



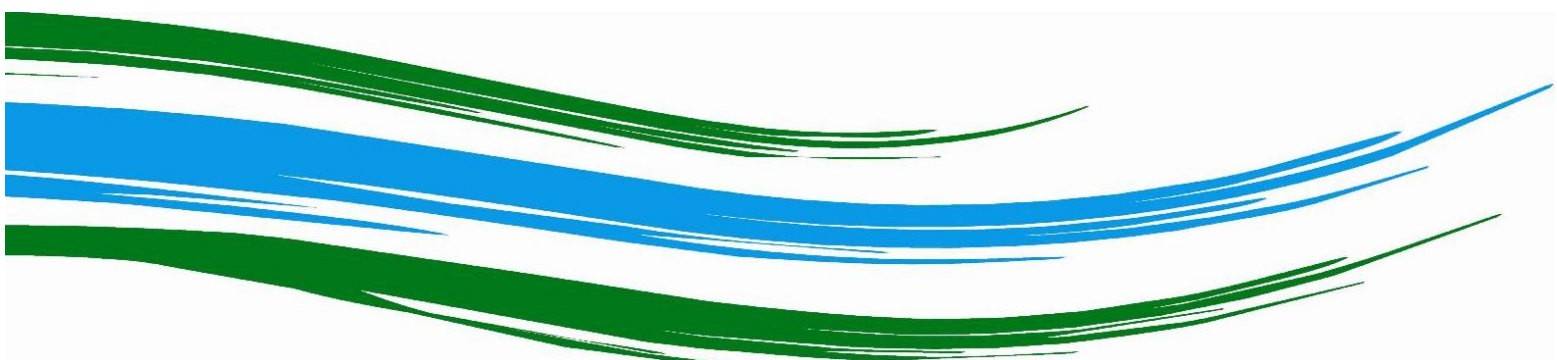
Camden Council

Attachments

Ordinary Council Meeting

28 July 2020

Please note due to COVID-19 restrictions this meeting is being held as a teleconference. The public can view the meeting via Council's webcast. A link to this webcast can be found on Council's webpage – <http://webcast.camden.nsw.gov.au/video.php>



ORDINARY COUNCIL

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Attachment 1

Planning Proposal Oran Park Town Centre

Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Version 2
March 2020

 70 Central Ave,
Oran Park NSW 2570

 PO Box 183, Camden 2570

 4654 7777

 DX 25807

 mail@camden.nsw.gov.au

 camden.nsw.gov.au

 4654 7829

 ABN: 31 117 341 764

Oran Park Town Centre Planning Proposal V2 – December 2019

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Oran Park Town Centre Planning Proposal V2 – December 2019

Executive Summary

The Oran Park Town project was rezoned in December 2007, has since grown to form a thriving new community of around 6,500 people, with over 3,100 approved residential dwellings / allotments. There has been major investment in key local infrastructure and services including the delivery of key sub-arterial roadways, major sporting facilities, two new schools, Stage 1 of the Oran Park Town Centre, including the Podium Shopping Centre, the Camden Council administration and library buildings within the Oran Park Town Centre.

Responding to Oran Park's growing needs, additional retail, commercial, leisure and housing choice is needed. The proposed expansion of the Oran Park Podium Shopping Centre (known as Oran Park Podium Stage 2A) will contribute to meeting this demand by delivering:

- Additional ground floor retail floor space to accommodate improved retail and leisure (restaurants/bars and the like)
- activities;
- A commercial building, comprising five levels above the ground floor retail; and
- A residential apartment component that will provide additional and more affordable housing product and a broadening of housing diversity with exceptional access to a great variety of retail, leisure, civic activities.

A key element of the residential component is the incorporation of 12 storey residential apartment building above ground floor retail at the corner of the proposed Main Street and Central Avenue. The proposed residential apartment building will become a focal point of the Town Centre, marking the confluence of leisure, civic, employment and residential activities.

To achieve this objective, this draft Planning Proposal seeks to amend the *Sydney Regional Growth Centres State Environmental Planning Policy 2006* (Growth Centre SEPP) to increase the maximum building height from 24m to 47m on part of the site to facilitate the development of a residential apartment building. The proposal also includes a minor zoning boundary amendment to align the western Town Centre boundary to development and cadastral boundaries.

Introduction

This Planning Proposal seeks to amend the building height to a specific area of the Oran Park Town Centre and rationalise the B2 Local Centre zone western boundary of the Town Centre to be consistent with current cadastral boundaries.

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The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP & A Act 1979) and guidelines published by the Department of Planning & Environment, namely 'A Guide to Preparing Planning Proposals' (August 2016) to ensure all matters requiring consideration are appropriately addressed.

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

The Planning Proposal will also ultimately involve a review of associated planning policies including the Oran Park Development Control Plan (DCP) and provision of open space as part of a review of the Oran Park Voluntary Planning Agreement (VPA). Discussion on these matters will occur as part of the 'post-gateway' process.

Locality and Site Description

Oran Park Precinct

The Oran Park Precinct is located within the South West Growth Area and is approximately 8 kilometres north-east of the Camden town centre, approximately 20 kilometres south-west of the Liverpool CBD and 10 kilometres north-west from Campbelltown (**Figure 1**).

The Oran Park Precinct incorporates a total land area of approximately 1,120 hectares, spanning land along both the eastern and western side of The Northern Road. The Precinct is currently planned to accommodate 7,500 new homes for around 22,000 new residents.

The Oran Park Town Project forms the major land holding within the precinct and encompassing a land area of approximately 596 hectares. Current planning is expected to deliver approximately 5,500 new homes upon completion of the project (approximately 73% of the total precinct).

Oran Park Town plays a significant role in helping to deliver new communities to meet predicted housing demand and fulfil self-containment and localised employment objectives espoused by the Greater Sydney Commission's Sydney Regional Plan and District Plan for Western Sydney.

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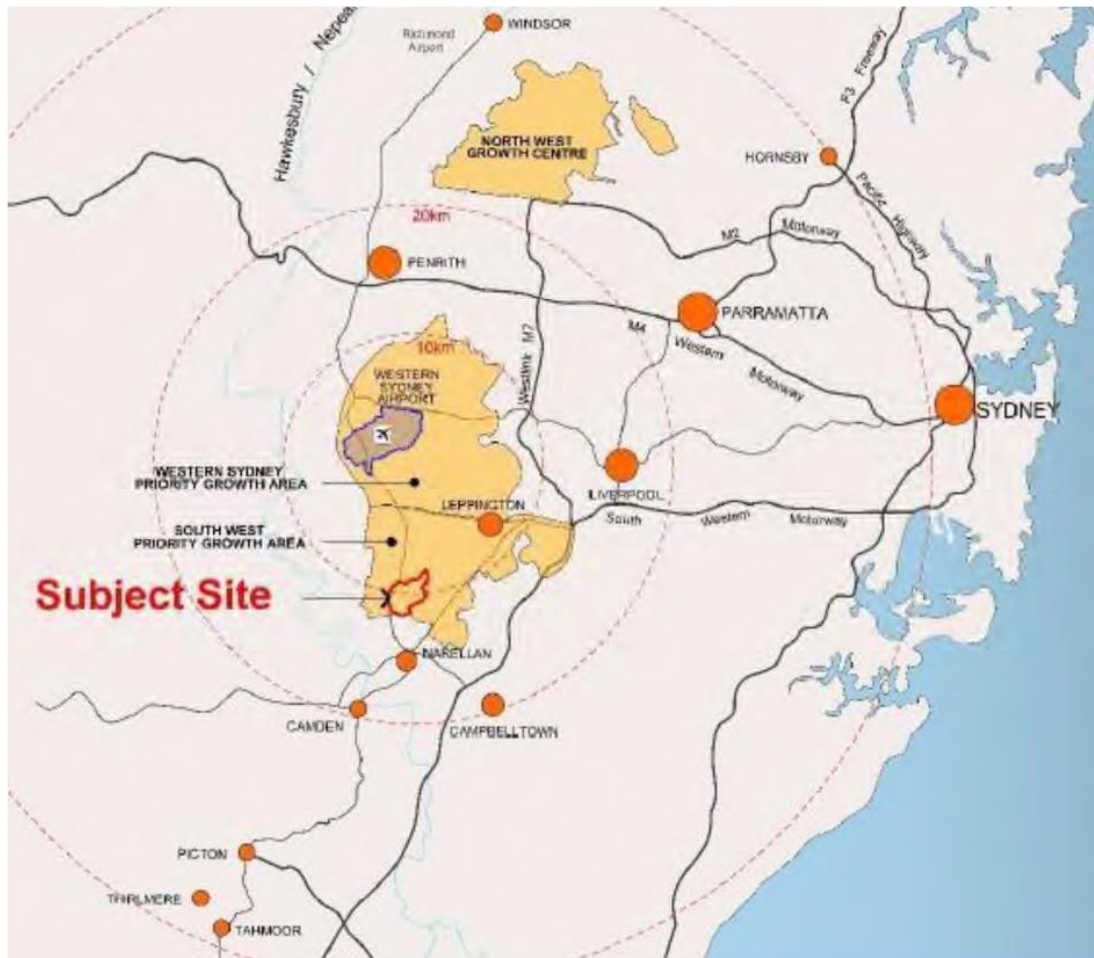


Figure 1 – Locality Map

Oran Park Town Centre

The subject land referred to as “the site” is located 351 Oran Park Drive, Oran Park and includes the following Lot and DPs:

- part of 351 Oran Park Drive, Oran Park (part of Lot 3 DP 270899);
- part of 341 Oran Park Drive, Oran Park (part of Lot 8 DP 270899);
- part of 76 Central Avenue, Oran Park (part of Lot 11 DP 270899);
- part of The Northern Road, Oran Park (part of Lot 9067 DP 1232285);
- part of 30 Podium Way, Oran Park (part of Lot 35 DP 1217280);
- part of 15 Revell Street, Oran Park (part of Lot 37 DP 1217280); and
- part of Revell Street, Lazich Lane and Podium Way, Oran Park.

The site (**Figure 2**) forms part of the Oran Park Town Centre which was rezoned in 2007 as part of the Oran Park and Turner Road Precinct Plan, Appendix 1 of the State Environmental Planning Policy (*Sydney Region Growth Centres*)2006 (Growth Centre SEPP).

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Oran Park Town Centre Planning Proposal V2 – December 2019

The Oran Park Town Centre is the commercial/civic hub of the precinct and is proposed to contain a maximum retail floor space of 50,000m² under current planning controls. Development within the town centre includes the Oran Park Podium (Stage 1); Council’s Administration Building, Library and commercial buildings currently under construction on Oran Park Drive.

The site is bordered by Peter Brock Drive to the south and the future extension of Dick Johnson Drive to the north and has previously been cleared of all vegetation.

Attachment 1



Figure 2 – Site Location Map

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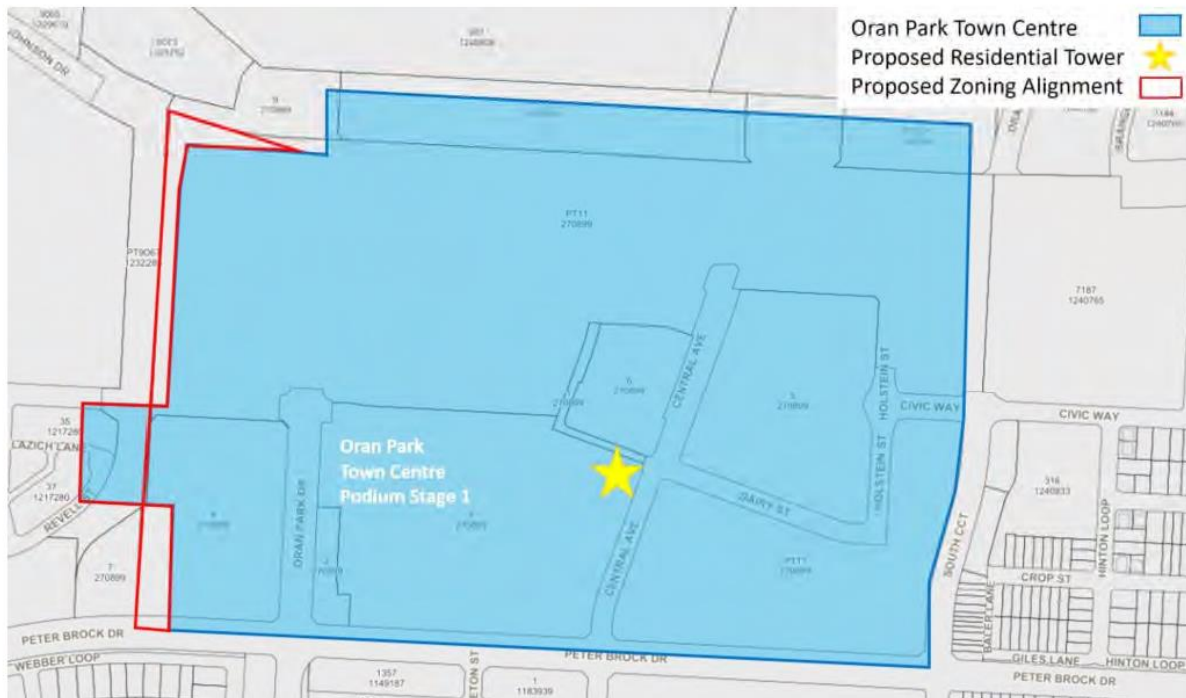


Figure 3 – Detailed Site Location featuring Lot and DP

The draft Planning Proposal for the site was lodged in October 2018 by Greenfields Development Company (the proponent), on behalf of the Leppington Pastoral Company. The Planning Proposal was lodged concurrently to the development application (DA) for Stage 2A of the Podium Shopping Centre (DA/1223/2018).

The DA proposes to deliver an additional 16,000m² of retail floor space, two residential apartment buildings (including one subject to the proposed height increase as part of the draft Planning Proposal) and a commercial building within the Oran Park Town Centre. The DA relies on the approval of the Planning Proposal.

The proposed 12 storey residential apartment building above the Podium level (shown as a yellow star in **Figure 2 & 3**) is located diagonally opposite the Council Administration Building. The proposed minor zoning boundary amendments are located along the western boundary and the north-western corner of the town centre (marked in red in **Figure 2 & 3**).

Strategic Context and Considerations

Housing Diversity and Demand

The South West Growth Area has experienced substantial growth over the past decade. Since rezoning, Oran Park grown to over 6,500 people, and over 3,100 approved residential dwellings / allotments.

Oran Park Town Centre Planning Proposal V2 – December 2019

Major investment in key local infrastructure and services including the delivery sub-arterial roads, major sporting facilities, two new schools, Stage 1 of the Podium Shopping Centre and civic building such as the Council Administration Building and Library has created increased demand for housing within the Precinct.

The delivery of residential apartment as part of Stage 2 of the Oran Park Podium Shopping Centre will see the introduction of a new housing typology in Oran Park. The apartment housing product that is proposed as part of the Stage 2 development includes a dwelling mix of one to four-bedroom apartments.

The introduction of residential apartments as identified above will broaden the housing choice within the Oran Park Precinct as well as providing the opportunity for future purchasers to enter the market at a more affordable price point (approximately 1520% less than current housing in Oran Park). Located within an accessible and high amenity precinct within the Town Centre, the residential component of the Stage 2 Podium development will over time become a desirable place to live for a range of household types and sizes.

Strategic Planning Decisions, Announcements & Investigations

Following the rezoning of the Oran Park Precinct in 2007, there has been several strategic regional planning decisions, announcements and reviews affecting the region by all levels of Government. The key announcements and land use planning decisions which have occurred following rezoning of the Oran Park Precinct include:

- Finalisation of Greater Sydney Region Plan 2056 and Western City District Plan.
- Release of the Western Sydney City Deal to enable the delivery of key infrastructure, employment opportunities, education facilities and housing across the Western City District.
- Creation of the Western Sydney Growth Area involving extension of the Western Sydney Employment Area to capture industry associated with the Western Sydney Airport.
- Release of Discussion Paper in relation to the future North South Rail Line, including proposed station to be located within Oran Park Town Centre.

These announcements will influence the role and function of the Oran Park Town Centre over the long term, particularly in the quantum, type, location and delivery of employment and housing opportunities within South West Sydney and Oran Park Town.

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Part 1 – Objectives and Intended Outcomes

The primary objectives of this Planning Proposal are:

- To amend the building height limits at a specific and appropriate location within the Oran Park Town Centre, supporting the delivery of a landmark building that will be the focal point of the Town Centre;
- To rationalise the B2 Local Centre Zoning to correspond with current cadastral boundaries and reflect logical land use boundaries;

The amendments proposed in this Planning Proposal will see:

- an increase in the Height of Building controls for a small portion of the Town Centre from 24m to 47m;
- a minor amendment to realign the western boundary of the B2 Local Centre Zone.

The land which is subject to this Planning Proposal is shown in **Figure 4**.

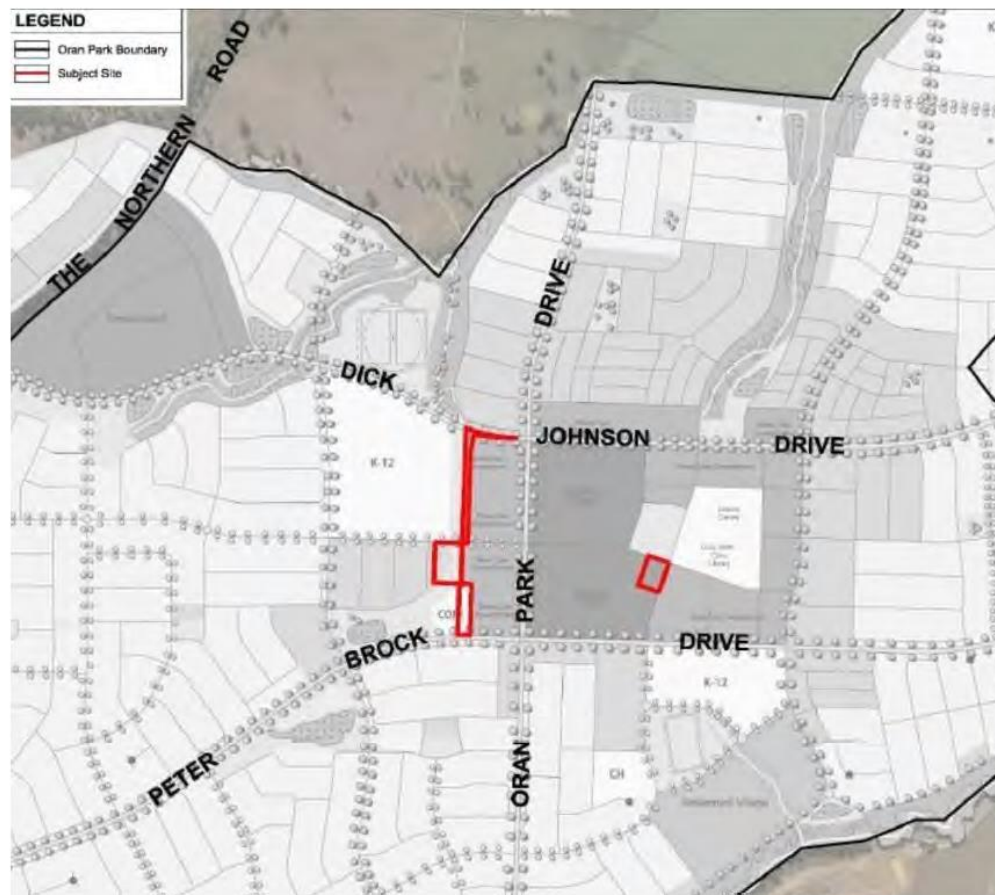


Figure 4 – Land subject to the Planning Proposal

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Proposed Building Height Changes

This Planning Proposal seeks to amend the permitted Height of Building from 24m to 47m in a confined location to facilitate the development of 56 additional residential apartments above the permitted height of building controls.

There are several benefits of the increased height at the proposed location, which include the following:

- Creation of a landmark building that acts as the focal point for the Town Centre,
- Provision for a diverse range of housing types, particularly apartment housing, creating the opportunity for an increased level of housing diversity and affordability.
- Providing housing that is accessible to local services and amenities (i.e. civic, residential, leisure, retail and employment activities)
- Strengthening social interaction by providing more residents at the heart of the Oran Park Town Centre;
- Promoting activation of the Town Centre (i.e. Increase in usage of the public domain and Town Park) a popular and safe environment across the day and in the evenings; and

The specific location of the proposed height increase is to accommodate an iconic tower element has been carefully considered in the context of the Town Centre and the positive built form and social benefits it will foster. As such the proposed height increase is appropriate for the specific site and overall context of the Town Centre.

The additional 56 dwellings above the existing residential density of the Oran Park Town Centre will require additional public open space for public use. This space has been identified by the proponent and will form part of a future amendment to the Oran Park VPA.

Proposed Minor Zoning Changes

The proposal also seeks to align the western zoning boundary between B2 Local Centre and R3 Medium Density Residential zoning to better align with cadastral boundaries and approved development.

The amendment to the B2 Local Centre zone boundary will also require consequential amendments to a number of associated maps, including the Special Areas Map and Lot Size Map. The Height of Building Map will also be amended in this regard, ensuring that the height controls are consistent with the Town Centre boundary.

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The DPIE Gateway Determination conditioned any draft DCP controls required to support this Planning Proposal be concurrently publicly exhibited.

The Oran Park DCP sets out controls for apartment buildings within the permitted height limit including setbacks, parking ratios and the provision of communal open space. These have previously been applied to residential apartment buildings in Oran Park.

Further controls within the *SEPP 65 – Design Quality of Residential Flat Development* (SEPP 65) are referenced in the Oran Park DCP. The development application for the apartment building would be required to demonstrate it meets the 9 design quality principles within Schedule 1 and the *Apartment Design Guide*.

After Council officer review, the current Oran Park DCP controls used for the assessment of a development application are deemed adequate and this Planning Proposal does not require any amendment to the Oran Park DCP.

Part 2 – Explanation of Provisions

The site is located within the Oran Park Precinct of the South West Growth Area (SWGA) and is zoned B2 Local Centre and R3 Medium Density Residential under the Growth Centres SEPP.

The draft Planning Proposal seeks to amend the following Growth Centres SEPP Maps:

- Land Zoning (LZN_004);
- Height of Buildings (HOB_004);
- Minimum Lot Size (LSZ_004); and
- Special Areas (SAM_004).

The SEPP maps identified above are required to be amended due to proposed changes to the B2/R3 zones. The proposed amendments increase 1,300m² of B2 Local Centre zoned land and a corresponding decrease in R3 Medium Density Residential zoned land along with corresponding minimum lot size, Special Areas and Height of Building amendments for consistent development controls.

The proposal additionally requires the increase of the permitted building height from 24m to 47m (from 5 storeys to 12 storeys above the Podium) for the portion of land diagonally opposite the Council Administration Building.

Comparison maps of existing and proposed zoning and maximum building height SEPP maps are shown in **Part 4** of this Proposal.

The provision of 3000m² of continuous open space located on the corner of Oran Park Drive and Peter Brock Drive, has been offered to meet the provisions of open space

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required by the increased density associated with this Planning Proposal, and is discussed further below.

Part 3 – Justification

This section addresses the need for the proposed amendments, identifies the background studies undertaken, and details why the Planning Proposal is the best approach.

Background

The proponent is committed to providing facilities and services to the community early in order to encourage walkable communities and greater level of local self-containment. Stage 1 of The Podium Shopping Centre was delivered to facilitate convenient access to retail and business services, enabling local businesses to build a local presence, as well as helping residents to achieve a work/life balance by providing retail and office space close to where they live.

Stage 2 of the Podium development will provide the community with further access to retail and commercial opportunities, in addition to providing apartment style housing with access to high amenity within the context of the Town Centre. The residential component will broaden the diversity and affordability of housing within Oran Park.

The key design principles to influence the final design outcome and delivery of the Stage 2 Podium development are:

- A landmark development within the Town Centre that visually anchors the Main Street and the Civic Node.
- A distribution of height and density that will help to activate the Civic Precinct and support the retail centre, generating local job opportunities and increased amenity.
- Reinforcing a connected and walkable town centre, with pedestrian linkages to Stage 1, future developments and the Town Park.
- A vibrant ground level with active edges fostering the interaction between the public domain and the retail centre. Weather protected outdoor spaces for café and restaurant dining connect the retail to the public domain.
- Reinforcing the Town Centre as a place for social gathering and community interaction.

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- Bringing the outside in through naturally ventilated winter garden connecting a proposed “Market Place” to the Town Park.
- A vibrant community of diverse social interactions through a variety of apartment typologies and communal open space.

These principles have informed the design process to create a balanced, appropriately proportioned and architecturally superior built form outcome. This includes the following elements:

- Ground level podium retail floor area that links to Stage 1;
- Two residential apartment buildings above the ground floor retail podium fronting Main Street, comprising one building 5 levels above the podium and a residential tower 12 levels above the podium;
- One commercial building, comprising four levels of commercial/office space above the retail podium providing 4,500m² of net lettable area;
- Two residential flat building apartments fronting Central Avenue, ranging from 5 to 7 levels; and
- Parking associated with the retail/commercial and residential land use components of the development.

These elements will deliver a built form outcome and will ensure that proposed 12 storey residential apartment above The Podium will provide the focal point of the Town Centre with the confluence of retail/commercial, leisure, civic and residential activities.

Massing diagrams to illustrate the evolution of the built form outcome are demonstrated in **Figures 5-7** and have been prepared in accordance with the requirements of *State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development* (SEPP 65) and *Apartment Design Guide* (ADG).

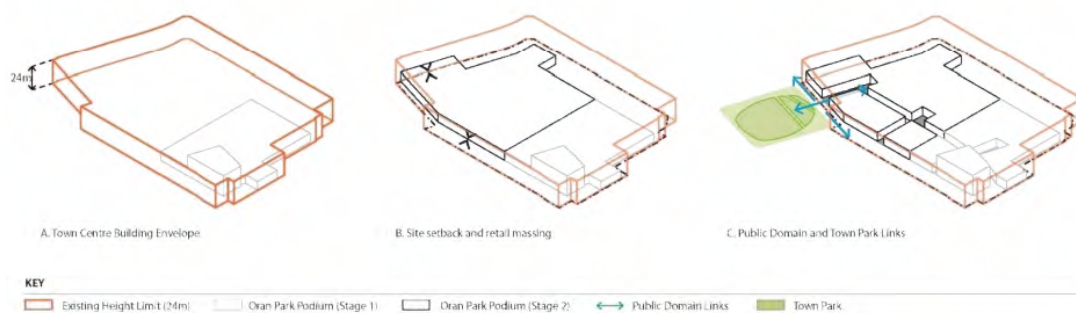


Figure 5 – Site Capability – Current Controls

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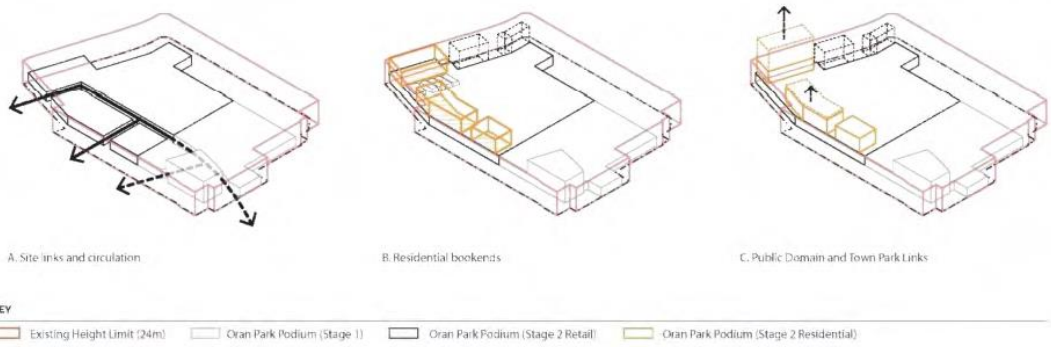


Figure 6 – Site Capability – Height and Density Investigation

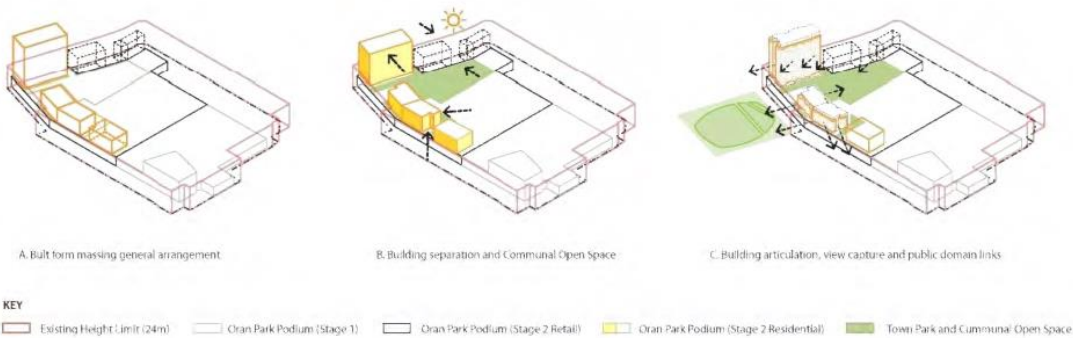


Figure 7 – Site Capability – Built Form and Public Domain Connectivity

The massing diagrams illustrate the built form design for the Stage 2 Podium Shopping Centre development, and the relationship of the retail component, the residential apartments, and the public domain.

There is a potential dwelling yield of 230 residential apartments based on a mix of 1, 2, 3 and 4-bedroom apartments across the Stage 2 Podium expansion area. This includes the 56 dwellings as a result of the increase in height proposed by this Planning Proposal.

Given the context of the residential apartment building, the increased height at this location presents the opportunity to provide a prominent landmark building, providing a marker to the focal point of the Town Centre, drawing people to the civic, leisure and retail and other employment activities.

The proposed height increase results additional public open space to be provided. This item is discussed in more detail in Section C of the Planning Proposal.

3.1 Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

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This Planning Proposal is not a result of any Strategic Study or Report. The amendments proposed in this Planning Proposal are a result of a review of the cadastral boundaries and land uses on the ground and an urban design review process to establish a positive built form outcome within the Town Centre.

The Planning Proposal is consistent with the directions, strategies and actions outlined in the NSW Governments recent strategic planning policies, including the Greater Sydney Region Plan, and the Western City District Plan.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This Planning Proposal is the best means of achieving the intended outcomes for the development of a 47m residential apartment building. The proposed variation in building height would not be supported under a Section 4.6 - Variation Exception to Development Controls under the Growth Centres SEPP.

The proposed Height of Building amendment to the Growth Centres SEPP is to enable a more diverse range of housing typologies within the Oran Park Town Centre. The proposed western boundary zoning alignment will align with approved development and cadastral boundaries.

The proposed amendments are supported by the Camden Local Planning Panel, and Council.

3.2 Section B – Relationship to Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The objectives and directions of the Greater Sydney Regional Plan & Western City District Plan applicable to the Planning Proposal have been addressed at **Appendix 3** of this report.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

[Camden Local Strategic Plan](#)

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The Community Strategic Plan was adopted by Council in June 2017, and guides economic development, environmental management, and social well-being within the community.

Key Direction 1 – Actively Managing Camden LGA's Growth

The proposal provides appropriate urban development in the form of apartment dwellings in close proximity to commercial activities and community services.

Key Direction 3 – A Prosperous Economy

The proposal facilitates the expansion of Stage 2 of the Oran Park Podium, providing Oran Park residents with greater accessibility to retail, commercial activities, employment and leisure opportunities. The expansion of the Podium will also provide additional opportunities local businesses that service the community.

The proposal is consistent with the Community Strategic Plan 2017.

[Camden's draft Local Strategic Planning Statement](#)

The Camden Local Strategic Planning Statement is currently on exhibition until 17 August 2019. This document outlines the future strategic direction for Council and is comprised of four core themes: Infrastructure, Liveability, Productivity and Sustainability.

Local Priority Liveability 1 – Providing housing choice and affordability for Camden's growing and changing populations.

The proposed residential apartment building supports community needs by providing additional residential accommodation in close proximity to community services for various members of the community. These residential apartments will likely be comparably more affordable than the more common detached dwellings within Oran Park.

Local Priority Liveability 3 – Providing services and facilities to foster a healthy and socially connected community.

The draft Planning Proposal supports a socially connected community through greater accessibility to the town centre for residents. The additional provision of open space through a VPA that will further enhance the community social network and connectivity.

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Local priority Productivity 1 – Increasing the quantity and diversity of local jobs, and improving access to jobs across the Western City District

The draft Planning Proposal will form part of the Oran Park Podium Stage 2 development, expanding the existing retail space within the Town Centre. This additional space will provide additional retail and commercial space for a range of employment opportunities in addition to services that support these opportunities.

Local Priority Productivity 2 – Encouraging successful centres through a clearly defined centres hierarchy

Oran Park has been identified as a Town Centre, providing a mix of co-located uses such as retail, civic, commercial office and residential serving the wider local government area and supporting strong job growth in some sectors.

The draft Planning Proposal is consistent with the relevant Local Priorities within the LSPS.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The relevant SEPPs including deemed SEPPs have been addressed at **Appendix 4** to this report.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 Directions)?

The s9.1 Ministerial Directions applicable to the Planning Proposal have been addressed at **Appendix 5** of this report.

3.3 Section C – Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is subject to biodiversity certification under the Growth Centres SEPP. The site contains no native vegetation, or habitat for threatened species and is not located on any identified riparian protection areas (**Figure 8**). The proposal is unlikely to affect threatened species and ecological communities.

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Figure 8 – Riparian and native vegetation surrounding the site

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The proposed amendments will not create any undue environmental effects. Potential stormwater quantity and quality impacts will be largely unchanged from the current circumstances as a result of the Planning Proposal.

The proposal is not subject to natural hazards such as flooding, bushfire or landslip. A Stage 2 contamination report was completed in 2012 over the site and found the site suitable for residential development. The site has remained as vacant land to date.

Q9. Has the planning proposal adequately addressed any social and economic effects?

A visual impact assessment was conducted to review potential impacts of the proposed height increase of the apartment building. The assessment reviewed 12 sites within the Oran Park Town Centre, up to 500m from the proposed location of the apartment building. The assessment shows there will be a visual impact, and this is considered

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acceptable given the context of the site within the Oran Park Town Centre and that the apartment building is intended on being a focal point of the Oran Park Town Centre.

The site contains no heritage items with the nearest item over 1km away (**Figure 9**). The Visual Impact Assessment also demonstrates the proposed height increase will not have any visual impact on the heritage items. On this basis, no heritage impact assessment has been required.

The shadow diagrams provided show adjoining sites are affected by the increased height of the proposed apartment tower, in particular, the adjoining site to the East. However, the impact will not prohibit any potential development on an adjoining site from achieving a minimum of 3 hours of solar access on June 21.

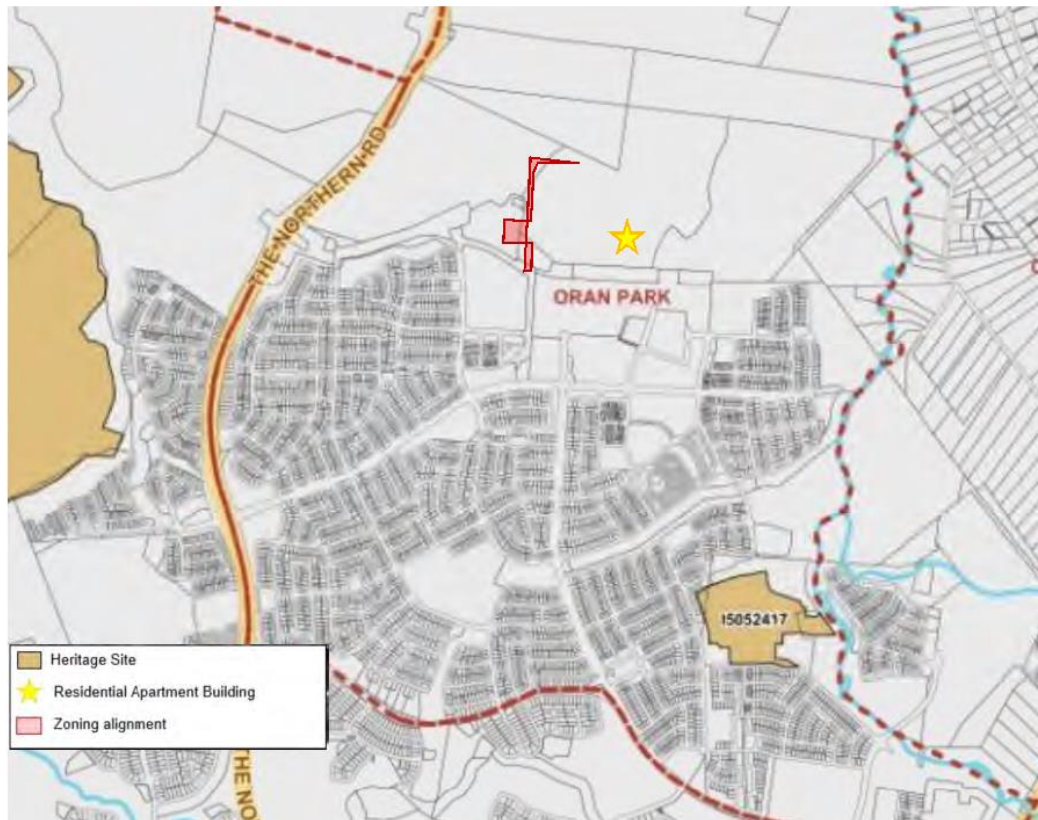


Figure 9 – Heritage Items surrounding the site

While the proposed amendments apply to specific areas of the Town Centre, the overarching outcome will be the delivery of improved public realm, retail and commercial opportunities, in addition to a broader and more affordable range of housing choice with access to more open space. The Stage 2 Podium Shopping Centre development will provide greater commercial and retail floor space, improving the ability for local employment opportunities.

The proposed amendments will be both socially and economically beneficial to the community.

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3.4 Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

Transport

A traffic report has been prepared in support of the draft Planning Proposal. The report considers the impact of the proposed increase in residential development on the local traffic network.

The traffic report concludes there is no significant impact on the existing road network and recommends the extension of two right-turn lanes to support additional traffic queueing on adjoining intersections.

The site is also located near the proposed North South rail corridor (refer **Figure 10**), which includes a proposed station located near the Oran Park podium. This will facilitate additional bus services and add to the public transport accessibility of the site.



Figure 10 – Proposed North South Rail Corridor

Public Open Space

The proposed residential apartment building will be a maximum of 7 storeys above the current height controls. This will deliver an additional 56 dwellings (or 101 people) above the current building height limit.

Given the increase in population, the proponent has proposed to provide a 3,000m² parcel as shown in **Figure 11**. This is currently identified as temporary open space

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(south east corner of Oran Park Drive and Peter Brock Drive) but is proposed to be dedicated to Council as a permanent open space.

The proposed open space is in excess of the area needed as a result of the additional 56 dwellings and meets minimum council standards of local open space requirements. This space is also in addition to the communal open space that will be provided as part of the delivery of the Stage 2 Podium Shopping Centre.

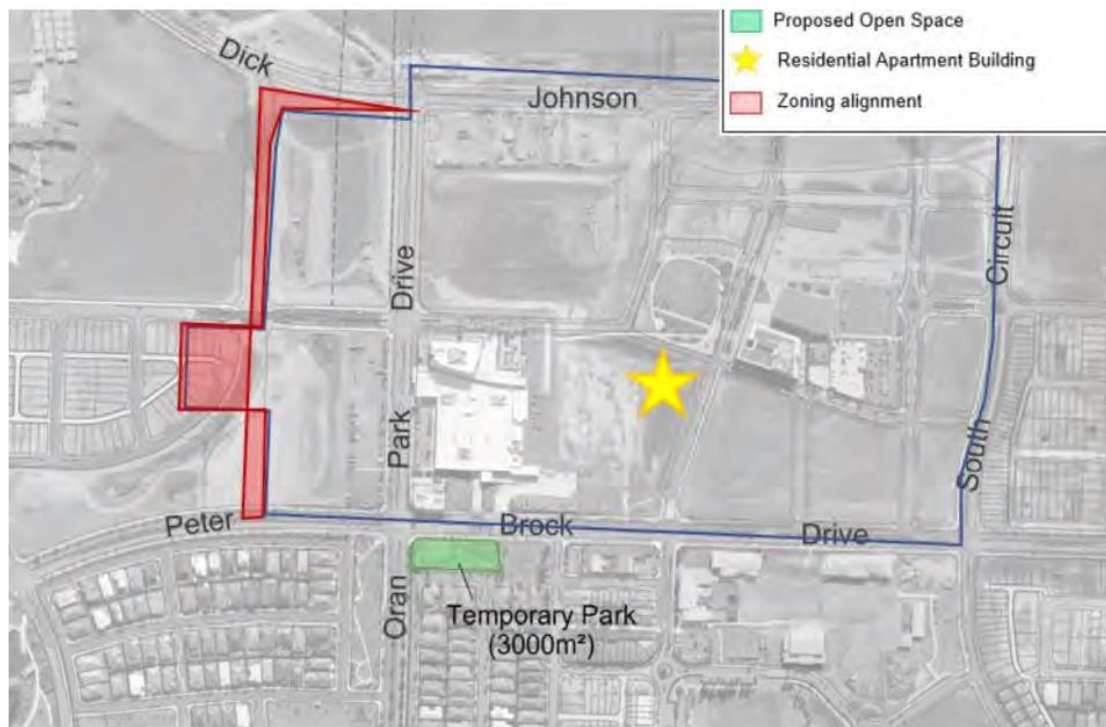


Figure 11 – Proposed Public Open Space

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth agencies has been carried out to date. Council will consult with relevant public agencies as directed by the Gateway Determination.

Part 4 – Mapping

The Planning Proposal seeks to increase the height of building on approximately 2900m² of the site from 24m to 47m. The proposal also seeks to align the western boundary between the B2 Local Centre zone (5,900m²), and the R3 Medium Density Residential zoning (7,200m²). The Height of Building, Minimum Lot Size, and Special Areas maps will be amended to maintain a consistent development standard

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associated with B2 Local Centre and R3 Medium Density Residential land use zoning (Figures 12-19).

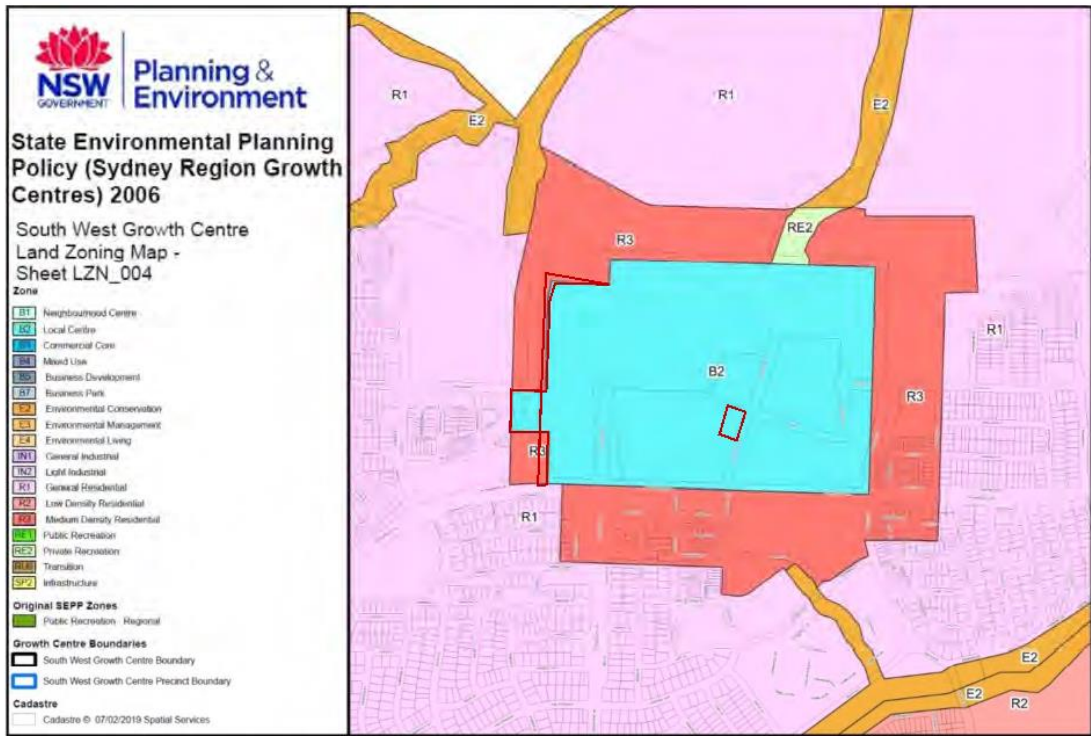


Figure 12 – Existing Land Use Zoning Map

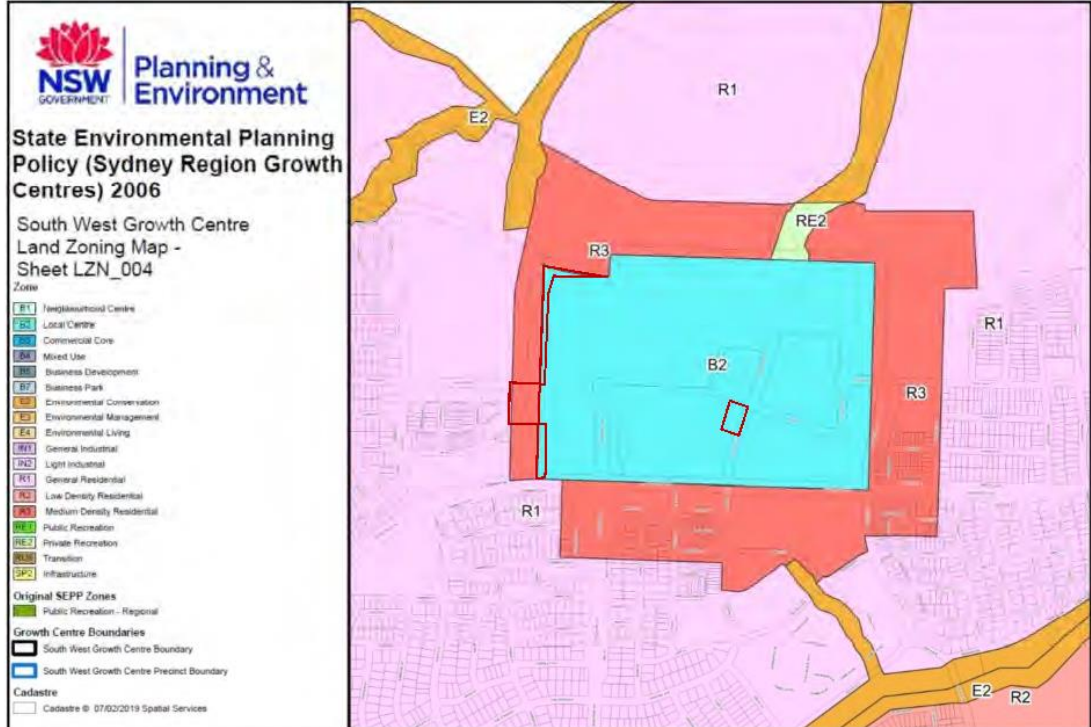


Figure 13 – Proposed Land Use Map

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Figure 14 – Existing Height of Building Map



Figure 15 – Proposed Height of Building Map

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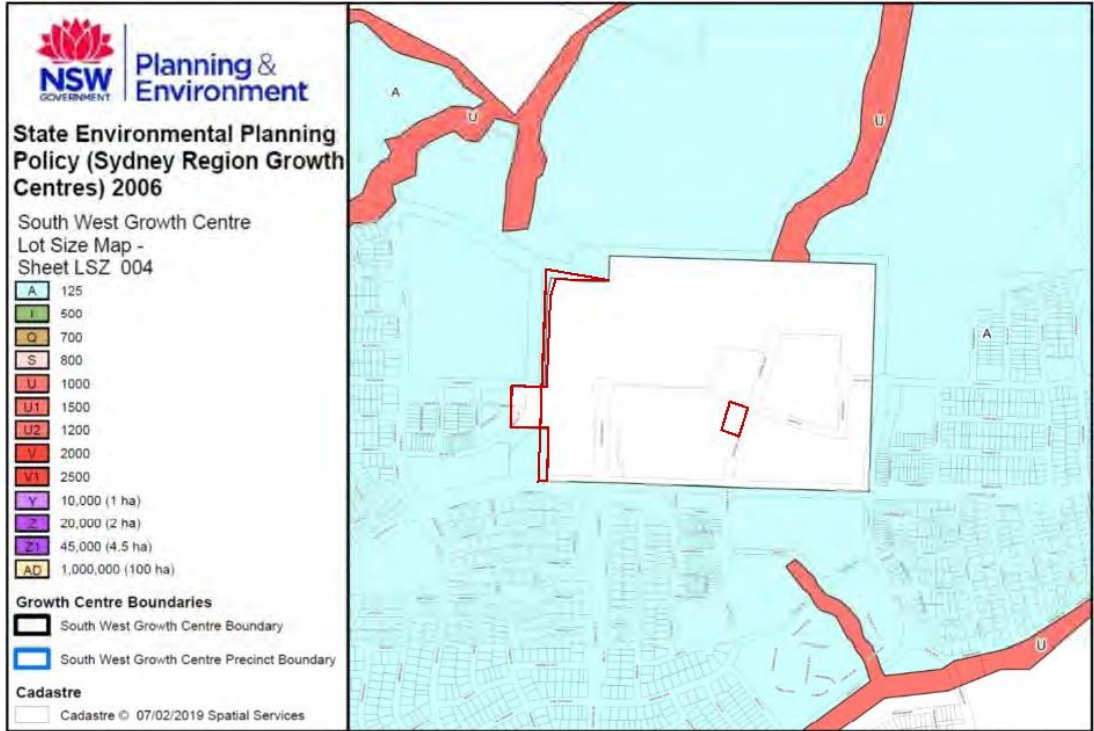


Figure 16 – Existing Minimum Lot Size Map



Figure 17 – Proposed Minimum Lot Size Map

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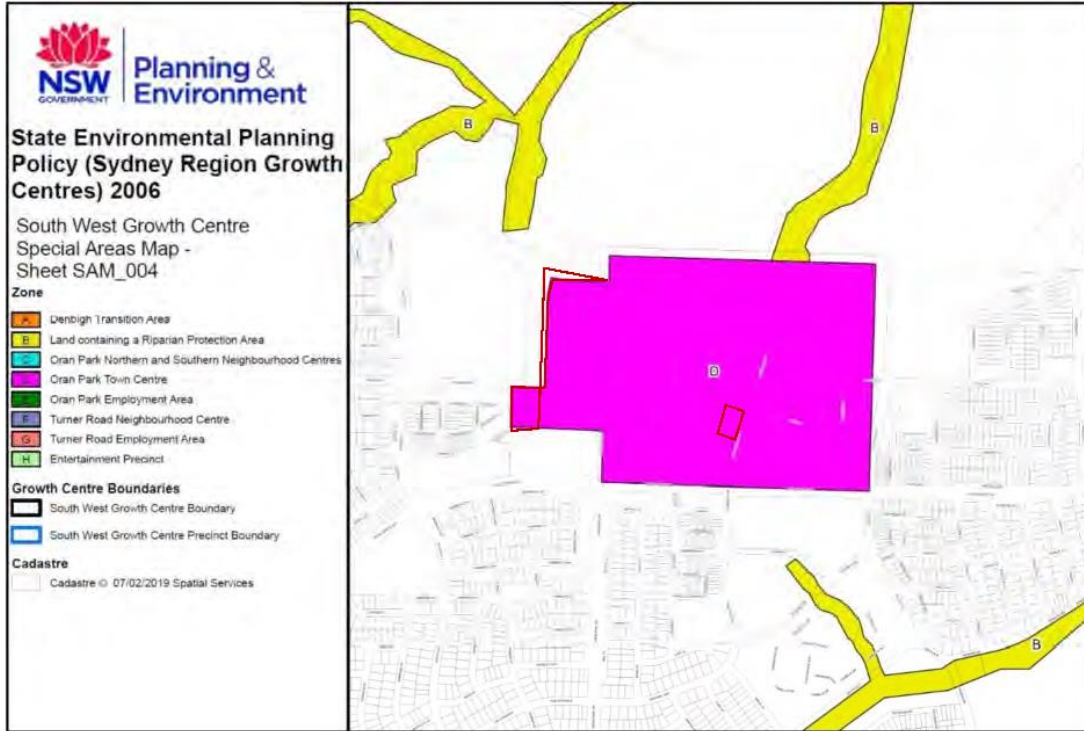


Figure 18 – Existing Special Used Map

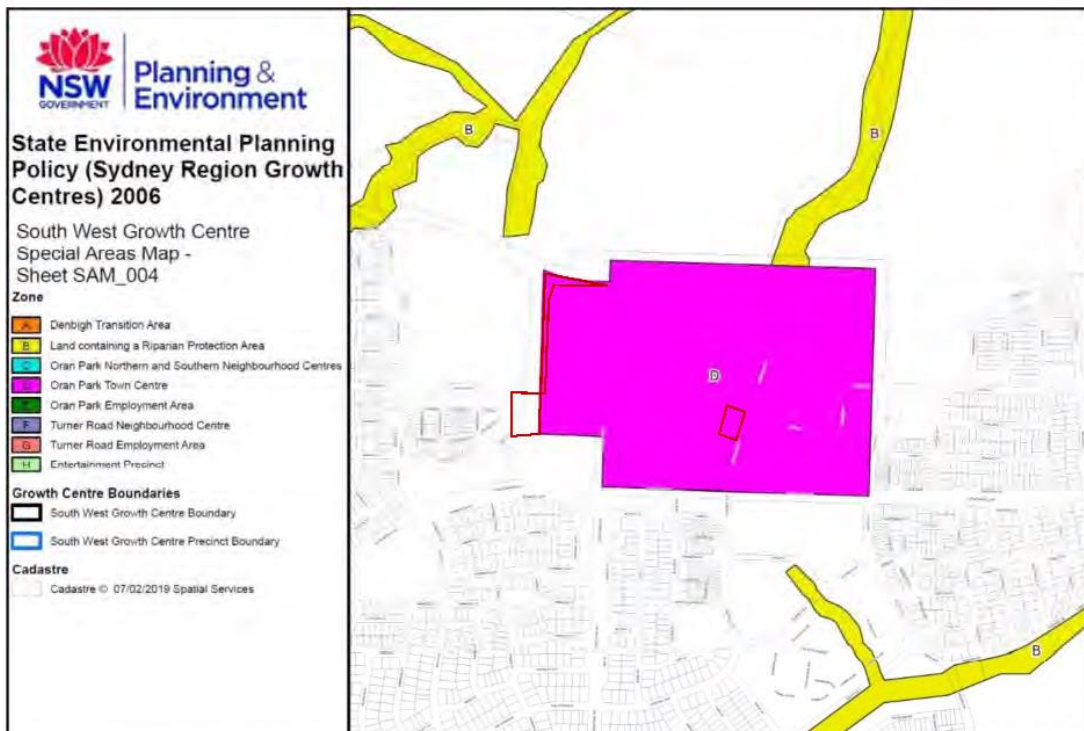


Figure 19 – Proposed Special Uses Map

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Part 5 Community Consultation

The draft Planning Proposal was placed on initial notification for a period of 28 days from 7 November to 6 December 2018. Initial notification occurred at the same time as the exhibition of the DA for Oran Park Podium Stage 2A (DA/1223/2018).

Five submissions were received, including two objections and three submissions in support. The issues raised in the submissions included:

- Support for apartment living near additional retail and public services;
- Support for additional employment and commercial opportunities;
- Concerns regarding proposed height of building including protection of privacy and loss of suburban identity; and
- Concerns regarding impacts of increased density on local roads and infrastructure such as public transport and schools.

A formal public exhibition period will occur subject to endorsement of the draft Planning Proposal and the receipt of a favourable Gateway Determination from DPIE.

Submitters to the initial notification stage will be advised of any future public exhibition.

Part 6 Project Timeline

Anticipated commencement date (date of Gateway Determination)	November 2019
Anticipated timeframe for the completion of required technical information	January 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	December 2019 – January 2020
Commencement and completion dates for public exhibition period	January - February 2020
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	February – March 2020
Timeframe for the consideration of a proposal post exhibition	April 2020
Date of submission to the department to finalise the LEP	April - May 2020
Anticipated date RPA will make the plan (if delegated)	May – June 2020
Anticipated date RPA will forward to the department for notification	June 2020

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Part 7 Conclusion

The draft Planning Proposal seeks to increase the maximum building height for a portion of 351 Oran Park Drive, Oran Park to accommodate an additional 56 residential apartments above the permitted height limit. The proposal also seeks to amend the zoning along the western boundary of the Town Centre.

The Planning Proposal has been prepared in accordance with Section 3.33 of the EPA Act 1979. Amendments to the Growth Area SEPP maps (LZN_004; HOB_004; LSZ_004 and SAM_004) is the most appropriate method to achieve the objectives of this Planning Proposal.

The Planning Proposal will have a positive outcome for the community and complement the existing land use of the surrounding area and demonstrates planning merit as follows:

- The proposal will not result in any adverse impacts on adjoining properties (i.e. overshadowing) and will provide a visual landmark for the Town Centre;
- The proposed building height increase provides residential development with direct access to local services and amenities;
- The increase in height will provide additional residential dwellings and contribute towards housing diversity in the Oran Park Town Centre;
- The proposal will align the zone boundary with approved development and cadastral boundaries;
- The proposal is generally consistent with the relevant objectives of Region, District and local strategic plans; and
- The Planning Proposal meets adequate open space requirements to support community needs.

Based on the above, a Gateway determination was issued on 26 November 2019 by DPIE subject to reasonable and relevant conditions. These conditions to date have been met.

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Part 8 Appendices

Appendix 1: Camden Local Planning Panel Minutes 16 April 2019

Appendix 2: Council Report and Minutes 25 June 2019

Appendix 3: Greater Sydney Regional Plan - Directions and Objectives & Western City District Planning Priorities and Objectives

Appendix 4: Consistency against State Environmental Planning Policies

Appendix 5: s9.1 Ministerial Directions

Appendix 6: Proposed Architectural Drawings

Appendix 7: Scott Carver Design Report – October 2018

Appendix 8: AECOM Oran Park Town Centre: Revised master Plan Traffic Report – September 2018.

Appendix 9: Gateway Determination 26 November 2019

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Appendix 1: Camden Local Planning Panel Minutes 16 April 2019

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Appendix 2: Council Report and Minutes 25 June 2019

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Appendix 3: Greater Sydney Regional Plan - Directions and Objectives & Western City District Planning Priorities and Objectives

Greater Sydney Regional Plan - Directions and Objectives		
Objective	Consistency	Comment
Infrastructure and Collaboration		
Objective 1 – Infrastructure supports the three cities	Yes	The proposal is not inconsistent with the future development of the proposed North South rail corridor.
Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	Yes	The proposal is not inconsistent with the delivery of infrastructure that aligns with forecast growth.
Objective 3: Infrastructure adapts to meet future needs	Yes	The proposal is not inconsistent with the delivery of adapting to future infrastructure needs
Objective 4: Infrastructure use is optimised	Yes	The proposal does not inhibit the optimisation of local infrastructure
Objective 5: Benefits of growth realised by collaboration of governments, community and business	Yes	The proposal is not inconsistent with the vision of the Western Sydney City Deal, collaboration with DPIE, Greater Sydney Commission, Urban Growth or Landcom.
Liveability		
Objective 6: Services and infrastructure meet communities changing needs	Yes	The proposal supports community needs by providing additional residential accommodation in close proximity to community services
Objective 7: Communities are healthy, resilient and socially connected.	Yes	The proposal supports connected places through 3000m ² of open space offered through VPA, and provides additional residential accommodation in close proximity to community services encouraging walkability
Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	Yes	The proposal does not inhibit cultural diversity
Objective 9: Greater Sydney Celebrates the arts and supports creative industries and innovation	Yes	The proposal does not inhibit innovation, arts and creative industries.
Objective 10: Greater housing supply	Yes	The proposal provides an additional 56 residential apartment dwellings.
Objective 11: Housing is more diverse and affordable	Yes	The proposal provides residential apartments, a diverse housing product for the area. The proposal does not inhibit the delivery of affordable housing by state agencies.

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Objective 12: Great Places that bring people together	Yes	The proposal supports connected places through 3000m of open space offered through VPA, providing opportunity for social interaction.
Objective 13: Environmental heritage is conserved and enhanced	N/A	The site contained no environmental heritage features.
Productivity		
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30minute cities	Yes	The proposal provides additional housing in a walkable proximity to community needs such as employment and commercial activity.
Objective 17: Regional transport is integrated with land use	Yes	The proposal does not inhibit the delivery of future transport needs such as the proposed North South rail corridor.
Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	Yes	The proposal does not inhibit the delivery of objective 20.
Objective 22: Investment and business activity in centres	Yes	The proposal provides residential accommodation in close proximity to local employment and commercial activities.
Objective 23: Industrial and urban services land is planned retained and managed	No	The proposal provides residential accommodation in B2 Local Centre zoning. The development is in conjunction with the wider podium stage 2 expansion aimed at delivering additional retail and commercial spaces.
Sustainability		
Objective 26: A cool and green parkland city in the South Creek corridor	N/A	The proposal does not impact the South Creek corridor
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	N/A	The site contains no native vegetation
Objective 28: Scenic and cultural landscapes are protected	Yes	<p>The proposed residential town is not located on land with scenic or cultural value.</p> <p>The building will be a visual landmark for Oran Park Town Centre and a visual analysis may be required as part of the Gateway Determination.</p> <p>The Visual Impact Assessment shows the proposed tower will have an acceptable visual impact considering the town centre context of the site and no impact on nearby heritage items Oran Park House and Denbigh.</p>

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Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	N/A	The proposal is located within an urban area.
Objective 30: Urban tree canopy cover is increased	Yes	The proposed site contains no vegetation. Proposed landscaping, including additional trees, will be assessed through the development application stage. The proposal also includes 3000m ² provision of open space containing a number of trees that are likely to be retained.
Objective 31: Public open space is accessible, protected and enhanced	Yes	The proposal is attached to 3000m ² of additional open space provided in response to the increased population generated by this Planning Proposal. This space is located within 300m of the proposed residential apartment building.
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	Yes	The proposal does not inhibit the development of the green grid
Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	N/A	Sustainable features within the proposed residential building would be addressed at the development application stage.
Objective 34: Energy and water flows are captured, used and re-used	N/A	Sustainable features within the proposed residential building would be addressed at the development application stage.
Objective 35: More waste is re-used and recycled to support the development of a circular economy	N/A	A waste management report assessing waste re-use and recycling for the proposed residential building would be addressed at the development application stage.
Objective 36: People and places adapt to climate change and future shocks and stresses	Yes	The proposal does not inhibit the ability to adapt to local climate change.
Objective 38: Heatwaves and extreme heat are managed	N/A	Sustainable features addressing heat island effect within the proposed residential building would be addressed at the development application stage such as site coverage, landscape ratios, or colours and materials schedule.

Western City District Plan Priority		
Objective	Consistency	Comment
Infrastructure and Collaboration		

Objective	Consistency	Comment
Infrastructure and Collaboration		

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Planning Priority W1: Planning for a city supported by infrastructure	Yes	The proposal will not prohibit the development of the proposed future North South Rail Corridor.
Planning Priority W2: Working through collaboration	Yes	The proposal does not preclude collaboration between all levels of government and the private sector.
Liveability		
Planning Priority W3: Providing services and social infrastructure to meet people's changing needs	Yes	The proposal will provide residential apartments in close proximity to services, employment, education and commercial activities meeting needs of the community.
Planning Priority W4: Fostering healthy, creative, culturally rich and socially connected communities	Yes	The proposal supports connected places through 3000m ² of open space offered through VPA, providing opportunity for social interaction.
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	Yes	The proposal will maintain and support the delivery of housing supply and diversity within Oran Park.
Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage	Yes	The place-based approach was utilised in the broader precinct design. The proposal also considers accessibility to the public realm in addition to the provision of additional public open space.
Productivity		
Planning Priority W7: Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City	Yes	The proposal does not preclude the achievement of this Planning Priority
Planning Priority W8: Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis	Yes	The proposal does not preclude the achievement of this Planning Priority
Planning Priority W9: Growing and strengthening the metropolitan city cluster	Yes	The proposal does not preclude the achievement of this Planning Priority
Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres	N/A	Oran park is not identified as a "strategic centre"
Planning Priority W12: Protecting and improving the health and enjoyment of the District's waterways	Yes	The proposal does not preclude the achievement of this Planning Priority
Sustainability		
Planning Priority W13: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element	Yes	The proposal does not preclude the achievement of this Planning Priority

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Planning Priority W14: Protecting and enhancing bushland and biodiversity	Yes	The site is bio-certified under the South West Growth Centres and zoned for retail/commercial and medium density development. The site contains no native vegetation and therefore the proposal will have no impact on biodiversity.
Planning Priority W15: Increasing urban tree canopy cover and delivering Green Grid connections		Additional landscaping will be provided to meet the residential private open space requirements. Additional landscaped public open space is being provided as part of a VPA.
Planning Priority W16: Protecting and enhancing scenic and cultural landscapes	Yes	The proposed residential town is not located on land with scenic or cultural value. The building will be a visual landmark for Oran park Town Centre and a visual analysis is required as part of the Gateway Determination. The Visual Impact Assessment shows the proposed tower will have an acceptable visual impact considering the town centre context of the site and no impact on nearby heritage items Oran Park House and Denbigh.
Planning Priority W18: Delivering high quality open space	Yes	The proposal includes a provision of embellished public open space which includes landscaping public seating, and children's play areas.
Planning Priority W19: Reducing carbon emissions and managing energy, water and waste efficiency	Yes	The proposal does not preclude the achievement of this Planning Priority
Planning Priority W20: Adapting to the impacts of urban and natural hazards and climate change	Yes	The proposal does no inhibit the ability to adapt to local climate change. This would be addressed at the development application stage in consideration to site coverage, landscape ratios, or colours and materials schedule.

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Appendix 4: Consistency against State Environmental Planning Policies

SEPP Title	Consistency	Comment
1. Development Standards	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.
21. Caravan Parks	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 SEPP is not applicable to this Planning Proposal.
36. Manufactured Home Estates	N/A	Not applicable to this Planning Proposal.
44. Koala Habitat Protection	N/A	This SEPP does not apply to the Camden LGA.
47. Moore Park Showground	N/A	This SEPP does not apply to the Camden LGA.
50. Canal Estate Development	N/A	This SEPP does not apply to the Camden LGA.
55. Remediation of Land	Yes	SEPP 55 requires Council to consider whether the subject land is contaminated. If the land requires remediation for a purpose use of zoning, Council must be satisfied that the land can and will be remediated before the land is used for that purpose. The subject land of the Planning Proposal has been remediated as part of the rezoning of the precinct in 2007 via land capability studies. Further review will be addressed at DA stage.
64. Advertising and Signage	Yes	This SEPP applies to the State. No advertising or signage is proposed as part of this Planning Proposal. The application of this SEPP will be assessed at DA stage.

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65. Design Quality of Residential Apartment Development	Yes	This SEPP applies to the proposed development. The proposal was reviewed by Council's Design Advisory Group (DAG) on 13 August 2018, prior to DA lodgement. DAG supported the proposal in concept and recommended design amendments the proponent has since adopted.
70. Affordable Housing (Revised Schemes)	Yes	This SEPP applies to the Planning Proposal and will provide the opportunity for additional affordable housing.
SEPP (Aboriginal Land) 2019	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Affordable Rental Housing) 2009	Yes	This SEPP applies to the Planning Proposal and will provide the opportunity for additional affordable rental housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	This SEPP applies to the State and future development would need to comply with the provisions of this SEPP.
SEPP (Coastal Management) 2018	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Concurrences) 2018	N/A	This SEPP applies to the State and future development would need to comply with the provisions of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	N/A	The Application of this SEPP applies to the state, however, is not applicable to this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	Yes	This SEPP applies to the State. The Planning Proposal and its application will be reviewed through the DA process.
SEPP (Gosford City Centre) 2018	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Housing for Seniors or People with a Disability) 2004	Yes	This SEPP applies to the State. The Planning Proposal will provide opportunities for housing within proximity to services.

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SEPP (Infrastructure) 2007	Yes	This SEPP is relevant to particular development categories permitted under the Planning Proposal. Future development would need to comply with the provisions of this SEPP.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Kurnell Peninsula) 1989	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Miscellaneous Consent Provisions) 2007	Yes	This SEPP applies to the state, however, is not applicable to this Planning Proposal.
SEPP (Penrith Lakes Scheme) 1989	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Primary Production and Rural Development) 2019	Yes	This SEPP applies to the state; however, the proposal is located on B2 Local Centre land and this SEPP is not applicable to this Planning Proposal.
SEPP (State and Regional Development) 2011	N/A	This SEPP applies to the state; however, the proposal is not state or regionally significant. This SEPP is not applicable to this Planning Proposal.
SEPP (State Significant Precincts) 2005	N/A	This SEPP applies to the state; however, the proposal is not within a State Significant Precinct. This SEPP is not applicable to this Planning Proposal.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	This SEPP applies to the Sydney Drinking Water Catchment. The proposal is not within this catchment and this SEPP is not applicable to this Planning Proposal.

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SEPP (Sydney Region Growth Centres) 2006	Yes	<p>This SEPP applies to the proposed site in Oran Park. Amendments to this SEPP are the basis of this Planning Proposal.</p> <p>This Planning Proposal seeks to amend the permitted Height of Building from 24m to 47m in a confined location to facilitate the development of 56 additional residential apartments above the permitted height of building controls.</p> <p>The proposal also seeks to align the western zoning boundary between B2 Local Centre and R3 Medium Density Residential zoning to better align with cadastral boundaries and approved development.</p> <p>Future development would need to comply with further provisions of this SEPP and will be assessed at development application.</p>
SEPP (Three Ports) 2013	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Urban Renewal) 2010	N/A	This SEPP does not apply to the Camden LGA.
SEPP (Vegetation in Non-Rural Area) 2017	Yes	This SEPP applies to the Camden LGA and the proposed site. Future development would need to comply with further provisions of this SEPP and will be assessed at development application.
SEPP (Western Sydney Employment Area) 2009	N/A	This SEPP does not apply to this Planning Proposal.
SEPP (Western Sydney Parklands) 2009	N/A	This SEPP does not apply to the Camden LGA.
Sydney Regional Environment Plan No 8 (Central Coast Plateau Areas)	N/A	This SEPP does not apply to the Camden LGA.
Sydney Regional Environment No 9 - Extractive Industry (No 2 – 1995)	N/A	This SEPP applies to the Camden LGA, however the provisions of this SEPP do not apply to this Planning Proposal.

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Sydney Regional Environmental Plan No 16 - Walsh Bay	N/A	This SEPP does not apply to the Camden LGA.
Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River (No 2 – 1997)	Yes	This SEPP applies to the Camden LGA, however the provisions of this SEPP do not apply to this Planning Proposal.
Sydney Regional Environmental Plan No 24— Homebush Bay Area	N/A	This SEPP does not apply to the Camden LGA.
Sydney Regional Environmental Plan No 26— City West	N/A	This SEPP does not apply to the Camden LGA.
Sydney Regional Environmental Plan No 30 - St Marys	N/A	This SEPP does not apply to the Camden LGA.
Sydney Regional Environmental Plan No 33— Cooks Cove	N/A	This SEPP does not apply to the Camden LGA.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	This SEPP does not apply to the Camden LGA.

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Appendix 5: s9.1 Ministerial Directions

S9.1 Direction Title	Consistency	Comment
1.0 Employment and Resources		
1.1 Business and Industrial Zones	No	<p>This direction applies to the Planning Proposal. The proposed residential apartment building will provide additional employment opportunities in construction and maintenance of the building and commercial opportunities on the ground floor.</p> <p>This proposal compliments the development of the Oran Park Podium Stage 2 which is largely commercial.</p> <p>The proposed development is justified and concurred by the delegate of the Secretary with no further approvals required to meet the provisions of this direction.</p>
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	The Proposal does not propose the extraction of minerals specified with the direction
1.4 Oyster Aquaculture	N/A	This Ministerial Direction does not apply to the Camden LGA.
1.5 Rural Lands	N/A	The site is not located within land zoned rural.
2.0 Environment and Heritage		
2.1 Environment Protection Zones	N/A	The site is not located within land zoned rural or environmentally sensitive.
2.2 Coastal Protection	N/A	This Ministerial Direction does not apply to the Camden LGA.
2.3 Heritage Conservation	N/A	The site is not of heritage significance or indigenous heritage significance.
2.4 Recreation Vehicle Areas	N/A	This Ministerial Direction does not apply to the proposal as it does not seek the development of any recreational vehicle areas.

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2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Ministerial Direction does not apply to the Camden LGA.
3.0 Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	<p>The Planning Proposal is consistent with this Ministerial Direction. The proposal will increase housing choice and variety, be in close proximity to local infrastructure and services and have minimum impact on environment and resource lands.</p> <p>The proposed development is consistent with the Regional and District plans.</p> <p>The site is located on B2 Local Centre zone under the Growth Centres SEPP 2006. The site benefits from the existing services and infrastructure which support the increased density.</p> <p>The proposed residential apartments will provide affordable housing opportunities.</p> <p>The site is adjacent to the Oran Park Town Park, Camden Council Administration building, Oran Park Library and the Podium Stage 2.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A	This Ministerial Direction does not apply to this Planning Proposal.
3.3 Home Occupations	Yes	This Ministerial Direction does not apply to this Planning Proposal.
3.4 Integrating Land Use and Transport	Yes	<p>The proposal is consistent with this direction. The Planning Proposal will not inhibit the future development of public transport infrastructure inclusive of the proposed North South Rail corridor.</p> <p>The proposed development will no inhibit the provision of existing and proposed bus routes within the Oran Park Town Centre within 200m of the site.</p>

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3.5 Development Near Regulated Airports and Defence Airfields	Yes	<p>The subject site is located within the Western Sydney Obstacle Limitation Surface (OLS). The OLS is 230.5m AHD and the proposed building height is 142.4m AHD and will not inhibit the safe operation of the airport.</p> <p>The subject site is not within the OLS of Camden Airport and will not inhibit safe operation of the airport.</p> <p>Any inclusion of aircraft indication lights on the building due to the height will be addressed at the development application stage.</p> <p>The proposal was referred to Western Sydney Airport (WSA) and the Federal Department of Infrastructure, Regional Development and Cities for comment (FDIRDC). No objections were received by WSA or FDIRDC.</p> <p>The Planning Proposal is consistent with the objectives set out in the direction.</p>
3.6 Shooting Ranges	N/A	This Ministerial Direction does not apply to this Planning Proposal.
3.7 Reduction in non-hosted short term rental accommodation period	N/A	This Ministerial Direction does not apply to the Camden LGA.
4.0 Hazard and Risk		
4.1 Acid Sulphate Soils	N/A	This direction is not applicable as the land has not been identified as acid sulphate soil under the Camden LEP 2010.
4.2 Mine Subsidence and Unstable Land	N/A	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 Ministerial Direction does not apply to this Planning Proposal as the site is not located on flood prone land.

