,000	Asset Management
N	Capital Upgrades	Harrington Park Reserve Sportsfield Lighting	90,000	Community Services
N	Capital Upgrades	Kirkham Park - Power Upgrade Design	10,000	Capital Works
N	Capital Upgrades	Catherine Fields Reserve - Stage 2 Improvements	110,000	Capital Works
N	Capital Upgrades	Ferguson Land Camden - Designs & Studies	70,000	Community Services
N	Capital Upgrades	New Recreation Facilities at Ferguson's Land	4,500,000	Community Services
N	Capital Upgrades	Curry Reserve - Additional Seating & Landscaping	15,000	Community Services
N	Capital Upgrades	LGA Playground - Installation of Shade Structures	600,000	Asset Management

2011/12 Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY STRATEGY SUPPORT	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrades	Athletics Track (General Fund Cont. to 594 Project)	5,000,000	Community Services
N	Capital Upgrades	Harrington Park Oval - Pergola & Seating	30,000	Community Services
N	Capital Upgrades	Kirkham Park Skate Facility - Lighting & Shade Imp	20,000	Community Services
N	Capital Upgrades	Kirkham Reserve Playing Lights Upgrade	250,000	Community Services
N	Capital Upgrades	Fairfax Reserve - Installation of Cricket Nets	30,000	Community Services
N	Capital Upgrades	Birriwa Reserve - Seating & Landscaping	15,000	Community Services
N	Capital Upgrades	Catherine Fields Oval Lighting	140,000	Community Services
N	Capital Upgrades	Leppington Oval Irrigation Improvements	80,000	Community Services
N	Capital Upgrades	Southdown Road Reserve Lighting	30,000	Asset Management
N	Operational Increase	Onslow Park Masterplan and Plan of Management	25,000	Community Services
			16,274,200	
Environmental Activities				
R	Workforce Planning	Environment - Additional Staff Member	58,500	Environment & Health
N	Capital Upgrades	Energy Savings Action Plan - Cost Effective ECM'S	180,000	Asset Management
N	Capital Upgrades	Kirkham Reserve - Install Rainwater Tank	10,000	Environmentally Sustainable Design
			248,500	
Appearance of Public Areas				
R	Operational Increase	Tree Maintenance - Increase in Annual Funding	28,800	Environmentally Sustainable Design
R	Operational Increase	Priority Tree Removal - Program Continuation	26,600	Environmentally Sustainable Design
R	Operational Increase	Street Tree Planting Program - Camden to Narellan	20,000	Asset Management
N	Capital Upgrades	New Toilets at Nepean Shareway	110,000	Capital Works
N	Capital Upgrades	Chellaston Street Reserve Toilet Facility Upgrade	150,000	Capital Works
			335,400	
Tourism				
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	63,400	Employee & Customer Service
			63,400	
Management of Significant Places				
N	Capital Upgrades	Camden Town Centre Improvements	2,200,000	Capital Works
N	Capital Upgrades	Camden Town Centre Improvements	8,058,000	Capital Works
N	Capital Upgrades	Camden Town Centre - Traffic Studies & Design	90,000	Environmentally Sustainable Design
			10,348,000	
Road Safety				
N	Capital Upgrades	Curry Reserve - Learn to Ride Cycle Track	60,000	Community Services
R	Operational Increase	Road Safety Program Funding Increase	84,900	Environmentally Sustainable Design
			144,900	
Local Traffic Management				
R	Operational Increase	General Traffic Complaints & Mgmt Allocation	50,000	Environmentally Sustainable Design
R	Operational Increase	Rural Street Lighting - North Ward Staged Improve.	30,000	Environmentally Sustainable Design
R	Operational Increase	Traffic Modelling - Increase in Annual Funding	22,000	Environmentally Sustainable Design
N	Capital Upgrades	Street Lighting - Wire Ln/ Armour St Camden South	50,000	Environmentally Sustainable Design
N	Capital Upgrades	Street Lighting - Remembrance Drive Camden South	250,000	Environmentally Sustainable Design
N	Capital Upgrades	Street Lighting - Smeaton Grange Road	10,000	Environmentally Sustainable Design
N	Capital Upgrades	Lighting Upgrade - Catherine Fields RFS Carpark	2,000	Asset Management
N	Capital Upgrades	Chellaston Street - Single Street Light Installation	25,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection lighting - Lodges Rd/Sirius Cct	18,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection lighting - Mount Annan & Rose Dr	10,000	Environmentally Sustainable Design
			467,000	
Construction and Maintenance of Infrastructure				
R	Workforce Planning	Asset Management - Additional Staff Member	104,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	96,100	Asset Management

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2011/12 Delivery Program - List of Unfunded Works & Services

