

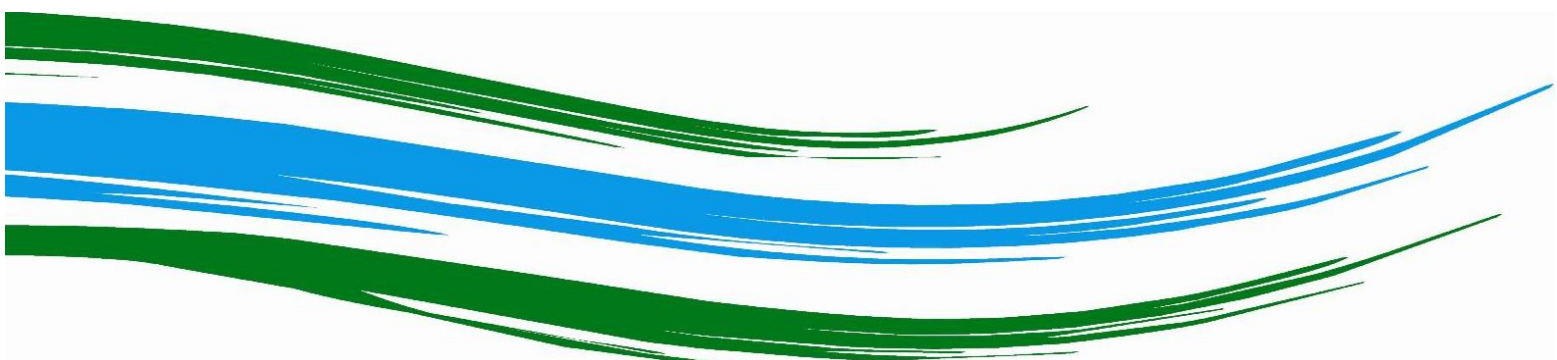
# Camden Council

## Attachments

**Ordinary Council Meeting**  
**22 October 2019**

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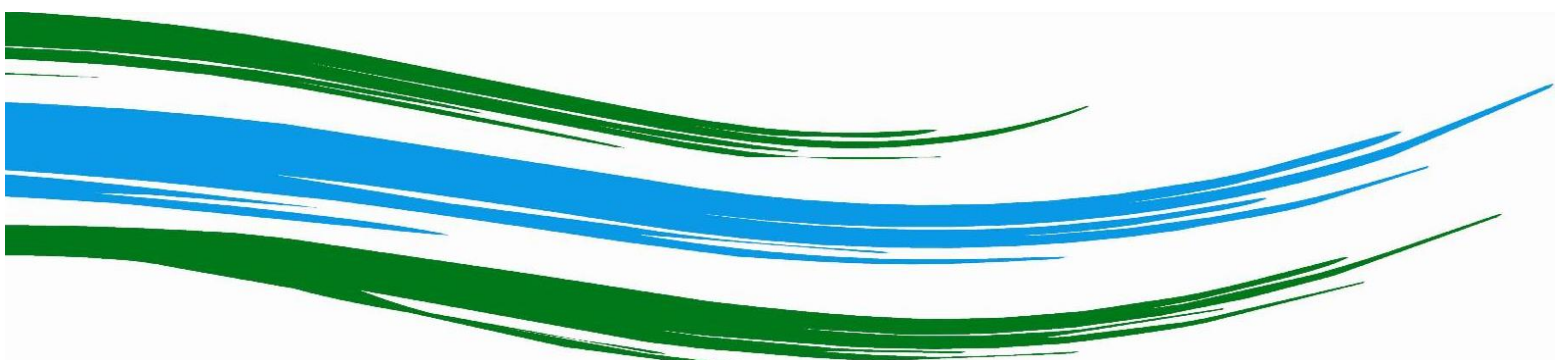
**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



# ORDINARY COUNCIL

## ATTACHMENTS - ORDINARY COUNCIL

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**CAMDEN COUNCIL  
PLANNING PROPOSAL**

**Lockies Hotel – 1423 Camden Valley Way, Leppington**

**Version 6  
October 2019**

## Document Register

Version	Date	Details	Reference
1	10 Jul 2018	Original Planning Proposal submitted by proponent	18/215025
2	31 Jul 2018	Revised Planning Proposal submitted by proponent	18/245382
3	9 Jan 2019	Draft Planning Proposal for Gateway Determination	18/422111
4	14 May 2019	Planning Proposal for Public Exhibition	18/422111
5	4 October 2019	Post Exhibition Amendments to Planning Proposal	18/422111

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## Executive Summary

The subject site is located within the Leppington North Precinct and located in the *State Environmental Planning Policy 2006 (Sydney Region Growth Centres)*. The subject site is located on the corner of Ingleburn Road and Camden Valley Way. Access to the site is provided from Ingleburn Road.

The Planning Proposal seeks to make an amendment to Schedule 1 of Appendix 9 of the Camden Growth Centres Precinct Plan (Growth Centres SEPP). The amendment is to include additional permitted uses on the site for motel accommodation, pub and retail premises limited to retail liquor outlet. This is to facilitate the development of a pub, motel accommodation and a retail liquor outlet. The existing pub known as 'Lockies' and the BWS Liquor store benefit from existing use rights.

The Planning Proposal has demonstrated merit to proceed to Gateway Determination.



## 1.0 Introduction

The Planning Proposal seeks to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) to include motel accommodation, pubs and retail premises restricted to retail liquor outlet as Additional Permitted Uses on the site. It is noted that retail premise encompasses a wide range of retail land uses. In discussions with the Department of Planning and Environment (DPE), it was recommended that retail premises be restricted to retail liquor outlet. This would limit retail uses to specifically what is proposed as part of the Planning Proposal and would be subject to legal drafting post-Gateway Determination.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and guidelines published by the Department of Planning & Environment, namely 'A guide to preparing Planning Proposals' to ensure all matters requiring consideration are appropriately addressed.

This Planning Proposal explains the intent and justification for the amendments to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, as it applies to the Leppington North Precinct of the South West Growth Area.

It is envisaged that the amendment to the Growth Centres SEPP for the subject land within the precinct will facilitate a logical redevelopment of the site which will cater for expected growth of the Leppington Precinct.

At its meeting of 11 December 2018, Council considered a report on the Planning Proposal, which is included as **Appendix 1** to this report. Council subsequently resolved to forward the Planning Proposal to the Department of Planning and Environment (DPE) for Gateway Determination.

The Planning Proposal received a positive Gateway Determination on 15 February 2019 (included as part of exhibition package) subject to the following conditions:

1. Prior to public exhibition, the planning proposal is amended as follows:
  - (a) amend Part 4.2 of the planning proposal to include a clear explanation of the intended amendments associated with the proposal including the intention to only apply the additional permitted uses to the existing R3 Medium Density Residential zoned land and not across the SP2 Infrastructure zoned land;
  - (b) update the proposed redevelopment plan to remove the inclusion of land zoned SP2 Infrastructure;
  - (c) update the justification for the inconsistency with section 9.1 Directions 2.1 Environment Protection Zones and 6.3 Site Specific Provisions;
  - (d) consult the NSW Rural Fire Service in accordance with Direction 4.4 Planning for Bushfire Protection and update the consistency with this direction; and

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- (e) consult Jemena Gas and provide further information on the site's proximity to the existing gas pipeline.
2. Prior to public exhibition, Council is to consider the determination of any appropriate standards to limit development in accordance with the redevelopment plan. Should Council decide to apply standards within the additional permitted uses schedule, this intent is to be made clear within the planning proposal. An altered Gateway determination is not required, should Council make this amendment to the planning proposal.

The above conditions have been met.

In accordance with Gateway Determination, the Planning Proposal (as amended) and specialist studies were publicly exhibited for 28 days from 21 May to 18 June 2019. Adjoining land owners and the following public agencies were notified of the public exhibition:

- Sydney Water;
- Telstra;
- Endeavour Energy;
- Roads and Maritime Services;
- Jemena;
- NSW Rural Fire Service; and
- Office of Environment and Heritage.

During the public exhibition, six submissions were received from public agencies and two submissions were received from community members, with one supporting and one objecting to the Planning Proposal. A submissions response table detailing the public agency submissions and Council officer response is provided as an **attachment** to this Planning Proposal. The Planning Proposal has been amended to address the comments made during the exhibition period.

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## 2.0 Site Description and Context

### 2.1 Overview

This section describes the location of the site, existing development on the land and current planning framework.

### 2.2 Site Locality

The area that is the subject of this Planning Proposal is shown in red in **Figure 1**. Leppington Station is outlined as a yellow star. The site is located at 1423 Camden Valley Way, Leppington and has a property description of Lot 81 DP 656970. The site is located approximately 1.5km south of Leppington Station.



Figure 1: Location of Subject Site (Source: Camden Council Intramaps)

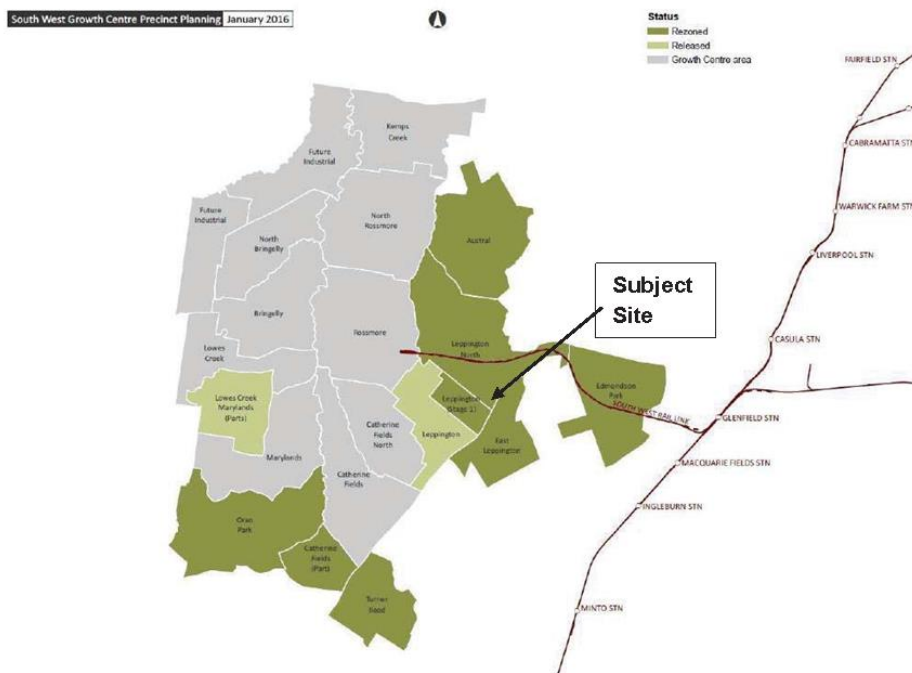
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## 2.3 Precinct Planning Context

The land subject to this Planning Proposal is situated within the Leppington North Precinct of the South West Growth Area (SWGA). The Leppington North Precinct borders the Rossmore Precinct to the west, and the Leppington Precinct to the south-west, and is approximately 38 km south west of the Sydney CBD. The subject land is located entirely within the Camden Local Government Area (LGA).

Figure 2 shows the location of the precinct within the SWGA.



**Figure 2: Location of Subject Site within SWGA context (Source: Department of Planning and Environment)**

The locality is currently undergoing significant change with further development anticipated in Leppington as a result of the area being identified as a Strategic Centre by the Greater Sydney Region Plan 2018. As part of the South West Growth Area, the Leppington North Precinct is currently planned to provide a diverse range of housing as well as deliver local infrastructure and services to support the future community.

A vibrant new major centre will act as the hub of the community and will be supported by a range of neighbourhood centres. These centres will help create local jobs and will also feature a variety of shops, restaurants, leisure and recreational facilities, civic buildings, offices and higher density housing.

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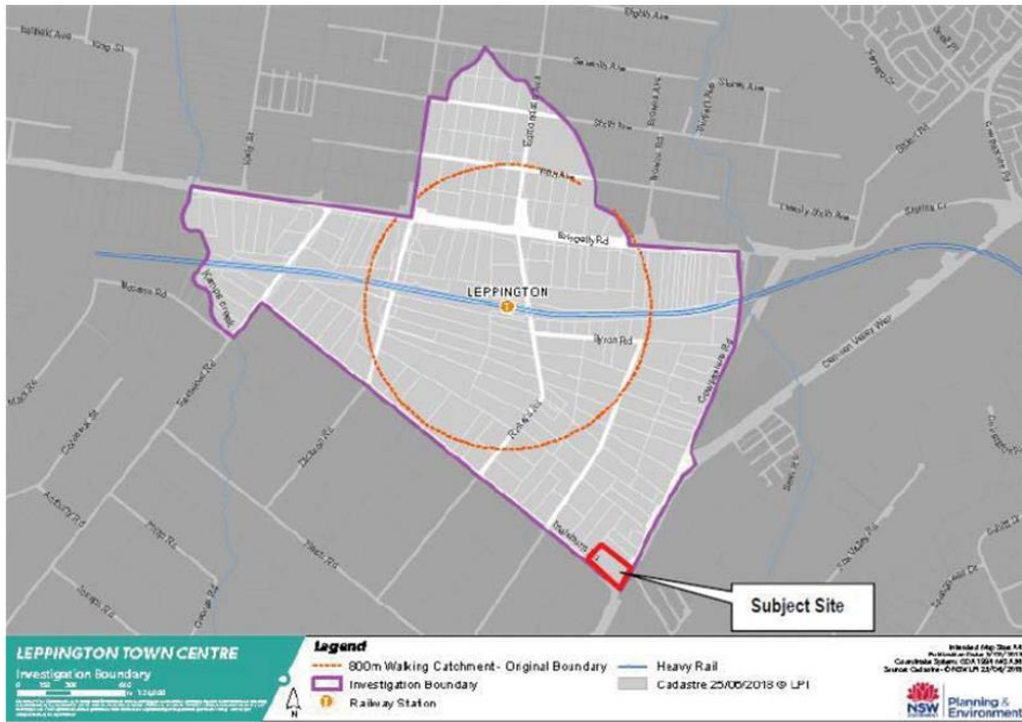


Figure 3: Leppington Town Centre Investigation Boundary (Source: Department of Planning and Environment)

Figure 3 outlines the location of the subject site in relation to the Leppington Town Centre (highlighted in purple). The DPE is currently reviewing the land uses and development controls within the Leppington Town Centre.

## 2.4 Site Context

### 2.4.1 The Site

The land that is the subject of the Planning Proposal is located within the Camden Council LGA. The land is owned by Laundry Trading (Bristol Arms) Pty Ltd and has a property description of Lot 81 DP 656970. Figure 4 outlines the existing development on the site. The site currently accommodates a large single storey building operating as 'Lockies Hotel' and also includes a BWS liquor outlet with at-grade car parking accessed from Ingleburn Road. Lockies Hotel has been operating on the site since the 1970s.

The land adjacent to the north, south and west of the site is envisaged for medium density residential development. Land to the east across Camden Valley Way is classified as environmental conservation. Figure 4 outlines the existing development on the site.

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The Western Sydney Airport (WSA) at Badgerys Creek is located approximately 15 km north-west from the subject site. The WSA is expected to be a major generator of employment and economic activity in Western Sydney. The provision of the airport will also increase demand for tourism and accommodation services in the area.



Figure 4: Aerial View of Subject Site (outlined in red) (Camden Council Intramaps)

## 2.4.2 Surrounding Land

### *Emerald Hills*

Located to the south of the site and on the eastern side of Camden Valley Way, is an urban release area known as Emerald Hills.

The Emerald Hills estate has an area of approximately 151 hectares and was rezoned in 2014 to deliver approximately 1,200 dwellings.

Emerald Hills is proposed to include a mix of housing types, a local shopping centre, open space, environmental protection zones, and riparian corridor improvements.

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***East Leppington***

Located to the immediate east of the site, on the other side of Camden Valley Way is the East Leppington Precinct. The East Leppington Precinct traverses the boundary of the Camden, Campbelltown and Liverpool LGAs.

The portion of the Precinct that is located within the Camden LGA was rezoned for urban development in March 2013. The Precinct Planning process identified the location and type of future residential development, land for public recreation as well as the location of future roads, electricity substations, and drainage infrastructure.

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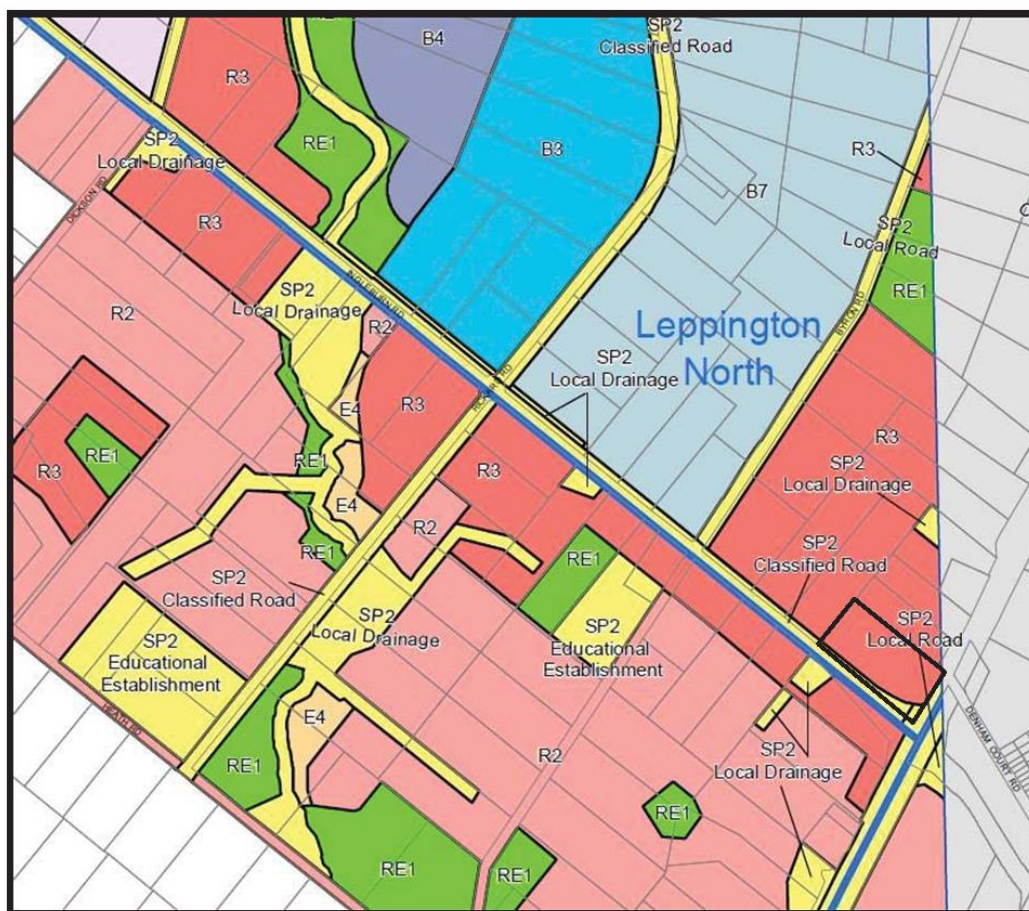
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### 3.0 Statutory Framework

#### 3.1 Zoning

The site is currently zoned R3 Medium Density Residential and SP2 Infrastructure under the provisions of Appendix 9 of the *State Environmental Planning Policy (Sydney Regions Growth Centres) 2006* (the Growth Centres SEPP) as illustrated in **Figure 5**.



**Figure 5: Zoning Extract from Growth Centres SEPP**

In accordance with the Growth Centre SEPP, permissible uses within the R3 Medium Density Residential:

**2 Permitted without consent**

Home-based child care; Home occupations

**3 Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities;

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Community facilities; Dual occupancies; Dwelling houses; Group homes; Manor homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Residential flat buildings; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Any other development not specified in item 2 or 4

**4 Prohibited**

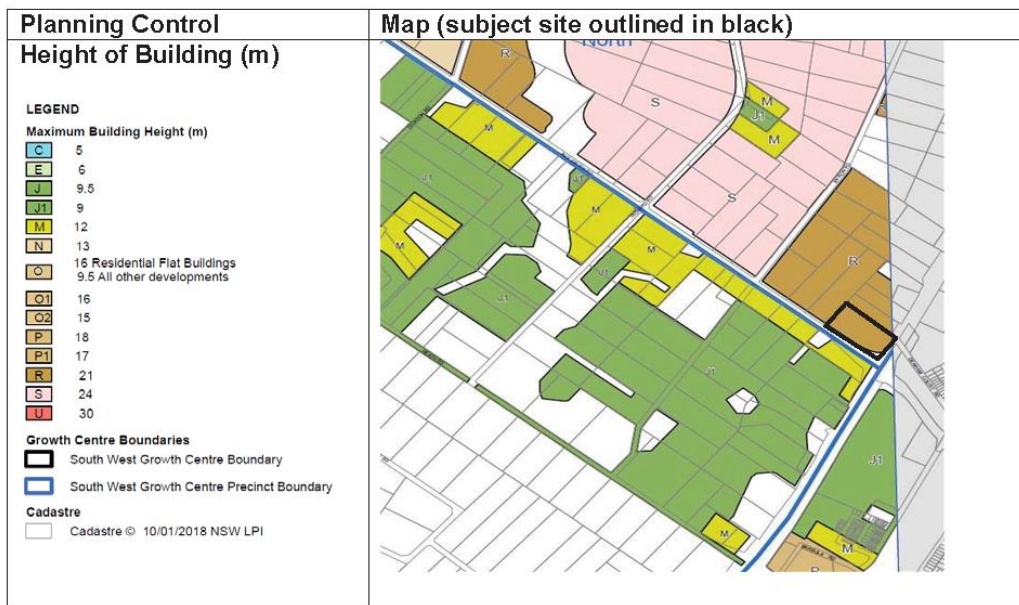
Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies

**3.2 Other Controls**

Other relevant planning controls applying to the subject site include the maximum height of buildings, land reserved for acquisition, and the maximum residential density.

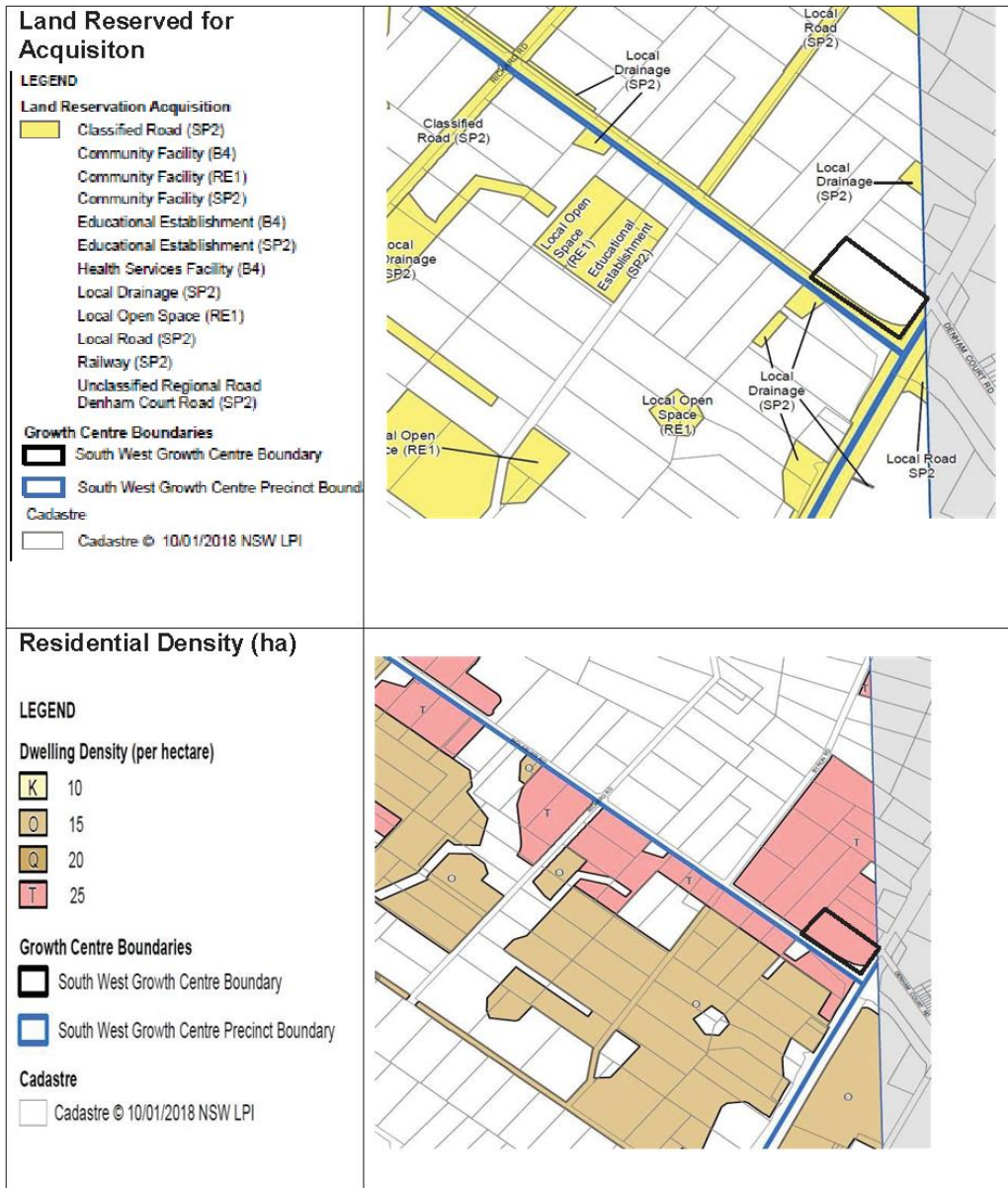
The relevant Growth Centres SEPP maps relating to the subject site are shown in **Table 1**.

**Table 1: Growth Centre SEPP Maps**



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## 4.0 The Planning Proposal

### 4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the Growth Centres SEPP by allowing Additional Permitted Uses (APU) of pub, motel or hotel accommodation and retail premises restricted to retail liquor outlet in relation to the subject site.

The intended outcome of this Planning Proposal is to facilitate the redevelopment of the subject site. The Planning Proposal intends to limit the use of retail premises specifically to a retail liquor outlet. This will ensure the proposed redevelopment of the site is consistent with the objectives of the R3 Medium Density Residential zone.

The proposed amendments to the Growth Centres SEPP will achieve the following:

- Allow for the continued operation of the pub and liquor store, and the additional use of a motel; and
- Supporting new infrastructure and services such as providing motel accommodation to complement new housing in the Precinct.

The Planning Proposal is supported by specialist studies which provides justification for the proposed amendments to the Growth Centres SEPP. These studies are detailed later in this report and are included as Appendices.

### 4.2 Explanation of Provisions

The objectives and intended outcomes of this Planning Proposal are to be achieved by amendments to Schedule 1 of Appendix 9 of the Growth Centres SEPP.

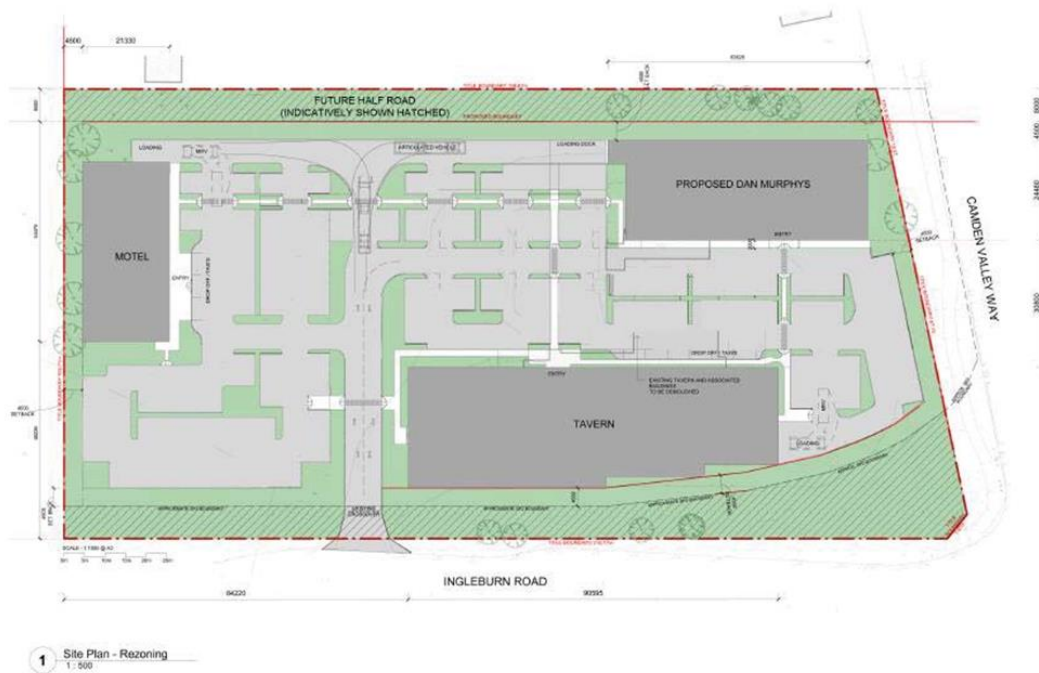
The Planning Proposal seeks to allow Additional Permitted Uses (APUs) on the subject site. These APUs are proposed to consist of pub, motel or hotel accommodation and retail premises restricted to retail liquor outlet. The APUs will be contained wholly within the R3 Medium Density zoned portion of the site. The SP2 Infrastructure zoned portion of the site is not part of the Planning Proposal and any future redevelopment of the land as identified in Figure 6 (Indicative Concept Plan subject to a future development application).

Council has considered the determination of any appropriate standards to limit development on the site. Council at its meeting on 11 December 2018 resolved to endorse that retail premises be restricted to retail liquor outlet to limit any proposed development to that specific use. Based on the above, Council officers have reviewed further development standards for the retail component of the proposal and consider limiting retail premises to a retail liquor outlet as the best method to limit development.

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**Figure 6: Indicative Concept Site Plan ((subject to a future Development Application) Source: Cayas Architects)**

### 4.3 Justification

This section addresses the need for the amendments, identifies the background studies undertaken, details why the Planning Proposal is the best approach, and identifies what the community benefits will be.

#### 4.3.1 Section A – Need for the Planning Proposal

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

This Planning Proposal is not the result of any strategic study or report.

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

As the Growth Centres SEPP specifically controls land use development, an amendment to the SEPP is the most appropriate means to establish the proposed development in this Planning Proposal. Development for purposes of pub, motel or hotel accommodation and retail premises restricted to retail liquor outlet are prohibited under the R3 Zone of the Growth Centres SEPP. Therefore, the amendments included in this Planning Proposal are the best means of achieving the objectives and intended outcomes.

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#### 4.3.2 Section B – Relationship to Strategic Planning Framework

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

##### A Metropolis of Three Cities – The Greater Sydney Region Plan

*A Metropolis of Three Cities – the Greater Sydney Region Plan* (The Region Plan) was released by the NSW Government in March 2018. This new document supersedes the *A Plan for Growing Sydney* which was released in December 2014.

The Region Plan will re-balance growth and deliver its benefits more equally and equitably to residents across Greater Sydney. The Region Plan is the first to be prepared concurrently with Future Transport 2056 and the State Infrastructure Strategy, aligning land use, transport and infrastructure planning to reshape Greater Sydney as three unique but connected cities.

The Planning Proposal is consistent with the objectives for the Region Plan as it meets the following objectives:

- Objective 6 – The Planning Proposal will provide services in an accessible location to meet the needs of the community;
- Objective 7 – The Planning Proposal helps to promote a socially connected community by providing a meeting place for the community;
- Objective 20 – The proposed connection of Leppington to Western Sydney Airport by rail and current road connections presents the opportunity for Leppington to develop into a Strategic Centre, including the proposed use of the subject site; and
- Objective 22 – Leppington is identified as a Strategic Centre. The proposal will result in private investment and business activity in Leppington.

##### Western City District Plan

The vision for Greater Sydney as a metropolis of three cities – the Western Parkland City, Central River City and the Eastern Harbour City and a 30-minute city – means residents in the Western City District will have quicker and easier access to a wider range of jobs, housing types and activities. This vision will improve the District's lifestyle and environmental assets.

The Planning Proposal is consistent with objectives and planning priorities for *Western City District Plan* as demonstrated below:

- Planning Priority W1 – The Planning Proposal will result in a site that utilises existing road infrastructure and planned rail infrastructure for access;
- Planning Priority W2 – The Planning Proposal does not directly result in the collaboration of government, community and business. However, the proposal is considered to contribute to the achievement of the Western Sydney City Deal commitments including jobs for the future and liveability of Leppington;

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- Planning Priority W3 – The Planning Proposal will allow for new service including motel accommodation and revitalising the existing pub which is part of the social infrastructure of Leppington;
- Planning Priority W4 – The Planning Proposal provides an opportunity for social connection in the community; and
- Planning Priority W6 – The Planning Proposal will allow for new services in Leppington, contributing to the creation of Leppington as a 'great place' with access to services.
- Planning Priority W15 – The Planning Proposal will retain urban tree canopy cover where possible. A future Development Application will consider where vegetation must be retained.

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

#### Community Strategic Plan

The Community Strategic Plan (CSP) seeks to actively manage Camden LGAs growth by retaining Camden's heritage sites, scenic vistas and cultural landscapes, whilst catering to well-managed development. The Planning Proposal's consistency with the relevant Directions of the CSP is outlined below.

#### *Key Direction 1: Actively Managing Camden LGA's Growth*

This Direction seeks to ensure the provision of appropriate urban development for sustainable growth in the Camden LGA.

The Planning Proposal is consistent with this direction as it will facilitate the continued operation of an existing pub and bottle shop and allow the future development of a motel on the site. These uses are considered appropriate land uses in an urban environment and would serve the future community.

#### *Key Direction 3: A Prosperous Economy*

This Direction seeks to ensure employment and tourism opportunities are expanded across the LGA, and to strengthen and support business growth.

This Planning Proposal is consistent with this Direction as it will generate employment in hospitality, retail and tourism industries. The proposal would allow certainty for an existing business to continue operation into the future.

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

The relevant State Environmental Planning Policies and deemed State Environmental Planning Policies have been addressed at **Appendix 2** to this report.

The consideration of these State Environmental Planning Policies and deemed SEPPs has identified that the Planning Proposal would not conflict with any of these policies.

#### *Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?*

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The s9.1 directions applicable to the Planning Proposal have been addressed at **Appendix 3** of this report.

The Planning Proposal is consistent with the s9.1 Ministerial Directions.

#### 4.3.3 Section C – Environmental, Social and Economic Impact

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

The Planning Proposal is not likely to result in any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. The proposed development will be assessed at the Development Application stage where potential ecological impacts will be considered.

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

##### Traffic

A Traffic and Parking Report has been prepared by Colston Budd Rogers & Kafes Pty Ltd in support of the Planning Proposal (**Appendix 4**). The Traffic report concludes that the road network and intersection of Camden Valley Way and Ingleburn Road can cater for the additional traffic from the proposed development, with capacity to cater for future development in the area. The existing driveway to the site would be retained to provide access to the development from Ingleburn Road.

The site has a high level of local and regional road accessibility in that it fronts both Camden Valley Way and Ingleburn Road, which are arterial and sub-arterial roads respectively. Detailed traffic and parking assessment will be undertaken as required by the Gateway Determination and through future Development Applications (DAs).

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

##### Social Impacts

A Social Impact Assessment (SIA) has been prepared by Milestone (AUST) Pty Limited in support of the Planning Proposal (**Appendix 5**). The SIA notes the proposed development will not pose any increased health or safety risks to the community. The SIA outlines the proposed management procedures that will be in place for both the pub and retail liquor outlet.

The Planning Proposal will facilitate the redevelopment of the existing pub and bottle shop which proposes 1,570 sqm of retail liquor floor space. The specific impacts of the proposed uses will be assessed and managed through future DAs.

It is noted that the proposed development could facilitate activities which may have potential social impacts on the community. The *Gaming Machines Act 2001* requires any increase and transfer of Gaming Machine Entitlements (GMEs) be subject of approval by the Independent Liquor and Gaming Authority (the Authority). Depending on the range of the increase to the Gaming Machine Threshold (GMT), the Authority needs to be satisfied that the proposed increase provides a positive impact to the community.

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### Economic Impacts

An Economic Impact Assessment (EIA) has been prepared by MacroPlanDimasi in support of the Planning Proposal (**Appendix 6**). The EIA outlines the various employment opportunities that the proposed development will provide.

The EIA concludes that redevelopment of the site will not have any significant impacts on the surrounding centres due to the comparatively small size in relation to the nearby business zones (B4 Mixed Use and B3 Commercial Core) located in the Leppington Major Centre which is located 1km from the subject site. The Planning Proposal seeks to facilitate a local function and not detract from the land uses within the Leppington Major Centre.

### **4.3.4 State and Commonwealth Interests**

#### *Is there adequate public infrastructure for the planning proposal?*

The subject site is currently serviced with adequate public infrastructure, with some surrounding sites currently undergoing redevelopment. The surrounding developments include provisions for additional public transports, roads, utilities and essential services. No required upgrades are identified for purposes of this Planning Proposal. The current capacity and future demand associated with the redevelopment will be considered and confirmed as part of a detail design and investigation to support any future Development Application on the subject site.

#### *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

The Planning Proposal has received a positive Gateway Determination. Council has consulted with both the NSW Rural Fire Service (RFS) and Jemena Gas in accordance with the Gateway Determination.

Council has consulted with the NSW Rural Fire Service (RFS) in accordance with Direction 4.4 of the s9.1 Ministerial Directions. The NSW RFS offered no objections to the proposal subject to a requirement that any future development of the land complies with *Planning for Bushfire Protection 2006* or any subsequent version. Further detail regarding consultation with the NSW RFS is provided in Direction 4.4 of **Appendix 3** to this report.

Council has consulted with Jemena Gas due to the proximity of the proposal to the Eastern Gas Pipeline, and no objections to the proposal were raised.

### Initial Notification

The Planning Proposal was initially notified for 14 days from 7 August until 21 August 2018. One submission was received objecting to the Planning Proposal with concerns regarding the Planning Proposal being premature due to the Leppington Town Centre Investigation Boundary, being inconsistent with the R3 zone objectives and that potential impacts are not widely addressed on adjoining lands and the wider precinct. These concerns have been addressed as part of the Council report in **Appendix 1**.

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## 4.5 Community Consultation

### Public Exhibition

The Planning Proposal was publicly exhibited in accordance with the gateway determination. A notification was placed in the local newspaper and the exhibition material was available at:

- Oran Park Administration Centre, 70 Central Avenue, Oran Park (Hard Copy)
- Oran Park Library, 70-74 Central Avenue, Oran Park (Hard Copy)
- Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Library, John Street, Camden (Hard Copy); and
- Council's website (Electronic Copy).

In accordance with Gateway Determination, the Planning Proposal (as amended) and specialist studies were publicly exhibited for 28 days from 21 May to 18 June 2019. Adjoining land owners and the following public agencies were notified of the public exhibition:

- Sydney Water;
- Telstra;
- Endeavour Energy;
- Roads and Maritime Services;
- Jemena;
- NSW Rural Fire Service; and
- Office of Environment and Heritage.

During the public exhibition, six submissions were received from public agencies and two submissions were received from community members, with one supporting and one objecting to the Planning Proposal. A submissions response table detailing the public agency submissions and Council officer response is provided as an **attachment** to this Planning Proposal. The Planning Proposal has been amended to address the comments made during the exhibition period.

## 4.6 Project Timeline

Anticipated commencement date (date of Gateway determination)	February 2019
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	March/April 2019
Commencement and completion dates for public exhibition period	May/June 2019
Dates for public hearing (if required)	N/A

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Timeframe for consideration of submissions	June/July 2019
Timeframe for the consideration of a proposal post exhibition	July/August 2019
Date of submission to the department to finalise the LEP	October 2019
Anticipated date RPA will make the plan (if delegated)	September/October 2019
Anticipated date RPA will forward to the department for notification	November 2019

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## 5.0 Conclusions and Recommendations

The Planning Proposal seeks amendments to Schedule 1 of Appendix 9 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to facilitate the redevelopment of the subject site.

It is envisaged this Planning Proposal will enable development by amending Schedule 1 and allowing additional permitted uses of pub, motel or hotel accommodation and retail premises restricted to a retail liquor outlet.

The Planning Proposal is considered to demonstrate merit in the following respects:

- The proposal provides suitable integration with existing land uses;
- The continued operation of the pub and liquor store, and additional use of a motel will benefit the broader community; and
- The proposal is not inconsistent with Region, District and local strategic plans and their relevant objectives.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *EPA Act 1979*. An amendment to Schedule 1 of Appendix 9 of the Growth Centres SEPP 2006 is the most appropriate method to achieve the objectives of this Planning Proposal.

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## **6.0 Appendices**

**Appendix 1:** Council Report and Resolution 11 December 2018

**Appendix 2:** Consistency against State Environmental Planning Policies

**Appendix 3:** S9.1 Directions

**Appendix 4:** Traffic and Parking Report

**Appendix 5:** Social Impact Assessment

**Appendix 6:** Economic Impact Assessment

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Appendix 1: Council Report and Resolution 11 December 2018

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## ORDINARY COUNCIL

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**SUBJECT: PLANNING PROPOSAL - LOT 81 DP 656970, 1423 CAMDEN VALLEY WAY, LEPPINGTON**  
**FROM:** Director Planning and Environment  
**TRIM #:** 18/337199

**PROPERTY ADDRESS:** Lot 81 DP 656970  
 1423 Camden Valley Way, Leppington

**PROPONENT:** Milestone (Aust) Pty Limited

**OWNER:** Laundry Trading (Bristol Arms) Pty Ltd

### PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal for Lot 81 DP 656970 (1423 Camden Valley Way, Leppington) and to resolve to forward the draft Planning Proposal to the Department of Planning & Environment (DPE) for Gateway Determination.

The draft Planning Proposal seeks to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) to include motel accommodation, retail premises and pubs as Additional Permitted Uses on the site.

### BACKGROUND

In July 2018, a Planning Proposal was lodged by Milestone Planning on behalf of the landowner (Laundry Trading Pty Ltd). The draft Planning Proposal is provided as an **attachment** to this report.

The proposal seeks to amend Schedule 1 of Appendix 9 of the Growth Centres SEPP, by including hotel and motel accommodation, retail premises and pubs as Additional Permitted Uses on the site.

From 1 June 2018, Planning Proposals are referred to the Camden Local Planning Panel (Panel) for advice. The draft Planning Proposal was considered by the Panel on 20 November 2018. The Panel's recommendations are discussed later in this report and are provided as a **supporting document** to this report.

The draft Planning Proposal was notified for 14 days from 7 August to 21 August 2018. One submission was received which is discussed later in this report.

Councillors were briefed on this proposal on 11 September 2018.

### MAIN REPORT

#### Locality

The site is located on the corner of Camden Valley Way and Ingleburn Road and is legally described as Lot 81 DP 656970. The site is rectangular and has a total site area of approximately 2.3ha.

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The site currently accommodates a large single storey building operating as 'Lockies Hotel' including a BWS liquor outlet with at-grade car parking accessed from Ingleburn Road. Lockies has been operating on the site since the 1970s.

Development surrounding the site consists of predominantly semi-rural development to the north and west, with recent low to medium density residential development and subdivision works commencing within the East Leppington Precinct, east of Camden Valley Way.

Figure 1 provides a site context map.



**Figure 1: Site and surrounds Leppington Planned Precinct**

The site is located on the south-eastern corner of the Leppington Planned Precinct Investigation Boundary, as identified in **Figure 2**.

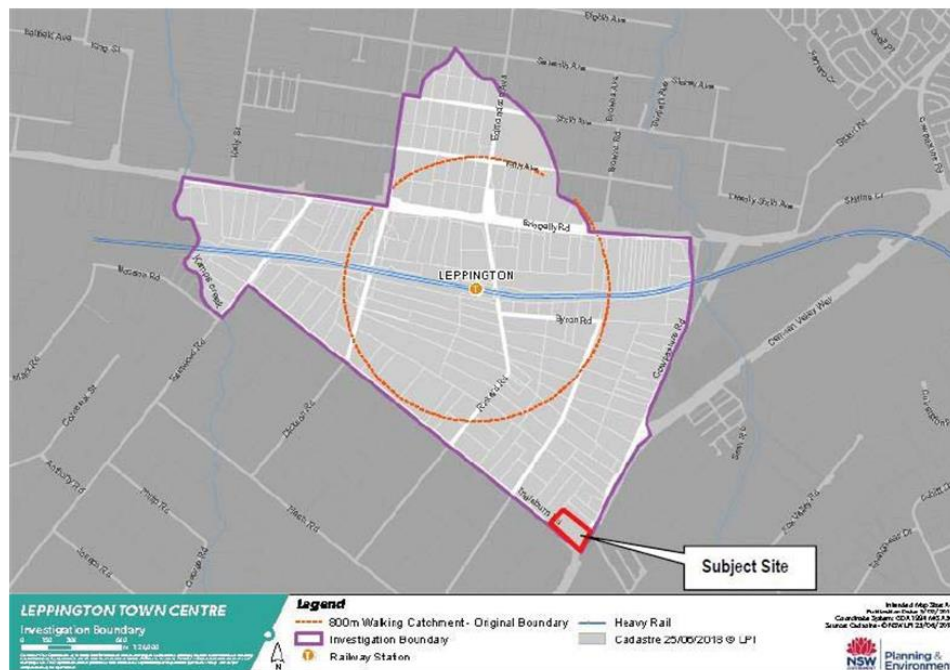
The Department of Planning and Environment (DPE) is currently reviewing the land uses and development controls within the Leppington Town Centre.

Council officers have discussed the draft Planning Proposal with the DPE. The DPE has provided in-principle support for Council to proceed with the assessment of the draft Planning Proposal despite the broader precinct planning work being undertaken. The DPE has advised that the most appropriate way to consider the proposed amendment is through a Planning Proposal.



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**Figure 2: Leppington Town Centre Investigation Boundary**

### **Zoning and Permissibility**

The site is located within the Leppington North Precinct of the South West Growth Area (SWGGA) and is zoned R3 Medium Density Residential under the Growth Centres SEPP. Pubs, retail premises and motels are not permissible within the R3 Medium Density Residential zone.

The objective of the draft Planning Proposal is to facilitate the proposed development of a new pub/tavern, a new retail premise specifically to retail liquor and a new hotel or motel accommodation. The site benefits from existing use rights which enables the operation of the existing pub and liquor store.

The proposed development will include approximately 1,570 sqm of retail floor space, 2,790 sqm (approximately eighty rooms) of motel accommodation, and 3,115 sqm of pub/tavern floor space. The final details of the development will be subject to a future Development Application.

The draft Planning Proposal seeks to amend the Growth Centres SEPP (Schedule 1 of Appendix 9) to include pubs, hotel or motel accommodation, and retail premises as Additional Permitted Uses on the site.

No further amendments are proposed, and the site will retain the existing R3 Medium Density Residential zone and the existing maximum building height of 21 metres.

Attachment 1






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### **Specialist Studies**

The draft Planning Proposal was accompanied by the following studies:

- Traffic report;
- Economic Impact Assessment; and
- Social Impact Assessment.

A summary of the studies is provided below. Copies of the studies are included as an **attachment to this report**.

#### **Traffic and Transport Report**

The proponent has lodged a Traffic and Transport Report in support of the draft Planning Proposal. The Traffic and Transport Report concludes that the road network and intersection of Camden Valley Way and Ingleburn Road can cater for the additional traffic from the proposed development, with capacity to cater for future development in the area. The existing driveway to the site would be retained to provide access to the development from Ingleburn Road.

#### *Officer Comment*

The site has a high level of local and regional road accessibility in that it fronts both Camden Valley Way and Ingleburn Road, which are arterial and sub-arterial roads respectively. Detailed traffic and parking assessment will be undertaken through future Development Applications (DAs) or as required by the Gateway Determination.

#### **Economic Impact Assessment**

The proponent has lodged an Economic Impact Assessment (EIA) in support of the draft Planning Proposal. The EIA outlines the various employment opportunities that the proposed development will provide and concludes that redevelopment of the site will not have any significant impacts on the surrounding centres due to the comparatively small size of the site in relation to the nearby business zones (B4 Mixed Use and B3 Commercial Core) located in the Leppington Major Centre.