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4.4 Planning for Bushfire Protection	N/A	This Ministerial Direction does not apply to this Planning Proposal as the site is not located on Bushfire prone land.
5.0 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	This Ministerial Direction does not apply to the Camden LGA.
5.2 Sydney Drinking Water Catchments	N/A	This Ministerial Direction does not apply to this Planning Proposal.
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 Ministerial Direction does not apply to the Camden LGA.
5.9 North West Rail Link Corridor Strategy	N/A	This Ministerial Direction does not apply to the Camden LGA.
5.10 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with the Sydney Metropolitan Strategy and Western Sydney District Plan, detailed in Appendix 3
5.11 Development of Aboriginal Land Council land	N/A	This Ministerial Direction does not apply to the Camden LGA.
6.0 Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The Planning Proposal is not identified as designated development and is consistent with this direction as it does not alter the approval or referral requirements.
6.2 Reserving Land for Public Purposes	Yes	This Planning Proposal will require a provision on open space of 3000m ² as part of a Voluntary Planning Agreement. This will be undertaken as part of the post Gateway work, prior to public exhibition.

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6.3 Site Specific Provisions	Yes	<p>The proposal seeks to amend the Height of Buildings Map from 24m to 47m and align the western B2/R3 land use zoning to cadastral and approved development boundaries.</p> <p>It is consistent with the provisions of the direction outlined below:</p> <ul style="list-style-type: none"> The site benefits from an existing permitted use for a residential apartment building. The Planning Proposal seeks to amend the Height of Buildings Map for the subject lot to facilitate a residential apartment building. The Zoning amendment is a minor 'housekeeping' amendment to align the zone boundaries to the cadastral and development boundaries.
7.0 Metropolitan Plan Making		
7.1 Implementation of A Plan for Growing Sydney	Yes	This Planning Proposal is consistent with this direction. The proposal will be 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 Transformations 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.

Oran Park Town Centre Planning Proposal – July 2019

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 the Western Sydney Aerotropolis interim Land use and Infrastructure Implementation Plan	N/A	This direction applies to the Camden LGA, however it is not applicable to this Planning Proposal.
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 River Cove Precinct	N/A	This Ministerial Direction does not apply to the Camden LGA.

Oran Park Town Centre Planning Proposal – July 2019

Appendix 6: Proposed Architectural Drawings

ORD01

Attachment 1



ORD01

Oran Park Town Centre Planning Proposal – July 2019

Appendix 7: Scott Carver Design Report – October 2018

Attachment 1



Oran Park Town Centre Planning Proposal – July 2019

Appendix 8: AECOM Oran Park Town Centre: Revised master Plan Traffic Report – September 2018.

ORD01

Attachment 1



ORD01

Oran Park Town Centre Planning Proposal – July 2019

Appendix 9: DPIE Gateway Determination 26 November 2019.

Attachment 1



Oran Park Town Centre Planning Proposal – July 2019

Appendix 10: Scott Carver Shadow Diagrams – 21 January 2020

ORD01

Attachment 1



ORD01

Oran Park Town Centre Planning Proposal – July 2019

Appendix 11: Scott Carver Visual Impact Assessment – 10 February 2020

Attachment 1



**Oran Park Town Centre Proposed Planning Proposal – Amendment to SEPP
(Sydney Region Growth Centres) 2006**

Appendices to Planning Proposal:

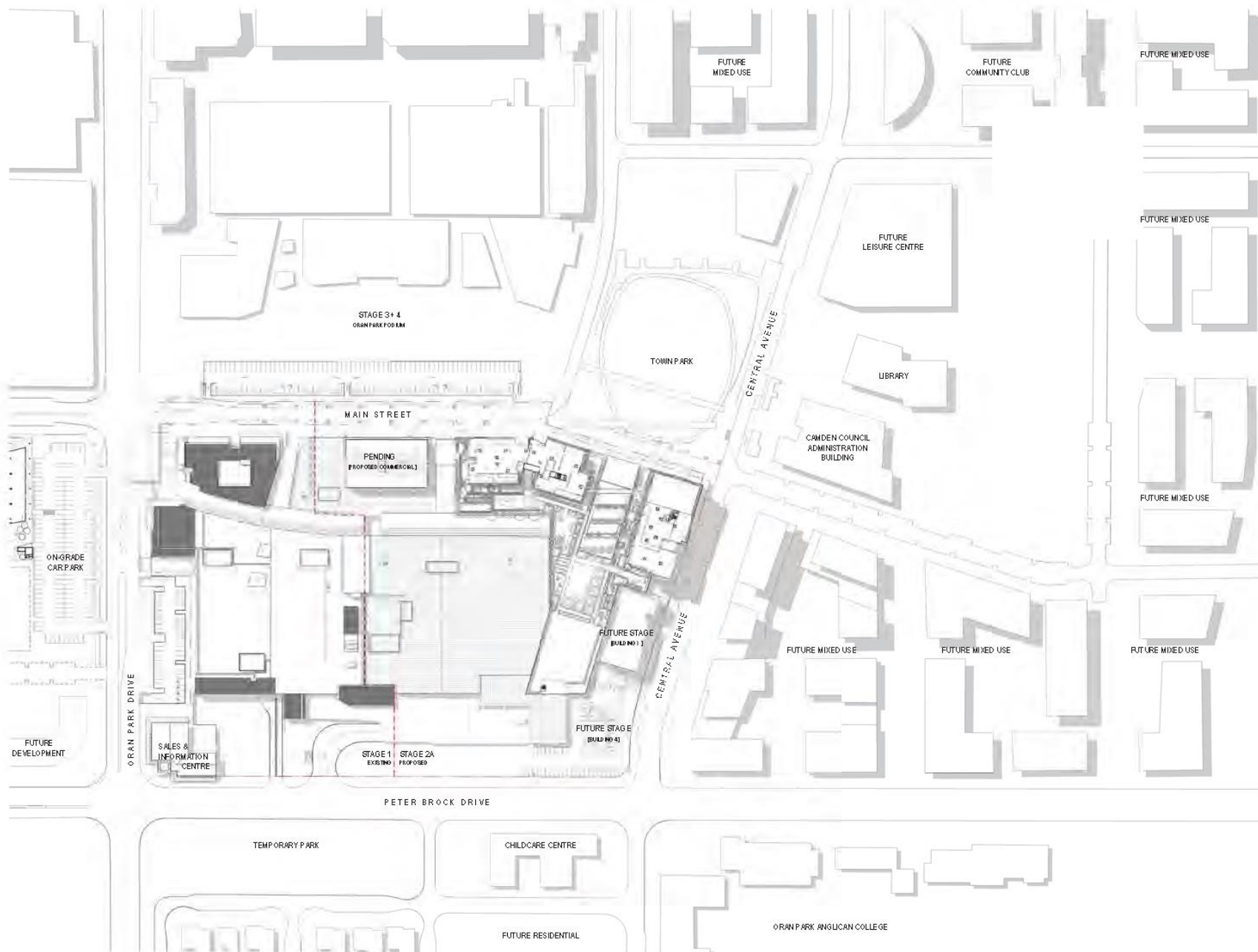
Appendix 6 – Proposed Architectural Drawings

Appendix 7 – Scott Carver Design Report October 2018

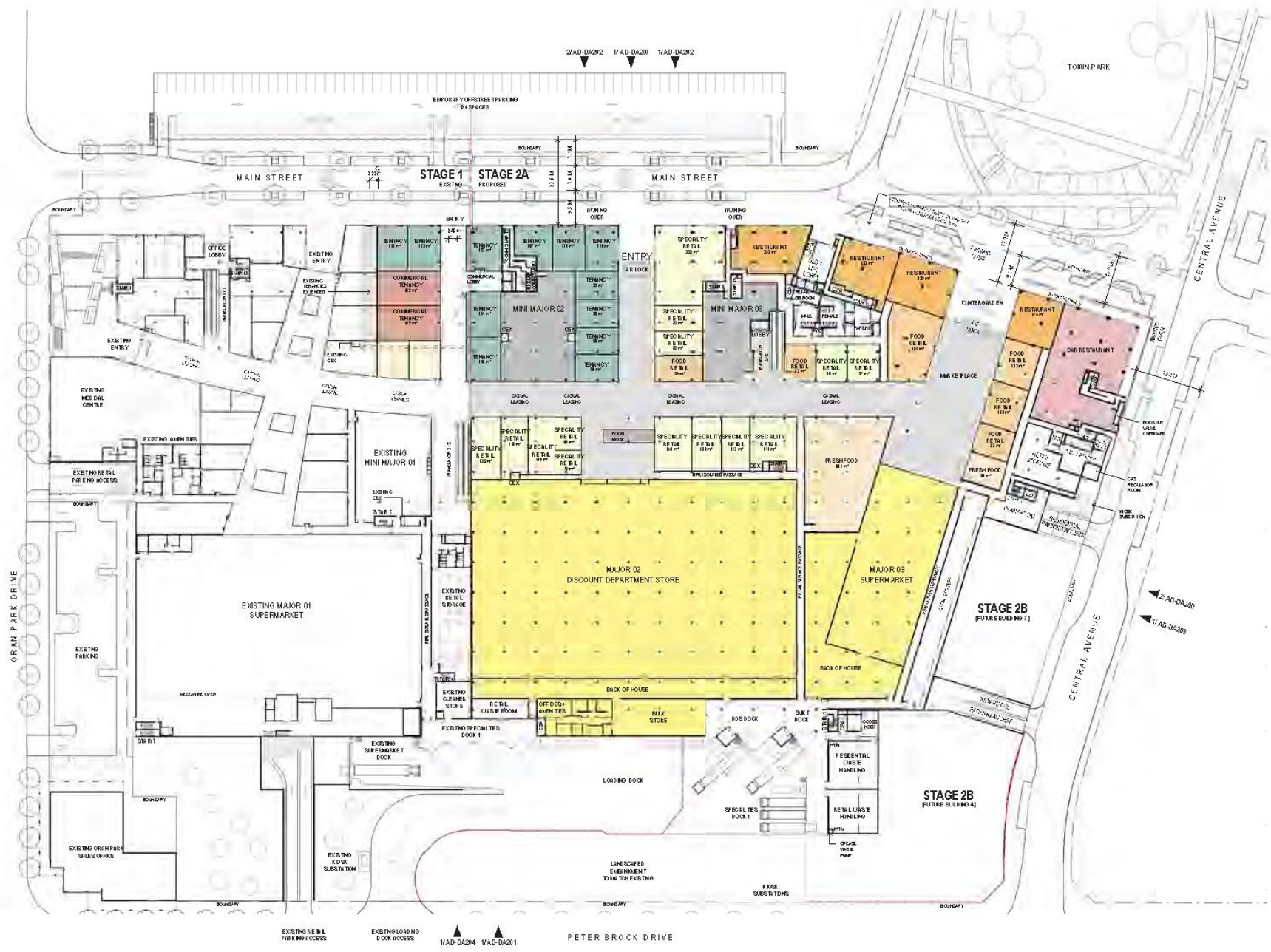
Appendix 8 – AECOM Revised Master Plan Traffic Report September 2018

Appendix 10 – Scott Carver Shadow Diagram 21 January 2020

Appendix 11 – Scott Carver Visual Impact Assessment 10 February 2020



Item	Description	Item
1	RESIDENTIAL	24. 201
2	RESIDENTIAL	25. 201
3	RESIDENTIAL	26. 201
4	RESIDENTIAL	27. 201
5	RESIDENTIAL	28. 201
6	RESIDENTIAL	29. 201
7	RESIDENTIAL	30. 201
8	RESIDENTIAL	31. 201



PROJECT SUMMARY

Item	Description	Value
1	Professional Fees	\$1,200,000
2	Construction	\$10,000,000
3	Fit Out	\$2,000,000
4	Other	\$500,000
5	Contingency	\$1,300,000
6	Other	\$1,000,000
7	Other	\$1,000,000
8	Other	\$1,000,000
9	Other	\$1,000,000
10	Other	\$1,000,000
11	Other	\$1,000,000
12	Other	\$1,000,000
13	Other	\$1,000,000
14	Other	\$1,000,000
15	Other	\$1,000,000
16	Other	\$1,000,000
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21	Other	\$1,000,000
22	Other	\$1,000,000
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26	Other	\$1,000,000
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33	Other	\$1,000,000
34	Other	\$1,000,000
35	Other	\$1,000,000
36	Other	\$1,000,000
37	Other	\$1,000,000
38	Other	\$1,000,000
39	Other	\$1,000,000
40	Other	\$1,000,000
41	Other	\$1,000,000
42	Other	\$1,000,000
43	Other	\$1,000,000
44	Other	\$1,000,000
45	Other	\$1,000,000
46	Other	\$1,000,000
47	Other	\$1,000,000
48	Other	\$1,000,000
49	Other	\$1,000,000
50	Other	\$1,000,000

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ORAN PARK PODIUM STAGE 2A
 GREENFIELDS DEVELOPMENT COMPANY

Scale: 1:500 @ A1

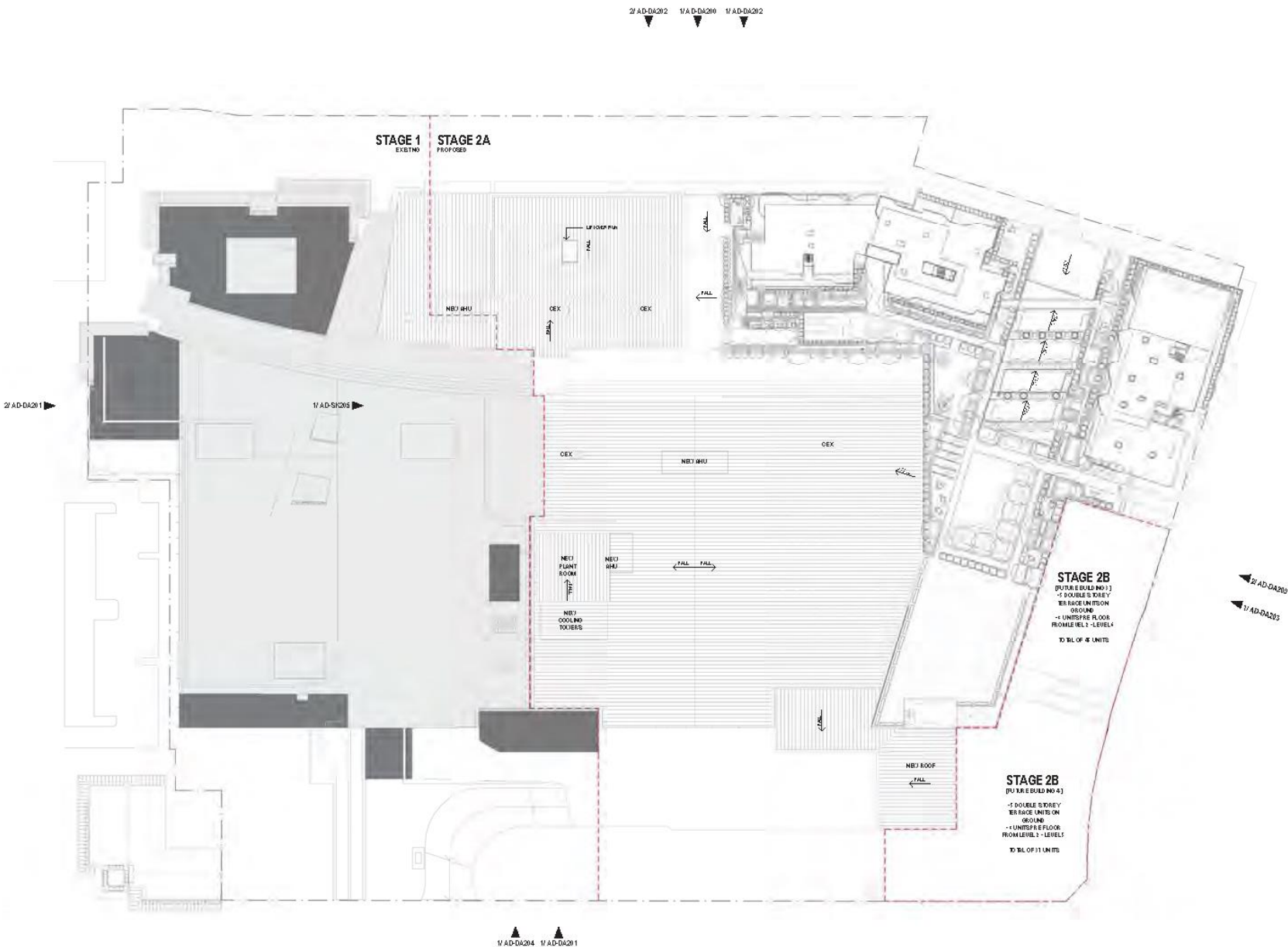
Project: 20170013
 Plan: AD-DA102
 Rev: M

Attachment 2

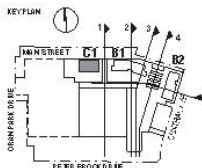
ORD01

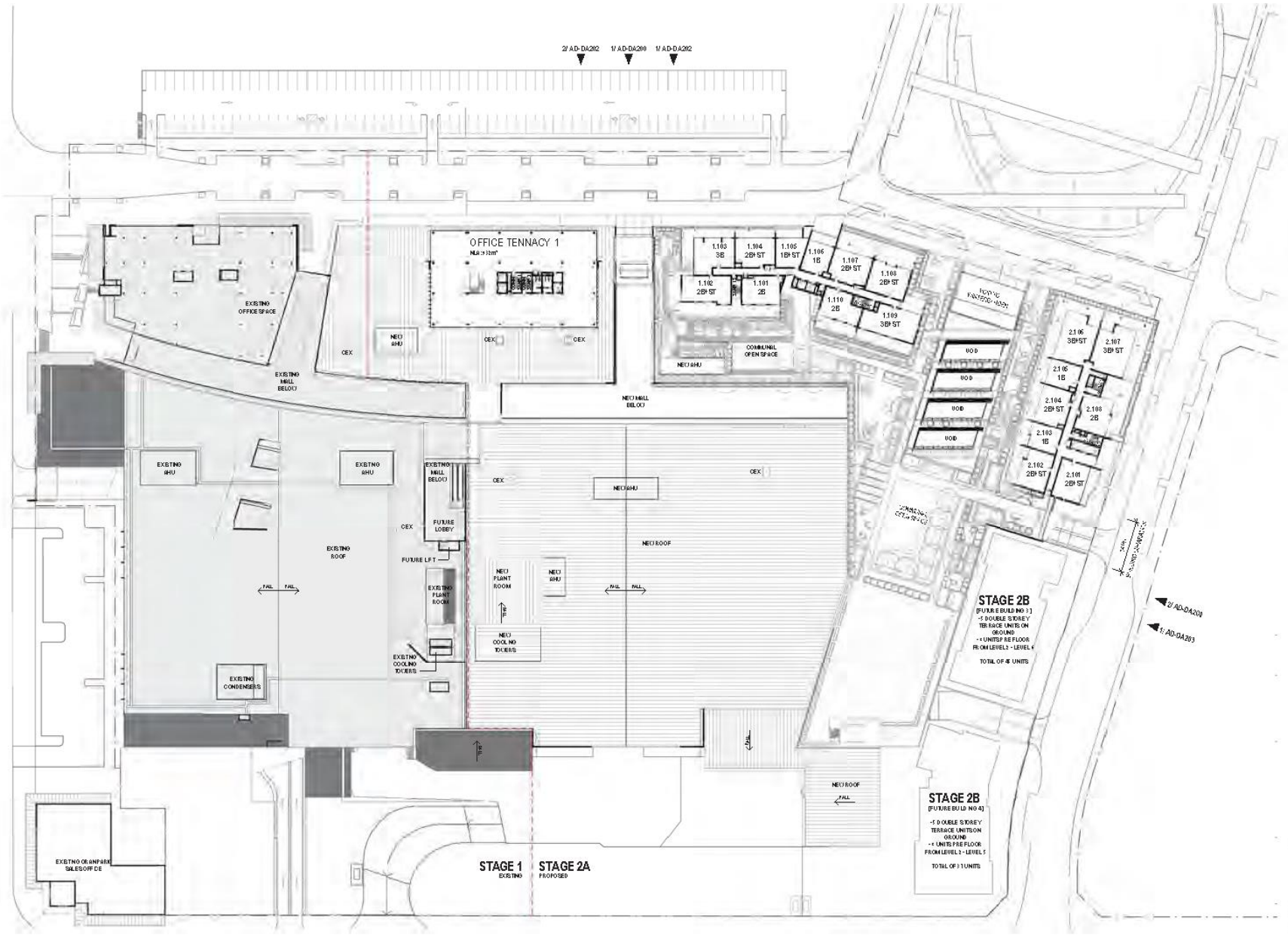
Drawn: P. Q. L. V. N. A. Z. Y.
 Date: 20/07/2018
 Project: 20170013-AD-DA105

Item	Description	Date
A	FOR CONSULTATION	21/08/17
B	FOR CONSULTATION	26/08/17
C	FOR CONSULTATION	06/09/17
D	FOR CONSULTATION	05/09/17
E	FOR CONSULTATION	05/09/17
F	FOR CONSULTATION	05/09/17
G	FOR CONSULTATION	05/09/17
H	FOR CONSULTATION	05/09/17

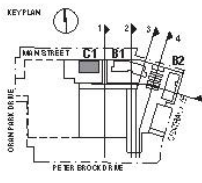


Attachments for the Ordinary Council Meeting held on 28 July 2020 - Page 62





Item	Description	Item
A	FOR FLOORING	AL AHU 1
B	FOR FLOORING	AL AHU 2
C	FOR FLOORING	AL 2B1
D	FOR FLOORING	AL 2B2
E	FOR FLOORING	AL 2B3
F	FOR FLOORING	AL 2B4
G	FOR FLOORING	AL 2B5
H	FOR FLOORING	AL 2B6
I	FOR FLOORING	AL 2B7
J	FOR FLOORING	AL 2B8
K	FOR FLOORING	AL 2B9
L	FOR FLOORING	AL 2B10



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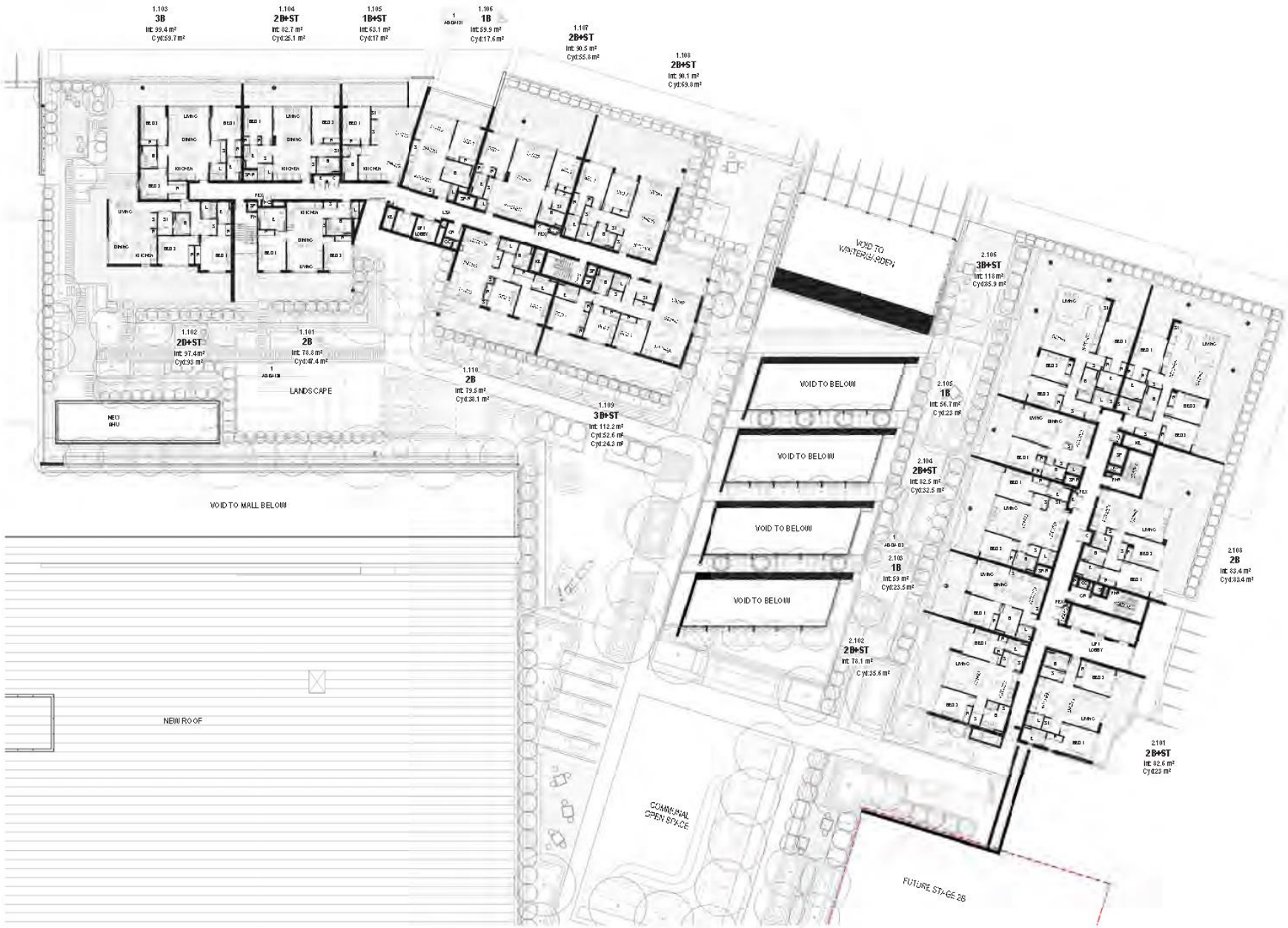
ORAN PARK PODIUM STAGE 2A
 GREENFIELDS DEVELOPMENT COMPANY

Scale: 1:500 @ A1

Level 1 PODIUM PLAN
 Ref: 20170013
 Plan: AD-DA103
 Rev: L

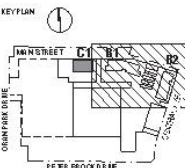
Attachment 2

ORD01



Drawn: P. R. IVINARZ
 Issue Number: Peter St G 01 / 7325
 File: 20170013-AD-DA10.rvt
 Issue Date: 28/07/2016 11:56:09 PM

Room	Description	Area
A	POS OFFICE	10.00 m²
B	POS OFFICE	10.00 m²
C	POS OFFICE	10.00 m²
D	POS OFFICE	10.00 m²
E	POS OFFICE	10.00 m²
F	POS OFFICE	10.00 m²
G	POS OFFICE	10.00 m²
H	POS OFFICE	10.00 m²
I	POS OFFICE	10.00 m²
J	POS OFFICE	10.00 m²
K	POS OFFICE	10.00 m²





2 NORTH ELEVATION MAIN STREET PART 2
250

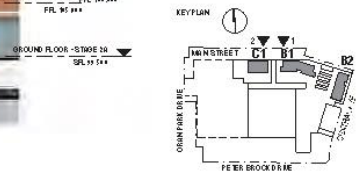


1 NORTH ELEVATION MAIN STREET PART 1
250

Level	Proposed	Existing
COMMERCIAL - ROOF	FRL 124.200	
COMMERCIAL - ROOF LEVEL	FRL 122.200	
COMMERCIAL - LEVEL 4	FRL 119.200	
COMMERCIAL - LEVEL 3	FRL 116.200	
COMMERCIAL - LEVEL 2	FRL 113.200	
COMMERCIAL - LEVEL 1	FRL 110.200	
GROUND FLOOR - STAGE 2A	SRL 107.200	
GROUND FLOOR - STAGE 1	SRL 107.200	

Item	Description	Item
A	POSSIBLE FINISH	EXISTING
B	POSSIBLE FINISH	EXISTING
C	POSSIBLE FINISH	EXISTING
D	POSSIBLE FINISH	EXISTING
E	POSSIBLE FINISH	EXISTING
F	POSSIBLE FINISH	EXISTING
G	POSSIBLE FINISH	EXISTING
H	POSSIBLE FINISH	EXISTING
I	POSSIBLE FINISH	EXISTING
J	POSSIBLE FINISH	EXISTING
K	POSSIBLE FINISH	EXISTING
L	POSSIBLE FINISH	EXISTING
M	POSSIBLE FINISH	EXISTING

- Materials Legend**
- 01 architectural linocor panels - colour 1
 - 02 roughened glass balustrade
 - 03 architectural metal clad and timber look aluminium - non combustible
 - 04 paint finish - direct tanning
 - 05 exterior cladding pre-finished aluminium framed glass balustrade
 - 06 architectural aluminium framed clear glazing
 - 07 polished metal glazing
 - 08 architectural metal cladding - non combustible
 - 09 timber look cladding - non combustible
 - 10 architectural metal cladding
 - 11 architectural metal balustrade - colour 1
 - 12 architectural metal balustrade - colour 2
 - 13 architectural metal balustrade - colour 3
 - 14 architectural aluminium framed glass balustrade
 - 15 architectural aluminium framed clear glazing
 - 16 architectural patterned precast concrete
 - 17 timber look panel cladding - colour 1 (non combustible)
 - 18 timber look panel cladding - colour 2 (non combustible)
 - 19 paint finish - concrete on masonry
 - 20 paint finish - sprayable slab edge
 - 21 paint finish - concrete balustrade
 - 22 architectural metal louvers
 - 23 paint finish - precast concrete
 - 24 paint finish - timber concrete
 - 25 paint finish - cast-in-place concrete
 - 26 off-formwork concrete
 - 27 natural concrete masonry
 - 28 perforated metal louvers
 - 29 architectural metal louvers screen
 - 30 architectural aluminium framed translucent glazing
 - 31 timber look hand-rail balustrade
 - 32 dark grey window frames
 - 33 architectural linocor panels - colour 2



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ORAN PARK PODIUM STAGE 2A
 GREENFIELDS DEVELOPMENT COMPANY

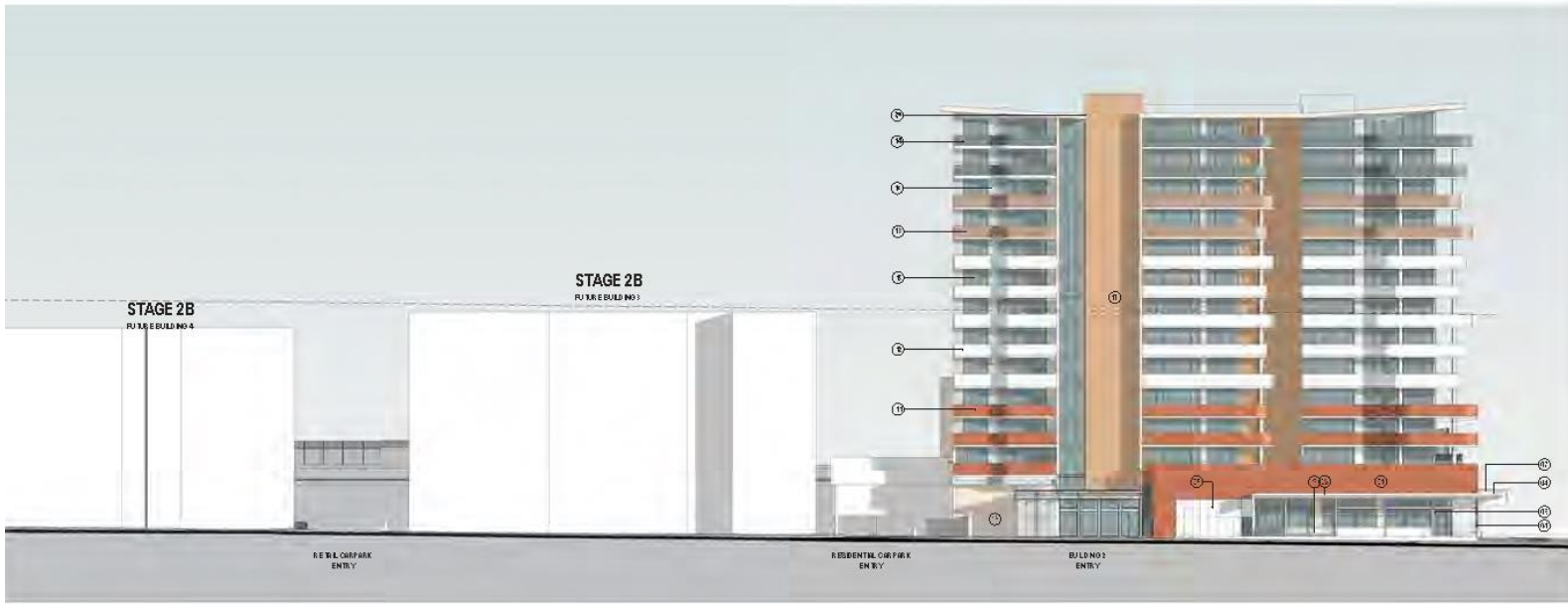
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NORTH ELEVATION MAIN STREET
 REF: 20170013 PLOT: AD-DA202

Attachment 2

ORD01

Drawn: P. QUINN
 Project: Oran Park
 Date: 20/07/2020
 Scale: 1:250



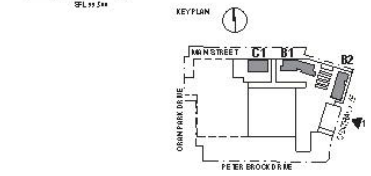
1 EAST ELEVATION CENTRAL AVENUE
 Scale: 1:250



2 EAST ELEVATION - COMMERCIAL BUILDING
 Scale: 1:250

Level	Material	Code
BLDO 2 - ROOF LEVEL	FL 02 ***	
BLDO 2 - LEVEL 8	FL 08 ***	
	FL 09 ***	
	FL 10 ***	
	FL 11 ***	
BLDO 2 - LEVEL 11	FL 11 ***	
	FL 12 ***	
	FL 13 ***	
	FL 14 ***	
BLDO 2 - LEVEL 14	FL 14 ***	
	FL 15 ***	
	FL 16 ***	
	FL 17 ***	
BLDO 2 - LEVEL 19	FL 19 ***	
	FL 20 ***	
	FL 21 ***	
	FL 22 ***	
BLDO 2 - LEVEL 24	FL 24 ***	
	FL 25 ***	
	FL 26 ***	
	FL 27 ***	
BLDO 2 - LEVEL 31	FL 31 ***	
	FL 32 ***	
	FL 33 ***	
	FL 34 ***	
BLDO 2 - LEVEL 36	FL 36 ***	
	FL 37 ***	
	FL 38 ***	
	FL 39 ***	
BLDO 2 - LEVEL 41	FL 41 ***	
	FL 42 ***	
	FL 43 ***	
	FL 44 ***	
BLDO 2 - LEVEL 46	FL 46 ***	
	FL 47 ***	
	FL 48 ***	
	FL 49 ***	
BLDO 2 - LEVEL 51	FL 51 ***	
	FL 52 ***	
	FL 53 ***	
	FL 54 ***	
LEVEL 4	FL 04 ***	
	FL 05 ***	
	FL 06 ***	
	FL 07 ***	
LEVEL 5	FL 08 ***	
	FL 09 ***	
	FL 10 ***	
	FL 11 ***	
LEVEL 6	FL 12 ***	
	FL 13 ***	
	FL 14 ***	
	FL 15 ***	
LEVEL 7	FL 16 ***	
	FL 17 ***	
	FL 18 ***	
	FL 19 ***	
LEVEL 8	FL 20 ***	
	FL 21 ***	
	FL 22 ***	
	FL 23 ***	
LEVEL 9	FL 24 ***	
	FL 25 ***	
	FL 26 ***	
	FL 27 ***	
LEVEL 10	FL 28 ***	
	FL 29 ***	
	FL 30 ***	
	FL 31 ***	
LEVEL 11	FL 32 ***	
	FL 33 ***	
	FL 34 ***	
	FL 35 ***	

- Materials Legend
- (01) precast concrete panels - colour 1
 - (02) textured glass balustrade
 - (03) precast metal clad aluminium louvre screening - non combustible
 - (04) paint finished steel framing
 - (05) outdoor drap pre-fabric aluminium frame (galvalume clad)
 - (06) precast aluminium framed clear glazing
 - (07) precast concrete
 - (08) precast metal cladding - non combustible
 - (09) timber look panel cladding - non combustible
 - (10) precast metal roofing
 - (11) precast metal balustrade - colour 1
 - (12) precast metal balustrade - colour 2
 - (13) precast metal balustrade - colour 3
 - (14) precast aluminium framed glass balustrade
 - (15) precast aluminium framed tinted glazing
 - (16) precast patterned precast concrete
 - (17) timber look panel cladding - colour 1 (non combustible)
 - (18) timber look panel cladding - colour 2 (non combustible)
 - (19) paint finished concrete columns
 - (20) paint finished precast slab edge
 - (21) paint finished concrete balustrade
 - (22) precast metal louvre
 - (23) paint finished precast concrete
 - (24) paint finished brick concrete
 - (25) paint finished cast-in-rendered masonry
 - (26) off-form brick concrete
 - (27) natural concrete masonry
 - (28) perforated metal inf-filling screens
 - (29) precast metal louvre screen
 - (30) precast aluminium framed translucent glazing
 - (31) timber look sub-deck panels
 - (32) dark grey outdoor frames
 - (33) precast concrete panels - colour 2

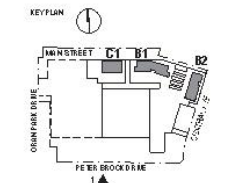


Issue	Description	Drawn
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B	FOR INFORMATION	24/06/17
C	FOR INFORMATION	24/06/17
D	FOR INFORMATION	24/06/17
E	FOR INFORMATION	24/06/17
F	FOR INFORMATION	24/06/17
G	FOR INFORMATION	24/06/17
H	FOR INFORMATION	24/06/17
I	FOR INFORMATION	24/06/17
J	FOR INFORMATION	24/06/17

- Materials Legend**
- 01 precast concrete panels - colour 1
 - 02 roughcast concrete
 - 03 precast metal clad aluminium frame glazing - non combustible
 - 04 paint finished steel framing
 - 05 outdoor dining precast aluminium frame glazed table
 - 06 precast aluminium framed clear glazing
 - 07 patterned security glazing
 - 08 precast metal cladding - non combustible
 - 09 timber look cladding - non combustible
 - 10 precast metal roofing
 - 11 precast metal balustrade - colour 1
 - 12 precast metal balustrade - colour 2
 - 13 precast metal balustrade - colour 3
 - 14 precast aluminium framed glass balustrade
 - 15 precast aluminium framed tinted glazing
 - 16 precast patterned precast concrete
 - 17 timber look panel cladding - colour 1 [non combustible]
 - 18 timber look panel cladding - colour 2 [non combustible]
 - 19 paint finished concrete columns
 - 20 paint finished precast edge
 - 21 paint finished concrete balustrade
 - 22 precast metal louvers
 - 23 paint finished precast concrete
 - 24 paint finished masonry concrete
 - 25 paint finished concrete rendered masonry
 - 26 off form masonry concrete
 - 27 natural concrete masonry
 - 28 perforated metal infill screens
 - 29 precast metal louvre screen
 - 30 precast aluminium framed translucent glazing
 - 31 timber look aluminium panels
 - 32 dark grey window frames
 - 33 precast concrete panels - colour 2



1 SOUTH ELEVATION PETER BROOKE DRIVE
1:250



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ORAN PARK PODIUM STAGE 2A
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Scale: 1:250 @ A1

SOUTH ELEVATION PETER BROCK DRIVE
REV: 20170013 PLOT: AD-DA204

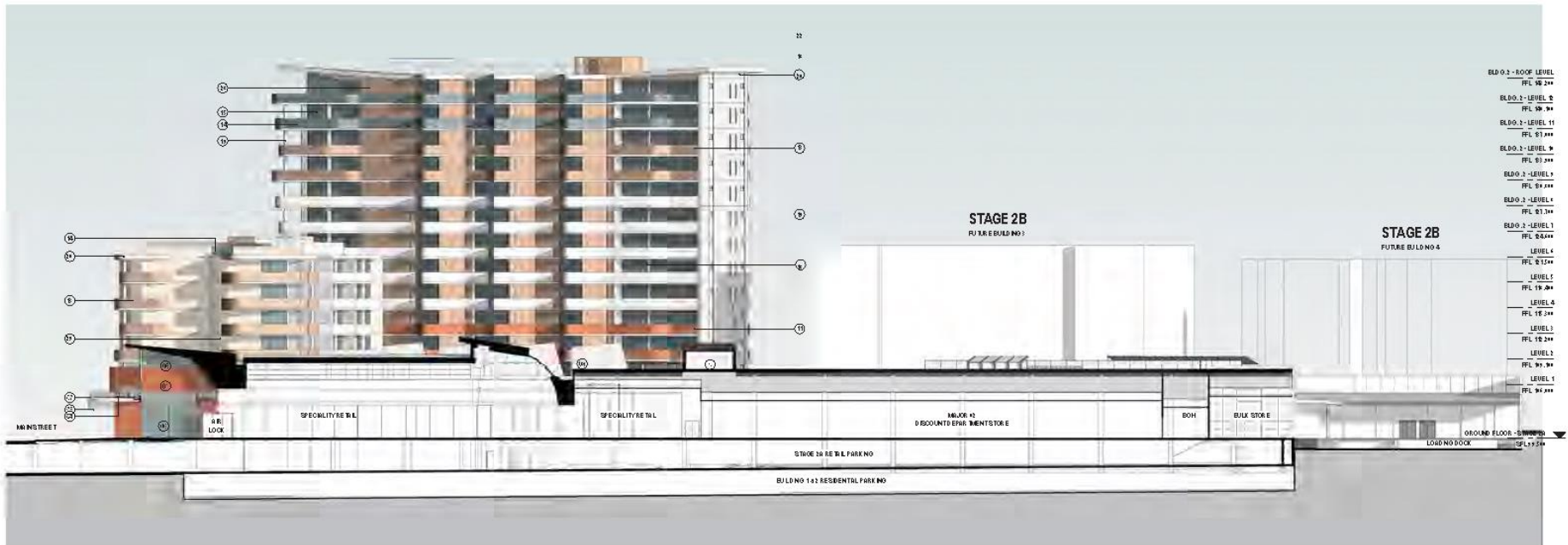


WEST ELEVATION - COMMERCIAL BUILDING
3
- 250

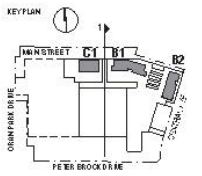
Materials Legend

- ① prohibited firecoat panels - colour 1
- ② prohibited firecoat panels - colour 2
- ③ prohibited metal clad and timber look cladding - non combustible
- ④ paint finished steel framing
- ⑤ outdoor anodized prohibited aluminium framed glazed liftshafts
- ⑥ prohibited aluminium framed clear glazing
- ⑦ patterned anodized glazing
- ⑧ prohibited metal clad roof
- ⑨ timber look cladding - non combustible
- ⑩ prohibited metal clad fins
- ⑪ prohibited metal balustrade - colour 1
- ⑫ prohibited metal balustrade - colour 2
- ⑬ prohibited metal balustrade - colour 3
- ⑭ prohibited aluminium framed glass balustrade
- ⑮ prohibited aluminium framed fixed glazing
- ⑯ prohibited patterned glass panels
- ⑰ timber look panel cladding - colour 1 (non combustible)
- ⑱ timber look panel cladding - colour 2 (non combustible)
- ⑲ paint finished concrete columns
- ⑳ paint finished precast slab edge
- ㉑ paint finished concrete balustrade
- ㉒ prohibited metal louvers
- ㉓ paint finished precast concrete
- ㉔ paint finished metal concrete
- ㉕ paint finished concrete rendered masonry
- ㉖ off-white metal concrete
- ㉗ natural concrete masonry
- ㉘ prohibited metal hi-rising screens
- ㉙ prohibited metal louvre screens
- ㉚ prohibited aluminium framed translucent glazing
- ㉛ timber look subsoil penetrations
- ㉜ dark grey window frames
- ㉝ prohibited firecoat panels - colour 2

Drawn	P. Q. L. V. N. A. R. Y.	
Drawn Number	Peter St G 07 / 73235	
Proj No	20170013-AD-DA01-Part	
Issue Date	28/07/2018 14:44:06 PM	
Issue	1	Final
Issue	2	Final
Issue	3	Final
Issue	4	Final
Issue	5	Final
Issue	6	Final
Issue	7	Final
Issue	8	Final
Issue	9	Final
Issue	10	Final



WEST ELEVATION - SECTION SHEET 1
1
- 250



Oran Park Podium Stage 2A

[DA Design Report]

October 2018



Prepared for

[Greenfields Development Company Pty Ltd]
[Cnr Peter Brock Drive & Oran Park Drive]
[Oran Park NSW 2570]

Submission

[Development Application Submission]

Scott Carver Pty Ltd
Level One, One Chifley Square
Sydney NSW 2000 Australia
Telephone +61 2 9957 3988
www.scottcarver.com.au

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Contents

01	Introduction	4
02	Site Analysis	6
03	Urban Design Analysis	13
04	Built Form	17
05	Environmental, Social & Economic Sustainability	23
06	Materiality	41
07	Compliance Summary	47
08	Appendix 1 - Design Verification Statement	52
09	Appendix 2 - ADG Compliance Checklist	57
10	Appendix 3 - Architectural Drawings	69

Introduction



Introduction

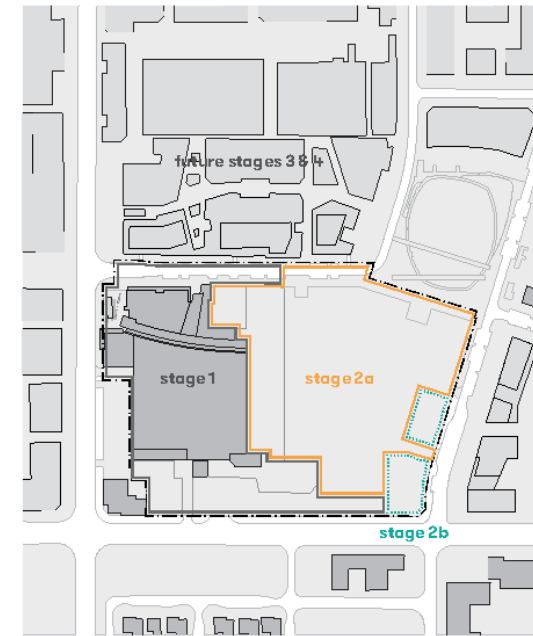
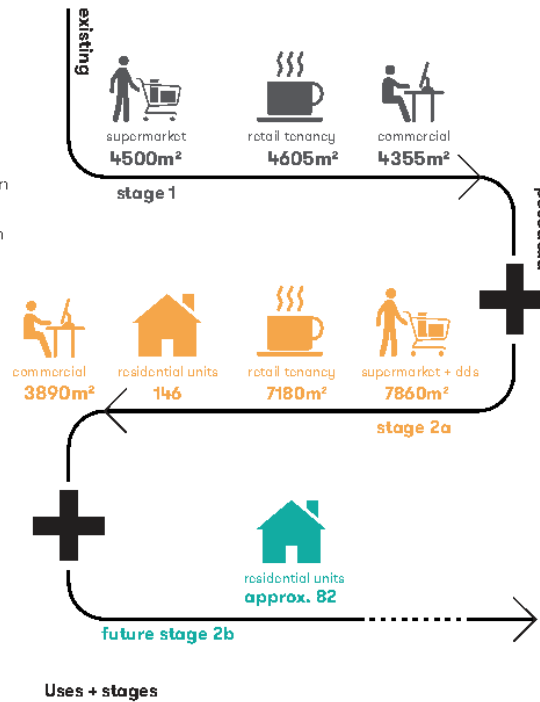
Purpose of this report

This Design Report has been prepared by Scott Carver in support of the Development Application submitted to Camden Council by Greenfields Development Company, in relation to the expansion of the existing Oran Park Podium retail centre and the proposed construction of residential apartments above the retail centre.

The report outlines the proposal in relation to its significant location within the Oran Park Town Centre and the opportunity to make a landmark statement at the nexus of the civic, community and open space heart of the Town Centre.

In relation to the residential component of the proposal, the report outlines the response to the Design Quality Principles of State Environmental Planning Policy No 5b and the Apartment Design Guide (ADG).

This report should be read in conjunction with the architectural drawings prepared by Scott Carver, the Statement of Environmental Effects prepared by UrbanCo and the other supplementary reports prepared by the proposal's consultant team.

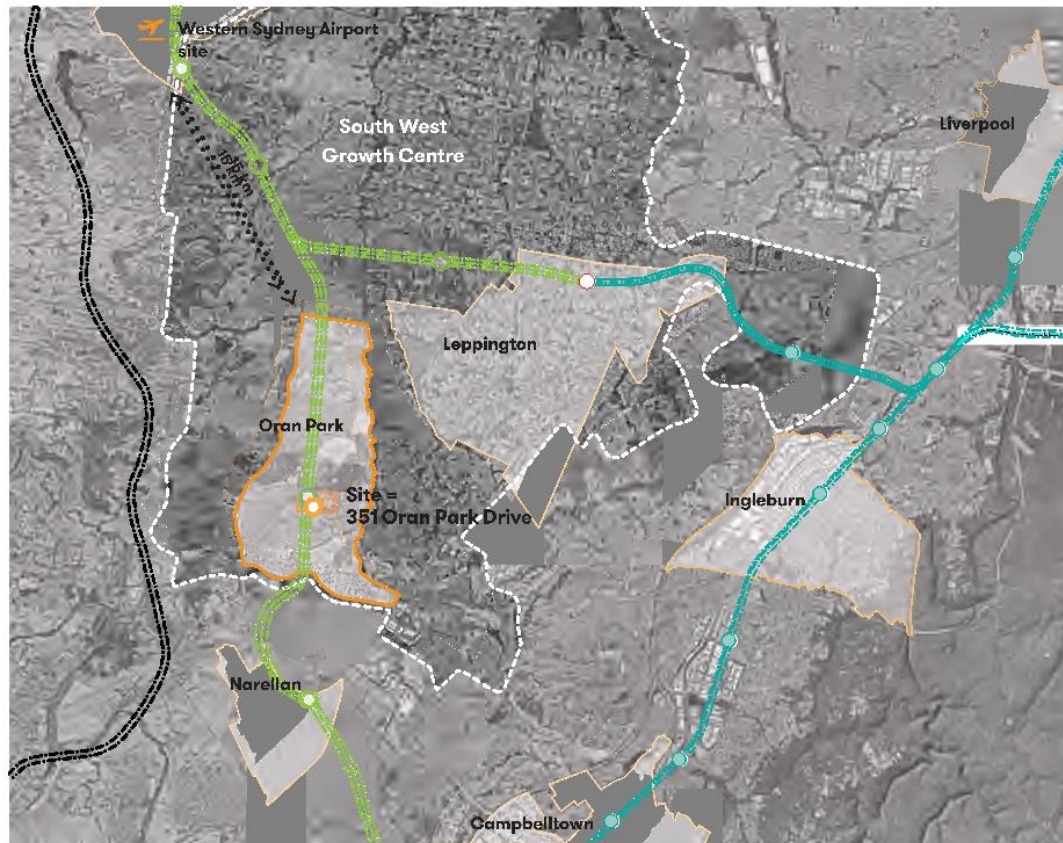


Site Analysis



Site Analysis

[Wider Context Plan]



Oran Park

Oran Park is situated within the south west growth centre of Sydney, 15 km from the future western Sydney air port site.

-  SITE
-  ORAN PARK TOWN CENTRE
-  ORAN PARK
-  NEIGHBOURING SUBURBS
-  EXISTING RAIL LINE
-  PROPOSED RAIL LINK EXTENSION
-  PROPOSED OUTER SYDNEY ORBITAL CORRIDOR

Site Analysis

[Local Context Plan]



- SITE
- ORAN PARK TOWN CENTRE
- - - PROPOSED RAIL CORRIDOR

Site Analysis

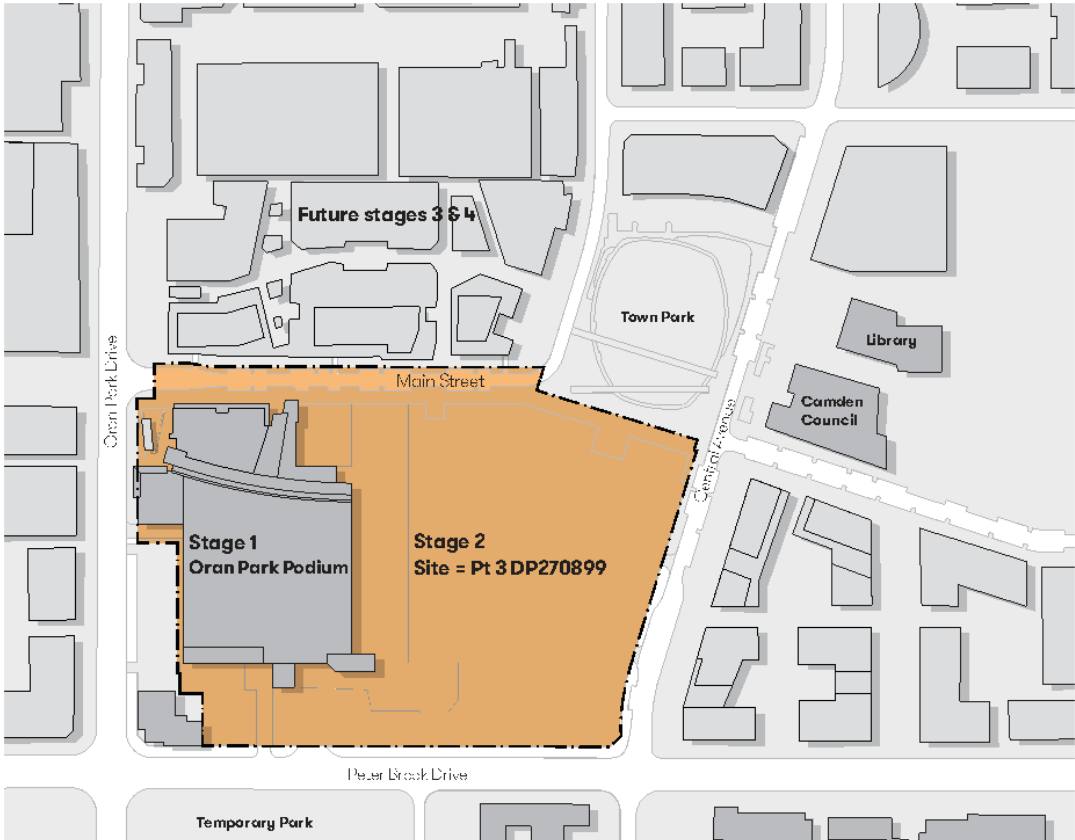
[Aerial Photograph]



- SITE STAGE 2
- SITE STAGE 1
- - - ORAN PARK TOWN CENTRE

Site Analysis

[Site Context Plan]



Site Characteristics

The site of the proposal, which includes the existing Oran Park Podium retail centre, is 55,250 sqm in area and is part of a larger landholding earmarked for the further expansion of the retail centre under the Town Centre Masterplan.

The site is surrounded on three sides by public roads. Oran Park Rd, the major access road to the Town Centre from the south, Peter Brock Drive, connecting the Town Centre to The Northern Road and Central Ave, the civic spine of the Town Centre. To the north is the established Town Park, jointly funded and constructed by the applicant and NSW Urban Growth. Also, to the north is Main St, a suspended roadway on the Podium property, which is proposed to be extended east and which becomes pedestrianised between the Town Park and the expanded retail centre.

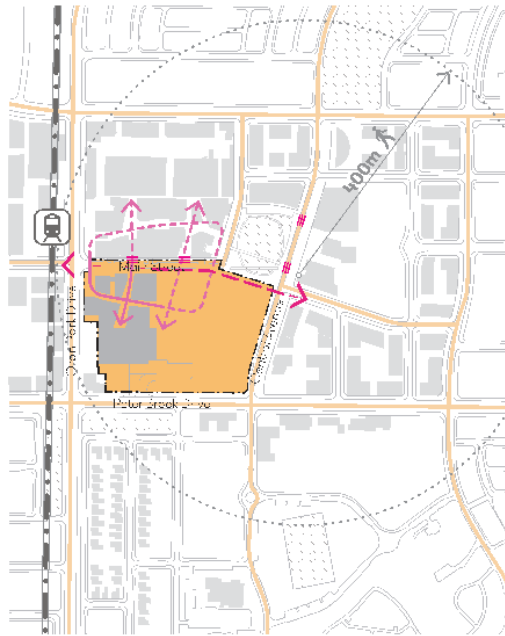
An area of the site fronting Central Ave and Peter Brock Drive has been set apart for the development of additional residential buildings in the future.

The edge of the site falls approximately 0.5m from west to east and a further 0.5m from north to south along Central Avenue. Given the length of the property boundaries these relatively minor falls have not restricted continuation of the retail centres main floor and at grade access can be provided to all new entry points to the retail centre and residential entries.

The area of the property where the new work is proposed has already been partially excavated in anticipation of the expansion of the basement parking.

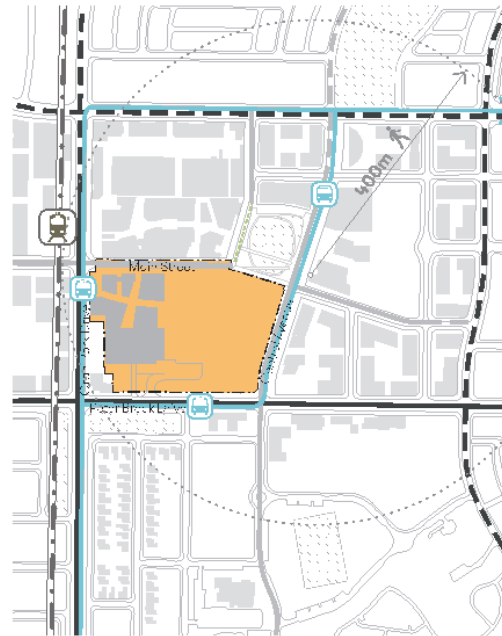
Address	351 Oran Park Drive
Zoning	B2 Local Centre SEPP [Sydney Regional Growth Centres] 2006
Total Site Area	55,260 sqm

Site Analysis



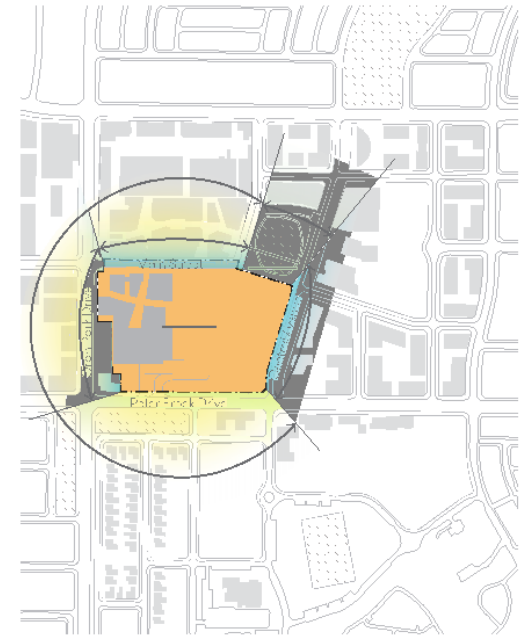
Pedestrian and Cycle Movement

- SITE
- PEDESTRIAN - EXISTING
- - - PEDESTRIAN - FUTURE
- · - · - PEDESTRIAN RETAIL - EXISTING
- · - · - PEDESTRIAN RETAIL - FUTURE
- BICYCLE MOVEMENT - FUTURE (DCP)
- ZEBRA CROSSING
- · - · - TRAFFIC LIGHT CROSSING



Transport and Roads

- SITE
- MAIN ROADS - EXISTING
- - - MAIN ROADS - FUTURE
- SECONDARY ROADS - EXISTING
- - - SECONDARY ROADS - FUTURE
- FUTURE BUS ROUTES (DCP)
- · - · - PROPOSED RAIL CORRIDOR
- · - · - CALMED STREET

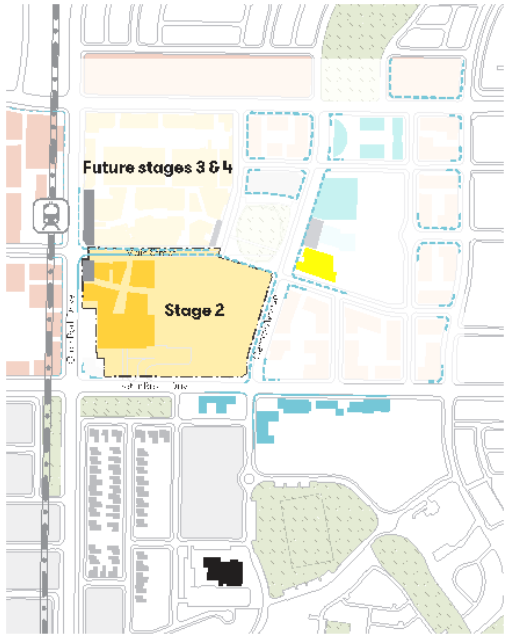


Views and Vistas

- SITE
- STREET VIEWS
- TOWN PARK VIEWS
- DISTANT VIEWS

Site Analysis

[Land Uses]



Site Analysis Summary

The site occupies a substantial footprint at the heart of the Oran Park Town Centre, at the nexus of civic, community, open space and retail uses. The perimeter road and pedestrian network provides exceptional connectivity to these uses, with growing transport options, which will only be enhanced with the proposed North South Rail corridor to Oran Park and beyond.

The northern and easterly facing aspect provides excellent opportunities for solar access to residential apartments with open vistas across the Town Park and at levels above the podium, to distant views over Oran Park to the Blue Mountains.

The openness of the site in the north east corner facilitates the location of a significant residential component providing iconic built form as key visual markers in the urban fabric of the Town Centre. The location of a tall building element on the corner of the Town Park and Central Ave will have no adverse environmental impact on either the Town Park or the Civic precinct, minimal impact on the mixed-use precinct to the east, and no impact on any residential areas.

The expansion of the Oran Park Podium retail centre is intended to provide an enhanced food and beverage offering with the opportunity for outdoor dining, activating the precinct beyond normal shop opening hours and introduce a commercial building to further invigorates and supports the Town Centre activity. The synergy between mixed-use retail and commercial with the residential development identifies this site as an ideal location for increased residential density and building height.

Urban Design Analysis



Strengthen Opportunities

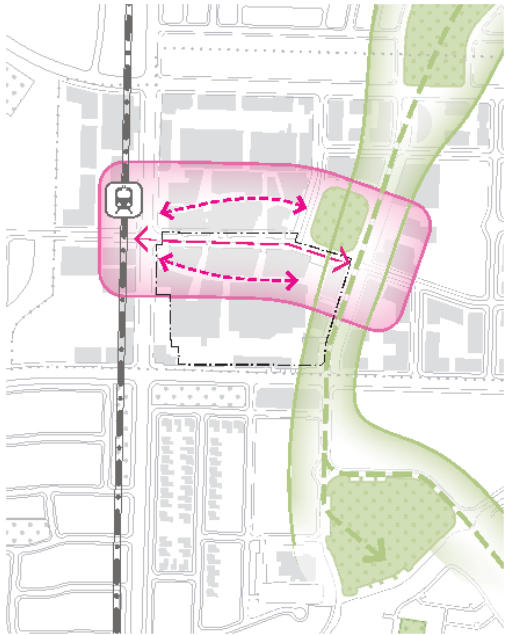
The Stage 2 development of the Town Centre plays a pivotal role in enhancing the structure and character of the Oran Park Town Centre. The Stage 2 Development is located at the nexus of the 'urban axis' and the 'nature axis'.

The urban axis is primarily defined by the Main Street, which is linked to the nature axis to the East. The nature axis ensures a variety of connected open spaces within the Oran Park Town Centre.

The existing Town Park is located adjacent to the Civic Node and is the iconic open space along the nature axis.

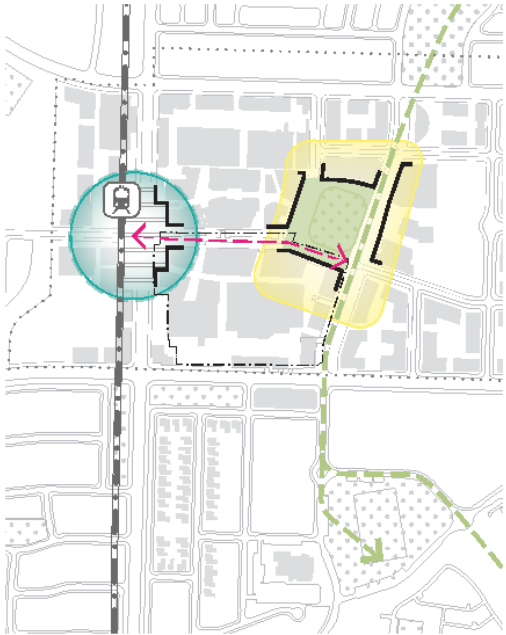
The Stage 2 development has extensive frontage along both the urban and the nature axis and fronts onto the Town Park.

As a result the Stage 2 development is ideally positioned to be the landmark development that visually anchors the Main Street and the Civic Node.

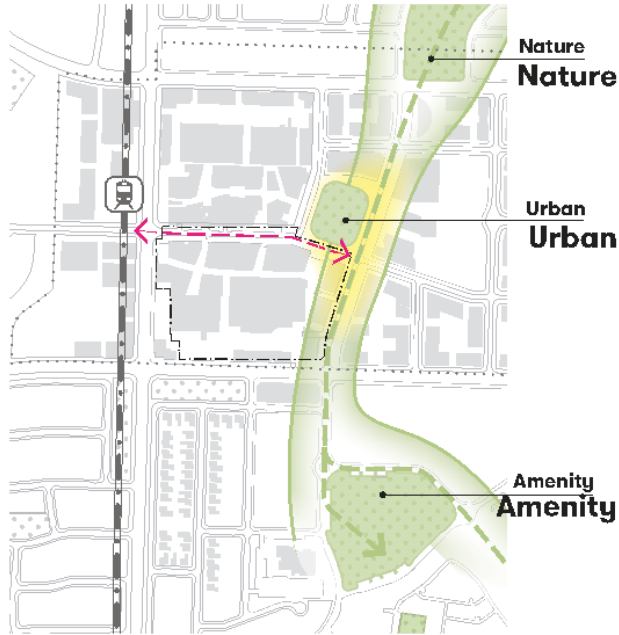


Urban + Nature Axis

- Urban axis
- Nature axis



Defining Main Street



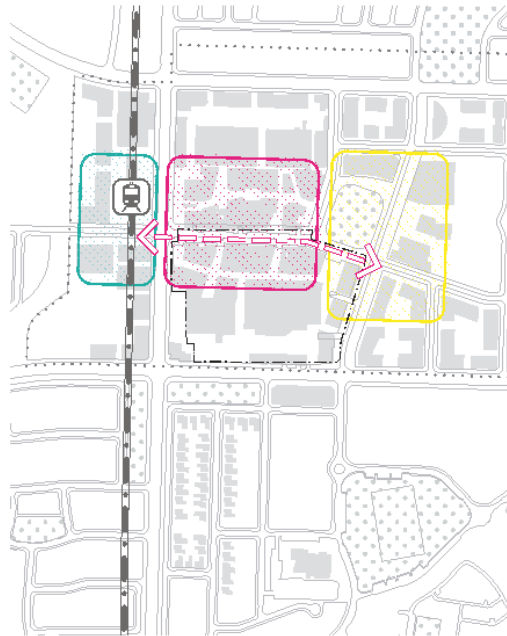
Variety Along Green Corridor

Reinforce Town Centre Structure

The Stage 2 development is located in the heart of the Town Centre next to the Town Park, Library and Council Offices. It is therefore a strategic development and part of the broader 'Civic' precinct.

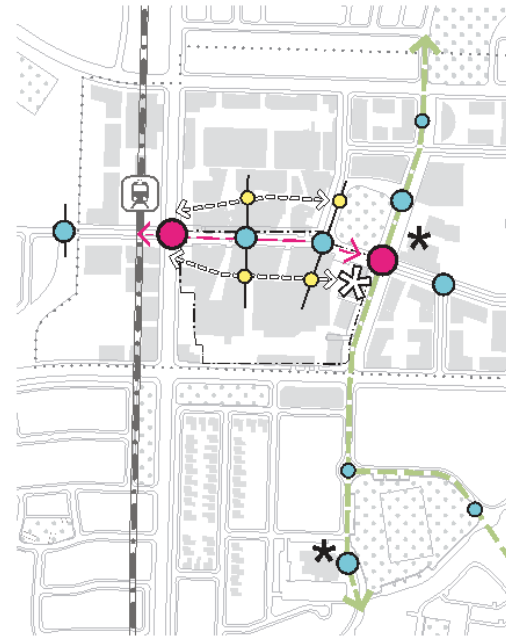
A variety of visual nodes, open spaces and pedestrian linkages further reinforce the Stage 2 development and overall Town Centre Structure and the delivery of a walkable and legible Town Centre that is a pleasant, activated and safe.

Due to its location, the Stage 2 development will comprise of a vibrant ground level activation through active edges that foster interaction between the public domain and the retail centre.



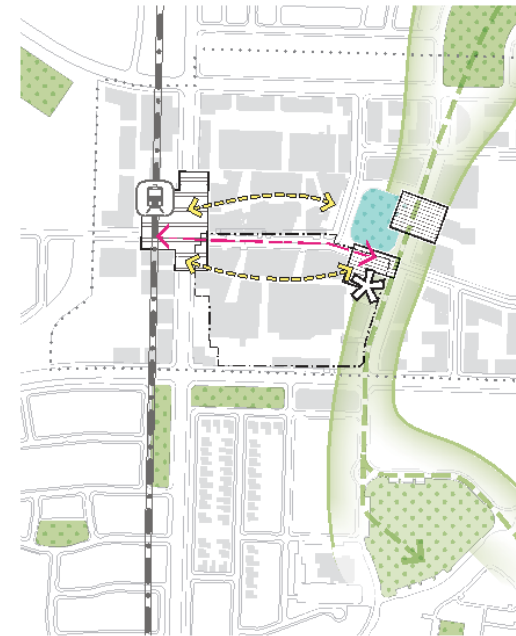
Key Precincts

- Caraway Precinct
- Main Street Precinct
- Civic Precinct
- Open Square
- Train



Nodes + Linkages

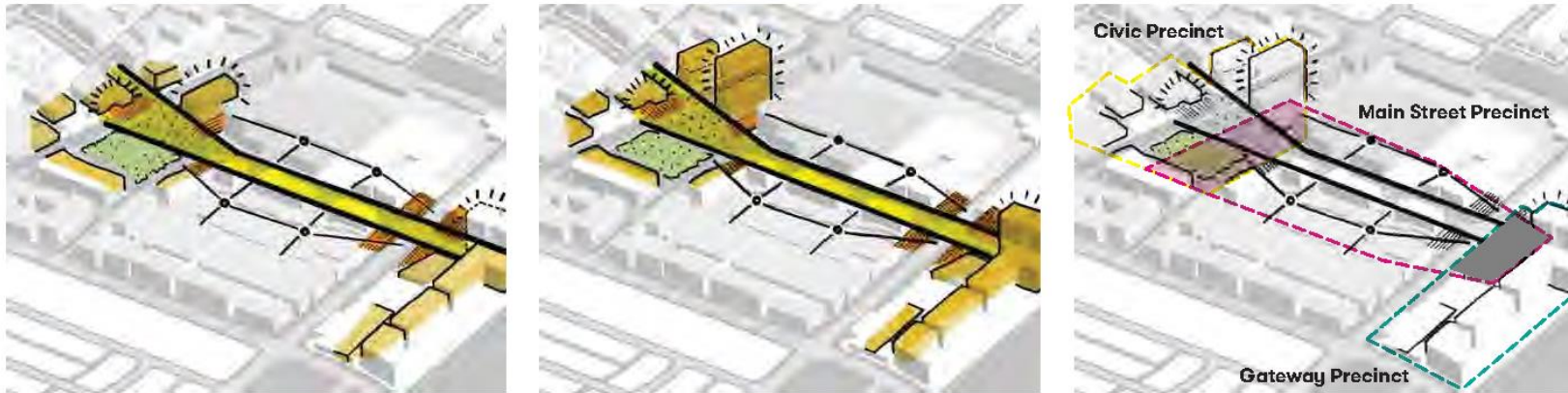
- Pedestrian
- Main Street
- Activity Nodes
- Public Space
- * Special Buildings
- Major Node
- Secondary Node
- Internal Node



Variety of Open Spaces

- Urban Park
- Amenity Park
- Mellum Park
- Internal retail
- Plaza

Balancing Precincts in Overall Town Centre



The Gateway Precinct will encourage density and height. The Civic Precinct at the other end of the Main Street with augmented height and density counter balances the Gateway Precinct, ensuring activity and Town Centre gravitas around the Civic Precinct as the heart of the community.

Allowance for focused distribution of height and density around the Gateway and the Civic Precinct ensures a balanced Town Centre, whilst becoming the anchors of the Main Street. The Stage 2 development is strategically positioned adjacent to the park and additional amenities. Increased height and density here will activate the Civic Precinct and support the retail centre.

Built Form



Town Centre Evolution

[Streetscapes]

Key Plan



Streetscape Character

The character of the Oran Park Town Centre is in a state of evolution. Prior to the construction of the Camden Council Administration Building, the area was dominated by the Podium retail centre with its 4-storey commercial component on the corner of Oran Park Drive and Main St and the smaller scaled Sales and Information Centre on the Peter Brock Drive Corner. The Council Administration Building is now complete and operational, and the adjoining Library is under construction. Both have significant setbacks from the street alignment creating public open space in front of them.

No development currently exists to the north, east or west. To the south, on the opposite side of Peter Brock Drive, is a single storey child care centre and a temporary park earmarked for medium density residential development. Beyond that the streetscape character becomes one and two storey single residences.

