



Camden Council

Attachments

Ordinary Council Meeting
8 April 2014

Camden Civic Centre
Oxley Street
Camden



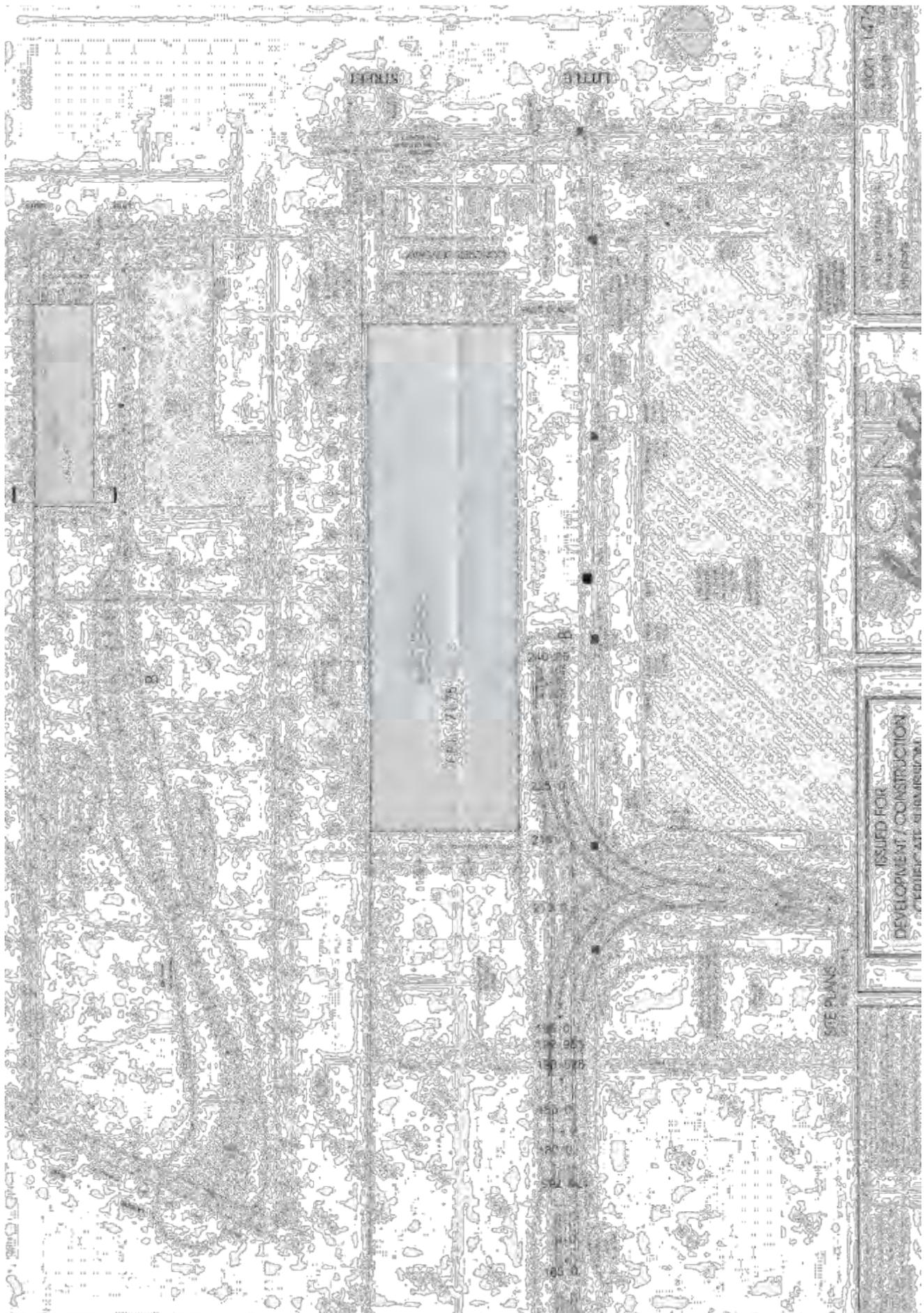
ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

ORD01	Construction And Use Of A New Warehouse Building, New Truck Access From Cawdor Road And Associated Site Works At 19A Little Street, Camden	
	Attachment 1: Proposed Plans	5
ORD02	Section 96(AA) Modification - Modification To Make Trial Operating Hours Permanent For An Approved Sex Services Premises At 1 Kibble Place, Narellan	
	Attachment 1: Safer By Design Evaluation - NSW Police Force	11
ORD03	Emerald Hills Rezoning	
	Attachment 1: Attachment 1 Summary of submissions to Emerald Hills exhibition	12
	Attachment 2: Attachment 2 Emerald Hills Planning Proposal FINAL	41
	Attachment 3: Attachment 3Draft Emerald Hills DCP controls March 2014	121
	Attachment 4: Attachment 4 Draft Emerald Hills VPA March 2014 FINAL	152
ORD04	Amendment 34 - Mapping Amendment To Reflect Growth Centre Precincts	
	Attachment 1: Attachment Pro-Forma S73A submission form	239
ORD05	Adoption Of Phase 3 Governance Documents For The Central Administration Building Project	



Attachment 1: Suite of Phase 3 Governance Documents 241



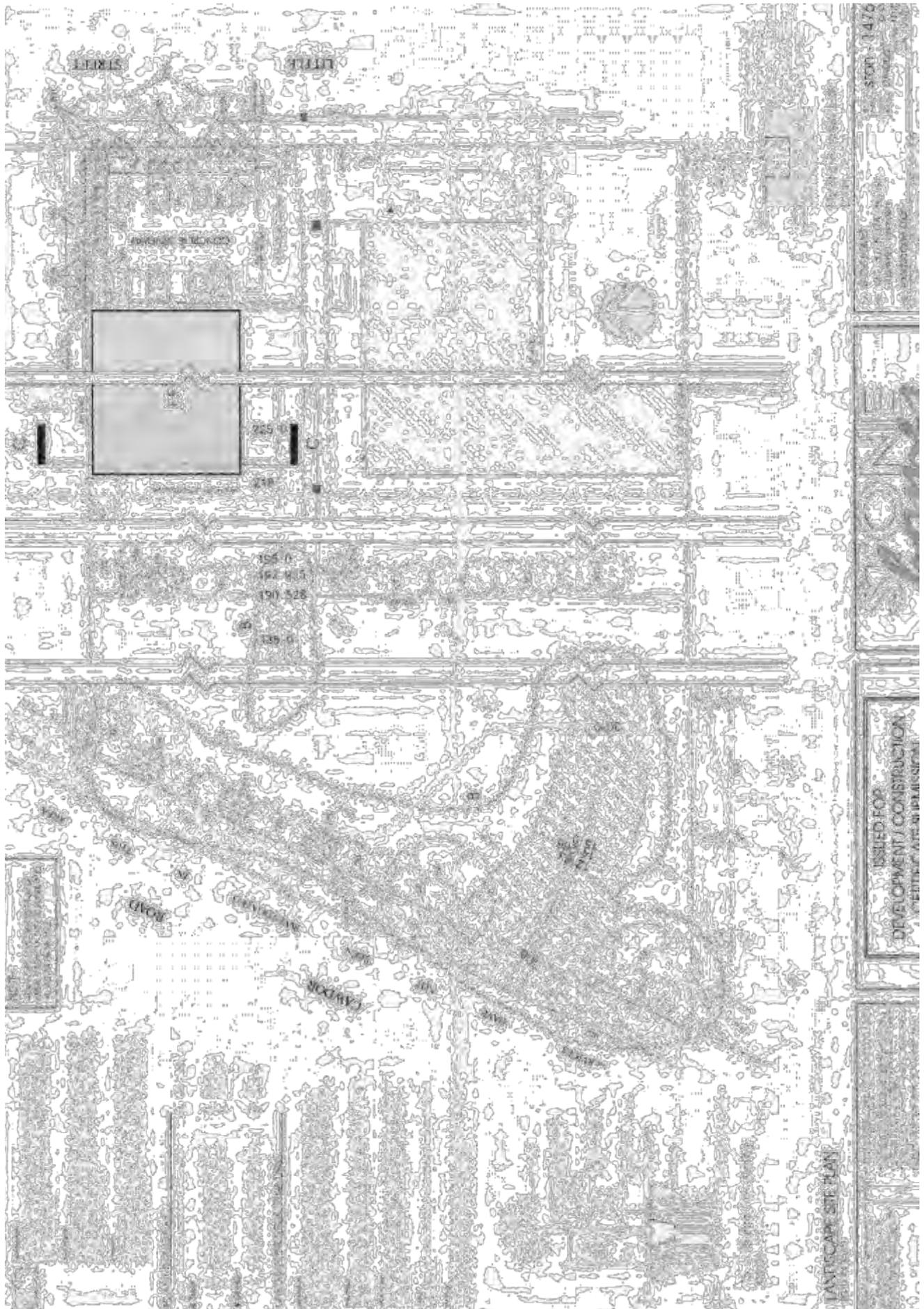
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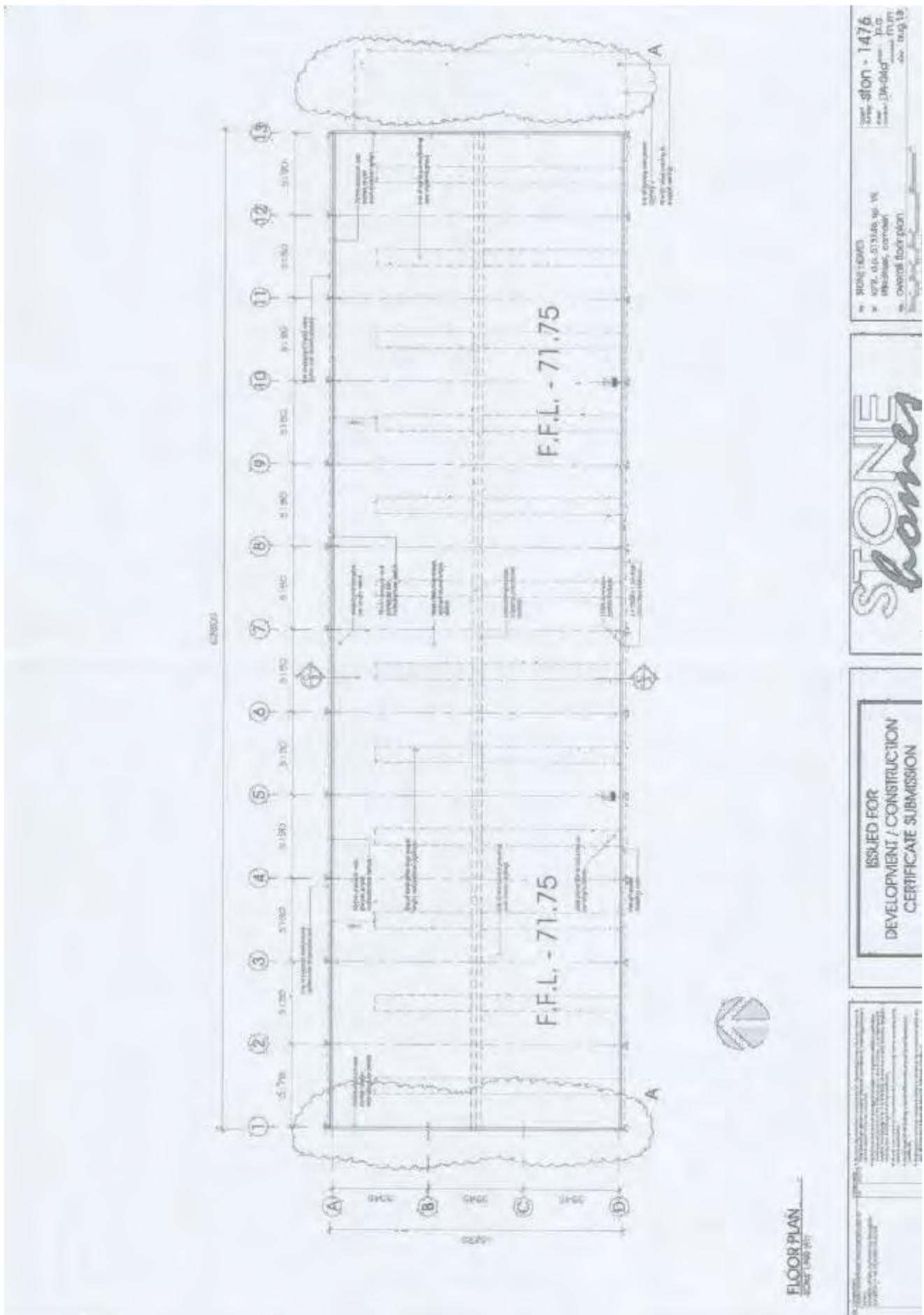
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ISSUED FOR
DEVELOPMENT / CONSTRUCTION

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Attachment 1



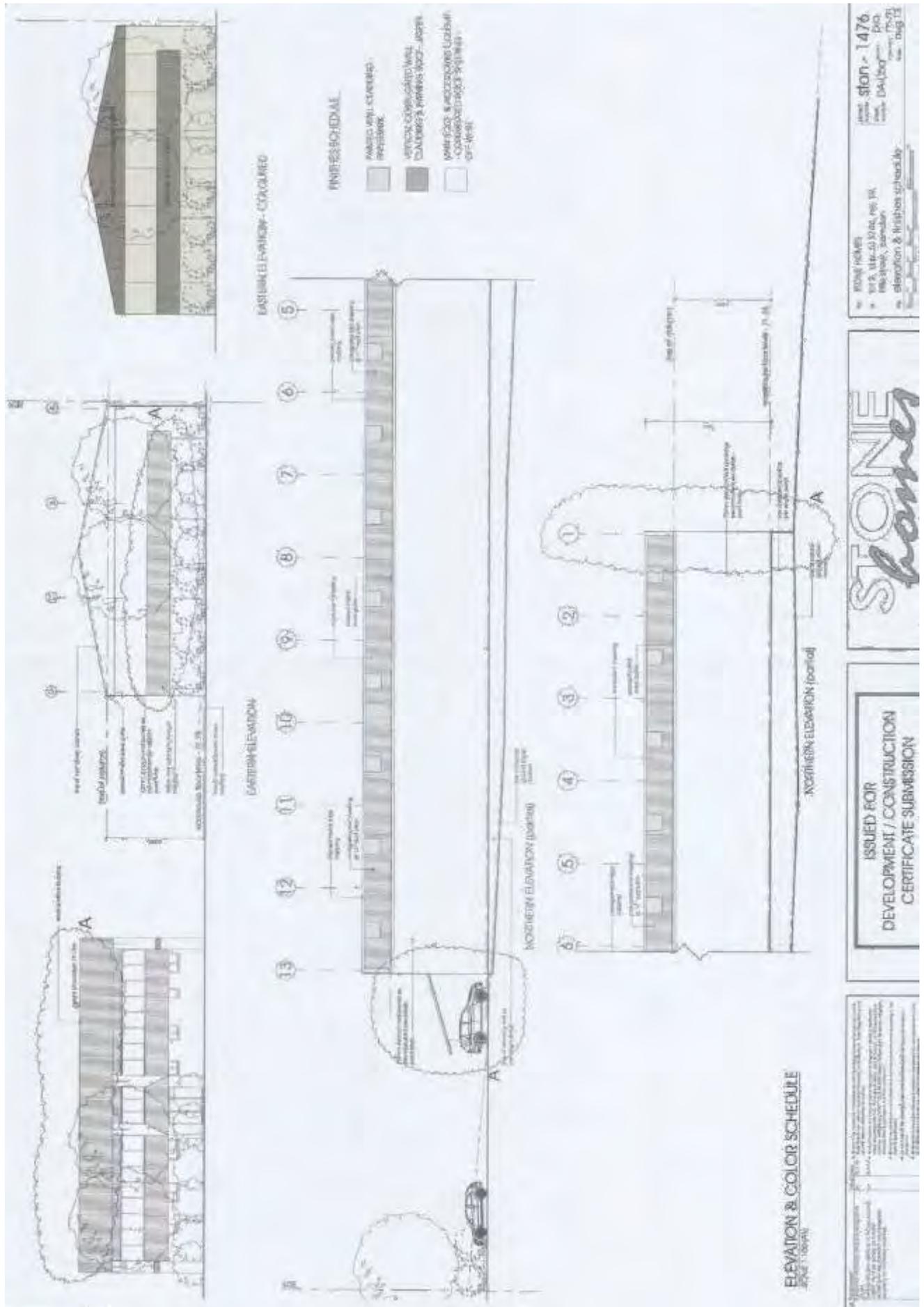


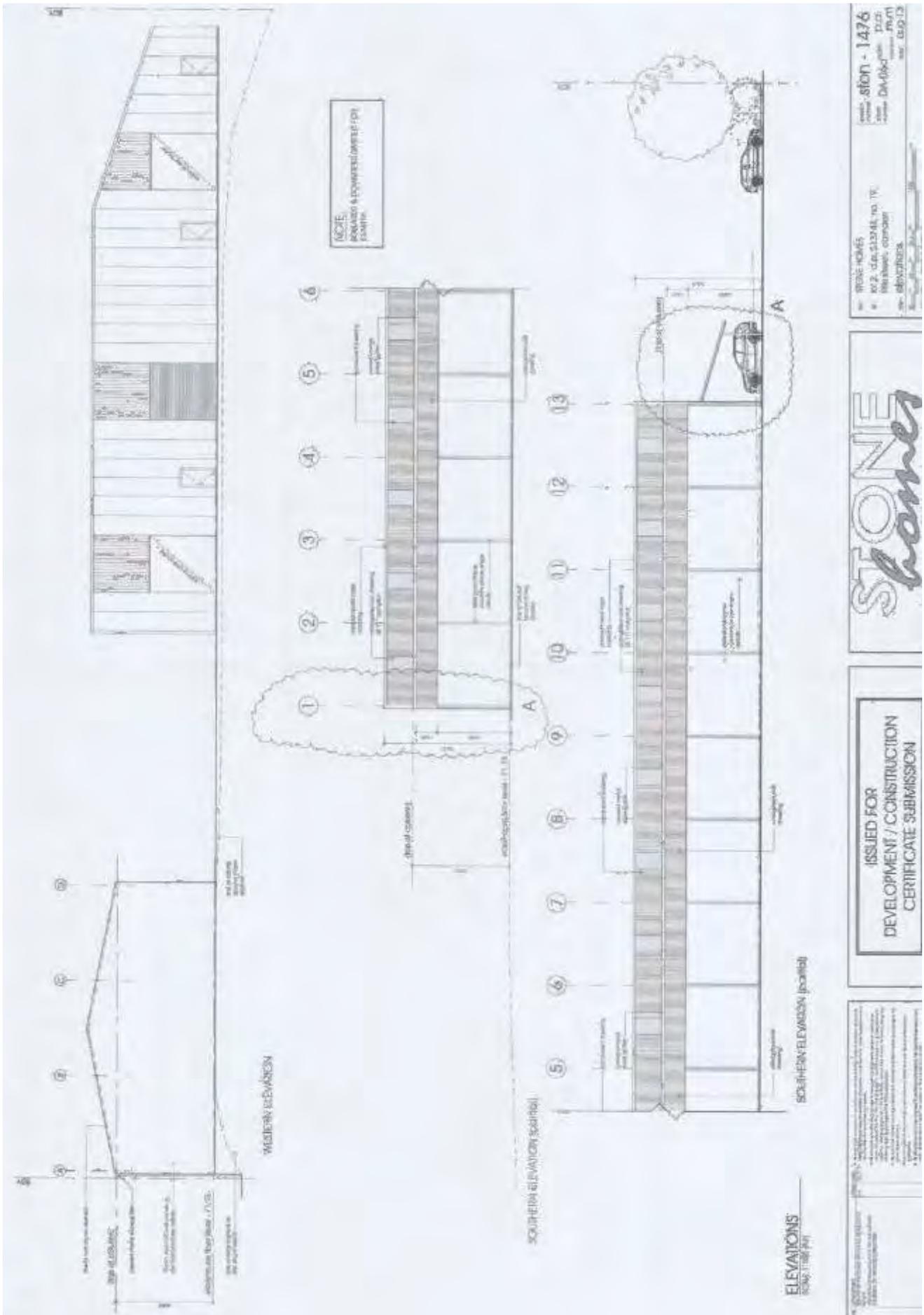
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Attachment 1

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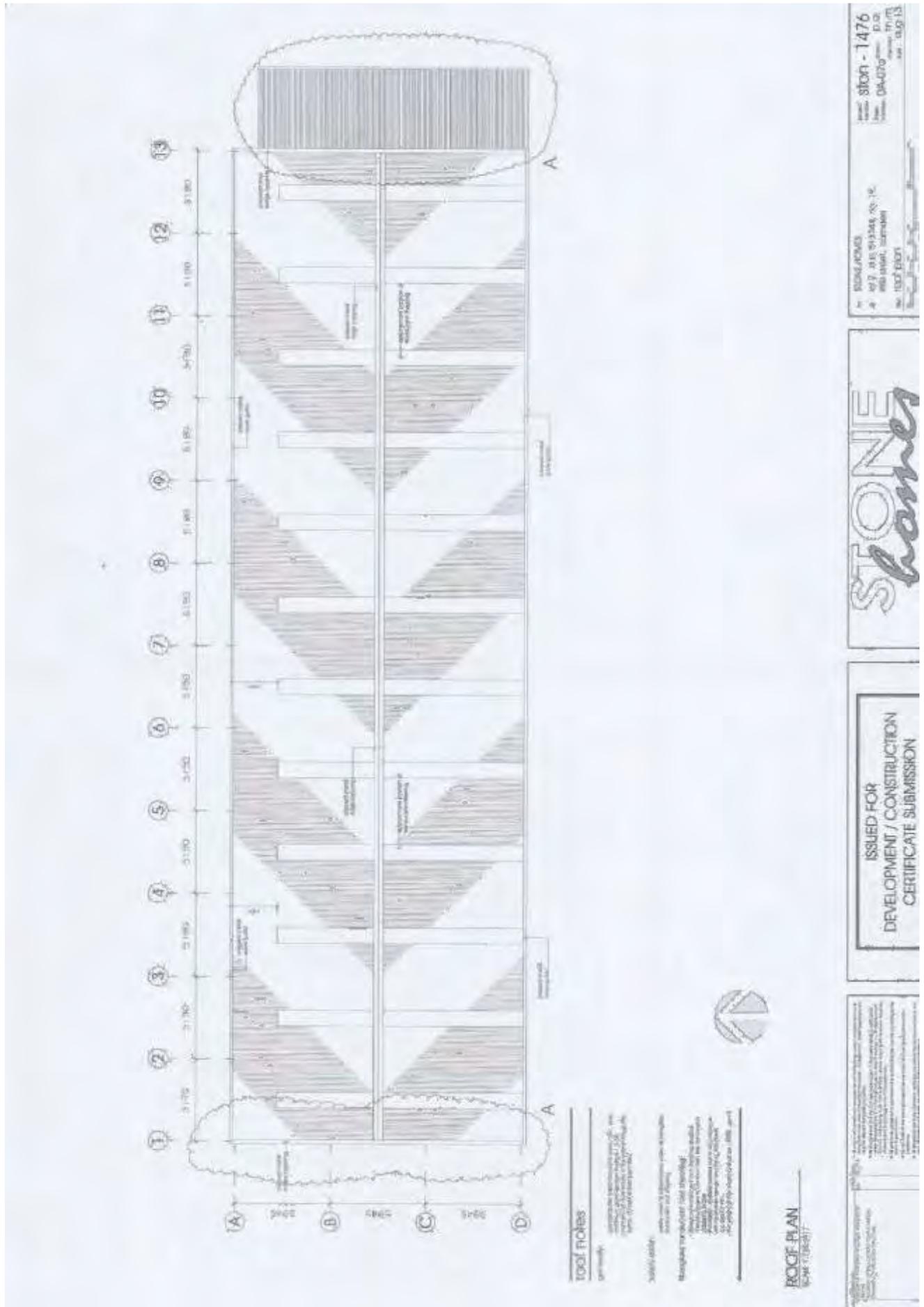
Attachment 1





ORD01

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Safer by Design – Brothel Narellan



NSW Police Force
www.police.nsw.gov.au

Ms J Ceh
Camden Council
Development Branch
37 John Street
Camden NSW 2570

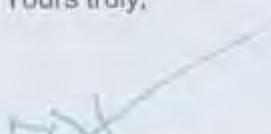
13 November 2013

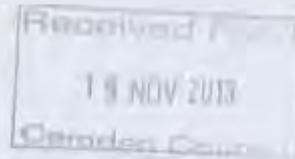
DA 27(2)/2013 Modifications to reviewable condition of consent for the hours of operation, 1 Kibble Place Narellan, Lot 11, DP 834527.

On Wednesday 13 November 2013, a Safer by Design Evaluation was conducted on the Brothel operating at 1 Kibble Place Narellan. The Safer by Design Crime Risk Evaluation was conducted by Senior Constable Christine Millman, Crime Prevention Officer, Camden Local Area Command.

There have been no issues involving the Brothel so Police have no issues with hours of operation becoming permanent, as per conditions of consent.

Yours truly,


Danny Doherty
Acting Superintendent
Commander
Camden Local Area Command



CAMDEN Local Area Command
Narellan Police Station
278 Camden Valley Way, NARELLAN NSW 2567
Telephone 02 46324450 Facsimile 02 46324455 ENet 84450 EFax 84455 TTY 9211 3775 (Hearing/Speech impaired)
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Attachment 1 **ORD03****SUBMISSIONS TO PUBLIC EXHIBITION OF EMERALD HILLS REZONING PACKAGE****SUMMARY OF SUBMITTORS**

Campbelltown Council

Heritage Council of NSW

Office of Environment and Heritage (OEH)

Transport for NSW (TfNSW)

NSW Department of Trade and Investment (DTIRIS) Mineral Resource Branch (MRB).

NSW Office of Water (OoW)

Department of Education and Communities (DEC)

Sydney Water

NSW Health – South Western Sydney Local Health District

Sydney Catchment Authority (SCA)

Transgrid

Resident 1

Resident 2

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
Campbelltown Council	Campbelltown Council wishes to ensure that the green buffer known as the Scenic Hills, and the visual benefit that it provides, is not impacted upon by the planning proposal. In particular, any development on the elevated parts of the site facing the Campbelltown LGA should not impact upon current views and vistas.	The visual impact analysis undertaken by Geoffrey Brittan and Associates has demonstrated that the visual impact of the proposed development will be minimal when viewed from the Scenic Hills. This has been achieved by precluding buildings from the most prominent ridgeline near the fig tree, limiting the height of buildings along the eastern slope of the ridgeline which traverses the northern part of the site, requiring the planting of screening vegetation.	No further action required
	Campbelltown Council notes that the conservation land at the northern corner of the site is proposed to be E2 Environmental Conservation, which appears not to allow dwelling houses. Council understands that the intention for this land is to facilitate two lots of approximately 10 hectares in size, with provision for two dwelling houses on land zoned R1 General Residential. This approach is supported.	The draft Land Zoning Map has been amended to better clarify the intended land zoning for the conservation land, which is predominantly E2 Environmental Conservation, with two small pockets of R1 General Residential. These zonings will allow the land to be subdivided into two lots of approximately 10 hectares in size, with a single dwelling house permitted on the R2 Low Density Residential zoned land, and the E2 Environmental Conservation zoned	No action required.

Attachment 1

ORD03

		land will remain undeveloped. The exhibited minimum lot size map shows a minimum lot size of 2 hectares applying to the site. Whilst this is smaller than the 10 hectare lots proposed for the E2 land, there is no provision for a 10 hectare minimum lot size under the Camden LEP due to restrictions related to the Standard Instrument. Notwithstanding, the E2 zone does not permit residential accommodation, therefore the only subdivision potential that this land holds is for the subdivision into two lots of approximately 10 hectares as noted above.	
Heritage Council of NSW	Section 7.2 and 7.3 of the AHMS Heritage Assessment should be implemented in full.	The recommendations of Sections 7.2 and 7.3 of the AHMS Heritage Assessment (which are post-rezoning actions) will be undertaken by the proponent prior to the lodgement of any future development applications on the site.	No action required prior to rezoning, however the proponent has been advised that they will need to action the recommendations of the report at development application stage.
	Full archival recording of the site must be undertaken in compliance with recommendation 2 of the AHMS Heritage Assessment, and copies provided for the Heritage Council and for Camden Council's files and	The proponent has electronically edited the existing archival recording undertaken on 4/2/2013 to improve the legibility of the photos to the	No further action required.

	<p>required standards, and hard copies and electronic copies have been provided to the Heritage Council and Camden Council.</p>	<p>future public reference. The current photographic archival record undertaken 4/2/2013 is too dark, therefore electronic manipulation is required to ensure they are legible.</p>	
<p>No further action required.</p>	<p>Section C12.13 of the draft DCP chapter for Emerald Hills requires the preparation of a combined landscape strategy and heritage interpretation strategy to be submitted with the development application for the park on the former St Andrews' Boys Home site.</p>	<p>A Landscape Strategy for Emerald Hills that is informed by the formerly rural uses of the land, and featuring appropriate indigenous species, should be prepared.</p>	
<p>No further action required.</p>	<p>Section C12.13 of the draft DCP chapter for Emerald Hills requires the preparation of a combined landscape strategy and heritage interpretation strategy to be submitted with the development application for the park on the former St Andrews' Boys Home site.</p>	<p>A Heritage Interpretation Strategy should be prepared by a suitably experienced heritage consultant that identifies the key stories associated with this land, its varying owners, associations and evolving users over time. The Heritage Interpretation Strategy should include an implementation plan with prioritised actions that identify specific locations and recommended means by which heritage interpretation will be integrated into the Emerald Hills Estate, and should include the results of any further consultation with Aboriginal communities, archaeological surveys, test excavations, formal Aboriginal Cultural Heritage Assessment and the like.</p>	
<p>No further action required.</p>	<p>The planning proposal intends to zone the CPW land as E2 Environmental Conservation. This zoning provides for the fundamental</p>	<p>OEH recommends that Council not finalise the rezoning until it can be demonstrated that the vegetation retained on site has been given an</p>	<p>Office of Environment and Heritage</p>

Attachment 1

ORD03

<p>(OEH)</p>	<p>adequate level of protection and suitable management arrangements are put in place, and until the outcomes of the BCAM assessment are provided for review and a suitable biodiversity offset strategy is determined. Further, OEH recommends that Council ensure that suitable offsets for the impacts on CPW be resolved at the rezoning stage and not be deferred to the development application stage. It is suggested that Council explore other options with Planning and Infrastructure for committing to a biodiversity offset strategy.</p>	<p>protection of this land by restricting the permissible uses on the land, and by preventing any future development that is not related to the conservation of the land.</p> <p>Planning and Infrastructure have advised that applying an E2 Environmental Conservation zoning to the land provides a sufficient level of protection for the land to enable the planning proposal to proceed. Planning and Infrastructure further advised that biodiversity offsetting is a matter which can be resolved prior to development consent being granted on the Emerald Hills site.</p> <p>It is also noted that the proponent intends to lodge a Biobanking Application with OEH to enable the CPW land to become a Biobanking Site under the <i>Threatened Species Conservation Act 1995</i>. This will provide certainty regarding the enhancement and maintenance of the CPW land into the future, and will also establish the site's role in meeting the necessary biodiversity offset credits to permit the removal of the scattered CPW across the remainder of the site.</p> <p>To inform the proposed Biobanking Agreement, the proponent</p>	
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		<p>commissioned the preparation of a Biodiversity Certification Assessment Report (BCAR) to identify the number of biodiversity credits required to offset the proposed CPW removal. The BCAR report has been reviewed by OEH and Council officers and is supported in principle. The BCAR is included in the suite of specialist studies referenced later in this report.</p> <p>The BCAR identifies that the proponent must enter into a Biobanking Agreement with the OEH for the 20.27 hectares of CPW located within the E2 Environmental Conservation zoned land at Emerald Hills, as well as acquiring off-site credits. To achieve this, the proponent has acquired land at The Oaks which contains a significant amount of CPW. The BCAR also identifies that it is necessary to Biobank both of these sites in order to generate sufficient overall credits to offset the proposed CPW removal on the Emerald Hills site.</p> <p>The proposed Biobanking Agreements will need to be finalised prior to granting of development consent for any works which require the removal of CPW on the site, as the proponent will need to</p>	
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Attachment 1
ORD03

	demonstrate compliance with the <i>Threatened Species Conservation Act 1995</i> via future development applications on the site		No further action required.
	The proposed changes have been made to the draft Emerald Hills DCP controls.	<p>OEH suggests the following amendments to the draft DCP amendment:</p> <p>Objectives</p> <ol style="list-style-type: none"> Given the significance of the vegetation, OEH recommends removing the words 'where practical'. Recommend removing the word 'offset' as it is not necessary, and recommends rewording to 'conservation management plan' to be consistent with Control 2. OEH requests further detail about the conservation management plan for this area. It is not clear what construction Objective 3 is referring to. The core objective for the conservation area is for the protection and management of the CPW. The development controls for this area should ensure the conservation values of this area are protected. <p>Controls</p> <ol style="list-style-type: none"> It is recommend that the words 'and managed' be included i.e. '...in Figure C78 is to be 	

	<p>protected and managed to ensure long term viability'.</p> <p>OEH note that 'Map 3B Proposed Amendment to HOB_016 as it relates to the Emerald Hills site' does not include the General Residential area on St Andrews Road and flags that not having a building height allocated to this block may be an omission.</p>	<p>HOB_016 will be amended to include a maximum building height of 9.5m which is consistent with the height limit applied to the rest of the residential land at Emerald Hills</p>	<p>Amend HOB_016 map to include a maximum building height of 9.5m for the pocket of R2 Low Density Residential zoned land fronting St Andrews Road and surrounded by E2 Environmental Conservation zoned land.</p>
	<p>The Aboriginal Heritage Preliminary Assessment is inadequate to support a planning proposal as it contains insufficient detail about the archaeological and cultural values within the subject land. OEN cannot support the statement that there are no Aboriginal heritage issues that indicate that rezoning cannot proceed as there is not enough information presented in this report to determine this. No mapping of Aboriginal cultural heritage (ACH) values or significance has been provided and there is no indication of whether there are areas of sufficiently high heritage significance that would warrant conservation and protection through specific zoning at this stage. Further consultation needs to occur with the Aboriginal community.</p>	<p>The proponent has subsequently undertaken a draft ACHA which has been reviewed by Council officers and is considered to be adequate. OEH have advised that they are currently under-resourced and are unable to review the ACHA, therefore they are satisfied with Council's review of the ACHA.</p>	<p>No action required</p>
	<p>Recommendation 3 on page 48 of the report states that a meeting should be requested with OEH to discuss future AHIP applications. Please note, OEH expects significantly more information about the archaeological and cultural values and their proposed</p>	<p>Noted. The proponent's consultant will request a meeting in relation to AHIP applications in the near future given the completion of the draft ACHA.</p>	<p>No action required</p>

Attachment 1

ORD03

	<p>sport, medium and long term management in Emerald Hills prior to agreeing to any meeting. Further, it is OEH policy not to issue AHIPs until development consent has been issued.</p>		
	<p>Please ensure that all Aboriginal objects not currently registered on AHIMS are registered as soon as possible in accordance with S89A of the National Parks and Wildlife Act 1974.</p>	<p>Noted. The proponent has been advised accordingly.</p>	<p>No further action required.</p>
	<p>The flood risk management assessment appears to follow accepted floodplain risk management practice and is considered adequate subject to the following points of clarification:</p> <ol style="list-style-type: none"> 1. Consideration should be given to post development flow volume in order to determine the peak and duration of the basin outflow. 2. Table 4-4 indicates decreased catchment discharge at outlets 2 and 3 for the 20 and 100 year ARI, whilst Figures 15 and 16 in Appendix D show increases in flood levels up to and greater than 0.5m downstream at the same outlets. 3. No consideration has been given to flooding impacts upon properties on the north-western side of Camden Valley Way. This impacts are highlighted in Appendix D – Figures 15 and 16 and show flood levels up to and greater than 	<p>The flooding and stormwater reports have been amended to address issues raised by Council's Engineers and OEH. The amended proposal is satisfactory and addresses all of the matters raised by OEH.</p>	<p>No further action required.</p>

	<p>0.5m.</p> <p>4. The report indicates that 'increase in peak flood levels along Camden Valley Way and the intersection with St Andrews Road is a result of raising this section of road in the RMS design as opposed to an increase in flooding. This is not a result of the EHE development'. There is insufficient information to determine whether this is indeed the case, and clarification is required.</p>		
<p>Transport for NSW (TfNSW)</p>	<p>TfNSW requested that amended traffic modeling data be provided and that prior to the Planning Proposal being finalised, the modelling issues should be satisfactorily addressed with revised SIDRA models (hardcopy results + the electronic files) submitted to RMS for further review and approval.</p> <p>TfNSW / RMS have no objections to the proposed bus routes within this development. Bus Service Planning Guidelines used by TfNSW require new developments to make allowance for 90% of new dwellings to be within 400 metres, as the crow flies, of a bus route.</p> <p>The bus lanes (where proposed at key intersections) should be included and modelled within the SIDRA models for the intersections along Camden Valley Way.</p> <p>Designated roads for these bus routes must be bus capable. These roads should accommodate corresponding bus stops and required 3.2m wide kerbside parking lanes in each direction to allow for buses to serve bus stops without impeding movement of other vehicles/buses in the travel lane. Travel lanes</p>	<p>Revised SIDRA modeling has been provided to RMS for review by Cardno. RMS have advised that the revised modeling is satisfactory.</p>	<p>No further action required.</p>
	<p>TfNSW / RMS have no objections to the proposed bus routes within this development. Bus Service Planning Guidelines used by TfNSW require new developments to make allowance for 90% of new dwellings to be within 400 metres, as the crow flies, of a bus route.</p>	<p>Noted.</p>	<p>No action required.</p>
	<p>The bus lanes (where proposed at key intersections) should be included and modelled within the SIDRA models for the intersections along Camden Valley Way.</p>	<p>Amended SIDRA modeling has been provided to RMS from Cardno.</p>	<p>No further action required.</p>
	<p>Designated roads for these bus routes must be bus capable. These roads should accommodate corresponding bus stops and required 3.2m wide kerbside parking lanes in each direction to allow for buses to serve bus stops without impeding movement of other vehicles/buses in the travel lane. Travel lanes</p>	<p>Noted. The internal bus routes within the Emerald Hills development incorporate adequate street cross-sections to accommodate bus movements in accordance with the</p>	<p>No action required.</p>

Attachment 1

ORD03

	<p>TfNSW comments.</p>	
<p>on these roads must be 3.5m wide to accommodate buses. Cycleways on these roads should not be between the travel lane and kerbside lanes. This will help buses avoid cyclists when entering kerbside lanes to serve bus stops.</p> <p>The proponent should identify and show how any bus capable roads within this subject proposal connect with the Leppington East Precinct road network to the north and also the proposed precinct to the south</p>	<p>Figure C70 in the draft Emerald Hills DCP chapter shows that the north-south collector road within Emerald Hills connects to East Leppington precinct to the north via the proposed roundabout on St Andrews Road, and to Camden Lakeside to the south via the proposed signalised intersection on Raby Road.</p>	<p>No action required.</p>
<p>TfNSW has no objections to the proposed additional bus stops at the intersections of Camden Valley Way with Raby Road and also St Andrews Road. The removal of the existing bus stops (with close proximity to Dwyer and George Roads) along Camden Valley Way, however, is not supported. Approximately 400 metres between bus stops is the preferred distance for spacing. It is understood use of these stops will be subject to demand as the development progresses.</p> <p>Appropriate facilities such as bus shelters and seating should be provided at the bus stops which are proposed to serve the school and neighbourhood centre.</p>	<p>The proposal has been amended to clarify that the existing bus stops on Camden Valley Way will not be altered by the Emerald Hills rezoning.</p>	<p>No further action required.</p>
<p>Appropriate facilities such as bus shelters and seating should be provided at the bus stops which are proposed to serve the school and neighbourhood centre.</p>	<p>The bus stops on the internal collector road as shown on Figure C70 of the draft amendment to Camden DCP 2011 have been noted as bus shelters rather than bus stops, and the draft Emerald Hills VPA already confirms that bus shelters and seats will be provided in</p>	<p>No action required.</p>

		these locations in lieu of bus stops.	No action required.
Appropriate pedestrian and bicycle access is needed to support any proposed bus stops. Good pedestrian access to bus stops should be facilitated by appropriate road and intersection design and any pedestrian crossing facilities should be clarified. In this regard appropriate pedestrian connections should be provided to the existing and proposed bus stops located on Camden Valley Way. Any traffic calming measures and intersection design should have regard to the safe and efficient operation of buses.		The amended ILP provides good connectivity both within and external to the site for pedestrians and cyclists, including access to existing and proposed bus stops on Camden Valley Way	No further action required as this stage, however the proponent has been advised of TfNSW's comments.
There is a clear demonstrated nexus for the Emerald Hills Development to ensure that the baseline level of service is maintained at the Camden Valley Way / Raby Road intersection by the year 2026. This should be addressed through the following measures. Imposing the following conditions within the Draft VPA: a) Requiring the Developer to construct a third lane in each direction along Camden Valley Way for a distance of 250m prior to and 250m beyond the Raby Road intersection. Timing for Implementation (2026); or b) If Camden Valley Way is already upgraded to three lanes each way the Developer will be required to provide a monetary contribution to the value of the works described in point a) above (which would be subject to indexation). Note: This will require the Developer to prepare a		This is a relevant consideration at the detailed design stage in the preparation of future development applications. The proponent has is currently negotiating a state VPA with Planning and Infrastructure and TfNSW. The proponent's position that there is a stronger nexus to upgrade Raby Road to four lanes between the stub currently being constructed by RMS, and the future signalized intersection to Emerald Hills and Camden Lakeside. Finalising the state VPA is required under the 'satisfactory arrangements' clauses in Part 6 of the Camden LEP 2010 and it not a matter which needs to be resolved at the rezoning stage.	No action required.

Attachment 1

ORD03

	<p>strategic estimate for the abovementioned works which should then be submitted to TfNSW / RMS for review/ agreement.</p>		
	<p>Development Control Plan 2011 – Emerald Hills Rezoning – Clause 12.2 Subdivision Design – Controls – Point No 3. This point should be amended to also ensure that higher density housing shall also be located near areas in close proximity to proposed Regional / District bus routes / stops.</p>	<p>The new dwelling density map provide certainty regarding the future location of smaller lot housing near areas of high amenity, including those well serviced by the proposed bus routes.</p>	<p>No further action required.</p>
	<p>Raby Road is identified as a Transit Boulevard in accordance with the South West Growth Centre (SWG) Road network strategy. A typical road corridor width for Transit Boulevard is 43 metre wide without any batters that may be required. Land dedication should be provided for future upgrade of Raby Road</p>	<p>The draft ILP and Land Acquisition Map for Emerald Hills sets aside land to facilitate a 29.4m road reservation width for Raby Road. This includes a widening of the existing road reservation by 9.3 to 12.3m into the Emerald Hills site. This width is consistent with the approved road width of Gregory Hills Drive which also has 'transit boulevard' status.</p> <p>The topographical constraints and existing land holdings along Raby Road present significant challenges to achieving a road reservation width of 43m to facilitate the future construction of a six lane 'transit boulevard'. A 29.4m road reservation with four travel lanes is considered to be a more appropriate outcome. TfNSW understand this issue and</p>	<p>No further action required at this stage, however relevant Council officers shall participate in future meetings and/or working groups with TfNSW and RMS to determine an outcome for Raby Road and St Andrews Road.</p>

		<p>have advised that the planning proposal may proceed, with Council officers to participate in a future working group with TfNSW and RMS regarding Raby Road.</p>	
	<p>St Andrews Road is identified as a sub-arterial road in accordance with the SWGC Road network strategy. A typical road corridor width for sub-arterial road is 35 metre without any batters that may be required. Land dedication should be provided for future upgrade of St Andrews Road.</p>	<p>The existing road reservation at St Andrews Road is sufficient to accommodate a four lane road with narrow verges, however the further widening of St Andrews Road is constrained by the residential land to the north which was rezoned via the East Leppington rezoning, and the Cumberland Plain Woodland (CPW) which will be zoned E2 Environmental Conservation under the Emerald Hills rezoning, and is intended to be Biobanked as part of the biodiversity offset strategy for Emerald Hills.</p> <p>TfNSW have noted the constraints associated with St Andrews Road and have advised that a review of the South West Growth Centre Road Network Strategy will commence shortly. Council officers will participate in a future working group with TfNSW and RMS to determine the most appropriate outcome for St</p>	<p>No further action required at this stage, however relevant Council officers shall participate in future meetings and/or working groups with TfNSW and RMS to determine an outcome for Raby Road and St Andrews Road.</p>

Attachment 1

ORD03

		Andrews Road. TfNSW have advised that the planning proposal may proceed prior to the resolution of the road reservation width for St Andrews Road.	No further action required at this stage, but the proponent has been advised of TfNSW's comments.
		This will occur when a future development application is lodged for the Raby Road intersection works by the proponent of Emerald Hills	No further action required.
		The ILP has been designed to minimise the requirement for noise walls and mounding, relying instead upon the subdivision layout and acoustically treated 'barrier housing' to achieve the necessary road traffic noise attenuation. Setbacks have been increased and perimeter roads will allow for appropriate dwelling orientation to be achieved to maximise noise attenuation. Future subdivision development applications will be accompanied by additional traffic noise assessments.	No further action required.
		The signalised intersection of Raby Road/Site Access/Sekisui House Development Access should be referred to RMS for approval under Section 87 of the Roads Act 1993.	
		The applicant should be aware of the existing and future road traffic noise impacts from Camden Valley Way on the subject site. Noise attenuation measures should be provided in accordance with Office of Environment and Heritage's Environmental Criteria for Road Traffic Noise. RMS is not in favour of noise walls. To achieve noise mitigation requirements, other preferable alternative measures would be to increase set backs via the provision of service roads running parallel to the corridor. Mounding would be one option to investigate should the above not be achievable (possibly in combination with other techniques), but we would avoid them being too steep and out of character with the surrounding topography.	
NSW Department of Trade and Investment (DTIRIS)		There is a potential coal resource beneath the site, but at a depth which is currently prohibitive for exploration. This cannot be discounted in the future however. The area lies within a residential exclusion zone for coal seam gas (CSG) exploration, and will	No action required

<p>Mineral Resource Branch (MRB).</p>	<p>therefore not impact on CSG resource extraction. As such, MRB has no issues with the proposed rezoning</p>		
<p>NSW Office of Water (OoW)</p>	<p>OoW recommends that the ILP is amended to incorporate the first order watercourse/riparian corridor located at the top north-west corner of the site.</p>	<p>Eco Logical Australia wrote to OoW on 26 September 2012 (ref. 2WOLPLA-0009) regarding riparian corridors and stream classification at the Emerald Hills site. A subsequent site meeting was held on 19 October with Council officers, Eco Logical Australia and the proponent, and a follow-up meeting was held on 13 December 2012 including OoW officers, Council officers, Eco Logical Australia and the proponent. It was agreed at that meetings that the 'watercourse' at the north-western corner of the site was incorrectly mapped as a first-order stream. The land in this part of the Emerald Hills site is flat with no defined stream corridor nor top-of-bank. In this instance, the first-order stream commences on the northern side of St Andrews Road within the East Leppington development, and passes beneath Camden Valley Way.</p>	<p>No further action required.</p>

Attachment 1

ORD03

	<p>OoW recommends that all watercourses and riparian corridors on the site are protected and enhanced by an appropriate application of an environmental conservation zone, generally by zoning as E2 Environmental Conservation (E2) rather than the proposed R1 General Residential zoning.</p>	<p>The use of a R2 Low Density Residential (or R1 General Residential as was the case with the exhibited Emerald Hills planning proposal) for the entire precinct is an approach taken by Council to minimise issues with minor inaccuracies in zoning boundaries causing problems at the development application stage once ground-truthing occurs. It is intended that once the site has been fully subdivided and the exact subdivision lot boundaries are known, the land will be retrospectively zoned E2 Environmental Conservation. The decision to delay the application of an E2 zoning to this land does not expose the land to any undue development pressures, given that the land is already protected by riparian corridor and stream classification requirements regarding setbacks.</p>	<p>No further action required.</p>
	<p>Clarification is required as to whether the online basins (in particular upper and lower basin 6) are proposed to be planted with grass, or if they are intended to be vegetated with riparian vegetation. The planting of grass in the online basins is not consistent with the Office of Water 'Guidelines for riparian</p>	<p>The online basins will be planted with appropriate riparian vegetation in accordance with the OoW guidelines.</p>	<p>No action required.</p>

	<p>corridors on waterfront land (2012)' and if required, consideration should be given to moving the basins offline.</p>	
<p>No action required.</p>	<p>The existing online dams will be removed due to the watercourses having to be re-constructed during the development process. However, the watercourse and new online basins will be designed to mimic natural watercourse systems and planted with appropriate riparian vegetation.</p>	
<p>No action required.</p>	<p>The proposed school site has been reviewed in close consultation with DEC and the matter of APZs has been resolved to the satisfaction of DEC. Appropriate APZs can be accommodated on the school site.</p>	<p>Table 2 in the Voluntary Planning Agreement notes land in the vicinity of the riparian corridor may in future be developed for a primary school. As schools have larger Asset Protection Zone requirements, this should be considered in relation to riparian corridor planning.</p>
<p>No action required.</p>	<p>The requirements or guidelines of state agencies or other parties are not replicated in Council documents as they may be amended from time to time, and therefore Council's documents would no longer be up-to-date. The proponent will need to comply with these guidelines during the development application and detailed design stage of the</p>	<p>It is recommended that the OoW requirements for detention basins (see Controlled Activities: Guidelines for outlet structures and Guidelines for instream works) are incorporated into the Section C12 of the DCP.</p>

Attachment 1

ORD03

		development.	No further action required.
	The master plan at Figure C68 of the DCP incorporates perimeter roads and passive open space adjacent to riparian land in some areas, which is supported by the OoW as it can lead to better environmental outcomes and reduce maintenance costs to Council. It is recommended that consideration should be given to expanding perimeter roads and passive open space to be adjacent to other riparian land on site.	The amended draft ILP has incorporated the maximum possible road frontage and open space frontage to riparian lands to improve the environmental outcomes for Emerald Hills and improve the private land/public land interface. There is no further option for amending the ILP by reconfiguring the road network without a significant reduction in lot yield and potentially impacting upon pedestrian, cycle and vehicle accessibility within the site.	No further action required.
	The legend on the master plan uses similar shading for the riparian corridors as the existing gas easement. It is suggested that the master clearly differentiates between the riparian corridors and the existing gas easement.	The exhibited ILP was unclear in this regard. The amended ILP provides greater certainty regarding riparian corridors and the existing gas easement.	No further action required.
	It is recommended that C12.10 Bushfire Risk Management control 1(c) is amended to be consistent with the OoW Controlled Activity Guidelines (2012) (i.e. removes reference to the CRZ and the buffer). It should also outline that APZs are allowed within the outer 50% of the VRZ but any encroachment into the riparian corridor requires offsets to be provided.	The controls in C12.10 have been updated to be consistent with OoW's comments.	No further action required.
	The Preliminary Contamination assessment recommends installing groundwater monitoring wells	Noted. This is a development application matter and the OoW	No further action required.