#### *Officer Comment*

Council officers have reviewed the EIA and agree with its findings. The site is located approximately 1km from the Leppington Major Centre and is therefore expected to serve a local function and not detract from the commercial uses within the Leppington Major Centre.

#### **Social Impact Assessment**

The proponent has lodged a Social Impact Assessment (SIA) in support of the draft Planning Proposal. The SIA notes that the proposed development will not pose any increased health or safety risks to the community and outlines the proposed management procedures that will be in place for both the pub and retail liquor outlet. The draft Planning Proposal proposes 1,570 sqm of retail liquor floor space.



### Officer Comment

The proposal will facilitate the redevelopment of the existing pub and liquor store. The specific impacts of the proposed uses will be assessed and managed through future DAs for the site.

### Assessment against Key Strategic Documents

#### Greater Sydney Region Plan

The Greater Sydney Region Plan (Region Plan) was released by the Greater Sydney Commission (GSC) on 18 March 2018. The Region Plan has a vision and plan to manage the growth and change for Greater Sydney in the context of economic, social and environmental matters.

Leppington is identified as a Strategic Centre within the Region Plan. The expectations for Strategic Centres are:

- *High levels of private sector investment;*
- *Flexibility, so that the private sector can choose where and when to invest;*
- *Co-location of a wide mix of land uses, including residential;*
- *High levels of amenity and walkability and being cycle friendly;*
- *Areas identified for commercial uses, and where appropriate, commercial cores.*

The proposal is consistent with the relevant directions and objectives of the Plan as summarised below.

Objective	Consistency
Objective 6: Services and infrastructure meet communities' changing needs	The proposal will provide services in an accessible location to meet the needs of the community. The site is currently zoned R3 Medium Density Residential, however being located on a prominent street corner and considering the existing use as a pub, is well positioned to service the local area.
Objective 7: Communities are healthy, resilient and socially connected	The proposal promotes a socially connected community by providing a meeting place for the community.
Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	The proposed connection of Leppington to the Western Sydney Airport by rail, and the current road connections present the opportunity for Leppington to develop into a Strategic Centre.
Objective 22: Investment and business activity in centres	The Leppington Precinct is identified as a Strategic Centre. The proposal will provide investment and business activity in Leppington.

**Table 1: Assessment against Region Plan Objectives**

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### Western City District Plan

The Western City District Plan (District Plan) was released by the GSC on 18 March 2018. The District Plan guides the 20-year growth of the district to improve its social, economic and environment assets. The draft Planning Proposal is consistent with the relevant Planning Priorities and Actions as summarised below.

Planning Priority	Consistency
Planning Priority W1: Planning for a city supported Infrastructure by	The site is located approximately 1.5km from Leppington station. The proposal will result in a site that utilises existing road and planned rail infrastructure for access.
Planning Priority W2: Working through collaboration	The proposal does not directly result in collaboration between government, community and business. However, the proposal contributes to providing investment, employment and liveability of Leppington.
Planning Priority W3: Providing services and social infrastructure to meet people's changing needs	The proposal will allow for new services and employment opportunities, including motel accommodation and the redevelopment of the existing pub.
Planning Priority W4: Fostering healthy, creative, culturally rich and socially connected communities	The existing pub provides an opportunity for social connection in the community.
Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage	The proposal will generate employment in hospitality, retail and tourism. The proposal provides certainty for an existing established business to continue and expand.

**Table 2: Assessment against District Plan Planning Priorities**

### Community Strategic Plan (CSP)

The Community Strategic Plan (CSP) seeks to actively manage growth by retaining Camden's heritage, scenic vistas and cultural landscapes, whilst providing well-managed development. The draft Planning Proposal's consistency with the relevant Directions of the CSP is outlined below.

#### *Key Direction 1: Actively Managing Camden LGA's Growth*

This Direction seeks to ensure the provision of appropriate urban development for sustainable growth in the Camden LGA.

The draft Planning Proposal is consistent with this Direction as it will facilitate the continued operation of an existing pub and liquor store and will allow the future development of a motel on the site. These uses are considered appropriate land uses in an urban environment and will serve the future community.

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### *Key Direction 3: A Prosperous Economy*

This Direction seeks to ensure employment and tourism opportunities are expanded across the LGA, and to strengthen and support business growth.

The draft Planning Proposal is consistent with this Direction as it will generate employment in hospitality, retail and tourism industries. The proposal would allow certainty for an existing business to continue operation into the future.

### **Assessment of Planning Merit**

The draft Planning Proposal has been assessed against key strategic documents, including the Region Plan, District Plan, and the Community Strategic Plan and is not inconsistent with these plans and their objectives. It is therefore considered that the proposal demonstrates planning merit to proceed to Gateway Determination for the following reasons:

- The site is considered appropriate for the proposed uses; and
- The continued operation of the pub and liquor store, and the additional use of a motel, will benefit the broader community.

### **Initial Notification of the Draft Planning Proposal**

The draft Planning Proposal was notified for 14 days from 7 August to 21 August 2018. Adjoining and nearby properties were notified by letter, and notices were placed in the local newspaper. One submission was received objecting to the draft Planning Proposal.

The matters raised in the submission, and Council officer comment, are outlined below.

1. *“The Planning Proposal is premature having regard to the work being undertaken as part of the Leppington Town Centre Investigation Boundary”*

#### *Officer Comment*

The site is located on the periphery of the Leppington Town Centre Investigation Boundary, which is currently being reviewed by the DPE.

Proceeding with the draft Planning Proposal at this time will not hinder the outcomes of the DPE review. The proposal maintains the existing R3 Medium Density Residential zone and development standards applying to the site.

2. *“The proposed uses are inconsistent with the objectives of the R3 Medium Density zone”*

#### *Officer Comment*

The objectives of the R3 Medium Density zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

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- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
  - *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The draft Planning Proposal is consistent with the third and fourth objectives. The proposed uses will provide facilities to meet the day-to-day needs of residents, and enable activities that, through appropriate assessment at DA stage, are able to be compatible with the amenity of a medium density residential environment.

The draft Planning Proposal does not seek to amend the building height for the site, and as such future development will not exceed the height of surrounding development.

3. *“The information submitted in support of the Planning Proposal does not satisfactorily address the potential impacts the envisaged uses would have on adjoining lands and the wider precinct”*

#### *Officer Comment*

The specialist studies submitted with the draft Planning Proposal have considered the potential economic, social and traffic impacts of the proposed uses to determine whether the uses are appropriate for the site. Additional detail, such as internal road layouts, are not required at the draft Planning Proposal stage.

Further detail including the layout of internal roads and the operation of the uses will be subject to future development assessment. Future DAs will also be required to demonstrate consistency with the Leppington North Indicative Layout Plan (ILP) as revised by the DPE as part of the current precinct planning work.

Further assessment of the potential urban design impacts will be undertaken post-Gateway (subject to Council endorsement) to determine if further site-specific controls or a DCP amendment are appropriate to control things such as the bulk and scale of future development.

A formal public exhibition period will occur at a later stage, subject to endorsement of the draft Planning Proposal and the receipt of a favourable Gateway Determination by the DPE.

#### **Camden Local Planning Panel Recommendations**

On 20 November 2018, the Camden Local Planning Panel (Panel) inspected the site and considered the draft Planning Proposal in a closed session. The Panel's recommendations were consistent with that of the Council officer's assessment of the proposal.

The Panel supported the draft Planning Proposal for forwarding to the DPE to seek a Gateway Determination subject to the retail premises being restricted to a retail liquor outlet. The Panel also noted that the draft Planning Proposal does not include the full list of SEPPs and Section 9.1 Ministerial Directions. A copy of the minutes is provided as a **supporting document** to this report.

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#### *Officer Comment*

The definition of retail premises encompasses a wide range of retail land uses. Further discussions with DPE has indicated that retail premises could be limited to a retail liquor outlet, subject to further legal drafting post-Gateway Determination. Council officers support this approach to limit retail uses to a liquor outlet on the subject site.

Subject to Council endorsement, the draft Planning Proposal will be updated to limit retail uses to a liquor outlet and include an assessment of the full list of SEPPs and Section 9.1 Ministerial Directions prior to being forwarded to the DPE.

#### **FINANCIAL IMPLICATIONS**

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

#### **CONCLUSION**

The draft Planning Proposal seeks to amend the Growth Centres SEPP by allowing retail premises, pubs and motels as additional permitted uses at 1423 Camden Valley Way, Leppington. The continued operation of a pub and liquor store on the site is considered appropriate and the additional inclusion of a motel is considered complementary and appropriate land use in this location.

Council officers have assessed the draft Planning Proposal and consider the proposal has planning merit to proceed to Gateway Determination as outlined in this report.

#### **RECOMMENDED**

##### **That Council:**

- i. endorse the draft Planning Proposal (as amended) for land at 1423 Camden Valley Way, Leppington to be forwarded to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 2.4 of the *Environmental Planning and Assessment Act 1979*;
- ii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition in accordance with the requirements of the Gateway Determination; and
- iii. subject to no unresolved submissions being received, forward the draft Planning Proposal for Lot 81 DP 656970, 1423 Camden Valley Way, Leppington to the Department of Planning and Environment for the plan to be made; or
- iv. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or
- v. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

#### **ATTACHMENTS**

1. Amended Planning Proposal Report- 1423 Camden Valley Way Leppington
2. Specialist Studies for 1423 Camden Valley Way, Leppington
3. Final Written Objection - SC5811 - 1423 Camden Valley Way, Leppington - *Supporting Document*
4. CLPP\_20 11 2018\_MIN\_CLOSED - *Supporting Document*

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Attachment 1

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

**CONFIRMATION OF MINUTES**

Resolution: Moved Councillor Fedeli, Seconded Councillor A Cagney that the Minutes of the Ordinary Council Meeting held 27 November 2018, copies of which have been circulated, be confirmed and adopted.

ORD247/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

**MAYORAL MINUTE - CURRY RESERVE WATER PLAY SPACE OPENING**

Resolution: Moved Councillor Sidgreaves that Council note the information.

ORD248/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

**MAYORAL MINUTE - PARKING FINE CONCESSION PROGRAM**

Resolution: Moved Councillor Sidgreaves that Council:

- i. agree to opt in to the NSW Government's Parking Fine Concession Scheme to reduce parking fine amounts from \$112 to \$80, as identified in attachment B in the attached Minister's letter, and thereafter as advised by Revenue NSW; and
- ii. advise The Hon. Dominic Perrottet MP, Treasurer and Minister for Industrial Relations, of Council's decision before 1 January 2019.

ORD249/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

*(Councillor Sidgreaves vacated the chair and left the chamber - the time being 6.22pm. In the absence of the Mayor, the Deputy Mayor, Councillor Fedeli assumed the chair).*

**ORD01 PLANNING PROPOSAL - LOT 81 DP 656970, 1423 CAMDEN VALLEY WAY, LEPPINGTON**

Resolution: Moved Councillor C Cagney, Seconded Councillor Symkowiak that Council:

- i. endorse the draft Planning Proposal (as amended) for land at 1423 Camden Valley Way, Leppington to be forwarded to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 2.4 of the *Environmental Planning and Assessment Act 1979*;

- ii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition in accordance with the requirements of the Gateway Determination; and
- iii. subject to no unresolved submissions being received, forward the draft Planning Proposal for Lot 81 DP 656970, 1423 Camden Valley Way, Leppington to the Department of Planning and Environment for the plan to be made; or
- iv. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or
- v. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ORD250/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

*(Councillor Sidgreaves returned to the chamber and resumed the chair - the time being 6.29pm).*

**ORD02 PLANNING PROPOSAL - PART LOT 41 DP 270613, 181 THE NORTHERN ROAD, HARRINGTON PARK**

Resolution: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council:

- i. endorse the draft Planning Proposal for land at 181 The Northern Road, Harrington Park to be forwarded to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 2.4 of the *Environmental Planning and Assessment Act 1979*;
- ii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition in accordance with the requirements of the Gateway Determination; and
- iii. subject to no unresolved submissions being received, forward the draft Planning Proposal for Part Lot 41 DP 270613, 181 The Northern Road, Harrington Park to the Department of Planning and Environment for the plan to be made; or
- iv. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or
- v. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ORD251/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)



## Appendix 2: Consistency against State Environmental Planning Policies

SEPP Title	Consistency	Comment
1. Development Standards	N/A	This SEPP does not apply to the Camden LGA.
14. Coastal Wetlands	N/A	This SEPP does not apply to the Camden LGA.
15. Rural Land-sharing Communities	N/A	This SEPP does not apply to the Camden LGA.
19. Bushland in Urban Areas	Yes	The Planning Proposal will have no adverse effect to the surrounding bushland areas.
21. Caravan Parks	N/A	Not applicable to this Planning Proposal.
26. Littoral Rainforests	N/A	This SEPP does not apply to the Camden LGA.
29. Western Sydney Recreation Area	N/A	Not applicable to this Planning Proposal.
30. Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
32. Urban Consolidation (Redevelopment of Urban Land)	N/A	Not applicable to this Planning Proposal.
33. Hazardous and Offensive Development	Yes	This SEPP applies to the state; however, the proposal is not hazardous or offensive. This Planning Proposal is not inconsistent with the SEPP.
36. Manufactured Home Estates	N/A	Not applicable to this Planning Proposal.
39. Spit Island Bird Habitat	N/A	Not applicable to this Planning Proposal.
41. Casino Entertainment Complex	N/A	Not applicable to this Planning Proposal.
44. Koala Habitat Protection	N/A	This SEPP does not apply to the Camden LGA.

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47. Moore Park Showground	N/A	This SEPP does not apply to the Camden LGA.
50. Canal Estate Development	Yes	The provisions of this SEPP do not apply to the site.
52. Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	This SEPP relates to the construction of artificial water bodies.
55. Remediation of Land	Yes	SEPP 55 requires Council to consider whether the subject land is contaminated. If the land requires remediation for a proposed use or zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose.  It is considered unlikely that the area associated with Planning Proposal would be affected by contamination. Further detailed investigations will occur to satisfy SEPP 55 at any future Development Application stage.
59. Central Western Sydney Economic and Employment Area	N/A	Not applicable to this Planning Proposal.
62. Sustainable Aquaculture	N/A	This SEPP related to land-based aquaculture development.
64. Advertising and Signage	Yes	No advertising or signage is proposed as part of this Planning Proposal. Any future Development Application for the redevelopment will need to consider the provisions of this SEPP.
65. Design Quality of Residential Flat Development	N/A	This SEPP applies to development for the purpose of a residential flat building, shop top housing or mixed-use development with a residential accommodation component. Any future Development Application for the purposes of residential accommodation will need to consider the provisions of this SEPP.
70. Affordable Housing (Revised Schemes)	N/A	Not applicable to this Planning Proposal.
71. Coastal Protection	N/A	Not applicable to this Planning Proposal.

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SEPP (Building Sustainability Index: BASIX) 2004	Yes	This SEPP is relevant to specific development that would become permitted under the Planning Proposal. Future development would need to comply with these provisions.
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	Not applicable to this Planning Proposal.
SEPP (Major Development)	Yes	This SEPP applies to the state; however, the proposal has no relevance to the SEPP.
SEPP (Sydney Region Growth Centres) 2006	Yes	The Planning Proposal involves amendments to the Growth Centres SEPP as outlined in this report.
SEPP (Infrastructure) 2007	Yes	This SEPP is relevant to particular development categories. The Planning Proposal does not alter the application of the SEPP to future development.  The site is located and adjacent to two classified roads (Camden Valley Way and Ingleburn Road). Any future Development Application will need to consider the provisions of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	The provisions of this SEPP do not apply to the site.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Temporary Structures and Places of Public Entertainment) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This SEPP is relevant to particular development categories. The Planning Proposal does not alter the application of the SEPP to future development.

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SEPP (Rural Lands) 2008	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Western Sydney Parklands) 2009	N/A	The site is not identified within the Western Sydney Parklands. The provisions of this SEPP do not apply to the site.
SEPP (Affordable Rental Housing) 2009	Yes	This SEPP is relevant to particular forms of development. This Planning Proposal does not alter the application of the SEPP to future development.
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	N/A	Not applicable to this Planning Proposal.
SREP20 Hawkesbury-Nepean River	Yes	<p>The SREP requires consideration be given to the impact of future land use in Hawkesbury- Nepean River catchment in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development.</p> <p>The Planning Proposal is unlikely to alter or impact adversely upon the water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River catchment.</p>

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Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

## Appendix 3 : S9.1 Directions

S117 Direction Title	Consistency	Comment
1.0 Employment and Resources		
1.1 Business and Industrial Zones	N/A	This site is not located within land zoned business or industrial.
1.2 Rural Zones	N/A	The site is not located within land zoned rural.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	This Planning Proposal does not propose the extraction of minerals specified within this direction.
1.4 Oyster Aquaculture	N/A	This Planning Proposal does not propose changes within a Priority Oyster Aquaculture Areas and does not propose oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy").
1.5 Rural Lands	N/A	This Ministerial Direction does not apply to the Camden LGA.
2.0 Environment and Heritage		
2.1 Environment Protection Zones	No	<p>The Planning Proposal is located within close proximity of an E2 Environmental Conservation zone across Camden Valley Way to the east. The Planning Proposal is inconsistent with this direction. Notwithstanding this, the proposal is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The subject site does not form part of the environmentally sensitive land;</li> <li>• The subject site is separated from the adjoining environmental zone by a major arterial road; and</li> </ul>

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- The proposal is not contrary to the objectives of the E2 Environmental Conservation zone.

2.2 Coastal Protection	N/A	This site is not located within lands affected by the Coastal Protection Act 1979.
2.3 Heritage Conservation	N/A	The subject site does not contain heritage items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
2.4 Recreation Vehicle Areas	N/A	This direction does not apply as the Planning Proposal does not seek to develop land for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental	N/A	This direction does not apply as the Planning Proposal is not located within lands identified within this direction.
3.0 Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	<p>The subject site is located within an existing R3 Medium Density Residential zone under the provision of Growth Centres SEPP.</p> <p>This Planning Proposal seeks to amend the Schedule 1 of Appendix 9 of the Growth Centres SEPP to allow for additional permitted uses as outlined in this report.</p> <p>The proposed amendment to Schedule 1 is not considered to adversely impact the surroundings land use (as demonstrated by supporting studies).</p>
3.2 Caravan Parks and Manufactured Home Estates	NA	The Planning Proposal is consistent with this direction as it does not modify provisions relating to the permissibility of caravan parks and the like.
3.3 Home Occupations	Yes	The Planning Proposal is consistent with this direction as it does not modify

Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

provisions relating to the permissibility of home occupations within dwellings.

3.4 Integrating Land Use and Transport Ministerial Direction	Yes	The Planning Proposal is considered to be consistent with this Direction. As the Proposal will enable future development to be constructed in a location that is well-serviced by existing arterial and sub-arterial roads and public transport services.
3.5 Development Near Licensed Aerodromes	Yes	The proposed additional permitted uses as outlined in this report will provide greater accessibility and integrate land use and transport connectivity effectively.
3.6 Shooting Ranges	NA	This direction is not applicable as the planning proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
4.0 Hazard and Risk		
4.1 Acid Sulphate Soils	N/A	Detailed assessment of the salinity risk has been undertaken as part of the initial rezoning of the Leppington North Precinct. The land is not known to be affected by acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	NA	This direction is not applicable as the land has not been identified within a mine subsidence district.
4.3 Flood Prone Land	N/A	This direction is not applicable as the Planning Proposal will not create, remove or alter a zone or a provision that affects flood

Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

			prone land.
4.4 Planning for Bushfire Protection	Yes		This Planning Proposal is consistent with this Ministerial Direction. The NSW Rural Fire Service raises no objection to the proposal subject to a requirement that any future development of the land complies with <i>Planning For Bushfire Protection 2006</i> or any subsequent version. The development proposal needs to be supported by a Bushfire Assessment Report which identifies the extent to which the proposed development conforms with or deviates from the <i>Planning for Bushfire Protection 2006</i> .
5.0 Regional Planning			
5.1 Implementation of Regional Strategies	N/A		This direction is not applicable as the Planning Proposal is not considered a regional strategy released by the Minister for Planning.
5.2 Sydney Drinking Water Catchments	N/A		This direction is not applicable as the land has not been identified within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A		This Ministerial Direction does not apply to the Camden LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A		This direction is not applicable as the land is not within the vicinity of an existing and/or proposed alignment of the Pacific Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked – N/A	Revoked 18 June 2010	
5.6 Sydney to Canberra Corridor	Revoked – N/A	Revoked 10 July 2008	
5.7 Central Coast	Revoked – N/A	Revoked 10 July 2008	

Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington



5.8 Second Sydney Airport: Badgerys Creek	N/A	This direction is not applicable as the land is not in the vicinity of lands shown within the boundaries of the proposed airport site.
5.9 North West Rail Link Corridor Strategy	N/A	This direction is not applicable as the land is not within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.
5.10 Implementation of Regional Plans	Yes	This Planning Proposal consistent with the vision, land use strategy, goals, directions and actions contained in the Sydney Metropolitan Strategy and Western Sydney District Plan.
6.0 Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is identified as integrated development pursuant to s138 of the <i>Roads Act 1993</i> . Any future Development Application will need the concurrence of Roads and Maritime Services.
6.2 Reserving Land for Public Purposes	Yes	Part of the site is reserved for acquisition for the purposes of road widening. The Planning Proposal does not seek to alter the land identified as reserved for acquisition within the subject site.
6.3 Site Specific Provisions	No	<p>The Planning Proposal proposes to enable additional permitted uses of pub, hotel or motel accommodation and retail premises restricted to retail liquor outlet which is inconsistent with this direction. Notwithstanding this, the proposal is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>The continued operation of the existing tavern and provision of a new retail liquor outlet and motel accommodation will help contribute the future socially connected community of Leppington;</li> </ul>

Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

- The proposal is consistent with the objectives of the R3 Medium Density Residential zone. Specifically, the proposal will enable other land uses that provide facilities or services to meet the day to day needs of residents;
- The proposal will provide services including motel accommodation and revitalise the existing Lockie's Hotel which is part of the social infrastructure of Leppington; and
- The proposal is not inconsistent with Regional, District and local strategic plans and their relevant objectives.

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#### 7.0 Metropolitan Plan Making

7.1 Implementation of A Plan for Growing Sydney	Yes	This Planning Proposal is consistent with this direction as the proposal is considered to achieve the overall intention of the Plan and does not undermine the achievement of its planning principles; directions; and priorities for sub regions, strategic centres and transport gateways.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	This Ministerial Direction does not apply to the Camden LGA.
7.3 Parramatta Road Corridor Urban Transformation Strategy	N/A	This Ministerial Direction does not apply to the Camden LGA.
7.4 Implementation of North West Priority Growth Area Land Use And Infrastructure Implementation Plan	N/A	This Ministerial Direction does not apply to the Camden LGA.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Ministerial Direction does not apply to the Camden LGA.

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Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Ministerial Direction does not apply to the Camden LGA.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Ministerial Direction does not apply to the Camden LGA.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Yes	The Planning Proposal does not seek amendments to the height of building and therefore will not impact the Obstacle Limitation Surface of the Western Sydney Airport. The Planning Proposal is consistent with this direction.
7.9 Implementation of Bayside West Precincts 2036 Plan	N/A	This Ministerial Direction does not apply to the Camden LGA.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Ministerial Direction does not apply to the Camden LGA.

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Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

Appendix 4: Traffic and Parking Report prepared Colston Budd Rogers & Kafes Pty Ltd (November 2017)

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Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

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ALH GROUP PTY LTD

TRAFFIC AND PARKING REPORT  
FOR PLANNING PROPOSAL FOR  
LOCKIES HOTEL SITE,  
1423 CAMDEN VALLEY WAY,  
LEPPINGTON

NOVEMBER 2017

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Colston Budd Rogers & Kafes Pty Ltd

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Colston Budd Rogers & Kafes Pty Ltd

CHAPTER 1

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1. INTRODUCTION

1.1 Colston Budd Rogers and Kafes Pty Ltd has been commissioned by ALH Group Pty Ltd to prepare a report examining the traffic and parking implications of a planning proposal for the Lockies Hotel site at Leppington. The site location is shown in Figure 1.

1.2 The Lockies Hotel site includes the existing hotel and drive-through bottle shop of 1,322m<sup>2</sup>. Vehicular access is provided from Ingleburn Road.

1.3 The planning proposal would provide for a new tavern of 3,115m<sup>2</sup>, **Dan Murphy's** of 1,570m<sup>2</sup> and an 80 room motel. New parking, loading areas and circulation are proposed.

1.4 This report assesses the traffic and parking implications of the proposed development through the following chapters:

- Chapter 2 - describing the existing conditions; and
  - Chapter 3 - assessing the traffic and parking implications of the proposed development.
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CHAPTER 2

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## 2. EXISTING CONDITIONS

### Site Location and Road Network

- 2.1 The site is at 1423 Camden Valley Way, on the north-western corner of the intersection of Camden valley Way with Ingleburn Road and Denham Court Road at Leppington, as shown in Figure 1. Lockies Hotel includes the hotel and drive-through bottle shop of 1,322m<sup>2</sup>.
- 2.2 Vehicular access is provided from Ingleburn Road via an entry/exit driveway. There is a right turn bay in Ingleburn Road for turns into the development.
- 2.3 The site is in the Leppington North precinct in the South West Priority Growth Area. Surrounding land use includes rural properties and residential uses which are being developed in the area. The Leppington Major Centre is west of the site.
- 2.4 Camden Valley Way is adjacent the site. It is a major road linking the Hume Highway at Prestons in the north with Camden in the south. It provides the major north-south road access through the South West Priority Growth Area and its associated release areas, having been upgraded to accommodate this development. It provides a four lane divided carriageway (with future provision to upgrade to six lanes) with two traffic lanes in each direction. Major intersections are signalised with additional lanes for turning traffic. It has an 80 kilometre per hour speed limit. There are bus stops on both sides of the road, and bus priority at signalised intersections. An off-road cycle path is provided along the western side of the road, adjacent the site.
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## CHAPTER 2

2.5 Ingleburn Road and Denham Court Road intersect Camden Valley Way at a signalized intersection, adjacent the site. Both roads have been upgraded at the intersection in association with the upgrade to Camden Valley Way. There are left and right turn lanes on all approaches to the intersection.

2.6 There is a right turn bay in Ingleburn Road for access to and from the site. West of the site, Ingleburn Road provides for one traffic lane in each direction.

Previous Studies

2.7 The site is within the Leppington North precinct in the South West Priority Growth Area. An indicative layout plan and development control plan have been prepared for the precinct and the adjacent Austral precinct.

2.8 The Austral and Leppington North precincts are two of 19 precincts in the South West Priority Growth Area. The precincts comprise some 2,025 hectares and will ultimately provide:

- 17,350 dwellings;
- 54,000 residents;
- 220 hectares of employment land;
- 135 hectares of open space and recreational areas;
- Leppington Major Centre with regional shopping, employment, cultural and community facilities;
- new Leppington railway station;
- three neighbourhood centres;
- new schools and upgrades to major roads; and
- walking and cycling routes.

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## CHAPTER 2

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- 2.9 In association with the rezoning of the precincts, transport studies<sup>1,2</sup> were prepared. The studies assessed the transport requirements to accommodate a level of development generally described above. These studies recommended road and transport works to accommodate development of the precincts.
- 2.10 The DCP for the Austral and Leppington North Precincts identifies an upgrade to Ingleburn Road, new roundabouts and traffic signals at a number of intersections and other traffic facilities, including provision for buses, pedestrians, and cyclists.
- 2.11 The Camden Growth Areas Contributions Plan includes the road and transport works from the DCP and previous transport studies and provides a mechanism for their funding.
- 2.12 In addition to these works, other major works within the South West Priority Growth Area, including upgrades to Camden Valley Way and South West Rail Link Extension, have and are being provided to accommodate future development in the South West Growth Centre, including the Austral and Leppington North precincts and other surrounding areas. The overall transport and traffic planning for the area has therefore already identified works to cater for this development, with mechanisms in place or being put in place to facilitate their implementation.

Traffic Flows

- 2.13 Traffic generated by the proposed development will have its greatest effects during weekday evening and Saturday peak periods when it combines with other

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<sup>1</sup>“Austral and Leppington North (ALN) Precincts Transport Assessment.” Prepared by Aecom for NSW Department of Planning and Infrastructure, 11 August 2011.

<sup>2</sup> “Post Exhibition Traffic Report (Addendum).” Prepared by Aecom for NSW Department of Planning and Infrastructure, 4 July 2012.

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CHAPTER 2

traffic on the surrounding road network. In order to gauge traffic conditions, counts were undertaken during a Friday evening and Saturday lunchtime. Friday evenings are also busy periods for the hotel. The traffic counts were undertaken at the intersection of Camden Valley Way with Ingleburn Road and Denham Court Road.

- 2.14 The results of the surveys are shown in Figures 2 and 3 and summarised in Table 2.1. Camden Valley Way 5090 to 5500 vehicles per hour two-way during the Friday and Saturday peak hours. Denham Court Road and Ingleburn Road carried lower flows of some 950 to 1860 vehicles per hour two-way.

**Table 2.1: Existing two-way (sum of both directions) peak hour traffic flows**

Road	Location	Friday evening peak hour	Saturday lunchtime peak hour
Camden Valley Way	North of Ingleburn Road	2785	2585
	South of Ingleburn Road	2715	2505
Denham Court Road	East of Camden Valley Way	1150	610
Ingleburn Road	West of Camden Valley Way	710	340

- 2.15 The surveys found that the site generated some 330 and 150 vehicles per hour two-way (sum of entry plus exit) during the Friday evening and Saturday peak hours respectively.

#### Intersection Operations

- 2.16 The capacity of the road network is largely determined by the capacity of its intersections to cater for peak period traffic flows. The intersection of Camden Valley Way with Ingleburn Road and Denham Court Road has been analysed using the SIDRA program for the traffic flows shown in Figures 2 and 3.

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CHAPTER 2

2.17 SIDRA simulates the operations of intersections to provide a number of performance measures. The most useful measure provided is average delay per vehicle expressed in seconds per vehicle. Based on average delay per vehicle, SIDRA estimates the following levels of service (LOS):

- For traffic signals, the average delay per vehicle in seconds is calculated as delay/(all vehicles), for roundabouts the average delay per vehicle in seconds is selected for the movement with the highest average delay per vehicle, equivalent to the following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Good with minimal delays and spare capacity
29 to 42	=	"C"	Satisfactory with spare capacity
43 to 56	=	"D"	Satisfactory but operating near capacity
57 to 70	=	"E"	At capacity and incidents will cause excessive delays. Roundabouts require other control mode.
>70	=	"F"	Unsatisfactory and requires additional capacity

- For give way and stop signs, the average delay per vehicle in seconds is selected from the movement with the highest average delay per vehicle, equivalent to following LOS:

0 to 14	=	"A"	Good
15 to 28	=	"B"	Acceptable delays and spare capacity
29 to 42	=	"C"	Satisfactory but accident study required
43 to 56	=	"D"	Near capacity and accident study required
57 to 70	=	"E"	At capacity and requires other control mode
>70	=	"F"	Unsatisfactory and requires other control mode

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## CHAPTER 2

- 2.18 It should be noted that for roundabouts, give way and stop signs, in some circumstances, simply examining the highest individual average delay can be misleading. The size of the movement with the highest average delay per vehicle should also be taken into account. Thus, for example, an intersection where all movements are operating at a level of service A, except one which is at level of service E, may not necessarily define the intersection level of service as E if that movement is very small. That is, longer delays to a small number of vehicles may not justify upgrading an intersection unless a safety issue was also involved.
- 2.19 The analysis found that the signalised intersection of Camden Valley Way with Ingleburn Road and Denham Court Road is operating with average delays of less than 24 seconds per vehicle during the Friday evening and Saturday peak periods. This represents level of service B, a good level of service.

Public Transport

- 2.20 The site is adjacent to bus services which operate along Camden Valley Way. There are bus stops adjacent to the site on Camden Valley Way. Services also operate along Ingleburn Road. Services include links to Leppington railway station.
- 2.21 Local bus services are provided by Interline. Services include:
- route 856: Bringelly to Liverpool via Leppington, Prestons and Casula;
  - route 857: Narellan to Liverpool via Prestons and Casula; and
  - route 858: Oran Park to Leppington via Camden Valley Way.
- 2.22 The site is therefore accessible by public transport.

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CHAPTER 3

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### 3. IMPLICATIONS OF PROPOSED DEVELOPMENT

- 3.1 The planning proposal would provide for a new tavern of 3,115m<sup>2</sup>, **Dan Murphy's** of 1,570m<sup>2</sup> and an 80 room motel. New parking, loading areas and circulation are proposed.
- 3.2 This chapter assesses the implications of the proposed development through the following sections:
- public transport;
  - parking provision;
  - access, servicing and internal layout;
  - traffic generation and effects; and
  - summary.

#### Public Transport

- 3.3 As previously discussed, the site has access to local bus services. The site is therefore accessible by public transport.
- 3.4 The proposed development would increase employment and retail densities close to existing public transport services. The proposal would therefore strengthen the existing demand for these services.
- 3.5 The site would continue to be accessible by modes of travel other than car, such as walking and buses.
- 3.6 The proposed development is therefore consistent with government objectives and the planning principles of:
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CHAPTER 3

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- (a) improving accessibility to employment and services by walking, cycling, and public transport;
  - (b) improving the choice of transport and reducing dependence solely on cars for travel purposes;
  - (c) moderating growth in the demand for travel and the distances travelled, especially by car; and
  - (d) supporting the efficient and viable operation of public transport services.

#### Parking Provision

- 3.7 The Camden Growth Centre Precincts Development Control Plan does not include parking requirements for taverns or motels. For retail premises greater than 200m<sup>2</sup>, the DCP includes a parking requirement of one space per 22m<sup>2</sup>.
  - 3.8 By comparison, for pubs, the Camden Council DCP 2011 includes a parking requirement of one space per 2m<sup>2</sup> GFA public bar area, plus one space per 5m<sup>2</sup> GFA lounge, beer garden, auditorium, billiard room, restaurant, plus 25 spaces per 100m<sup>2</sup> of remaining public floor area, plus one bicycle and one motorcycle space per 25 car spaces in excess of the first 25 car spaces.
  - 3.9 The DCP also notes that council will consider the peak demand of the uses and potential for dual use of parking spaces. A detailed car parking submission based on a similar club parking arrangement may be required.
  - 3.10 For motel accommodation, the DCP requirement is one space per unit plus one space per two employees.
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## CHAPTER 3

- 3.11 We have undertaken surveys of the parking demands of many clubs/pubs/taverns. These surveys have found typical peak parking demands of one space per 15m<sup>2</sup> GFA. This provision is considered appropriate for the proposed tavern, which includes uses (restaurant, bar, gaming areas) similar to other clubs.
- 3.12 We have also undertaken surveys of the parking demands at other Dan Murphy's. These surveys found parking demands of one space per 36m<sup>2</sup>.
- 3.13 The Dan Murphy's will have peak demands during the day on weekends and Thursday/Friday late afternoon/early evenings. The tavern will have peak demands on Fridays and weekends later in the evening.
- 3.14 A proportion of people using the motel accommodation would also be visitors to the tavern. These people would not require separate parking. Therefore, parking demands of the hotel and accommodation would be reduced.
- 3.15 Taking the above into account, the proposed development would have peak parking demands of some 250 spaces. The proposed provision is 257 spaces which is considered appropriate.
- 3.16 Appropriate disabled parking spaces and bicycle parking will be provided.

Access, Servicing and Internal Layout

- 3.17 The existing driveway to the site from Ingleburn Road would be retained to provide access to the development. It will provide for entry and exit to the site, as at present, for customers and service vehicles.



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CHAPTER 3

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- 3.18 A drop-off area will be provided at the front of the motel for taxis and mini-buses. **Separate loading bays will be provided for the tavern, Dan Murphy's and motel.** The Dan Murphy's bay will cater for 19 metre semi-trailers and 12.5 metre large rigid trucks to enter from Ingleburn Road, manoeuvre within the site and exit in a forward direction. The bays for the motel and tavern will provide for medium to large rigid trucks, in accordance with the Australian Standard for Parking Facilities (Part 2: Off-street commercial vehicle facilities), AS 2890.2 – 2002. The final design will be detailed at the development application stage.
- 3.19 An amended parking layout will be provided on the site. Spaces will be a minimum of 5.4 metres long and 2.6 metres wide, with clearance to adjacent obstructions. Aisles will be a minimum of 5.8 metres wide. Disabled parking spaces will be 2.4 metres wide, with a 2.4 metre wide adjacent area for wheelchairs. These dimensions are considered appropriate, being in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.6:2009.

#### Traffic Generation and Effects

- 3.20 Traffic generated by the proposed development will have its greatest effects during Friday evening and Saturday lunchtime peak periods when it combines with other traffic on the surrounding road network.
- 3.21 **Surveys of other Dan Murphy's have found traffic generation of some 18.5 and 13.5 vehicles per hour per 100m<sup>2</sup> two-way during Friday and Saturday peak hours respectively. On this basis, the proposed Dan Murphy's would generate some 290 and 210 vehicles per hour two-way respectively at these times.**
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## CHAPTER 3

- 3.22 The RMS “Guide to Traffic Generating Developments” indicates that motels generate 0.4 vehicles per hour per unit during evening peak hours. On this basis, the 80 motel rooms would generate some 35 vehicles per hour two-way during the Friday evening. We have assessed 20 vehicles per hour two-way for the accommodation units on the Saturday.
- 3.23 Surveys of other clubs/pubs/taverns have found traffic generation rates in the range 3.3 to 6.4 vehicles per hour per 100m<sup>2</sup> two-way during Friday evenings, with an average rate of around 4.5 vehicles per hour per 100m<sup>2</sup> two-way. We have assessed a generation of 4.5 vehicles per hour per 100m<sup>2</sup>.
- 3.24 As noted in Chapter 2, the existing development generated some 330 and 150 vehicles per hour two-way during Friday and Saturday peak hours respectively. Therefore the increase in traffic generation would be some 140 and 220 vehicles per hour two-way at these times.
- 3.25 A proportion of this traffic would be passing trade (i.e. traffic which is passing the **Dan Murphy’s** regardless of its visit to the store). Based on RMS guidelines, our assessment includes 20 per cent passing trade for **Dan Murphy’s**.
- 3.26 The additional traffic has been assigned to the road network. Existing traffic flows plus the additional traffic from the proposed development are shown in Figures 2 and 3, and summarised in Table 3.1. Traffic increases on Ingleburn Road would be some 230 to 290 vehicles per hour two-way at peak times. Increases on Camden Valley Way and Denham Court Road would be lower at some 70 to 100 vehicles per hour two-way.

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CHAPTER 3

**Table 3.1: Existing two-way peak hour traffic flows plus development traffic**

Road	Location	Friday evening peak hour		Saturday lunchtime peak hour	
		Existing	Plus development	Existing	Plus development
Camden Valley Way	North of Ingleburn Road	2785	+100	2585	+80
	South of Ingleburn Road	2715	+100	2505	+80
Denham Court Road	East of Camden Valley Way	1170	+90	610	+70
Ingleburn Road	West of Camden Valley Way	710	+290	340	+230

3.27 The intersection of Camden Valley Way with Ingleburn Road and Denham Court Road has been re-analysed with SIDRA for the additional development traffic flows shown in Figures 2 and 3. The analysis found that the intersection would operate with average delays of less than 26 seconds per vehicle during the Friday evening and Saturday peak periods. This represents level of service B, a good level of service.

3.28 Therefore, the road network will be able to cater for the additional traffic from the proposed development, with spare capacity to cater for future development in the area.

3.29 At the development application stage, the development will make appropriate contributions under the Camden Growth Areas Contributions Plan toward traffic and transport works in the area.

#### Summary

3.30 In summary, the main points relating to the transport implications of the planning proposal are as follows:

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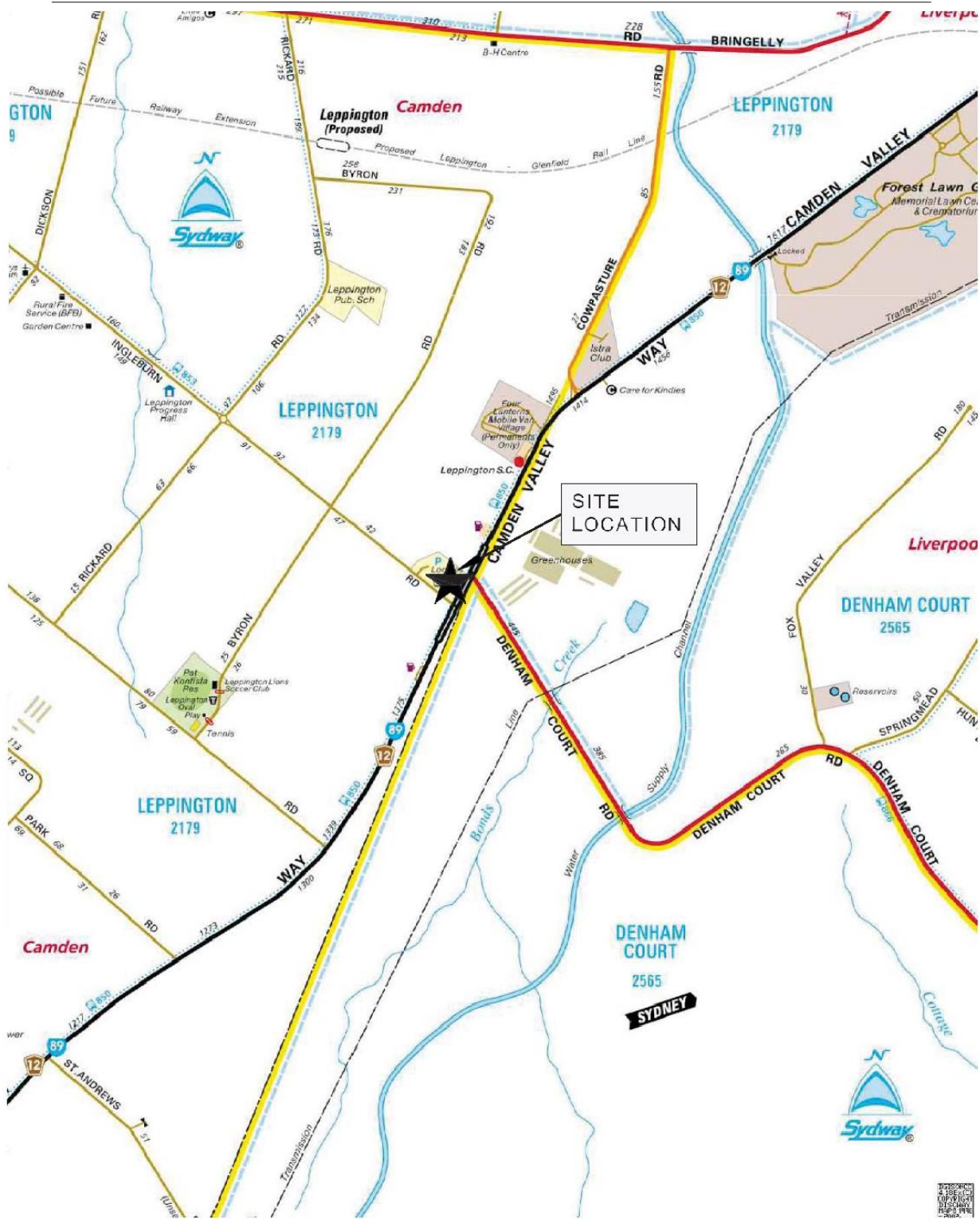
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CHAPTER 3

- i) the proposed development would increase employment, services and retail densities close to existing public transport services;
- ii) the proposed parking provision is appropriate;
- iii) at the development application stage, access, internal circulation and layout will be provided in accordance with AS 2890.1:2004 and AS 2890.2 - 2002;
- iv) significant road and transport infrastructure is being provided to cater for future development in the South West Growth Centre;
- v) the road network will be able to accommodate the additional traffic from the proposed development; and
- vi) the development will make appropriate contributions under the Camden Growth Areas Contributions Plan toward traffic and transport works in the area.

10659 Lockies Hotel



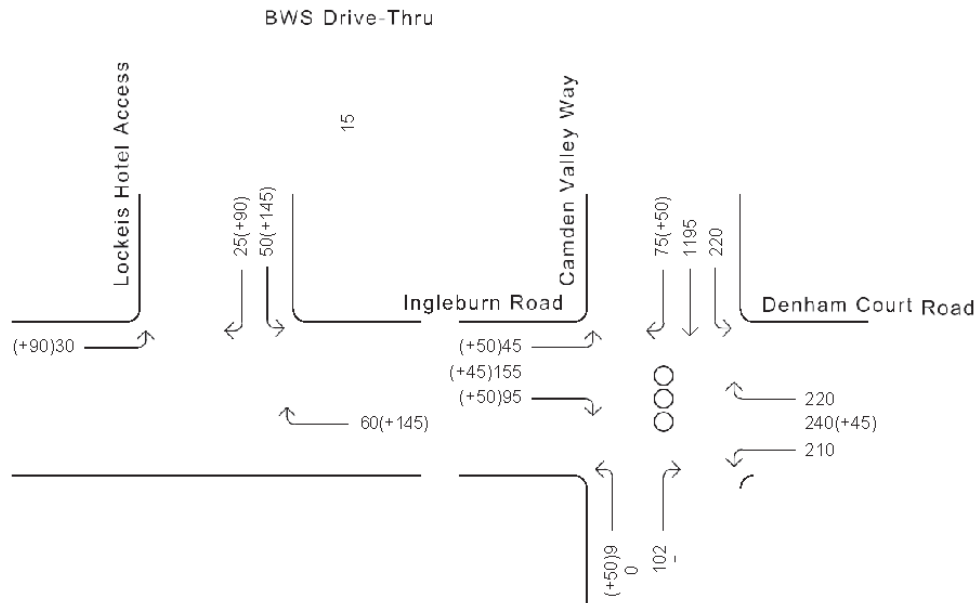
Click: <https://goo.gl/maps/CtgFfYb5B9m>

Location Plan

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DRAWN BY CBRK Pty Ltd\_mrc Ref. 10659 23.10.2017

Figure 1



**LEGEND**

- 100 - Existing Peak Hour Traffic Flows
- (+10) - Additional Development Traffic
-  - Traffic Signals

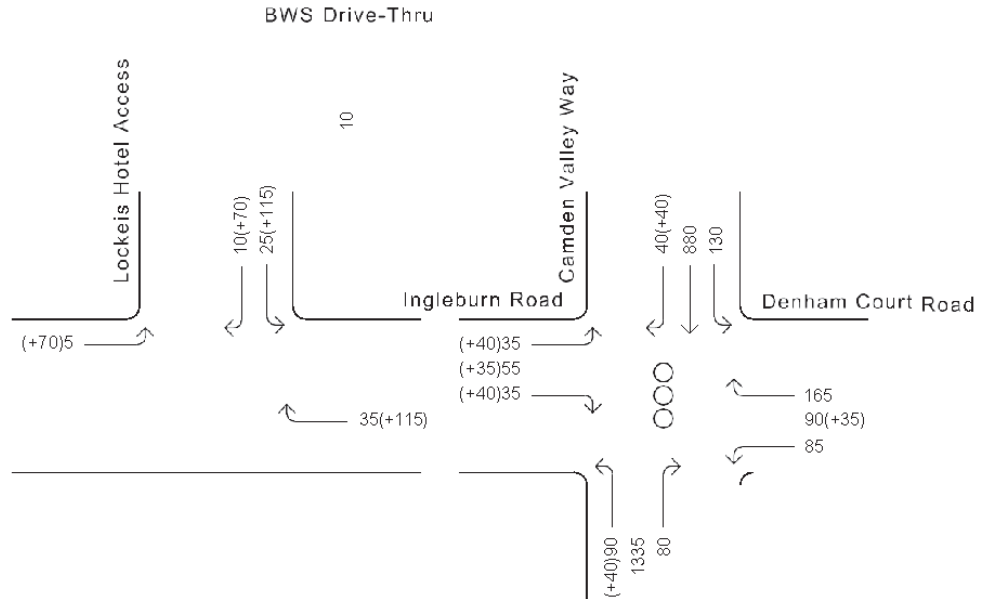
**Existing Friday evening peak hour traffic flows plus development traffic**

**Figure 2**

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10659 Lockies 



**LEGEND**

- 100 - Existing Peak Hour Traffic Flows
- (+10) - Additional Development Traffic
-  - Traffic Signals

**Existing Saturday evening  
peak hour traffic flows plus  
development traffic  
Figure 3**

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Appendix 5: Social Impact Assessment prepared by Milestone (AUST) Pty Limited

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Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

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**SOCIAL IMPACT ASSESSMENT**

**PROPOSED NEW TAVERN, DAN MURPHY'S LIQUOR STORE AND  
MOTEL**

**1423 CAMDEN VALLEY WAY, LEPPINGTON (LOT 81 DP 656970)**

**JULY 2018**

Prepared by  
**Milestone (AUST) Pty Limited**

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**APPENDICES**

Appendix A: SIA Author Resumes

## 1. DESCRIPTION

### 1.1 Introduction

This Social Impact Assessment report has been prepared for ALH Group Pty Ltd (ALH Group) by Milestone (AUST) Pty Limited (Milestone) to accompany a Planning Proposal to Camden Council (Council) for the subject property at 1423 Camden Valley Way, Leppington.