REC/ NON-REC	KEY STRATEGY SUPPORT	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Workforce Planning	ESD - Additional Staff Member	67,600	Environmentally Sustainable Design
R	Workforce Planning	Asset Management - Additional Staff Member	80,100	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	60,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	116,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	60,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
N	Capital Upgrades	Footpath Construction Program	1,250,000	Environmentally Sustainable Design
R	Workforce Planning	Asset Management - Additional Staff Member	104,500	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	60,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	60,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	51,800	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	96,100	Asset Management
R	Asset Management	Roads Infrastructure - Asset Renewal	3,511,000	Asset Management
R	Asset Management	Roads Infrastructure - Additional Maintenance	115,400	Asset Management
R	Asset Management	Roads Infrastructure - Additional Operational	332,800	Asset Management
N	Capital Upgrades	Camden Bypass Intersection Construction	7,200,000	Capital Works
N	Capital Upgrades	Doncaster Ave Carpark	7,800,000	Capital Works
N	Capital Upgrades	Sheathers Lane & Werombi Rd Footpath	600,000	Asset Management
N	Capital Upgrades	Little Sandy Bridge - Rectification Works	250,000	Asset Management
N	Capital Upgrades	Camden to Narellan Cycleway Extension	200,000	Environmentally Sustainable Design
N	Capital Upgrades	Camden Valley Way Macarthur Rd Intersect Design	200,000	Environmentally Sustainable Design
N	Capital Upgrades	Road & Drainage - Purchase of Outreach Mower	180,000	Asset Management
N	Capital Upgrades	Old Hume Highway Footpath Construction	150,000	Asset Management
N	Capital Upgrades	Wandarrah Reserve Car Park Design	100,000	Environmentally Sustainable Design
N	Capital Upgrades	Bypass Wall Repairs - Wattle Green Place	55,000	Asset Management
N	Capital Upgrades	Yarmouth Place Footpath Construction	70,000	Asset Management
N	Capital Upgrades	Moore Place Footpath Construction	55,000	Asset Management
N	Capital Upgrades	Timber Bridge Replacement - Charles Throsby Res	40,000	Asset Management
N	Capital Upgrades	Sirius Circuit Footpath Construction	35,000	Asset Management
N	Capital Upgrades	Richardson Road Design of Improvements	25,000	Capital Works
N	Capital Upgrades	Macquarie Avenue Footpath Extension	25,000	Asset Management
N	Capital Upgrades	Reeve Pl/Old Hume Highway Footpath Construction	25,000	Asset Management
N	Capital Upgrades	Hop Bush Place Footpath Construction	20,000	Asset Management
N	Capital Upgrades	Queen Street Footpath Construction	20,000	Asset Management
N	Capital Upgrades	Narellan Road Bus Shelter Lighting Improvements	15,000	Environmentally Sustainable Design
N	Capital Upgrades	Kirkham Timber Footbridge - Rectification Works	14,400	Asset Management
N	Capital Upgrades	Grahams Hill Road Footpath Construction	10,000	Asset Management
N	Capital Upgrades	Camden Valley Way/Richardson Rd right turn bays	1,000,000	Environmentally Sustainable Design
N	Capital Upgrades	Macarthur Rd/Merino Dr Roundabout Construction	500,000	Environmentally Sustainable Design
N	Capital Upgrades	Murray/Broughton Street Roundabout	500,000	Environmentally Sustainable Design
N	Capital Upgrades	Cawdor Road Cycleway Extension (to High School)	300,000	Environmentally Sustainable Design
N	Capital Upgrades	Birriwa Reserve Parking - Additional Parking Bay	100,000	Environmentally Sustainable Design
N	Capital Upgrades	Bus Stop Upgrade - Camden Valley Way Narellan	50,000	Environmentally Sustainable Design
N	Capital Upgrades	O'Dea/Morgan Rd Traffic Facility	15,000	Environmentally Sustainable Design
N	Capital Upgrades	Camden CBD - Installation of Bicycle Racks	3,000	Asset Management

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REC/ NON-REC	KEY STRATEGY SUPPORT	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrades	Kirkham Park Entry Improvements	20,000	Asset Management
N	Capital Upgrades	John/Mitchell St Roundabout Construction	350,000	Environmentally Sustainable Design
N	Capital Upgrades	Cashmere Dr/Southdown Rd Intersection Upgrade	150,000	Environmentally Sustainable Design
N	Capital Upgrades	Charker Reserve Car Park Design	100,000	Environmentally Sustainable Design
N	Capital Upgrades	Merino Dr/Cashmere Dr Traffic Island	85,000	Environmentally Sustainable Design
N	Capital Upgrades	Mount Annan District Centre - Traffic Improvements	800,000	Environmentally Sustainable Design
N	Capital Upgrades	Welling Dr/Waterworth Dr Roundabout landscaping	20,000	Environmentally Sustainable Design
N	Capital Upgrades	Old Hume Highway Roundabout Design	15,000	Environmentally Sustainable Design
N	Capital Upgrades	Tramway Dr to Narellan Rd Bus stop Footpath	12,000	Environmentally Sustainable Design
N	Capital Upgrades	Camden Multi Decked Carpark Construction	6,000,000	Capital Works
N	Capital Upgrades	Old Hume Highway/Ironbark Ave Roundabout	600,000	Environmentally Sustainable Design
N	Capital Upgrades	Hayter Reserve to Bicentennial Park Cycleway	300,000	Environmentally Sustainable Design
N	Capital Upgrades	Macarthur/Harrington Street Intersection Upgrade	150,000	Environmentally Sustainable Design
N	Capital Upgrades	Pedestrian footbridge at Macquarie Grove Bridge	1,000,000	Environmentally Sustainable Design
N	Capital Upgrades	Remembrance Dr/Elizabeth Mac Ave Traffic Signals	400,000	Environmentally Sustainable Design
N	Capital Upgrades	Werombi Rd Footpath (Ellis Ln to Smalls Rd)	350,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Imp - Mitchell/Elizabeth Roundabout	300,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Imp - Werombi/Ellis Roundabout	300,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Imp - Bowman/Eliz Mac Roundabout	300,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Imp - Coolibie/Ulmarra Roundabout	300,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Imp - Murrumbidgee/Macquarie Roundabout	250,000	Environmentally Sustainable Design
N	Capital Upgrades	Anthony Road Realignment	250,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Upgrade - Cobblitty Road and Cut Hill Road (Includ	150,000	Environmentally Sustainable Design
N	Capital Upgrades	Traffic Signals - Argyle St / John St	550,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Imp - Elyard St/Somerset Ave	100,000	Environmentally Sustainable Design
N	Capital Upgrades	Intersection Imp - Rickard Rd/Byron Rd	70,000	Environmentally Sustainable Design
N	Capital Upgrades	Guardrail Installation - O'Dea Road Mount Annan	15,000	Environmentally Sustainable Design
N	Capital Upgrades	Additional Car Parking - The Links Narellan	15,000	Environmentally Sustainable Design
N	Capital Upgrades	Byron Rd/Rickard Rd Intersection Drainage Imp	20,000	Environmentally Sustainable Design
N	Capital Upgrades	Harrington Green Reserve Formal Carparking	600,000	Asset Management
			39,848,400	
Recreation Services & Facilities				
R	Workforce Planning	Community Services - Additional Staff Member	100,300	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	92,000	Community Services
N	Capital Upgrades	Equestrian Park - Installation of Dog Litter Bins	3,000	Asset Management
R	Operational Increase	Camden Town Farm & BEP Program Costs	97,000	Community Services
R	Operational Increase	BEP Mgmt Committee - Additional Funds Request	45,600	Community Services
R	Operational Increase	Town Farm Community Nursery Allocation	20,800	Environmentally Sustainable Design
N	Capital Upgrades	Building Construction - PCYC	4,000,000	Capital Works
N	Capital Upgrades	"Miss Llewella Davis" Town Farm Walkway	30,000	Community Services
N	Capital Upgrades	Town Farm - Chinese Gardens Irrigation Wells	18,600	Community Services
R	Capital Upgrades	Camden Town Farm Infrastructure and Development	25,000	Community Services
N	Capital Upgrades	BEP Masterplan - Access Roads Sealed	128,000	Community Services
N	Capital Upgrades	BEP Masterplan - Bridge behind Clubhouse	193,000	Community Services
N	Capital Upgrades	BEP Masterplan - Floodlighting Main Arena	120,000	Community Services
N	Capital Upgrades	BEP Masterplan- Dressage Arenas	58,000	Community Services
N	Capital Upgrades	BEP Masterplan - Tree Planting	50,000	Community Services
N	Capital Upgrades	Bowman Reserve Camden South Tennis Court	250,000	Community Services
N	Capital Upgrades	BEP Masterplan - Horse stalls - 200 open	207,000	Community Services
N	Capital Upgrades	BEP Masterplan - Drainage - Carex Wetland	173,000	Community Services
N	Capital Upgrades	BEP Masterplan - Boundary fencing	105,000	Community Services
N	Capital Upgrades	BEP Masterplan - Arena surface upgrade	109,000	Community Services
N	Capital Upgrades	BEP Masterplan - Southern Pavilion Extension	247,000	Community Services
N	Capital Upgrades	BEP Masterplan - Irrigation Installation	207,000	Community Services