The conclusion that can be drawn is that the Oran Park Podium development will continue to provide the dominant streetscape character, extending the two storey scale retail character along Main St to the corner of Central Avenue and returning down Central Avenue for distance of approximately 30 metres, before being articulated by the residential Building 2 Entry. The remainder of the building is setback and comes to the ground prior to the location of the residential carpark entry. The remaining frontage of Central Avenue anticipates future multi-unit residential development, with the opportunity for courtyards and street address for ground floor apartments. A proposed 4-storey Commercial building will sit between the proposed Residential Building 1 and existing commercial building to consolidate the frontage of Main Street.

There will be no significant change to the streetscape in Peter Brock Drive as the retail component is well setback, in line with the existing.



[1] Main Street



[2] Central Avenue



[3] Peter Brock Drive



[4] Oran Park Drive

Town Centre Evolution

[Built Character, typologies and materials]

Key Plan



[1] Oran Park - Stage 1



[2] Camden Council



[3] Town Park Pavilions

Built Character

As can be seen from the limited number of buildings completed or proposed in the immediate vicinity, there is a diversity of architectural expression. The Council Administration Building and the Library building are of significant architectural quality. Of lesser quality, but still expressing a unique architectural character is the 4-storey commercial component of the Oran Park Podium. The retail centre itself is not untypical of contemporary, cost effective retail architecture.

The extension of the retail centre will occupy approximately 70% of the street frontage between the existing commercial building and Central Ave. This provides the opportunity to re-define the architectural character of the street front and to provide a coherent, relational transition to the proposed residential buildings.

The intention is to provide a built character consistent with the Oran Park Precinct DCP 2007 objective of providing "high quality built form and energy efficient architectural design that promotes a 'sense of place' and modern character for the town centre".



[4] Library - Construction Completed



[5] Private Residential

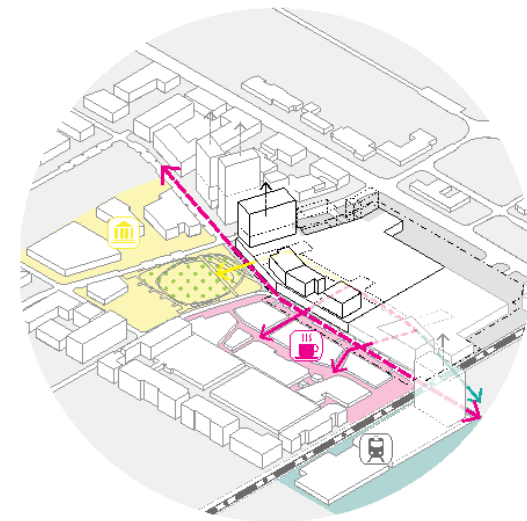
Design Principles

The Stage 2 development of the Town Centre represents an opportunity to enhance the structure and character of the Oran Park Town Centre. Oran Park is currently undergoing a population growth at a considerable rate and with this growth: a vibrant and connected town centre is pivotal to success of Oran Park.

The key elements of Stage 2 of the town centre are:

- A **landmark development and visual anchor** to announce the nexus of the 'urban axis': Main Street and the 'nature axis': Central Avenue and the arrival at the Civic Precinct. The Stage 2 development is ideally positioned to be the landmark development that visually anchors the Main Street and the Civic Node.
- A **balanced Town Centre**. Allowance for focused distribution of height and density around the Gateway Precinct and the Civic Precinct ensures a balanced Town Centre, whilst becoming the anchors of the Main Street. Increased height and density here will activate the Civic Precinct and support the retail centre, generating local job opportunists and increased amenity.
- Reinforcing a **connected and walkable town centre**, with pedestrian linkages to stage 1, future developments and the Town Park.
- A **vibrant ground level with active edges** fosters the **interaction between the public domain and the retail centre**. Weather protected outdoor rooms for café and restaurant dining connect the retail to the public domain.

- Reinforcing the **Town Centre as place for social gathering and community interaction**. The 'Market Place' dining precinct reinforces the town centre as the social hub, as it becomes an extension of the Town Park.
- **Bringing the outside in**: a naturally ventilated wintergarden connects the "Market Place" to the Town Park. Day light and sky views are brought into pedestrian links and into the marketplace through large light canons, high level windows and angled entry canopies.
- A **vibrant community of diverse social interactions**: by providing a variety of apartment typologies and communal open space that is bursting with community activities and programmed spaces.



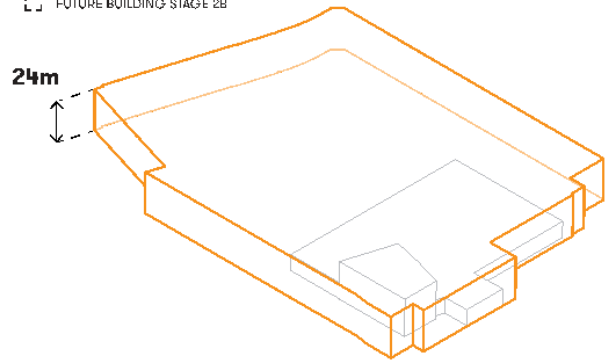
Concept Diagram

- | | |
|--|---|
| ■ GATEWAY PRECINCT | PROPOSED BUILDING- STAGE 2A |
| ■ MAIN STREET PRECINCT (INCLUDING FUTURE STAGES) | FUTURE BUILDING STAGE 2B |
| ■ CIVIC PRECINCT | SURROUNDING BUILDING |
| ■ GREEN SPACE | ↑ DENSITY GROWTH |
| | --- MAIN STREET |

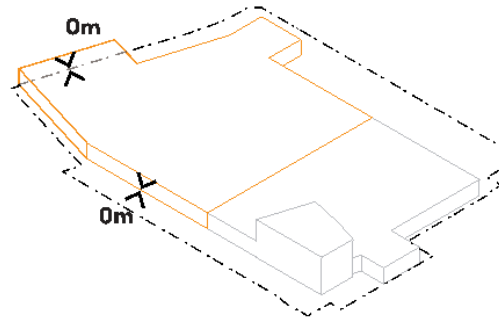
Massing Strategy

[Study on the development of the building form and key design strategies.]

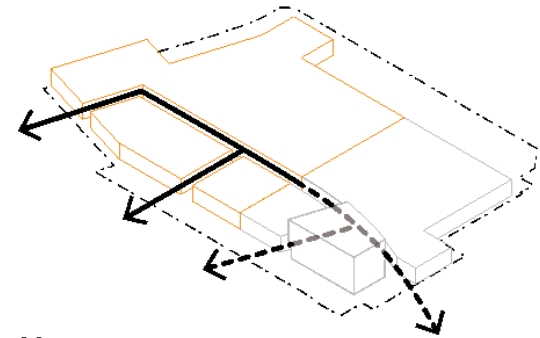
LEGEND
[] FUTURE BUILDING STAGE 2B



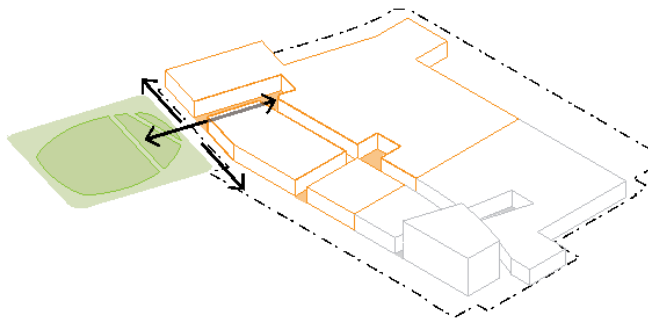
[1]
Building eave depth



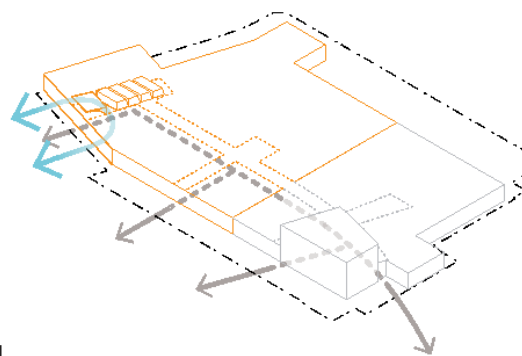
[2]
Site setbacks + Retail massing



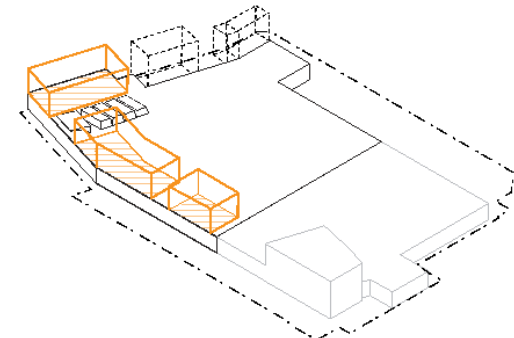
[3]
Site links - Circulation



[4]
Orientation link to Park and access to Marketplace



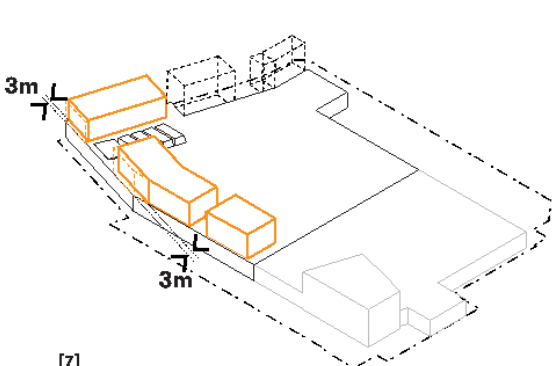
[5]
Introduce daylight into the Marketplace



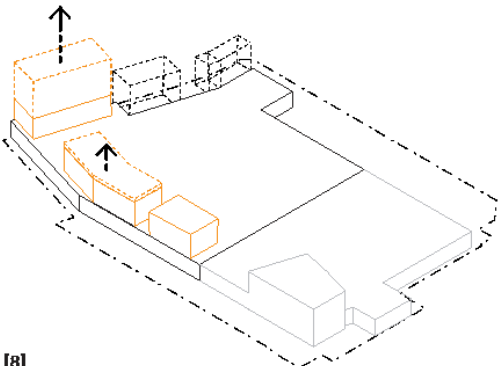
[6]
Residential + Commercial frontage to streets

Massing Strategy

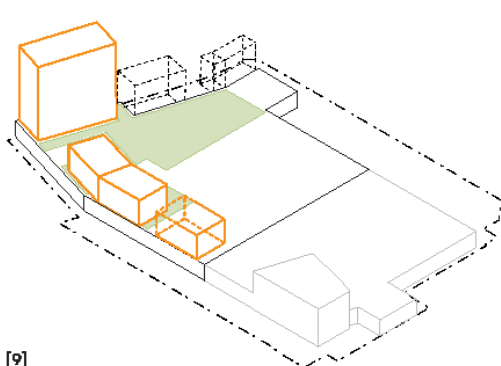
LEGEND
[] FUTURE BUILDING STAGE 2B



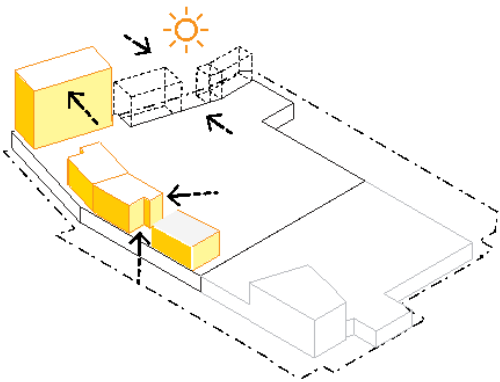
[7] Set back from street to define Retail



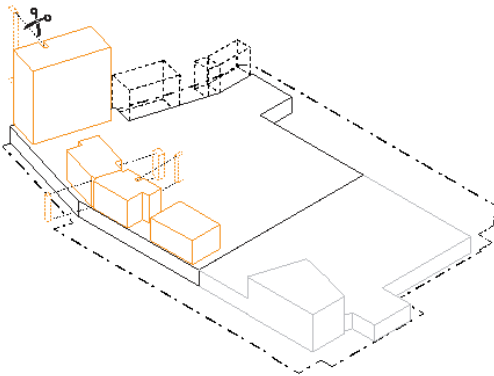
[8] Increase density at view points and town centre anchor points



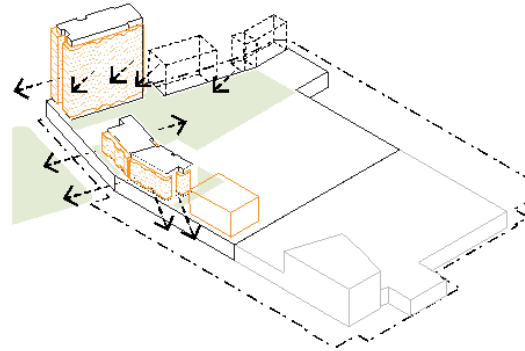
[9] Communal Open Space



[10] Maximum solar opportunities



[11] Articulation for residential cross ventilation



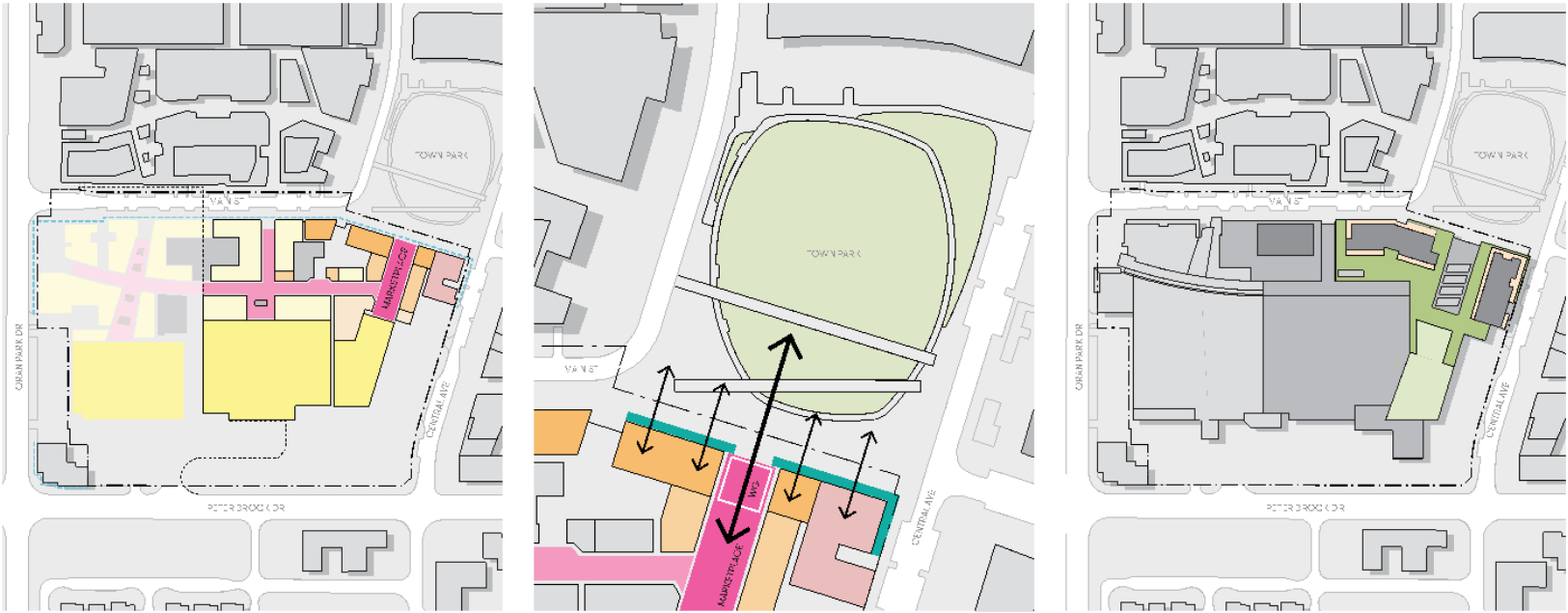
[12] Balconies articulated to capture views

Environmental, Social & Economic Sustainability



Social and Economic Sustainability

Active ground floor, dining precinct and level 1 communal open space



Ground Floor Activation and Uses

- SITE BOUNDARY
- STAGE LINE
- SPECIALITY RETAIL
- RESTAURANT
- ARCADE
- TAVERN
- FOOD RETAIL
- FRESH FOOD
- MARKETPLACE
- MARKETPLACE
- ARCADE
- ACTIVE STREET FRONTAGE

Dining precinct relationship to park

- SITE BOUNDARY
- MARKETPLACE
- WINTER GARDEN
- ARCADE
- TOWN PARK
- OUTDOOR DINING
- PARK CONNECTION

Level 1 Podium Communal Open Space

- SITE BOUNDARY
- PRIVATE OPEN SPACE
- COMMUNAL OPEN SPACE
- COMMUNAL LANDSCAPED SPACE
- EXISTING ROOF
- PROPOSED ROOF
- BUILT ENVELOPE


Climate Analysis


[Thermal comfort, Rain, Wind + Solar Access]

[The moderate climate at Oran Park presents an opportunity to create comfortable outdoor spaces, making use of the northern solar access and summer breezes. Due to the rainfall and higher winds speeds in the cooler months these outdoor spaces will need to be weather protected.]


Comfort Statistics (day)

- 


42% of the year **Comfortable** to sit outside due to suitable temperatures
- 


North to east facing outdoor areas here have good access to **cooling** from breezes in warmer months
- 

Wind protection also needed for comfort in cooler months

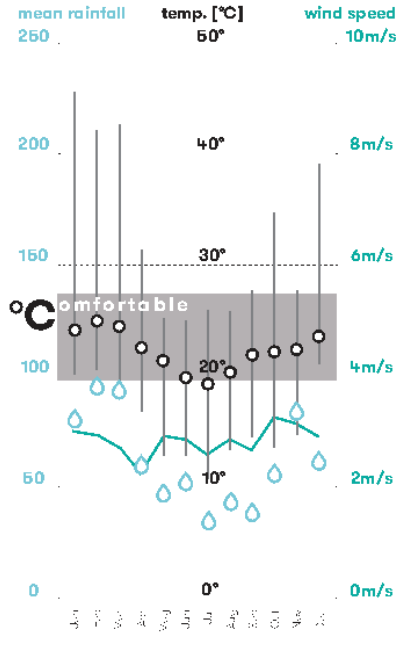
3.8m/s average wind speed
- 

External temperature comfort (including winds) for **10 months** of the year

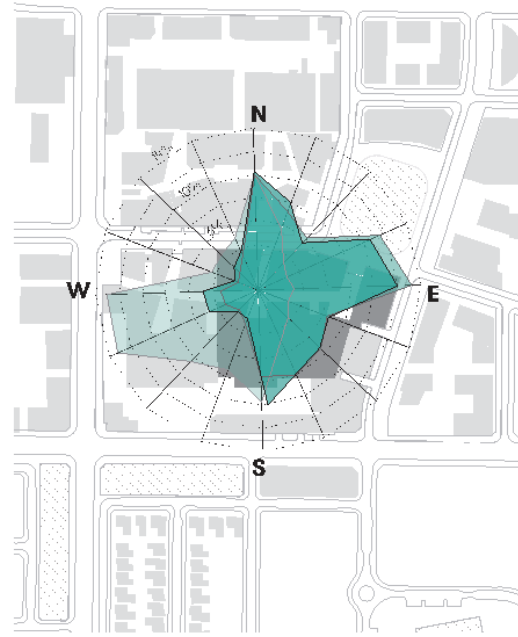
19°-26°
- 

High rainfall February and March **60-80mm** per month
- 

obstructing high **summer** sun and **allowing** in low **winter** sun

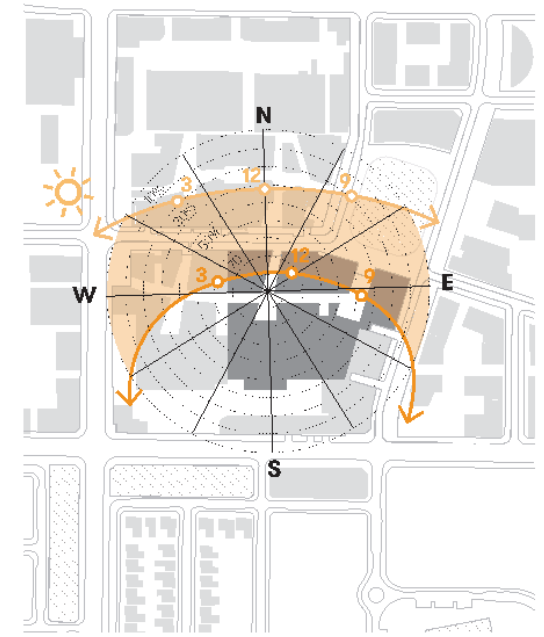


Comfort: rain, temperature and wind



Site wind rose overlay [day 800am - 800pm]

- ANNUAL
- SUMMER
- WINTER

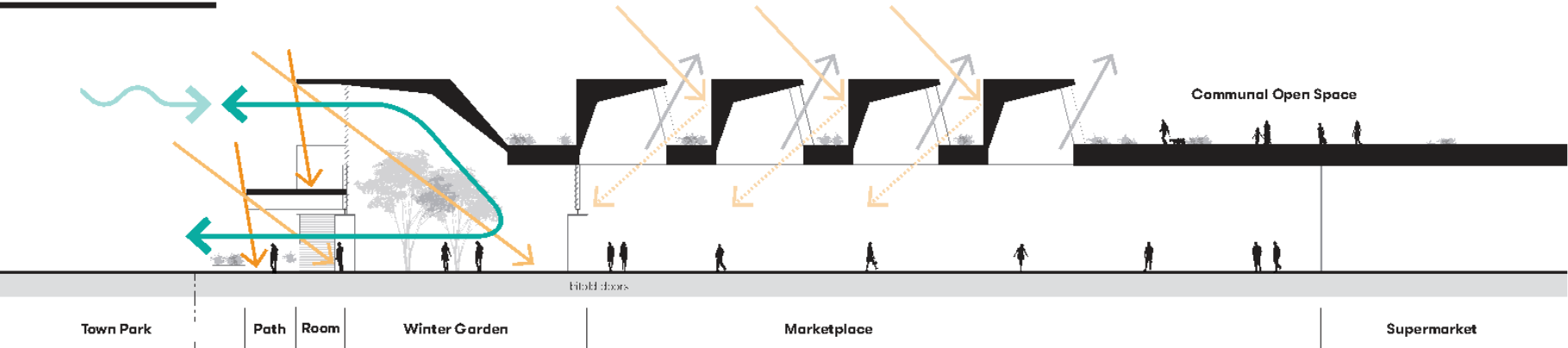


Site sun path overlay

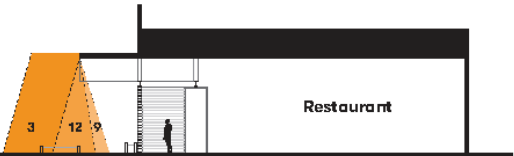
- SUMMER SOLSTICE [21 DECEMBER]
- WINTER SOLSTICE [21 JUNE]
- ANNUAL VARIATION

Environmental Design

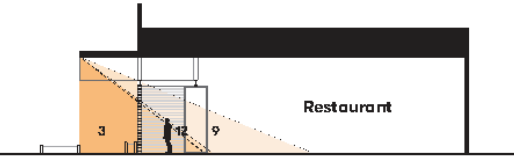
[Retail Design - ventilation, solar and sky views]



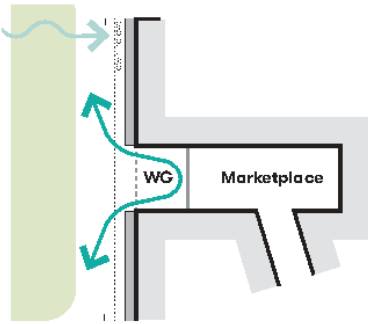
Design Section



Summer solstice [21 December]



Winter solstice [21 June]



Summer, Autumn and Spring Ventilation



- Summer solstice [21 December]
- Winter solstice [21 June]
- Reflected sky light
- Cross ventilation
- Prevailing winds
- Sky views

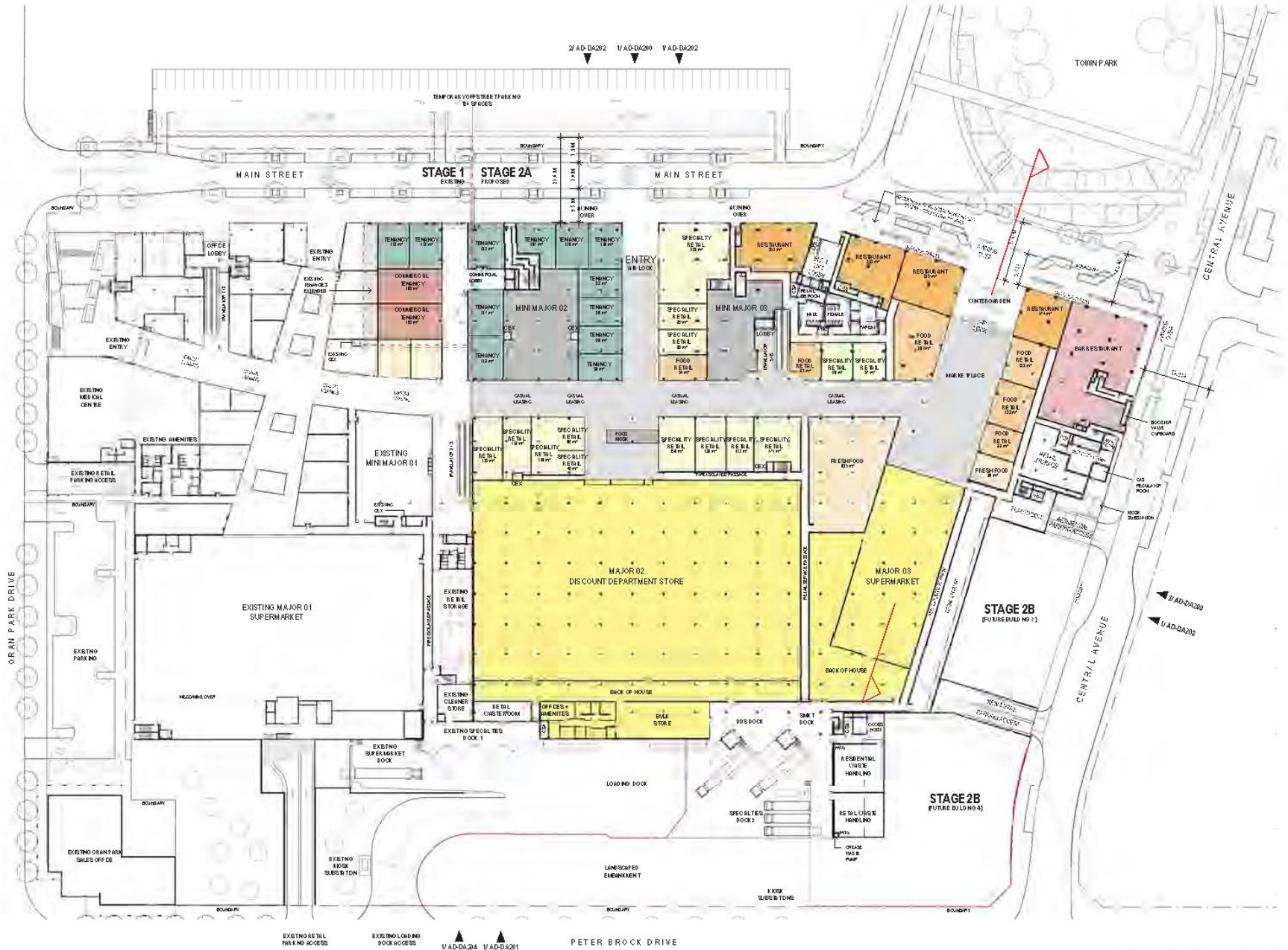
Key

The retail and dining precinct is orientated towards the Town Park to the north, optimising solar access and summer breezes and thereby encouraging outdoor activities.

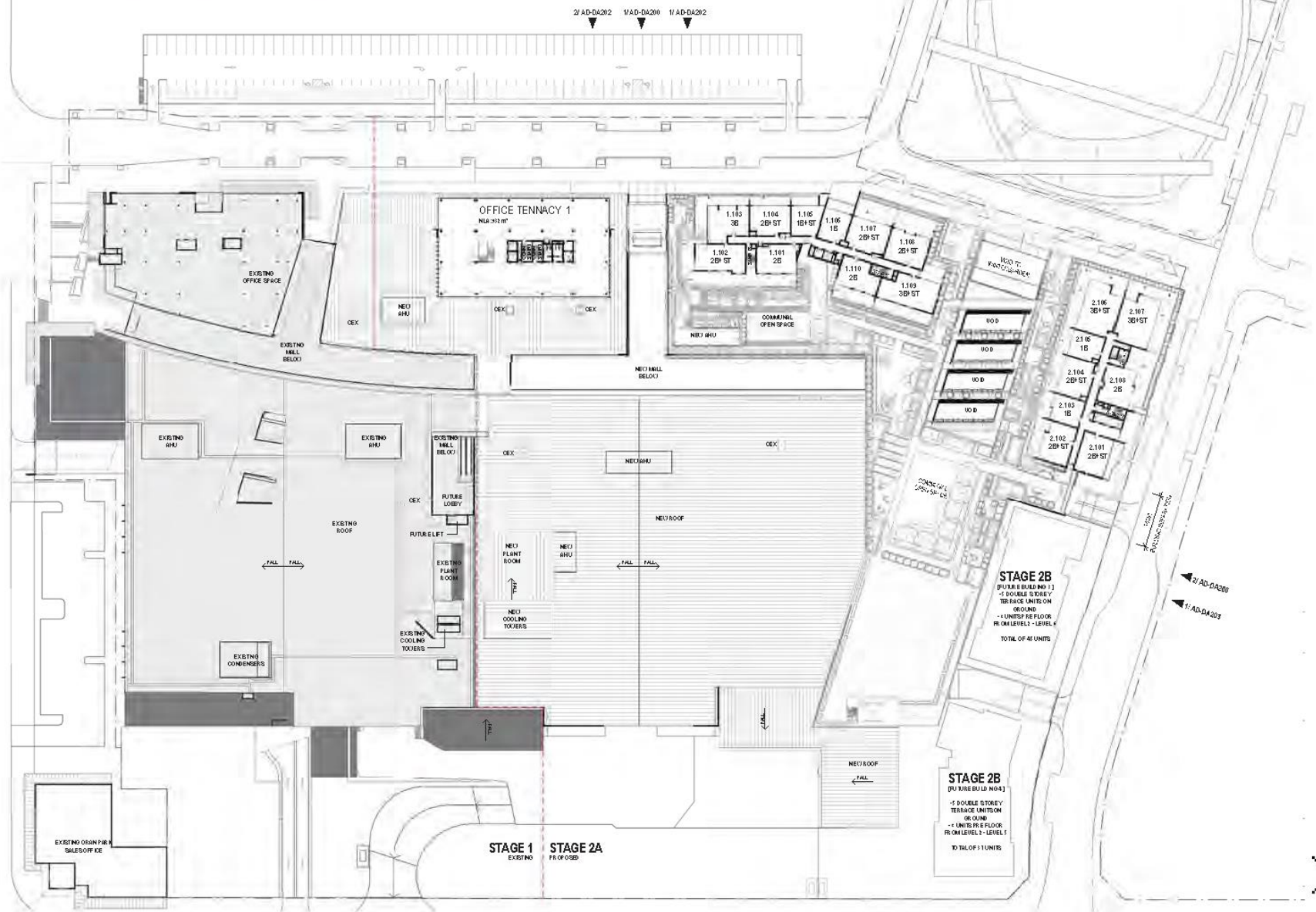
This dining edge to the Town Park, has a series of urban rooms that are weather protected during the cooling months by the use of bifolds and planting.

The winter garden that connects the "Market Hall" to the Town Park is naturally ventilated, making the most of the moderate climate and breezes.

The Market Hall and retail arcades maximise the use of natural lighting through the introduction of skylights for daylighting. The skylights in the "Mark Hall" are oriented to the south to maximise daylight and sky views, but ensure no direct sunlight fall upon the food and beverage tenancies below. The entry canopy to the precinct is angled to let in winter sun but block the hot summer sun.



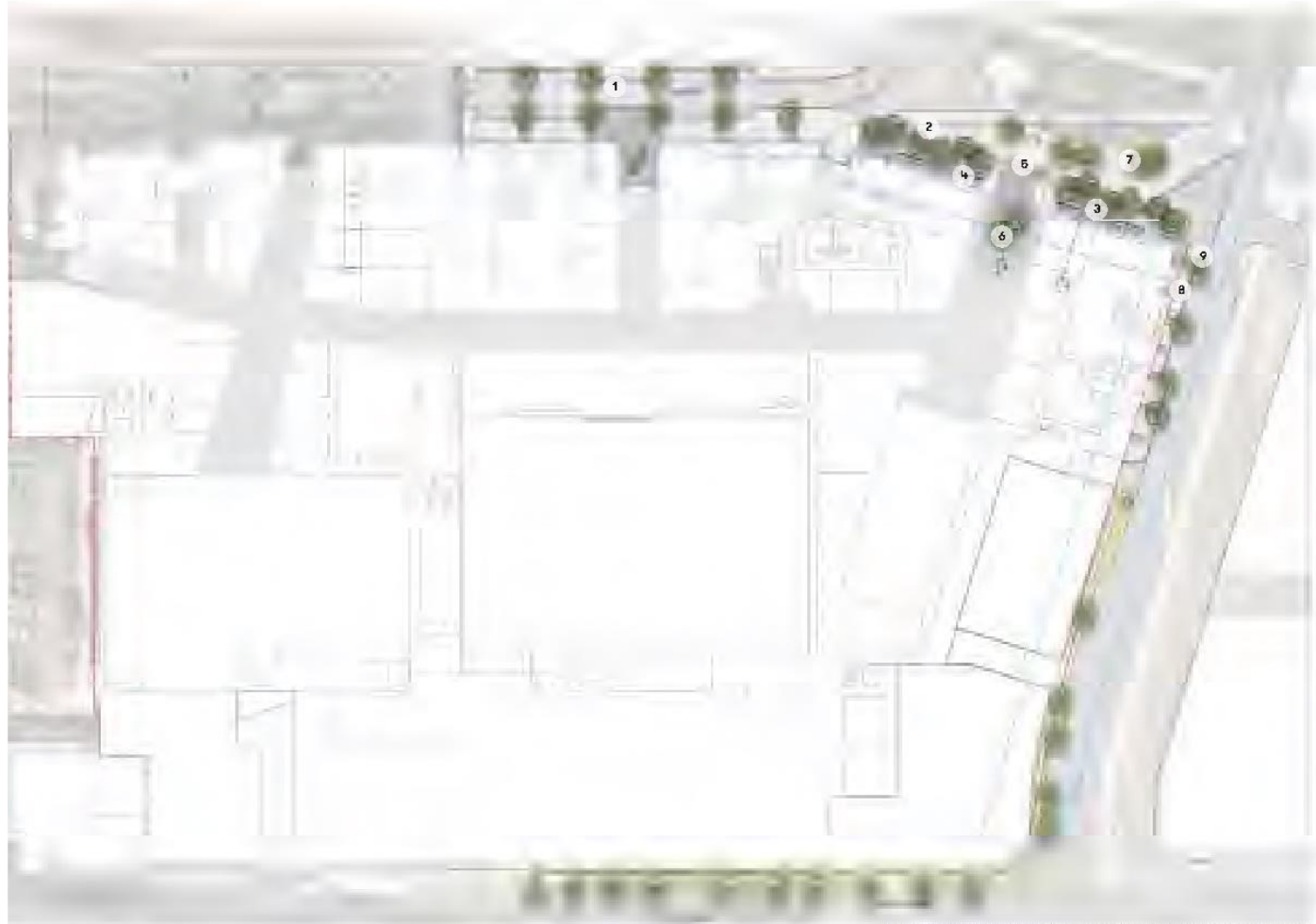
Level 1 Podium Plan



Attachments for the Ordinary Council Meeting held on 28 July 2020 - Page 96

Public Domain

[Site Strategy]



[FOR REFERENCE ONLY - REFER TO APPENDICES 20170104-LD-CD100]

LEGEND

- 1 Proposed *Pyrus ussuriensis* to define existing street tree planting pole line on Main St.
- 2 Proposed *Pyrus ussuriensis* to retail breakout area to provide shade and mitigate prevailing winds.
- 3 Outdoor dining areas to encourage public domain activation for ground floor tenancy.
- 4 Raised planters to define harbour structure and create a sense of enclosure and shade for ground floor tenancy.
- 5 Paving pole line for the proposed retail to seamlessly define the existing parking character. Granite paving to match existing.
- 6 Winter Garden, transition space between the public domain and retail centre. Large tree planting of *Nothofragum* to maximise deep soil area combined with lush plantings of *Lilium tigris* and understorey planting to create visual interest upon arrival.
- 7 Existing trees to park edge to be transplanted to define existing parking character. Transplanted trees to be consolidated into proposed garden beds with native understorey planting.
- 8 Upgrade to paving and pedestrian access to Central Avenue including granite in-fill and bonding as per Oran Park Town Centre Public Domain Manual. Existing *Corymbia alnicolora* trees to be retained and protected.
- 9 Additional *Corymbia alnicolora* trees to unify Central Avenue and provide a sense of scale to the proposed retail.

Public Domain

[Retail + Park Interface]



LEGEND

- 1 Proposed *Pyrus ussuriensis* to be into existing street tree planting pole on Main St.
- 2 Proposed *Pyrus ussuriensis* to retail breakout area to provide shade and mitigate prevailing winds.
- 3 Outdoor dining areas to encourage public domain activation for ground floor energy.
- 4 Raised planters to be into orbicular structure and create a sense of enclosure and shade for ground floor energy.
- 5 Paving poles for the proposed retail to seamlessly tie into the existing parking structure. Granite paving to match existing.
- 6 Winter Green transition space between the public domain and retail centre. Large tree planting of *Nothofagus truncata* to maximise deep soil area combined with lush plantings of *Ficus lyrata* and understory planting to create visual interest upon arrival.
- 7 Existing trees to park edge to be transplanted to tie into existing parking character. Transplanted trees to be consolidated into proposed green areas with no new understory planting.
- 8 Upgrades to paving and pedestrian access to Central Avenue including granite in-fill and bonding as per Oran Park Town Centre Public Domain Manual. Existing *Corymbia glauca* street trees to be retained and protected.
- 9 Additional *Corymbia glauca* street trees to unify Central Avenue and provide a sense of scale to the proposed retail.

[FOR REFERENCE ONLY: REFER TO APPENDICES 20170104-LD-CD102]

Public Domain

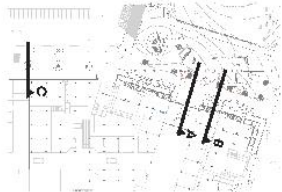
[Cross Sections]



[FOR REFERENCE ONLY: REFER TO APPENDICES 20170104-LD-CD200]

Public Domain

[Cross Sections]

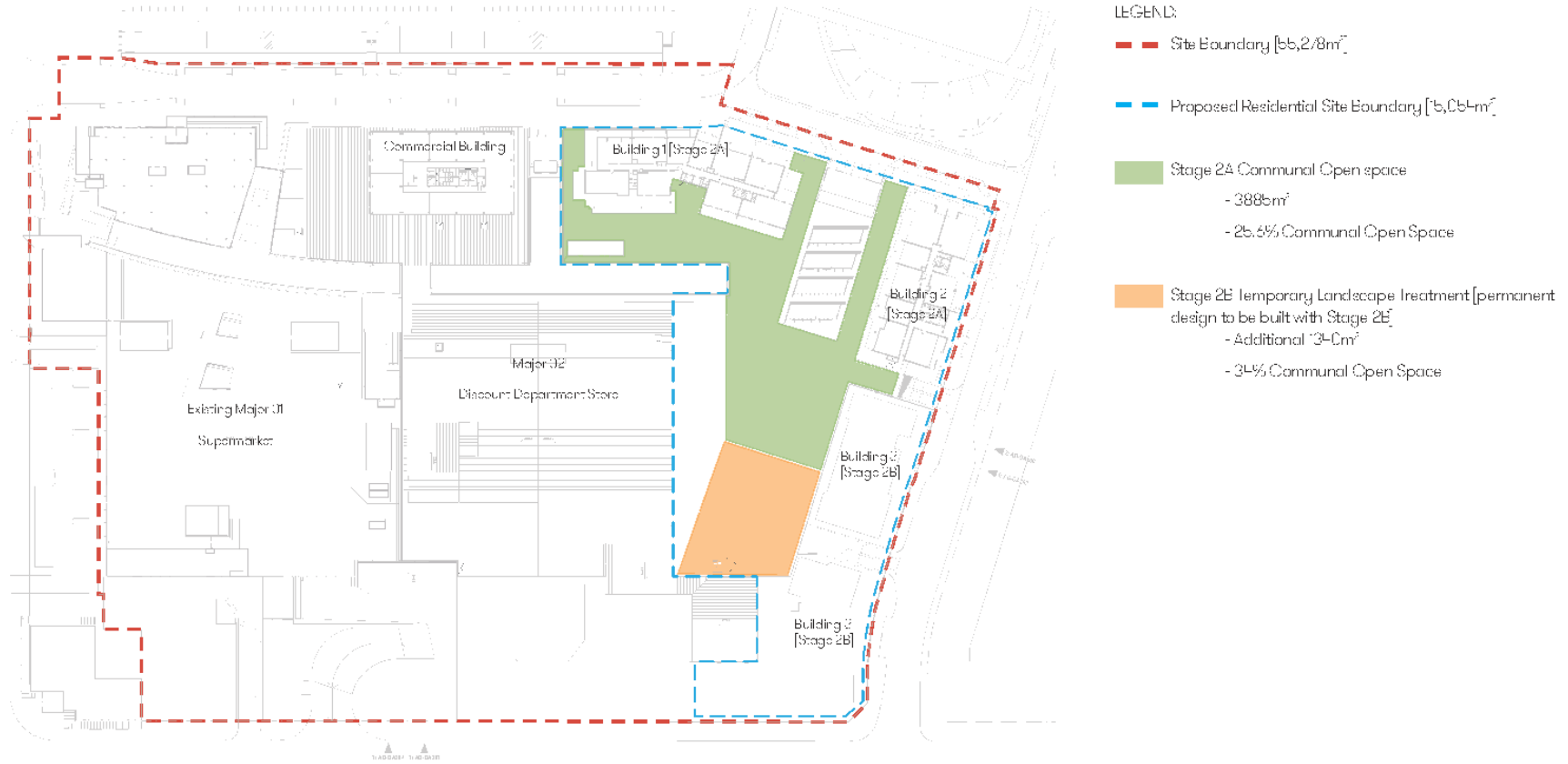


3 PUBLIC DOMAIN SECTION C

[FOR REFERENCE ONLY: REFER TO APPENDICES 20170104-LD-CD201]

Communal Podium

[Communal Open Space ADG Compliance]



Communal Podium

[Landscape Plan]



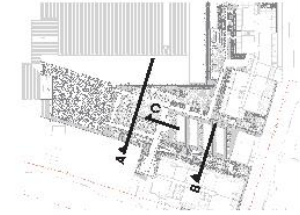
LEGEND:

- 1. Shade pavilions for residents to relax and retreat from the sun. Bespoke shade structures with timber battens and stainless steel wires to encourage climbers. Pavillion to include barbecue facilities and power outlets. Shade structures to be integrated with raised planter
- 2. Community gardens area - prefabricated planters with fruit and vegetable plantings for residents use
- 3. Children's play lawn with mounded astroturf, climbing robes, swing, slide, informal steppers, balance beams and bespoke play tower
- 4. Formal lawn area with lush avenue planting to surrounds. Mounded lawn orientated to the Northern sun to create seating and relaxation opportunities
- 5. Meandering pathways and a combination of timber decked and artificial lawn breakout spaces for relaxation and working from home. Breakout spaces to include GPO's to charge portable devices
- 6. Art elements to reinforce site identity and tie into the parkland sculptures
- 7. Proprietary large scale pot plants with ornamental tree planting. Incorporated lighting elements to create visual interest
- 8. Informal lawn breakout spaces with lush avenue planting providing opportunity for relaxation and passive activities
- 9. Proprietary GRC planters with ornamental planting to provide wind/solar protection and visually soften the edge of the play area

[FOR REFERENCE ONLY: REFER TO APPENDICES 20170104-LD-CD110, 111, 112, 113]

Communal Podium

[Communal Open Space Sections]



1 PODIUM SECTION AA
1:100

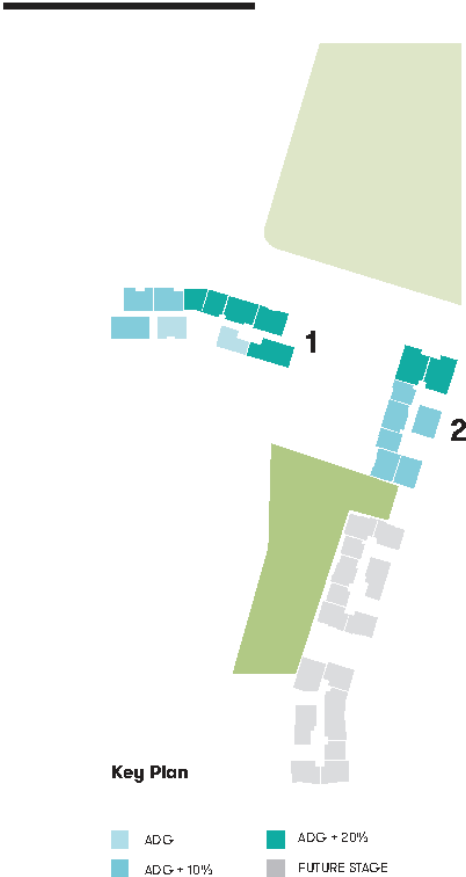


2 PODIUM SECTION BB
1:100

[FOR REFERENCE ONLY: REFER TO APPENDICES 2017/0104-LD-CD 210]

Apartment Typologies

Providing a range of typologies to serve a diverse growing population.



Dwelling Sizes

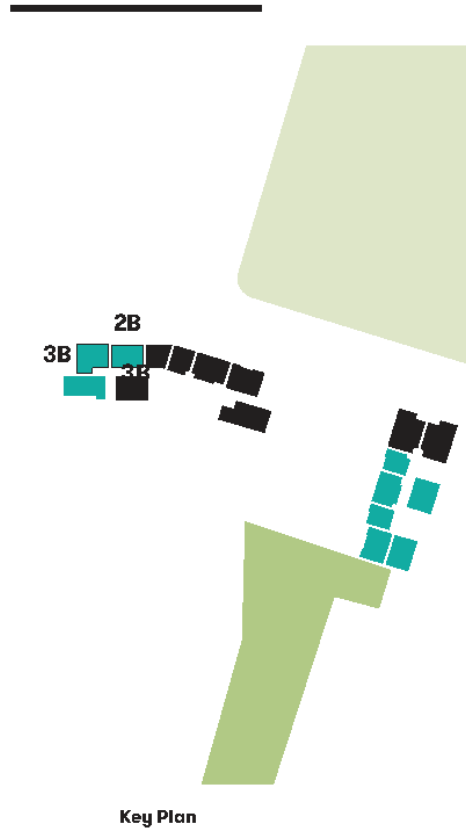
	ADG	+10%	+20%
Building 1	10	15	25
Building 2	-	72	24
Totals	10	87	49
	6.8%	59.5%	33.5%

Dwelling Mix

Dwelling	No.	Mix %
1 Bed	34	22%
2 Bed	78	54%
3 Bed	34	23%
Totals	146	

Apartment Typologies

ADG + 10%

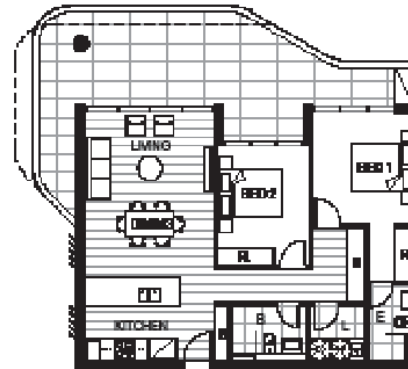


- Large Living Areas Larger bedrooms where available
- Larger bedrooms where available
- 2 bathrooms
- Study nooks where available
- Larger Balcony spaces with shutters for additional climate control
- Views to lawn Park, Main Street and

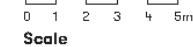
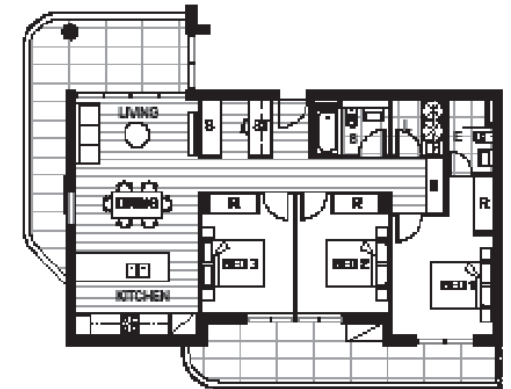
■ ADG + 10%

Internal area	
1 Bedroom	55m²
2 Bedroom	82.5m²
3 Bedroom	100m²

2 Bedroom Apartment
83m²
POS - 20m²

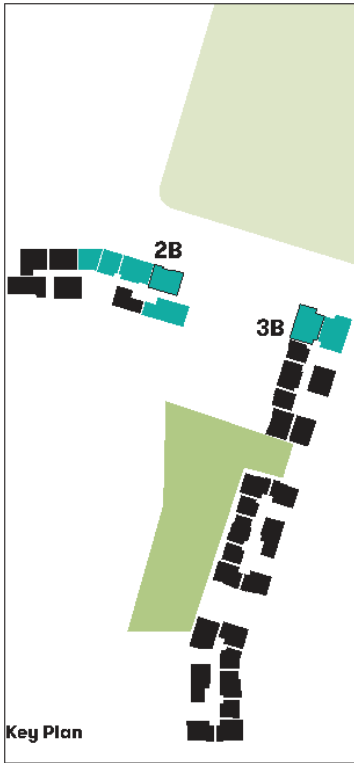


3 Bedroom Apartment
100m²
POS - 30m²



Apartment Typologies

ADG + 20%

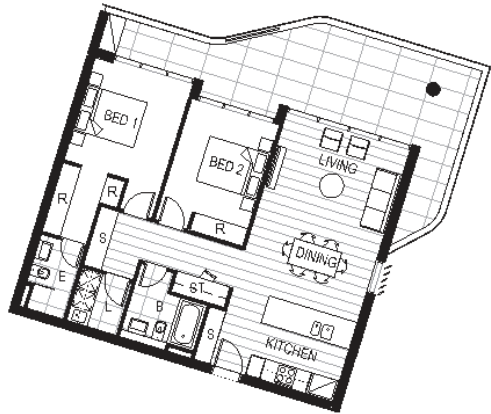


- Larger Living Areas [**4.5m wide**]
- Larger bedrooms [**3.6m wide**]
- 2** bathrooms
- Study nooks
- Separate Laundries
- Larger Balcony spaces with shutters for additional climate control
- Views** to Iawn Park & Main Street

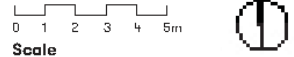
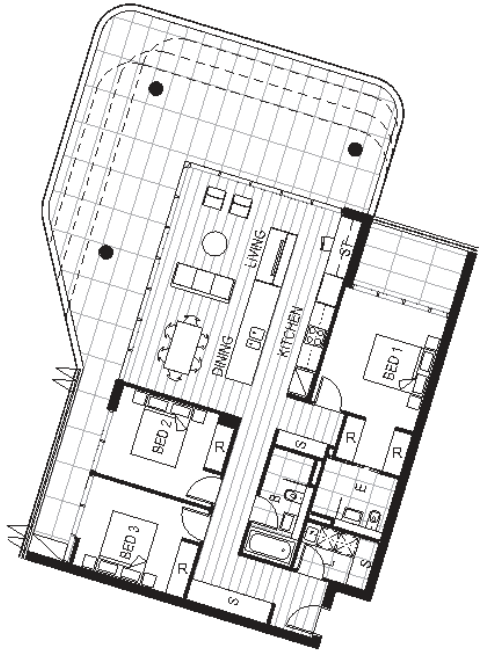
ADG + 20%

Internal area	
1 Bedroom	60m²
2 Bedroom	90m²
3 Bedroom	110m²

2 Bedroom Apartment
90m²
POS - 31m²

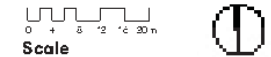
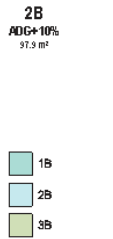
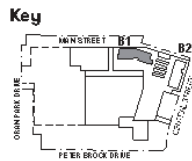
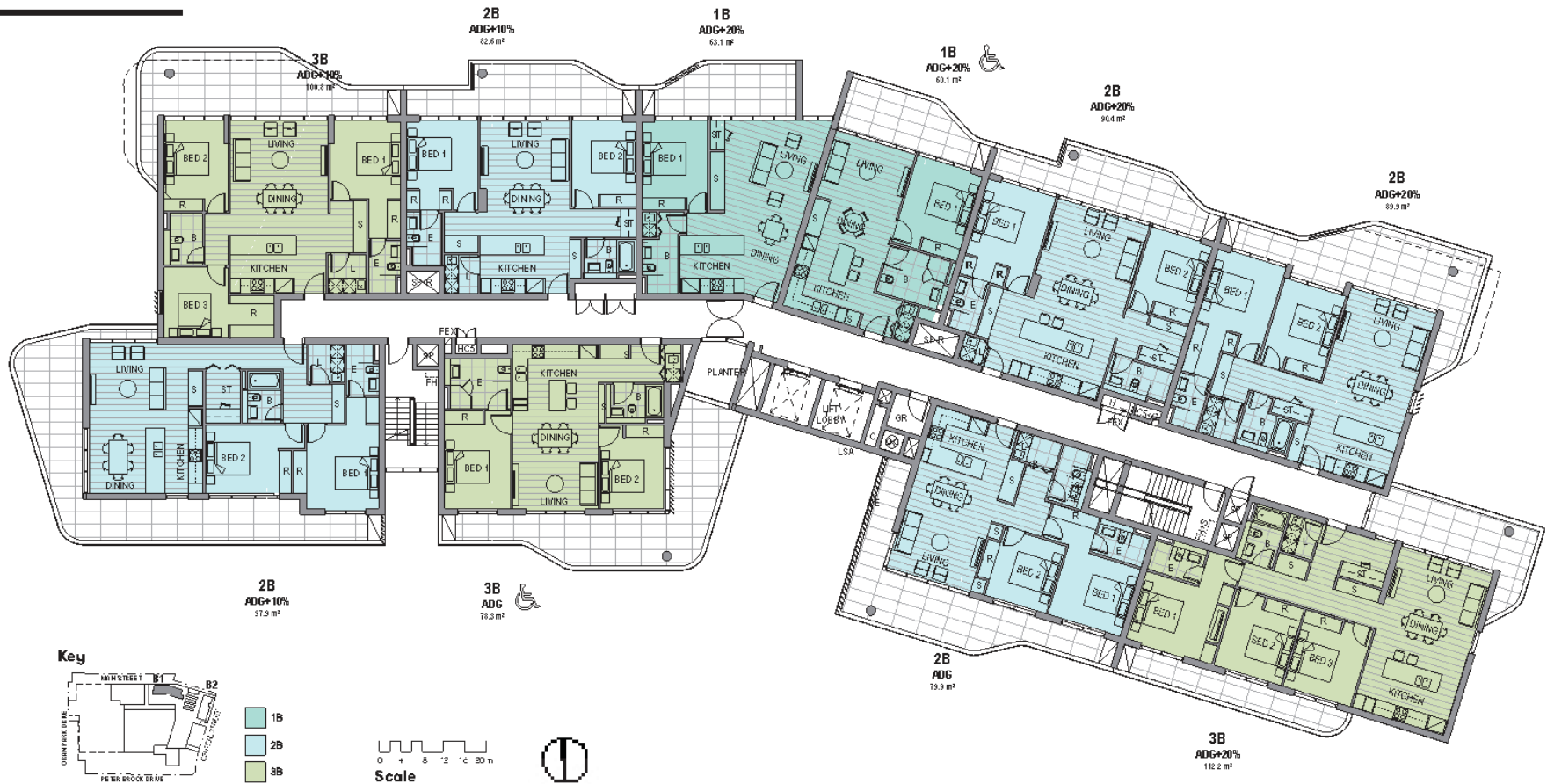


3 Bedroom Apartment
115m²
POS - 78m²



Typical Residential Level

Building 1 Plan



Typical Residential Level

Building 2 Plan



Materiality



Materiality

[Retail Materials Board]

Retail Fascia

[prefinished fibre cement panels]



Retail Awning

[prefinished metal clad and timber look soffits awning non-combustible]



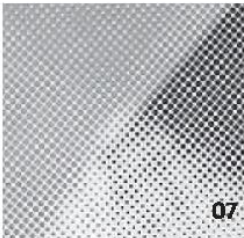
Shopfront detail

[timber look adding non-combustible]



Retail Entry Awning

[patterned awning glazing]



Materiality

[Commercial Materials Board]

Commercial facade

[finished metal cladding
non-comoustable]



Commercial windows

[finished grey anodised
windows with timber look
transoms]



Commerical louvres

[finished metal louvres
with timber look non-
comoustable]

Materiality

[Residential Materials Board]

Balcony Balustrades/screens

[perforated metal balustrade]



External Walls

[prefinished battered precast concrete]

[timber look cladding - non-combustible]

[prefinished aluminium framed tinted glazing]



Perspectives

[Market Hall Entrance]



scott carver [DA Design Report]
[20170013][ORAN PARK PODIUM STAGE 2A]

Perspectives

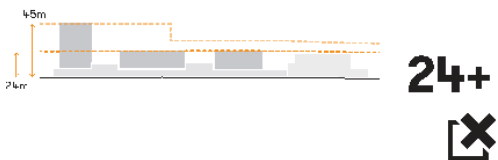
[View from Central Avenue]



Compliance Summary



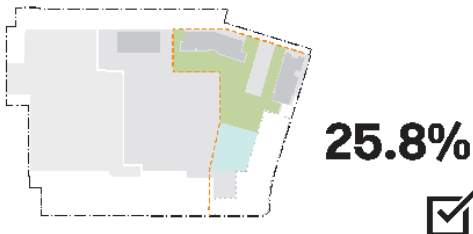
SEPP, DCP and ADG Compliance Summary



Building Height Plane
[SEPP Maximum 24m]

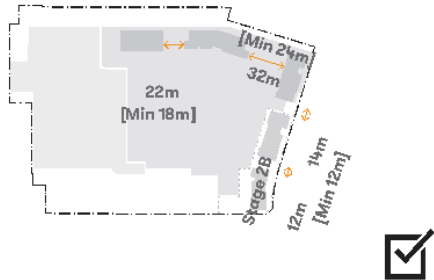
Increased height subject to Planning Proposal approval for Residential Building 2

- EXISTING
- STAGE 2A RETAIL
- STAGE 2A RESIDENTIAL
- FUTURE STAGE
- LANDSCAPED AREA



Landscaped Area
[ADC 25.8% landscaped of site area]

- 15,054 sqm of residential site area for the purpose of calculating percentage of landscaped area
- 3,885 sqm of communal landscaped open space
- 1,340 sqm of communal open space (Stage 2B)



Building Separation

NOTE:
Stage 2B for future residential development

ADG Compliance Summary



34%

Communal Open Space

[ADG 25% communal open space]

Landscaped Communal Open Space - **3,885m²**

Communal Open Space - **1,340m²**

Total - **5,225m²**

[Stage 2A & 2B combined]

[ALC Part 2d Communal and public open space]



7%

Deep Soil

[ADG 7% of site area]

[ALC Part 2e Deep soil zones]



Private Open Space

[ADG minimum area and depth below for dwellings types]

Dwelling	Area	Depth
1 Bed	8	2m
2 Bed	10	2m
3 Bed	12	21m



Podium Apartments Private Open Space

[ADG minimum area of 15m² and a depth of 3m]

[ALC Part 4a Private Open Space and Balconies]



13%

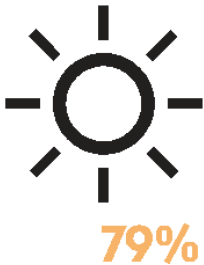
No Sunlight

[ADG maximum 15% of dwellings]

[ALC Part 4a Solar and Daylight Access]

Residential Amenity and Compliance

[Residential Design - Solar access]



Solar Access

[ADG minimum 70% of dwellings]

[2hrs between 9am and 3pm]

NOTE:

Future Stage 2B residential buildings

Building 3 estimated to achieve **71%** solar access

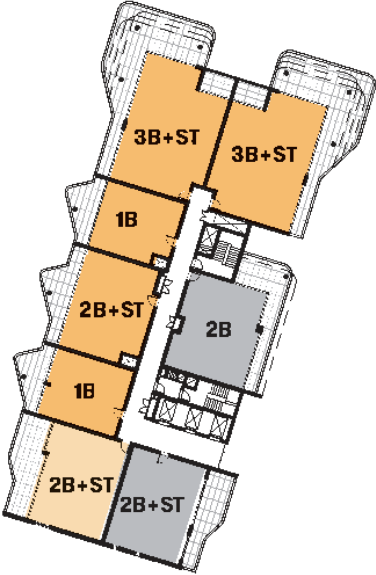
Building 4 estimated to achieve **94%** solar access

[ABC Part 4a Solar and Daylight Access]

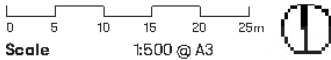
- YES
- YES L6 - 12
- NO



Building 1



Building 2



Residential Amenity and Compliance

[Residential Design - Cross ventilation]



65%

Naturally Cross Ventilated
[ADC minimum 60% of dwellings.]

NOTE:

Future Stage 2B residential buildings

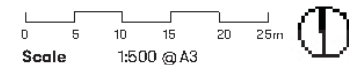
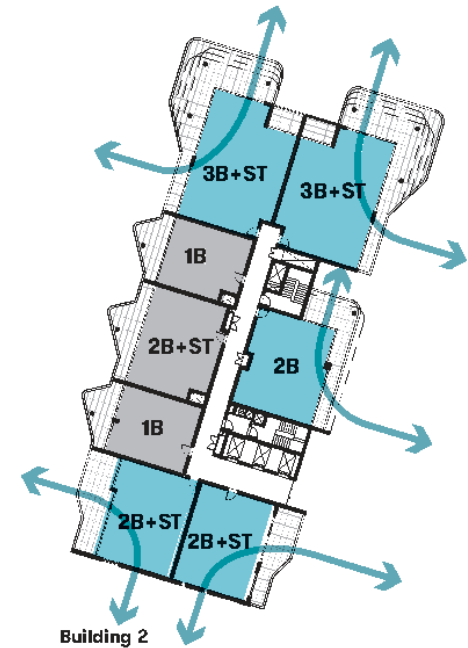
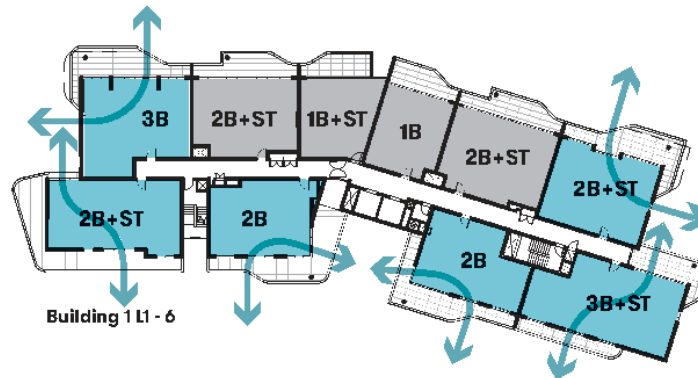
Building 3 estimated to achieve **73%** cross ventilation

Building 4 estimated to achieve **75%** cross ventilation

[ADC Part 4B Natural Ventilation]

- YES
- NO

NOTE: COMPLIANT FROM LEVEL 9 AS PER ADG. EXCLUDED FROM DIAGRAM



Appendix 1

[Design Verification Statement & SEPP65 Principles]



Design Verification Statement

Level One, One Chifley Square Sydney NSW 2000 Australia [www.scottcarver.com.au]
Scott Carver Pty Ltd [ABN 38 002 670 854] +61 2 9967 3988

Camden Council
70 Central Avenue
ORAN PARK NSW 2570

To Whom It May Concern

02 October 2018



**Project [20170013] = Oran Park Podium – Stage 2A
Mixed Use Residential, Retail & Commercial development
SEPP 65 Design Verification Statement.**

I, Doug Southwell, confirm that Scott Carver has undertaken the design of the proposed residential, retail and commercial mixed-use development on behalf of Greenfields Development Company Pty Ltd

I confirm that the project has been designed to respond to the Design Principles of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and the associated Apartment Design Guide.

Doug Southwell
[Director | Nominated Architect NSW 7362]
dougs@scottcarver.com.au
+61 402 440 204

[Nominated Architects NSW] Rodney Paesler 6938, Bob Perry 3936, Doug Southwell 7362,
John Ferris 4966 [20170013 - SEPP65 Design Verification Statement] [28/09/2018]

1

SEPP65 Principles

CONTEXT & NEIGHBOURHOOD CHARACTER

BUILT FORM & SCALE

Statement of Design

Scott Carver has been responsible for the design of the project and it has been designed to respond to the best practice design principles of SEPP65.

Scott Carver verifies that the 9 Design Quality Principles set out in the Apartment Design Guide (ADG) are achieved for the proposed building development.

Good design responds and contributes to its context.

Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.

The proposed design complies with Principle 1 in that it:

- Provides weather protected colonnades that form a Providing a connected and walkable Town Centre, with outdoor pedestrian linkages to Stage 1 of the retail centre, the existing Town Park and future developments.
- Continues the alignment of the existing Stage 1 indoor pedestrian arcade through Stage 2 connecting to the Town Park and Council Administration Building.
- Locates new buildings to respond to the importance of the site as a visual anchor in the civic precinct, by providing building height at the intersection announcing the nexus of the 'urban axis': (Main Street) and the 'nature axis': (Central Avenue).
- Reinforces the Town Park and emerging Town Centre as a place for social gathering and community interaction.
- Provides an indoor atrium space and Market Hall serving as a dining precinct and an extension of the Town Park, reinforcing the Town Centre as a social hub.
- Incorporates active retail edges at ground level addressing the Town Park and interacting with public domain.
- Provides building materials that respond to the existing character of the structural steel pavilions within the Town Park and the use of timber linings and timber battens together with terracotta coloured facade panels respond to the prevailing residential character of the area as well as the facade of the proposed new library.
- Incorporates roof monitors to the Market Hall that respond to the architectural language of the Stage 1 retail centre.
- A 4 storey Commercial building that sits on top of the retail to link and active the Market Place and Public Domain.

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed design complies with Principle 2 in that it:

- Provides building height and density that is distributed to create a transition in building heights from the Gateway Precinct and Stage 1 of the retail centre to the 5 storeys of Building 1 and 12 storeys of Building 2 at the street corner diagonally opposite the new Council Administration Centre, a 4 storey Commercial building that sits between Building 1 and Existing Commercial will further facilitate density and activation to the Town Centre,
- Treats Building 2 as a legible street corner marking the intersection of the urban and nature axes and marking the Town Centre when seen from the surrounding suburbs,
- Locates Building 1 and 2 as book ends to the atrium and Market Hall emphasising it as a key place for meeting and social gatherings,
- Locates the building height and Market Hall to identify Main Street as the key pedestrian spine in the Town Centre while activating the city precinct and supporting the retail centre,
- Incorporates a building podium that provides a street building of pedestrian scale defining the public and retail functions, with residential buildings above setback 3 m to provide good residential amenity and landscaped private open space,
- Provides a podium built to the boundary to ensure consistency with the Stage 1 development and the DCP and to provide continuous pedestrian movement between Stages 1 and 2 along Main Street,
- Distributes the built form to ensure visual privacy and separation and solar access requirements of the ADG are met,
- Provides a highly articulated built form that contributes to the streetscape and pedestrian character of Main Street and includes a variety of materials including glass, timber and terracotta coloured panels, steel framed verandah rooms, planter boxes and glass bifold doors and street canopies demarcating the retail entrances.

SEPP65 Principles

DENSITY

Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.

Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.

The proposed design complies with Principle 3 in that it:

- Proposes high-density residential dwellings in the Town Centre of a growth area and locality where there are a number of bus services and a potential future train station. The site is adjacent to a variety of services and amenities, including the new Council Administration Centre, Town Park, health, education and sports/recreation facilities,
- Provides mixed uses such as high density residential apartments above a retail and entertainment precinct providing highly desirable lifestyle opportunities for residents of the site and surrounding residential neighbourhoods.

SUSTAINABILITY

Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials, and deep soil zones for groundwater recharge and vegetation.

The proposed design complies with Principle 4 in that it:

- Provides apartment buildings that are located to optimise solar access, cross ventilation and outlook exceeding the requirements of the Apartment Design Guide. All residential corridors and lobby's are provided with daylight and natural ventilation,
- Incorporates a retail and dining precinct orientated towards the Town Park to the north optimising solar access and summer breezes and thereby encouraging outdoor activities,
- Provides communal open space in the form of extensive roof top garden above the podium providing high levels of visual amenity to the majority of apartments above, reducing thermal heat gains to retail spaces below and reducing the heat island effect of otherwise concrete and metal roof surfaces. The programmed and active communal open space is irrigated from the rain collected within the development to minimize potable water use,
- Provides a naturally ventilated winter garden that connects the Market Hall to the Town Park,
- Maximises the use of natural lighting to the Market Hall and retail arcades through the introduction of daylighting from roof skylights,
- Incorporates long life cycle and low-maintenance materials such as patterned precast concrete, fibre cement panels, glazing, steel structures, patterned glazed awnings, timber look cladding and perforated metal balustrades,
- Selects construction materials that reduce heating and cooling costs and incorporates a comprehensive BASIX analysis of the building included in a separate BASIX/ESD report.

LANDSCAPE

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.

Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, coordinating water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks. Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.

The proposed design complies with Principle 5 in that it:

- Incorporates a landscape design that takes into consideration the site's context, particularly its site history, geology and native vegetation,
- Provides an integrated landscape and architecture solution at the junction of the ground level retail space and Town Park featuring planting boxes, street planting and weather protected verandah rooms for outdoor dining,
- Provides a landscape and open space design that is highly programmed and full of activity with a range of community uses for future occupants. The podium on level 1 includes the communal open space that will accommodate a BBQ area and flexible community room, multiple use games court, sculpture garden, breakout spaces, kids play areas, tennis tables and formal and informal lawns for both passive and active recreation,
- Provides a building setback of 3m from Main Street and Central Avenue on Level 1, which includes planters in front of the landscaped private open space which softens the façade edge.

SEPP65 Principles

AMENITY

Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.

Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.

The proposed design complies with Principle 6 in that it:

- Provides high quality street amenity with legible building foyers and prominent street corners,
- Provides a variety of single storey dwelling types to suit varied occupant demographics suited to both owner occupier and short and long-term rentals,
- Ensures that apartment living spaces and their balconies are oriented towards views of the Town Park and the proposed communal open space and mountains to the west,
- Provides well considered and well-proportioned room sizes that can be furnished in many ways,
- Provides a number of dwelling types that exceed the amenity outlined in Apartment Design Guide, with larger apartments from +10% to +20% larger than the ADG. These larger apartments also have increased amenity, with separate laundries, study nooks, additional bathrooms and larger bedrooms, living areas and balconies,
- Incorporates a variety of private and communal outdoor spaces in the form of podium courtyards, balconies both recessed and overhanging, and a communal open space on the podium,
- Provides levels of solar access and cross ventilation as per the ADG guidelines.

SAFETY

Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.

The proposed design complies with Principle 7 in that it:

- Provides pedestrian entrances to the apartment buildings from both Main Street and Central Avenue. These that are clearly legible and well-lit and provide access to a secure lobby,
- Incorporates vehicle access to the basement car park via a clearly sign posted and well lit entry ramp from Central Avenue,
- Provides high levels of passive surveillance from the retail, market hall and residential apartments above,
- Incorporates communal open space that is highly visible from the apartments above,
- Allows for internal and external lighting provided in accordance with Australian Standards.

HOUSING DIVERSITY AND SOCIAL INTERACTION

Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents.

The proposed design complies with Principle 8 in that it:

- Provides a retail centre, active street edges and a Market Hall all offering opportunities for public social interaction,
- Provides a variety of dwelling types that include 1, 2, and 3 bedroom apartments.
- Incorporates a number of dwelling types to suit a variety of occupants and rental markets that go above and beyond the amenity and area outlined in Apartment Design Guide, with larger apartments from +10% to +20% larger than the ADG minimum standards,
- Provides a highly programmed communal open space on the level 1 podium for social interaction amongst residents,
- Provides controllable outlook from podium level dwellings to the adjacent communal open space.

AESTHETICS

Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.

The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.

The proposed design complies with Principle 9 in that it:

- Treats the facades to include a variety of materials and finishes which provide visual interest and have a high aesthetic content,
- Incorporates a variety of architectural treatments including overhanging balconies, recessed balconies and slots for articulation, podium terraces, blade walls and variety of window articulations,
- Reflects the internal floor layout on the façade through the expression of structure and openings creating diverse and interesting patterns,
- Includes a clearly articulated podium to Main Street and Central Avenue that responds to and creates a street scale character and identifies the retail and public functions of the development.

Appendix 2

[ADG Compliance Checklist]



scott
carter
[Report]
[0013][ORAN PARK PODIUM STAGE 2A]

ADG Compliance Checklist

Part 3 SITING THE DEVELOPMENT

3A - Site Analysis	Compliance	Comments
Objective 3A-1		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Y	Refer to the body of this report for detailed site analysis.
3B - Orientation		
Objective 3B-1		
Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Y	Buildings front Main Street and Central Ave with direct access to lift lobbies. Building 1 street frontage is north facing and there are no buildings to the south. Building 2 frontage is east facing. Orientation and separation between the buildings has maximised solar access.
Objective 3B-2		
Overshadowing of neighbouring properties is minimised during mid winter.	NA	No adjoining residential properties are impacted by the proposal.
3C - Public domain interface		
Objective 3C-1		
Transition between private and public domain is achieved without compromising safety and security.	NA	No apartments are located on street level.
Objective 3C-2		
Amenity of the public domain is retained and enhanced	Y	Refer to the Landscape Report and drawings for compliance with the Oran Park DCP 2007 Public Domain Manual.