This Social Impact Assessment has been prepared with reference to the following:

- ☐ Planning Proposal Report prepared by Milestone, dated November 2017.
- ☐ Review of Development Plans prepared by Cayas Architects, dated 2 November 2017.
- ☐ Review of consultant expert reports submitted with the Planning Proposal, including:
  - Economic Impact Assessment prepared by MacroPlan Dimasi Pty Ltd dated November 2017.
  - Traffic and Parking Report Colston Budd Rogers & Kafes Pty Ltd dated November 2017.
- ☐ Camden LGA Destination Management Plan 2016
- ☐ Review of the following documents:
  - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP).
  - Camden Local Environmental Plan 2010.
  - Camden Development Control Plan 2011.
  - Camden Council Economic Development Strategy Growth and Prosperity 2013.
  - Camden LGA Destination Management Plan 2016.
- ☐ Review of applicable crime, liquor outlet density and Social Profile Report (SPR) statistical data available from the Bureau of Crime Statistics and Research (BOCSAR) and Liquor and Gaming NSW.
- ☐ Review relevant community profile, health and Socio Economic Indexes for Areas (SEIFA) data available from the Australian Bureau of Statistics website.
- ☐ Review of relevant academic studies (Refer to Section 10 of this Report).

### 1.2 Purpose of this Submission

This Social Impact Assessment provides an overview of the site and its context, a description of the proposed development, outlines the assessment undertaken of the socio economic characteristics of the locality, a review of the applicable social and planning policy framework and assesses the potential impacts of the proposed ALH Group development, inclusive of a new Tavern, a Dan Murphy's Liquor Store and a Motel, on the existing and future local residents, adjoining commercial premises and the wider community.

This report also outlines the potential social and community benefits of the proposal and the management measures that will be implemented by ALH Group and Dan Murphy's to minimise any adverse impacts on the locality.

### 1.3 Site and Site Context

The site is located at 1423 Camden Valley Way, Leppington and comprises one lot legally described as Lot 81 DP 656970. The site is rectangular in shape with a total area of approximately 24,300m<sup>2</sup> and holds a primary frontage of approximately 112m to Camden Valley Way and secondary frontage of 230m to Ingleburn Road.

The site currently accommodates a large single storey building operating as 'Lockies Hotel' including a BWS Liquor outlet with at grade car parking accessed from Ingleburn Road. The site also contains a number of mature trees and vegetation dispersed across the site.

Development surrounding the site consists of predominately semi rural residential development to the north and west of the site, with more recent low to medium density residential development and subdivision works commencing to the south east on Camden Valley Way. The site is also located within proximity to some remaining agricultural uses, including a large flower farm and greenhouse facility located opposite the site to the north east. The Forest Lawn Memorial Park and Leppington Forest Lawn Cemetery is located 2.7km to the north east of the site.

The site is located within the Austral and Leppington North Precinct of the South West Priority Growth Area (SWPGA). According to NSW Department of Planning and Environment, the Austral and Leppington North Precinct will include:

- "...17,350 new homes and the delivery of local amenities close to transport options, including:
  - new Major Centre
  - the new Leppington station
  - three neighbourhood centres
  - 220 hectares of employment land
  - 135 hectares of open space and recreation areas
  - upgrades to major roads
  - new primary and high schools
  - protection of significant vegetation, and major creek corridors
  - improved connections to encourage walking and cycling."

The site is Zoned R3 Medium Density Residential pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP 2006). The site is however located within proximity to a number of business and commercial zones, being located approximately 400m south east of land zoned B7 Business Park, 800m south east of land zoned B3 Commercial Core and 1km south west of land zoned B4 Mixed Use. The site is also within close proximity to an isolated parcel of land zoned B2 Local Centre, located approximately 500m south of the site to the eastern side of Camden Valley Way.

The site is located approximately 1.5km south of the recently constructed Leppington Railway Station, which will serve as an important transport hub for the South West Growth Centre. The locality is currently undergoing significant transition with further development anticipated in Leppington as a result of the area being identified as a Strategic Centre within the South West Growth Centre as referenced by the 'A Plan for Growing Sydney 2014'. Major development has recently been approved by the State Government in the area, including a new Private Hospital Campus at Gledswood Hills.

Western Sydney Airport located at Badgerys Creek is located approximately 15km north west from the subject site. The Western Sydney Airport is due to commence operation in the mid 2020s, and will be a major generator of employment and economic activity in Western Sydney. The provision of an airport in Western Sydney will also increase the demand for tourism and accommodation services in the area.

The site is located on a prominent corner and enjoys accessibility to the arterial road network. Camden Valley Way is a major arterial road in the region, linking the Hume Highway, M7 and M5 interchange at Prestons, with Camden and Narellan in Sydney's south west.



**Figure 1: Site Location**  
Source: Six Maps 2016

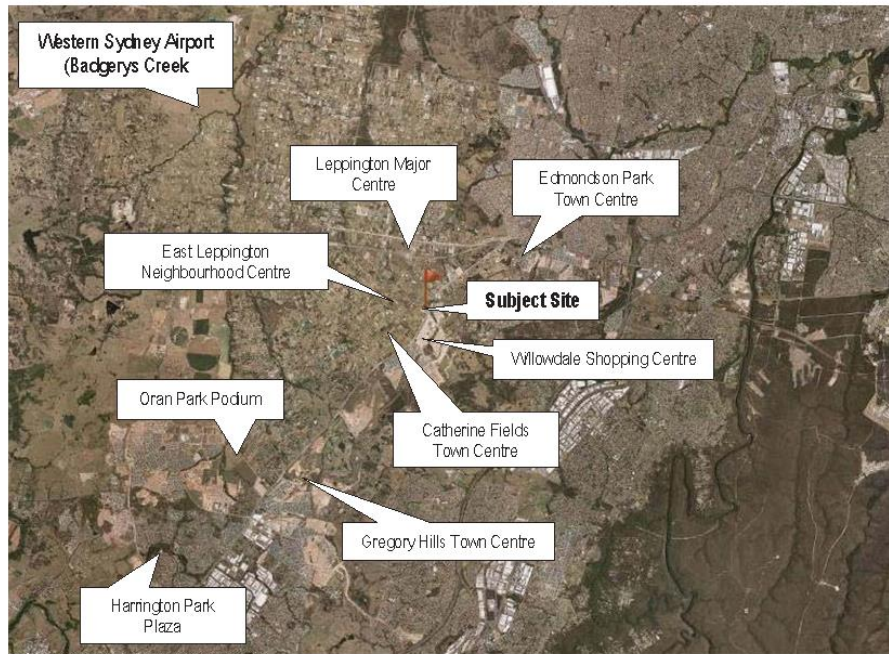


Figure 2: Existing Retail Context  
Source: Six Maps 2016



Photo 1: The existing Lockies Hotel, viewfacing north west within site car park



Photo 2: The rear of the existing Lockies Hotel, view east

#### 1.4 Planning Proposal

This report has been prepared to support a Planning Proposal to include additional permitted uses in Schedule 1 of Appendix 9 of SEPP 2006 for motel accommodation, pub and retail premises to facilitate the redevelopment of the site as follows:

- ☑ Demolition of existing Lockies Hotel and associated BWS Liquor Outlet buildings;
- ☑ Construction of a new Tavern;
- Construction of a new Dan Murphy's Liquor Store; and
- ☑ Construction of a new motel and associated facilities built over two stages.

The key development statistics include:

Site Area	23,089m <sup>2</sup>
Proposed Gross Floor Area:	
Dan Murphy's Liquor Shop	1,570m <sup>2</sup>
Tavern	3,115m <sup>2</sup>
Motel	2,790m <sup>2</sup>
<b>Total</b>	<b>7,475m<sup>2</sup> (32%)</b>
Car Spaces	257

Further details are held in the Development Plans in **Appendix A**.

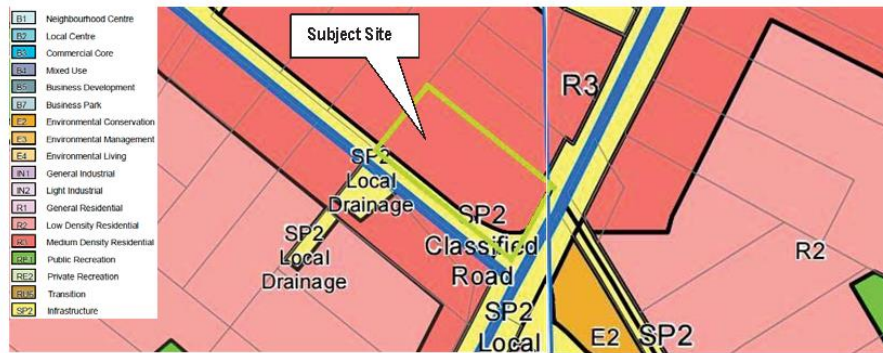
## 2. ZONING

The existing zoning of the site is R3 Medium Density Residential pursuant to SEPP 2006 as shown in Figure 3. The existing use of the site is defined as a 'pub' and is prohibited in the R3 Zone but benefits from existing use rights.

It is proposed to retain the existing R3 Zoning but to include additional permitted uses at Schedule 1 of Appendix 9 of SEPP 2006. The proposed uses are 'pub', 'motel accommodation' and 'retail premises' which are all prohibited in the R3 Medium Density Residential Zone. The objectives of the R3 Zone are:

- *"To provide for the housing needs of the community within a medium density residential environment.*
- ② *To provide a variety of housing types within a medium density residential environment.*
- ② *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment."*

The proposal will satisfy the relevant objectives of the R3 Zone by providing facilities and services that meet the day to day needs of residents including an improved pub, Dan Murphy's liquor store and motel accommodation that will provide visitors with local accommodation and stimulate local businesses. The well being of the community will be enhanced through the provision of a pub which functions as a community meeting place and services which are demanded by the local residents. The operation of the proposed development can be managed to ensure that it is compatible with the amenity of the surrounding medium density residential environment.



**Figure 3: Zoning Map**  
Source: SEPP 2006

**3. DEMOGRAPHICS**

**3.1 Community Profile and Social Indicators**

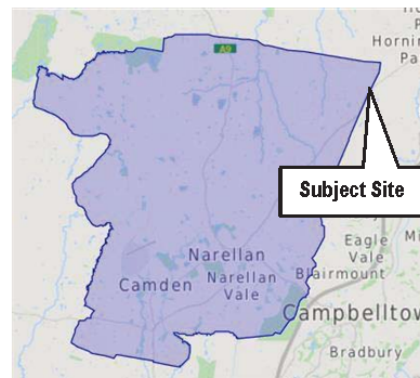
On 9 August 2016, the Australian Bureau of Statistics (ABS) conducted the 2016 Census. The results of the 2016 Census provide insight into the demographic, economic and housing characteristics of the population and are useful in determining the community profile and social indicators of particular communities. On 27 June 2016 the first comprehensive data set was released by the ABS, which includes data on key person, family and dwelling characteristics including age, sex, religion, language and income data. Further census data, including information on employment, qualifications and population mobility, including journey to work and internal migration was released on 27 October 2017.

The proposed development site is located within the Statistical Area of Leppington (refer to Figure 4 below). This section provides an analysis of the population, age and structure, ethnicity, income levels and employment characteristics and the family and household types for Leppington. The results of the 2016 Census for Leppington have been compared to the Camden LGA (refer to Figure 4 and 5 below).

The Australian Bureau of Statistics implemented a new geographic analysis structure within the 2011 Census called the Australian Standard Geographic Classification which uses the SA1 (Statistical Area Level 1). This classification replaces the 2006 Census use of the Census Collector District.



**Figure 4: Leppington State Suburb**  
Source: Australian Bureau of Statistics



**Figure 5: Camden Local Government Area**  
Source: Australian Bureau of Statistics

### 3.2 Demographic Characteristics

#### 3.2.1 Population size and age structure

In 2016, the Leppington State Suburb (Leppington) had a total population of 3,498 persons (usual residents) which represents 4.5% of the total population of Camden LGA. Of the total population of Leppington in 2016, 51% were males and 49% were female.

In 2016, 27% of the total population of Leppington was aged 19 or younger, 30.3% of the population between 20 to 39 years of age and 22.6% between 40 to 59 years of age. Only 20.4% of the population was over 60 years of age.

The median age of people living in Leppington was 35, slightly older than 33 for the entire Camden LGA.

#### 3.2.2 Ethnicity

Leppington is moderately linguistically diverse. The top responses for language other than English include Arabic at 6.8%, Cantonese at 5.1%, Italian at 4.7%, Serbian at 1.8% and Urdu at 1.7%. Within Leppington 53.7% of the population only speak English at home and 42.1% of the population belong to households where a non English language is spoken. 60.2% of the population were born in Australia. This varies from Camden LGA where 81.2% of residents only speak English at home and 77.4% of the population were born in Australia.

Other languages spoken at home in the Camden LGA include Arabic 1.4%, Italian 1.3%, Spanish 1.3%, Hindi 0.9% and Mandarin 0.7%.

#### 3.2.3 Family and Household Composition

Of the 889 families living in Leppington in 2016, 32.3% of these were couple families without children, 53.5% were couple families with children and 12.4% were one parent families. This is relatively consistent with the Camden LGA which comprises of the following family composition: 29.8% couple families, 55.1% couple families with no children and 14.0% one parent families.

In Leppington 86.5% of single parents were female and 13.5% of single parents were male.

### 3.3 Economic Characteristics

#### 3.3.1 Income Levels

In 2016, the resident population of Leppington earn less on average compared to residents of Camden LGA. Profile.id Community's, Community Profile of Leppington Rossmore Catherine Field notes the following:



*“...analysis of individual income levels in Leppington Rossmore Catherine Field in 2016 compared to Camden Council area shows that there was a lower proportion of people earning a high income (those earning \$1,750 per week or more) and a higher proportion of low income people (those earning less than \$500 per week).”*

*Overall, 7.4% of the population earned a high income, and 35.3% earned a low income, compared with 13.5% and 31.3% respectively for Camden Council area.”*

The primary differences between the suburbs of Leppington Rossmore Catherine Field individual incomes and Camden LGA include the following:

- *“A larger percentage of persons who earned \$300 - \$399 (8.4% compared to 6.5%)*
- ▣ *A smaller percentage of persons who earned \$2,000 - \$2,999 (3.1% compared to 6.4%)*
- ▣ *A smaller percentage of persons who earned \$1,750 - \$1,999 (2.9% compared to 4.9%)*
- *A smaller percentage of persons who earned \$1,500 - \$1,749 (4.7% compared to 6.6%)”*

### 3.3.2 Employment Characteristics

In 2011, of the 2,085 Leppington Rossmore Catherine Field residents reported being engaged in the labour force (comprising of persons aged 15 years and over), 64% work full time, 32% of the workforce work part time and 2.9% of residents were unemployed.

The most common occupations that workers are employed in Leppington Rossmore Catherine Field are Technicians and Trades Workers, (18.6%), Clerical and Administrative Workers (16.7%), Managers (16.1%), Professionals (11.7%) and Machine Operators and Drivers (10.3%). The most common industries for local residents in Leppington Rossmore Catherine Field are Construction Workers (14.6%), Retail Trade Workers (11.1%), Manufacturing (11.0%), Transport, Postal and Warehousing Workers (9.2%) and Health Care and Social Assistance Workers (7.2%).

For the Camden LGA, the breakdown varies from industries within Leppington Rossmore Catherine Field with the most common industries being Manufacturing, (11.1%), Retail Trade (11.0%), Construction (9.9%), Health Care and Social Assistance (9.8%) and Education and Training (9.3%).

### 3.4 Housing

Leppington is currently characterised by low density dwelling types that reflect the relatively newly established suburbs of the SWPGA. In 2016, 95.8% of occupied private dwellings were separate houses, 0.9% were classed as semi detached, row or terrace house, townhouse etc. housing and there were 0.4% instances of flat or apartment housing within the area. Of the total occupied private dwellings in Leppington, 36.8% were owned outright, 29.4% were owned with a mortgage and 29.4% were rented.

Of the total occupied private dwellings in Leppington, 56.9% of these dwellings comprised of four bedrooms. The average number of bedrooms per dwelling was 3.6 and the average household size was 3 people. This is similar to the Camden LGA which comprised of an average of 3.7 bedrooms per dwelling and an average household size of 3.1 people.

In 2011, Leppington experienced higher rents and mortgage repayments on average than the Camden LGA. The median rent was \$485 per week and the median mortgage repayment was \$2,518 per month within Leppington. In comparison the median rent was \$460 per week and the median mortgage repayment was \$2,220 per month within the Camden LGA.

### 3.5 Community Facilities

The following section outlines the range of community facilities and services accessible to the site and available to future residents of Leppington and the broader Camden LGA.

### 3.5.1 Schools

The closest school to the site is the Leppington Public School which is located at 144 Rickard Rd, Leppington approximately 1.6km to the north west of the site. Care for Kindies (early childhood education centre) is located approximately 850 north east of the site on Camden Valley Way.

### 3.5.2 Transport

The site is serviced by the following Sydney Buses Routes along Camden Valley Way and Ingleburn Road:

- ☐ 856 Bringelly to Liverpool via Prestons and Churchill Gardens.
- ☐ 857 Narellan to Liverpool via Prestons and Churchill Gardens.
- ☐ 841 Narellan to Leppington via Gregory Hills, Gledswood Hills and Willowdale Estate.
- ☐ 858 Oran Park to Leppington via Camden Valley Way.

The site is serviced by the following Railway Station:

- ☐ Leppington Railway Station, approximately 2.1km to the north east of the site.

The site is located 15km south east from Western Sydney Airport located at Badgerys Creek (to commence operation in the mid 2020s).

### 3.5.3 Shops and Services

The subject site is located within the Leppington Major Centre which was rezoned on 15 March 2013, and which also includes the Leppington Railway Station. The Leppington Major Centre is identified as a major employment, shopping and government services area to accommodate the new residents and visitors to the SVMPGA, and is expected to provide 60,000m<sup>2</sup> to 80,000m<sup>2</sup> of retail floor space (inclusive of major supermarkets and department stores). Growth of the Leppington Major Centre is dependent on demand for development over the long term.

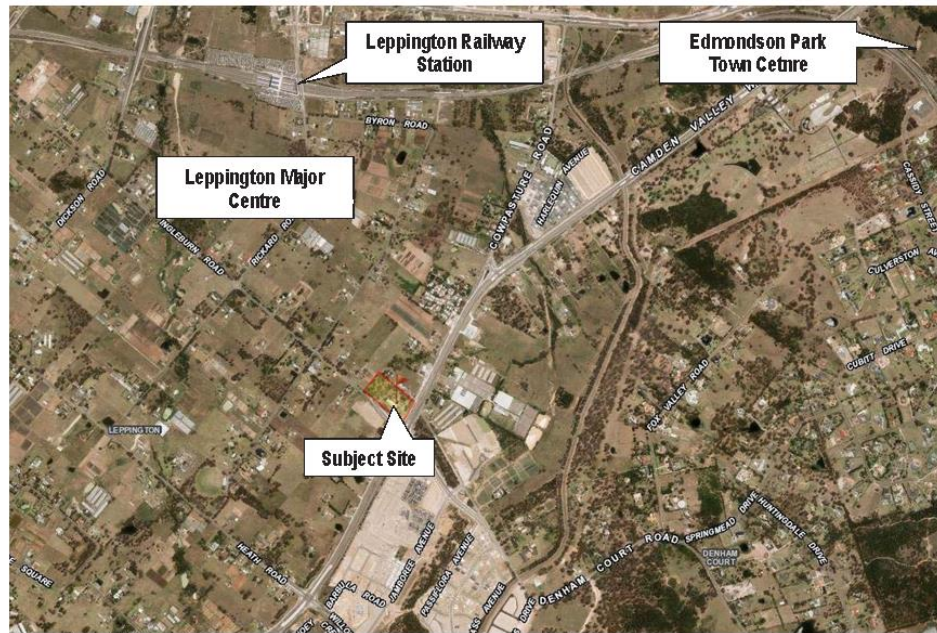
Existing shops and services in close proximity to the site, include:

- ☐ Willowdale Shopping Centre located approximately 1.1km south of the site.
- ☐ Oran Park Podium located approximately 11.1km south of the site.
- ☐ Harrington Plaza Shopping Centre located approximately 11.1km south west of the site.

Future shops and services in close proximity to the site, include:

- ☐ The Leppington Major Centre.
- ☐ Edmondson Park Town Centre.
- ☐ Catherine Fields Town Centre.
- ☐ Gregory Hills Town Centre.

Refer to **Figure 6** below for further details on the retail context.



**Figure 6: Retail Context**  
Source: Six Viewer 2016

#### 3.5.4 Open Space and Leisure

A series of passive and active open space areas are zoned within the Leppington Precinct. The closest open space will be located approximately 1km to north and south of the site on Byron Road.

#### 3.5.5 Community Centres

There is a lack of existing Community Centres within the Leppington Locality. The closest Community Centres are the Greenway Park Community Centre in West Hoxton, the Carnes Hills Community & Recreation Precinct in Carnes Hill and Camden Community Connections in Narellan.

#### 3.5.6 Health Services

There are no general practitioners, health and medical centres located within 5km of the site. The closest hospitals to the site include:

- ☐ Campbelltown Hospital, 42 Parkside Cres, Campbelltown.
- ☐ Liverpool Hospital, Elizabeth Street, Liverpool.
- ☐ Camden Hospital, 61 Menangle Rd, Camden.

A new 473 bed Hospital Campus, Camden Private Hospital, has been approved at Gledswood Hills located approximately 7.2km south east from the subject site.

#### 3.5.7 Child Care

Childcare centres in the locality include:

- ☐ Care for Kindies, 1412 Camden Valley Way, Leppington.
- ☐ Annabelle Early Learning Centre, 297 Bringelly Road, Leppington.
- ☐ Rossmore Community Preschool, 631 Bringelly Road, Leppington.

### 3.5.8 Libraries

There are no Council operated libraries located within the suburb of Leppington. The site is located approximately 5.0km from the Carnes Hill Library, 9.3km from the Liverpool City Council Library and 11.0km from Narellan Library.

## 3.6 Social Indicators

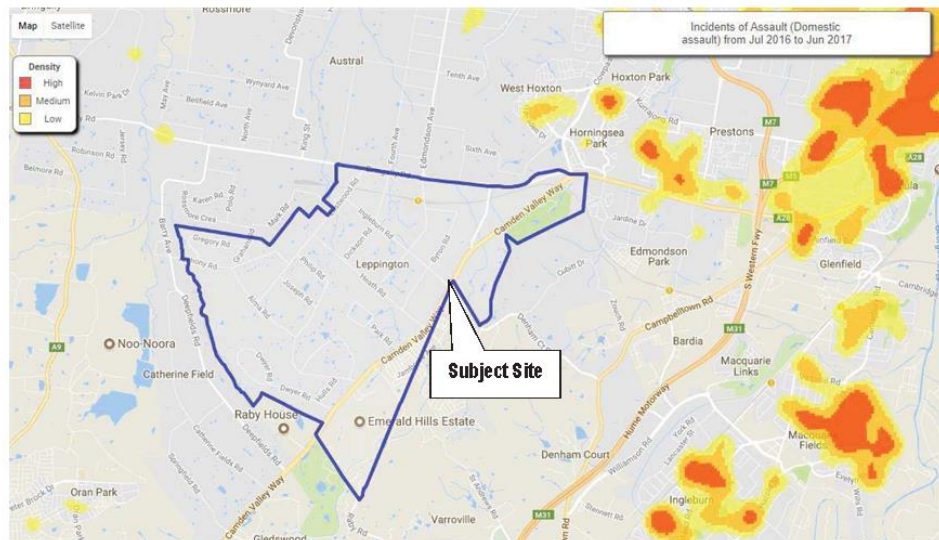
### 3.6.1 Crime

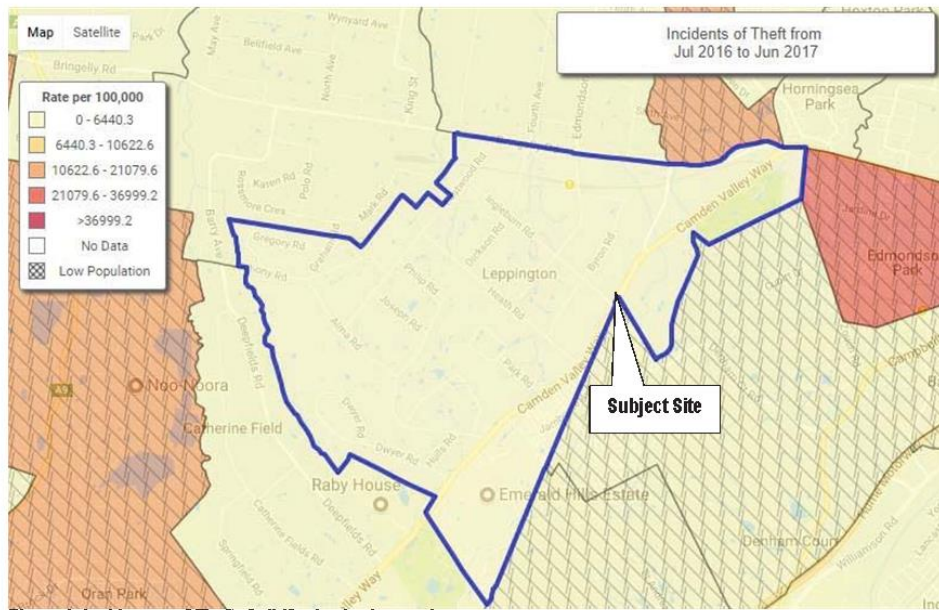
The latest statistics (January to December 2016) provided by the NSW Bureau of Crime Statistics and Research (BOCSAR) indicate the type of crimes most prevalent in the Camden LGA. The most prevalent crime types in Camden include:

- Malicious damage to property – 443 incidents.
- Fraud – 433 incidents.
- Assault – domestic violence related – 223 incidents.
- Steal from motor vehicle – 181 incidents.
- Assault – non domestic violence related – 175 incidents.
- Break and enter dwelling – 172 incidents.
- Steal from dwelling – 143 incidents.
- Steal from a retail store – 123 incidents.

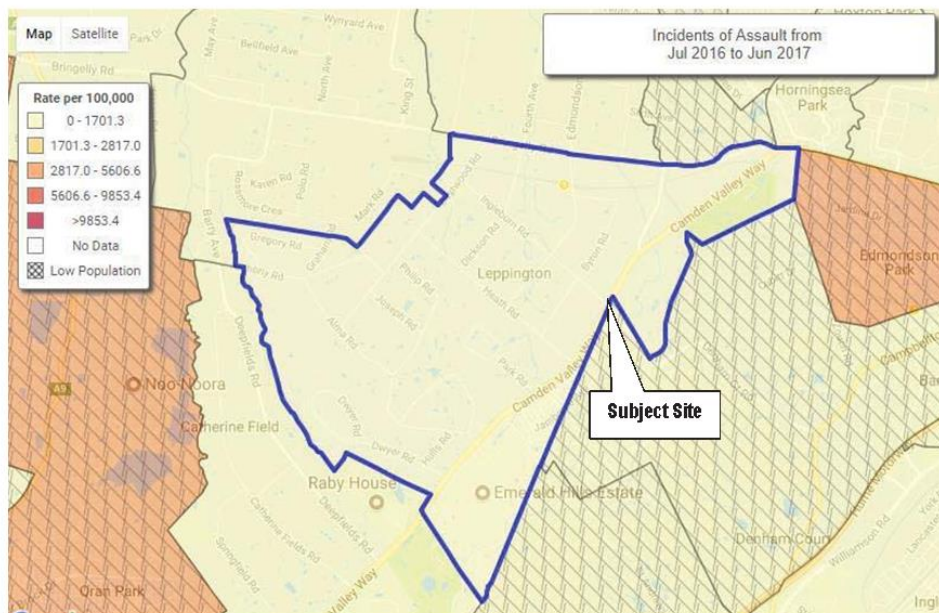
The BOCSAR Crime Trends for the 24 month period from June 2015 to June 2017 shows that all 17 major offence types are stable.

A review of the latest hotspot mapping data available (dated December 2014) from the BOCSAR website in relation to the subject site reveals that the subject site is not a crime hotspot for any type of offence (refer to Figures 7 - 12 below).





**Figure 8: Incidences of Theft, Guildford suburb mapping.**  
 Source: BOC SAR, July 2015 – June 2017



**Figure 9: Incidences of Assault, Leppington suburb mapping.**  
 Source: BOC SAR, July 2015 – June 2017

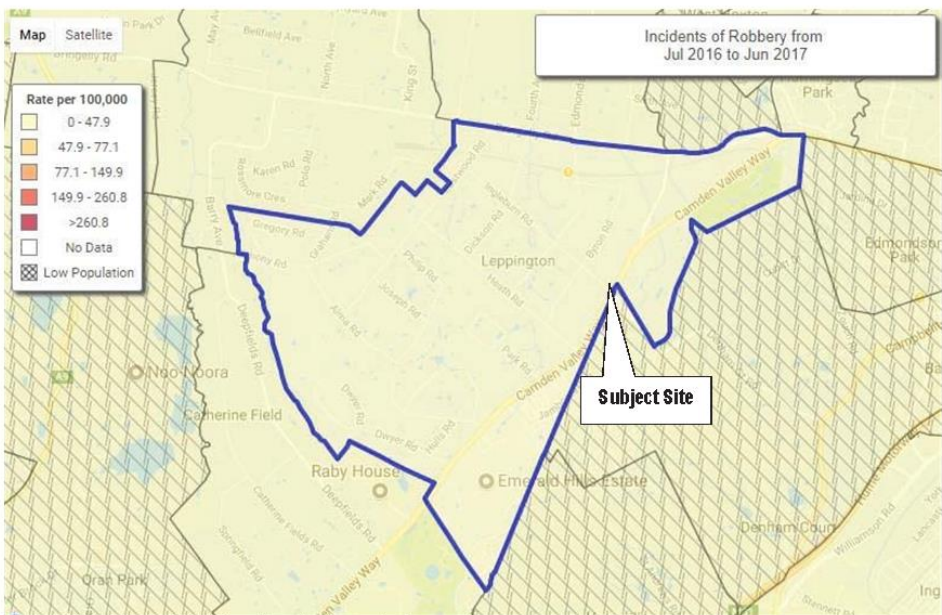


Figure 10: Incidents of Robbery, Leppington suburb mapping.  
Source: BOCSAR, July 2015 – June 2017

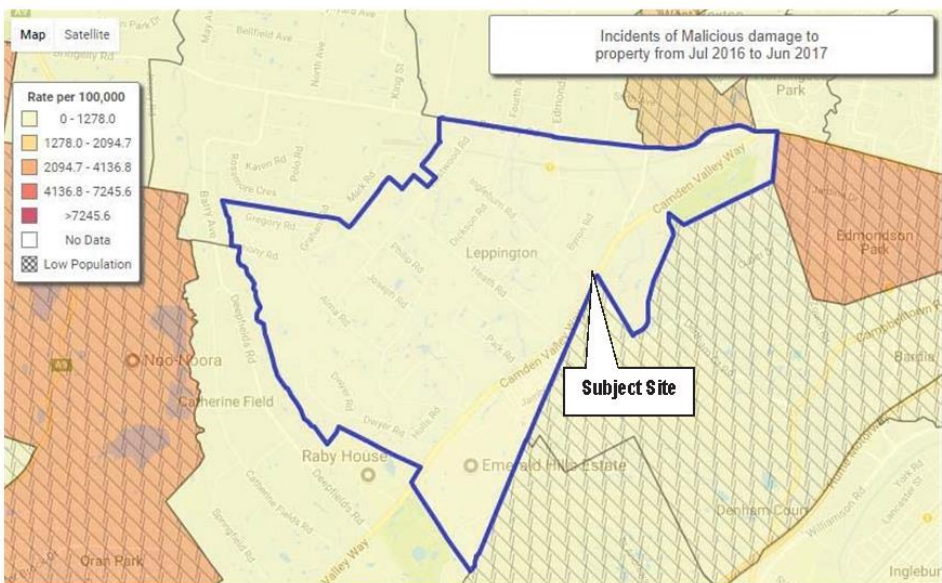
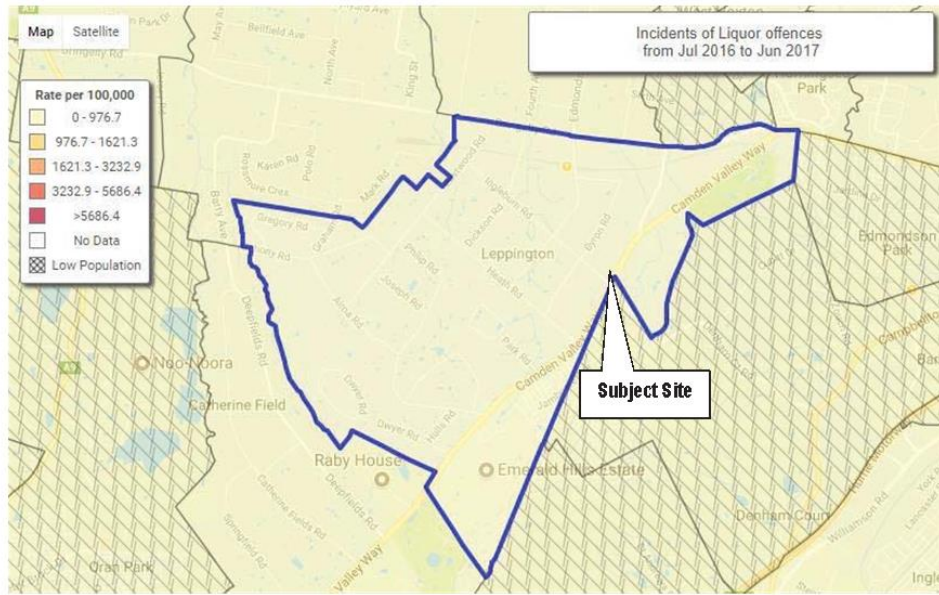


Figure 11 Malicious damage to property, Guildford suburb mapping.  
Source: BOCSAR, July 2015 – June 2017



**Figure 12: Incidents of Liquor offences, Leppington suburb mapping.**  
 Source: BOCSAR, July 2015 – June 2017

3.6.2 Health

Data released by Health Statistics NSW(2013) relating to alcohol related hospitalisations by LGA revealed that for the period of 2013 to 2015 the Camden LGA smoothed number of alcohol related hospitalisations was 556.7 per 100,000 population. With a lower 95% credible interval of 72.9 and an upper 95% credible interval of 84.7, the Camden LGA has a lower alcohol related hospitalisation rate to the NSW average (NSW average is 670.4 per 100,000 population).

3.6.3 Social Economic Indexes for Areas (SEIFA)

Table 1 and Table 2 below outline the Social Economic Indexes for Areas (SEIFA) from the 2011 Census for the Camden LGA.

**Table 1: SEIFA Index of Relative Socio economic Disadvantage Ranking within Australia and NSW**

	Score	Ranking within Australia			Ranking within State		
		Rank	Decile	Percentile	Rank	Decile	Percentile
Camden LGA	1,047.1	511	10	91	133	9	87

**Table 2: SEIFA Summary for the Camden LGA based on 2011 resident population of 56,724 people**

Indicator	Score	Decile
Index of Relative Socio Economic Advantage and Disadvantage	1056	10
Index of Relative Socio Economic Disadvantage	1047	9
Index of Economic Resources	1094	10
Index of Education and Occupation	994	8

The above results reveal that the Camden LGA has a population that is somewhat more advantaged in comparison to the other LGAs within NSW and across Australia. The statistical average SEIFA score is 1,000 and therefore areas with an index above 1,000 are above the Australian average. Camden LGA is shown to be advantaged in comparison to NSW as a whole. A decile ranking of 9 indicates that the Camden LGA has a population with higher incomes and lower rates of unemployment and higher levels of education. The decile results above indicate that there are some households in the Camden LGA with lower levels of education and occupation.

### 3.6.4 Alcohol Consumption in Australia

Alcohol is a lawful, socially acceptable, recreational activity which provides considerable social benefit to large numbers of people and also provides significant economic benefit to the community.

The Australian Bureau of Statistics media release dated 1 September 2017 indicates that alcohol consumption in Australia per person has increased for the first time in nine years. Apparent total consumption per annum of pure alcohol per person in Australia in 2015 – 2016 increased to 9.7 litres.

### 3.6.5 Alcohol Free Zones

The site is not located in an alcohol free zone and there are no alcohol free zones located within the immediate vicinity of the site. The established alcohol free zones are located within town centres and within close proximity to recreational areas within the Camden LGA, and include:

- ☐ Camden Town Centre
- ☐ Camden
- ☐ Narellan
- ☐ Narellan Vale
- ☐ Mount Annan
- ☐ Currans Hill
- ☐ Harrington Park

## 4. STAKEHOLDERS

### 4.1 Identified Stakeholders

The proposed redevelopment of the site may potentially impact the following stakeholders or stakeholder groups:

- ☐ Camden Council.
- ☐ NSW Police Force, Camden Local Area Command, Camden Valley Way & Wilson Crescent, Narellan.
- ☐ NSW Health, Mental Health and Drug and Alcohol, North Sydney.
- ☐ NSW Department of Family & Community Services, Ashfield and NSW Department of Aboriginal Affairs, Surry Hills.
- ☐ South Western Sydney Local Health District.
- ☐ Local special interest groups, including:
  - NSW Aboriginal Land Council Head Office, Parramatta.
  - Drug Awareness, Rehabilitation and Management (DRUG ARM NSW) – State Office, Fairfield.
  - Salvation Army Community Services Centre, Parramatta.
  - South Western Sydney Local Health District – Drug and Alcohol Intake.
- ☐ Campbelltown Hospital, 42 Parkside Cres, Campbelltown.
- ☐ Liverpool Hospital, Elizabeth Street, Liverpool.
- ☐ Camden Hospital, 61 Menangle Rd, Camden.
- ☐ Places of worship and educational establishments, including:
  - Hope Anglican Church, Leppington.
  - Samoan Methodist Church, Leppington.
  - St Mary Mother of the Church, Leppington.
  - Al Madina Mosque, Leppington.
- ☐ Residents of Camden and surrounding suburbs.
- ☐ People living, working or visiting in the immediate vicinity of the site.
- Local businesses including those that would be competing with, or complementary to the proposed Tavern and Dan Murphy's Liquor Store.
- ☐ Residents and businesses in the wider Camden, Campbelltown and Liverpool Local Government Areas (LGA).



The scope of the potential impacts on these groups is considered in reference to the social issues identified in Section 6 and Section 7 of this report.

## 5. CONSULTATION PROCESSES

Public consultation of the proposed development will be undertaken during the notification period of the Planning Proposal in accordance with any future Gateway Determination. Community consultation will be required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act (EP&A Act) and will be publically available for a minimum of 14 days. Consultation is likely to be required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Transport for NSW– Roads and Maritime Services
- ☐ NSW Police Force
- ☐ Department of Family and Community Services
- ☐ Department of Education and Communities

This SIA report along with the Planning Proposal documentation will be made available to the public for review and comment. Any submissions received by Council during the public notification period will be considered as part of the assessment of the Planning Proposal.

Public consultation will also be undertaken at the Development Application stage in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Camden Development Control Plan 2010.

Further public consultation will be undertaken by the Liquor and Gaming NSW as part of the liquor license application for the proposed Tavern and Dan Murphy's Store. The local community will have further opportunity to provide comment regarding the proposed Tavern and Dan Murphy's Liquor Store at that stage.

## 6. PROPOSED CHANGES

### 6.1 Physical Changes

There will be physical changes to the area as a result of the demolition of the existing Lockies Hotel and associated BWS liquor outlet, and the construction of a new Tavern (3,115m<sup>2</sup>), a Dan Murphy's liquor outlet (1,570m<sup>2</sup>) and a new motel (2,790m<sup>2</sup>) (for approximately 80 rooms in two stages of 40 rooms). The development will also include 257 car parking spaces.

The existing Lockies Hotel and BWS outlet provides a built form that is in a state of disrepair, provides minimal interface with Camden Valley Way and Ingleburn Road and provides no positive visual attributes or activation to street frontages.

The proposed development of the Tavern, Dan Murphy's and the Motel will provide a better built form outcome for the site, and following the rezoning of the land will be required to be assessed via a Development Application process which will ensure the site is developed to provide appropriate bulk and scale and an overall positive impact on the streetscape.

The proposed development will result in the loss of approximately 35 palms and 100 other tree species currently existing on the site, which will alter the visual impact, as well as have a potential impact in terms of biodiversity loss within the area. In this regard, an Arborist Assessment should accompany any future development application on this site.

The physical changes to the area as a result of the proposed development will not result in a material reduction in the amenity of the surrounding area. The proposal includes new development which will provide a greater visual cohesiveness and intensification of land use for the site overall. The proposal will provide a positive impact on the appearance of the site and streetscape.

## 6.2 Demographic Changes

### Residential and Workforce Population

There will be no change in the resident population as a result of the development. As outlined within the Economic Impact Assessment prepared by MacroPlan Dimasi dated November 2017, the construction of the proposed redevelopment of the site will create approximately 95 additional direct employment (long term) jobs from the new tavern, Dan Murphy's Store and motel and approximately 94 new job opportunities through the construction of the development with both day and night time shifts available. The variety of roles caters to a large sector of the workforce, including students, working mothers and others requiring flexible works schedules.

The existing workforce on the site is comprised of approximately 14 positions at Lockies Hotel and 20 positions at the BWS outlet (including full time, part time and casual staff, in addition to contractors on an as required basis).

The construction of the development will result in approximately 245 jobs, inclusive of approximately 94 jobs created directly from the construction and 151 created from (supplier employment) multiplier induced effects.

### Accommodation Options

The proposed motel component of the development will attract more visitors to the area on a longer term basis. Visitors are expected to be drawn to the area by the growing resident and workforce population of Leppington and the broader South West Priority Growth Precinct. There is a distinct lack of short term stay accommodation opportunities within the area.

An Accommodation Audit published within the Camden LGA Destination Management Plan 2016 (DMP 2016) identifies the need for further accommodation options within the Camden LGA to support the region as a tourism destination. Table 3 outlines the current accommodation options within Camden LGA.

**Table 3: Current Accommodation Options in the Camden LGA**

	Count	% Breakdown
Motel	4	44%
B&B/ Guesthouse/Farmstay	3	33%
Camping/ Caravan Park	1	11%
Student Accommodation/ School Camps	1	11%
Serviced Apartments	0	0%
<b>Total</b>	<b>9</b>	<b>100%</b>

The accommodation audit illustrates the small number of accommodation options within the LGA. The DMP 2016 notes that only 13% of visitors stay overnight. The proposed Motel will contribute to an increased number of accommodation options which are required for the increase in resident and visitor populations, and the growing tourism market within the Camden LGA.

Due to the site's location in close proximity to the Forest Lawn Memorial Park and Leppington Forest Lawn Cemetery and the future Camden Private Hospital and Western Sydney Airport, it is anticipated that the demand for accommodation services will increase further.

### Traffic and Parking

Traffic and parking requirements are included in the overall redevelopment, and in this regard parking requirements will not adversely impact on surrounding streets. The Traffic and Parking report prepared by Colston Budd Rogers & Kafes Pty Ltd dated November 2017 notes that the proposed parking provision of 257 car parking spaces (inclusive of accessible spaces) is appropriate and the additional traffic resulting from the development will not adversely impact on the existing road network.

## 7. PROBABLE IMPACTS

### Health

As outlined in Section 3 of this Report, alcohol related hospitalisation in the Camden LGA is lower than the NSW State average. There will be no increase in the ability to purchase alcohol as the existing development includes a BWS retail outlet which has a current packaged liquor licence and Lockies Hotel which has a primary service licence. Therefore it is envisaged the proposed development will not result in any increase in demand for health services. ALH Group and Dan Murphy's staff strictly comply with the Responsible Service of Alcohol (RSA) requirements and are trained not to serve persons who are already intoxicated.

The proposed development and the activity of retailing liquor does not pose any specific health impacts or risks. Alcohol will be available to consume in a controlled environment with (RSA) trained staff members within the proposed Tavern, however no alcohol will be permitted to be consumed on site at the Dan Murphy's Liquor Store.

The proposed development will not pose any specific risk. All staff will be trained in occupational health and safety.

### Safety

All entries and exits, pathways and car parks of the proposed development and the site overall will be well lit at night. The multi use of the car park (between the proposed Tavern, Dan Murphy's Liquor Store and the Motel) will enhance public safety outcomes due to the varying closing times of each use, and the 24 hour nature of the motel accommodation.

Windows in the proposed Tavern, Dan Murphy's Liquor Store and Motel will overlook the car park to provide passive surveillance. CCTV Camera will also be included with the proposed development and will cover all entries into the proposed Tavern, Dan Murphy's Liquor Store and Motel and the associated car parking facilities. Further details on the type and location of the CCTV Camera will be specified at the Development Application and Construction Certificate stages.

The proposed Tavern and Dan Murphy's Liquor Store will include an active street level use on both Camden Valley Way and Ingleburn Road. The proposed Motel will be orientated towards Ingleburn Road.

Detailed landscaping plans have not yet been produced, however landscaping will be proposed at Development Application stage to allow clear sightlines from within the Tavern, Dan Murphy's Liquor Outlet and Motel to the car park and other public areas.

As outlined in Section 3 of this Report, alcohol related crime in Camden LGA is lower than the NSW State average. However, it is envisaged that the proposed development will not result in any significant opportunities for crime. It has been determined that the majority of alcohol related anti social behaviour occurs between the hours of 9pm and 3am Friday and Saturday nights (Briscoe and Donnelly 2001a), with most of the anti social behaviour occurring around areas where there are numerous licensed premises and late night trading premises including hotels and entertainment venues. Under current legislation relating to the sale of alcohol, no alcohol associated goods will be transacted or offered for sale at any time past the 11pm (Monday to Saturday) and 10pm (Sunday) restrictions. The proposed Dan Murphy's Liquor Store therefore will not trade during late nights when alcohol related anti social behaviour mostly occurs.

The proposed hours for the Tavern will reflect existing approved hours and will include:

- 10:00am – 1:00am (the following day) Mondays to Wednesday.
- 10:00am – 4:00am (the following day) Thursday to Saturday.
- 10:00am – 12:00am on Sundays.

Although the proposed Tavern will be operating between the hours of 9pm and 3am, it is not located within a concentrated late night entertainment precinct. Studies undertaken regarding alcohol generated violence reveal licensed venues such as hotels and night clubs concentrated in late night entertainment districts account for a significantly disproportionate percentage of assaults and alcohol related incidents. Assaults and anti social

behaviour are generally not associated with packaged liquor retail outlets such as a Dan Murphy's liquor store. Relevant studies that demonstrate this outcome include Moffatt, Mason, Borzycki and Weather Burn (2009), Briscoe and Donnelly (2003), Nicholas (2006), Livingston (2008) and the National Drug Law Enforcement Research Fund (2006).

Potential crime is minimised on site by virtue of the presentation of the Tavern and Dan Murphy's Liquor Store being well lit, well staffed and tidy. Furthermore, all staff will be required to be trained in safety procedures. The setback location of the proposed motel will increase pedestrian activity and passive surveillance further reducing the potential for crime.

The proposed Tavern and Dan Murphy's Liquor Store will operate in accordance with a strict management policy. Dan Murphy's are experienced liquor retailers. Dan Murphy's Liquor Stores have detailed management practices which draw upon experience from across Australia.

There is no evidence that the granting of a Packaged Liquor Licence will encourage drink driving or other liquor related harm. Dan Murphy's Liquor Store does not permit on site consumption or encourage loitering in the area.