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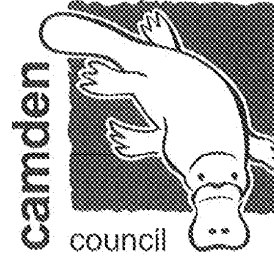
REC/ NON-REC	KEY STRATEGY SUPPORT	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
N	Capital Upgrades	BEP Masterplan - Arena Seating	184,000	Community Services
N	Capital Upgrades	BEP Masterplan - Rodeo Arena Floodlights	179,000	Community Services
N	Capital Upgrades	BEP Masterplan - Horse stalls - 104 covered	144,000	Community Services
N	Capital Upgrades	BEP Masterplan - Pony Club development	144,000	Community Services
N	Capital Upgrades	BEP Masterplan - Drainage - Northern open Drain	122,000	Community Services
N	Capital Upgrades	BEP Masterplan - Arena Fencing	122,000	Community Services
N	Capital Upgrades	BEP Masterplan - Drainage - Wetland Discharge	75,000	Community Services
N	Capital Upgrades	BEP Masterplan - Footpath to Existing Timber Bridge	58,000	Community Services
N	Capital Upgrades	BEP Masterplan - Causeway raising	46,000	Community Services
N	Capital Upgrades	BEP Masterplan - Camping power boxes	46,000	Community Services
			7,399,300	
Community & Cultural Development				
R	Workforce Planning	Community Services - Additional Staff Member	96,100	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	96,100	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	104,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	96,100	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	104,500	Community Services
R	Operational Increase	Carnden Community Plan - Program Implementation	30,500	Community Services
			527,800	
Community Support Services & Facilities				
R	Workforce Planning	Community Services - Additional Staff Member	58,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	53,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	26,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	67,600	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	67,600	Community Services
N	Capital Upgrades	Civic Centre - Digital Cash Register	8,000	Community Services
N	Capital Upgrades	Civic Centre - Digital Security System	5,000	Community Services
N	Capital Upgrades	Civic Centre - Upgrade Concept Designs & Feasibility	33,500	Community Services
N	Capital Upgrades	Civic Centre - Upgrade Keys System	16,000	Community Services
N	Capital Upgrades	Civic Centre - Major Refurbishments	750,000	Community Services
N	Capital Upgrades	Civic Centre - Purchase Generator	68,000	Community Services
N	Capital Upgrades	Community Facilities - Audio Visual Equipment	50,000	Community Services
N	Capital Upgrades	Jack Nash Reserve Amenities Building Improvement	35,000	Capital Works
N	Capital Upgrades	Charker Drive - Second Storey Clubroom	300,000	Capital Works
			1,940,000	
Library Services				
R	Workforce Planning	Community Services - Additional Staff Member	58,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	80,100	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	71,800	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	58,500	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	51,200	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	25,900	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	51,800	Community Services
R	Workforce Planning	Community Services - Additional Staff Member	25,900	Community Services
R	Operational Increase	Carnden Library - 4 Hours Sunday Operation	45,000	Community Services
N	Operational Increase	Narellan Library Plaza - Large Shade Tree	22,000	Community Services
N	Capital Upgrades	Narellan Library - Operable Wall Replacement	30,000	Asset Management
N	Capital Upgrades	Narellan Library - Reception Desk Security Imp	5,000	Asset Management
N	Capital Upgrades	Narellan Library - Install Glass Security Doors	4,000	Asset Management
			530,300	
Stewardship of Community Resources				
R	Workforce Planning	Strategic Planning - Additional Staff Member	96,100	Strategic Planning

