



CUMBERLAND COUNCIL

Council Meeting

Wednesday, 18 July 2018 at 6.30pm

Cumberland Council Chambers

Merrylands Service Centre, 16 Memorial Avenue, Merrylands

Councillor Contact Details

Granville Ward

Clr Steve Christou	0419 651 187	Steve.Christou@cumberland.nsw.gov.au
Clr Ola Hamed	0405 070 007	Ola.Hamed@cumberland.nsw.gov.au
Clr Joseph Rahme	0418 995 471	Joseph.Rahme@cumberland.nsw.gov.au

Greystanes Ward

Clr Greg Cummings (Mayor)	0417 612 717	Greg.Cummings@cumberland.nsw.gov.au
Clr Ross Grove	0418 987 241	Ross.Grove@cumberland.nsw.gov.au
Clr Eddy Sarkis (Deputy Mayor)	0418 306 918	Eddy.Sarkis@cumberland.nsw.gov.au

Regents Park Ward

Clr Ned Attie	0419 583 254	Ned.Attie@cumberland.nsw.gov.au
Clr George Campbell	0409 233 315	George.Campbell@cumberland.nsw.gov.au
Clr Kun Huang	0418 911 774	Kun.Huang@cumberland.nsw.gov.au

South Granville Ward

Clr Glenn Elmore	0418 459 527	Glenn.Elmore@cumberland.nsw.gov.au
Clr Paul Garrard	0427 064 687	Paul.Garrard@cumberland.nsw.gov.au
Clr Tom Zreika	0449 008 888	Tom.Zreika@cumberland.nsw.gov.au

Wentworthville Ward

Clr Lisa Lake	0418 669 681	Lisa.Lake@cumberland.nsw.gov.au
Clr Suman Saha	0419 546 950	Suman.Saha@cumberland.nsw.gov.au
Clr Michael Zaiter	0418 432 797	Michael.Zaiter@cumberland.nsw.gov.au

For information on Council services and facilities please visit www.cumberland.nsw.gov.au

ORDER OF BUSINESS

- 1 Opening Prayer / Acknowledgement of Country / National Anthem**
- 2 Notice of Live Streaming of Council meeting**
- 3 Apologies**
- 4 Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**
- 5 Confirmation of Previous Minutes**
C07/18-130 Minutes of the Ordinary Meeting of Council - 04 July 20185
- 6 Mayoral Minutes**
Nil
- 7 Public Forum / Invited Speakers**
- 8 Items Resolved by Exception**
- 9 Reports to Council**
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- 10 Reports from Committees**
Nil
- 11 Motions pursuant to Notice**
Nil

12 Notices of Rescission

Nil

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Nil

14 Presentation of Petitions

Nil

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Note: Included in Closed Council in accordance with Section 10A(2)(c) of the Local Government Act as the information involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Item No: C07/18-130

MINUTES OF THE ORDINARY MEETING OF COUNCIL - 04 JULY 2018

Responsible Division: Corporate & Community
Officer: Group Manager, Corporate and Customer

REPORT RECOMMENDATION:

That Council confirm the minutes of the Ordinary Meeting of Council held on 4 July 2018.

ATTACHMENTS

1. Council Minutes - 4 July 2018

**DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-130**

**Attachment 1
Council Minutes - 4 July 2018**

Minutes of the Council Meeting 04 July 2018

Meeting commenced at 6:30pm

Present:

Greg Cummings (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor (arrived 6:49pm)
Ned Attie	Councillor
George Campbell	Councillor
Steve Christou	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ross Grove	Councillor
Ola Hamed	Councillor
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor (arrived 6:39pm)
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor
Brooke Endycott	Acting General Manager
Brendan Govers	Acting Deputy General Manager - Environment & Infrastructure
Charlie Ayoub	Acting Deputy General Manager - Corporate & Community

Also Present:

Peter Fitzgerald	Group Manager Roads & Waste
Adrian Burns	Group Manager Parks & Recreation
Carol Karaki	Governance Coordinator
Olivia Shields	Governance Administration Officer

Opening Prayer

The opening prayer was here read by Rev. Elizabeth Orr from Holroyd Uniting Church.