The Camden Local Area Command (Narellan) will be consulted in relation to the Planning Proposal. Any proposed conditions recommended by NSW Police will be incorporated into the final site design. Management will contact local Police immediately in the event of any incidents occurring at the proposed premises or in the immediate surrounds.

In light of the above the opportunities for crime to be created as a result of the proposed development are minimal.

#### Neighbourhood Identity

The proposal includes a significant improvement to the visual appearance of the site via a complete redevelopment of the existing Lockies Hotel and BSW liquor outlet buildings which will materially improve the appearance and provide a complementary streetscape and design outcome. Therefore, the proposed new buildings are considered to have a positive impact on the visual presentation of the site and the streetscape overall.

The Planning Proposal will facilitate the construction of a Tavern, Dan Murphy's Liquor Store and a Motel (constructed over two stages) with a total gross floor area of 7,475m<sup>2</sup>. The subject site is currently located within an undeveloped R3 Medium Density Residential Zone, and in this regard the proposal is unlikely to change the character of the Leppington neighbourhood and there is planning merit to provide non residential uses alongside busy intersections where lower levels of amenity occur.

The ALH Group will provide a clean and well maintained professional premises. Littering is typically not associated with taverns, liquor stores and motels. Nevertheless, the ALH Group and Dan Murphy's provides strict policies and procedures to ensure that the subject tenancy will be well maintained, clean and devoid of litter. Litter management procedures for Dan Murphy's will be acted upon each day.

#### Belonging and Connection to Community

The nature of the Licence and type of proposed operation will further enhance the shopping experience for the local community. The local community will benefit from an expanded retail offering available in Leppington and the broader Camden LGA.

The proposed revitalisation of the Tavern will increase the sense of connection to the site with the local community. The proposed Tavern will include function rooms (available for hire for events such as weddings, wakes, birthdays etc.) and dining options. These function and dining spaces will be designed to bring people together, and to create and strengthen the connections and relationships between people and communities.

#### Social Equity

ALH Group is an experienced operator of packaged liquor retail and on premises liquor sales and a number of policies will be in place to minimise the likelihood of minors gaining access to liquor, including by way of

secondary sales. There is an existing packaged liquor licence for the BWS retail outlet so the availability of packaged liquor will not be increased.

The ALH Group understands the cultural and socio economic diversity of Western Sydney and the proposed Tavern will aim to be an inclusive venue for all members of the community to enjoy and utilise.

The discounted prices available at Dan Murphy's Liquor Store will result in a benefit to the community. Dan Murphy's offers a full range of products and operates the "*Lowest liquor price guarantee*" whereby competitor prices are checked every day and any lower prices found are beaten. Increasing selection and lowering prices has a material benefit for those on low incomes.

## 8. SUMMARY

### 8.1 Key Changes as a Result of the Proposed Development

The proposed development is unlikely to result in any significant changes in the locality or the Camden LGA. The proposal is for liquor retail and replaces an existing Tavern and BSW outlet on the site. There will be no net increase in the number of liquor retailers as a result of the proposal. The proposal, which will also include motel accommodation on the site, will provide a greater visual cohesiveness for the site overall. The proposal is therefore considered to have positive impacts on the appearance of the site overall.

### 8.2 Key Probable Positive Impacts

Our analysis concludes that the proposed Tavern, Dan Murphy's Liquor Store and motel accommodation will not result in any significant adverse social impact on the existing and future local residents or the broader locality. The potential public benefits that may result from the proposed development include:

- Convenience – The location of the proposed Tavern and Dan Murphy's Liquor Store increases choice within Leppington and the broader Camden LGA. The proposed motel accommodation will be situated within an area that currently requires more accommodation options, and where the demand for accommodation is set to increase. The site is located on a key arterial road (Camden Valley Way) which will provide access to the site for existing residents and the forecasted population increase associated with the SWPGA.
- Choice – Customers will have greater access to a wider selection of alcohol at competitive prices. There is an existing ability to purchase packaged liquor within the Camden LGA and the proposed premises will provide increased choice in the Leppington area. The Tavern will provide individuals and families with further choice in terms of an expanded facility with venue hire and restaurant options. Additionally, additional accommodation options will be enhanced from the development of a motel within the area.
- Economic Activity – The proposed development will generate employment directly and indirectly and contribute to the local economy as well as supporting the businesses supporting the proposed use including delivery, warehouse and supply chain employees. The motel component of the development will contribute to the emerging tourism market within the area, in addition to current and future demand for accommodation options.
- Strengthening the Viability of Other Nearby Businesses – The proposed Tavern, Dan Murphy's Liquor Store and Motel will generate greater activity on the site and provide the opportunity for customers to undertake multi purpose trips on the site itself and in nearby surrounding centres.
- Revitalisation and Aesthetic Improvements – The proposal will revitalise an underutilised site and the new building work will provide a positive visual impact along Camden Valley Way and Ingleburn Road. The proposed development will replace structures that are in a state of disrepair, and will improve quality of services and safety currently offered on the site.

### 8.3 Key Probable Negative Impacts

There are unlikely to be any significant material negative impacts as a result of the proposed ALH Group development. The expected impacts are as follows:

### Traffic

The Traffic and Transport Assessment prepared by Colston Budd Rogers & Kafes Pty Ltd dated November 2017 and submitted with the Planning Proposal states that the proposed development will result in 140 220 new vehicle movements during peak time periods along Camden Valley Way and Ingleburn Road (two way). The Traffic and Transport Assessment concludes that the Camden Valley Way and Ingleburn Road and the Camden Valley Way and Denham Court Road intersection will continue to operate under similar conditions. The proposed development will have no significant impact on vehicle movements or reduce the intersections below the existing 'B' Level of Service, and would operate with average delays of less than 26 seconds per vehicle during the Friday evening and Saturday peak periods.

### Construction Impacts

Noise, dust and construction traffic would occur over the demolition and development period and this may cause temporary inconvenience to surrounding uses. Standard construction and environmental management practices will be followed and a Construction Management Plan will be prepared to ensure all construction impacts are reasonable and minimal.

### **8.4 Mitigation Strategies**

The ALH Group is an extremely experienced, well established and well regarded operator in Australia and they will continue to operate to the high standard and high expectations of management. Negative impacts as a result of liquor sales on the site from both the Tavern and Dan Murphy's Liquor Store are not expected as the ALH Group and Dan Murphy's have mitigation strategies in place as follows:

#### *8.4.1 Liquor Licensing Requirements*

The ALH Group and Dan Murphy's will comply with liquor licensing laws, and ensure that:

- ☐ All staff are trained in the Responsible Service of Alcohol;
- ☐ There is to be no sale of alcohol to people under the age of 18 years or to persons known or suspected of buying it to give to a person under the age of 18 years;
- ☐ Staff will ask for proof of age if the customer looks under the age of 25 years;
- Drunk or disorderly persons shall not be permitted on the premises (of the Tavern and Dan Murphy's Liquor Store);
- No liquor is to be consumed on the proposed premises of the Dan Murphy's Liquor Store with the exception of authorised wine tastings; and
- The proposed Tavern and Dan Murphy's Liquor Store will adhere to the provisions of relevant legislation including the liquor licensing competition laws.

#### *8.4.2 Management Procedures*

Management at the proposed Tavern and Dan Murphy's Liquor Store will:

- ☐ Ensure that all staff are familiar with liquor licensing legislation, industry codes of practice and their obligations and responsibilities;
- ☐ Ensure that all staff are familiar with the conditions of the licence and any trading or other restrictions which may be imposed;
- ☐ Ensure that all staff complete a certified responsible service of alcohol course and the principles of responsible service of alcohol are implemented at the premises; and
- ☐ Ensure appropriate and required signage is displayed at the premises.

In addition, management will stay informed about alcohol related problems in the local community including any incidents of public drinking, places frequented by groups of young people, particularly where alcohol is involved, types of drinks most popular with young people, incidents of anti social behaviour where alcohol is involved and actions by Government authorities and community groups in the local community to address alcohol related issues.

#### 8.4.3 Record and Monitor Incidents

The ALH Group management will record the details of any incidents of violent, threatening or offensive behaviour. Any such incidents will be reported to the Police immediately. Management will also record any incidents of minors attempting to purchase alcohol, suspected secondary supply to minors, refused sales to intoxicated persons, and complaints made by members of the public.

Such incidents will be recorded in an "incident register" which is to be kept on the premises at the Tavern and Dan Murphy's at all times in a location known to all staff. The incident register will be available for Police inspection upon request. Management will review entries in the incident book on a regular basis with a view to identifying any apparent trends or persons involved in incidents on a recurring basis.

### 9. CONCLUSION

The proposal seeks to include in Schedule 1 of Appendix 9 of SEPP 2006 additional permitted uses at 1423 Camden Valley Way, Leppington being pub, motel accommodation and retail premises. Based upon the demographic analysis, strategic planning documents and consultation undertaken with Council Officers on 16 June 2017, this report has examined potential social factors associated with the proposed development.

The proposed development is expected to generate a number of positive benefits for the local community, including:

- ☑ Enhanced convenience and access to a tavern, liquor retail outlet and motel accommodation in close proximity to a large (future) residential catchment which will enable multi purpose vehicle trips to the site;
- ☑ Increased choice to a wider selection of alcohol retail outlets, function facilities and restaurants, and motel accommodation within the area;
- ☑ Increased local economic activity and employment opportunities;
- ☑ Increase accommodation services in an area which has a high existing and future demand for further accommodation services;
- ☑ Providing flow on benefits to other nearby businesses and services; and
- ☑ Significant revitalisation of the site and enhanced positive safety outcomes.

The proposal is expected to result in short term impacts associated with construction, which can be managed by preparation of a Construction Management Plan. The proposal will result in long term additional traffic, however average delays will be increased by an average delay of less than 26 seconds per vehicle which is not a material traffic impact. Appropriate management and operational procedures will be implemented to manage environmental and social impacts associated with the sale of liquor on the site.

The proposal will:

- ☑ Follow a Council approved Construction Management Plan (proceeding the Development Application process);
- ☑ Accord with the broad State, Metropolitan and local policies regarding minimising potential harm and impacts on local communities;
- ☑ Upgrade an existing dilapidated site and complement the retail offer and community activation in Leppington and the wider Camden LGA for packaged liquor and pubs;
- ☑ Appropriately manage noise impacts during construction and on going operation;
- ☑ Implement a House Policy to minimise impacts associated with alcohol consumption;
- ☑ Co operate with NSW Police strategies to minimise alcohol related crime for this area; and
- ☑ Ensure all aspects of operations on the site are continually monitored by ALH Group management and Dan Murphy's.

In light of the benefits of the proposed development and in the absence of any significant adverse environmental or social impacts, the Planning Proposal is suitable to proceed.

**10. SIA AUTHORS**

This SIA has been prepared by suitably qualified persons.

Please refer to resumes held at **Appendix A**

**11. REFERENCES**

Australian Bureau of Statistics census data for 2011 and 2016.

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**MILESTONE (AUST) PTY LIMITED**



Appendix 6: Economic Impact Assessment prepared by MacroPlanDiMasi  
(November 2017)

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Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

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# Lockies Hotel, Leppington

## Economic Impact Assessment

November 2017



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## Executive summary

### Local and regional context

- ② Lockies Hotel is situated within the South West Priority Growth Area of Sydney which is one of the largest greenfield areas released by the NSW government to facilitate urban residential growth. The priority growth area encompasses over 17,000 hectares covering parts of the Camden, Liverpool and Campbelltown local government areas (LGAs).
- ② Lockies Hotel is situated at the southern fringe of the Leppington North and Austral precinct which planned to accommodate up to 17,350 new dwellings, supporting a population of over 54,000 at capacity. The adjacent Leppington precinct is expected to accommodate 2,500 dwellings of the 9,000 dwelling capacity in the first stage.
- ② Lockies Hotel is located at 1423 Camden Valley Way, Leppington, near the intersection of Camden Valley Way and Ingleburn Road. Camden Valley Way is a major arterial road in the region, which exposes the subject site to almost 33,000 average daily traffic movements (NSW Roads and Maritime Services), with the site presenting a highly visible and easily accessible location for customers in the region.

### Proposed development

- The current Lockies Hotel and adjoining BWS outlet is planned to be redeveloped to incorporate a new tavern of 3,115 sq.m, as well as the construction of a Dan Murphy's liquor store of 1,570 sq.m and a motel of 2,790 sq.m, which would equate to around 80 rooms to be developed in two stages, each stage consisting of 40 rooms. In total, the proposed redevelopment will encompass 7,475 sq.m of floorspace (resulting in a net gain of 6,153 sq.m), served by 256 car parking spaces.

### Trade area analysis

- ② The defined main trade area population is estimated at 47,660 as at June 2017, with the region expected to undergo significant residential development in the medium and long term. The main trade area population is projected to reach over 139,000 by 2031, reflecting an average annual growth of 7.9% over the forecast period.

- ▣ The retail expenditure capacity of the main trade area population is estimated at \$599 million at June 2017 and is projected to grow at an average annual rate of 9.0% per annum to reach approximately \$2.0 billion at 2031.
- ▣ There is an estimated \$32.2 million of packaged liquor spend generated by the main trade area population at June 2017, of which \$6.0 million is generated by primary sector residents.

#### Packaged liquor competition

- In terms of competitive large format liquor retailers, the closest Dan Murphy's store is located approximately 5.2 km to the north-east of the subject site at Carnes Hill Marketplace. The next closest Dan Murphy's stores are located at Casula and Narellan. The nearest First Choice store is situated approximately 5.3 km north-east, at Edmondson Park as part of Village Square.
- ▣ The closest small format liquor outlets are the newly opened Liquorland store at Willowdale Shopping Centre (situated 1.1 km to the south); the small Bottle-O store at Leppington on Camden Valley Way (2.7 km north of the subject site); the Aldi supermarkets located at Village Square, Edmondson Park, and Carnes Hill respectively; and the Little Bottler (Prestons Village Liquor) located at Minnamurra Circuit in Prestons (5.3 km north-west of the subject site).

#### Dan Murphy's store potential and trading impacts

- We estimate that the proposed Dan Murphy's store at Lockies Hotel could achieve a total sales volume of \$12.1 million in 2021/22, increasing to \$18.1 million by 2025/26, at an average growth area of around 8.4% per annum. The incremental liquor sales of the proposed Dan Murphy's store is estimated in its first year (i.e. 2021/22), at \$10.2 million, which is the estimated sales potential for the new Dan Murphy's store less the estimated existing BWS store sales at 2021/22.
- Four surrounding large format liquor stores (First Choice at Edmondson Park and Dan Murphy's at Carnes Hill, Casula and Narellan) are expected to absorb around 60 – 65% of trading impacts from the new store at the subject site.

Executive summary

- Estimated impacts across the rest of the surrounding liquor stores are expected to be negligible.

#### **Tavern/pub assessment**

- There is massive forecast growth of food catering and on premise liquor expenditure expected across the main trade area, which is projected to reach \$350 million at 2031. The proposed increase in the size of the tavern at the subject site could result in incremental food catering and on premise liquor sales of around \$8 – 10 million. This is equivalent to less than 4% of future demand growth in these expenditure categories, meaning that 96% of future expenditure could be captured by other facilities across the region.

#### **Short term accommodation facilities assessment**

- The supply of short-stay accommodation facilities in the area surrounding the subject site is limited and generally dated. The proposed motel development at the subject site will add new modern stock to the short stay accommodation supply in the area, providing an affordable option for visitors to the area in conjunction with amenities such as an expanded tavern. We consider a motel development to be supportable at Lockies Hotel, which would help to fill a spatial gap of motel offerings in the surrounding area.

#### **Net community and employment benefits**

- The expected economic and related social benefits will include improved packaged liquor, accommodation and on-premised liquor choice, more competitive pricing in the short-accommodation and tavern/pub markets and reduced private vehicle trip distances. Other benefits will include employment that will be created during the construction phase of the project, ongoing employment created on site as well as additional employment supported through the supply chain.



## Introduction

This report presents an independent assessment of the market potential and likely trading impacts for a proposed Dan Murphy's liquor store, planned as part of the redevelopment of Lockies Hotel in Leppington, situated within the South West Priority Growth Area of Sydney. This report also assesses economic impacts of the other components of the redevelopment, which includes the development of a new tavern, a new Dan Murphy's store and a new motel.

This report has been prepared in accordance with instructions from ALH Property, and is presented in eight sections as follows:

- ▣ **Section 1** of the report reviews the locational context for the proposed redevelopment of Lockies Hotel in Leppington, as well as detailing the redevelopment plans and providing an overview of the strategic planning framework relevant to the subject site.
- **Section 2** of the report details the potential trade area that could be expected to be served by a proposed Dan Murphy's liquor store and redeveloped tavern at the subject site, including current and projected population levels, the socio-demographic profile of trade area residents and estimates of their current and future retail expenditure capacity.
- **Section 3** of the report reviews the surrounding competitive network of packaged liquor and traditional retail facilities within which the proposed Lockies Hotel Dan Murphy's store would operate, including both existing and proposed developments of relevance.
- **Section 4** of the report reviews the potential market shares and estimated sales that could be achieved by a Dan Murphy's liquor store at the Lockies Hotel site.
- **Section 5** section of the report examines the potential trading impacts on the surrounding retail network that could be expected to result from the provision of a Dan Murphy's store at the subject site.

- ▣ **Section 6** of the report assesses the expansion potential of the tavern at the Lockies Hotel.
- ▣ **Section 7** of the report examines the potential for short stay accommodation facilities at the subject site, assessing the surrounding supply of such facilities as well as identifies demand drivers of relevance.
- ▣ **Section 8** of the report examines the net community benefits which are likely to arise as a result of the proposed Lockies Hotel development.

## Section 1: Background and strategic context

This section reviews the locational context for the proposed redevelopment of Lockies Hotel in Leppington, as well as detailing the redevelopment plans and providing an overview of the strategic planning framework relevant to the subject site.

### 1.1 Local and regional context

The Sydney South West Priority Growth Area (SWPGA) is situated approximately 50 km south-west of the Sydney CBD and is one of the largest greenfield areas released by the NSW government to facilitate urban residential growth (refer Maps 1.1 and 1.2).

The SWPGA encompasses over 17,000 hectares covering parts of the Camden, Liverpool and Campbelltown local government areas (LGAs). The revised SWPGA progressively released for rezoning to allow sustainable urban development. At capacity, the SWPGA is expected to deliver more than 75,000 new dwellings, with a further 50,000+ dwellings expected in the redefined Western Sydney PGA.

The subject site, i.e. the Lockies Hotel, is located at 1423 Camden Valley Way, Leppington, near the intersection of Camden Valley Way and Ingleburn Road. Camden Valley Way is a major arterial road in the region, linking the Hume Highway, M7 and M5 interchange at Prestons, with Camden and Narellan in Sydney's south west. According to NSW Roads and Maritime Services (RMS) Camden Valley Way exposes the subject site to almost 33,000 average daily traffic movements, with the site presenting a highly visible and easily accessible location for customers in the region.

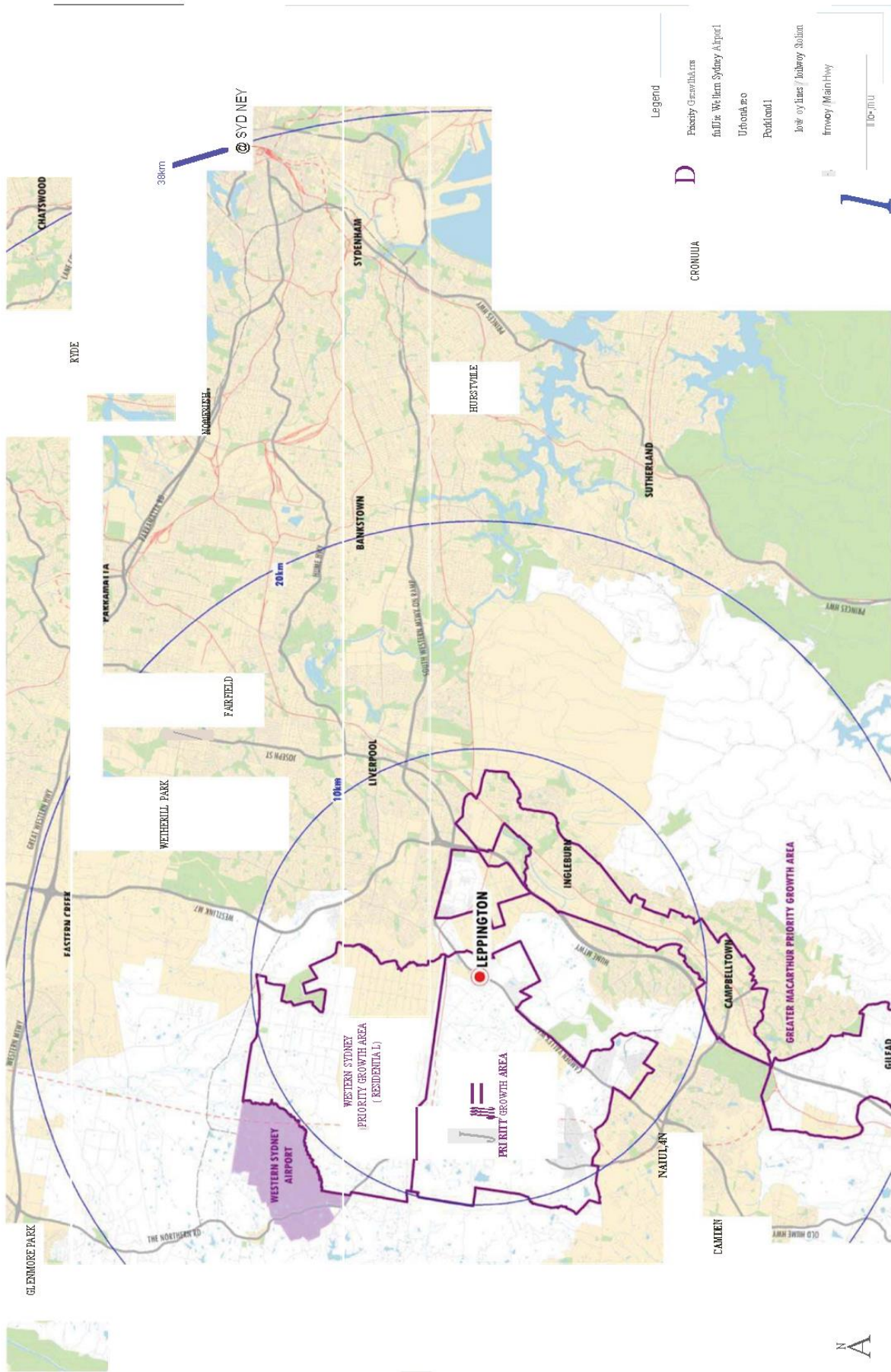
Lockies Hotel is situated at the southern fringe of the Leppington North and Austral precinct. The Leppington North and Austral precinct was rezoned for urban development in March 2013. The precinct are planned to accommodate up to 17,350 new dwellings, supporting a population of over 54,000 at capacity. The Leppington North precinct is also planned to accommodate the Leppington Major Centre, which will be integrated with the

## Section 1: Background and strategic context

Leppington railway station and could accommodate 60,000 – 80,000 sq.m of retail floorspace, and around 13,000 jobs in total. The Leppington Major Centre is designated as a major employment, shopping, and government services centre for the new residents of the SWPGA, which is planned to include a range of civic uses such as a TAFE campus, council community facilities and an integrated healthcare centre. The adjacent Leppington precinct is expected to accommodate 2,500 dwellings of the 9,000 dwelling capacity in the first stage.

The SWPGA is serviced by the South West Rail Link, which saw the development of two new railway stations, at Edmondson Park and Leppington. The South West Rail Link connects to the Sydney Railway network at Glenfield Station where it acts as an interchange for the T2 Airport Line, the T2 Inner-west and South Line, the T5 Cumberland Line and the Southern Highlands line.

Badgerys Creek, which is situated north-west of the subject site in the WSPGA, is designated as the location for the Western Sydney Airport. The airport will underpin the planned residential and employment growth in the area, and add a vital piece of infrastructure to attract investment and intensify business activities in Western Sydney, ranging from manufacturing and logistics to hospitality and conferencing. Initial site preparation works have begun, with operations at the proposed airport planned to begin in the mid-2020s.



Map 1.1: Leppington/South West Priority Growth Area  
Regional context

MacroPlanDimasi



Map 1.2: Lockies Hotel, Leppington  
Site location

MacroPlanDimasi

## 1.2 Proposed development

The proposed redevelopment of Lockies Hotel is illustrated on Figure 1.1. The current Lockies Hotel and adjoining BWS outlet is planned to be redeveloped to incorporate a new tavern of 3,115 sq.m, as well as the construction of a Dan Murphy's liquor store of 1,570 sq.m and a motel of 2,790 sq.m, which would equate to 80 rooms in two stages of 40 rooms.

In total, the proposed redevelopment will encompass 7,475 sq.m of floorspace (resulting in a net gain of 6,153 sq.m), served by 256 car parking spaces.

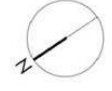
	Current (sq.m)	Proposed (sq.m)	Net increase (sq.m)
BWS	258	-	-258
Dan Murphy's	-	1,570	1,570
Tavern	915	3,115	2,200
Motel	<u>149</u>	<u>2,790</u>	<u>2,641</u>
<b>Total</b>	<b>1,322</b>	<b>7,475</b>	<b>6,153</b>

Source: ALH Group; MacroPlan Dimasi



**Note: This is an indicative plan only**

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**Lockies Tavern**  
 Ground Floor Plan - SK02[E]  
 Project number - 1628 Date - 08.04.19



### 1.3 Strategic overview

This sub-section of the report provides a review of key strategic documents of relevance to expanded retail and hospitality development at the subject site.

#### South West Growth Centre (SWGC) Structure Plan (2006)

The SWGC Structure Plan was prepared in 2006 and outlines the general intention for each of the 18 precincts that will facilitate the release of land over the next 25 – 30 years. In 2015 the SWPGA boundary was recut to only include the land south of Bringelly Road, with the land north of the boundary now included under the WSPGA.

In regards to retailing, we note that SWGC Structure Plan earmarked a network of 6 – 7 small walkable neighbourhood centres, within each growth precinct. However it has become accepted across most of the precincts that have now been rezoned that a more viable/functional network would consist of fewer, but slightly larger neighbourhood/local centres.

Using the Oran Park growth precinct as an example, the precinct was originally earmarked to support around 8,000 dwellings and 1 large town centre plus 6 – 7 neighbourhood centres. However, when these precincts were rezoned, there was provision for 1 large town centre and 4 neighbourhood centres.

This notion is similarly echoed with the Catherine Fields growth precinct, which was earmarked to support around 5,000 dwellings and 1 town centre plus 6 – 7 neighbourhood centres. However, when this precinct was rezoned, there was provision for 1 neighbourhood centre which could be developed in the residential zone, thus making the surrounding town centres of Oran Park and Narellan the major shopping nodes for this precinct.

In the above context, it is clear that the precinct planning of retail/centres across the SWPGA has resulted in considerable differences with the SWGC Structure Plan from 2006.

Section 1: Background and strategic context

The subject site is proposed to retain the existing R3 Medium Density Residential zoning and include additional permitted uses on the site for motel accommodation, pub and retail premises.

Camden Council Economic Development Plan 2013

The Economic Development Strategy set out by the Camden Council ensures the local economy is sustainable and is maximising opportunities for employment and economic growth, as a key part of managing the large-scale urban growth being undertaken the area.

This economic development strategy clearly identifies the Council's role, in economic development, and identifies the strategies and actions necessary to deliver on the vision in 'Camden 2040.'

As the area is expected to see considerable population growth under the SWPGA, the council is looking to narrow the current employment gap, with a major proportion of the working residents currently travelling outside the area for work. The plan is to ensure as many employment opportunities are created to limit the future growth of this gap and match the number of local people in local jobs.

## Section 2: Trade area analysis

This section of the report details the potential trade area that could be expected to be served by a proposed Dan Murphy's liquor store and redeveloped tavern at the subject site, including current and projected population levels, the socio-demographic profile of trade area residents and estimates of their current and future retail expenditure capacity.

### 2.1 Trade area definition

The extent of the trade area or catchment that is served by any large format liquor/tavern facility, is shaped by the interplay of a number of critical factors. These factors include:

- i. The relative attraction and drawing power of the large-format liquor retailer/tavern and its brand, in comparison with alternative competitive facilities. The factors that determine the strength and attraction of any particular centre are primarily its scale and composition (product mix); its layout and ambience; and car-parking, including access and ease of use.
- ii. The proximity and attractiveness of competitive packaged liquor facilities/taverns. The locations, compositions, quality and scale of competitive retail facilities all serve to define the extent of the trade area which a large-format liquor outlet/tavern is effectively able to serve.
- iii. The available road network and public transport infrastructure, which determine the ease (or difficulty) with which customers are able to access a shopping centre, or retail facility.
- iv. Significant physical barriers which are difficult to negotiate, and can act as delineating boundaries to the trade area served by an individual retail facility/tavern.

## Section 2: Trade area analysis

The trade area defined for the proposed Dan Murphy's store/tavern at the Lockies Hotel site is illustrated on Map 2.1 and includes a primary sector and five secondary sectors, which are described as follows:

- The **primary sector** extends approximately 5 km in most directions from the subject site, incorporating the precincts of Leppington, East Leppington, Catherine Fields North, Catherine Fields and the southern parts of Rossmore and North Leppington and Austral. The primary sector is limited to the north by the existing Dan Murphy's at Carnes Hill.
- ▣ The **secondary north sector** encompasses the remaining parts of Rossmore, in addition to parts of North Leppington and Austral and North Rossmore.
- ▣ The **secondary east sector** generally covers the Edmondson Park precinct.
- ▣ The **secondary south-east sector** encompasses the established suburbs of Raby, Kearns, and Eagle Vale.
- ▣ The **secondary south sector** encompasses the Turner Road/Gregory Hills growth precinct.
- ▣ The **secondary south-west sector** contains parts of Catherine Fields South and Oran Park.

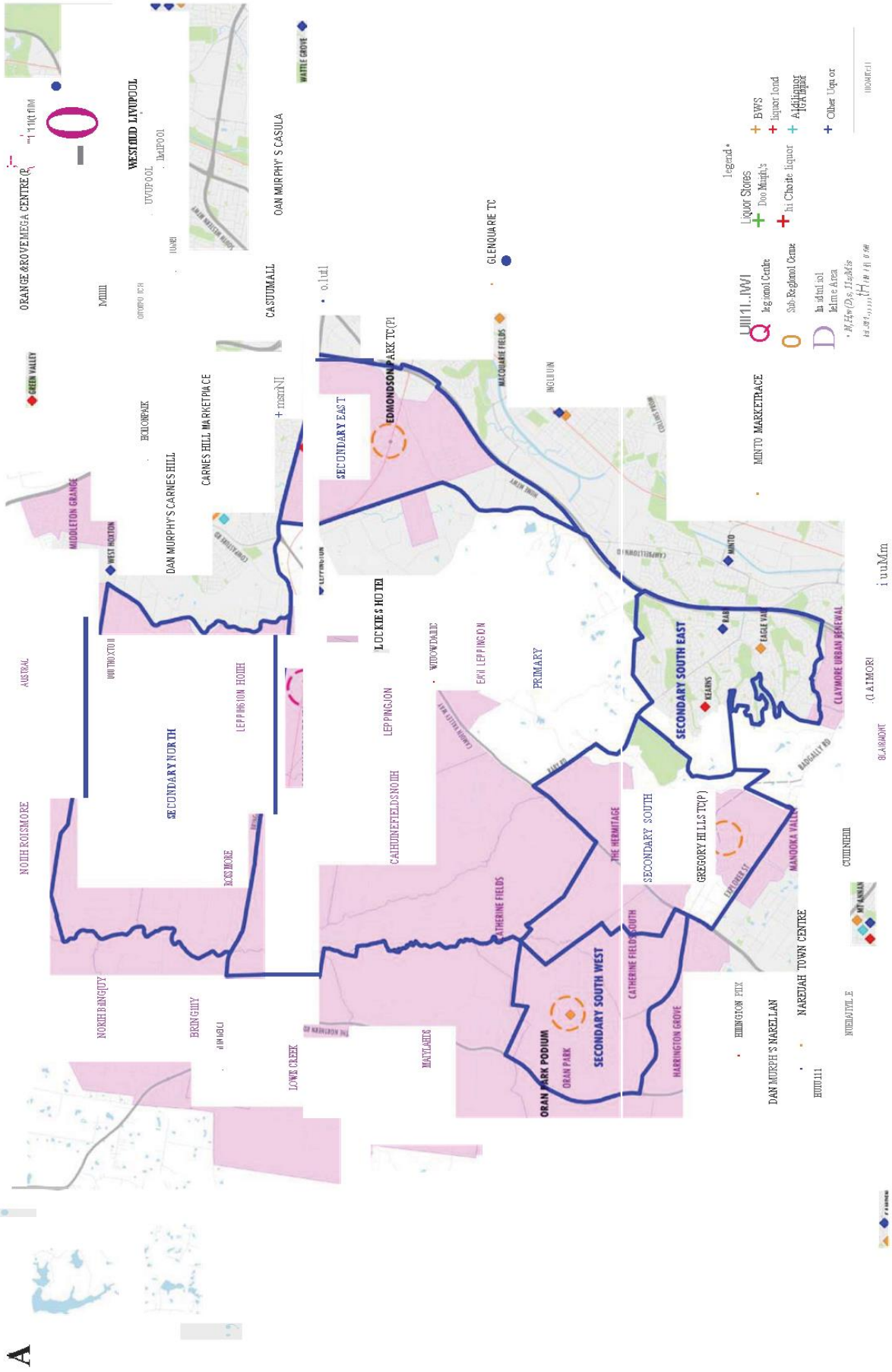
The combination of the primary and secondary sectors is referred to as the main trade area throughout the remainder of this report.

The extent of the defined trade area reflects the available road network in the region, as well as the network of similar large format liquor stores across the region, i.e. Dan Murphy's and First Choice Liquor outlets. Dan Murphy's stores typically serve relatively large trade areas, say, compared with a small neighbourhood liquor store, drawing relatively thin market shares across this broader trade area.

The provision of smaller liquor stores and bottle shops has a limited bearing on the potential trade area served by the proposed Dan Murphy's store.

Attachment 1

ORD01



Map 2.1: Lockies Hotel, Leppington Packaged liquor trade area and competition

MacroPlanDimasi

## 2.2 Trade area population

Table 2.1 details the current and projected population levels within the main trade area. This information has been collected from a range of sources, including the following:

- ▣ Australian Bureau of Statistics Census of Population and Housing (2011 and 2016);
- ▣ Australian Bureau of Statistics Dwelling Approvals Data (2011-16);
- ▣ Australian Bureau of Statistics Estimated Residential Population Data (ERP) (2011-16);
- ▣ Forecast .id population projections prepared for Camden Council (October 2017) and Campbelltown City (January 2017);
- ▣ NSW Bureau of Transport Statistics population projections (2016); and
- ▣ Other investigations of future residential development, undertaken by this office.

The defined main trade area population is estimated at 47,660 as at June 2017, including 8,520 within the primary sector. The main trade area population is projected to reach over 139,000 by 2031, reflecting an average annual growth of 7.9% over the forecast period. The primary sector is projected to more than quadruple by 2031, to reach 41,500.

Population growth in the main trade area is expected to be driven by greenfield developments in the WSPGA/SWPGA, with the relevant precincts, summarised as follows:

- Leppington – which is planned to accommodate 9,000 residential dwellings at capacity, with the planning component finalised for Stage 1 of development, encompassing (2,500 new homes (October 2015);
- North Leppington and Austral – which planned to accommodate 17,350 residential dwellings;
- East Leppington – which is planned to accommodate 4,450 residential dwellings, as well as a supermarket-based centre – the Coles anchored Willowdale SC, which opened October 2017;

## Section 2: Trade area analysis

- Edmondson Park – which commenced development in 2012, is planned to accommodate 6,000 dwellings upon completion, with around one quarter of dwellings already constructed;
- Catherine Fields – which is planned to accommodate a 5,000 residential lot subdivision with the capacity to support over 20,000 new residents in the longterm;
- Catherine Field North – which is planned to accommodate a 9,500 residential lot subdivision with the capacity to support around 26,000 new residents in the longterm;
- Oran Park – which was one of the first precincts to undergo development, has capacity to accommodate 7,450 dwellings upon completion, of which around 2,000 dwellings have completed construction;
- Catherine Fields South – which has commenced civil works and residential development, and contains the capacity to accommodate 3,200 dwellings upon completion;
- Turner Road – which has been under development since 2011 and could accommodate over 4,000 residential dwellings upon completion. The main residential estates include the Hermitage – Gledswood Hills, Crest by Mirvac and Gregory Hills;
- Rossmore – which is planned to accommodate a 9,000 residential lot subdivision which contains the capacity to accommodate 25,000 new residents; and
- North Rossmore – which is planned to accommodate a 6,500 residential lot subdivision which contains the capacity to accommodate 18,000 new residents.

## Section 2: Trade area analysis

Table 2.1 Lockies Hotel, Leppington trade area population, 2011-2031*						
Trade area sector	Estimated population			Forecast population		
	2011	2016	2017	2021	2026	2031
Primary	5,880	7,520	8,520	14,520	24,520	39,520
Secondary sectors						
• North	4,190	4,330	4,330	4,330	9,330	16,830
• East	860	4,330	5,330	9,330	14,330	19,330
• Sth-east	17,200	17,040	17,040	17,040	17,140	17,240
• South	410	5,320	6,320	12,320	19,820	22,320
• Sth-west	200	4,920	6,120	13,320	22,320	23,820
Total secondary	22,860	35,940	39,140	56,340	82,940	99,540
<b>Main trade area</b>	<b>28,740</b>	<b>43,460</b>	<b>47,660</b>	<b>70,860</b>	<b>107,460</b>	<b>139,060</b>
Trade area sector	Average annual growth (no.)					
	2011-16	2016-17	2017-21	2021-26	2026-31	
Primary	328	1,000	1,500	2,000	3,000	
Secondary sectors						
• North	28	0	0	1,000	1,500	
• East	694	1,000	1,000	1,000	1,000	
• Sth-east	-32	0	0	20	20	
• South	982	1,000	1,500	1,500	500	
• Sth-west	944	1,200	1,800	1,800	300	
Total secondary	2,616	3,200	4,300	5,320	3,320	
<b>Main trade area</b>	<b>2,944</b>	<b>4,200</b>	<b>5,800</b>	<b>7,320</b>	<b>6,320</b>	
Trade area sector	Average annual growth (%)					
	2011-16	2016-17	2017-21	2021-26	2026-31	
Primary	5.0%	13.3%	14.3%	11.0%	10.0%	
Secondary sectors						
• North	0.7%	0.0%	0.0%	16.6%	12.5%	
• East	38.2%	23.1%	15.0%	9.0%	6.2%	
• Sth-east	-0.2%	0.0%	0.0%	0.1%	0.1%	
• South	67.0%	18.8%	18.2%	10.0%	2.4%	
• Sth-west	89.8%	24.4%	21.5%	10.9%	1.3%	
Total secondary	9.5%	8.9%	9.5%	8.0%	3.7%	
<b>Main trade area</b>	<b>8.6%</b>	<b>9.7%</b>	<b>10.4%</b>	<b>8.7%</b>	<b>5.3%</b>	

\*As at June  
Source: ABS Census 2016; NSW Bureau of Transport Statistics 2016; MacroPlan Dimasi



### 2.3 Socio-demographic profile

Table 2.2 and Chart 2.1 detail the socio-demographic profile of the Lockies Hotel Leppington main trade area population based on data from the ABS 2016 Census of Population and Housing, compared with the metropolitan Sydney and Australian averages.

The key points to note include:

- ▣ Average per capita income levels in the main trade area are 19.5% below the respective metropolitan Sydney average. However, average household incomes are only 3.0% below average, because average household sizes are much larger than average.
- ▣ The average age of main trade area residents, at 34.4 years, is younger than the metropolitan Sydney average of 37.5 years, driven by the secondary east, south-east, south and south-west sectors. These sectors, which generally cover the growth precincts under development, generally contain an above average representation of young families, i.e. residents aged between 20-39 years old and kids below 14 years.
- ▣ The proportion of home ownership levels in the main trade area (74.3%) are well above the Sydney metropolitan average of 64.2% with the majority of these owners paying off mortgages. For the secondary east, south-east, south and south-west sectors in particular, there is an above average representation of households with a mortgage, reflecting the new residential development in these areas.
- ▣ Australian born residents represent 70.5% of the main trade area population, which is well above the Sydney metropolitan benchmark of 60.9%.
- ▣ Traditional families, i.e. couples with dependent children, is the most common household type, accounting for 52.2% of households within the main trade area. This above average representation of traditional families is particularly evident in the secondary east, south and south-west sectors, with traditional families representing close to or over 60% of all households within these sectors.

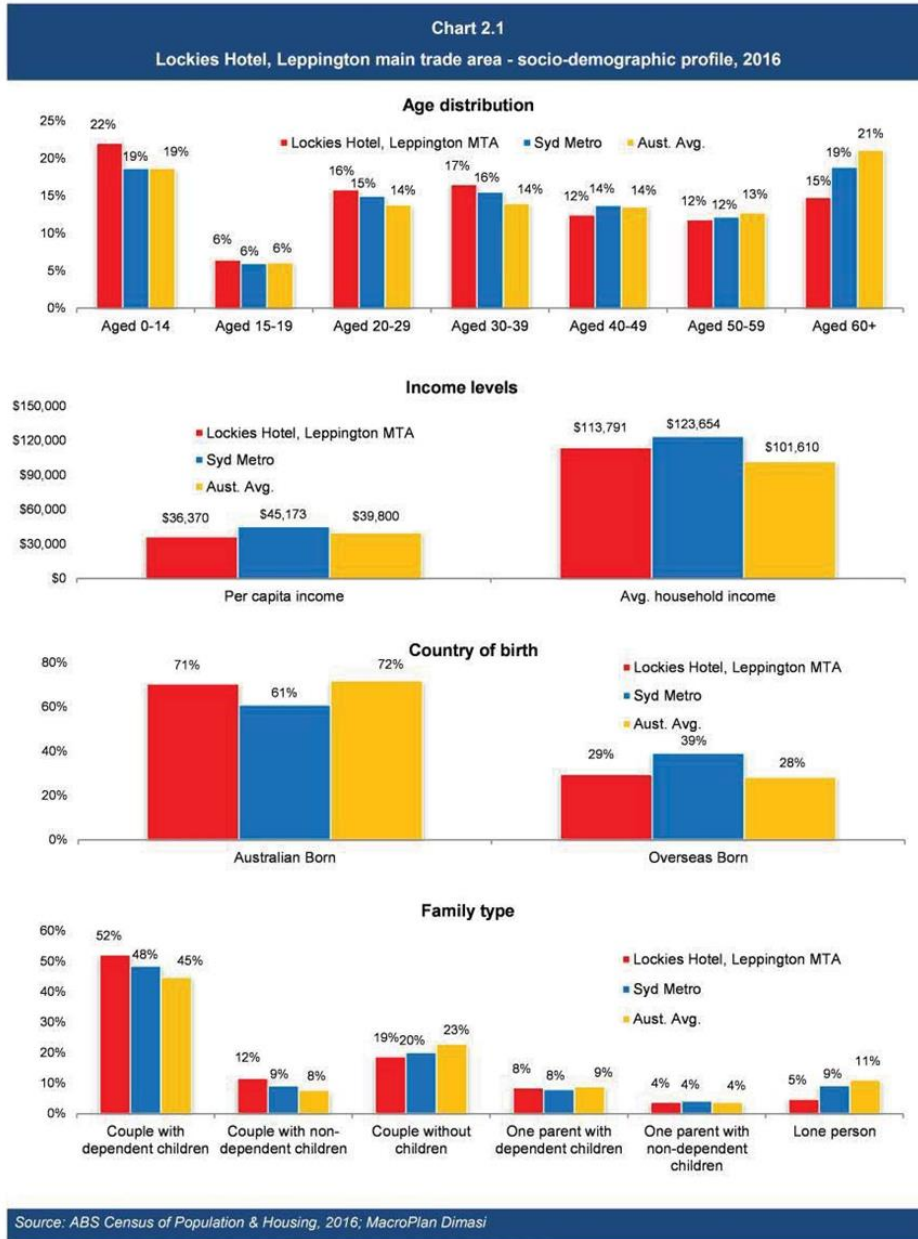
## Section 2: Trade area analysis

The socio-demographic profile of the secondary east south and south-west sectors would reflect the type of residents which are likely to move into the main trade area as it becomes more developed. The socio-demographic profile in these areas generally reflects a typical outer-metropolitan growth area, with young families paying off mortgages with relatively solid average incomes.