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REC/ NON-REC	KEY STRATEGY SUPPORT	PROJECT DESCRIPTION	CURRENT ESTIMATE	RESPONSIBILITY CENTRE
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	110,700	General Manager
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	Strategic Planning
N	Capital Upgrades	Central Administration Building	45,000,000	Capital Works
N	Capital Upgrades	Works Depot - Site Feasibility Study	50,000	Capital Works
N	Capital Upgrades	Parks & Gardens Depot - Site Relocation	150,000	Capital Works
			45,686,800	
Community Information				
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	116,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	67,600	Employee & Customer Service
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	Employee & Customer Service
N	Capital Upgrades	Customer Service - Call Centre Technology	450,000	Employee & Customer Service
			774,500	
Corporate Support Services				
R	Workforce Planning	Corporate Services - Additional Staff Member	75,900	Corporate Services
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	60,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	116,900	Employee & Customer Service
R	Workforce Planning	Corporate Services - Additional Staff Member	75,900	Corporate Services
R	Workforce Planning	Asset Management - Additional Staff Member	47,900	Asset Management
R	Workforce Planning	Asset Management - Additional Staff Member	34,900	Asset Management
R	Workforce Planning	Corporate Services - Additional Staff Member	84,300	Corporate Services
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	67,600	Employee & Customer Service
R	Workforce Planning	Corporate Services - Additional Staff Member	60,900	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	58,500	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	84,300	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	84,300	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	75,900	Corporate Services
N	Capital Upgrades	Info Technology - Core Systems Software Replace.	1,200,000	Corporate Services
R	Workforce Planning	Corporate Services - Additional Staff Member	84,300	Corporate Services
R	Workforce Planning	Executive Management - Additional Staff Member	110,700	General Manager
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	75,900	Employee & Customer Service
R	Workforce Planning	Asset Management - Additional Staff Member	34,900	Asset Management
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	75,900	Employee & Customer Service
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	71,800	Employee & Customer Service
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	Corporate Services
R	Workforce Planning	Executive Management - Additional Staff Member	140,000	Corporate Services
R	Workforce Planning	Emp & Customer Services - Additional Staff Member	67,600	Employee & Customer Service
R	Workforce Planning	Corporate Services - Additional Staff Member	116,900	Corporate Services
N	Operational Increase	Risk Management - OH&S System Implementation	82,000	Employee & Customer Service
R	Operational Increase	Workforce Strategy - Program and Initiatives	50,000	Employee & Customer Service
R	Operational Increase	Branch Training - Increase in Annual Funding	42,400	Employee & Customer Service
R	Operational Increase	Recruitment Advert. - Increase in Annual Funding	26,600	Employee & Customer Service
R	Operational Increase	Corporate Sponsorship & Donations Program	26,500	Employee & Customer Service
N	Asset Management	Buildings - Asset Renewal	2,808,300	Asset Management
R	Asset Management	Buildings - Additional Maintenance	54,700	Asset Management
R	Asset Management	Buildings - Additional Operational	50,400	Asset Management
N	Capital Upgrades	Works Depot - Multi Level Storage Shelving	8,000	Asset Management
N	Capital Upgrades	Rainwater Tanks for Council Buildings	32,000	Asset Management
N	Capital Upgrades	Install Solar Panels - Queen Street Carpark	19,000	Asset Management
N	Capital Upgrades	Solar Hot Water Heating Narellan Office	10,000	Asset Management
			6,056,100	
Total Value of Unfunded Works & Services			138,731,500	

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Camden Council

Quarterly Budget Review Statement

For the period ending 31 December 2011

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Camden Council
Income & Expenses Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011
Income & Expenses Review

	Original Budget 2011/12	Changes		Revised Budget 2011/12	Variations for this Quarter	Notes	Projected Year End Result
		Other than by a QBR5	Sept QBR5				
Operating Income							
Effectively Managing Camden's Growth	9,077,500	-	467,629	9,545,129	4,253,955	5	13,799,084
Healthy Urban and Natural Environments	16,207,500	368,348	171,540	16,747,388	(139,224)	2	16,608,164
A Prosperous Economy	7,000	-	6	7,006	-		7,006
Effective and Sustainable Transport	7,477,700	846,028	(8,617)	8,315,111	757		8,315,868
An Enriched and Enhanced Community	5,799,300	1,429,640	154,320	7,383,260	(718,206)	3	6,665,054
Strong Local Leadership	36,265,200	(431,516)	310,780	36,144,464	228,707	4	36,373,171
	74,834,200	2,212,500	1,095,658	78,142,358	3,625,989		81,768,347
Operating Expenses							
Effectively Managing Camden's Growth	6,955,900	-	442,469	7,398,369	124,856	5	7,523,225
Healthy Urban and Natural Environments	17,225,900	326,491	(18,773)	17,533,618	(175,605)	6	17,358,013
A Prosperous Economy	449,100	-	(110,753)	338,347	405		338,752
Effective and Sustainable Transport	13,692,100	21,000	290,268	14,003,368	(28,874)	7	13,974,494
An Enriched and Enhanced Community	9,437,800	123,181	56,071	9,617,052	141,889	8	9,758,941
Strong Local Leadership	14,357,500	12,620	226,267	14,596,387	481,735	9	15,078,122
	62,118,300	483,292	885,549	63,487,141	544,406		64,031,547
Net Operating Surplus / (Deficit)	12,715,900	1,729,208	210,109	14,655,217	3,081,583		17,736,800
Add:							
Non Cash Funded Depreciation	14,726,400	-	-	14,726,400	-		14,726,400
Funds from the Sale of Assets	668,400	-	(136,332)	532,068	-		532,068
Loan Borrowings	2,317,000	-	-	2,317,000	-		2,317,000
Transfer from Restricted Assets	13,429,200	12,188,288	1,176,363	26,793,851	(1,769,335)		25,024,516
	31,141,000	12,188,288	1,040,031	44,369,319	(1,769,335)		42,599,984
Less:							
Capital Purchases / Asset Acquisitions	31,434,700	13,917,496	(195,345)	45,156,851	(2,992,460)		42,164,391
Borrowing Expenses (Principal)	1,786,600	-	(42,200)	1,744,400	2,098		1,746,498
Transfer to Restricted Assets	10,635,600	-	1,487,685	12,123,285	4,141,624		16,264,909
	43,856,900	13,917,496	1,250,140	59,024,536	1,151,262		60,175,798
Net Budget Position Surplus / (Deficit)	-	-	-	-	160,986		160,986

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2011 and should be read in conjunction with the rest of the report Page 1

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Camden Council
Income & Expenses Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011.