<p>Department of Education and Communities (DEC)</p>	<p>to detect contaminants in the groundwater (page 14). It is recommended that site monitoring also includes:</p> <ul style="list-style-type: none"> • Groundwater level (particularly as there is groundwater seepage associated with the creep landslides present on the site); and • The potential for salinity <p>OoW should be contacted prior to any dewatering associated with earthworks for the development of the site to determine if an authorisation is required.</p>	<p>comments have been provided to the proponent and Council officers for consideration.</p>	
	<p>DEC recommends that an indicative school site is shown in the Emerald Hills plan which:</p> <ul style="list-style-type: none"> • Is at least 2-3 hectares in size, and if 2 hectares in size, the school will need exclusive access to the opposite playing fields during school times • Is free of land encumbrances, including bush fire prone land, flood land, riparian land and easements, • Includes at least two road frontages to separate out the transport hierarchy of parent kiss-and-drop, bus drop-off, vehicle access to onsite parking and back-of-house access for large vehicles including garbage trucks, • Has road widths and footpaths that are of 	<p>Council officers and the proponent have met with DEC officers on three occasions to review the school site, and numerous iterations of the indicative school site have been produced. The current layout shown on the draft ILP satisfies all of DEC's location and preliminary design requirements and DEC have provided written confirmation that the site meets their requirements. The draft DCP controls for Emerald Hills include an amendment to Figure C80 to and the draft ILP to show a revised vehicular access point to the school site and oval in accordance with DEC's approval.</p>	<p>No further action required.</p>

Attachment 1
ORD03

	<p>suitable size to service a primary school,</p> <ul style="list-style-type: none"> Includes surrounding traffic management provisions, including appropriate pedestrian crossings and any necessary traffic intersections 		
	<p>DEC requests that contributions from the developer be sought to recover the costs of providing public education bought about by the rezoning land at Emerald Hills.</p>	<p>The proponent is in the process of negotiation a VPA with Planning and Infrastructure in order to satisfy the development's obligations regarding contributions towards regional infrastructure as per the proposed amendment to the Urban Release Areas map which triggers the 'satisfactory arrangements' provisions of Part 6 of the Camden LEP 2010. The proponent intends to dedicate the school site to DEC subject to their concurrence.</p>	<p>No further action required.</p>
	<p>The proponents VPA needs to ensure that all local infrastructure required to support the proposed school site is provided by the developers, as DEC receives no funding for local infrastructure works via the state education budget.</p>	<p>Figure C80 in the draft DCP controls for the Emerald Hills site indicates the provision of a roundabout at the entry to the school and oval precinct of the development. The developer will be required to provide this roundabout to provide access to the school and oval as part of the road network construction via the draft VPA. There is also scope for DEC to</p>	<p>No further action required.</p>

		require the construction of the roundabout via the state VPA being negotiated between the proponent and Planning and Infrastructure.	
Sydney Water	Sydney Water have consulted with the proponents and have issued them with a letter identifying the wastewater infrastructure required to service the precinct. The proponents will deliver the services in line with Sydney Water's 'Funding Infrastructure to Service Growth' policy and 'Funding Principles of Developer Delivered Major Infrastructure'.	Noted	No action required.
	Early stages of the Emerald Hills development can be serviced by a 300mm water main extension from the Leppington surface reservoir. This will be build ahead of the first lots being developed in Emerald Hills. Sydney Water will be delivering further extensions and amplifications to the water network to service Emerald Hills and the greater Central Hills area in line with our 'South West Growth Centre – Second Release Precincts Water Strategy' of March 2013.	Noted	No action required.
	The proponent is currently carrying out detailed planning for the required wastewater services in line with Sydney Water's Wastewater Strategy Report for the South West Growth Centre' of 26 July 2012. This strategy identifies the need for a new sewage pumping station and rising main to service Emerald Hills. This infrastructure will need to be delivered in order for any development to occur at Emerald Hills.	Noted	No action required.

Attachment 1

ORD03

	<p>The infrastructure planning work being carried out by the proponent will be assessing the requirements for servicing the broader Central Hills area including Camden Lakeside, El Caballo Blanco and the Gledswood Hills Eastern Precinct. The proponent is working closely with Sydney Water during this phase and will continue to liaise with us throughout the process.</p>	Noted	No action required.
<p>NSW Health – South Western Sydney Local Health District (SWSLHD)</p>	<p>SWSLHD commend the Emerald Hills rezoning for the protection of the environment and sustainable development, the promotion of housing choices and affordability including a diversity of lot sizes and housing types, provision of open space, cycle links and walking trails, and public transport.</p>	Noted.	No action required.
	<p>Emerald Hills is currently used as a working farm, however it is unclear to what extent the site is currently contributing to food supply in the region. Will fresh food production be displaced and therefore cease, or will it be directed elsewhere?</p>	<p>Emerald Hills is currently used for low-scale cattle grazing for non-food production purposes, and no crop production occurs on the land. The site has not been used for food production purposes in recent times. Accordingly, the proposed rezoning will have no impact on fresh food production due to the loss of farming land.</p>	No action required.
	<p>Access to fresh foods could be addressed by planning for ready access to fresh food outlets or providing space and support for community gardens.</p>	<p>The Emerald Hills local centre is likely to contain outlets for fresh food, however the exact configuration and tenancies of the local centre cannot</p>	<p>No action required, however the proponent has been advised of SWSLHD's comments for consideration in future.</p>

		<p>be confirmed at rezoning stage. There is currently no proposal to incorporate community gardens into Emerald Hills, however this is not a rezoning matter, and is instead an option that may be taken up in the development phase of Emerald Hills if the opportunity presents itself.</p>	
	<p>SWSLHD reinforces the importance of planning for the ageing population and changes to socio-economic and cultural characteristics of the population and the implications of these changes for infrastructure and services, ensuring adequate access to a wide range of services that meet the needs of the community. We particularly highlight the increasing need for housing and accommodation that it appropriate for seniors and for health and social services that are accessible to these groups of people</p>	<p><i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> applies to the R2 Low Density Residential zoned land at Emerald Hills and permits seniors housing subject to development consent.</p>	<p>No further action required.</p>
	<p>Further consideration could be given to social infrastructure such as community health centres, libraries, recreation facilities and community centres.</p>	<p>Emerald Hills will contain community floorspace within the building being provided by the developers on the double playing field site as part of the Voluntary Planning Agreement. The incorporation of other types of social infrastructure into Emerald Hills will be considered during the detailed design phase of the local centre.</p>	<p>No action required, however the proponent has been advised of SWSLHD's comments for consideration in future.</p>

Attachment 1
ORD03

<p>Sydney Catchment Authority (SCA)</p>	<p>SCA prefers a local road with verge to be placed along the interface of the canal corridor and new urban development. The Emerald Hills masterplan includes a periphery road between the urban development areas and the corridor, with public open space and a pedestrian pathway fronting the rest of the SCA land. In view of the recreational nature of this land, it will be important to ensure people using this area do not enter the upper canal for security and safety reasons.</p>	<p>The developer will provide an appropriate security fence between the Emerald Hills site and adjacent SCA corridor as part of the development in accordance with C12.5 of the draft Emerald Hills DCP controls.</p>	<p>No further action required</p>
	<p>SCA requires security fencing to be erected along the length of the site to prevent public access to the Upper Canal corridor prior to the commencement of development.</p>	<p>Noted. The proponent has been advised of SCA's requirements. This is a development application matter and SCA will be consulted during the assessment of future development application, and appropriate conditions of consent applied.</p>	<p>No further action required.</p>
	<p>SCA requires that no stormwater from new urban development enters the canal corridor and that external flow coming from the corridor is not impeded. There are a number of existing structures in place that convey stormwater across or under the Upper Canal. In the area adjacent to the southern end of the Emerald Hills site, there are steel pipes and culverts that convey water on to the Emerald Hills site. In this area the site drains away from the canal corridor, so the main issue is ensuring that stormwater runoff from land to the south of the canal corridor does not enter the open water canal. This land is identified as</p>	<p>Noted. The proponent has been advised of SCA's requirements and will need to consult closely with SCA during the detailed design phase for stormwater conveyance.</p>	<p>No further action required.</p>

	<p>catchments 12 and 13 in the Stormwater Management and Flood Assessment Report. The future detailed stormwater design will need to show how the proposed drainage system integrated with the existing drainage system of the Upper Canal in this location.</p> <p>The SCA should be closely consulted on the more detailed stormwater drainage plans when they are developed. Their development will require site visits with SCA operational staff to ensure stormwater systems, which satisfy SCA requirements, are implemented in the plans.</p>		
	<p>Should access be required to the Upper Canal corridor at any time during the progress of the Emerald Hills site, an access consent will need to be obtained from the SCA. This can take up to 28 days to issue. The consent would not be required when access is with an SCA officer.</p>	<p>Noted. The proponent has been advised of SCA's access approval requirements.</p>	<p>No further action required.</p>
<p>TransGrid</p>	<p>Emerald Hills should be designed taking into account the recommendations documented in the report "Inquiry into Community Needs and High Voltage Transmission Line Development". Transgrid has no objection to the land use zones proposed within the easement on the Emerald Hills Estate subject to the conditions set out in TransGrid's letter and the zoning and land use configuration shown in Annexure B to the submission.</p>	<p>Noted. The proponent has reviewed TransGrid's submission and note that the land use configuration complies with the diagram in Annexure B to the submission. The proponent will ensure that future development applications are designed in accordance with TransGrid's requirements.</p>	<p>No further action required.</p>

Attachment 1
ORD03

	TransGrid request that Council ensures that no residential zoned land is located inside the TransGrid easement, as per Annexure B to the submission.	Noted. The proponent has reviewed TransGrid's submission and note that the land use configuration complies with the diagram in Annexure B to the submission	No further action required.
	Roads within the easements will need to comply with TransGrid's vertical and horizontal clearance requirements. Appropriate drainage, earthing and traffic impact prevention measures must also be applied.	Noted. The proponent has reviewed TransGrid's submission and will incorporate these measures into the detailed design of the development prior to lodgement of future development applications.	No further action required.
	The development plans for the proposed neighbourhood centre must be reviewed by TransGrid regarding the design and construction of development within the easement.	Noted. The proponent has reviewed TransGrid's submission and will consult with TransGrid prior to lodgement of future development applications. Council will also consult with TransGrid formally during the development application assessment process.	No further action required.
	TransGrid will require access along the easement to undertake infrastructure maintenance using large mobile plant and equipment. TransGrid therefore requests that water retention basins be located outside the easement, and any detention basins for the temporary detention of water are designed so that they do not pose a flood risk to the stanchions, not obstruct TransGrid's access along the easement.	Noted. The proponent has reviewed TransGrid's submission and will consult with TransGrid prior to lodgement of future development applications. Council will also consult with TransGrid formally during the development application assessment process.	No further action required.

	<p>Transgrid's Easement Guidelines for Third Party Development should be complied with, and future development applications will require formal notification pursuant to Section 45 of SEPP (Infrastructure) 2007 for each stage of the Emerald Hills development.</p>	<p>Noted. Council will consult with TransGrid formally during the development application assessment process in accordance with Section 45 of SEPP (Infrastructure) 2007.</p>	<p>No further action required.</p>
<p>Resident 1</p>	<p>The proposal features no shielding of future dwellings from traffic noise generated from Camden Valley Way. The cheaper land fronting Camden Valley way is likely to be adversely affected by traffic noise, and those purchasing the cheaper land are unlikely to be able to afford to add acoustic treatment to their dwellings. The owners of these dwellings will need to operate heating and cooling systems 24 hours a day as a result of being unable to open the house windows due to the noise impact. Residents will be unable to enjoy their outdoor open space due to noise impacts. The developer should be required to provide barrier fencing and/or mounds. Acoustic and noise issues should take precedent over visual amenity.</p>	<p>The Emerald Hills development has been designed to provide satisfactory acoustic amenity for future residents without requiring the construction of acoustic barrier walls. This is consistent with the policy of Transport for NSW and Roads and Maritime Services as per the RMS publication 'Beyond the Pavement', which discourages the provision of acoustic barrier walls.</p> <p>The subdivision pattern has been designed so that the houses fronting Camden Valley Way will be constructed as acoustically treated two storey dwellings, with appropriate fencing around, and between, the dwellings. These dwellings will act as noise barriers and will provide sufficient attenuation for both the subject dwellings, and the dwellings shielded by these</p>	<p>No action required.</p>

Attachment 1 **ORD03**

		<p>dwelling.</p> <p>The requirement to construct these dwellings to a higher standard and to incorporate acoustic attenuation measures will be noted on the Section 88b instruments relating to these lots, and will be disclosed in the contract of sale for these lots.</p> <p>Notwithstanding the above, the detailed design stage and accompanying acoustic reports may indicate that parts of the site will need low walls and mounds in order to achieve compliance with the internal and external noise criteria.</p>	
<p>Resident 2</p>	<p>We request that the proponent consults with the adjoining land owner to the east regarding the servicing of the Emerald Hills site, to establish a cooperative approach regarding servicing and infrastructure provision.</p>	<p>Noted. This not is not a rezoning matter, however the proponent has been advised of the adjoining landowner's request.</p>	<p>No further action required.</p>



EMERALD HILLS PLANNING PROPOSAL

Amendment to Camden LEP 2010

Emerald Hills, 1100 – 1150 Camden Valley Way, Leppington

Lot 10 DP 1173819 (formerly Lot 2 in DP 650698)

Lot 10 DP 1161557 (formerly Lot B in DP 418632)

Lot 1 in DP 301830

20 March 2014

TABLE OF CONTENTS

History of Emerald Hills Planning Proposal	2
Executive Summary	4
Introduction	8
1 Background	5
2. Site Details	9
3. Development Vision	11
Part 1 - Objectives or Intended Outcomes	20
Part 2 - Explanation of Provisions	20
Part 3 – Justification	22
Section A – Need for the planning proposal	24
Section B – Relationship to Strategic Planning Framework	25
Section C – Environmental, social and economic impact	34
Section D – State and Commonwealth interests	36
Part 4 – Community Consultation	38

APPENDICES

- A- Achievement of State Plan 2021 Goals and Strategies.
- B- Achievement of Metropolitan Plan 2036 Strategic Directions, Objectives and Actions.
- C- Achievement of Metropolitan Plan Sustainability Criteria.
- D- Emerald Hills Planning Report
- E- Existing and Proposed LEP Amendment Maps
- F- Copy of Gateway Determination issued 7 July 2012
- G- Table of compliance with conditions of Gateway Determination
- H- Copy of submissions to the exhibition of the Emerald Hills planning package.

History of Emerald Hills Planning Proposal

The Emerald Hills Planning Proposal was received by Camden Council in late 2011.

At the meeting of 14 February 2012, Council considered a report on the planning proposal and resolved to forward the planning proposal to the DP&I to seek a Gateway Determination.

A Gateway Determination was issued on 7 July 2012. A copy of the Gateway Determination is included as Attachment F to this planning proposal.

A detailed planning report was undertaken by Whelan InSites to assist Council in the preparation of the suite of planning documents and to address statutory matters and the requirements and conditions of the Gateway Determination. The planning report is included as Attachment D. Particular reference is made to the following components of the planning report as they address matters of relevance to the planning proposal and the conditions of the Gateway Determination:

- Part 3 – Strategic and Statutory Planning Frameworks
- Part 4 – Gateway Determination (includes an assessment against the fifteen conditions issued with the Gateway Determination)
- Part 5 – Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No.2 – 1997)
- Part 6 – Specialist Investigations (includes a summary of key outcomes from the specialist studies undertaken during the planning phase)

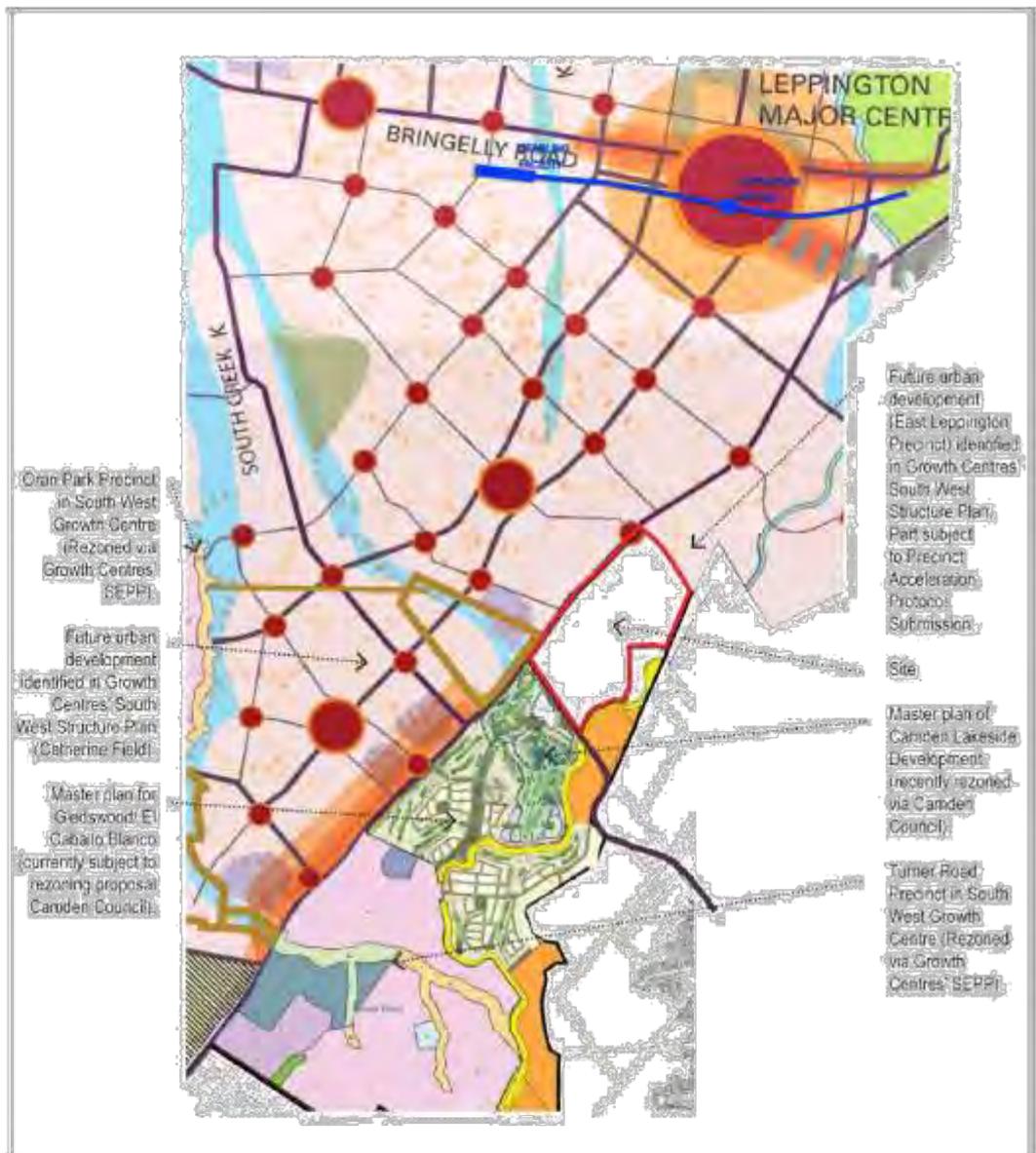
An extract from Part 4 of the planning report is included as Appendix G to this planning proposal to demonstrate how the planning proposal has satisfied the requirements of the Gateway Determination.

The original planning proposal has been amended as of 26 March 2014 to reflect the outcomes of the planning process and the public exhibition of the planning package.

Executive Summary

Emerald Hills comprises 151 hectares of land at No. 1100 – 1150 Camden Valley Way in Leppington. It is located 3.2 kilometres from the Leppington Town Centre. It adjoins the South West Growth Centre and lands subject to recent rezoning for urban purposes on Camden Valley Way, Leppington.

It is located in the heart of a committed development corridor in the Camden Local Government Area in South Western Sydney that is being transformed by new residential communities, infrastructure construction and employment precincts.



Map showing location of site and the proposed urban development surrounding the site

There is significant unmet demand for new housing in the Sydney Metropolitan Area. The property is generally cleared, unconstrained and unencumbered and preliminary planning suggests that it can deliver approximately 1200 dwellings. This yield will meet the 15 dwellings per hectare benchmark density sought by Government. Evolving market preferences that indicate greater acceptance of smaller lots suggest that there is potential scope to achieve a higher density than this benchmark.

Importantly, the property has extensive frontage to Camden Valley Way and Raby Road. Both roads are proposed to be upgraded. Recently, ramps to the Hume Highway / M5 were added to Raby Road to enable direct northbound access onto the M5/M7. The ramps are 5 kilometres from Emerald Hills.

Thus the site can easily be serviced by existing road and bus based public transport and is located only 3.2 kilometres from the new Leppington Station, when construction finishes in 2016. It can also be efficiently serviced by sewer, water and power.

With these foundations it presents a new opportunity to augment the supply of affordable housing in South West Sydney. It also provides a new opportunity to assist in the funding of infrastructure and income via rates to contribute to ongoing maintenance of community assets.

Development of the site can be served by a full range of education, community, recreation and retail and commercial services (and associated local employment) within existing neighbouring centres and the future Leppington Town Centre. Adoption of contemporary technologies and design can ensure water quality objectives and other environmental considerations can be met.

In this context, the current rural zoning of the property is an anomaly. The zoning is clearly not the highest and best use for the land. Furthermore, the property remains the only land on the eastern side of Camden Valley Way not identified, or zoned, for urban development in the future.

There is significant strategic support for the proposed rezoning of the property to urban purposes. Specifically:

- The Strategic Directions of the Metropolitan Plan for Sydney 2036 and the Draft South West Sub-regional Strategy both recognise that an adequate supply of land for residential purposes is required to meet Sydney's growth. Sites for new homes should be within 30 minutes by public transport to jobs and services in a major centre and should be located where there is available or planned public transport capacity. The location of the site meets these directions; and
- Both Strategies apply the Sustainability Criteria of the Metropolitan Strategy 2005 to test the appropriateness of locations for new urban development. The proposed rezoning of the property is assessed against the criteria and found to achieve the criteria in all respects.
- In recognition of the opportunity, Emerald Hills Estate has embarked on a Gateway Rezoning Proposal to amend the zoning of the property to enable urban development. A Planning Proposal report has been prepared in accordance with the Department of Planning's Guidelines and is supported by a positive assessment of the proposal against the Sustainability Criteria in the Metropolitan Strategy 2005. The ability of the property to achieve State Government objectives and deliver significant public benefits with minimal environmental and economic impacts is the genesis of the draft

LEP amendment contained in this Planning Proposal and support for the rezoning proposal is requested.

Introduction

Background

Emerald Hills, No. 1100 - 1150 Camden Valley Way, is located in the suburb of Leppington in the Camden Local Government Area in south west Sydney. A small part of the site in the north east corner is also located within the Campbelltown LGA. However it does not form part of this proposal.



The Emerald Hills site on Camden Valley Way in the Camden LGA

It has extensive frontage to Camden Valley Way (1.7 km) and Raby Road (0.85 km). Camden Valley Way is subject to proposals for its upgrading by the RTA in the near future. Raby Road is also proposed to be upgraded as part of the development of the South West Growth Centre. Recently, ramps to the Hume Highway / M5 were added to Raby Road to enable direct northbound access onto the M5/M7. The ramps are 5 kilometres from Emerald Hills.

The property is generally cleared, unconstrained and unencumbered. Preliminary planning suggests that the site can deliver approximately 1280 dwellings. This target will meet the 15 dwellings per hectare benchmark density sought by Government. The density promotes sustainable development underwritten by a viable and convenient public transport service. Evidence from recent market preferences from sales at nearby Oran Park and Gregory Hills indicate that smaller lots are enjoying greater acceptance. The proposed dwelling density of 15 dwellings per hectare includes the provision of smaller lot housing product on 220-300m² lots.

Thus the site will provide new opportunities for, and additional supply of, affordable housing in South West Sydney. It also provides new opportunities to assist in funding of infrastructure and income via rates to contribute to ongoing maintenance of infrastructure.

However, with its remarkable position, elevation and distinctive landscape character, the site can not only increase supply of housing but also increase the choice in housing types and living environments available to households in South West Sydney.

Development of the site can be served by a full range of education, community, recreation and retail and commercial services (and associated local employment) within existing neighbouring centres and the future Leppington town Centre. Adoption of contemporary technologies and design can ensure water quality objectives and other environmental considerations can be met.

The site can easily be serviced by existing road and bus based public transport and is located only 3.2 kilometres from the new Leppington Station, when construction finishes in 2016. It can efficiently be serviced by sewer, water and power. Construction of the upgrading of Camden Valley Way from a two lane rural road to a four lane highway is to commence shortly.

In this context, the current rural zoning of the property is an anomaly. The zoning is clearly not the highest and best use for the land. Furthermore, the property remains the only land addressing, and on the eastern side of, Camden Valley Way not identified, or zoned for urban development in the future.

Therefore it is a leading candidate for rezoning to urban purposes.

Site Details

Emerald Hills Estate is a Partnership comprising the Directors of D&AI Pty Ltd that owns the land.

The Site comprises an irregularly shaped rectangular parcel of land generally situated along a SW to NE alignment. It has a total area of 151.1 ha and is bounded by Camden Valley Way to the west, Raby Road to the south and St Andrews Road to the north (much of which is an unmade road comprising a gravel track). The eastern side of the site generally follows the alignment of the water canal owned by Sydney Water Corporation. The easternmost portion of the site which falls within the Campbelltown LGA is excluded from this planning proposal.



Copy of Survey and Aerial View of Site Looking North East

It is legally described as:

- Lot 10 DP 1173819 (formerly Lot 2 in DP 650698)
- Lot 10 DP 1161557 (formerly Lot B in DP 418632)
- Lot 1 in DP 301830

The survey plan indicates a number of existing easements on the title including two aligned roughly along the eastern boundary for a 132kV electrical transmission line and a gas pipeline and a major 60 metre wide easement for a 330 kV Transgrid power line that crosses the south west corner of the site, which must be considered in any master planning. There is an opportunity to realign the 132kV easement with the gas pipeline easement.

The landowners have undertaken a number of studies:

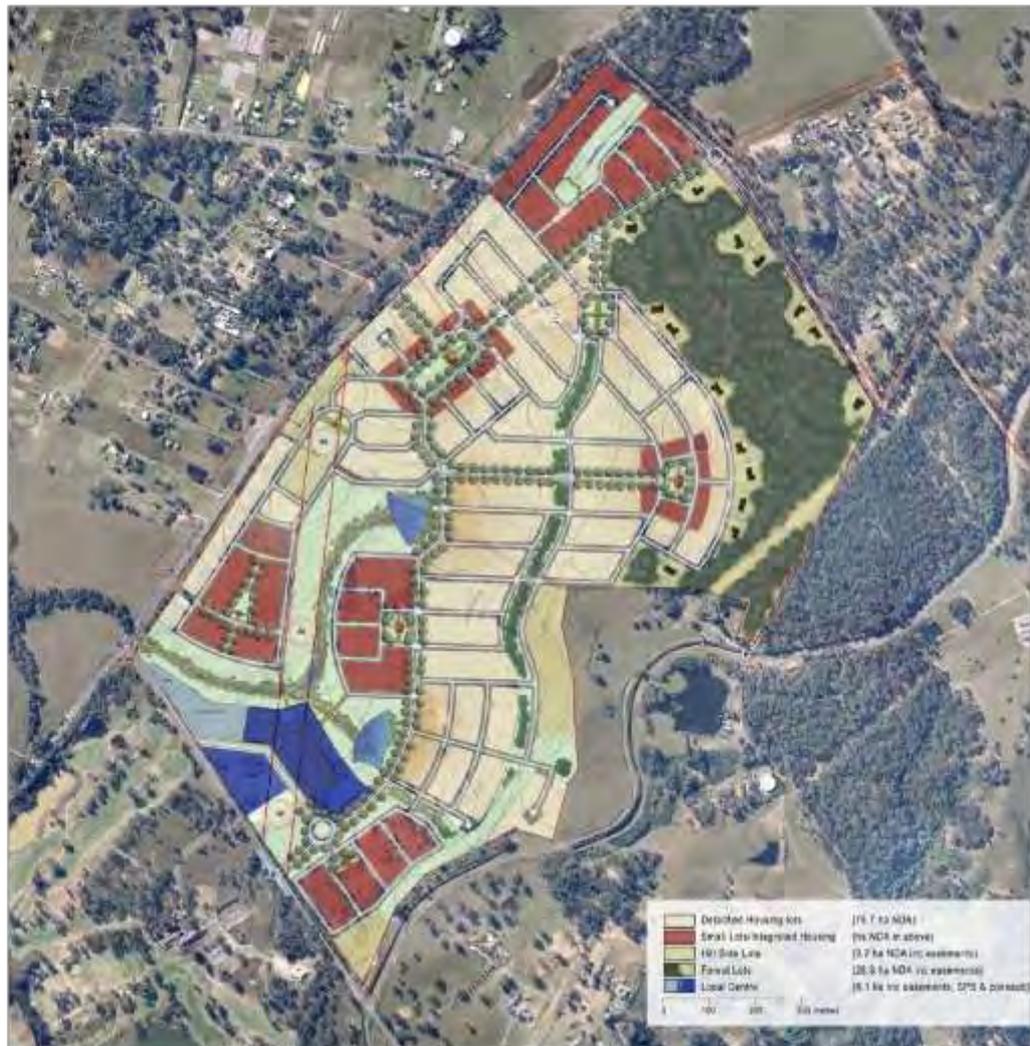
- Ecological investigation confirms the presence of Cumberland Plain Woodland on site in the north east corner. It will need to be protected;
- Lean Lackenby and Heyward investigation confirms that infrastructure connections may be available;
- Creek corridors and classifications have been mapped;
- The RTA is to upgrade Camden Valley Way in stages. It will improve the road access and provide a new bus based public transport corridor adjoining site;
- Camden Council investigations as part of preparation of its new LEP 2010 show no heritage or significant flooding;
- Some Bushfire Hazard is expected at the Cumberland Plain woodland interface;
- There is no known contamination and none expected.

Generally the site is cleared and unencumbered, with good access and proximity to services and facilities.

Existing use is a working farm and previously it also included the St Andrews Home for Boys.

Development Vision - 2011

The development vision for Emerald Hills comprises an integrated residential development of nine mini neighbourhoods oriented around parkland with a local shopping centre and encircled by public open space. It provides for a mix of dwellings and includes retention of large areas of land for environmental protection, riparian corridor improvement and landscape protection. The development vision dated 2011 is included below, and the draft Indicative Layout Plan derived from the planning process follows.



The Urban Design Vision for the Site – taken from 2011 pre-Gateway planning proposal

Draft Indicative Layout Plan

Planning principles facilitate the development of the Draft Indicative Layout Plan. Derived from NSW planning legislation, specialist studies and best practice guidelines the following planning principles have been utilised in the evolution of the Draft Indicative Layout Plan:

Public Domain

- Facilitation of an active public domain for the use as an outdoor living space where individuals and communities are encouraged to interact;
- Encouragement of a strong neighbourhood character around the school, playing fields, neighbourhood centre and integrated walking trails; and
- Walking trails that promote inter community interaction with adjoining residential developments;

Natural Environment

- Integration of the natural environment with residential development;
- Local and neighbourhood parks take advantage of and retain the key landscape and environmental features of the Precinct, including view corridors, high points, the riparian corridor and existing vegetation;
- Facilitate the protection and enhancement of the riparian corridor through the development of pride in the community vision; and
- Retain prominent Cumberland Plain Woodland in two large Biobanked private lots (each with a dedicated area of R2 Low Density Residential land attached to facilitate a single dwelling house) to assist in the retention and enhancement of this endangered ecological community.

Land use

- Develop a mixture of low density housing opportunities within the site including a range of lot sizes, with smaller lot product in close proximity to services; and
- Define the local centre as a focal point of the community.

Transport

- Create clear definition between collector roads and local streets to facilitate safe and quiet neighbourhoods;
- Develop a clear hierarchy of roads with optimal connectivity to ensure efficient movement of pedestrians and vehicles throughout the development precinct;
- Develop the local road network to respond directly to the topography of the site, facilitate optimal WSUD and enhance the landscape context; and
- Promote walking and cycling by providing safe connections throughout the development precinct.

Overview of the Draft ILP

Neighbourhood Design

- The site's character is capitalised upon by proposing a series of residential neighbourhoods immersed within the landform, open spaces and the pathway network;
- Distinctive neighbourhoods are established and visually and structurally contained predominantly by landform. Each neighbourhood therefore has the potential to offer and exhibit their own distinctive character and sense of place; and
- View corridors to, and the presence of, prominent local natural features are celebrated within the road and local open space network and intended to distract and orient views away from the energy transmission power lines.

Land Use

- A local centre comprising retail, sports fields and primary school in the south west corner of the site provides possibilities for residents to walk or cycle to a small range of facilities. It is located at the most convenient point of the site to capitalise on connectivity with the existing and future development to the south and is thus better located to service its host catchment. The economic benefit that may be generated by a location adjoining and exposed to Raby Road facilitates the viability and effectiveness of servicing the households within the catchment. The location adjoining the creek also provides the opportunity to establish a distinctive high quality public domain;
- A variety of dwelling forms is proposed in appropriate locations which either reinforce the scenic values of the site or contribute to the accessibility, vitality and character of the local centre, the amenity offered by open spaces and the viability of public transport. Smaller residential lots are located around areas within the site exhibiting high amenity such as the local centre (to capitalise on access to retail and commercial facilities and the community 'hub' role that the centre will offer) and open space and riparian corridors (to capitalise on the attractive aspect and passive recreation function that these areas will offer). The housing forms comprise:
 - Transitional large lots of between 1,000sqm and 4000sqm in area where attention to landscape visual character and environmental protection and management of bushfire hazard and noise impact is required. The lots provide for low density residential development that permits the private management and rehabilitation of vegetation interface areas, protection of prominent scenic areas, and the management of bushfire asset protection zones;
 - Conventional low density housing lots of between 300-600 sqm shall allow for single or two storey detached dwellings; and
 - Smaller lot housing (single or two storey detached, semi-detached or zero lot line dwellings) on 220-300 sqm lots in areas of high amenity.
- An indicative dwelling yield within the site of 1280 dwellings which, when assessed against the potential net developable area (NDA) of the site (approximately 78 hectares) achieves a minimum density of 15 dwellings per hectare, which may contribute to supporting the provision of bus based public transport.

Traffic and Access

- A legible interconnected 'grid pattern' of walkable streets which seeks to address site topography and encourage walking and cycling as well as provide a choice of alternate routes for vehicles. The road network includes:
 - The adoption of a local grid pattern that reflects and responds to landform where best it can with minimal modification;
 - The provision of a major local collector road that is located parallel to Camden Valley Way and incorporates distinctive entries into the site from Camden Valley Way. St Andrews Road and Raby Road facilitating vehicle access. Road character and route is designed to minimise attractiveness for 'rat-running' and through traffic seeking to avoid the Camden Valley Way / Raby Road intersection; and

- Local roads addressing frontages to public open space to avoid the provision of rear fences and contributing to protecting and enhancing the character of the site.
- The potential for a bus route and bus stops located along a major local collector road that links the local centre with any potential routes beyond the site to the Leppington Town Centre and railway station.
- A permeable local road network within the majority of the urban part of the site that would ensure dwellings are located within a 400 metres/5 minutes walking catchment of the bus route and 250 metres of public open space.
- A simple hierarchy of road design and character comprising:
 - The collector road with a minimum width to provide for the provision of two parking lanes, two traffic lanes and a landscaped median strip. Footpaths and street trees should be provided within the verge; and
 - Local roads incorporating street tree planting;
- A flexible and connected pedestrian and cycle pathway network that utilises open space corridors in order to can respond to the constraints that will be imposed on the plan as detailed civil and environmental design proceeds.

Open Space and Environment

- Preservation of the existing remnant vegetation in the northern part of the site with a reconfiguration of the urban / vegetation interface by dedication in private ownership and re-vegetation.
- The provision of local neighbourhood parks located within a 250 metres or 5 minutes walking catchment.
- The adoption of non-traditional environmental management techniques to support environmental protection in concert with the provision of public open space and stormwater management in urban development by:
 - The rehabilitation of riparian corridors, which will be integrated into the stormwater management system which, with the adoption of water quality detention ponds and bioswales in public open spaces, will provide the mechanism to ensure that water exiting the site will have no downstream environmental impact;
 - The provision and use of public open space to capitalise on vegetation protection and rehabilitation; and
 - Creating streets as green corridors, which by careful selection of street tree species will also play a role in environmental enhancement.

Landscape and Visual Protection and Enhancement

- The western lee side of the elevated ridgeline is kept free from development to provide opportunities to re-vegetate this visually prominent part of the site, provide opportunities for publicly accessible views of the district to the west and to effectively accommodate the slope constraints exhibited by landform in this location;
- View axes at the entries to the site of the prominent hills to the south east of the site are secured through location of roads to provide opportunities for public enjoyment and appreciation of the locality's landform, contributing to the establishment of a distinctive sense of place and character to the area; and
- The low lying part of the site accommodates water quality protection basins and the riparian corridor.
- Promotion of streetscape character along Camden Valley through re-establishment of streetscape vegetation and minimisation of noise walls.

Draft Indicative Layout Plan Design

The indicative layout plan provides for a village centre including 10,000sqm of retail space, a primary school and approximately 1280 lots in a 10 year timeframe. The proposal includes the protection of endemic flora and fauna through the integration of urban development within the natural landscape and bushland to provide a high amenity living environment for future residents.

The proposed development incorporates parks and reserves that are connected through walking trails, cycle ways and public transport routes as well as providing similar access to facilities external to the site. It is envisaged that the provision of walking trails and cycle ways will further facilitate a lesser need for the day to day reliance on the motor vehicle.

Features of the Draft Indicative Layout Plan include:

- Provides a range of housing choices with smaller lot housing located in areas of high amenity;
 - Average lot size of 450sqm range; and
 - Larger lot sizes bridging across the eastern ridge.
- Provides a neighbourhood centre;
 - Located adjacent to Raby Road, the primary entrance into the site;
 - Linked with pedestrian and cycle routes throughout the precinct; and
 - Provides for up to 10,000sqm of retail and additional office or business premise space.
- Protects the Environment;
 - Protection and enhancement of the natural features of the site including the visual character of the ridgeline and the riparian corridors; and
 - Existing native vegetation, including areas of Cumberland Plain Woodland retained and Biobanked in future.
- Provides for accessible open space
 - Designed to ensure that every lot is within 400m safe walking distance of public open space; and
 - Public open space enhances through the retention of natural landscape features, flora and fauna.
- Provision of school facility;
- Integrated walking and cycling network;
 - On and off road cycling opportunities in a safe environment to provide access on within the present;
 - Cycling and walking connections to adjoining growth centre precincts to encourage the combination of transport methods daily;
 - Off road pedestrian footpaths; and
 - Pedestrian walking paths facilitating interaction with the natural environment in the riparian zones, public parks and the fringes of the development area.
- Road network;
 - Clear hierarchy of road infrastructure;
 - Road design that incorporates that natural features of the landscape to optimise amenity to residents and visitors; and
 - Design for connectivity with through road access on the majority of residential and collector roads.
- Public transport;

ORD03

Attachment 2

- Potential bus routes concentrated on collector roads;
- Bus stop proposed to be located within 400m of all dwellings in the precinct to discouraged the use of the motor vehicle, especially for school trips; and
- Utilisation of existing bus routes around the site.



Draft Indicative Layout Plan (taken from draft amendment to Camden DCP 2011) dated March 2014

The proposed urban development is consistent with the form, density and character being supported in other neighbouring greenfield land releases such as Oran Park and Turner Road in South West Sydney.

The Vision is described in detail in the report that accompanies this Planning Proposal. Key elements comprise:

- A Plan that adopts, as a guide, the Growth Centres Development Code to inform the layout of land uses and character and configuration of access, public transport service, and the configuration and preservation of areas with environmental value;
- An indicative yield of 1280 dwellings and a minimum density of 15 dwellings per hectare net developable area (NDA as defined in the Code); and
- Neighbourhood retail focussed in a local centre to serve residents.

Master planning indicates that the development vision can be achieved without offending the environmental and landscape values of the area. It can also be achieved whilst minimising amenity impacts (traffic, access to services etc.). Traffic and access issues can be addressed by providing direct access to Camden Valley Way via Raby Road and St Andrews Road.

The proposed release of the land for urban development satisfies State Government housing supply and metropolitan planning objectives with regard to appropriately located and serviced land for new housing.

It is these opportunities to achieve State Government objectives and deliver a significant public benefit (cost effective supply of serviceable land for housing) with minimal environmental impacts that are the genesis of the draft LEP contained in this planning proposal.

Part 1 - Objectives or Intended Outcomes

The intended outcome of this proposal is the development of a large parcel of land on the east side of Camden Valley Way for a mix of residential, retail, open space and environmental protection purposes.

The objectives of the development are:

- To satisfy State Government objectives in the Metropolitan Plan for Sydney 2036 to locate the majority of new housing within walking catchments of centres and enable residential growth in areas where there is good public transport service;
- To satisfy State Government priorities in the NSW State Plan to increase housing supply; and
- To achieve compliance with the NSW State Government's current Sustainability Criteria contained in the 2005 Metropolitan Strategy (Table G2), pending their replacement with new criteria in accordance with the Delivery Plan in the Metropolitan Plan 2036 (Action I 6.4).

Part 2 - Explanation of Provisions

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

The objectives of the RU2 Rural Landscape zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To protect and enhance areas of scenic value by minimising development and providing visual contrast to nearby urban development.
- To maintain the visual amenity of prominent ridgelines.
- To permit non-agricultural uses which support the primary production purposes of the zone.

The zone is limited in terms of the range of permissible land uses and subdivision that may take place. Urban subdivision and development is prohibited in the zone.

None of the existing planning controls facilitate the achievement of the objectives and outcomes listed in Part 1 of this proposal.

Intended provisions of the amended planning proposal

The amended Planning Proposal seeks to amend the LEP for the site based on the draft Indicative Layout Plan as follows:

1. Rezones the site as follows (as indicated on the proposed amendment to the LZN map included in Appendix E):
 - Residential areas to be zoned 'R2 Low Density Residential';
 - The Cumberland Plain Woodland conservation area to be zoned 'E2 Environmental Conservation';
 - The local centre to be zoned 'B1 Neighbourhood Centre';
 - The Raby Road road widening land to be zoned 'SP2 Infrastructure';
2. Introduces a Schedule 1 Additional Permitted Use to Camden LEP 2010 which permits 'exhibition homes' on the land fronting Raby Road as shown on edged heavy blue on the draft Additional Permitted Uses Map; and
3. Introduces a floor space control clause that specifies a maximum floor space of 10,000 sqm gross floor area for retail premises (excluding food and drink premises) for buildings in the land zoned B1 Neighbourhood Centre within the proposed amendment to Camden DCP 2011; and
4. Amends the Lot Size Map as indicated on the proposed amendment to the LSZ map included in Appendix E by:
 - applying a minimum lot size of 220 sqm over the land proposed to be zoned R2 Low Density Residential; and
 - applying a minimum lot size of 2 hectares to the land within the E2 zoned land in the north east corner of the site.
5. Amends the Height of Buildings Map as indicated on the proposed amendment to the HOB map included in Appendix E by:
 - applying a maximum height of 9.5 metres across the site for dwellings; and
 - applying a maximum height of 12.5 metres in the local centre site

The residential height limits are consistent with those adopted in the adjacent Camden LGA Growth Centre Precincts.
6. Amends the Urban Release Areas Map as indicated in the proposed amendment to the URA map included in Appendix E by mapping the Emerald Hills site in blue so that Part 6 of the Camden LEP applies to the land.
7. Create a new Land Reservation Acquisition map sheet LRA_016 and show the land fronting the northern side of Raby Road as per the proposed LRA map detail in Appendix E.

Appendix E of this planning proposal contains the existing Camden LEP 2010 maps applying the Emerald Hills site, the exhibited LEP amendment maps, and the final proposed

amendment maps under this planning proposal. The maps are numbered and described as follows:

- 1A Existing Land Zoning Map LZN_016
- 1B Exhibited draft amendment to LZN_016 as it relates to the Emerald Hills site – SUPERSEDED
- 1C Amended Proposed amendment to LZN_016 as it relates to the Emerald Hills site for gazettal
- 2A Existing Lot Size Map LSZ_016
- 2B Exhibited and proposed amendment to LSZ_016 as it relates to the Emerald Hills site for gazettal
- 3A Existing Height of Buildings Map HOB_016
- 3B Exhibited draft amendment to HOB_016 as it relates to the Emerald Hills site – SUPERSEDED
- 3C Amended Proposed amendment to HOB_016 as it relates to the Emerald Hills site for gazettal
- 4A Existing Urban Release Area Map URA_016
- 4B Proposed amendment to URA_016 as it relates to the Emerald Hills site
- 5A Proposed detail on new Land Reservation Acquisition MAP LRA_016 to be created by planning proposal (there is no existing LRA_016 map)
- 6A Proposed amendment to APU_016 as it relates to the Emerald Hills site

It is noted that Planning and Infrastructure will be provided with hard copies and electronic copies of the above LEP amendment maps in the Standard Instrument format to enable the planning proposal to be made.

How do the intended provisions of the amended planning proposal vary from the exhibited planning proposal?

Land Zoning Map

The planning proposal was exhibited with a R1 General Residential zoning applying to the residential component of the Emerald Hills site as per **Map 1B Exhibited draft amendment to LZN_016 as it relates to the Emerald Hills site – SUPERSEDED** in Appendix E.

The intention of this land zoning was to maintain consistency with the land zoning applied in similar urban release areas in the Camden LGA. The R1 General Residential zone permits a wide range of residential and non-residential land uses subject to development consent, including dwelling houses, attached dwellings, semi-detached dwellings, multi dwelling housing and residential flat buildings.

Following the exhibition of the Emerald Hills planning package, Council officers and the developer have reviewed the intended future land uses on the Emerald Hills site. The developer has confirmed that they have no intention of developing residential flat buildings,

multi dwelling housing, attached dwellings and semi-detached dwellings at Emerald Hills. As a result, alternative zoning options for the residential component of Emerald Hills were investigated.

The R2 Low Density Residential zone only permits dwelling houses and dual occupancies with development consent, whilst all other forms of residential development are prohibited in this zone. This is consistent with the developer's intentions for Emerald Hills and facilitates a low density urban outcome. Accordingly, the R2 Low Density Residential zone is considered to be the most appropriate residential zoning for Emerald Hills. The change in zoning is reflected in **Map 1C Amended Proposed amendment to LZN_016 as it relates to the Emerald Hills site for gazettal** in Appendix E.

The amendment to the Land Zoning Map is considered to be minor given that the R2 Low Density Residential zone will continue to facilitate the development of dwelling houses and dual occupancies at Emerald Hills. These development types are in-keeping with the intended low density urban environment envisaged by Council and the proponents, and will continue to deliver a maximum of 1280 dwellings as noted in the exhibited planning package.

Exhibition Homes as an Additional Permitted Use

Amending the zoning from R1 General Residential to R2 Low Density Residential results in exhibition homes becoming a prohibited land use in Emerald Hills, as exhibition homes are prohibited in the R2 General Residential zone under the Camden LEP 2010. The proponent has advised that they intend to incorporate exhibition homes into the first stage of development at the southern corner of the site fronting Raby Road. To enable this to occur, the planning proposal has been updated to include an amendment to Schedule 1 (Additional Permitted Uses) of Camden LEP 2010 which permits exhibition homes on part of the Emerald Hills site, and the Additional Permitted Uses map will be updated to show the subject land with a heavy blue outline as per **Map 6A Proposed amendment to APU_016 as it relates to the Emerald Hills site** in Appendix E.

Height of Buildings Map

The exhibited Height of Buildings Map proposed a maximum height of 12.5m for the local centre, 15.5m for residential flat buildings, 8.5m for buildings on the visually prominent ridgeline, and 9.5m for the remainder of the site, as per **Map 3B Exhibited draft amendment to HOB_016 as it relates to the Emerald Hills site – SUPERSEDED** in Appendix E.

The notation regarding a 15.5m height limit for residential flat buildings has been deleted from the legend of the Height of Buildings Map as the change in zoning from R1 General Residential to R2 Low Density Residential means that residential flat buildings are now prohibited.

The proposed height limit of 8.5m along the ridgeline has been replaced with a height limit of 9.5m which is consistent with the rest of the R2 Low Density zoned land. This amendment has occurred as a result of detailed design work undertaken by the proponent which demonstrates that the ridgeline can be lowered by 3m during the bulk earthworks on the site, rather than 2m as per the exhibited planning proposal. The additional 1m of excavation means that the 1m reduction in building height in this part of the site is no longer required. Section C12.12 of the draft Emerald Hills DCP chapter provides a specific control requiring the excavation of the ridgeline by 3m.

This amendment achieves consistency with the recommendations of the Visual Impact Assessment prepared for the Emerald Hills proposal by maintaining an overall height reduction of future development on the ridgeline by 3m.

An omission in the exhibited Height of Buildings Map has been corrected via the addition of a 9.5m height limit to the portion of R2 General Residential zoned land fronting St Andrews Road. This piece of R2 General Residential zoned land requires a maximum building height limit given that it may accommodate a future dwelling house as part of the ownership of the E2 Environmental Conservation land as discussed later in this report.

The amended height of buildings map is included at **Map 3C Amended Proposed amendment to HOB_016 as it relates to the Emerald Hills site for gazettal** in Appendix E.

Do the amendments to the intended provisions of the planning proposal require re-exhibition?

The amendments to the planning proposal do not require re-exhibition as there are no significant changes to the principles and objectives of the exhibited planning proposal.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is The Planning Proposal a Result of any Strategic Study or Report?

The proposal itself has not been the result of a specific strategic study or report. However the existing zoning of the site does not reflect a number of State Government strategic initiatives that will impact on the potential future use of the site, and the planning proposal responds to these initiatives. These strategies are discussed in Section B below.

2. Is The Planning Proposal The Best Means of Achieving The Objectives or Intended Outcomes, or is There a Better Way?

Yes. The planning proposal is the most appropriate method to enable development applications to be submitted for development within the site. Other methods investigated will not achieve the intended result that is sought.