Census item	Primary sector	Secondary sectors					Main TA	Syd Metro avg.	Aust. avg.
		North	East	Sth-east	South	Sth-west			
Per capita income	\$35,199	\$29,926	\$39,115	\$34,860	\$42,669	\$39,838	\$36,370	\$45,173	\$39,800
Var. from Syd Metro benchmark	-22.1%	-33.8%	-13.4%	-22.8%	-5.5%	-11.8%	-19.5%		
Avg. household income	\$106,742	\$93,073	\$136,385	\$107,371	\$133,966	\$126,506	\$113,791	\$123,654	\$101,610
Var. from Syd Metro benchmark	-13.7%	-24.7%	10.3%	-13.2%	8.3%	2.3%	-8.0%		
Avg. household size	3.0	3.1	3.5	3.1	3.1	3.2	3.1	2.7	2.6
<b>Age distribution (% of population)</b>									
Aged 0-14	18.3%	18.4%	26.5%	20.7%	25.9%	27.6%	22.1%	18.7%	18.7%
Aged 15-19	6.7%	6.5%	6.4%	7.4%	4.5%	4.9%	6.5%	6.0%	6.1%
Aged 20-29	15.3%	13.3%	15.3%	15.1%	19.8%	17.8%	15.8%	15.0%	13.8%
Aged 30-39	13.7%	10.4%	22.2%	14.4%	21.6%	23.1%	16.5%	15.5%	14.0%
Aged 40-49	12.7%	13.4%	12.9%	12.7%	11.7%	11.1%	12.5%	13.7%	13.5%
Aged 50-59	12.4%	11.6%	8.1%	15.1%	8.6%	6.5%	11.8%	12.2%	12.7%
Aged 60+	21.0%	26.2%	8.5%	14.6%	7.9%	8.9%	14.8%	18.9%	21.1%
Average age	38.0	40.8	30.2	35.2	29.8	29.4	34.4	37.5	38.6
<b>Housing status (% of households)</b>									
Owner (total)	<u>72.3%</u>	<u>64.3%</u>	<u>72.9%</u>	<u>78.8%</u>	<u>79.1%</u>	<u>66.2%</u>	<u>74.3%</u>	<u>64.2%</u>	<u>67.4%</u>
• Owner (outright)	40.0%	44.6%	13.2%	26.9%	11.9%	9.0%	26.0%	30.0%	31.9%
• Owner (with mortgage)	32.3%	19.8%	59.7%	51.8%	67.2%	57.2%	48.3%	34.2%	35.5%
Renter	23.8%	35.7%	26.7%	21.1%	20.4%	32.3%	24.7%	35.1%	31.8%
<b>Birthplace (% of population)</b>									
Australian born	69.1%	69.0%	51.6%	74.1%	73.8%	74.7%	70.5%	60.9%	71.9%
Overseas born	<u>30.9%</u>	<u>31.0%</u>	<u>48.4%</u>	<u>25.9%</u>	<u>26.2%</u>	<u>25.3%</u>	<u>29.5%</u>	<u>39.1%</u>	<u>28.1%</u>
• Asia	10.3%	5.3%	24.9%	7.4%	8.0%	7.5%	9.5%	19.1%	11.2%
• Europe	11.8%	18.3%	6.7%	7.1%	6.6%	7.4%	8.9%	9.6%	9.6%
• Other	8.7%	7.4%	16.9%	11.4%	11.6%	10.4%	11.0%	10.4%	7.4%
<b>Family type (% of households)</b>									
Couple with dept child.	49.2%	46.7%	66.0%	47.1%	59.1%	61.6%	52.2%	48.5%	44.8%
Couple with non-dept child.	13.3%	14.3%	6.4%	13.9%	7.6%	6.4%	11.6%	9.1%	7.7%
Couple without child.	21.9%	19.0%	14.8%	17.2%	22.6%	17.9%	18.7%	20.1%	22.8%
One parent with dept child.	5.2%	8.2%	6.5%	11.4%	5.6%	7.5%	8.4%	7.9%	8.8%
One parent w non-dept child.	3.7%	4.0%	2.5%	4.9%	1.8%	2.0%	3.7%	4.1%	3.7%
Lone person	6.0%	6.9%	3.0%	4.9%	2.8%	3.7%	4.7%	9.2%	11.0%

Source: ABS Census of Population & Housing, 2016; MacroPlan Dimasi

Section 2: Trade area analysis



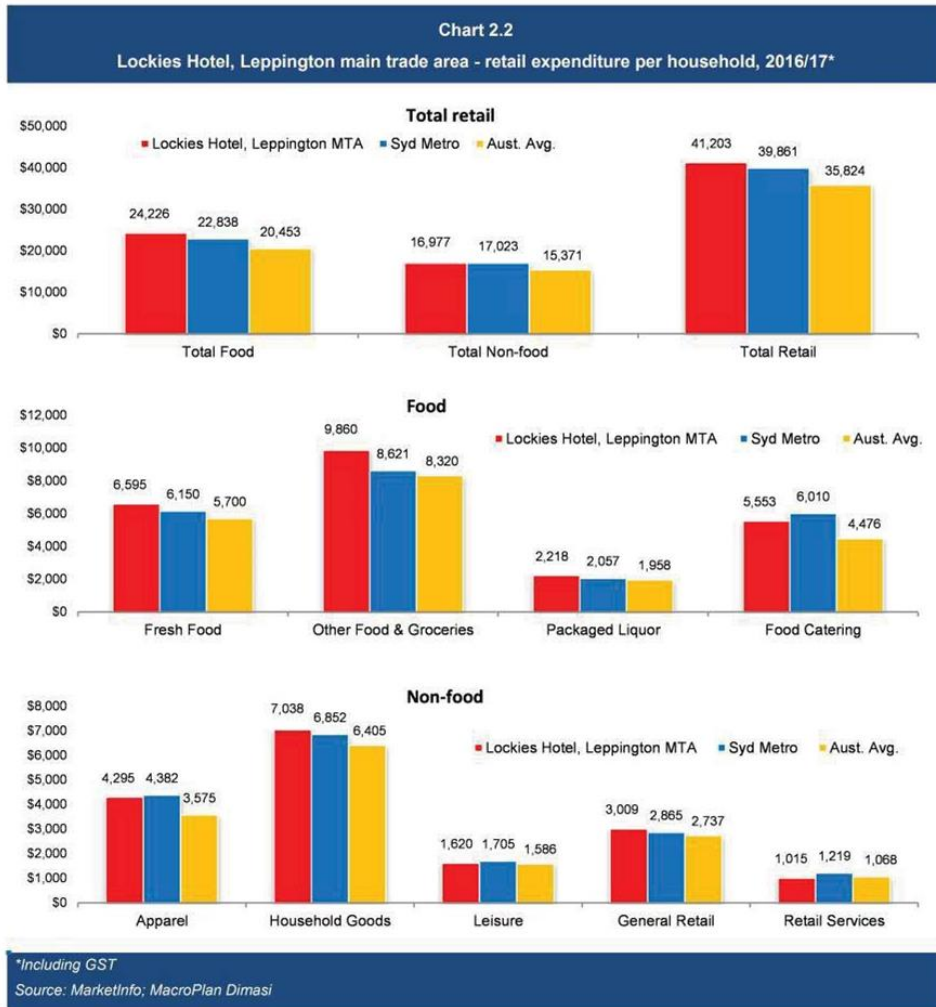
## 2.4 Retail expenditure capacity

Chart 2.2 shows the per household retail expenditure capacity for the main trade area population at 2016/17, and compares these estimates with the average for metropolitan Sydney and Australia.

The spending data is sourced from MarketInfo, which is developed by Market Data Systems (MDS) and utilises a detailed micro simulation model of household expenditure behaviour for all residents of Australia. The model takes into account information from a wide variety of sources including the regular ABS Household Expenditure Surveys, national accounts data, Census data and other information. All expenditure estimates in this report include GST and are presented in constant 2016/17 dollars (i.e. excluding inflation). We note the following:

- ▣ Estimated per household retail expenditure for the main trade area population is estimated to be 3.4% above the metropolitan Sydney benchmark.
- ▣ Estimated expenditure per household on food is around 6% above the metropolitan Sydney benchmark.
- ▣ Estimated expenditure per household on packaged liquor is around 8% above the metropolitan Sydney average.

Section 2: Trade area analysis



## Section 2: Trade area analysis

Table 2.3 presents the retail expenditure capacity of the main trade area population, which is estimated at \$599 million at June 2017, including \$105 million within the primary sector. Retail expenditure throughout the main trade area is expected to grow at an average annual rate of 9.0% per annum to reach approximately \$2.0 billion at 2031.

The projected main trade area retail expenditure growth 9.0% per annum over the forecast period includes:

- ▣ Main trade area population growth of 8% per annum;
- ▣ Real growth in retail spending per person of 1.0% per annum.

Table 2.4 details the estimated retail expenditure volumes of main trade area residents, by key commodity group. Food, liquor and groceries (FLG) is the largest retail expenditure category, accounting for about 45% of total available expenditure, and is projected to grow by 9.1% to reach \$919 million at 2031.

## Section 2: Trade area analysis

Table 2.3 Lockies Hotel, Leppington main trade area - retail expenditure (\$M), 2017-2031*							
Year ending June	Primary sector	North	Secondary sectors				Main TA
			East	Sth-east	South	Sth-west	
2017	105	52	65	229	76	72	599
2018	121	53	78	231	91	89	662
2019	139	53	90	233	108	109	733
2020	160	54	105	235	129	134	817
2021	185	54	122	237	154	165	917
2022	210	59	138	240	177	193	1,016
2023	235	69	151	242	197	216	1,111
2024	264	82	166	245	219	241	1,216
2025	296	96	183	247	243	270	1,334
2026	331	113	201	250	269	302	1,467
2027	370	131	218	252	288	323	1,582
2028	410	148	234	255	298	330	1,676
2029	456	168	251	258	308	338	1,778
2030	506	191	269	260	318	345	1,890
2031	562	217	288	263	329	353	2,012
<u>Average annual growth (\$M)</u>							
2017-2031	32.6	11.8	15.9	2.4	18.1	20.1	101.0
<u>Average annual growth (%)</u>							
2017-2031	12.7%	10.7%	11.2%	1.0%	11.0%	12.0%	9.0%
*Constant 2016/17 dollars & including GST Source: MarketInfo, MacroPlan Dimasi							

## Section 2: Trade area analysis

**Table 2.4**  
**Lockies Hotel, Leppington main trade area - retail expenditure by category (\$M), 2017-2031\***

Year ending June	FLG	Food catering	Apparel	Household goods	Leisure	General retail	Retail services	Total retail
2017	271	81	62	102	24	44	15	599
2018	300	90	69	113	26	48	16	662
2019	332	100	76	126	28	53	18	733
2020	369	113	85	140	32	58	20	817
2021	414	127	96	158	35	65	23	917
2022	459	142	106	175	39	71	25	1,016
2023	501	156	115	191	42	78	27	1,111
2024	550	172	126	209	46	85	30	1,216
2025	603	190	137	229	50	92	33	1,334
2026	664	210	150	251	55	101	36	1,467
2027	717	227	161	271	59	108	39	1,582
2028	761	242	170	286	62	114	41	1,676
2029	809	258	179	302	65	121	44	1,778
2030	861	275	189	320	69	128	47	1,890
2031	919	295	200	340	73	136	50	2,012
<u>Average annual growth (\$M)</u>								
2017-2031	46.2	15.3	9.8	17.0	3.5	6.6	2.5	101.0
<u>Average annual growth (%)</u>								
2017-2031	9.1%	9.7%	8.7%	9.0%	8.4%	8.5%	9.1%	9.0%

\*Constant 2016/17 dollars & including GST  
Source: MarketInfo, MacroPlan Dimasi

**Retail expenditure category definitions:**

- FLG: take-home food and groceries, as well as packaged liquor.
- Food catering: expenditure at cafes, take-away food outlets and restaurants.
- Apparel: clothing, footwear, fashion accessories and jewellery.
- Household goods: giftware, electrical, computers, furniture, homewares and hardware goods.
- Leisure: sporting goods, music, DVDs, computer games, books, newspapers & magazines, stationery and photography equipment.
- General retail: pharmaceutical goods, cosmetics, toys, florists, mobile phones and pets.
- Retail services: hair & beauty, optical goods, dry cleaning, key cutting and shoe repairs.



## 2.5 Packaged liquor expenditure capacity

Table 2.5 presents the packaged liquor expenditure capacity of the main trade area population, disaggregated by trade area sector, and by spend on take-home beer, wine and spirits for 2016/17. There is an estimated \$32.2 million of packaged liquor spend generated by the main trade area population, of which \$6.0 million is generated by primary sector residents.

Table 2.6 presents the growth of packaged liquor expenditure generated by main trade area population over the period to 2031. As shown, packaged liquor expenditure is forecast to grow at an average annual rate of 9.0% per annum to reach \$107.2 million by 2031.

Table 2.5 Lockies Hotel main trade area - packaged liquor spend, 2016/17*							
Category	Primary sector	Secondary sectors					Total spend MTA (\$M)
		North	East	South-east	South	South-west	
<b>Packaged liquor</b>							
Beer	2.7	1.3	1.4	5.8	1.4	1.3	14.0
Wine	1.7	0.9	1.1	3.2	1.2	1.2	9.2
Spirits	1.6	0.8	1.0	3.9	0.8	0.7	9.0
<b>Total liquor</b>	<b>6.0</b>	<b>3.0</b>	<b>3.6</b>	<b>13.0</b>	<b>3.4</b>	<b>3.2</b>	<b>32.2</b>

\*Including GST  
Source: MarketInfo, MacroPlan Dimasi

## Section 2: Trade area analysis

Table 2.6 Lockies Hotel main trade area - packaged liquor spend, 2017-2031*				
Year ending June	Forecast liquor spend (\$M)			
	Beer	Wine	Spirits	Total
2017	14.0	9.2	9.0	32.2
2018	15.4	10.3	9.8	35.4
2019	16.9	11.4	10.7	39.1
2020	18.7	12.8	11.8	43.3
2021	20.8	14.4	13.1	48.4
2022	23.0	16.1	14.4	53.5
2023	25.1	17.6	15.7	58.4
2024	27.4	19.3	17.1	63.9
2025	30.0	21.3	18.7	70.0
2026	33.0	23.5	20.5	77.0
2027	35.7	25.4	22.1	83.2
2028	37.9	26.9	23.6	88.4
2029	40.4	28.6	25.1	94.1
2030	43.1	30.5	26.8	100.4
2031	46.1	32.5	28.7	107.2
<u>Average annual growth (\$M)</u>				
2017-2031	2.3	1.7	1.4	5.4
<u>Average annual growth (%)</u>				
2017-2031	8.9%	9.4%	8.7%	9.0%

\*Constant 2016/17 dollars & including GST  
Source: MarketInfo, MacroPlan Dimasi

## Section 3: Competition review

This section of the report reviews the surrounding competitive network of packaged liquor and traditional retail facilities within which the proposed Lockies Hotel Dan Murphy's store would operate, including both existing and proposed developments of relevance.

### 3.1 Packaged liquor competition

Table 3.1 summarises the packaged liquor facilities of relevance to the proposed Dan Murphy's liquor store at Lockies Hotel, Leppington, while the previous Map 2.1 illustrates their locations.

#### Large format

The most relevant competitive facilities to the proposed Dan Murphy's store are other large format Dan Murphy's and First Choice Liquor stores. The closest Dan Murphy's store is located approximately 5.2 km to the north-east of the subject site at Carnes Hill Marketplace. The next closest Dan Murphy's stores are situated in the region surrounding the subject site are located at Casula and Narellan.

First Choice Liquor has a limited presence in metropolitan Sydney, with its closest store situated approximately 5.3 km north-east, at Edmondson Park as part of Village Square.

#### Other packaged liquor

As illustrated on Map 2.1, the surrounding network of smaller liquor stores includes a mix of national brand tenants such as BWS, Liquorland and Aldi (which includes a liquor component in-store), as well as a range of independent outlets including branded ones such as Little Bottler, Bottlemart and Super Cellars.

The closest liquor outlets to the subject site are the newly opened Liquorland store at Willowdale Shopping Centre (situated 1.1 km to the south); the small Bottle-O store at

## Section 3: Competition review

Leppington on Camden Valley Way (2.7 km north of the subject site); the Aldi supermarkets located at Village Square, Edmondson Park, and Carnes Hill respectively; and the Little Bottler (Prestons Village Liquor) located at Minnamurra Circuit in Prestons (5.3 km north-west of the subject site).

Small outlets such as these, ranging from 80 to 200 sq.m, provide a limited range of SKU's, servicing immediate local catchments, focussed on convenience.

The proposed **Edmondson Park Town Centre** is planned to contain 40,000 sq.m of retail and commercial floorspace. The development is likely to be staged, with the first stage likely to be convenience oriented, with 1 – 2 supermarkets. In terms of future packaged liquor facilities, the first stage of the Edmondson Park Town Centre is likely to be accompanied by a small format liquor component.

## Section 3: Competition review

Table 3.1 Lockies Hotel schedule of competing liquor retailers		
Centre/Suburb	Liquor traders	Distance (km)
<b>Large format</b>		
Edmondson Park	First Choice Liquor	5.2
Carnes Hill	Dan Murphy's	5.4
Casula	Dan Murphy's	10.3
Narellan	Dan Murphy's	17.1
<b>BWS/Liquorland</b>		
Denham Court	Liquorland	1.1
Kearns	Liquorland	8.1
Eagle Vale	BWS	9.8
Casula Mall	Liquorland	10.0
Miller	BWS	10.4
Minto	BWS	10.6
Macquarie Fields Drive	BWS	10.7
Oran Park	BWS	11.1
Macquarie Fields	BWS	11.8
Ingleburn	Liquorland	13.1
Ingleburn	BWS	13.2
Liverpool	BWS	13.5
Narellan	BWS	16.9
Narellan	Liquorland	16.9
Harrington Park	Liquorland	17.2
<b>Independents/Aldi/Costco</b>		
Leppington	The Bottle-O	2.7
Edmondson Park	Aldi	5.2
Preston Village Liquor	Little Bottler	5.3
Carnes Hill	Aldi	5.4
Casual	Costco	5.6
West Hoxton	Cellarbrations	6.2
Hoxton Park Cellars	Bottlemart	7.5
West Hoxton	Discount Liquor	7.7
Raby Tavern	Little Bottler	9.2
Bringelly	Bringelly Cellars	9.5
Minto Cellars	Super Cellars	9.7
Lurnea Liquor	Super Cellars	10.7
Narellan Hotel	Liquor Stax	11.5
Glenfield Cellars	Local Liquor	11.5
Collingwood Inn	Bottlemart	12.1
Glenquarie Tavern	Bottlemart	13.0
Aldi Liverpool	Aldi	13.1
Ingleburn Hotel	Liquor Stax	13.1
Liverpool	Chambers Cellars	13.3
El Toro Motor Inn	Bottlemart	14.4
Valore Cellars	Valore Cellar	14.9
Minto	Aldi	16.3

Source: MacroPlan Dimasi

### 3.2 Traditional retail

Table 3.2 summarises the traditional retail facilities which surround the subject Lockies Hotel site, while Map 3.1 illustrates their locations.

#### Existing retail facilities within the South West Priority Growth Area

- **Willowdale Shopping Centre** is a recently opened neighbourhood centre, positioned along Camden Valley Way, situated approximately 1.1 km south of Lockies Hotel within Stockland's Willowdale estate. The centre comprises approximately 4,500 sq.m of retail floorspace, anchored by a full-line Coles supermarket, with around 10 supporting specialty shops.
- ▣ **Oran Park Podium** located 11.1 km to the south of the Lockies Hotel, contains 10,000 sq.m of retail floorspace anchored by a full-line Woolworths supermarket, supported by The Reject Shop mini-major tenancy as well as 32 specialty tenants. The tenancy mix provides a strong convenience, food catering and retail service offering. In addition, the centre also provides a medical services offering, as well as offices, real estate agents and an Anytime Fitness gym.
- ▣ **Harrington Plaza SC** is an older neighbourhood convenience centre of around 5,000 sq.m, which includes a 2,200 sq.m Coles supermarket and around 24 specialty tenancies. The centre is also adjacent to a community centre and child care centre, as well as the Harrington Park public school.

#### Future retail facilities within the South West Priority Growth Area

- ▣ The **Leppington Major Centre** is planned to be the dominant retail facility serving the SWPGA, integrated with the recently completed Leppington railway station, and is expected to eventually provide 60,000-80,000 sq.m of retail floorspace, including supermarkets and major non-food anchors, such as a discount department store and/or department store. The delivery of these retail facilities is expected to be staged in accordance with market demand over the long term development timeframe of the region. There is an additional neighbourhood/local centre planned at **Leppington** to the

west of the major centre core precinct, on the intersection of Heath Road and Eastwood Road, which could particularly include 16,500 sq.m of floorspace.

- Frasers Property is developing the proposed **Edmondson Park Town Centre** which, as indicated earlier is planned to contain 40,000 sq.m of retail and commercial floorspace. The development is likely to be staged, with the first stage likely to be convenience oriented, with 1 – 2 supermarkets, followed by a deeper mix of non-food/leisure retail as the town centre evolves. We understand the town centre is scheduled to be completed by 2023.
- ▣ **Oran Park Podium** is planned to accommodate approximately 50,000 sq.m of retail and commercial floorspace upon completion. No development plans have been produced for expansion of the existing centre to date and we expect this development to be completed over the medium to long term.
- ▣ There are also two neighbourhood centres indicated in the structure plan that allows for up to 5,000 sq.m of retail floorspace (including a supermarket of around 1,500 sq.m) each, to be located to the north and south along The Northern Road.
- ▣ **Catherine Fields** located to the south of Lockies Hotel is proposed to include a small neighbourhood centre (up to 1,000 sq.m) servicing the needs of the residential development within the growth precinct. We expect the centre to be developed in line with land sales within the estate over the medium to long term.
- ▣ **Gregory Hills Town Centre** located to the south-east of the subject site is planned to accommodate up to 15,000 sq.m of retail floorspace, potentially anchored by a supermarket and dds. We understand that the development of this centre will occur over the medium to longer term.
- ▣ A neighbourhood/local centre is also planned for **East Leppington**, along Camden Valley Way, just north of the Willowdale Shopping centre. The precinct plan allows for a maximum of 2,500 sq.m retail floorspace, anchored by a supermarket. We do not expect this development to occur over the foreseeable future given its proximity to the new centre at Willowdale.

### Retail facilities beyond the SWPGA

- ▣ Situated 5.5 km north-east of the subject site, **Carnes Hill Marketplace** is a sub-regional centre which encompasses 17,200 sq.m of retail floorspace. The centre is anchored by a Big W dds, as well as a Woolworths supermarket. There is an Aldi supermarket on a standalone site adjacent to the centre.
- ▣ Situated 10 km north-west of the subject site, **Casula Mall** is a highly successful sub-regional centre, anchored by Kmart and Coles, with around 19,200 sq.m of retail floorspace.
- ▣ **Narellan Town Centre** is positioned in the heart of the Narellan Central Business Area (CBA) on the intersection of two major arterial roads. The recently expanded/refurbished centre is anchored by all three dds operators - Big W, Kmart and Target, as well as Woolworths and Coles supermarkets. The centre also contains a United Cinemas complex and a new dining precinct. In total, the centre contains 68,500 sq.m of floorspace and with more than 240 specialty retailers, providing a comprehensive retail offering for the local area. There is an **Aldi** supermarket adjacent to the Town Centre, as well as other highway, showroom type retail in the locality.



## Section 3: Competition review

Table 3.2 Lockies Hotel, Leppington - schedule of competing retail facilities			
Centre	Retail GLA (sq.m)	Major traders	Dist. by road from Lockies Hotel, Leppington (km)
<b>Regional centres</b>			
<u>Leppington</u>	96,500		2.1
• Town Centre (p)	80,000*	DS/DDS (p), Supermarket/s (p)	
• Neighbourhood Centre (p)	16,500*	Supermarket (p)	
<u>Liverpool CBD</u>	130,000		
• Westfield Liverpool	74,000	Myer, Target, Big W, Coles, Woolworths	13.5
• Liverpool Plaza	8,000	Aldi	14.7
• Other	48,000		
<b>Sub-regional centres</b>			
Edmondson Park TC	40,000**	DDS (p), Supermarkets X2 (p),	
<u>Carnes Hill TC</u>	18,900		
• Carnes Marketplace	17,200	Big W, Woolworths	5.5
• Aldi Carnes Hill	1,700	<b>Aldi</b>	<b>5.1</b>
Gregory Hills Town Centre (p)	15,000	DDS (p), Supermarket (p)	9.7
Casula Mall	19,500	Kmart, Coles	10.0
<u>Oran Park Podium</u>	10,000		11.1
• Existing	10,000	Woolworths	
• Proposed	40,000*	DDS (p), supermarket (p)	
• Oran Park N'hood Centre 1 (p)	5,000*	Supermarket (p) - 1,500 sq.m	
• Oran Park N'hood Centre 2 (p)	5,000*	Supermarket (p) - 1,500 sq.m	
<u>Macquarie Fields</u>	16,900		11.8
• Glenquarie Town Centre	15,400	Target, Coles, Woolworths	
• Aldi Macquarie Fields	1,500	Aldi	
Minto Marketplace	30,500	Kmart, Woolworths, Aldi	10.6
<u>Narellan</u>			16.9
• Narellan Town Centre	68,500	Big W, Coles, Woolworths	
• Aldi Narellan (u/c)	2,100	Aldi	
<b>Supermarket based centres</b>			
East Leppington (p)	2,500	Supermarket (p)	0.5
Willowdale SC	4,500	Coles	1.1
Village Square	4,000	Aldi	5.2
Prestons Woolworths (p)	5,000	Woolworths (p)	5.2
Woolworths Casula	4,200	Woolworths	10.3
<u>Ingleburn</u>	12,000		
• Ingleburn Village (under redevelop)	7,500		10.3
• Ingleburn Town Centre	4,500		10.7
Eagle Vale Marketplace	6,500	Woolworths	9.5
Flowerdale SC	4,300	Aldi	12.0
<b>Local Centres</b>			
IGA Austral	2,000	IGA	4.6
Prestons SC	1,200		5.3
Friendly Grocers Hoxton Park	2,000		7.2
Kearns SC	1,700	IGA	7.9
Raby SC	2,500		9.2
St Andrew SC	2,200	IGA	8.5
<b>Other centres</b>			
Costco Casula	13,800	Costco	8.5

\* Estimated GLA as per Structure Plan  
 \*\* Includes commercial floorspace  
 Source: Property Council of Australia; MacroPlan Dimasi



## Section 4: Estimated sales potential

This section of the report reviews the potential market shares and estimated sales that could be achieved by a Dan Murphy's liquor store at the Lockies Hotel site.

Table 4.1 summarises the estimated market shares and consequent sales potential for a proposed Dan Murphy's liquor store at the subject site. We have assumed that the proposed development would be completed by mid 2021, thus the store's first full year of trade would be the 2021/22 financial year. Sales estimates are presented in constant 2016/17 dollar and include GST.

In estimating the sales potential for the proposed Dan Murphy's store, we have had regard to all of the information set out in the previous sections of the report, and in particular the following:

- The location and convenient accessibility of the Lockies Hotel site on Camden Valley Way, a major arterial road in the region which accommodates almost 33,000 vehicle movements per day. As the main arterial road in the region, average vehicle trips per day are projected to increase significantly on Camden Valley Way, as the surrounding growth areas become more developed (noting population growth in the trade area is projected at more than 7% per annum).
- The existing provision and estimated trading levels of large format liquor stores within and surrounding the trade area.
- The provision of smaller scale liquor stores within the trade area.
- The available population in the main trade area, and in particular the available expenditure on packaged liquor that is generated by this population.

## Section 4: Estimated sales potential

Table 4.1 summarises our estimates of likely sales potential and the estimated market shares, which the proposed Dan Murphy's store, in our view, is likely to attract. We have estimated the store's potential shares of the packaged liquor market for both the primary sector and secondary sectors.

We estimate that the proposed Dan Murphy's store at Lockies Hotel could achieve a total sales volume of \$12.1 million in 2021/22, increasing to \$18.1 million by 2025/26, at an average growth area of around 8.4% per annum.

We estimate that in order to achieve sales of \$12.1 million, a Dan Murphy's store would need to achieve market shares as follows:

- 30% of primary trade area packaged liquor expenditure;
- 15% of the secondary north sector packaged liquor expenditure;
- 10% of the secondary east sector packaged liquor expenditure;
- 10% of the secondary south-east sector packaged liquor expenditure;
- 15% of the secondary south sector packaged liquor expenditure; and
- 15% of secondary south-west sector packaged liquor expenditure.

Approximately 25 – 30% (i.e. 27.5%) of store sales is expected to be generated from beyond the trade area, given the accessibility and prominent location of the site near the intersection of Camden Valley Way and Ingleburn Road.

## Section 4: Estimated sales potential

Table 4.1 Lockies Hotel Dan Murphy's store estimated sales potential (\$M), Year 1 - Year 5*		
Items	2021/22	2025/26
Trade area estimated sales potential	8.8	13.1
• Primary (30% mkt share)	3.6	5.7
• Secondary North (15% mkt share)	0.5	1.0
• Secondary East (10% mkt share)	0.8	1.1
• Secondary South-East (10% mkt share)	1.4	1.5
• Secondary South (15% mkt share)	1.2	1.8
• Secondary South-West (15% mkt share)	1.3	2.0
Plus sales from beyond TA (@ 27.5%)	3.3	5.0
<b>Total Lockies Hotel estimated sales potential</b>	<b>12.1</b>	<b>18.1</b>
Store sales per sq.m (\$/sq.m)	7,706	11,537

\*Constant 2016/17 dollars and including GST  
Source: MacroPlan Dimasi

## Section 5: Trading impacts on surrounding centres

This section of the report examines the potential trading impacts on the surrounding retail network that could be expected to result from the provision of a Dan Murphy's store at the subject site.

### 5.1 Trading impacts: relevance and basis

The purpose of an impact assessment is to provide guidance as to whether or not there is likely to be a net community benefit or disbenefit from any proposed development. In particular, if there is a real possibility of some existing facilities potentially being impacted to such a degree that they may be lost to the community and if the service or services provided by those facilities are not at the very least replaced by the proposed new facilities, then a community disbenefit could result.

In order to understand whether any particular centre may be impacted to the extent that its continued viability may be in question, we have estimated specific retail impacts that we expect across the surrounding competitive network were a new Dan Murphy's store to be developed at the subject site as proposed.

These estimates provide indications as to whether the scale of the proposed retail development is reasonable and whether any surrounding centres are likely to be at risk to the extent that the community would suffer a net disbenefit, attributable to the proposed retail development.

In considering likely trading impacts on any individual centre or individual retailer, it must first be acknowledged that such estimation can only realistically expect to provide a broad indication of likely outcomes, since there are many factors which can change in response to any new retail development, and which will have a bearing on the consequent outcomes. The competitive response of each relevant centre or trader is one such factor, as are further

## Section 5: Trading impacts on surrounding centres

redevelopments/improvements which one or more of the competitive network of centres might implement.

In this context, the following factors are relevant when considering the potential trading impacts of the proposed Dan Murphy's liquor store at the Lockies Hotel site:

- Dan Murphy's liquor stores serve broad trade areas, attracting relatively thin market shares from such areas.
- Dan Murphy's stores sell, almost exclusively, packaged beer, wine and spirits, and therefore are not directly competitive with small convenience stores, small supermarkets or large supermarkets that do not sell packaged liquor. Nor are they directly competitive with food catering retail (i.e. cafes, take-away shops and restaurants), apparel stores (i.e. outlet shops, shopping centres) general or leisure retailers (such as newsagents, sports stores, pharmacies etc), or household goods retailers (such as homemaker centres, retail showrooms etc).
- Because large-format liquor stores operate in quite a specific market segment, they tend to have either no impact, or a very negligible impact on surrounding traditional retail facilities. Indeed, those centres with no packaged liquor store will absorb no direct trading impacts from the proposed Dan Murphy's store.
- There is a spatial gap for large format, packaged liquor facilities within the defined main trade area and the site represents an appropriate location for such facilities given the significant passing traffic volumes. The proposed Dan Murphy's liquor at Lockies Hotel will be positioned to serve the significant population growth projected for the SWPGA. With the exception of the First Choice liquor outlet at Edmondson Park (which is located on the periphery of the trade area), the range of available liquor options within the main trade area is limited and many of these offers are generally quite small (i.e. 80 to 200 sq.m), with a very limited number of stock keeping units (SKUs) in comparison to a Dan Murphy's store.
- The existing packaged liquor stores in the main trade area will continue to perform an important function – serving their respective surrounding local catchments by providing easily accessible, convenient packaged liquor products.

## Section 5: Trading impacts on surrounding centres

- A new Dan Murphy's store would increase customer choice, and would reduce travel distances to access a comparable offer, particularly for primary sector residents, as the closest large format liquor stores are at least 5 km from the subject site. This is because a larger proportion of packaged liquor expenditure would be retained by trade area residents within the trade area.

All of the above factors are taken into account in our estimation of anticipated impacts on the surrounding centre hierarchy, and packaged liquor store network.

#### 5.1.1 Impact methodology

The following factors are typically considered when assessing the potential impacts of the proposed Dan Murphy's liquor store, on the surrounding retail hierarchy:

- The distance of the (impacted) centre, by road, from the proposed development.
- The size of the centre, in terms of total retail floorspace provision.
- More specifically, in this instance, the amount of packaged liquor floorspace available.
- The brand and size of the packaged liquor tenant(s), and the depth of offer provided at these stores.
- The role and function of the centre. For example a centre may be oriented towards convenience retailing, higher order retailing, or may primarily service a worker/transit market.
- Relative accessibility and relative convenience compared with the proposed retail development.
- The estimated performance of the centre (in current sales) and future performance (in the impact year). This accounts for any future developments in the region that may also impact on the future sales of existing centres.
- The share of available expenditure which the centre attracts from the identified main trade area of the proposed development. A centre may not be situated in the identified trade area of the proposed development but its main trade area may extend to include



## Section 5: Trading impacts on surrounding centres

parts, or all of the trade area of the new development. For example, the trade area for a large regional shopping centre typically includes several hundred thousand persons. Such a trade area is likely to include (partially or completely) trade areas for smaller convenience based centres, sub-regional centres, retail strips and stand-alone supermarkets. In the case of Dan Murphy's stores, they tend to serve broad trade areas, and the surrounding network of Dan Murphy's stores would draw varying proportions of business, presently, from the main trade area population of the proposed store.

The following key principles are then relied on when assessing the dollar (and percentage) impacts that are likely to be absorbed by existing facilities/centres:

- The greatest impacts are typically absorbed by the closest comparable retail facilities. For example, a new Dan Murphy's liquor store is generally likely to impact the closest nearby Dan Murphy's stores to the greatest extent, followed by impacts on other large format liquor stores (e.g. First Choice Liquor), and at the lower end of the spectrum, by smaller scale liquor stores, which serve much more limited roles – generally serving local catchments with purchases driven by convenience and affinity with the store.
- Impacts on small local liquor stores, can be expected to be noticeably lower in scale, as these stores only attract a small market share of available main trade area expenditure and perform a different role and function in the hierarchy, often serving the immediate (i.e. walkable/short drive) population surrounding the site. They tend to leverage from co-location with other retail facilities, such as a supermarket, convenience store, or a set of strip shops.

## Section 5: Trading impacts on surrounding centres

## 5.1.2 Estimated impacts

Table 5.1 presents a summary of the key metrics for the surrounding competitive network of centres that would be directly impacted by the proposed Dan Murphy's liquor store, i.e. centres that include a liquor store(s).

This table summarises the distance of each centre or store from the subject site; the amount of retail floorspace at the centre; the amount of packaged liquor floorspace at the centre; and the brand/s of packaged liquor tenants. We have then also estimated the proportions of sales, in 2016/17, for each centre that are generated from the main trade area of the proposed new Dan Murphy's store.

Table 5.1 Lockies Hotel - Surrounding liquor competition and estimated share of liquor sales attributable to main trade area competition					
Centre	Distance (km)	Total centre retail GLA (sq.m)	Estimated liquor GLA (sq.m)	Packaged Liquor Operator	Approx. % of sales from MTA
<u>Large format packaged retailers</u>					
Village Square	5.2	4,000	1,400	First Choice Liquor/Aldi	30%
Carnes Hill Town Centre	5.4	18,900	1,600	Dan Murphy's/Aldi	30%
Casula*	10.3	1,300	1,300	Dan Murphy's	15%
Narellan TC	17.1	68,500	1,400	Dan Murphy's/BWS/Liquorl	20%
<u>Small format packaged retailers</u>					
Willowdale SC	1.1	4,500	180	Liquorland	85%
Leppington**	2.7	2,100	200	The Bottle - O	85%
Keams SC	7.9	1,700	200	Liquorland	80%
Bringelly	9.5	350	150	Bringelly Cellars	15%
Eagle Vale SC	9.5	6,500	200	BWS	75%
Oran Park Podium	11.1	10,000	200	BWS	75%
* Free standing store					
** With the exception of The Bottle-O store, the remainder of the centre contains mostly hardware and bulky goods retailers					
Source: Property Council of Australia; MacroPlan Dimasi					

## 5.2 Impacts on surrounding retail hierarchy

Table 5.2 shows the estimated trading impacts that we expect across the surrounding network of centres, expressed in dollar terms and also in percentage terms, as a share of sales that would be expected without the development, in the year FY2021/22. We have estimated the percentage trading impacts by following the following methodology:

- First, the incremental liquor sales of the proposed Dan Murphy's store is estimated in its first year (i.e. 2021/22), at \$10.2 million, which is the difference between the \$12.1 million estimated for the new store less the estimated existing BWS store sales at 2021/22).
- Sales are then estimated across the surrounding competitive supply network as at 2016/17 based on detailed inspections of the various facilities, plus other known public information. For the various established Dan Murphy's and First Choice liquor stores, for the purposes of this impact assessment, we have adopted an average turnover level per sq.m reflecting the typical performance of each chain as we understand it, from public statements and other available information. These average sales per sq.m levels have been assumed at \$12,000 per sq.m for Dan Murphy's stores and \$10,000 per sq.m for First Choice liquor stores.
- Potential sales for the surrounding competitive supply network in 2016/17 are then estimated, assuming the proposed Dan Murphy's development does not occur.
- Sales for all competitive centres as at 2016/17, if the proposed Dan Murphy's development were to occur, are finally estimated.
- An assessment of likely trading impacts is then made by comparing the estimated sales potential for each centre with and without the proposed Dan Murphy's store.

Table 5.2 presents the estimated distribution of impacts across the surrounding competitive network.

## Section 5: Trading impacts on surrounding centres

As outlined in the impacts methodology in Section 5.1.1, typically, Dan Murphy's liquor stores generate the largest impact on the closest large format liquor stores, i.e. other Dan Murphy's stores and to a lesser extent, First Choice Liquor stores.

The four surrounding large format liquor stores are expected to absorb around 60 – 65% of trading impacts from the new store at the subject site.

The remaining sales impacts will be distributed fairly broadly across the surrounding retail network. While most liquor stores within the trade area draw much of their trade from the main trade area population, on small outlets, they only draw thin shares of the total main trade area liquor expenditure. Therefore, estimated impacts on the centres/precincts will be negligible, generally below 1%, with the exception being the small precinct nearby at Leppington where a very small impact in dollar terms is expected but because the precinct is small, a minor-moderate impact is expected.

We estimate around 20% of sales impacts will be distributed across other liquor stores, not specifically referenced in the table, with specific impacts on any one centre expected to be negligible, given the prominent main road location.

These impacts are considered to be both acceptable in a normal competitive environment, and temporary in nature, with impacts across all centres expected to dissipate within one to two years, given the projected population and retail expenditure market growth expected across the trade area and surrounding area.

### 5.3 Impacts on surrounding retail hierarchy

As detailed in the analysis in Tables 5.1 and 5.2, the majority of trading impacts from the proposed Dan Murphy's store are expected to be absorbed by the surrounding network of large format liquor stores located beyond the main trade area, with very minor impacts expected across the surrounding network of local and neighbourhood centres in the main trade area that contain liquor stores, with no impacts expected on surrounding centres that do not have liquor store.

Because liquor stores are typically a small component of a retail centre, and not a key anchor, even if such a store were to close in any of the surrounding centres (which is highly unlikely and not projected to occur in this assessment), this would have a very limited bearing on the overall viability of any centre.

The projected impacts are normal competitive impacts that are to be expected in any dynamic environment. The magnitude of impacts, coupled with strong future market growth, indicate that the proposed Dan Murphy's store, which is replacing an existing BWS liquor store could be comfortably absorbed into the local market. It will not alter or impact the existing centres hierarchy surrounding the site nor the role and function of future planned centres across the hierarchy.

As indicated earlier, the main trade area packaged liquor expenditure market is expected to increase by 9.0% over the next 10 – 15 years, effectively supporting multiple new liquor outlets and driving sales growth across the existing store network.

Furthermore, such impacts should be considered in conjunction with the economic benefits that the broader development concept at the subject site could generate.

## Section 5: Trading impacts on surrounding centres

Table 5.2 Lockies Hotel - Estimated impacts on surrounding centres						
Centre	Estimated sales 2016/17' (\$M)	Projected sales 2021/22			Est. Impacts	
		Without development	With development	Distribution	(\$M)	(%)
<u>Large format packaged retailers</u>						
Village Square	37.6	58.0	55.3	22.5%	2.7	4.6%
Carnes Hill Town Centre	154.6	183.6	181.3	20.0%	2.3	1.2%
Casula*	15.6	18.5	17.6	10.0%	0.9	5.0%
Narellan TC**	400.0	475.1	474.2	12.5%	0.9	0.2%
<u>Small format packaged retailers</u>						
Willowdale SC**	43.1	66.4	66.1	5.0%	0.3	0.5%
Leppington	12.6	15.0	14.9	2.0%	0.1	0.7%
Edmondson Park TC (p) ***	-	55.0	54.7	5.0%	0.3	0.5%
Keams SC	13.5	16.0	16.0	1.0%	0.1	0.5%
Bringelly	2.5	3.0	3.0	0.0%	0.0	0.0%
Eagle Vale SC	61.4	72.9	72.8	0.5%	0.1	0.1%
Casula Mall	202.0	239.9	239.8	0.5%	0.1	0.0%
Oran Park Podium	60.0	76.6	76.5	1.0%	0.1	0.1%
Other/beyond trade area				<b>20%</b>	2.4	
Incremental increase in packaged liquor sales at subject site (2021/22)					10.2	
* Free standing store						
** Estimated annualised sales						
*** Assumes Stage 1 of the Edmondson Park TC contains 10,000 sq.m of retail floorspace, with a small format liquor component of 200 sq.m						
Source: Property Council of Australia; MacroPlan Dimasi						

## Section 6: Tavern/pub assessment

This section of the report assesses the expansion potential of the tavern at the Lockies Hotel. As discussed earlier, the proposed rezoning of the site is planned to enable the development of a new hotel, new Dan Murphy's store as well as enable on expansion of the existing tavern.

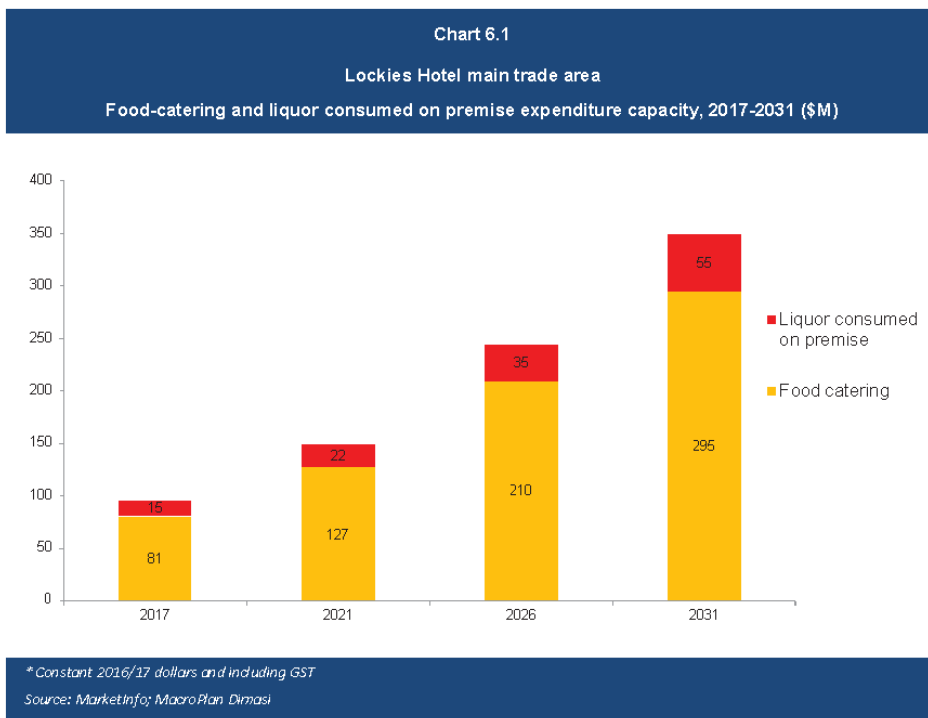
### 6.1 Expenditure capacity of key tavern/pub market segments

The key expenditure categories of relevance for tavern/pubs are food catering and on premise liquor spend. Chart 6.1 illustrates the current and projected size of these retail expenditure categories for the main trade area population, with the key points to note as follows:

- Estimated main trade area food catering expenditure is projected to increase from \$81 million in 2017 to \$295 million in 2031, reflecting an average annual growth rate of 9.7% over the forecast period (i.e. an increase of around 35% in real terms).
- Estimated main trade area expenditure for liquor consumed on premise is projected to increase from \$15 million in 2017 to \$55 million in 2031, reflecting an average annual growth rate of 9.7% over the forecast period.

In summary, there is massive forecast growth of food catering and on premise liquor expenditure expected across the main trade area over the next 10 – 15 years. The proposed increase in the size of the tavern at the subject site could result in incremental food catering and on premise liquor sales of around \$8 – 10 million. This is equivalent to less than 4% of future demand growth in these expenditure categories, meaning that 96% of future expenditure could be captured by other facilities across the region.

The redeveloped tavern will provide more than just a drinking venue, in much the same way The Ettamogah Hotel at Kellyville serves an important community meeting point, serving the weekend breakfast, lunch, dinner, casual drinking market as well as providing a venue for functions. In outer suburban locations the local tavern is a big piece of solid infrastructure.



**6.2 Supply of taverns/pubs**

Table 6.1 summarises the surrounding competitive supply of taverns/pubs across the area surrounding the subject site, with the location of these facilities illustrated on Map 6.1. The key points to note are as follows:

- The provision of taverns/pubs across the surrounding region is relatively sparse. The relatively new Gregory Hills Hotel is the closest tavern to the south, approximately 9.0 km south-east of the subject site, within the growing Turner Road precinct.
- The majority of taverns and pubs in the surrounding region are located within the Liverpool CBD, some 15 km to the north-east.



## Section 6: Tavern/pub assessment

- The remaining supply of taverns and pubs is disposed across the broader South-West Sydney region, with facilities at Narellan, Raby, Casula, Ingleburn, Macquarie Fields and Minto.

We consider that an expansion of Lockies Hotel will provide a modern offering which will serve the strong population growth of the surrounding area, given that the current provision of tavern/pubs is sparse surrounding the subject site, and will be important in driving motel visitation and serving the food and beverage and entertainment needs of guests.

The Lockies Hotel main trade area population is projected to generate a substantial \$350 million combined, in food-catering and on-premise liquor spend at 2031. While taverns/pubs typically draw thin market shares from broad trade areas, the lack of competitive facilities in the surrounding area could support the Lockies Hotel tavern/pub expansion, tapping into the sizable food-catering and on-premise liquor expenditure generated by the main trade area population.

Hotel/Taverns	Address	Suburb	Dist. by road from site (km)
Cross Roads Hotel	Hume Hwy & Camden Valley Way	Casula	7.7
Gregory Hills Hotel	Gregory Hills Drive	Gregory Hills	9.0
Raby Tavern	Cnr Spitfire & Hurricane Drs	Raby	9.2
The Ingleburn Hotel	14 Ingleburn Rd	Ingleburn	10.6
Minto Mirage	Surrey St	Minto	11.2
Narellan Hotel	Camden Valley Way	Narellan	11.5
Glenquarie Tavern	Cnr Victoria Rd & Harold St	Macquarie Fields	12.6
The Corner Pub	1/214-220 Macquarie St	Liverpool	13.3
Railway Hotel Liverpool	2 Scott St	Liverpool	13.5
Golden Fleece Hotel	Cnr Scott & Speed St	Liverpool	13.6
Collingwood Hotel	321 Hume Hwy	Liverpool	13.7
Macquarie Hotel Liverpool	269 Macquarie St	Liverpool	14.2
The New Commercial Hotel	Bigge & Scott Sts	Liverpool	14.4
Liverpool Hotel	Cnr Moore & Macquarie St	Liverpool	14.7
Pioneer Tavern	Bringelly Rd & Maxwell St	Kingswood	31.1

Source: Hotels.com, Cordell Connect, MacroPlan Dimasi



## Section 7: Short stay accommodation facilities assessment

This section of the report examines the potential for short stay accommodation facilities at the subject site, assessing the surrounding supply of such facilities as well as identifying demand drivers of relevance.

### 7.1 Key drivers of demand

In an outer-suburban location, such as Leppington, located near two major suburban CBDs (i.e. Liverpool and Campbelltown); other significant employment precincts; on a major arterial road relatively close to the nexus of major regional roads, demand for hotel rooms and serviced apartments is expected to be driven by the following factors:

- The continued strong residential and employment growth across the SWPGA, the WSPGA and the WSEA, as well as the corresponding retail centre developments and infrastructure investment in these growth areas.
- The highly accessible location on Camden Valley Way, and its proximity to the regional road network including the Hume Motorway, the Hume Highway and Campbelltown Road. Camden Valley Way accommodates almost 33,000 average daily traffic movements which is projected to increase significantly as the areas surrounding the subject site undergo significant residential development.
- Relative proximity to the future Western Sydney Airport which is located around 15 km to the north-west of the subject site, and will be serviced by greatly improved road (and future rail) infrastructure.
- The potential growth of the surrounding worker population, which is indicative of business activity, i.e. visiting business people; clients; suppliers; conference visitors; consultants; technical specialists; and trades persons involved in projects in the area. We

## Section 7: Short stay accommodation facilities assessment

note the Leppington Major Centre is planned to accommodate 13,000 jobs over the long-term.

- Proximity to the Liverpool CBD, which is a 15 km drive along the Hume Highway, which contains more than 25,000 workers (i.e. of the size of Norwest Business Park; and the Chatswood CBD). The Liverpool CBD includes the Liverpool Hospital, which is one of the largest hospitals in NSW (with more than 850 beds), which would be a key driver of hotel/temporary accommodation demand in the surrounding region.
- Proximity to the major industrial precincts of Prestons – which contains more than 6,500 workers, and Gregory Hills/Smeaton Grange – which contains around 6,600 workers.
- Other visitors including general tourists (given the proximity to key access roads Sydney CBD) who may be visiting family in the region; have a car and prefer to be out of the CBD.

## 7.2 Supply of short stay accommodation facilities

Table 7.1 summarises the surrounding competitive supply of hotel/serviced apartment facilities surrounding the subject site, with the location of these facilities illustrated on Map 7.1. The key points to note are as follows:

- There is a lack of supply of hotels/serviced apartments within the immediate vicinity of the subject site, with the nearest short stay accommodation facilities situated more than 5 km to the north-east at Edmondson Park, Prestons and Casula.
- Three of the closest facilities (Edmondson Villas, Alpine Place Villas and Serviced Houses Casula) only offer a combined 54 serviced units with minimal amenities. Furthermore, serviced units generally serve a different role to that of motels in the short-stay accommodation market. They tend to be suited to families or school/sporting groups who have pre-planned their movements and may stay multiple nights, as opposed to motels, which rely more on passing vehicular traffic and/or service worker/conference business related demand.