Objective 3C-2 [cont]

Amenity of the public domain is retained and enhanced		All apartments are located above the retail podium. Only entries and lift lobbies occupy street frontage. Entries are fully accessible. Mail boxes are integrated into the buildings lobbies. Other than at the vehicle entry parking is not visible from the street. All ventilation is incorporated in the retail façade. Materials adjacent the public domain are predominantly part of the retail component but will have the same requirements for durability.
---	--	---

3D - Communal and public open space	Compliance	Comments
Objective 3D-1		
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	Y	Refer the Landscape Drawings and Report for detail of communal open space provision,
Design Criteria 1		
Communal open space has a minimum area equal to 25% of the site.	Y	Refer the Landscape Report for the rationale for defining the amount of site area relevant to the residential component against which a minimum 25% of communal open space is proposed.
Design Criteria 2		
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June [mid winter].	Y	

Objective 3D-2		
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.	Y	Refer the Landscape Drawings and Report for detail of communal open space provision, Communal open space has been well considered, providing areas for seating, eating and meeting. Both passive and active areas are provided as well as lawn and mature tree zones for shade and visual amenity.
Objective 3D-3		
Communal open space is designed to maximise safety.	Y	The podium level location ensures access by residents only. The communal open space is surveyed from the Courtyards of the podium level apartments as well as from apartments above which overlook the podium. Refer the Landscape Drawings and Report for detail of child friendly play areas.
Objective 3D-4		
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.		No public open space is proposed due to the proximity of the Town Park to the north and its connectivity to the retail component of the development
3E - Deep soil zones	Compliance	Comments
Objective 3E-1		
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	N	Note that the retail component of this mixed-use development occupies 100% site coverage precluding the provision of deep soil zones. Refer the Landscape Report for further commentary.

3E - Deep soil zones [cont]	Compliance	Comments
Objective 3E-1 [cont]		
Design Criteria 1	N	
Deep soil zones are to meet the following minimum requirements: Site Area = <650sqm no minimum dimension DSZ is 7% of site area Site Area = 650sqm - 1,500sqm 3m minimum dimension DSZ is 7% of site area Site Area = >1,500sqm 6m minimum dimension DSZ is 7% of site area		
3F - Visual privacy	Compliance	Comments
Objective 3F-1		
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	Y	No neighbouring sites are impacted by the proposed location of the buildings on the site.
Design Criteria 1	Y	
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows: - up to 4 levels 6m (habitable rooms and balconies) 3m (non-habitable rooms) - 5-8 levels 9m 4.5m - 9+ levels 12m 6m Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room. Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties.		Separation between Building 1 and Building 2 significantly exceeds the minimum requirement.

3G - Pedestrian access and entries	Compliance	Comments
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain	Y	Entries to the buildings are at street level and are identified by change of scale and awning treatment. Each building will have its own street address.
Objective 3G-2 Access, entries and pathways are accessible and easy to identify	Y	Entries to the buildings are fully accessible at street level with paths of travel from the public domain.
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations	Y	Buildings are directly accessible to the streets via the street level lobbies.
3H - Vehicle Access	Compliance	Comments
Objective 3H-1 Car park access should be integrated with the building's overall facade. Design solutions may include: - the materials and colour palette to minimise visibility from the street	Y	Carpark entry located south of Building 2 and between future residential buildings. Impact on streetscape has been minimised.

3J - Bicycle and car parking	Compliance	Comments
Objective 3H-1 [cont] minimise voids in the facade - where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed.	Y	Entry is set back from the building line by approximately 13.0m with a perforated roller shutter required for ventilation. Garbage collection and loading is carried out elsewhere. Refer also the Traffic Report prepared by Positive Traffic.
Objective 3J-1 Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Y	Refer to Traffic Report prepared by Positive Traffic.
Objective 3J-2 Parking and facilities are provided for other modes of transport.	Y	Both motorbike and bicycle provision has been made within the residential parking areas. Refer also to commentary within the Traffic Report prepared by Positive Traffic.
Objective 3J-3 Car park design and access is safe and secure	Y	Residential parking layout is clear and efficient, fully compliant with the requirements of AS2890.1. Ancillary rooms are accessed from circulation or off aisles. Enclosed lift lobbies for each building provided.

Objective 3J-4		
Visual and environmental impacts of underground car parking are minimised.	Y	Other than the vehicle entry, no part of the residential parking is visible. Parking layout is clear and efficient, with a repetitive structural grid and double loaded aisles all fully compliant with the requirements of AS2890.1. Basement level parking will be mechanically ventilated. Shafts and louvres are integrated into the retail podium façade.
Objective 3J-5		
Visual and environmental impacts of on-grade car parking are minimised	NA	All residential parking is provided in basement parking.
Objective 3J-6		
Visual and environmental impacts of above ground enclosed car parking are minimised.	NA	All residential parking is provided in basement parking.

Part 4 DESIGNING THE BUILDING		
4A - Solar and daylight access	Compliance	Comments
Objective 4A-1		
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.	Y	
Design Criteria 1	Y	79% of apartments receive 2 hours of sun between 9am and 3pm. Refer architectural drawings and Design Report for demonstration of solar access.
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.		
Design Criteria 2	NA	
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter.		
Design Criteria 3	Y	Extent of apartments receiving no direct sunlight between 9am and 3pm in mid winter has been restricted to 13%.
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter.		
Objective 4A-2		
Daylight access is maximised where sunlight is limited.	Y	All apartments have habitable rooms receiving daylight which exceeds to minimum required by the BCA.

4A - Solar and daylight access [cont]	Compliance	Comments
Objective 4A-3		
Design incorporates shading and glare control, particularly for warmer months.	Y	Substantial balcony overhangs and other devices such as fixed louvres and bi-folding screens provide adequate shading and glare control in warmer months. The use of bi-folding screens gives residents a measure of control over their comfort.
4B - Natural ventilation		
Objective 4B-1		
All habitable rooms are naturally ventilated	Y	All habitable rooms are provided with typically greater than the 5% of floor area opening required by the ADG and BCA. Building orientation takes advantage of the predominant prevailing breezes from the north and east.
Objective 4B-2		
The layout and design of single aspect apartments maximises natural ventilation.	Y	Apartments depths have been kept to a minimum. The primary living spaces are all within close proximity to openings.
Objective 4B-3		
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.	Y	
Design Criteria 1		
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	Y	65% of apartments in the first 9 levels are considered to be cross ventilated. Refer architectural drawings and Design Report for demonstration of compliance.

Objective 4B-3 [cont]		
Design Criteria 2	NA	Cross-over apartments not proposed.
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line		
4C- Ceiling heights		
Objective 4C-1		
Ceiling height achieves sufficient natural ventilation and daylight access	Y	
Design Criteria 1.		
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Proposed floor to floor heights facilitate the required ceiling heights.
- Habitable rooms - 2.7m		
- Non-habitable - 2.4m		
- For 2 storey apartments -2.7m for main living area floor - 2.4m for second floor, where its area does not exceed 50% of the apartment area		
- Attic spaces - 1.8m at edge of room with a 30 degree minimum ceiling slope		
- If located in mixed used areas - 3.3m for ground and first floor to promote future flexibility of use		
Objective 4C-2		
Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Noted	Subject to future design development
Objective 4C-3		
Ceiling heights contribute to the flexibility of building use over the life of the building	NA	

4D - Apartment size and layout	Compliance	Comments
Objective 4D-1		
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	Y	The majority of apartments within the proposal have intentionally exceeded the minimum ADG criteria, in order to provide a superior level of amenity in recognition that the primary competition in the area is the single dwelling project home.
Design Criteria 1	Y	All apartments meet or exceed the minimum ADG area requirements. 59.5% of apartments achieve ADG+10% 33.5% of apartments achieve ADG+20%
<p>Apartments are required to have the following minimum internal areas:</p> <p>Apartment type / Minimum internal area</p> <p>Studio / 35m²</p> <p>1 bedroom / 50m²</p> <p>2 bedroom / 70m²</p> <p>3 bedroom / 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p>		
4D - Apartment size and layout	Compliance	Comments
Objective 4D-1		
Design Criteria 2	Y	Complies
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		

4D - Apartment size and layout [cont]	Compliance	Comments
Objective 4D-2		
Environmental performance of the apartment is maximised	Partial	
Design Criteria 1	Y	Habitable rooms, other than open planned combined living, dining and kitchen comply with this criteria.
Habitable room depths are limited to a maximum of 2.5 x the ceiling height (in the case of a 2.7m ceiling height, this would be 2.7x2.5 = 6.75m)		
Design Criteria 2	Partial	Proposal incorporates combined living, dining and kitchen configurations which in some cases exceeds 8m. Provision of larger apartments and wider than minimum living spaces is considered to offset strict compliance
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		
Objective 4D-3		
Apartment layouts are designed to accommodate a variety of household activities and needs	Y	No bedrooms or bathrooms are accessed directly from living spaces. Majority of all bedrooms are provided with 1.8m length of wardrobe space.
Design Criteria 1	Y	Complies. In majority of instances bedroom areas exceed minimum criteria.
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)		
Design Criteria 2	Y	Complies
Bedrooms have a minimum dimension of 3m (excluding wardrobe space)		
Design Criteria 3	Y	Complies. In some cases, minimum widths have been exceeded.
Living rooms or combined living/dining rooms have a minimum width of:		
<ul style="list-style-type: none"> • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments 		

Objective 4D-3 [cont]		
Design Criteria 4 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	NA	No cross-over or cross-through apartments proposed.
4E - Private open space and balconies	Compliance	Comments
Objective 4E-1		
Apartments provide appropriately sized private open space and balconies to enhance residential amenity	Y	Typically, private open space and balcony areas significantly exceed the minimum criteria.
Design Criteria 1		
All apartments are required to have primary balconies as follows: Dwelling type/Minimum area/Minimum depth Studio apartments/4m ² /na 1 bedroom apartments/8m ² /2m 2 bedroom apartments/10m ² /2m 3+ bedroom apartments/12m ² /2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m	Y	Complies
Design Criteria 2		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m	Y	Complies
Objective 4E-2		
Primary private open space and balconies are appropriately located to enhance liveability for residents	Y	All primary private open space and balconies are access from living spaces. The majority face north, east or west with long direction facing outwards.

Objective 4E-3		
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	Y	Balcony design is a significant contributor to the overall aesthetic of the building.
Objective 4E-4		
Private open space and balcony design maximises safety	Y	Balconies and balustrades designed to comply with BCA requirements.
4F - Common circulation and spaces	Compliance	Comments
Objective 4F-1		
Common circulation spaces achieve good amenity and properly service the number of apartments	Y	Common circulation spaces are of generous width and provided with access to light and ventilation.
Design Criteria 1.		
The maximum number of apartments off a circulation core on a single level is eight.	Partial	Building 1 has 10 apartments for all 5 levels however the corridor is provided with light and ventilation at each end and at the central lift lobby. Building 2 complies.
Design Criteria 2.		
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	N	Building 2 exceeds this limit. Refer to the Vertical Transport consultant's report confirming satisfactory service from the number of lifts provided in each building.
Objective 4F-2		
Common circulation spaces promote safety and provide for social interaction between residents	Y	
4G - Storage	Compliance	Comments
Objective 4G-1		
Adequate, well designed storage is provided in each apartment	Y	Storage as required is accessed from circulation of living spaces.

Objective 4G-1 [cont]		
Design Criteria 1.	Y	A minimum of 50% of required storage is proposed inside the apartment and other 50% located at basement car parking level.
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Dwelling type /Storage size volume Studio apartments/4m ³ 1 bedroom apartments/6m ³ 2 bedroom apartments/8m ³ 3+ bedroom apartments/10m ³ At least 50% of the required storage is to be located within the apartment		
Objective 4G-2	Y	Additional storage is proposed in the residential parking basement and will be allocated to specific apartments. The majority are adjacent carparkings spaces or in supplementary areas access via common circulation space.
Additional storage is conveniently located, accessible and nominated for individual apartments		
4H - Acoustic privacy	Compliance	Comments
Objective 4H-1		
Noise transfer is minimised through the siting of buildings and building layout	Y	Building separation exceeds the ADG guidelines. Perimeter roads and adjoining uses are not considered a significant issue and can be ameliorated. Refer the Acoustic Report prepared by Acoustic Logic.
Objective 4H-2		
Noise impacts are mitigated within apartments through layout and acoustic treatments	Y	Open plan apartment arrangement groups kitchen and living spaces together. Bedrooms and bathroom spaces generally have offset entries and openings with respects to primary living spaces.

4J - Noise and Pollution	Compliance	Comments
Objective 4J-1		
In noisy or hostile environments, the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	Y	The proposal is not sited adjacent to any major noise sources. Non-residential uses have been located on ground floor to mitigate noise impact and promote street level activation. Refer the Acoustic Report prepared by Acoustic Logic.
Objective 4J-2		
Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	Y	Refer the Acoustic Report prepared by Acoustic Logic.
4K - Apartment Mix	Compliance	Comments
Objective 4K-1		
A range of apartment types and sizes is provided to cater for different household types now and into the future	Y	Refer the body of the DA Design Report for a description of the mix and size of one, two, three and 4 bedroom apartments providing a apartment types the suit a variety of potential residents. Apartment configurations provide flexibility for young couples, families and unrelated singles. The required complement of adaptable and liveable apartments has also been provided.
Objective 4K-2		
The apartment mix is distributed to suitable locations within the building	Y	

4L - Ground Floor Apartments	Compliance	Comments
Objective 4L-1		
Street frontage activity is maximised where ground floor apartments are located	NA	No ground floor apartments proposed
Objective 4L-2		
Design of ground floor apartments delivers amenity and safety for residents	NA	No ground floor apartments proposed
4M - Facades	Compliance	Comments
Objective 4M-1		
Building facades provide visual interest along the street while respecting the character of the local area	Y	Refer to the DA Design Report that notes the retail component of the development dominating the street frontage and that there is no established character for the area. The retail podium provides the base to the development. The residential buildings above achieve significant variety and visual interest from the undulating balconies and their balustrades which change material and colour as they move up the buildings. The building forms are well articulated and the solid parts of the façade provide contrast of material and texture.
Objective 4M-2		
Building functions are expressed by the façade.	Y	Building entries at street level are clearly expressed. Corners of the building are emphasised by the balconies wrapping around corners or by strong vertical edges. Individual apartments are clearly delineated by party walls extending to the perimeter of balconies.

4N - Roof Design	Compliance	Comments
Objective 4N-1		
Roof treatments are integrated into the building design and positively respond to the street	Y	Refer the Architectural drawings for elevations.
Objective 4N-2		
Opportunities to use roof space for residential accommodation and open space are maximised		No open space on the residential roofs is proposed. It is considered that more than adequate communal open space is being provided on the podium roof and residents will also have access to the Town Park.
Objective 4N-3		
Roof design incorporates sustainability features	Y	The roof edge follows the profile of the balconies below providing the same level of solar access and shading to the top level apartments as the levels below.
4O - Landscape Design	Compliance	Comments
Objective 4O-1		
Landscape design is viable and sustainable	Y	Refer the Landscape Drawings and Report prepared by Scott Carver.
Objective 4O-2		
Landscape design contributes to the streetscape and amenity	Y	Refer the Landscape Drawings and Report prepared by Scott Carver for implementation of the Oran Park DCP 2007 Public Domain Manual requirements.
4P - Planting on Structures	Compliance	Comments
Objective 4P-1		
Appropriate soil profiles are provided	Y	Refer the Landscape Drawings and Report prepared by Scott Carver. Structure has been designed with setbacks to accommodate the recommended soil profiles.

4P - Planting on Structures [cont]	Compliance	Comments
Objective 4P-2		
Plant growth is optimised with appropriate selection and maintenance	Y	Refer the Landscape Drawings and Report prepared by Scott Carver.
Objective 4P-3		
Planting on structures contributes to the quality and amenity of communal and public open spaces	Y	Refer the Landscape Drawings and Report prepared by Scott Carver.
4Q - Universal Design	Compliance	Comments
Objective 4Q-1		
Universal design features are included in apartment design to promote flexible housing for all community members	Y	The proposal achieves the required 20% silver level liveable apartments.
Objective 4Q-2		
A variety of apartments with adaptable designs are provided	Y	The proposal incorporates 10% adaptable apartments in accordance with the Oran Park DCP 2007 requirements. Refer Accessibility Report prepared by Morris Goding.
Objective 4Q-3		
Apartment layouts are flexible and accommodate a range of lifestyle needs	NA	
4R - Adaptive Reuse	Compliance	Comments
Objective 4R-1		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place	NA	
Objective 4R-2		
Adapted buildings provide residential amenity while not precluding future adaptive reuse.	NA	

4S - Mixed Use	Compliance	Comments
Objective 4S-1		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Y	Proposal is for a mixed use retail and residential development as an extension to the existing Oran Park Podium retail centre. Refer to the DA Design Report and Statement of Environmental Effects for detail on the significance of the proposals location as part of the Oran Park Town Centre Masterplan.
Objective 4S-2		
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents	Y	Residential access is at street level and differentiated from the retail component entries. There is no direct connectivity with the retail centre. All servicing and parking are completely separate. Communal open space on the podium roof is accessible to residents only.
4T - Awnings and Signage	Compliance	Comments
Objective 4T-1		
Awnings are well located and complement and integrate with the building design	Y	Street awnings are provided in conjunction with the retail component of the development residential awnings are differentiated by a change of scale and material.

Part 3 SITING THE DEVELOPMENT

3A - Site Analysis	Compliance	Comments
Objective 3A-1		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Y	Refer to the body of this report for detailed site analysis.
3B - Orientation		
Objective 3B-1		
Building types and layouts respond to the streetscape and site while optimising solar access within the development.	Y	Buildings front Main Street and Central Ave with direct access to lift lobbies. Building 1 street frontage is north facing and there are no buildings to the south. Building 2 frontage is east facing. Orientation and separation between the buildings has maximised solar access.
Objective 3B-2		
Overshadowing of neighbouring properties is minimised during mid winter.	NA	No adjoining residential properties are impacted by the proposal.
3C - Public domain Interface		
Objective 3C-1		
Transition between private and public domain is achieved without compromising safety and security.	NA	No apartments are located on street level.
Objective 3C-2		
Amenity of the public domain is retained and enhanced	Y	Refer to the Landscape Report and drawings for compliance with the Oran Park DCP 2007 Public Domain Manual.

Objective 3C-2 [cont]

Amenity of the public domain is retained and enhanced		All apartments are located above the retail podium. Only entries and lift lobbies occupy street frontage. Entries are fully accessible. Mail boxes are integrated into the buildings lobbies. Other than at the vehicle entry parking is not visible from the street. All ventilation is incorporated in the retail façade. Materials adjacent the public domain are predominantly part of the retail component but will have the same requirements for durability.
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3D - Communal and public open space	Compliance	Comments
Objective 3D-1		
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	Y	Refer the Landscape Drawings and Report for detail of communal open space provision.
Design Criteria 1		
Communal open space has a minimum area equal to 25% of the site.	Y	Refer the Landscape Report for the rationale for defining the amount of site area relevant to the residential component against which a minimum 25% of communal open space is proposed.
Design Criteria 2		
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June [mid winter].	Y	

Appendix 3

[Architectural Drawings]



ORD01

Attachment 2



Greenfields Development Company No.2
27-Sep-2018

Oran Park Town Centre: Revised Master Plan

Traffic Report

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Greenfields Development Company No.2
27-Sep-2018

Oran Park Town Centre: Revised Master Plan

Traffic Report

ORD01

Attachment 2

AECOM

Oran Park Town Centre: Revised Master Plan

Oran Park Town Centre: Revised Master Plan

Traffic Report

Client: Greenfields Development Company No.2

ABN: 31 133 939 965

Prepared by

AECOM Australia Pty Ltd

Level 21, 420 George Street, Sydney NSW 2000, PO Box Q410, QVB Post Office NSW 1230, Australia
T +61 2 8934 0000 F +61 2 8934 0001 www.aecom.com

ABN 20 093 846 925

27-Sep-2018

Job No.: 60340595

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Revision B – 27-Sep-2018
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AECOM

Oran Park Town Centre: Revised Master Plan

ORD01

Quality Information

Document Oran Park Town Centre: Revised Master Plan
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Date 27-Sep-2018

Prepared by Marcel Cruz

Reviewed by Nick Bernard

Revision History

Rev	Revision Date	Details	Authorised	
			Name/Position	Signature
A	24-Aug-2018	Draft	Nick Bernard Associate Director	Original signed
B	27-Sep-2018	Final	Nick Bernard Associate Director	

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Attachment 2

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1.0 Introduction

AECOM has been commissioned by Greenfields Development Company (GDC2) to prepare a traffic study to assess the traffic and transport impacts from a proposed increased development yield within the Oran Park Town Centre. This increase comprises an uplift in the number of residential dwellings and floor space for commercial use in the Town Centre.

This report will be used to supplement a Planning Proposal submission to Camden Council for the Oran Park Town Centre seeking an increase to building height and reconciliation of zone boundaries.

1.1 Background

Oran Park is a major land release area, located in the south west growth region of Sydney. It was rezoned for urban development and is one of the first areas to be planned under the NSW Government's South West Priority Growth Area (formerly the South West Growth Centre).

Overall, the precinct has an area of 1,120 hectares and has been rezoned to allow for residential, business, industrial, special purpose, recreational and environmental projection uses.

Oran Park is planned to provide approximately 7,500 dwellings with a population of 22,000 people. The Oran Park Precinct Development Control Plan (DCP) was adopted in 2007 by the NSW Department of Planning and Infrastructure (now Department of Planning and Environment) with the intent that the precinct is developed to provide a hierarchy of interconnected streets with safe and convenient public transport, pedestrian and cycleway networks.

1.2 Study objectives

In 2014, AECOM updated the *Oran Park Town Centre: Transport Appraisal* (initially prepared in 2012) to reflect changes to the master plan for the Oran Park Town Centre.

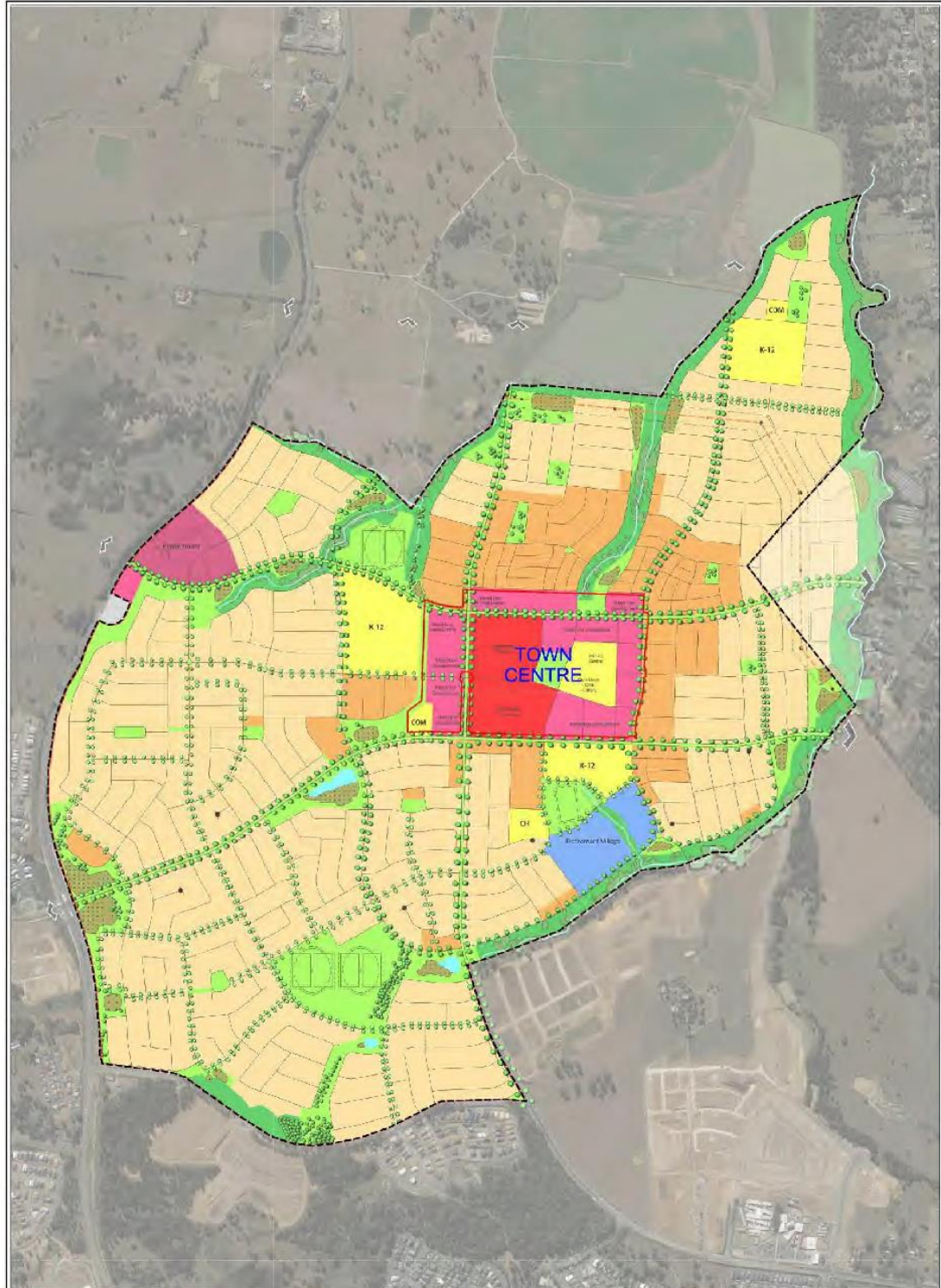
Since 2014, further master planning has taken place, which seeks to alter the development mix for the Town Centre. AECOM has been engaged to assess the traffic and transport impacts of these amendments, and recommend measures to minimise any impacts arising.

1.3 Report structure

The report is structured as follows:

- **Section 2.0** describes the location of the site and provides a strategic review of relevant planning documents and previous traffic and transport studies prepared for the Oran Park Town Centre.
- **Section 3.0** provides a summary of the proposed changes to the development yield for the Oran Park Town Centre.
- **Section 4.0** discusses the traffic implications associated with the changes including the projected trip generation and forecast road network performance.
- **Section 5.0** provides a summary of the assessment.

Figure 1 Oran Park Precinct



Source: Design + Planning, 2018

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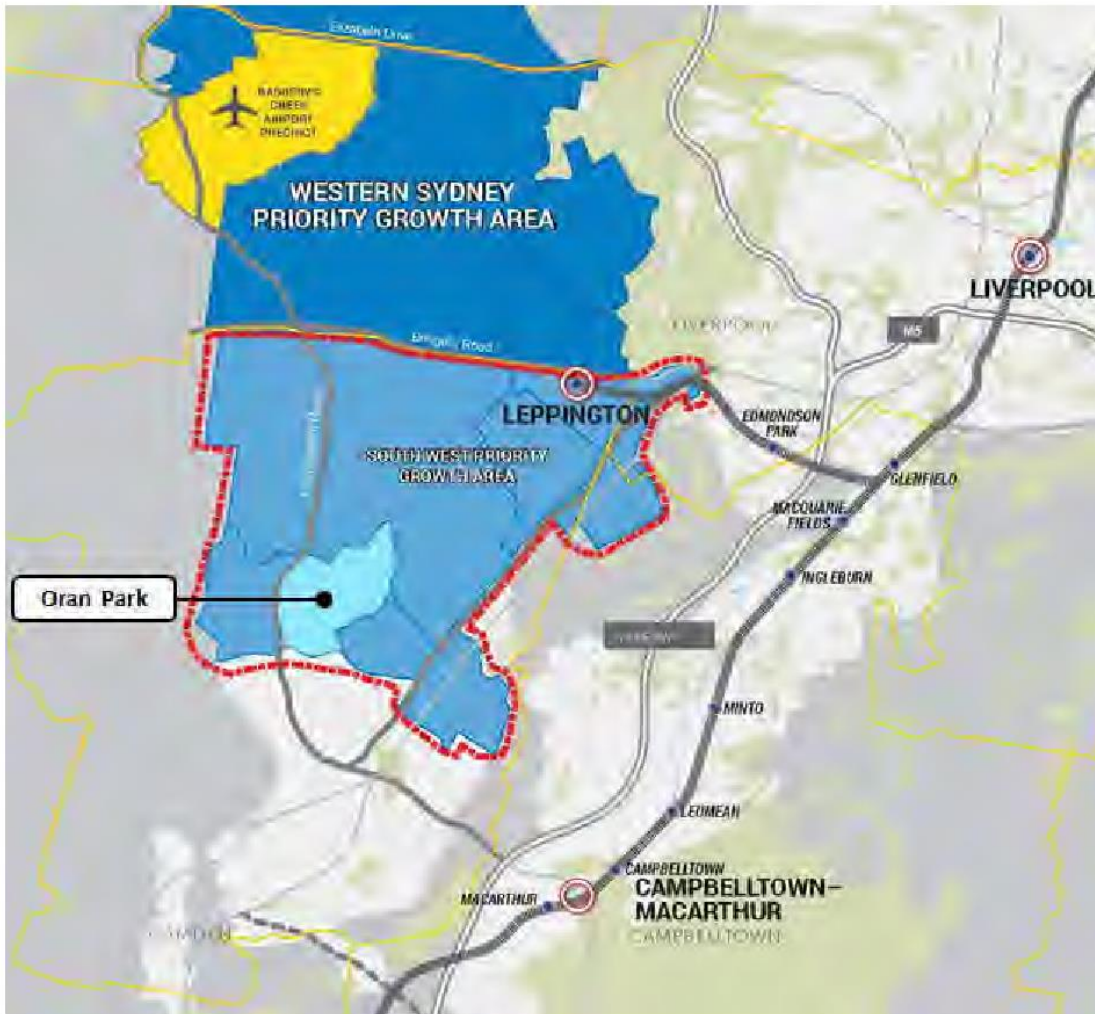
2.0 Planning context

2.1 Site location

Oran Park Town Centre is located in the Oran Park Precinct, approximately 10km from the Campbelltown-Macarthur centre. It is located within the Camden LGA and forms part of the South West Priority Growth Area as shown in **Figure 2**.

The Town Centre is bounded by key roads which provide major transport links for the precinct (further discussed in **Section 3.4**).

Figure 2 Site context



Source: NSW Government, 2018

2.2 Indicative Layout Plan

The Indicative Layout Plan (ILP) integrates employment, retail and residential land for the Oran Park Precinct. It is primarily characterised by a mix of low and medium density residential uses and also contains smaller areas of high density residential and employment, commercial and retail uses.

The Town Centre will service the needs of the locality and region and is intended to accommodate a range of retail, civic, community, recreational, commercial, residential and mixed use types, which are generally defined by three interconnected and integrated precincts – a retail precinct, a Civic Precinct and a mixed use precinct. The ILP, illustrated in **Figure 3**, shows the retail core will be the geographical heart of the Town Centre, which will be further strengthened with a Civic Precinct (including a Council building, leisure centre and library), as well as high density housing.

Ultimately, the Town Centre will be a significant development in the South West Growth Centre, second in size only to the proposed Leppington Regional Centre. The Town Centre is also intended to have a bus interchange within easy walking distance of the main street and retail core.

Figure 3 Oran Park Town Centre – Indicative Layout Plan



Source: Design + Planning, 2018

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2.3 Development Control Plan

The Oran Park Development Control Plan (DCP) was prepared by the NSW Department of Planning and adopted in 2007. The DCP contains objectives and development controls relating to the overall layout and vision for the future development of the precinct.

The DCP has two parts:

- Part A contains general objectives and controls that apply to development across the whole precinct
- Part B provides site specific DCP's including the Oran Park Town Centre (Part B1). The Oran Park Town Centre Part B1 DCP was adopted in October 2011 and describes the town centre structure, layout design and land use principles.

The development of Oran Park Town Centre is to be generally in accordance with the ILP and other controls within the Oran Park Precinct DCP. The consent authority is administered by Camden Council.

2.3.1 Town Centre planning principles

The principles for the Oran Park Town Centre as described in Part B1 of the DCP are as follows:

1. Incorporate a pedestrian focused main street that acts as the focal point for the retail precinct and provide direct pedestrian access from the Main Street to major retail anchors.
2. Establish a clearly defined Town Centre core and frame differentiated through varying uses and intensity of development.
3. Provide an interconnected street block network with block sizes and connections that promote pedestrian permeability.
4. Provide a street layout that allows easy vehicular and bicycle access to and within the Town Centre while allowing for sub-regional traffic to by-pass the centre.
5. Consider potential future noise and amenity conflicts in the layout and location of Town Centre uses.
6. Provide legibility by emphasising sight lines to local landscape features, places of key cultural significance, civic buildings and public open space.
7. Locate bus stops within easy walking distance of the Main Street and retail core.

2.4 Previous traffic and transport studies

AECOM prepared the *Oran Park Town Centre – Transport Appraisal* in March 2012 which was used to support the Development Application (DA) for the Stage 1 retail development. The report demonstrated how the aims, objectives and controls set out in the DCP would be achieved, as well as documented the design process of the town centre and its integration with the wider precinct. The report detailed the short and long-term arrangements for walking, cycling, public transport and traffic access to the town centre and included:

- Confirmation of how the design of the town centre would achieve the planning principles for each transport mode as set out in the DCP;
- A description of how the planning of the town centre achieved the sustainability objectives set out in the DCP from a transport perspective;
- An assessment of the proposed road infrastructure and related intersection controls.

The transport appraisal included an assessment of the performance of intersections surrounding the town centre which was based on the outputs from the strategic (CUBE) traffic model prepared for the project and assessed the traffic requirements upon full development of Oran Park and adjacent precincts.

The design and planning of Oran Park was further progressed through a number of proposed improvements to the Town Centre. Between 2012 and 2013, a joint exercise in the master planning of the Civic Precinct was undertaken between Camden Council and GDC2. As a consequence of the re-master planning of the Town Centre and the adoption of a revised street and block network, the transport appraisal was revised in 2014 to reflect amendments to the Town Centre master plan.

2.5 North South Rail Line

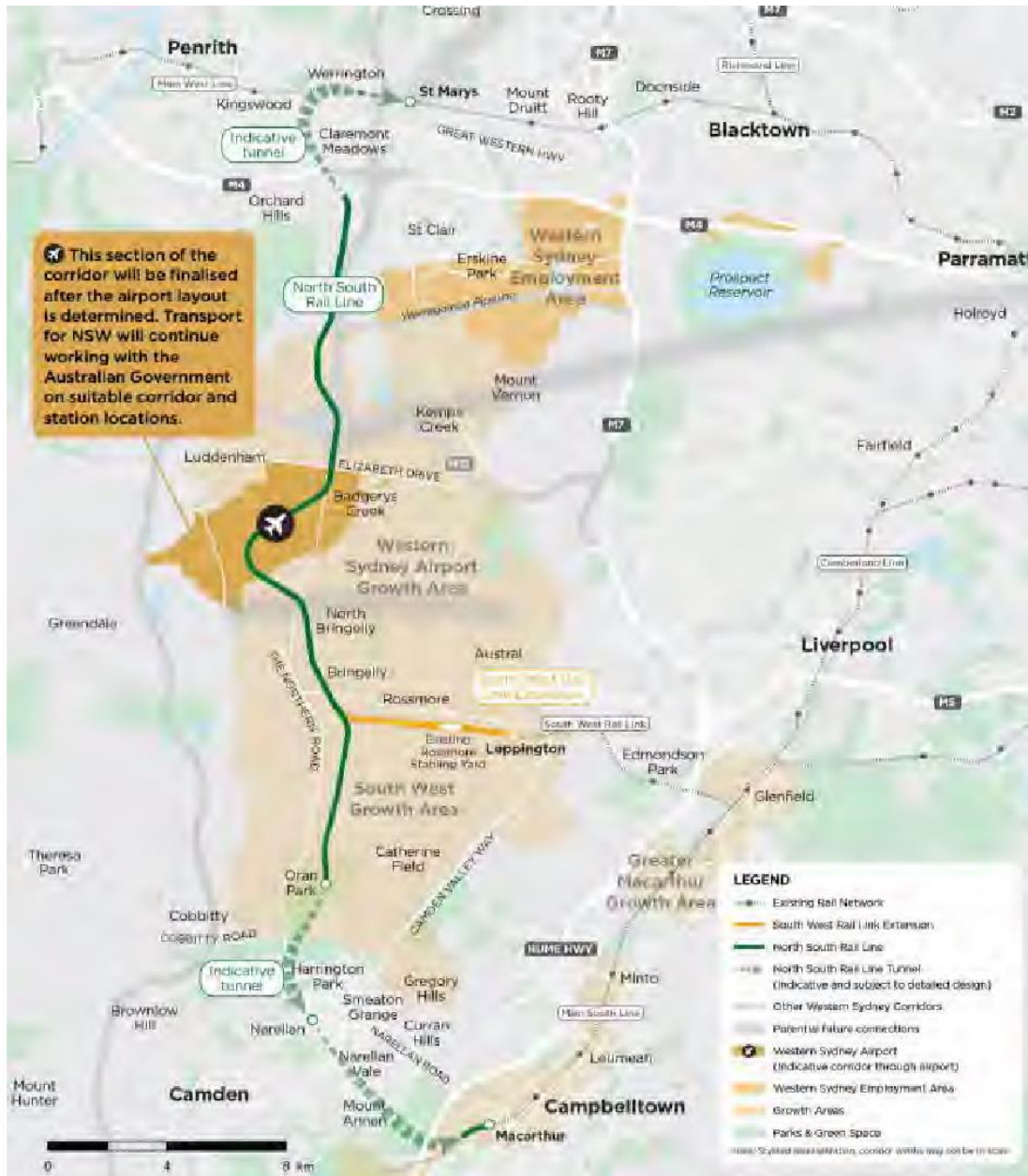
The Australian and NSW Government have undertaken investigations for corridor preservation for additional public transport corridors in Western Sydney. This is to ensure critical public transport services can be delivered in line with the growing needs of Western Sydney, including the South West and North West Growth Centre, the Western Sydney Employment Area and the second Sydney Airport at Badgery's Creek.

In 2018, the Western Sydney Rail Needs Scoping Study- Outcomes Report was released which identifies a long-term Preferred Network and sets out a vision for passenger rail services to serve Western Sydney as a whole.

The Scoping Study identified the need to protect a North South Rail Line corridor to provide a connection between the Main West Line near St Marys and the Main South Line near Macarthur. The proposed corridor for the North South Rail Line has identified a number of core stations including Oran Park as shown in **Figure 4**. The indicative location of the station box for Oran Park is west of Oran Park Drive, opposite the retail precinct.

Note that this study does not consider the impacts of the proposed rail connection at Oran Park as technical investigations are yet to be undertaken. Feedback from the consultation period, which closed in June 2018, will be used to refine the recommended corridors and inform technical investigations.

Figure 4 Recommended corridors for the North South Rail Line and South West Rail Link Extension



Source: NSW Government, 2018

3.0 Oran Park Town Centre

3.1 Revised development yield

The revised development yield seeks to alter the development mix for the Oran Park Town Centre. **Table 1** provides a comparison of the current development mix and the proposed development which is now sought by GDC2 for the Town Centre site.

The revised development yield seeks to:

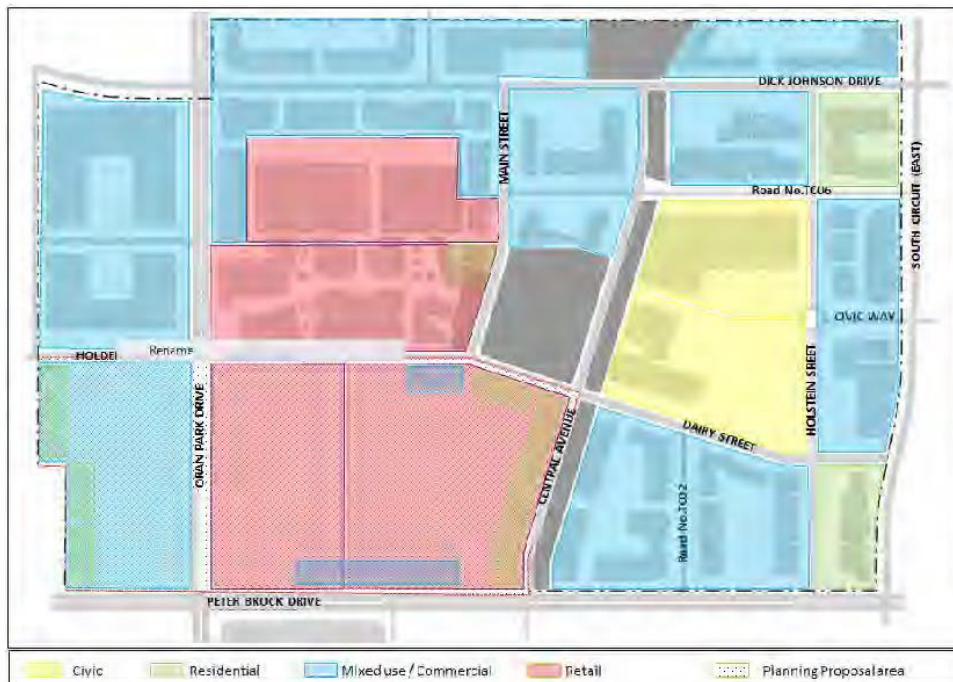
- Increase the commercial (mixed use) floor space to 160,000m²
- Increase the total number of high density residential dwellings to 1000 units. This includes an additional 56 dwellings caused by the increase in building height at the corner of Main Street and Central Avenue, which is subject of the Planning Proposed submitted by GDC2 .
- Amend the floor space for the civic precinct to reflect the 'actual' built form floor space; previously assumed prior to completion of the buildings (library floor space to 2,500m² and leisure floor space to 7,000m²).

Table 1 Proposed land uses – full development of the Town Centre

Land use	Current floor space	Proposed floor space	Change
Commercial (Mixed Use)	115,000m ²	160,000m ²	+45,000m ²
Retail	50,000m ²	50,000m ²	-
Council	8,500m ²	8,500m ²	-
Library	2,700m ²	2,500m ^{2*}	-200m ²
Leisure	9,200m ²	7,000m ^{2*}	-2,200m ²
Residential (high density)	300 units	1,000 units	+700 units

* actual floor space

Figure 5 Oran Park Town Centre - proposed land use



Source: AECOM, 2018

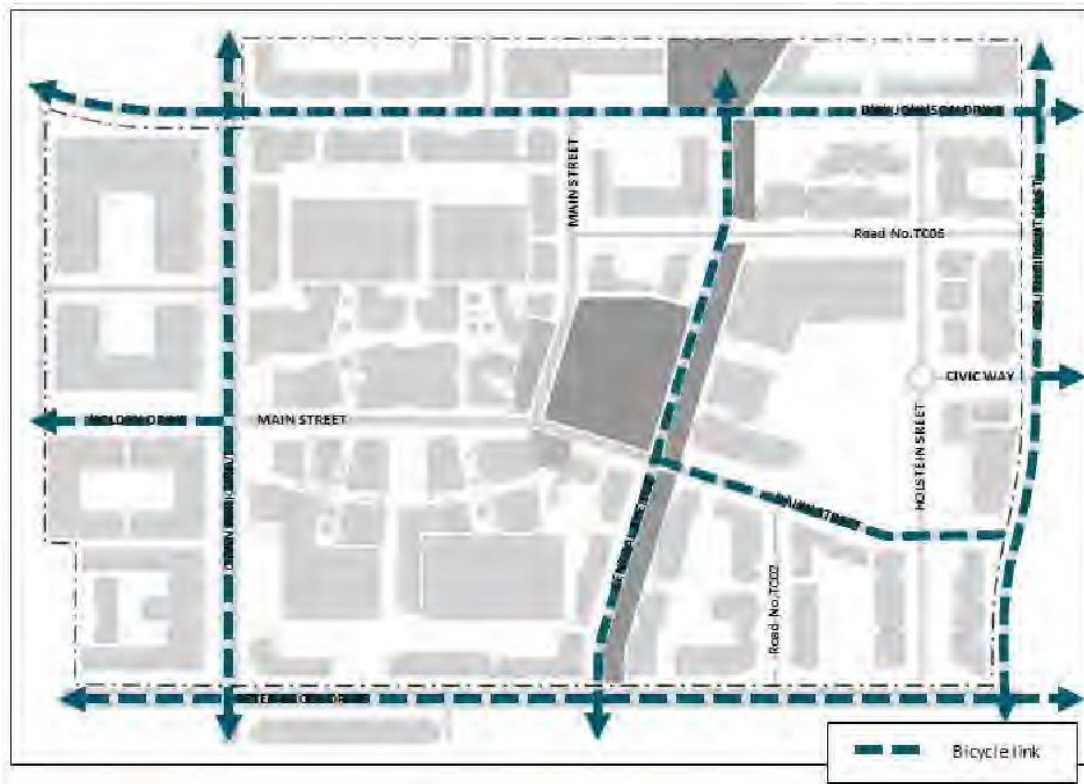
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The Oran Park Town Centre Structure Plan incorporates an integrated pedestrian, cycle and public transport network, with linkages to the broader network promoting a high level of pedestrian permeability. No significant changes to the road, public transport, and pedestrian and cycle network are proposed as part of the proposed changes to the development yield, however a brief discussion for each component is provided in the following sections.

3.2 Walking and cycling

Oran Park Town Centre has been designed to be easily accessible by walking and cycling from the Oran Park precinct and neighbouring areas. The shared pathway network, shown in **Figure 7**, illustrates how the main routes from residential areas will connect to the Town Centre, and subsequently within the town centre via Dairy Street and Central Avenue as shown in **Figure 6**.

Figure 6 Oran Park Town Centre planned bicycle infrastructure



Source: AECOM, 2018

Figure 7 Pedestrian and cycle network



Source: AECOM, 2018

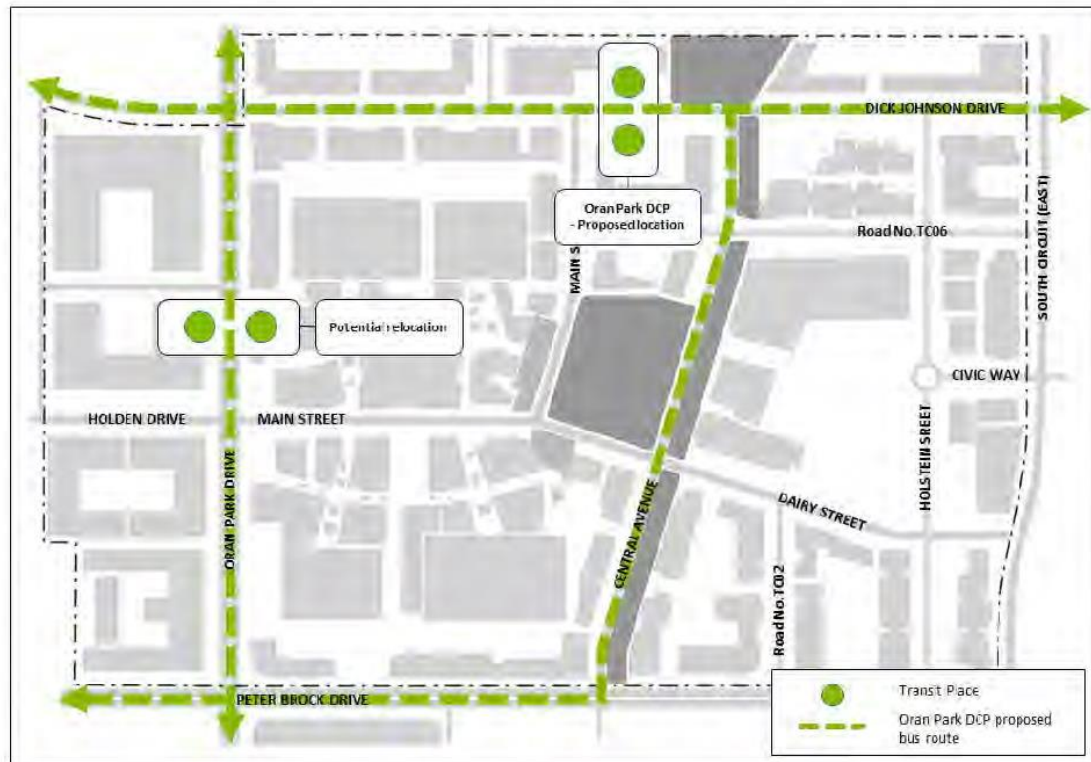
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3.3 Public transport

The Town Centre will include a bus interchange providing services to the wider area including Liverpool, Leppington and Campbelltown. The Oran Park DCP identifies Oran Park Drive, Peter Brock Drive and Dick Johnson Drive as accommodating bus routes. All bus-capable roads (including all collector roads) have been designed to accommodate buses. Bus stops (with shelters at key locations) will be provided on-street and not within indented bays. These measures will support the overarching intent that the majority of residential lots will be within 400m walking distance from a bus stop. The inclusion of a highly connected pedestrian network, as described in the previous section, will ensure clear, safe pedestrian links to public transport stops, further encouraging use of this mode of transport.

The Oran Park DCP has identified a 'Transit Place' to be located on Dick Johnson Drive, which would enable the town centre to function as a bus interchange. However, with the future planning for a proposed station at Oran Park, consideration should be given to locate the 'Transit Place' on Oran Park Drive to allow for a future interchange precinct to facilitate the efficient and safe transfer of passengers between modes. **Figure 8** presents the proposed bus routes within the Town Centre and the location of the 'Transit Place'.

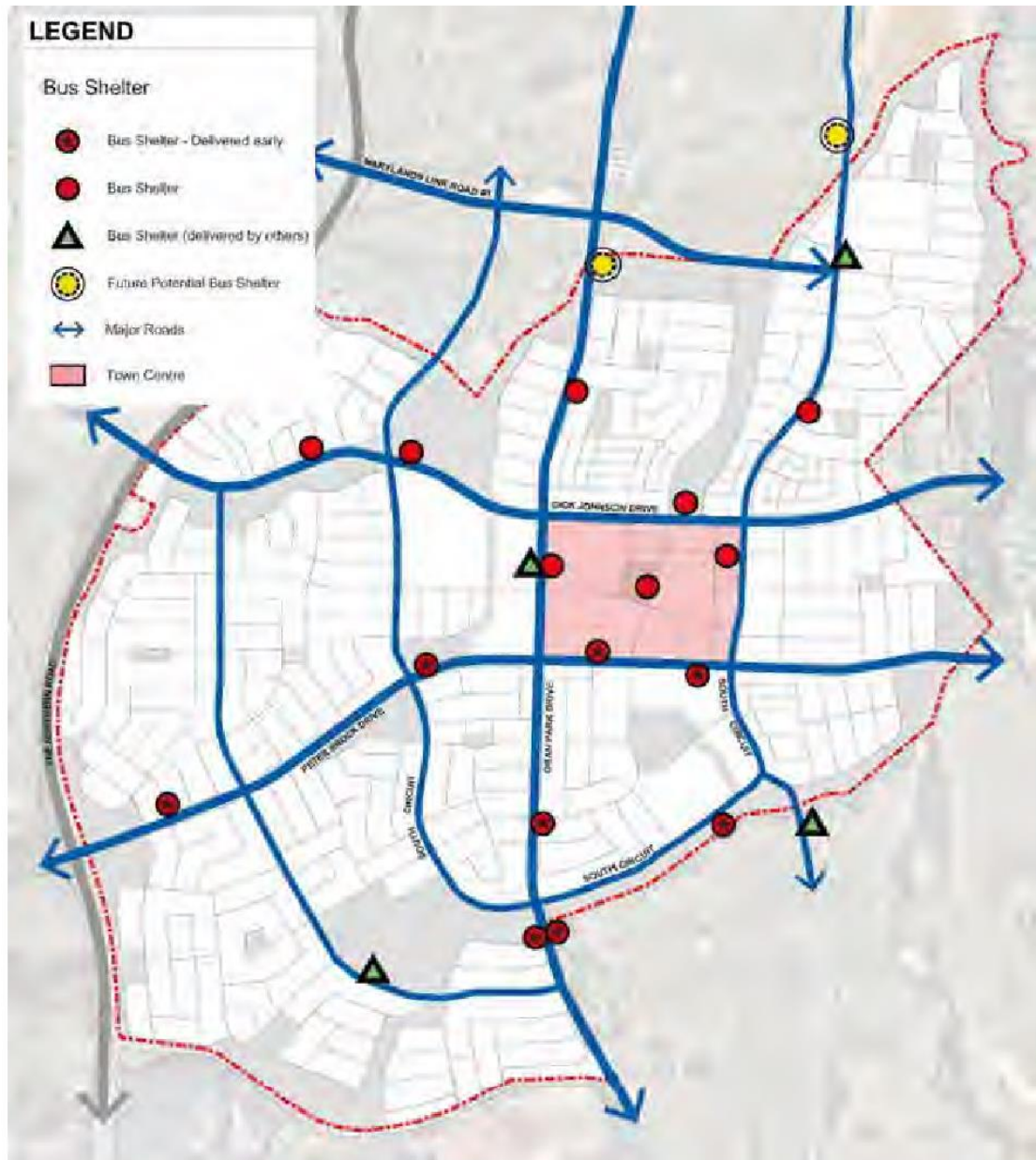
Figure 8 Oran Park Town Centre – public transport routes



Source: AECOM, 2018

Design + Planning have developed a *Bus Services Strategy* for Oran Park to rationalise the location of bus shelters. The proposed locations for bus shelters are presented in **Figure 9**.

Figure 9 Oran Park bus services strategy plan



Source: Design + Planning, 2018

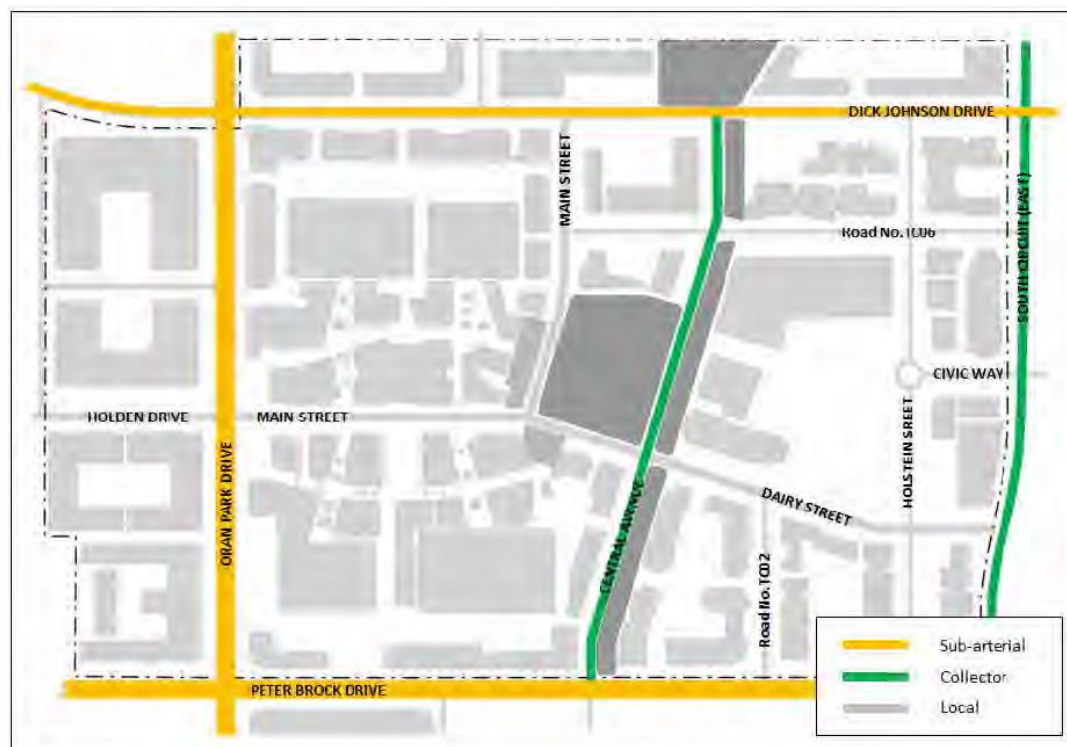
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3.4 Road network

The design of the precinct caters for a range of transport modes and provides an integrated hierarchy of roads to facilitate residential amenity, traffic efficiency and safety. The Oran Park road network has been designed with a clear hierarchy of streets that are well distributed and enable easy access within and around the Town Centre. Key roads include:

- Oran Park Drive is a sub-arterial road (four lanes) providing access to the wider strategic road network. It is the primary north-south connection through the precinct providing links to Camden Valley Way and the future Pondicherry precinct.
- Peter Brock Drive is a sub-arterial road (four lanes) providing east-west links through the precinct. It provides access to the wider strategic road network through connections to Oran Park Drive, The Northern Road to the west, and ultimately Leppington to the north-east. A planned connection to Springfield Road will also allow access to Camden Valley Way.
- Dick Johnson Drive is a sub-arterial road (four lanes) providing east-west links through the precinct. It also provides a connection to Oran Park Drive and The Northern Road in the west, as well as to Camden Valley Way to the east.
- South Circuit is a collector road (two lanes) and will provide an inner loop through Oran Park. It operates as higher order collector road that serves local and through traffic and provides drivers with a route choice to avoid perceived congestion on the sub-arterial roads adjacent to the Town Centre.
- Central Avenue is a collector road (two lanes) that connects Dick Johnson Drive and Peter Brock Drive through the Town Centre. It will primarily provide access to retail parking and the civic precinct. Central Avenue will provide bus services to the Town Centre through stops located at the northern end of the proposed civic precinct.

Figure 10 Town Centre road network



Source: AECOM, 2018

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3.5 Town Centre intersection controls

Site access arrangements for the Town Centre remains the same with intersections along Oran Park Drive, Dick Johnson Drive, Peter Brock Drive and South Circuit (east) providing multiple access points to and from the site.

Figure 11 provides an overview of the proposed intersection controls on the roads adjacent to the Town Centre which consists of signalised, priority and left-in/left-out intersections. These intersections have been included as part of the SIDRA modelling and remain consistent with the current ILP. Key intersections providing access to the Town Centre are presented in **Table 2**.

Table 2 Key intersections controls

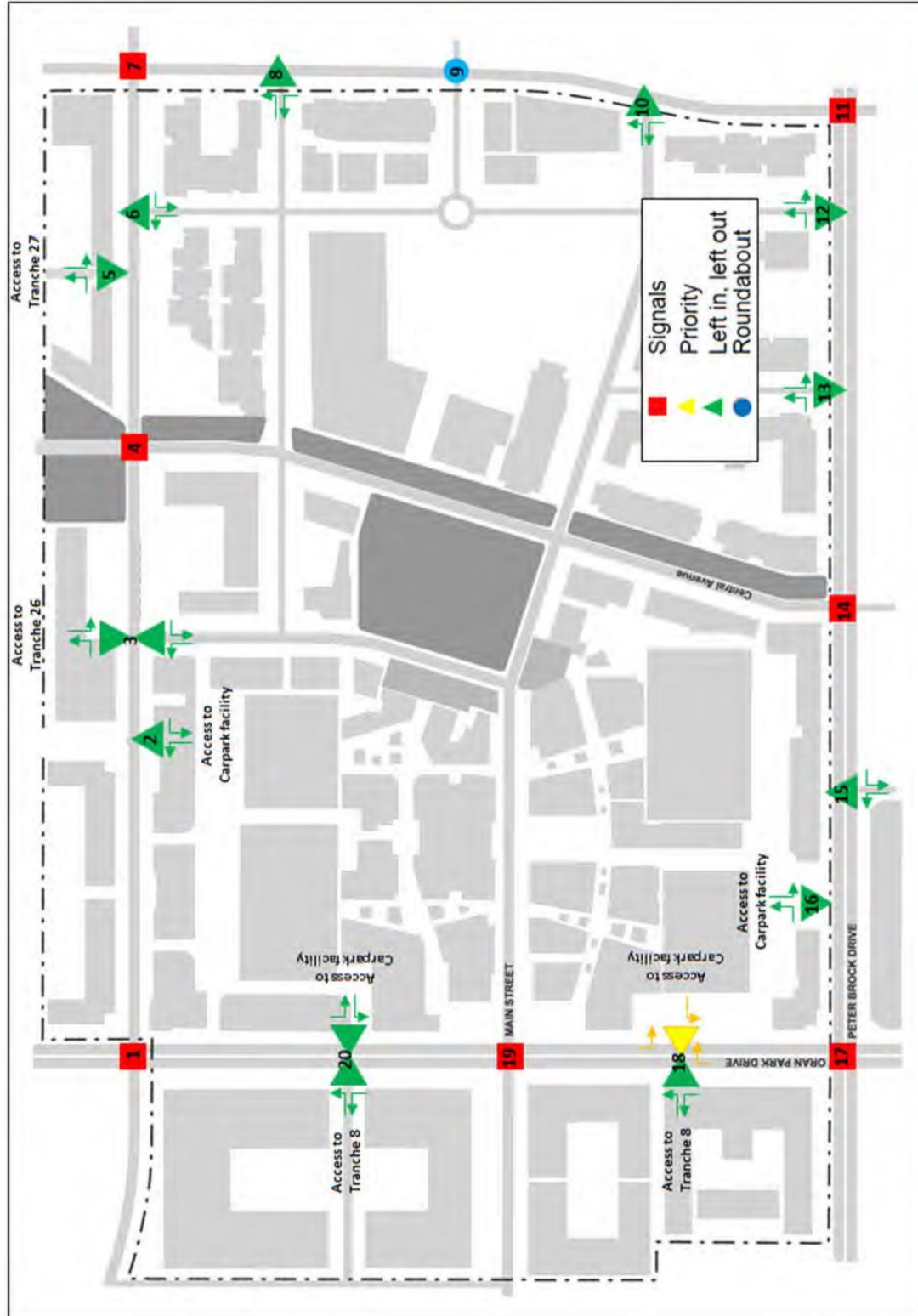
Ref	Intersection	Type	Symbol
1	Oran Park Drive Dick Johnson Drive	Signals	■
4	Dick Johnson Drive Central Avenue	Signals	■
7	Dick Johnson Drive South Circuit	Signals	■
9	South Circuit Civic Way	Roundabout	●
11	Peter Brock Drive South Circuit	Signals	■
14	Peter Brock Drive Central Avenue	Signals	■
17	Oran Park Drive Peter Brock Drive	Signals	■
18	Oran Park Drive Car Park T8	Priority*	▲
19	Oran Park Drive Main Street	Signals	■

* right turn movements banned except into the retail car park (i.e. northbound right turn movements allowed)

The signalised intersections will provide equitable access for all road users and facilitate connections to the Town Centre for pedestrians and cyclists via the shared paths along key roads of the Town Centre. These connections have been designed to maximise the potential for people to walk and cycle to and from the Town Centre

Supplementary left in / left out accesses are provided for each car park to maximise use of the car park floor plate (spreading demands across the whole car park and adjacent network), and minimise circulation around the town centre. Turn movements at these intersections have been purposefully limited to reduce the number of conflicting movements on sub-arterial roads so that their intended function is not compromised.

Figure 11 Oran Park Town Centre intersection control



Source: AECOM, 2018

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4.0 Traffic assessment

4.1 Background

The strategic road network and intersections in the Oran Park Precinct are being designed with long term infrastructure needs in mind, following assessment of traffic requirements upon full development of the Oran Park Precinct (and adjacent precincts). Infrastructure requirements are being determined through use of strategic (CUBE) traffic modelling software and detailed intersection modelling (SIDRA).

AECOM have developed a strategic CUBE model for the Oran Park Precinct. The model has been used to inform the design and planning of the precinct. It was prepared to represent a long term scenario, based on future forecasts where the development of Oran Park would be completed and the development of surrounding regional areas would have taken place. The modelling incorporates the most up-to-date information on the characteristics of the road network, the proposed nature, mix and location of land uses and the likely timing of their implementation.

This modelling has been progressively developed over many years to reflect changes proposed to the precinct. It has been presented and discussed at various stages with Camden Council, the NSW Roads and Maritime Services and Department of Planning and Environment to agree the appropriateness of inputs, assumptions and consequent infrastructure requirements.

Intersections surrounding the Oran Park Town Centre have been assessed with the aid of SIDRA. The SIDRA models have been developed as a network to inform the key road network and intersection requirements surrounding the Town Centre site.

4.2 Updates to the CUBE Model

The Oran Park CUBE model has been refined to better reflect future demand for travel. These changes include:

- Network inputs – the network structure has been updated to reflect the latest road network layout and intersection control for the Oran Park Precinct including the proposed increased development yield within the Town Centre. The zoning system and centroid connectors were also updated to reflect the latest structure plan.
- Demand inputs – land use inputs have been updated to reflect the latest residential and non-residential land use projections for the Oran Park Precinct including the Town Centre and assist in the demand generation process.
- Modelling procedure – the coding of roads to better distribute traffic to and from zones and assignment procedure to produce more reasonable volume-delay results across the facility types.

Outputs from the CUBE model were used as traffic volume inputs to the SIDRA modelling to determine the performance of the road network adjacent to the Town Centre during the 2036 AM and PM peak hour.

4.3 Traffic generation

The trip rates adopted and approved in the traffic modelling undertaken as part of the Transport Appraisal prepared in 2014 were retained to forecast the additional amount of trips likely to be added to the road network as a result of the proposed revised master plan.

Roads and Maritime's *Guide to Traffic Generating Developments* (October 2002) and the subsequent *Technical Direction* (May 2013) were used to determine the peak hour trip generation at Oran Park Town Centre. The following peak hour trip rates were used:

- Commercial – 1.62 trips / 100m² GFA
- Retail – 3.7 trips / 100m² GFA
- Council – 3 trips / 100m² GFA
- Library – 2 trips / 100m² GFA
- Leisure – 1.62 trips / 100m² GFA
- Residential (high density) – 0.23 trips / dwelling.

Table 3 shows 5,091 vehicle trips are expected to be generated during the peak hour by the Town Centre, an additional 850 trips as shown in Table 4.

Table 3 Oran Park Town Centre trip generation

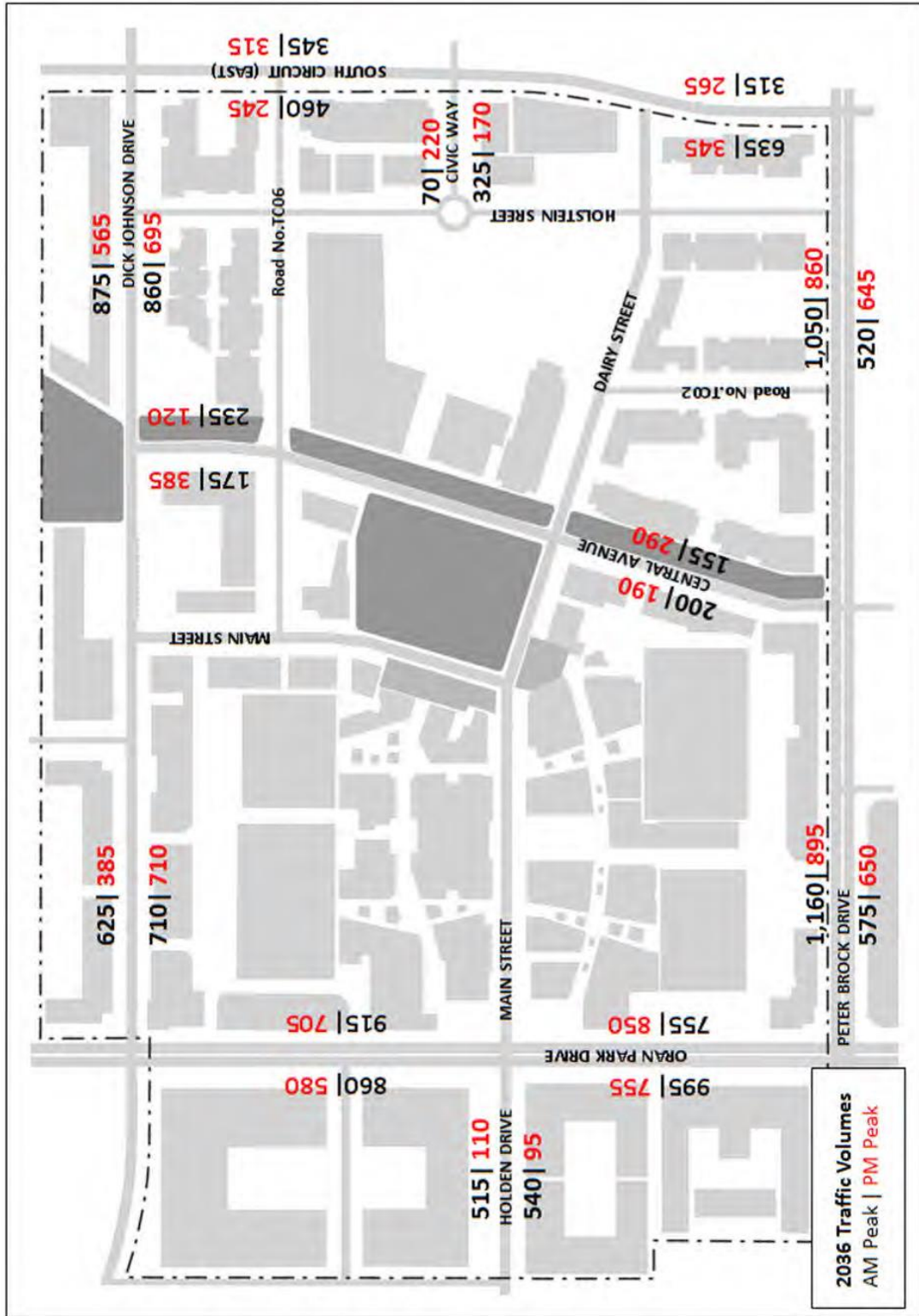
Land use	Revised yield	Trip rate	Peak hour trips
Commercial (Mixed Use)	160,000m ²	1.62 trips / 100m ² GFA	2,592
Retail	50,000m ²	3.7 trips / 100m ² GFA	1,850
Council	8,500m ²	3 trips / 100m ² GFA	255
Library	2,500m ²	2 trips / 100m ² GFA	50
Leisure	7,000m ²	1.62 trips / 100m ² GFA	114
Residential (high density)	1,000 units	0.23 trips / dwelling	230
Total			5,091

Table 4 Increase in trip generation

Land use	Change in yield	Trip rate	Increase in trips
Commercial (Mixed Use)	+45,000m ²	1.62 trips / 100m ² GFA	729
Retail	-	3.7 trips / 100m ² GFA	0
Council	-	3 trips / 100m ² GFA	0
Library	-200m ²	2 trips / 100m ² GFA	-4
Leisure	-2,200m ²	1.62 trips / 100m ² GFA	-36
Residential (high density)	+700 units	0.23 trips / dwelling	161
Total			850

The forecast 2036 AM and PM peak hour midblock traffic volumes for the Town Centre are presented in Figure 12. Assuming a lane capacity of 900 vehicles per hour on sub-arterial and collector roads at level of service D (*Guide to Traffic Generating Developments*, Roads and Maritime 2002), no capacity issues are envisaged on any of the roads in this area of the precinct in 2036.

Figure 12 2036 forecast traffic flows at Oran Park Town Centre



Source: AECOM, 2018

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4.4 Intersection performance

Intersection analysis, including the determination of proposed layouts and anticipated performance, was undertaken for key intersections providing access to the Town Centre with the aid of SIDRA Intersection 8.0.

Forecast turning movements for each intersection highlighted in **Figure 11** were extracted from the CUBE model and assessed in SIDRA as a network model to understand the impacts on the road network. A network cycle time of 100 seconds was applied in both peak periods which was based on previous modelling undertaken by AECOM. The geometric layout for each intersection was based on the latest intersection design provided by GDC2.

A summary of the performance results for key intersections is provided in **Table 5**, which compares the “Base” 2014 (TRANSYT) modelling results against the “Revised” 2018 (SIDRA) modelling results. It should be noted that comparison of intersection performance is limited due to the different software packages used and updates to the CUBE model as discussed in **Section 4.2**.

The left-in/left-out intersections were also modelled in SIDRA, however minimum delays are forecast to be experienced at these intersections and as a result the modelling results have not been reported.

Table 5 Intersection performance results (2036 AM and PM peak hour)

Ref	Intersection	Peak hour	Degree of Saturation (DoS)	Level of Service (LoS)	Average Delay (sec/veh)
1	Oran Park Drive Dick Johnson Drive	AM base	0.850	D	44.4
		PM base	0.830	C	39.5
		AM revised	0.691	C	37.0
		PM revised	0.528	B	24.1
4	Dick Johnson Drive Central Avenue	AM base	0.400	A	10.5
		PM base	0.250	A	9.6
		AM revised	0.546	B	26.0
		PM revised	0.597	C	32.3
7	Dick Johnson Drive South Circuit (East)	AM base	0.640	C	29.8
		PM base	0.740	C	34.3
		AM revised	0.858	C	36.4
		PM revised	0.561	C	32.2
9	South Circuit Civic Way	AM base	0.350	A	10.8
		PM base	0.250	B	15.0
		AM revised	0.549	A	11.8
		PM revised	0.321	A	10.3
11	Peter Brock Drive South Circuit (East)	AM base	0.850	C	31.1
		PM base	0.650	B	21.4
		AM revised*	0.925	D	48.0
		PM revised*	0.616	B	27.0

Ref	Intersection	Peak hour	Degree of Saturation (DoS)	Level of Service (LoS)	Average Delay (sec/veh)
14	Peter Brock Drive Central Avenue	AM base	0.770	B	23.5
		PM base	0.630	B	18.9
		AM revised	0.668	B	24.8
		PM revised	0.581	B	27.7
17	Oran Park Drive Peter Brock Drive	AM base	0.950	D	48.4
		PM base	0.760	C	38.4
		AM revised	0.875	D	42.9
		PM revised	0.799	D	43.9
18	Oran Park Drive Retail Car Park Tranche 8 Access Road	AM base	N/A		
		PM base	N/A		
		AM revised	0.421	A	9.6
		PM revised	0.353	A	9.8
19	Oran Park Drive Main Street	AM base	0.880	D	48.3
		PM base	0.660	B	26.0
		AM revised	0.710	C	28.7
		PM revised	0.383	B	18.8

* upgrades identified at the intersection of Peter Brock Drive | South Circuit (east) to operate at LoS D or better

Source: AECOM, 2018

The full development of the Town Centre is not forecast to have major impacts on the key intersections on the surrounding road network.

Under the 2036 ultimate development traffic flows, the modelling results indicate that the key intersections for the Town Centre are expected to perform acceptably at LoS D or better, with the exception of Peter Brock Drive | South Circuit (east).

The modelling has identified the following upgrades are required at the intersection of Peter Brock Drive | South Circuit (east) to operate at a satisfactory level of service (LoS D as shown above):

- Extension of the northbound right turn bay from 30m to 60m
- Extension of the westbound right turn bay from 40m to 70m.

Without the proposed upgrades above, the intersection of Peter Brock Drive | South Circuit (east) operates at a LoS E in the AM peak hour and an average delay of 57.1 seconds. These upgrades are expected to be required when Peter Brock Drive is extended east providing connections to Springfield Road.