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	4,253,955	<p>Effectively Managing Camden's Growth - Increase in Income</p> <p>This adjustment relates to an increase in Section 94 cash payments received for a number of large developments in the south west growth precinct (\$3.415M), an increase in the subsidy received from the Department of Planning for the Austral North Leppington and Catherine Field Rezoning Process (\$180K), an adjustment to recognise the final instalment of the Development Assessment Acceleration Fund (\$500K), additional Section 94 Interest on Investments due to higher than expected investment balance (\$114K) and additional revenue for the lodgment of DCP and LEP Amendments (\$43K).</p>
2	(139,224)	<p>Healthy Urban and Natural Environments - Decrease in Income</p> <p>This adjustment relates primarily to the reduction in revenue from the RTA Mowing contract due to delays in commencing works (\$122K) and a reduction in revenue for Council's commercial waste service after a review of street bin service requirements within the Camden and Narellan CBD's (\$21K). A number of minor budget increase were also made which were based on actual payments year to date (\$4K).</p>
3	(718,206)	<p>An Enriched and Enhanced Community - Decrease in Income</p> <p>This reduction in revenue primarily relates to the timing adjustment of milestone payments for the Ron Dine Reserve new clubhouse facilities funding agreement (\$900K), an increase in cemetery fee income through higher than expected reservation of plots (\$58K), an increase in child care benefits funding as a result of more families receiving a benefit under the Federal Government Scheme (\$130K) and other minor adjustments (\$6K).</p>
4	228,707	<p>Strong Local Leadership - Increase in Income</p> <p>Adjustments to income relate to additional investment income for the Department of Planning Infrastructure Loan (\$88K) and General fund (\$50K) due to higher than expected investment balances, additional income from rebates received from Council's insurance schemes (\$48K) and employee leave entitlements for new employees transferred from other Councils (\$11K). A range of minor increases were also required based on actual income received year to date (\$31K).</p>
5	124,856	<p>Effectively Managing Camden's Growth - Increase in Expenses</p> <p>This increase primarily relates to the inclusion into the budget of the Department of Planning's subsidy to fund rezoning studies for the Catherine Field precinct and project management of the Austral North Leppington precinct (\$120K), an increase in payments made to employees on resignation or retirement which is funded from the ELE Reserve (\$65K), a reduction in expenditure required to update Council's aerial photography (\$50K) and a decrease in a range of operational programs (\$10K).</p>
6	(175,605)	<p>Healthy Urban and Natural Environments - Decrease in Expenses</p> <p>This reduction relates to the decrease in expenditure required for the RTA Mowing contract due to delays in commencing works (\$67K), delays in the recruitment process for a number of vacant positions which have been used to fund Council's vacancy provision target (\$85K), and a range of minor salary and associated overhead adjustments have been required resulting in a decrease in expenditure (\$23K).</p>
7	(28,874)	<p>Effective and Sustainable Transport - Decrease in Expenses</p> <p>This reduction primarily relates to delays in the recruitment process for a number of vacant positions which have been used to fund Council's vacancy provision target (\$43K) and an increase in payments made to employees on resignation or retirement which is funded from the ELE Reserve (\$14K).</p>

Camden Council
Income & Expenses Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
8	141,889	An Enriched and Enhanced Community - Increase in Expenses This increase in expense relates to additional child care benefits payments as a result of more families receiving a benefit under the Federal Government Scheme (\$130K) and an increase in payments made to employees on resignation or retirement which is funded from the ELE Reserve (\$11K).
9	481,735	Strong Local Leadership - Increase in Expenses This increase in expense relates to a number of adjustments including; an increase in employee leave entitlements expenses owed to staff which have transferred to other Councils (\$170K), a reduction in Council's vacancy provision target as a result of vacant positions (\$212K), an increase in payments made to employees on resignation or retirement which is funded from the ELE Reserve (\$58K), and a range of minor salary and associated overhead adjustments have been required resulting in an increase in expenditure (\$29K). A number of minor increases in corporate expenditure were also required (\$12K).

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2011 and should be read in conjunction with the rest of the report Page 3

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Camden Council
Capital Budget Review StatementQuarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011

Capital Expenditure Review

	Original Budget 2011/12	Changes		Revised Budget 2011/12	Variations for this Quarter	Notes	Projected Year End Result
		Other than by a QBRs	Sept QBRs				
Capital Expenditure							
New Assets (Council Delivery)							
Transport & Road Infrastructure	7,837,000	9,525,251	318,040	17,680,291	(1,800,000)	1	15,880,291
Community Facilities	392,000	2,025,525	94,166	2,511,691	(1,192,360)	2	1,319,331
Parks & Recreation	413,500	703,097	-	1,116,597	-		1,116,597
Plant & Equipment	375,000	-	-	375,000	-		375,000
Other	174,700	-	-	174,700	-		174,700
New Assets (Works In Kind)							
Transport & Road Infrastructure	6,634,200	-	-	6,634,200	-		6,634,200
Community Facilities	-	-	-	-	-		-
Parks & Recreation	4,340,000	-	-	4,340,000	-		4,340,000
Stormwater & Drainage Improvements	4,554,000	-	-	4,554,000	-		4,554,000
Asset Renewal (Replacement)							
Transport & Road Infrastructure	3,396,500	1,274,955	(88,845)	4,582,610	(100)		4,582,610
Community Facilities	82,300	143,110	20,660	246,070	-		246,070
Parks & Recreation	90,600	83,500	-	174,100	-		174,100
Stormwater & Drainage Improvements	77,100	-	-	77,100	-		77,100
Council Properties	31,700	73,275	70,043	175,018	-		175,018
Plant & Equipment	2,422,800	-	(582,909)	1,839,891	-		1,839,891
Information Technology Upgrades	431,000	81,429	(27,500)	484,929	-		484,929
Other	182,300	7,354	1,000	190,654	-		190,654
Total Capital Expenditure	31,434,700	13,917,496	(195,345)	45,156,851	(2,992,460)		42,164,391
Capital Funding							
Rates & Untied Income	1,081,500	32,200	(107,260)	1,006,440	-		1,006,440
External Grant Income	959,600	2,514,002	(423,217)	3,050,385	(900,100)	3	2,150,285
Reserves:							
External Restrictions	9,095,000	10,439,479	328,348	19,862,827	(2,128,250)	4	17,734,577
Internal Restrictions	1,735,000	896,815	20,950	2,652,765	26,182	5	2,678,947
S94 Works In Kind Income (Non Cash)	15,528,200	-	-	15,528,200	-		15,528,200
New Loans	2,317,000	-	-	2,317,000	-		2,317,000
Receipts from Sale of Assets							
- Plant & Equipment	668,400	-	(136,332)	532,068	-		532,068
- Land & Buildings	-	-	-	-	-		-
Other Funding	50,000	35,000	122,166	207,166	9,708		216,874
Total Capital Funding	31,434,700	13,917,496	(195,345)	45,156,851	(2,992,460)		42,164,391
Net Capital Funding	-	-	-	-	-		-