## Section 7: Short stay accommodation facilities assessment

- The main hotel facilities in the surrounding region are situated more than 10 km to the north-east of the subject site at Prestons (Mercure Liverpool), Casula (ibis Budget) and Liverpool (Quest Liverpool). There are currently no motels between the Liverpool CBD and the subject site.
- The only motel facilities surrounding the Lockies Hotel site are situated around 17 km to the south at Narellan (Narellan Motor Inn) and Leumeah (The Hermitage Motel).
- There is a small proposed 26-room motel development planned at Casula, on the Hume Highway which is under construction. There is also a small serviced units development on the Hume Highway, Casula, which has lodged a development application.

In summary, the supply of short-stay accommodation facilities in the area surrounding the subject site is limited and generally dated. The proposed motel development at the subject site will add new modern stock to the short stay accommodation supply in the area, providing an affordable option for visitors to the area in conjunction with amenities such as an expanded tavern. We consider a motel development to be supportable at Lockies Hotel, which would help to fill a spatial gap of motel offerings in the surrounding area.

Table 7.1 Lockies Hotel and surrounds - Short-term accommodation facilities						
Facility	Address	Suburb	Rooms	Type	Rating	Dist. by road from site (km)
Alpine Place Villas	25-36 Alpine Place	Prestons	44*	Serviced units	3.5	4.6
Edmondson Villas Sydney	Lot 222 Hartlepool Road	Edmondson Park	4*	Serviced units	3.5	5.2
Serviced Houses Casula	Boab Place	Casula	6*	Serviced units	4.0	7.9
Mercure Sydney Liverpool	Cnr Joadja & Hoxton Park Roads	Prestons	104	Hotel	4.5	9.1
Crossroads Hotel Liverpool	Hume Highway & Camden Valley Way	Casula	-	Hotel	3.0	9.3
Best Western Motor Inn	667 Hume Highway	Casula	31	Motel	4.0	9.3
Country Comfort Hunts Liverpool	Lot 2415 Camden Valley Way	Casula	140	Hotel	4.0	9.4
Jolly Knight Motel	568 Hume Hwy	Casula	-	Motel	-	10.9
Narellan Motor Inn	2/5 The Northern Road	Narellan	51	Motel	3.5	11.7
Ibis Budget Campbelltown	3 Rennie Road	Campbelltown	72	Hotel	2.5	12.3
The Hermitage Motel	5 Grange Road	Leumeah	35	Motel	4.0	12.9
ibis budget Casula Liverpool	437 Hume Highway, Corner of Grove St.	Casula	74	Hotel	2.5	13.2
Quest Liverpool	39 Scott Street	Liverpool	88	Hotel	4.5	14.3
<u>Proposed</u>						
Hume Hwy Serviced Apartments	653 Hume Hwy	Casula	12	Serviced units	-	9.2
Hume Highway Motel	654A & B (Lots 1 & 2) Hume Hwy	Casula	26	Motel	-	9.4
<i>*Units/townhouses</i>						
<i>Source: Hotels.com; Carde II Connect; MacroPlan Dimasi</i>						



## Section 8: Other economic benefits

This section of the report examines the net community benefits which are likely to arise as a result of the proposed Lockies Hotel development.

The expected economic and related social benefits will include improved packaged liquor, accommodation and on-premised liquor choice, more competitive pricing in the short-accommodation and tavern/pub markets and reduced private vehicle trip distances.

Other benefits will include employment that will be created during the construction phase of the project, ongoing employment created on site as well as additional employment supported through the supply chain.

### 8.1 Estimated employment impacts

The redevelopment of Lockies Hotel, which includes the development of a Dan Murphy's store, a new motel and a new tavern/pub, will result in additional permanent employment on-site as well as further jobs through the supply chain, which includes industries servicing the new liquor store, (such as transport workers and wholesalers), the short term accommodation market (cleaners, administration staff) and the tavern/pub expansion (likely resulting in an increase of bartenders and chefs).

Furthermore, the construction phase of the project will support temporary construction jobs as well as additional jobs through the broader economic supply chain, such as building material suppliers, development consultants and the like (i.e. multiplier impacts).

## Section 8: Other economic benefits

Table 8.1 illustrates the estimated net increase in direct employment that would be created with the redevelopment of Lockies Hotel. We have relied upon various data sources including data from ALH Group, retailers, the ABS, several state and local government agencies, as well as 30 years of experience in preparing assessments of this nature to estimate the employment impacts.

Table 8.1 Lockies Hotel, Leppington - estimated centre employment levels			
Type of use	Estimated employment per '000 sq.m	Lockies Hotel, Leppington	
		GLA (sq.m)	Employment (persons)
<u>Current</u>			
• BWS	20	258	5
• Lockies Hotel	14	915	13
• Motel	10	<u>149</u>	<u>1</u>
Total		1,322	19
<u>Proposed development</u>			
• Dan Murphy's	15	1,570	24
• Lockies Hotel	14	3,115	44
• Motel	10	<u>2,790</u>	<u>28</u>
Total		7,475	95
<b>Net increase<sup>2</sup></b>		<b>6,153</b>	<b>76</b>

1. Excludes non-retail components  
2. Net increase includes an allowance for reduced employment levels at impacted centres, estimated at 5% of the total increase  
Source: ALH Group, MacroPlan Dimasi

The existing Lockies Hotel supports an estimated 18 jobs at present. The proposed redevelopment of Lockies Hotel is projected to increase to 95 full-time equivalent employees, which equates to a net increase of 76 positions. In disaggregating the different parts of the redevelopment, the expansion of Lockies Hotel is projected to provide an additional 31 employment positions, the Dan Murphy's liquor store will create 19 net additional jobs, compared to the existing BWS liquor outlet. In addition, the development of a new motel is likely to result in an incremental increase of 27 jobs.



## Section 8: Other economic benefits

Table 8.2 provides an estimate of the total additional employment that would be created as a result of the proposed redevelopment, including both on-going direct and indirect employment from the construction phase of the project.

To calculate the likely total economic stimulus that can be attributed to the proposed redevelopment, both due to the direct employment which it will create, and also due to its construction, we have had regard to ABS Australian National Accounts input/output multipliers.

ABS Input/Output Multipliers measure general economic flows between industry sectors. There are several types of input/output multipliers that can be relied upon and we consider for the basis of estimating fairly small scale, and localised impacts that employment multipliers are most suitable for estimating the employment effects of the proposed expansion.

According to ALH Group, the construction costs of the project are estimated to be in the order of \$22 million, with the development expected to commence in 2019 and completion in 2020.

We therefore estimate employment resulting from the construction of the project to be about 245 jobs for that year, including around 94 created directly and a further 151 resulting from multiplier induced effects.

As previously outlined, direct net employment resulting from the proposed redevelopment is expected to be 76 jobs. Based upon ABS employment multipliers for the relevant industries we estimate this would also lead to an additional 30 multiplier induced jobs.

## Section 8: Other economic benefits

**Table 8.2**  
**Lockies Hotel, Leppington - estimated future additional centre employment levels\***

Original stimulus	Direct employment (long-term)	Direct employment (const'n period)	Supplier employment multiplier effects	Total	
Centre employment <sup>1</sup>	76		30	106	
Construction of project (\$22m. est. capital costs)		94	151	245	Job years <sup>2</sup>

\* Employment totals include both full-time and part-time work  
 1. Indicates the estimated number of net additional ongoing jobs as a result of the proposed development  
 2. Indicates the estimated number of jobs over the life of the construction project, for the equivalent of one year  
 Source: ALH Group, MacroPlanDimasi

## 8.2 Other economic/social benefits

The proposed redevelopment, which includes a new Dan Murphy's store, a new motel and an expanded tavern/pub at the subject site will result in a range of other economic and community benefits. The key benefits, summarised below, include:

- Increased choice, convenience and amenity for the population of the main trade area.**  
 The addition of a new Dan Murphy's store, offering an extensive range of beer wine and spirits in a large self-service and air-conditioned premises, with expert service and convenient car-parking, will clearly result in greater service provision for the main trade area population that the store will serve. The store's location, on a key arterial road – Camden Valley Way, makes it particularly accessible for main trade area residents. The proposed Dan Murphy's liquor store will also be well-positioned to serve the significant population growth which is planned for the surrounding SWPGA.
- Savings on time and fuel for main trade area residents** due to a much closer provision of large format liquor for main trade area residents. As previously indicated, the closest nearby large format liquor stores are located 5 km from the subject site.
- New investment in the expansion of Lockies Hotel**, that will revitalise and modernise the current tavern/pub, **enhancing the attractiveness** of this tavern/pub facility for surrounding residents.

## Section 8: Other economic benefits

- The development of a new motel is likely to **fill a spatial gap in the short-stay accommodation market**, with the nearest motels currently situated around 17 km to the south at Narellan (Narellan Motor Inn) and Leumeah (The Hermitage Motel). The development is also likely to improve choice of short stay accommodation for visitors to the region.
- The new development may also potentially serve passengers utilising the future Western Sydney Airport which is located in relative proximity around 15 km away to the north – west.

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Camden Council

Planning Proposal – Lockies Hotel, 1423 Camden Valley Way, Leppington

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## ORDINARY COUNCIL

**ORD01**

**SUBJECT:** PLANNING PROPOSAL - LOT 81 DP 656970, 1423 CAMDEN VALLEY WAY, LEPPINGTON  
**FROM:** Director Planning and Environment  
**TRIM #:** 18/337199

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**PROPERTY ADDRESS:** Lot 81 DP 656970  
1423 Camden Valley Way, Leppington

**PROPONENT:** Milestone (Aust) Pty Limited

**OWNER:** Laundry Trading (Bristol Arms) Pty Ltd

### PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal for Lot 81 DP 656970 (1423 Camden Valley Way, Leppington) and to resolve to forward the draft Planning Proposal to the Department of Planning & Environment (DPE) for Gateway Determination.

The draft Planning Proposal seeks to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) to include motel accommodation, retail premises and pubs as Additional Permitted Uses on the site.

### BACKGROUND

In July 2018, a Planning Proposal was lodged by Milestone Planning on behalf of the landowner (Laundry Trading Pty Ltd). The draft Planning Proposal is provided as an **attachment** to this report.

The proposal seeks to amend Schedule 1 of Appendix 9 of the Growth Centres SEPP, by including hotel and motel accommodation, retail premises and pubs as Additional Permitted Uses on the site.

From 1 June 2018, Planning Proposals are referred to the Camden Local Planning Panel (Panel) for advice. The draft Planning Proposal was considered by the Panel on 20 November 2018. The Panel's recommendations are discussed later in this report and are provided as a **supporting document** to this report.

The draft Planning Proposal was notified for 14 days from 7 August to 21 August 2018. One submission was received which is discussed later in this report.

Councillors were briefed on this proposal on 11 September 2018.

### MAIN REPORT

#### Locality

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This is the report submitted to the Ordinary Council held on 11 December 2018

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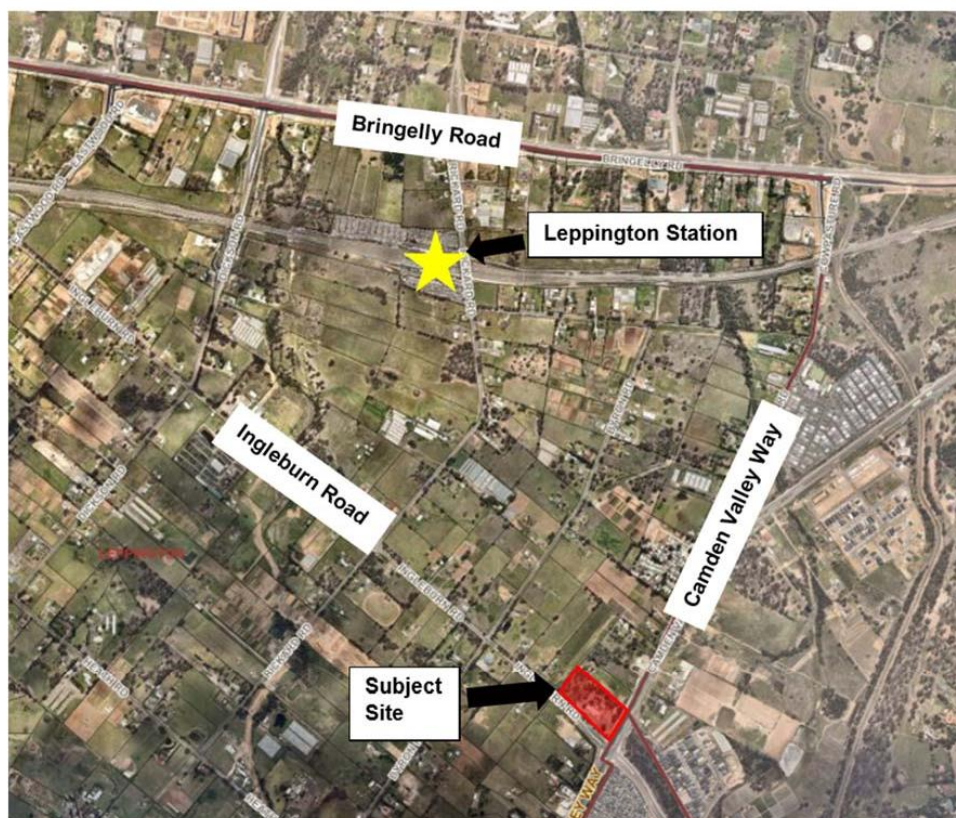


The site is located on the corner of Camden Valley Way and Ingleburn Road and is legally described as Lot 81 DP 656970. The site is rectangular and has a total site area of approximately 2.3ha.

The site currently accommodates a large single storey building operating as 'Lockies Hotel' including a BWS liquor outlet with at-grade car parking accessed from Ingleburn Road. Lockies has been operating on the site since the 1970s.

Development surrounding the site consists of predominantly semi-rural development to the north and west, with recent low to medium density residential development and subdivision works commencing within the East Leppington Precinct, east of Camden Valley Way.

Figure 1 provides a site context map.



**Figure 1: Site and surrounds Leppington Planned Precinct**

The site is located on the south-eastern corner of the Leppington Planned Precinct Investigation Boundary, as identified in **Figure 2**.

The Department of Planning and Environment (DPE) is currently reviewing the land uses and development controls within the Leppington Town Centre.

Council officers have discussed the draft Planning Proposal with the DPE. The DPE has provided in-principle support for Council to proceed with the assessment of the



draft Planning Proposal despite the broader precinct planning work being undertaken. The DPE has advised that the most appropriate way to consider the proposed amendment is through a Planning Proposal.



**Figure 2: Leppington Town Centre Investigation Boundary**

### Zoning and Permissibility

The site is located within the Leppington North Precinct of the South West Growth Area (SWGGA) and is zoned R3 Medium Density Residential under the Growth Centres SEPP. Pubs, retail premises and motels are not permissible within the R3 Medium Density Residential zone.

The objective of the draft Planning Proposal is to facilitate the proposed development of a new pub/tavern, a new retail premise specifically to retail liquor and a new hotel or motel accommodation. The site benefits from existing use rights which enables the operation of the existing pub and liquor store.

The proposed development will include approximately 1,570 sqm of retail floor space, 2,790 sqm (approximately eighty rooms) of motel accommodation, and 3,115 sqm of pub/tavern floor space. The final details of the development will be subject to a future Development Application.

The draft Planning Proposal seeks to amend the Growth Centres SEPP (Schedule 1 of Appendix 9) to include pubs, hotel or motel accommodation, and retail premises as Additional Permitted Uses on the site.

No further amendments are proposed, and the site will retain the existing R3 Medium Density Residential zone and the existing maximum building height of 21 metres.



### **Specialist Studies**

The draft Planning Proposal was accompanied by the following studies:

- Traffic report;
- Economic Impact Assessment; and
- Social Impact Assessment.

A summary of the studies is provided below. Copies of the studies are included as an **attachment to this report**.

#### **Traffic and Transport Report**

The proponent has lodged a Traffic and Transport Report in support of the draft Planning Proposal. The Traffic and Transport Report concludes that the road network and intersection of Camden Valley Way and Ingleburn Road can cater for the additional traffic from the proposed development, with capacity to cater for future development in the area. The existing driveway to the site would be retained to provide access to the development from Ingleburn Road.

#### *Officer Comment*

The site has a high level of local and regional road accessibility in that it fronts both Camden Valley Way and Ingleburn Road, which are arterial and sub-arterial roads respectively. Detailed traffic and parking assessment will be undertaken through future Development Applications (DAs) or as required by the Gateway Determination.

#### **Economic Impact Assessment**

The proponent has lodged an Economic Impact Assessment (EIA) in support of the draft Planning Proposal. The EIA outlines the various employment opportunities that the proposed development will provide and concludes that redevelopment of the site will not have any significant impacts on the surrounding centres due to the comparatively small size of the site in relation to the nearby business zones (B4 Mixed Use and B3 Commercial Core) located in the Leppington Major Centre.

#### *Officer Comment*

Council officers have reviewed the EIA and agree with its findings. The site is located approximately 1km from the Leppington Major Centre and is therefore expected to serve a local function and not detract from the commercial uses within the Leppington Major Centre.

#### **Social Impact Assessment**

The proponent has lodged a Social Impact Assessment (SIA) in support of the draft Planning Proposal. The SIA notes that the proposed development will not pose any increased health or safety risks to the community and outlines the proposed management procedures that will be in place for both the pub and retail liquor outlet. The draft Planning Proposal proposes 1,570 sqm of retail liquor floor space.

#### *Officer Comment*

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This is the report submitted to the Ordinary Council held on 11 December 2018 - Page 4





The proposal will facilitate the redevelopment of the existing pub and liquor store. The specific impacts of the proposed uses will be assessed and managed through future DAs for the site.

### **Assessment against Key Strategic Documents**

#### **Greater Sydney Region Plan**

The Greater Sydney Region Plan (Region Plan) was released by the Greater Sydney Commission (GSC) on 18 March 2018. The Region Plan has a vision and plan to manage the growth and change for Greater Sydney in the context of economic, social and environmental matters.

Leppington is identified as a Strategic Centre within the Region Plan. The expectations for Strategic Centres are:

- *High levels of private sector investment;*
- *Flexibility, so that the private sector can choose where and when to invest;*
- *Co-location of a wide mix of land uses, including residential;*
- *High levels of amenity and walkability and being cycle friendly;*
- *Areas identified for commercial uses, and where appropriate, commercial cores.*

The proposal is consistent with the relevant directions and objectives of the Plan as summarised below.

<b>Objective</b>	<b>Consistency</b>
Objective 6: Services and infrastructure meet communities' changing needs	The proposal will provide services in an accessible location to meet the needs of the community. The site is currently zoned R3 Medium Density Residential, however being located on a prominent street corner and considering the existing use as a pub, is well positioned to service the local area.
Objective 7: Communities are healthy, resilient and socially connected	The proposal promotes a socially connected community by providing a meeting place for the community.
Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	The proposed connection of Leppington to the Western Sydney Airport by rail, and the current road connections present the opportunity for Leppington to develop into a Strategic Centre.
Objective 22: Investment and business activity in centres	The Leppington Precinct is identified as a Strategic Centre. The proposal will provide investment and business activity in Leppington.

**Table 1: Assessment against Region Plan Objectives**

#### **Western City District Plan**



The Western City District Plan (District Plan) was released by the GSC on 18 March 2018. The District Plan guides the 20-year growth of the district to improve its social, economic and environment assets. The draft Planning Proposal is consistent with the relevant Planning Priorities and Actions as summarised below.

Planning Priority	Consistency
Planning Priority W1: Planning for a city supported by Infrastructure	The site is located approximately 1.5km from Leppington station. The proposal will result in a site that utilises existing road and planned rail infrastructure for access.
Planning Priority W2: Working through collaboration	The proposal does not directly result in collaboration between government, community and business. However, the proposal contributes to providing investment, employment and liveability of Leppington.
Planning Priority W3: Providing services and social infrastructure to meet people's changing needs	The proposal will allow for new services and employment opportunities, including motel accommodation and the redevelopment of the existing pub.
Planning Priority W4: Fostering healthy, creative, culturally rich and socially connected communities	The existing pub provides an opportunity for social connection in the community.
Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage	The proposal will generate employment in hospitality, retail and tourism. The proposal provides certainty for an existing established business to continue and expand.

**Table 2: Assessment against District Plan Planning Priorities**

### Community Strategic Plan (CSP)

The Community Strategic Plan (CSP) seeks to actively manage growth by retaining Camden's heritage, scenic vistas and cultural landscapes, whilst providing well-managed development. The draft Planning Proposal's consistency with the relevant Directions of the CSP is outlined below.

#### *Key Direction 1: Actively Managing Camden LGA's Growth*

This Direction seeks to ensure the provision of appropriate urban development for sustainable growth in the Camden LGA.

The draft Planning Proposal is consistent with this Direction as it will facilitate the continued operation of an existing pub and liquor store and will allow the future development of a motel on the site. These uses are considered appropriate land uses in an urban environment and will serve the future community.

#### *Key Direction 3: A Prosperous Economy*

This is the report submitted to the Ordinary Council held on 11 December 2018 - Page 6



This Direction seeks to ensure employment and tourism opportunities are expanded across the LGA, and to strengthen and support business growth.

The draft Planning Proposal is consistent with this Direction as it will generate employment in hospitality, retail and tourism industries. The proposal would allow certainty for an existing business to continue operation into the future.

#### **Assessment of Planning Merit**

The draft Planning Proposal has been assessed against key strategic documents, including the Region Plan, District Plan, and the Community Strategic Plan and is not inconsistent with these plans and their objectives. It is therefore considered that the proposal demonstrates planning merit to proceed to Gateway Determination for the following reasons:

- The site is considered appropriate for the proposed uses; and
- The continued operation of the pub and liquor store, and the additional use of a motel, will benefit the broader community.

#### **Initial Notification of the Draft Planning Proposal**

The draft Planning Proposal was notified for 14 days from 7 August to 21 August 2018. Adjoining and nearby properties were notified by letter, and notices were placed in the local newspaper. One submission was received objecting to the draft Planning Proposal.

The matters raised in the submission, and Council officer comment, are outlined below.

1. *"The Planning Proposal is premature having regard to the work being undertaken as part of the Leppington Town Centre Investigation Boundary"*

##### *Officer Comment*

The site is located on the periphery of the Leppington Town Centre Investigation Boundary, which is currently being reviewed by the DPE.

Proceeding with the draft Planning Proposal at this time will not hinder the outcomes of the DPE review. The proposal maintains the existing R3 Medium Density Residential zone and development standards applying to the site.

2. *"The proposed uses are inconsistent with the objectives of the R3 Medium Density zone"*

##### *Officer Comment*

The objectives of the R3 Medium Density zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

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This is the report submitted to the Ordinary Council held on 11 December 2018 - Page 7



- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The draft Planning Proposal is consistent with the third and fourth objectives. The proposed uses will provide facilities to meet the day-to-day needs of residents, and enable activities that, through appropriate assessment at DA stage, are able to be compatible with the amenity of a medium density residential environment.

The draft Planning Proposal does not seek to amend the building height for the site, and as such future development will not exceed the height of surrounding development.

3. *"The information submitted in support of the Planning Proposal does not satisfactorily address the potential impacts the envisaged uses would have on adjoining lands and the wider precinct"*

#### *Officer Comment*

The specialist studies submitted with the draft Planning Proposal have considered the potential economic, social and traffic impacts of the proposed uses to determine whether the uses are appropriate for the site. Additional detail, such as internal road layouts, are not required at the draft Planning Proposal stage.

Further detail including the layout of internal roads and the operation of the uses will be subject to future development assessment. Future DAs will also be required to demonstrate consistency with the Leppington North Indicative Layout Plan (ILP) as revised by the DPE as part of the current precinct planning work.

Further assessment of the potential urban design impacts will be undertaken post-Gateway (subject to Council endorsement) to determine if further site-specific controls or a DCP amendment are appropriate to control things such as the bulk and scale of future development.

A formal public exhibition period will occur at a later stage, subject to endorsement of the draft Planning Proposal and the receipt of a favourable Gateway Determination by the DPE.

#### **Camden Local Planning Panel Recommendations**

On 20 November 2018, the Camden Local Planning Panel (Panel) inspected the site and considered the draft Planning Proposal in a closed session. The Panel's recommendations were consistent with that of the Council officer's assessment of the proposal.

The Panel supported the draft Planning Proposal for forwarding to the DPE to seek a Gateway Determination subject to the retail premises being restricted to a retail liquor outlet. The Panel also noted that the draft Planning Proposal does not include the full list of SEPPs and Section 9.1 Ministerial Directions. A copy of the minutes is provided as a **supporting document** to this report.

#### *Officer Comment*

The definition of retail premises encompasses a wide range of retail land uses. Further discussions with DPE has indicated that retail premises could be limited to a retail

This is the report submitted to the Ordinary Council held on 11 December 2018 - Page 8



liquor outlet, subject to further legal drafting post-Gateway Determination. Council officers support this approach to limit retail uses to a liquor outlet on the subject site.

Subject to Council endorsement, the draft Planning Proposal will be updated to limit retail uses to a liquor outlet and include an assessment of the full list of SEPPs and Section 9.1 Ministerial Directions prior to being forwarded to the DPE.

#### FINANCIAL IMPLICATIONS

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

#### CONCLUSION

The draft Planning Proposal seeks to amend the Growth Centres SEPP by allowing retail premises, pubs and motels as additional permitted uses at 1423 Camden Valley Way, Leppington. The continued operation of a pub and liquor store on the site is considered appropriate and the additional inclusion of a motel is considered complementary and appropriate land use in this location.

Council officers have assessed the draft Planning Proposal and consider the proposal has planning merit to proceed to Gateway Determination as outlined in this report.

#### RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal (as amended) for land at 1423 Camden Valley Way, Leppington to be forwarded to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 2.4 of the *Environmental Planning and Assessment Act 1979*;
- ii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition in accordance with the requirements of the Gateway Determination; and
- iii. subject to no unresolved submissions being received, forward the draft Planning Proposal for Lot 81 DP 656970, 1423 Camden Valley Way, Leppington to the Department of Planning and Environment for the plan to be made; or
- iv. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or
- v. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

#### ATTACHMENTS

1. Amended Planning Proposal Report- 1423 Camden Valley Way Leppington
2. Specialist Studies for 1423 Camden Valley Way, Leppington
3. Final Written Objection - SC5811 - 1423 Camden Valley Way, Leppington - *Supporting Document*

This is the report submitted to the Ordinary Council held on 11 December 2018 - Page 9



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4. CLPP\_20 11 2018\_MIN\_CLOSED - *Supporting Document*

**Ordinary Council Resolution**

Resolution: Moved Councillor C Cagney, Seconded Councillor Symkowiak that Council:

- i. endorse the draft Planning Proposal (as amended) for land at 1423 Camden Valley Way, Leppington to be forwarded to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 2.4 of the *Environmental Planning and Assessment Act 1979*;
- ii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition in accordance with the requirements of the Gateway Determination; and
- iii. subject to no unresolved submissions being received, forward the draft Planning Proposal for Lot 81 DP 656970, 1423 Camden Valley Way, Leppington to the Department of Planning and Environment for the plan to be made; or
- iv. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or
- v. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ORD250/18 THE MOTION ON BEING PUT WAS **CARRIED**

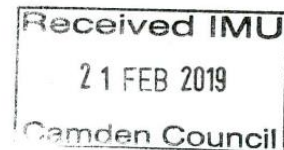
(Councillors Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)



PP\_2019\_CAMDE\_002\_00 / IRF18/7078

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

Attn: Bradley Colling



Dear Mr Moore

**Planning proposal PP\_2019\_CAMDE\_002\_00 to amend State Environmental Planning Policy (Sydney Regions Growth Centres) 2006**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 21 January 2019 in respect of the planning proposal to include a pub, motel or hotel accommodation, and retail premises restricted to retail liquor outlet as additional permitted uses on land at 1423 Camden Valley Way, Leppington.

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

I have also taken this opportunity to condition the determination for Council to review the need to include appropriate standards to ensure that proposed development will be in accordance with the redevelopment plan. This will be a matter for Council. Should Council wish to include standards, I would also suggest that these be determined to allow some flexibility at the development application stage.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions: 2.1 Environment Protection Zones; 3.1 Residential Zones; and, 6.3 Site Specific Provisions, are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to public exhibition / the plan being made.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as the planning proposal seeks to amend a State Policy.

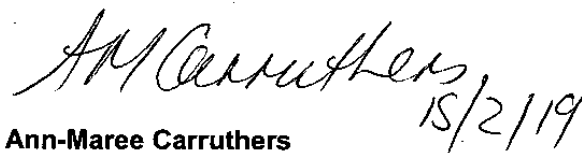
Department of Planning and Environment  
Sydney Region West | Level 1, 10 Valentine Avenue, Parramatta | GPO Box 39 Sydney 2001 | [planning.nsw.gov.au](http://planning.nsw.gov.au)

The amending local environmental plan (LEP) is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on 9860 1548.

Yours sincerely

  
15/2/19  
**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**

Encl: Gateway determination





## Gateway Determination

*Planning proposal (Department Ref: PP\_2019\_CAMDE\_002\_00): to include a pub, motel or hotel accommodation, and retail premises restricted to retail liquor outlet as additional permitted uses on land at 1423 Camden Valley Way, Leppington.*

I, the Director, Sydney Region West, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the State Environmental Planning Policy (Sydney Regions Growth Centres) 2006 to include a pub, motel or hotel accommodation, and retail premises restricted to retail liquor outlet as additional permitted uses on land at 1423 Camden Valley Way, Leppington should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is amended as follows:
  - (a) amend Part 4.2 of the planning proposal to include a clear explanation of the intended amendments associated with the proposal including the intention to only apply the additional permitted uses to the existing R3 Medium Density Residential zoned land and not across the SP2 Infrastructure zoned land;
  - (b) update the proposed redevelopment plan to remove the inclusion of land zoned SP2 Infrastructure;
  - (c) update the justification for the inconsistency with section 9.1 Directions 2.1 Environment Protection Zones and 6.3 Site Specific Provisions;
  - (d) consult the NSW Rural Fire Service in accordance with Direction 4.4 Planning for Bushfire Protection and update the consistency with this direction; and
  - (e) consult Jemena Gas and provide further information on the site's proximity to the existing gas pipeline.
2. Prior to public exhibition, Council is to consider the determination of any appropriate standards to limit development in accordance with the redevelopment plan. Should Council decide to apply standards within the additional permitted uses schedule, this intent is to be made clear within the planning proposal. An altered Gateway determination is not required, should Council make this amendment to the planning proposal.

PP\_2019\_CAMDE\_002\_00 (IRF18/7078)

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
4. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Roads and Maritime Services;
  - Office of Environment and Heritage;
  - NSW Rural Fire Service;
  - Telstra;
  - Sydney Water;
  - Endeavour Energy; and
  - Jemena Gas.

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

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 15<sup>th</sup> day of February 2019.



**Ann-Maree Carruthers**  
**Director, Sydney Region West**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**

PP\_2019\_CAMDE\_002\_00 (IRF18/7078)

Submissions Response Table for Lockies Hotel Planning Proposal

Submissions Response Table			
Submitter	Reference	Officer Response	Proposed Action
1. Public Agencies	1.01- 6.01		
2. Interested Parties	7.01- 8.01		
Ref No	Issue/Comment	Officer Response	Proposed Action
Submission 1 – Endeavour Energy 1.01	<p>General concerns regarding uplift in use of current site. Applicant will need to submit application for connections load via Endeavour Energy's Network Connections Branch. Also, advice should be obtained through a Technical Review Request regarding proposed electricity infrastructure as part of the proposed development. Alternatively, applicant should engage an Accredited Service Provider (ASP).</p> <p>Future development should comply with Planning for Bush Fire Protection. Proposed development needs to meet Endeavour Energy specifications and risk assessment. Consideration of easements is to be given. Earthing is required to comply with Australian Standards. Planting of large trees in vicinity of electricity infrastructure is not to be supported.</p> <p>Before commencing underground activity, applicant is required to obtain advice from the Dial Before you Dig Service. Demolition to be carried out in accordance with Australian Standards.</p>	Note Endeavour Energy's recommendations and provide to applicant for their information.	No action. Any future actions to be implemented at DA/commencement of works stage.

Ref No	Issue/Comment	Officer Response	Proposed Action
Submission 2 – NSW Rural Fire Service 2.01	<p>The NSW RFS raises no objections to the proposal subject to the provision of a Bushfire Assessment Report demonstrating that any future development of the land complies with Planning for Bushfire Protection 2006 or any subsequent version as follows:</p> <ul style="list-style-type: none"> <li>The proposal needs to be supported by a Bushfire Assessment Report which identifies the extent to which the proposed development conforms with or deviates from the specifications set out in <i>Planning for Bushfire Protection 2006</i>. This assessment shall address all the requirements set out in clause 44 of the <i>Rural Fires Regulation 2013</i>.</li> <li>In recognising the proposed additional use for 'Motel Accommodation' is a Special Fire Protection Purposes development, the report shall address Section 4.2 of <i>Planning for Bushfire Protection 2006</i>.</li> </ul>	<p>A Bushfire Assessment Report was prepared by the proponent post-exhibition. The report was referred to the NSW RFS for assessment. The RFS has advised that the report satisfies the specifications as set out in <i>Planning for Bushfire Protection 2006</i>.</p> <p>Further assessment of the bushfire requirements will be considered at the development assessment stage.</p>	<p>No further action. Any future actions to be implemented at DA/commencement of works stage.</p>
Submission 3 – Office of Environment and Heritage 3.01	<p>OEH recommends that the Planning Proposal is to be revised to ensure consistency with the WCDP - Planning Priority W15 – increasing urban tree canopy cover and delivering Green Grid connections. Objective 30 of this planning priority is that urban tree canopy cover is increased. Planning Priority W15 outlines:</p> <ul style="list-style-type: none"> <li>The NSW Government has set a target to increase tree canopy cover across Greater Sydney to 40%.</li> <li>Urban renewal and transformation projects will be critical to increase urban tree canopy cover. This can be complemented by other green cover.</li> </ul>	<p>Council officers have updated the Planning Proposal to include that future development of the land consider Planning Priority W15 - Objective 30 to address urban tree canopy.</p> <p>OEH also recommend consideration be given to site landscaping and sustainability and building design. These issues will be considered at a future development application stage.</p>	<p>No further action. Any future actions to be implemented at DA/commencement of works stage.</p>

Ref No	Issue/Comment	Officer Response	Proposed Action
	<p>including rain gardens, green roofs and green walls.</p> <p>It is suggested the proponent considers alternative options such as basement carparking, a multi deck carpark or courtesy bus for patrons to pick up and drop off to assist in reducing development footprint and thereby avoid removal of native vegetation.</p> <p>OEH recommends the site landscaping uses a diversity of local native plants. OEH also recommends the following:</p> <ul style="list-style-type: none"> <li>Any native trees that are required to be cleared from the site are salvaged and placed in the landscape areas on the site to enhance habitat.</li> <li>Remnant native vegetation that is required to be removed from the site, is translocated to the landscape areas.</li> <li>The topsoil from areas of native vegetation that are to be cleared for the development shall be collected and used in landscape areas.</li> <li>Seed from any native plants to be removed shall be collected and used in the landscape areas.</li> <li>Any trees that are to be planted at the site shall use advanced and established local native species from the relevant vegetation communities which occur or occurred on the site, with minimum height of 2-2.5m (50-75L container) to increase urban tree canopy.</li> </ul> <p>Future development is recommended to incorporate green walls, green roof and/or a cool roof into the design to be consistent with the WCDF.</p>		

Ref No	Issue/Comment	Officer Response	Proposed Action
Submission 4 – Roads and Maritime Services 4.01	<p>Roads &amp; Maritime Services concurs the area of land zoned SP2 Classified Road should not be included in the proposed additional permitted uses provision, as indicated in the Planning Proposal document. RMS will provide further detailed comment on the traffic impacts and access arrangements as part of any future development application and encourages early consultation in this regard.</p> <p>RMS acknowledge, Council will be undertaking a four-lane upgrade of Ingleburn Rd which may affect the vehicular access to the site off Ingleburn Rd. As the vehicular access is within 150m of the signalised intersection at Ingleburn Rd/Camden Valley Way, vehicular access into and out of the development is to be limited to left in and left out movements only. Right turns into and out of the development will not be supported to avoid any potential conflicts with the signalised intersection.</p>	<p>Note the recommendations of Roads and Maritime Services. RMS will be consulted as part of any future development application on the site.</p>	<p>No further action required. Action to be implemented at DA/commencement of works</p>
Submission 5 – Sydney Water 5.01	<p>The 250mm watermain along Ingleburn Road can service the proposed development. The 225mm sewer main northeast of the site may need to be extended to service the proposed development.</p> <p>The developer will need to engage a Water Servicing Coordinator to manage water and wastewater servicing for the development. Detailed requirements, including any potential extensions or amplifications will be provided once the development is referred to Sydney Water for a Section 73 application.</p>	<p>Note Sydney Water's recommendations and provide to applicant for their information and future action.</p>	<p>No further action required. Action to be implemented at DA/commencement of works.</p>

Ref No	Issue/Comment	Officer Response	Proposed Action
Submission 6 – Telstra 6.01	<p>Telstra maintains existing network throughout the land marked for the proposed development site. This network is currently not sufficient to meet the likely demand of this new proposal. To accommodate the proposed development, the telecommunications network would require an upgrade. Any infrastructure and services provided would be determined closer to the time of development commencement and be dependent on upon any changes to the government policies on the provision of infrastructure in new developments.</p> <p>Telstra will require the protection of/relocation of its telecommunications infrastructure that may be impacted by activities on this site. To minimise risk of liability due to any damage, The Telstra 1100 (Dial Before You Dig) inquiry number should be contacted to obtain location of Telstra plant before commencement of construction work.</p> <p>Further discussions regarding details for network expansion are strongly encouraged once detailed planning for the development is in progress. To inform Telstra of likely commencement of this development, it is requested that the developer register this development on the Telstra Smart Community website.</p>	<p>Note Telstra recommendations and provide to applicant for their information and future action.</p>	<p>No further action required. Action to be implemented at DA/commencement of works.</p>
Submission 7 – Community Submission 7.01	<p>The Planning Proposal is premature having regard to work being undertaken as part of Leppington Town Centre</p>	<p>The site is located on the periphery of the Leppington Town Centre Investigation Boundary. The DPIE are currently reviewing the land uses and development controls within the Leppington Town Centre. Prior to reporting the Planning Proposal to Council for a decision</p>	<p>No further action required.</p>

Ref No	Issue/Comment	Officer Response	Proposed Action
	<p>The proposed uses are inconsistent with the objectives of the R3 Medium Density zone</p>	<p>on whether to proceed to Gateway Determination, Council officers consulted with the DPIE who advised that the most appropriate way to consider the proposed amendment is through a Planning Proposal.</p> <p>Proceeding with the Planning Proposal at this time will not hinder the outcomes of the DPIE review for the following reasons:</p> <ul style="list-style-type: none"> <li>The site is contained within existing rezoned land (R3 Medium Density Residential zone) and will provide local services to existing and future residents;</li> <li>The Leppington Town Centre review has been underway for over two years, and there is no certainty on when this review will be finalised nor what amendments;</li> <li>The site has existing use rights for a pub/liquor outlet, albeit that the proposal is seeking the intensification of existing uses and additional permitted uses not currently occurring on the site (i.e. motel); and</li> <li>By issuing a Gateway Determination, DPIE were satisfied that the Planning Proposal could proceed alongside the Leppington Town Centre review.</li> </ul> <p>The proposal maintains the existing R3 Medium Density Residential. The relevant objectives of the R3 Medium Density zone to this proposal are:</p>	<p>No further action required.</p>



Ref No	Issue/Comment	Officer Response	Proposed Action
	<p>The information submitted in support of Planning Proposal does not satisfactorily address the potential impacts the envisaged uses would have on adjoining lands and the wider precinct.</p>	<ul style="list-style-type: none"> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> <li>• <i>To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.</i></li> </ul> <p>The Planning Proposal is consistent with these objectives. The proposed uses will provide facilities to meet the day-to-day needs of residents. Further assessment at the development application stage will be required to ensure any potential impacts of the proposed development on surrounding medium density residential dwellings are minimised to an acceptable level.</p> <p>The site currently accommodates a large single storey building operating as 'Lockies Hotel' including a BWS liquor outlet with at-grade car parking accessed from Ingleburn Road. Lockies has been operating on the site since the 1970s and the site benefits from existing use rights which enables the operation of the existing pub and liquor store.</p> <p>The specialist studies submitted with the Planning Proposal have considered the potential economic, social and traffic impacts of the proposed uses to determine whether the uses are appropriate for the site. Further details</p>	<p>No further action required.</p>

Ref No	Issue/Comment	Officer Response	Proposed Action
	<p>The Planning Proposal is inconsistent with the Leppington North ILP in that the proposed local road abutting the northern boundary on the site has been removed.</p>	<p>addressing potential impacts to adjoining land uses (i.e. operational hours, screening, noise) will be subject to assessment at the DA stage.</p> <p>Future DAs will also be required to demonstrate consistency with the Camden Growth Areas Development Control Plan and Leppington North Indicative Layout Plan (ILP) as revised by DPIE as part of the current review of the Leppington Town Centre.</p> <p>It is noted that the concept plan provided as part of the attached Planning Proposal has been revised from the exhibited material to be consistent with the Leppington North ILP. This is discussed further in the post-exhibition changes section of this report.</p>	<p>The concept plan was revised by the proponent to ensure consistency with the Leppington North ILP and Camden Growth Areas DCP. No further action required.</p>
Submission 8 – Community Submission 8.01	Support of the Proposal	Noted	No further action required



**Investment Summary Report  
September 2019**

**Camden Council**

Executive Summary - September 2019



**Investment Holdings**

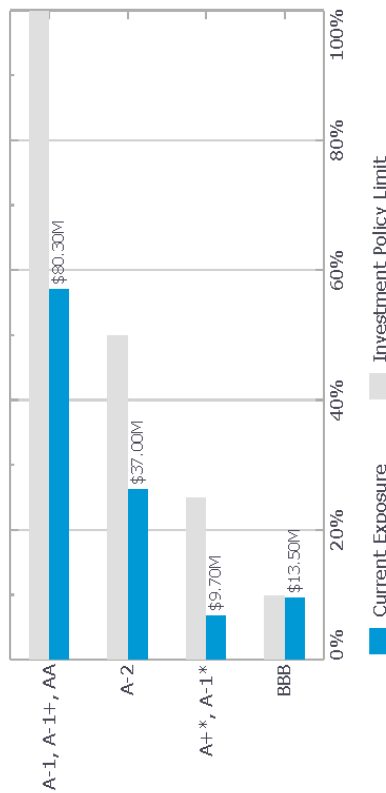
	Amount (\$)	Current Yield (%)
Cash	4,000,000.00	1.30
Term Deposit	136,500,000.00	2.51
	<b>140,500,000.00</b>	

**Term to Maturity**

	Amount (\$)	Policy Max
Between 0 and 1 Year	104,800,000	75% 100% ▼
Between 1 and 3 Years	24,000,000	17% 60% ▼
Between 3 and 5 Years	11,700,000	8% 30% ▼
	<b>140,500,000</b>	

*Percentages in this report may not add up to 100% due to rounding*

**Detailed Maturity Profile**



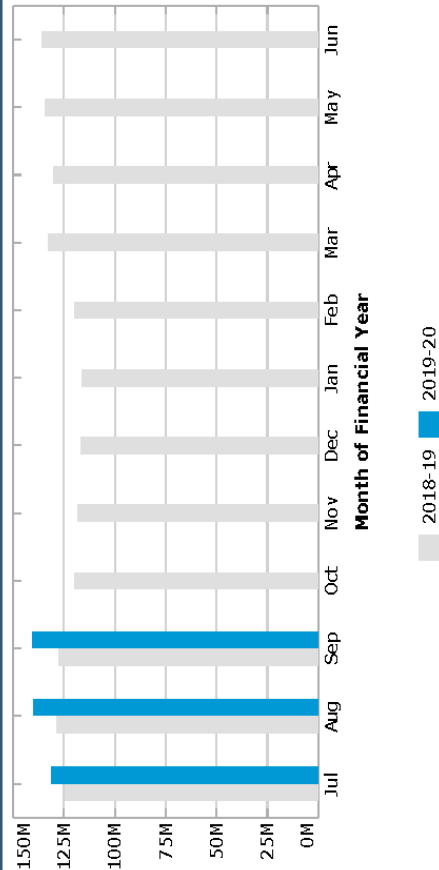
*\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 25% of the total portfolio*

**Sources of Funds**

	Amount (\$)
Section 7.11 Developer Contributions	85,225,948
Restricted Grant Income	2,553,988
Externally Restricted Reserves	17,630,717
Internally Restricted Reserves	17,921,774
Camden Regional Economic Taskforce	3,000
General Fund	17,164,573
<b>Total Funds Invested</b>	<b>140,500,000</b>

Council's investment portfolio has increased by \$0.5m since the August reporting period. The increase primarily relates to section 7.11 cash receipts for September.

**Investment Portfolio Balance**



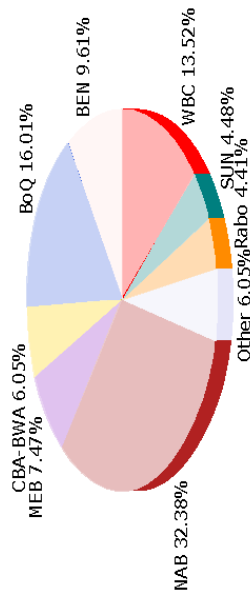
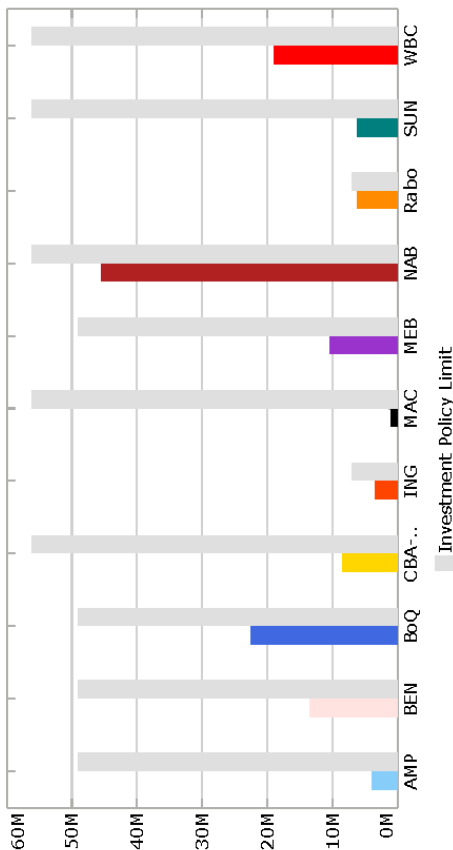


**Camden Council**  
Individual Institutional Exposures Report - September 2019

Individual Institutional Exposures

Parent Group	Exposure (\$M)	Credit Rating	Policy Limit	Actual	Capacity
AMP Bank	4.00M	A-2, BBB+	35.00%	2.85%	45.17M
Bank of Queensland	22.50M	A-2, BBB+	35.00%	16.01%	26.68M
Bendigo and Adelaide Bank	13.50M	A-2, BBB+	35.00%	9.61%	35.67M
Commonwealth Bank of Australia	8.50M	A-1+, AA-	40.00%	6.05%	47.70M
ING Bank Australia (Foreign Sub)	3.50M	A-1*, A-*	5.00%	2.49%	3.52M
Macquarie Bank	1.00M	A-1, A	40.00%	.71%	55.20M
Members Equity Bank	10.50M	A-2, BBB	35.00%	7.47%	38.67M
National Australia Bank	45.50M	A-1+, AA-	40.00%	32.38%	10.70M
Rabobank Aus (Foreign Sub)	6.20M	A-1*, A+*	5.00%	4.41%	.82M
Suncorp Bank	6.30M	A-1, A+	40.00%	4.48%	49.90M
Westpac Group	19.00M	A-1+, AA-	40.00%	13.52%	37.20M
	<b>140.50M</b>				

Individual Institutional Exposure Charts



\*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 5% of the total portfolio in any single entity

Council's portfolio is within its individual institutional investment policy limits.  
Council's portfolio is within its term to maturity investment policy limits.  
Council's portfolio complies with the NSW Ministerial Investment Order.