Acknowledgement of Country

The Mayor, Councillor Cummings, opened the Meeting with the following Acknowledgement of Country:

"I would like to acknowledge the traditional owners of this land – the Darug People, and pay my respects to their elders both past and present."

National Anthem

At this point in the meeting the Mayor, Councillor Cummings, asked all of those in attendance to stand for the playing of the Australian National Anthem.

Notice of Live Streaming of Council meeting

The Acting General Manager advised that the Council meeting was being streamed live on Council's website and members of the public must ensure their speech to the Council is respectful and use appropriate language.

Apologies/Leave of Absence

Nil

Declarations of Pecuniary & Non Pecuniary Conflicts of Interest

There were no declarations of interest.

Confirmation of Minutes

Min.192 C07/18-120 Minutes of the Ordinary Meeting of Council - 20 June 2018

Resolved (Garrard/Huang)

That Council confirm the minutes of the Ordinary Meeting of Council held on 20 June 2018.

Public Forum:

Speakers on General items

Speaker	Subject	Suburb
David Burrows	Affordable Housing Cumberland LGA	Guildford
Rebecca Adams	TPG (Chief Petitioner)	Berala
Martin F McGhee	TPG	Berala
Lydia Bradatsch	TPG	Lidcombe

Min.193 Matter of Urgency - Petition relating to Installation of Small-Cell Telecommunication Facility

Resolved (Campbell/Sarkis)

That in accordance with Clause 2.7(3)(b) of the Cumberland Council Code of Meeting Practice, Standing Orders be suspended to permit the Matter of Urgency in relation to the Petition regarding the installation of small-cell telecommunication facility to be considered.

The Mayor, Councillor Cummings, ruled in accordance with Clause 2.7(3)(b) of Council's Code of Meeting Practice that the matter was of great urgency.

Min.194 Matter of Urgency - Installation of Small-Cell Telecommunication Facility

Note: During the consideration of this item Ms Rebecca Adams and Ms Gina Tomazos made representation in relation to this matter.

Resolved (Campbell/Sarkis)

That Council:

1. Lodge a complaint with the Australian Communications and Media Authority pursuant to the Industry Code C564:2011 Mobile Phone Base Station Deployment (the Code) that TPG has not complied with the procedural consultation requirements set out in the Code because the installation of various low input facilities has occurred prior to the conclusion of the consultation process required under the Code.
2. Request that TPG respond to Council's correspondence setting out its objections, and upon receipt of that response from TPG, if Council remains dissatisfied, Council ask TPG, in writing, to refer its objection (in Council's correspondence) to the Telecommunication Ombudsman pursuant to Clause 4.36 of the Telecommunications Code of Practice 2018.

Councillor Rahme left the Meeting at 7:00pm and returned at 7:03pm during the consideration of this item.

Carried Unanimously

Min.195 Items by Exception

Resolved (Sarkis/Saha)

At this time of the meeting, all items on the agenda not called for discussion were moved collectively, as shown:

That item numbers C07/18-121, C07/18-122, C07/18-123, C07/18-125 and C07/18-126 be moved in bulk.

Councillor Rahme left the Meeting at 7:10pm and returned at 7:11pm during the consideration of this item.

Min.196 C07/18-121 Draft Compliments and Complaints Management Policy

Resolved (Sarkis/Saha)

That Council place the *Draft Compliments and Complaints Management Policy* and *Draft Compliments and Complaints Management Guidelines* on public exhibition for a

period of 28 days, with a report to be provided back to Council following the conclusion of the exhibition period.

Min.197 C07/18-122 Adoption of the Cumberland Community Safety and Crime Prevention Plan 2018 - 2022

Resolved (Sarkis/Saha)

That Council:

1. Adopt the *Cumberland Community Safety and Crime Prevention Plan 2018 - 2022* as amended;
2. Notify persons or organisations who made a submission of Council's decision; and
3. Submit the *Cumberland Community Safety and Crime Prevention Plan* to the NSW Department of Justice for endorsement as a Safer Communities Compact.
4. Receive an itemised report annually as to the detailed progress of actions undertaken.

Min.198 C07/18-123 Progress Report on Town Centre Community Safety and Access Audits

Resolved (Sarkis/Saha)

That:

1. Council receive the report.
2. A further progress report on the Town Centre Community Safety and Access Audits be provided to Council, which itemises the separate recommended actions for each Town Centre and the progress to date in implementing these actions. The report should list separately those actions which have been implemented as final actions and those actions which have been implemented but require ongoing action.