Camden Council
Capital Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	(1,800,000)	Transport & Road Infrastructure (New Assets) - Decrease in Expenses Works associated with the temporary closure of Lodges Road cannot commence until Springs Road is reopened. This has resulted in delays to the completion date of this project and a revote of funds into 2012/13 (\$3M). Funds have been allocated into the budget to commence work on the Elderslie Link Road Construction (\$1.2M).
2	(1,192,360)	Community Facilities (New Assets) - Decrease in Expenses This decrease relates to the revote of funds into 2012/13 for the redevelopment of the Narellan Community Centre (\$328K), an adjustment to the Ron Dine Clubhouse facilities allocation due to the timing of milestone payments under the funding agreement (\$900K), and additional costs associated with works completed at the Mount Annan Leisure Centre (\$26K). Funds were also received from the Camden Senior Citizens Association to replace carpet within the Camden Seniors Building (\$10K).
3	(900,100)	External Grant Income - Decrease in Income Council has been successful in securing funding under the Federal Government's Community Infrastructure Grants Scheme to construct new clubhouse facilities at Ron Dine Reserve. This adjustment is a result of the timing of milestone payments in accordance with the funding agreement, where \$300K will be received in 2011/12, and the remaining funding of \$900K will be received in 2012/13.
4	(2,128,250)	Externally Restricted Reserves - Decrease in Transfer from Reserve This decrease in funding primarily relates to revotes identified as part of the December Review. These include Lodges Road Reconstruction (\$3M) and the redevelopment of the Narellan Community Centre (\$328K). An adjustment is also required to fund the commencement of the Elderslie Link Road works (\$1.2M).
5	26,182	Internally Restricted Reserve - Increase in Transfer from Reserve During the second quarter of 2011/12 Council has been required to replace the carpet and the hot water system at the Mount Annan Leisure Centre (\$26K). Funding is available within the Swimming Pools Major Repairs Reserve.

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2011 and should be read in conjunction with the rest of the report Page 5

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Camden Council
Cash & Investments Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Projected Year End Cash Position ending 30 June 2012

Cash & Investments Review

	Original	Changes		Revised	Variations	Notes	Projected
	Budget 2011/12	Other than by a QBRs	Sept QBRs	Budget 2011/12	for this Quarter		Year End Balance
Externally Restricted							
Section 94 Developer Contributions	18,546,400	291,906	62,776	18,901,082	2,657,750	1	21,558,832
Infrastructure Loan (Lodges Road)	-	-	-	-	3,088,500	2	3,088,500
Domestic Waste Management	3,714,233	(236,984)	17,600	3,494,849	1,780		3,496,629
Specific Purpose Grants	16,099	48,308	(20,730)	43,677	1,062		44,739
Stormwater Management Levy	309,031	(115,316)	3,020	196,735	383		197,118
Development Acceleration Fund	162,100	391,983	(253,860)	300,223	419,440	3	719,663
Other Restricted Contributions	148,754	3,140	(48,815)	103,079	60,000	4	163,079
Total Externally Restricted	22,896,617	383,037	(240,009)	23,039,645	6,228,915		29,268,560
Internally Restricted							
Employee Leave Entitlements	2,055,988	(23,924)	(216,306)	1,815,758	(306,819)	5	1,508,939
Expenditure Revotes	-	-	-	-	-		-
Stormwater Works (General Fund)	167,228	172,929	-	340,157	-		340,157
Capital Works Reserve	797,535	(48,269)	-	749,266	-		749,266
Infrastructure Loan - Repayment Fund	2,821,100	-	-	2,821,100	-		2,821,100
Central Administration Building	2,059,200	1,000,000	(95,000)	2,964,200	(2,625)		2,961,575
Camden Town Centre Improvements	1,181,000	-	-	1,181,000	-		1,181,000
Water Savings Action Plan	18,600	(4,603)	19,200	33,197	-		33,197
Cemetery Improvements	299,969	12,072	-	312,041	57,800	6	369,841
Section 355 Management Committees	186,770	(50,159)	-	136,611	-		136,611
Camden Carparking	120,578	-	-	120,578	-		120,578
Risk Management	242,599	-	-	242,599	-		242,599
Working Funds Surplus	6,697	1,303,069	874,300	2,184,066	-		2,184,066
Major Plant Replacement	358,741	172,015	61,668	592,424	-		592,424
Commercial Waste Management	923,191	7,477	(900)	929,768	(21,685)	7	908,083
Council Elections	224,400	-	-	224,400	-		224,400
Community Infrastructure Renewal Program	91,900	29,043	(29,043)	91,900	-		91,900
Narellan Artycafe	38,900	(237)	-	38,663	(25,000)	8	13,663
Swimming Pool Repairs	-	40,060	(12,575)	27,485	(26,182)	9	1,303
Family Day Care Reserve	130,832	2,136	(41,170)	91,798	5,674		97,472
Community Facilities Reserve	8,843	-	(8,843)	-	-		-
Public Appeals Reserve	35,974	-	-	35,974	-		35,974
Engineering Deposits	361,626	(190,736)	-	170,890	881		171,771
Total Internally Restricted	12,131,671	2,420,873	551,331	15,103,875	(317,956)		14,785,919
Unrestricted (i.e. available after the above Restrictions)	7,528,558	(2,803,910)	760,312	5,484,960	662,681		6,147,641
Total Cash & Investments	42,556,846	-	1,071,634	43,628,480	6,573,640		50,202,120

Cash & Investments Statement

Investments have been invested in accordance with Council's Investment Policy.

The Cash at Bank amount for this period has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 31/12/11.