**Camden Council**

Performance Summary - September 2019



**Interest Summary**

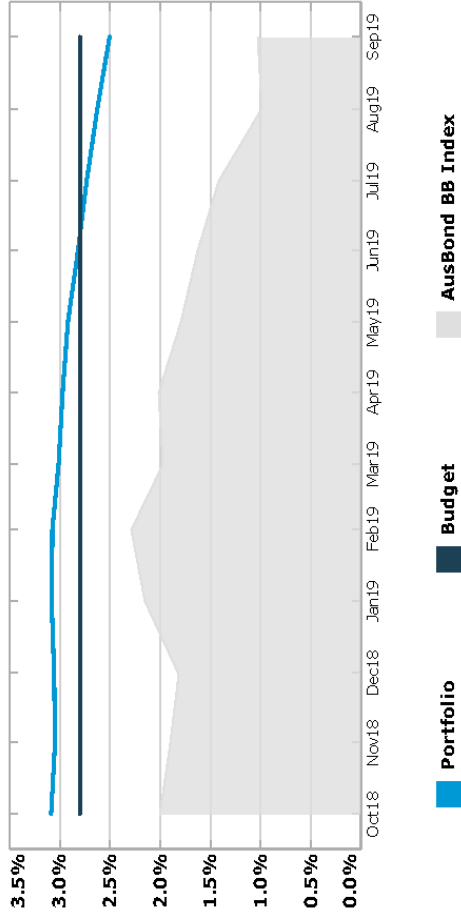
Interest Summary as of September 2019	
Number of Investments	102
Average Days to Maturity	324
Weighted Portfolio Yield	2.51%
CBA Call Account	1.30%
Highest Rate	4.25%
Lowest Rate	1.61%
Budget Rate	2.80%
Average BBSW (30 Day)	1.04%
Average BBSW (90 Day)	0.98%
Average BBSW (180 Day)	1.06%
Official Cash Rate	1.00%
AusBond Bank Bill Index	1.03%

**Interest Received During the 2019/2020 Financial Year**

	September	Cumulative	Original Budget	* Revised Budget
General Fund	\$79,995	\$264,195	\$1,450,000	\$1,450,000
Restricted	\$209,851	\$621,851	\$1,800,000	\$1,800,000
<b>Total</b>	<b>\$289,846</b>	<b>\$886,046</b>	<b>\$3,250,000</b>	<b>\$3,250,000</b>

\*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

**Investment Performance**



**Historical Performance Summary**

	Portfolio	AusBond BB Index	Outperformance
Sep 2019	2.51%	1.03%	1.48%
Last 3 Months	2.62%	1.15%	1.47%
Last 6 Months	2.76%	1.48%	1.28%
Financial Year to Date	2.62%	1.15%	1.47%
Last 12 months	2.91%	1.74%	1.17%

**Investment Performance**

Council's portfolio returned 2.51%pa on a weighted average yield basis during September. This compares favourably with the Ausbond Bank Bill Index's return of 1.03%pa for the month.

## Camden Council

Investment Holdings Report - September 2019



<b>Cash Accounts</b>										
Amount (\$)	Current Yield	Institution	Credit Rating	Amount (\$)	Deal No.	Reference				
4,000,000.00	1.30%	Commonwealth Bank of Australia	A-1+	4,000,000.00	535548					
<b>4,000,000.00</b>				<b>4,000,000.00</b>						
<b>Term Deposits</b>										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Oct-19	1,500,000.00	2.60%	Bank of Queensland	A-2	1-Apr-19	1,519,553.42	537766	19,553.42	At Maturity	3208
8-Oct-19	1,000,000.00	2.75%	AMP Bank	A-2	3-Apr-19	1,013,636.99	537781	13,636.99	At Maturity	3209
9-Oct-19	1,500,000.00	2.60%	Bank of Queensland	A-2	8-Apr-19	1,518,805.48	537792	18,805.48	At Maturity	3210
14-Oct-19	1,000,000.00	2.44%	National Australia Bank	A-1+	15-Apr-19	1,011,297.53	537866	11,297.53	At Maturity	3211
14-Oct-19	500,000.00	2.44%	National Australia Bank	A-1+	23-Apr-19	505,381.37	537892	5,381.37	At Maturity	3213
16-Oct-19	1,000,000.00	2.45%	National Australia Bank	A-1+	18-Apr-19	1,011,142.47	537873	11,142.47	At Maturity	3212
16-Oct-19	500,000.00	2.44%	National Australia Bank	A-1+	23-Apr-19	505,381.37	537893	5,381.37	At Maturity	3214
21-Oct-19	1,000,000.00	2.45%	ME Bank	A-2	26-Apr-19	1,010,605.48	537899	10,605.48	At Maturity	3215
23-Oct-19	1,000,000.00	2.48%	Rural Bank	A-2	3-May-19	1,010,259.73	537925	10,259.73	At Maturity	3216
28-Oct-19	1,500,000.00	2.55%	Suncorp Bank	A-1	29-Mar-19	1,519,491.78	537759	19,491.78	At Maturity	3205
30-Oct-19	1,500,000.00	2.55%	Suncorp Bank	A-1	29-Mar-19	1,519,491.78	537760	19,491.78	At Maturity	3206
31-Oct-19	3,000,000.00	1.95%	National Australia Bank	A-1+	8-Jul-19	3,013,623.29	538176	13,623.29	At Maturity	3246
4-Nov-19	1,000,000.00	2.55%	Suncorp Bank	A-1	29-Mar-19	1,012,994.52	537761	12,994.52	At Maturity	3207
6-Nov-19	1,000,000.00	2.43%	Rural Bank	A-2	7-May-19	1,009,786.58	537929	9,786.58	At Maturity	3218
11-Nov-19	2,000,000.00	2.43%	Rural Bank	A-2	9-May-19	2,019,306.85	537934	19,306.85	At Maturity	3219
13-Nov-19	1,000,000.00	2.43%	Rural Bank	A-2	10-May-19	1,009,586.85	537935	9,586.85	At Maturity	3220
18-Nov-19	500,000.00	2.43%	Rural Bank	A-2	13-May-19	504,693.56	537938	4,693.56	At Maturity	3221
18-Nov-19	500,000.00	2.35%	Bank of Queensland	A-2	13-May-19	504,539.04	537939	4,539.04	At Maturity	3222
20-Nov-19	1,500,000.00	2.43%	Rural Bank	A-2	17-May-19	1,513,681.23	537937	13,681.23	At Maturity	3223
25-Nov-19	1,000,000.00	2.90%	ING Bank (Australia)	A-1*	23-Nov-17	1,024,789.04	535985	24,789.04	Annually	3032
25-Nov-19	1,500,000.00	2.43%	Rural Bank	A-2	21-May-19	1,513,281.78	537962	13,281.78	At Maturity	3224



## Camden Council Investment Holdings Report - September 2019

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
27-Nov-19	1,000,000.00	4.10%	Rabobank Australia	A-1*	27-Nov-14	1,034,597.26	535518	34,597.26	Annually	2760
27-Nov-19	2,000,000.00	2.88%	Rural Bank	A-2	23-Nov-17	2,049,236.16	535987	49,236.16	Annually	3033
27-Nov-19	1,500,000.00	2.35%	Suncorp Bank	A-1	23-May-19	1,512,651.37	537970	12,651.37	At Maturity	3225
2-Dec-19	1,500,000.00	2.90%	ING Bank (Australia)	A-1*	27-Nov-17	1,536,706.85	535996	36,706.85	Annually	3035
2-Dec-19	1,500,000.00	2.83%	Rural Bank	A-2	1-Dec-17	1,535,123.01	536020	35,123.01	Annually	3037
2-Dec-19	1,500,000.00	2.30%	ME Bank	A-2	24-May-19	1,512,287.67	537972	12,287.67	At Maturity	3226
4-Dec-19	1,500,000.00	4.25%	Bendigo and Adelaide Bank	A-2	28-Nov-14	1,553,619.86	535488	53,619.86	Annually	2762
9-Dec-19	1,500,000.00	2.25%	National Australia Bank	A-1+	28-May-19	1,511,650.68	537983	11,650.68	At Maturity	3227
11-Dec-19	1,500,000.00	4.00%	National Australia Bank	A-1+	16-Dec-14	1,547,342.47	535504	47,342.47	Annually	2766
16-Dec-19	1,000,000.00	2.25%	Bank of Queensland	A-2	29-May-19	1,007,705.48	537988	7,705.48	At Maturity	3228
16-Dec-19	1,800,000.00	2.21%	National Australia Bank	A-1+	31-May-19	1,813,405.32	537993	13,405.32	At Maturity	3229
18-Dec-19	2,500,000.00	2.28%	ME Bank	A-2	3-Jun-19	2,518,739.73	537998	18,739.73	At Maturity	3230
18-Dec-19	1,500,000.00	2.05%	National Australia Bank	A-1+	19-Jun-19	1,508,761.64	538049	8,761.64	At Maturity	3237
19-Dec-19	1,000,000.00	3.85%	Macquarie Bank	A-1	19-Dec-14	1,184,272.60	535503	184,272.60	At Maturity	2767
23-Dec-19	2,000,000.00	2.20%	National Australia Bank	A-1+	4-Jun-19	2,014,345.21	538001	14,345.21	At Maturity	3231
30-Dec-19	1,500,000.00	2.15%	Bank of Queensland	A-2	11-Jun-19	1,509,895.89	538022	9,895.89	At Maturity	3234
2-Jan-20	1,000,000.00	2.15%	Bank of Queensland	A-2	5-Jun-19	1,006,950.68	538008	6,950.68	At Maturity	3233
6-Jan-20	1,000,000.00	2.15%	Bank of Queensland	A-2	12-Jun-19	1,006,538.36	538033	6,538.36	At Maturity	3235
6-Jan-20	3,000,000.00	1.80%	Westpac Group	A-1+	30-Sep-19	3,000,147.95	538565	147.95	At Maturity	3277
8-Jan-20	1,500,000.00	2.05%	National Australia Bank	A-1+	17-Jun-19	1,508,930.14	538044	8,930.14	At Maturity	3236
13-Jan-20	1,000,000.00	2.05%	National Australia Bank	A-1+	19-Jun-19	1,005,841.10	538050	5,841.10	At Maturity	3238
15-Jan-20	1,500,000.00	2.10%	Bank of Queensland	A-2	24-Jun-19	1,508,543.84	538068	8,543.84	At Maturity	3239
20-Jan-20	1,000,000.00	2.00%	National Australia Bank	A-1+	26-Jun-19	1,005,315.07	538080	5,315.07	At Maturity	3240
22-Jan-20	1,500,000.00	2.00%	Bank of Queensland	A-2	3-Jul-19	1,507,397.26	538167	7,397.26	At Maturity	3245
28-Jan-20	1,500,000.00	1.90%	ME Bank	A-2	22-Jul-19	1,505,543.84	538324	5,543.84	At Maturity	3248
30-Jan-20	1,500,000.00	1.90%	National Australia Bank	A-1+	24-Jul-19	1,505,387.67	538335	5,387.67	At Maturity	3249

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**Camden Council**  
Investment Holdings Report - September 2019

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Feb-20	1,000,000.00	3.90%	Westpac Group	A-1+	2-Feb-15	1,025,536.99	535537	2,536.99	Annually	2772
5-Feb-20	2,000,000.00	1.83%	National Australia Bank	A-1+	1-Aug-19	2,006,116.71	538351	6,116.71	At Maturity	3251
10-Feb-20	1,000,000.00	2.90%	ING Bank (Australia)	A-1*	8-Feb-18	1,018,671.23	536215	18,671.23	Annually	3065
12-Feb-20	1,500,000.00	1.80%	ME Bank	A-2	5-Aug-19	1,504,216.44	538365	4,216.44	At Maturity	3253
17-Feb-20	1,500,000.00	1.80%	National Australia Bank	A-1+	7-Aug-19	1,504,068.49	538372	4,068.49	At Maturity	3254
17-Feb-20	1,000,000.00	2.00%	AMP Bank	A-2	21-Aug-19	1,002,246.58	538409	2,246.58	At Maturity	3760
19-Feb-20	1,500,000.00	1.80%	National Australia Bank	A-1+	8-Aug-19	1,503,994.52	538378	3,994.52	At Maturity	3255
20-Feb-20	1,000,000.00	1.70%	National Australia Bank	A-1+	20-Aug-19	1,001,956.16	538400	1,956.16	At Maturity	3259
24-Feb-20	1,500,000.00	1.75%	National Australia Bank	A-1+	12-Aug-19	1,503,595.89	538384	3,595.89	At Maturity	3256
26-Feb-20	2,000,000.00	1.70%	National Australia Bank	A-1+	15-Aug-19	2,004,378.08	538393	4,378.08	At Maturity	3257
2-Mar-20	1,000,000.00	1.67%	ME Bank	A-2	26-Aug-19	1,001,647.12	538416	1,647.12	At Maturity	3261
4-Mar-20	1,500,000.00	1.65%	National Australia Bank	A-1+	28-Aug-19	1,502,305.48	538423	2,305.48	At Maturity	3262
9-Mar-20	1,500,000.00	1.65%	National Australia Bank	A-1+	28-Aug-19	1,502,305.48	538424	2,305.48	At Maturity	3263
11-Mar-20	2,000,000.00	1.65%	National Australia Bank	A-1+	29-Aug-19	2,002,983.56	538432	2,983.56	At Maturity	3264
16-Mar-20	1,500,000.00	1.63%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,501,942.60	538446	1,942.60	At Maturity	3265
18-Mar-20	1,500,000.00	1.63%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,501,942.60	538447	1,942.60	At Maturity	3266
23-Mar-20	1,500,000.00	1.62%	Commonwealth Bank of Australia	A-1+	2-Sep-19	1,501,930.68	538448	1,930.68	At Maturity	3267
25-Mar-20	1,000,000.00	1.70%	National Australia Bank	A-1+	5-Sep-19	1,001,210.96	538498	1,210.96	At Maturity	3268
30-Mar-20	1,000,000.00	1.72%	National Australia Bank	A-1+	10-Sep-19	1,000,989.59	538513	989.59	At Maturity	3269
1-Apr-20	700,000.00	1.75%	National Australia Bank	A-1+	16-Sep-19	700,503.42	538528	503.42	At Maturity	3270
1-Apr-20	800,000.00	1.70%	Suncorp Bank	A-1	16-Sep-19	800,558.90	538529	558.90	At Maturity	3271
6-Apr-20	1,000,000.00	1.92%	Westpac Group	A-1+	19-Sep-19	1,000,631.23	538537	631.23	At Maturity	3272
6-Apr-20	500,000.00	1.75%	Westpac Group	A-1+	27-Sep-19	500,095.89	538561	95.89	At Maturity	3275
8-Apr-20	1,000,000.00	1.75%	Westpac Group	A-1+	23-Sep-19	1,000,383.56	538554	383.56	At Maturity	3273
8-Apr-20	500,000.00	1.75%	Westpac Group	A-1+	27-Sep-19	500,095.89	538562	95.89	At Maturity	3276
13-Apr-20	1,500,000.00	1.75%	Westpac Group	A-1+	25-Sep-19	1,500,431.51	538558	431.51	At Maturity	3274



## Camden Council Investment Holdings Report - September 2019

Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
1-Jul-20	1,500,000.00	1.95%	National Australia Bank	A-1+	1-Jul-19	1,507,372.60	538107	7,372.60	At Maturity	3243
29-Jul-20	1,500,000.00	1.85%	ME Bank	A-2	29-Jul-19	1,504,865.75	538340	4,865.75	At Maturity	3250
19-Aug-20	1,000,000.00	1.61%	National Australia Bank	A-1+	19-Aug-19	1,001,896.71	538397	1,896.71	At Maturity	3258
18-Jan-21	2,000,000.00	2.15%	AMP Bank	BBB+	15-Jul-19	2,009,189.04	538210	9,189.04	Annually	3247
15-Mar-21	1,000,000.00	3.60%	Bank of Queensland	BBB+	15-Mar-17	1,019,726.03	535484	19,726.03	Annually	2958
29-Mar-21	1,500,000.00	2.65%	Bank of Queensland	BBB+	29-Mar-19	1,520,256.16	537758	20,256.16	Annually	3201
7-Apr-21	1,000,000.00	3.50%	Bank of Queensland	BBB+	3-Apr-17	1,017,356.16	535486	17,356.16	Annually	2963
17-May-21	1,000,000.00	3.10%	Westpac Group	AA-	16-May-17	1,003,906.85	535544	3,906.85	Quarterly	2975
23-Jun-21	1,500,000.00	2.05%	Bank of Queensland	BBB+	26-Jun-19	1,508,171.92	538081	8,171.92	Annually	3241
3-Aug-21	1,000,000.00	1.90%	Bank of Queensland	BBB+	2-Aug-19	1,003,123.29	538357	3,123.29	Annually	3252
1-Feb-22	1,000,000.00	3.60%	Westpac Group	AA-	1-Feb-17	1,006,016.44	535538	6,016.44	Quarterly	2936
2-Feb-22	1,500,000.00	3.57%	Westpac Group	AA-	2-Feb-17	1,508,802.74	535539	8,802.74	Quarterly	2937
10-Feb-22	1,000,000.00	3.56%	Westpac Group	AA-	10-Feb-17	1,004,876.71	535540	4,876.71	Quarterly	2938
15-Feb-22	1,500,000.00	3.75%	Bank of Queensland	BBB+	15-Feb-17	1,535,136.99	535547	35,136.99	Annually	2939
22-Feb-22	2,000,000.00	3.64%	Westpac Group	AA-	22-Feb-17	2,007,978.08	535541	7,978.08	Quarterly	2940
28-Feb-22	1,000,000.00	3.75%	Bank of Queensland	BBB+	27-Feb-17	1,022,191.78	535483	22,191.78	Annually	2946
28-Feb-22	1,000,000.00	3.55%	Westpac Group	AA-	28-Feb-17	1,003,306.85	535542	3,306.85	Quarterly	2950
1-Mar-22	1,000,000.00	3.58%	Westpac Group	AA-	1-Mar-17	1,002,844.38	535543	2,844.38	Quarterly	2952
3-Mar-22	1,000,000.00	3.60%	Westpac Group	AA-	3-Mar-17	1,002,761.64	535545	2,761.64	Quarterly	2954
9-Mar-22	1,000,000.00	3.61%	Westpac Group	AA-	9-Mar-17	1,002,175.89	535546	2,175.89	Quarterly	2956
23-Mar-22	500,000.00	3.80%	Bank of Queensland	BBB+	23-Mar-17	509,890.41	535485	9,890.41	Annually	2960
4-May-22	1,000,000.00	3.60%	Bank of Queensland	BBB+	8-May-17	1,014,400.00	535487	14,400.00	Annually	2971
27-Jun-22	1,500,000.00	2.10%	Bank of Queensland	BBB+	26-Jun-19	1,508,371.23	538082	8,371.23	Annually	3242
11-Dec-23	2,000,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	2,049,364.38	537431	49,364.38	Annually	3070
18-Dec-23	4,500,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	4,611,069.86	537432	111,069.86	Annually	3071
3-Jan-24	2,000,000.00	3.40%	Rabobank Australia	A+*	4-Jan-19	2,050,301.37	537443	50,301.37	Annually	3173

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**Camden Council**

Investment Holdings Report - September 2019



<b>Term Deposits</b>										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
28-Feb-24	1,000,000.00	3.20%	Rabobank Australia	A+*	28-Feb-19	1,018,849.32	537586	18,849.32	Annually	3189
4-Mar-24	1,200,000.00	3.20%	Rabobank Australia	A+*	4-Mar-19	1,222,198.36	537601	22,198.36	Annually	3192
28-Mar-24	1,000,000.00	3.00%	Rabobank Australia	A+*	29-Mar-19	1,015,287.67	537765	15,287.67	Annually	3200
	<b>136,500,000.00</b>					<b>137,968,695.42</b>		<b>1,468,695.42</b>		



**Harrington Grove Planning Agreement  
Second Deed of Variation**

Under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*

**The Council of Camden  
Dandaloo Pty Limited**

Date:

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**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**

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**Harrington Grove Planning Agreement**  
**Second Deed of Variation**

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**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**

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## **Harrington Grove Planning Agreement Second Deed of Variation**

### **Summary Sheet**

#### **Council:**

**Name:** The Council of Camden  
**Address:** 70 Central Avenue, Oran Park NSW 2570  
**Telephone:** (02) 4654 7777  
**Facsimile:** (02) 4654 7829  
**Email:** mail@camden.nsw.gov.au  
**Representative:** The General Manager

#### **Developer:**

**Name:** Dandaloo Pty Limited  
**Address:** PO Box 42, NARELLAN NSW 2567  
**Telephone:** (02) 4631 3200  
**Facsimile:** (02) 4631 3299  
**Email:** trevor@harrington.com.au  
**Representative:** Trevor Jensen

**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**



## **Second Deed of Variation - Harrington Grove Planning Agreement**

Under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*

### **Parties**

**The Council of Camden** ABN 31 117 341 764 of 70 Central Avenue, ORAN PARK NSW 2570 (**Council**)

and

**Dandaloo Pty Limited** ABN 77 002 338 543 of PO Box 42, NARELLAN NSW 2567 (**Developer**)

### **Background**

- A The Parties are parties to the Planning Agreement.
- B Pursuant to clause 20.6 of the Planning Agreement the Parties first amended the Planning Agreement on 27 August 2015.
- C The Parties agree to further amend the Planning Agreement to amend the Contribution Works to be provided under the Planning Agreement and to update legislation references.

### **Operative provisions**

#### **Part 1 - Preliminary**

##### **1 Interpretation**

- 1.1 In this Deed the following definitions apply:

**Deed** means this Deed and includes any schedules, annexures and appendices to this Deed.

**Planning Agreement** means the document titled '*Voluntary Planning Agreement – Harrington Grove*' pursuant to s7.4 of the *Environmental Planning and Assessment Act 1979* entered into between the Council of Camden and Dandaloo Pty Limited on 22 August 2008, as amended from time to time.

**Party** means a party to this Deed.

**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**

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**Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

- 1.2 Except as provided by clause 1.1 all capitalised words used in this Deed that are defined in clause 1.1 of the Planning Agreement have the same meaning in this Deed as in the Planning Agreement.
- 1.3 Clauses 15, 20.2, 20.7, 20.8, 20.9 and Part 2 of Annexure 1 of the Planning Agreement apply as if they form part of this Deed with any necessary changes.

## **2 Status of this Deed**

- 2.1 This Deed is an amendment to the Planning Agreement within the meaning of clause 25C(3) of the Regulation.
- 2.2 This Deed is not a planning agreement within the meaning of s7.4(1) of the Act

## **3 Commencement**

- 3.1 This Deed takes effect on the date when all Parties have executed this Deed.
- 3.2 The Party who executes this Deed last is to insert on the front page the date they did so and provide a copy of the fully executed and dated Deed to any other person who is a Party.

## **4 Warranties**

- 4.1 The Parties warrant to each other that they:
- 4.1.1 have full capacity to enter into this Deed, and
- 4.1.2 are able to fully comply with their obligations under this Deed.

## **5 Amendment of Planning Agreement**

- 5.1 On and from the date this Deed takes effect:
- 5.1.1 the Planning Agreement is amended in accordance with the marking-up shown on the copy of the Planning Agreement contained in Appendix 1,
- 5.1.2 Schedule 1, Schedule 2 and the plans in Annexure 2 of the Planning Agreement are deleted and replaced with Schedule 1, Schedule 2 and the plans in Appendix 2 of this Deed.



**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**

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**6 Costs**

- 6.1 The Developer is to pay to the Council the Council's costs of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.

**7 Explanatory Note**

- 7.1 Appendix 3 contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 7.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Deed.

**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**

---



**Execution**

**Executed as a Deed**

**Dated:**

---

**Executed on behalf of the Council of Camden**

---

**General Manager**

---

**Witness**

---

**Mayor**

---

**Witness**

---

**Executed on behalf of Dandaloo Pty Limited** in accordance with s127(1) of the Corporations Act (Cth) 2001

---

**Name/Position**

---

**Name/Position**

**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**

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**Appendix 1**

(Clause 5)

**Amended Planning Agreement**

The Planning Agreement as amended by this Deed appears on the following pages.

### WARNING TO PURCHASERS

Before completing the purchase of any land to which this planning agreement relates, be sure that you understand the rights and obligations of the Developer under the *Environmental Planning & Assessment Act (NSW) 1979*, including s7.6(3) of that Act which provides that:

*“A planning agreement that has been registered by the Registrar-General under section 7.6 is binding on, and is enforceable against, the owner of the land from time to time as if each owner for the time being had entered into the agreement”*

## Voluntary Planning Agreement - Harrington Grove

Dandaloo Pty Limited (ABN 77 002 338 543) (**Developer**)

The Council of Camden (ABN 31 117 341 764) (**Council**)

#### **MARSDENS LAW GROUP**

Level 1  
49 Dumaresq Street  
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DX: 5107 Campbelltown

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**SCHEDULE**

<b>Developer</b>	<b>Name</b>	Dandaloo Pty Limited
	<b>Address</b>	P O Box 42 NARELLAN NSW 2567
	<b>ABN</b>	77 002 338 543
	<b>Telephone</b>	(02) 4631 3200
	<b>Facsimile</b>	(02) 4631 3299
	<b>Email</b>	<a href="mailto:trevorterry@harrington.com.au">trevorterry@harrington.com.au</a>
	<b>Representative / Contact</b>	<del>Terry Goldacre</del> <a href="#">Trevor Jensen</a>
<b>Council</b>	<b>Name</b>	The Council of Camden
	<b>Address</b>	<del>37 John Street</del> <a href="#">70 Central Avenue</a> , CAMDEN NSW 2570
	<b>ABN</b>	31 117 341 764
	<b>Telephone</b>	(02) 4654 7777
	<b>Facsimile</b>	(02) 4654 7829
	<b>Email</b>	<a href="mailto:mail@camden.nsw.gov.au">mail@camden.nsw.gov.au</a>
	<b>Representative / Contact</b>	The General Manager
<b>Land</b>	That part of Certificates of Title Folio Identifiers 3420/1105169 and 101/1107591 as shown on the plans set out at <b>Annexures 11 &amp; 12</b> .	
<b>Current LEP</b>	Camden Local Environmental Plan No 138 - Harrington Grove	



**Requirements Under Section 7.493f**

<b>REQUIREMENT UNDER THE ACT</b>	<b>THIS PLANNING AGREEMENT</b>
<b>Planning instrument and/or development application – (Section <u>7.493F(1)</u>)</b>  The Developer has: <ul style="list-style-type: none"> <li>(a) sought a change to an environmental planning instrument.</li> <li>(b) made, or proposes to make, a Development Application.</li> <li>(c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.</li> </ul>	<ul style="list-style-type: none"> <li>(a) Yes</li> <li>(b) Yes</li> <li>(c) Not applicable</li> </ul>
<b>Description of land to which this deed applies – (Section <u>7.493F(3)(a)</u>)</b>	The whole of the Land.
<b>Description of change to the environmental planning instrument to which deed applies - (Section <u>7.493F(3)(b)</u>)</b>	The amendments made to the LEP by the New LEP.
<b>Application of section <u>94-7.11</u> of the Act - (Section <u>7.4 93F(3)(d)</u>)</b>	The application of section <u>94-7.11</u> is excluded and therefore does not apply to the Development.
<b>Applicability of section <u>94A-7.12</u> of the Act - (Section <u>7.4 93F(3)(d)</u>)</b>	The application of section <u>94A-7.12</u> is excluded and therefore does not apply to the Development.
<b>Consideration of benefits if under this deed if section 94 applies - (Section <u>7.4 93F(3)(e)</u>)</b>	Not applicable as <u>s94-s7.11</u> does not apply to this development.
<b>Mechanism for Dispute resolution - (Section <u>7.4 93F(3)(f)</u>)</b>	See clause 12.
<b>Enforcement of this deed (Section <u>7.4 93F(3)(g)</u>)</b>	See clause 10.
<b>No obligation to grant consent or exercise functions - (Section <u>7.4 93F(3)(9)</u>)</b>	See clause 15.

## Voluntary Planning Agreement Harrington Grove

### PARTIES

- 1 The Developer.
- 2 The Council.

### BACKGROUND

- A The Developer is the registered proprietor of the Land.
- B The Developer has previously made an application to the Council to change the zoning provisions of Camden Local Environmental Plan No. 48 as they apply to the Land to those contained in the New LEP for the purpose of making an application for the Development Consents.
- C The New LEP has been made and the Developer has applied for, or been granted, the Development Consents.
- D The parties have reached agreement on a number of matters relating to the Developments which they wish to record in this Agreement.

### OPERATIVE PROVISIONS

#### 1 DEFINITIONS

Unless the context otherwise requires the definitions and interpretational rules contained in ~~Voluntary Planning Agreement - Annexure 1~~ **Voluntary Planning Agreement – Annexure 1** apply in the interpretation of terms used in this Agreement.

#### 2 APPLICATION AND OPERATION OF AGREEMENT

##### 2.1 Planning Agreement

The parties agree that this Agreement is a planning agreement:

- (1) within the meaning set out in ~~s93F-s7.4~~ of the EPAA Act; and
- (2) governed by Subdivision 2 of Division ~~7.16~~ of Part ~~7.4~~ of the EPAA Act.

##### 2.2 Application

This Agreement applies to both the Land and the Developments.

---

**2.3 Operation**

- (1) Unless set out in paragraph (2) this Agreement operates immediately upon being entered into, within the meaning set out by clause 25C(1) of the Regulations.
- (2) Clause 7 will only operate when, and be effective from the date on which, the Council issues either of the Development Consents to the Developer.

**2.4 Heads of Planning Agreement**

The parties agree that on the date of this Agreement the Heads of Planning Agreements will be terminated.

**3 HERITAGE - HARRINGTON PARK**

---

**3.1 Harrington Park Heritage Agreement**

- (1) The Developer will use its best endeavours to enter into the Harrington Park Heritage Agreement.
- (2) The Developer will comply with the terms of the Harrington Park Heritage Agreement irrespective of whether that agreement has been entered into.

**3.2 Maintenance Prior to Commencement of Harrington Park Heritage Works**

- (1) Once the Harrington Grove East Development Consent is issued by the Council the Developer will carry out any works on Harrington Park that are necessary to ensure that it is maintained in its present condition prior to the commencement of the Harrington Park Heritage Works.
- (2) Within one (1) month of the Harrington Grove East Development Consent being issued by the Council the Developer will prepare and submit to the Council a condition report detailing the present condition of Harrington Park.

**3.3 Timing of Harrington Park Heritage Works**

The Developer warrants to the Council that it will not object to or appeal against any condition of any consent issued for the Harrington Grove East Development which stipulates that if:

- (1) the Developer is obligated under this Agreement to carry out the Harrington Park Heritage Works; and
- (2) the Developer fails to complete the Harrington Park Heritage Works in accordance with the time limitations set out in clause 6 of the Harrington Park Heritage Agreement,

the Council may refuse to issue Subdivision Certificates for any Residential Lots in that development in excess of the first three hundred (300) Residential Lots until such time as the Developer rectifies the relevant default.

---

### 3.4 Certification of Completion of Harrington Park Heritage Works

- (1) If the Developer is required to complete the Harrington Park Heritage Works in accordance with the Harrington Park Heritage Agreement then the Developer will complete the Harrington Park Heritage Works in full prior to the earlier of:
  - (a) Council issuing the final Subdivision Certificate for the last remaining stage of the Harrington Grove East Development Consent; and
  - (b) the date that is five (5) years after the date of this Agreement.
- (2) The Harrington Park Heritage Works will be deemed to be complete upon the issue of a certificate to that effect by a "qualified practising heritage consultant" appointed by the Developer and approved by Council. The costs associated with this appointment are to be met by the Developer.
- (3) The Developer may serve a notice (**Completion Notice**) on the Council advising that, in the opinion of the Developer, the Harrington Park Heritage Works have been completed. The qualified practising heritage consultant referred to in paragraph (2) is to assess the merits of the Completion Notice.
- (4) If the Council fails to advise the Developer within seventy (70) days of service of a Completion Notice that, in the opinion of the consultant referred to in paragraph (2), the works set out in the Completion Notice have not been completed then those works will be deemed to have been completed for the purpose of this Agreement.

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## 4 HERITAGE - ORIELTON

### 4.1 Orierton Heritage Agreement

- (1) The Developer will use its best endeavours to enter into the Orierton Heritage Agreement.
- (2) The Developer will comply with the terms of the Orierton Heritage Agreement irrespective of whether that agreement has been entered into.

### 4.2 Maintenance Prior to Commencement of Orierton Heritage Works

- (1) Once the Harrington Grove West Development Consent is issued by the Council the Developer will carry out any works on Orierton that are necessary to ensure that it is maintained in its present condition prior to the commencement of the Orierton Heritage Works.
- (2) Within one (1) month of the Harrington Grove West Development Consent being issued by the Council the Developer will prepare and submit to the Council a Condition Report detailing the present condition of Orierton.

### 4.3 Timing of Orierton Heritage Works

The Developer warrants to the Council that it will not object to or appeal against any condition of any consent issued for the Harrington Grove West Development which stipulates that if:

- 
- (1) the Developer is obligated under this Agreement to carry out the Orierton Heritage Works; and
  - (2) the Developer fails to complete the Orierton Heritage Works in accordance with the time limitations set out in clause 6 of the Orierton Heritage Agreement,

the Council may refuse to issue Subdivision Certificates for any Residential Lots in that development in excess of the first two hundred (200) Residential Lots until such time as the Developer rectifies the relevant default.

#### 4.4 Certification of Completion of Orierton Heritage Works

- (1) If the Developer is required to complete the Orierton Heritage Works in accordance with the Orierton Heritage Agreement then the Developer will complete the Orierton Heritage Works in full prior to the earlier of:
  - (a) Council issuing the final subdivision certificate for the last remaining stage of the Harrington Grove West Development Consent; and
  - (b) the date that is five (5) years after the date of this Agreement.
- (2) The Orierton Heritage Works will be deemed to be complete upon the issue of a certificate to that effect by a "qualified practising heritage consultant" appointed by the Developer and approved by Council. The costs associated with this appointment are to be met by the Developer.
- (3) The Developer may serve a notice (**Completion Notice**) on the Council advising that, in the opinion of the Developer, the Orierton Heritage Works have been completed. The qualified practising heritage consultant referred to in paragraph (1) is to assess the merits of the Completion Notice.
- (4) If the Council fails to advise the Developer within seventy (70) days of service of a Completion Notice that, in the opinion of the consultant referred to in paragraph (1), the works set out in the Completion Notice have not been completed then those works will be deemed to have been completed for the purpose of this Agreement.

## 5 BUSHLAND CONSERVATION – HARRINGTON GROVE EAST

---

### 5.1 Conservation Management Strategy (CMS) & Conservation Management Plan (CMP)

- (1) The parties acknowledge that the Developer has lodged the Harrington Grove East CMP with the Council as part of its application for the Harrington Grove East Development Consent.
- (2) Subject to paragraph (3), the Developer will:
  - (a) be bound by the terms of the Harrington Grove CMS & the Harrington Grove East CMP as approved by the Council; and
  - (b) will carry out the Harrington Grove East Bushland Conservation Works in accordance with the terms of the Harrington Grove CMS, the Harrington Grove East CMP and this Agreement.

- 
- (3) The Developer will not be required to carry out the Harrington Grove East Bushland Conservation Works unless and until the Council issues the Harrington Grove East Development Consent to the Developer.

**5.2 Maintenance Prior to Commencement of Harrington Grove East Bushland Conservation Works**

- (1) Once the Harrington Grove East Development Consent is issued by the Council the Developer will carry out any works on the Harrington Grove East Bushland Areas that are necessary to ensure that those areas are not further degraded from their condition as assessed in the study supporting the LES prior to the commencement of the Harrington Grove East Bushland Conservation Works.
- (2) The works referred to in paragraph (1) must not be inconsistent with the Harrington Grove CMS & the Harrington Grove East CMP.

**5.3 Timing of Works**

The Developer will adhere to the program for the completion of the Harrington Grove East Bushland Conservation Works set out in the Harrington Grove East CMP and in any event will complete those works prior to the issue of the final Subdivision Certificate for the Harrington Grove East Development.

**5.4 Annual Reports**

- (1) During the period set out in clause 5.3 the Developer must provide the Council with a report on each anniversary of the date on which the Harrington Grove East Development Consent is issued by the Council that sets out:
- (a) the Harrington Grove East Bushland Conservation Works carried out in the preceding twelve (12) month period;
  - (b) any matters that may impact upon the Developer's ability to carry out further Harrington Grove East Bushland Conservation Works in accordance with the Harrington Grove CMS and the Harrington Grove East CMP; and
  - (c) the extent to which the desired outcomes set out in the Harrington Grove CMS & the Harrington Grove East CMP were achieved in the preceding twelve (12) months.
- (2) The Developer will be discharged from its obligation under paragraph (1) upon completion of the Harrington Grove East Bushland Conservation Works.

**5.5 Completion of the Harrington Grove East Bushland Conservation Works**

- (1) Upon completion of the Harrington Grove East Bushland Conservation Works in accordance with the Harrington Grove East CMP, the Developer and the Council will ensure that:
- (a) any ongoing obligations with respect to the maintenance of the Harrington Grove East Bushland Areas to be owned by the Harrington Grove East Community Association become the responsibility of the Harrington Grove East Community Association; and

- (b) the obligation referred to in paragraph (a) will be included in the management statement of the Harrington Grove East Community Association.
- (2) Upon satisfaction of the obligations in paragraph (1), the Developer is discharged from any future obligations under the Harrington Grove CMS & the Harrington Grove East CMP.

## **6 BUSHLAND CONSERVATION – HARRINGTON GROVE WEST**

### **6.1 Conservation Management Strategy (CMS) & Conservation Management Plan (CMP)**

- (1) The parties acknowledge that the Developer has lodged the Harrington Grove West CMP with the Council as part of its application for the Harrington Grove West Development Consent.
- (2) Subject to paragraph (3), the Developer will:
  - (a) lodge the Harrington Grove West CMP with the Council as part of, or prior to, its application for the Harrington Grove West Development Consent;
  - (b) be bound by the terms of the Harrington Grove CMS & Harrington Grove West CMP as approved by the Council; and
  - (c) will carry out the Harrington Grove West Bushland Conservation Works in accordance with the terms of the Harrington Grove CMS, the Harrington Grove West CMP and this Agreement.
- (3) The Developer will not be required to carry out the Harrington Grove West Bushland Conservation Works unless and until the Council issues the Harrington Grove West Development Consent to the Developer.

### **6.2 Maintenance Prior to Commencement of Harrington Grove West Bushland Conservation Works**

- (1) Once the Harrington Grove West Development Consent is issued by the Council the Developer will carry out any works on the Harrington Grove West Bushland Areas that are necessary to ensure that those areas are not further degraded from their present condition prior to the commencement of the Harrington Grove West Bushland Conservation Works.
- (2) The works referred to in paragraph (1) must not be inconsistent with the Harrington Grove CMS & the Harrington Grove West CMP.

### **6.3 Timing of Works**

The Developer will adhere to the program for the completion of the Harrington Grove West Bushland Conservation Works set out in the Harrington Grove West CMP and in any event will complete those works prior to the issue of the final subdivision certificate for the Harrington Grove West Development.

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#### 6.4 Annual Reports

- (1) During the period set out in clause 6.3 the Developer must provide the Council with a report on each anniversary of the date on which the Harrington Grove West Development Consent is issued by the Council that sets out:
  - (a) the Harrington Grove West Bushland Conservation Works carried out in the preceding twelve (12) month period;
  - (b) any matters that may impact upon the Developer's ability to carry out further Harrington Grove West Bushland Conservation Works in accordance with the Harrington Grove CMS and the Harrington Grove West CMP; and
  - (c) the extent to which the desired outcomes set out in the Harrington Grove CMS & the Harrington Grove West CMP were achieved in the preceding twelve (12) months.
- (2) The Developer will be discharged from its obligation under paragraph (1) upon completion of the Harrington Grove West Bushland Conservation Works.

#### 6.5 Completion of the Harrington Grove West Bushland Conservation Works

- (1) Upon completion of the Harrington Grove West Bushland Conservation Works in accordance with the Harrington Grove West CMP, the Developer and the Council will ensure that:
  - (a) any ongoing obligations with respect to the maintenance of the Harrington Grove West Bushland Areas to be owned by the Harrington Grove West Community Association become the responsibility of the Harrington Grove West Community Association; and
  - (b) the obligation referred to in paragraph (a) will be included in the management statement of the Harrington Grove West Community Association.
- (2) Upon satisfaction of the obligations in paragraph (1), the Developer is discharged from any future obligations under the Harrington Grove CMS & the Harrington Grove West CMP.

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### 7 PROVISION OF CONTRIBUTIONS

#### 7.1 Provision

The Developer acknowledges that the carrying out of the Developments could, if this Agreement were not required to be entered into, have been subject to a requirement to make contributions under section 7.1194 of the EPAA Act.

#### 7.2 Manner of Provision

The Developer will:

- (1) provide the Contribution Works; and
- (2) pay the Financial Contribution,



as provided and as described in **Annexure 2** to the satisfaction of the Council.

### 7.3 Variation to Contribution Works

- (1) The Contribution Works may be varied without the need for variation to this agreement provided that the Council is satisfied that the variations to scope of the Contributions Works are consistent with the intent and objectives of this agreement.

### 7.4 Deferral of Contribution Work

- (1) Notwithstanding any other provision of this Agreement, if the Developer forms the view at any time, that it is unable to make a Contribution comprising a Contribution Work by the time that Contribution Work is required to be completed under this Agreement, then:
- (a) the Developer is to provide written notice to the Council to that effect;
  - (b) the Developer is to provide the Council with a Security for 100% of the value of the uncompleted part of the Contribution Work (as determined by the Council) before the date on which the Contribution Work is required to be completed under this Agreement;
  - (c) the Developer is to provide to Council, for Council's approval, a revised completion date for the Contribution Work;
  - (d) Council can approve, or not approve a revised completion date in its discretion, and if the Council does not approve the Developer's revised completion date for the Contribution Work, the Council and Developer are to negotiate in good faith and agree upon a revised completion date for the Contribution Work; and
  - (e) the time for completion of the Contribution Work under this Agreement will be taken to be the revised completion date approved by the Council under clause 7.4(1)(d).
- (2) If the Developer complies with clause 7.4(1), then it will not be considered to be in breach of this Agreement as a result of a failure to complete a Contribution Work by the time for completion of the Contribution Work specified in Annexure 2.
- (3) If the Contribution Work is not completed by the revised date for completion of the Contribution Work agreed under clause 7.4(1)(d) then the Council may call on the Security to meet any of its costs incurred under this Agreement in respect of the failure to complete the Contribution Work by the revised date for completion.
- (4) The Developer need not provide any additional Security under this clause if at the time the Security would be payable under this clause, Council holds Security under the other provisions of this Agreement in an amount which covers the amount of Security required to be held under those other clauses, and the amount of Security required to be held under this clause.

### 7.5 Indexation of amounts payable by the parties

All amounts referred to in this Agreement are to be adjusted (with the calculation to be made as from the date any such amount is due to be paid under this Agreement) in accordance with the following formula:

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$$A = B \times C/D$$

where:

- A** = the adjusted amount;
- B** = the relevant amount as set out in this Agreement;
- C** = the CPI most recently published before the date that the relevant payment or the calculation with respect to the relevant amount is to be made; and
- D** = in relation to the Financial Contribution for the Narellan Sports Hub, the CPI for the December 2014 quarter and in relation to any other amount, the CPI most recently published before the date of this Agreement.

#### 7.6 Access to land by Council

- (1) The Developer grants to the Council a licence on the terms set out in Annexure 12 to enter the Narellan Sports Hub Land to construct the Narellan Sports Hub.

#### 7.7 Consent to making of development application

Within 7 days of a request by the Council, the Developer is to provide to the Council its consent in writing to the Council making a development application, within the meaning of the EPAA Act, for the Narellan Sports Hub.

#### 8 APPLICATION OF s7.1194 & s94As7.12

For the purposes of s7.493F(3)(d) of the EPAA Act, this Agreement excludes the application of sections 7.1194 & 7.1294A of the EPAA Act to the Developments.

#### 9 COMPLETION, RECTIFICATION AND HANDOVER OF WORKS

##### 9.1 Application

This clause 9 applies to any Contribution Works required to be provided by the Developer under this Agreement other than those subject to clauses 3 to 6 inclusive.

##### 9.2 Meaning of Defects Liability

In this clause:

- (1) **Defect** means any inadequacy in a relevant item of the Contribution Works that results from that item not being carried out in accordance with the provision and description of the item as set out in **Schedule 1 of Annexure 2** to the satisfaction of the Council,
- (2) for each item of the Contribution Works, the **Defects Liability Period** means the period specified for that item in **Schedule 1 of Annexure 2**, commencing on and from the date on which the Developer gives the Council a notice under clause 9.3; and
- (3) **Rectification Notice** means a notice that sets out:
- (a) the nature and extent of the relevant Defect;

- 
- (b) the rectification work the Council considers necessary to rectify the Defect; and
  - (c) the time within which the Defect must be rectified by the Developer, which must be a reasonable time.

### 9.3 Provision of notice

When the Developer considers that:

- (1) an item of the Contribution Works is complete, or
- (2) an item of the Contribution Works has been rectified in accordance with a Rectification Notice,

the Developer will give the Council a notice in writing to that effect (**Completion Notice**).

### 9.4 Service of Rectification Notice

During the Defects Liability Period, the Council may give the Developer a Rectification Notice.

### 9.5 Developer to rectify

- (1) The Developer will comply with a Rectification Notice at its own cost according to its terms.
- (2) Council must:
  - (a) inspect the relevant rectification work within fourteen (14) days after it is given a relevant Completion Notice; and
  - (b) advise the Developer by notice in writing if that work:
    - (i) has been completed to the satisfaction of the Council; or
    - (ii) has not been completed to the satisfaction of Council, in which case the notice will be deemed to be a further Rectification Notice concerning that work,

within seven (7) days of the relevant inspection.

### 9.6 Council may carry out rectification

If the Developer breaches clause 9.5(1), the Council may have the relevant Defect rectified and may recover the reasonable costs incurred by it of so doing as a debt due in a court of competent jurisdiction.

### 9.7 Acceptance of item of Contribution Works

- (1) The Council is taken to have accepted the condition of an item of the Contribution Works that is the subject of a Completion Notice where:
  - (a) if the Council has not given the Developer a Rectification Notice, at the expiration of the Defects Liability Period, or

- 
- (b) if the Council has given the Developer a Rectification Notice, on the date which the Council gives a notice in writing to the Developer stating that the defect the subject of the Rectification Notice has been rectified to the Council's satisfaction; or
  - (c) if, upon the expiry of the periods set out in clause 9.5(2) the Council fails to carry out the required inspection or serve the required notice, as the case may be.
- (2) For the purpose of this Agreement, the hand over of an item of the Contribution Work to the Council occurs on the earlier of:
- (a) Council providing confirmation that the relevant item of the Contribution Work has been completed to the satisfaction of the Council in accordance with clause 9.5(2)(b)(i); or
  - (b) Council being deemed to have accepted the condition of the relevant item in accordance with paragraph (1)(c).
- (3) On hand-over of any item of the Contribution Works, the Council accepts ownership, possession and control of the relevant item.
- (4) A contribution comprising an item of the Contribution Works is made by the Developer for the purposes of this Agreement when the Council accepts the hand over of that item in accordance with this clause 9.

## 10 SECURITY

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### 10.1 Prohibition

Neither party may Assign their rights under this Agreement without the prior written consent of the other party.

### 10.2 Assignment of Land

- (1) The Developer must not Assign its interest in the Land (other than the Assignment of a Residential Lot) unless:
  - (a) the Council consents to the assignment in its absolute discretion; and
  - (b) the proposed assignee enters into an agreement to the satisfaction of the Council under which the assignee agrees to be bound by the terms of this Agreement.
- (2) If the Developer breaches this clause 10.2 then the Developer is not released from, and remains liable to perform, the obligations imposed on it under this Agreement.

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**10.3 Provision of bond**

- (1) The Developer will provide to Council a bank guarantee in an amount of thirty five thousand dollars (\$35,000) to secure the obligations of the Developer under this Agreement.
- (2) The parties acknowledge that the amount of the bond referred to in paragraph (1) has been requested by the Council on the basis that it will secure the payment of any legal costs incurred by the Council in instituting legal proceedings against the Developer as a result of any breach of this Agreement by the Developer.