The intersections operating close to capacity, 0.9 or greater, are Peter Brock Drive | South Circuit (east), with the upgrades identified above, and Oran Park Drive | Peter Brock Drive. However, both have an acceptable level of average delay.

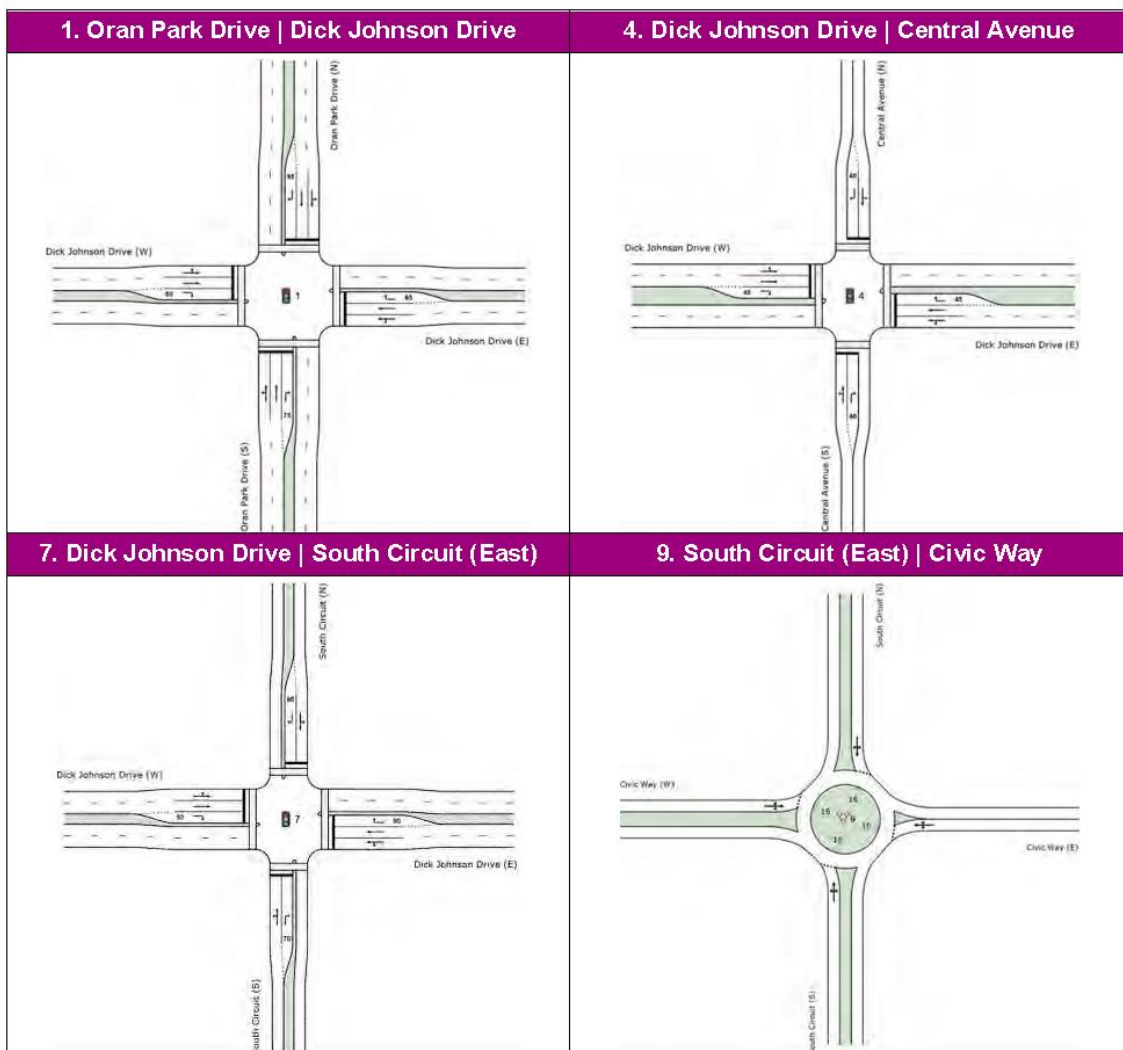
The intersection of Oran Park Drive | Retail Car Park | Tranche 8 Access Road (intersection 18) allows for the northbound right turn movements into the Retail Car Park. The modelling indicates the right turn movement into the car park would be able to find gaps in traffic to enter the intersection. The performance of this intersection should be monitored, and if significant delays and queuing are experienced, consideration should be given to banning the right turn movement. The retail car park access on Peter Brock Drive would provide motorists with an alternative point of access.

Based on the modelling results the following intersections are shown to operate satisfactorily without left turn slip lanes as reported in the *Oran Park Town Centre: Transport Appraisal (2014)*:

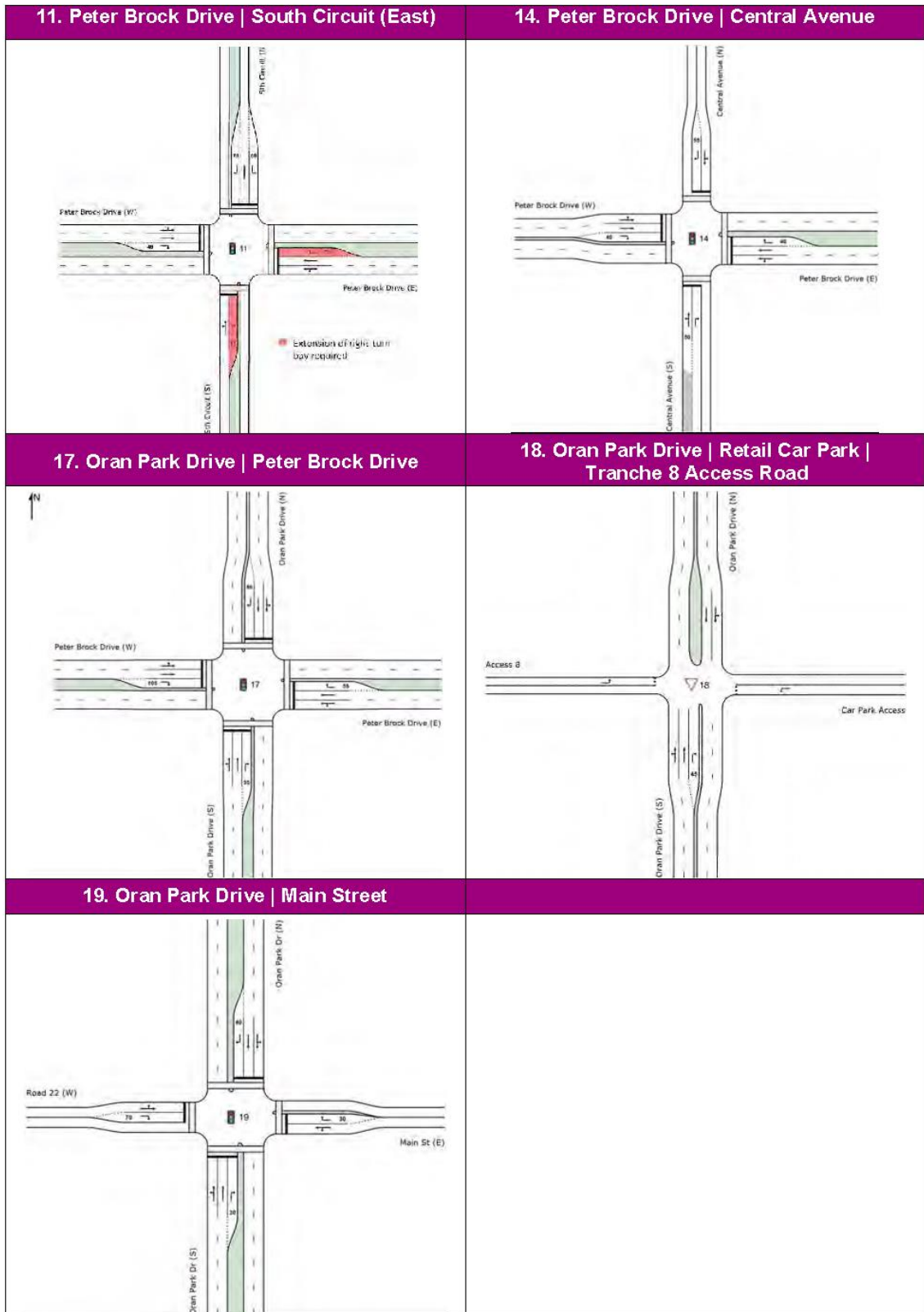
- Dick Johnson Drive | South Circuit (East)
- Peter Brock Drive | South Circuit (East)
- Oran Park Drive | Peter Brock Drive

The intersection layouts required to accommodate the forecast level of traffic in 2036 are shown in **Figure 13**. Allowance should be made within the road reserve to ensure that sufficient space is provided if these intersections are required to be developed to this extent.

Figure 13 Proposed Town Centre intersection layouts



Source: AECOM, 2018



Source: AECOM, 2018

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5.0 Summary

AECOM has been engaged by GDC2 to update the traffic modelling previously undertaken as part of the *Oran Park Town Centre: Transport Appraisal* to support the proposed increase to the development yield for the Oran Park Town Centre.

The report will be used to supplement the Planning Proposal submission to Camden Council for the Oran Park Town Centre seeking to increase building height and reconcile zone boundaries.

Development yield amendments include:

- Increasing the commercial (mixed use) floor space to 160,000m²
- Increasing in the total number of high density residential dwellings to 1000 units. This includes an additional 56 dwellings at the corner of Main Street and Central Avenue, which is subject of the Planning Proposal submitted by GDC2.
- Amendments to reflect the 'actual' built floor space for the civic precinct (library floor space to 2,500m² and leisure floor space to 7,000m²)

In keeping with the planning principles described in Part B1 of the DCP, no significant changes are proposed to the road, public transport, and pedestrian and cycle network for Oran Park Town Centre, with the exception of the potential relocation of the 'Transit Place' from Dick Johnson Drive to Oran Park Drive to allow for a future transport interchange as a result of the proposed station at Oran Park.

The CUBE model developed used to inform the design and planning of Oran Park Precinct has been updated to reflect the amendments for Oran Park including the Oran Park Town Centre and refined to better reflect future demand for travel. SIDRA intersection modelling was used to inform the key road network and intersection requirements surrounding the Town Centre site.

The modelling results indicate that the increase in forecast traffic generated by the changes to the development yield can be accommodated by the proposed road network in 2036 under ultimate development. Key roads surrounding the Town Centre have sufficient capacity to meet forecast traffic demands. In addition, the key intersections assessed for the Town Centre are shown to operate at an acceptable level of service (LoS D or better) during the AM and PM peak hours, with minor upgrades required at Peter Brock Drive | South Circuit (east).

The modelling has identified the following upgrades are required at the intersection of Peter Brock Drive | South Circuit (east) to operate at a satisfactory level of service:

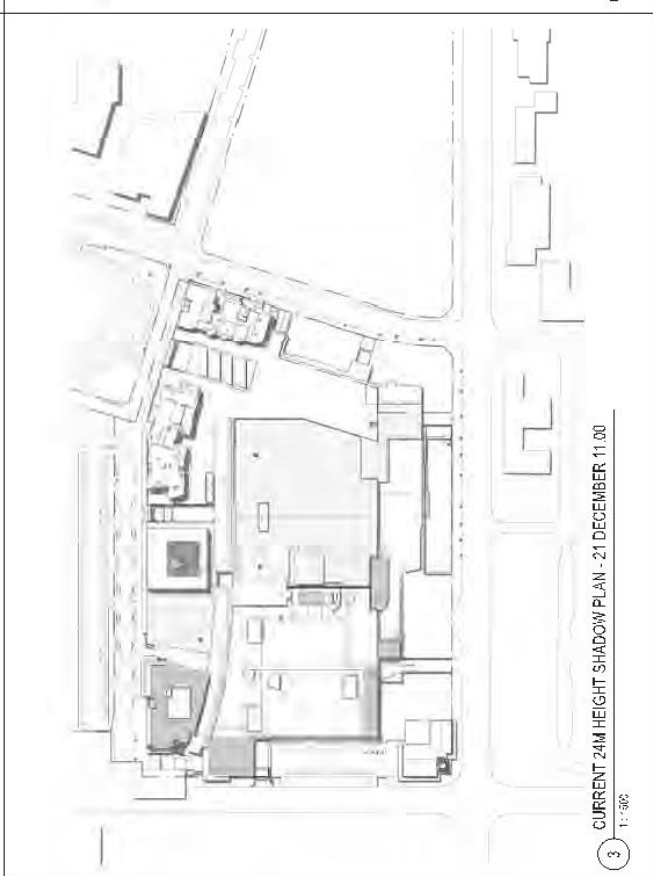
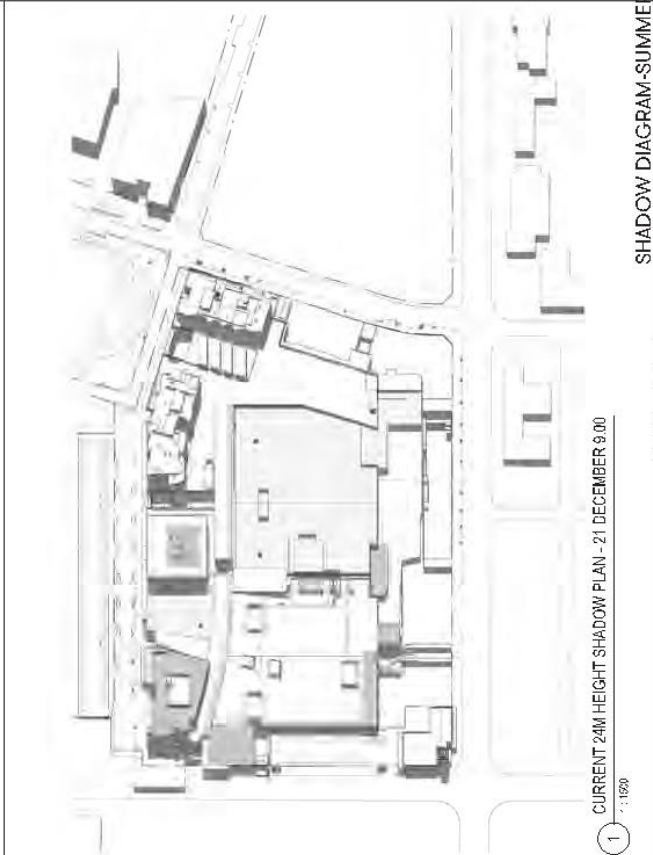
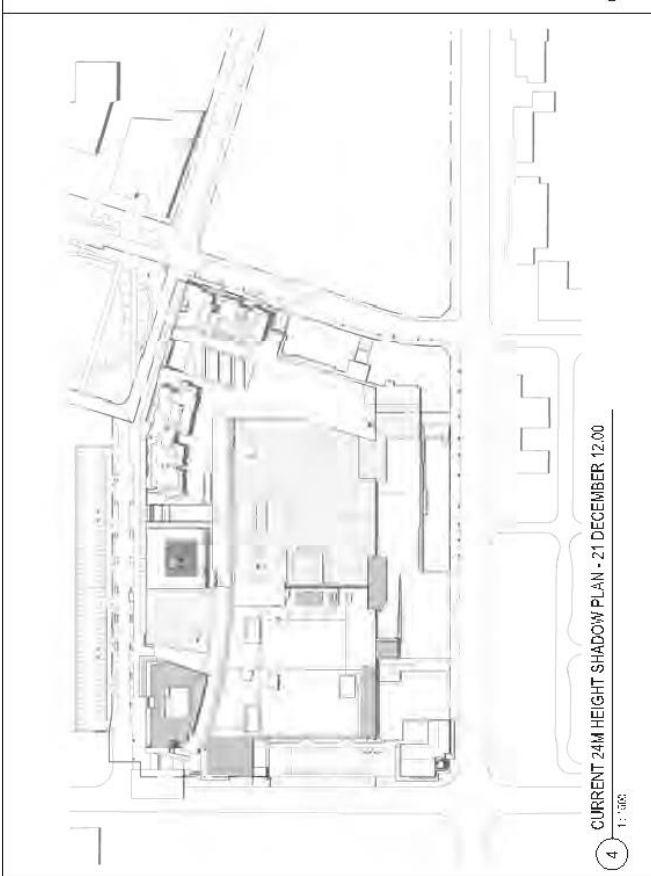
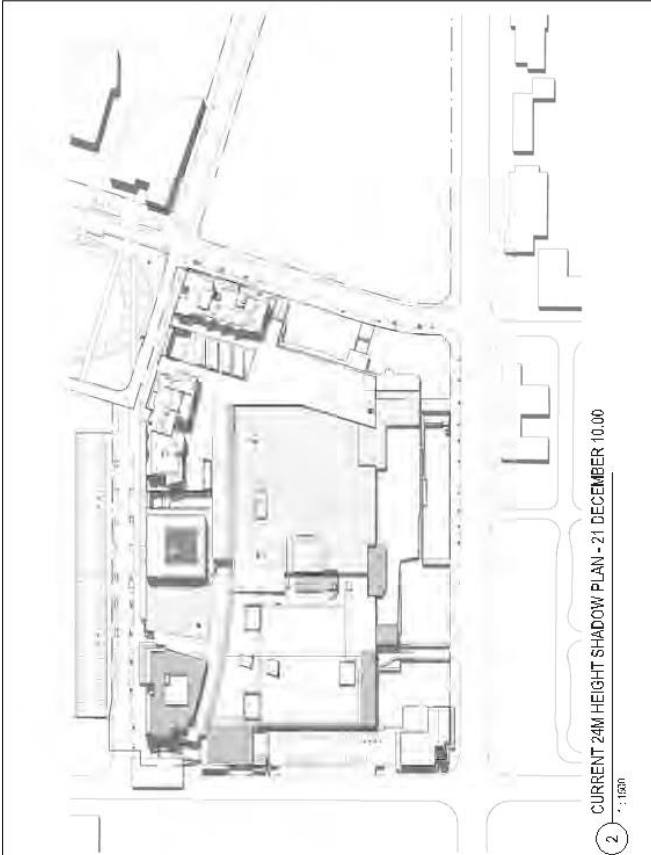
- Extension of the northbound right turn bay from 30m to 60m
- Extension of the westbound right turn bay from 40m to 70m.

Without the proposed upgrades above, the intersection of Peter Brock Drive | South Circuit (east) operates at a LoS E in the AM peak hour. These upgrades are expected to be required when Peter Brock Drive is extended east providing connections to Springfield Road.

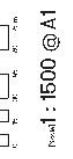
A summary of the geometric layout required for each intersection has been provided. Allowance should be made within the road reserve to ensure that sufficient space is provided if these intersections are required to be developed to this extent.

Attachment 2
ORD01

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SHADOW DIAGRAM-SUMMER SOLSTICE SHEET 1 -
CURRENT 24M HEIGHT
Project AD-DA504 Rev.1 B
Date 20170013



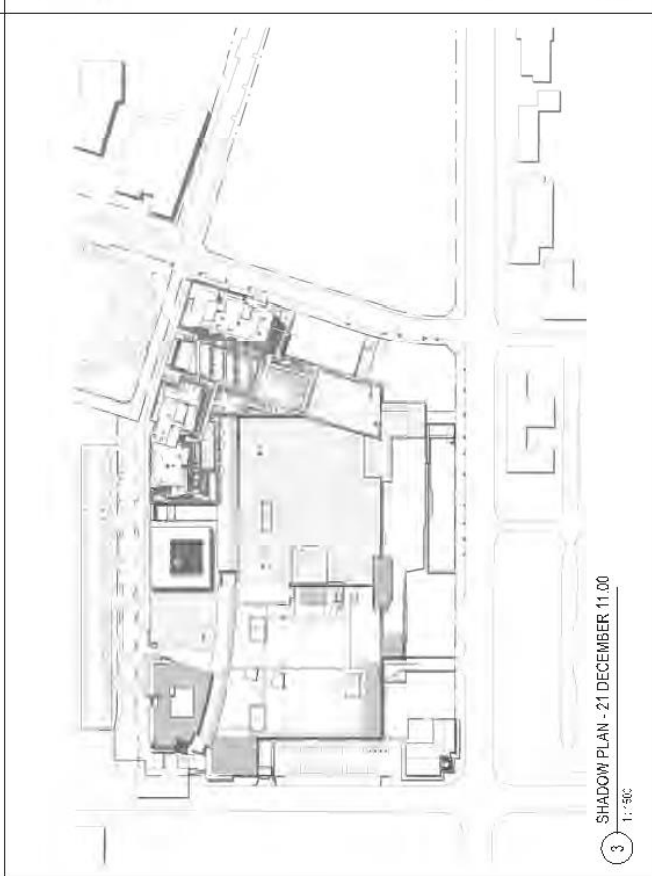
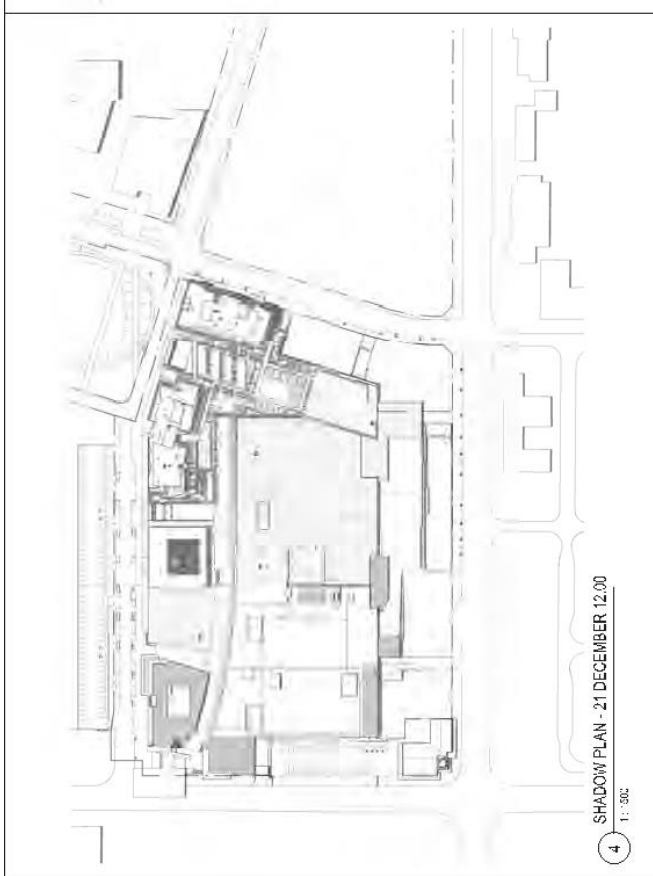
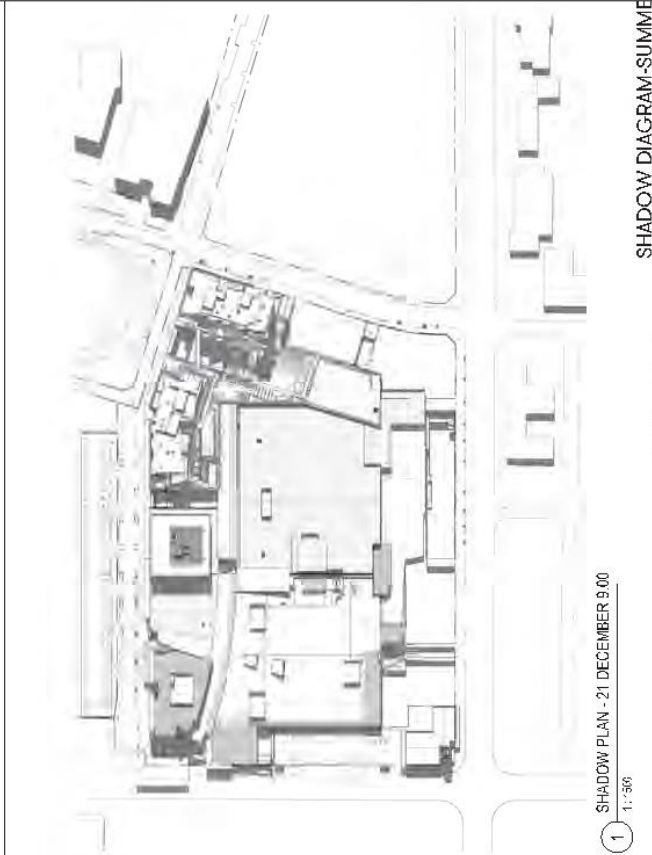
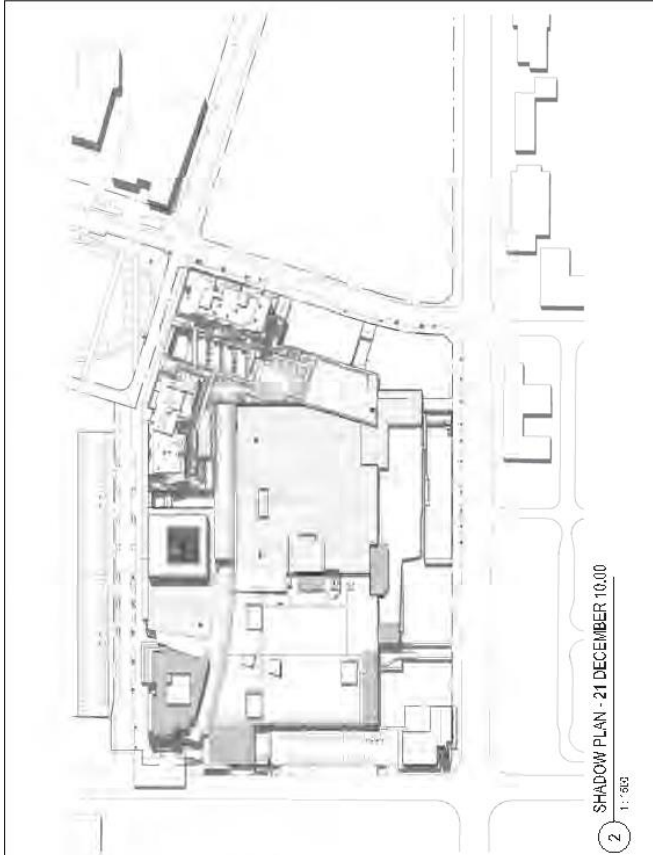
Project: ORAN PARK PODIUM STAGE 2A
Client: GREENFIELDS DEVELOPMENT COMPANY

Level One One Chiffley Square Sydney NSW 2000 Australia
www.scottcarver.com.au +61 2 957 3938

scott carver

Drawn	FOR DA
Drawn: [Name]	Drawn: Doug Scullwell/73&2
Date: 2/07/2020	Date: 2/07/2020
Project: 20170013	Project: AD-DA500

Level	Description	Level	Level
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SHADOW DIAGRAM-SUMMER SOLSTICE SHEET 1-1
PLANNING PROPOSAL
Project AD-DA500
Date 20170013
Level H



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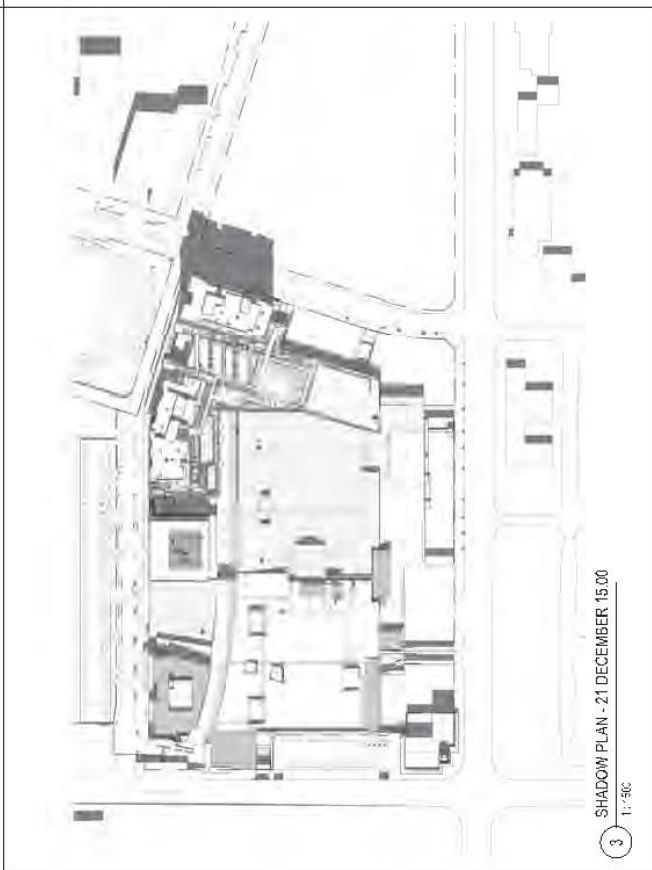
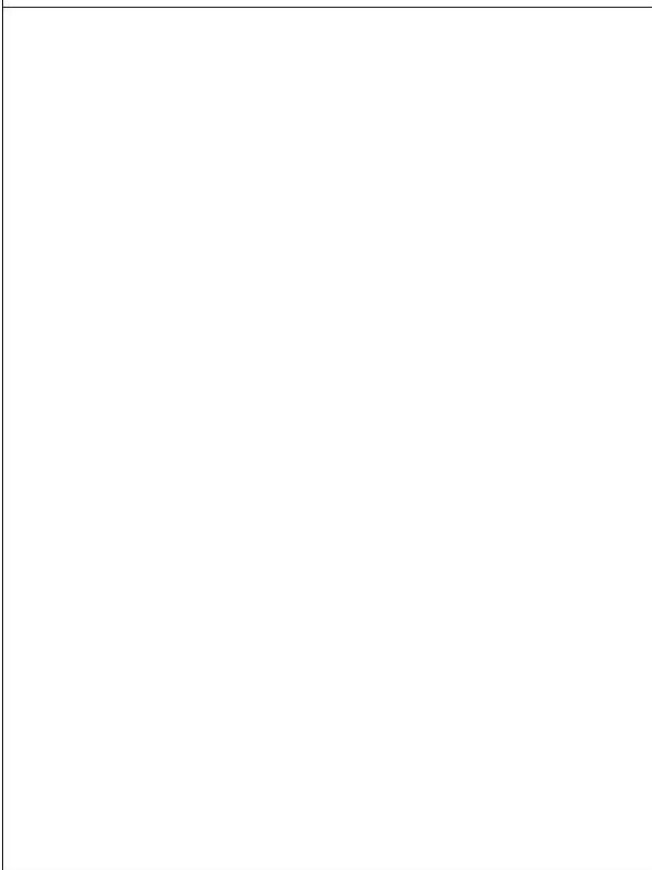
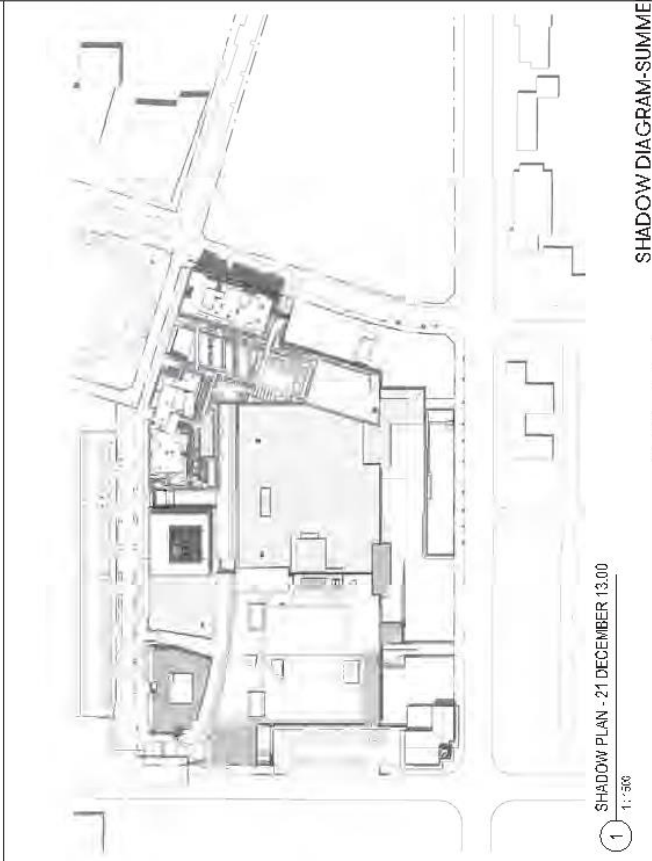
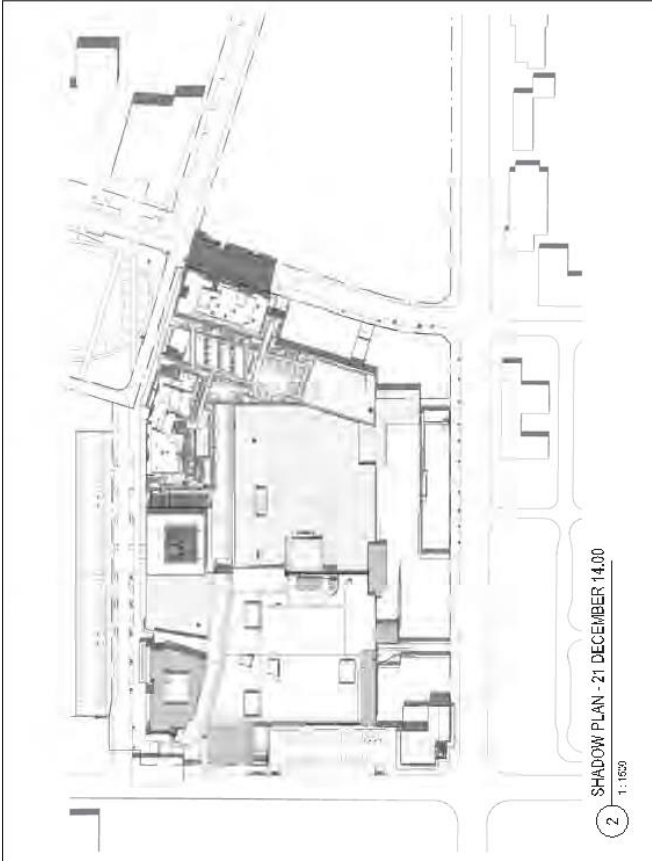


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PLANNING PROPOSAL
Project AD-DA501
Rev: 20170013
Rev: H



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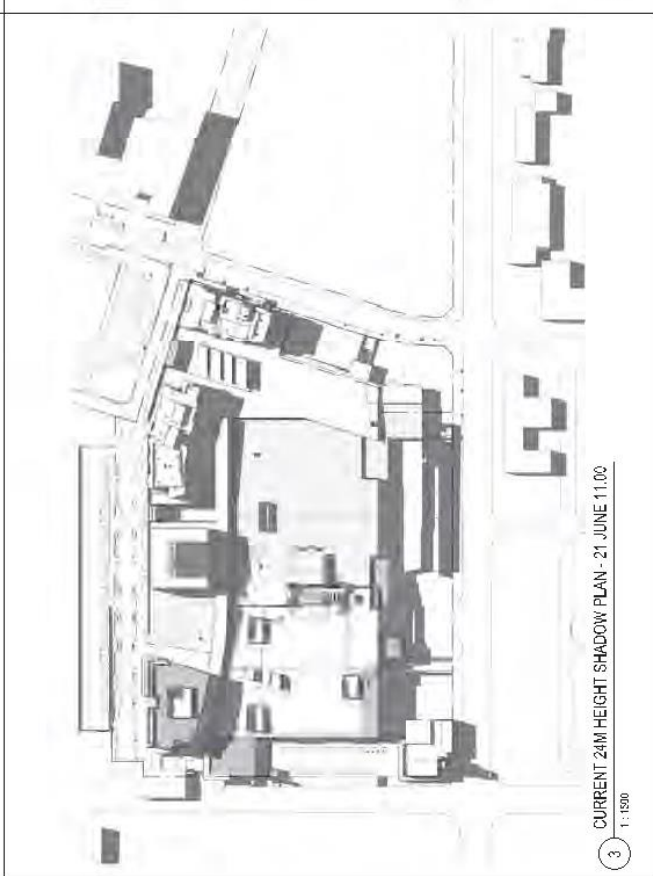
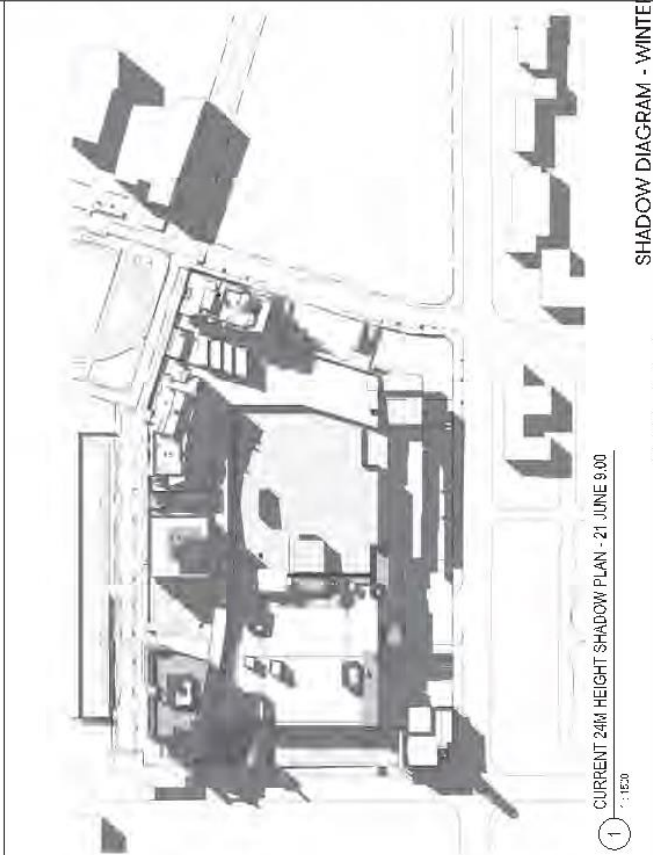
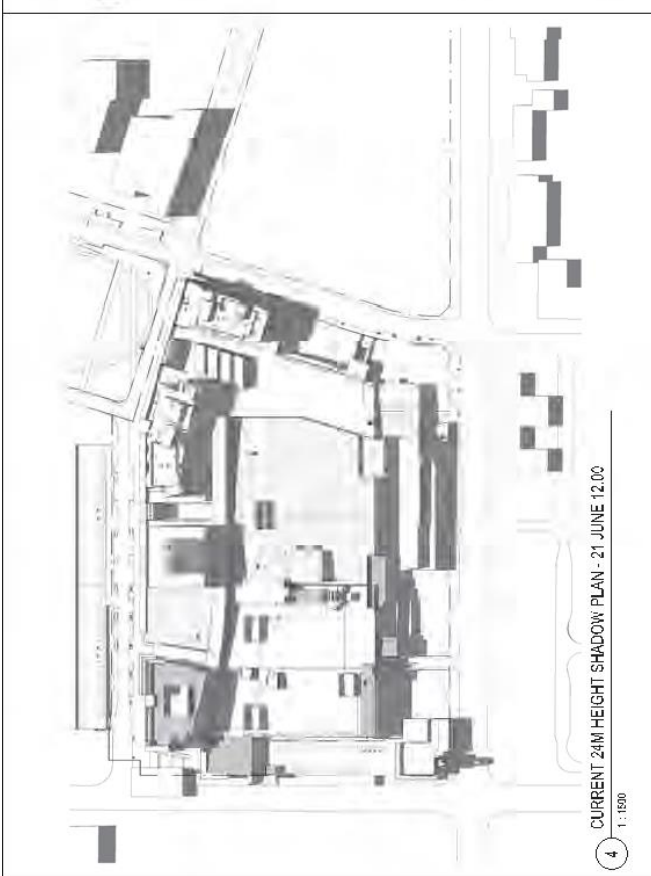
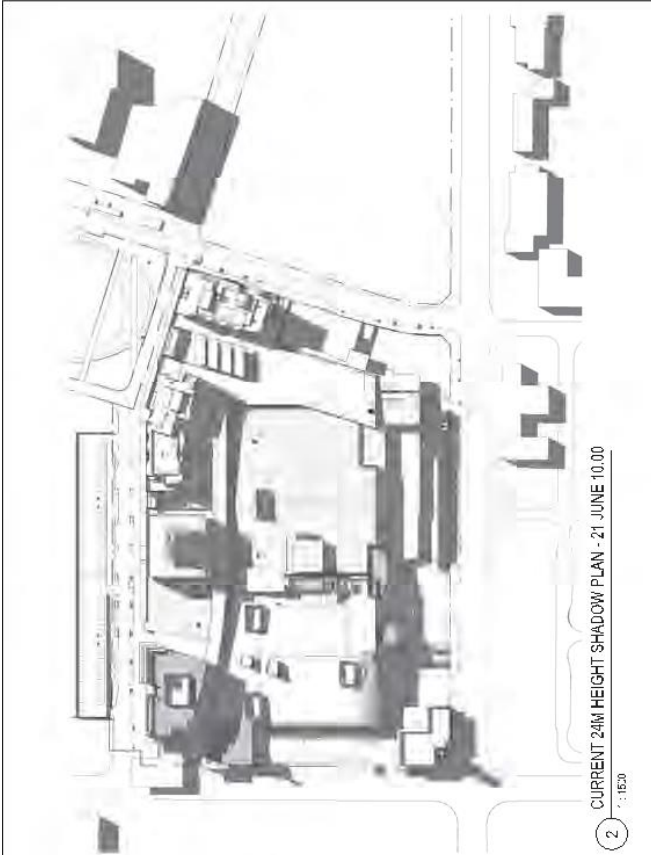


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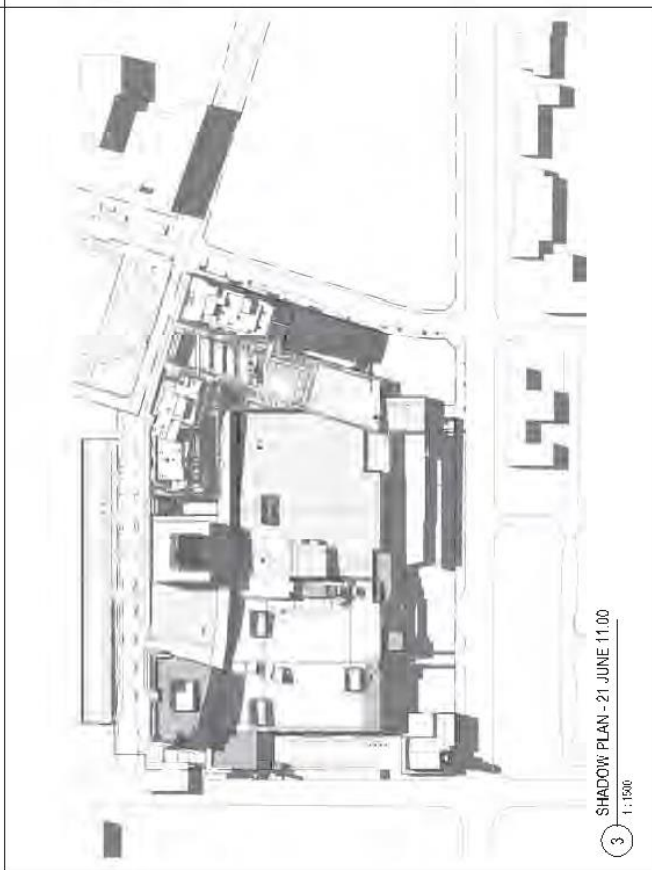
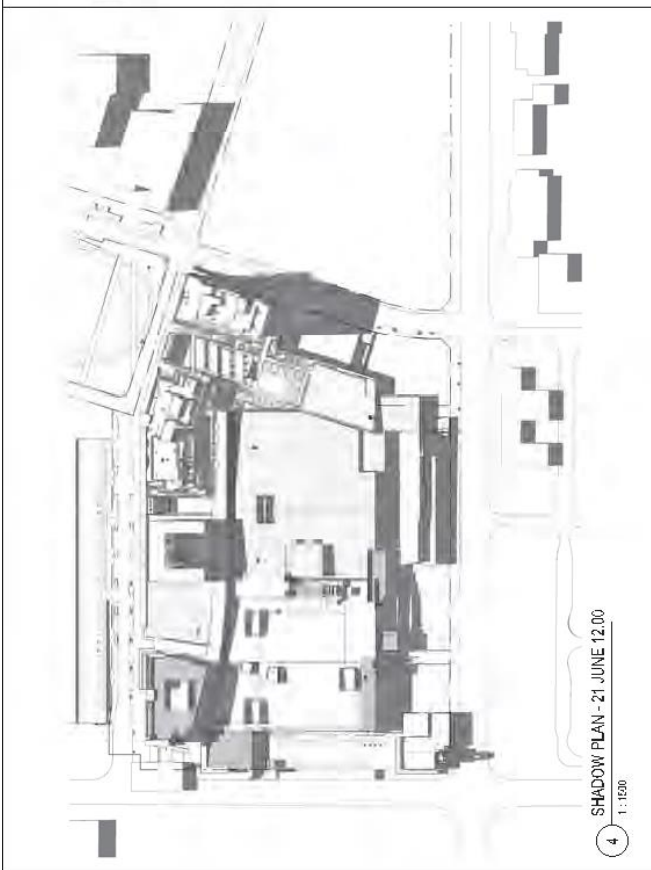
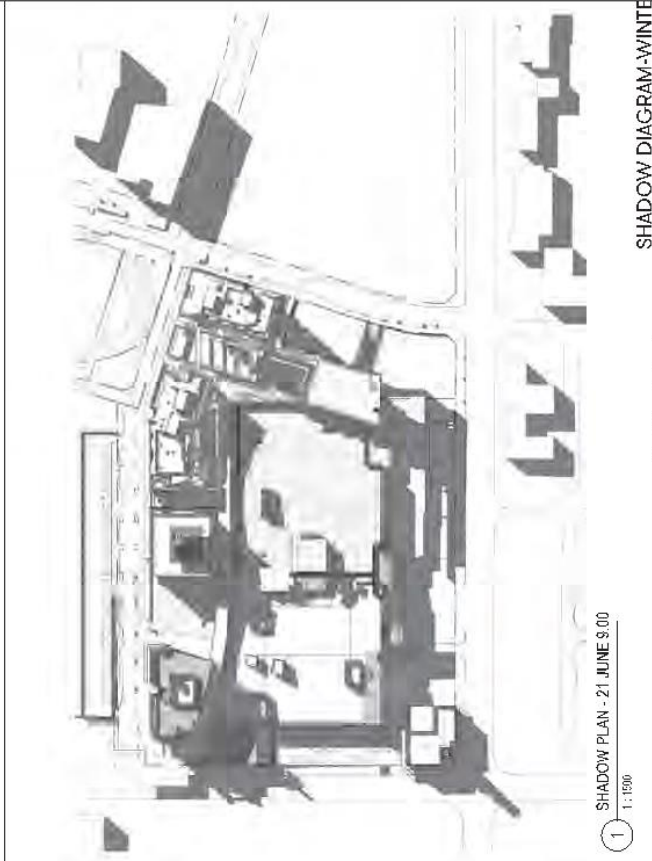
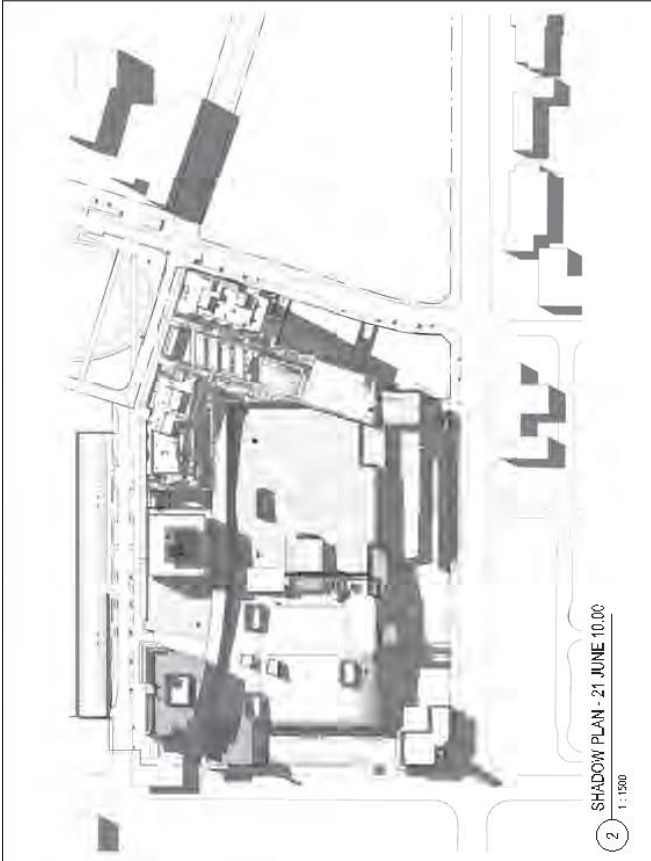
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CURRENT 24M HEIGHT
Project AD-DA06 Rev: B
Date: 20170013



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Client: GREENFIELDS DEVELOPMENT COMPANY

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SHADOW DIAGRAM-WINTER SOLSTICE SHEET 1 -
PLANNING PROPOSAL

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Client: GREENFIELDS DEVELOPMENT COMPANY

Project: AD-DA502 Rev: H
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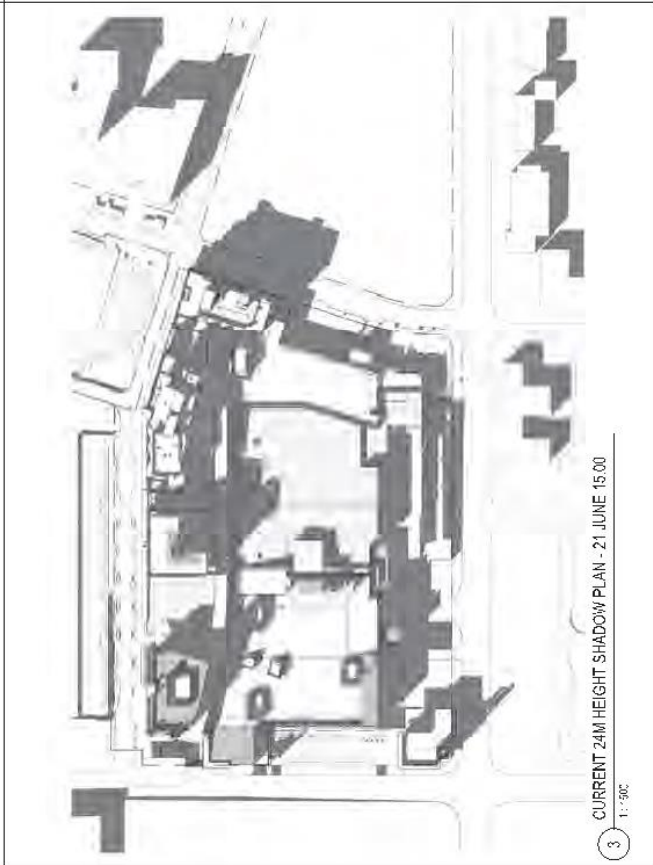
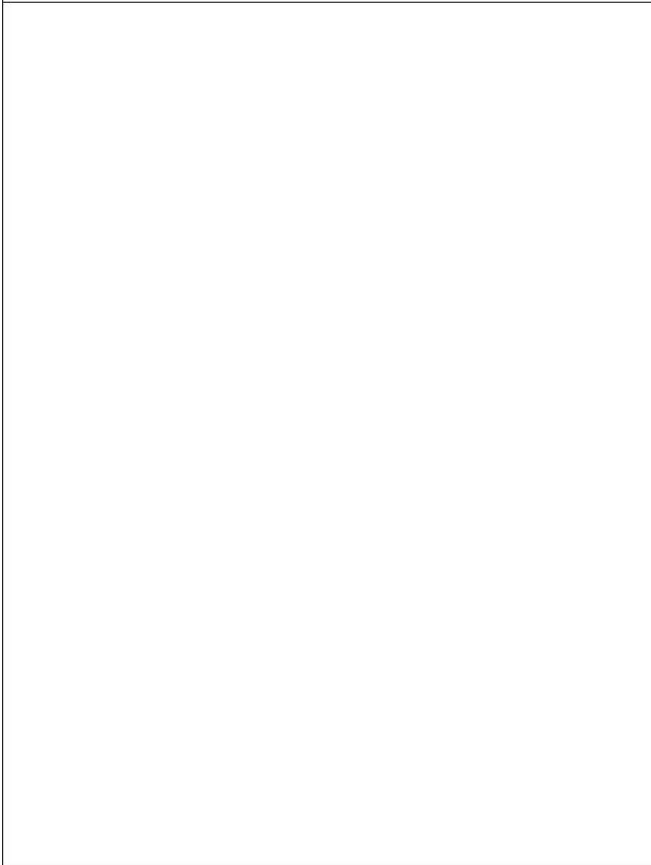
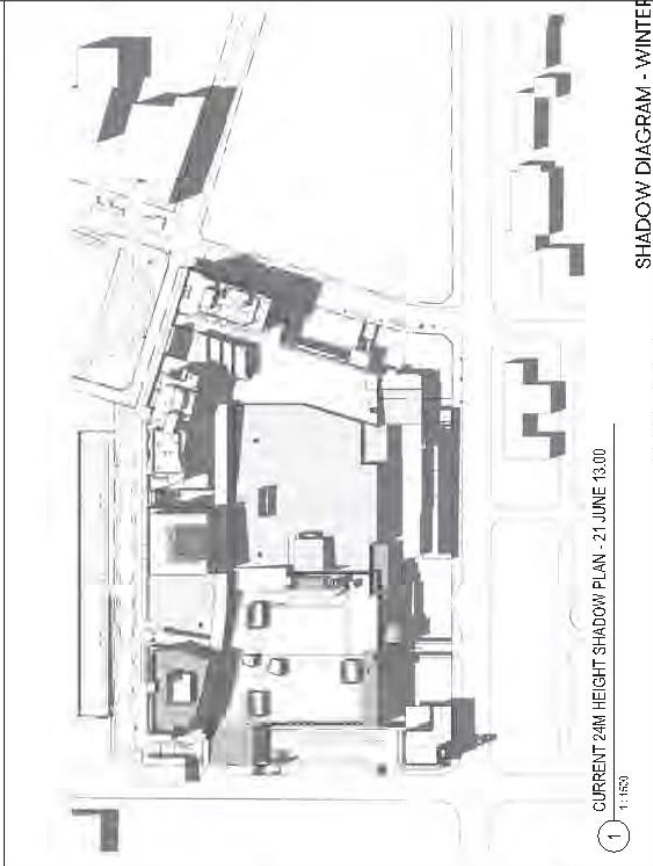
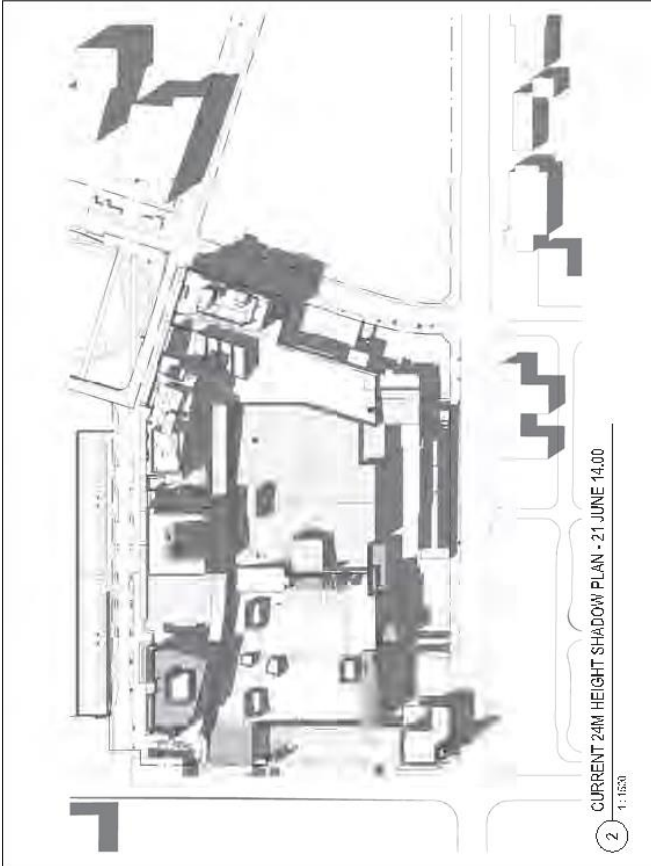
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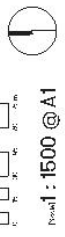
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Project AD-DA507 Rev:1 B
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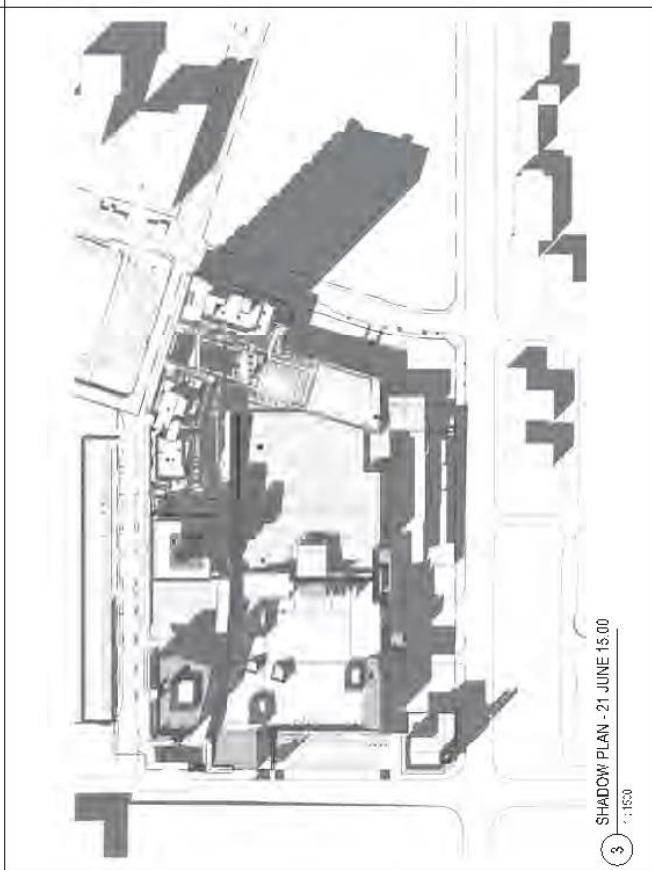
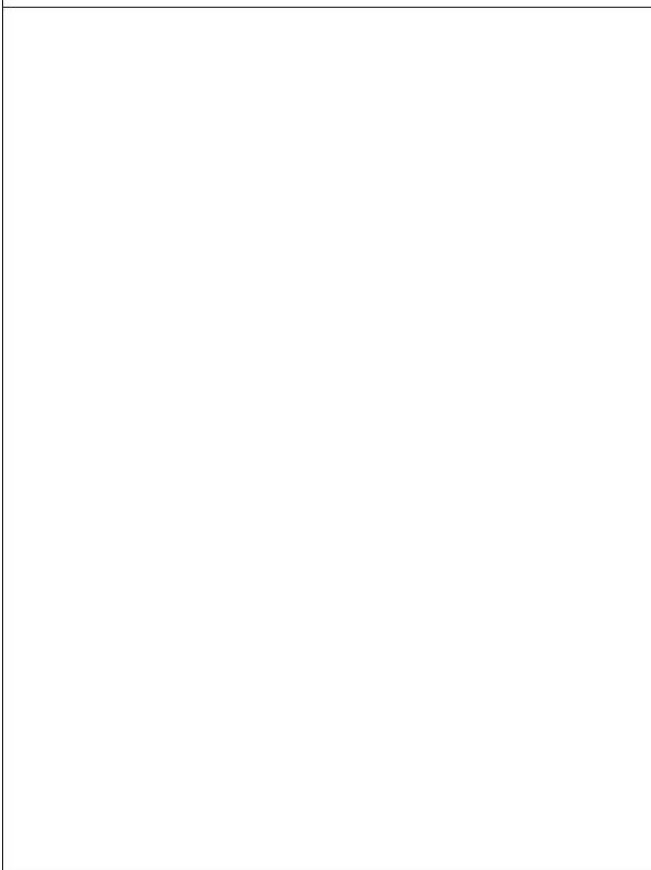
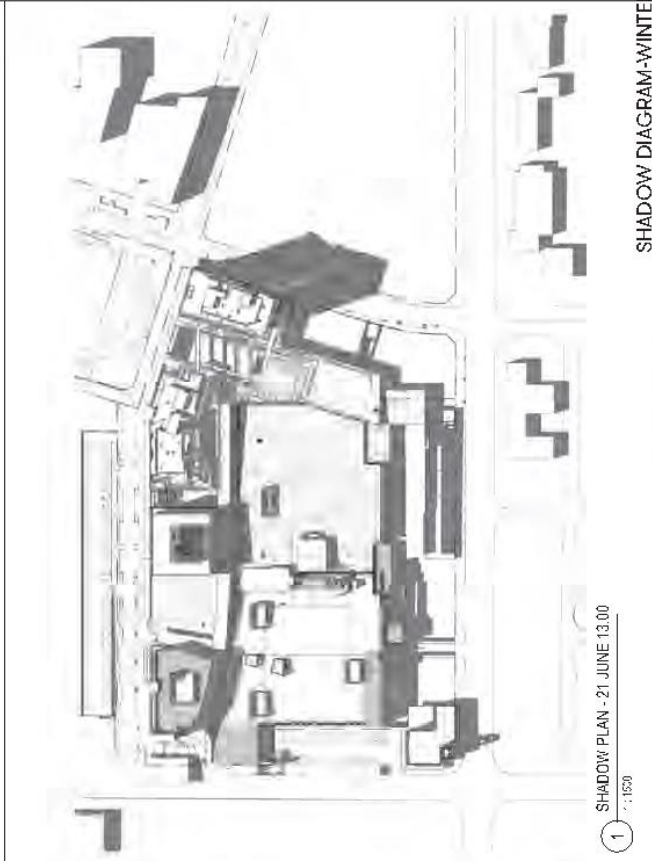
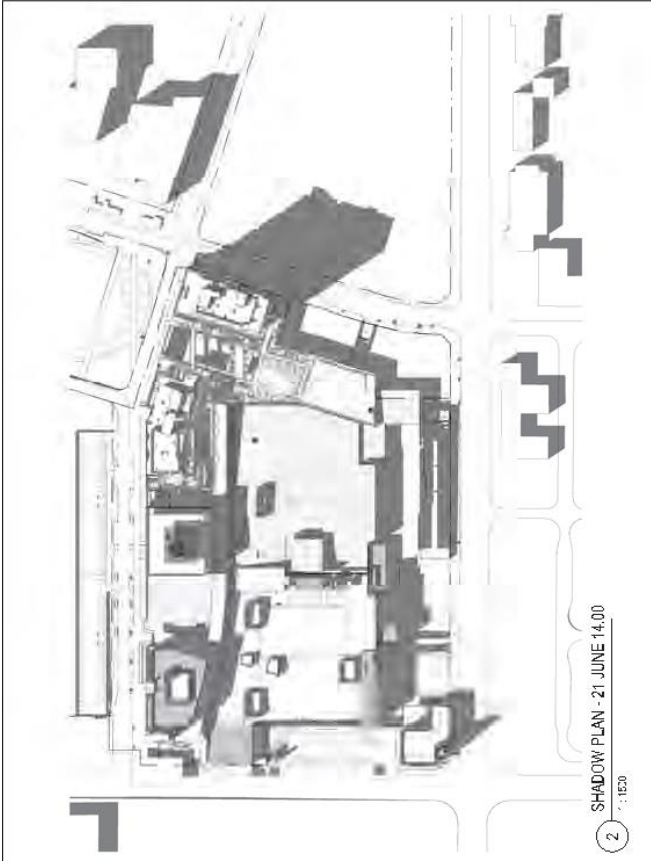


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SHADOW DIAGRAM-WINTER SOLSTICE SHEET 2 -

PLANNING PROPOSAL

Project: AD-DA503 (Rev) H

20170013

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www.scottcarver.com.au +61 2 9557 3938

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Attachment 2

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Attachment 2

Visual Impact Assessment Oran Park Podium - Stage 2 Mixed Use

20170013-VIA

10 Feb 2020



Level One, One Chifley Square Sydney NSW 2000 Australia [www.scottcarver.com.au]
Scott Carver Pty Ltd [ACN 38 002 570 854] +61 2 9957 3988

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Approved for release by Author

Scott Carver Pty Ltd
 [ABN 38 002 570 854]
 Level One One Chifley Square Sydney NSW 2000 Australia
 +61 2 9957 3988
 www.scottcarver.com.au

Name Doug Southwell
Nominated Architect NSW 7362

Date 10th February 2020

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Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

ORD01

1 Introduction

Scott Carver has been engaged to prepare a visual impact assessment (VIA) on behalf of Greenfields Development Company No.2.Pty Ltd for the proposed expansion of the existing Oran Park Podium retail centre (Stage 2A) and the proposed construction of residential apartments Towers 1 and 2 above.

The study occurs at Oran Park which is located within the major urban growth area of Sydney's South West, being the South West Priority Land Release Area, and is approximately 8 kilometres north-east of the Camden town centre, approximately 20 kilometres south-west of the Liverpool CBD and 10 kilometres north-west from Campbelltown (Figure 1).

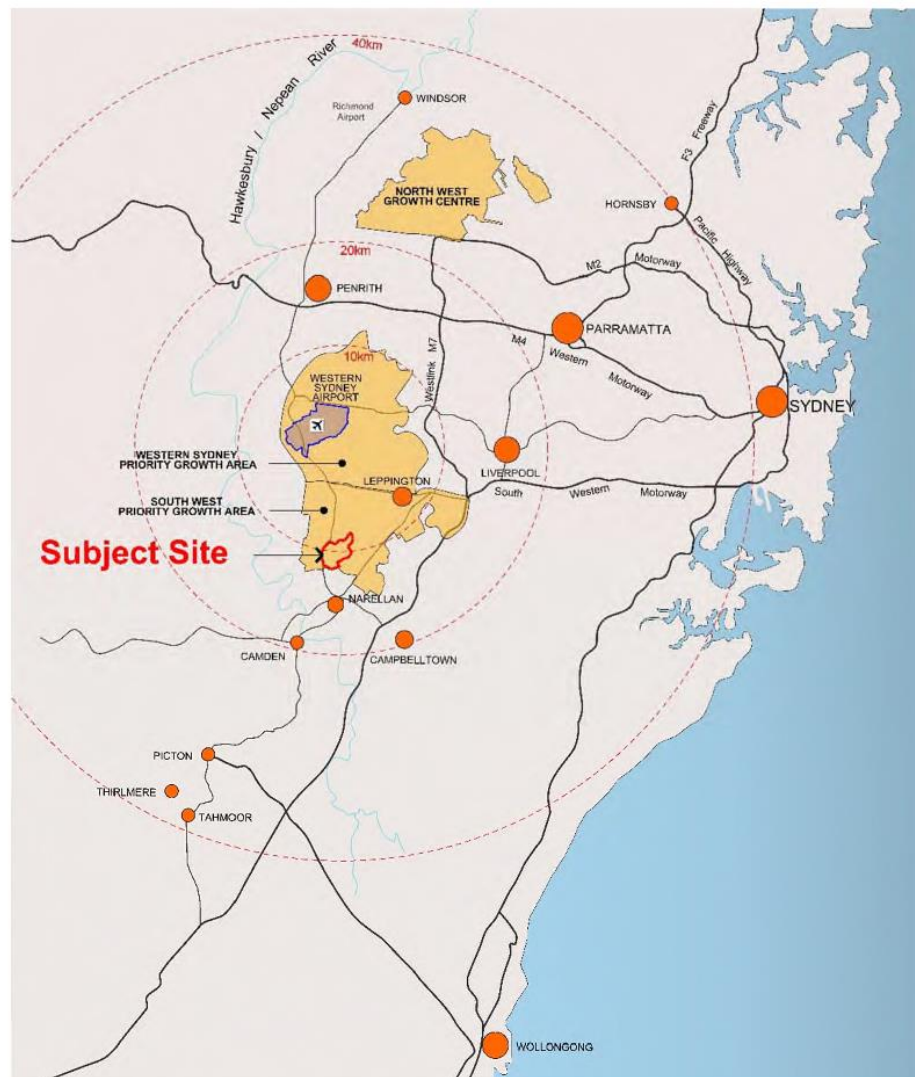


Figure 1 – Sydney Context - Site (Source: Design + Planning)

Attachment 2



Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

1.1 Background

In October 2018, a draft Planning Proposal for the site was lodged by Greenfields Development Company No.2.Pty Ltd, on behalf of the Leppington Pastoral Company. The Planning Proposal was lodged concurrently to the development application (DA) for Stage 2A of the Podium Shopping Centre (DA/1223/2018). June 2019 Camden Council endorsed the Planning Proposal and resolved that the proposal be forwarded to the Department of Planning, Industry and Environment for Gateway Determination. A Conditional Gateway Determination was issued by the Department on 26 November 2019.

The DA proposes to deliver an additional 16,000m² of retail floor space, two residential apartment buildings (including one subject to the proposed height increase as part of the draft Planning Proposal) and a commercial building within the Oran Park Town Centre. The DA relies on the approval of the Planning Proposal.

The proposed 12 storey residential apartment building above the Podium level (shown as a yellow star in Figure 2) is located diagonally opposite the Council Administration Building. The proposed minor zoning boundary amendments are located along the western boundary and the north-western corner of the town centre (marked in red in Figure 2).



Figure 2 – Site Location Map (Source: Camden Council July 2019 Document)

The conditional Gateway determination by the Department of Planning, Industry and Environment requires the preparation of a Visual Impact Assessment (VIA) to assess the visual impact of the 12 storey residential apartment building (over retail) compared to the current LEP controls of 24m in height. The VIA is to be submitted prior to Planning Proposal’s exhibition

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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1.2 Purpose of the Report

The views and associated montage images included in this report are produced to evaluate the visual impacts of the proposed development from 12 locations within a 500m radius of the subject site. The 500m radius seeks to assess the local context of the proposal and selects views from key public domain (pedestrian and vehicle) approaches to the site, from varying distances.

In addition to the local context assessment, there are two heritage properties within the broader precinct: Oran Park Homestead and Denbigh Farm that have been assessed. These properties are located a significant distance from the subject site and have been the subject or prior extensive visual impact assessments for rezoning associated with other developments and precincts located between the heritage items and the subject site.

1.3 Methodology Summary

The methodology involved in the development of this VIA is as follows:

1. An initial site visit and analysis of the proposed views was undertaken. Photographic images of each viewpoint taken at 1500mm above floor finish level.
2. A description of each viewpoint as it currently stands within its setting to determine a reference point for the VIA was defined.
3. The photographs selected were then overlaid through the 3D cad model (Revit), of the subject development to accurately depict the mass and scale of the proposed development, utilising Google Earth to accurately locate the photographic view points.
4. Two massing comparisons were then developed for each view point. The first being the proposed DA scheme, reduced to the current LEP heights of 24m. The 2nd version depicts the proposed scheme and increase in height.
5. A written assessment was then undertaken of the 12 views utilising the sensitivity of each view and the magnitude of variation from its existing condition and that of the LEP height. This assessment is based on the Visual Assessment Grading Matrix as provided by the Roads and Maritime Services NSW (2013)

Attachment 2

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

1.4 Key Terms

In this Visual Impact Assessment report, the subsequent key terms are used:

Magnitude:

The Magnitude of a visual impact is the amount of visual variation developed due to the general 'scale, form and character' of a proposed development in contrast to the existing site. In determining the Magnitude of visual effects, the following is considered:

1. The extent of variation in the view due to the addition or removal of components, modification of structure i.e. in form, scale and mass, line height, colour and texture and the amount of proposed development visible in the view.
2. The distance between the viewing point/viewer and the proposed development.
3. The character of the proposed development in the view, whether it is a 'positive or negative' influence and whether the views are temporary, full or screened glimpses

A high magnitude impact occurs when the development is large scale, requiring large alterations and differs significantly when compared to existing site landscape. A moderate magnitude impact occurs when the development is moderately consolidated with the site. A low magnitude impact occurs when the development is small scale and well consolidated with the site.

"The measurement of the scale, form and character of a development proposal when compared to the existing condition. In the case of visual assessment this also relates to how far the proposal is from the viewer. Combined with sensitivity, magnitude provides a measurement of impact" (Roads and Maritime Services, 2018).

Sensitivity:

Visual sensitivity correlates with the value/nature of the site being viewed and its ability to 'absorb' the proposed development. In determining the sensitivity value, the following is considered:

1. Higher sensitivity relates to spaces that have 'high social, cultural, recreational and historical' value to locals.
2. Natural sites with distinctive/picturesque features i.e. farmlands, grasslands, forests and bodies of water have higher sensitivity.
3. An unspoiled site/setting has higher sensitivity with less capacity to absorb new developments.
4. Amount and type of viewers impacts sensitivity i.e. pedestrians vs drivers

"The sensitivity of a landscape character zone or view and its capacity to absorb change of the nature of the proposal. In the case of visual impact this also relates to the type of viewer and number of viewers. Combined with magnitude, sensitivity provides a measurement of impact." (Roads and Maritime Services, 2018)

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

ORD01

Visual Impact:

“The impact on the views from residences, workplaces and public places.” (Roads and Maritime Services, 2018)

1.5 Visual Assessment Grading Matrix

		Magnitude				
		High	Moderate	Low	Negligible	
Sensitivity	High	High	High-Moderate	Moderate	Negligible	
	Moderate	High-Moderate	Moderate	Moderate-low	Negligible	
	Low	Moderate	Moderate-low	Low	Negligible	
	Negligible	Negligible	Negligible	Negligible	Negligible	
		Negligible	Negligible	Negligible	Negligible	

Visual Impact Grading Matrix, extract from Roads and Maritime Services NSW (2018)

The matrix provided by Roads and Maritime Services NSW (2018), is used in this report to carry out the Visual Impact Assessment of each of the 12 listed viewpoints.

1.6 Scope and Limitations

This visual impact assessment is intended to be an objective report based on professional analysis of the proposed current design. It seeks to establish the anticipated visual impacts of the proposal on a wide range of viewers.

Other than as expressly stated in this report to the contrary, the opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report.

The opinions, conclusions and any recommendations in this report are based on assumptions made by Scott Carver. Scott Carver does not accept any liability for the outcomes of this report. However the content of the 3D modelling is based on accurate 3D modelling of the subject DA and its site survey data.

Attachment 2



Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

2 Proposal Overview

2.1 The Proposal

This Planning Proposal seeks to amend the permitted Height of Building from 24m to 47m in a confined location to facilitate the development of additional residential apartments above the permitted height of building controls.