Min.199 C07/18-125 Auburn Resident Parking Scheme

Resolved (Sarkis/Saha)

That Council:

1. Proceed with the implementation of a Resident Parking Scheme in Susan Street, Auburn between Beatrice Street and Helena Street, and assess the performance of the Resident Parking Scheme after one year's operation; and
2. Notify persons or organisations who made a submission of Council's decision.

**Min.200 C07/18-126 Cumberland Traffic Committee - Minutes of Meeting
Held on 6 June 2018**

Resolved (Sarkis/Saha)

That the minutes of the Cumberland Traffic Committee held on 6 June 2018 be received, and the recommendations contained therein be approved subject to concurrence from the Auburn Police Area Command and State Member for Prospect.

Min.201 C07/18-124 Auburn Botanic Gardens Masterplan

Motion (Garrard/Sarkis)

That Council adopt the draft Auburn Botanic Gardens Masterplan, including proposed amendments as attached to this report and further consult with appropriate Japanese authorities to comment on the Masterplan.

Amendment (Zreika/Attie)

Delete "and further consult with appropriate Japanese authorities to comment on the Masterplan."

The Amendment moved by Councillor Zreika seconded by Councillor Attie on being Put to the meeting was declared LOST on the voices.

The motion moved by Councillor Garrard seconded by Councillor Sarkis on being Put was declared CARRIED on the voices to become the resolution of Council.

Councillor Christou left the Meeting at 7:13pm and returned at 7:15pm during the consideration of this item.

C07/18-125 Auburn Resident Parking Scheme

This item was dealt with earlier in the meeting.

**C07/18-126 Cumberland Traffic Committee - Minutes of Meeting
Held on 6 June 2018**

This item was dealt with earlier in the meeting.

**Min.202 C07/18-127 Notice of Motion - Outdoor Screening of Family
Movies**

Resolved (Elmore/Saha)

As part of Council's Culture and Activation program, that Council Officers provide a report on the feasibility of holding outdoor screenings of appropriate movies during the

summer of 2019.

The report should include:

1. Suitable locations for the screenings within Cumberland Council's Gardens;
2. Estimates of costings and available funding within the Council's Community Events budget;
3. Any logistical and event management requirements;
4. An exploration of sponsorship funding opportunities; and
5. Feedback from Council's Events Advisory Committee.

Councillor Zreika left the Meeting at 7:50pm and returned at 7:52pm during the consideration of this item.

Min.203 C07/18-128 Notice of Motion - Public Toilets in Regents Park Library

Resolved (Campbell/Huang)

That Council proceed with installing toilet facilities for the public within the Regents Park Library and allocate funding of \$70,000 in the Quarter 1, 2018/19 Budget Review process.

Councillor Hamed left the Meeting at 7:59pm and returned at 8:02pm during the consideration of this item.

Min.204 CLOSED SESSION

Resolved (Sarkis/Attie)

At this stage of the meeting being 8:05pm the Mayor advised that in accordance with Section 10a of the Local Government Act 1993 the meeting would move into Closed Session, with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld.

This action was taken as the items listed were within the following provisions under Section 10a of the Local Government Act:-

- 2(d) commercial information of a confidential nature that would, if disclosed:*
(i) prejudice the commercial position of the person who supplied it, or
(ii) confer a commercial advantage on a competitor of the council.

In accordance with Council's Code of Meeting Practice, the Mayor Councillor Cummings asked the members of the public gallery if they wish to make representation prior to the meeting entering into closed session.

Councillor Hamed left the Meeting at 8:05pm during the consideration of this item.

Min.205 OPEN SESSION

Resolved (Attie/Sarkis)

Council returned to open session at 8:07pm to resolve the below Confidential Item:

C07/18-129 Works In Kind Agreement - 1-11 Neil Street, Merrylands

Min.206 C07/18-129 Works In Kind Agreement - 1-11 Neil Street, Merrylands

Resolved (Attie/Sarkis)

That Council enter into a Works in Kind Agreement with Landmark Group Australia Pty Ltd, and delegate to the General Manager the authority to execute the Works In Kind Agreement in accordance with the recommendations outlined in this report.