Other options identified:

- (i) A site specific provision enabled by inclusion of the site in Schedule 1 of Camden LEP 2010

This option was considered. However, due the geographical size of the area and the precedent such an approach would set, the approach advocated in the Planning Proposal was considered to be the most appropriate method.

- (ii) A Planning Proposal to amend the boundaries of the South West Growth Centre shown in the maps of State Environmental Planning Policy (Sydney Region Growth Centres) 2006

This option was not considered viable. The amending process would have been significant, and would have exceeded generally accepted parameters for the consideration of such matters.

- (iii) Await a review of the Growth Centre Boundaries in the future.

This option was considered. However, the process whereby the landowner awaits a review at an unknown time introduces too much uncertainty in terms of timeframe and outcome. The uncertainty jeopardise the opportunity for the achievement of the objectives identified in Part 1 above in the short term.

Rather, it is considered that the progress of this Planning Proposal is the most suitable mechanism to achieve the objectives in Part 1.

3. Will The Net Community Benefit Outweigh The Cost of Implementation and Administering The Planning Proposal?

Yes. The outcome of the Planning Proposal will be an increase in the supply of new housing in the Camden LGA. New residents will be able to support existing and proposed public investment in public transport, road and service infrastructure.

Residents will also support the Government's recent commitment to commence, and invest public monies in, the Leppington Town Centre by increasing the number of households within the Centre's catchment.

The increased demand on new infrastructure generated by the additional population is negligible and can be achieved without costly augmentation of existing services, or provision of new services. Rather it will facilitate the viability of, and supports the investment in, infrastructure in the locality.

Thus the net community benefit is considered to far outweigh the cost of implementing the proposal.

Section B – Relationship to Strategic Planning Framework

4. Is The Planning Proposal Consistent with the Objectives and Actions Contained Within the Applicable Regional or Sub-Regional Strategy (Including The Sydney Metropolitan Strategy and Exhibited Draft Strategies)?

Yes. There are a number of State Government Strategies and Policies that provide the strategic context for the development of the Precinct. They comprise:

1. The NSW State Plan; and
2. The Metropolitan Plan for Sydney 2036 (The new 'Metro Strategy'); and
3. The Draft Subregional Strategies

The NSW State Plan

The NSW State Plan 2021 was recently released. It replaces the previous Plan of 2010 as "the NSW Government's strategic business plan, setting priorities for action and guiding resource allocation" (p.2). The rezoning and development of the site is consistent with many of the 32 goals in the five strategies of the Plan; particularly with regard to improving the NSW economy, growing patronage on public transport, and placing downward pressure on the cost of living. This is detailed in Appendix 1.

The Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 was released on 16 December 2010. It comprises the "new" Metropolitan Strategy for Sydney and replaces the previous "City of Cities – a Plan for Sydney's Future" prepared in 2005 (Metropolitan Strategy 2005).

Of relevance to the Proposal:

Its policy settings reinforce the targets of the State Plan including the enabling of residential and employment growth in areas where there is available or planned public transport capacity;

It advises that the current sustainability criteria (contained within the Metropolitan Strategy 2005) will be replaced with new criteria to help assess land release options outside the Growth Centres during the annual land supply assessment. Government will consult stakeholders on the new criteria before they are adopted. The criteria will aim to:

- maintain the integrity of urban containment;
- achieve efficient use of land and cost effective development;
- ensure the continuity of significant rural and resource activities;
- avoid use of biodiversity rich land and high risk areas; and
- provide certainty about delivery of dwellings in the short term.

The rezoning and development of the site contributes to the achievement of a number of the Plan's strategic directions and objectives. This is detailed in Appendix 2. Rezoning and Development is also consistent with the current sustainability criteria as summarised in the table in Appendix 3.

Draft South West Subregional Strategy

The site is located in the Draft "South West Subregional Strategy."The aim of the Subregional Strategy is to translate the objectives of the NSW Government's Metropolitan Strategy 2005 and State Plan to the local level.

The Draft Strategy remains a draft document and will be superseded/updated by new investigations required as part of the Metropolitan Plan 2036. Notwithstanding this, it remains today the only document that provides any published advice on State Government objectives at a local level.

Of relevance to this proposal, the Subregional Strategy:

- Seeks to ensure adequate supplies of land and sites for residential development and applies the Sustainability Criteria of the Metropolitan Strategy 2005 for new urban development; and
- Seeks to focus residential development around centres, town centres, villages and neighbourhood centres.

In summary, the Strategy seeks increased housing supply in the subregion on well-located sites. The Planning Proposal is consistent with the Strategy as it can contribute to the achievement of all of these goals.

ORD03

Attachment 2

5. Is The Planning Proposal Consistent with The Local Council's Community Strategic Plan, or Other Local Strategic Plan?

Yes. There is one relevant principal Strategic Plan:

The Camden Residential Strategy 2008.

The Camden Residential Strategy 2008 aims to "guide the form and character of housing in Camden into the future" (p.7). It supersedes the Residential Strategy for Camden, undertaken in 1997. The 2008 Strategy outlines the challenges facing Camden today and in the future and responds to these challenges by identifying a "New Model for Change" and presenting a series of recommendations to implement the approach.

The proposed rezoning and development of the site advocated in the Urban Design Vision achieves the recommendations of the Strategy and is consistent with The Strategy's intent as illustrated in the table below.

Strategy Recommendation	Comment on Planning Proposal
That Council further promote, in appropriate locations, alternative and affordable housing forms.	The development proposed in the rezoning of the site achieves this recommendation by offering the potential for a range of housing types appropriately located within walking distance of a local centre, open space and public transport. Furthermore, by increasing supply and choice of housing, affordability is assisted via improvements to the housing demand and supply equation.
That Council include within its development control framework appropriate locational criteria for housing redevelopment as outlined in this Strategy.	The proximity of the site to public transport, the Leppington Town Centre and existing and future employment and commercial areas satisfies locational criteria.
That Council consider the inclusion of appropriate adaptable housing controls in the Camden DCP 2006.	Development in the site would comply with the controls in the Camden DCP.
That Council explore appropriate mechanisms for any necessary upgrading of public domain areas adjoining redevelopment sites.	The Urban Design Vision seeks the development of high quality public domain areas and the proponent of the Planning Proposal would support such endeavours.
That Council investigate alternative methods, for the provision of alternative and affordable housing.	As noted above, by increasing supply, the proposed rezoning facilitates affordable housing.

Strategy Recommendation	Comment on Planning Proposal
<p>That Council adopt the new model for housing change as outlined in this Strategy, by:</p> <p>Supporting housing diversity through a review of planning controls;</p> <p>Supporting a greater distribution of diverse housing in appropriate locations through a review of LEP and DCP controls;</p> <p>Supporting fine-grained planning of existing residential areas, where re development is proposed, by requiring site-specific controls to be developed in accordance with the locational criteria;</p> <p>Supporting improved local character as a result of housing redevelopment, by the development of high quality housing and landscaping controls and the development of appropriate mechanisms for the funding of public domain improvements.</p>	<p>The Urban Design Vision supports these recommendations through the design approach advocated for master planning and public domain establishment.</p> <p>In particular, the careful placement of open space areas and revegetation of prominent hillsides is intended to preserve and improve the recognised character of Camden along the Camden Valley W streetscape and from further afield at vantage point that offer views to the ridgeline.</p>
<p>That Council encourage mixed use development, including residential-commercial development, within town centres.</p>	<p>While not providing for vertical mixed use development, the Urban Design Vision seeks a mix of uses by the placing of higher density residential with retail and commercial uses in close proximity (within comfortable walking distance).</p>
<p>That Council encourage a range of housing opportunities for seniors, from independent living in retirement villages through to nursing homes, in appropriate locations.</p>	<p>These housing forms could be accommodated within the development of the site, and are not excluded by the Urban Design Vision.</p>
<p>That Council, when considering any applications for rezoning of land to permit rural residential or large-lot residential development, have regard to the on-going viability of Camden's rural landscapes and economy.</p>	<p>The Urban Design Vision seeks a density of a minimum of 15 dwellings per hectare to satisfy Government Sustainability Criteria. As part of this approach it seeks to preserve the landscape and visual character of the environs of the site, due to its visually prominent location (elevated character and frontage to major arterial roads).</p>

ORD03

Attachment 2

6. Is The Planning Proposal Consistent with Applicable State Environmental Planning Policies?

The following State Environmental Planning Policies are relevant to the planning proposal:

SEPP	Requirement	Planning Proposal	Consistent
No. 19 - Bushland in Urban Areas	The making of LEPs must consider the aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland	The planning proposal is consistent with SEPP 19 by seeking to reserve remnant vegetation, riparian corridors and associated areas of environmental significance.	Yes
No.55 – Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. If the land is unsuitable, remediation must take place before the land is developed. Clause 6 of the SEPP requires consideration of contamination in any change in use that may permit residential use.	The known history of the use of the lands in the site suggests that they have not contained any activities that would have generated any unreasonable contamination that cannot be readily remediated.	Yes
No. 65 – Design Quality of Residential Flat Development	This Policy aims to improve the design quality of residential flat development in New South Wales.	Not applicable as residential flat buildings are not permitted in the R2 General Residential zone.	Yes
(BASIX)2004	Aims to encourage sustainable residential development. SEPP relates to certain kinds of residential development which must be accompanied by a list of commitments by the applicant as to the manner in which development must be carried out.	Detailed compliance with BASIX will be demonstrated at the time of making an application for development consent.	Yes
(Exempt and Complying Development Codes) 2008	The Exempt and Complying SEPP applies to the site and permits development of minor environmental significance without the need for development consent. The SEPP lists developments that are exempt development and do not require consent and some developments which are complying development for	The provisions of the SEPP in permitting developments of minor environmental significance without the need for development consent will be considered in future development of the site.	

SEPP	Requirement	Planning Proposal	Consistent
	the purposes of the EP&A Act.		
(Housing for Seniors or People with a Disability) 2004	The SEPP aims to increase the supply and diversity of residences suitable for seniors or people with a disability while making efficient use of existing infrastructure and services.	Any future applications for seniors' housing projects on the site will be made with consideration of the provisions of the SEPP. Criteria and standards relating to such developments will be addressed in the relevant development application.	
(Affordable Rental Housing) 2009	The SEPP facilitates the delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards. It also facilitates an expanded role for not-for profit- providers of affordable rental housing.	Any future applications for affordable housing projects on the site will be made with consideration of the provisions of the SEPP.	
(Infrastructure) 2007	The relevant matters for consideration include the requirement to address traffic impact and acoustic impact	Detailed compliance with the SEPP will be demonstrated at the time of making an application for development consent. In particular, the impact from noise generated by traffic on Camden Valley Way will be required to be addressed in detailed subdivision and building design.	Yes
Sydney Region Growth Centres 2006	The lands to which the policy applies do not encompass the site. However the neighbouring South West Growth Centre has an influence on the development within the site, which can contribute to the achievement of the SEPP's aims.	The SEPP does not apply to the site. However development within the site can contribute to the SEPP's aim of: "(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity."	Yes

7. Is The Planning Proposal Consistent with Applicable Ministerial Directions (S.117 Directions)?

The S.117 Directions that are relevant to a Planning Proposal lodged under the LEP Gateway are:

S.117 Direction	Contents	Planning Proposal	Consistent
3.1 Residential Zones	Planning proposals must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on the fringe, and are of good design.	The Planning Proposal provides a new opportunity for increased housing choice, efficient use of infrastructure and services, reduces consumption of land on the fringe by seeking higher residential densities, and can provide good urban design to improve the locality.	Yes
3.4 Integrating land use and transport	Planning proposals must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	The Planning Proposal is consistent with these documents in providing an opportunity for development of a new community in close proximity to the Leppington Town Centre in an area well served by existing infrastructure, transport and services.	Yes
4.1 Acid Sulphate Soils	The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soil Risk Maps prepared by the Department of Natural Resources.	The elevated character of the site and its landform is such that it is considered that there will be a low probability of the presence of acid sulphate soils. Detailed investigation will be undertaken at the time of making an application for development consent.	Yes
4.3 Flood Prone Land	LEP provisions to ensure that development on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Only a minor part of the site in the creek corridor is understood to be flood affected. Development is located away from this area and would have no impact on hydrological regimes.	Yes
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect from bush fire hazards, by discouraging the Establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.	The configuration of land uses, roads and access in the Urban Design Vision considers bushfire hazard and protection from bushfire events.	Yes

EMERALD HILLS PLANNING PROPOSAL

6.2 Reserving Land for Public Purposes	Planning proposals (where relevant) are to facilitate the provision of public services and facilities by reserving land for public purposes.	The Proposal does not reduce the area of land reserved for public purposes. Rather, it improves the use of and access to this land adjoining and within the site.	Yes
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposed LEP zoning, height and FSR standards are not considered to be particularly restrictive and therefore are consistent with this Direction.	Yes
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The Planning Proposal is considered to be consistent with the Plan as described in Part 3B above.	Yes

ORD03

Attachment 2

Section C – Environmental, social and economic impact

8. Is There any Likelihood That Critical Habitat or Threatened Species, Populations or Ecological Communities, or Their Habitats, Will Be Adversely Affected as a Result of The Proposal?

Ecological investigation confirms the presence of Cumberland Plain Woodland on site in the north east corner. Given the modified character of the remainder of the site, and the proposal to preserve and protect the vegetation that has been identified by consultants as having environmental value, it is considered that there is no critical habitat, and no threatened species, populations or ecological communities or their habitats on the lands that will be adversely affected as a result of the proposal. Refer to Part 6.11 of Appendix D - Planning Report for further information.

9. Are There any Other Likely Environmental Effects as a Result of The Planning Proposal and How are They Proposed to be Managed?

The proposed development of the precinct in accordance with the Vision will require consideration of the following potential environmental impacts:

- noise;
- access, traffic and parking;
- visual impact;
- built character;
- streetscape and public domain;
- safety and security; and
- environmental protection.

The specialist studies undertaken during the rezoning process have indicated that the above impacts are manageable. In particular:

Noise: subdivision and building design will ensure that the noise standards for internal rooms are achieved, particularly for dwellings adjoining Camden Valley Way. Refer to Part 6.5 of Appendix D - Planning Report for further information.

Access, Traffic and Parking: Access to the site will be achieved via upgraded intersections to Camden Valley Way and Raby Road already identified and/or agreed. These roads are planned to be upgraded as part of the development of the Growth Centre and the additional traffic generated by the increase in housing in the site is considered to be negligible and manageable. Refer to Part 6.14 of Appendix D - Planning Report for further information.

Visual: The layout of roadways within the site will celebrate and promote local landmarks, recreation and amenity features and elevated land. These considerations will contribute to a development with high visual quality. Where land is elevated along the ridgeline a woodland corridor is proposed in order to retain a green treed canopy along the edge of both the site (for internal local views) and South Creek Valley (for more distant views). Refer to Part 6.9 of Appendix D - Planning Report for further information.

Built Character: Building guidelines to be incorporated within a site specific part of Camden DCP 2010 will provide the mechanism to promote buildings with architectural character;

Streetscape and Public Domain: Attention to streetscape public domain works (trees, noise attenuation measures, relationship to open space design and siting etc.), particularly along Camden Valley Way to address noise, and internally to promote a high level of neighbourhood amenity, will reinforce the visual contribution of the site to the character of the Camden LGA;

Safety and Security: Subdivision and building design (guided in the site specific DCP) will adopt the principles of Crime Prevention Through Environmental Design (CPTED), particularly with regard to the layout and design of roads, parks and other public domain areas, as well as the non-residential buildings within the local neighbourhood centre; and

Environmental Protection: All areas with recognised environmental value (existing woodland areas and riparian corridors) are proposed to be protected via a Biobanking Agreement and kept free from development. Protection will comprise a mix of measures already adopted and used in the Growth Centre including physical rehabilitation and improvement of key areas and preservation by the application of appropriate zones and subdivision controls. Refer to Part 6.10 and 6.11 of Appendix D - Planning Report for further information.

A thorough assessment of the environmental impacts will be undertaken in accordance with S.97C of the Environmental Planning and Assessment Act following lodgement of the development applications for subdivisions and development, should the proposal be supported and published.

10. How Has The Planning Proposal Adequately Addressed any Social and Economic Effects?

A successful planning proposal will:

- Satisfy demand for increased housing supply and housing choice in Metropolitan Sydney (and resulting construction multiplier effects) providing positive social and economic benefits;
- Facilitate the integration of land use and transport satisfying sustainability criteria; and
- Facilitate monetary contributions and works in kind public benefits achieved through a Voluntary Planning Agreement, thus providing positive social and economic benefits.

In accordance with recognised planning strategies, the proposal will provide convenient access to public transport and encourage walking and cycling. It will thereby reduce dependence on private vehicles, provide opportunities for healthy lifestyles and enhance and provide improved access by the community to public open space and recreation facilities in the Camden LGA.

Section D – State and Commonwealth interests

11. Is There Adequate Public Infrastructure for the Planning Proposal?

Public Infrastructure encompasses:

- Public transport;
- Civil Infrastructure (sewer, stormwater, power, potable water, gas);
- Emergency Services;
- Road Access; and
- Satisfactory Arrangements for Urban Release Areas

Public Transport: Currently existing services are underutilised and level of service reflects the low patronage. However, as the South West Growth Centre progresses, particularly the neighbouring suburbs of Oran Park and Gregory Hills (and their respective employment centres) in the short term, and the Leppington Town Centre and Railway Station to the north in the longer term, public transport networks servicing the Camden LGA will improve to meet the new demands placed upon them by new residents and activities. In this context development of the site can capitalise on (and assist justification in) Government investment in improvements in transport infrastructure.

Civil Infrastructure: All civil infrastructure networks can serve the site as discussed in the Infrastructure Servicing and Delivery Plan prepared during the planning phase. The proposed development within the site can connect to these networks. Augmentation of services will require resolution via further discussion with relevant agencies and corporations.

Emergency Services: Existing fire and police emergency services are located in Narellan and can effectively service the site.

Road Access: The site is bound on all three sides by roads and the upgrading of Camden Valley Way is to commence in the near future. Amendments and improvements to the existing and approved intersections to accommodate the increased volumes of traffic accessing and egressing the site are expected. This will require liaison with, and concurrence of, the RTA.

Satisfactory Arrangements for Urban Release Areas: The Camden LEP 2010 Urban Release Areas Map (URA) will be amended to require the developer to make contributions towards State Infrastructure prior to the development of the site.

In addition, a draft Voluntary Planning Agreement with a total contribution value of \$47.7 million is being placed on public exhibition as part of the planning package for Emerald Hills. The VPA provides all of the works and land dedication required by the Emerald Hills development, as well as monetary contributions towards district and regional facilities at Leppington North.

12. What are The Views of State and Commonwealth Public Authorities Consulted in Accordance with The Gateway Determination?

Council consulted with the following State and Federal public authorities during the preparation of the planning package prior to the commencement of exhibition:

- Office of Environment and Heritage
- NSW Heritage Council
- The Federal Department of Sustainability, Environment, Water Population and Communities
- Office of Water
- Department of Education and Communities
- Transport for NSW
- Sydney Water
- Telstra
- Transgrid
- Jemena
- Adjoining LGAs

The following State public authorities provided significant input into the preparation of the planning package as follows:

Office of Environment and Heritage – focused on the desire to deliver a development which aims to secure, conserve and actively manage remnant Cumberland Plain Woodland on the site via an appropriate zoning, Biobanking, Biocertification and appropriate land ownership and subdivision.

NSW Heritage Council – advised that archival photographic recording needed to be undertaken prior to demolition of the structures on the site.

Department of Education and Communities – provided criteria for determining a suitable location for the proposed school site.

Council then consulted with the following State and Federal public authorities during the public exhibition of the planning package which occurred from 30 October to 27 November 2014:

- Office of Environment and Heritage
- The Federal Department of Sustainability, Environment, Water Population and Communities
- Office of Water
- Department of Education and Communities

- Transport for NSW
- Sydney Water
- Telstra
- Transgrid
- Jemena
- Fire and Rescue NSW
- NSW Police Force
- NSW Rural Fire service
- Sydney Catchment Authority
- NSW Health – South Western Sydney Local Health District
- Adjoining LGAs

The views of these Public Authorities are tabled in Appendix G.

Part 4 – Community Consultation

The Gateway Determination issued on 7 July 2012 sets out public exhibition period of 28 days for this planning proposal.

At the meeting of 22 October 2013, Council resolved to adopt the planning package for the purpose of public exhibition and agency consultation. The planning package was subsequently exhibited and notified from 30 October 2013 to 27 November 2013 via newspaper advertisements in local newspapers, Council's website and at the Camden and Narellan Customer Service Centres and Camden and Narellan Libraries. Adjoining neighbours were also notified via mail. The State and Federal agencies identified on pages 37 and 38 of the planning proposal were notified by mail and provided with the opportunity to comment.

A total of thirteen submissions were received including ten state agency submissions, one submission from Campbelltown Council, and two resident submissions. The content of the submissions, responses and actions are tabled in Appendix H.

Part 2 - Explanation of Provisions provides a commentary on the post-exhibition and post-consultation changes which have been made to the planning proposal.

Appendix 1: Achievement of State Plan 2021 Goals and Strategies

Strategy and Goal	Contribution to Achievement	Comment
Rebuild the Economy		
Improve the performance of the NSW economy	Yes	Rezoning in accordance with this planning proposal will be the catalyst for significant investment by the private sector in development and construction. Construction that responds to the rezoning of the site will provide access to increased locally based employment and potential 'on-the-job' and apprenticeship training opportunities. Furthermore, there will be enhanced investment and economic benefits achieved by the multiplier effects of the injection of wages into the economy and the increased business confidence and certainty that may emerge in undertaking investment in South West Sydney and the Camden LGA.
Rebuild state finances		
Drive economic growth in regional NSW		
Increase the competitiveness of doing business in NSW		
Place downward pressure on the cost of living		
Strengthen the NSW skill base		
Quality services		
Reduce travel times	Yes	Due to the close proximity of the Leppington Town Centre, and siting of higher density residential environments adjoining a proposed local centre within the site, trip generation and travel times for access to local and wider services will be reduced. The attractiveness and viability of public transport that serves the Leppington Centre for local trips due to the diminished need to commute out of the area to gain access to services and employment will also be enhanced.
Grow patronage on public transport by making it a more attractive choice		
Improve customer experience with transport services		
Improve road safety		
Keep people healthy and out of hospital	Yes	Rezoning of the site provides greater opportunities for active, healthy lifestyles by the promotion of healthy planning principles in urban design.
Provide world class clinical services with timely access and effective infrastructure	n/a	
Better protect the most vulnerable members of our community and break the cycle		

ORD03

Attachment 2

Strategy and Goal	Contribution to Achievement	Comment
of disadvantage		
Increase opportunities for people with a disability by providing supports that meet their individual needs and realise their potential	n/a	
Improve education and learning outcomes for all students		No impact.
Prevent and reduce the level of crime	Yes	Contemporary urban design will incorporate 'Crime Prevention Through Environmental Design' (CPTED) design principles offering improved performance in reducing the propensity for crime.
Prevent and reduce the level of re-offending		
Improve community confidence in the justice system		No impact.
Renovate infrastructure		
Invest in critical infrastructure	Yes	Development undertaken in response to the rezoning in this planning proposal will: Result in more efficient use of existing infrastructure; and Justify and support Government investment in road and public transport infrastructure, and other costs to investments to support planned urban growth in the Camden LGA and South West Growth Centre.
Build liveable centres	Yes	Increased patronage in the catchment of the Leppington Town Centre will encourage a wide range of conveniently accessible, locally based services, reducing travel times, enhancing personal and household quality of life and improving the functionality and attractiveness of urban areas.
Secure potable water supplies	Yes	Contemporary development will incorporate water saving and other 'green building' measures.
Strengthen our Local Environment and Communities		
Protect our natural environment	Yes	Contemporary urban design will incorporate measures that seek to protect areas with recognised environmental value.

Strategy and Goal	Contributive to (re)development	Comment
Increase opportunities for people to look after Their own neighbourhoods and environments	Yes	Development undertaken in response to the rezoning in this planning proposal will provide greater opportunities for social interaction and community pride by providing a range of local meeting places focused on open space and local neighbourhood centre.
Make it easier for people to be involved in their communities		
Increase opportunities for seniors in NSW to fully participate in community life		
Fostering opportunity and partnership with Aboriginal people		Will not hinder achievement of goal.
Enhance cultural, creative, sporting and recreation opportunities	Yes	Development undertaken in response to the rezoning in this planning proposal will provide greater opportunities for social interaction and community pride by provision of a range of passive recreation opportunities.
Ensure NSW is ready to deal with major emergencies or natural disasters		Will not hinder achievement of goal.
Restore Accountability to Government		
Restore confidence and integrity in the planning system	Yes	The Gateway Rezoning Process is a transparent and accountable process. Emerald Hills Estate has been liaising with both Camden Council and the NSW State Government prior to the lodgement of the proposal.
Restore trust in State and Local Government as a service provider		
Improve government transparency by increasing access to Government information		
Involve the community in decision-making on Government policy, services and projects	Yes	The rezoning proposal, should it receive preliminary support by Council and the State Government will be placed on public exhibition for community comment prior to any decision being. Community comments will be considered in the assessment of the rezoning proposal.

Appendix 2: Achievement of Metropolitan Plan 2036 Strategic Directions, Objectives and Actions

Strategic Directions, Objectives and Relevant Actions	Contribution to Achievement	Comment
C: Transport for a Connected City		
Objective C2: To Build on Sydney's strengths by further integrating transport and land use planning and decision – making to support increased public transport mode share.	Yes	The density of development proposed, coupled with the proximity of the Leppington Town Centre (3.2 km from the site) will enhance the attractiveness and viability of public transport that serves the centre for local trips.
D: Housing Sydney's Population		
Objective D1: To ensure an adequate supply of land and sites for residential development.	Yes	The dwelling target for the South West Subregion is 155,000 dwellings, of which only 83,000 are identified within the South West Growth Centre. The development of the site will provide an additional well located opportunity to assist in the achievement of the target.
Objective D3: To improve housing affordability.	Yes	The proposal meets this objective by providing for the development of lands for new housing, therefore increasing supply and providing the mechanism for improved affordability by reducing the scarcity of land and providing greater competition between land and housing developers that provides greater potential to lower prices or restrain price increases.
E: Growing Sydney's Economy		
Objective E4: To provide for a broad range of local employment types in dispersed locations.		The construction sector is a major provider of jobs. Development will provide employment opportunities in the housing and construction industries in South West Sydney. The local neighbourhood centre will also provide jobs in the retail sector.
F: Balancing Land Use on the City Fringe		
Objective F1: To contain Sydney's urban footprint.	Yes	The proposal essentially represents an infill rezoning opportunity of a well serviced site adjoining lands identified for future urban development and a new rail based town centre. It will not result in any outward

Strategic Direction, Objectives and Relevant Actions	Contribution to Achievement	Comments
		expansion of the urban footprint.
Objective F2: To maintain and protect agricultural activities and resource lands.	Yes	The land is an unconnected pocket of rural zoned land distant from other larger rural areas. As the South West Growth Centre develops its isolation will magnify. The land has no known resource value.
G: Tackling Climate Change and Protecting Sydney's Natural Environment		
Objective G1: To reduce Sydney's greenhouse gas emissions.	Yes	Rezoning improves the viability of public transport as a convenient alternative to car use, reducing trip generation and private car's contribution to greenhouse gas production.
Objective G6: To protect Sydney's unique diversity of plants and animals.	Yes	Areas with recognised environmental value (riparian zones and Cumberland Plain Woodland areas) within the site will be protected and enhanced by the proposed appropriate application of environmental conservation zones
H: Achieving Equity, Liveability and Social Inclusion		
Objective H3: To provide healthy, safe and inclusive places based on active transport.		Rezoning of the site provides greater opportunities for active, healthy lifestyles by the promotion of greater use public transport and walking due to an improved concentration of homes and locally based range of services.

Appendix 3: Achievement of Metropolitan Plan Sustainability Criteria

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
<p>1 Infrastructure Provision</p> <p>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.</p>	<p>Development is consistent with any relevant residential development strategy, subregional strategy, regional infrastructure plan and Metropolitan Strategy.</p> <p>The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution.</p> <p>Preparedness to enter into development agreement.</p>	<p>The proposal will provide 1,200 dwellings and jobs in construction, services and the local centre that will support the housing and employment targets of the Sydney Metropolitan Strategy.</p> <p>It will also promote intensification around centres, by locating a new community close to the Leppington Town Centre and Railway Station, thus integrating land use and transport generally.</p> <p>Only minor augmentation of existing infrastructure services will be required, which will be cost effective and economically feasible.</p> <p>The Proponent is prepared to enter into a Voluntary Planning Agreement to deliver agreed public benefits and works.</p>
<p>2 Access</p> <p>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.</p>	<ul style="list-style-type: none"> • Accessibility of the area by public transport and appropriate road access in terms of: <ul style="list-style-type: none"> Location/land use; to existing networks and related activity centres. Network: the areas potential to be serviced by economically efficient public transport services. Catchment: the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. 	<p>The development site is located 3.2 kilometres from the new Leppington Railway Station, which will offer regular services to Parramatta and Central Sydney.</p> <p>Bus services will be re-oriented towards the public transport interchange adjacent to the station when it commences operation in 2016 enabling bus access to surrounding suburbs and centres.</p> <p>Comprehensive pedestrian access is provided across the site to link homes with the local centre, bus routes on roads adjoining the site (as well as any that may be located within the site) and the Leppington and Narellan town centres.</p> <p>The location of the site adjacent to public transport services will support the viability of such services.</p> <p>Development within the site will contribute to the new centre at Leppington, thereby supporting</p>

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
	<ul style="list-style-type: none"> No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network. 	the viability of public transport services within that centre.
<p>3 Housing Diversity</p> <p>Provide a range of housing choices to ensure a broad population can be housed.</p>	<ul style="list-style-type: none"> Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing. 	<p>As noted above, the proposal will contribute towards the achievement of Sydney Metropolitan housing targets,</p> <p>Increase the variety of housing types available in the Camden LGA and South West Sydney generally and facilitate the increase the supply of affordable housing.</p>
<p>4 Employment Lands</p> <p>Provide regional/local employment opportunities to support Sydney's role in the global economy.</p>	<ul style="list-style-type: none"> Maintain or improve the existing level of subregional employment self-containment. Meets subregional employment capacity targets: <p>Employment related land is provided in appropriately zoned areas.</p>	As noted above, the proposal will provide 1,200 dwellings and an 8 hectare local centre. Activity will provide associated jobs in construction, services and the local centre that will support the employment targets of the Sydney Metropolitan Strategy.
<p>5 Avoidance of Risk</p> <p>Land use conflicts, and risk to human health and life, avoided.</p>	<p>Available safe evacuation route (Flood and Bushfire).</p> <p>No residential development within 1:100 floodplain.</p> <p>Avoidance of physically constrained land: high slope; highly erodible.</p> <p>Avoidance of land use conflicts with adjacent, existing or future land use and rural activities as planned under regional strategy.</p>	<p>Land on the majority of the site is not bushfire prone and the connected pattern of roads advocated in the urban design concept will offer choice and safety in evacuation routes.</p> <p>A small part of the site in the South West corner where the creek meets Camden Valley Way is understood to be subject to minor flooding.</p> <p>The proposal will not cause significant flood impacts on other properties.</p> <p>The urban design vision does not advocate development on land that is constrained by slope.</p> <p>Residential uses along Camden Valley Way and Raby Road will incorporate building layouts and construction details to enable sufficient mitigation for noise impacts on the site and that the relevant noise criteria can be achieved.</p>

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Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
		Any noise walls required along roads will be designed and obscured by landscape treatment to minimise visual impact.
6 Natural Resources Natural resource limits not exceeded/ environmental footprint minimised.	<p>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows.</p> <p>Demonstrates most efficient/suitable use of land.</p> <p>Avoids identified significant agricultural land.</p> <p>Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining, and quarrying.</p> <p>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.</p>	<p>Preliminary investigations provided by Lean Lackenby and Heyward consultants confirm that the site can be viably serviced as:</p> <p>Potable water is available on all road frontages of the site and a water main currently passes through the site linking the reservoir at the Ingleburn Dam with the elevated water reservoir in Catherine Field;</p> <p>There are a number of scenario options to available to provide a sewerage service to the site. A feasible scenario comprises draining the site into the south west corner from where it is transported by rising main along Raby Road to connect with Sydney Water's trunk main at Kearns; and</p> <p>The presence of the transmission lines enable a cost effective connection to. A zone substation will be required within proximity of, or possibly within, the site.</p> <p>Dwellings on the site will be constructed in accordance with BASIX requirements for the reduction of the consumption of energy and water.</p> <p>The proposal involves the development of presently underutilised land for the provision of housing and retail space. The site is suitable for development being close to existing community services and public transport.</p> <p>The site adjoins future urban land and will not be impacted by agricultural activity;</p> <p>An efficient use of land will be affected through the provision of medium density residential development on the site.</p> <p>Development will not result in adverse impacts to agricultural land or natural resources.</p>
7 Environmental	Consistent with Government approved Regional	Areas of Cumberland Plain Woodland (CPW) on the site are consistent with the listing of CPW as

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
<p>Protection</p> <p>Protect and enhance biodiversity, air quality, heritage, and waterway health.</p>	<p>Conservation Plan (if available).</p> <p>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats.</p> <p>Maintain or improve existing environmental condition for air quality.</p> <p>Maintain or improve existing environmental condition for water quality and quantity.</p> <p>Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).</p> <p>Consistent with catchment and stormwater management planning (CMA and local council).</p> <p>Protects areas of Aboriginal cultural heritage value (as agreed by DEC).</p>	<p>a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995). The most intact areas will be retained on the site.</p> <p>Targeted planting of appropriate species will be undertaken so as to improve their ecological condition.</p> <p>The proposal will comply with any relevant statutory requirements for water quality.</p>
<p>8 Quality and Equity in Services</p> <p>Quality health, education, legal, recreational, cultural and community development and other government services are</p>	<ul style="list-style-type: none"> • Available and accessible services. <ul style="list-style-type: none"> > Do adequate services exist? > Are they at capacity or is some available? > Has Government planned and budgeted to further service provision? 	<ul style="list-style-type: none"> • <i>The site can be serviced with electricity, gas, water, telecommunications and electricity, subject to further consultation with utilities providers and any required upgrades.</i>

ORD03

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
accessible.	<ul style="list-style-type: none"> Developer funding for required service upgrade/access is available. 	

Attachment 2

Appendix D: Emerald Hills Planning Report

Note: Due to the size of the Emerald Hills Planning Report, it is provided as a separate document. Please refer to the suite of supporting documents provided to Councillors under separate cover.

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Attachment 2

Appendix E: Existing and Proposed LEP Amendment Maps

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Attachment 2

Attachment 2

ORD03

APPENDIX E to EMERALD HILLS PLANNING PROPOSAL

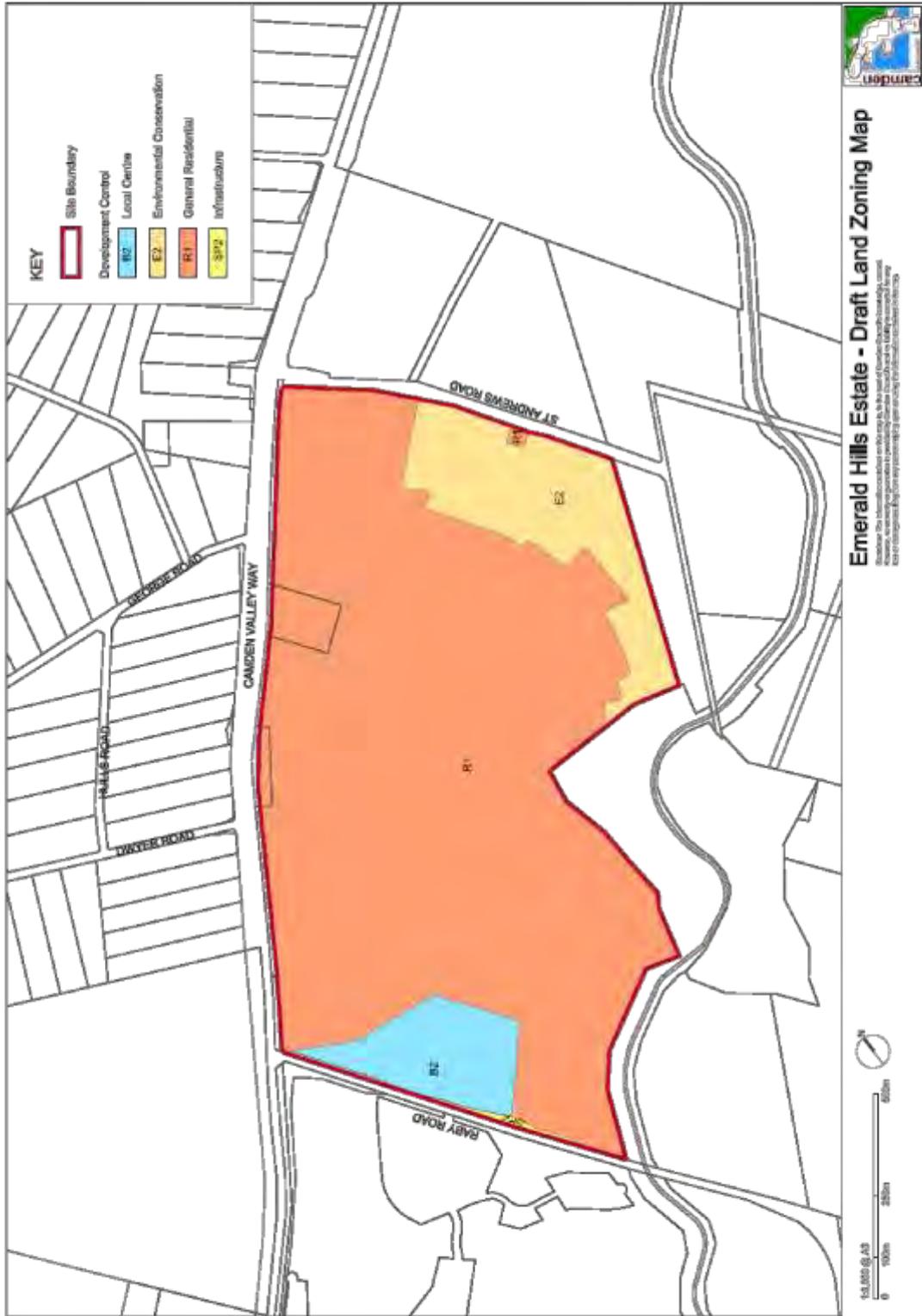
The maps contained in this appendix are the existing Camden LEP 2010 Maps applying to the Emerald Hills site (map tile no. ***_016) and proposed amendments to each map as it relates to the Emerald Hills site.

The maps are ordered as follows:

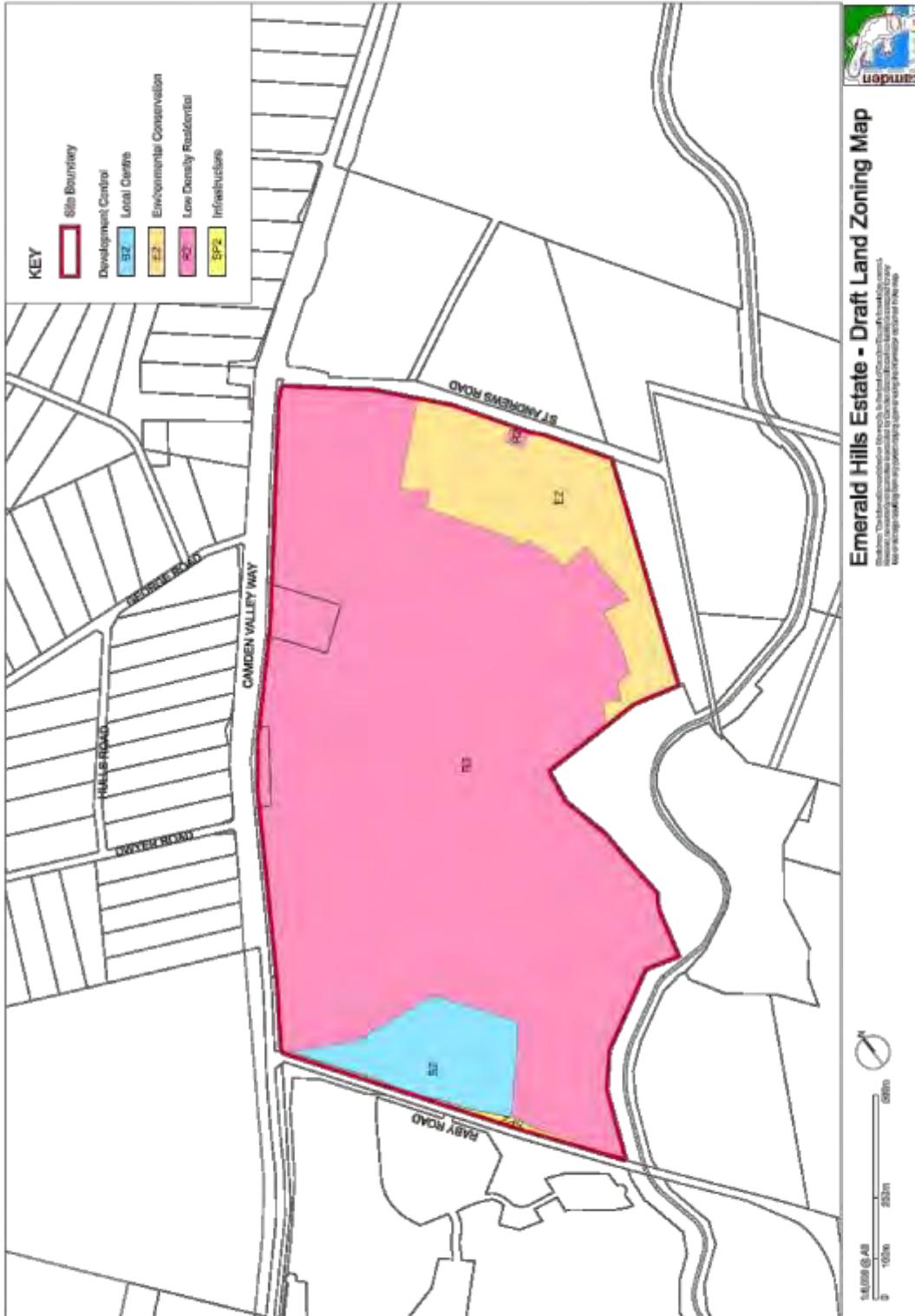
- 1A Existing Land Zoning Map LZN_016
- 1B Exhibited draft amendment to LZN_016 as it relates to the Emerald Hills site – SUPERSEDED
- 1C Amended Proposed amendment to LZN_016 as it relates to the Emerald Hills site for gazettal
- 2A Existing Lot Size Map LSZ_016
- 2B Exhibited and proposed amendment to LSZ_016 as it relates to the Emerald Hills site for gazettal
- 3A Existing Height of Buildings Map HOB_016
- 3B Exhibited draft amendment to HOB_016 as it relates to the Emerald Hills site – SUPERSEDED
- 3C Amended Proposed amendment to HOB_016 as it relates to the Emerald Hills site for gazettal
- 4A Existing Urban Release Area Map URA_016
- 4B Proposed amendment to URA_016 as it relates to the Emerald Hills site
- 5A Proposed detail on new Land Reservation Acquisition MAP LRA_016 to be created by planning proposal (there is no existing LRA_016 map)
- 6A Proposed amendment to APU_016 as it relates to the Emerald Hills site

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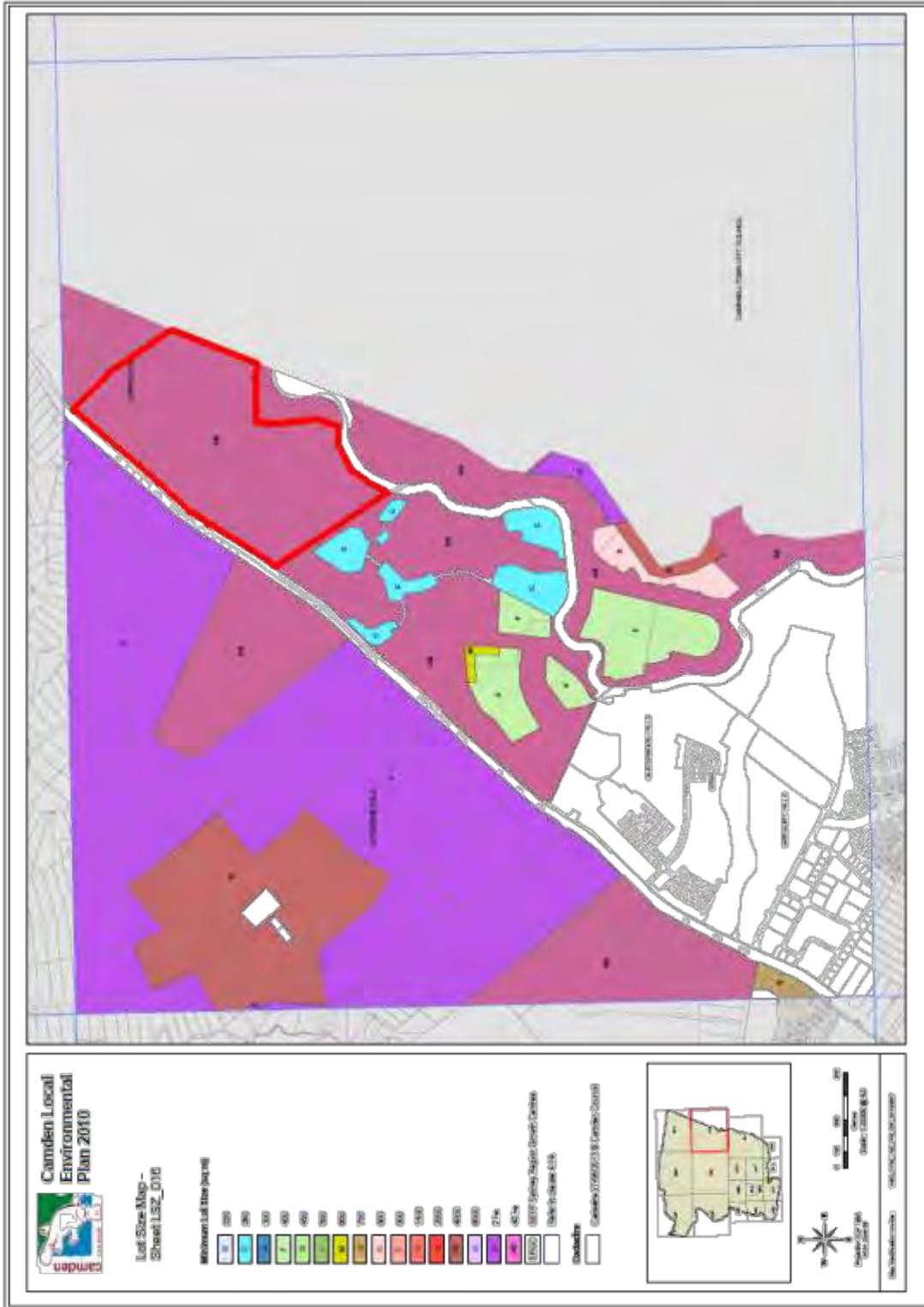
1B Exhibited LZN_016 as it relates to the Emerald Hills site - SUPERSEDED

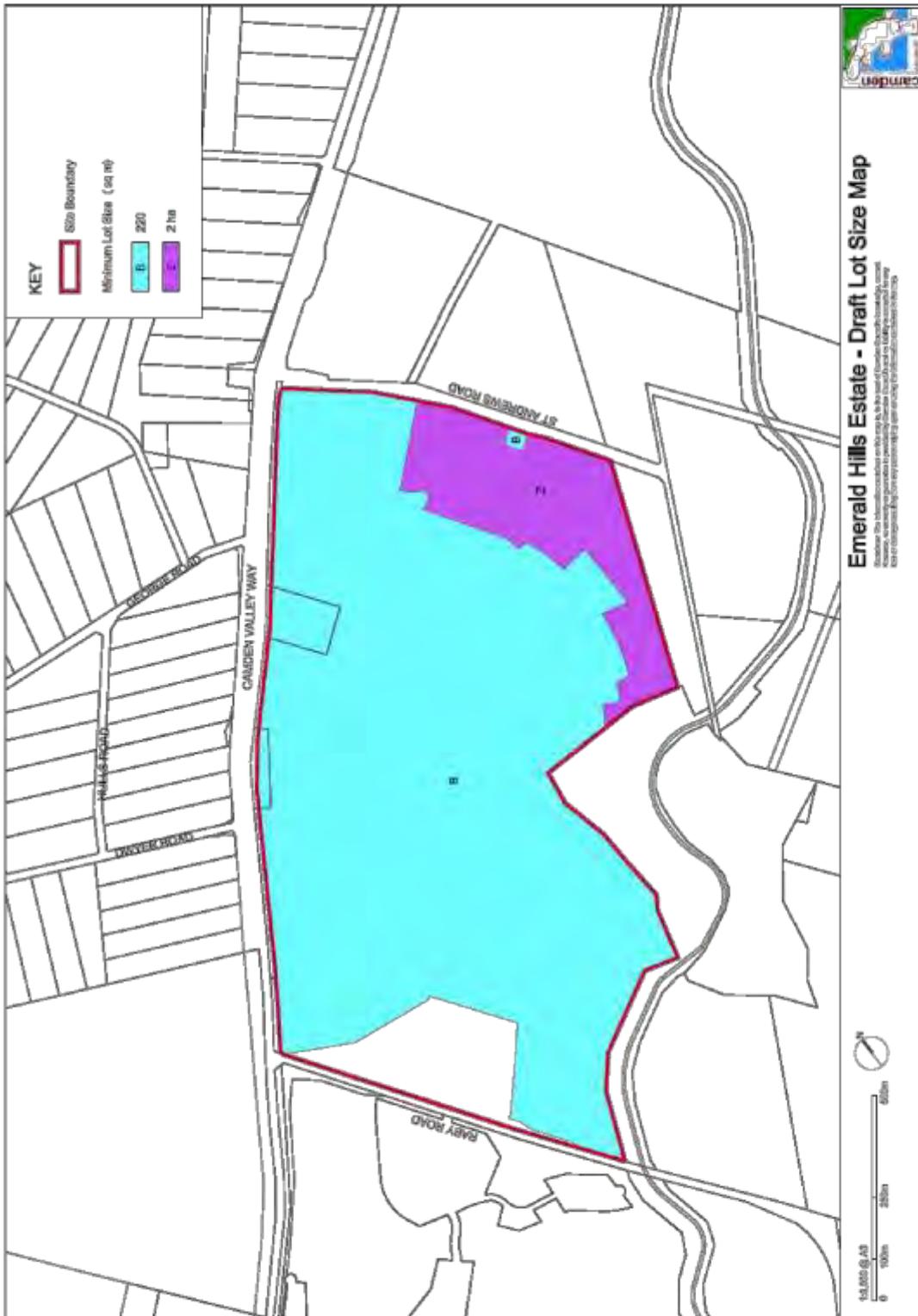


1C Amended LZN_016 as it relates to the Emerald Hills site for gazettal

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2B Proposed amendment to LSZ_016 as it relates to the Emerald Hills site (NOTE: light blue colour used to provide contrast against white background. For the avoidance of doubt, the proposed Lot Size shown in blue is B - 220)