There are several benefits of the increased height at the proposed location, which include the following:

- Creation of a landmark building that acts as the focal point for the Town Centre,
- Provision for a diverse range of housing types, particularly apartment housing, creating the opportunity for an increased level of housing diversity and affordability.
- Providing housing that is accessible to local services and amenities (i.e. civic, residential, leisure, retail and employment activities)
- Strengthening social interaction by providing more residents at the heart of the Oran Park Town Centre;
- Promoting activation of the Town Centre (i.e. Increase in usage of the public domain and Town Park) a popular and safe environment across the day and in the evenings; and

The specific location of the proposed height increase to accommodate an iconic tower element has been carefully considered in the context of the Town Centre and the positive built form and social benefits it will foster.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

ORD01

3 Contextual Analysis

3.1 Site

The subject land referred to as “the site” is located 351 Oran Park Drive, Oran Park (Part Lot 3, DP 270899; part Lot 4 DP 270899; part Lot 9066 DP 1229619; part Lot 35 DP 1217280 and part Lot 37 DP 1217280). The site forms part of the Oran Park Town Centre which was rezoned in 2007 as part of the Oran Park and Turner Road Precinct Plan, Appendix 1 of the State Environmental Planning Policy (*Sydney Region Growth Centres*)2006 (Growth Centre SEPP).

3.2 Local Context

The Oran Park Town Centre is the commercial/civic hub of the precinct and is proposed to contain a maximum retail floor space of 50,000m² under current planning controls. Development within the town centre includes the Oran Park Podium (Stage 1); Council’s Administration Building, Library and commercial buildings currently under construction on Oran Park Drive.

The site is bordered by Peter Brock Drive to the south and the future extension of Dick Johnson Drive to the north and has previously been cleared of all vegetation.

3.3 Planning Context

The Oran Park Development Control Plan (DCP) 2016 applies to all development within the Oran Park Precinct of the South West Growth Centre. The Oran Park DCP 2016 came into force in November 2016 and includes general controls that guide development within the Oran Park Precinct in the Camden LGA.

Further to the adoption of the main DCP, the Oran Park Town Centre Part B DCP was adopted by Camden Council on 15 October 2011 (and amended in 2015). The Oran Park Town Centre Part B DCP incorporates detailed land use and built form guidelines for the delivery of the Oran Park Town Centre precinct.

Should the Planning Proposal be approved and gazetted, an amendment to the Oran Park DCP 2016, both the Part A and Part B DCP would then be progressed as part of a larger “housekeeping” amendment by the council to reflect the modified Town Centre area and layout.

3.4 Vegetation and Topography

The land directly to the north of the existing Town Centre has a gentle slope rising from the north of Dick Johnson Drive to an isolated hill.

The land has minimal gradient and slope. To north of the site is the Town Park with a range of landscaping and semi mature trees.

3.5 Surrounding Development

Surrounding development includes:

Attachment 2

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Attachment 2

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

- To the north, Town Park and a future development parcel adjacent to the future rail station.
- To the south, future medium density development stepping down to low scale residential development and existing school / education facilities.
- To the east, future medium density development and future leisure centre, and existing Camden Council Building and Oran Park Library
- To the west, Stage 1 of the existing Oran Park (Podium) Retail development with integrated commercial development.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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4 Visual Impact Assessment

4.1 VIA Structure

The visual Impact Assessment (VIA) has been structured as follows:

- 12 viewpoints within a 500m radius from the subject site to identify a local scale and context impact assessment.
- 2 assessments from 2 heritage items in the broader precinct: Denbigh Farm and Oran Park Homestead, noting that these two properties are at substantial distances from the subject site.

4.2 View Points

The following 12 views within a 500m radius are defined in the figure below with their location shown indicatively for location reference.

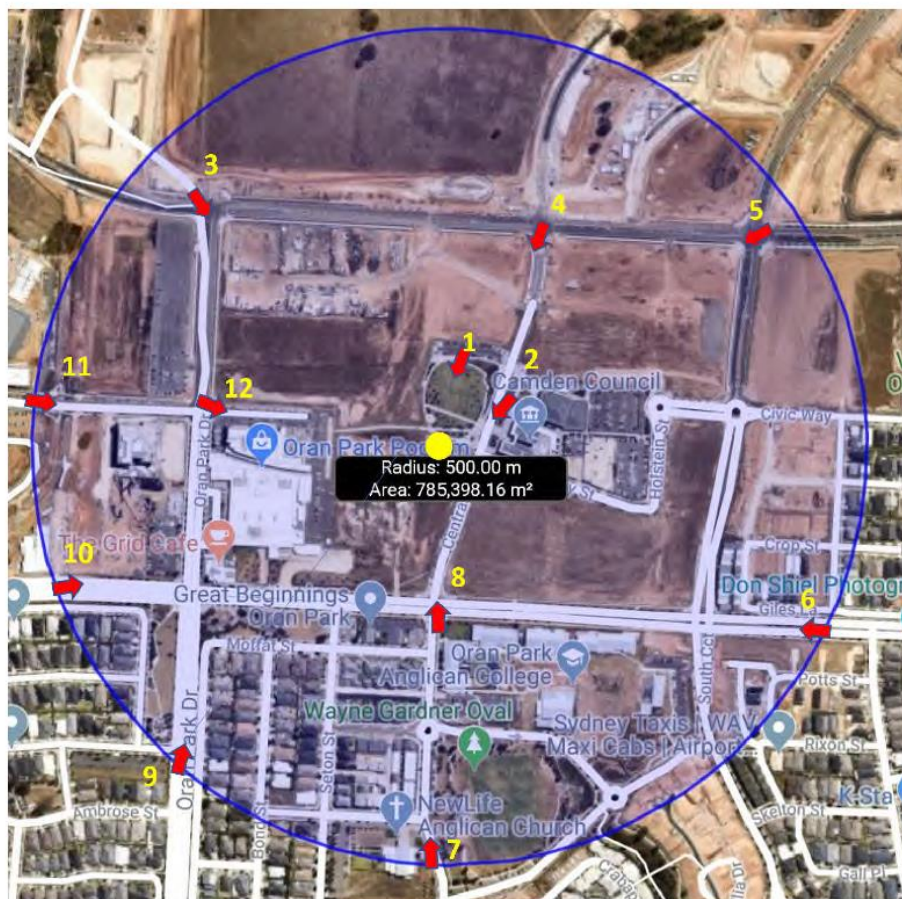


Figure 4 – View Points (12) within 500m radius (Source: Near Maps overlay)

Attachment 2

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

Viewpoint 1 – Across Town Park (North)



View 1.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 1.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view point represents a primary view across the Town Park.	Creation of street wall and development fronting the park.	The primary change relates to the creation of a corner marker to the Town Centre Magnitude Rating = moderate Sensitivity Rating = low	Whilst the additional height is moderate in nature, the subject building forms a key marker to the precinct and intersection. Within the large scale of the Town Park the additional height to the south of the park has low impact on the surrounding precinct; and the landscape park setting retains visual dominance

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Viewpoint 2 – South from Oran Park Library and Camden Council



View 2.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 2.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Attachment 2

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary view from the front street address of the Camden Council offices and the new Library	Creation of street wall and development fronting the park with a continuation of the height from the existing development.	The primary impact relates to the creation of a corner marker to the Town Centre. Magnitude Rating = moderate Sensitivity Rating = low	Whilst the additional height is moderate in nature, the subject building forms a key marker to the precinct and intersection. Within the large scale of the Town Park the additional height to the south of the park has low impact on the surrounding precinct; and the landscape park setting retains visual dominance



Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

Viewpoint 3 – North Western Road Approach on Oran Park Drive Intersection



View 3.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 3.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary view from the future rail station corridor; to the north west of the subject height	Creation of street wall and development fronting the park with a continuation of the height from the existing development.	The primary impact relates to the creation of a corner marker to the Town Centre. Magnitude Rating = low Sensitivity Rating = low	The additional height is consolidated within the overall site. This view is considered temporary in nature as in time, future development to the north of the site (in the foreground) will be developed to a the 24m height plane .

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Viewpoint 4 – Central Ave Approach at Civic Way with South Cct



View 4.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 4.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Attachment 2

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plant represents a primary view from the north of the site, as pedestrians approach the public use facilities of future pool complex and library. This future connection will relate to residents and visitors from the north.	Creation of street wall and development fronting the park with a continuation of the height from the existing development.	The primary impact relates to the creation of a corner marker to the Town Centre. Magnitude Rating = moderate Sensitivity Rating = low	The additional height is consolidated within the overall site. This view is considered temporary in nature as in time, future development to the north of the site (in the foreground) will be developed to the 24m height plane .



Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

Viewpoint 5 – North Eastern Road Approach at Civic Way - South Cct



View 5.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 5.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary view from the far NE of the precinct – connecting to future medium and low density housing zones.	Creation of a consistent built form with Council Admin. Offices and library in the forecourt.	The primary impact relates to the creation of a corner marker to the Town Centre. Magnitude Rating = low Sensitivity Rating = low	This view is considered temporary in nature as in time, future development will occur in the foreground and create a strong visual buffer to the tower.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Viewpoint 6 – East Approach on Peter Brock Drive



View 6.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 6.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Attachment 2

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary pedestrian view approaching the Town Centre	Built form is concealed by existing landscaping that occurs to both sides of the street and the centre verge.	Minimal: Concealed from view Magnitude Rating = low Sensitivity Rating = low	The view of the additional tower height is concealed from view by the streetscape landscaping in the public domain. From this view there is a significant scale of retail development below 24m prior to the tower in the distance.

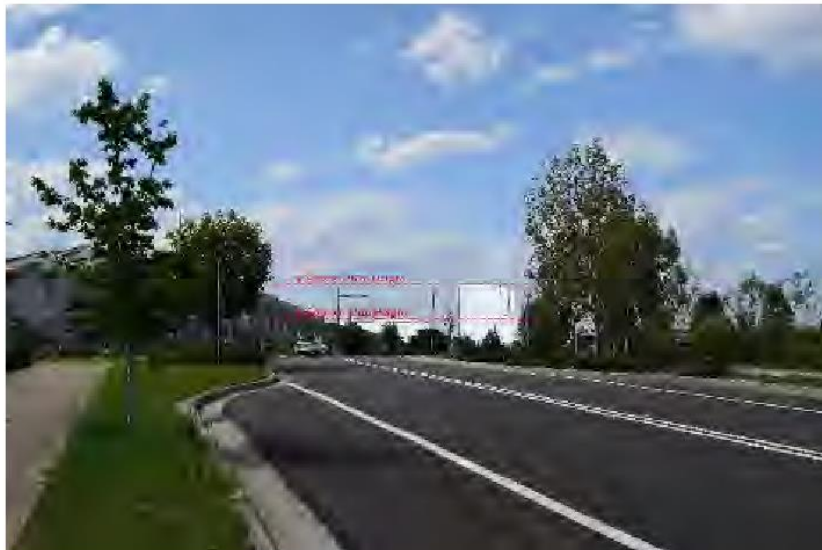


Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

Viewpoint 7 – South with Church Spire Context



View 7.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 7.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary view from outside of the church spire to the Anglican Church on Central Avenue	Creation of a consistent built form with low visual perception above the risking ground plane.	The primary impact relates to the creation of a corner marker to the Town Centre. Magnitude Rating = Moderate Sensitivity Rating = low	The view creates a clear marker to the corner of the subject site and the impact is contained predominantly within the site. The rise in topography from this location results in a relatively low visual impact to the reduced perception of height.



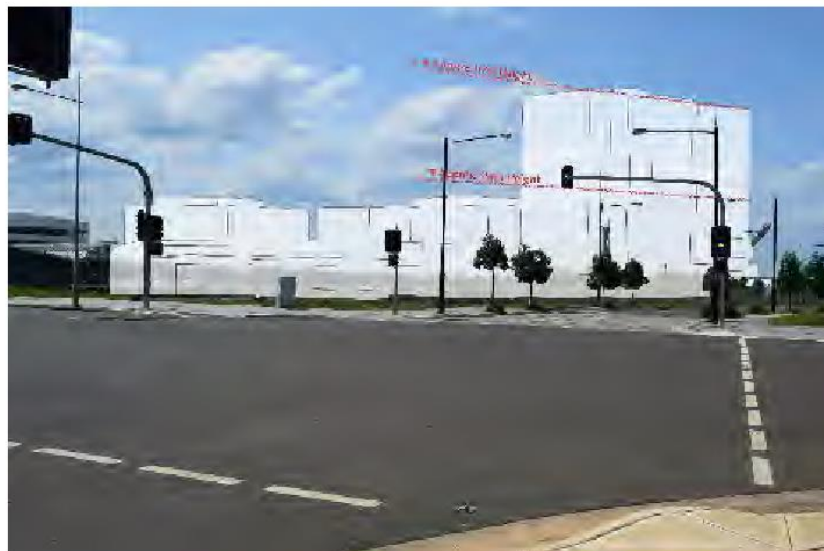
Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Viewpoint 8 – South Intersection at Central Ave + Peter Brock Drive



View 8.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 8.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Attachment 2

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary view from the corner of Peter Brock Drive and Central Avenue adjoining the Anglican School.	Creation of a consistent built form across the site.	The primary impact relates to the creation of a corner marker to the Town Centre. Magnitude Rating = Moderate Sensitivity Rating = low	The view creates a clear marker to the corner of the subject site and the impact is contained predominantly within the site. The height defines the junction of Central Ave and the Town Park. Future development to the east (right) of the image and foreground will reduce the perceived scale.



Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

Viewpoint 9 – Oran Park Drive Approach



View 9.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 9.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary pedestrian view approaching the Town Centre from the south.	Built form is concealed by existing landscaping and residential homes. Landscaping to the footpaths and central verge dominate the view.	Minimal: Concealed from view Magnitude Rating = low Sensitivity Rating = low	The view of the additional tower height is concealed from view by the streetscape landscaping and changes in terrain.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Viewpoint 10 – West approach at Peter Brock Drive



View 10.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 10.2 Proposed LEP Height View - showing 47m height to Residential Tower.

Attachment 2

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary pedestrian view approaching the Town Centre from the west	Built form is concealed by existing landscaping and residential homes. Landscaping to the footpaths and central verge dominate the view.	Minimal: Concealed from view Magnitude Rating = low Sensitivity Rating = low	This view is considered temporary in nature as in time, future development will occur in the foreground and create a strong visual buffer to the tower. Street trees along the footpath contain the eye and dominate the visual outlook.



Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

Viewpoint 11 – West approach at Holden Drive



View 11.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 11.2 Proposed LEP Height View - showing 47m height to Residential Tower. Due to the change in direction of the street, the Tower is not visible.

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary pedestrian view approaching the Town Centre from the west at close proximity	The built form at 24m is only slightly notifiable along Main Street in the distance	Minimal: Concealed from view Magnitude Rating = low Sensitivity Rating = low	This view is along a primary pedestrian route. The tower is outside of the view corridor due to the extension of Main Street splaying to the South East. No visual impact due to sightlines.

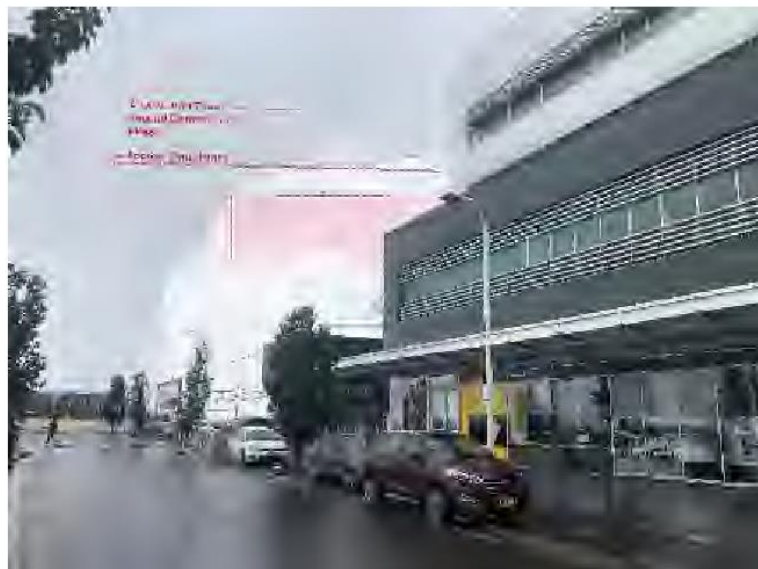
Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Viewpoint 12 – West Intersection at Holden Dr with Oran Park Drive



View 12.1 Current LEP Height View - Showing Subject Site DA, reduced to 24m



View 12.2 Proposed LEP Height View - showing 47m height to Residential Tower. Due to the change in direction of the street, the Tower is not visible.

Description	Existing Visual Condition at 24m ht.	Changes to Visual Environment	Visual Impact
The selected view plane represents a primary pedestrian view approaching the existing retail centre and commercial offices.	The built form at 24m aligns along Main Street.	Minimal: Concealed from view Magnitude Rating = low Sensitivity Rating = low	This view is along a primary pedestrian route. The tower is outside of the view corridor due to the extension of Main Street splaying to the South East. No visual impact due to sightlines.

Attachment 2

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal**4.3 Heritage View Points - Denbigh Farm**

Denbigh Farm is of State significance as an intact example of a continuously functioning early farm complex (1817-1820s) on its original 1812 land grant. It contains a rare and remarkable group of homesteads, early farm buildings.

Detailed heritage investigations were undertaken during the rezoning of the Oran Park Precinct which addressed the setting, curtilage and view impacts of the future residential housing and Town Centre areas.

The rezoning process incorporated listing of the current mapped heritage curtilage under the State Heritage register.

The property, which incorporates the whole of the heritage register curtilage, is currently in private ownership.

The Oran Park Part B3 Denbigh Transition Area was prepared and adopted by Council in September 2016, which provided detailed urban design and built form outcomes for the urban development / heritage curtilage fringe.

Denbigh Farm is located approx.3.0km to the west of the land area subject to increased building under the current Planning Proposal.

The Denbigh Homestead is located within a natural topographic bowl, with significant localised ridgelines surrounding the buildings to the north, east and south.

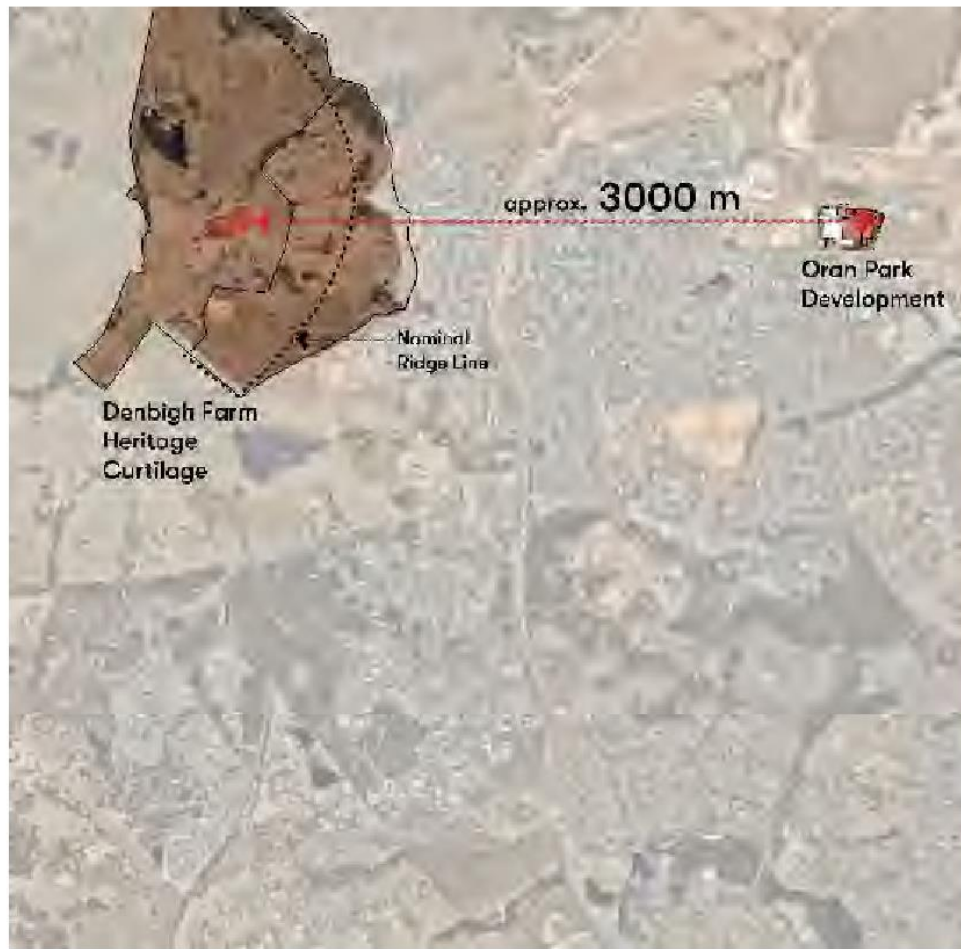
Due to the local topography, the Denbigh Homestead and associated outbuildings are not visible from the surrounding landscape.

Whilst the Planning Proposal seeks to increase the subject building height from 24m to 47m (an increase of 23m), this height is considered imperceptible at such a distance and there is not a direct line of site possible to the subject building.

The extensive distance between the Oran Park Town Centre, local topography and extent of urban development delivered between these areas ensures that there are no view scape impacts.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Attachment 2

Figure 3 – Aerial Map Denbigh Farm.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

4.4 Heritage View Points - Oran Park Homestead

Oran Park Farm (and homestead) is of state heritage significance as an early surviving cultural landscape in NSW. Part of a 2000 acre land grant, awarded by Governor Lachlan Macquarie to William Douglas Campbell in 1815, Oran Park represents the colonial development of the Cowpastures district in the early to mid-19th century and demonstrates the emergence of country estates for the prominent and wealthy members of the colony.

Detailed heritage investigations were undertaken during the rezoning of the Catherine Field Precinct which addressed the setting, curtilage and view impacts of the future residential housing, the homestead and associated outbuildings.

The rezoning process incorporated listing of the current mapped heritage curtilage under the State Heritage register.

Oran Park retains several layers of fabric that demonstrates the evolution of the property and its use over the last two centuries. Within the farm setting are a number of buildings including:

Homestead:

Oran Park is a two-storey residential dwelling with rear wing. Originally constructed in the Victorian Italianate style, the house underwent significant modifications in the Inter-War period and now has a Georgian Revival appearance. At the rear of the house, the courtyard is enclosed by masonry walls. A well or cistern is beneath the paving of the rear courtyard. A caretaker's cottage is located to the rear of Oran Park house.

Coach House:

The coach house, located to the east of the main house, is a single storey (originally two storey) building constructed of the same sandstock bricks as Oran Park house

Oran Park Homestead is located approx. 1.2km from the south of the land area subject to increased building development under the current Planning Proposal.

There have been significant development areas approved between the Town Centre and the homestead, including residential dwellings, churches and schools. The Catherine Field Part Precinct DCP, adopted in January 2017, provided detailed development controls regarding development in key view lines to the homestead. The DCP does not identify any key view lines or viewscape areas between the homestead and the Town Centre or development areas to the north. Whilst the Planning Proposal seeks to increase the subject building height from 24m to 47m (an increase of 23m), this height is considered imperceptible at such a distance and there is not an unobscured direct line of site possible to the subject building.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal

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Attachment 2



Figure 4 – Aerial Map Oran Park Farm.

Visual Impact Assessment for Oran Park Podium - Stage 2 Planning Proposal**5 Conclusion**

In conclusion, it is considered that the additional building height from 24m to 47m at the corner of the site has a negligible impact on the surrounding precinct, including the local context and the broader heritage properties. This determination is based on the following rationale:

- A key element of the proposed development is the incorporation of a 12 storey residential apartment building above ground floor retail at the corner of the proposed Main Street and Central Avenue. The proposed residential apartment building will become a focal point of the Town Centre, marking the confluence of leisure, civic, employment and residential activities.
- The specific location of the proposed height increases, (to accommodate an iconic tower element) has been carefully considered in the context of the Town Centre and the positive built form and social benefits it will foster. Rather than distributing the residential over a large portion of the site, it's aggregation into two buildings to the northern side of the site provides residents with northerly park outlook, whilst increasing activation at a key Town Centre civic node.
- Whilst the additional height is perceived immediately adjoining the site, high quality materials and detailing will present a quality building, marking a prominent site and presentation to the Town Centre.
- From distant views, the form and impact is typically concealed or reduced in impact, through changes in the topography and the future development of a new area that is undergoing significant built form change in support of the growth of the Oran Park Town Centre.

As such, the proposed height increase is considered appropriate for the specific site and overall context of the Town Centre.



ORDINARY COUNCIL

ORD01

SUBJECT: PLANNING PROPOSAL - ORAN PARK TOWN CENTRE - 351 ORAN PARK DRIVE, ORAN PARK
FROM: Director Planning and Environment
TRIM #: 19/24086

PROPERTY ADDRESS: 351 Oran Park Drive, Oran Park
 (Part Lot 3 DP 270899; Lot 4 DP 270899, Part Lot 9066 DP 1229619; Part Lot 35 DP 1217280 & Part Lot 37 DP1217280)
PROPONENT: Greenfields Development Company No.2 Pty Ltd
OWNER: Leppington Pastoral Company Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to advise Council of a draft Planning Proposal at 351 Oran Park Drive, Oran Park and to recommend the draft Planning Proposal be forwarded to the Department of Planning and Environment (DPE) for Gateway Determination.

The draft Planning Proposal is provided as an **attachment** to this report.

BACKGROUND

In October 2018, a Planning Proposal was lodged by Greenfields Development Company (the proponent), on behalf of the Leppington Pastoral Company (the landowner). The Planning Proposal was lodged concurrently to a development application (DA) for Stage 2A of The Podium Shopping Centre (DA/1223/2018).

The draft Planning Proposal seeks to amend the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) to increase the maximum building height from 24m (5 storeys) to 47m (12 storeys) on part of the site to facilitate the development of a residential apartment building. The proposal also includes a zoning amendment to align the western boundary to development and cadastral boundaries.

From 1 June 2018, Planning Proposals are required to be referred to the Camden Local Planning Panel (Panel) for advice. The draft Planning Proposal was considered by the Panel on 16 April 2019. The Panel's recommendations are discussed later in this report and are provided as an **attachment** to this report.

The draft Planning Proposal was notified in conjunction with the exhibition of the DA for Stage 2A of The Podium Shopping Centre from 7 November to 6 December 2018. Five submissions were received, which are discussed later in this report. A formal public exhibition period will occur subject to endorsement of the draft Planning Proposal and the receipt of a favourable Gateway Determination from DPE.

Councillors were briefed on this proposal on 30 October 2018, 12 February 2019 and 28 May 2019.

This is the report submitted to the Ordinary Council held on 25 June 2019

Page 1



Locality

The site forms part of the Oran Park Town Centre which was rezoned in 2007 as part of the Oran Park Precinct. The site is bordered by Peter Brock Drive to the south and the future extension of Dick Johnson Drive to the north as shown in **Figure 1**.

The Town Centre (shown in blue in **Figure 1**) is the commercial/civic hub of the precinct and is proposed to contain a maximum retail floor space of 50,000m² under current planning controls.

The proposed 12 storey residential apartment building above the Podium level (shown as a yellow star in **Figure 1**) is located diagonally opposite the Council Administration Building. The proposed zoning amendments are located along the western boundary and the north-western corner of the town centre (marked in red in **Figure 1**).



Figure 1: Location Map

MAIN REPORT

The Proposal

The draft Planning Proposal seeks amendments over two different portions of the site.



The central portion of the site (shown in **Figure 2**) is zoned B2 Local Centre under the Growth Centres SEPP. The proposal seeks to increase the maximum building height from 24 m to 47 m. The proposed increase in height will allow an additional 56 apartments (within the 7 additional storeys).

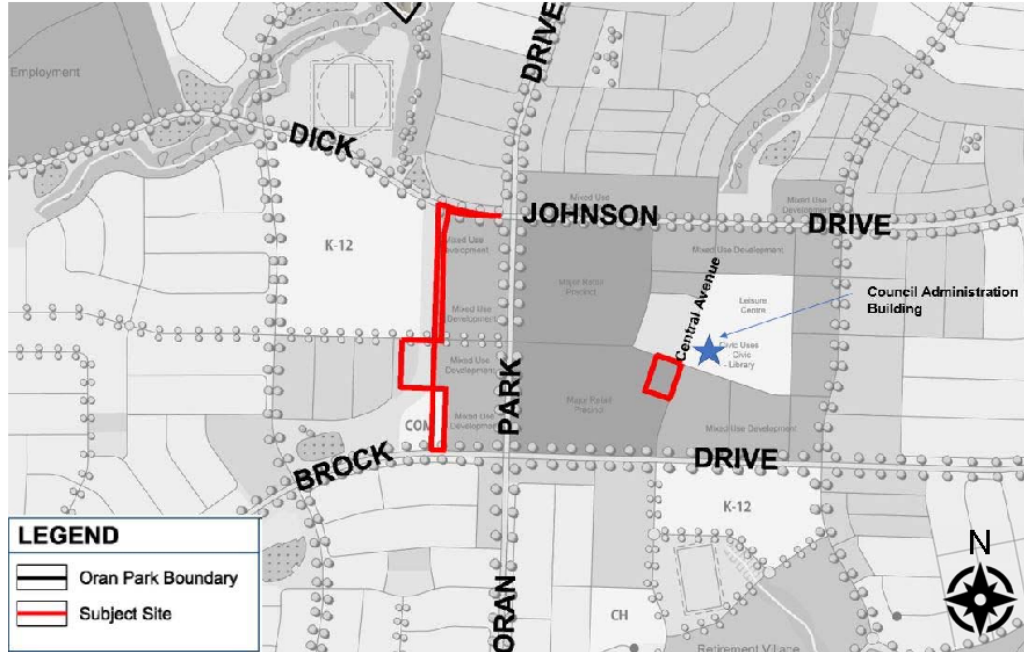


Figure 2: Location of Areas Subject to Planning Proposal

As previously mentioned, the Planning Proposal has been lodged concurrently with the DA for Stage 2 of the Oran Park Podium development.

The DA is a staged proposal that includes the following:

Stage 1

- Extension of the existing shopping centre to provide an additional 16,050sqm of gross leasable floor area;
- Construction of two (2) residential flat buildings, with heights of 5 storeys and 12 storeys above the Podium, with a total of 146 dwellings (the 12 storey building is reliant on the draft Planning Proposal); and
- Construction of a central commercial building (4 storeys above the Podium) with a total commercial floor space of 3,890sqm;

Stage 2

- Two concept building envelopes for future residential buildings fronting Central Avenue. The proposed building envelopes comply with the current maximum height limit and the design of the residential flat buildings would be the subject of a future development application.

The assessment of the DA is pending the outcome of the Planning Proposal.

A copy of the architectural plans submitted with the DA are provided as an **attachment** to this report.



The Planning Proposal also seeks to rezone part of the western and north-western corner of the Town Centre. The western portion (shown in **Figure 2**) is zoned B2 Local Centre and R3 Medium Density Residential under the Growth Centres SEPP. This rezoning will align the zoning with approved development and proposed cadastral boundaries.

The proposal will require amendments to the Oran Park Development Control Plan (DCP) and Oran Park Voluntary Planning Agreement (VPA) post-Gateway, should the proposal be supported.

Zoning and Permissibility

The site is located within the Oran Park Precinct of the South West Growth Area (SWGGA) and is zoned B2 Local Centre and R3 Medium Density Residential for the western portion of the site under the Growth Centres SEPP.

The draft Planning Proposal seeks to amend the following Growth Centres SEPP Maps:

- Land Zoning (LZN);
- Height of Buildings (HOB);
- Minimum Lot Size (LSZ); and
- Special Areas (SAM).

The SEPP maps identified above are required to be amended due to proposed changes to the B2/R3 zones. The proposed zoning amendments incorporates approximately 1.3ha of land, with an increase of 2,200m² of B2 Local Centre zoned land and a corresponding decrease in R3 Medium Density Residential zoned land.

The HOB Map proposes to increase the permitted building height from 24m to 47m (from 5 storeys to 12 storeys above the Podium) for the portion of land diagonally opposite the Council Administration Building.

A comparison of existing and proposed zoning and maximum building height SEPP maps are shown in **Figures 3 and 4**.

Specialist Studies

The following specialist studies were submitted in conjunction with the draft Planning Proposal and are provided as **attachments** to this report:

- Oran Park Podium Stage 2A – DA Design Report, prepared by Scott Carver Architects, dated October 2018; and
- Traffic Report – Oran Park Town Centre – Revised Master Plan, prepared by AECOM, dated September 2018.

Additional supporting technical studies may be required post-Gateway, should the draft Planning Proposal be supported.

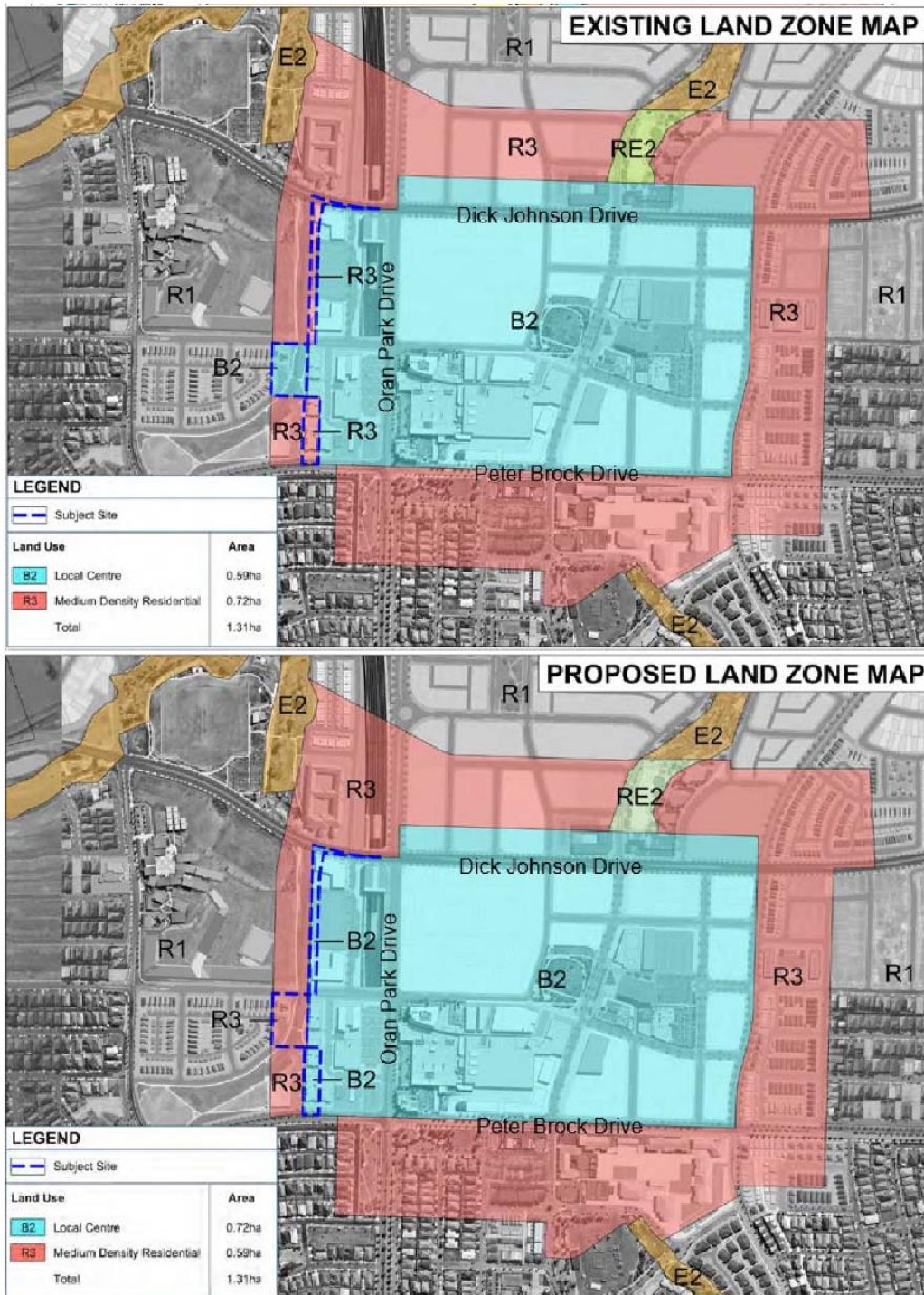


Figure 3: Comparison of Existing and Proposed Zoning SEPP Maps



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Attachment 3

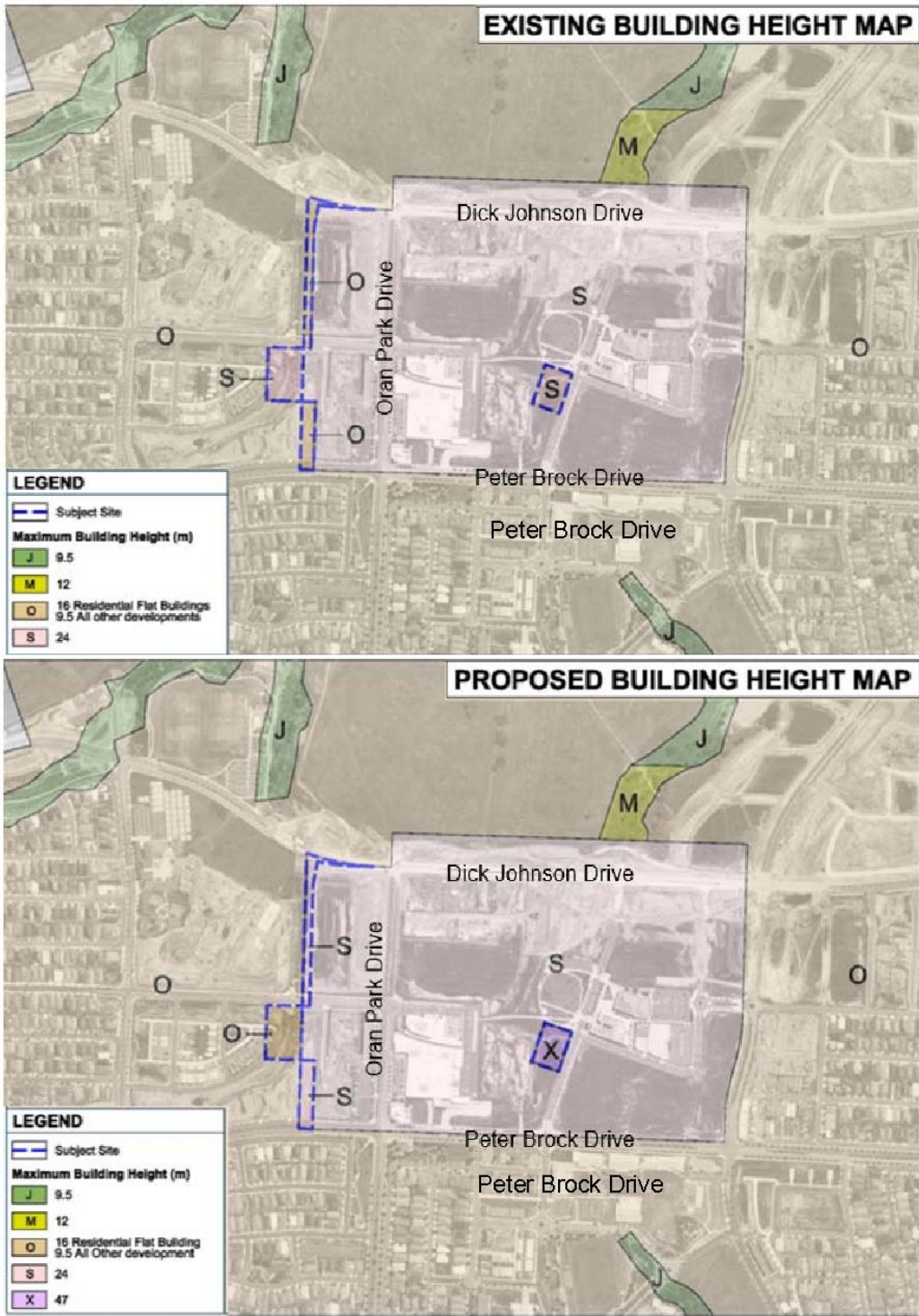


Figure 4: Comparison of Existing and Proposed Height of Buildings SEPP Maps

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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 growth and change for Greater Sydney in the context of economic, social and environmental matters.

Oran Park is identified as a Local Centre within the Region Plan, which supports the increase in residential development within walking distance of centres and amenities as an important liveability outcome.

The proposal is consistent with the relevant directions and objectives of the Plan as summarised in **Table 1**.

Greater Sydney Regional Plan	Objective	Consistency
Direction 1: A City supported by Infrastructure	<i>Objective 1 – Infrastructure supports the three cities</i>	The future North South Rail line (as exhibited) extends through the Oran Park town centre. The proposal will not impact on the future development of the rail corridor.
Direction 3: A City for people	<i>Objective 7- Communities are healthy, resilient and socially connected</i>	The proposal seeks to increase the number of dwellings within the Oran Park town centre. Due to their location in the town centre, these dwellings will be well connected to local services, facilities and infrastructure.
Direction 4: Housing the city	<i>Objective 10: Greater Housing Supply</i>	The proposal seeks to increase housing supply and type (ie. residential apartments), offering housing choice within the town centre. The increased density will be close to services, facilities and infrastructure.
Direction 5: A city of great places	<i>Objective 12 – Great places that bring people together</i>	Open space is an important social connector that supports this objective. The Planning Proposal includes the provision of open space to accommodate the increased population.
Direction 7: Jobs and skills for the City	<i>Objective 22 – Investment and business activity in centres</i>	The proposal seeks to facilitate the development of the Oran Park Podium Stage 2, which will provide additional local employment and investment opportunities.

Table 1: Assessment against Greater Sydney Region Plan

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Western City District Plan

The Western City District Plan (District Plan) was released by the Greater Sydney Commission (GSC) on 18 March 2018. The District Plan guides the 20-year growth of the district to improve its social, economic and environmental assets.

The District Plan supports the opportunity to provide additional capacity for housing supply for precincts in the SWGA, including Oran Park.

The draft Planning Proposal is generally consistent with the relevant priorities and actions of the District Plan as summarised in **Table 3**.

Western City District Plan	Consistency
Planning Priority W1: Infrastructure and Collaboration	The proposal will not prohibit the development of the proposed future North South Rail Corridor.
Planning Priority W3: Providing services and social infrastructure to meet people's changing needs	The proposal is part of the development of the Oran Park Podium Stage 2 Expansion which will provide additional commercial and retail opportunities for the wider community. Additional open space infrastructure is proposed to support the needs of residents.
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs and services	The proposal will provide additional housing supply, choice (ie. apartments) and affordability with access to services and facilities.
Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage	The proposal will provide additional residential apartments within the Oran Park town centre. The proposed extension of the Podium shopping centre will cater for any increased local population.
Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres	The proposal will facilitate the development of the Oran Park Podium which will provide additional employment and investment opportunities.
Planning Priority W14: Protecting and enhancing bushland and biodiversity	The site is bio-certified under the South West Growth Centres and zoned for retail/commercial and medium density development. The site contains no native vegetation and therefore the proposal will have no impact on biodiversity.
Planning Priority W16: Protecting and enhancing scenic and cultural landscapes	Potential development impacts (overshadowing, building design, scale) resulting from the proposed height increase have been addressed and considered as part of the Design Report submitted with the draft Planning Proposal.

Table 3: Assessment against Western City District Plan



Community Strategic Plan

The draft Planning Proposal is consistent with the relevant Key Directions of the Community Strategic Plan as summarised below.

Key Direction 1 – Actively managing Camden 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 involves a planned residential development within the town centre that will provide access to local amenities and services for residents.

Key Issues

Council officers have assessed the draft Planning Proposal, including the supporting specialist studies, and have identified the following key issues:

Increase to Building Heights

The draft Planning Proposal seeks to increase the maximum building height on the central portion of the site from 24m to 47m to facilitate the development of a residential apartment building above the proposed extension to the Oran Park Podium Shopping Centre. The additional building height will allow for the construction a 12 storey residential apartment building above the Podium level. This equates to an additional 56 dwellings for the proposed storeys above the current maximum building height limit.

The proposed amendments to the western portion of the site seek to apply maximum building heights across the B2 Local Centre and R3 Medium Density Residential zoning. The proposed B2 zoning will have a maximum building height of 24m and the proposed R3 zoning will have a maximum building height of 16m. These changes will be consistent with existing height of building controls for these zones.

Officer Comment

The proposed increase in building height will facilitate the development of a 12 storey residential apartment building above the Podium.

Potential development impacts (overshadowing, building design) have been addressed and considered in the Design Report submitted with the draft Planning Proposal. This report includes massing diagrams of the proposed development and the other residential/commercial buildings (compliant with current development standards) within the Town Centre.

The scale and height of the proposed residential building is considered appropriate given its Town Centre location. It will become a landmark building within the Town Centre.

Any potential overshadowing impacts of the proposed residential apartment building above The Podium will be contained within the site itself and will have no adverse impacts on existing open space areas (i.e. Town Park) or future designated mixed-use areas with the Town Centre.

It is also noted that the additional height is proposed within the central portion of the Town Centre and will be directly accessible to local services and amenities such as

This is the report submitted to the Ordinary Council held on 25 June 2019 - Page 9



schools, public open spaces, retail, employment, future recreation (Leisure Centre) and entertainment uses. The development provides the opportunity to transition building heights towards the Town Centre boundary to maintain the scale and character of the existing residential areas.

In relation to the proposed western boundary zoning realignment, no issues were raised as the revised building heights for approved residential development height along Holden Drive are consistent with building height for the R3 Medium Density Residential Zone. The consolidation of the B2 Local Centre boundary will facilitate the development of commercial buildings (including a 6 storey commercial building with development approval), allowing building heights of up to 24 m.

Supporting Infrastructure

Public Open Space

In relation to the provision of additional public open space, the proponent has offered a 3,000m² portion of the existing temporary public open space located opposite the Oran Park Sales Centre on the eastern corner of Oran Park and Peter Brock Drive (**Figure 5**).

This is proposed to become a permanent open space area and will be dedicated to Council. The temporary open space area currently contains including shelters, seating, play equipment and water feature. The area being provided will contain all these items, with the exception of some minor embellishments at the interface of the eastern boundary of the park.

Officer Comment

Council officers have reviewed the public open space offer as provided by the proponent. In accordance with the Oran Park Turner Road Contributions Plan (CP), the provision of public open space is required based on a rate of 2.83 hectares per 1,000 people. Using an occupancy rate of 1.8 people for the additional 56 dwellings, this generates the demand for approximately 2,852m² of additional open space.

The 3,000m² open space offer meets the requirements of the CP. The proposed open space is zoned R3 Medium Density Residential and could potentially be developed into medium density residential dwellings. The site was developed in 2010 as a temporary open space area to support the establishment of the Oran Park Sales Centre and Stage 1 of the Podium Shopping Centre. The proposed open space does not form part of the open space required to be delivered under the Oran Park Voluntary Planning Agreement (VPA).

The provision and dedication of the open space area to Council will require an amendment to the VPA. This will be negotiated as part of post-Gateway discussions with the proponent.

Based on the above, Council officers support the proponent's offer to dedicate 3000m² of open space. This offer is consistent with the recommendations of the Camden Local Planning Panel, which are discussed later in this report.

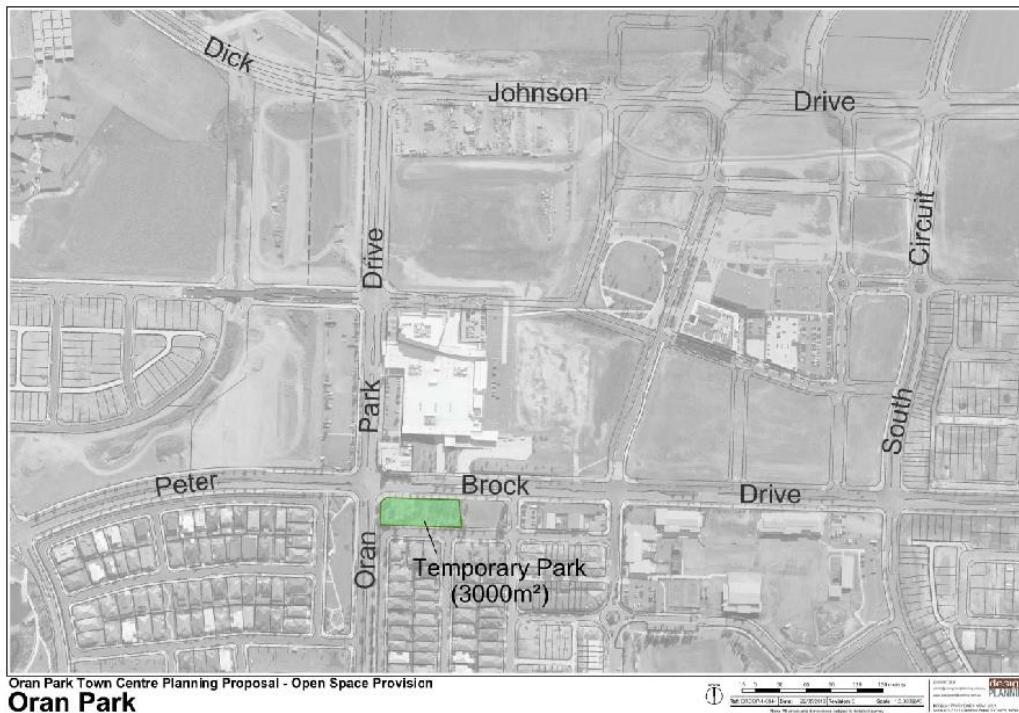


Figure 5 – Proposed Additional Public Open Space Location

Transport Network

A traffic report has been prepared in support of the draft Planning Proposal. The report considers the impact of the proposed increase in residential development on the local traffic network.

The traffic report concludes there is no significant impact on the existing road network and recommends the extension of two right-turn lanes to support additional traffic queueing on adjoining intersections.

Officer Comment

Council officers have reviewed the traffic report and agree with its findings. Council officers also recommend two proposed ingress and egress points along Central Ave could be amalgamated into one ingress and egress point with additional analysis undertaken for this scenario. These recommendations will be considered as part of the DA assessment, subject to the Planning Proposal proceeding.

Density

The increase in building height sought by the draft Planning Proposal will provide 56 additional dwellings, based on a gross floor area (GFA) of 4,830m² for the additional 7 storeys, or 690m² of GFA per additional storey. The additional dwellings sought above the maximum building height represent approximately 100 additional residents to the Oran Park Town Centre, based on an average rate of 1.8 residents per apartment.

This is the report submitted to the Ordinary Council held on 25 June 2019 - Page 11



Officer Comment

The proposal, including the compliant residential units proposed as per the Podium DA, will result in a total of 230 dwellings within the Town Centre. A 6 storey residential flat building consisting of 48 dwellings (DA/710/2018) was approved in March 2019. Therefore, an additional 56 dwellings do not impact on the total dwelling numbers for the Town Centre when considered in isolation.

On balance, however, the wider development of the Town Centre may result in additional dwellings that were not planned for under the Oran Park VPA. The planning and development of the remainder of the Town Centre will require a holistic approach to ensure that supporting infrastructure such as public open space, transport networks (such as rail) and local community facilities are provided to support the increase in population.

Council officers recommend that a review of the Town Centre masterplan is conducted prior to any future Planning Proposals sought within the Town Centre, which is consistent with the Panel's advice as detailed below.

Built Form Controls

The draft Planning Proposal considers the development of a landmark building designed as a visual anchor for the Town Centre. Massing diagrams of proposed future development around the residential building will balance the visual impact of the building.

Officer Comment

The proposal was reviewed by Council's Design Advisory Group prior to lodgement of the DA for Stage 2A of The Podium. The Design Advisory Group concluded the design of the residential building is suitable for the site given its location within the Town Centre, subject to some design amendments.

Camden Local Planning Panel

From 1 June 2018, Planning Proposals are required to be referred to the Camden Local Planning Panel (Panel) for advice pursuant to the Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The draft Planning Proposal was reported to the Panel on 16 April 2019. The Panel voted in favour of supporting the Planning Proposal being forwarded to the Minister for Planning for a Gateway Determination, subject to:

- the provision of 3,000m² of contiguous open space, with the preference being the temporary open space located to the east of Oran Park Drive.
- a broader review of the Town Centre Masterplan including a height impact assessment, and review of open space requirements prior to any future Planning Proposals being lodged within the Town Centre.

The Panel's advice is consistent with Council officer recommendations.

Officer Comment

This is the report submitted to the Ordinary Council held on 25 June 2019 - Page 12



As discussed above, the proponent has revised the open space provision to address the comments of the Panel. The revised open space offer is a single continuous lot of 3,000m².

Council officers support the Panel's recommendation that a Town Centre masterplan review be undertaken prior to the lodgement of any further Planning Proposals for height increases. Council officers will work with the proponent to ensure that this occurs and will inform any future amendments required to the Oran Park DCP.

Initial Notification of Draft Planning Proposal

The draft Planning Proposal was placed on initial notification for a period of 28 days from 7 November to 6 December 2018. Initial notification occurred at the same time as the exhibition of the DA for Oran Park Podium Stage 2A (DA/1223/2018).

Five submissions were received, including two objections and three submissions in support. The issues raised in the submissions included:

- Support for apartment living near additional retail and public services;
- Support for additional employment and commercial opportunities;
- Concerns regarding proposed height of building including protection of privacy and loss of suburban identity; and
- Concerns regarding impacts of increased density on local roads and infrastructure such as public transport and schools.

The submissions reviewed during the initial notification period are included as a **supporting document** to this report.

A formal public exhibition period will occur subject to endorsement of the draft Planning Proposal and the receipt of a favourable Gateway Determination from DPE.

Submitters to the initial notification stage will be advised of any future public exhibition.

Assessment of Planning Merit

The draft Planning Proposal has been assessed against key strategic documents, including the Greater Sydney Region Plan, Western City District Plan and the Community Strategic Plan, and has been considered by the Panel. It is considered that the draft Planning Proposal demonstrates planning merit to proceed to Gateway Determination for the following reasons:

- The proposal will not result in any adverse impacts on adjoining properties (i.e. overshadowing) and will provide a visual landmark for the Town Centre;
- The proposed building height increase provides residential development with direct access to local services and amenities;
- The increase in height will provide additional residential dwellings and contribute towards housing diversity in the Oran Park Town Centre;
- The proposal will align the zone boundary with approved development and cadastral boundaries;
- The proposal is generally consistent with the relevant objectives of Region, District and local strategic plans; and
- The Planning Proposal meets adequate open space requirements to support community needs.

This is the report submitted to the Ordinary Council held on 25 June 2019 - Page 13



Subject to Council endorsement, the draft Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway Determination. If a favourable Gateway Determination is received, the draft Planning Proposal will be placed on public exhibition. A further report will be submitted to Council upon completion of the public exhibition.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Planning Proposal seeks to increase the maximum building height for a portion of 351 Oran Park Drive, Oran Park to accommodate an additional 56 residential apartments above the permitted height limit. The proposal also seeks to amend the zoning along the western boundary of the Town Centre.

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

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal for land at 351 Oran Park Drive, Oran Park (part Lot 3 DP 270899; part Lot 4 DP 270899; part Lot 9066 DP 1229619; part Lot 35 DP 1217280 & part Lot 37 DP 1217280), to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination;
- ii. subject to a favourable Gateway Determination from the Department of Planning, Industry and Environment:
 - a. ensure that satisfactory arrangements are in place to dedicate the additional open space to Council; and
 - b. proceed to public exhibition in accordance with the requirements of the Gateway Determination.
- iii. advise the proponent that a broader review of the Town Centre Masterplan, including a height impact assessment, and review of open space requirements is required prior to any future Planning Proposals being lodged within the Town Centre; and
- iv. should the draft Planning Proposal not receive Gateway Determination, notify the proponent that the draft Planning Proposal will not proceed.

ATTACHMENTS

1. Oran Park Town Centre Planning Proposal

This is the report submitted to the Ordinary Council held on 25 June 2019 - Page 14



-
2. Design Report
 3. Amended Architectural Plan
 4. Camden Local Planning Panel Minutes 16 April 2019
 5. Submissions Oran Park PP - *Supporting Document*

Ordinary Council Resolution

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

- i. endorse the draft Planning Proposal for land at 351 Oran Park Drive, Oran Park (part Lot 3 DP 270899; part Lot 4 DP 270899; part Lot 9066 DP 1229619; part Lot 35 DP 1217280 & part Lot 37 DP 1217280), to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination;
- ii. subject to a favourable Gateway Determination from the Department of Planning, Industry and Environment:
 - a. ensure that satisfactory arrangements are in place to dedicate the additional open space to Council; and
 - b. proceed to public exhibition in accordance with the requirements of the Gateway Determination.
- iii. advise the proponent that a broader review of the Town Centre Masterplan, including a height impact assessment, and review of open space requirements is required prior to any future Planning Proposals being lodged within the Town Centre; and
- iv. should the draft Planning Proposal not receive Gateway Determination, notify the proponent that the draft Planning Proposal will not proceed.

ORD91/19 THE MOTION ON BEING PUT WAS CARRIED

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



PP_2019_CAMDE_003_00/IRF19/5135

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

Attn: Deaelle Kandasamy

Dear Mr Moore

Planning proposal PP_2019_CAMDE_003_00 to amend State Environmental Planning Policy (Sydney Region 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 8 October 2019 in respect of the planning proposal to realign the western boundary of the Oran Park Town Centre and increase the maximum building height to enable an apartment tower development.

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

The planning proposal indicates that the proponent has offered to dedicate land currently being used for temporary open space purposes to Council as a permanent recreational area. This land is located outside the boundaries of the land subject to the planning proposal. Should this land be dedicated to Council, I would recommend that Council consider applying a RE1 Public Recreation zone to the land. This would allow the intended use of this land to be consistent with that zone. While this is a matter for Council's consideration, should Council wish to proceed on this basis, I would be pleased to receive a request for an altered Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 1.1 Business and Industrial Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions 3.5 Development Near Regulated Airports and Defence Airfields. Council should ensure this occurs prior to public exhibition.

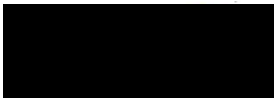
I have determined not to condition the Gateway for Council to be the local plan-making authority given that the planning proposal seeks to amend a state policy.

The amending local environmental plan (LEP) is to be finalised within 12 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, Industry 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 enquiries about this matter, I have arranged for Mr Murray Jay to assist you. Mr Jay can be contacted on 9860 1512.

Yours sincerely



Catherine Van Laeren 26/11/10.
Acting Executive Director
Central River City and Western Parkland City

Encl: Gateway determination



Gateway Determination

Planning proposal (Department Ref: PP_2019_CAMDE_003_00): to realign the western boundary of the Oran Park Town Centre and increase the maximum building height to enable an apartment tower development.

I, the Acting Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 Region Growth Centres) 2006 to realign the boundary of the B2 Local Centre and R3 Medium Density Residential zoned land on the western edge of the Oran Park Town Centre and amend the associated development controls, and increase the maximum building height of the landmark building site in the centre of the Oran Park Town Centre (i.e. part of Lot 3 DP 270899) from 24m to 47m should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is amended as follows:
 - (a) update the property and allotment description for the land subject to the planning proposal;
 - (b) update the consistency of the proposal with Directions 1.1 Business and Industrial Zones and 3.5 Development Near Regulated Airports and Defence Airfields;
 - (c) prepare shadow diagrams of the proposed apartment tower to illustrate the increased overshadowing impacts of the increased building height on the surrounding area;
 - (d) prepare a visual impact assessment of the proposed apartment tower to analyse the impacts on the surrounding area; and
 - (e) prepare draft amendments to the Oran Park development control plan and exhibit this plan concurrently with the planning proposal.

2. 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).

3. 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:

- Western Sydney Airport; and
- Federal Department of Infrastructure, Regional Development and Cities.

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.

4. 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).
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *26th* day of *November* 2019.



**Catherine Van Laeren
Acting Executive Director, Central
River City and Western Parkland City
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**

Submissions Response Table for proposed amendment to Oran Park Town Centre Planning Proposal

Submissions Response Table		
Submitter	Reference	
1. Community Submission	1.01	
2. Public Agency Submission	2.01	

Ref No	Issue/Comment	Officer Response	Proposed Action
Submission 1			
1.01	Submitter strongly opposes development of 47m due to proximity to the submitters existing residence.	<p>It is noted there will be a visual impact, however the context of the site is a town centre and it is deemed an appropriate location for a height increase of this nature.</p> <p>The Planning Proposal has demonstrated planning merit and the proposed height increase is consistent with the town centre environment.</p> <p>A Visual Impact Assessment for Oran Park Podium Stage 2 (VIA) was undertaken as a condition of the Gateway Determination prior to public exhibition and has been included as an appendix to the attached Planning Proposal.</p> <p>The proposed height increase does not result in any adverse impacts on adjoining properties (i.e. overshadowing).</p>	No further action required
Submission 2 - Department of Infrastructure, Transport, Cities and Regional Development			
2.01	<p>The Department has reviewed the proposal and has no comments.</p> <p>Notes referral of proposal to the Western Sydney Airport to provide any comment in relation to airspace.</p>	<p>Noted.</p> <p>Oran Park Town Centre is within the Obstacle Limit Surface (OLS) band for the Western Sydney Airport. The proposed height increase associated with the residential tower is 85m below the OLS.</p> <p>Consultation was undertaken with Western Sydney Airport. No response was received.</p>	No further action required

Third Deed of Variation
Oran Park Urban Release Area Planning Agreement

Under cl. 25C(3) of the *Environmental Planning and Assessment Regulation 2000*

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

Landcom

Date:

ORD01

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

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**Third Deed of Variation
Oran Park Urban Release Area Planning Agreement**

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Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Camden Council****Greenfields Development Company Pty Limited****Greenfields Development Company No. 2 Pty Limited****Leppington Pastoral Company Pty Limited****Landcom**

ORD01

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Summary Sheet****Council:****Name:** Camden Council**Address:** 70 Central Avenue, Oran Park, NSW 2570**Telephone:** (02) 4654 7777**Facsimile:** (02) 4654 7829**Email:** mail@camden.nsw.gov.au**Representative:** General Manager**Developers:****Name:** Greenfields Development Company Pty Limited**Address:** Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570**Telephone:** (02) 9043 7575**Facsimile:** (02) 9043 7555**Email:** mowens@greenfields.net.au**Representative:** Mr Mick Owens**Name:** Greenfields Development Company No. 2 Pty Limited**Address:** Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570**Telephone:** (02) 9043 7575**Facsimile:** (02) 9043 7555**Email:** mowens@greenfields.net.au**Representative:** Mr Mick Owens

Attachment 7

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Camden Council****Greenfields Development Company Pty Limited****Greenfields Development Company No. 2 Pty Limited****Leppington Pastoral Company Pty Limited****Landcom**

Name: Landcom**Address:** Level 14, 60 Station Street Parramatta, NSW 2150**Telephone:** (02) 9841 8696**Facsimile:** (02) 9841 8761**Email:** nlennon@landcom.nsw.gov.au**Representative:** Mr Nicholas Lennon**Landowner:****Name:** Leppington Pastoral Company Pty Limited**Address:** 1675 The Northern Road, BRINGELLY NSW 2556**Telephone:** (02) 4773 4291**Facsimile:** (02) 4773 4104**Email:** tim.bryan@lpcmilk.com**Representative:** Mr Tim Bryan

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Camden Council****Greenfields Development Company Pty Limited****Greenfields Development Company No. 2 Pty Limited****Leppington Pastoral Company Pty Limited****Landcom**

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Under cl. 25C of the *Environmental Planning and Assessment Regulation 2000*

Parties

Camden Council ABN 31 117 341 764 of 70 Central Avenue Oran Park, New South Wales, 2570 (**Council**)

and

Greenfields Development Company Pty Limited ABN 57 125 285 583 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (**GDC 1**)

and

Greenfields Development Company No. 2 Pty Limited ABN 31 133 939 965 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (**GDC 2**)

and

Leppington Pastoral Company Pty Limited ABN 83 000 420 404 of 1675 The Northern Road, Bringelly, New South Wales, 2556 (**Landowner**)

and

Landcom ABN 79 268 260 688 of Level 14, 60 Station Street Parramatta, NSW 2150 (**Landcom**)

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

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Background

- A The Parties are parties to the Planning Agreement.
- B The Planning Agreement was amended by two previous deed of variation entered into on 26 September 2018 and _____.
- C The Parties have agreed to further amend the Planning Agreement for the purposes of:
 - a) amending the development to which the Planning Agreement applies, to include development of 56 additional dwellings within Oran Park Town Centre made permissible by the taking effect of an SEPP Amendment,
 - b) requiring the dedication of additional land being a parcel of open space and embellishment of that land,
 - c) requiring the making of monetary development contributions in the amount of \$135.00 for each dwelling made permissible by the taking effect of the SEPP Amendment, and
 - d) other minor changes ancillary to the above.
- D This Deed of Variation is entered into in connection with a planning proposal to increase the maximum building height for a part of the Oran Park Town Centre to facilitate a high density residential development at that location.
- E The Parties enter into this Deed to give effect to the above purposes.

Operative provisions

1 Interpretation

- 1.1 In this Deed the following definitions apply:
 - Deed** means this Deed of Variation and includes any schedules, annexures and appendices to this Deed.
 - Planning Agreement** means the Oran Park Urban Release Area Planning Agreement pursuant to s93F (now s7.4) of the Act, entered into between the Parties on 22 September 2011, as amended.
- 1.2 All other capitalised words used in this Deed have the meanings given to those words in the Planning Agreement.
- 1.3 Clauses 1.2, 48, 51, 53, 55 of the Planning Agreement apply as if they form part of this Deed with any necessary changes.

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

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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 to 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, and
- 5.1.2 the plans in the Plan Package at Schedule 1 of the Planning Agreement having the title specified in the first column of the table below are replaced by the plans having the title specified in the second column in the table as set out in in Appendix 2 of this Deed:

Existing Plan	Replacement Plan in Appendix 2
Staging Overview Plan	VPA – Staging Overview Plan
VPA Facilities – Stage A	VPA Facilities – Stage A

6 Costs

- 6.1 The Developer is to pay to the Council the Council's reasonable costs of preparing, negotiating, executing and stamping this Deed, and any document

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Camden Council****Greenfields Development Company Pty Limited****Greenfields Development Company No. 2 Pty Limited****Leppington Pastoral Company Pty Limited****Landcom**

related to this Deed within 7 days of a written demand by the Council for such payment.

- 6.2 This clause continues to apply after expiration or termination of this Deed.

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.

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

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Execution

Executed as a Deed

Dated:

Executed on behalf of the Council by its attorney who has no notice of revocation of its power of attorney

_____	_____
Attorney signature	Witness signature
_____	_____
Attorney's name	Witness name
Signing on behalf of Camden Council	
_____	_____
Registered POA: Book:	Witness address
No:	

Executed on behalf of Greenfields Development Company Pty Limited in accordance with s127(1) of the Corporations Act (Cth) 2001

_____	_____
Director signature	Director/Secretary signature
_____	_____
Director name	Director/Secretary name

ORD01

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

Landcom

Executed on behalf of Greenfields Development Company No.2 Pty Limited in accordance with s127(1) of the Corporations Act (Cth) 2001

Director signature

Director/Secretary signature

Director name

Director/Secretary name

Executed on behalf of Leppington Pastoral Company Pty Limited in accordance with s127(1) of the Corporations Act (Cth) 2001

Director signature

Director/Secretary signature

Director name

Director/Secretary name

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

Landcom

Executed on behalf of Landcom by its attorneys jointly under Power of Attorney Book _____ No. _____ dated _____. By signing this document, each attorney certifies that they have no notice of revocation of such powers and authorities.

Signature of attorney

Witness signature

Name of Attorney

Witness name

Position of attorney

Witness address

Signature of attorney

Witness signature

Name of Attorney

Witness name

Position of attorney

Witness address

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ORD01

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

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Appendix 1

(Clause 5)

Amended Planning Agreement

See the following pages.

DRAFT

CAM_CAM20004_008

Attachment 7

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

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Appendix 2

(Clause 5)

Replacement Plans

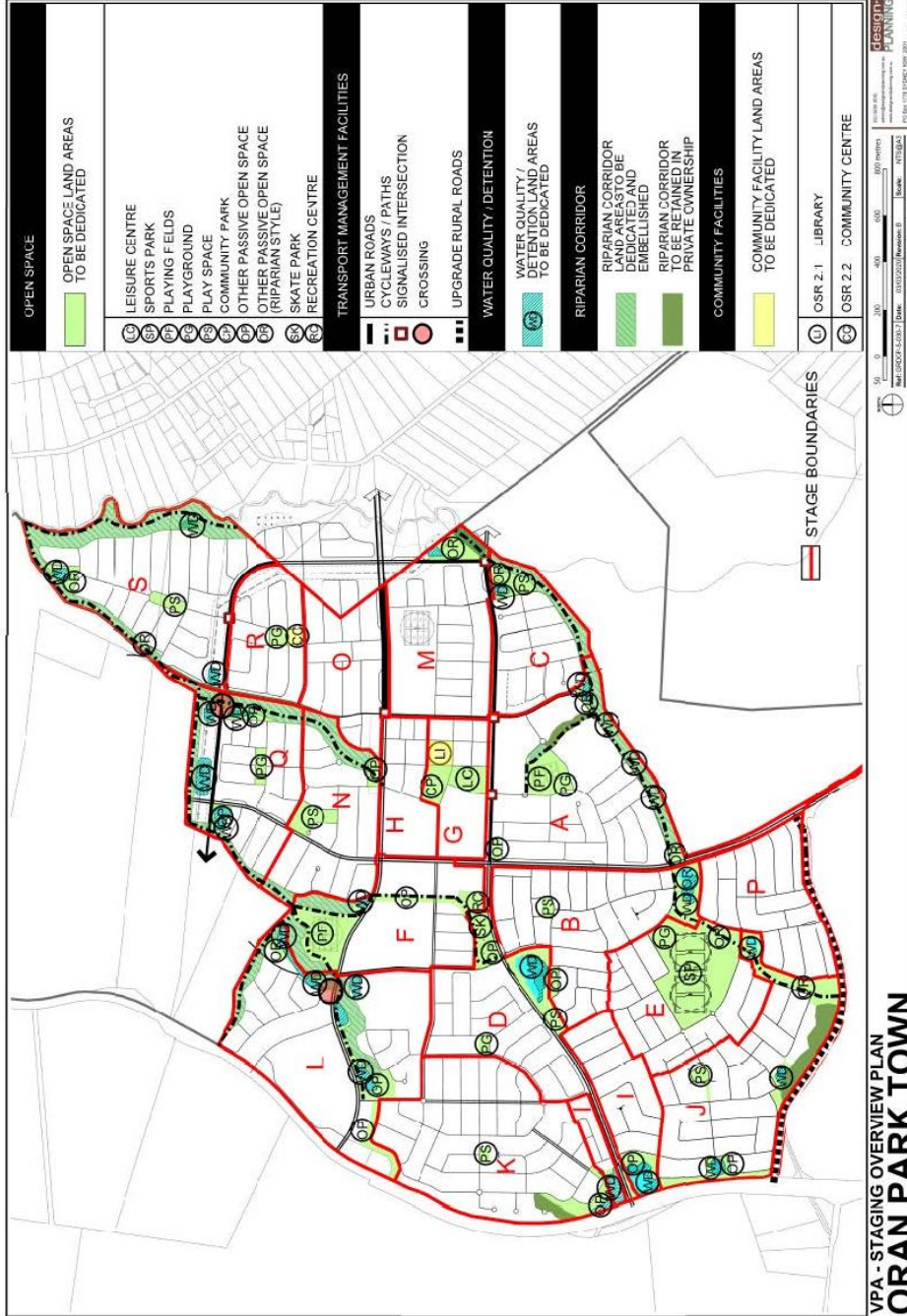
See the following pages

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Attachment 7

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement
Camden Council
Greenfields Development Company Pty Limited
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VPA - Staging Overview Plan



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Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

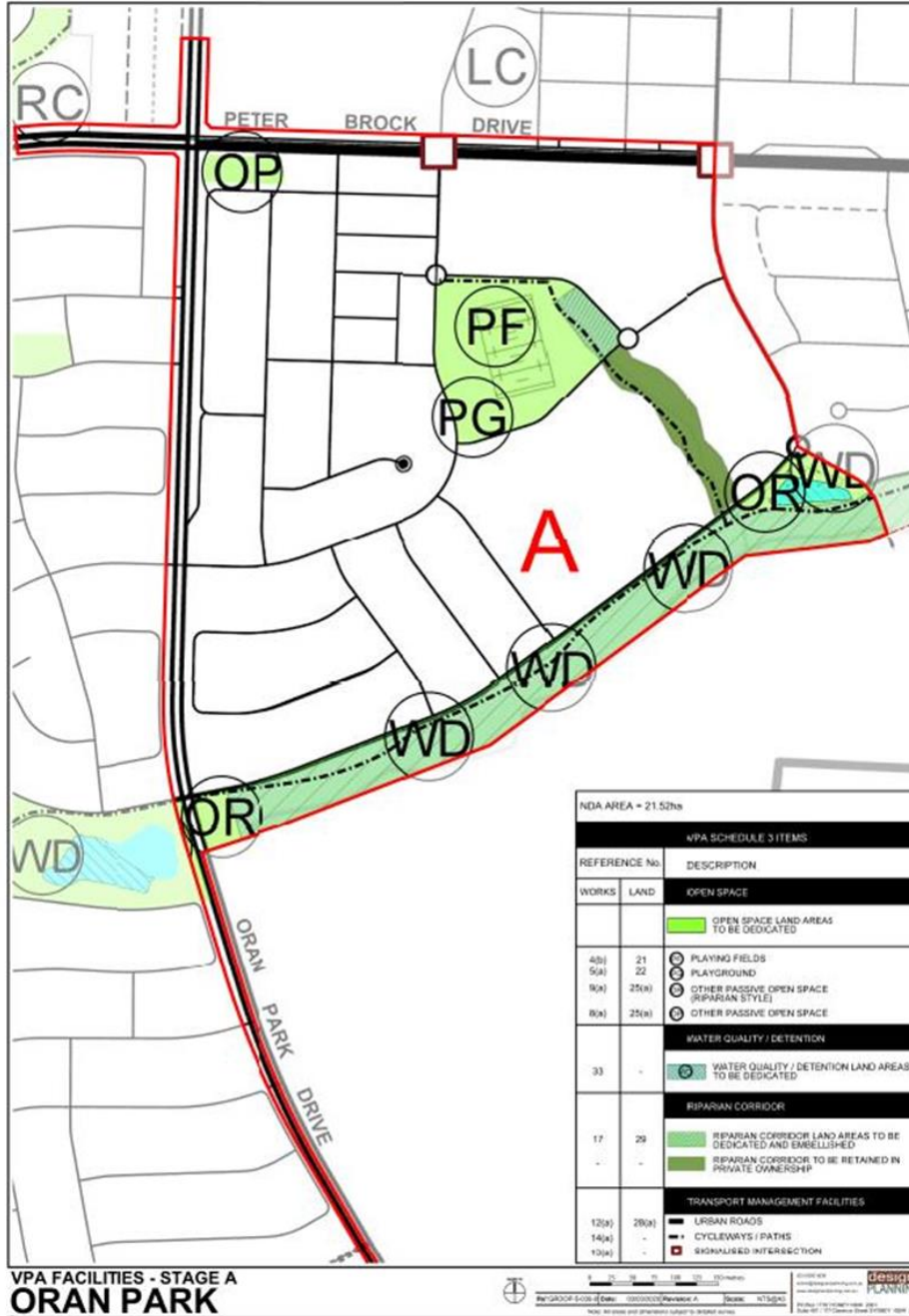
Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

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VPA Facilities - Stage A



Attachment 7

CAM_CAM20004_008

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Camden Council****Greenfields Development Company Pty Limited****Greenfields Development Company No. 2 Pty Limited****Leppington Pastoral Company Pty Limited****Landcom****Appendix 3**

(Clause 7)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note**Draft Second Deed of Variation to Planning Agreement**Under cl25C of the *Environmental Planning and Assessment Regulation 2000***Parties****Camden Council** ABN 31 117 341 764 of 70 Central Avenue Oran Park, New South Wales, 2570 (Council)**Greenfields Development Company Pty Limited** ABN 57 125 285 583 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (GDC 1)**Greenfields Development Company No. 2 Pty Limited** ABN 31 133 939 965 of Cnr Peter Brock Drive & Oran Park Drive Oran Park NSW 2570 (GDC 2)**Leppington Pastoral Company Pty Limited** ABN 83 000 420 404 of 1675 The Northern Road, Bringelly, New South Wales, 2556 (Landowner)**Landcom** ABN 79 268 260 688 of Level 14, 60 Station Street Parramatta, NSW 2150 (Landcom)**Description of the Land to which the Draft Deed of Variation Applies**

The Draft Deed of Variation applies to the same Land the subject of the Planning Agreement.