Councillor Hamed returned to the Meeting at 8:08pm during the consideration of this item.

The Mayor closed the meeting at 8:08pm.

Chairperson _____ Acting General Manager _____

Item No: C07/18-131

INVESTMENT REPORT JUNE 2018

Responsible Division: General Manager's Department
 Officer: Chief Financial Officer
 File Number: 05-01/05
 Community Strategic Plan Goal: *Transparent and accountable leadership*

SUMMARY

This report provides an update on the performance of Council's investment portfolio to 30 June 2018.

RECOMMENDATION:

That the report be received.

REPORT

Included in this report are the following items that highlight Council's investment portfolio performance for the month, year-to-date to 30 June 2018 and an update of the investment environment.

Council Investments as at 30 June 2018

Council's investment portfolio has a current market value of \$145,071,897. This represents a premium of \$1,528,975 above the face value of the portfolio being \$143,542,921 and generates a 2.86% average purchase yield. The following table reflects Council's holding in various investment categories.

Categories	Face Value (\$)	Current Value (\$)	Current Yield (%)
Cash	2,406,114	2,406,114	1.1704
Floating Rate Notes	33,000,000	33,210,619	3.1977
Floating Rate Term Deposit	3,000,000	3,013,670	3.0800
Managed Funds	6,136,807	6,136,807	1.8957
Term Deposits	99,000,000	100,304,687	2.8303
Total Cash Assets	143,542,921	145,071,897	2.8573

Investment Portfolio Performance

The investment returns for the month year-to-date of 30 June 2018 underperformed the current month benchmark and exceeded the year-to-date benchmark.

Performance – Current Month 30 June 2018

For the month of June, Council's portfolio generated interest earnings of \$348,424. This is \$11,772 lower than the budget of \$360,196 and outperformed the AusBond Bank Bill Index by 0.71%, as detailed below:-

Monthly Results	Income	Budget	Variance	Portfolio Performance	AusBond BB Index	Outperformance
Total Portfolio	348,424	360,196	- 11,772	2.57%	1.86%	0.71%

Performance – Year-to-date 30 June 2018

For the year-to-date, Council's portfolio generated interest earnings of \$4,373,859. This is \$51,500 higher than the budget of \$4,322,359 and outperformed the AusBond Bank Bill Index by 0.90%, as per below:-

FYTD Results	Income	Budget	Variance	Portfolio Performance	AusBond BB Index	Outperformance
Total Portfolio	4,373,859	4,322,359	51,500	2.68%	1.78%	0.90%

COMMUNITY ENGAGEMENT

There are no consultation processes for Council associated with this report.

POLICY IMPLICATIONS

There are no policy implications for Council associated with this report.

RISK IMPLICATIONS

To manage risk, key criteria are incorporated into Cumberland Council's investment making decisions, as detailed below:-

Preservation of Capital

The requirement for preventing losses in an investment portfolio's total value (considering the time value of money).

Diversification

Setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk.

Credit Risk

The risk that an investment of Council fails to pay the interest and/or repay the principal of an investment.

Maturity Risk

The longer the term of the investment, the greater the exposure to potential changes in interest rates, market volatility and credit quality of an issuer.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

Council hereby certifies that the investments listed above have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2005* and *Council's Investment Policy*.