Notes:

1. The uncommitted balance of the Capital Works Reserve is \$476,600
2. The uncommitted balance of the Central Administration Building Reserve is \$2,961,575
3. The uncommitted balance of the Working Funds Reserve is \$2,184,066

Camden Council
Cash and Investments Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011
Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
1	2,657,750	Section 94 Developer Contributions Reserve - Net Increase in Transfer to Reserve The balance of Council's Section 94 Reserve has increased as a result of additional cash receipts for a number of large development in the south west growth centre (\$3.415M), an increase in interest on investments due to the delays in a number of capital works projects (\$114K) and the transfer of funds to the 2012/13 budget for the Narellan Community Centre Redevelopment (\$328K). Funds were also allocated into the budget to commence work on the Elderslie Link Road Construction (\$1.2M).
2	3,088,500	Infrastructure Loan (Lodges Road) Reserve - Net Decrease in Transfer from Reserve Works associated with the temporary closure of Lodges Road cannot commence until Springs Road is reopened. This has resulted in delays to the completion date of this project and a revote of funds into 2012/13 (\$3M). Council must also restrict any interest income generated from the investment of the funds for the purpose of the project (\$88K).
3	419,440	Development Acceleration Fund (DOP) - Net Increase in Transfer to Reserve This adjustment recognises the final funding instalment payable to Council from the NSW Department of Planning as part of the pilot program "Development Assessment Acceleration Fund" (\$500K). Funds have also been allocated towards specialist transport advice regarding development within growth precincts (\$80K).
4	60,000	Other Restricted Contributions Reserve - Increase in Transfer to Reserve During the 2010/11 financial year, Council secured funding from the Department of Planning for a period of two years for the employment of a Planner to manage the increasing workload relating to the release of North Leppington precinct. This funding agreement has recently been extended for a further six months (\$60K).
5	(306,819)	Employee Leave Entitlements Reserve - Net Increase in Transfer from Reserve Payments made to employees on retirement and resignation are funded from Council's ELE Provisions Reserve. Payments made during the second quarter of 2011/12 total \$148K. Leave entitlements are also transferable between Councils. Transfers to other Councils are funded from the reserve, and payments received are restricted to the reserve. The net effect of these transfers is \$159K.
6	57,800	Cemetery Improvements Reserve - Increase in Transfer to Reserve Additional income was received during the first half of 2011/12 primarily as a result of a higher than expected reservation of plots (\$58K). Income is restricted for the purpose of future expenditure at the Camden Cemetery.
7	(21,685)	Commercial Waste Service Reserve - Decrease in Transfer to Reserve A review of current service requirements for street bin collections within the Narellan and Camden central business districts have resulted in lower than expected income (\$22K). This has been offset by a reduction in the restriction of surplus funds to the Commercial Waste Service Reserve.

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2011 and should be read in conjunction with the rest of the report Page 7

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Camden Council
Cash and Investments Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011

Recommended changes to revised budget

Budget Variations being recommended include the following material items (Greater than \$15,000):

Notes	Movement	Description
8	(25,000)	Narellan Artycafe Reserve - Increase in Transfer from Reserve The decrease in this reserve relates to additional labour costs and operational expenditure required for the operations of the Narellan Artycafe (\$25K). This reserve was established to fund additional operating expenditure which could not be offset against trading revenue.
9	(26,182)	Swimming Pool Repairs Reserve - Increase in Transfer from Reserve During the second quarter of 2011/12 Council has been required to replace the carpet and the hot water system at the Mount Annan Leisure Centre (\$26K). Funding is available within the Swimming Pools Major Repairs Reserve.

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2011 and should be read in conjunction with the rest of the report. Page 8

Attachment 3

Camden Council
Contracts Budget Review Statement

Quarterly Budget Review Statement
for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011
Contracts Budget Review

Contractor	Contract Detail & Purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)
CPE Landscaping	Wandarrah Reserve Landscaping	94,837	Oct-11	3 Months	Y
Transelect	Street Lighting Installation - Springs Road	122,619	Dec-11	6 Months	Y
Suters Architects Pty Ltd	Narellan Community Centre Redevelopment - Design	103,960	Nov-11	7 Months	Y
Transelect	Relocation of Electrical Assets - Lodges Road	1,016,860	Dec-11	7 Months	Y
Transelect	Reinstatement of High Volt and Transmission Power Lines - Springs Road	2,177,055	Oct-11	6 Months	Y
Austexc Pty Ltd	Belgenny Reserve - Gross Pollutant Trap Installation	63,942	Dec-11	2 Months	Y
Cockerill Contracting	Cuivert Extension - Lodges Road	77,835	Dec-11	2 Months	Y

Notes:

1. Contracts listed are those entered into through a tender process during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
2. Contracts for employment are not included in this list.

ORD06

Camden Council
 Consultancy & Legal Expenses Statement

Quarterly Budget Review Statement
 for the period 01/10/11 to 31/12/11

Budget review for the quarter ended 31 December 2011
 Consultancy & Legal Expenses Overview

Expense	YTD Expense	Budgeted (Y/N)
Consultancies	228,891	Y
Legal Fees	178,463	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Council has engaged consultants to prepare a number of rezoning studies and plans relating to land in the South West Growth Centre. These studies are at the costs of the developer and have no impact on the budget position. Council has also required specialist advice regarding a number of strategic property matters. Costs associated with these matters have been included in the expenditure totals above.

This statement forms part of the Quarterly Budget Review Statement for the quarter ended 31/12/2011 and should be read in conjunction with the rest of the report Page 10

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ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: INVESTMENT MONIES- JANUARY 2012
FROM: Manager Corporate Services
BINDER: Investment Monies

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 January 2012 is provided.

MAIN REPORT

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The weighted average return on all investments was 5.72% p.a. for the month of January 2012.

The Principal Accounting Officer is the Manager Corporate Services.

RECOMMENDED

That Council:

- i. Note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. Notes the list of investments for January 2012; and**
- iii. Notes the weighted average interest rate return of 5.72% p.a. for the month of January 2012.**