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Camden Council****Greenfields Development Company Pty Limited****Greenfields Development Company No. 2 Pty Limited****Leppington Pastoral Company Pty Limited****Landcom**

Description of Proposed Development

The Draft Deed of Variation applies to the Development as described in the amended Schedule 2 of the Planning Agreement.

Summary of Objectives, Nature and Effect of the Draft Deed of Variation**Objectives of Draft Deed of Variation**

The objective of the Draft Deed of Variation is to amend the Planning Agreement to:

- amend the development to which the Planning Agreement applies, to include development of additional dwellings within Oran Park Town Centre made permissible by the taking effect of an LEP Amendment,
- require the dedication of additional land being a parcel of open space and embellishment of that land,
- require the making of monetary development contributions in the amount of \$135.00 for each dwelling made permissible by the taking effect of the LEP Amendment, and
- other minor changes ancillary to the above.

Nature of Draft Deed of Variation

The Draft Deed is a variation to the Planning Agreement under clause 25C(3) of the *Environmental Planning and Assessment Regulation 2000*.

Effect of the Draft Deed of Variation

The Draft Deed of Variation amends the Planning Agreement in the manner set out in clause 5 of this Deed.

Assessment of the Merits of the Draft Deed of Variation**The Planning Purposes Served by the Draft Deed of Variation**

The planning purposes served by the Draft Deed are similar to those set out in the Planning Agreement, and the Planning Agreement explanatory note.

CAM_CAM20004_008

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Third Deed of Variation to Oran Park Urban Release Area Planning Agreement

Camden Council

Greenfields Development Company Pty Limited

Greenfields Development Company No. 2 Pty Limited

Leppington Pastoral Company Pty Limited

Landcom

Specifically, the Draft Deed serves the planning purposes as set out in section 1.3(c) and (g) of the *Environmental Planning & Assessment Act 1979*, by promoting the orderly and economic use and development of land, and promoting the good design and amenity of the built environment.

How the Draft Deed of Variation Promotes the Public Interest

The Draft Deed promotes the public interest in the same manner set out in the Planning Agreement, and the Planning Agreement explanatory note.

Specifically, the Draft Deed promotes the public interest by and requiring the Developer to provide embellished land for open space and monetary contributions to be applied by the Council towards various public purposes and thereby securing an additional facility for the use and enjoyment of the people of the Oran Park community.

For Planning Authorities:

Development Corporations - How the Draft Deed of Variation Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Deed of Variation Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Deed of Variation Promotes the Elements of the Council's Charter

The Draft Deed of Variation promotes the Guiding Principles for Councils in s8A of the *Local Government Act 1993* by:

- plan strategically for the provision of effective and efficient services to meet the needs of the community,
- manage lands and other assets so that current and future local community needs can be met in an affordable way,
- work with the Developer to secure appropriate services for local community needs,
- actively engage with their local communities by publicly notifying this Deed of Variation.

Third Deed of Variation to Oran Park Urban Release Area Planning Agreement**Camden Council****Greenfields Development Company Pty Limited****Greenfields Development Company No. 2 Pty Limited****Leppington Pastoral Company Pty Limited****Landcom**

All Planning Authorities – Whether the Draft Deed of Variation Conforms with the Authority’s Capital Works Program

The Draft Deed requires that land be dedicated by the Developer and embellishment works be carried out on that land by the Developer and monetary contributions be paid by the Developer for various public purposes.

These works are not included in the Council’s relevant current capital works program.

All Planning Authorities – Whether the Draft Deed of Variation specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

The Draft Deed does not specify that certain requirements must be complied with before a construction certificates, occupation certificate or subdivision certificate is issued.

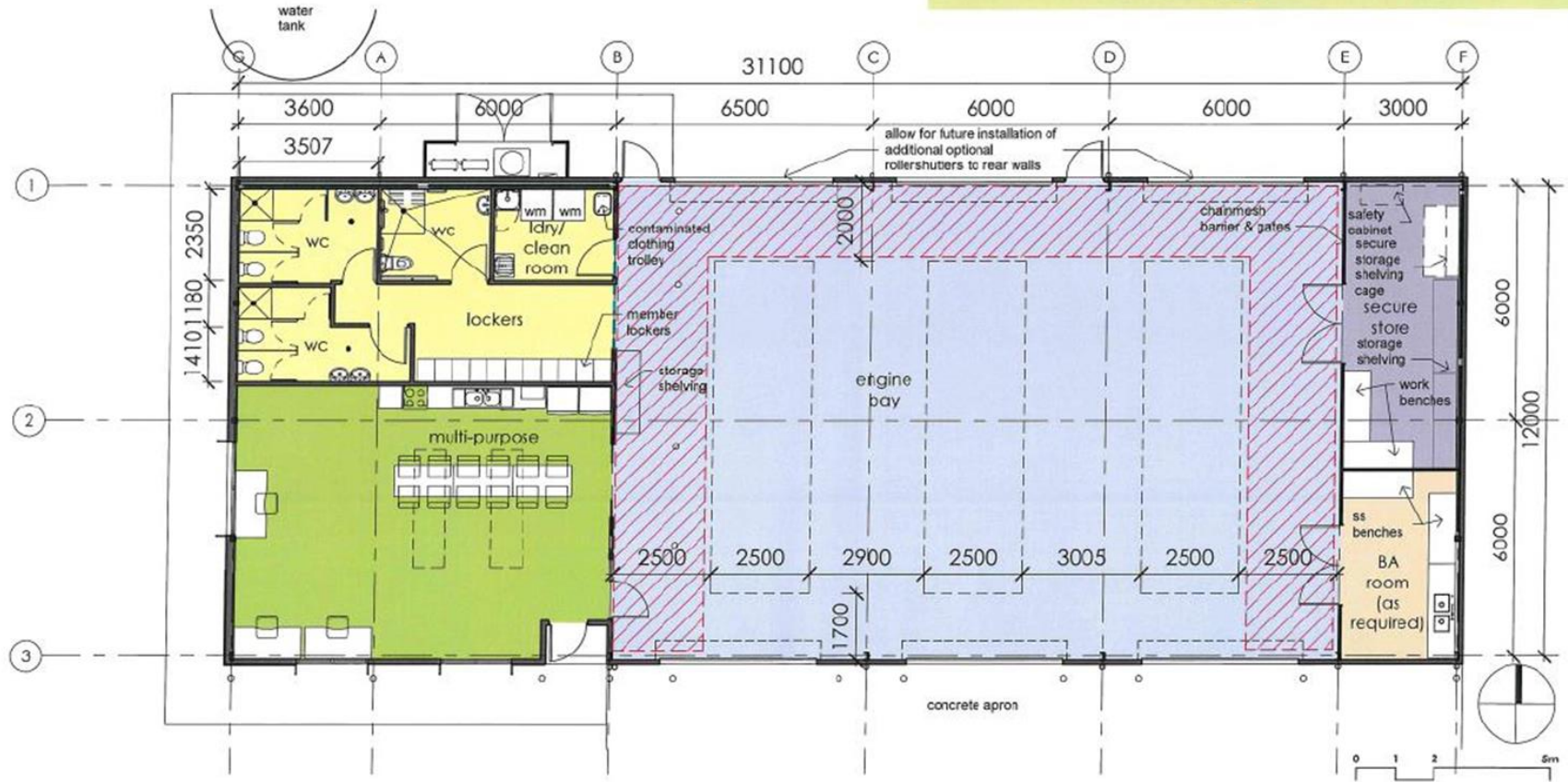
DRAFT

Attachment 1 – Existing Sites

Existing Sites



Attachment 2 - Type 3C Building Floor Plan





**Investment Summary Report
June 2020**



Investment Holdings

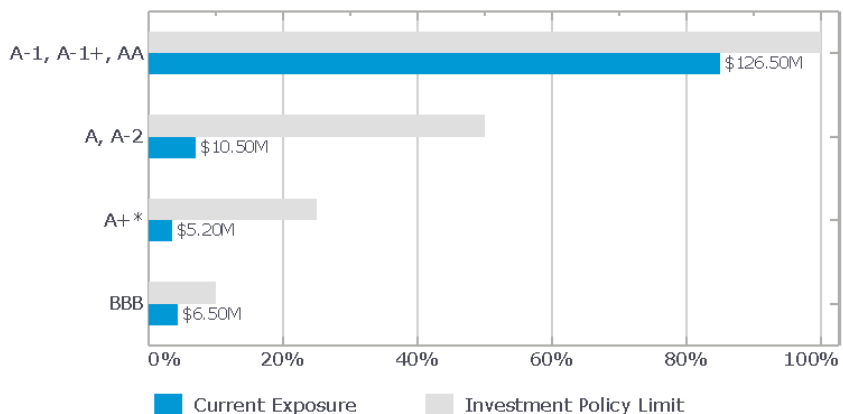
	Amount (\$)	Current Yield (%)
Cash	6,500,000.00	0.55
Term Deposit	142,200,000.00	1.85
	148,700,000.00	

Term to Maturity

	Amount (\$)	Policy Max	
Between 0 and 1 Year	119,000,000	80%	100% ✓
Between 1 and 3 Years	18,000,000	12%	60% ✓
Between 3 and 5 Years	11,700,000	8%	30% ✓
	148,700,000		

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

Total Credit Exposure



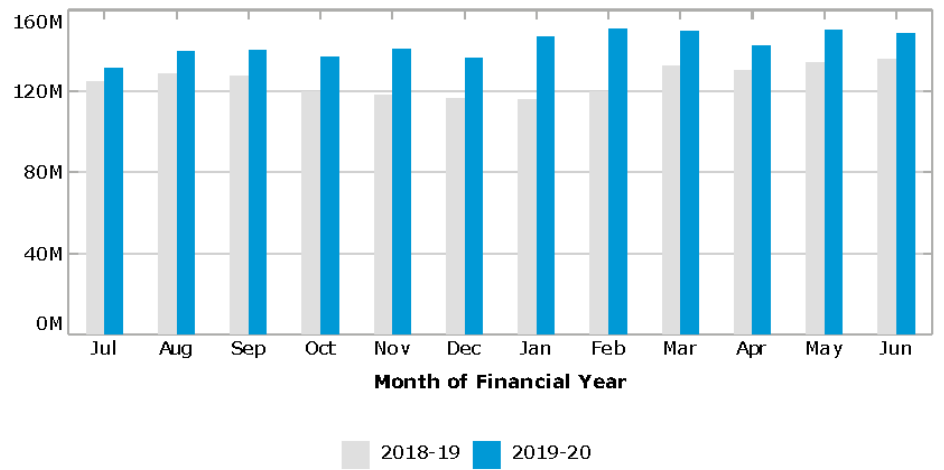
*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 25% of the total portfolio

Sources of Funds

	Amount (\$)
Section 7.11 Developer Contributions	95,989,857
Restricted Grant Income	7,394,077
Externally Restricted Reserves	17,205,464
Internally Restricted Reserves	15,974,725
Camden Regional Economic Taskforce	176,000
General Fund	11,959,877
Total Funds Invested	148,700,000

Council's investment portfolio has decreased by \$1.5m since the May reporting period. The decrease primarily relates to additional capital and operational expenditure during June. The source of funds invested are indicative only, due to Council's annual financial reports still being finalised for 30 June 2020.

Investment Portfolio Balance



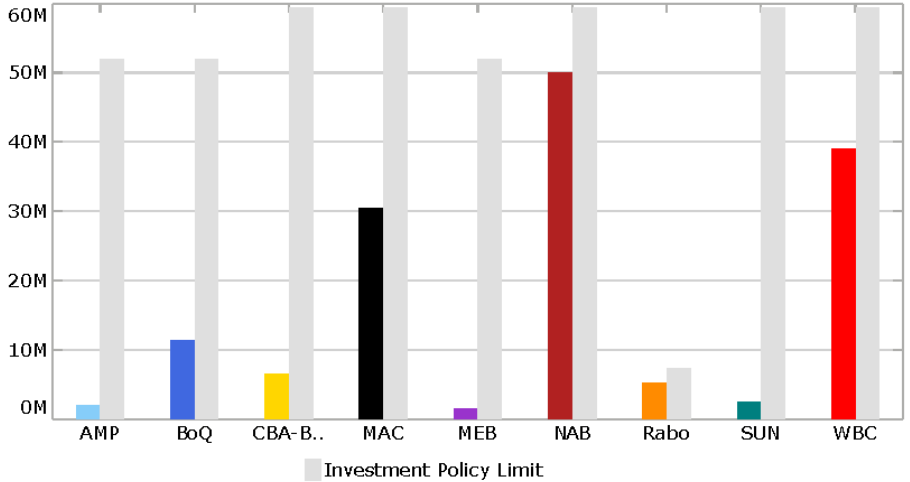
Camden Council

Individual Institutional Exposures Report - June 2020



Individual Institutional Exposures Individual Institutional Exposure Charts

Parent Group	Exposure (\$M)	Credit Rating	Policy Limit	Actual	Capacity
AMP Bank	2.00M	A-2, BBB+	35.00%	1.34%	50.05M
Bank of Queensland	11.50M	A-2, BBB+	35.00%	7.73%	40.55M
Commonwealth Bank of Australia	6.50M	A-1+, AA-	40.00%	4.37%	52.98M
Macquarie Bank	30.50M	A-1, A+	40.00%	20.51%	28.98M
Members Equity Bank	1.50M	A-2, BBB	35.00%	1.01%	50.55M
National Australia Bank	50.00M	A-1+, AA-	40.00%	33.62%	9.48M
Rabobank Aus (Foreign Sub)	5.20M	A-1*, A+*	5.00%	3.50%	2.23M
Suncorp Bank	2.50M	A-1, A+	40.00%	1.68%	56.98M
Westpac Group	39.00M	A-1+, AA-	40.00%	26.23%	20.48M
148.70M					

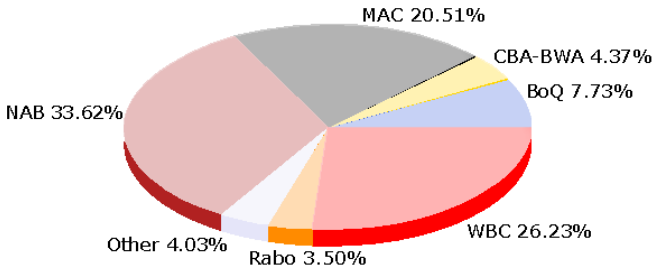


*Council's investment policy limits investments in foreign subsidiary banks which are monitored by APRA to a maximum 5% of the total portfolio in any single entity

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.





Interest Summary

Interest Summary as of June 2020

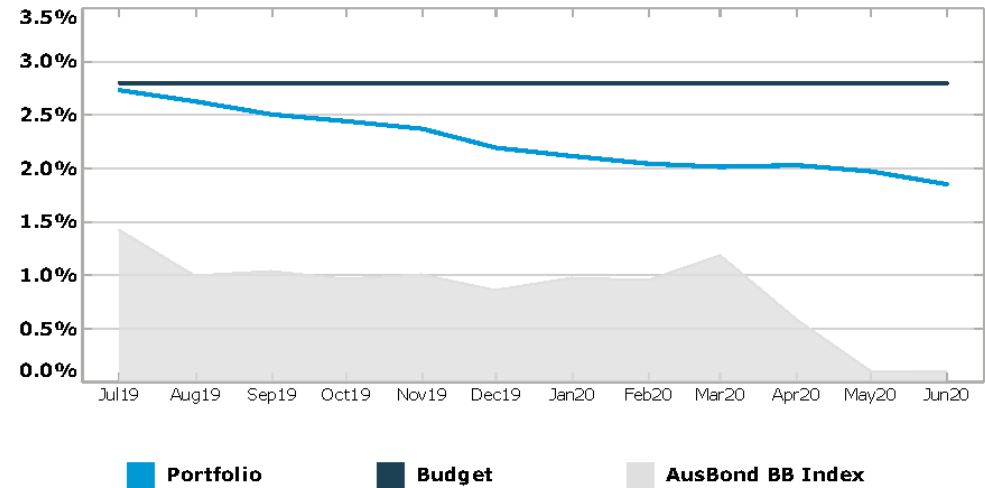
Number of Investments	93
Average Days to Maturity	275
Weighted Portfolio Yield	1.85%
CBA Call Account	0.55%
Highest Rate	3.80%
Lowest Rate	0.87%
Budget Rate	2.80%
Average BBSW (30 Day)	0.09%
Average BBSW (90 Day)	0.10%
Average BBSW (180 Day)	0.17%
Official Cash Rate	0.25%
AusBond Bank Bill Index	0.09%

Interest Received During the 2019/2020 Financial Year

	June	Cumulative	Original Budget	*Revised Budget
General Fund	\$63,604	\$846,323	\$1,450,000	\$900,000
Restricted	\$158,600	\$2,259,744	\$1,800,000	\$2,340,000
Total	\$222,204	\$3,106,067	\$3,250,000	\$3,240,000

*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
Jun 2020	1.85%	0.09%	1.76%
Last 3 Months	1.95%	0.26%	1.69%
Last 6 Months	2.01%	0.64%	1.37%
Financial Year to Date	2.25%	0.85%	1.40%
Last 12 months	2.25%	0.85%	1.40%

Investment Performance

Council's portfolio returned 1.85%pa on a weighted average yield basis during June. This compares favourably with the Ausbond Bank Bill Index's return of 0.09% pa for the month.

Camden Council

Investment Holdings Report - June 2020



Cash Accounts

Amount (\$)	Current Yield	Institution	Credit Rating	Amount (\$)	Deal No.	Reference
6,500,000.00	0.55%	Commonwealth Bank of Australia	A-1+	6,500,000.00	535548	
6,500,000.00				6,500,000.00		

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	1,529,330.14	538107	29,330.14	At Maturity	3243
1-Jul-20	3,000,000.00	1.70%	Macquarie Bank	A-1	7-Apr-20	3,011,876.71	539617	11,876.71	At Maturity	3341
6-Jul-20	1,500,000.00	1.60%	National Australia Bank	A-1+	6-Jan-20	1,511,638.36	538999	11,638.36	At Maturity	3307
8-Jul-20	1,500,000.00	1.60%	National Australia Bank	A-1+	8-Jan-20	1,511,506.85	539011	11,506.85	At Maturity	3308
13-Jul-20	2,000,000.00	1.60%	National Australia Bank	A-1+	10-Jan-20	2,015,167.12	539082	15,167.12	At Maturity	3309
15-Jul-20	2,000,000.00	1.60%	National Australia Bank	A-1+	10-Jan-20	2,015,167.12	539083	15,167.12	At Maturity	3310
20-Jul-20	1,000,000.00	1.60%	National Australia Bank	A-1+	13-Jan-20	1,007,452.05	539102	7,452.05	At Maturity	3311
22-Jul-20	1,500,000.00	1.69%	Westpac Group	A-1+	24-Jan-20	1,511,042.88	539203	11,042.88	At Maturity	3315
27-Jul-20	1,500,000.00	1.55%	National Australia Bank	A-1+	30-Jan-20	1,509,745.89	539399	9,745.89	At Maturity	3318
29-Jul-20	1,500,000.00	1.85%	ME Bank	A-2	29-Jul-19	1,525,697.26	538340	25,697.26	At Maturity	3250
29-Jul-20	1,000,000.00	1.64%	Westpac Group	A-1+	3-Feb-20	1,006,694.79	539420	6,694.79	At Maturity	3321
3-Aug-20	1,500,000.00	1.66%	Westpac Group	A-1+	15-Jan-20	1,511,460.82	539171	11,460.82	At Maturity	3312
3-Aug-20	3,000,000.00	1.30%	Macquarie Bank	A-1	1-May-20	3,006,517.81	539726	6,517.81	At Maturity	3345
5-Aug-20	2,000,000.00	1.55%	National Australia Bank	A-1+	5-Feb-20	2,012,484.93	539429	12,484.93	At Maturity	3322
10-Aug-20	1,500,000.00	1.55%	National Australia Bank	A-1+	13-Feb-20	1,508,854.11	539455	8,854.11	At Maturity	3324
13-Aug-20	1,500,000.00	1.55%	National Australia Bank	A-1+	17-Feb-20	1,508,599.32	539460	8,599.32	At Maturity	3325
17-Aug-20	1,500,000.00	1.55%	National Australia Bank	A-1+	19-Feb-20	1,508,471.92	539465	8,471.92	At Maturity	3326
19-Aug-20	1,000,000.00	1.61%	National Australia Bank	A-1+	19-Aug-19	1,013,982.74	538397	13,982.74	At Maturity	3258
24-Aug-20	1,000,000.00	1.55%	National Australia Bank	A-1+	20-Feb-20	1,005,605.48	539476	5,605.48	At Maturity	3328
26-Aug-20	1,500,000.00	1.52%	National Australia Bank	A-1+	24-Feb-20	1,507,995.62	539481	7,995.62	At Maturity	3329
31-Aug-20	2,000,000.00	1.51%	National Australia Bank	A-1+	26-Feb-20	2,010,425.21	539487	10,425.21	At Maturity	3330

Camden Council
Investment Holdings Report - June 2020



Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Sep-20	2,000,000.00	1.65%	Macquarie Bank	A-1	28-Feb-20	2,011,210.96	539495	11,210.96	At Maturity	3331
7-Sep-20	1,500,000.00	1.71%	Macquarie Bank	A-1	6-Mar-20	1,508,218.16	539542	8,218.16	At Maturity	3334
9-Sep-20	1,500,000.00	1.70%	Macquarie Bank	A-1	6-Mar-20	1,508,173.97	539549	8,173.97	At Maturity	3335
14-Sep-20	1,000,000.00	1.74%	Suncorp Bank	A-1	18-Mar-20	1,005,005.48	539584	5,005.48	At Maturity	3339
16-Sep-20	1,500,000.00	1.66%	Suncorp Bank	A-1	1-Apr-20	1,506,207.95	539608	6,207.95	At Maturity	3340
21-Sep-20	2,000,000.00	1.55%	Macquarie Bank	A-1	20-Feb-20	2,011,210.96	539477	11,210.96	At Maturity	3327
23-Sep-20	1,500,000.00	1.65%	Macquarie Bank	A-1	16-Apr-20	1,505,153.42	539625	5,153.42	At Maturity	3343
28-Sep-20	1,000,000.00	1.75%	Macquarie Bank	A-1	9-Apr-20	1,003,979.45	539620	3,979.45	At Maturity	3342
30-Sep-20	1,500,000.00	1.25%	Macquarie Bank	A-1	6-May-20	1,502,876.71	539733	2,876.71	At Maturity	3346
30-Sep-20	4,000,000.00	1.00%	Macquarie Bank	A-1	20-May-20	4,004,602.74	539811	4,602.74	At Maturity	3355
6-Oct-20	1,500,000.00	1.25%	Macquarie Bank	A-1	6-May-20	1,502,876.71	539734	2,876.71	At Maturity	3347
7-Oct-20	1,500,000.00	1.00%	National Australia Bank	A-1+	8-May-20	1,502,219.18	539739	2,219.18	At Maturity	3348
12-Oct-20	2,000,000.00	1.64%	Westpac Group	A-1+	26-Nov-19	2,019,590.14	538822	19,590.14	At Maturity	3293
12-Oct-20	1,000,000.00	1.00%	National Australia Bank	A-1+	8-May-20	1,001,479.45	539740	1,479.45	At Maturity	3349
14-Oct-20	1,500,000.00	1.00%	National Australia Bank	A-1+	11-May-20	1,502,095.89	539743	2,095.89	At Maturity	3350
19-Oct-20	1,500,000.00	1.02%	National Australia Bank	A-1+	15-May-20	1,501,970.14	539750	1,970.14	At Maturity	3351
21-Oct-20	1,500,000.00	0.95%	National Australia Bank	A-1+	18-May-20	1,501,717.81	539753	1,717.81	At Maturity	3352
26-Oct-20	1,500,000.00	0.96%	National Australia Bank	A-1+	18-May-20	1,501,735.89	539754	1,735.89	At Maturity	3353
28-Oct-20	1,000,000.00	1.00%	National Australia Bank	A-1+	19-May-20	1,001,178.08	539807	1,178.08	At Maturity	3354
2-Nov-20	1,500,000.00	1.00%	National Australia Bank	A-1+	22-May-20	1,501,643.84	539833	1,643.84	At Maturity	3356
4-Nov-20	1,500,000.00	0.97%	National Australia Bank	A-1+	27-May-20	1,501,395.21	539844	1,395.21	At Maturity	3357
9-Nov-20	1,500,000.00	0.97%	National Australia Bank	A-1+	27-May-20	1,501,395.21	539845	1,395.21	At Maturity	3358
11-Nov-20	1,000,000.00	0.97%	National Australia Bank	A-1+	27-May-20	1,000,930.14	539846	930.14	At Maturity	3359
16-Nov-20	1,500,000.00	0.96%	National Australia Bank	A-1+	28-May-20	1,501,341.37	539851	1,341.37	At Maturity	3360
18-Nov-20	1,500,000.00	0.87%	Westpac Group	A-1+	3-Jun-20	1,501,001.10	539873	1,001.10	At Maturity	3361
23-Nov-20	1,500,000.00	0.87%	Westpac Group	A-1+	3-Jun-20	1,501,001.10	539874	1,001.10	At Maturity	3362

Camden Council

Investment Holdings Report - June 2020



Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
25-Nov-20	1,500,000.00	0.87%	Westpac Group	A-1+	4-Jun-20	1,500,965.34	539883	965.34	At Maturity	3363
30-Nov-20	2,000,000.00	1.60%	Macquarie Bank	A-1	28-Feb-20	2,010,871.23	539494	10,871.23	At Maturity	3332
30-Nov-20	1,000,000.00	1.40%	Westpac Group	A-1+	28-Apr-20	1,002,454.79	539669	2,454.79	At Maturity	3344
2-Dec-20	1,500,000.00	0.87%	Westpac Group	A-1+	4-Jun-20	1,500,965.34	539884	965.34	At Maturity	3364
7-Dec-20	1,000,000.00	0.87%	Westpac Group	A-1+	11-Jun-20	1,000,476.71	539918	476.71	At Maturity	3366
9-Dec-20	1,000,000.00	1.70%	Macquarie Bank	A-1	12-Mar-20	1,005,169.86	539569	5,169.86	At Maturity	3336
14-Dec-20	2,000,000.00	1.70%	Macquarie Bank	A-1	12-Mar-20	2,010,339.73	539570	10,339.73	At Maturity	3337
16-Dec-20	1,000,000.00	1.66%	Macquarie Bank	A-1	18-Mar-20	1,004,763.96	539583	4,763.96	At Maturity	3338
16-Dec-20	3,000,000.00	0.88%	Westpac Group	A-1+	16-Jun-20	3,001,084.93	539933	1,084.93	At Maturity	3367
21-Dec-20	500,000.00	0.90%	National Australia Bank	A-1+	17-Jun-20	500,172.60	539936	172.60	At Maturity	3368
21-Dec-20	2,000,000.00	0.87%	Westpac Group	A-1+	17-Jun-20	2,000,667.40	539937	667.40	At Maturity	3369
21-Dec-20	1,500,000.00	0.87%	Westpac Group	A-1+	29-Jun-20	1,500,071.51	539972	71.51	At Maturity	3371
23-Dec-20	2,000,000.00	0.87%	Westpac Group	A-1+	29-Jun-20	2,000,095.34	539973	95.34	At Maturity	3372
4-Jan-21	1,500,000.00	0.87%	Westpac Group	A-1+	29-Jun-20	1,500,071.51	539974	71.51	At Maturity	3373
6-Jan-21	2,000,000.00	0.87%	Westpac Group	A-1+	30-Jun-20	2,000,047.67	539979	47.67	At Maturity	3374
18-Jan-21	2,000,000.00	2.15%	AMP Bank	A-2	15-Jul-19	2,041,468.49	538210	41,468.49	Annually	3247
27-Jan-21	2,000,000.00	1.52%	National Australia Bank	A-1+	24-Jan-20	2,013,242.74	539204	13,242.74	At Maturity	3316
1-Feb-21	1,000,000.00	1.67%	Westpac Group	A-1+	7-Feb-20	1,006,634.25	539439	6,634.25	At Maturity	3323
15-Mar-21	1,000,000.00	3.60%	Bank of Queensland	A-2	15-Mar-17	1,010,553.42	535484	10,553.42	Annually	2958
29-Mar-21	1,500,000.00	2.65%	Bank of Queensland	A-2	29-Mar-19	1,510,128.08	537758	10,128.08	Annually	3201
7-Apr-21	1,000,000.00	3.50%	Bank of Queensland	A-2	3-Apr-17	1,008,534.25	535486	8,534.25	Annually	2963
17-May-21	1,000,000.00	3.10%	Westpac Group	A-1+	16-May-17	1,003,736.99	535544	3,736.99	Quarterly	2975
9-Jun-21	1,500,000.00	1.00%	Westpac Group	A-1+	9-Jun-20	1,500,904.11	539907	904.11	At Maturity	3365
23-Jun-21	1,500,000.00	2.05%	Bank of Queensland	A-2	26-Jun-19	1,500,421.23	538081	421.23	Annually	3241
30-Jun-21	1,500,000.00	0.95%	National Australia Bank	A-1+	29-Jun-20	1,500,078.08	539969	78.08	At Maturity	3370
3-Aug-21	1,000,000.00	1.90%	Bank of Queensland	BBB+	2-Aug-19	1,017,386.30	538357	17,386.30	Annually	3252

Camden Council
Investment Holdings Report - June 2020



Term Deposits										
Maturity Date	Amount (\$)	Rate	Institution	Credit Rating	Purchase Date	Amount plus Accrued Int (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
1-Feb-22	1,000,000.00	3.60%	Westpac Group	AA-	1-Feb-17	1,006,016.44	535538	6,016.44	Quarterly	2936
2-Feb-22	1,500,000.00	3.57%	Westpac Group	AA-	2-Feb-17	1,508,509.32	535539	8,509.32	Quarterly	2937
10-Feb-22	1,000,000.00	3.56%	Westpac Group	AA-	10-Feb-17	1,004,974.25	535540	4,974.25	Quarterly	2938
15-Feb-22	1,500,000.00	3.75%	Bank of Queensland	BBB+	15-Feb-17	1,520,804.79	535547	20,804.79	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	1,012,842.47	535483	12,842.47	Annually	2946
28-Feb-22	1,000,000.00	3.55%	Westpac Group	AA-	28-Feb-17	1,003,306.85	535542	3,306.85	Quarterly	2950
1-Mar-22	1,000,000.00	3.58%	Westpac Group	AA-	1-Mar-17	1,002,942.47	535543	2,942.47	Quarterly	2952
2-Mar-22	2,000,000.00	1.40%	Macquarie Bank	A+	3-Mar-20	2,009,205.48	539519	9,205.48	Annually	3333
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	505,205.48	535485	5,205.48	Annually	2960
4-May-22	1,000,000.00	3.60%	Bank of Queensland	BBB+	8-May-17	1,005,326.03	535487	5,326.03	Annually	2971
27-Jun-22	1,500,000.00	2.10%	Bank of Queensland	BBB+	26-Jun-19	1,500,431.51	538082	431.51	Annually	3242
11-Dec-23	2,000,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	2,033,657.53	537431	33,657.53	Annually	3070
18-Dec-23	4,500,000.00	3.15%	National Australia Bank	AA-	19-Dec-18	4,575,729.45	537432	75,729.45	Annually	3071
3-Jan-24	2,000,000.00	3.40%	Rabobank Australia	A+*	4-Jan-19	2,032,975.34	537443	32,975.34	Annually	3173
28-Feb-24	1,000,000.00	3.20%	Rabobank Australia	A+*	28-Feb-19	1,010,871.23	537586	10,871.23	Annually	3189
4-Mar-24	1,200,000.00	3.20%	Rabobank Australia	A+*	4-Mar-19	1,212,519.45	537601	12,519.45	Annually	3192
28-Mar-24	1,000,000.00	3.00%	Rabobank Australia	A+*	29-Mar-19	1,007,643.84	537765	7,643.84	Annually	3200
142,200,000.00						142,977,111.59		777,111.59		

ORD06

Attachment 1



INCOMING SPONSORSHIP POLICY P4.0151.1

INCOMING SPONSORSHIP POLICY

DIVISION: Sport, Community & Activation

BRANCH: Public Affairs

CATEGORY: 2

PART 1 - INTRODUCTION

1. BACKGROUND

- 1.1 Council is responsible for delivering a large number of community events, activities and programs each year which contributes to creating a connected and engaged community.

As most of Council's events are free to the public, Council regularly seeks financial and In-kind Sponsorship support from local and external businesses and organisations to help enhance, grow and expand our program of events

- 1.2 This policy is guided by the Special Events Management Policy, which provides Event organisers with a framework for organising Events on Public Land in the Camden LGA.

2. OBJECTIVE

- 2.1 The aim of this policy is to detail the correct process for seeking and accepting Sponsorship for Events run by Council to ensure that all Sponsorship agreements are carried out in an efficient, effective and ethical manner. This is to ensure that the administration of Sponsorship activities follows best practice principles of corporate governance as detailed in the Sponsorship 'Policy Principles' (section 5 of this policy).

3. SCOPE

- 3.1 This policy applies to all Sponsorships in the Camden LGA for Events run by Council and encompasses their design, application process, assessment and decision making, agreement making, monitoring and delivery. Under this policy, Sponsorship is compliant with section 356 of the *Local Government Act 1993* and differs from regular procurement of goods, works and services.
- 3.2 Sponsorship relevant to this policy is coordinated through the relevant branch of Council seeking sponsorship for their events.
- 3.3 Sponsorship requests that relate to a strategic purpose other than the organisation or promotion of Council-run Events are the responsibility of the relevant branch of Council.

4. DEFINITIONS

Incoming Sponsorship Policy
Adopted by Council:

Next Review Date: dd/mm/yyyy
EDMS #:

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- 4.1 **Event** means a festival, sporting activity, fun run, art or cultural event, market, fair, music event, exhibition, family fun day, parade, seminar, workshop or tradeshow.
- 4.2 **Activity or Project** means the work required to be undertaken by the Sponsor detailed in an agreement between the Sponsor and Council. This includes but is not limited to Activities or Projects that are to be performed by the sponsor as part of an Event.
- 4.3 **Benefit** means return on investment or advantage to Council or the Sponsor from the Sponsorship.
- 4.4 **Council** means Camden Council.
- 4.5 **In-kind or Value In-kind Support/Contribution/Sponsorship** means, for the purposes of this policy, a non-financial contribution of goods or services by a third party for the benefit of Council in accordance with a Sponsorship agreement.
- 4.6 **Insurance** means public liability insurance and such other insurances as Council requires in the amount Council requires.
- 4.7 **LGA** means Local Government Area.
- 4.8 **Public Land** means land that is classified as community or operational land under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.
- 4.9 **Sponsor** means the individual, business or organisation providing a Sponsorship and receiving Benefits from Council under a Sponsorship agreement with Council.
- 4.10 **Sponsorship** means the provision of a financial and/or In-kind Contribution in exchange for Benefits.

PART 2 - POLICY STATEMENT

5. GENERAL

- 5.1 Sponsorship Activities and Projects within Council are to be assessed, administered and delivered according to the following principles:
- **Robust design and processes** that reflect efficient, effective and ethical Sponsorship assessment and administration, including through the establishment of effective risk management processes.
 - **Leadership and innovation** that supports and promotes Council's brand positioning as the fastest growing LGA in Australia.
 - **Community engagement** that focuses on supporting local organisations, businesses and residents to achieve their community's goals.
 - **Communication and messaging** through which Council can communicate the vision, brand and identity of the Camden LGA.
 - **Collaboration and partnership** that provide opportunities for strategic partnership development through the Events program.

- **Achieving public benefit** through Sponsorship arrangements that add value to the Events program and promotion.
 - **Governance and accountability** in which a robust governance framework clearly defines the roles and responsibilities of all parties in the Sponsorship process and supports public accountability for decision making, Sponsorship administration and delivery, and performance monitoring.
 - **Probity and transparency** in which Sponsorship arrangements reflect ethical behaviour in line with Council's Statement of Business Ethics and Code of Conduct and comply with public reporting requirements.
- 5.2 All Sponsorship is to be considered through an established and endorsed set of criteria and assessment process in line with the principles outlined in this policy and will be assessed by a panel.
- 5.3 Sponsorship is an important strategy for Council as it contributes to the LGA by assisting and enhancing the delivery of Camden's high-quality annual Events and festivals program. It also provides and improves services, activities and projects for the community.
- 5.4 Council actively seeks Sponsors whose purpose and/or brand are aligned with Council's values and the needs of the Camden community.
- 5.5 Council can seek Sponsorships using methods such as open expressions of interest through newspaper advertising or direct approaches to individuals, businesses or organisations when there is a strategic alignment between the prospective Sponsors and the Events for which Sponsorship is being sought.
- 5.6 Activities or Projects for which Sponsorship of Council is considered are:
- Annual events and festivals program;
 - Business events program;
 - Community capacity building and social inclusion events;
 - Environmental and sustainability events;
 - Sport and recreation events; and
 - Arts and cultural events.
- 6. SPONSORSHIP CONDITIONS**
- 6.1 Sponsorship may only be acquired to add value to an existing Council Event, Activity or Project. Council must fulfil its responsibilities to the community regardless of any lack of Sponsorship support.
- 6.2 Council must only use the Sponsorship funds in accordance with the Sponsorship agreement.

- 6.3 The value of the Benefits package detailed in a Sponsorship agreement should reflect the level of financial and/or In-kind Support.
- 6.4 The Sponsor's brand or values must align with Council's brand and values and deliver positive reputational benefits for the Camden LGA community.
- 6.5 All Sponsors and their related Sponsorship agreements must be approved by the relevant Director of the branch seeking sponsorship.
- 6.6 Council must ensure that sufficient resources are available and allocated to the delivery of all benefits detailed in Sponsorship agreements.
- 6.7 There should be no real or apparent conflict between the values, objectives and ethical standard of Council and those of the Sponsor, and/or the Sponsor's related companies/businesses/organisations. Council staff involved in seeking Sponsorship must take reasonable steps to minimise the risks to Council to avoid a Sponsorship agreement that may result in a negative association being established or reputational damage to Council. Council officers must undertake adequate research (in line with the principles set out in this policy) and due diligence.
- 6.8 Council will not accept Sponsorship from the following:
- Tobacco or tobacco-related companies;
 - Companies whose services or products Council deems to be dangerous to health & wellbeing;
 - Gambling services;
 - Alcohol companies unless Council deems it acceptable for a specific event; and
 - Any other products or services Council deems to be inappropriate or in conflict with Council's values.
- 6.9 Council will not accept Sponsorship from prospective Sponsors if there may be a conflict of interest, or a perceived conflict of interest, including those associated with land development.
- 6.10 Council, at its discretion, has the right to refuse Sponsorship if it is of the opinion that the prospective Sponsor and/or their objectives may conflict with Council's social values.
- 6.11 Sponsorship and Sponsorship agreements must not impose or imply conditions that would limit, or appear to limit, Council's ability to carry out its functions in any way nor impose any liability on Council with regard to the conduct of the Event being Sponsored.
- 6.12 There must be no suggestion, either explicitly or implicitly, that any individual, organisation or company will be given any favourable or special treatment as a result of providing Sponsorship support to Council. Council will enforce any and all processes as set out in its policies and regulations.

- 6.13 No official, elected representative, employee or agent of Council is to receive or solicit any personal benefit from a Sponsorship agreement with Council.
- 6.14 The Sponsor of an Event may not claim (through implied or express means) that Council endorses the products or services provided by the Sponsor.
- 6.15 Council must not seek or accept Sponsorship from parties who are, or may be, subject to inspection or regulation by Council during the period of the Sponsorship agreement.
- 6.16 Council must not seek nor accept Sponsorship from parties who are or may be involved with a Planning matter before Council during the period that the Event is being promoted or held.
- 6.17 Any Sponsorship with Council must be formalised by a written agreement that:
- Has been approved by Council's Legal and Governance branch and the relevant Director of the branch seeking sponsorship; and
 - Executed by all parties to the agreement.
- 6.18 Sponsorships attract GST at the agreed financial or determined in kind value. Sponsorship is not a donation or grant.

7. SPONSORSHIP AGREEMENTS

7.1 Sponsorship agreements must include:

- Itemised Benefits for the Sponsor and Council;
- Limitations to Council's liability;
- Roles and responsibilities of the Sponsor and Council;
- Reporting and evaluation requirements of the Sponsor and Council;
- Terms and conditions specific to the Sponsorship;
- Details of Insurance cover requirements;
- Conditions that give rise to termination of the Sponsorship agreement including details about the termination process; and
- Other requirements agreed between the Sponsor and Council applicable to fulfilling the agreement.

8. INSURANCE

8.1 All Sponsors of Council-run Events must have an adequate level of Insurance for the Event. The appropriate type and level of insurance cover required will be determined by Council on a case by case basis and will be detailed in the Sponsorship agreement. Evidence of the necessary Insurance coverage must be valid and provided to Council before a Sponsorship agreement will be deemed valid.

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Incoming Sponsorship Policy
Adopted by Council:

Next Review Date: dd/mm/yyyy
EDMS #:

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RELEVANT LEGISLATIVE INSTRUMENTS: *Local Government Act 1993*

RELATED POLICIES, PLANS AND PROCEDURES: Special Events Management Policy

RESPONSIBLE DIRECTOR: Director Sport, Community and Activation

APPROVAL: Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New policy	Insert date	Insert EDMS number

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Attachment 1

Deed

**Oran Park South
Planning Agreement**

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Camden Council

Greenfields Development Company No.2 Pty Ltd

Leppington Pastoral Co Pty Ltd

Date:

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Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd

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**Oran Park South
 Planning Agreement**

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Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd

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Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd

Oran Park South Planning Agreement

Summary Sheet

Council:

Name: Camden Council
Address: 70 Central Avenue ORAN PARK NSW 2570
Telephone: 02 4654 7777
Email: mail@camden.nsw.gov.au
Representative: Ron Moore –General Manager

GDC2:

Name: Greenfields Development Company No.2 Pty Ltd
Address: 1675 The Northern Road BRINGELLY NSW 2556
Telephone: 02 9043 7500
Email: mowens@greenfields.net.au
Representative: Mick Owens

LPC:

Name: Leppington Pastoral Co Pty Ltd
Address: 1675 The Northern Rd BRINGELLY NSW 2556
Telephone: 02 4773 4291
Email: tim.bryan@perichgroup.comm.au
Representative: Tim Bryan

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

**Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd**

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Development Contributions:

See clause 10 and Schedule 1.

Application of s7.11, s7.12 and s7.24 of the Act:

See clause 9.

Security:

See Part 5.

Registration:

See clause 43.

Restriction on dealings:

See clause 43.

Dispute Resolution:

See Part 4.

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Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd

Oran Park South Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Camden Council ABN 31 117 341 764 of 70 Central Avenue, ORAN PARK NSW 2570 (**Council**)

and

Greenfields Development Company No.2 Pty Ltd ACN 133 939 965 of 1675 The Northern Rd BRINGELLY NSW 2556 (**GDC2**)

and

Leppington Pastoral Co Pty Ltd ACN 000 420 404 of 1675 The Northern Rd BRINGELLY NSW 2556 (**LPC**)

Background

- A The Landowners own the Land.
- B The Developer has development rights over the Land.
- C The Developer and Landowners have been granted Development Consents in respect of the Land to carry out part of the Development and has made Development Applications and intends to make further Development Application in respect of the Land to carry out the Development.
- D The Developer is prepared to make Development Contributions to the Council in accordance with this Deed in connection with the modification of the Development Consents and the carrying out of the Development.

Operative provisions

Part 1 - Preliminary

1 Interpretation

- 1.1 In this Deed the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Approval includes approval, consent, licence, permission or the like.

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Camden Council
Greenfields Development Company No.2 Pty Ltd
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Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

B2 Servicing Catchment means the drainage catchment area shown as 'Basin B2 Servicing Catchment' on the B2 Servicing Catchment Plan.

B2 Servicing Catchment Plan means the plan in Schedule 5.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) one of the following trading banks:
 - (i) Australia and New Zealand Banking Group Limited,
 - (ii) Commonwealth Bank of Australia,
 - (iii) Macquarie Bank Limited,
 - (iv) National Australia Bank Limited,
 - (iv) St George Bank Limited,
 - (v) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council in its absolute discretion.

Basin B1 WIK Agreement means the agreement titled '*Oran Park South Works-in-Kind Agreement No.2 – Basin B1*' entered into between the Parties on 27 October 2017.

Catherine Park Planning Agreement means the planning agreement within the meaning of s7.4 of the Act entered into between the Council and Hixson Pty Ltd, Dandaloo Pty Ltd and Edgewater Homes Pty Ltd dated 16 December 2016.

Certifying Authority means a certifying authority or a certifier within the meaning of the Act.

Charge means the charge referred to in clause 34.

Charge Land means land comprising Lot 401 DP1223631, or such other land as is accepted as the Charge Land under clause 33.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Construction Certificate has the same meaning as in the Act.

Contribution Value in relation to a Development Contribution Item means the \$ amount specified in Column 7 of the table in Schedule 1 in respect of that Development Contribution Item or as agreed between the Parties as the value of the Development Contribution Item indexed from the date specified in Column 7 of the table in Schedule 1 in accordance with the CPI.

Contributions Plan means the document titled '*Catherine Fields (Part) Precinct Section 94 Contributions Plan*' made by the Council under the then s94EA of the Act, and adopted by the Council in November 2013.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

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Costs Budget means \$8,100.00 exclusive GST.

CPI means the *Consumer Price Index (All Groups – Sydney)* published by the Australian Bureau of Statistics.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Defect means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work.

Defects Liability Period means the period of 1 year commencing on the day immediately after a Work is completed for the purposes of this Deed.

Developer means GDC2.

Development means development, within the meaning of the Act, of the Land for urban purposes generally in accordance with the Works Plan and the Land Dedication Plan involving the Subdivision of the Land into approximately 1,203 Final Lots, establishment of transport, utilities and stormwater management networks, provision of open space, recreation area embellishment, riparian corridor and transmission easement restoration and embellishment, and associated site works, the subject of Development Consent as modified from time to time, including following Development Consents:

- (a) Development Consent to Development Application DA1031/2015 granted by the Council on 18 December 2015 as modified from time to time,
- (b) Development Consent to Development Application DA1197/2015 granted by the Council on 9 February 2016 as modified from time to time,
- (c) Development Consent to Development Application DA1319/2015 granted by the Council on 22 April 2016 as modified from time to time.
- (d) Development Consent to Development Application DA1517/2015 granted by the Council on 20 June 2016 as modified from time to time.
- (e) Development Consent to Development Application DA1531/2015 granted by the Council on 30 August 2016 as modified from time to time.
- (f) Development Consent to Development Application DA21/2018 granted by the Council on 24 August 2018 as modified from time to time.
- (g) Development Consent to Development Application DA147/2018 granted by the Council on 13 May 2019 as modified from time to time.
- (h) Development Consent to Development Application DA907/2017 granted by the Council on 18 June 2018 as modified from time to time.
- (i) Development Consent to Development Application DA1330/2017 granted by the Council on 18 October 2018 as modified from time to time.
- (j) Development Consent to Development Application DA1413/2017 granted by the Council on 20 May 2019 as modified from time to time.
- (k) Development Consent to Development Application DA1774/2017 granted by the Council on 7 August 2019 as modified from time to time.

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Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s7.4(3)(g) of the Act.

Development Contribution Item means an item of Development Contribution specified in Column 1 of Schedule 1 or otherwise as agreed between the Parties in accordance with this Deed.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

Equipment means any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Developer in connection with the performance of its obligations under this Deed.

Final Lot means a lot created in the Development for separate residential occupation and disposition or a lot of a kind or created for a purpose that is otherwise agreed by the Parties, not being a lot created by a subdivision of the Land:

- (a) that is to be dedicated or otherwise transferred to the Council, or
- (b) on which is situated a dwelling-house that was in existence on the date of this Deed.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

Kolombo Creek Crossing WIK Agreement means the agreement titled '*Oran Park South Works-in-Kind Agreement No.1 – Kolombo Creek Crossing*' entered into between the Parties on 20 February 2017.

Land means land:

- (a) previously comprised in Lot 7 DP1173813 and any part of that land comprised in a lot created by Subdivision of that land, being land shown outlined by a red line and marked as '*Subject Site*' on the Works Plan with the exception of Lot 2059 in DP 1225569, Lot 3994 in DP1241212 and Lot 3395 in DP1241212, and
- (b) comprised in Lot 200 in DP 1235003 and any part of that land comprised in a lot created by Subdivision or consolidation of that land.

Land Dedication Plan means the plan in Schedule 4.

Landowner means GDC2 and LPC.

LG Act means the *Local Government Act 1993*.

Maintain, in relation to a Work, means keep in a good state of repair and working order, and includes repair of any damage to the Work.

Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd

Maintenance Period for a Development Contribution Item comprising a Work means the period specified in Column 5 of the table in Schedule 2 correspondence to the Work commencing on the day immediately after a Work is completed for the purposes of this Deed or otherwise as agreed between the Parties in accordance with this Deed.

Net Developable Area or **NDA** means the area, in hectares, which is proposed to be developed for residential purposes and in respect of a Tranche, means such area, in hectares, of the Tranche.

Oran Park South Bus Servicing Strategy means the draft document titled 'Oran Park South Bus Servicing Strategy' as adopted by the Council.

Party means a party to this Deed.

Plan of Management means a plan of management within the meaning of the LG Act.

Rectification Notice means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

Rectify means rectify, remedy or correct.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Relevant Tranche in relation to a Development Contribution Item, means the Tranche referred to in Column 2 of the Table in Schedule 1 corresponding to the item.

Security means a Bank Guarantee or other form of security to the satisfaction of the Council indexed in accordance with the *Consumer Price Index (Sydney: All Groups)* published by the Australian Bureau of Statistics from the date of this Deed.

Tranche means a stage or tranche of the Development shown on the Works Plan or otherwise as approved in writing by the Council for the purposes of this Deed.

Subdivision in relation to land has the same meaning as in the Act.

Subdivision Certificate has the same meaning as in the Act.

Vegetation Management Plan means a plan that contains provisions relating to the establishment and maintenance of land.

Work means the physical result of any building, engineering or construction work in, on, over or under land.

Works Plan means the plan in Schedule 3.

1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
- 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.

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- 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
- 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Deed includes the agreement recorded in this Deed.
- 1.2.14 A reference to a Party to this Deed includes a reference to the employees, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.
- 1.2.17 Notes appearing in this Deed are operative provisions of this Deed.

2 Status of this Deed

- 2.1 This Deed is a planning agreement within the meaning of s7.4(1) of the Act.
- 2.2 The Developer and the Landowner agree that on and from the date they each execute this Deed until the date on which this deed commences, clauses 34, 35, 36 and 43 of this Deed operates as a deed poll by the Developer and the Landowner severally in favour of the Council.

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3 Commencement

- 3.1 This Deed commences and has force and effect on and from the date when the Parties have:
- 3.1.1 both executed the same copy of this Deed, or
 - 3.1.2 each executed separate counterparts of this Deed and exchanged the counterparts.
- 3.2 The Parties are to insert the date when this Deed commences on the front page and on the execution page.

4 Application of this Deed

- 4.1 This Deed applies to the Land and to the Development.
- 4.2 For the purpose of clarity:
- 4.2.1 subject to clause 4.2.4 this Deed ceases to apply to a Final Lot upon the creation of that Final Lot;
 - 4.2.2 accordingly s7.11 and s7.12 of the Act are not excluded with respect to any development of a Final Lot after it is created;
 - 4.2.3 any separate lot created by a subdivision of a Final Lot after this Deed ceases to apply to that Final Lot does not form part of the Development for the purpose of this Deed; and
 - 4.2.4 notwithstanding that this Deed ceases to apply to a Final Lot, the Developer is not released and remains subject to any obligations under this Deed which arise in respect of the creation of that Final Lot, including in relation to any breaches of this Deed.

5 Warranties

- 5.1 The Parties warrant to each other that they:
- 5.1.1 have full capacity to enter into this Deed, and
 - 5.1.2 are able to fully comply with their obligations under this Deed.

6 Termination of Works-in-Kind Agreements

- 6.1 On and from the commencement of this Deed, the following agreements are rescinded:
- 6.1.1 Kolombo Creek Crossing WIK Agreement,
 - 6.1.2 Basin B1 WIK Agreement.

7 Further agreements

- 7.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

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8 Surrender of right of appeal, etc.

- 8.1 The Developer and Landowner are not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this Deed.

9 Application of s7.11, s7.12 and s7.24 of the Act to the Development

- 9.1 This Deed excludes the application of s7.11 and s7.12 of the Act to the Development.
- 9.2 This Deed does not exclude the application of s7.24 of the Act to the Development.
- 9.3 Within 15 business days of the both the commencement of this Deed and the modification of the Development Consents occurring, Council shall release any bank guarantees that have been provided by the Developer for the purposes of deferring payment of any contributions required pursuant to s7.11 of the Act in respect of the Development Consents that have been granted as at the commencement of this Deed..

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Part 2 – Development Contributions

10 Provision of Development Contributions

- 10.1 The Developer and Landowner are to make Development Contributions to the Council in accordance with Schedule 1, any other provision of this Deed relating to the making of Development Contributions and otherwise to the satisfaction of the Council.
- 10.2 Any Contribution Value specified in this Deed in relation to a Development Contribution does not serve to define the extent of the Developer's or Landowner's obligation to make the Development Contribution.
- 10.3 The Council is to apply each Development Contribution made by the Developer under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.
- 10.4 Despite clause 10.3, the Council may apply a Development Contribution made under this Deed towards a public purpose other than the public purpose specified in this Deed if the Council reasonably considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.
- 10.5 The Parties acknowledge and agree that:
- 10.5.1 the Development Contributions noted in Column 6 of Schedule 1 to this Deed noted as "Completed" have been completed prior to the date of this Deed; and

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10.5.2 the Developer has fully discharged its obligations under this Deed with respect to those Development Contributions.

11 Payment of monetary Development Contributions

11.1 A monetary Development Contribution is made for the purposes of this Deed when the Council receives the full amount of the contribution payable under this Deed in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.

12 Dedication of land

12.1 A Development Contribution comprising the dedication of land is made for the purposes of this Deed when:

12.1.1 a deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *Local Government Act 1993*, or

12.1.2 the Council is given:

- (a) an instrument in registrable form under the *Real Property Act 1900* duly executed by the Developer as transferor that is effective to transfer the title to the land to the Council when executed by the Council as transferee and registered,
- (b) the written consent to the registration of the transfer of any person whose consent is required to that registration, and
- (c) a written undertaking from any person holding the certificate of title to the production of the certificate of title for the purposes of registration of the transfer.

12.2 The Landowner is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.

12.3 The Landowner is to ensure that land dedicated to the Council under this Deed is free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council.

12.4 If, having used all reasonable endeavours, the Landowner cannot ensure that land to be dedicated to the Council under this Deed is free from all encumbrances and affectations, the Landowner may request that Council agree to accept the land subject to those encumbrances and affectations, but the Council may withhold its agreement in its absolute discretion.

12.5 Subject to any other provision of this Deed, and in particular Schedule 1, if the Landowner is required to dedicate land to the Council on which the Developer is also required to carry out a Work under this Deed, the Landowner is to comply with clause 12.1.2 not later than 7 days after the Work is completed for the purposes of this Deed.

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13 Carrying out of Work

- 13.1 Without limiting any other provision of this Deed, any Work that is required to be carried out by the Developer under this Deed is to be carried out in accordance with any design or specification specified or approved by the Council, any relevant Approval and any other applicable law.
- 13.2 The Developer, at its own cost, is to comply with any reasonable direction given to it by the Council to prepare or modify a design or specification relating to a Work that the Developer is required to carry out under this Deed.

14 Approval of design of Work

- 14.1 This clause 14 applies to a Development Contribution Item comprising a Work for which 'Yes' is specified in Column 3 of the table in Schedule 2 corresponding to the item.
- 14.2 If this clause requires Council to approve or certify something within a certain period of time, and the Council has not provided its approval or certification, nor advised the Developer that it will not provide its approval or certification within that period of time, then the Council is deemed to have provided its approval or waived the requirement for the certification.
- 14.3 Prior to lodging a Development Application seeking Development Consent for a Work, the Developer is to obtain the Council's approval under this clause for the design and specifications for the Work unless otherwise agreed in writing by the Council in relation to the Work.
- 14.4 Prior to commencing design of a Work, the Developer is to request that the Council provide the Developer with its requirements for the location (generally in accordance with the Works Plan and the Land Dedication Plan), design, materials and specifications for the provision of the Work.
- 14.5 When requesting Council's requirements under clause 14.4, the Developer may provide a proposal, including preliminary concept designs, to assist Council in preparing its requirements.
- 14.6 The Council is to provide the Developer with its requirements for the Work in writing within 1 month of receiving the request under clause 14.4.
- 14.7 Once the Developer receives the Council's requirements for a Work under clause 14.6, the Developer is to provide the initial design for the Work to Council for the Council's approval.
- 14.8 The initial design for a Work is to include, or be accompanied by, such information as is required for the making of a Development Application for the Work including:
- 14.8.1 if 'Yes' is specified in Column 6 of the table in Schedule 2 corresponding to the Work - a draft Vegetation Management Plan for the land on which the Work is to be located; and
- 14.8.2 if 'Yes' is specified in Column 4 of the table in Schedule 2 corresponding to the Work - a detailed maintenance regime for the Work, which provides for the Maintenance Period specified in Column 5 of Schedule 2 corresponding to the Work, and includes detailed costings, prepared by a suitably qualified person, for the carrying out of the maintenance regime; and.

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- 14.8.3 in respect only of Development Contribution Item 8B, a report prepared by a registered quantity surveyor approved by the Council, and any supporting evidence required by the Council, that evidences that the estimated cost of constructing the Work does not exceed \$200,000.00.
- 14.9 The Council is to advise the Developer in writing whether it approves of the initial design of the Work within 2 months of receiving the initial design from the Developer.
- 14.10 The Developer is to:
- 14.10.1 subject to clause 14.10.2, make any change to the initial design for the Work required by the Council,
- 14.10.2 in respect of Development Contribution Item 8B, make any change to the initial design for the Work required by the Council if the registered quantity surveyor referred to in clause 14.8.3 certifies that the change does not result in the estimated cost of constructing the Works exceeding \$200,000.00.
- 14.11 Once the initial design for a Work is approved, the Developer must submit a full copy of the Development Application for the Work to Council in draft and seek written certification from Council that the Development Application is consistent with the approved initial design of the Work, and the Council must either provide the written certification, or advise the Developer that it will not provide the written certification, within 14 days.
- 14.12 The Developer is not to lodge any Development Application for a Work unless:
- 14.12.1 the Council has first approved the initial design for the Work or is taken to have approved the initial design for the Work in accordance with this clause 14; and
- 14.12.2 Council has provided its written certification under clause 14.11 for that Development Application or is taken to have waived the requirement for that certification.
- 14.13 The Developer is to bear all Costs associated with obtaining the Council's approval or certification, including any costs of a registered quantity surveyor, under this clause.
- 14.14 Following Development Consent being issued for a Work, the Developer is to work with Council in the preparation of the detailed design for it and submit the detailed design to the Council for its approval.
- 14.15 The Developer is not to lodge any application for a Construction Certificate for a Work, with any Certifying Authority, unless the Council has first approved the detailed design for the Work, and provided its written certification that the application for a Construction Certificate is consistent with the approved detailed design of the Work.
- 14.16 The Council is to provide the written certification referred to in clause 14.15, or notify the Developer that it will not provide the written certification, within 14 days of being provided with a copy of the application for a Construction Certificate by the Developer.
- 14.17 Council's written certification specified in clause 14.15 shall specify any particular milestones of construction of a Work and if so, the Developer is to provide the Council with a minimum of 24 hours' notice prior to commencing a

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particular milestone and allow the Council access to the relevant land to inspect the Work.

- 14.18 An application for a Construction Certificate for a Work is to be accompanied by the written certification referred to in clause 14.16 when lodged with the Certifying Authority, unless the Council is deemed to have waived the requirement for certification under this clause 14.
- 14.19 For the avoidance of doubt, nothing in this clause operates to fetter the Council's discretion, as consent authority, in determining any Development Application for the Work.

15 Variation to Work

- 15.1 The design or specification of any Work that is required to be carried out by the Developer under this Deed may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Deed
- 15.2 Without limiting clause 15.1, the Developer may make a written request to the Council to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.
- 15.3 The Council is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 15.2.
- 15.4 The Council, acting reasonably, may from time to time give a written direction to the Developer requiring it to vary the design or specification of a Work at any time prior to the issue of a Construction Certificate for the relevant Work, and submit the variation to the Council for approval in accordance with the process set out in clause 14.
- 15.5 The Developer is to comply promptly with a direction referred to in clause 15.4 at its own cost.

16 Access to land by Developer

- 16.1 The Council is to permit the Developer, upon receiving reasonable prior notice from the Developer, to enter any Council owned or controlled land approved by the Council in order to enable the Developer to properly perform its obligations under this Deed.
- 16.2 Nothing in this Deed creates or gives the Developer any estate or interest in any part of the land referred to in clause 16.1.

17 Access to land by Council

- 17.1 The Council may enter any land on which Work is being carried out by the Developer under this Deed in order to inspect, examine or test the Work, or to remedy any breach by the Developer of its obligations under this Deed relating to the Work if the Developer has failed to fully comply with a notice referred to in clause 40.1.
- 17.2 The Council is to give the Developer and Landowner prior reasonable notice before it enters land under clause 17.1.

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18 Protection of people, property & utilities

- 18.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the performance of its obligations under this Deed that:
- 18.1.1 all necessary measures are taken to protect people and property,
 - 18.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 18.1.3 nuisances and unreasonable noise and disturbances are prevented.
- 18.2 Without limiting clause 18.1, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

19 Repair of damage

- 19.1 The Developer is to maintain any Work required to be carried out by the Developer under this Deed until the Work is completed for the purposes of this Deed or such later time as agreed between the Parties.
- 19.2 The Developer is to carry out its obligation under clause 19.1 at its own cost and to the satisfaction of the Council.

20 Completion of Work

- 20.1 When the Developer believes that a Development Contribution Item comprising a Work is complete, it must give the Council a written notice (**Completion Notice**) which:
- 20.1.1 specifies the Development Contribution Item to which it applies; and
 - 20.1.2 states that it has been issued under this clause 20.1.
- 20.2 The Council must, and the Developer must permit the Council to, inspect the Development Contribution Item the subject of the Completion Notice in the presence of a representative of the Developer within twenty one (21) days of the date that the notice is given to the Council.
- 20.3 Within seven (7) days of inspecting a Development Contribution Item that is the subject of a Completion Notice, the Council must give the Developer a notice:
- 20.3.1 confirming that the Development Contribution Item has been completed in accordance with this Deed; or
 - 20.3.2 advising:
 - (a) that the Council does not accept that the Development Contribution Item has been completed in accordance with this Deed; and
 - (b) the reasons for that non-acceptance and directing the Developer to complete, rectify or repair any specified part of the Work.

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- 20.4 For the avoidance of doubt, the Council may give more than one written notice under clause 20.3.2 if the Council reasonably considers that it is necessary to do so.
- 20.5 If the Developer does not accept the matters contained in a notice issued by the Council under clause 20.3.2 then it must, within 14 days, serve notice on Council to that effect, in which case the Council is to appoint a suitably qualified expert at the Cost of the Developer to determine whether the Development Contribution Item has been completed in accordance with this Deed.
- 20.6 If a Party does not accept the determination of the Council appointed expert in clause 20.5, then that Party may, within 14 days of the expert determination:
- 20.6.1 serve notice on the other Party to that effect, in which case the matter will be a Dispute; and
- 20.6.2 refer that Dispute immediately to the President of the Law Society and clauses 28.4 to 28.7 (inclusive) apply to that Dispute.
- 20.7 The Developer, at its Cost, is to promptly comply with:
- 20.7.1 a written notice under clause 20.3.2, if it does not serve notice on the Council under clause 20.5, or
- 20.7.2 the expert determination of the Council's appointed expert under clause 20.5, if no notice is served under clause 20.6 **Error! Reference source not found.**, or
- 20.7.3 the expert determination of the expert appointed by the President of the NSW Law Society under clause 28.4, if a Dispute has been referred under clause 20.6.2.
- 20.8 If:
- 20.8.1 the Council gives a notice under clause 20.3.2; and
- 20.8.2 the Developer believes it has complied with that notice or an expert determination under clause 20.5 or clause 28, as the case may be, then
- the Developer must issue a further Completion Notice with respect to that Development Contribution Item and clauses 20.2 to 20.7 inclusive reapplies.
- 20.9 A Development Contribution Item comprising a Work will be complete for the purpose of this Deed:
- 20.9.1 on the date the Council issues a notice under clause 20.3.1 confirming that the Development Contribution Item is complete; or
- 20.9.2 if the Council fails to issue any notice under clause 20.3, at the end of the period of 28 days from the date the Completion Notice is given to the Council, or
- 20.9.3 if an expert has determined under clause 20.5 or clause 28 that the Work is complete for the purposes of this Deed, on the date of the expert determination .
- 20.10 If the Council is the owner of the Land on which a Development Contribution Item has been completed, the Council assumes responsibility for the Work upon the date that Development Contribution Item was completed, but if it is not the owner at that time, it assumes that responsibility when the Development Contribution comprising the dedication of the Land upon which that Work is carried out is made to Council under this Deed.

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- 20.11 The Developer is to Maintain any Development Contribution Item for which a Maintenance Period is specified in Column 5 of the table in Schedule 2 for the Development Contribution Item, during that Maintenance Period.
- 20.12 For the purpose of and without limiting clause 20.11, if a detailed maintenance regime has been approved by the Council under clause 14.9 in respect of a Development Contribution Item, then the Developer is to Maintain the Development Contribution Item in accordance with that detailed maintenance regime.

21 Rectification of defects

- 21.1 The Council may give the Developer a Rectification Notice during the Defects Liability Period.
- 21.2 The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council.
- 21.3 The Council is to do such things as are reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given to it under clause 21.1

22 Works-As-Executed-Plan

- 22.1 No later than 60 days after Work is completed for the purposes of this Deed, the Developer is to submit to the Council a full works-as-executed-plan in respect of the Work.
- 22.2 The Developer, being the copyright owner in the plan referred to in clause 22.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Deed.

23 Removal of Equipment

- 23.1 When Work on any Council owned or controlled land is completed for the purposes of this Deed, the Developer, without delay, is to:
- 23.1.1 remove any Equipment from Land and make good any damage or disturbance to the land as a result of that removal, and
- 23.1.2 leave the land in a neat and tidy state, clean and free of rubbish.

Part 3 – Provisions relating to LS1 and LP1B

24 Application of this Part

- 24.1 This Part 3 applies to the following items:
- 24.1.1 item LS1 active open space and item LP1B local park as identified in the Contributions Plan ('**LS1 and LP1B Work**'), and

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- 24.1.2 bulk earthworks required for the construction of the LS1 and LP1B Work ('LS1 and LP1B Earthwork'), and
- 24.1.3 Development Contribution Item 36 in Schedule 1.

25 Agreement on initial design and value

- 25.1 The Council and the Developer are to negotiate in good faith the initial design and the value of the LS1 and LP1B Work and the LS1 and LP1B Earthwork.

26 Effect of agreement on initial design and value

- 26.1 If:
- 26.1.1 by 30th March 2021 the Council and the Developer agree in writing on the initial design and the value of one or both of the LS1 and LP1B Work and the LS1 and LP1B Earthwork; and
- 26.1.2 unless otherwise agreed by the Developer in writing, the aggregate of the agreed value referred to in clause 26.1.1 does not exceed the amount of \$4,093,447,
- then the following applies:
- 26.1.3 the Developer is to carry out and complete the relevant Work in accordance with this Deed subject to this clause 26, and
- 26.1.4 the relevant Work is to be provided for the public purpose of open space,
- 26.1.5 the relevant Work is to be located in Tranche 33 in the location shown on the ,
- 26.1.6 the provisions of this Deed apply to the relevant Work subject to the following:
- (a) the Developer is not required to prepare a draft Vegetation Management Plan and a detailed maintenance regime for the relevant Work for the purposes of clause 14.8,
 - (b) the agreed initial design of the relevant Work is taken to be the approved initial design for the purposes of clause 14.11,
 - (c) the relevant Work is taken to be a Contribution Item for the purposes of this Deed,
 - (d) the agreed value of the relevant Work is taken to be the Contribution Value for the Work for the purposes of this Deed,
 - (e) the Maintenance Period for the relevant Work is 12 months commencing on the day immediately after the Work is completed for the purposes of this Deed,
 - (f) the Developer is to complete the relevant Work within 2 years of the date the Council and the Developer agree in writing on the initial design and the value of the relevant Work.
- 26.2 The Parties may agree in writing to extend the time referred to in clause 26.1.

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27 Reduction to Development Contribution Item 36

- 27.1 If the Developer is required to carry out and complete one or both of LS1 and LP1B Work and the LS1 and LP1B Earthwork under clause 26, the total amount of monetary Development Contributions required to be paid under Development Contribution Item 36 are to be reduced by the agreed value of the relevant Work.

Part 4 – Dispute Resolution

28 Dispute resolution – expert determination

- 28.1 This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:
- 28.1.1 the Parties to the Dispute agree that it can be so determined, or
- 28.1.2 the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- 28.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 28.3 If a notice is given under clause 28.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 28.4 If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 28.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 28.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 28.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

29 Dispute Resolution - mediation

- 29.1 This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 28 applies.
- 29.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 29.3 If a notice is given under clause 29.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 29.4 If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law

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Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.

- 29.5 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 29.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 29.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 5 - Enforcement

30 Security for performance of obligations

- 30.1 Upon the execution of this Deed by all of the Parties:
- 30.1.1 the Developer is to provide the Council with Security in the amount of \$1,000,000; and
- 30.1.2 the Developer is to procure the provision to the Council of Security in the form of a registered charge over the Charge Land in accordance with clause 34.
- 30.2 The Parties acknowledge that, at the date of this Deed, the Security provided under clause 30.1 has a value in excess of the Contribution Value for the most valuable Contribution Item comprising a Work which has not been completed, within the meaning of the Deed (**Outstanding Work**), and in excess of the amount of the Security required to be held under clause 30.4.
- 30.3 The Parties agree that whilst ever the charge over the Charge Land referred to in clause 30.1.2 remains in place, the Security provided under clause 30.1 has a value in excess of the Contribution Value for the most valuable Contribution Item comprising a Work which has not been completed, within the meaning of the Agreement (**Outstanding Work**), and in excess of the amount of the Security required to be held under clause 30.4
- 30.4 The Developer is to ensure at all times that the Council holds Security equal to the greater of:
- 30.4.1 the Contribution Value for the most valuable Contribution Item comprising a Work which has not been completed from time to time, within the meaning of this Agreement (**Outstanding Work**);
- 30.4.2 10% of the sum of the Contribution Values of all Development Contribution Items comprising the dedication of land and the carrying out of Works, which:
- (a) are not complete from time to time, within the meaning of this Agreement (if the Development Contribution Item is a Work); or
- (b) have not been provided from time to time (if the Development Contribution Item is the dedication of land),

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(Outstanding Land and Works Items); or

30.4.3 \$1,000,000.00,

provided that, if the sum of the Contribution Values of all Outstanding Land and Works Items falls below \$1,000,000.00, the Security required to be held under this clause is to equal the sum of the Contribution Values of all Outstanding Land and Works Items.

- 30.5 The amount of the Security required to be held under this clause is to be indexed annually in accordance with the CPI and the Developer is to ensure that the Security held by the Council at all times equals the indexed amount notified to the Developer by Council.

31 Release & return of Security

- 31.1 The Council is to return the Security or any remaining part of it to the Developer, within 28 days of the completion by the Developer of all of its obligations under this Deed to the satisfaction of the Council.
- 31.2 At any time following the provision of the Security, the Developer may provide the Council with a replacement Security in the amount of the Security required to be provided under this Agreement.
- 31.3 On receipt of a replacement Security, the Council is to release and return to the relevant Party as directed, the Security it holds which has been replaced.

32 Call-up of Security

- 32.1 The Council may call up any Security provided under this Deed in accordance with clause 40.
- 32.2 If the Council calls on the Security, it may use the amount so paid to it in satisfaction of any costs incurred by it in remedying the breach.
- 32.3 If the Council calls on the Security, the Council may, by notice in writing to the Developer, require the Developer to provide a further or replacement Security in an amount that, when added to any unused portion of the Security held by the Council, equals, but does not exceed the amount of the Security the Council is entitled to hold under this Deed.