ATTACHMENTS

1. Investment Summary Report June 2018
2. Economic and Investment Portfolio Commentary June 2018

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-131

Attachment 1
Investment Summary Report
June 2018

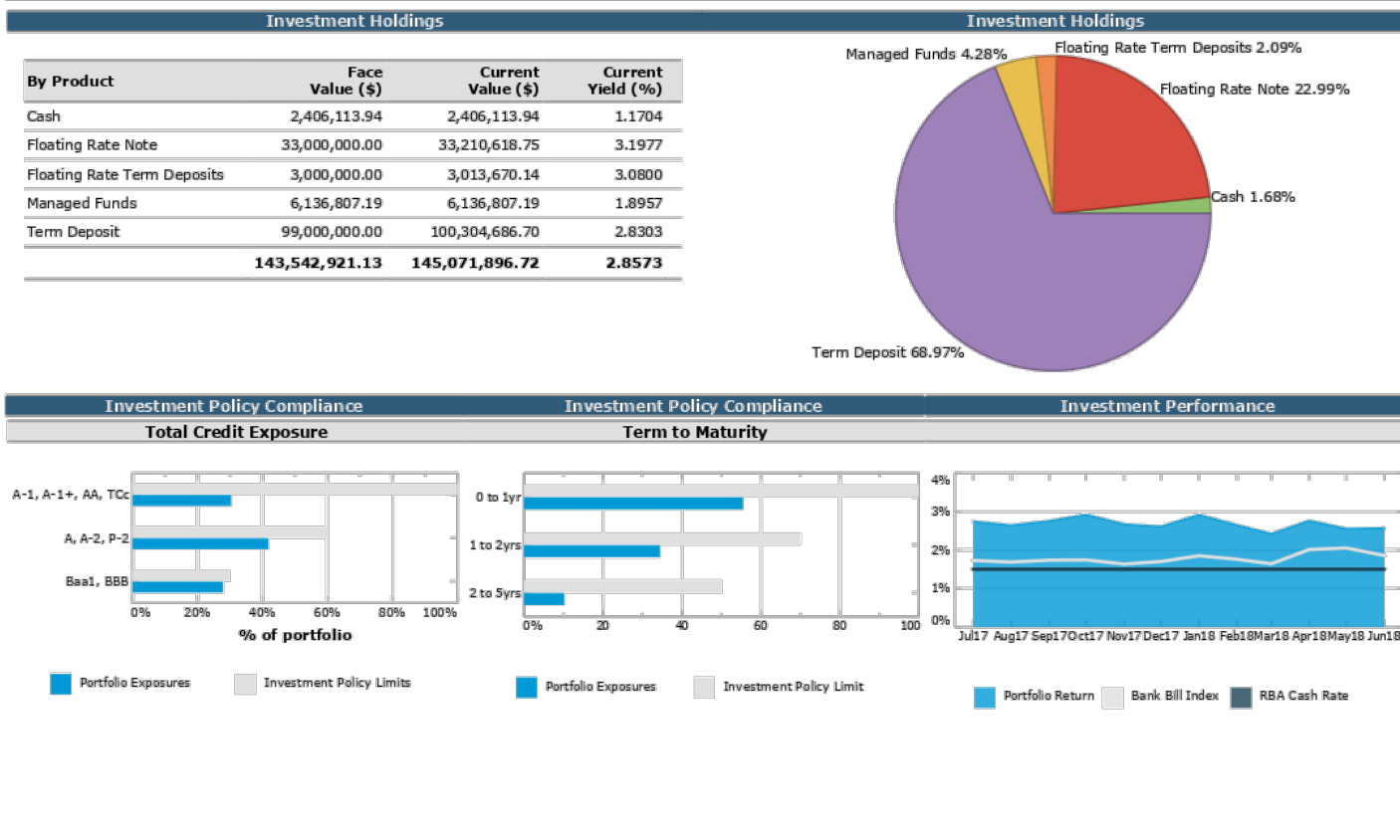


**Investment Summary Report
June 2018**

Cumberland Council
Investment Summary Report - June 2018**Contents**

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Cumberland Council
Executive Summary - June 2018