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3A Existing Height of Buildings Map HOB_016

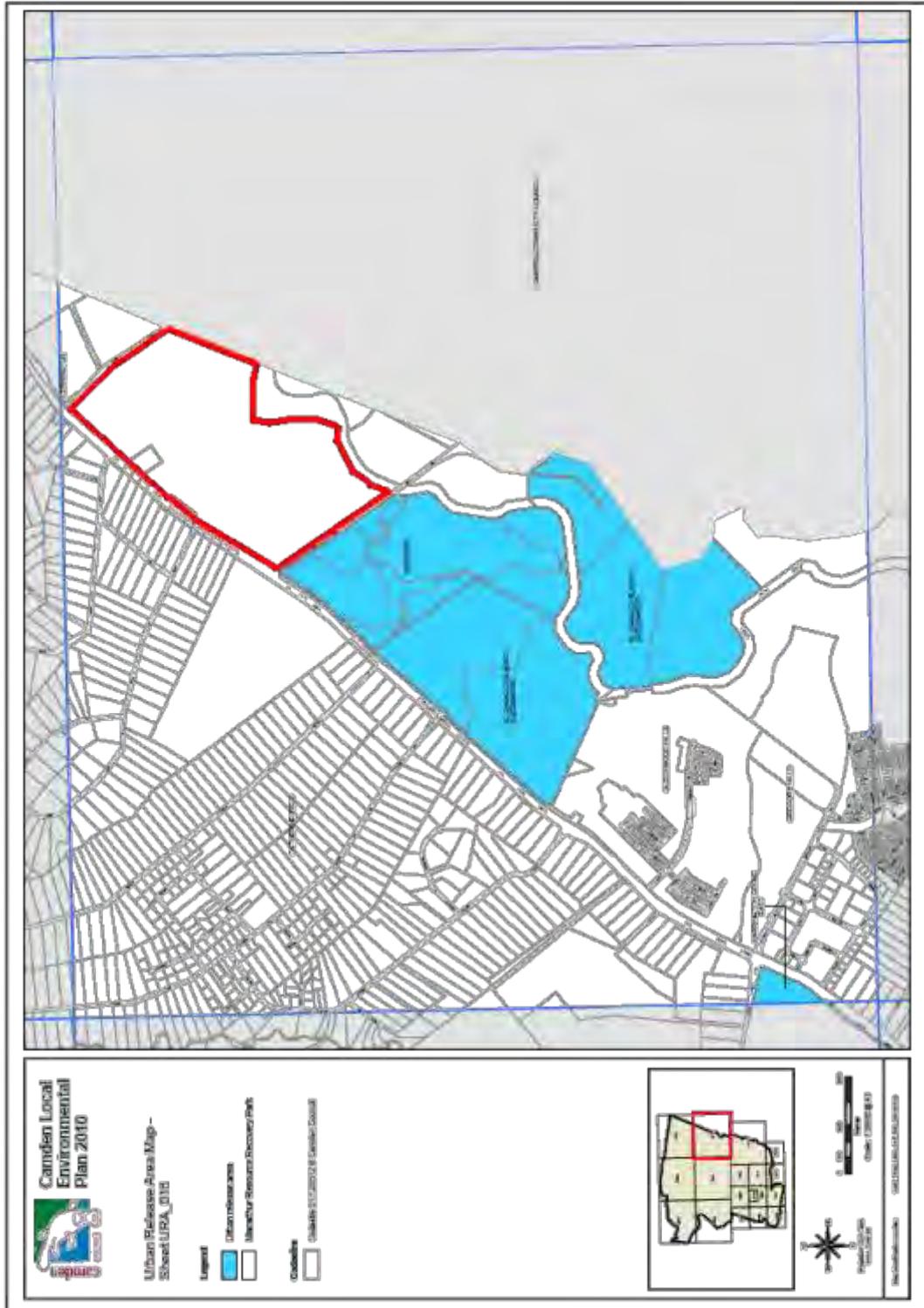


3B Exhibited amendment to HOB_016 as it relates to the Emerald Hills site (refer to Appendix 5 cover sheet for notation regarding proposed 15.5m height limit for residential flat buildings) – SUPERSEDED

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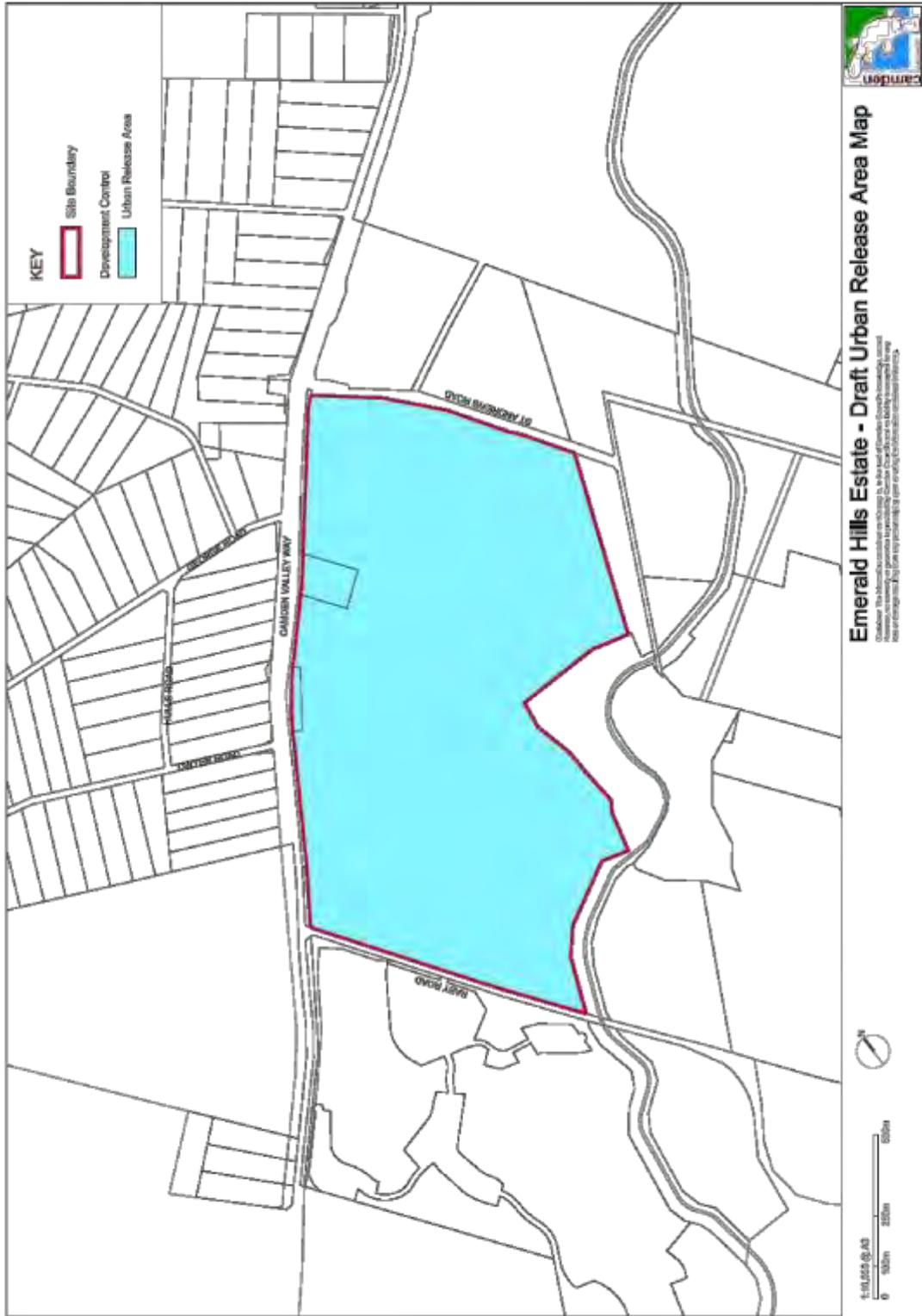




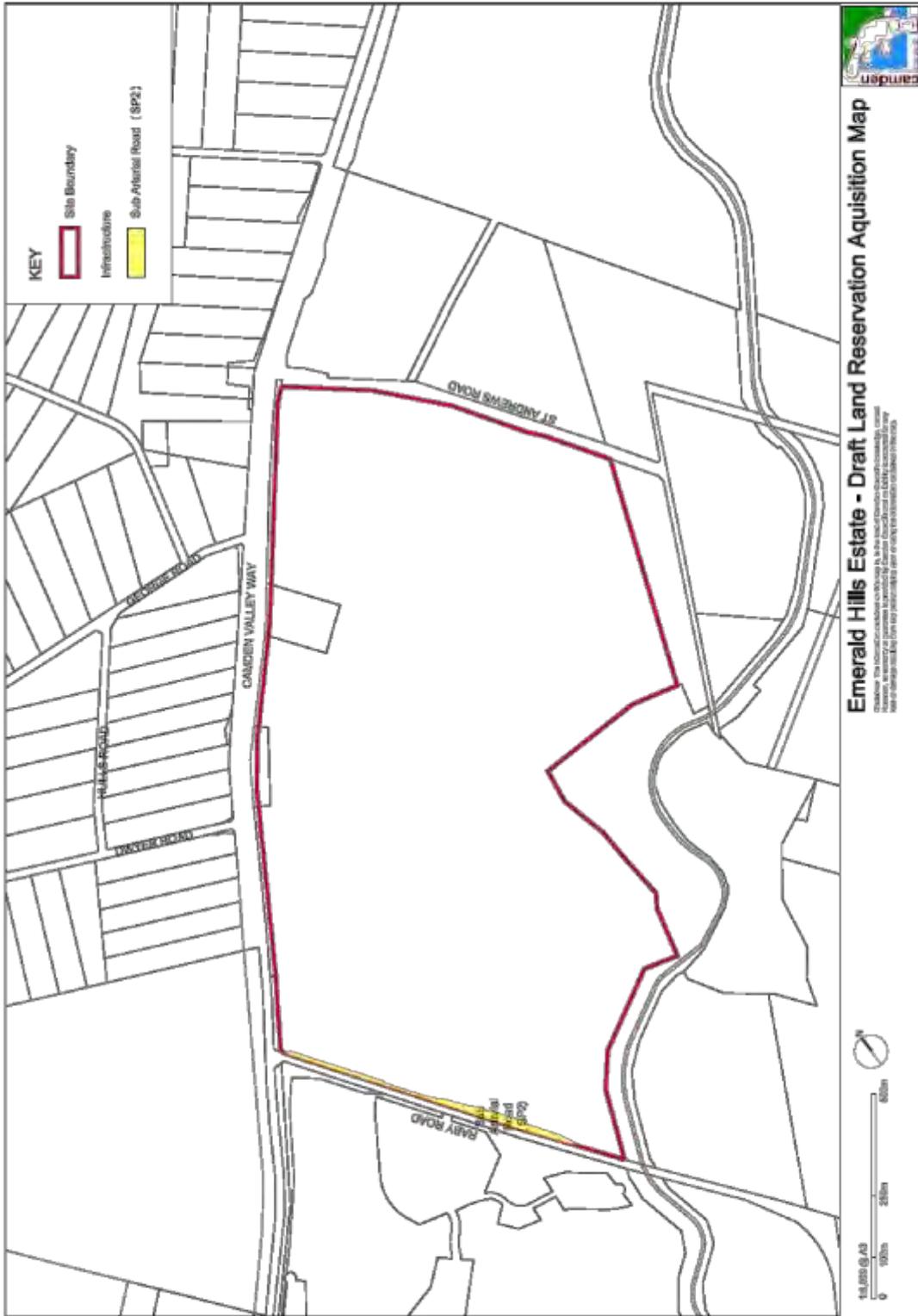
4A Existing Urban Release Area Map URA_016

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Attachment 2



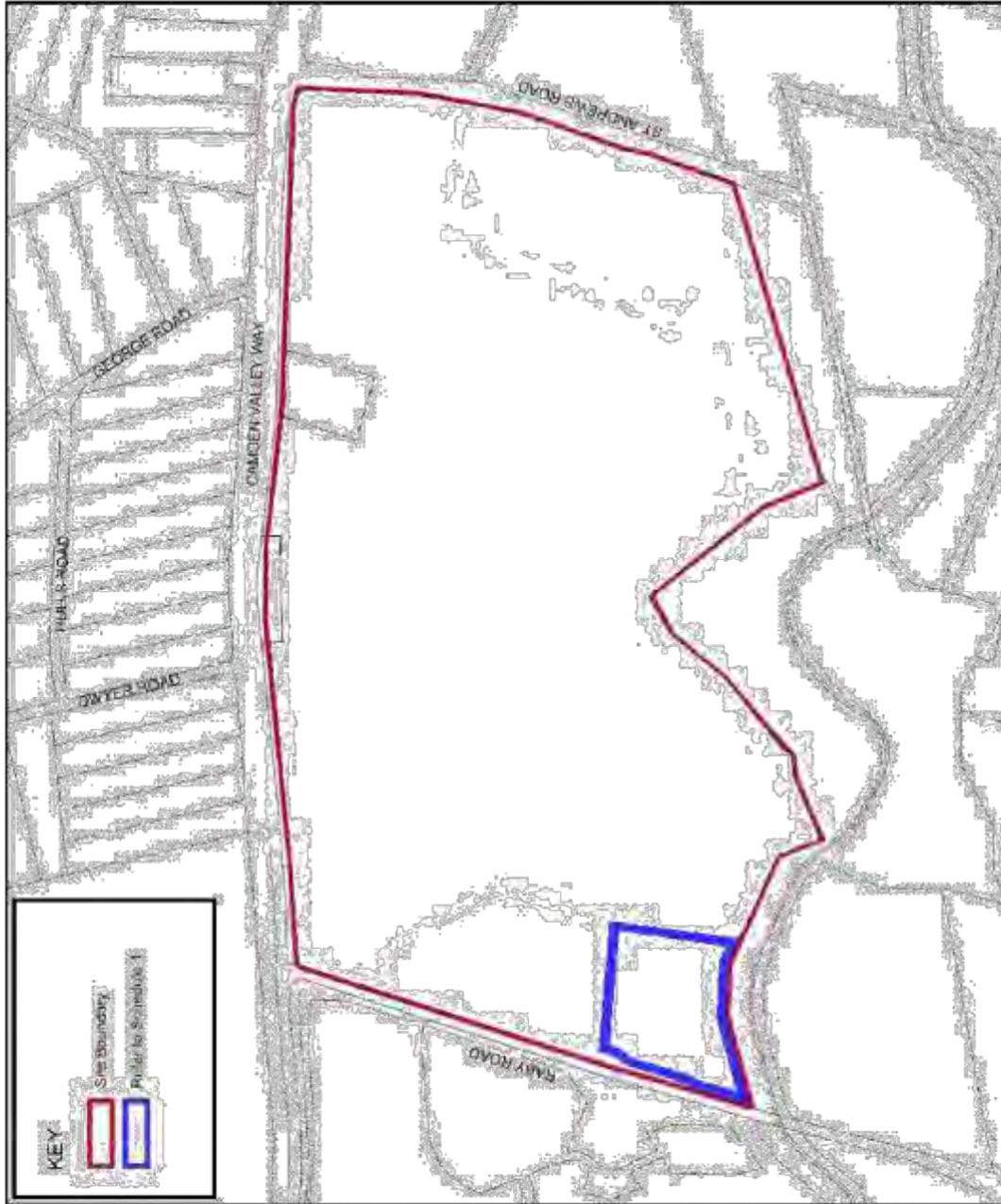
4B Proposed amendment to URA_016 as it relates to the Emerald Hills site



5A Proposed detail on new Land Reservation Acquisition MAP LRA_016 to be created by planning proposal (there is no existing LRA_016 map)

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Attachment 2



6A Proposed amendment to Additional Permitted Uses Map APU_016 relating to a Schedule 1 Additional Permitted Use for Exhibition Homes

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Appendix F: Copy of Gateway Determination issued 7 July 2012

Attachment 2



Contact: Peter Goth
 Phone: (02) 9873 8593
 Fax: (02) 9873 8599
 Email: Peter.Goth@planning.nsw.gov.au
 Postal: Locked Bag 5020, Parramatta NSW 2124

Mr Greg Wright
 General Manager
 Camden Council
 PO Box 183
 CAMDEN NSW 2570

Our ref: PP_2012_CAMDE_006_00 (12/04280)
 Your ref: DX25807

Dear Mr Wright,

Planning Proposal to rezone rural land at 'Emerald Hills', Leppington, for urban development.

I am writing in response to your Council's letter dated 29 February 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Camden Local Environmental Plan 2010 to rezone rural land at 'Emerald Hills', Leppington, for urban development.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The following amendments are to be made to the planning proposal, prior to public exhibition to clarify the subject land to which the planning proposal applies:

- the maps and property description for the subject land is to be clarified (i.e. the whole or part of lots 1 DP 301830 and 2 DP 650698) and the proposal amended to rectify any errors; and
- the maps and property description for the subject land be revised to ensure that land within Campbelltown Local Government Area is not included within the proposed rezoning and amendment to the Camden LEP 2010.

In accordance with the requirements of S117 Direction 1.1 Business and Industrial Zones, S117 Direction 3.4 Integrating land Use and 6.3 Site Specific Provisions, Council is to ensure that sufficient information is placed on public exhibition to show how the planning proposal responds to and justifies:

- applying the B1 Neighbourhood Business Zone given the proposed 10,000m² maximum floor space area for retail uses; and
- the potential cumulative impact of traffic and transport associated with the development of the site on the surrounding road network.

The additional information for public exhibition must address the requirements of the above listed S117 Directions. Further, it must have regard to the existing and planned centres (local and major) in the vicinity of the site located within the South-West Growth Centre. The information must also consider and respond to the findings from the East Leppington Precinct Centres Viability Study. Where necessary, the planning proposal is to be amended to reflect this analysis prior to exhibition.

In light of comments received by the Department from the Heritage Branch of the Office of Environment and Heritage regarding the Sydney Water Supply Upper Canal, (which adjoins the site and is listed on the State Heritage Register), the following must be addressed prior to exhibition commencing:

- information relating to flora and fauna investigations showing:
 - any potential affects on adjoining land; and
 - an assessment of the quality of vegetation and the method of protecting the Cumberland Plain Woodland (CPW) to ensure the ongoing protection and management of the CPW.

The planning proposal is to be amended to reflect the desired approach, if appropriate.
- consultation with the following agencies:
 - the Director General of the Office of Environment and Heritage under Section 34A of the Environmental Planning and Assessment Act 1979;
 - the Federal Department of Sustainability, Environment, Water, Population and Communities in relation to the CPW; and
 - the Office of Water (in relation to the riparian areas and provide details on the proposed E4 Environmental Living zone; and
- in accordance with the requirements of S117 Direction 2.1 Environment Protection zones, Council is to amend the planning proposal to reflect the outcomes of the Flora and Fauna Study and public authority consultation, and address the consistency of the revised planning proposal with the Local Planning Direction.

In accordance with S117 Direction 2.3 Heritage Conservation, Council is to provide a suitable assessment of the heritage significance of the former school buildings and the CPW located on and adjacent to the site. Council is to consult with the Office of Environment and Heritage and incorporate any comments into the planning proposal, demonstrating consistency with the S117 Direction.

As has been noted the subject site adjoins the South-West Growth Centre on the eastern side of Camden Valley Way and is therefore likely to generate a need for the provision of state public infrastructure. Accordingly, the subject land is to be mapped as an urban release area under Camden LEP 2010 for the purposes of including satisfactory arrangements for the provision of infrastructure.

Council is required to produce an Infrastructure Servicing and Delivery Plan for the site to assist in determining any additional infrastructure requirements or levies. The plan should confirm the delivery, timing, location and funding of infrastructure. In preparing this plan, Council is to consult with the following public agencies:

- Department of Education and Communities
- Office of Environment and Heritage
- Fire and Rescue NSW
- NSW Police Force
- NSW Rural Fire Service
- Transport for NSW – RailCorp
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Telstra
- Transgrid
- Adjoining LGAs

The Servicing and Delivery Plan is to accompany the planning proposal for the purposes of public exhibition. In addition, Council is to map the subject land as an urban release area under Camden LEP 2010 for the purposes of including satisfactory arrangements for the provision of infrastructure. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition.

It has been noted that Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) applies to the proposal and, among other things, requires Council to give consideration to the need for a Total Water Cycle Management Study or Plan. Council is to demonstrate how these requirements have been considered as part of the public exhibition material.

In accordance with the requirements of S117 Direction 4.3 Flood Prone Land, Council must undertake a flood assessment for the site, along with a stormwater and drainage assessment. The planning proposal is to be amended to reflect any findings from both of these studies, if necessary, prior to public exhibition.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 6.2 Reserving Land for Public Purposes and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal as soon as possible following consultation with the relevant agencies and providers. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Peter Goth of the Regional Office of the Department on 02 9873 8593.

Yours sincerely,



Sam Haddad
Director-General



Gateway Determination

Planning Proposal (Department Ref: PP_2012_CAMDE_006_00): to rezone rural land at 'Emerald Hills', Leppington, for urban development.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan 2010 to rezone rural land at 'Emerald Hills', Leppington, for urban development should proceed subject to the following conditions:

1. The following amendments are to be made to the planning proposal, prior to public exhibition to clarify the subject land to which the planning proposal applies:
 - the maps and property description for the subject land is to be clarified (i.e. the whole or part of lots 1 DP 301830 and 2 DP 650698). The proposal is to be amended to rectify any errors;
 - the maps and property description for the subject land be revised to ensure that land within Campbelltown Local Government Area is not included within the proposed rezoning and amendment to Camden LEP 2010;

2. In accordance with the requirements of S117 Direction 1.1 Business and Industrial Zones, 3.4 Integrating land Use and Transport and 6.3 Site Specific Provisions, Council is to ensure that sufficient information is placed on public exhibition to show how the planning proposal responds to and justifies:
 - applying the B1 Neighbourhood Business Zone given the proposed 10,00m² maximum floor space area for retail uses; and
 - the potential cumulative impact of traffic and transport associated with the development of the site on the surrounding road network.

The additional information needs to address the requirements of the above listed S117 Directions. Further, it needs to have regard to the existing and planned centres (local and major) in the vicinity of the site located within the South-West Growth Centre. The information needs to also consider and respond to the findings from the East Leppington Precinct Centres Viability Study. Where necessary, the planning proposal is to be amended to reflect this analysis prior to exhibition.

3. In regards to the proximity of the subject land to the adjoining Sydney Water Supply Upper Canal, Council is to address the following prior to exhibition commencing:
 - information relating to flora and fauna investigations showing:
 - any potential affects on adjoining land; and
 - an assessment of the quality of vegetation and the method of protecting the Cumberland Plain Woodland.

The planning proposal is to be amended to reflect the agreed approach; and
 - consultation with the public agencies identified under Condition 13.

4. In accordance with the requirements of S117 Direction 2.1 Environment Protection Zones, Council is to amend the planning proposal to reflect the outcomes of the flora and fauna investigations and public authority consultation and address the consistency of the revised planning proposal with the Local Planning Direction.



5. As per the requirements of S117 Direction 2.3 Heritage Conservation, Council is to provide a suitable assessment of the heritage significance of the former school buildings on the subject land. Council is to consult with the Office of Environment and Heritage. Any required changes to the planning proposal are to be carried out prior to public exhibition.
6. Prior to public exhibition, Council is to map the subject land as an urban release area under Camden LEP 2010 for the purposes of including satisfactory arrangements for the provision of infrastructure.
7. Council is to produce an Infrastructure Servicing and Delivery Plan for the site to assist in determining any additional infrastructure requirements or levies.
8. Upon completion of the Infrastructure Servicing and Delivery Plan for the subject site, consistency with S117 Direction 3.1 Residential Zones needs to be demonstrated and the planning proposal amended accordingly, if appropriate.
9. As per the requirements of S117 Direction 4.3 Flood Prone Land, Council needs to undertake a flood assessment for the site, along with a stormwater and drainage assessment. The planning proposal is to be amended to reflect any findings from both of these assessments, prior to public exhibition, if appropriate.
10. In accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made.
11. Council is to address the requirements of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997).
12. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
13. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Fire and Rescue NSW
 - NSW Police Force
 - NSW Rural Fire Service
 - Transport for NSW – RailCorp
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Telstra
 - Transgrid
 - Adjoining LGAs

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

Camden PP_2012_CAMDE_006_00 (12/04280)

ORD03



comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

14. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
15. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 7th day of July 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure

Attachment 2

ORD03

Appendix G: Table of compliance with conditions of Gateway Determination

Attachment 2

Condition	Comment
<p>1. The following amendments are to be made to the planning proposal, prior to public exhibition to clarify the subject land to which the planning proposal applies:</p> <ul style="list-style-type: none"> • the maps and property description for the subject land is to be clarified (i.e. the whole or part of lots 1 DP 301830 and 2 DP 650698). The proposal is to be amended to rectify any errors; • the maps and property description for the subject land be revised to ensure that land within Campbelltown Local Government Area is not included within the proposed rezoning and amendment to Camden LEP 2010. 	<p>The site is legally described as:</p> <ul style="list-style-type: none"> • Lot 10 DP 1161557 (formerly Part Lot B in DP418632); • Lot 1 in DP301830; and • Lot 10 DP 1173819 (formerly Part Lot 2 in DP 650698). <p>No part of the site that is located within Campbelltown Local Government Area is included within the currently proposed rezoning as shown in Figure 2.2 of the WhelanInSites planning report.</p>
<p>2. In accordance with the requirements of S117 Direction 1.1 Business and Industrial Zones, 3.4 Integrating land Use and Transport and 6.3 Site Specific Provisions, Council is to ensure that sufficient information is placed on public exhibition to show how the planning proposal responds to and justifies:</p> <ul style="list-style-type: none"> • applying the B1 Neighbourhood Business Zone given the proposed 10,00m² maximum floor space area for retail uses; and 	<p>A Retail Need and Economic Impact Statement prepared by Deep End Services 24 October 2012 provides an assessment of the proposed centre. It is discussed in Section 6.2 of the WhelanInSites planning report.</p> <p>It notes that adverse impacts arising from the proposed supermarket centre at Emerald Hills are well below the level considered likely to threaten the viability of a centre. The highest impact is on Eagle Vale Marketplace which is currently trading well above the industry average for a centre of its type.</p> <p>It further notes that other planned centres in the surrounding region will fulfil their intended roles as locations for local daily convenience and weekly grocery shopping, with higher-order functions located in Leppington, Oran Park and other designated Town and Village centres. The introduction of a new centre at Emerald Hills will not adversely affect the ability for these centres to develop as planned.</p> <p>The study recommends that, consistent with the intended role of the centre in the wider activity centre as a location for supermarket-based neighbourhood shopping, that the B2 Local Centre zone is the most suitable zone to apply to the site of the centre in order to facilitate the potential range of uses that are envisaged to occur.</p> <p>Council has had a peer review of the study undertaken by Hill PDA and is satisfied that the most appropriate</p>

Condition	Comment
<ul style="list-style-type: none"> • the potential cumulative impact of traffic and transport associated with the development of the site on the surrounding road network. <p>The additional information needs to address the requirements of the above listed S117 Directions. Further, it needs to have regard to the existing and planned centres (local and major) in the vicinity of the site located within the South-West Growth Centre. The information needs to also consider and respond to the findings from the East Leppington Precinct Centres Viability Study. Where necessary, the planning proposal is to be amended to reflect this analysis prior to exhibition.</p>	<p>planning controls to apply to the site are a B2 Local Centre zone, with a cap of 10,000 sqm of 'retail premise' uses excluding 'food and drink premises.'</p> <p>A Traffic Assessment was completed in May 2013 by Cardno. The Traffic assessment was commissioned as a result of the requirements of the Department of Planning and Infrastructure (DP&I) Gateway Determination and is discussed in section 6.14 of the WhelanInSites planning report.</p>
<p>3. In regards to the proximity of the subject land to the adjoining Sydney Water Supply Upper Canal, Council is to address the following prior to exhibition commencing:</p> <ul style="list-style-type: none"> • information relating to flora and fauna investigations showing: <ul style="list-style-type: none"> > any potential effects on adjoining land; and > an assessment of the quality of vegetation and the method of protecting the Cumberland Plain Woodland. <p>The planning proposal is to be amended to reflect the agreed approach; and consultation with the public agencies identified under Condition 13.</p>	<p>A portion of the eastern boundary of the site subject of this proposal is shared with the Sydney Catchment Authority's Upper Canal. No part of the land proposed to be rezoned is within the Upper Canal and as such, no works are proposed within the Upper Canal corridor.</p> <p>Erosion and sediment control measures, dust mitigation measures, waste management measures and environmental management measures will be installed and required during the development process to ensure that any impacts on adjoining properties, including the Upper Canal, is mitigated.</p> <p>A riparian assessment was conducted by Ecological Australia as part of the Emerald Hills Estate - Preliminary Constraints Analysis. This analysis specifically details an assessment of the ecology and riparian Issues on the site.</p> <p>The biodiversity assessment was conducted by Ecological Australia as part of the Emerald Hills Estate - Preliminary Constraints Analysis includes a detailed analysis and assessment of the biodiversity of the site. This includes assessment of specific flora and fauna found on the site,</p>

Condition	Comment
	<p>as well as an assessment of the significance of the Cumberland Plain Woodland and Alluvial Woodland communities.</p> <p>The Emerald Hills Estate - Preliminary Constraints Analysis is discussed in Section 6.10 and 6.11 of the WhelanInSites planning report.</p>
<p>4. In accordance with the requirements of S 117 Direction 2.1 Environment Protection Zones, Council is to amend the planning proposal to reflect the outcomes of the flora and fauna investigations and public authority consultation and address the consistency of the revised planning proposal with the Local Planning Direction.</p>	<p>Following discussions with the Office of Environment and Heritage the Planning Proposal has been amended to expand the size of the proposed E2 Environmental Conservation Zone to encompass all of the area of the intact vegetation in the north east corner of the site. The proponent has offered to enter into a biobanking agreement to provide a funding mechanism to maintain and improve the vegetation in perpetuity.</p> <p>This is consistent with Direction 2 as the change in zoning from RU2 Rural Landscape to E2 Environmental Conservation improves, and does not reduce, the environmental protection standards.</p> <p>The Office of Environment and Heritage has advised of its support to the proposed approach.</p>
<p>5. As per the requirements of S117 Direction 2.3 Heritage Conservation, Council is to provide a suitable assessment of the heritage significance of the former school buildings on the subject land. Council is to consult with the Office of Environment and Heritage. Any required changes to the planning proposal are to be carried out prior to public exhibition.</p>	<p>A Historical Heritage Assessment was completed in January 2013 by AHMS with specific attention to the St Andrew's Home for Boys, 1100-1150 Camden Valley Way, Leppington, which is located within the confines of the Emerald Hills Estate. The Historical Heritage Assessment, completed by AHMS Pty Ltd, provides a suitable assessment of the former school buildings on the Emerald Hills Estate and is discussed further in part 6.8 of this report. A draft ACHA and archival photographic record of the previous buildings on the site have also been undertaken.</p>
<p>6. Prior to public exhibition, Council is to map the subject land as an urban release area under Camden LEP 2010 for the purposes of including satisfactory arrangements for the provision of infrastructure.</p>	<p>Part 9 of this report contains the proposed mapping changes to the Camden Local Environmental Plan 2010, including designation of the site as an urban release area. This map has been derived from servicing requirements of the site and allocation of public open space areas.</p>
<p>7. Council is to produce an Infrastructure Servicing and Delivery Plan for the site to assist in determining any additional infrastructure requirements or levies.</p>	<p>A Servicing and Delivery Plan was prepared by Cardno in May 2013. The details of this plan and described further in Part 8 of the WhelanInSites planning report and the Servicing and Delivery Plan is provided under separate cover as an attachment to the planning proposal.</p>
<p>8. Upon completion of the Infrastructure Servicing and Delivery</p>	<p>The Planning Proposal provides a new opportunity for</p>

Condition	Comment
Plan for the subject site, consistency with S 117 Direction 3.1 Residential Zones needs to be demonstrated and the planning proposal amended accordingly, if appropriate.	increased housing choice, efficient use of infrastructure and services, reduces consumption of land on the fringe by seeking higher residential densities, and can provide good urban design to improve the locality.
9. As per the requirements of S117 Direction 4.3 Flood Prone Land, Council needs to undertake a flood assessment for the site, along with a stormwater and drainage assessment. The planning proposal is to be amended to reflect any findings from both of these assessments, prior to public exhibition, if appropriate.	A Water Cycle Management Report for the Emerald Hills Estate was also prepared by Cardno in August 2013. The Water Cycle Management Report considers the flood and stormwater behaviour in the Emerald Hills site in order to identify appropriate flood extents. A strategy for stormwater quantity and quality management follows the Water Sensitive Urban Design (WSUD) principles. The Water Cycle Management Report is discussed in Sections 6.10 and 6.11 of the WhelanInSites planning report.
10. In accordance with the requirements of S 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made.	A Bushfire Assessment Report has been prepared in response to the requirements of the Department of Planning and Infrastructure (DP&I) Gateway Determination. The Bushfire Assessment Report, dated June 2013, was prepared by Ecological Australia Pty Ltd and aims to identify the potential bushfire constraints to any future development of the Emerald Hills Estate. Discussed further in Part 6.12 of the WhelanInSites planning report. Ecological Australia Pty Ltd has consulted with the RFS that has confirmed that it is acceptable.
11. Council is to address the requirements of the Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2-1997).	The aim of <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 - 1997)</i> is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The provisions of the <i>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 - 1997)</i> are addressed in Part 5 of the WhelanInSites planning report.
12. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows: (a) the planning proposal must be made publicly available for 28 days; and (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must	The planning package was exhibited and notified from 30 October 2013 to 27 November 2013 via newspaper advertisements in local newspapers, Council's website and at the Camden and Narellan Customer Service Centres and Camden and Narellan Libraries. Adjoining neighbours were also notified via mail. The State and Federal agencies identified on pages 37 and 38 of the planning proposal were notified by mail and provided with the opportunity to comment. The exhibition was undertaken in accordance with 4.5 of <i>A Guide to Preparing LEPs (Department of Planning 2009)</i> .

Condition	Comment
<p>be made publicly available along with planning proposals as identified in section 4.5 of <i>A Guide to Preparing LEPs (Department of Planning 2009)</i>.</p>	
<p>13. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:</p> <ul style="list-style-type: none"> • Department of Education and Communities • Office of Environment and Heritage • Fire and Rescue NSW • NSW Police Force • NSW Rural Fire Service • Transport for NSW –RailCorp • Transport for NSW - Roads and Maritime Services • Sydney Water • Telstra • Transgrid • Adjoining LGAs <p>Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.</p>	<ul style="list-style-type: none"> • Refer to Emerald Hills Social Planning Report prepared by Elton Consulting, dated 6 May 2013. • Refer to the Aboriginal Heritage Preliminary Assessment, dated February 2013 and the Historical Heritage Assessment, dated January 2013 prepared by Archaeological & Heritage Management Solutions Pty Ltd. • Refer to Emerald Hills Estate - Preliminary Constraints Analysis prepared by Ecological Australia Pty Ltd, April 2013. • Refer to Emerald Hills Social Planning Report prepared by Elton Consulting, dated 6 May 2013. • Refer to Emerald Hills Social Planning Report prepared by Elton Consulting, dated 6 May 2013. • Refer to Bushfire Assessment Report prepared by Ecological Australia Pty Ltd, June 2013. • Refer to the Traffic Assessment Prepared by Cardno, dated May 2013. • Refer to the Traffic Assessment Prepared by Cardno, dated May 2013. • Refer to Water Cycle Management Report prepared by Cardno, dated May 2013 • Refer to Infrastructure Delivery Plan prepared by Cardno, Dated May 2013 • Refer to Infrastructure Delivery Plan prepared by Cardno, Dated May 2013 • Proponent and Council has met with representatives of Campbelltown City Council, the relevant adjoining Council to discuss the proposal. No objections have been raised. <p>Noted.</p>
<p>14. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).</p>	<p>Noted</p>
<p>15. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.</p>	<p>Noted</p>

ORD03

Appendix H: Copy of submission to the exhibition of the Emerald Hills planning package.

Attachment 2



Draft Amendments to Camden Development Control Plan 2011 Emerald Hills Rezoning

This document outlines the draft amendments to Camden Development Control Plan 2011 (the DCP) in relation to the Emerald Hills planning proposal.

The draft amendments contained within this document will be inserted into the relevant sections or chapters of the DCP.

Throughout this document are headings which are ***ITALICISED AND HIGHLIGHTED IN GREY***. These headings explain which section of the DCP is to be amended by inserting the text, tables and figures below.

Please refer to Council's website at www.camden.nsw.gov.au or the Customer Service Counters at the Camden and Narellan offices to view a complete version of the current DCP.

Amend Part C Table of Contents as follows:

In Part C Residential Subdivision add:

C12 EMERALD HILLS

C12.1 INTRODUCTION	8
C12.2 SUBDIVISION DESIGN	11
C12.3 STREET, PEDESTRIAN AND CYCLE NETWORK	13
C12.4 BULK EARTHWORKS AND RETAINING WALLS.....	17
C12.5 OPEN SPACE, PUBLIC DOMAIN AND FENCING.....	18
C12.6 VEGETATION CONSERVATION	20
C12.7 SCHOOL AND COMMUNITIES FACILITIES PRECINCT	22
C12.8 ACOUSTIC AMENITY.....	23
C12.9 STORMWATER MANAGEMENT	24
C12.10 BUSHFIRE RISK MANAGEMENT	24
C12.11 LARGE LOT RESIDENTIAL AREA	26
C12.12 STAGES 7 AND 8 RESIDENTIAL AREA.....	26
C12.13 ABORIGINAL AND EUROPEAN HERITAGE.....	28

Amend Part C – Figures by adding:

Figure C68	Emerald Hills Indicative Master Plan
Figure C69	Locations of Smaller Lot Housing Near Areas of High Amenity
Figure C70	Emerald Hills Road Hierarchy and Bus Route
Figure C71	Emerald Hills Pedestrian and Cycle Paths
Figure C72	Emerald Hills Typical Access Street
Figure C73	Emerald Hills Typical Local Road
Figure C74	Emerald Hills Typical Collector Road
Figure C75	Emerald Hills Typical Collector Road with Median
Figure C76	Emerald Hills Typical Collector Road with Median and Bus Set down
Figure C77	Emerald Hills Typical Entry / Exit Collector Road
Figure C78	Local Open Space
Figure C79	Environmental Conservation Area
Figure C80	School and Communities Facilities Precinct
Figure C81	Indicative Bushfire Asset Protection Zones
Figure C82	Scenic Character Protection Area

Amend Part D Table of Contents as follows:

In Part D2.3 Site Specific Controls for Residential Accommodation add:

D2.3.10 EMERALD HILLS 29

Amend Part D – Tables by adding:

Table D17A Summary of residential accommodation controls - Emerald Hills

Amend Part D Table of Contents as follows:

In Part D3 Commercial and Retail Development add:

D3.10 EMERALD HILLS – B2 LOCAL CENTRE 30

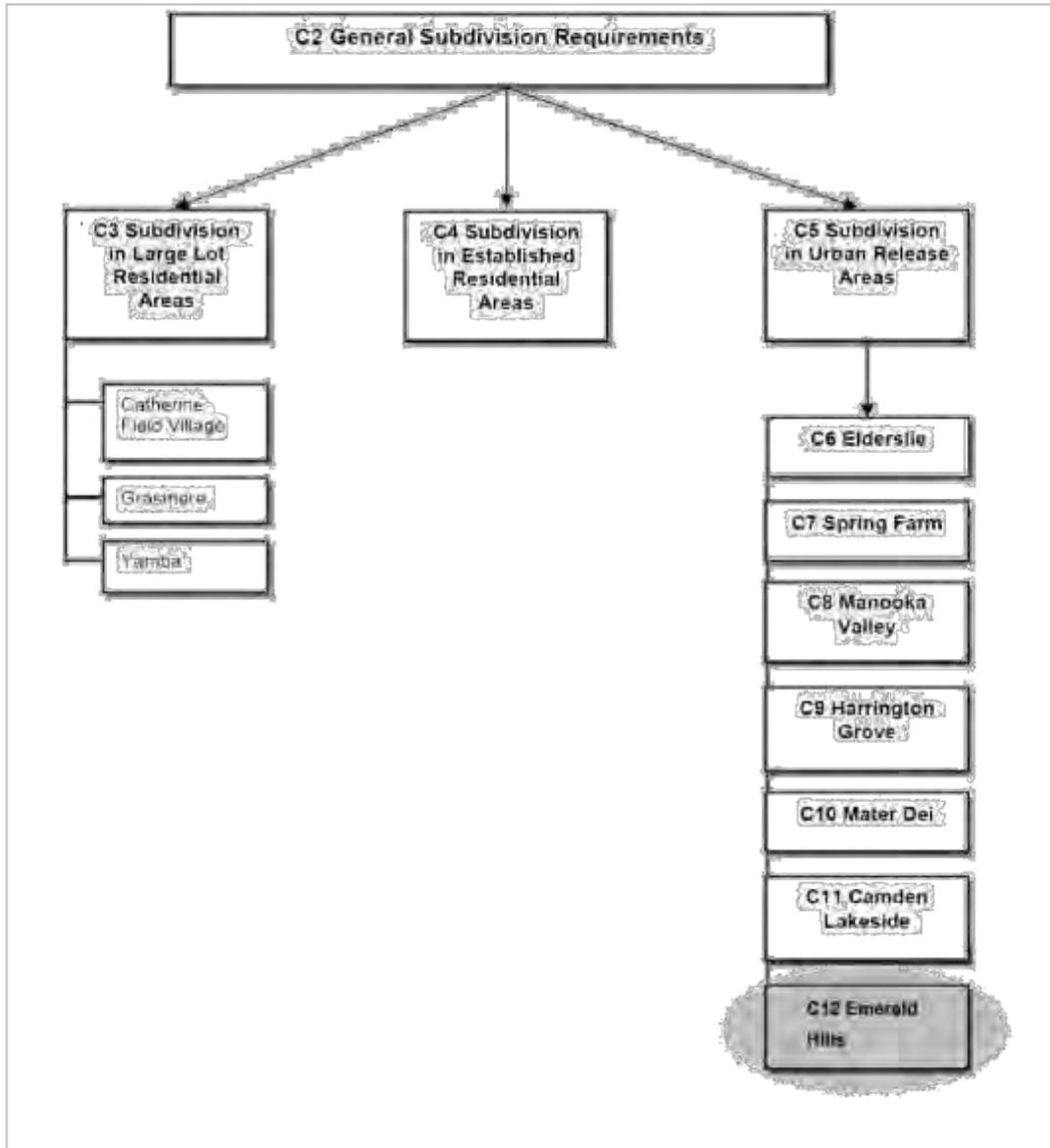
Amend Part D – Figures by adding:

Figure D59 Site Planning Principles for Emerald Hills Centre

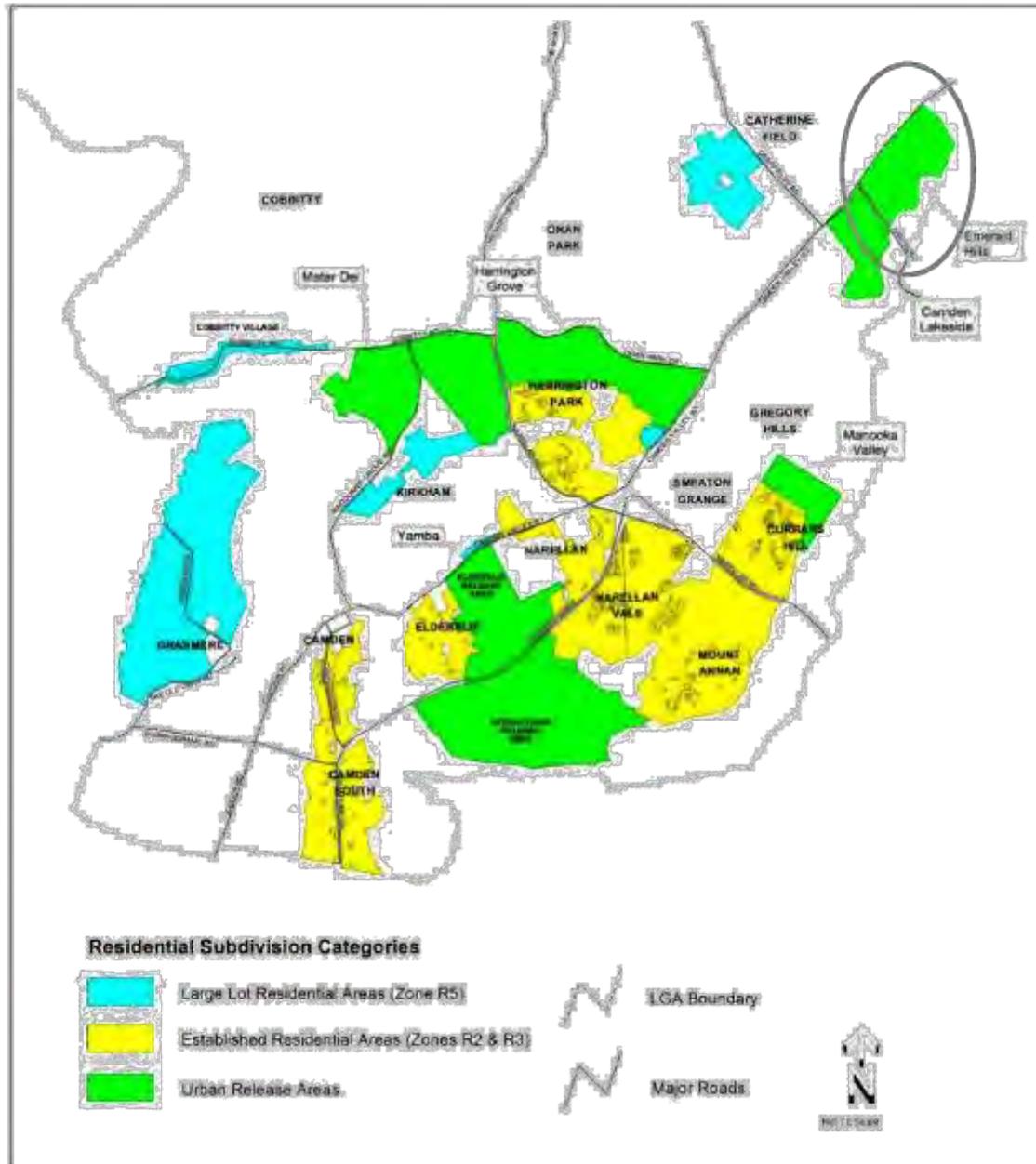
ORD03

Attachment 3

Amend flow chart in Figure C1 by inclusion of new 'Chapter C12 Emerald Hills' as follows:



Amend map in Figure C2 by inclusion of Emerald Hills site as follows:



ORD03

Attachment 3

Amend list in Part C5 by inclusion of Emerald Hills site as follows:**How to use this part**

The following subsections establish general objectives and controls to all urban release areas:

- C5.1 Neighbourhood Amenity and Subdivision Design.
- C5.2 Street Network and Design.
- C5.3 Pedestrian and Cycle Network.
- C5.4 Public Transport Network.
- C5.5 Parks and Open Space.
- C5.6 Community Infrastructure.
- C5.7 Provision of Adequate Community Infrastructure and Facilities.

The following sections provide locality-specific objectives and controls which relate to specific urban release areas:

- C6 Elderslie.
- C7 Spring Farm.
- C8 Manooka Valley.
- C9 Harrington Grove.
- C10 Mater Dei.
- C11 Camden Lakeside
- C12 Emerald Hills

Amend list in Part C5.4 by inclusion of Emerald Hills site as follows:

Controls

1. Bus routes are to be provided generally in accordance with each new release area shown in chapters C6, C7, C8, C9, C10, C11 and C12.

Introduce New Chapter 'C12 Emerald Hills' as follows:

C12 EMERALD HILLS

C12.1 Introduction

Emerald Hills provides an opportunity to create a residential precinct distinguished by a balanced mix of sustainable land uses and liveable neighbourhoods, within the context of the employment, commercial activities and community services available within the Camden LGA, South West Growth Centre and the future Leppington Town Centre and railway station.

Development will consist of predominantly low density homes supported by local retail, commercial and community uses with associated employment opportunities. Development will be located within landscaped and natural settings and the character of the place will be derived from the integration of its high scenic values established by its distinctive creeks, hills and ridge top with new public domain areas. Emerald Hills will be highly accessible to pedestrians and urban design will minimise conflicts with vehicles. Development will provide safe and convenient pedestrian and cycle linkages to other areas within the site and surrounding places.

Homes on smaller housing sites will be located in areas of high amenity which are within walking distance of proposed bus routes, parks and playgrounds. The neighbourhood centre, sports oval and proposed primary school site will establish a vibrant community hub that meets the day to day needs of residents.

Stormwater management shall be ecologically sustainable by using water quality control measures, which will relate strongly to the creek line corridors. Similarly, Emerald Hills will retain large areas of woodlands and rehabilitate new open space areas to enhance the contribution of the site to the prominent scenic quality of the edges of South Creek Valley.

Emerald Hills Planning Principles

- A site character founded upon a series of residential neighbourhoods immersed within the landform, open spaces and the pathway network;
- Enhancement of view corridors to prominent local natural features that are celebrated within the road and local open space network to promote sense of place and way finding;
- Establishment of a local centre linked to recreation facilities and possibly a primary school that provides possibilities for residents to walk or cycle to a range of facilities. The location of the centre adjoining the creek provides the opportunity to establish a distinctive high quality public domain;
- Provision of opportunities for a variety of dwelling forms in appropriate locations which either reinforce the scenic values of the site or contribute to the accessibility, vitality and character of the local centre, the amenity offered by open spaces and the viability of public transport;
- Configuration of a legible interconnected 'grid pattern' of walkable streets which seeks to address site topography and encourage walking and cycling as well as provide a choice of alternate routes for vehicles;
- The potential for a bus route and bus stops located along a local collector road that links all residential areas with the local centre and with any potential routes beyond the site to the Leppington Town Centre and railway station;
- The preservation of the existing remnant vegetation in the north eastern part of the site;
- The provision of a hierarchy of open spaces commencing with preservation of the prominent ridge and hilltops and concluding in small local parks all located within a 5 minutes walking catchment;

- The adoption of environmental management techniques to support environmental protection in concert with the provision of public open space and stormwater management in urban development;
- The rehabilitation of riparian corridors, which will be integrated into the stormwater management system to provide the mechanism to ensure that water quality is enhanced.