33 Valuation of Charge Land and Alternative Charge Land

- 33.1 Council will, on or near each anniversary of the date of this Deed, appoint a valuer to conduct a valuation of the Charge Land.
- 33.2 The valuer is to be agreed between Council and the Developer and, failing agreement, will be appointed by the Council.
- 33.3 Council will pay 50% of the costs of the valuer with the other 50% of the valuer's costs to be paid, on written demand by the Council, by the Developer.
- 33.4 The Developer is to provide Council, on each anniversary of the date of this Deed, with evidence satisfactory to the Council that there is no outstanding land tax payable in respect of the Charge Land, and no other charges registered against the Charge Land.

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- 33.5 If there is land tax payable in respect of the Charge Land, or other mortgages, charges or interests created in or over the Charge Land, then the Council may, in its absolute discretion, require the Developer to provide additional Security to ensure that Council holds Security to the value which was held before the land tax became payable, or the other charges, mortgages or interests were created.
- 33.6 The Developer may, by notice in writing, seek the Council's approval to grant a charge in favour of the Council over an alternative site, and to discharge the Charge over the Charge Land.
- 33.7 On receipt of a notice under clause 33.6, Council will carry out a valuation of the proposed alternative site, and provided the valuation indicates that the alternative site has a value which, when added to the other Security held by Council under this Deed, equals the amount of Security required to be held under this Deed, Council will approve the grant of a charge over the alternative site, and will discharge the Charge over the Charge Land, and from that time onwards, a reference to the Charge Land will be taken to be a reference to the alternative site.
- 33.8 Clauses 33.2 and 33.3 apply to the appointment of a valuer for the purposes of clause 33.7.
- 33.9 The Landowner is to grant access to any valuer appointed under this clause 33 to the Charge Land or any alternative site proposed to replace the Charge Land.
- 33.10 The Developer is to bear the Council's costs associated with registration of any Charge over the Charge Land or any alternative site, and the discharge of any such Charge.

34 Grant of Charge

- 34.1 On the date of execution of this Deed by the Landowner, the Landowner grants to the Council a fixed and specific charge over the Developer's right, title and interest in the Charge Land to secure:
- 34.1.1 the performance of the Developer's obligation to make monetary Development Contributions under this Deed, and
- 34.1.2 any damages that may be payable to the Council, or any costs which may be incurred by the Council in the event of a breach of this Deed by the Developer.
- 34.2 Upon the execution of this Deed by the Landowner, the Landowner is to give to the Council an instrument in registrable form under the *Real Property Act 1900* duly executed by the Landowner that is effective to register the Charge on the title to the Charge Land.
- 34.3 If the Charge Land comprises part only of a lot in a deposited plan at the time that the instrument referred to in clause 34.2 is required to be given, the Developer is to give the Council an instrument that charges a greater area of the Land which includes the whole of the Charge Land.
- 34.4 The Landowner is to do all other things necessary, including execute all other documents, to allow for the registration of the Charge.

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35 Caveat

- 35.1 The Landowner agrees to the Council lodging a caveat over the Charge Land relating to the interest secured by the Charge.

36 Priority

- 36.1 The Landowner must not create any mortgage or charge or grant any other interest in or over the Charge Land ranking in priority equal with or ahead of the Charge.
- 36.2 The Landowner must not create any mortgage or charge over the Charge Land or grant any other interest in the Charge Land, which would not rank in priority equal with or ahead of the Charge, without the prior written approval of the Council.

37 Enforcement of Charge

- 37.1 If Council is entitled to call up any Security in respect of a breach of this Deed by the Developer or the Landowner, and there is insufficient Security in any other form to meet the costs and expenses which the Council is entitled to recover from the Security, then this clause 37 applies.
- 37.2 The Landowner is to execute and do all such things as the Council may reasonably require for the purpose of the Council exercising the powers, authorities and discretions conferred by the grant of the Charge. In particular, the Landowner will as requested by the Council:
- 37.2.1 execute all transfers, conveyances, assignments and assurances of the Charge Land to Council or its nominee,
- 37.2.2 perform, or cause to be performed, all acts and things necessary or desirable to give effect to the Council's powers, authorities and discretions, and
- 37.2.3 give all notices, orders and directions which the Council considers to be expedient.
- 37.3 Council may, at the Council's discretion and without notice:
- 37.3.1 enter upon and take possession of the Charge Land or any part of it, or
- 37.3.2 with or without taking such possession, at the Council's discretion, sell, call in or convert into money, the Charge Land:
- (a) at public auction or by private contract, and
- (b) for a lump sum or a sum payable by instalments or for a sum on account and a mortgage charge for the balance, or
- 37.3.3 if exercising rights under clause 37.3.2:
- (a) upon sale, make any special or other stipulations as to title or evidence or commencement of title or otherwise which the Council may deem proper,

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- (b) buy in or rescind or vary any contract of sale of the Charge Land and resell the same without being responsible for any loss which may be incurred, and
 - (c) compromise and effect compositions and, for any of those purposes, execute and make all such assurances and things as the Council thinks fit.
- 37.4 Council may, at the Council's discretion, do any of the following things for the purpose of exercising the Council's powers of sale under clause 37.3:
- 37.4.1 appoint a receiver or manager of the Charge Land;
 - 37.4.2 remove any receiver or manager so appointed;
 - 37.4.3 pay such receiver or manager such remuneration as the Council thinks fit;
 - 37.4.4 repair and keep in repair any improvements, works, machinery, plant and other property on the Charge Land,
 - 37.4.5 insure all or any of the Charge Land or anything on it of an insurable nature against loss or damage by fire and other risks as the Council sees fit,
 - 37.4.6 settle, arrange, compromise and submit to arbitration any accounts, claims, questions or disputes whatsoever which may arise in connection with the Charge Land and execute releases or other discharges,
 - 37.4.7 bring, take, defend, compromise, submit to arbitration or discontinue any actions, suits or proceedings whatsoever and whether civil or criminal in relation to the Charge Land,
 - 37.4.8 execute and do such acts, deeds and things as to the Council may appear necessary or proper for or in relation to any of the above things,
 - 37.4.9 generally do and cause to be done such acts and things which the Developer or Landowner might have done for the protection and the improvement of the Charge Land.
- 37.5 A receiver and manager appointed by the Council will have all of the powers of taking possession, selling and dealing with the Charge Land as are given to the Council under this Deed.
- 37.6 The proceeds derived from the sale of the Charge Land pursuant to clause 37.3 will be applied as follows:
- 37.6.1 first, in paying all costs and expenses properly incurred or to be incurred in the performance or exercise of any of the powers vested in the Council under this Deed, including costs incurred in remedying the breach of the Deed; and
 - 37.6.2 second, in paying the surplus (if any) to the Landowner.

38 Discharge

- 38.1 Within 28 days of the Developer and Landowner meeting all of their obligations under this Agreement, the Council is to promptly give the Landowner a discharge of the Charge in registrable form and remove any and all caveats which the Council holds over the Charge Land.

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39 Acquisition of land required to be dedicated

- 39.1 If the Landowner does not dedicate land required to be dedicated under this Deed at the time at which it is required to be dedicated, the Landowner consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 39.2 The Council is to only acquire land pursuant to clause 39.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to dedicate the land required to be dedicated under this Deed.
- 39.3 Clause 39.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 39.4 If, as a result of the acquisition referred to in clause 39.1, the Council is required to pay compensation to any person other than the Landowner, the Landowner is to reimburse the Council that amount, upon a written request being made by the Council, or the Council can call on any Security provided under clause 30.
- 39.5 The Developer and Landowner indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- 39.6 The Landowner is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 39, including without limitation:
- 39.6.1 signing any documents or forms,
 - 39.6.2 giving land owner's consent for lodgement of any Development Application,
 - 39.6.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
 - 39.6.4 paying the Council's costs arising under this clause 39.

40 Breach of obligations

- 40.1 If the Council reasonably considers that the Developer or Landowner is in breach of any obligation under this Deed, it may give a written notice to the relevant Party:
- 40.1.1 specifying the nature and extent of the breach,
 - 40.1.2 requiring the relevant Party to:
 - (a) rectify the breach if it reasonably considers it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,

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- 40.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 40.2 If the relevant Party fails to fully comply with a notice referred to in clause 40.1, the Council may, without further notice to them, call-up the Security provided by the Developer under this Deed and apply it to remedy the Developer's breach.
- 40.3 If the Developer fails to comply with a notice given under clause 40.1 relating to the carrying out of Work under this Deed, the Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer or Landowner and any Equipment on such land for that purpose.
- 40.4 Any costs incurred by the Council in remedying a breach in accordance with clause 40.2 or clause 40.3 may be recovered by the Council by either or a combination of the following means:
- 40.4.1 by calling-up and applying the Security provided by the Developer under this Deed, or
- 40.4.2 enforcement of the Charge, or
- 40.4.3 as a debt due in a court of competent jurisdiction.
- 40.5 For the purpose of clause 40.4, the Council's costs of remedying a breach the subject of a notice given under clause 40.1 include, but are not limited to:
- 40.5.1 the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
- 40.5.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
- 40.5.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 40.6 Nothing in this clause 40 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer or Landowner, including but not limited to seeking relief in an appropriate court.

41 Enforcement in a court of competent jurisdiction

- 41.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 41.2 For the avoidance of doubt, nothing in this Deed prevents:
- 41.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
- 41.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

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Part 6 – Registration & Restriction on Dealings

42 Registration of this Deed

- 42.1 The Parties agree to register this Deed for the purposes of s7.6(1) of the Act.
- 42.2 The Parties:
- 42.2.1 acknowledge that as at the date this Deed commences, part of the Development has been completed; and
- 42.2.2 agree that this Deed will only be registered on the title of so much of the Land that:
- (a) originally comprised in Certificate of Title Folio Identifier 3996/1241212; and
- (b) which has not been created as Final Lots as at the date this Deed commences.
- 42.3 Subject to clause 42.2. upon commencement of this Deed, the Landowner is to deliver to the Council in registrable form:
- 42.3.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Landowner, and
- 42.3.2 the written irrevocable consent of each person referred to in s7.6(1) of the Act to that registration.
- 42.4 The Developer and the Landowner are to do such other things as are reasonably necessary to enable registration of this Deed to occur.
- 42.5 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:
- 42.5.1 in so far as the part of the Land concerned is a Final Lot,
- 42.5.2 in relation to any other part of the Land, once the Developer has completed its obligations under this Deed to the reasonable satisfaction of the Council or this Deed is terminated or otherwise comes to an end for any other reason.

43 Restriction on dealings

- 43.1 The Developer and the Landowner are not to:
- 43.1.1 sell or transfer the Land, other than a Final Lot, or
- 43.1.2 assign the Developer's or Landowner's rights or obligations under this Deed, or novate this Deed,
- to any person unless:
- 43.1.3 the Developer or Landowner (as the case may be) has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the relevant Party's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and

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- 43.1.4 the Council has given written notice to the relevant Party stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
- 43.1.5 the Developer and Landowner are not in breach of this Deed, and
- 43.1.6 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- 43.2 Subject to clause 43.3, the Developer and Landowner acknowledge and agree that they remain liable to fully perform their obligations under this Deed unless and until they have complied with their obligations under clause 43.1.
- 43.3 Clauses 43.1 and 43.2 do not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

Part 7 – Indemnities & Insurance

44 Risk

- 44.1 The Developer performs this Deed at its own risk and its own cost.

45 Release

- 45.1 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

46 Indemnity

- 46.1 The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

47 Insurance

- 47.1 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Deed up until the Work is taken to have been completed in accordance with this Deed:
- 47.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,

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- 47.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
- 47.1.3 workers compensation insurance as required by law, and
- 47.1.4 any other insurance required by law.
- 47.2 If the Developer fails to comply with clause 47.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
 - 47.2.1 by calling upon the Security provided by the Developer to the Council under this Deed, or
 - 47.2.2 recovery as a debt due in a court of competent jurisdiction.
- 47.3 The Developer is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 47.1.

Part 8 – Other Provisions

48 Reports by Developer

- 48.1 The Developer is to provide the Council with a report detailing the performance of its and the Landowner's obligations under this Deed at each of the following times:
 - 48.1.1 by not later than each anniversary of the date on which this Deed is entered into, and
 - 48.1.2 each time a Development Application is lodged for the Development,
 - 48.1.3 each time an application is made for a Subdivision Certificate that creates one or more Final Lot.
- 48.2 The reports referred to in clause 48.1 are to include sufficient detail to enable the Council to determine whether the Developer has complied with its obligations under this Deed at the relevant time and be in such a form and to address such matters as required by the Council from time to time.

49 Review of Deed

- 49.1 The Parties agree to review this Deed every year, and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 49.2 For the purposes of clause 49.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.

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- 49.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 49.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 49.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.
- 49.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 49.1 (but not 49.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

50 Notices

- 50.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
- 50.1.1 delivered or posted to that Party at its address set out in the Summary Sheet, or
- 50.1.2 emailed to that Party at its email address set out in the Summary Sheet.
- 50.2 If a Party gives the other Party 3 business days' notice of a change of its address or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.
- 50.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 50.3.1 delivered, when it is left at the relevant address,
- 50.3.2 sent by post, 2 business days after it is posted, or
- 50.3.3 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 50.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

51 Approvals and Consent

- 51.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- 51.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

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52 Costs

- 52.1 The Developer is to pay to the Council the Council's costs, not exceeding the Costs Budget, 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.
- 52.2 The Developer is also to pay to the Council the Council's reasonable costs of enforcing this Deed within 7 days of a written demand by the Council for such payment.

53 Entire Deed

- 53.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 53.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

54 Further Acts

- 54.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

55 Governing Law and Jurisdiction

- 55.1 This Deed is governed by the law of New South Wales.
- 55.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 55.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

56 Joint and Individual Liability and Benefits

- 56.1 Except as otherwise set out in this Deed:
- 56.1.1 any agreement, covenant, representation or warranty under this Deed by 2 or more persons binds them jointly and each of them individually, and
- 56.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

57 No Fetter

- 57.1 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without

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limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

58 Illegality

- 58.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

59 Severability

- 59.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 59.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

60 Amendment

- 60.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with clause 25C of the Regulation.

61 Waiver

- 61.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 61.2 A waiver by a Party is only effective if it:
- 61.2.1 is in writing,
 - 61.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - 61.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
 - 61.2.4 is signed and dated by the Party giving the waiver.
- 61.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 61.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

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- 61.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

62 GST

- 62.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and **Tax Invoice** have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 62.2 Subject to clause 62.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 62.3 Clause 62.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- 62.4 No additional amount shall be payable by the Council under clause 62.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 62.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 62.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 62.5.2 that any amounts payable by the Parties in accordance with clause 62.2 (as limited by clause 62.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 62.6 No payment of any amount pursuant to this clause 62, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.

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- 62.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 62.8 This clause continues to apply after expiration or termination of this Deed.

63 Explanatory Note

- 63.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 63.2 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 Planning Deed.

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Schedule 1

(Clause 10)

Development Contributions

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Development Contribution Item	Stage/Tranche	Location identifier on the Works Plan or Land Dedication Plan	Public Purpose	Nature and Extent	Timing	Contribution Value (indexed to June 2018 CPI -114) ¹

A. Carrying out of Work

1A – Kolombo Creek Crossing South	31	CC1	Transport	Carrying out and completion of Kolombo Creek Crossing South, being the work identified in the works schedule and maps of the Contributions Plan as 'CC1' and the subject of Development Consent to Development Application 1030/2015 granted by the Council on 11 August 2015.	Completed	\$375,346.00
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1B – Kolombo Creek Crossing North	31	CC4	Transport	Carrying out and completion of Kolombo Creek Crossing North, being the work identified in the works schedule and maps of the Contributions Plan as 'CC4' and the subject of Development Consent to Development Application 1030/2015 granted by the Council on 11 August 2015.	Completed	\$360,613.00
2 – Basin B1	31	B1	Drainage	Construction and completion of Basin B1, being a stormwater detention basin identified in works schedule and maps of the Contributions Plan as 'Basin B1' and the subject of Development Consent to Development Application DA1319/2015 granted by the Council on 22 April 2016.	Completed ²	\$1,884,719.00
3 – Shared paths in Tranche 31	31	Shared Paths on the Works Plan	Transport	Construction and completion of shared paths as shown on the Works Plan on the land identified as the 'Riparian Corridor' in Tranche 31 of the Works Plan	Completed	\$210,003.00

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4 – Local park LP1A Hollywood Park	32	LP1A	Open Space	Construction, embellishment and completion of a local park (including installation of local park furniture and playground) identified in the works schedule and maps of the Contributions Plan as 'LP1' and the subject of the Development Consent to Development Application DA1479/2016 granted by the Council on 20 June 2017.	Completed	\$844,742.00
5 – Basin 2	33	B2	Drainage	Construction and completion of Basin 2, being a stormwater detention basin in the approximate location identified as 'B2' on the Works Plan.	December 2021 or prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates, authorises the subdivision of 90% of all NDA in the B2 Servicing Catchment into residential lots, whichever occurs later ³	\$704,243.00
6A – Peter Brock Drive Extension	34	SA1 ⁴	Transport	Construction and completion of Peter Brock Drive extension in the location identified as 'SA1' on the Works Plan in accordance with Development Consent to DA 2017/324.	Prior to the issuing of the Subdivision Certificate for the Development which when registered creates the 1100 th Final Lot	\$1,536,274.63 ⁵

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6B – Peter Brock Drive Crossing	34	BC1	Transport	Construction and completion of Peter Brock Drive crossing in the location identified as 'BC1' on the Works Plan.	Prior to the issuing of the Subdivision Certificate for the Development which when registered creates the 1100 th Final Lot	\$2,019,868.00
7 – Local park	34	LP4	Open space	Construction and completion of local park in the location identified as 'LP4' on the Works Plan, in accordance with Development Consent to DA 2017/1772.	Prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 75% of all NDA in Tranche 34 into Final Lots	\$568,759.00
8A – Pedestrian bridge	34	PB1	Transport	Construction and completion of a pedestrian bridge in the location identified as 'PB1' on the Works Plan.	Prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 90% of all NDA in Tranche 34 into Final Lots	\$97,281.00

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8B – Pedestrian bridge	34	PB2 on the Land Dedication Plan	Transport	Construction and completion of a low level pedestrian bridge between the local sporting field identified as 'LS1' on the Land Dedication Plan and Tranche 34 in the location shown on the Works Plan	By the first to occur of: (1) the date that is thirty (30) months after the date this Deed commences ; and (2) the date that is six (6) months after the date the Council notifies the Developer that the local sporting field identified as 'LS1' on the Land Dedication Plan is practically complete.	N/A
9 – Basins 5 and 6	34	B5 & B6 on the Works Plan	Drainage	Construction and completion of Basins 5 & 6 being stormwater detention basins in the locations identified as 'B5' and 'B6' on the Works Plan.	Prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 90% of all NDA within Tranche 34 into Final Lots	\$2,117,916

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10 – Shared paths in Tranche 34	34	Shared Paths on the Works Plan	Transport	Construction and completion of shared paths as shown on the Works Plan on the land identified as the 'Riparian Corridor' in Tranche 34 of the Works Plan	Prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 90% of all NDA in Tranche 34 into Final Lots	NIL
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11 – Four (4) bus shelters	Various (31, 32, 33, 34)	N/A	Transport	Construction and completion of four (4) bus shelters in locations determined in accordance with the Oran Park South Bus Servicing Strategy and as approved by the Council.	On or before the first to occur of: (1) where the road which adjoins the relevant bus shelter has been dedicated as a public road, the date that is 6 months after Council notifies the Developer that it has adopted the Oran Park South Bus Servicing Strategy; (2) where the road which adjoins the relevant bus shelter has not been dedicated as a public road by the date that is 6 months after Council notifies the Developer that it has adopted the Oran Park South Bus Servicing Strategy, upon the dedication of that road as a public road; and (3) the issue of a Subdivision	\$1 10,000.00
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					Certificate for a plan which, when registered, will create the last Final Lot in the Development.	
12 – Out-of-Precinct contributions (Oran Park Library/Community Resource Centre)	Oran Park Precinct	N/A	Community/Open space	Developer has provided 'Out-of-Precinct' contributions associated with the Oran Park Library and Community Resource Centre.	Completed	\$891,494.00 being recognition of this value of work that has been provided ⁶
13 – Tranche 31 Vegetation Management Plan Works	31	Area hatched dark green and marked as ' <i>Riparian Corridor</i> ' and ' <i>Shared Paths</i> ' in Tranche 31 on the Works Plan	Vegetation management	Works described in the document titled ' <i>Oran Park South Tranche 31 – Stage 3 Vegetation Management Plan</i> ' prepared by Ecological Australia dated October 2015	Completed	Nil

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14 - Tranche 34 Vegetation Management Plan Works	34	Area hatched dark green and marked as 'Riparian Corridor' excluding areas marked as 'Shared Paths', 'PB1' and 'PB2' on the Works Plan	Vegetation management	Works described in the document titled 'Oran Park – Tranche 34 Vegetation Management Plan' prepared by Ecological Australia dated September 2017	Prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 80% of all NDA in Tranche 34 into Final Lots	Nil
15 – Embellishment of transmission line easement/open space land	Various (31, 33 and 34)	Area hatched light green and marked as 'Transmission Line Easement/Open Space' on the Works Plan	Transmission easement land	Embellishment of land 'Transmission Line Easement/Open Space' on the Works Plan	Prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 80% of all NDA in Tranche 34 into Final Lots	Nil
16A – Design of local sporting field LS1	33	'LS1' on the Land Dedication Plan	Open Space and Recreation	Developer to prepare concept design and detailed design of local sporting field identified as 'LS1' on the Land Dedication Plan to the Council's satisfaction	June 2020	\$257,554.87 (Indexed to March 2019 CPI – 115.1)

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16B – Design of local park LP1B	33	'LP1B' on the Land Dedication Plan	Open Space and Recreation	Developer to prepare concept design and detailed design of local park identified as 'LP1B' on the Land Dedication Plan to the Council's satisfaction	June 2020	\$21,831.01 (Indexed to March 2019 CPI – 115.1)
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B. Dedication of Land

						Contribution Value (Indexed to August 2017 Land Value Index)
17A – Land for Kolombo Creek Crossing South	31	CC1	Transport	Dedication of land as described in Development Consent to DA 2015/1030 and in the approximate location shown as 'CC1' and 'CC4' on the Land Dedication Plan on which Development Contribution Items 1A and 1B are located.	Land transfer completed	\$83,471.00
17B – Land for Kolombo Creek Crossing North	31	CC4	Transport	Same as for Development Contribution Item 14A.	Land transfer completed	\$63,200.00

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18 – Land for Basin B1	31	B1	Drainage	Dedication of approximately 10,820 square metres of land as described in Development Consent to DA 2015/1319 and in the approximate location shown as 'B1' on the Land Dedication Plan on which Development Contribution Item 2 is located.	Land transfer completed	\$976,108
19 – Land for shared paths in Tranche 31	31	Shared paths	Transport	Dedication of land for shared paths on which Development Contribution Item 3 is located	Within 12 months of the date Development Contribution Item 3 is completed for the purposes of this Deed	Nil
20 – Land for local park LP1A Hollywood Park	32	LP1A	Open Space	Dedication of approximately 8,355 square metres of land as described in Development Consent to DA 2016/1479 in the approximate location shown as 'LP1A' on the Land Dedication Plan on which Development Contribution Item 4 is located	Within 6 months of commencement of this Deed	\$1,879,875.00
21 – Land for Basin 4	33	B4	Drainage	Dedication of approximately 1,051 square metres of land identified as 'B4' on the Land Dedication Plan on which drainage works carried out by a third party under the Catherine Park Planning Agreement are located.	Within 12 months of commencement of this Deed	\$236,475.00

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22 – Land for Basin 2	33	B2	Drainage	Dedication of approximately 3,870 square metres in the approximate location shown as 'B2' on the Land Dedication Plan on which Development Contribution Item 5 is located.	December 2020 or within 12 months of the date Development Contribution Item 5 is completed for the purposes of this Deed whichever occurs later, or such other date as agreed between the parties	\$310,480.00
23 – Land for local park LP1B adjoining local sporting field	33	LP1B on the Land Dedication Plan	Open Space	Dedication of approximately 3,735 square metres of land in the approximate location shown as 'LP1B' on the Land Dedication Plan, being land adjoining the local sporting field 'LS1'.	December 2020 or if the Parties have agreed to another date, that other date	\$840,385.00
24 – Land for local sporting fields LS1	33	LS1 on the Land Dedication Plan	Open space	Dedication of approximately 46,975 square metres of land in the approximate location shown as 'LS1' on the Land Dedication Plan.	December 2020 or if the Parties have agreed to another date, that other date	\$9,148,577.00
25A – Land for Peter Brock Drive Extension	34	SA1	Transport	Dedication of approximately 5,013 square metres of land as described in Development Consent to DA 2017/324 and in the approximate area identified as 'SA1' on the Land Dedication Plan on which Development Contribution Item 6A is located.	Within 12 months of the date Development Contribution Item 6A is completed for the purposes of this Deed, or such later date as agreed between the Parties	\$608,624.00

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25B - Land for Peter Brock Drive Extension	34	SA1	Transport	Dedication of proposed Lot 1005 as shown on the plan in Schedule 6 with approximate area of 1,900 square meters of land as described in Development Consent to DA 2017/324.	Prior to the issuing of the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 90% of all NDA in Tranche 34 into Final Lots or within 12 months of the date Development Contribution Item 9 is completed for the purposes of this Deed, whichever occurs later.	
25C – Land for Peter Brock Drive Crossing	34	BC1	Transport	Dedication of approximately 1,264 square metres of land as described in Development Consent to DA 2017/324 and in the approximate location shown as 'BC1' on the Land Dedication Plan on which Development Contribution Item 6B is located.	Within 12 months of the date Development Contribution Item 6B is completed for the purposes of this Deed, or such later date as agreed between the Parties	\$76,254.00

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26 – Land for local park LP4	34	LP4	Open space	Dedication of approximately 4,090 square metres of land as described in Development Consent DA 2017/1772 and in the approximate location shown as 'LP4' on the Land Dedication Plan on which Development Contribution 7 is located.	Within 12 months of the date Development Contribution Item 7 is completed for the purposes of this Deed, or such later date as agreed between the Parties	\$1,117,714.00
26 – Land for pedestrian bridge	34	PB1	Transport	Dedication of land in the approximate location shown as 'PB1' on the Land Dedication Plan on which Development Contribution Item 8A is located	<p>Within 6 months of the date:</p> <ul style="list-style-type: none"> • Development Contribution Items 8A, or • both Items 8A and 14, <p>are completed for the purposes of this Deed, whichever occurs later.</p>	NIL
27 – Land for Basin 5	34	B5	Drainage	Dedication of land in the location shown as 'B5' on the Land Dedication Plan on which Development Contribution Item 9 is located.	Within 12 months of the date Development Contribution Item 9 is completed for the purposes of this Deed, or such later date as agreed between the Parties	Combined Contribution Value of Development Contribution Items 27 and 28 is \$3,491,614.00

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28 – Land for Basin 6	34	B6	Drainage	Dedication of land in the location shown as 'B6' on the Land Dedication Plan on which Development Contribution Item 9 is located.	Within 12 months of the date Development Contribution Item 9 is completed for the purposes of this Deed, or such later date as agreed between the Parties	See above
29 – Land for shared paths in Tranche 34	34	Shared Paths on the Works Plan	Transport	Dedication of land for shared paths in Tranche 34 on which Development Contribution Item 10 is located	Within 12 months of the date Development Contribution Item 10 is completed for the purposes of this Deed, or such later date as agreed between the Parties	NIL
31 – Land for drainage purposes	N/A	B14	Drainage	Dedication of approximately 4,413 square metres of land shown as 'B14' on the Land Dedication Plan	Within 12 months of commencement of this Deed.	\$684,629.00
32 – Land for Transmission line easement/open space	34	Area hatched light green and marked as 'Transmission Line Easement/Open Space'	Transmission easement land	Dedication of approximately 4,437 square metres of land in the approximate location shown as 'Transmission Line/Open Space' on the Land Dedication Plan on which Development Contribution Item 15 is located.	Within 12 months of the date Development Contribution Item 15 is completed for the purposes of this Deed.	NIL

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33 – Land for riparian corridor in Tranche 31	31	Area hatched dark green and marked as ' <i>Riparian Corridor</i> ' including the areas marked as ' <i>Shared Paths</i> ' in Tranche 31 on the Works Plan and Land Dedication Plan	Riparian Corridor and Shared Paths	Dedication of land in the approximate location shown as ' <i>Riparian Corridor</i> ' including the areas marked as ' <i>Shared Paths</i> ' in Tranche 31 on the Works Plan and Land Dedication Plan.	Within 12 months of Council issuing the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 90% of all NDA in Tranche 31 and Tranche 32 into Final Lots	NIL
34 - Land for riparian corridor in Tranche 33	33	Area hatched dark green and marked as ' <i>Riparian Corridor</i> ' in Tranche 33 as shown on the Land Dedication Plan	Riparian Corridor	Dedication of land in the approximate location shown as ' <i>Riparian Corridor</i> ' in Tranche 33 on the Land Dedication Plan	December 2020	NIL

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35- Land for riparian corridor in Tranche 34	34	Area hatched dark green and marked as ' <i>Riparian Corridor</i> ' including areas marked as ' <i>Shared Path</i> ', ' <i>PB1</i> ' and ' <i>PB2</i> ' on the Works Plan and Land Dedication Plan	Riparian Corridor including Shared Path, PB1 and PB2	Dedication of land in the approximate location shown as ' <i>Riparian Corridor</i> ' including the areas marked as ' <i>Shared Paths</i> ', ' <i>PB1</i> ' and ' <i>PB2</i> ' in Tranche 34 on the Works Plan and Land Dedication Plan.	Within 12 months of Council issuing the Subdivision Certificate that, when added to all previously issued Subdivision Certificates for the Development, authorises the subdivision of 90% of all NDA in Tranche 34 into Final Lots	NIL
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C. Monetary Contributions

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36 - Monetary Development Contributions per Final Lot up to the 1203th Final Lot	N/A	N/A	Various	In respect of the Development of up to the 1203th Final Lot: (a) \$30,000 per Final Lot from the 1,067 th Final Lot in the Development to the 1202 nd Final Lot inclusive, and (b) \$13,447 for the 1203 rd Final Lot, being 137 Final Lots in total to a maximum of \$4,093,447, subject to clause 27 ^s	Amount to be paid prior to the issuing of the Subdivision Certificate that creates the Final Lot	\$30,000 per Final Lot for 136 Final Lots and \$13,447 for 1 Final Lot.
37 - Monetary Development Contributions per Final Lot on and from the 1204 th Final Lot	N/A	N/A	Various	\$30,000 per Final Lot in the Development on and from the 1212 th Final Lot.	Amount to be paid prior to the issuing of the Subdivision Certificate that creates the Final Lot	\$30,000 per Final Lot.

Schedule 2

(Clause 1.1)

Design Approval and Maintenance Schedule

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Development Contribution Item	Location identifier on Works Plan	Design Approval required?	Maintenance regime required?	Maintenance Period	Vegetation Management Plan required?
1A & 1B	CC1 & CC4	No (Design approved prior to execution of VPA)	No	12 months	No
2	B1	No (Design approved prior to execution of VPA)	Yes	12 months	No
3 & 10	Shared paths	No	No	12 months	No
4	LP1A	No (Design approval obtained prior to execution of VPA)	Yes	12 months	No
5	B2	No	Yes	12 months	No
6A & 6B	SA1 & BC1	No (Design approved prior to execution of VPA)	Yes	12 months	No
7	LP4	No (Design approval obtained prior to execution of VPA)	Yes	12 months	No
8A	PB1	Yes	No	12 months	No
8B	PB2	Yes	No	12 months	No

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9	B5 & B6	No	Yes	12 months	No
11	Bus shelters (no identifier on plan)	No	No	12 months	No
13 and 14	Riparian Corridor	No	Yes	5 years	Yes
15	Transmission Line Easement/Open Space	Yes	Yes	5 years	No

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Oran Park South Planning Agreement
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Schedule 3

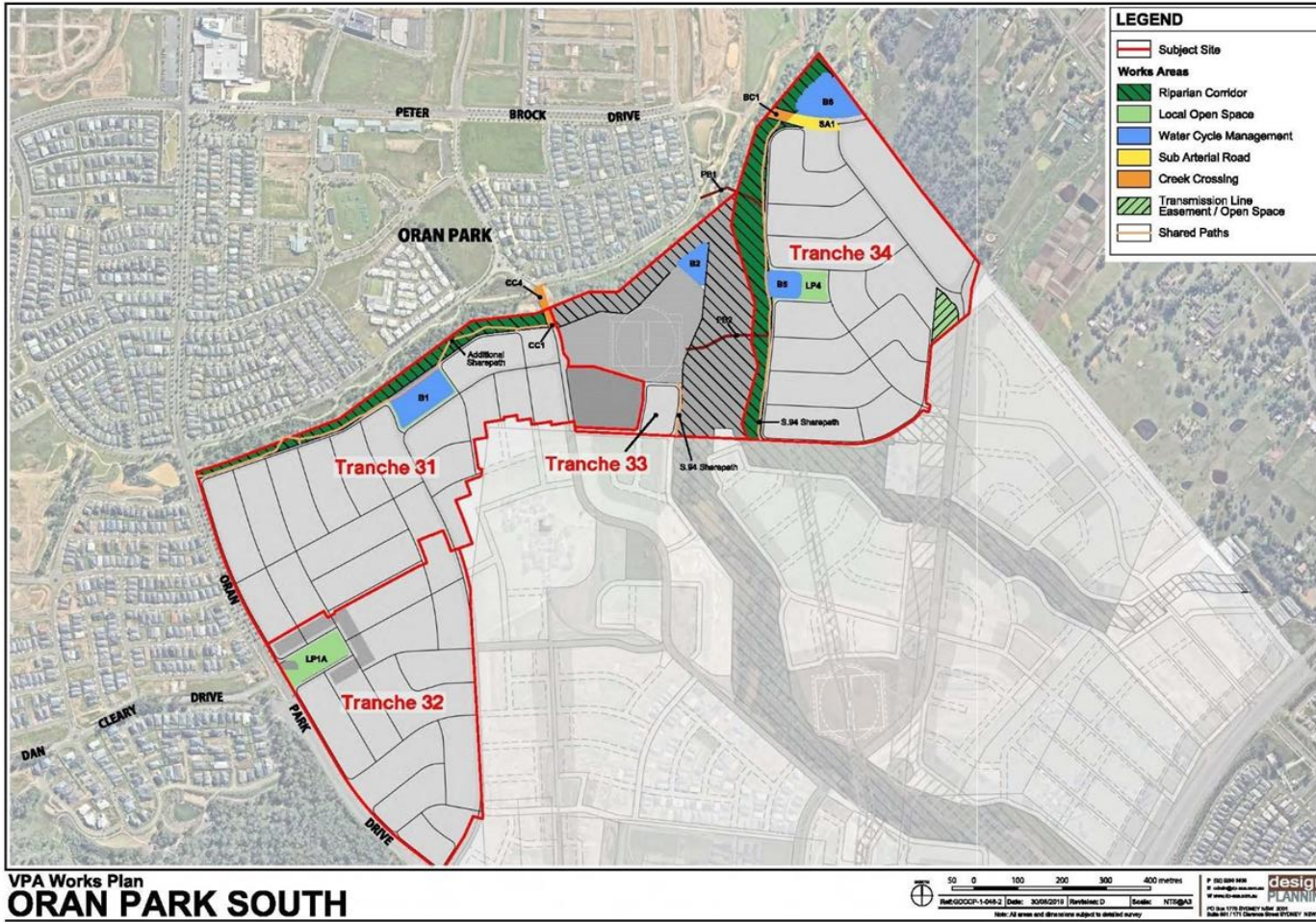
(Clause 10)

Works Plan

See next page.

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Schedule 4

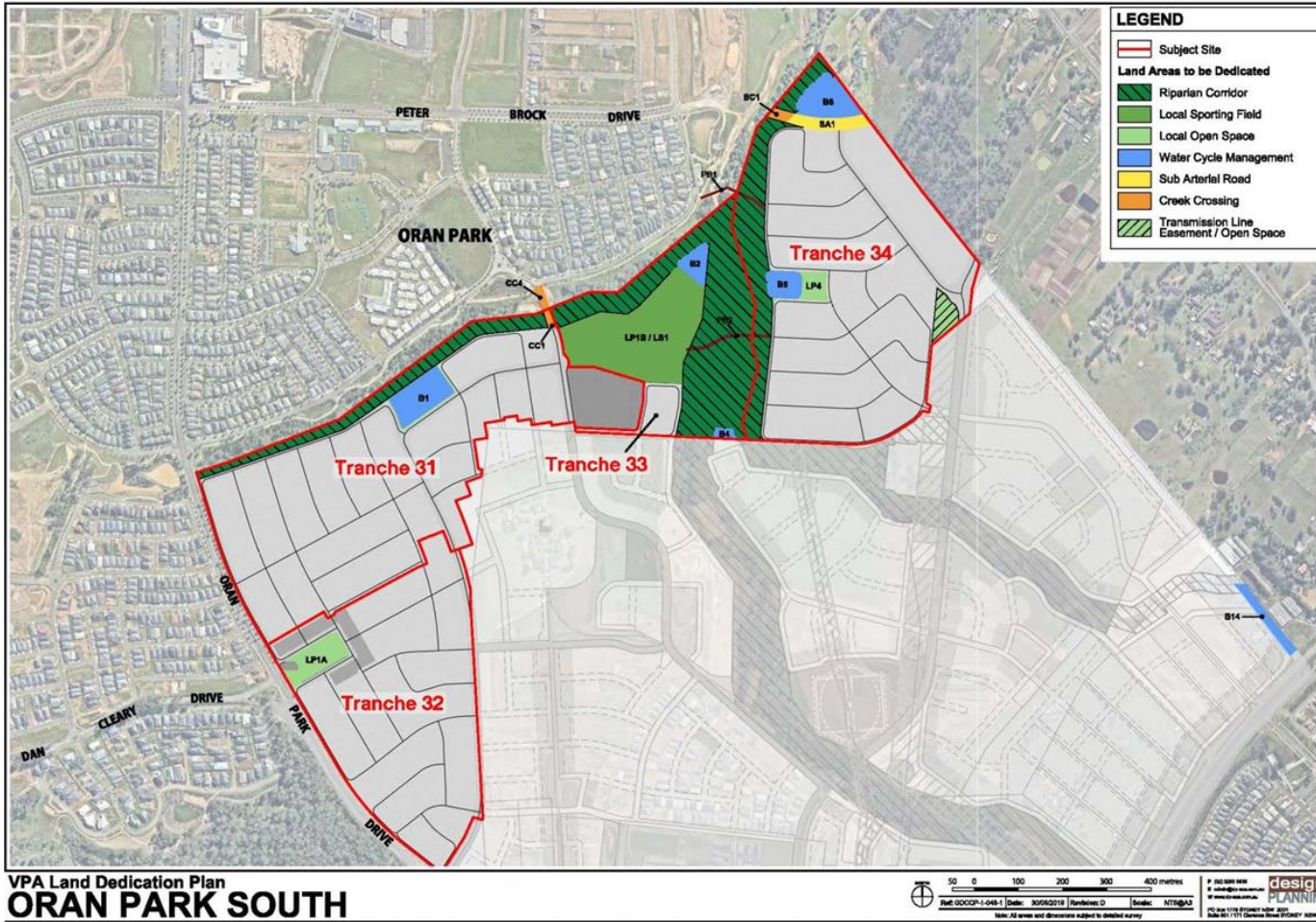
(Clause 10)

Land Dedication Plan

See next page.

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Schedule 5

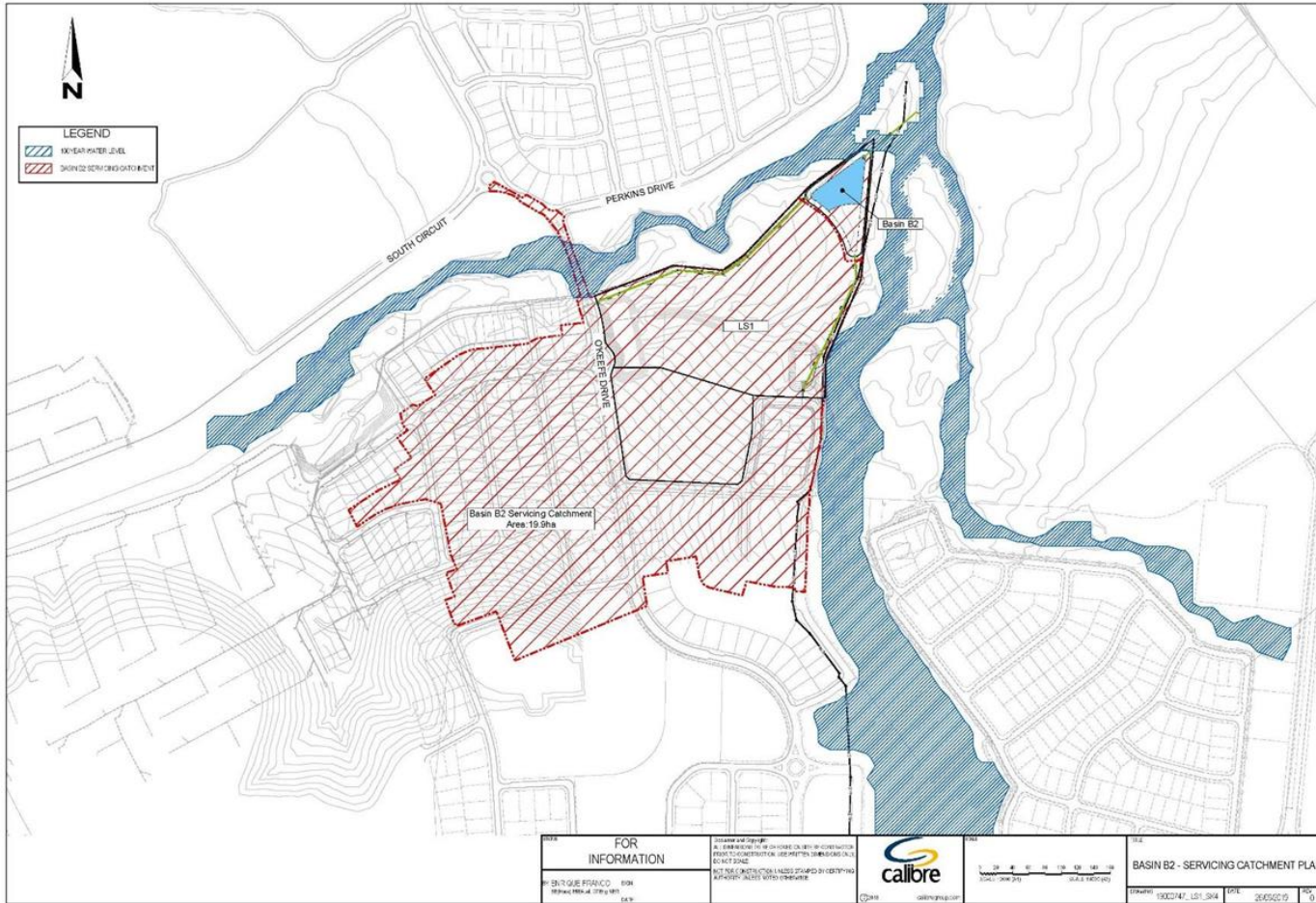
(Item 5, Schedule 1)

B2 Servicing Catchment Plan

See next page.

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**Oran Park South Planning Agreement
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Schedule 6

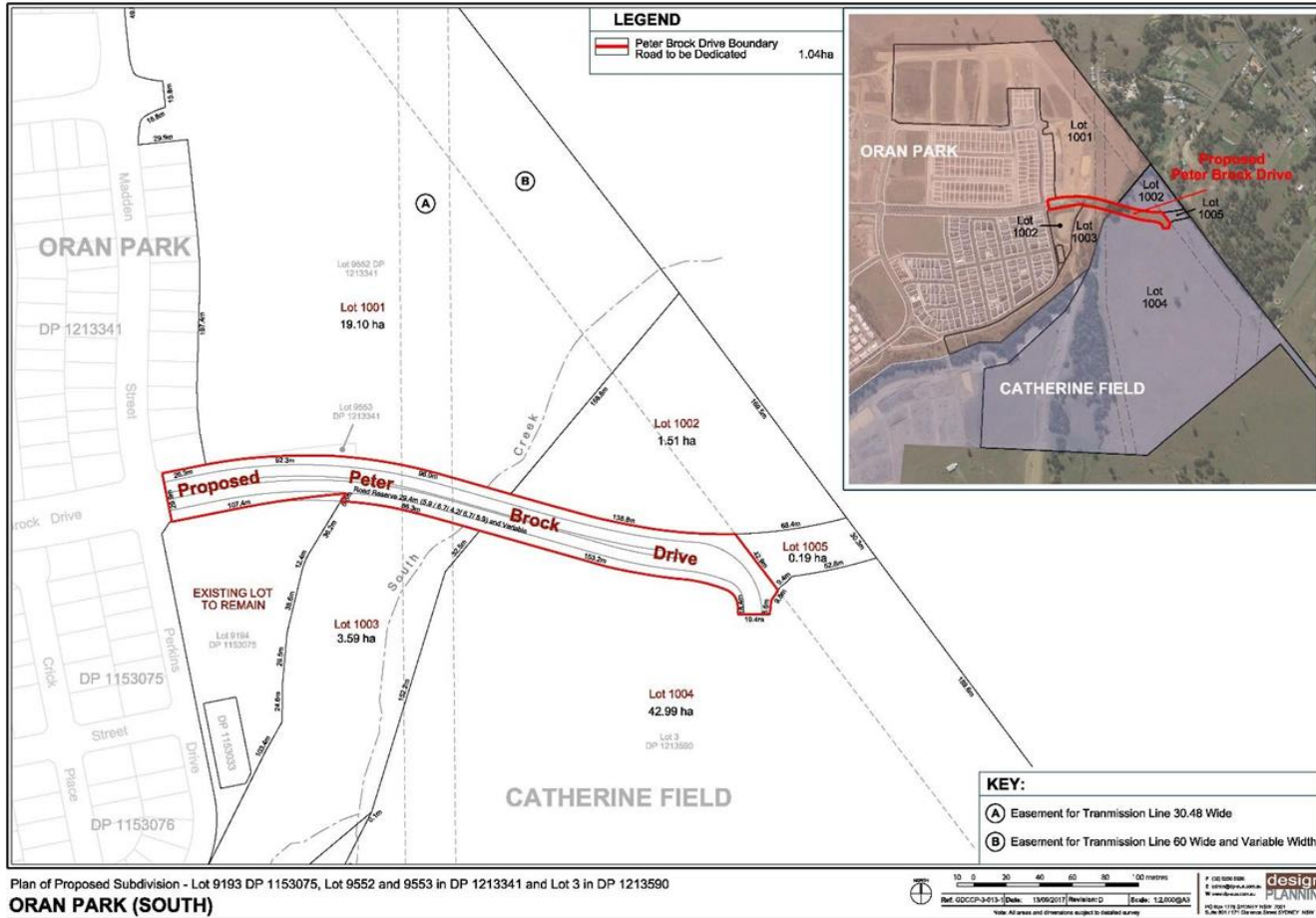
(Item 25B Schedule 1)

Proposed Lot 1005 Plan

See next page.

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ORD07

Oran Park South Planning Agreement
Camden Council
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Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager **Witness**

Mayor **Witness**

Executed on behalf of the GDC2 in accordance with s127(1) of the Corporations Act (Cth) 2001

Name/Position

Name/Position

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ORD07

Executed on behalf of the LPC in accordance with s127(1) of the Corporations Act (Cth) 2001

Name/Position

Name/Position

DRAFT

Attachment 1

Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
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Appendix

(Clause 63)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Camden Council ABN 31 117 341 764 of 70 Central Avenue, ORAN PARK NSW 2570 (**Council**)

and

Greenfields Development Company No.2 Pty Ltd ACN 133 939 965 of 1675 The Northern Rd BRINGELLY NSW 2556 (**GDC2**)

and

Leppington Pastoral Co Pty Ltd ACN 000 420 404 of 1675 The Northern Rd BRINGELLY NSW 2556 (**LPC**)

Description of the Land to which the Draft Planning Agreement Applies

Means land previously comprised in Lot 7 DP1173813 and any part of that land comprised in a lot created by Subdivision of that land, being land shown outlined by a red line and marked as 'Subject Site' on the Works Plan and Land Dedication Plan.

Means land previously comprised in Lot 7 DP1173813 and any part of that land comprised in a lot created by Subdivision of that land, being land shown outlined by a red line and marked as 'Subject Site' on the Works Plan with the exception of Lot 2059 in DP 1225569, Lot 3994 in DP1241212 and Lot 3395 in DP1241212. Also, Land means Lot 200 in DP 1235003.

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ORD07

Description of Proposed Development

Development, within the meaning of the Act, of the Land for urban purposes generally in accordance with the Works Plan and Land Dedication Plan involving the Subdivision of the Land into approximately 1,203 Final Lots, establishment of transport, utilities and stormwater management networks, provision of open space, recreation area embellishment, riparian corridor and transmission easement restoration and embellishment, and associated site works, the subject of Development Consent as modified from time to time, including following Development Consents:

- (a) Development Consent to Development Application DA1031/2015 granted by the Council on 18 December 2015 as modified from time to time,
- (b) Development Consent to Development Application DA1197/2015 granted by the Council on 9 February 2016 as modified from time to time,
- (c) Development Consent to Development Application DA1319/2015 granted by the Council on 22 April 2016 as modified from time to time.
- (d) Development Consent to Development Application DA1517/2015 granted by the Council on 20 June 2016 as modified from time to time.
- (e) Development Consent to Development Application DA1531/2015 granted by the Council on 30 August 2016 as modified from time to time.
- (f) Development Consent to Development Application DA21/2018 granted by the Council on 24 August 2018 as modified from time to time.
- (g) Development Consent to Development Application DA147/2018 granted by the Council on 13 May 2019 as modified from time to time.
- (h) Development Consent to Development Application DA907/2017 granted by the Council on 18 June 2018 as modified from time to time.
- (i) Development Consent to Development Application DA1330/2017 granted by the Council on 18 October 2018 as modified from time to time.
- (j) Development Consent to Development Application DA1413/2017 granted by the Council on 20 May 2019 as modified from time to time.
- (k) Development Consent to Development Application DA1774/2017 granted by the Council on 7 August 2019 as modified from time to time.

Attachment 1

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

Objectives of Draft Planning Agreement

The objectives of the Draft Planning Agreement are to provide infrastructure and facilities to meet the requirements of the Development and provide for the dedication of associated land to Council. Specifically, the Developer and the Landowners are to provide work and land for the purposes of open space and recreation, roads and transport and traffic management, drainage, vegetation management. To the extent the value of the works and land are less than what the Developer would normally be required to pay under s7.11 of the *Environmental Planning and Assessment Act 1979* (based on \$30,000 per lot), the Developer is to pay the Council monetary contributions for the difference.

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The Draft Planning Agreement incorporates obligations of the Developer and Landowners under existing works-in-kind agreements entered into with the Council, and has the effect of rescinding those works-in-kind agreements.

Nature of Draft Planning Agreement

The Draft Planning Agreement is a planning agreement under s7.4 of the EPA Act. It is a voluntary agreement, under which the Developer and Landowners make Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 7.4(2) of the EPA Act).

Effect of the Draft Planning Agreement

The Draft Planning Agreement:

- relates to the carrying out by the Developer of the Development,
- terminates the works-in-kind agreements entered into between the Council, the Developer and the Landowners,
- excludes the application of s 7.11 and s 7.12 of the EPA Act to the Development,
- does not exclude the application of s 7.24 of the EPA Act to the Development,
- requires dedication of land and carrying out of works for various public purposes,
- requires the payment of monetary contributions for various public purposes,
- the Developer is to provide security as follows:
 - provide a bank guarantee, bond or other form of security (as agreed); and
 - grant the Council a charge over the charge land,
 - compulsory acquisition arrangements for the land dedication.
- is to be registered on the titles to the part of the Land that originally comprised Lot 3996 DP1241212 and which has not been created as a Final Lot,
- imposes restrictions on the Developer and Landowners transferring the Land or part of the Land or assigning an interest under the Agreement,
- provides two dispute resolution methods where a dispute arises under the agreement, being mediation and expert determination,
- provides that the agreement is governed by the law of New South Wales,
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

**Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd**

ORD07

Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the Land to which the Planning Agreement applies,
- allows for the delivery and co-ordination of various public amenities and facilities,
- provides land for public purposes in connection with the Development, including for water management, open space and roads and traffic,
- provides and co-ordinates community services and facilities in connection with the Development, and

The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer and Landowners to make monetary, works and land dedication contributions to Council, to facilitate the development of the Land in connection with the provision of necessary infrastructure and community facilities.

How the Draft Planning Agreement Promotes the Public Interest

The Draft Planning Agreement promotes the public interest by:

- promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and
- delivering infrastructure and facilities which benefit the local and wider community.

For Planning Authorities:

Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities

N/A

Other Public Authorities – How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted

N/A

Councils – How the Draft Planning Agreement Promotes the Guiding Principles for councils in s8A of the Local Government Act 1993 (Previously s8 Elements of the Council's Charter)

The Draft Planning Agreement promotes the guiding principles for councils by ensuring that land is managed and works are delivered which will ensure

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Oran Park South Planning Agreement
Camden Council
Greenfields Development Company No.2 Pty Ltd
Leppington Pastoral Co Pty Ltd

adequate, equitable and appropriate services and facilities are provided for the community as made necessary by the Development in an affordable way, and enables Council to work with others to secure appropriate services for local community needs.

All Planning Authorities – Whether the Draft Planning Agreement Conforms with the Authority’s Capital Works Program

The Draft Planning Agreement does not conform with the Council’s capital works program as it contains items that are not in that program.]

All Planning Authorities – Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

This Draft Planning Agreement contains requirements that must be complied with before certain construction certificates may be issued, namely the approval of the design of works.

This Draft Planning Agreement contains requirements that must be complied with before certain subdivision certificates may be issued, namely the carrying out of works and dedication of land, and payment of monetary contributions.

DRAFT

Attachment 1

**Local
Government
Remuneration
Tribunal**

**Annual Report and
Determination**

*Annual report and determination under sections 239 and
241 of the Local Government Act 1993*

**10 June
2020**

[NSW Remuneration Tribunals website](#)

Local Government Remuneration Tribunal

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Local Government Remuneration Tribunal

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Executive Summary

The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

In response to the COVID-19 pandemic the Minister for Local Government, the Hon Shelley Hancock MP, made the *Local Government (General) Amendment (COVID-19) Regulation 2020* which extends the time for the making of this determination to no later than 1 July 2020.

Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2017. In accordance with the LG Act the Tribunal undertook a review of the categories and allocation of councils into each of those categories as part of the 2020 review.

In reviewing the categories, the Tribunal examined a range of statistical and demographic data and considered the submissions of councils and Local Government NSW (LGNSW). Having regard to that information, the Tribunal has determined to retain a categorisation model which differentiates councils primarily on the basis of their geographic location, and the other factors including population, the sphere of the council's economic influence and the degree of regional servicing.

For the Metropolitan group the Tribunal has determined to retain the existing categories and has amended the population criteria applicable to Metropolitan Large and Metropolitan Medium. For the Non-Metropolitan group, the Tribunal has determined to: create two new categories - Major Strategic Area and Regional Centre; rename one category - Regional City to Major Regional City; and revise the criteria for some of the existing categories to account for the new categories.

In accordance with section 239 of the LG Act the categories of general purpose councils are determined as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-metropolitan

- Major Regional City
- Major Strategic Area
- Regional Strategic Area
- Regional Centre
- Regional Rural
- Rural

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Local Government Remuneration Tribunal

Fees

The Tribunal has determined that there will be no increase in the minimum and maximum fees applicable to each existing category. For the new categories, the Tribunal has determined fees having regard to relevant relativities.

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Section 1 Introduction

1. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
2. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.
3. In response to the COVID-19 pandemic the Minister for Local Government, the Hon Shelley Hancock MP, made the *Local Government (General) Amendment (COVID-19) Regulation 2020* which extends the time for the making of this determination to no later than 1 July 2020.
4. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
5. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the Government's wage policy pursuant to section 242A (3) of the LG Act.
6. The Tribunal's determinations take effect from 1 July in each year.

Section 2 2019 Determination

7. The Tribunal considered ten requests for re-categorisation. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data. In reviewing the submissions received the Tribunal applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the

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relativities within the categories.

8. The Tribunal found that the allocation of councils into the current categories was appropriate but again noted that some of those councils seeking to be moved were likely to meet the criteria for re-categorisation in future determinations.
9. The Tribunal's 2019 Determination was made on 15 April 2019 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.
10. The Tribunal's findings for North Sydney was not addressed in the 2019 Determination and is dealt with in Section 3 below.

Section 3 Review of categories

Scope of review

11. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last reviewed the categories during the 2017 annual review.
12. In determining categories, the Tribunal is required to have regard to the following matters that are prescribed in section 240 of the LG Act:

"240 (1)

- *the size of areas*
- *the physical terrain of areas*
- *the population of areas and the distribution of the population*
- *the nature and volume of business dealt with by each Council*
- *the nature and extent of the development of areas*
- *the diversity of communities served*
- *the regional, national and international significance of the Council*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government*
- *such other matters as may be prescribed by the regulations."*

13. The Tribunal foreshadowed in the 2019 Determination of its intention to undertake a review of the categories in accordance with the LG Act:

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“12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.”

14. The Tribunal wrote to all mayors in October 2019 advising of the commencement of the 2020 review and invited submissions from councils on the following matters:

1. *Proposed classification model and criteria*
2. *Allocation in the proposed classification model*
3. *Range of fees payable in the proposed classification model*
4. *Other matters*

15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.

16. The Tribunal also met with the Mayors and General Managers of Central Coast and Maitland Councils and the Tribunal thanks them for making the time to meet with the Tribunal.

Submissions received - categorisation

17. The Tribunal received 38 submissions from individual councils, a submission from LGNSW and a submission from Regional Cities NSW. Most of the submissions addressed the Tribunal’s proposed categorisation model, the allocation of councils into those categories and fees. A summary of the matters raised, and the Tribunal’s consideration of those matters is outlined below.

Proposed classification model and criteria

18. Submissions from 20 councils and LGNSW supported the Tribunal’s proposal to create a new category of Regional Centre for the Non-Metropolitan group and were of the view

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that the range of fees would be somewhere between Regional Strategic Area and Regional Rural.

19. Several submissions from Non-Metropolitan councils proposed alternative changes to the model such as, the merging of the Regional Rural and Rural categories, the creation of a new 'Regional' category and the renaming of Regional City to 'Gateway City' or 'Nationally Significant Regional City'.
20. Four submissions from Metropolitan councils sought the creation of a new Metropolitan category with the title of 'Metropolitan Large – Growth Area' or 'Metropolitan Major'.

Allocation in the proposed classification model

21. The Tribunal proposed to allocate 24 councils in the proposed new category of Regional Centre. Of these 24 councils, 14 provided a submission - 11 councils noted or supported their allocation as Regional Centre and 3 councils sought re-categorisation as Regional Strategic Area.
22. In addition to the 3 councils, another 17 councils sought re-categorisation into one of the categories included in the Tribunal's proposed model or into requested alternative new categories. The 20 re-categorisation requests are addressed in Section 3 – Allocation of councils into categories.

Findings - categorisation

23. The Tribunal acknowledges the significant number of submissions received this year and is grateful for the positive response and effort made in those submissions to comment on the proposed categorisation model and suggest alternatives for consideration.
24. There has been broad support to the Tribunal's proposal to create a new Non-Metropolitan category of Regional Centre and rename Regional City to Major Regional City. On that basis the Tribunal will determine the new category of Regional Centre and rename Regional City to Major Regional City. There have been some new criteria added to the category of Major Regional City to acknowledge the broader national and state focus of these cities which impact upon the operations of the council.
25. After considering the views in submissions the Tribunal re-examined the Non-Metropolitan category of Regional Strategic Area in terms of its criteria and the

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characteristics of the councils allocated into it. The Tribunal concluded that the characteristics of the two councils allocated to this category – Central Coast and Lake Macquarie – were sufficiently different to warrant further differentiation. Central Coast has a population greater than 340,000 making it the third largest council by population in NSW and the sixth largest council by population in Australia. It also has the second largest revenue base of all councils in NSW. Central Coast is a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region. A new category has been created for Central Coast Council and is to be titled Major Strategic Area. The criteria for this category include local government areas with a minimum population of 300,000, and larger scale and scope to those categorised as Regional Strategic Area. There is no change to the population threshold for the category of Regional Strategic Area, however the other criteria have been amended to account for other changes in the Non-Metropolitan group.

26. The Tribunal's preliminary thinking was that no changes to the categories and criteria for Metropolitan and County Councils were warranted. In respect to the categories, the Tribunal continues to hold that view. In respect to the criteria, after considering submissions the Tribunal re-examined the population criteria for both the Metropolitan Medium and Metropolitan Large categories.
27. North Sydney and Willoughby councils again put forward cases for non-resident workers to be included in the population for Metropolitan Medium. To examine this claim more broadly the Tribunal reviewed non-resident working populations across all metropolitan councils. After careful consideration the Tribunal concluded there was a strong case to recognise the impact on councils of serving significant numbers of non-resident workers. The criteria now provide for councils with a non-resident working population of 50,000 or above to move to another category if their combined resident and non-resident working population exceeds the minimum population threshold. The criteria for Metropolitan Medium and Metropolitan Large have been amended as follows:

Metropolitan Large

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Metropolitan Medium

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Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

28. In making this determination the Tribunal reviewed the criteria for other Metropolitan categories and found that the current population thresholds are appropriate.
29. The revised model which will form the basis of this determination is as follows:

Metropolitan	Non-Metropolitan
<ul style="list-style-type: none"> • Principal CBD • Major CBD • Metropolitan Large • Metropolitan Medium • Metropolitan Small 	<ul style="list-style-type: none"> • Major Regional City • Major Strategic Area • Regional Strategic Area • Regional Centre • Regional Rural • Rural

30. The criteria for each of the categories are outlined at Appendix 1. Minor changes have been made to the criteria for some of the existing categories to account for the new categories. As with the previous categorisation model the predominant factor to guide categorisation is population. Other common features of councils within those categories are also broadly described. These criteria have relevance when population alone does not adequately reflect the status of one council compared to others with similar characteristics. In some instances, the additional criteria will be significant enough to warrant the categorisation of a council into a group with a higher population threshold.
31. There is no change to the categorisation of county councils.

Allocation of councils into categories

32. In accordance with section 239 of the LG Act the Tribunal is required to allocate each of the councils into one of the categories. The allocation of councils is outlined in Determination No. 1 of Section 6.
33. Twenty (20) submissions received from councils requested re-categorisation and were considered having regard to the case put forward and the criteria for each category.
34. At the time of making the determination the Tribunal had available to it the 30 June 2019 population data released by the Australian Bureau of Statistics (ABS) on 25 March 2020.

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35. A summary of the Tribunal's findings for each of the applications for re-categorisation is outlined in the following paragraphs.

Metropolitan Large Councils

36. Canterbury-Bankstown, Penrith and Blacktown have requested the creation of new categories into which they be re-categorised. Canterbury-Bankstown has requested a new category named 'Metropolitan Major'. Penrith and Blacktown have requested a new category named 'Metropolitan Large – Growth Centre'.

37. The Tribunal considers that Canterbury-Bankstown, Penrith and Blacktown are appropriately categorised as Metropolitan Large.

Metropolitan Medium Councils

38. Inner West has again sought to be re-categorised as Metropolitan Large. The Tribunal outlined in the 2019 determination that Inner West's June 2018 population of 198,024 was below the indicative population of other Metropolitan Large councils, but based on growth predictions it was likely Inner West would meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

39. Inner West's June 2019 population is 200,811 and the council now meets the criteria to be categorised as Metropolitan Large.

40. Ryde has sought to be re-categorised as Metropolitan Large on the basis of the large non-resident working population in the Macquarie Park Business Park (MPBP) precinct, the economic output of the precinct and its array of significant regional services.

41. The Hills has requested the creation of a new category named 'Metropolitan Growth' and that it be categorised into it. Recognition is sought for councils experiencing significant growth. The submission also notes that while Ryde does not meet the residential population criteria for Metropolitan Large it meets the other relevant criteria.

42. As previously discussed, the Tribunal has reviewed the impact of large numbers of non-residents visitors and workers and revised the criteria for Metropolitan Large Councils. Ryde and The Hills have been assessed against the new revised criteria being - *Councils may also be categorised as Metropolitan Large if their residential population combined*

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with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

43. Both Ryde and The Hills have a non-resident working population of more than 50,000 and combined with their resident populations they meet the revised criteria for inclusion in the group of Metropolitan Large councils. Both councils also provide a sphere of economic influence and provide regional services considered akin to those of other metropolitan large councils.

Metropolitan Small Councils

44. Camden, Willoughby and North Sydney have sought to be re-categorised as Metropolitan Medium.
45. The Tribunal outlined in the 2019 determination that Camden's June 2018 population of 94,159 was below the indicative population of other Metropolitan Medium councils, but based on growth predictions it was likely Camden would meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.
46. Camden's June 2019 population is 101,437 and the council now meets the criteria to be categorised as Metropolitan Medium.
47. The Tribunal has previously considered requests from Willoughby and North Sydney Councils to be re-categorised as Metropolitan Medium in 2018 and 2019. Both Councils have populations within the indicative population range for Metropolitan Small councils but well below that of Metropolitan Medium. Both Councils have argued that their scale of operations, degree of regional servicing and high number of non-resident visitors and workers more closely align with the characteristics of Metropolitan Medium Councils.
48. As previously discussed, the Tribunal has reviewed the impact of large numbers of non-resident workers and revised the criteria for Metropolitan Medium Councils. Willoughby and North Sydney have been assessed against the new revised criteria being - *Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.*
49. Both Willoughby and North Sydney have a non-resident working population of more than 50,000 and combined with their resident populations they meet the revised criteria for inclusion in the group of Metropolitan Medium councils. Both councils also meet the

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other criteria having: a significant regional role as the third and fourth biggest CBDs in Sydney after Sydney City and Parramatta; strategic significance as either transport hubs, business, cultural or employment centres.

50. Both North Sydney and Willoughby meet the criteria for re-categorisation as Metropolitan Medium.

Regional City Councils

51. Newcastle and Wollongong have proposed new categories into which they have sought to be re-categorised. Newcastle has proposed a new category named 'Gateway City' and Wollongong a new category named 'Nationally Significant Regional City'.
52. The Tribunal's revised categorisation model re-named the existing category of Regional City to Major Regional City and found no case to adopt the new categories proposed by Newcastle and Wollongong. The Tribunal considers that both councils are appropriately categorised as Major Regional City.

Regional Strategic Area Councils

53. Central Coast has again sought to be re-categorised as Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area).
54. Central Coast does not meet the broader criteria applicable to other councils in the category of Major Regional City - being Newcastle and Wollongong. As previously discussed a new category - Major Strategic Area - has been created to recognise the scale and unique position of Central Coast Council to both the Sydney and Hunter regions.

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Regional Rural Councils

55. Bathurst, Maitland, and Shoalhaven noted that under the Tribunal's proposed allocation of councils they would be allocated to the new Regional Centre category, however the three councils sought to be re-categorised as Regional Strategic Area.
56. Bathurst's June 2019 population of 43,618, Maitland's June 2019 population of 85,166 and Shoalhaven's June 2019 population of 105,648 are below the indicative population of Regional Strategic Area councils. The Tribunal considers that Bathurst, Maitland and Shoalhaven are all appropriately categorised as Regional Centre.
57. Bega, Byron and Eurobodalla have sought to be re-categorised to the new Regional Centre category. Bega's June 2019 population of 34,476, Byron's June 2019 population of 35,081 and Eurobodalla's June 2019 population of 38,473 are significantly below the indicative population of Regional Centre councils. These councils have not demonstrated the additional criteria to warrant inclusion in the Regional Centre group.

Rural Councils

58. Muswellbrook and Federation have again sought to be re-categorised as Regional Rural. Muswellbrook's June 2019 population of 16,377 and Federation's June 2019 population of 12,437 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.

Section 4 Fees

59. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A of the LG Act, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or varying awards or orders relating to the conditions of employment of public sector employees.
60. The current policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (IR Regulation 2014). When the Tribunal undertook the annual review the effect of the IR Regulation 2014

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was that public sector wages could not increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.

61. The Tribunal received submissions for consideration during the annual review in late 2019. Those submissions were made prior to the pandemic and overwhelmingly supported a 2.5 per cent increase in the ranges of fees which was consistent with the Government's wages policy at the time. A summary of those submissions is outlined in the paragraphs 62 and 63.
62. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also reiterated the long-held view that fees for mayors and councillors are well behind, the current fee structure fails to recognise the work of elected representatives and is inadequate to attract and retain individuals with the necessary skills and experience. Comparative information was again presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. The LGNSW submission also noted the Tribunal's previous observations that it does not have jurisdiction on the matter of non-payment of superannuation but again invited the Tribunal to make a recommendation to the NSW State Government for councillor remuneration to include a payment for superannuation equivalent to the Superannuation Guarantee.
63. Several submissions sought an increase to the allowable maximum of 2.5 per cent acknowledging the restrictions on the Tribunal from the Government's wages policy. Several submissions sought an increase greater than 2.5 per cent by requesting that fees be aligned to councillor fees in Victoria and Queensland or to NSW members of Parliament.
64. Since receiving and considering those submissions there have been a number of factors which have influenced the Tribunal's views in regard to the annual increase. These include the impact of the bushfires and the current COVID-19 pandemic on the state and federal economies and the wellbeing of our communities.
65. To ensure the Tribunal had sufficient time to consider the COVID-19 pandemic the Minister for Local Government, the Hon Shelley Hancock MP, made the *Local Government*

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(General) Amendment (COVID-19) Regulation 2020 which extends the time for the making of this determination to no later than 1 July 2020.

66. On 29 May 2020 the Premier, the Hon Gladys Berejiklian MP, made the *Industrial Relations (Public Sector Conditions of Employment) Amendment (Temporary Wages Policy) Regulation 2020*. That regulation amended the IR Regulation 2014 to implement a temporary wages policy, being a 12-month pause on wage increases for public sector employees covered by the IR Act.
67. On 2 June 2020 the amending regulation was disallowed by the Legislative Council. The effect of that disallowance is that the Government's wages policy which provides for increases of up to 2.5 per cent continues to apply.
68. While the Tribunal is required to give effect to the Government's wages policy in the making of this determination, it is open to the Tribunal to determine an increase of up to 2.5 per cent or no increase at all. Given the current economic and social circumstances, the Tribunal has determined that there be no increase in the minimum and maximum fees applicable to each existing category.
69. The minimum and maximum fees for the two new categories of Major Strategic Area and Regional Centre have been set having regard to relevant relativities. The new category of Major Strategic Area has equivalent annual fees to Major Regional City. The new category of Regional Centre has annual fees between those applicable to Regional Strategic Area and Regional Rural. In accordance with the LG Act councils can be placed in a new category with a higher range of fees without breaching the Government's wages policy.

Section 5 Other matters

70. The Tribunal addressed the matter of non-payment of superannuation in the 2019 Determination:

"40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

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“54. *The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69).*”

71. By way of clarification, the amount redirected under this ruling is funded from the annual fees as determined by Tribunal – it is not an additional amount funded by the council.
72. The Tribunal notes that the Hon Shelly Hancock MP, Minister for Local Government released the *Councillor superannuation discussion paper* in March 2020, to seek the views of councils and their communities on whether councillors should receive superannuation payments. The deadline for submissions was Friday 8 May 2020.

Conclusion

73. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories, pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 10 June 2020

Local Government Remuneration Tribunal

Section 6 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2020

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (11)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Camden
Fairfield	Georges River
Inner West	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	North Sydney
Penrith	Randwick
Ryde	Willoughby
Sutherland	
The Hills	
Metropolitan Small (8)	
Burwood	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
Strathfield	
Waverley	
Woollahra	

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Table 2: General Purpose Councils – Non-Metropolitan

Major Regional City (2)		Major Strategic Area (1)		Regional Strategic Area (1)	
Newcastle		Central Coast		Lake Macquarie	
Wollongong					

Regional Centre (24)		Regional Rural (13)	
Albury	Mid-Coast	Bega	
Armidale	Orange	Broken Hill	
Ballina	Port Macquarie-Hastings	Byron	
Bathurst	Port Stephens	Eurobodalla	
Blue Mountains	Queanbeyan-Palerang	Goulburn Mulwaree	
Cessnock	Shellharbour	Griffith	
Clarence Valley	Shoalhaven	Kempsey	
Coffs Harbour	Tamworth	Kiama	
Dubbo	Tweed	Lithgow	
Hawkesbury	Wagga Wagga	Mid-Western	
Lismore	Wingecarribee	Richmond Valley Council	
Maitland	Wollondilly	Singleton	
		Snowy Monaro	

Rural (57)			
Balranald	Cootamundra-Gundagai	Junee	Oberon
Bellingen	Cowra	Kyogle	Parkes
Berrigan	Dungog	Lachlan	Snowy Valleys
Bland	Edward River	Leeton	Temora
Blayney	Federation	Liverpool Plains	Tenterfield
Bogan	Forbes	Lockhart	Upper Hunter
Bourke	Gilgandra	Moree Plains	Upper Lachlan
Brewarrina	Glen Innes Severn	Murray River	Uralla
Cabonne	Greater Hume	Murrumbidgee	Walcha
Carrathool	Gunnedah	Muswellbrook	Walgett
Central Darling	Gwydir	Nambucca	Warren
Cobar	Hay	Narrabri	Warrumbungle
Coolamon	Hilltops	Narrandera	Weddin
Coonamble	Inverell	Narromine	Wentworth
			Yass

Table 3: County Councils

Water (4)		Other (6)	
Central Tablelands		Castlereagh-Macquarie	
Goldenfields Water		Central Murray	
Riverina Water		Hawkesbury River	
Rous		New England Tablelands	
		Upper Hunter	
		Upper Macquarie	

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Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, the annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2020 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Major Regional City	18,430	32,040	39,160	99,800
	Major Strategic Area	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Centre	13,820	24,320	28,750	60,080
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal

Signed

Dr Robert Lang

Dated: 10 June 2020

Local Government Remuneration Tribunal

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Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

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Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

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Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 200,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

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Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.
- Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural

Councils categorised as Rural will typically have a residential population less than 20,000.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Biosecurity Act 2015*.