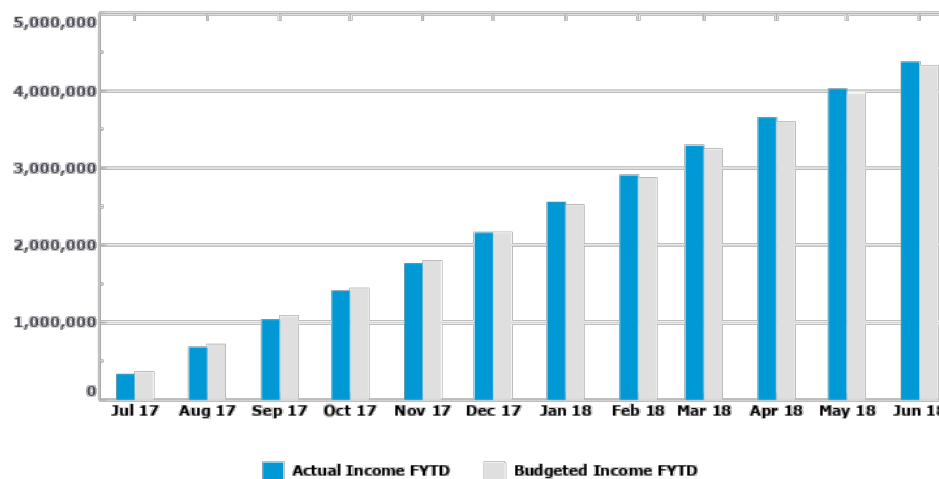


Cumberland Council
Actual Interest Report - June 2018

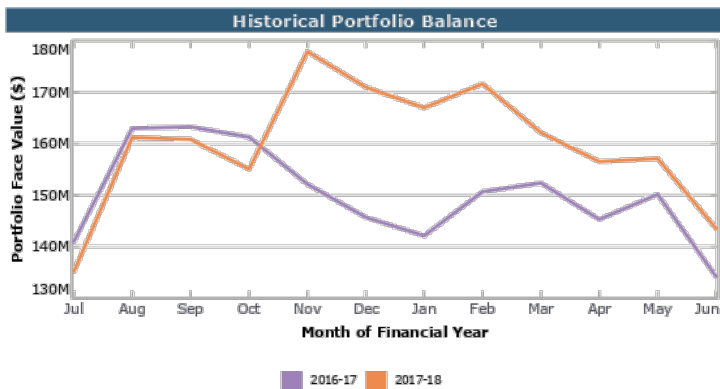


Budgeted vs Actual Returns

	Monthly Income	YTD Actual	YTD Budgeted
July 2017	332,376	332,376	360,197
August 2017	347,936	680,312	720,393
September 2017	359,941	1,040,254	1,080,590
October 2017	371,990	1,412,244	1,440,786
November 2017	354,283	1,766,527	1,800,983
December 2017	398,042	2,164,569	2,161,180
January 2018	395,553	2,560,122	2,521,376
February 2018	345,119	2,905,241	2,881,573
March 2018	384,382	3,289,623	3,241,769
April 2018	365,315	3,654,938	3,601,966
May 2018	370,498	4,025,435	3,962,162
June 2018	348,424	4,373,859	4,322,359



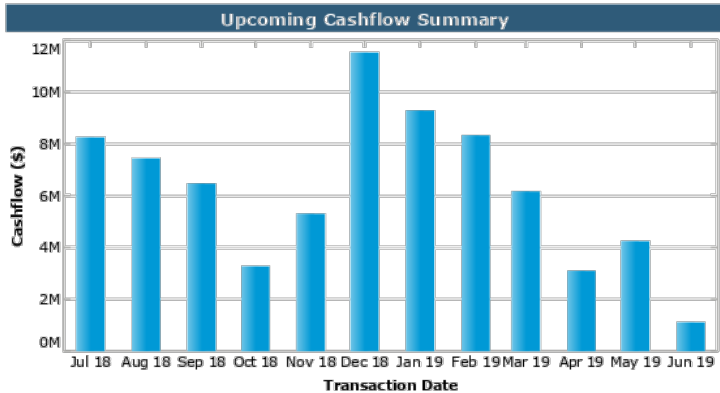
Cumberland Council
Investment Cashflows - June 2018



Historical Portfolio Balance

	2017-18	2016-17
July	135,219,808	141,042,431
August	161,242,007	163,000,071
September	160,837,580	163,284,299
October	155,064,698	161,284,430
November	177,893,196	152,152,205
December	170,981,887	145,721,426
January	166,987,449	142,132,500
February	171,625,251	150,682,938
March	162,147,918	152,380,530
April	156,536,971	145,312,554
May	157,129,883	150,172,027
June	143,542,921	134,234,218

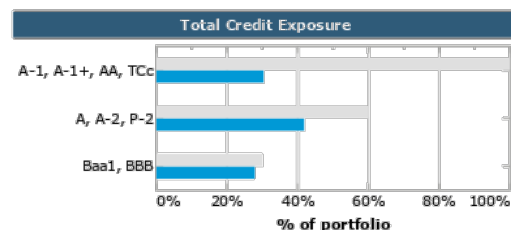
Average 12 month Portfolio Balance 154,167,117