Design Structure

An indicative master plan for Emerald Hills is shown in Figure C68. The proposed entry points to the development are off Raby Road, Camden Valley Way and St Andrews Road. The entries will provide direct access to the residential precincts, community and recreation facilities, major and minor public open spaces and the local centre.

A north-south oriented collector road will provide an important vehicular, pedestrian and bicycle link between the northern and southern parts of the development.

A circular dual use cycle/pedestrian path that extends to connections outside the site is also proposed within linear parklands and roads to not only link spaces and places within Emerald Hills, but also establish opportunities for fitness and recreation.

The riparian corridors and open spaces will incorporate water bodies, watercourses and tree planting as well as water quality and stormwater management measures.

A key feature of Emerald Hills is the approach to environmental and scenic protection. The large area of vegetation in the north east corner will generally be preserved and the prominent ridge and hilltops will be celebrated within the public open space network.

Relationship to other Plans

The Emerald Hills indicative master plan is based on the following technical and environmental studies:

- AHMS, February 2013, Historical Heritage Assessment;
- AHMS, February 2013, Aboriginal Heritage Preliminary Assessment;
- Cardno, May 2013, Infrastructure Servicing and Delivery Plan;
- Cardno, May 2013, Traffic Assessment;
- Cardno, May 2013, Water Cycle Management Report and addendums August & September;
- Deep End Services, 24 October 2012, Emerald Hills Retail and Economic Impact;
- Douglas and Partners, March 2013, Preliminary Contamination Assessment;
- Douglas and Partners, June 2013, Salinity Report;
- Douglas and Partners, August 2013, Geotechnical Assessment;
- Eco Logical Australia, September 2013, Biodiversity Certification Assessment Report;
- Eco Logical Australia, June 2013, Bushfire Assessment;
- Eco Logical Australia, April 2013, Preliminary Constraints Analysis Ecology and Riparian Issues Assessment;
- Elton Consulting, May 2013, Social Planning Report;
- Hill PDA, March 2013, Emerald Hills Retail Need and Economic Impact Assessment – Peer Review;
- SLR, April 2013, Odour Impact Assessment;
- SLR, September 2013, Residential Precinct Acoustic Assessment.

ORD03

Attachment 3



Figure C68 Indicative Master Plan

C12.2 Subdivision Design

Objectives

1. Establish a framework for the provision of a diversity of predominantly low density dwelling types.
2. Maximise amenity of residential lots by providing maximum frontage and access to open space, including play areas, parks, ridge tops and creeks.
3. Facilitate attractive streetscapes which maximise opportunities to establish a sense of place, promote pedestrian activity and encourage safety and casual surveillance of public spaces.
4. Establish an urban structure which will facilitate the protection and enhancement of the scenic quality of the landscape.
5. Maximise amenity of residential lots by ensuring suitable noise attenuation measures adjacent to Camden Valley Way and Raby Road subject to maintaining visual connectivity between Emerald Hills and adjoining major roads.
6. Establish an urban structure which will allow for the protection and management of important vegetation.
7. Maximise the use of public transport, walking and cycling trips to, from and within the site.

Controls

1. The subdivision pattern for Emerald Hills shall generally follow the indicative master plan shown in Figure C68.
2. Subdivision shall provide for a diversity of lot sizes and types in appropriate locations which either reinforce the scenic values of the site, or contribute to the accessibility, vitality and character of the local centre, the amenity offered by open spaces and the viability of public transport. This may include larger groupings of smaller lots in the locations shown hatched red in Figure C69.
3. The maximum dwelling density at Emerald Hills shall be 15 dwellings per hectare measured across the whole of the shaded area shown as 'net developable area' in Figure C69
4. The maximum dwelling density shall be achieved via residential subdivision which includes the following lot sizes and dwelling types:
 - Smaller lot housing (single or two storey detached, semi-detached or zero lot line dwellings) on 220-300m² lots in areas of high amenity as shown hatched red in Figure C69,
 - Conventional low density housing lots of between 300-600m² shall allow for single or two storey detached dwellings, and
 - Large lots of between 1,000 and 4,000+ m² shall be located where attention to landscape visual character, environmental protection, and management of bushfire hazard and noise impact is required.

ORD03

Attachment 3



Figure C69 Locations of Smaller Lot Housing Near Areas of High Amenity

C12.3 Street, Pedestrian and Cycle Network

Objectives

1. A legible interconnected 'grid pattern' of walkable streets which seeks to address site topography and encourage walking and cycling as well as provide a choice of alternate routes for vehicles.
2. The provision of a major local collector road that is located parallel to Camden Valley Way and incorporates distinctive entries into the site from Camden Valley Way, St Andrews Road and Raby Road facilitating vehicle access. Road character and route shall be designed to minimise 'rat-running' and through traffic seeking to avoid the Camden Valley Way / Raby Road intersection.
3. Local roads addressing frontages to public open space to avoid the provision of rear fences and contributing to protecting and enhancing the character of the site.
4. A road network distinguished by well-vegetated, attractive streetscapes which are not dominated by driveways and garages.
5. A bus route and bus stops located along a major local collector road that links the local centre with any potential routes beyond the site to the Leppington Town Centre and railway station.
6. A permeable local road network within the majority of the urban part of the site that would ensure dwellings are located within a 400 metres/5 minutes walking catchment of the bus route and public open space.
7. A simple hierarchy of road design and character comprising a collector road and local roads.
8. Provision of a variety of street tree planting with formal and informal spacing that will help create a special character within the streets incorporating verges which are sustainably landscaped with trees, shrubs and groundcovers that have low water and nutrient demands. Plant species selection and layout should minimise ongoing water and maintenance requirements.
9. A flexible and connected pedestrian and cycle pathway network that utilises open space corridors.

Controls

1. The street, pedestrian and cycle and public transport networks are to be designed and constructed generally in accordance with Figures C70, C71 and C72– C77 and landscaped accordingly.
2. The design and construction of the collector road in accordance with Figures C75, C76 and C77 shall provide north-south pedestrian and cycle connectivity through the Emerald Hills development to East Leppington at the north and Camden Lakeside to the south.
3. Root guards shall be used around all street trees to minimise damage to road pavements and footpaths.

Note: Refer to Council's Engineering Construction Specifications for road construction.

ORD03

Attachment 3



Figure C70 Emerald Hills Road Hierarchy and Bus Route



Figure C71 Emerald Hills Pedestrian and Cycle Paths

ORD03

Attachment 3

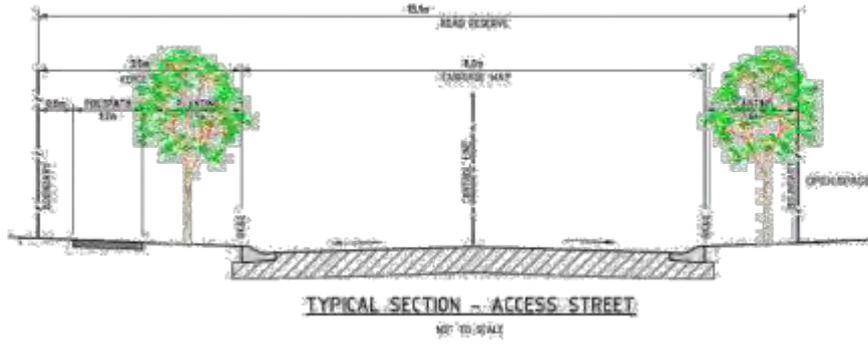


Figure C72 Emerald Hills Typical Access Street

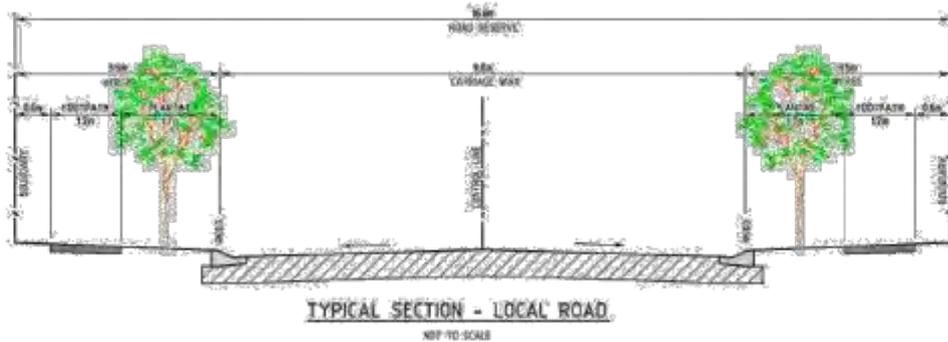


Figure C73 Emerald Hills Typical Local Road

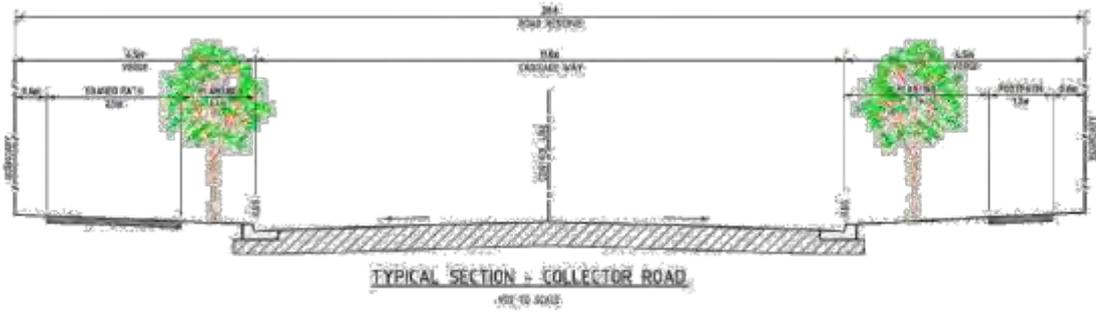


Figure C74 Emerald Hills Typical Collector Road



Figure C75 Emerald Hills Typical Collector Road with Median

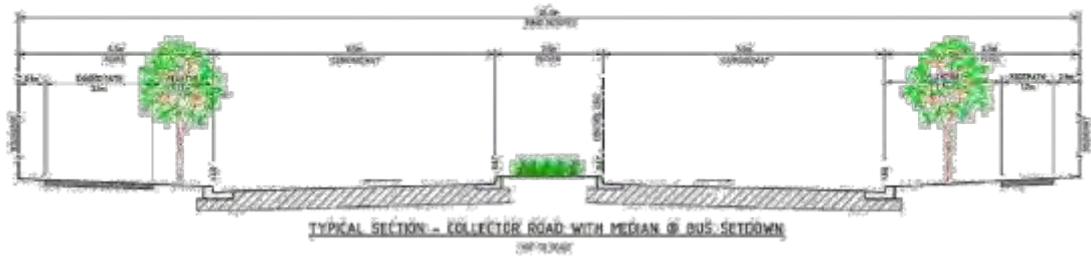


Figure C76 Emerald Hills Typical Collector Road with Median and Bus Set down



Figure C77 Emerald Hills Typical Entry / Exit Collector Road

C12.4 Bulk Earthworks and Retaining Walls

Objectives

1. To allow manipulation of the natural landform whilst preserving distinctive scenic features.
2. Management of landform manipulation to ensure conditions suitable for development are achieved.

Controls

1. Development Applications are to provide accurate site surveys prepared by a qualified surveyor to provide a clear and accurate representation of the contours of the land.
2. Retaining walls at the subdivisional works stage of development are permitted to reduce the need for cut and fill at the dwelling construction stage.
3. Proposals requiring significant moving and filling of earth will be considered if it contributes to the overall quality of the development and the urban design outcomes for the area.
4. Development Applications are to illustrate bulk earthworks and retaining walls and provide justification for proposed changes to land levels.
5. The maximum height of a retaining wall is 1.5 metres.
6. Any wall with a height of 1.5m or greater requires lodgement of a Development Application.
7. In instances where a retaining wall greater than 1.5 metres in height is required, a second retaining wall is permitted providing the retaining wall structure incorporates a step of 1 metre in width, with

the second retaining wall being limited to 1 metre in height (i.e. first wall a maximum of 1.5 metres and second retaining wall is a maximum of 1 metre).

8. Retaining walls are to be constructed of masonry materials.
9. Compaction of filled areas is to be 98% standard compaction and in accordance with AS 3798-1990 in accordance with engineering standards and a compaction certificate is to be submitted to Council.
10. Earth moved from areas containing noxious weed material must be disposed of at an approved waste management facility, and transported in compliance with the Noxious Weed Act 1993.

C12.5 Open Space, Public Domain and Fencing

Objectives

1. Ensure that open space is of appropriate quality and quantity to meet the recreational and social needs of the community.
2. Ensure an attractive public domain and streetscapes are established that contribute to the visual quality of the site.
3. Provide the framework for the protection and enhancement of remnant vegetation and riparian corridors within the public domain.
4. Provide for the establishment of local parks and other open spaces which contribute to the sense of place.
5. Utilise open space for Water Sensitive Urban Design and stormwater management.
6. Promote plant species selection and design which will minimise ongoing water and maintenance requirements.
7. Provide appropriate fencing between the Emerald Hills site and adjacent Sydney Water Upper Canal land.

Controls

1. Local open space shall generally be located in accordance with Figure C78.
2. Estate fencing shall be erected in locations to separate public domain areas from residential development.
3. Estate fencing is to be constructed of consistent high quality materials and finishes and is to form part of the subdivisional works for the site.
4. The location of estate fencing is identified in a Development Application and is to be constructed in accordance with a Landscaping Plan.
5. Estate fencing is limited to a maximum height of 1.8m above ground level.
6. Estate fencing is not to be removed or altered in finish, shape or form of the fence.
7. Appropriate fencing to prevent public access to the Sydney Water Upper Canal land shall be provided.



Figure C78 Local Open Space

C12.6 Vegetation Conservation

Objectives

1. Ensure the protection and enhancement of existing significant trees and significant remnant vegetation.
2. Facilitate the implementation of an agreed conservation management plan for Emerald Hills.

Controls

1. The proponent of the Emerald Hills development is to enter into a Biobanking Agreement with the Office of Environment and Heritage for the land identified as 'Environmental Conservation' in Figure C79. This will ensure that the environmental conservation land is appropriately protected, enhanced and managed to ensure its long term viability, and to help achieve the necessary biodiversity offset credits to facilitate development of the site.

NOTE: The Biodiversity Certification Assessment Report undertaken by Eco Logical Australia dated 12 September 2013 identifies the Biobanking of the environmental conservation land as a critical component in facilitating the future development of the site.



Figure C79 Environmental Conservation Area

C12.7 School and Communities Facilities Precinct

Objectives

1. Control the interface between the school, sports oval and adjacent land uses.
2. Establish an appropriate physical separation between facilities, roads, dwellings and other activities within adjacent land areas.
3. Define the extent of the landscape curtilage which surrounds the school.
4. Facilitate the appropriate physical separation between the recreational facilities and surrounding activities.
5. Establish site circulation, visual amenity and environmental management principles which apply to the School and Community Facilities Precinct.
6. Facilitate pedestrian and bicycle access to the Precinct.

Controls

1. Development will generally be located in accordance with the principles in Figure C80.
2. A multi-purpose community room of approximately 170m² floor space is to be provided within the amenities building of approximately 360m² which is attached to the recreation oval.



Figure C80 School and Communities Facilities Precinct

C12.8 Acoustic Amenity

Objectives

1. Establish an urban character which protects and enhances short and long views within the landscape, whilst allowing for the development of individual lots.
2. Mitigate noise effects from Camden Valley Way and Raby Road to ensure internal areas are not adversely affected by noise.

Controls

1. Lots immediately adjacent to Camden Valley Way shall adopt the indicative layout shown in Figure C68 which will help achieve the external noise criteria.

C12.9 Stormwater Management

Objectives

1. Provide the framework for the protection and enhancement of water quality and management of stormwater within the Site.

Control

1. The design and performance of the stormwater management system infrastructure must have regard to the Water Sensitive Urban Design measures contained within the Cardno, May 2013, Water Cycle Management Report and addendum reports dated June 2013.

C12.10 Bushfire Risk Management

Objectives

1. Provide the framework for the protection of property and vegetation from bushfire hazard within the Site.

Controls

1. Subject to detailed design at development application stage, the indicative location and widths of Asset Protection Zones are to be provided in accordance with figure C81 and;
 - (a) are to be located wholly within the Precinct.
 - (b) may incorporate roads and flood prone land.
 - (c) may be used for open space and recreation within private lots subject to appropriate fuel management.
 - (d) are to be maintained in accordance with the Planning for Bushfire Protection (NSW RFS).
 - (e) may incorporate private residential land, but only within the building setback (no dwellings are to be located within the APZ).
 - (f) are not to burden public land.
 - (g) are to be generally bounded by a perimeter fire trail/road that is linked to the public road system at regular intervals in accordance with Bushfire Protection.
 - (h) may be allowed within the outer 50% of the VRZ but any encroachment into the riparian corridor requires offsets to be provided.
2. Buildings adjacent to APZs are to be constructed in accordance with the requirements of Appendix 3 of Bushfire Protection and Australian Standard 3959 - Construction of Building in Bushfire-prone Areas.
3. Where an allotment fronts and partially incorporates an APZ it shall have an appropriate depth to accommodate a dwelling with private open space and the minimum required APZ. The APZ will be identified through a Section 88b instrument.
4. Temporary APZs, identified through a Section 88b instrument, may be required where development is proposed on allotments next to undeveloped land. Once the adjacent stage of development is undertaken, the temporary APZ will no longer be required and shall cease.



Figure C81 Indicative Bushfire Asset Protection Zones

C12.11 Large Lots within Environmental Conservation

Objectives

1. To preserve significant vegetation, whilst facilitating the provision of appropriate development as a mechanism to own and manage the vegetation.

Controls

1. Identify building envelopes through a Section 88b instrument, located to respect and be sympathetic to the natural environment and significance of the vegetation.
2. Provide adequate bush fire management measures.
3. Manage vegetation in accordance with a Conservation Management Plan

C12.12 Scenic Character Protection Area

Objectives

1. To protect the scenic character of the Scenic Hills Area to the east of the site.

Controls

1. This clause applies to lots and dwellings generally in the area indicated in Figure C82.
2. Dwelling materials and colours shall adopt darker, recessive toned colours and non-reflective surfaces for both wall and roof cladding.
3. Utility structures shall adopt recessive toned, non-reflective surfaces.
4. Bulk earthworks shall seek to reduce the height of the northern ridgeline (shown dotted orange in Figure C82) by a minimum of 3m.
5. Road verge/street tree planting shall adopt hardy dark-leaved evergreen trees with good canopy cover.
6. The ridgeline reserve shall be planted out with tall locally indigenous woodland species (to blend with woodland canopies in the Scenic Hills), planted across the entire width of the reserve.
7. Street lights shall have hoods or other appropriate design treatment to minimise light spill in order to reduce ambient light haze as much as possible.



Figure C82 Scenic Character Protection Area

C12.13 Aboriginal and European Heritage

Background

The Emerald Hills site, like surrounding areas, has a history of Aboriginal occupation, European settlement and agricultural purposes. The St Andrews Home for Boys was established in 1934 on site and was used in various capacities until 1987. These buildings were not heritage listed and have been lawfully demolished. However, it became apparent during the rezoning process that they are considered by architectural groups to be an important example of the Sydney School of Architecture, designed by Phillip Cox. It is appropriate that the architecture and various previous uses of the site are interpreted within the new Emerald Hills residential development.

The following documents were prepared to inform the rezoning of the Emerald Hills site, and should be referred to as part of the preparation of the Heritage Interpretation Strategy as outlined below:

- *Historical Heritage Assessment: St Andrew's Home for Boys, 1100-1150 Camden Valley Way, Leppington*, prepared by AHMS (Final Report), dated February 2013.
- *Aboriginal Heritage Preliminary Assessment: Emerald Hills Estate, Leppington*, prepared by AHMS (Final Report), dated February 2013.
- *Photographic Archival Record: St Andrews boys Home (Burnside) Leppington*, prepared by Inspire Urban Design and Planning, dated 4 February 2013.

Objectives

1. To ensure that the Aboriginal and European land uses and the Sydney School of Architecture style of the former St Andrews' Boys Home (now demolished) are interpreted and incorporated where possible into the public domain of Emerald Hills.

Controls

1. A Heritage Interpretation Strategy shall be prepared by a suitably qualified and experienced heritage consultant which identifies the key stories associated with the site, its varying owners, associations and evolving users over time. Some examples of key people would include Thurawal, Dharug and Gundungurra Aboriginal peoples, the Cubbitch Barta clan, early colonial settlers and farming families such as those of Cordeaux, Edwards, Ward, Gaudry, Kable, Chisholm, Moore, William and Florence Price, the Presbyterian/Uniting Church/Burnside Homes (St Andrews School for Boys) and architects Philip Cox and Ian McKay.
2. The Heritage Interpretation Strategy must be submitted for Council approval as part of the Development Application for the park shown in C68 in the site of the former St Andrews School site. It should include an implementation plan with prioritised actions that identify specific locations and recommended means of interpretation that will be integrated into the park. These might include structures, artworks, plaques, sculptures, installations, street tree selection and treatment, landscaping which is themed on past uses, open space designs and treatments, and place names.

The following publications may assist in preparing the Interpretation Strategy:

- *Historical Heritage Assessment: St Andrew's Home for Boys, 1100-1150 Camden Valley Way, Leppington*, prepared by AHMS (Final Report), dated February 2013.
- *Aboriginal Heritage Preliminary Assessment: Emerald Hills Estate, Leppington*, prepared by AHMS (Final Report), dated February 2013.

- *Interpreting Heritage Places and Items*

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/NSWHeritageOfficeGuidelinesinfointerpreting.pdf>

- *Heritage Interpretation Policy*

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/interpretationpolicy.pdf>

Introduce New Chapter 'D2.3.10 Emerald Hills' as follows:

D2.3.10 Emerald Hills

Note: The controls listed below (table D17A) are specific to the Emerald Hills area. They must be read in conjunction with the controls in section D2.1 and D2.2 of this DCP. In the event of any inconsistency, the controls included in this subsection will take precedence.

Table D17A Summary of residential accommodation controls – Emerald Hills

SETBACKS	
Front setback (min)	4.5m
Secondary street setback (min)	1m
Side setback (min)	0.9m or 0m where nominated zero lot line on lot development plan
Rear setback ground floor (min)	4m
Rear setback first floor (min)	6m
Garage setback (min)	1m behind principal building line and 5.5m from front boundary; third garage to be set back an additional 1m.
Architectural element front setback encroachment (max)	1.5m
Rear lane setback (min)	2.5m
Public reserve setback (min)	3m
HEIGHT	
As per LEP 2010 and subsection D.2.1.3 of this DCP	
PRIVATE OPEN SPACE, LANDSCAPING AND SITE COVERAGE	
Site coverage (max) – lots <450m ²	Single storey development - 60%
	Two storey development – 50% ground floor, 30% upper floor
Site coverage (max) – lots >450m ²	Single storey development - 50%
	Two storey development – 50% ground floor, 30% upper floor
Landscaped area (min)	30%
Private open space (min)	20%
Principal private open space (PPOS) (min)	24m ² with a minimum dimension 4m
Gradient of PPOS (max)	1:10
Solar access to PPOS (min)	3 hours between 9.00am and 3.00pm on 21 June.
GARAGE DESIGN	
Garage door width (max) – lots 7-15m wide	60% of front elevation width
Garage door width (max) – lots greater than 15m wide	50% of front elevation width

Introduce New Chapter 'D3.10 Emerald Hills B2 Local Centre' as follows:

D3.10 Emerald Hills – B2 Local Centre

Background

The Emerald Hills Centre will form part of the Emerald Hills Urban Release Area.

Controls

D3.10.1 Maximum Floor Area

1. The centre will have a maximum lettable floor area of 10,000m² for 'retail premises' excluding 'food and drink premises'.

D3.10.2 Layout and Design

1. Development shall be in accordance with the site planning principles contained in the master plan for the Centre in Figure D.59. Development applications for the purposes of remediation, earthworks, drainage, environmental landscape works and other minor works that, in the opinion of Council, do not predetermine an outcome on the land covered by the B2 Local Centre zone boundaries in LEP 2010 may be accepted.

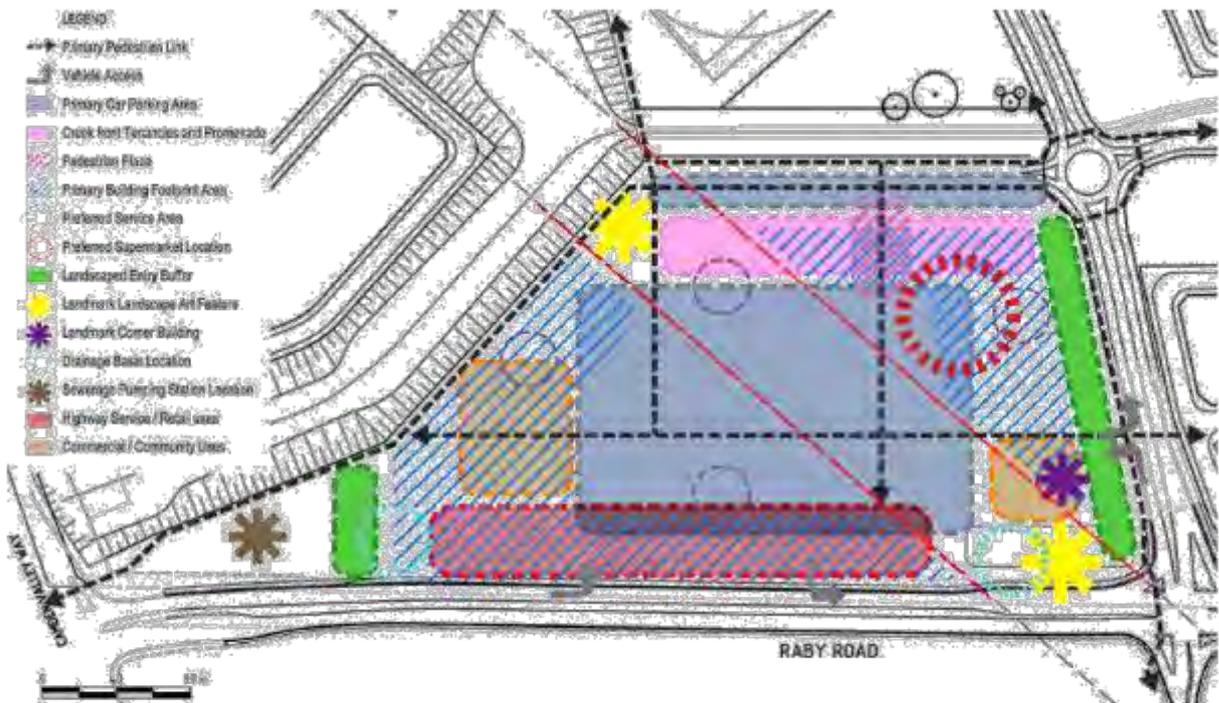


Figure D59 Site Planning Principles for Emerald Hills Centre

2. The development shall be designed to provide access and exposure to Raby Road and Riley's Creek adjoining the centre site whilst incorporating a vibrant and active focal point in the form of a civic square, plaza or main street.
3. In addition to any relevant controls for the centre, residential buildings within the centre are subject to the controls contained in Chapter D2 of this DCP as relevant.
4. Vehicle access and/or car parking facilities will not be approved if within 30 metres of a Transmission Line structure without adequate precautions provided to protect the structure from any accidental damage.

D3.10.3 Built Form and Appearance

1. Subject to compliance with the building height limits contained in Camden LEP 2010, development within the centre should have a range of building heights up to a maximum of three storeys.
2. Important buildings may be designed as landmark buildings which exhibit high quality design, and should be sited at visually prominent locations such as corners and entries.
3. Buildings are to be visible from and have a presence to street frontages. Where buildings are not proposed to be built to the street frontage, setbacks are to be minimised. Buildings are also to be designed and located to take advantage of proximity to open space areas, including the adjoining riparian corridor.
4. Blank walls visible from principal streets and the public domain are to be minimised.
5. The centre should exhibit a character which is in keeping with nearby significant landscape elements, the presence of which should be promoted as urban design features.
6. Building location form, land uses and activities and landscaping should be designed and sited to minimise the visual impact of the power lines that traverse the centre site.
7. Retail/commercial/residential buildings built to the alignment of internal streets and pedestrian areas shall incorporate awnings/verandahs over the footpath areas, irrespective of whether building walls contain windows, doors or other openings.
8. Any building two storeys in height or greater shall include a verandah or balcony terrace at level 1 above ground level to any internal street or pedestrian area. They shall be accessible for use as open space/balcony from the upper level.
9. All mixed use buildings should be able to function as part residential use with potential for a mix of retail, business, or residential at first level directly accessible and visible from the ground level.
10. The design of buildings should provide flexibility to enable the use of various parts of the building to change over time as necessitated by demand.
11. The centre shall be provided with parking that provides convenient access, but that is located in a manner that does not dominate adjoining public domain areas, riparian corridors and streetscapes.
12. Building walls, windows, entries, car parks, loading areas and service docks shall be designed to enable maximum casual surveillance to be achieved to promote safety and security in the public domain.

ORD03

Attachment 4

Deed

**Emerald Hills
Planning Agreement**

Under s93F of the *Environmental Planning and Assessment Act 1979*

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development
Company Pty Ltd (trading as Emerald Hills Estate)**

D&AI Pty Ltd

[Insert Date]

© Lindsay Taylor Lawyers

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)
D&AI Pty Ltd

Emerald Hills Planning Agreement

Table of Contents

Summary Sheet.....	4
Parties.....	6
Background.....	6
Operative provisions.....	6
Part 1 - Preliminary.....	6
1 Interpretation.....	6
2 Status of this Deed.....	10
3 Commencement.....	10
4 Application of this Deed.....	10
5 Warranties.....	10
6 Further agreements.....	10
7 Surrender of right of appeal, etc.....	11
8 Application of s94, s94A and s94EF of the Act to the Development.....	11
Part 2 – Development Contributions.....	11
9 Provision of Development Contributions.....	11
10 Payment of monetary Development Contributions.....	12
11 Dedication of land.....	12
12 Carrying out of Work.....	13
14 Variation to Work.....	15
15 Deferral of Work.....	15
16 Access to Land.....	15
17 Council's obligations relating to Work.....	16
18 Protection of people, property & utilities.....	16
19 Repair of damage.....	16
20 Completion of Work.....	17
21 Rectification of defects.....	17
22 Works-As-Executed-Plan.....	17
23 Removal of Equipment.....	18
Part 3 – Dispute Resolution.....	18
24 Dispute resolution – expert determination.....	18
25 Dispute Resolution - mediation.....	18

2

ORD03

Attachment 4

ORD03

Attachment 4

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

Part 4 - Enforcement	19
26 Security for performance of obligations	19
27 Acquisition of land required to be dedicated	20
28 Breach of obligations	21
29 Enforcement in a court of competent jurisdiction	22
Part 5 – Registration & Restriction on Dealings	22
30 Registration of this Deed	22
31 Restriction on dealings	23
Part 6 – Indemnities & Insurance	23
32 Risk	23
33 Release	24
34 Indemnity	24
35 Insurance	24
Part 7 – Other Provisions	25
36 Annual report by Developer	25
37 Review of Deed	25
38 Notices	25
39 Approvals and Consent	26
40 Costs	26
41 Entire Deed	26
42 Further Acts	26
43 Governing Law and Jurisdiction	27
44 Joint and Individual Liability and Benefits	27
45 No Fetter	27
46 Illegality	27
47 Severability	27
48 Amendment	28
49 Waiver	28
50 GST	28
51 Explanatory Note	29
Schedule 1	30
Schedule 2	47
Schedule 3	54
Execution	55
Appendix	56

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

Emerald Hills Planning Agreement**Summary Sheet****Council:**

Name: Camden Council
Address: 37 John Street, Camden NSW 2570
Telephone: (02) 4654 7777
Facsimile: (02) 4564 7829
Email: mail@camden.nsw.gov.au
Representative: The General Manager

Developer:

Name: Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
Address: PO Box 373 Narellan NSW 2567
Telephone: (02) 4774 6000
Facsimile: (02) 4774 9932
Email: smcmahon@macarthurdevelopments.com.au
Representative: Stephen McMahon

Landowner:

Name: D&AI Pty Ltd
Address: PO Box 373 Narellan NSW 2567
Telephone: (02) 4774 6000
Facsimile: (02) 4774 9932
Email: dhazlett@cambrae.com.au or arnold@vastedevelopments.com.au
Representative: David Hazlett, Arnold Vitocco

ORD03

Attachment 4

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

Land:

See definition of *Land* in clause 1.1.

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See Part 2 and Schedule 1.

Application of s94, s94A and s94EF of the Act:

See clause 8.

Security:

See Parts 4 and 5.

Registration:

See clause 30.

Restriction on dealings:

See clause 31.

Dispute Resolution:

See Part 3.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

Emerald Hills Planning AgreementUnder s93F of the *Environmental Planning and Assessment Act 1979***Parties****Camden Council** ABN 31 117 341 764 of 37 John Street, Camden NSW 2570
(Council)

and

**Hazcorp Developments Pty Ltd and Taurus Development
Company Pty Ltd (trading as Emerald Hills Estate)** ABN 78 608 138
379 of PO Box 373 Narellan NSW 2567 (Developer)

and

D&AI Pty Ltd ABN 96 136 122 220 of PO Box 373 Narellan NSW 2567
(Landowner)**Background**

- A The Landowner is the owner of the Land.
- B The Developer is prepared to make Development Contributions in connection with the carrying out of the Development in accordance with this Deed.

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).

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

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

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

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 LG Act, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

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.

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 means the \$ amount agreed between the Parties as the value of a Development Contribution made under this Deed as set out in Column 7 of Schedule 1.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

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.

Development means the development of the Land for urban purposes generally in accordance with the Plans involving subdivision into up to 1280 Final Lots, establishment of a road, utilities and stormwater management network, provision of open space, recreation areas and community facilities, preservation of areas of ecologically endangered woodland, construction of commercial and retail floorspace, and the construction of dwellings.

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 s93F(3)(g) of the Act.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

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.

Indicative Layout Plan means sheet 1 of the Plans.

Instrument Change means the amendment of the *Camden Local Environmental Plan 2010* to rezone the Land for urban purposes.

Item means a Development Contribution specified in Column 1 of Schedule 1.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

Land means all of the land in the Emerald Hills Estate that is within the area of the Council as shown on the Masterplan and comprising Lot 10 DP 1173819, Lot 10 DP 1161557 and Lot 1 in DP 301830.

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 whether as a result of adverse weather, other act of God or otherwise.

Maintenance Period for a Work means the period of years specified in Column 8 of Schedule 1 in respect of that Item of Work.

Party means a party to this Deed.

Plan of Management means a plan of management within the meaning of s36 of the LG Act.

Plans means the suite of plans contained in Schedule 2.

Principal Certifying Authority has the same meaning as in the 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.

Emerald Hills Planning Agreement

Camden Council

Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)

D&AI Pty Ltd

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Security means a Bank Guarantee, or a bond or other form of security to the satisfaction of the Council indexed annually in accordance with the annual movements in the Consumer Price Index (All Groups Sydney) published by the Australian Bureau of Statistics on and from the date of this Deed.

Stage means a stage of the Development approved by a Development Consent or otherwise approved in writing by the Council for the purposes of this Deed, and generally as shown in the Plans.

Stage 1 Plan, Stage 2 Plan, Stages 3-6 Plan, Stages 7-8 Plan and Stages 9-11 Plan mean each of the plans so headed in Schedule 2.

Subdivision Certificate means a subdivision certificate within the meaning of the Act or a strata certificate within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or in any other case, any other form of certificate which, on registration, authorises the creation of a new lot.

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.

- 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.
- 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.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 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 servants, 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 s93F(1) of the Act and is entered into in connection with the Instrument Change and the making of a Development Application for the Development.

3 Commencement

- 3.1 This Deed takes effect on the date when all Parties have executed one counterpart of 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 Application of this Deed

- 4.1 This Deed applies to the Land and to the Development.

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 Further agreements

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

- 6.1 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.

7 Surrender of right of appeal, etc.

- 7.1 The Developer or the 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.

8 Application of s94, s94A and s94EF of the Act to the Development

- 8.1 This Deed excludes the application of s94 of the Act to the Development, subject to clause 8.4.
- 8.2 This Deed excludes the application of s94A of the Act to the Development, subject to clause 8.4.
- 8.3 This Deed does not exclude the application of s94EF of the Act to the Development.
- 8.4 For the avoidance of doubt, clauses 8.1 and 8.2 do not exclude the application of s94 or s94A of the Act to the development of dwellings, commercial and retail floorspace or any other development on the Final Lots although the benefits provided under this Deed referable to a Final Lot may be taken into consideration in determining a development contribution under section 94 of the Act in respect of development on that Final Lot.

Part 2 – Development Contributions

9 Provision of Development Contributions

- 9.1 The Developer is 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.
- 9.2 Any Contribution Value specified in this Deed in relation to a Development Contribution does not serve to define the extent of the Developer's obligation to make the Development Contribution.
- 9.3 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.
- 9.4 Despite clause 9.2, 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

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

- 9.5 The Landowner is under no obligation to make Development Contributions under clause 9.1 (other than Items 18 to 26) except if the Landowner, participates in the carrying out of the Development to any extent. If so, the Landowner shall be taken to have the same obligations as the Developer.
- 9.6 A monetary Development Contribution specified in column 7 of Schedule 1 is to be indexed from the date of this Deed to the date of payment in accordance with the quarterly movements of the Consumer Price Index (All Groups Sydney) published by the Australian Bureau of Statistics.

10 Payment of monetary Development Contributions

- 10.1 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.

11 Dedication of land

- 11.1 A Development Contribution comprising the dedication of land is made for the purposes of this Deed when:
- 11.1.1 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 *LG Act*, or
- 11.1.2 the Council is given:
- (a) an instrument in registrable form under the *Real Property Act 1900* duly executed by the Landowner 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.
- 11.2 The Landowner is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.
- 11.3 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.
- 11.4 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 or Developer may request that Council agree to accept the land subject to those encumbrances and

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

affectations, but the Council may withhold its agreement in its absolute discretion.

- 11.5 Despite any other provision of this Deed, if the Developer 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 11.1.2 not later than 28 days after the Work is completed for the purposes of this Deed.

12 Carrying out of Work

- 12.1 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.
- 12.2 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.
- 12.3 Notwithstanding the generality of clause 12.1 or clause 13.1, prior to commencing a Work for which a Maintenance Period applies, the Developer must provide, and the Council must have earlier approved:
- 12.3.1 a draft Plan of Management for the land on which the Work is to be carried out; and
- 12.3.2 a suitable maintenance regime for the Work, and costings, prepared by a suitably qualified person, for the carrying out of the maintenance regime

13 Approval of design of Works

- 13.1 Council must approve the design and specifications for each Work unless otherwise agreed in writing by the Council in relation to any particular Work.
- 13.2 Prior to commencing design of a Work, the Developer must request that the Council provide the Developer with its requirements for the location (generally in accordance with the Plans), design, materials and specifications for the provision of the Work.
- 13.3 When requesting Council's requirements under clause 13.2 the Developer may provide a proposal, including preliminary concept designs to assist Council in preparing its requirements.
- 13.4 Once the Developer receives the Council's requirements for the Work under clause 13.2, the Developer is to provide the initial design for the Work to Council for the Council's approval.
- 13.5 The initial design for the Work is to include or be accompanied by such information as is required for the making of a Development Application for the Work including:
- 13.5.1 a draft Plan of Management for the land on which the Work is to be located on its dedication to the Council, if that land will be classified as community land within the meaning of the LG Act; and

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 13.5.2 a draft Vegetation Management Plan for the land on which the Work is to be located, if the Council has advised the Developer that a Vegetation Management Plan is required,
- 13.5.3 a detailed maintenance regime for the Work, and detailed costings, prepared by a suitably qualified person, for the carrying out of the maintenance regime.
- 13.6 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.
- 13.7 The Developer will make any change to the initial design for the Work required by the Council.
- 13.8 The Developer is not to lodge any Development Application for a Work unless the Council has first approved the initial design for the Work and provided its written certification that the Development Application is consistent with the approved initial design of the Work.
- 13.9 The Council is to provide the written certification referred to in clause 13.8 within 14 days of being provided with a copy of the proposed Development Application by the Developer, unless the Council forms the view that the proposed Development Application is not consistent with the approved initial design of the Work.
- 13.10 A Development Application for Work is to be accompanied by the written certification referred to in clause 13.9 when lodged with the Council, as the consent authority.
- 13.11 The Developer is to bear all costs associated with obtaining the Council's approval to the initial design of a Work in Schedule 1 of this Deed under this clause.
- 13.12 Following Development Consent being issued for a Work, the Developer shall work with Council in the preparation of the detailed design for it and submit the detailed design to the Council for its approval.
- 13.13 The Developer is not to lodge any application for a Construction Certificate for a Work, with any Principal 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.
- 13.14 The Council is to provide the written certification referred to in Clause 13.13 within 14 days of being provided with a copy of the application for a Construction Certificate by the Developer, unless the Council forms the view that the application is not consistent with the approved detailed design of the Work.
- 13.15 Council's written certification outlined in clause 13.14 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 particular milestone and allow the Council access to the relevant land to inspect the Work.
- 13.16 An application for a Construction Certificate for a Work is to be accompanied by the written certification referred to in clause 13.14 when lodged with the Council, as the consent authority.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 13.17 For the avoidance of doubt, nothing in the clause as fettering the Council's discretion, as consent authority, in determining any Development Application for the Work.

14 Variation to Work

- 14.1 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
- 14.2 Without limiting clause 14.1, 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.
- 14.3 The Council is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 14.2.
- 14.4 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 before the Work is carried out in a specified manner and submit the variation to the Council for approval.
- 14.5 The Developer is to comply promptly with a direction referred to in clause 14.4 at its own cost.

15 Deferral of Work

- 15.1 Notwithstanding any other provision of this Deed, if the Developer forms the view at any time, that it is unable to make a Development Contribution comprising a Work by the time specified in column 6 of Schedule 1, then:
- 15.1.1 the Developer must provide written notice to the Council to that effect;
- 15.1.2 the Developer must provide the Council with Security in an amount being 100% of the value of the uncompleted part of the Work (calculated with reference to and not exceeding the Contribution Value of the Work) before the date on which the application for the relevant Subdivision Certificate is made;
- 15.1.3 the Developer must provide to Council, for Council's approval, a revised completion date for the Work;
- 15.1.4 Council can approve, or not approve a revised completion date in its discretion, and if the Council does not approve the Developer's revised completion date for the Work, the Council and Developer must negotiate in good faith and agree upon a revised completion date for the Work; and
- 15.1.5 the time for completion of the Work under this Deed will be taken to be the revised completion date approved by the Council under clause 14.1.4.
- 15.2 If the Developer complies with clause 15.1, then it will not be considered to be in breach of this Deed as a result of a failure to complete a Work by the time for completion of the Work specified in Column 6 of Schedule 2.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 15.3 If the Work is not completed by the revised date for completion of the Work agreed under clause 15.1.4, then the Council may call on the Security to meet any of its reasonable costs incurred under this Deed in respect of the failure to complete the Work by the revised date for completion.
- 15.4 The Developer is to ensure that the Security held by the Council at all times equals the amount of the Security as indexed.

16 Access to the Land

- 16.1 The Landowner and the Developer are to permit the Council, its officers, employees, agents and contractors to enter the Land or any other land at any time, upon giving reasonable prior notice, in order to inspect, examine or test any Work or to remedy any breach by the Developer relating to the carrying out of a Work.
- 16.2 The Council is to permit the Developer to enter and occupy any land owned or controlled by the Council for the purpose of enabling the Developer to carry out any Work under this Deed that is required to be carried out on such land or to perform any other obligation imposed on the Developer by or under this Deed.

17 Council's obligations relating to Work

- 17.1 The Council is not to unreasonably delay, hinder or otherwise interfere with the performance by the Developer of its obligations under this Deed, and is to use its reasonable endeavours to ensure third parties unrelated to the Developer do not unreasonably delay, hinder or otherwise interfere with the performance of those obligations.

18 Protection of people, property & utilities

- 18.1 The Developer and the Landowner are to ensure to the fullest extent reasonably practicable in relation to the performance of their 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

Emerald Hills Planning Agreement

Camden Council

Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)

D&AI Pty Ltd

- 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 The Developer is to give the Council written notice of the date on which it will complete Work required to be carried out under this Deed.
- 20.2 The Council is to inspect the Work the subject of the notice referred to in clause 20.1 within 14 days of the date specified in the notice for completion of the Work.
- 20.3 Work required to be carried out by the Developer under this Deed, is completed for the purposes of this Deed when the Council, acting reasonably, gives a written notice to the Developer to that effect.
- 20.4 If the Council is the owner of the land on which Work the subject of a notice referred to in clause 20.1.3 is issued, the Council assumes responsibility for the Work upon the issuing of the notice, but if it is not the owner at that time, it assumes that responsibility when it later becomes the owner.
- 20.5 Before the Council gives the Developer a notice referred to in clause 20.3, it may give the Developer a written direction to complete, rectify or repair any specified part of the Work as soon as practicable to the reasonable satisfaction of the Council.
- 20.6 The Developer, at its own cost, is to promptly comply with a direction referred to in clause 20.5.
- 20.7 The Developer will Maintain any Item for which a Maintenance Period is specified, during that Maintenance Period.

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.

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

- 22.2 The Developer, warrants that it is the copyright owner in the plan referred to in clause 22.1, and 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 the 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 – Dispute Resolution

24 Dispute resolution – expert determination

- 24.1 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:
- 24.1.1 the Parties to the Dispute agree that it can be so determined, or
- 24.1.2 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.
- 24.2 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.
- 24.3 If a notice is given under clause 24.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 24.4 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.
- 24.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 24.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 24.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

25 Dispute Resolution - mediation

- 25.1 This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 24 applies.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 25.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 25.3 If a notice is given under clause 25.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 25.4 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 Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 25.5 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.
- 25.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 25.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 4 - Enforcement**26 Security for performance of obligations**

- 26.1 In this clause 26 the following definitions apply:

Final Lot Subdivision Certificate means a Subdivision Certificate that:

- (a) authorises the registration of a plan of subdivision or strata plan which, on registration, will create Final Lots; and
- (b) is able to be issued because a Development Consent for the Development granted after the date of this Deed is in force with respect to the proposed subdivision.

Security Amount means:

- (a) Security to the value of:
 - (i) \$TSCV divided by the Final Lots Per Stage for the relevant Stage in respect of which a Final Lot Subdivision Certificate is being sought, then multiplied by the number of Final Lots in that Stage for which Final Lot Subdivision Certificates have been issued or are sought; or
- (b) Security to the value of such other amount as the Developer and the Council agree in writing.

TSCV means the sum of the Contribution Values of the Items of Works (other than Item 29) which are to be located within the Stage in respect of which a Final Lot Subdivision Certificate is being sought, other than those Items within the Stage that have been completed in accordance with this Deed and are the responsibility of the Council.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd****Final Lots Per Stage means:**

- (a) In respect of Stage 1 - 240 lots.
- (b) in respect of Stage 2 - 167 lots
- (c) in respect of Stage 3 - 98 lots.
- (d) in respects of Stage 4 - 111 lots.
- (e) in respect of Stage 5 - 109 lots.
- (f) in respect of Stage 6 - 62 lots.
- (g) in respect of Stage 7 - 104 lots.
- (h) in respect of Stage 8 - 108 lots.
- (i) in respect of Stage 9 - 94 lots.
- (j) in respect of Stage 10 - 90 lots.
- (k) in respect of Stage 11 - 97 lots.

- 26.2 Prior to the issuing of any Final Lot Subdivision Certificate in respect of a Stage, the Developer is to provide the Council with a Security for the difference between the value of Security Amount and the Security already held by Council (if any) in respect of that Stage.
- 26.3 The Council, in its absolute discretion and despite clause 16, may refuse to allow the Developer to enter, occupy or use any land owned or controlled by the Council or refuse to provide the Developer with any plant, equipment, facilities or assistance relating to the carrying out the Development if the Developer has not provided the Security to the Council in accordance with this Deed.
- 26.4 The Council may call-up and apply the Security in accordance with clause 28 to remedy any breach of this Deed notwithstanding any other remedy it may have under this Deed, under any Act or otherwise at law or in equity.
- 26.5 The Council is to release and return the Security provided in respect of a Stage, or any unused part of it to the Developer within 14 days of the Developer and Landowner completing all of their obligations under this Deed in respect of that Stage.
- 26.6 The Developer may at any time provide the Council with a replacement Security.
- 26.7 On receipt of a replacement Security, the Council is to release and return the Security that has been replaced to the Developer.
- 26.8 If the Council calls-up the Security or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement Security to ensure that the amount of Security held by the Council equals the amount it is entitled to hold under this Deed.
- 26.9 The Developer is to ensure that the Security provided to the Council is at all times maintained to the full current indexed value.

27 Acquisition of land required to be dedicated

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

- 27.1 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.
- 27.2 The Council is to only acquire land pursuant to clause 27.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Landowner to dedicate the land required to be dedicated under this Deed.
- 27.3 Clause 27.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 27.4 If, as a result of the acquisition referred to in clause 27.1, the Council is required to pay compensation to any person other than the Landowner, the Landowner and the Developer are 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 26.
- 27.5 The Landowner and the Developer indemnify and keep 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.
- 27.6 The Landowner and the Developer are to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 27, including without limitation:
- 27.6.1 signing any documents or forms.
- 27.6.2 giving land owner's consent for lodgement of any Development Application.
- 27.6.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
- 27.6.4 paying the Council's costs arising under this clause 27.