ATTACHMENTS

1. Investment Listing- January 2012

ORD07

Attachment 1

CAMDEN COUNCIL

Investments as at: 31st January 2012

INSTITUTION (Long term / short term credit ratings)	TYPE	IBD NO.	TERM	MATURITY DATE	INTEREST RATE (p.a.)	PORTFOLIO %	INVESTMENT AMOUNT
WESTPAC	TD	2451	204	9-Feb-12	6.06%		2,500,000
AA / A-1+	TD	2452	204	16-Feb-12	6.16%		1,000,000
	TD	2454	204	23-Feb-12	6.26%		1,000,000
	TD	2476	153	25-Apr-12	5.80%		1,500,000
	TD	2483	183	7-Jun-12	5.95%		1,000,000
						12%	<u>7,000,000</u>
BANK WEST	TD	2470	182	19-Apr-12	5.75%		1,000,000
AA / A-1+	TD	2472	105	16-Feb-12	5.85%		2,500,000
	TD	2482	97	7-Mar-12	5.80%		1,000,000
	TD	2488	92	22-Mar-12	6.00%		2,000,000
	TD	2475	113	8-Mar-12	5.60%		2,000,000
	TD	2492	91	12-Apr-12	6.00%		2,000,000
	TD	2487	90	14-Mar-12	6.00%		1,000,000
						19%	<u>11,500,000</u>
NAB	TD	2497	118	23-May-12	5.90%		1,500,000
AA / A-1+	TD	2450	198	2-Feb-12	6.14%		2,000,000
	TD	2478	121	29-Mar-12	5.89%		2,000,000
	TD	2486	125	18-Apr-12	5.97%		2,500,000
	TD	2495	125	17-May-12	6.05%		1,500,000
	TD	2494	111	3-May-12	6.05%		1,500,000
	TD	2496	121	24-May-12	5.89%		2,000,000
						22%	<u>13,000,000</u>
ING DIRECT	TD	2467	119	1-Feb-12	5.90%		1,500,000
A+ / A-1	TD	2468	125	8-Feb-12	5.90%		1,500,000
						5%	<u>3,000,000</u>
SUNCORP METWAY	TD	2474	112	1-Mar-12	5.66%		1,000,000
A+ / A-1	TD	2471	183	26-Apr-12	5.79%		1,000,000
	TD	2485	92	15-Feb-12	5.65%		1,500,000
	TD	2481	105	15-Mar-12	5.70%		2,000,000
	TD	2489	105	5-Apr-12	6.00%		1,000,000
	TD	2490	84	15-Mar-12	6.00%		2,000,000
	TD	2491	182	5-Jul-12	5.99%		2,000,000
	TD	2493	84	5-Apr-12	6.00%		1,500,000
	TD	2498	135	14-Jun-12	5.89%		2,500,000
						24%	<u>14,500,000</u>
ST GEORGE	TD	2477	99	8-Mar-12	5.80%		1,000,000
AA / A-1+	TD	2473	183	10-May-12	5.81%		2,500,000
	TD	2479	92	29-Feb-12	5.80%		1,500,000
	TD	2484	189	15-Jun-12	5.86%		2,000,000
	TD	2480	182	31-May-12	5.82%		2,000,000
						15%	<u>9,000,000</u>
CBA	CALL			Call	4.75%	3%	1,900,000
AA / A-1+							
				TOTAL INVESTMENTS HELD		100%	<u>59,900,000</u>

CAMDEN COUNCIL

Investments as at: 31st January 2012

SOURCE OF FUNDS INVESTED	
SEC 94 DEVELOPER CONTRIBUTIONS	25,171,800
RESTRICTED GRANT INCOME	866,100
EXTERNALLY RESTRICTED RESERVES	13,846,200
INTERNALLY RESTRICTED RESERVES	16,436,000
GENERAL FUND	3,579,900
TOTAL	59,900,000

Council's investment portfolio has remained unchanged during the January period. Whilst a number of investments have matured and been reinvested, cashflow requirements have been offset by cash receipts taken during the period.

NUMBER OF INVESTMENTS	35
AVERAGE DAYS HELD	135
AVERAGE PERCENTAGE	5.91% p.a.
WEIGHTED PORTFOLIO RETURN	5.72% p.a.
CBA CALL ACCOUNT *	4.75% p.a.
HIGHEST RATE	6.26% p.a.
LOWEST RATE	5.60% p.a.
BUDGET RATE	5.90% p.a.
AVERAGE BBSW (30 Day)	4.35% p.a.
AVERAGE BBSW (90 Day)	4.34% p.a.
AVERAGE BBSW (120 Day)	4.34% p.a.

*Note: CBA call account is not included in the investment performance calculations

TD - Term Deposit - This is a secure investment with a fixed interest rate for the term of the investment.

BB - Bank Bills - This is a negotiable security that is sold at a discount to face value with the full face value paid on maturity.

NCD/TCD - Negotiable/Transferable Certificate of Deposit - Very similar to Bank Bills but often have a higher minimum investment and can have longer maturity dates.

CRI - Committed Rolling Investment - For terms of 1-3 years. The interest rate is set at a margin above the bank bill swap rate for the term of the investment. The investment rolls monthly or quarterly and the BBSW is reset at roll date.

FRN - Floating Rate Note - Generally have 5-10 year terms but are tradable securities that can be bought & sold at prevailing market rates. The interest rate is set at a margin above the bank bill swap rate. Interest coupon is paid quarterly and the rate is reset on coupon date.

BBSW - Bank bill swap rate

LONG-TERM AND SHORT-TERM CREDIT RATINGS AS ISSUED BY STANDARD & POOR'S

A credit rating is a current opinion of an obligor's overall financial capacity (its creditworthiness) to pay its financial obligations.

Long-Term Issuer Credit Ratings

AAA - An obligor rated 'AAA' has an extremely strong capacity to meet its financial commitments. 'AAA' is the highest issuer credit rating assigned.

AA - An obligor rated 'AA' has very strong capacity to meet its financial commitments. It differs from the highest-rated obligors only to a small degree.

A - An obligor rated 'A' has a strong capacity to meet its financial commitments but is somewhat more susceptible to the adverse effects of changes in circumstance and economic conditions than obligors in higher rated categories.

BBB - An obligor rated 'BBB' has adequate capacity to meet its financial commitments. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitments.

Short-Term Issuer Credit Ratings

A-1 - An obligor rated 'A-1' has strong capacity to meet its financial commitments. It is rated in the highest category.

A-2 - An obligor rated 'A-2' has satisfactory capacity to meet its financial commitments. However, it is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligors in the highest rating category.

Plus (+) or Minus (-)

Both long-term and short-term ratings may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the rating categories.



ORD08

ORDINARY COUNCIL

ORD08

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: Director Governance
BINDER: Closed Council

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

- A report dealing with commercial information of a confidential nature regarding the acquisition of land under Section 10A(2)d.

Council may, by resolution, allow members of the public to make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

Members of the public will be readmitted to the meeting immediately after the closed section is completed and if the Council passes a resolution during that part of the meeting that is closed to the public, the Chairperson will make the resolution public as soon as practicable after that closed part of the meeting has ended.

RECOMMENDED

That:

- i. the meeting be now closed to the media and public to discuss a report concerning commercial information of a confidential nature dealing with a report dealing with commercial information of a confidential nature; and**
- ii. any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes.**