**11 REVIEW & AMENDMENT**

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- (1) If either party requests a review of the whole or any part of this Agreement then the parties must use their best endeavours, acting in good faith, to review the Agreement in accordance with that request.
- (2) If the parties agree to amend this Agreement as a result of a review conducted under paragraph (1) then any such amendment must be made in writing signed by both parties.

**12 DISPUTE RESOLUTION**

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**12.1 Notice of Dispute**

If a party believes that there is a Dispute then:

- (1) that party must give notice in writing to the other party stating that there is a Dispute; and
- (2) the notice referred to in paragraph 12.1(1) must outline:
  - (a) what the party believes the dispute to be; and
  - (b) what the party wants to achieve; and
  - (c) what the party believes will settle the Dispute; and
  - (d) who will be the party's Representatives to negotiate the dispute.

**12.2 Consultation between the Representatives**

Within fifteen (15) business days of a notice served in accordance with clause 12.1(1) the Representatives must meet in order to resolve the Dispute.

**12.3 Settlement of Dispute and mediation**

- (1) If the Dispute cannot be resolved by the Representatives within a further fifteen (15) business days of a meeting between the Representatives in accordance with clause 12.2 then the Dispute must be submitted to mediation by a mediator selected:
  - (a) by the parties; or

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(b) if the parties cannot agree on a mediator, by the President of the Australian Commercial Disputes Centre.

- (2) The parties are to appoint a mediator who is appropriately qualified and have practical experience in the area of the Dispute.
- (3) Any costs incurred in the mediation of the Dispute are to be borne equally by the parties.

#### **12.4 Exclusivity of dispute resolution procedure**

- (1) Both parties must adhere to the dispute resolution procedure set out in this Agreement.
- (2) The only time that either party may depart from the dispute resolution procedure set out in this clause is when urgent interlocutory relief is required to restrain a breach or threatened breach of this Agreement.

### **13 DEFAULT IN PERFORMANCE**

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#### **13.1 Events of default**

The Developer commits an "Event of Default" if:

- (1) it breaches a term of this Agreement; or
- (2) fails to comply with the terms and conditions of the Development Consents; or
- (3) fails to comply with the terms of the Heritage Agreements; or
- (4) fails to comply with the terms of the Harrington Grove East CMP and the Harrington Grove West CMP.

#### **13.2 Consequences of Events of default**

Where the Developer commits an Event of Default the Council may serve a notice on the Developer requiring the relevant breach to be rectified within seventy two (72) days of the date of the notice.

#### **13.3 No restriction on rights**

The rights vested in the Council pursuant to clause 13.2 do not prevent the Council from exercising any other rights that it may possess at law.

### **14 TERMINATION**

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#### **14.1 Termination**

This Agreement terminates in the following events:

- (1) the parties agree in writing to terminate the operation of this Agreement at any time; or
- (2) the Council serves notice on the Developer terminating this Agreement where the Developer has failed to comply with a notice issued in accordance with 13.2; or

- 
- (3) the Developer:
    - (a) discharges its obligations under this Agreement in accordance with the Development Consents; and
    - (b) discharges its obligations under any further agreement entered into between the parties in relation to Contribution Works.

#### **14.2 Consequence of termination**

Upon termination of this Agreement:

- (1) all future rights and obligations of the parties are discharged;
- (2) any security held under this Agreement will be released; and
- (3) all pre-existing rights and obligations of the parties continue to subsist.

### **15 POSITION OF COUNCIL**

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#### **15.1 Consent authority**

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

#### **15.2 Construction of Agreement to fetter powers**

No term of this Agreement is to be construed, or to operate, so as to fetter, limit, restrict or otherwise interfere with the exercise of Council's statutory powers, discretion or duty.

#### **15.3 Reading down of provisions**

If any provision of this Agreement would, or could likely, operate so as to fetter, limit, restrict or otherwise interfere with the exercise of Council's statutory powers, discretion or duty then that provision is, to the extent necessary for it not to fetter, limit, restrict or otherwise interfere with the exercise of Council's statutory powers, discretion or duty:

- (1) be read down, if possible; or
- (2) severed from this Agreement.

#### **15.4 No Obligations**

Nothing in this Agreement will be deemed to impose any obligation on the Council to exercise any of its functions under the Act in relation to the LEP, the Land or the Development in a certain manner.

### **16 CONFIDENTIALITY**

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#### **16.1 Agreement not Confidential**

The parties acknowledge that this Agreement:

- 
- (1) is not confidential;
  - (2) may be treated as a public document by the Council; and
  - (3) may be publicly exhibited and reported without restriction by either party.

#### 16.2 Non-disclosure

- (1) A party must not disclose Confidential Information disclosed to it by the other party except:
  - (a) with the prior written consent of the disclosing party; or
  - (b) in accordance with the terms of this Agreement.
- (2) A party may not unreasonably withhold its consent to disclosure in accordance with paragraph 16.2(1)(a) where:
  - (a) the requested disclosure is made for the purpose of facilitating the proper performance of a party's obligations under this Agreement; and
  - (b) the disclosure is to be made to persons who:
    - (i) reasonably require the disclosure of the information; and
    - (ii) are subject to a duty of confidentiality on the same or similar terms to that contained in this clause.

#### 16.3 Use of Confidential Information

A party may use, copy, reproduce or otherwise deal with the Confidential Information disclosed to it only:

- (1) during the term of this Agreement; and
- (2) in accordance with the terms of this Agreement; and
- (3) in a manner that is related to the proper and lawful conduct and performance of its obligations under this Agreement.

#### 16.4 Exceptions to non-disclosure

A party may disclose Confidential Information that has been disclosed to it:

- (1) where such disclosure is made to those of its employees, advisers, related bodies corporate and shareholders who:
  - (a) have a need to know (and only to the extent each has a need to know); and
  - (b) are aware and agree that the information that is to be disclosed must be kept confidential; or



- 
- (2) which, at the time of disclosure, is within the public domain or after disclosure comes into the public domain other than by a breach or breaches by any party (whether the party to this Agreement or a third party) of any obligation owed to the other party; or
  - (3) where:
    - (a) required by law or any order of any court, tribunal, authority, regulatory body or the rules of any securities exchange (whether in Australia or elsewhere) to be disclosed; and
    - (b) the party ensures that information is disclosed only to the extent reasonably and lawfully required.

#### 16.5 Duration of confidentiality obligations

Unless otherwise agreed by the parties in writing the obligation of confidentiality set out in this Agreement operates indefinitely and does not terminate on the expiry or earlier termination of this Agreement.

#### 17 GST

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- (1) The amount of any payment required to be made under this Agreement does not include GST.
- (2) If the party receiving a payment under this Agreement is or will become liable to pay GST in respect of the supply then the amount payable will be increased by the amount of any GST payable.
- (3) The party receiving payment of any amount referred to in the preceding paragraphs must issue a tax invoice on payment of any GST under this clause.

#### 18 CHANGE OF LAWS

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- (1) If, at the time a Financial Contribution is required to be made by the Developer under this Agreement, a contributions plan (within the meaning of the EPAA Act) is in force that would, but for this Agreement, have authorised the Council to impose a condition under ~~s94-s7.11~~ of the Act in respect of the Developments requiring the payment of a monetary ~~s94-s7.11~~ contribution towards the same or a similar purpose as that for which the Financial Contribution is required to be made, then, despite any other provision of this Agreement, the amount of the Financial Contribution to which referred to in paragraph (1) is not to exceed the amount of the relevant monetary ~~s94-s7.11~~ contribution as provided for in the contributions plan.
- (2) If, at the time a Financial Contribution is required to be made by the Developer under this Agreement, the council is not authorised by a contributions plan (within the meaning of the EPAA Act) to impose a condition under ~~s94-s7.11~~ of the Act in respect of the Developments requiring the payment of a monetary ~~s94-s7.11~~ contribution towards the same or a similar purpose as that for which the Financial Contribution is required to be made, the Developer is not required to make the Financial Contribution under this Agreement.

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## 19 MISCELLANEOUS

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### 19.1 Obligation to act in good faith

The parties must at all times:

- (1) cooperate and use their best endeavours to profitably and professionally give effect to the rights and obligations of the parties set out in this Agreement; and
- (2) not unreasonably delay any action, approval, direction, determination or decision which is required of it; and
- (3) make approvals or decisions that are required of it in good faith and in a manner consistent with the completion of the transactions set out in this Agreement; and
- (4) be just and faithful in its activities and dealings with the other parties.

### 19.2 Consultation concerning development applications

If the Developer is required to lodge an application for development consent for any matter required to be carried out by it under this Agreement then it will consult with the Council in good faith in relation to the relevant works before lodging any such application.

### 19.3 Legal costs

The Developer agrees to:

- (1) pay or reimburse the reasonable legal costs and disbursements of the Council for the negotiation, preparation, execution, and stamping of this Agreement.
- (2) pay the reasonable legal costs and disbursements referred to in paragraph (1) within fourteen (14) days of receipt of a Tax Invoice from the Council.
- (3) pay or reimburse the legal costs and disbursements of the Council arising from the ongoing administration and enforcement of this Agreement including any breach or default by the Developer of its obligations under this Agreement.

## 20 ADMINISTRATIVE PROVISIONS

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### 20.1 Notices

- (1) Any notice, consent or other communication under this Agreement shall be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
  - (a) delivered to that person's address; or
  - (b) sent by pre-paid mail to that person's address; or
  - (c) transmitted by facsimile to that person's address.
- (2) A notice given to a person in accordance with this clause is treated as having been given and received:

- 
- (a) if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day; and
  - (b) if sent by pre-paid mail, on the third Business Day after posting; and
  - (c) if transmitted by facsimile to a person's address and a correct and complete transmission report is received, on the day of transmission if a Business Day, otherwise on the next Business Day.
- (3) For the purpose of this clause the address of a person is the address set out in this Agreement or another address of which that person may from time to time give notice to each other person.

#### **20.2 Entire Agreement**

This Agreement is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this Agreement.

#### **20.3 Waiver**

The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

#### **20.4 Cooperation**

Each party must sign, execute and deliver all Agreements, documents, instruments and act reasonably and effectively to carry out and give full effect to this Agreement and the rights and obligations of the parties under it.

#### **20.5 Counterparts**

This Agreement may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

#### **20.6 Amendment**

This Agreement may only be amended or supplemented in writing signed by the parties.

#### **20.7 Unenforceability**

Any provision of this Agreement which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this Agreement or affecting the validity or enforceability of that provision in any other jurisdiction.

#### **20.8 Power of Attorney**

Each attorney who executes this Agreement on behalf of a party declares that the attorney has no notice of:

- 
- (1) the revocation or suspension of the power of attorney by the grantor; or
  - (2) the death of the grantor.

**20.9 Governing law**

The law in force in the State of New South Wales governs this Agreement . The parties:

- (1) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this Agreement ; and
  - (2) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.
-

**EXECUTION**

**Executed as an agreement**

Dated:

**Signed, Sealed and Delivered by Camden Council** by its General Manager and Mayor by the affixing of the Common Seal of Council in accordance with a resolution of the Council dated

\_\_\_\_\_  
General Manager (Signature)

\_\_\_\_\_  
Mayor (Signature)

\_\_\_\_\_  
Name of General Manager (Print Name)

\_\_\_\_\_  
Name of Mayor (Print Name)

**Signed, Sealed and Delivered by Dandaloo Pty Limited** in accordance with section 127(1) of the Corporations Act by authority of its directors.

\_\_\_\_\_  
Director/Secretary (Signature)

\_\_\_\_\_  
Director (Signature)

\_\_\_\_\_  
Name of Director/ Secretary (Print Name)

\_\_\_\_\_  
Name of Director (Print Name)

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## Voluntary Planning Agreement - Annexure 1

### Defined Terms and Interpretation

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#### Part 1 - Definitions

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<b>Agreement</b>	means this agreement and includes any annexures to this agreement.
<b>Assign</b>	as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.
<b>Authority</b>	means (as appropriate) any: <ol style="list-style-type: none"> <li>(1) federal, state or local government; or</li> <li>(2) department of any federal, state or local government; or</li> <li>(3) any court or administrative tribunal; or</li> <li>(4) statutory corporation or regulatory body.</li> </ol>
<b>Bank Guarantee</b>	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: <ol style="list-style-type: none"> <li>(a) one of the following trading banks:             <ol style="list-style-type: none"> <li>(i) Australia and New Zealand Banking Group Limited,</li> <li>(ii) Commonwealth Bank of Australia,</li> <li>(iii) Macquarie Bank Limited,</li> <li>(iv) National Australia Bank Limited,</li> <li>(iv) St George Bank Limited,</li> <li>(v) Westpac Banking Corporation, or</li> </ol> </li> <li>(b) any other financial institution approved by the Council in its absolute discretion.</li> </ol>
<b>Bushland Conservation Works</b>	means the Harrington Grove East Bushland Conservation Works and the Harrington Grove West Bushland Conservation Works.
<b>Confidential Information</b>	means: <ol style="list-style-type: none"> <li>(1) <b>intellectual property:</b> any and all Intellectual Property;</li> </ol>

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and

- (2) **financial information:** information regarding costs, profits, markets, sales and other financial information; and
- (3) **business information:** information regarding business relationships and strategies, development plans, marketing, product concepts, trade secrets and other business information the business of the disclosing party and the disclosing party's clients or third party suppliers; and
- (4) **personal information:** any personal information relating to the officers (as defined in s9 of the *Corporations Act 2001*), partners, employees, agents, contractors or clients of the disclosing party; and
- (5) **information obtained through performance:** all information which becomes known to a party as a consequence of it performing the obligations under this Agreement including (without limitation) all records, documents, accounts, plans, specifications, price lists, customer lists, correspondence, photos and papers of every description relating to the disclosing party; and
- (6) **technical information:** information regarding designs, development processes and tools, hardware specifications, know-how, production, research, software specifications, data bases and software developed or used by a party whether as owner or under licence from any person and other technical information; and
- (7) **disclosed information:** any other information disclosed by a disclosing party that:
  - (a) is identified as being confidential; or
  - (b) would be apparent to a reasonable person that such information was disclosed in confidence by the disclosing party.

<b>Contribution Works</b>	means the Contributions comprised of the "Contribution Works" set out in <b>Schedule 1 of Annexure 2</b> .
<b>Contributions</b>	means a monetary contribution, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards, a public purpose.
<b>Council</b>	means "Council" as set out in the <b>Schedule</b> .
<b>Developer</b>	means the "Developer" set out in the <b>Schedule</b> .
<b>Developments</b>	means the subdivision and development of the Land in

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	accordance with the Development Consents.
<b>Development Consents</b>	means the Harrington Grove West Development Consent and the Harrington Grove East Development Consent, as amended from time to time.
<b>Dispute</b>	means a dispute regarding the terms or operation of this Agreement.
<b>EPAA Act</b>	means the <i>Environmental Planning &amp; Assessment Act (NSW) 1979</i> .
<b>Explanatory Note</b>	means the Explanatory Note set out at <b>Annexure 13</b> .
<b>Financial Contributions</b>	means a monetary Contribution comprised of the "Financial Contributions" as set out in <b>Schedule 2 of Annexure 2</b> .
<b>GST</b>	means goods and services tax payable in accordance with the <i>A New Tax System (Goods and Services Tax) Act 1999</i> and all incidental and ancillary legislation and regulations.
<b>Harrington Grove CMS</b>	means the conservation management strategy set out at <b>Annexure 7</b> , or such other strategy as agreed between the parties from time to time.
<b>Harrington Grove East Bushland Areas</b>	means those areas of the Harrington Grove East Development that are subject to the Harrington Grove East CMP.
<b>Harrington Grove East Bushland Conservation Works</b>	means the works required to be carried out under the Harrington Grove East CMP.
<b>Harrington Grove East CMP</b>	means the Conservation Management Plan prepared by the Developer and submitted to the Council in accordance with Clause 6.1(2)(a) as set out at <b>Annexure 5</b> , or such other plan as agreed between the parties from time to time.
<b>Harrington Grove East Community Association</b>	means the community association(s) constituted under the <i>Community Land Development Act (NSW) 1989</i> for the Harrington Grove East Development.
<b>Harrington Grove East Development</b>	means the development subject to the Harrington Grove East Development Consent.
<b>Harrington Grove East Development Consent</b>	means a consent or consents granted by the Council for approval of the development substantially as described in the Indicative Master Plan set out at <b>Annexure 8</b> for a minimum of at least 77.53 hectares of land zoned 2(d) and 41.69 hectares of land zoned 7(d4) under the provisions of the New LEP (or the equivalent zoning under any new planning instrument that might be adopted by the Council for the Land following the signing of this Agreement).
<b>Harrington Grove East Land</b>	means the whole of the Land contained in Certificate of Title



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	Folio Identifier 3420/1105169
<b>Harrington Grove West Bushland Areas</b>	means those areas of the Harrington Grove West Development that are subject to the Harrington Grove CMP.
<b>Harrington Grove West Bushland Conservation Works</b>	means the works required to be carried out under the Harrington Grove West CMP.
<b>Harrington Grove West CMP</b>	means the Conservation Management Plan prepared by the Developer and submitted to the Council in accordance with Clause 6.1(2)(a) as set out at <b>Annexure 6</b> , or such other plan as agreed between the parties from time to time.
<b>Harrington Grove West Community Association</b>	means the community association(s) constituted under the <i>Community Land Development Act (NSW) 1989</i> for the Harrington Grove West Development.
<b>Harrington Grove West Development</b>	means the development subject to the Harrington Grove West Development Consent.
<b>Harrington Grove West Development Consent</b>	means a consent or consents granted by the Council for approval of the development substantially as described in the Indicative Master Plan set out at <b>Annexure 9</b> for a minimum of at least 44.78 hectares of land zoned 2(d), 19.91 hectares of land zoned 7(d4) and 13.70 hectares of land zoned 1(f) under the provisions of the New LEP (or the equivalent zoning under any new planning instrument that might be adopted by the Council for the Land following the signing of this Agreement).
<b>Harrington Grove West Land</b>	means the whole of the Land contained in Certificate of Title Folio Identifier 101/1107591.
<b>Harrington Park</b>	means the building and curtilage defined as "Harrington Park" in the Harrington Park Heritage Agreement.
<b>Harrington Park Heritage Agreement</b>	means the proposed agreement between the NSW State Heritage Office and the Developer as set out in draft form at <b>Annexure 3</b> .
<b>Harrington Park Heritage Works</b>	means the works defined as "Conservation Works" in the Harrington Park Heritage Agreement.
<b>Heads of Planning Agreements</b>	means the Heads of Planning Agreement - Harrington Grove West and the Heads of Planning Agreement - Harrington Grove East entered into between the parties and dated 9 October 2006.
<b>Heritage Agreements</b>	means either or both the Harrington Park Heritage Agreement and the Orielton Heritage Agreement as the context requires.
<b>Heritage Works</b>	means either or both the Harrington Park Heritage Works and the Orielton Heritage Works as the context requires.

<b>Land</b>	means the "Land" set out in the <b>Schedule</b> and being the Harrington Grove East Land and the Harrington Grove West Land.
<b>Law</b>	means all legislation, plans, regulations, by-laws, common law and other binding order made by any Authority.
<b>LES</b>	means the Local Environmental Study undertaken with respect to the Development.
<b>Narellan Sports Hub</b>	means a sports facility on the Narellan Sports Hub Land.
<b>Narrellan Sports Hub Land</b>	means the land shown outlined by a dashed line and marked 'DPF' on the plan of the Developments in Annexure 2.
<b>New Law</b>	means an amendment, variation or change made to a Law in force at the date of this Agreement, or a Law that comes into force on or after the date of this Agreement.
<b>New LEP</b>	means the "New LEP" as set out in the <b>Schedule</b> .
<b>Orielton</b>	means the building and curtilage defined as "Orielton" in the Orielton Heritage Agreement.
<b>Orielton Heritage Agreement</b>	means the proposed agreement between the NSW State Heritage Office and the Developer as set out in draft form at <b>Annexure 4</b> .
<b>Orielton Heritage Works</b>	means the works defined as "Conservation Works" in the <b>Orielton</b> Heritage Agreement.
<b>Planning Legislation</b>	means the EPAA Act and the <i>Local Government Act (NSW) 1993</i> .
<b>Representatives</b>	means the nominated representatives of the parties from time to time.
<b>Residential Lot</b>	means a single residential lot within the Development.
<b>Security</b>	means a Bank Guarantee, or a bond or other form of security to the satisfaction of the Council indexed in accordance with the CPI from the date of this Deed.
<b>Subdivision Certificate</b>	has the same meaning as that set out in the EPAA Act.
<b>Part 2 - Interpretational Rules</b>	
<b>clauses, annexures and schedules</b>	a clause, annexure or schedule is a reference to a clause in or annexure or schedule to this Agreement.
<b>reference to statutes</b>	a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.

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<b>singular includes plural</b>	the singular includes the plural and vice versa.
<b>person</b>	the word "person" includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
<b>executors, administrators, successors</b>	a particular person includes a reference to the person's executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
<b>dollars</b>	Australian dollars, dollars, \$ or A\$ is a reference to the lawful currency of Australia.
<b>calculation of time</b>	if a period of time dates from a given day or the day of an act or event, it is to be calculated exclusive of that day.
<b>reference to a day</b>	a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
<b>accounting terms</b>	an accounting term is a reference to that term as it is used in accounting standards under the Corporations Act or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia.
<b>reference to a group of persons</b>	a group of persons or things is a reference to any two or more of them jointly and to each of them individually.
<b>meaning not limited</b>	the words "include", "including", "for example" or "such as" are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
<b>next day</b>	if an act under this Agreement to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
<b>next Business Day</b>	if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
<b>time of day</b>	time is a reference to Sydney time.
<b>headings</b>	headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this Agreement.
<b>agreement</b>	a reference to any agreement, Agreement or instrument includes the same as varied, supplemented, novated or replaced from time to time.
<b>gender</b>	a reference to one gender extends and applies to the other and neuter gender.

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**ORD04**

**Attachment 1**

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## Voluntary Planning Agreement - Annexure 2

### Contribution Works and Financial Contribution

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The Contributions referred to in clause 7.2 will be provided by way of:

- (1) the provision of the works set out in Schedule 1, Section 1.0 (Contribution Works); and
- (2) the payment of the amounts set out in Schedule 2, Section 2.0 (Financial Contribution),

referred to in the attached schedule of contributions and as marked on the plan of the Developments which is also attached.

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**Voluntary Planning Agreement - Annexure 3**

**Harrington Park Heritage Agreement**

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**Voluntary Planning Agreement - Annexure 4**

**Orielton Heritage Agreement**

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**Voluntary Planning Agreement - Annexure 5**

**Harrington Grove East CMP**

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**Voluntary Planning Agreement - Annexure 6**

**Harrington Grove West CMP**

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**Voluntary Planning Agreement - Annexure 7**

**Harrington Grove CMS**

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**Voluntary Planning Agreement - Annexure 8**  
**Indicative Master Plan – Harrington Grove East**

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**Voluntary Planning Agreement - Annexure 9**  
**Indicative Master Plan – Harrington Grove West**

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**Voluntary Planning Agreement - Annexure 10**

**Plan of the Harrington Grove East Land**

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**Voluntary Planning Agreement - Annexure 11**  
**Plan of the Harrington Grove West Land**

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**Voluntary Planning Agreement - Annexure 12**

**Licence for access**

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## Terms of access

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### 1 Definitions

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In this **Annexure 12**, words beginning with a capital letter that are defined:

- (1) in **Annexure 1** of the Voluntary Planning Agreement entered into between the parties have the meaning ascribed to them in that Annexure; or
- (2) which are not defined in that Annexure, have the meaning ascribed to them as set out below:
  - (a) **Broadform Public Liability Insurance** means an insurance that covers both public liability insurance and product liability insurance.
  - (b) **Claim** means against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise;
  - (c) **Licence** means the rights of the Licensee to access, and conduct the Works upon, the Premises granted under this document;
  - (d) **Licensee** means the party accessing the Premises;
  - (e) **Owner** means the owner of the Premises at the time of the relevant access;
  - (f) **Premises** means the Narellan Sports Hub Land; and
  - (g) **Works** means the works proposed to be carried out on the Premises by the Licensee for the purposes of constructing the Narellan Sports Hub.

### 2 Licence

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#### 2.1 Grant of the Licence

The Owner grants to the Licensee, and to any contractors engaged in the conduct of the Works, an exclusive licence to access and enter upon the Premises (**Licence**) with or without personnel and machinery for the purpose of allowing the Licensee to undertake the Works.

#### 2.2 Personal rights

The Licence is personal to the Licensee.



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### 3 Work health and safety

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#### 3.1 Work health and safety

- (1) For the purposes of clause 293 of the *Work Health and Safety Regulation 2011* (NSW) (**WH&S Regulations**):
- (a) as a condition precedent to the Licensee first obtaining access to the Premises under the Licence to carry out the Works:
- (i) the Licensee must appoint a "principal contractor" for the conduct of the Works in accordance with clause 293(2) of the WH&S Regulations;
- (ii) must advise the Owner of that appointment; and
- (b) the Licensee will at all times during the conduct of the Works have appointed a "principal contractor" in accordance with clause 293(2) of the WH&S Regulations.
- (2) The Licensee must comply, and must ensure that any contractor engaged in the conduct of the Works complies, with all Laws relating to work health and safety in the conduct of the Works.
- (3) The Licensee indemnifies the Owner against any Claim arising under any Law relating to work health and safety in the conduct of the Works (by both the Licensee or its contractors), except to the extent that such Claim arises as a result of the deliberate or negligent act or omission of the Owner.

#### 3.2 Obligations of the Licensee

The Licensee must ensure compliance with the following:

- (1) Prior to engaging a contractor to undertake the Works:
- (a) obtain a written safe work method statement from that contractor; and
- (b) prepare a site specific work health & safety management plan with respect to the Works in accordance with the requirements of the WH&S Regulation.
- (2) During the course of the Works:
- (a) ensure that all contractors engaged by the Licensee comply with their respective safe work method statements and the requirements of the *Work Health and Safety Act 2011* and the WH&S Regulation; and
- (b) maintain and update the work health & safety management plan with respect to the Works.
- (3) Immediately when the Licensee becomes aware, inform Workcover and the Owner of:
- (a) any non-disturbance incident (as defined by the WH&S Act and the WH&S Regulation); and
- (b) any accident or other matter as prescribed by Part 3 of the WH&S Regulation,

and within three (3) business days of the Licensee becoming aware of any non-disturbance incident or accident occurring, provide to the Owner a copy of an accident report if the accident is such which the Law generally requires a report to be made to any statutory or government authority.

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#### **4 Compliance with authorities**

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##### **4.1 No warranty as to suitability for use**

The Licensee acknowledges and agrees that the Owner has not made any representation or warranty to the Licensee regarding the suitability of the Premises for the conduct of the Works..

##### **4.2 Compliance with the terms of the Consents**

In the conduct of the Works and compliance with its obligations under this **Annexure 12**, the Licensee must comply with the requirements of all Authorities.

##### **4.3 Compliance with directions from Authorities**

The Licensee must comply with all notices, directions, orders or other requests served upon itself or the Owner and which arise from the conduct of the Works on the Premises by the Licensee.

##### **4.4 Obtaining further consents**

- (1) If the Licensee requires further consents to conduct the Works it must:
  - (a) make such applications itself; and
  - (b) bear all costs incurred by it in relation to obtaining the relevant consent.
- (2) The Owner agrees that it will, where required, sign all authorities reasonably required by the Licensee to make any application for consent to any Authority.

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#### **5 Limitation of the Owner' s liability**

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##### **5.1 Compliance with this clause**

- (1) The parties acknowledge that the Licensee may not undertake the Works itself and instead may engage a third party contractor to undertake those works.
- (2) The Licensee may discharge its obligations under this clause by ensuring that any such contractor engaged to undertake the Works maintains the necessary insurances.
- (3) Notwithstanding paragraph (2), the Licensee remains liable for any breach of this clause 5, including a breach caused by a contractor failing to maintain any necessary insurance.

##### **5.2 Insurances**

- (1) The Licensee must effect and keep current and in force, or ensure its principal contractor effects and keeps current and in force, the following policies of insurance in respect of the Works:

- 
- (a) A Broadform Public Liability Insurance policy with a reputable insurance company in an amount of \$20,000,000 for any one occurrence in respect of any liability for:
    - (i) personal injury or death of any person; and
    - (ii) loss of or damage to property.
  - (b) Workers compensation insurance under the *Workers Compensation Act 1987* (NSW) covering all persons employed or deemed to be employed by the Licensee in connection with the conduct of the Works.
  - (c) A comprehensive policy of motor vehicle insurance or an unlimited third party property insurance policy in respect of all motor vehicles used in the conduct of the Works.
  - (d) A contractor's risk policy of insurance in respect of all plant and equipment (including unregistered motor vehicles) used in the conduct of the Works.
- (2) The policies referred to in paragraphs (1)(a), (1)(c) and (1)(d) must, if possible, note the interest of the Owner as principal.

### 5.3 Inspection of insurance

- (1) The Licensee must produce at the renewal of each policy a certificate of currency issued by the insurer establishing that the policy is valid.
- (2) The Owner may carry out random audits to verify insurances held by the Licensee. The Licensee will assist in any audit and provide evidence of the terms and currency of the insurance policies whenever requested by the Owner.

### 5.4 Cancellation of insurance

If any policy is cancelled either by the Licensee or the insurer, the Licensee must notify the Owner immediately.

### 5.5 Risk

The Licensee uses and occupies the Premises and conducts the Works at its own risk.

### 5.6 Indemnity

The Licensee indemnifies the Owner against any Claim (of whatever nature) made in respect of the Licensee's use and occupation of the Premises and the conduct of the Works, except to the extent that the Claim arises because of the Owner's negligence or default.

## 6 Caveatable interest

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### 6.1 Owner acknowledgment

The Owner acknowledges that the Licensee will be undertaking works on the Premises prior to the Premises being dedicated to the Licensee by the Owner.

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**6.2 Charge**

The Owner grants to the Licensee a charge over the Premises (**Charge**) to secure the Licensee's interests in the Premises and the Narellan Sports Hub; and:

- (1) the Owner agrees that the Licensee may register a caveat over the title to the Premises in respect of those interests; and
- (2) the Licensee agrees that it will promptly on request provide its caveator's consent to the registration of any dealing which does not adversely affect the interest of the Licensee in the Premises.

**6.3 Release of Charge and withdrawal of caveat**

Simultaneously upon dedication of the Premises to the Licensee:

- (1) the Charge is released from the Premises; and
  - (2) the Council must ensure that any caveat lodged over the Premises is withdrawn.
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**Voluntary Planning Agreement - Annexure 13**

**Explanatory Note**

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**EXPLANATORY NOTE**  
**PLANNING AGREEMENT - HARRINGTON GROVE**

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**MARSDENS LAW GROUP**  
Level 1  
49 Dumaresq Street  
CAMPBELLTOWN NSW 2560  
Tel: 02 4626 5077  
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DX: 5107 Campbelltown  
Ref: 02 33 6824 JHM:JRT

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## EXPLANATORY NOTE

### 1 INTRODUCTION

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- (1) This Explanatory Note has been prepared in accordance with clause 25E of the *Environmental Planning & Assessment Regulation (NSW) 2000*.
- (2) The purpose of this Explanatory Note is to provide a plain English summary to support the notification of a draft planning agreement (**Draft Planning Agreement**) between the parties under s7.4 of the *Environmental Planning & Assessment Act (NSW) 1979 (EPA Act)* for the rezoning of land at Harrington Park.

### 2 PARTIES TO THE PLANNING AGREEMENT

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The parties to the Planning Agreement are:

- (1) The Council of Camden, ABN 31 117 341 764, of 37 John Street, CAMDEN NSW 2570 (**Council**).
- (2) Dandaloo Pty Limited, ABN 77 002 338 543, P O Box 42, NARELLAN NSW 2567 (**Developer**).

### 3 DESCRIPTION OF THE SUBJECT LAND

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- (1) The land to which the Planning Agreement applies (**Land**) is set out in the table below:

Folio Identifier	Location
3420/1105169	Harrington Park
101/1107591	Harrington Park

- (2) The Land, known as Harrington Grove, is a 440 hectare site located to the north and west of the existing Harrington Park development. It comprises Harrington Grove East, located between The Northern Road, Camden Valley Way and Cobbitty Road, as well as Orierton on the western side of The Northern Road.

### 4 DESCRIPTION OF THE DEVELOPMENT

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- (1) The Agreement relates to the subdivision of the Land and the carrying out of development for residential and urban purposes on the Land under the Harrington Grove East Development Consent and Harrington Grove West Development Consent (as defined in Annexure 1 of the Draft Planning Agreement) (**Developments**).

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- (2) The Harrington Grove East Development Consent means a consent or consents granted by the Council for approval of the development substantially as described in the Indicative Master Plan set out at Annexure 8 of the Draft Planning Agreement for a minimum of at least 77.53 hectares of land zoned 2(d) and 41.69 hectares of land zoned 7(d4) under the provisions of the New LEP (or the equivalent zoning under any new planning instrument that might be adopted by the Council for the Land following the signing of the Draft Planning Agreement).
- (3) The Harrington Grove West Development Consent means a consent or consents granted by the Council for approval of the development substantially as described in the Indicative Master Plan set out at Annexure 9 of the Draft Planning Agreement for a minimum of at least 44.78 hectares of land zoned 2(d), 19.91 hectares of land zoned 7(d4) and 13.70 hectares of land zoned 1(f) under the provisions of the New LEP (or the equivalent zoning under any new planning instrument that might be adopted by the Council for the Land following the signing of the Draft Planning Agreement).

## **5 DESCRIPTION OF PROPOSED CHANGE TO ENVIRONMENTAL PLANNING INSTRUMENT**

The Draft *Camden Local Environmental Plan No 138 – Harrington Park 2 (New LEP)* amends the *Camden Local Environmental Plan No 48* and *Camden Local Environmental Plan No 74*. The relevant effect of the New LEP is to rezone the Land to permit residential subdivision and residential development of parts of the Land. The specific aims, objectives, policies and strategies of the New LEP are set out in that document.

## **6 SUMMARY OF OBJECTS, NATURE AND EFFECT OF THE PLANNING AGREEMENT**

### **6.1 Objective of the Draft Planning Agreement**

The objective of the Draft Planning Agreement is to provide suitable funding for the provision of infrastructure, facilities and services (and the recoupment of costs previously expended by the Council in providing infrastructure, facilities and services) to meet the relevant needs generated by the urban development made permissible by the New LEP.

### **6.2 Nature of the Draft Planning Agreement**

- (1) The Draft Planning Agreement is an agreement between the Council and the Developer, made under s7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*, in relation to the Developments and the Land.
- (2) The Draft Planning Agreement is a voluntary agreement under which Contributions (as defined in Part 1 of Annexure 1 of the Draft Planning Agreement) are to be made by the Developer for various public purposes (as defined by s7.4(3) of the Act) in conjunction with the carrying out of the Developments (if consent is granted by the Council to either of the development applications for the Developments).

### **6.3 Effect of the Draft Planning Agreement**

The Draft Planning Agreement:

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- (1) relates to the carrying out by the Developer of the Developments on the Land made permissible by the New LEP,
  - (2) imposes obligations on the Developer to carry out works to protect and maintain the heritage sites which are the subject of proposed draft agreements known as the Harrington Park Heritage Agreement and the Orielton Heritage Agreement. Copies of the draft agreements are Annexures 3 and 4 to the Draft Planning Agreement,
  - (3) imposes obligations on the Developer to carry out works to protect and maintain bushland conservation sites. In particular, the Developer is required to: carry out the Harrington Grove East Bushland Conservation Works in accordance with the approved Harrington Grove CMS, the Harrington Grove East CMP if Council issues the Harrington Grove East Development Consent; and carry out the Harrington Grove West Bushland conservation Works in accordance with the approved Harrington Grove CMS and the Harrington Grove West CMP if Council issues the Harrington Grove West Development Consent,
  - (4) excludes the application of s7.11 and s7.12 of the Act to the Developments,
  - (5) requires monetary contributions as specified in Schedule 2 of Annexure 2 to be made towards a district library, branch Library, leisure Centre and s94 administration costs,
  - (6) requires the carrying out of works by the Developer as specified in Schedule 1 of Annexure 2 for the purposes of providing public facilities, including recreation facilities (**Works**),
  - (7) provides that if at the time a monetary is required to be made by the Developer under the Draft Planning Agreement, the council is not authorised by a contributions plan (within the meaning of the EPAA Act) to impose a condition under s7.11 of the Act in respect of the Developments requiring the payment of a monetary s7.11 contribution towards the same or a similar purpose as that for which the monetary is required to be made, the Developer is not required to make the monetary contribution under the Draft Planning Agreement,
  - (8) provides a timetable for the carrying out of the Works,
  - (9) provides a procedure for the rectification by the Developer of defects in the Works,
  - (10) provides a procedure for the handing over of the Works to the Council,
  - (11) requires the Developer to provide the Council with security for legal costs in the event that the Council is required to enforce the terms of the agreement,
  - (12) provides a dispute resolution method in respect of disputes under the Draft Planning Agreement,
  - (13) provides that the Draft Planning Agreement is not confidential,
  - (14) provides that the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to payments made under the Draft Planning Agreement, and

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- (15) provides that the Draft Planning Agreement is governed by the law of New South Wales.

## **7 ASSESSMENT OF THE MERITS OF THE PLANNING AGREEMENT**

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### **7.1 The Planning Purposes Served by the Planning Agreement**

The Draft Planning Agreement

- (1) promotes the conservation of natural resources, including natural areas and forests, for the purpose of promoting the social and economic welfare of the community and a better environment,
- (2) promotes and co-ordinates the orderly and economic use and development of land,
- (3) provides and coordinates community services and facilities in conjunction with the Developments, and
- (4) provides increased opportunity for public involvement and participation in environmental planning and assessment.

### **7.2 How the Planning Agreement Promotes the Public Interest**

The Draft Planning Agreement promotes the public interest by achieving the objects of the Act as set out in s1.3(a), (b), (c), (d), (g) and (j) of the Act.

### **7.3 For Planning Authorities**

- (1) Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities
  - (a) N/A
- (2) Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under Which it is Constituted
  - (a) N/A
- (3) Councils – How the Draft Planning Agreement Promotes the Elements of the Council's Charter
  - (a) The Draft Planning Agreement promotes the elements of the Council's charter by:
    - (i) directly providing, after due consultation, adequate, equitable and appropriate services and facilities for the community and ensuring that those services and facilities are managed efficiently and effectively,
    - (ii) promoting, providing and planning for the needs of children,

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- (iii) having regard to the long term and cumulative effects of its decisions,
  - (iv) allowing the Council to act as an effective custodian and trustee of public assets by allowing the Council to effectively account for and manage the assets for which it is responsible,
  - (v) raising funds for local purposes by requiring the payment of monetary contributions by the parties that create the need for infrastructure and services, and thus easing the financial burden on the community at large, and
  - (vi) keeping the local community and the State government (and through it, the wider community) informed about its activities.

**7.4 All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority’s Capital Works Program**

- (1) The Draft Planning Agreement requires that specified Works be carried out by the Developer for the purposes of providing public facilities, particularly recreation facilities.
- (2) These works are not included in the Council’s relevant current capital works program.

**7.5 The Impact of the Planning Agreement on the Public or Any Section of the Public**

The new population resulting from the Developments will generate the need for augmented or additional public services and public amenities. The Planning Agreement aims to deliver necessary infrastructure and services. This is considered to be a positive impact on the public. The Developer is also required to provide Contributions towards public facilities that could not otherwise have required to be provided under s7.11 or s7.12 of the Act in conjunction with the Developments. This is also expected to be a positive impact on the public.

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**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**

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**ORD04**

**Appendix 2**

(Clause 5)

**Schedules 1 and 2 and plans in Annexure 2 of  
Planning Agreement**

**Attachment 1**







**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**



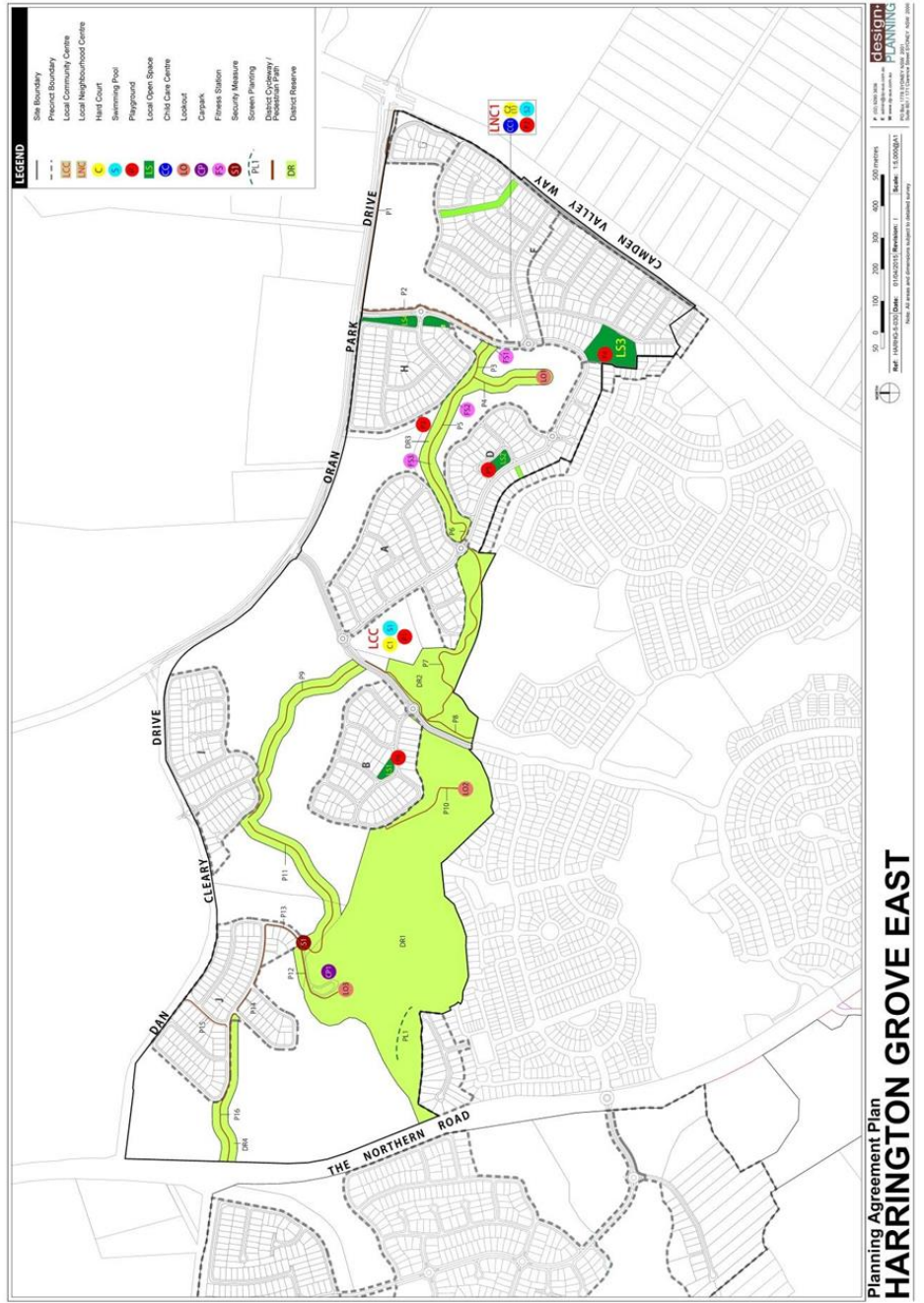
HARRINGTON GROVE – VOLUNTARY PLANNING AGREEMENT  
 09-Jul-19

SCHEDULE 2 FINANCIAL CONTRIBUTIONS	CONTRIBUTION (\$K AUD)	TOTAL CONTRIBUTION Approved	PROVISION	OWNERSHIP	ACCESS	DEFECTS LIABILITY PRICED	DESCRIPTION OF FACILITY
3.2 FINANCIAL CONTRIBUTIONS							
Direct Library	46.79	51,489	Paid on progressively with Sub. Certificates			Not applicable	Based on \$13.89/person * 3,719 persons / AU
Branch Library	392.38	431,629	Paid on progressively with Sub. Certificates			Not applicable	Based on \$115.96/person * 3,719 persons / AU
Lecture Centre	619.89	680,779	Paid on progressively with Sub. Certificates			Not applicable	Based on \$175.74/person * 3,911 persons / AU
SRM administration	330.36	363,336	Paid on progressively with Sub. Certificates			Not applicable	Based on \$207.42 / AU
Rates based on CH - A1 Groups Sydney Dec 2007 - 193.6	1384.42	1,527,262					
Norwalk Sports Hub		2,200,000	31 August 2015			Not applicable	

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**Harrington Grove Planning Agreement – Second Deed of Variation**  
**The Council of Camden**  
**Dandaloo Pty Limited**





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### **Appendix 3**

(Clause 6)

### **Explanatory Note**

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

### **Second Deed of Variation to the Harrington Grove Planning Agreement**

Under cl25C(3) of the *Environmental Planning and Assessment Regulation 2000*

#### **Parties**

**The Council of Camden** ABN 31 117 341 764 of 70 Central Avenue, Oran Park NSW 2570 (Council)

**Dandaloo Pty Ltd** ABN 77 002 338 543 of PO Box 42, NARELLAN NSW 2567 (Developer)

#### **Description of the Land to which the Second Deed of Variation Applies**

The Second Deed of Variation applies to the same Land the subject of the Planning Agreement.

#### **Description of Proposed Development**

The Second Deed of Variation relates to the same Development the subject of the Planning Agreement.

**Harrington Grove Planning Agreement – Second Deed of Variation**  
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## **Summary of Objectives, Nature and Effect of the Second Deed of Variation**

### **Objectives of the Second Deed of Variation**

The objective of the Second Deed of Variation is to amend the Planning Agreement to reduce the size of District Public Reserve DR7 from 12ha to 8ha, addition of the provision of a new lookout LO5 and the construction of a fence on adjoining privately owned land to delineate the boundary between the site of DR7 with the privately owned land. The Planning Agreement is also amended to update section references of the EPA Act.

### **Nature of the Second Deed of Variation**

This Deed is a deed of variation to the Planning Agreement under cl25C(3) of the Environmental Planning and Assessment Regulation 2000.

### **Effect of the Second Deed of Variation**

The Deed of Variation amends the Planning Agreement in the manner set out in clause 5 and Appendix 1 and 2 of this Deed.

## **Assessment of the Merits of the Draft Second Deed of Variation**

### **The Planning Purposes Served by the Second Deed of Variation**

The planning purposes served by the Second Deed of Variation are the same as those set out in the Planning Agreement.

### **How the Draft Second Deed of Variation Promotes the Public Interest**

The Second Deed of Variation promotes the public interest in the same manner set out in the Planning Agreement.

### **For Planning Authorities:**

#### ***Development Corporations - How the Deed of Variation Promotes its Statutory Responsibilities***

N/A

#### ***Other Public Authorities – How the Deed of Variation Promotes the Objects (if any) of the Act under which it is Constituted***

N/A

#### ***Councils – How the Second Deed of Variation Promotes the Guiding Principles for Councils in s8A of the Local Government Act 1993 (previously the Elements of the Council's Charter)***

**Harrington Grove Planning Agreement – Second Deed of Variation**  
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The Second Deed of Variation promotes the guiding principles for councils by:

- (i) Enabling the Council to manage land and other assets so that current and future local community needs can be met in an affordable way,
- (ii) Enabling the Council to work with the Developer to secure appropriate services for local community needs,
- (iii) Enabling the Council to actively engage with the local community through public notification of this Deed.

***All Planning Authorities – Whether the Second Deed of Variation Conforms with the Authority’s Capital Works Program***

The Second Deed of Variation requires that specified works be carried out by the Developer for the purposes of providing public facilities, particularly recreation facilities.

These works are not included in the Council’s relevant current capital works program. However, it is noted that the developer will make a financial contribution under the planning agreement toward the construction of recreation facilities at the Narellan Sports Hub site. This monetary contribution will part fund the works on this site, which Council will undertake in accordance with its capital works program.

***All Planning Authorities – Whether the Second Deed of Variation specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued***

This Second Deed of Variation does not specify that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued. However, the Planning Agreement does specify such requirements.