28 Breach of obligations

- 28.1 If the Council reasonably considers that the Landowner or Developer is in breach of any obligation under this Deed, it may give a written notice to the Party it considers to be in breach:
- 28.1.1 specifying the nature and extent of the breach,
- 28.1.2 requiring that 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,
- 28.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 28.2 If the Landowner or Developer fails to fully comply with a notice issued to it and referred to in clause 28.1, the Council may, without further notice to that Party or the Developer, call-up the Security provided by the Developer under this Deed and apply it to remedy the breach.
- 28.3 If the Developer fails to comply with a notice given under clause 28.1 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 Landowner or Developer and any Equipment on such land for that purpose.
- 28.4 Any costs incurred by the Council in remedying a breach in accordance with clause 28.2 or clause 28.3 may be recovered by the Council by either or a combination of the following means:
- 28.4.1 by calling-up and applying the Security provided by the Developer under this Deed, or
- 28.4.2 as a debt due in a court of competent jurisdiction.
- 28.5 For the purpose of clause 28.4, the Council's costs of remedying a breach the subject of a notice given under clause 28.1 include, but are not limited to:
- 28.5.1 the costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
- 28.5.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
- 28.5.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 28.6 Nothing in this clause 28 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 Landowner or Developer, including but not limited to seeking relief in an appropriate court.

29 Enforcement in a court of competent jurisdiction

- 29.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 29.2 For the avoidance of doubt, nothing in this Deed prevents:
- 29.2.1 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
- 29.2.2 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.

Part 5 – Registration & Restriction on Dealings**30 Registration of this Deed**

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 30.1 The Parties agree to register this Deed for the purposes of s93H(1) of the Act.
- 30.2 On execution, the Landowner and the Developer are to provide to the Council in registrable form:
- 30.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Landowner, and
- 30.2.2 the written irrevocable consent of each person referred to in s93H(1) of the Act to that registration.
- 30.3 The Landowner and the Developer are to do such other things as are reasonably necessary to enable registration of this Deed to occur.
- 30.4 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:
- 30.4.1 in so far as the part of the Land concerned is a Final Lot,
- 30.4.2 in relation to any other part of the Land, once the Developer and Landowner have 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.

31 Restriction on dealings

- 31.1 The Landowner and the Developer are not to:
- 31.1.1 sell or transfer the Land, other than a Final Lot, or
- 31.1.2 assign their rights or obligations under this Deed, or novate this Deed, to any person unless:
- 31.1.3 they have, 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 Landowner's or Developer'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
- 31.1.4 the Council has given written notice to the Landowner and Developer stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
- 31.1.5 the Landowner and Developer are not in breach of this Deed, and
- 31.1.6 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- 31.2 Clause 31.1 does 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 6 – Indemnities & Insurance**32 Risk**

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

- 32.1 The Developer and the Landowner perform their obligations under this Deed at their own risk and at their own cost.

33 Release

- 33.1 The Developer and the Landowner release the Council from any Claim they 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.

34 Indemnity

- 34.1 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 Landowner or 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.

35 Insurance

- 35.1 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 and the responsibility of the Council in accordance with this Deed:
- 35.1.1 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,
 - 35.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer, the Landowner and any subcontractor of the Developer, for liability to any third party,
 - 35.1.3 workers compensation insurance as required by law, and
 - 35.1.4 any other insurance required by law.
- 35.2 If the Developer fails to comply with clause 35.1, 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:
- 35.2.1 by calling upon the Security provided by the Developer to the Council under this Deed, or
 - 35.2.2 recovery as a debt due in a court of competent jurisdiction.
- 35.3 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 35.1.

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
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Part 7 – Other Provisions**36 Annual report by Developer**

- 36.1 The Developer is to provide to the Council by not later than each anniversary of the date on which this Deed is entered into a report detailing the performance of its obligations under this Deed.
- 36.2 The report referred to is to be in such a form and to address such matters as required by the Council from time to time.

37 Review of Deed

- 37.1 The Parties agree to review this Deed annually, 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.
- 37.2 For the purposes of clause 37.1, 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.
- 37.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 37.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 37.4 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.
- 37.5 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 37.1 (but not 37.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

38 Notices

- 38.1 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:
- 38.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
- 38.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
- 38.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 38.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address or fax number.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
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- 38.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 38.3.1 delivered, when it is left at the relevant address,
 - 38.3.2 sent by post, 2 business days after it is posted,
 - 38.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number, or
 - 38.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 38.4 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.

39 Approvals and Consent

- 39.1 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.
- 39.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

40 Costs

- 40.1 The Developer is to pay to the Council the Council's costs of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.
- 40.2 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.

41 Entire Deed

- 41.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 41.2 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.

42 Further Acts

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
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- 42.1 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.

43 Governing Law and Jurisdiction

- 43.1 This Deed is governed by the law of New South Wales.
- 43.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 43.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

44 Joint and Individual Liability and Benefits

- 44.1 Except as otherwise set out in this Deed:
- 44.1.1 any agreement, covenant, representation or warranty under this Deed by 2 or more persons binds them jointly and each of them individually, and
- 44.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

45 No Fetter

- 45.1 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 limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

46 Illegality

- 46.1 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.

47 Severability

- 47.1 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.
- 47.2 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.

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)****D&AI Pty Ltd**

48 Amendment

- 48.1 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 25D of the Regulation.

49 Waiver

- 49.1 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.
- 49.2 A waiver by a Party is only effective if it is in writing.
- 49.3 A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

50 GST

- 50.1 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.

- 50.2 Subject to clause 50.4, 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.
- 50.3 Clause 50.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- 50.4 No additional amount shall be payable by the Council under clause 51.2 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.

ORD03

Attachment 4

Emerald Hills Planning Agreement**Camden Council****Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
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- 50.5 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:
- 50.5.1 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;
- 50.5.2 that any amounts payable by the Parties in accordance with clause 50.2 (as limited by clause 50.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 50.6 No payment of any amount pursuant to this clause 50, 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.
- 50.7 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.
- 50.8 This clause continues to apply after expiration or termination of this Deed.

51 Explanatory Note

- 51.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 51.2 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.

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
D&AI Pty Ltd

Schedule 1

(Clause 9)

Development Contributions

Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
Carrying Out of Work							
1	1	OS1	Passive open space and recreation	Embellishment of approximately 25,711 sqm of passive open space at locations that are generally consistent with the areas identified as 'OS1' on the Stage 1 Plan and that is otherwise generally in accordance with the specification for Item OS1 detailed below: <ul style="list-style-type: none"> • Landscaping and informal "kick" around area to the requirements of Council. • Dog-off-leash area which may be located partially or wholly within TL1. • Bubblers in conjunction with the picnic and dog-off- 	Prior to the issue of a Subdivision Certificate for the creation of the 240 th Final Lot within the Development.	(25,711 sqm x \$59.64/sqm + \$20,000 furniture) \$1,553,404	1 year

ORD03

Attachment 4

Emerald Hills Planning Agreement

Camden Council

Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)

D&AI Pty Ltd

Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
2	1	TL1	Transmission Line Easement Open Space Embellishment	leash areas. Embellishment of approximately 25,013 sqm of transmission line easement land within the areas identified as 'TL1' on Stage 1 Plan and that is otherwise in accordance with the specification for item TL1 as outlined below: <ul style="list-style-type: none"> Dog off Leash area similar in standard to Council's facility at River Road, Elderslie including bench seats, shelters, fencing, parking facilities, bins and dog play equipment 	Prior to the issue of a Subdivision Certificate for the creation of the 240 th Final Lot within the Development.	\$1,491,775	5 years
3	1	Dual Use Path	Active open space and recreation	Pedestrian and cycle footpath of 1,940 metres in length and 2.5 metres wide (4,850 sqm) in locations generally consistent with those marked "Dual Use Path" on the Stage 1 Plan and otherwise in accordance with Council's Engineering Design Specifications.	Prior to the issue of a Subdivision Certificate for the creation of the 240 th Final Lot within the Development.	(4,850sqm x \$90/sqm) \$436,500	1 year
4	2	OVAL	Active open space and recreation	A 3.194 ha approximately double playing field plus a 100 space car park in a location generally consistent with that marked "OVAL" on the Stage 1 Plan, and that is otherwise in accordance with the specification for item OVAL as outlined below.	Prior to the issue of a Subdivision Certificate for the creation of the 407 th Final	<ul style="list-style-type: none"> Local Multipurpose playing field inc Irrigation: \$1,090,600; 	1 year

**Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
D&AI Pty Ltd**

Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
				<ul style="list-style-type: none"> 2 Multipurpose playing fields each with a minimum playing dimension of 122m x 70m and/or to suit local senior competition requirements. Overlaid cricket and AFL fields dimensioned for local senior competitions and any necessary ancillary requirements (such as goalposts). Fields to be constructed in accordance with Camden Council's draft "Guidelines for Sportsfield Construction – A-Grade Community Sportsfield". Sealed parking facilities. Fencing. Tiered concrete seating and bench seating with shade structures as reasonable. Cricket nets and wicket. Sportsfield lighting to 100-lux. Bins. Irrigation and rainwater re-use infrastructure. 	Lot within the Development.	<ul style="list-style-type: none"> Playing Field Lighting: \$116,000; Local Sports Furniture: \$40,000; Local Sports Picnic Facilities: \$42,000; Cricket practice nets: \$33,000; Car Park (100 spaces x \$1250) \$125,000; and Allowance for retaining walls / stepped seating /shade structures \$200,000. 	

Emerald Hills Planning Agreement

Camden Council

Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)

D&AI Pty Ltd

Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
5	2	Community Hall and amenities	Community facilities	<p>One combined community hall and amenities building of approximately 360 sqm (which contains 170 sqm of community floorspace) in a location adjoining the oval, generally consistent with that marked "Community Hall and Amenities" on the Stage 1 Plan that is otherwise in accordance with the specification for Item Community Hall as outlined below:</p> <ul style="list-style-type: none"> • Building to be constructed with a similar general layout and similar standard of design and construction to the facility at Ron Dine Reserve, South Camden; • External construction to include brick/masonry external walls, plasterboard to internal walls and ceiling, concrete floor and colorbond roof, gutters and downpipes; and • Internal fitout to include provision of security and fire alarm, provision of kitchenette-sink / taps / laminex benchtop / cupboards / tiled splashback, kiosk roller shutter to kitchenette, provision of vinyl flooring to rooms and tiles to wet areas, provision of benches and toilets/ wash basins to change/toilet rooms, second fit plumbing and electrical, and painting of all internal walls, ceilings and internal and external doors and eaves. • The external construction and internal fitout is to 	<p>Prior to the issue of a Subdivision Certificate for the creation of the 407th Final Lot within the Development.</p>	<p>\$1,646,600</p> <ul style="list-style-type: none"> • Base Building (360 sqm x \$2780): \$1,000,800. • Entry paving (400 sqm x \$150/sq): \$60,000. • Allowance for retaining walls \$30,000. • \$1,090,800 	1 year

**Emerald Hills Planning Agreement
Camden Council
Hazzcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
D&AI Pty Ltd**

Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
6	2	PG1	Active open space and recreation	<p>include reasonable environmentally sustainable design initiatives.</p> <p>One multi-purpose playspace which incorporates playground equipment and skate equipment in a location generally consistent with that marked "PG1" on the Stage 2 Plan (the playground and skate equipment may be provided in separate locations within the surrounds of Item 4 - OVAL subject to approval by Council under Clause 13 of this Deed) that is otherwise in accordance with the specification for Item PG1 as outlined below:</p> <ul style="list-style-type: none"> • Playground to be similar in standard as that provided at Sedgwick Reserve, Currans Hill including fencing, seating and concrete edging otherwise to Council's specifications. • Skate equipment including concrete areas, sliding rails and jumps. 	<p>Prior to the issue of a Subdivision Certificate for the creation of the 407th Final Lot within the Development.</p>	<ul style="list-style-type: none"> • Playground: \$100,000 • Skate equipment: \$25,000 • \$125,000 	
7	2	OS2	Passive open space and recreation	<p>Embellishment of approximately 24,060 sqm of passive open space at locations that are generally consistent with the areas identified as 'OS2' on the Stage 2 Plan and that is otherwise in accordance with the specification for Item OS2 below:</p> <ul style="list-style-type: none"> • Seating and bins to Council's requirements. • Landscaping. 	<p>Prior to the issue of a Subdivision Certificate for the creation of the 117th Final Lot within Stage 2.</p>	<p>(24,060 sqm x \$59,64/sqm + \$20,000 furniture +100,000 toilets) \$1,554,938</p>	1 year

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
D&AI Pty Ltd

Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
8	2	OS3	Passive open space and recreation	<ul style="list-style-type: none"> Bubblers. Toilet facilities of masonry/brick construction featuring two cubicles which are family/disabled appropriate. Local Picnic Shelters/facilities (similar in standard to Narellan Urban Forest, Elyard Street, Narellan) Embellishment of approximately 3,860 sqm of passive open space at locations that are generally consistent with the areas identified as 'OS3' on the Stage 2 Plan and that is otherwise in accordance with the specification for item OS3 below: <ul style="list-style-type: none"> Seating. Landscaping and informal "kick" around areas. Bubblers 	Prior to the issue of a Subdivision Certificate for the creation of the 117 th Final Lot within Stage 2.	(3,860sqm x \$59,64/sqm + \$20,000 furniture) \$250,210	1 year
9	2	TL2	Passive open space and recreation	Embellishment of approximately 6,952 sqm of transmission line easement land within the areas identified as 'TL2' on the Stage 2 Plan and that is otherwise in accordance with the specification for item TL2 below: <ul style="list-style-type: none"> Landscaping Bench seating 	Prior to the issue of a Subdivision Certificate for the creation of the 117 th Final Lot within Stage 2.	(6,952sqm x \$59,64/sqm) \$414,600	5 years
10	2	PG2	Active open space and	One playground in a location generally consistent with that marked 'PG2' on the Stage 2 Plan that is otherwise in	Prior to the issue of a	\$100,000	1 year

**Emerald Hills Planning Agreement
Camden Council
Hazzcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
D&AI Pty Ltd**

Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
			recreation	<p>accordance with the relevant portions of the specification for Item PG2 below:</p> <ul style="list-style-type: none"> Playground to be similar in standard and value as that provided at Sedgwick Reserve, Currans Hill including fencing, seating and concrete edging otherwise to Council's specifications. 	Subdivision Certificate for the creation of the 117 th Final Lot within Stage 2.		
11	2	FT1	Active open space and recreation	<p>Fitness equipment situated along and adjoining footpath, in a location, generally consistent with that marked "FT1" on the Stage 2 Plan, that is otherwise in accordance with the specification for Item FT1 below:</p> <p>A minimum of five fitness stations to be provided at locations along the Fitness Trail. Fitness Stations shall be to standard similar to Wayne Gardner Reserve, Oran Park.</p>	Prior to the issue of a Subdivision Certificate for the creation of the 117 th Final Lot within Stage 2.	\$30,000	1 year
12	2	Dual use path	Active open space and recreation	<p>Pedestrian and cycle footpath of 1,084 metres in length and 2.5 metres wide (2,710 sqm) in locations generally consistent with those marked "Dual Use Path" on the Stage 2 Plan and otherwise in accordance with Council's Engineering Design Specifications</p>	Prior to the issue of a Subdivision Certificate for the creation of the 117 th Final Lot within	(2,710sqm x \$90/sqm) \$243,900	1 year

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
13	3	OS4	Passive open space and recreation	<p>Embellishment of approximately 9,834 sqm of passive open space at locations that are generally consistent with the areas identified as 'OS4' on the Stages 3-6 Plan and that is otherwise in accordance with the specification for Item OS4 below:</p> <ul style="list-style-type: none"> Local Picnic Shelters/facilities (similar in standard to Narellian Urban Forest, Elyard Street, Narellan) Seating and Bins to Council's requirements. Landscaping and informal "kick" around areas. Bubblers. Public domain artwork to celebrate history and heritage of former school on site. 	<p>Stage 2.</p> <p>Prior to the issue of a Subdivision Certificate for the creation of the 69th Final Lot within Stage 3.</p>	<p>(9,834sqm x \$59,64/sqm + \$20,000 furniture + 20,000 for artwork) \$627,036</p>	1 year
14	3	PG3	Active open space and recreation	<p>One playground in a location generally consistent with that marked "PG3" on the Stages 3-6 Plan that is otherwise in accordance with the specification for item PG3 below:</p> <ul style="list-style-type: none"> Playground to be similar in standard and value as that provided at Sedgwick Reserve, Currans Hill including fencing, seating and concrete edging otherwise to Council's specifications. 	<p>Prior to the issue of a Subdivision Certificate for the creation of the 69th Final Lot within Stage 3.</p>	<p>\$100,000</p>	1 year

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
15	3	Dual use path	Active open space and recreation	Pedestrian and cycle footpath of 210 metres in length and 2.5 metres wide (525 sqm) in locations generally consistent with those marked "Dual Use Path" on the Stages 3-6 Plan and otherwise in accordance with Council's Engineering Design Specifications	Prior to the issue of a Subdivision Certificate for the creation of the 69 th Final Lot within Stage 3.	(525sqm x \$90/sqm) \$47,250	1 year
16	4	TL3	Passive open space and recreation	Embellishment of approximately 2,627 sqm of transmission line easement land within the areas identified as 'TL3' on the Stages 3 - 6 Plan and that is otherwise in accordance with the specification for Item TL3 below: <ul style="list-style-type: none"> Dog off Leash area similar in standard to Council's facility at River Road, Elderslie including bench seats, shelters, fencing, parking facilities, bins and dog play equipment. 	Prior to the issue of a Subdivision Certificate for the creation of the 78 th Final Lot within Stage 4.	(2,627sqm x \$59,64/sqm) \$156,674	5 years
17	4	Dual use path	Active open space and recreation	Pedestrian and cycle footpath of 293 metres in length and 2.5 metres wide (732 sqm) in locations generally consistent with those marked "Dual Use Path" on the Stages 3-6 Plan and otherwise in accordance with Council's Engineering Design Specifications	Prior to the issue of a Subdivision Certificate for the creation of the 78 th Final Lot within	(732sqm x \$90/sqm) \$65,880	1 year

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
18	5	TL3	Passive open space and recreation	<p>Embellishment of approximately 8,220 sqm of transmission line easement land within the areas identified as 'TL3' on the Stages 3 - 6 Plan and that is otherwise in accordance with the specification for item TL3 below:</p> <ul style="list-style-type: none"> • Landscaping • Bench seating 	<p>Stage 4.</p> <p>Prior to the issue of a Subdivision Certificate for the creation of the 76th Final Lot within Stage 5.</p>	<p>(8,220 sqm x \$59,64/sqm + \$20,000 furniture) \$510,241</p>	5 years
19	5	Dual use path	Active open space and recreation	<p>Pedestrian and cycle footpath of 150 metres in length and 2.5 metres wide (375 sqm) in locations generally consistent with those marked "Dual Use Path" on the Stages 3-6 Plan and otherwise in accordance with Council's Engineering Design Specifications</p>	<p>Prior to the issue of a Subdivision Certificate for the creation of the 76th Final Lot within Stage 5.</p>	<p>(375sqm x \$90/sqm) \$33,750</p>	1 year
20	11	OS5	Passive open space and recreation	<p>Embellishment of approximately 3,305 sqm of passive open space at locations that are generally consistent with the areas identified as 'OS5' on the Stages 7-11 Plan and that is otherwise in accordance with the specification for item OS5 below:</p>	<p>Prior to the issue of a Subdivision Certificate for the creation of the 66th Final</p>	<p>(3,305sqm x \$59,64/sqm + \$20,000 furniture) \$217,110</p>	1 year

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Camden Council
Hazzcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
Dedication of Land							
21	1	OS1, dual use paths	Passive open space and recreation	<ul style="list-style-type: none"> Seating and Bins to Council's requirements. Landscaping and informal "kick" around areas to Council's requirements. Bubblers 	Lot within Stage 11.	(25,711 sqm x \$120/sqm residential) \$3,086,320	
22	1	TL1, dual use paths	Transmission Line Easement Open Space Embellishment, Active open space and	Dedication of approximately 25,711 sqm of embellished active and passive open space constructed under Item 1 (inclusive of dual use paths where constructed under Item 3) at locations that are generally consistent with the areas identified as 'OS1' on the Stage 1 Plan. Dedication of approximately 25,013 sqm of embellished transmission line easement land constructed under Item 2 (inclusive of dual use paths where constructed under Item 3) at locations that are generally consistent with the areas identified as 'TL1' on the Stage 1 Plan.	Within 28 days of Works Completion for Item 1 or at such later date as agreed between the parties. Within 28 days of Works Completion for Items 2 and 3 (whichever is the later), or at such later date	\$nil	

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Emerald Hills Planning Agreement

Camden Council

Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)

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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
23	2	OVAL, PG1, Community Hall, dual use paths	Active open space and recreation, community hall	Dedication of approximately 31,940 sqm of embellished active and passive open space (inclusive of dual use paths constructed under Item 12, the OVAL constructed under Item 4, the playground and skate equipment constructed under Item 6, the community hall and amenities building constructed under Item 5 and any associated car parking area and traffic management areas) at locations that are generally consistent with the areas identified as 'OVAL' on the Stage 1 Plan.	as agreed between the parties. Within 28 days of Works Completion for Items 12, 4 or 6 (whichever is the later), or at such later date as agreed between the parties.	(31,940sqm x \$120/sqm residential) \$3,832,800	
24	2	OS2, FT1, PG2, dual use paths	Passive Open Space and Recreation	Dedication of approximately 24,060 sqm of embellished active and passive open space constructed under Item 7 (inclusive of the playground where constructed under Item 10, the fitness trail where constructed under Item 11, and the dual use paths where constructed under Item 12) at locations that are generally consistent with the areas identified as 'OS2' on the Stage 2 Plan.	Within 28 days of Works Completion for Items 7, 10, 11 and 12 (whichever is the later), or at such later date as agreed between the parties.	(24,060 sqm x \$120/sqm residential) \$2,887,200	

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
25	2	OS3, dual use paths	Passive Open Space and Recreation	Dedication of approximately 3,860 sqm of embellished active and passive open space constructed under Item 8 (inclusive of dual use paths where constructed under Item 12) at locations that are generally consistent with the areas identified as 'OS3' on the Stage 2 Plan.	Within 28 days of Works Completion for Items 8 and 12 (whichever is the later), or at such later date as agreed between the parties.	(3,860 sqm x \$120/sqm residential) \$463,200	
26	2	TL2, dual use path	Passive open space and recreation	Dedication of approximately 8,952 sqm of embellished passive open space constructed under Item 9 (inclusive of dual use paths where constructed under Item 12) at locations that are generally consistent with the areas identified as 'TL2' on the Stage 2 Plan.	Within 28 days of Works Completion for Items 9 and 12 (whichever is the later), or at such later date as agreed between the parties.	Nil	
27	3	OS4, PG3, dual use path	Passive open space and recreation	Dedication of approximately 9,834 sqm of embellished passive open space constructed under Item 13 (inclusive of playground PG3) constructed under Item 14 and dual use paths constructed under Item 15) at locations that are generally consistent with the areas identified as 'OS4' on	Within 28 days of Works Completion for Items 13, 14 and 15	(9,834sqm x \$120/sqm residential) \$1,180,080	

Emerald Hills Planning Agreement
Camden Council
Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
				the Stages 3-6 Plan	(whichever is the later) or at such later date as agreed between the parties.		
28	4	TL3	Passive open space and recreation	Dedication of approximately 2,627 sqm of embellished passive open space under Item 16 (inclusive of dual use paths where constructed under Item 17) at locations that are generally consistent with the areas identified as 'TL3' on the Stages 3-6 Plan	Within 28 days of Works Completion for Item 16 and 17 (whichever is the later), or at such later date as agreed between the parties.	\$nil	
29	5	TL3	Passive open space and recreation	Dedication of approximately 8,220 sqm of embellished passive open space under Item 18 (inclusive of dual use paths where constructed under Item 19) at locations that are generally consistent with the areas identified as 'TL3' on the Stages 3-6 Plan	Within 28 days of Works Completion for Item 18 and 19 (whichever is the later), or at such later date as agreed between the parties.	\$nil	

**Emerald Hills Planning Agreement
Camden Council
Hazzcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
30	11	OS5	Passive Open Space and Recreation	Dedication of approximately 3,305 sqm of embellished passive open space constructed under Item 20 at locations that are generally consistent with the areas identified as 'OS5' on the Stages 7-11 Plan.	parties. Within 28 days of Works Completion for Item 17 or at such later date as agreed between the parties.	(3,305 sqm x \$120/sqm residential) \$396,600	
Monetary Contributions							
31	B	N/A	Community Facility	Contribution towards community facilities at Leppington Town Centre of: <ul style="list-style-type: none"> • \$85.91 per Final Lot which is 300 sqm or greater in area, or • \$65.69 per Final Lot which is 299 sqm or lesser in area. 	Prior to the issue of a Subdivision Certificate for the creation of a Final Lot.	N/A	

Emerald Hills Planning Agreement

Camden Council

Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate)

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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
32	N/A	N/A	Administration	Contribution towards the administration of this Deed of \$240.30 per Final Lot, to a maximum of \$307,586, for the entire Development.	Prior to the issue of a Subdivision Certificate for the creation of a Final Lot.	N/A.	
Miscellaneous Works							
33	ALL	Water Cycle Management	Water Cycle Management	The deployment of a water cycle management system which: Achieves the water outcomes and objectives (as described in Schedule 3 of this Deed) for each sub-catchment on the Land; Includes the embellishment of riparian corridor land located within the area shown as 'Riparian Corridor' and hatched on the Indicative Layout Plan; and Insofar as the deployment of the system and the embellishment of riparian corridor land requires the dedication of land, it is to be generally consistent with the	Prior to the issuing of a Subdivision Certificate for any Final Lot, but only to the extent as is necessary for the Final Lot(s) concerned to be serviced by the system.	\$25,264,000	1 year

**Emerald Hills Planning Agreement
Camden Council
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Column 1 Item No.	Column 2 Relevant Stage	Column 3 Identifier on Plans	Column 4 Public Purpose	Column 5 Nature / Extent	Column 6 Timing	Column 7 Contribution Value	Column 8 Maintenance Period (if applicable)
34	ALL	N/A	Public Transport Infrastructure	<p>Indicative Layout Plan.</p> <p>The provision of four bus shelters at appropriate locations on the future internal bus route, which will follow the local collector road as shown on the Indicative Layout Plan. The final location of the bus shelters will be determined in consultation with Council and the relevant bus service provider.</p>	Prior to the commencement of internal bus services within the Development	(4 x \$15,000) \$60,000	1 year



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Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

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Schedule 2

(Clause 1.1)

Plans

(see following 6 pages)

DRAFT

Attachment 4

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

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Indicative Layout Plan



Attachment 4

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Attachment 4

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Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

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Stage 1 Plan



EMERALD HILLS ESTATE
DRAFT INDICATIVE LAYOUT PLAN
 08 October 2013

- Stage Boundary and Number
- Dual Use Path
- Fitness Trail
- Transmission Line Open Space
- Passive Open Space
- Oval
- Water Cycle Management
- Community Hall and Amenities
- Playground
- LGA Boundary
- Potential Transmission Realignment



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**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

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Stage 2 Plan



EMERALD HILLS ESTATE
DRAFT INDICATIVE LAYOUT PLAN
 08 October 2013



- Stage Boundary and Number
 - Dual Use Path
 - Fitness Trail
 - Transmission Line Open Space
 - Passive Open Space
 - Oval
 - Water Cycle Management
 - Community Hall and Amenities
 - Playground
 - LGA Boundary
 - Potential Transmission Realignment
- 0 100m 250m 500m

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Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

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Stages 3-6 Plan



Emerald Hills Planning Agreement

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Stages 7-8 Plan



EMERALD HILLS ESTATE
DRAFT INDICATIVE LAYOUT PLAN
 08 October 2013



Attachment 4

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Attachment 4

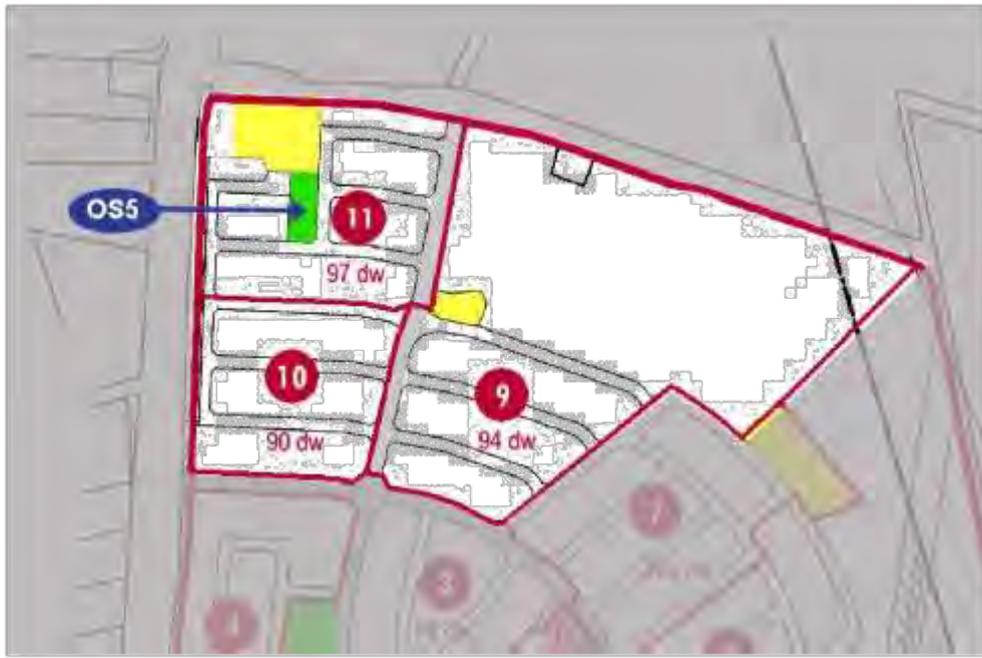
Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

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Stages 9-11 Plan



**EMERALD HILLS ESTATE
DRAFT INDICATIVE LAYOUT PLAN**

08 October 2013

- Stage Boundary and Number
- Dual Use Path
- Fitness Trail
- Transmission Line Open Space
- Passive Open Space
- Oval
- Water Quality
- Community Hall
- Playground
- LGA Boundary
- Potential Transmission Realignment



Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

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Schedule 3

(Item 29, Schedule 1)

Water Outcomes and Objectives

(see following 17 pages

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ORD03

Emerald Hills Estate

Rezoning

Stormwater Preliminary Budget Estimate

Attachment 4



Report Number: 13-0203
Revision: B
Date: 10 September 2013

Project Number: NA50613004

Prepared: Matthew Lester
Reviewed: Chris Wild



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Document Control

Version	Date	Author	Reviewer
A	27/08/2013	Matthew Lester ML	Robert Lenferna RL
B	10/09/2013	Matthew Lester ML	Chris Wild CW

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Contents

Revision: **B**
 Completed: **Matthew Lester**
 Checked: **Chris Wild**

Content of Document		
Chapter	Description	Page
1	Title Sheet	1
2	Document Control	2
3	Contents	3
4	Drawings	4
5	Notes	5
6	Package Summary	6
7	Basin 1	7
8	Basin 2	8
9	Basin 3	9
10	Basin 4	10
11	Basin 5	11
12	Basin 6 Upper	12
13	Basin 6 Lower	13
14	Basin 7	14
15	Basin 8	15
16	Riparian Zone 1	16
17	Riparian Zone 2	17

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Attachment 4

Drawings

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ORD03
Attachment 4

ORD03

Attachment 4

Notes

Page 5 of 17

Revision: B
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Notes	
Note No.	Description
1	This preliminary cost estimate is provided for budgeting purposes only. No allowance was made for a Quantity Surveyor in the preparation of quantities and rates, and as such Cardno assumes no responsibility should project realities differ from these preliminary cost estimates.
2	Cost estimates have been prepared in good faith based on Cardno's experience and industry references such as Rawlinsons.
3	All costs are exclusive of GST.
4	No allowance has been made for the acquisition of land.
5	No allowance has been made for Council or authority fees unless noted otherwise.
6	No allowance has been made for unsound material or remediation of site contamination.
7	Pipe sizes based on preliminary basin volume calculation.
8	All earthworks associated in the construction of basins is assumed cut to fill on site.
9	No allowance has been made for bulking factors applied to earthworks volumes.
10	Cut and fill assumed to be a zero balance across the precinct.
11	Quantities area adopted from concept master planning design.
12	Bridge and major culverts works are excluded from this estimate.
13	No 3d modelling was undertaken to confirm quantities.
14	GPT sizes used in this cost estimate are indicative only and are subject to detailed design.
15	No allowance has been made for retaining walls.
16	No allowance has been made for escalation of costs due to long term staging of the works.
17	MUSIC and xpRafts have been used for preliminary modelling of media filtration and earthworks volumes required for OSD basins.
18	A contingency allowance of 40% has been adopted given the preliminary nature of the cost estimates. This contingency allows for construction cost items not allowed for above, including retaining walls, additional bulk earthworks, latent conditions, upsizing of GPTs and pipework, excavation in rock, etc.

Package Summary

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Summary				
Item No.	Description of Work	Cardno Estimate		
1	Basin 1	\$ 2,100,000		
2	Basin 2	\$ 895,000		
3	Basin 3	\$ 2,520,000		
4	Basin 4	\$ 840,000		
5	Basin 5	\$ 1,680,000		
6	Basin 6 Upper	\$ 1,500,000		
7	Basin 6 Lower	\$ 2,200,000		
8	Basin 7	\$ 895,000		
9	Basin 8	\$ 825,000		
10	Riparian Zone 1	\$ 1,953,000		
11	Riparian Zone 2	\$ 4,620,000		
Budget Cost Estimate (incl. Contingency)		\$ 20,028,000		

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Attachment 4

Basin 1

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Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 66,000.00	\$ 66,000
1.1.2	Clearing	10150	sq.m	\$ 0.50	\$ 5,075
1.1.3	Strip & stockpile topsoil	10150	sq.m	\$ 3.00	\$ 30,450
1.1.4	Respread topsoil	7370	sq.m	\$ 5.00	\$ 36,850
1.2	Earthworks				
1.2.1	Cut to fill on site within site	6800	cu.m	\$ 6.00	\$ 39,600
1.2.6	Trim and compact	10150	sq.m	\$ 2.00	\$ 20,300
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	7000	sq.m	\$ 20.00	\$ 140,000
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	350	sq.m	\$ 45.00	\$ 15,750
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3				Basin Subtotal	\$ 399,000
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	130	sq.m	\$ 80.00	\$ 10,400
2.1				Structures Subtotal	\$ 10,400
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	600 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 500.00	\$ 5,000
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	50	sq.m	\$ 450.00	\$ 22,500
3.1.4	Discharge Pit	1	item	\$ 2,500.00	\$ 2,500
3.2	WSUD				
3.2.1	CDS P1015 GPT and Associated Drainage Infrastructure	1	item	\$ 115,000.00	\$ 115,000
3.3	Bio-Retention Raingarden				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	2600	sq.m	\$ 210.00	\$ 546,000
3.3.2	Raingarden Planting	2600	sq.m	\$ 80.00	\$ 208,000
3.3				Stormwater Drainage Subtotal	\$ 911,200
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 200,000	\$ 200,000
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 3,855	\$ 3,855
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000	\$ 10,000
4.1				Administration and Management Costs Subtotal	\$ 223,855

Basin 1 Subtotal	\$ 1,500,000
Contingency (40%)	\$ 600,000
Basin 1 Total	\$ 2,100,000

Basin 2

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Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 27,000.00	\$ 27,000
1.1.2	Clearing	2700	sq.m	\$ 0.50	\$ 1,350
1.1.3	Strip & stockpile topsoil	2700	sq.m	\$ 3.00	\$ 8,100
1.1.4	Respread topsoil	1700	sq.m	\$ 5.00	\$ 8,500
1.2	Earthworks				
1.2.1	Cut to fill on site within site	3670	cu.m	\$ 6.00	\$ 22,020
1.2.6	Trim and compact	2700	sq.m	\$ 2.00	\$ 5,400
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	1600	sq.m	\$ 20.00	\$ 32,000
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	150	sq.m	\$ 45.00	\$ 6,750
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3	Basin Subtotal				\$ 156,100
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	150	sq.m	\$ 80.00	\$ 12,000
2.1	Structures Subtotal				\$ 12,000
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	525 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 500.00	\$ 5,000
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	50	sq.m	\$ 450.00	\$ 22,500
3.1.4	Discharge Pit	1	item	\$ 2,500.00	\$ 2,500
3.2	WSUD				
3.2.1	CDS P1012 GPT and Associated Drainage Infrastructure	1	item	\$ 95,000.00	\$ 95,000
3.3	Bio-Retention Raingarden				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	800	sq.m	\$ 210.00	\$ 168,000
3.3.2	Raingarden Planting	800	sq.m	\$ 80.00	\$ 64,000
3.3	Stormwater Drainage Subtotal				\$ 369,300
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 80,600.00	\$ 80,600
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 6,000.00	\$ 6,000
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
4.1	Administration and Management Costs Subtotal				\$ 106,600
Basin 2 Subtotal					\$ 640,000
Contingency (40%)					\$ 256,000
Basin 2 Total					\$ 896,000

ORD03

Attachment 4

Basin 3

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 77,000.00	\$ 77,000
1.1.2	Clearing	9600	sq.m	\$ 0.50	\$ 4,800
1.1.3	Strip & stockpile topsoil	9600	sq.m	\$ 3.00	\$ 28,800
1.1.4	Respread topsoil	6280	sq.m	\$ 5.00	\$ 31,400
1.2	Earthworks				
1.2.1	Cut to fill on site within site	10000	cu.m	\$ 6.00	\$ 60,000
1.2.6	Trim and compact	9600	sq.m	\$ 2.00	\$ 19,200
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	6100	sq.m	\$ 20.00	\$ 122,000
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	180	sq.m	\$ 45.00	\$ 8,100
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3				Basin Subtotal	\$ 396,300
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	120	sq.m	\$ 80.00	\$ 9,600
2.1				Structures Subtotal	\$ 9,600
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	375 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 265.00	\$ 2,650
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	500	sq.m	\$ 450.00	\$ 225,000
3.1.4	Discharge Pt	1	item	\$ 2,500.00	\$ 2,500
3.2	WSUD				
3.2.1	CDS P1015 GPT and Associated Drainage Infrastructure	1	item	\$ 113,400.00	\$ 113,400
3.3	Bio-Retention Raingarden				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	2700	sq.m	\$ 210.00	\$ 567,000
3.3.2	Raingarden Planting	2700	sq.m	\$ 80.00	\$ 216,000
3.3				Stormwater Drainage Subtotal	\$ 1,138,650
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 230,000.00	\$ 230,000
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 8,500.00	\$ 8,500
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
4.1				Administration and Management Costs Subtotal	\$ 258,500

Basin 3 Subtotal	\$	1,800,000
Contingency (40%)	\$	720,000
Basin 3 Total	\$	2,520,000

Basin 4

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 23,000.00	\$ 23,000
1.1.2	Clearing	4000	sq.m	\$ 5.00	\$ 20,000
1.1.3	Strip & stockpile topsoil	4000	sq.m	\$ 3.00	\$ 12,000
1.1.4	Respread topsoil	3870	sq.m	\$ 5.00	\$ 19,350
1.2	Earthworks				
1.2.1	Cut to fill on site within Basin 1	1650	cu.m	\$ 6.00	\$ 9,900
1.2.2	Cut, stockpile, transfer and compact within Precinct	0	cu.m	\$ 15.00	\$ -
1.2.3	Cut and dispose offsite (incl. disposal fees)	0	cu.m	\$ 130.00	\$ -
1.2.4	Import material from within Precinct	0	cu.m	\$ 13.00	\$ -
1.2.5	Import material from offsite	0	cu.m	\$ 25.00	\$ -
1.2.6	Trim and compact	4000	sq.m	\$ 2.00	\$ 8,000
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	3800	sq.m	\$ 20.00	\$ 76,000
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	100	sq.m	\$ 45.00	\$ 4,500
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3				Basin Subtotal	\$ 217,750
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	80	sq.m	\$ 80.00	\$ 6,400
2.1				Structures Subtotal	\$ 6,400
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	375 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 265.00	\$ 2,650
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	50	sq.m	\$ 440.00	\$ 22,000
3.1.4	Discharge Pit	1	item	\$ 2,500.00	\$ 2,500
3.2	WSUD				
3.2.1	CDS P1009 GPT and Associated Drainage Infrastructure	1	item	\$ 79,200.00	\$ 79,200
3.3	Bio-Retention Raingarden				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	500	sq.m	\$ 210.00	\$ 105,000
3.3.2	Raingarden Planting	500	sq.m	\$ 80.00	\$ 40,000
3.2				Stormwater Drainage Subtotal	\$ 263,650
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 73,200.00	\$ 73,200
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 16,650.00	\$ 16,650
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
4.1				Administration and Management Costs Subtotal	\$ 109,850
				Basin 4 Subtotal	\$ 600,000
				Contingency (40%)	\$ 240,000
				Basin 4 Total	\$ 840,000

ORD03 Attachment 4

Basin 5

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 46,000.00	\$ 46,000
1.1.2	Clearing	6900	sq.m	\$ 0.50	\$ 3,450
1.1.3	Strip & stockpile topsoil	6900	sq.m	\$ 3.00	\$ 20,700
1.1.4	Respread topsoil	5000	sq.m	\$ 5.00	\$ 25,000
1.2	Earthworks				
1.2.1	Cut to fill on site within site	6900	cu.m	\$ 5.00	\$ 34,500
1.2.2	Cut, stockpile, transfer and compact within Precinct	0	cu.m	\$ 15.00	\$ -
1.2.3	Cut and dispose offsite (incl. disposal fees)	0	cu.m	\$ 130.00	\$ -
1.2.4	Import material from within Precinct	0	cu.m	\$ 13.00	\$ -
1.2.5	Import material from offsite	0	cu.m	\$ 25.00	\$ -
1.2.6	Trim and compact	6900	sq.m	\$ 2.00	\$ 13,800
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	4695	sq.m	\$ 20.00	\$ 93,900
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	315	sq.m	\$ 45.00	\$ 14,175
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3				Basin Subtotal	\$ 296,525
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	105	sq.m	\$ 80.00	\$ 8,400
2.1				Structures Subtotal	\$ 8,400
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	600 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 500.00	\$ 5,000
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	135	sq.m	\$ 440.00	\$ 59,400
3.2	WSUD				
3.2.1	CDS P1015 GPT and Associated Drainage Infrastructure	1	item	\$ 113,400.00	\$ 113,400
3.3	Bio-Retention Raingarden				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	1650	sq.m	\$ 210.00	\$ 346,500
3.3.2	Raingarden Planting	1650	sq.m	\$ 80.00	\$ 132,000
3.3				Stormwater Drainage Subtotal	\$ 668,600
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 150,000.00	\$ 150,000
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 15,200.00	\$ 15,200
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
4.1				Administration and Management Costs Subtotal	\$ 185,200

Basin 5 Subtotal	\$ 1,200,000
Contingency (40%)	\$ 480,000
Basin 5 Total	\$ 1,680,000

Basin 6 Upper

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 42,000.00	\$ 42,000
1.1.2	Clearing	18800	item	\$ 0.50	\$ 9,400
1.1.3	Strip & stockpile topsoil	18800	sq.m	\$ 3.00	\$ 56,400
1.1.4	Respread topsoil	18800	sq.m	\$ 5.00	\$ 93,000
1.2	Earthworks				
1.2.1	Cut to fill on site within site	8900	cu.m	\$ 6.00	\$ 53,400
1.2.2	Cut, stockpile, transfer and compact within Precinct	0	cu.m	\$ 15.00	\$ -
1.2.3	Cut and dispose offsite (incl. disposal fees)	0	cu.m	\$ 130.00	\$ -
1.2.4	Import material from within Precinct	0	cu.m	\$ 13.00	\$ -
1.2.5	Import material from offsite	0	cu.m	\$ 25.00	\$ -
1.2.6	Trim and compact	18800	sq.m	\$ 2.00	\$ 37,600
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	18300	sq.m	\$ 20.00	\$ 366,000
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	300	sq.m	\$ 45.00	\$ 13,500
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3				Basin Subtotal	\$ 716,300
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	130	sq.m	\$ 80.00	\$ 10,400
2.1				Structures Subtotal	\$ 10,400
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	600 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 500.00	\$ 5,000
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	50	sq.m	\$ 450.00	\$ 22,500
3.2	WSUD				
3.2.1	CDS P1015 GPT and Associated Drainage Infrastructure	1	item	\$ 115,000.00	\$ 115,000
3.2				Stormwater Drainage Subtotal	\$ 154,800
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 130,000.00	\$ 130,000
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 15,800.00	\$ 15,800
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
4.1				Administration and Management Costs Subtotal	\$ 165,800
				Basin 6 Upper Subtotal	\$ 1,050,000
				Contingency (40%)	\$ 420,000
				Basin 6 Upper Total	\$ 1,500,000

ORD03
Attachment 4

ORD03

Attachment 4

Basin 6 Lower

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 64,000.00	\$ 64,000
1.1.2	Clearing	14000	sq.m	\$ 0.50	\$ 7,000
1.1.3	Strip & stockpile topsoil	14000	sq.m	\$ 3.00	\$ 42,000
1.1.4	Respread topsoil	13700	sq.m	\$ 5.00	\$ 68,500
1.2	Earthworks				
1.2.1	Cut to fill on site within site	6900	cu.m	\$ 6.00	\$ 41,400
1.2.2	Cut, stockpile, transfer and compact within Precinct	0	cu.m	\$ 15.00	\$ -
1.2.3	Cut and dispose offsite (incl. disposal fees)	0	cu.m	\$ 130.00	\$ -
1.2.4	Import material from within Precinct	0	cu.m	\$ 13.00	\$ -
1.2.5	Import material from offsite	0	cu.m	\$ 25.00	\$ -
1.2.6	Trim and compact	14000	sq.m	\$ 2.00	\$ 28,000
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	11000	sq.m	\$ 20.00	\$ 220,000
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	230	sq.m	\$ 45.00	\$ 10,350
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
Basin Subtotal					\$ 526,250
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	95	sq.m	\$ 80.00	\$ 7,600
Structures Subtotal					\$ 7,600
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	600 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 50.00	\$ 500
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	175	sq.m	\$ 450.00	\$ 78,750
3.2	WSUD				
3.2.1	CDS P1015 GPT and Associated Drainage Infrastructure	1	item	\$ 115,000.00	\$ 115,000
3.3	Bio-Retention Raingarden WQ3				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	1050	item	\$ 210.00	\$ 220,500
3.3.2	Raingarden Planting	1050	item	\$ 80.00	\$ 84,000
3.4	Bio-Retention Raingarden WQ4				
3.4.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	1000	sq.m	\$ 210.00	\$ 210,000
3.4.2	Raingarden Planting	1000	sq.m	\$ 80.00	\$ 80,000
Stormwater Drainage Subtotal					\$ 801,050
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 200,000.00	\$ 200,000
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 15,800.00	\$ 15,800
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
Administration and Management Costs Subtotal					\$ 235,800

Basin 6 Lower Subtotal	\$ 1,570,000
Contingency (40%)	\$ 630,000
Basin 6 Lower Total	\$ 2,200,000

Basin 7

Page 14 of 17

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 25,000.00	\$ 25,000
1.1.2	Clearing	9350	sq.m	\$ 0.50	\$ 4,675
1.1.3	Strip & stockpile topsoil	9350	sq.m	\$ 3.00	\$ 28,050
1.1.4	Respread topsoil	9040	sq.m	\$ 5.00	\$ 45,200
1.2	Earthworks				
1.2.1	Cut to fill on site within site	6760	cu.m	\$ 6.00	\$ 40,560
1.2.2	Cut, stockpile, transfer and compact within Precinct	0	cu.m	\$ 15.00	\$ -
1.2.3	Cut and dispose offsite (incl. disposal fees)	0	cu.m	\$ 130.00	\$ -
1.2.4	Import material from within Precinct	0	cu.m	\$ 13.00	\$ -
1.2.5	Import material from offsite	0	cu.m	\$ 25.00	\$ -
1.2.6	Trim and compact	9350	sq.m	\$ 2.00	\$ 18,700
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	5810	sq.m	\$ 20.00	\$ 116,200
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	780	sq.m	\$ 45.00	\$ 35,100
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3				Basin Subtotal	\$ 356,485
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	260	sq.m	\$ 80.00	\$ 20,800
2.1				Structures Subtotal	\$ 20,800
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	750 dia (RRJ) Outlet *(incl. exc, lay & backfill)	5	m	\$ 650.00	\$ 3,250
3.1.2	Main basin outlet structure	1	item	\$ 12,300.00	\$ 12,300
3.1.3	Scour protection at outlet	50	sq.m	\$ 450.00	\$ 22,500
3.1.4	Discharge Pit	1	item	\$ 2,500.00	\$ 2,500
3.2	WSUD				
3.2.1	CDS P1015 GPT and Associated Drainage Infrastructure	1	item	\$ 115,000.00	\$ 115,000
3.3	Bio-Retention Raingarden WQ1				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	2000	sq.m	\$ 210.00	\$ 420,000
3.3.2	Raingarden Planting	2000	sq.m	\$ 80.00	\$ 160,000
3.4	Bio-Retention Raingarden WQ2				
3.4.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	450	sq.m	\$ 210.00	\$ 94,500
3.4.2	Raingarden Planting	450	sq.m	\$ 80.00	\$ 36,000
3.4				Stormwater Drainage Subtotal	\$ 755,550
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 80,000.00	\$ 80,000
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 4,000.00	\$ 4,000
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
4.1				Administration and Management Costs Subtotal	\$ 104,000
				Basin 7 Subtotal	\$ 640,000
				Contingency (40%)	\$ 255,000
				Basin 7 Total	\$ 895,000

Basin 8

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Basin				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 23,200.00	\$ 23,200
1.1.2	Clearing	2750	sq.m	\$ 0.50	\$ 1,375
1.1.3	Strip & stockpile topsoil	2750	sq.m	\$ 3.00	\$ 8,250
1.1.4	Respread topsoil	1890	sq.m	\$ 5.00	\$ 9,450
1.2	Earthworks				
1.2.1	Cut to fill on site within site	3120	cu.m	\$ 6.00	\$ 18,720
1.2.2	Cut, stockpile, transfer and compact within Precinct	0	cu.m	\$ 15.00	\$ -
1.2.3	Cut and dispose offsite (incl. disposal fees)	0	cu.m	\$ 130.00	\$ -
1.2.4	Import material from within Precinct	0	cu.m	\$ 13.00	\$ -
1.2.5	Import material from offsite	0	cu.m	\$ 25.00	\$ -
1.2.6	Trim and compact	2750	sq.m	\$ 2.00	\$ 5,500
1.3	Additional Items				
1.3.1	Planting (incl maintenance for 2 years)	1110	sq.m	\$ 20.00	\$ 22,200
1.3.2	Reinforced turf on weir and spillway (incl 2 yr maint)	780	sq.m	\$ 45.00	\$ 35,100
1.3.3	Soil & water management (Allowance Only)	1	item	\$ 45,000.00	\$ 45,000
1.3	Basin Subtotal				\$ 168,795
2	Structures				
2.1	Paths and Pavements				
2.1.1	Maintenance Access Pavement	80	sq.m	\$ 80.00	\$ 6,400
2.1	Structures Subtotal				\$ 6,400
3	Stormwater Drainage				
3.1	Inlets/Outlets				
3.1.1	375 dia (RRJ) Outlet *(incl. exc, lay & backfill)	10	m	\$ 265.00	\$ 2,650
3.1.2	Main basin outlet structure	1	item	\$ 6,150.00	\$ 6,150
3.1.3	Scour protection at outlet	30	sq.m	\$ 450.00	\$ 13,500
3.1.4	Discharge Pit	1	item	\$ 2,500.00	\$ 2,500
3.2	WSUD				
3.2.1	CDS P0908 GPT and Associated Drainage Infrastructure	1	item	\$ 70,000.00	\$ 70,000
3.3	Bio-Retention Raingarden A				
3.3.1	Media bed constructions (inc. earthworks filter bed and subsoil drainage)	750	sq.m	\$ 210.00	\$ 157,500
3.3.2	Raingarden Planting	750	sq.m	\$ 80.00	\$ 60,000
3.3	Stormwater Drainage Subtotal				\$ 312,300
4	Administration and Management Costs				
4.1	General				
4.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 75,000.00	\$ 75,000
4.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
4.1.3	Council DA fees and planFIRST Levy	1	item	\$ 6,800.00	\$ 6,800
4.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
4.1	Administration and Management Costs Subtotal				\$ 101,800

Basin 8 Subtotal	\$ 590,000
Contingency (40%)	\$ 235,000
Basin 8 Total	\$ 825,000

Riparian Zone 1

Page 16 of 17

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Riparian Zone				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 60,000.00	\$ 60,000
1.1.2	Clearing	11500	sq.m	\$ 0.50	\$ 5,750
1.1.3	Strip & stockpile topsoil	11500	sq.m	\$ 3.00	\$ 34,500
1.1.4	Respread topsoil	11500	sq.m	\$ 5.00	\$ 57,500
1.2	Riparian Zone				
1.2.1	Riparian	11500	sq.m	\$ 15.00	\$ 172,500
1.2.2	Riparian Management (5 years)	11500	sq.m	\$ 25.00	\$ 287,500
1.2.3	Vegetation Rehabilitation	11500	sq.m	\$ 50.00	\$ 575,000
1.2	Riparian Zone Subtotal				\$ 1,192,750
2	Administration and Management Costs				
2.1	General				
2.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 180,000.00	\$ 180,000
2.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
2.1.3	Council DA fees and planFIRST Levy	1	item	\$ 2,300.00	\$ 2,300
2.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
2.1	Administration and Management Costs Subtotal				\$ 202,300

Riparian Zone 1 Subtotal	\$ 1,395,000
Contingency (40%)	\$ 568,000
Riparian Zone 1 Total	\$ 1,963,000

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Attachment 4

Riparian Zone 2

Revision: B
 Completed: Matthew Lester
 Checked: Chris Wild

Item No.	Description of Work	Quantity	Unit	Unit Cost	Budget Estimate
1	Riparian Zone				
1.1	Preliminaries				
1.1.1	Establishment (5%)	1	item	\$ 140,000.00	\$ 140,000
1.1.2	Clearing	27500	sq.m	\$ 0.50	\$ 13,750
1.1.3	Strip & stockpile topsoil	27500	sq.m	\$ 3.00	\$ 82,500
1.1.4	Respread topsoil	27500	sq.m	\$ 5.00	\$ 137,500
1.2	Riparian Zone				
1.2.1	Riparian	27500	sq.m	\$ 15.00	\$ 412,500
1.2.2	Riparian Management (5 years)	27500	sq.m	\$ 25.00	\$ 687,500
1.2.3	Vegetation Rehabilitation	27500	sq.m	\$ 50.00	\$ 1,375,000
1.2	Riparian Zone Subtotal				\$ 2,848,750
2	Administration and Management Costs				
2.1	General				
2.1.1	Consultancy and Project Management Fees (15%)	1	item	\$ 425,000.00	\$ 425,000
2.1.2	Government Agency Approvals (DSC, RMS, DECCW etc)	1	item	\$ 10,000.00	\$ 10,000
2.1.3	Council DA fees and planFIRST Levy	1	item	\$ 2,500.00	\$ 2,500
2.1.4	PCA Fees (allowance only)	1	item	\$ 10,000.00	\$ 10,000
2.1	Administration and Management Costs Subtotal				\$ 447,500

Riparian Zone 2 Subtotal	\$ 3,300,000
Contingency (40%)	\$ 1,320,000
Riparian Zone 2 Total	\$ 4,620,000

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager

Witness

Mayor

Witness

Executed on behalf of the Developer in accordance with s127(1) of the
Corporations Act (Cth) 2001

Name/Position

Name/Position

ORD03

Emerald Hills Planning Agreement

Camden Council

**Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd
(trading as Emerald Hills Estate)**

D&AI Pty Ltd

Appendix

(Clause 54)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

(see following pages)

DRAFT

Attachment 4

Emerald Hills Planning Agreement

Explanatory Note

ORD03

Attachment 4

Prepared by:

Camden Council
Emerald Hills Estate
D&AI Pty Ltd

Emerald Hills Planning Agreement Explanatory Note

ORD03

Attachment 4

Contents

	Page Number
Executive summary	ii
1. Introduction	1
2. Objectives of the planning agreement	2
3. Nature and effect of the planning agreement	3
3.1 Summary	3
3.2 Land and works contributions	3
3.3 Monetary contributions	4
3.4 Inclusion of riparian corridors and lands burdened by transmission easements	4
4. Merits of the planning agreement	6
4.1 Promotion of the public interest	6
4.2 Promotion of the Council's charter	7
4.3 Planning purposes and the objects of the EP&A Act	9
4.4 Conformity with Council's works program	10
4.5 Requirements to be complied with before a certificate is issued	10
Attachments	11

Emerald Hills Planning Agreement Explanatory Note

Executive summary

Emerald Hills Estate (EHE) is developing the Emerald Hills site.

When completed, Emerald Hills will be home to approximately 4100 people, and include 1280 dwellings, a local shopping centre and community and recreation facilities.

EHE, the owner of the land (D&AI Pty Ltd) and Camden Council (Council) propose to enter into a planning agreement under section 93F of the Environmental Planning and Assessment Act 1979 (EP&A Act) to facilitate the provision of local infrastructure to meet the Emerald Hills development.

In summary, the proposed planning agreement requires the developer and land owner to:

- dedicate land to the Council and construct works and facilities required to serve the future residents of Emerald Hills;
- make 'settle-up' and 'project management' monetary contributions to the Council that can then be used by the Council to deliver other district and regional infrastructure included in Draft Camden Section 94 Contributions Plan 2012 (Leppington North Precinct);
- embellish and dedicate to the Council over 7.6 hectares of land within riparian corridors in accordance with Council's Dedication of Riparian Corridors Policy; and
- embellish and dedicate to the Council 4.1 hectares of land within high voltage electricity easements in accordance with Council's Dedication of Land Burdened by Transmission Easements Policy.

There are considered to be many public benefits that would accrue as a result of the proposed planning agreement, some of which include:

- utilisation of the developers' expertise in infrastructure provision;
- timely completion of infrastructure items through the developer delivering the infrastructure at the same time as land is subdivided and developed;
- shifting the infrastructure project risk from Council to the land developer;
- allowing the Council to concentrate its planning effort on other parts of the LGA that will need a more proactive approach to infrastructure provision;
- streamlining contributions arrangements and minimising the resources required by Council to manage development contributions over the life of the development; and
- clarity for the Council and the community on the future development and management of substantial sections of riparian corridors and electricity transmission easements located within the Emerald Hills development.

There are not considered to be any negative impacts of the proposed planning agreement.

Emerald Hills Planning Agreement Explanatory Note

ORD03

Attachment 4

1. Introduction

D&AI Pty Ltd owns the Emerald Hills site. Emerald Hills Estate is the developer of the Emerald Hills development.

The Emerald Hills development is bound by Camden Valley Way, Raby Road, St Andrews Road and the Sydney Upper Canal. To the north of the site is the East Leppington Growth Centre Precinct, and to the south of the site is the Camden Lakeside development. Both of these sites have been rezoned to facilitate urban development. To the west of the site are the Leppington and Catherine Field North Growth Centre Precincts which have not yet been rezoned.

The Emerald Hills development will ultimately accommodate around 4100 residents and 1280 dwellings.

There is a significant amount of local infrastructure that is required to be provided to meet the demands of the urban development expected in the Emerald Hills development. Emerald Hills Estate, D&AI Pty Ltd and Council propose to enter into a planning agreement under section 93F of the EP&A Act to provide public purposes.

The proposed planning agreement will be the mechanism for Emerald Hills Estate to provide all of the onsite infrastructure, works and facilities required by the Emerald Hills development. In addition, Emerald Hills Estate will make monetary contributions towards off-site infrastructure under the Draft Camden Section 94 Contributions Plan 2012 (Leppington North Precinct). The proposed agreement will also establish how riparian corridors and transmission easements on Emerald Hills site will be managed.

This document (the **Explanatory Note**) has been prepared to assist in the public's understanding of the proposed agreement and its impacts, and has been prepared to meet the requirements of Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**).

Emerald Hills Planning Agreement Explanatory Note

2. Objectives of the planning agreement

(This matter is required under clause 25E(1)(a) of the EP&A Regulation to be addressed in the Explanatory Note)

The objectives of the proposed planning agreement are as follows:

- To deliver the local infrastructure required as a result of the urbanisation of the Emerald Hills site.
- To ensure that local infrastructure is delivered in a timely manner, harmonising the delivery of public assets with the delivery of subdivided lots for sale.
- To maximise provision efficiencies by supporting the delivery of local infrastructure by the developer at or around the same time as land is subdivided and developed.
- To minimise the potential exposure to Council of infrastructure cost overruns which may have occurred if Council was required to provide infrastructure under a section 94 contributions plan, and to remove the need for piecemeal and incremental calculation of section 94 contributions with every affected development application involving the Emerald Hills site if a section 94 contributions plan was adopted.
- To lock-in the infrastructure program for the entire Emerald Hills development, thereby allowing the Council to concentrate its planning effort on those parts of the Camden LGA that will need a more proactive approach to infrastructure provision (i.e. smaller landholdings and fragmented ownership areas).
- To provide clarity on the future development and management of the riparian corridors and electricity transmission easements located within the Emerald Hills site.

Emerald Hills Planning Agreement Explanatory Note

ORD03

Attachment 4

3. Nature and effect of the planning agreement

(This matter is required under clause 25E(1)(a) of the EP&A Regulation to be addressed in the Explanatory Note)

3.1 Summary

The proposed agreement imposes the following obligations on Emerald Hills and D&AI Pty Ltd:

- Dedicate land and undertake all of the works required to facilitate the urbanisation of the Emerald Hills site.
- Make a cash contribution to the Council in accordance with the rates identified for district and regional facilities under the Draft Camden Section 94 Contributions Plan 2012 (Leppington North Precinct).
- Make a cash contribution to the Council for the purposes of planning agreement implementation. The contribution amount will be 1% of the total monetary value of the open space and recreation, community and transport management facilities to be provided under this agreement.
- Restore and / or embellish riparian corridor and transmission easement land situated within the Emerald Hills site, and dedicate that land to the Council.

3.2 Land and works contributions

Type of provision	Details
Open space and recreation (land and works)	<ul style="list-style-type: none"> • One double playing field • Three children's playgrounds • Embellished passive open space • Two dog off leash areas • A total active and passive open space provision of 14.1 hectares,
Community facilities (land and works)	One combined community and amenities building of 360m ² adjacent to the double playing field
Transport management facilities	<ul style="list-style-type: none"> • 3,677 linear metres of shared cycleway along riparian corridors • 4 bus shelters
Water cycle management facilities	A total of 11.6 hectares of land accommodating a network of detention and bio retention facilities that serve the entire development.
Embellished riparian corridor land (land and works)	A total of 7.5 hectares of riparian corridor land embellished and gradually handed over to Council in accordance with its requirements.
Embellished transmission easement land (land and works)	A total of 4.1 hectares of electricity transmission easement land embellished and gradually handed over to Council in accordance with its requirements.

Maps showing the extent and staging of proposed land and works are shown in Schedule 1 of the proposed planning agreement.

Emerald Hills Planning Agreement Explanatory Note

Details regarding the staging of these contributions are included in Schedule 3 to the proposed planning agreement.

3.3 Monetary contributions

The proposed planning agreement is to be the sole development contributions mechanism for the Emerald Hills site, whereby the developer will undertake all of the works and dedicate all of the land necessary to facilitate the urbanisation of the Emerald Hills site. A section 94 contributions plan which is specific to Emerald Hills will not be adopted in relation to this development.

However, the Draft Camden Section 94 Contributions Plan 2012 (Leppington North Precinct) identifies district and regional facilities which will service the Emerald Hills development.

In addition, it is a policy of Camden Council to require the payment of a 'project management' cash contribution which is the equivalent of 1% of the total value of all works relating to the development.

Accordingly, Emerald Hills Estate and DA&I Pty Ltd are offering to make cash contributions as shown in Items 31 and 32 of Schedule 3 to the agreement, and may be summarized as follows:

- A total 'settle-up' amount of \$85.91 per lot which is 300m² or greater in area, or \$65.69 per lot which is 299m² or lesser in area. These contributions have been determined by multiplying the 'per lot' rate for district and regional facilities in the Draft Camden Section 94 Contributions Plan 2012 (Leppington North Precinct) by 1280 (which is the approximate number of lots to be developed at Emerald Hills).
- A total 'project management' amount of \$307,586 which is 1% of the value of all works to be undertaken by Emerald Hills Estate and provided to the Council.

These amounts have been indexed to CPI as of June 2013.

Both settle-up and project management cash contributions will be used by the Council to deliver the off-site infrastructure envisaged by the Draft Camden Section 94 Contributions Plan 2012 (Leppington North Precinct) and to administer the planning agreement.

Details regarding the staging of the payment of these amounts are included in Schedule 1 to the agreement.

3.4 Inclusion of riparian corridors and lands burdened by transmission easements

In addition to the infrastructure required by the Emerald Hills development, the proposed planning agreement is to include the rehabilitation, embellishment and hand over of land within riparian corridors and areas burdened by transmission easements.

Council has adopted policies that require the merits of transferring these types of land to be assessed against a range of criteria, before it considers whether to accept responsibility for such lands.

An analysis of the developers' offer of riparian corridor land against Council's Dedication of Riparian Corridors Policy is included as Attachment A to this Explanatory Note.

An analysis of the developers' offer of transmission easement land against Council's Dedication of Land burdened by Transmission Easements Policy is included as Attachment B to this Explanatory Note.

Emerald Hills Planning Agreement Explanatory Note**ORD03**

These analyses show how these lands integrate with the wider planning objectives for the Emerald Hills site. The riparian corridor and transmission easements lands will support achievement of the Emerald Hills development's:

- environmental conservation objectives;
- visual amenity objectives;
- passive recreation and pedestrian and cycle access; and
- water cycle management planning objectives.

Attachment 4

Emerald Hills Planning Agreement Explanatory Note

4. Merits of the planning agreement

(This matter is required under clause 25E(1)(b) of the EP&A Regulation to be addressed in the Explanatory Note)

The merits of the proposed planning agreement are evident in:

- its promotion of the public interest (Part 4.1 of the Explanatory Note);
- its promotion of the Council's charter (Part 4.2);
- its delivery of planning purposes (Part 4.3);
- its delivery of Council's works program (Part 4.4); and
- its provisions require developer commitments to be provided prior to the issue of certificates (Part 4.5).

4.1 Promotion of the public interest

(This matter is required under clause 25E(2)(a) of the EP&A Regulation to be addressed in the Explanatory Note)

The public benefits to be secured by this planning agreement will flow from the achievement of the planning agreements' objectives (refer to Part 2 of the Explanatory Note).

Significant efficiencies will be achieved through the agreement by allowing Emerald Hills Estate and D&AI Pty Ltd both:

- greater involvement in the timing and scope of the Contributions Plan infrastructure items that affect their development; and
- the ability to coordinate the concurrent roll-out of urban lots and local infrastructure.

The expected efficiencies, together with anticipated public benefits of the proposed agreement, are described below:

- The agreement relieves Council of the project risk associated with the provision of local infrastructure on the Emerald Hills site. Any cost overruns, rather than being met by the Council, would be met by Emerald Hills Estate.
- The agreement is likely to result in, over the development life, a significant reduction in the resources required by the parties to calculate and administer development contributions associated with the development.
- The agreement allows the Council to concentrate its planning effort on those parts of the Precinct that will need a proactive approach to infrastructure provision. By entering into the agreement Council is relieved of the obligation of delivering infrastructure in Emerald Hills (which is more ably delivered by the developers) and can instead focus on providing infrastructure in locations where it is less likely that developers would directly provide that infrastructure.
- The Emerald Hills riparian corridor land comprises significant environmental value and is also integral to the achievement of the development's pedestrian and cycle access and water cycle management planning objectives. Appropriate arrangements for the sustainable ongoing management of the riparian corridors are therefore in the interests of the wider community. The planning agreement addresses these matters. A specific analysis of the merits of the proposed dedication of riparian land (as well as electricity easement land) to the Council is included in the Attachments A and B to this Explanatory Note.

Emerald Hills Planning Agreement Explanatory Note

ORD03

Attachment 4

There are various provisions in the proposed planning agreement relating to the implementation of the agreement that protect and uphold the public interest. These include the following:

- Under clause 9.4 of the agreement the Council has discretion in the way it may apply contributions it receives under the agreement.
- Provisions (including clauses 19 and 21) requiring the developer to repair and make good works or rectify defects in works provided under the agreement.
- Under clause 36 of the agreement Emerald Hills Estate is required to prepare, at least annually, a report detailing the performance of its obligations under this Agreement; and the Council is to keep a written register of the development contributions made by Emerald Hills Estate under the agreement.
- Various provisions relating to security including:
 - (i) Where the developer proposes a deferral of work (clause 15 of the agreement);
 - (ii) Provision of a security amount covering the outstanding contributions obligations under the agreement (clause 26); and
 - (iii) Compulsory acquisition of land by Council for a nominal amount in the event the land is not dedicated at the time required under the agreement (clause 27).

4.2 Promotion of the Council's charter

(This matter is required under clause 25E(2)(d) of the EP&A Regulation to be addressed in the Explanatory Note)

A planning agreement should promote elements of the Council's charter, which is established under section 8 of the Local Government Act 1993.

It is considered that the proposed planning agreement would further a number of elements of the charter, as shown below:

Element of the Council's charter (section 8 of the Local Government Act 1993)	How does the agreement promote the element?
To provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.	<p>This element is embedded in the purposes and objectives of the proposed planning agreement. That is:</p> <ul style="list-style-type: none"> • the proposed agreement will be the subject of community input prior to its consideration by the Council; • the services and facilities to be provided reflect the objectives of the Contributions Plan and the Council's Dedication of Riparian Corridors and Dedication of Land burdened by Transmission Easements Policies; and • the proposed agreement includes arrangements for the staged handover of completed facilities following a developer sponsored maintenance period.
To exercise community leadership.	<p>The proposed agreement:</p> <ul style="list-style-type: none"> • Secures the means of providing local infrastructure to meet the needs of a major development in one of Camden's key growth areas. • Taps into and applies the expertise offered by land developers towards providing substantial public benefits for the future Turner Road Precinct

Emerald Hills Planning Agreement Explanatory Note

Element of the Council's charter (section 8 of the Local Government Act 1993)	How does the agreement promote the element?
To promote and to provide and plan for the needs of children.	<p>community.</p> <ul style="list-style-type: none"> • Together with other similar agreements that have been negotiated, establishes Camden Council as an innovative facilitator of greenfield urban development schemes.
To properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.	<p>The proposed agreement provides for the delivery of various facilities focused on the needs of children, including various sports facilities, a playgrounds and a play space, cycleways, natural areas for exploring, and a multi purpose facility.</p> <p>The development site's more significant natural areas include its extensive riparian corridors. It is considered the optimum long term management regime for most of the riparian corridor land will be achieved if the land is embellished and dedicated to Camden Council in accordance with its standards, specifications and policies.</p> <p>As a result, over 7.5 hectares of the development site's riparian corridor lands are proposed to become public assets under the proposed agreement.</p> <p>Response to ESD principles:</p> <ul style="list-style-type: none"> • The precautionary principle, inter generational equity; and conservation of biological diversity and ecological integrity: Proposed agreement supports natural areas being retained, protected and integrated into the development scheme. • Improved valuation, pricing and incentive mechanisms: Proposed agreement establishes a framework whereby infrastructure users are accountable for the provision of that infrastructure; allows earlier provision of the infrastructure (by the developer) than would be the case with 'business as usual'; and allows the most efficient means of delivering that infrastructure (i.e. by the developer).
To have regard to the long term and cumulative effects of its decisions.	<p>The development has a life of at least 10 years. The proposed agreement sets out a framework for the efficient delivery and sustainable ongoing management of a substantial amount of public infrastructure on the development site.</p> <p>The agreement would relieve Council of the project risk associated with the provision of local infrastructure on the development site and allows the Council to concentrate its planning effort on other parts of the Camden LGA that will need a proactive approach to infrastructure provision.</p>
To bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible.	<p>The proposed agreement includes provisions placing asset maintenance obligations on the developers for a period after the works are completed.</p> <p>The proposed agreement also includes appropriate</p>

Emerald Hills Planning Agreement Explanatory Note

ORD03

Attachment 4

Element of the Council's charter (section 8 of the Local Government Act 1993)	How does the agreement promote the element?
	asset handover and defects liability provisions.
To engage in long term strategic planning on behalf of the local community.	The proposed agreement spans at least a 10 year time frame, assuring the long term provision and management of public assets and infrastructure.
To exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights.	The proposed agreement creates spaces and places for public interaction and provides facilities for the delivery of public services to the local community.
To raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants.	The proposed agreement includes the payment of monetary contributions to the Council for its management of infrastructure projects and for the provision of other district level infrastructure in Leppington North not proposed to be delivered under this agreement. The monetary contribution amounts reflect the total value of the balance of the infrastructure needs that will not be provided directly by the developer.

4.3 Planning purposes and the objects of the EP&A Act

(This matter is required under clause 25E(2)(a), (c) and (e) of the EP&A Regulation to be addressed in the Explanatory Note)

The planning purposes served by the planning agreement can best be addressed by reference to the objects of the EP&A Act.

It is considered that this planning agreement would further each of the following objectives of the EP&A Act:

Objective of the EP&A Act (section 5)	How does the agreement promote the objective?
To encourage the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment.	The proposed agreement provides a basis for the comprehensive management of the delivery of the local infrastructure requirements of the Emerald Hills development. The proposed agreement also establishes land use management arrangements for the site's riparian corridor lands and electricity easements lands.
To encourage the promotion and co ordination of the orderly and economic use and development of land.	Orderly development of land is encouraged by (through the agreement) establishing a basis whereby local infrastructure is delivered at or around the same time as surrounding development.
To encourage the provision of land for public purposes.	The proposed agreement includes provision of around 25 hectares of land for public purposes.
To encourage the provision and co ordination of community services and facilities.	The proposed agreement will sustain provision and coordination of local infrastructure (which includes, community, open space, recreation, transport

Emerald Hills Planning Agreement Explanatory Note

Objective of the EP&A Act (section 5)	How does the agreement promote the objective?
	<p>management and water cycle management facilities) delivered at or around the same time as surrounding development.</p> <p>Additionally, the proposed agreement would result in some of the facilities planned for the Turner Road Precinct development (for example, the community centre and sports fields) occurring sooner than would have been achieved with a business as usual approach.</p>
<p>To encourage the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats.</p>	<p>Refer to comments on ecologically sustainable development in Part 4.1.2.</p>
<p>To encourage ecologically sustainable development</p>	<p>Refer to comments on ecologically sustainable development in Part 4.1.2.</p>

4.4 Conformity with Council’s works program

(This matter is required under clause 25E(2)(f) of the EP&A Regulation to be addressed in the Explanatory Note)

The proposed agreement is a vehicle for Emerald Hills Estate to complete all of the works required by the Emerald Hills development in a more timely and efficient fashion than if Council were to required to deliver these works via a s94 contributions plan and via Council’s works program.

4.5 Requirements to be complied with before a certificate is issued

(This matter is required under clause 25E(2)(g) of the EP&A Regulation to be addressed in the Explanatory Note)

Schedule 1 of the agreement contains details of when contributions of land, works or money are to be met by the developers.

The Schedule states that land will be required to be dedicated, works will be required to be completed, and cash contributions will be required to be paid before the issue of a Subdivision Certificate for stages of development. If the developer seeks the issue of a Subdivision Certificate prior to the completion of these works, Clause 15 of the planning agreement requires the payment of security against the value of the incomplete works within the relevant stage.

ORD03

Attachments

Attachment A	Dedication of Riparian Corridors Policy Assessment
Attachment B	Dedication of Land burdened by Transmission Easements Policy Assessment

Attachment 4



NSW GOVERNMENT
Department of Planning

DOP file no:

Section 73A EP&A Act Submission

Part A. Council to complete	
Subject: Camden Local Environmental Plan 2010	
Report requesting the making of amending local environmental plan under section 59 and section 73A.	
Background:	
Camden Council resolved on to amend Camden Local Environmental Plan 2010 and to request that the Minister for Planning make the plan under section 59 and section 73A of the Environmental Planning and Assessment Act 1979. The draft amending plan is attached. (Attach resolution.)	
The land to which this amendment applies is Oran Park, Catherine Fields (part), Leppington North, East Leppington and Turner Road precincts as defined by State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).	
Why there is a need for the amendment:	
The Catherine Fields (part) precinct was rezoned on 20 December 2013 and the Leppington North and East Leppington (part) precincts were rezoned on 15 March 2013 under the Growth Centres SEPP. Existing Local Environmental Plan maps within the boundaries of the Catherine Fields (part), Leppington North and East Leppington (part) precincts in the South West Growth Centre show redundant planning controls and need to be amended to refer to the Growth Centres SEPP.	
Oran Park and Turner Road Precincts were gazetted in December 2007. While the land zoning map and some other development control maps have been updated to refer to the Growth Centres SEPP not all maps have been updated (e.g. Additional Permitted Uses Map, Urban Release Area Map).	
What the amendment does:	
Amends all relevant map tiles for the Catherine Fields (part), Leppington North and East Leppington (part) precincts (refer to attachment) in the Camden LEP 2010 where relevant zoning and development controls are now contained within the Growth Centres SEPP.	
In the preparation of the standard Camden LEP, a number of the maps (including the land zoning map) were updated for the Oran Park and Turner Road precincts. However, not all development control maps refer to the Growth Centres SEPP. This amendment includes updating the maps for these precincts that do not already refer to the SEPP (refer to attachment).	
Why the amending plan is suitable to be made in accordance with section 73A:	
The relevant maps of the Camden LEP 2010 should have been consequentially amended at the time of gazettal of the Oran Park, Turner Road, Catherine Fields (part), Leppington North and East Leppington (part) precincts under the Growth Centres SEPP. This was not done so the LEP maps continue to show redundant zoning and related information. The removal of this redundant information is a minor and necessary amendment suitable for a section 73A amendment.	
The council requests that the Minister agree to make draft (Name of amending LEP)	
Signed:	Date:
Name:	Position:
On behalf of: (Name of council)	

Section 73A EP&A Act submission

ORD04
Attachment 1

ORD04

Attachment 1



NSW GOVERNMENT
Department of Planning

DOP file no:

Section 73A EP&A Act Submission

Part B. Department of Planning use only

Date of referral to LEP Review Panel: DD/MM/YYYY *(insert date)*

Department position:
The draft LEP amendment has been considered by the Department and it is satisfied that the amendment can be considered as a minor amendment under section 73A (see advice tagged 'A').

Parliamentary Counsel opinion:
The Parliamentary Counsel has provided an opinion indicating that the plan may legally be made (tagged 'B').

Recommendation:
It is recommended that the Minister:
(a) under sections 59 and section 73A of the *Environmental Planning and Assessment Act 1979* make (Name of LEP) tagged 'B'
(b) authorise the Department to advise council of the Minister's decision.

Date:

Signed: **Name:**

Position:
for Director-General

Section 73A EP&A Act submission



GOVERNANCE DOCUMENTS – PHASE 3

Camden Council Central Administration Building

Phase 3

Procurement, Design and Construction

Contents

Project Management Plan 3

Appendix A 8

Governance Structure – Phase 3 8

Appendix B 15

Probity Plan 15

Separation of Planning Powers 32

Appendix C 40

Risk Management Plan 40

Appendix D 50

Communication Plan 50



Project Management Plan

Camden Council Central Administration Building

Phase 3

Procurement, Design and Construction

February 2014

1. INTRODUCTION AND STATEMENT OF BUSINESS ETHICS

Camden Council is committed to conducting business in an open and ethical manner in relation to the Administration Centre Project. Council conducts its business with integrity, honesty, transparency and fairness.

Council will ensure that all policies, procedures and practices relating to the project, its design, tendering, approvals and certification are consistent with best practice and the highest standards of ethical conduct. All decisions will be fully and clearly documented to provide a clear audit trail and allow for effective probity and performance review. Councillors and members of staff will adhere to Council's Code of Conduct at all times.

2. BACKGROUND

This is the Phase 3 "Procurement, Design and Construction" Project Management Plan for the Camden Administration Centre Project ("the Project").

This plan is subject to all prior terms, conditions and definitions that appear in the "Camden Administration Centre Site Selection Project Plan V1 & V2" and should be read in conjunction with those documents.

3. PHASE 3 OBJECTIVES

The objectives of "Phase 3" of the project are the completion of all due process in relation to:

- a precinct master-planning exercise;
- subsequent architectural design of agreed core project elements;
- statutory approvals; and
- construction tender and evaluation.

The objectives will be delivered via strategically aligned and tested procurement methods that comply with Council's internal procurement practice and the *Local Government Act 1993*.

Core project elements will be delivered in a timely manner to facilitate Council's compliance with its contractual obligations as set out in the "Site Facilitation Agreement" (the Contract) as executed on the 10th of December 2012.

4. TIMETABLE

The Project Control Group ("PCG") along with its duly appointed consultants, will actively engage in all necessary discussion with GDC and its representatives, so as to arrive a mutually agreeable position (namely, a site delivery date). Progress of discussions will advance generally in accordance with the key milestones agreed between the parties.

In no instance will caution, prudence and rigor of process be sacrificed in service of that plan.

5. GOVERNANCE AND DECISION MAKING

Council's Executive Leadership Group (ELG) will be the operational representative of the Council in all matters pertaining to the Procurement, Design and Construction of the project. The PCG is made up of Council's Executive Leadership Group – the General Manager, Director of Development and Health, Director of Works and Services and Director of Governance.

The ultimate decision making body is the elected Council with the Executive Leadership Group acting as the Project Sponsor.

The PCG will retain any external consultants and/or suitably qualified staff as they see fit in order to deliver a high quality outcome for the Council.

The PCG will (at a minimum quarterly) provide updates on the progress toward the completion of procurement, design and construction of the Central Administration Centre to the elected Council (or to any other forum, at the General Manager's request).

Implementation of the Project Plan has been delegated to an internal staff team comprised of the following members:

- Manager Capital Works;
- Administration Centre Project Manager; and
- Internal and external consultants as required.

A copy of the organisational structure as endorsed by the PCG for delivery of the project is attached to this plan as **Appendix A**.

6. PROBITY

The PCG will retain at all times the services of a suitably qualified Probity Advisor who will be provided with free and unfettered access to all documents and or files relating to the project.

In relation to the Site Facilitation Agreement, Council, the PCG and its consultants will maintain the utmost level of integrity and observe the highest degree of probity. To this end, a comprehensive Phase 3 Probity Plan has been prepared, approved by an external Probity Advisor and will be strictly adhered to and enforced.

All parties to Phase 3 of the project will be provided with the Probity Plan and required to complete a conflict of interest declaration.

A copy of the Probity Plan is attached at **Appendix B**.

7. RISK MANAGEMENT

The PCG (or its designated officer) will actively review the existing Risk Management Plan in order to ensure it accurately reflects not only those risks established in Phase 1 & 2 but also the inherent new risks that flow from the procurement, design, and construction (Phase 3) of the project.

The PCG will continue to actively operate, manage and maintain the risk register, complete with individual risk assessment, ratings, management plans and action plans.

A copy of the overarching Risk Management Plan is attached at **Appendix C**.

8. COMMUNICATION

The current Communication Strategy will continue to operate as the primary mechanism for the communication of progress for all aspects of the project.

A copy of the Communications Strategy is attached at **Appendix D**.

9. CONCLUSION

As outlined above, the object of Phase 3 of the project is the delivery of an appropriately structured design, construction and procurement method. The Project Control Group will be the responsible entity for reporting and decision making purposes.

The project will retain an external Probity Advisor at all times.

10. PROJECT PROGRAM

A milestone schedule is to be included in the Project Management Program once the most appropriate delivery method is established.

The PCG will update the milestone schedule as required and will provide a monthly report on the status of works relating to each milestone.

APPENDICES:

- APPENDIX A: Governance Structure – Phase 3
- APPENDIX B: Probity Plan – Phase 3 (*Separation of Planning Powers attached*)
- APPENDIX C: Risk Management Plan – Phase 3
- APPENDIX D: Communications Plan – Phase 3

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Attachment 1



Appendix A

Governance Structure – Phase 3

Camden Council Central Administration Building

Phase 3

Procurement, Design and Construction

GOVERNANCE STRUCTURE FOR THE NEW CENTRAL ADMINISTRATION BUILDING PROJECT

During Phase 3 – Procurement, Design and Construction, the Governance Structure has changed in terms of membership of the Project Control Group (“PCG”) and sub-advisory teams. The new governance structure is set out below:

The ultimate decision making body is the elected Council with the Executive Leadership Group (“ELG”) as the Project Sponsor.

The PCG membership consists of:

- The General Manager (Chair);
- Director of Development & Health;
- Director of Works & Services; and
- Director of Governance.

The PCG will retain any external consultants and/or suitably qualified staff as it sees fit in order to deliver a high quality outcome for the Council.

The PCG will at a minimum quarterly, provide updates on the progress toward the completion of the procurement, design and construction of the Central Administration Centre to the elected Council, or to any other forum, at the General Manager’s request.

The implementation of the Project Plan has been delegated to an internal staff team comprised of the following:

- Manager of Capital Works;
- Project Manager for the Administration Centre; and
- internal and external consultants as required.

The PCG is supported by a Central Administration Building Advisory Group which is made up of the following members who have various backgrounds/expertise as follows:

Name/Role	Expertise
Manager Capital Works	Project Management, Design and Procurement
Project Manager Administration Centre (Chair)	Project Management, Design and Procurement
Manager Corporate Services	Finance, Governance, Probity, CMS and Property (Land Transfer matters)
Senior Governance Officer	Governance, Probity, CMS and Property (Land Transfer matters)

The Central Administration Building Advisory Group will report monthly to the PCG. This sub-advisory group may also engage assistance from the Public Relations/Communications teams, Council’s Risk Management Officer and internal/external consultants as the need arises.

Terms of Reference and an illustrated diagram are set out below:

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Attachment 1

PCG – TERMS OF REFERENCE	
Council Members:	General Manager Director of Development and Health Director of Works and Services Director of Governance
By Invitation:	Vic Baueris, Probity Advisor Internal staff and external Consultants as required
Role:	Oversight of entire negotiation process including design, construction, project procurement, accounting treatment, legal, external negotiations and interactions with stakeholders. Prepare recommendations in relation to the transaction structure, project procurement, financial commitment and supporting legal documentation for submission to and approval by Council.
Terms of Reference:	<ol style="list-style-type: none"> 1. Conclude appropriate legal documentation <ol style="list-style-type: none"> 1.1 Negotiate commercial terms of offer. 1.2 Recommend approval by Council. 2. Design and Specifications <ol style="list-style-type: none"> 2.1 Approve Schematic Design and Specification documents. 2.2 Authorise any changes required to design and specifications required. 2.3 Review final costing. 2.4 Approve the project procurement methodology including appointment of a Project Manager. 3. Review of Business Case for financing/SRV 4. Project analysis and evaluation 5. Risk analysis of the project.
Focuses on:	<ol style="list-style-type: none"> 1. Managing the commercial interactions between the Council and GDC. 2. Risk management of the Council's position in the transaction. 3. Evaluation of the costs and benefits to the Council. 4. Resolving issues arising from the negotiation process and providing directions and authorisations to the other groups as required. 5. Communication and approval processes with the Council's staff, Executive, GM and Councillors.
Interacts with:	External: <ul style="list-style-type: none"> • GDC • DLG • ICAC Internal: <ul style="list-style-type: none"> • Central Administration Building Advisory Group • Project Implementation Team • Risk Management Officer • Public Relations/Communications Team • Senior Management Team
Reports to:	General Manager; Council
Outcomes	<ul style="list-style-type: none"> • Legal documents completed as between Council and GDC. • Schematic Design documents completed that meet the needs of users both internal and external. • Specification documents completed. • Project procurement methodology agreed upon. • Business case finalised. • Project analysis and evaluation finalised. • Risk analysis of the project completed for presentation to Council.

PROJECT IMPLEMENTATION TEAM – TERMS OF REFERENCE	
Council Members:	Manager of Capital Works Project Manager Administration Centre Other staff as requested.
By Invitation:	External consultants as required.
Role:	Undertake a value management process to ensure that the design and specifications meet the requirements of the users at the minimum cost to the Council. Oversight of the project procurement process to ensure that it meets the requirements of Council, at minimum cost and risk to Council.
Terms of Reference:	<ol style="list-style-type: none"> 1. Finalise Design & Specifications <ol style="list-style-type: none"> 1.1 Manage the design process to ensure that it meets the User Brief and Specification. 1.2 Recommend changes, where necessary, to the PCG for approval. 1.3 Confirm final design meets user requirements as per revisions. 1.4 Review final costing. 2. Oversee arrangements for project procurement <ol style="list-style-type: none"> 2.1 Identify the most appropriate project procurement methodology. 2.2 Identify cost and risks of the recommended project procurement methodology. 2.3 Appoint and manage the Project Manager to ensure that project delivery meets the requirements of Council. 3. Identify construction and planning related issues for resolution with GDC.
	<ol style="list-style-type: none"> 1. Ensuring that the design and specifications meet the requirements of the users both internal and external. 2. Ensuring that the project procurement process chosen is the most appropriate. 3. Risk management of the Council's position in the project procurement process. 4. Provide advice and recommendations to the PCG on design, construction, procurement and planning matters affecting the proposed transaction.
Interacts with:	External: <ul style="list-style-type: none"> • GDC • Project Manager • Financiers Internal: <ul style="list-style-type: none"> • PCG • Central Administration Building Advisory Group • Finance, governance and staff across the organisation as required.
Reports to:	PCG
Outcomes:	<ul style="list-style-type: none"> • Schematic Design documents completed that meet the needs of users both internal and external. • Specification documents completed. • Project procurement methodology agreed upon and Project Manager appointed. • Application for Development Approval lodged with JRPP. • Risk Analysis of the design, construction and project procurement aspects of the project completed for submission to PCG.

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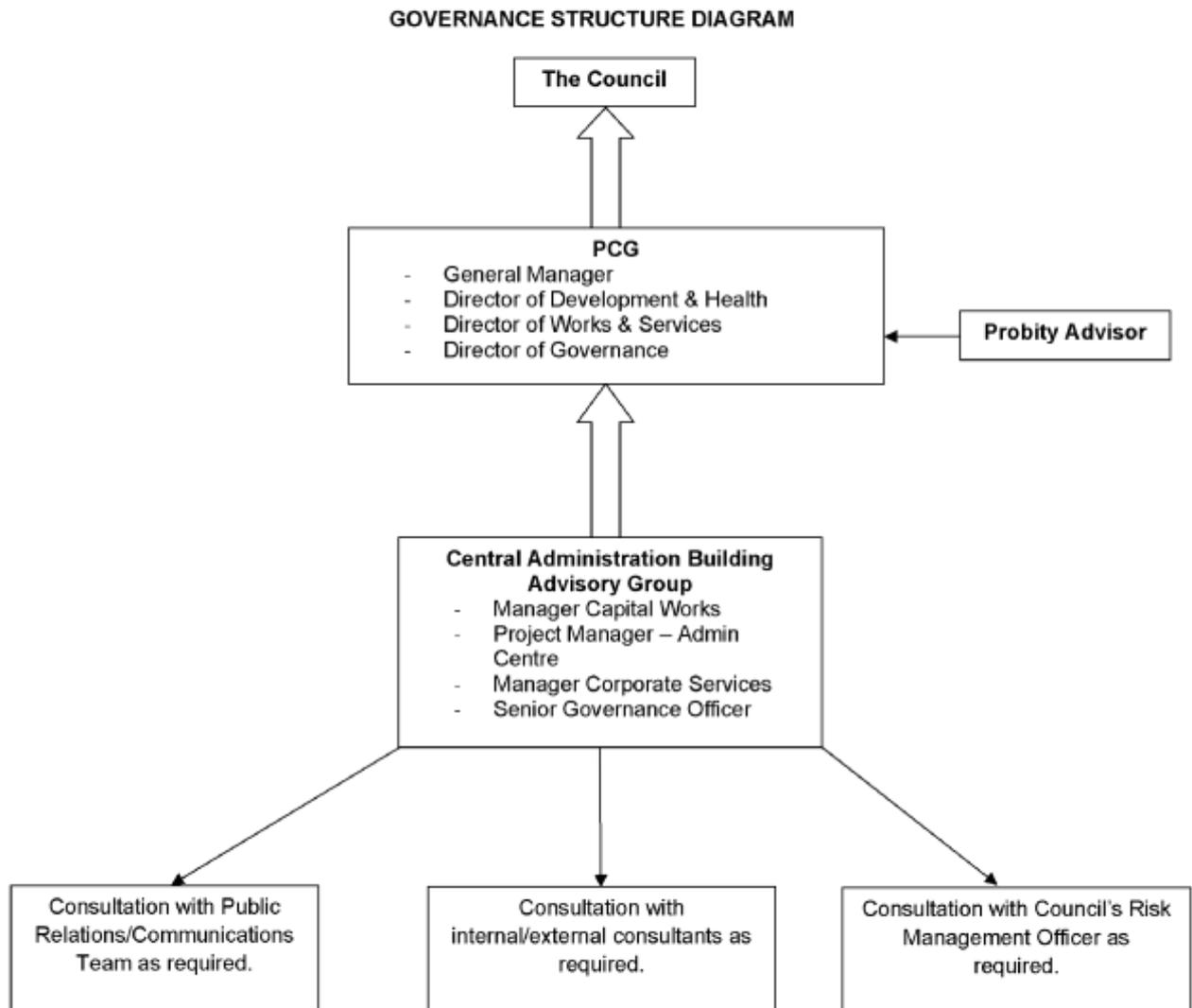
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CENTRAL ADMINISTRATION BUILDING ADVISORY GROUP	
Council Members:	<p>Manager of Capital Works Project Manager (Chair) Manager Corporate Services Senior Governance Officer Other staff as required.</p>
By Invitation:	<p>Mr Vic Baueris, Probity Advisor External Consultants as required</p>
Role:	<p>To provide monthly updates to the PCG on the following matters:</p> <ul style="list-style-type: none"> • project management; • finance and accounting; • governance and probity; • government liaison; • CMS; and • land transfer matters.
Terms of Reference	<ol style="list-style-type: none"> 1. Transaction structure <ol style="list-style-type: none"> 1.1 Review transaction structure to ensure it is appropriate. 1.2 Negotiate documentation with GDC. 1.3 Recommend documentation for approval to the PCG. 2. Business case for financing/SRV <ol style="list-style-type: none"> 2.1 Prepare draft business case 2.2 Revise draft business case 2.3 Submit business case for approval. 3. Project analysis and evaluation. 4. Ensure that State Govt and ICAC are fully briefed on transaction. <ol style="list-style-type: none"> 4.1 Brief State Govt and ICAC on proposed transaction and structure. 4.2 Identify issues for resolution including any conditions required by the State Govt and/or ICAC. 4.3 Monitor compliance with all relevant legislation and policies of the State Govt and ICAC relating to the project. 5. Recognise and seek advice from Probity Advisor as required.
Focuses on:	<ul style="list-style-type: none"> • Ensuring that the transaction structure is appropriate for Council. • Negotiating legal documents pertaining to the various agreements required to give effect to the transaction. • Evaluation and management of the risks to the Council and seeking the advice of Council's Risk Management Officer. • Liaison with the State Govt (including relevant Ministers) and ICAC on progress of project. • Development and evaluation of Council's business case. • Provide advice and recommendations to the PCG on legal, probity, risk, financial and accounting matters affecting the proposed transaction. • Evaluation of the costs and benefits to the Council.
Interacts with:	<p>External:</p> <ul style="list-style-type: none"> • DLG • Auditors • Financiers • GDC's solicitors

	<ul style="list-style-type: none"> • Council's solicitors • ICAC • State Government Ministers and Departments. <p>Internal:</p> <ul style="list-style-type: none"> • PCG • Council Executive • Other staff as necessary.
Outcomes:	<ul style="list-style-type: none"> • Finalise Business Case for Council for "approval". • Finalise review of Project NPV analysis. • Risk analysis of the accounting and financial aspects of the project completed for submission to PCG. • Draft legal documents completed as between Council and GDC. • Risk analysis of the project completed for presentation to the PCG. • Ensure that State Govt and ICAC are fully briefed on transaction. • Ensure compliance with all relevant legislation and policies of the State Govt and ICAC relating to the project. • Risk Analysis of the Govt and probity aspects of the project completed for presentation to PCG.

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Attachment 1





Appendix B

Probity Plan

Camden Council Central Administration Building

Phase 3

Procurement, Design and Construction

February 2014

PROBITY PLAN

1. PURPOSE

The purpose of this Probity Plan is to provide a framework that ensures the highest standards of Probity & Transparency are maintained throughout the Procurement, Design and Construction Phase (Phase 3) of the Central Administration Building Project (Project).

This Probity Plan provides guidance on the application of the Probity Principles (outlined in section 4 below) to the Project. The specific objectives of the Probity Plan are to:

- fulfil the requirements of the DLG Capital Expenditure Guidelines (as applicable);
- identify the probity risks that arise for the Project and record the mitigation actions required to address these risks;
- document processes that will support the meeting of high standards of probity;
- detail roles and responsibilities of persons involved in the Project as they relate to probity; and
- describe the role of the Probity Advisor and encourage Council members and officers to discuss any probity related issues with the Probity Advisor.

2. PROJECT BACKGROUND

Since early 2008, Council has been investigating the need to construct a new Central Administration Building that will cope with both the current and future staffing requirements and the demands of a rapidly growing local population. After a multi stage process a report was presented to Council on the 12th of July 2011 recommending that Camden be eliminated as a site for further investigation.

Council agreed with the recommendation and resolved as follows:

- *Council endorsed the findings of the site selection study for the central administration centre;*
- *agreed that Council officers should pursue what opportunities might exist at Oran Park and explore alternative options for Narellan; and*
- *alternative opportunities and/or uses for the existing Camden site should be investigated.*

The results of this process were presented in a report to Council on the 27th of March 2012. Council deferred the matter to a workshop wherein additional information was requested on the probity of the proposals submitted.

The original report, along with a supplementary item providing the additional information were returned to Council on the 22nd of May 2012.

At the meeting on the 22nd of May 2012, Council resolved to:

- *endorse and accept the recommendation of Oran Park as the site for the new central administration building;*

- *pursue negotiations with the owners/developers of Oran Park to convert their proposal into a legally binding commitment on terms and conditions satisfactory to Council;*
- *investigate alternate opportunities and/or uses for the existing Camden and Narellan sites with a view to maximising economic opportunities for the community within those town centres; and*
- *proceed to formulate a project plan for the specification and design of the new central administration building.*

A Project Plan was developed as a guide to the negotiations with Greenfield Development Corporation (GDC), the owners and developers of Oran Park. A Probity Plan for this phase was also developed.

A Project Control Group (PCG) comprising the Director of Governance and two external consultants was established and the Council's Risk Management Officer engaged to assist in relation to the risk management aspects of the Project. Negotiation of the legal framework was undertaken with assistance from external legal advisors.

The outcome of the negotiations was a transaction structured so that Council is the buyer of the site for a nominal consideration of \$10.00. There is a separate agreement for acceleration of the Voluntary Planning Agreement (VPA). The contract obliges GDC to fulfill a number of conditions related to planning approvals and the provision of services to the site.

At the meeting of Council held on 27 November 2012, Council resolved to accept and endorse the legal documents that convert GDC's offer into a legally binding agreement.

Relationship to GDC delivered community facilities

The VPA includes a requirement that GDC will deliver a recreation centre and library for Council. This will be adjacent to the new Council Administration Building. The concurrent development of the Administration Building and the recreation centre and library by GDC raises potential issues of conflict of interest which are also addressed by this Probity Plan.

Separate governance arrangements will be established for the recreation centre and library project to be delivered by GDC. It is envisaged that there will be substantial interaction with GDC in the planning and design of the project. This may require a separate probity plan, which will be considered at the appropriate time.

In any event, the probity principles outlined in this Plan and the requirements of the Separation of Planning Powers document will apply to the recreation centre and library project.

3. GOVERNANCE

The hierarchy of decision making for the project places Councillors at the top as Project Owners, with the Executive Leadership Group as Project Sponsor. The General Manager convenes the Project Control Group (PCG) (see membership

below). The PCG will take all necessary actions to fulfil the Council resolutions regarding Phase 3 and will regularly report on progress to the elected Council.

General Manager

The General Manager, consistent with his overall management role under the *Local Government Act 1993*, will, in monitoring the activities of the PCG, be mindful of the considerations contained in this Probity Plan and make all reasonable endeavours to ensure that the community achieves the best commercial and planning outcomes. The General Manager must to the best of his ability ensure the role of the PCG is properly performed.

The General Manager can seek advice from relevant internal and external experts, as required.

Project Control Group

The Project Control Group (PCG) has recently changed and now comprises of Council's Executive Leadership Group – the General Manager, Director of Development and Health, Director of Works and Services and Director of Governance. The PCG is chaired by the General Manager.

The project management team responsible for the delivery of the project includes:

- Manager Capital Works;
- Project Manager; and
- internal staff and external consultants as required.

The role of the PCG is to:

- ensure that the decisions of Council in relation to the Project are carried out;
- oversee the implementation of the Project Plan and report to Council on progress;
- oversee the implementation of the Risk Management Plan and Probity Plan;
- the PCG will act in accordance with the Communication Strategy to ensure that all stakeholders are kept up to date in a timely manner of the "project status".

The PCG is supported by a Central Administration Building Advisory Group which is made up of the following members have various backgrounds/expertise:

Name/Role	Expertise
Manager of Capital Works	Project Management, Design and Procurement
Project Manager, Administration Centre (Chair)	Project Management, Design and Procurement
Manager Corporate Services	Finance, Governance, Probity, CMS and Property (Land Transfer matters)
Senior Governance Officer	Governance, Probity, CMS and Property (Land Transfer matters)

The Central Administration Building Advisory Group will report monthly to the PCG.

This sub-advisory group may also engage assistance from the Public Relations/Communications teams, Council's Risk Management Officer, other internal staff and external consultants as the need arises. A diagram of the Governance Structure is **annexed** at the end of this document.

Project Manager

A Project Manager has been appointed to manage the Project in accordance with the Project Plan and Probity Plan. The Project Manager is responsible to the PCG.

4. PROBITY AND ETHICAL PRINCIPLES

Council's Code of Conduct

Council's Code of Conduct (Code) is a formally adopted corporate policy applicable to the Mayor, Councilors, employees, contractors and volunteers working for and on behalf of Council. It provides for ethical governance and appropriate conduct in relation to all of Council's activities.

All aspects of this project are to be carried out in full compliance with Council's Code of Conduct and all other corporate policies in addition to the principles espoused in this plan.

Probity definition

The Macquarie Dictionary definition of probity is "integrity, uprightness, honesty". Within Local Government, the word "probity" is often used in a general sense to refer to "an appropriate process". The ICAC has identified principles to enhance the probity of procurement, contracting and planning processes which are set out below. Local Councils must seek to conduct their activities (including this Project) in accordance with these principles. Local Council members and officers (and their advisers) must be able to demonstrate high standards of probity while pursuing the Council's objectives.

Probity principles

The Project must be conducted in a manner that satisfies the following probity principles:

Obtaining Value for Money and Maintaining Impartiality

This is the principal objective of all procurement activities required for the Project. Impartial, open and competitive processes are important in achieving value for money. An EOI or tender process should be used that aims to achieve best value for money, is consistent with 'best practice' according to current Government policy and allows capable organisations to submit competitive offers and be considered for the Project in an impartial manner.

Obtaining value for money is enhanced when there is open competition and the market is fully tested.

Managing Conflicts of Interest

Conflicts of interest arise when there is a conflict between a public official's public duty and their private interests, where those private interests could improperly influence the performance of their official responsibilities. Council members, officers and advisers involved in the Project must comply with Local Government conflict of interest requirements. Conflicts of interest can be actual, perceived or potential. Failure to declare and/or effectively manage conflicts of interest can damage the integrity of the Project, therefore eroding public or market confidence.

Managing Conflicts of Roles for Councils as Property Owners

A further conflict can arise where Council owned property, as in this Project, is the subject of development. The ICAC in its publication "*Corruption risks in the development approval process*" (September 2007) noted "*that a consent authority has a conflict of roles between its different functions as a developer and land use regulator.*"

In this circumstance, Council is required to take steps to separate the property owner role from the decision-maker role as a regulator and approver of development applications and construction/occupation certification.

Maintaining Accountability and Transparency of the Process

Public sector accountability requirements are intended to save money, resources and time in the long term and prevent corruption, maladministration and substantial waste of public resources. All Council members and officers should be accountable for their actions associated with the Project. All key activities and decision-making associated with the Project should be recorded.

Transparency helps ensure that the Project is conducted with integrity, thus enhancing competition and the delivery of value for money, as well as reducing opportunities for corruption, maladministration and substantial waste of public money.

Maintaining Confidentiality and Security

A significant quantity of confidential information will be generated during the course of the Project, particularly the procurement phase. Breaches of confidentiality requirements can compromise the integrity of the Project and lead to outcomes that do not represent best value for money. The processes adopted for receiving, managing and disseminating information are to ensure the security and confidentiality of intellectual property, proprietary information or otherwise sensitive information.

Conduct Guidelines

Council members and officers have a responsibility to ensure that their personal behaviour does not adversely impact on the integrity of the Project and planning approval processes.

Councillors, officers and advisers are responsible for:

- acting in accordance with this Probity Plan, Evaluation Plans for procurements

- and other approved processes;
- not making public comment about the Project without appropriate authorisation and in accordance with the Communications Strategy,
- discussing probity risks identified or other probity concerns with the Director, Governance and/or the Probity Advisor with a view to maintaining the integrity of the Project; and
- where relevant, reporting any suspected breaches of the Probity Plan to the Probity Advisor immediately.

5. KEY PROBITY RISKS

Conflict of Roles in regard to this Project

The ICAC in its publication "*Corruption Risks in the Development Approval Process*" (September 2007) noted "*that a consent authority has a conflict of roles between its different functions as a developer and land use regulator.*" For this Project, Council is the developer and owner of the planned facility and hence a Separation of Planning Powers Plan has been developed to ensure the appropriate separation of functions. The Separation of Planning Powers Plan also applies to the delivery of the recreation centre and library by GDC.

A copy of the Separation of Planning Powers Plan is **annexed** to this Probity Plan.

Council and GDC have agreed that the Development Application for the development of the Administration Centre will be assessed by an external planning consultant and will be determined by the Joint Regional Planning Panel (JRPP). This agreement also applies to the recreation centre and library project.

The conflict of roles will also arise during the construction phase when issue of the construction certificate will be required, followed by the occupation certificate.

In order to deal with the conflict of roles, the regulation required during the construction phase will be undertaken as follows:

1. PCG to approve the conduct of a tender for the engagement of an independent private certifier to be the Principal Certifying Authority (PCA) for the construction phase of the Project;
2. the tender to be conducted by the Project Manager in accordance with Council procurement policies; and
3. the PCA to fulfil all steps required for issue of the Construction Certificate, undertake and document details of the inspections and professional certification required during the construction period and issue of the Occupation Certificate (interim and final as necessary).

Procurement

Procurement is identified by the ICAC as a high risk activity for all public sector agencies, including Local Government. Relevant issues are:

- the need to ensure that where an incumbent contractor is allowed to submit a bid that all proponents have access to the same level of information and steps are taken to ensure an impartial assessment. It may be necessary to limit the

- rights of contractors to bid for consequential engagements – this must be anticipated and confirmed in advance; and
- the need to provide adequate time and resources for the conduct of procurements particularly for the major design and construction phase to be conducted in 2014.

These issues are included in the Probity Risks Table and will be monitored by the Probity Advisor during the procurement phase.

Media

The Project should not be discussed with the media except as required by the Communications Plan. Any media request should be directed to the Director of Governance who will determine the appropriate response.

Security, Record Keeping & Documents

The PCG must put in place procedures that specify the storing, handling, and filing of commercially sensitive information received in relation to the Project.

The Project Manager will ensure that:

- all meetings are minuted, the discussion accurately recorded and circulated in a timely manner;
- documents which contain commercially sensitive information will be stored in secure conditions, with access only for authorised persons;
- limited numbers of copies of commercially sensitive documents are to be produced.

Electronic Information

Any e-mail messages of significance should be registered into Council's electronic document management system (confidential binder) and printed and kept on the relevant Project file.

External Probity Advisor

Procure Group Pty Ltd has been engaged as the Probity Advisor for Phase 3 of the Project.

The Probity Advisor will provide advice as required during the Project. Specifically this will include:

1. probity advice for each of the major procurement activities as agreed by the PCG;
2. probity compliance reports at the conclusion of each procurement activity;
3. six monthly reports on the actions taken to implement the risk mitigation actions identified in the Probity Risks Table; and
4. a final probity compliance report at a time determined by the PCG.

6. PROBITY RISK TABLE

The Probity Risk table has been developed to identify specific probity risks, the mitigation actions required and to allocate responsibility for implementation of the mitigation actions.

The Probity Risk Table complements the Risk Management Plan and Risk Register developed for the Project. The level of risk has been assessed utilising the risk management methodology outlined in the Risk Management Plan.

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Description of Risk	Impact	Likelihood	Consequence	Level of Risk	Treatment/Mitigation Actions	Individual/Group Responsible for Mitigation Action	Action taken
Impartiality Project outcome influenced by conflict of roles for Council as planning authority, landowner and developer	Diminished public trust in planning processes Loss of confidence in Project	Unlikely	Ext	2	DA to be assessed by independent consultant and approved by JRPP. Separation of Planning Powers Plan developed. All building and related certification to be undertaken by a private accredited Principal Certifying Authority; not by Council officers	PCG PCG	
Competitive procurement not achieved	Loss of confidence in Project Value for money less likely to be achieved	Unlikely	Ext	2	All procurements follow Council and DLG guidelines. Probity advisor oversees major procurements	PROJECT MANAGER/ PROBITY ADVISOR	
Incumbent contractors have advantage in future procurements	Reduced competition leads to poor outcomes	Likely	Major	2	Procurement strategy requires prior consideration of risk	PROJECT MANAGER/ PROBITY ADVISOR	
Insufficient resources to fully implement procurement processes	Loss of confidence in Project. Value for money less likely to be achieved	Unlikely	Major	3	PCG ensures adequate resourcing of procurement activities	DELIVERY MANAGER	

Attachment 1

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Description of Risk	Impact	Likelihood	Consequence	Level of risk	Treatment/Mitigation Actions	Individual/Group Responsible for Mitigation Action	Action taken
Conflicts of Interest							
Contractor appointments affected by related interests	Inappropriate contractors appointed Criticism of process Time consuming to resolve issues	Unlikely	Major	3	PCG oversees appointment process using LCC procedures and vets conflict of interest issues	PROJECT MANAGER	
Contractors have conflicts of interest due to prior engagement with GDC	Loss of confidence in Project	Likely	Major	2	Contractors required to notify of all actual, potential and perceived conflicts of interest as part of procurement process Action to address identified conflict of interest discussed with Probity Advisor, implemented and monitored	PROJECT MANAGER	
Council/PCG members have conflicts of interest	Loss of confidence in Project outcomes	Unlikely	Major	3	All actual, potential and perceived conflicts of interest declared Action to address identified conflict of interest discussed with Probity Advisor, implemented and monitored	PCG	
Conflict of interest	Loss of confidence	Unlikely	Major	3	Regular reminders re	DIRECTOR	

Description of Risk	Impact in Project outcomes	Likelihood	Consequence	Level of Risk	Treatment/Mitigation Actions	Individual/Group Responsible for Mitigation Action	Action taken
issues not reported	Project outcomes				requirement to declare at PCG and other meetings	GOVERNANCE	
Transparency and Accountability							
Policy and procedures with respect to project governance and probity not clear or satisfied	Poor and/or delayed decision-making. Loss of confidence in Project	Unlikely	Major	3	PCG adopts Probity Plan for the conduct of the Project Probity risk assessment undertaken by probity advisor and endorsed by PCG Probity advisor reviews compliance with Probity Plan	PCG PCG PROBITY ADVISOR	
Management controls, level of authority, approval processes and responsibilities unclear	Poor and/or delayed decision-making. Loss of confidence in Project	Unlikely	Major	3	Project Plan details governance arrangements, management controls, levels of authority, approval processes and responsibilities	PCG	
Decision making by PCG and Senior Executive Team not formally documented	Decisions made in ad hoc manner. Transparency and accountability undermined	Unlikely	Moderate	4	Formal minutes of meetings prepared. Agreed protocol for decisions between meetings	PROJECT MANAGER	
Community stakeholder	Loss of confidence in Project.	Unlikely	Major	High	Communications Plan developed, adopted	PROJECT MANAGER	

Attachment 1

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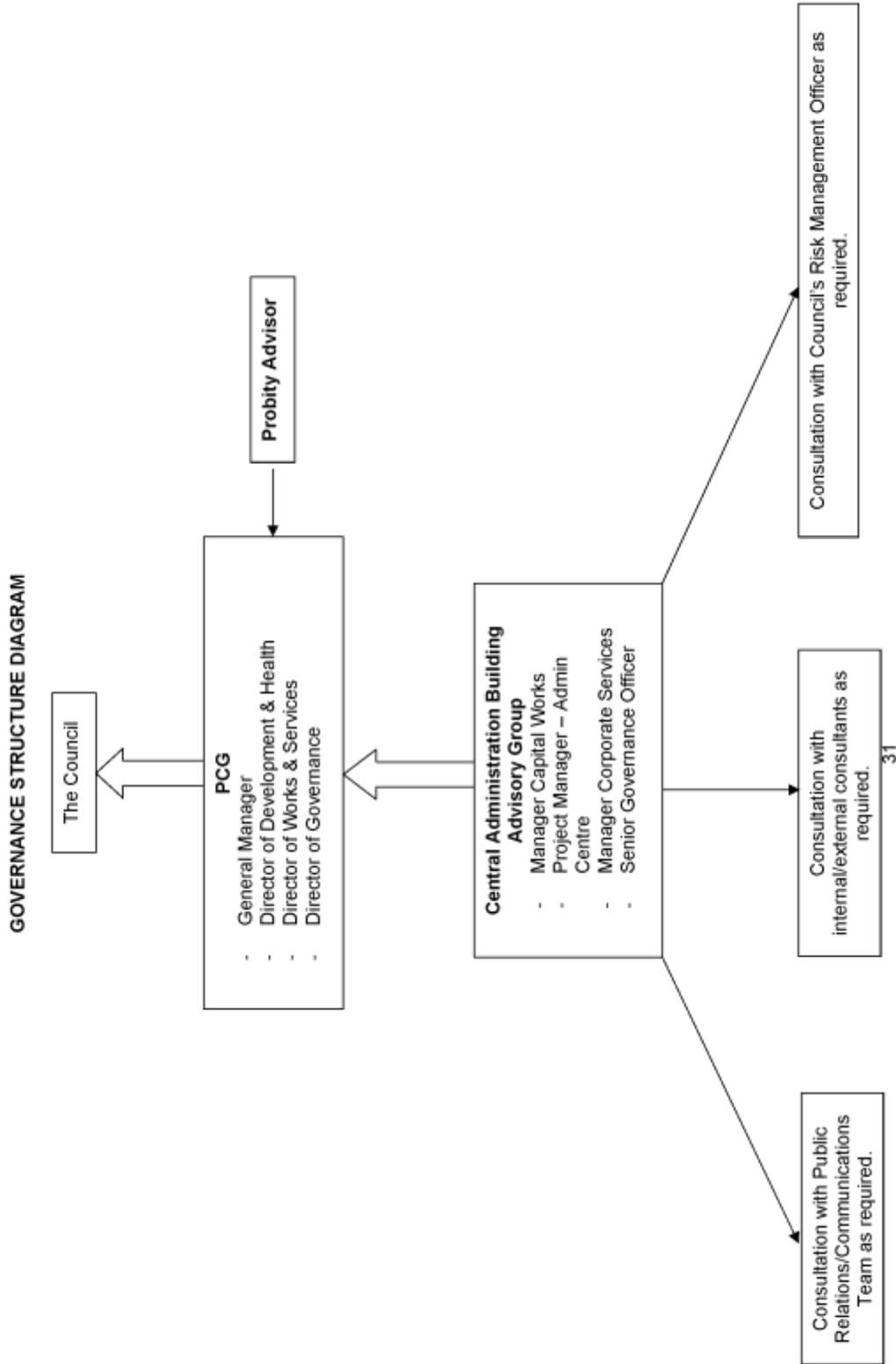
Description of Risk	Impact	Likelihood	Consequence	Level of risk	Treatment/Mitigation Actions	Individual/Group Responsible for Mitigation Action	Action taken
communication inadequate	Community pressure on Councillors				and implemented by PCG Implementation of Communication Plan monitored by PCG	PCG	
Decision making process not followed	Decisions made by inappropriate officers Role of Council and PCG undermined	Unlikely	Extreme	2	PCG oversees decision-making procedures Councillors receive regular briefings Final decisions taken by formal Council meeting	PCG PCG PCG	
No documented justification for decisions made	Review bodies have no records to confirm the process Decisions cannot be justified	Unlikely	Major	3	Appropriate records to be created and maintained Probity review at conclusion of Project	PROJECT MANAGER PROBITY ADVISOR	
Council does not document separation of roles related to development approval	Loss of confidence in approval processes Damage to Council reputation	Unlikely	Extreme	2	Separation of Council Functions prepared and endorsed by PCG Probity review at conclusion of Project	PCG PROBITY ADVISOR	
Procurement policies and guidelines not adhered to	Loss of confidence in Project	Unlikely	Extreme	2	Council procurement policies and procedures implemented. Probity advisor	PROJECT MANAGER PROBITY ADVISOR	

Description of Risk	Impact	Likelihood	Consequence	Level of Risk	Treatment/Mitigation Actions	Individual/Group Responsible for Mitigation Action	Action taken
Confidentiality Project documents not secured in accordance with Council policies	Sensitive planning or procurement information becomes available to unauthorised parties	Unlikely	Major	3	monitors procurement processes Council procedures in place for secure storage of hard copies and material on computer network All participants in procurement activities sign confidentiality deeds Information security requirements documented in evaluation plans for procurements	PROJECT MANAGER PROJECT MANAGER PROJECT MANAGER /PROBITY ADVISOR	
Public comment made by unauthorised persons	Inappropriate, inconsistent or incorrect information provided to the public	Unlikely	Major	3	Responsibility for public comment documented in Communications Plan Councillors advised of agreed protocol for public comment	PROJECT MANAGER PCG	
Obtaining Value for Money Extra costs expended due to poor performance of contractors and inadequate	Council embarrassment Delays to project Extra costs	Unlikely	Extreme	2	PCG ensures that Council allocates adequate resources to contract management.	PCG	

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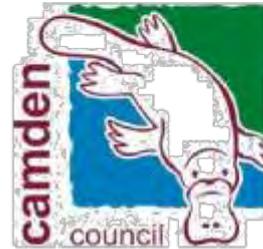
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Description of Risk	Impact	Likelihood	Consequence	Level of risk	Treatment/Mitigation Actions	Individual/Group Responsible for Mitigation Action	Accepted
management by Council Project risks, including probity risks, not managed	Project outcomes compromised	Moderate	Major	High	Prepare PMP, Probity and Risk Management Register	PCG	



ORD05

Attachment 1



Separation of Planning Powers

Camden Council Central Administration Building

Phase 3
Procurement, Design and Construction

February 2014

1. INTRODUCTION AND STATEMENT OF BUSINESS ETHICS

Camden Council is committed to conducting business in an open and ethical manner. In dealing with all matters relating to Development Assessment and approval, Council conducts its business with integrity, honesty, transparency and fairness.

Council will ensure that all policies, procedures and practices relating to development approvals are consistent with best practice and the highest standards of ethical conduct. All approvals and procurement activities and decisions will be fully and clearly documented to provide a clear audit trail and allow for effective probity and performance review. Councillors and members of staff will adhere to Council's Code of Conduct.

The ICAC in its publication "*Corruption Risks in the Development Approval Process*" (September 2007) noted "*that a consent authority has a conflict of roles between its different functions as a developer and land use regulator.*" For this Project, Council is the developer and owner of the Administration Centre and hence a plan is required to ensure the appropriate separation of functions.

The land upon which the Administration Centre will be developed was purchased for a nominal sum from Greenfields Development Corporation (GDC) (see Background below) and the Voluntary Planning Agreement (VPA) made with GDC includes a requirement that GDC provide a library and recreational facility adjacent to the planned Administration Building. This relationship requires a transparent process for the consideration of GDC development applications.

Council and GDC have agreed that the Development Application for the Administration Building development will be considered by the Joint Regional Planning Panel (JRPP) and not Council. This also applies to the recreation centre and library project.

The conflict of roles will also arise during the construction phase when issue of the construction certificate will be required followed by the occupation certificate.

As a result Councillors, Officers and Advisers will:

- abide by all relevant and applicable laws and regulations with transparency and accountability;
- respect and comply with Council's policies and procedures;
- deal fairly, honestly and ethically with all individuals and organisations;
- assess applications objectively, considering all relevant and material factors;
- avoid actual, potential or perceived conflicts of interest;
- protect confidential information and maintain appropriate records;
- never solicit or accept remuneration, gifts or other benefits from an applicant in the discharge of official duties; and
- respond promptly to reasonable requests for advice and information.

2. BACKGROUND

This document establishes Council's internal policy framework for the separation of planning powers in relation to the Camden Administration Centre

project and Greenfields Development Corporation (GDC). It also applies to the recreation centre and library to be delivered by GDC as part of the VPA.

This framework is subject to all terms, conditions and definitions that appear in the "Camden Administration Centre Probity Plan" (Phase 3).

As part of its commercial bid to secure Camden Council's new Administration Centre at Oran Park, Greenfields Development Corporation proposed to gift to Council 1.0 hectare of land. The outcome of negotiations with GDC was that Council purchased the land for a nominal consideration of \$10.00. The contract obliges GDC to fulfil a number of conditions related to planning approvals and the provision of services to the site.

Council recognises that this "land gift" creates probity issues that require proactive management. The desired outcome is to ensure that Council can demonstrate to the Department of Local Government, ICAC, Council's independent probity advisor and the wider community that there is a clear separation between Council's roles as developer v consent authority.

Through this policy framework, Council will seek to eliminate or reduce any perception that the "land gift" creates an environment conducive to corruption in matters relating to the assessment and approval of Oran Park Town Centre Development Applications.

3. PRIMARY ISSUE

Council acting as Developer v Council as Consent Authority.

4. APPLICATON

This policy framework applies to all development applications for sites within the Oran Park Town Centre. A copy of the map outlining the area to which this policy applies is **annexed (see Annexure C)** at the end of this document.

GDC development applications for other sites within the Camden Council Local Government Area can be dealt with in the normal manner with appropriate levels of transparency. The provisions of the Code of Conduct apply and particular attention should be given to real or perceived conflicts of interest.

5. DURATION

This policy framework and its integrated management plan remain in force until the last of the "primary" Development Applications for the Oran Park Town Centre is determined and the construction phase of the Administration Building is complete. For the purposes of clarity, "primary" means the planning, design and construction phases of the Administration Building.

The continued application of the policy framework will be reviewed at the point of completion of the Administration Building.

6. CURRENT STATUS

Shown in attachment "A" is a list of Council staff that serve on one or more approval, strategic or information groups. These groups currently interact in

some way with Oran Park/ Greenfields Development Corporation in regard to the proposed Oran Park Town Centre.

It is noted that the staff listed in Appendix A may change from time to time. Where this occurs, the PCG and/or the relevant Manager should inform Council's Governance Team of the change. The Governance Team will arrange for the relevant staff member to complete a Conflict of Interest Declaration following approval from Council's Probity Advisor.

This document describes how any direct or perceived, conflict or interest will (as a result of that interaction), be managed.

The desired outcome is to ensure that any such conflict or perception of conflict has been:

- (a) eradicated from the current approval process; or
- (b) managed to an extent that Council's external Probity Advisor has certified the proposed remedy as "in accordance with recognised probity guidelines".

The conflict of roles will also arise during the construction phase of the Administration Building when issue of the construction certificate will be required followed by the occupation certificate.

In order to deal with the conflict of roles, the regulation required during the construction phase will be undertaken as follows:

1. PCG to approve the conduct of a tender for the engagement of an independent private certifier to be the Principal Certifying Authority (PCA) for the construction phase of the Project;
2. the tender to be conducted by the Project Manager in accordance with Council procurement policies; and
3. the PCA to fulfil all steps required for issue of the Construction Certificate, undertake and document details of the inspections and professional certification required during the construction period and issue of the Occupation Certificate (interim and final as necessary).

7. STAFF REPRESENTATIVES ON ESTABLISHED MEETING GROUPS

Council officers serve on several different meeting groups (in some cases more than one), that interact with the GDC team, in relation to Oran Park Town Centre. Officer involvement includes, but is not necessarily limited to;

- information sessions;
- pre DA meetings;
- development applications in process of determination;
- section 94 contributions;
- industry forums and briefings; and
- Oran Park internal project control groups.

The principle yard stick for determining whether or not this framework applies to a particular officer is set out in the question below:

"Does the officer in question have, or could reasonably be perceived as having, the ability, to influence an outcome in a development matter involving the Oran Park Town Centre?"

and;

"Would the continued involvement of a Council officer in a particular forum or meeting group give rise to criticism of Camden Council, that it had allowed the creation of an environment conducive to corruption in matters relating to the Oran Park Town Centre?"

Staff who fall within this category will be provided with a briefing session on probity with Council's Probity Advisor to ensure that they are fully aware of their obligations.

8. APPROVAL MATRIX

Council is anxious to also be pro-active in the way that development applications received from GDC are handled internally. To this end, a "Development Application Approval Matrix" has also been prepared. The approval matrix details critical decision points based on the value of the application on lodgement.

A copy of the Matrix is attached as Annexure B.

9. RESPONSIBLE OFFICERS

The General Manager (as Chairman of the Administration Centre Project Control Group) and Director of Governance are responsible for the implementation and reporting on this policy.

Probity:

This policy framework and its satisfactory roll-out are subject to review by Council's external Probity Advisor as part of the ongoing probity reports on the Camden Administration Centre Project.

Annexure A

General Manager
Director Governance
Director Development & Health
Director of Works & Services
Project Manager, Central Administration Building
Manager Capital Works
Project Manager
Manager Development
Team Leader – Town Planning
Team Leader Land Development Engineers
Town Planner
Recreation and Facilities Planner
Manager Strategic Planning
Strategic Planner/Consultant
Team Leader, Strategic Planning
Urban Designer
Subdivision Engineer
Manager of Operations
Parks Coordinator
Manager of Corporate Service
Senior Governance Officer
Town Planner
Student Town Planner
Executive Planner
Team Leader Approvals
Manager Environmental Health
Specialist Environmental Health Officer
Team Leader Sustainability
Traffic Engineer
Team Leader Engineering Design
Public Relations Officer

and all or any staff who may become involved with the project from time to time, as notified by the PCG or the relevant Manager to the governance team, after consultation with the external probity advisor are deemed to be captured by this policy. It is noted that the list of relevant staff will be subject to change.

Annexure B

GDC Development Application Approval Matrix

DAs where GDC not the applicant and have no known interest (irrespective of value).	Council Officers assess DA in accordance with Council's adopted policies and delegations.
DAs less than \$5 Million &/or subdivision where GDC/Urban Growth are the applicant and/or have a known interest; or DAs less than \$5 Million for Council Administration Building (including the recreation centre and library project).	Council Officers assess DA in accordance with Council's adopted policies and delegations. Report and draft decision are peer reviewed by at least 2 senior Council officials (Manager level or above) prior to determination.
DAs greater than \$5 Million but less than \$20 million where GDC/Urban Growth are the applicant and/or have a known interest.	Council Officers assess DA in accordance with Council's adopted policies and delegations. Report and draft decision are peer reviewed by an external consultant prior to determination.
DAs greater than \$20 million where GDC/Urban Growth are the applicant and/or have a known interest.	JRPP are the consent authority. Council Officers assess DA in accordance with Council's adopted policies and delegations. Report and draft decision peer reviewed by an external consultant prior to determination by the JRPP.
DAs for Council Buildings greater than \$5 Million (including the recreation centre and library project).	JRPP are the consent authority. Assessed by an external Planning Consultant and determined by the JRPP

Note: GDC is taken to have an interest in a DA where any DA includes GDC or a related company as the applicant or has a share in the development. All other DA's are to be considered on a case by case basis.

Annexure C

Town Centre Map



ORD05

Attachment 1

ORD05

Attachment 1



Appendix C

Risk Management Plan

Camden Council Central Administration Building

Phase 3

Procurement, Design and Construction

February 2014

1. EXECUTIVE SUMMARY

This document provides a framework for the effective management of all levels of risk associated with the Camden Central Administration Centre project. Its application will provide an effective basis for prudent decision making in all aspects of the project.

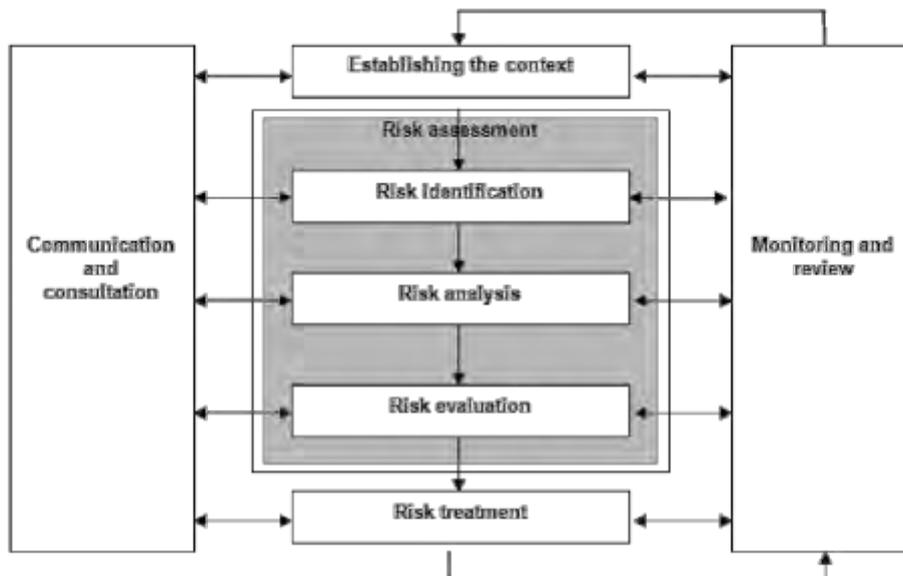
This document will achieve this by defining the following:

- Defining the project objectives and scope of risk management activities;
- Definitions of major risk sources and the criteria used to rate them;
- The process that will be/has been adopted by the Project Control Group (PCG) to identify, analyse, evaluate, and treat risks (risk assessment) during the project;
- How reporting on risk status, and changes to risk status, will be undertaken within the project;
- Establish a sound framework for communicating risk management activities with all project stakeholders; and
- Define the roles and responsibilities for the management of risk.

2. RATIONALE

Risk within this project will be managed using the standards and procedures set out in AS/NZ ISO 31000:2009 – Risk Management – Principles and Guidelines.

Risk Management Flowchart – AS/NZ ISO 31000:2009



3. DEFINITIONS

Risk: The effect of uncertainty on objectives.

Risk Management: Coordinated activities to direct and control an organisation/project with regard to Risk.

4. PROJECT BACKGROUND

Council acknowledges the significant anticipated population growth within the Camden Local Government Area over the next 30 years. To meet that challenge, in 2008 Council resolved to commence detailed planning for the design and construction of a new Central Administration Building.

The fundamental areas of work were;

- Select an appropriate site,
- Establish the overall building requirements, and
- Develop a funding strategy to support the works.

On 27 March 2012 Council resolved to:

- *accept the recommendation of the staff PCG (Project Control Group) and select Oran Park as the primary site for the construction of a new central administration building;*
- *enter into a contract for the sale of the Oran Park site (for minimal consideration) and;*
- *commence the procurement of a Senior Architect and Project Manager/s for delivery of the project.*

5. DEFINING PROJECT OBJECTIVES AND CONTEXT

The planning and execution of this project follows three logical phases:

- Phase One – Site selection;
- Phase Two – Contract negotiation; and
- Phase Three – Procurement, design and construction.

Although risks relating to decisions from each phase can inherently be passed on to future phases this risk plan focuses on Phase three – "Procurement, Design & Construction".

The objective of Phase one – "site selection" was to determine the site that best served the needs of a modern Central Administration Building for a Council unprecedented in growth. Oran Park was selected and a contract has been entered into with the developer pursuant to Council's resolution.

The primary objective for Phase two – "contract negotiation" was to negotiate a contract for sale for the site.

The primary objective for Phase three – "procurement, design and construction" is to determine the appropriate project delivery structure and design and construction procurement method. Following a detailed assessment by the PCG (and ratification by elected Council) the PCG will commence the requisite documentation and tender for design and construction services.

6. RISK MANAGEMENT CONTEXT

This plan considers the risks associated with Phase three; procurement, design and construction of the Central Administration Building.

Risks will be identified by the Project Control Group (PCG) and registered and assessed in the Project Risk Register (PRR). All efforts will be made to identify all known risks at the outset of the project. The PRR will be used to update and include newly identified risk as the project progresses.

7. RISK SOURCES

Consideration has been given to determining the main sources of risk for this project. They include, but are not limited to the following risk categories:

- Financial/
System –** The effect of capital financing strategies, cost vs. benefit, financial tracking against budget and failure of formal management systems.
- Reputation –** The internal and external perception of Council in relation to project decisions and the overall management of the project.
- Political –** The effect and influence stakeholders may have on the scope, direction and execution of the project.
- Compliance
/Legal –** The effect of authorities, formal regulations, and contractual agreements on all aspects of the project. These may include development requirements, DLG requirements, local, state, and federal legislation.
- Commercial –** The effect of market/economic conditions and viability/appropriateness of market information.
- Technical/
Resource –** The effect of technical issues on the project. This could include project management risk, lack of policy and procedures, lack of sufficient skills and resources, risks associated with resource management and/or lack of suitable qualified project staff.
- Safety/
Environment –** The effect of safety and environment components on the project.

8. RISK CRITERIA

Setting risk criteria helps define and articulate how risks and their impact will be evaluated and measured throughout the project. Consideration will be made in relation to:

- the causes and consequences of risk;
- how likelihood will be defined;
- how consequences will be defined; and

- ultimately, what impact particular risks will have on the overall project objectives?

The PCG has elected to populate a Risk Impact Table (RIT) outlining the main sources of risk and their agreed impact depending on the risk severity. These impacts have been developed by the PCG and key project stakeholders and specifically align to the nature and context of this project.

9. PROJECT RISK MATRIX (PRM)

The PCG has adopted a semi-quantitative risk assessment matrix to rate the likelihood and consequences of each risk with the ultimate goal to assigning a rating. To ensure the accuracy of risk ratings, all decisions made will consider the most current data available, relevant to the risk source.

		Likelihood			
		Very Likely Could happen anytime VL	Likely Could happen L	Unlikely Could happen but very rarely U	Very Unlikely Could happen but probably never will VU
Consequence	Extreme (E)	1	1	2	3
	Major (MJ)	1	2	3	4
	Moderate (MD)	2	3	4	5
	Minor (MI)	3	4	5	6

10. RISK OWNERSHIP/ACTION PLANS

Risk identified in the PRR will be allocated to an Officer/Consultant/Stakeholder (referred to as the "Actioning Officer") for development and implementation of a treatment plan. Development of the treatment plan will take place with the assistance of the Project Risk Manager.

The Actioning Officer will use accurate information from credible sources to develop and monitor risk treatments in consultation with the PCG and the Project Risk Manager.

Actioning Officers will utilise the information provided in the PRM and RIT in developing treatment plans and consider the risk tolerance levels and action timeframes in the table below.

Actioning Officers will report on the progress of risk analysis and treatment to the PCG and PRM based on predetermined time frames for each risk or as agreed with the PCG.

For the purpose of this plan, suitable candidates for "Actioning Officer" are deemed to be Branch Managers. These managers are accountable for risk analysis and treatment of risk as it relates to their area of responsibility in accordance with Council's structure.

Level of Risk from Matrix		
Level	Interpretation	Risk Tolerances and timeframes for corrective action
1	Extreme Risk	Requires urgent and immediate action to eliminate risk
2	Major Risk	Eliminate risk or develop comprehensive treatment plan within 1-7 days
3	Moderate Risk	Reduce risk and develop detailed treatment plan within 8-14 days
4	Minor Risk	Reduce risk and develop basic treatment plan 14-30 days

11. RISK ASSESSMENT

Risk assessment throughout this project will use the guidelines outlined in AS/NZ ISO 31000:2009 and assessment techniques in ISO 31010.

Identification

Risk identification involves determining which risks are likely to affect the project objectives. It involves the identification of risks that may lead to project outputs being delayed or reduced, budget over runs or a reduction in the quality of project outcomes.

Throughout this project the PCG has committed to the use of a rigorous decision making models to identify project risks. The intention is to minimise uncertainty and drive action plans that effectively progress project outcomes.

The following methods have been utilised to do so;

- Structured brainstorming sessions involving key stakeholders;
- Self-assessment questionnaires;
- Discussions with expert consultants;
- Analysis of reports and work breakdown structures; and
- A Decision Making Framework.

It is agreed that risk identification activities are an integral part of governance of the project in all phases. All identified risks will be recorded in the PRR.

Analysis

Risk analysis involves developing an understanding of risk in relation its source, likelihood of occurrence, consequences of occurrence, and overall impact on the project objectives. Analysis of risk also involves review of current controls and assessing risks against the predetermined risk criteria.

The PCG has elected to use the semi-quantitative risk matrix and a risk impact table to assess and analyse risks against an agreed set of criteria. Consideration will be given to the cause and source of each risk and its relationship/effect on other project risks.

Evaluation

The evaluation of risk is essential to determine what risks require treatment and what risks can be retained. Evaluation of risks also involves the ranking of risks in order of priority for treatment and discussing their relationship and impact to other identified risks. Ultimately risk evaluation should determine whether the resultant outcome was appropriate or whether further investigation is required.

Risk evaluation will be undertaken by the PCG and PRM to determine if risk ratings and risk impacts are current and realistic or whether further action may be required. The PCG and PRM will rank risk according to the risk rating and impacts to determine what risks require treatment.

Treatment

Risk treatment involves the process of determining a strategy that either reduces modifies or eliminates a risk. Risk treatment involves a process of:

- Selecting a treatment;
- Assessing its effect on the risk;
- Deciding whether the residual (outstanding) risk is acceptable;
- If not, altering the treatment; and
- Deciding to implement the treatment.

The following options are available when treating risks:

- Avoiding activity that give rise to the risk;
- Removing the source of the risk;
- Activities to alter the likelihood of occurrence;
- Activities to effect the consequence if it occurs;
- Sharing the risk with other parties i.e. Insurance, Contract Agreements etc; and
- Retaining the risk based on an informed decision.

The PCG understands that treatments should be selected based on cost/effort versus benefit/outcome. The PCG recognises that some risks involve multiple treatments and that some actions may result in negative impacts on other identified risks. Therefore all treatment strategies will undergo review by PCG and PRM to ascertain their impact on reducing the risk, the cost/effort versus benefit/outcome, and whether the appropriate information/technical sources have been used in its development.

12. MONITORING AND REPORTING

Risks entered into the PRR will be monitored and reviewed on a periodic basis subject to their rating and impact. This is ultimately to determine whether the rating and/or treatment is still relevant to the risk or requires updating.

The PCG will include review of risk management activities as a permanent item on project meeting agendas.

It is imperative that there are clear reporting lines for risk throughout the project cycle; more detail on reporting is contained in section 14 of this document.

13. COMMUNICATION AND CONSULTATION

Communication and consultation in relation to risk and risk management strategies is important for project stakeholders as there is a tendency to make judgements based on perception rather than facts.

Council has also developed a Communication Plan to direct and coordinate communication with stakeholders throughout the project including information relating to risk management activities. The PCG has also developed a Project Stakeholder Register (PSR) to manage and coordinate all communication for the planning and execution of the project. The PSR registers and rates all stakeholders in relation to their influence over the project versus the dependence the project has on them and tailors the communication strategy to suit their needs.

14. DECISION MAKING FRAMEWORK

It is essential that all decisions pay regard to the risk management process. To ensure that all project decisions are prudent, comprehensive and can withstand scrutiny, the PCG has established a decision making framework and will record all project decisions on a centralised decisions register.

Project decisions will be considered based on the following categories:

Strategic: These are major decisions that change the strategic direction of the project, including major changes to the project scope. These decisions should be referred to the Elected Council for approval before proceeding

Tactical: These are decisions that affect the scope or operation of the project and could include; appointment of a consultant or entering into a new contract with a third party, any major changes to governance processes, or changes in overall objectives of the project. These decisions should be referred to the PCG for approval before proceeding.

Operational: These are decisions made by individual Officers of Council that only affect minor elements of the project.

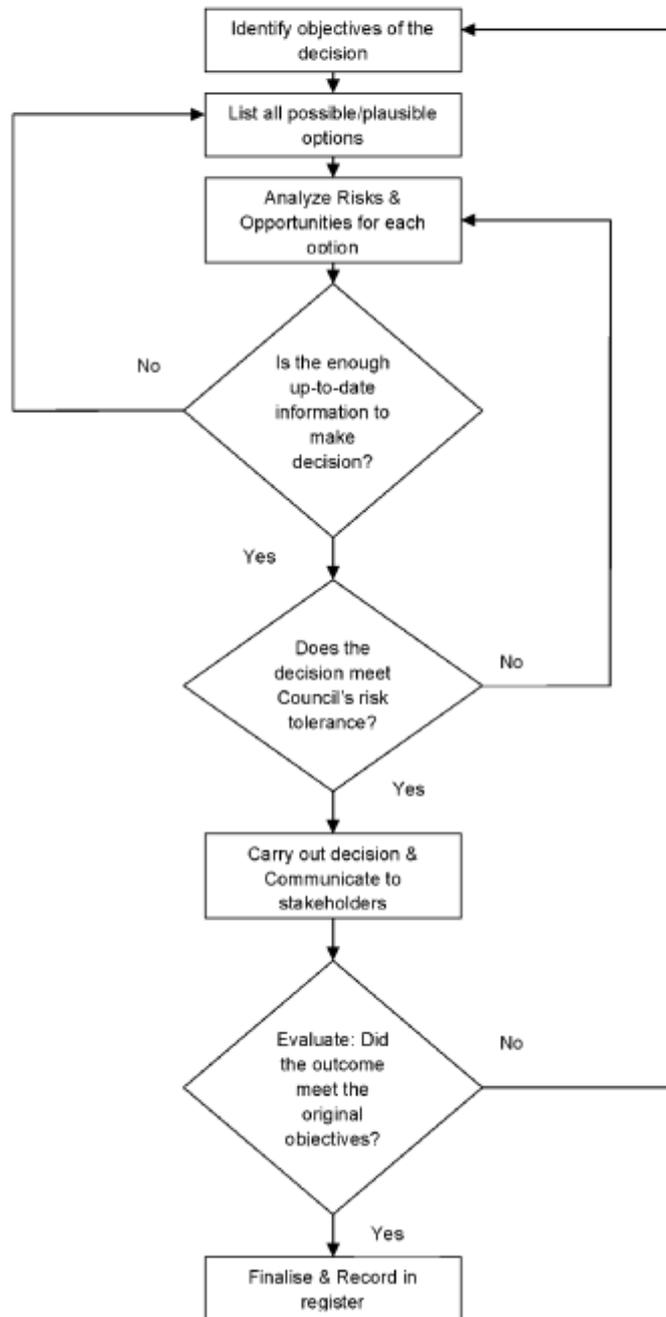
Once decision are categorized, the PCG will use the process set out by the "*Decision Making Flowchart*" to analyse possible decisions and record the outcome in the Decisions Register.

Decision Making Flowchart

The following is a flowchart that illustrates the decision making process adopted by the PCG:

ORD05

Attachment 1



15. RISK MANAGEMENT RESPONSIBILITIES

Council

- Adopt this risk management plan to support the project planning and execution;
- Consider the advice from the PCG in relation to risks and treatment plans; and
- Ensure that funding is made available to adequately manage risks identified throughout the project.

Project Control Group/ELG

- Promote the use of this risk management plan and associated risk tools such as PRR, PRM, and RIT in all aspects of project planning and execution;
- Report to Council on the progress of risk management activities;
- Register newly identified risks in the PRR.
- Develop and maintain this project risk management plan, PRR, PRM, RIT, and PSR;
- Identify, analyse, evaluate, and treat all risks (risk assessment) associated with this project on a holistic basis;
- Review all risk ratings and treatments on a periodic basis as required by the PRR; and
- Consider advice from the PRM in relation to risk assessments, risk sources, and risk treatments.

Risk Management Officer

- Develop and maintain the Project Risk Management Plan, PRR, PRM, RIT, and PSR;
- Monitor the PRR and assist with risk assessments. Develop risk identification tools and risk treatment plans and evaluate their effectiveness and impact on the original project objectives;
- Review all risks entered into the PRR and follow up with the PCG to ensure risks are managed in an appropriate and timely manner; and
- Ensure risk management is considered in all aspects of project planning and execution.

Action Officers

- Assist PCG and PRM with risk identification;
- Conduct risk analysis with regard to the most up-to-date data;
- Develop treatment plans in conjunction with PCG and PRM for risk allocated for action; and
- Report all risks and risk issues to PRM within the required timeframes.

ORD05

Attachment 1



Appendix D

Communication Plan

Camden Council Central Administration Building

Phase 3

Procurement, Design and Construction

February 2014

1. BACKGROUND

Since early 2008, Council has been investigating the need to construct a new Central Administration Building that will cope with current and future staffing requirements and the demands of a rapidly growing local population. In July 2011 Council resolved to pursue in detail the development of a new Central Administration Building at one of two locations:

1. Narellan (which houses part of the current Administration) or;
2. Oran Park, on a site that will house all current and future staff in one central location.

The purpose of this document is to provide a protocol that ensures key stakeholders are actively informed of relevant project milestones and the processes behind the key decisions that lead to selection of the preferred site. The list of stakeholders includes (but is not necessarily limited to) the following:

- Federal MP's, State MP's & elected Council;
- Council's senior executive team;
- Council staff; and
- the wider community.

The hierarchy on decision making for the Project places Councillors at the top as Project Owners, with the Executive Leadership Group (ELG) as Project Sponsor.

The Project Control Group (PCG) is made up of ELG – the General Manager, Director of Development and Health, Director of Works and Services and Director of Governance. The PCG is supported by an Implementation & Project Team and Central Administration Building Advisory Group.

2. PROJECT CONTROL GROUP

The primary team responsible for the overall Project is the PCG which is chaired by the General Manager.

The PCG will meet monthly (at a minimum) depending on Project progress and Minutes of Meetings will be kept and made accessible to the public in accordance with the *Government Information Public Access Act 2009* (GIPAA) guidelines. The first formal meeting of the PCG was held on 23 August 2011.

Councillor Briefings

The PCG will provide briefings to the elected Council on the progress of the Project as required. From time to time significant stand-alone issues, (which may ultimately require a resolution of Council at an ordinary meeting) may present themselves. In this case extraordinary briefings may be required. Extra briefings to external parties may also be held at the General Manager's request.

Ordinary Meetings

As required, significant issues will be taken to the project sponsor (ELG/PCG) and then to an Ordinary Meeting of Council for determination. Where the *Local Government Act 1993* prescribes, a Council resolution will be tabled to ensure compliance.

Periodic Reviews

It is proposed that as some Councillors may not be able to attend all project briefing sessions, a progress report on the Project (in the form of an information item) will be listed on Council's general business paper on a periodic basis.

Communications Strategy

This strategy provides the framework for the communications plan for the new Central Administration Building Project.

This strategy serves as a signpost, indicating the stakeholders that Councillors and the Project Team should work with and communicate with at various stages of the Project, and highlights the various communication tools for reaching stakeholder groups.

If this strategy were to be summarised in one word it would be: ***transparent***. Communication of the new Central Administration Building Project will be proactive. *Where appropriate, Council will contact stakeholders and the community, at every opportunity, to keep them informed and to hear their views and opinions.*

All communication prepared for the project must be done in consultation with Council's Corporate Communications Unit.

Projects and Stakeholders

As noted above the key stakeholders potentially impacted by this project include:

- Local and State Members of Parliament.
- Elected Council
- Council Staff
- The Camden Community
- Chamber of Commerce
- Local Press

Communication Tools*Personal Communication*

Presentations
Audiovisuals
Letters
Telephone calls
Customer service

Publications

Quarterly newsletter
Information sheets
Internet (Council's web site)

Media

local media: editorial, advertising,
metropolitan media
specialist press

Staff communication

Consultative Committee
staff briefings/cascade
Intranet
staff pay-slips

Public displays

library loop
information brochures

(NB: Not all communication tools are relevant to each stakeholder group.)

Communicating with stakeholders

There are two groups which are instrumental as conduits between Council and the Community: Councillors and staff. Councillors are well placed as elected community representatives as an advisory group to help develop and grow the Project.

Camden has almost 350 permanent, casual and contract employees. Each staff member, in the community's eyes, is Camden Council. Therefore staff are also an important stakeholder group. **It is imperative that staff be kept up-to-date with Project information** well in advance of information being placed into the wider community.

Frequently Asked Questions (FAQs)

Two-way communication flow is always important. A mechanism will be developed so questions received by councillors and staff can be recorded and added to a Frequently Asked Questions (FAQ) list. This list will be updated with anticipated questions and answers as the Project progresses and as questions are received. It is currently planned to use Council's website and existing Customer Service Counters for gathering enquiries as well as posting responses/updates.

3. COMMUNICATION TOOLS

Presentations

The Director of Governance will provide updates (in the form of personal verbal presentations) to:

- Elected Council (on a quarterly basis, as a minimum)
- Staff (quarterly or more often given project progress)
- Local MP's (on an as requested basis)
- The Community (if required as directed by the General Manager)

Letters

The value of a timely, simply worded letter cannot be ignored as a medium for offering progress reports and keeping stakeholders informed.

These progress letters are specifically targeted to State and Federal Members of Parliament, and stakeholders and only when triggered by specific events or the achievement of key milestones.

Telephone calls

A personal call in response to a request from a resident or other stakeholder's offers quick feedback to enquiries. Telephone enquiries must be returned within 24 hours of being received. A log of all calls and the questions raised will be maintained.

Customer Service

As Council's major 'point of contact', the Customer Service Centre provides an opportunity for the distribution of clear concise up to date project information.

Customer Service Staff are a key part of the communications process offering person-to-person contact for anyone with an enquiry. Ensuring that this section has immediate access to current information is extremely important. Customer Service staff will be updated bi-monthly on the status of the project.

Internet

Council's website will include an updated "status" of the project at all times.

Media

Camden's local media are themselves a stakeholder group, however they can also be considered as a valuable communication resource for reaching our local community. In the early stages of the Project, we cannot hope for frequent features from our local press but as the project draws near and is announced we can expect to have fortnightly to weekly coverage.

By maintaining transparency in the Project and keeping an open dialogue with the editors and their senior writers, Council stands a much better chance of having the Project reported in a positive and balanced way.

4. STAFF COMMUNICATION

Cascade briefings

The Director of Governance will provide regular updates to ELG. In turn each Director will provide updates at their Managers meetings and then to all staff in their Branches. This will ensure information is being disseminated throughout the organisation and that staff feedback is being received. Particular attention will be paid to ensuring that outdoor staff are kept up to date.

Intranet

Where it is necessary (or felt more appropriate) Council's intranet system will be used a tool to disseminate information.

Consultative Committee

Staff will be informed of progress and updates through the Consultative Committee in accordance with Council's Policies and Procedures.

Staff pay-slips

Staff receive their pay notices each week. Major event information, as it occurs, can be attached to the payslips. This mechanism will not be used as a regular communication tool or it will lose its effectiveness. ELG will determine how and when it will be used.