Upcoming Cashflow Summary

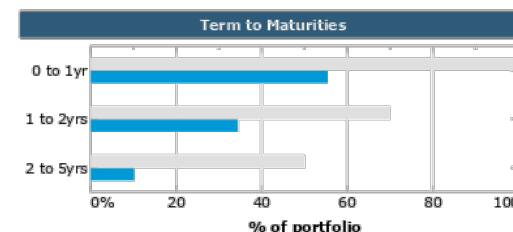
	Amount
July 18	8,254,651
August 18	7,441,675
September 18	6,476,380
October 18	3,275,545
November 18	5,305,220
December 18	11,531,336
January 19	9,297,099
February 19	8,334,120
March 19	6,170,229
April 19	3,104,033
May 19	4,246,294
June 19	1,110,951

Cumberland Council
Investment Policy Compliance Report - June 2018



■ Portfolio Exposure ■ Investment Policy Limit

Credit Rating		Exposures		Policy Max	
		(\$)	(%)		
Long Term	AA	12,000,000			
Short Term	A-1	2,000,000			
Short Term	A-1+	23,406,114			
Short Term	TCc	6,136,807			
		43,542,921	30%	100%	✓
Long Term	A	12,000,000			
Short Term	A-2	46,000,000			
Short Term	P-2	2,000,000			
		60,000,000	42%	60%	✓
Long Term	Baa1	2,100,000			
Long Term	BBB	37,900,000			
		40,000,000	28%	30%	✓
		143,542,921	100%		

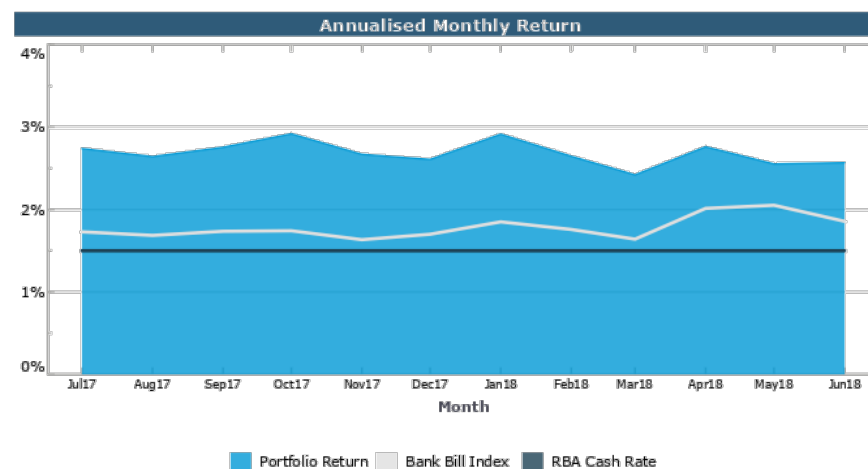


■ Portfolio Exposure ■ Investment Policy Limit

Policy Minimum	Exposures		Min
	(\$)	(%)	(%)
Less than 3 months	29,542,921	21%	10%
Between 3 months and 1 year	50,000,000	35%	20%
Policy Maximum	Exposures		Max
	(\$)	(%)	(%)
Between 1 and 2 years	49,400,000	34%	70%
Between 2 and 5 years	14,600,000	10%	50%
143,542,921			

✓ = compliant
X = non compliant

Cumberland Council
Investment Performance Report - June 2018



Historical Portfolio Return vs Bloomberg Bank Bill Index					
	1 Month	3 Months	6 Months	FYTD	12 months
Portfolio Return (1)	2.57%	2.63%	2.64%	2.68%	2.68%
Index Return (2)	1.86%	1.98%	1.86%	1.78%	1.78%
Outperformance (4)	0.71%	0.65%	0.78%	0.90%	0.90%

(1) Portfolio Return is the annualised rate of return for the portfolio for the specified period
(2) The Index Return is the Bloomberg AusBond Bank Bill Index
(4) Outperformance is the excess of the Portfolio Return over the Index Return

Historical Portfolio Return vs RBA Cash Rate					
	1 Month	3 Months	6 Months	FYTD	12 months
Portfolio Return (1)	2.57%	2.63%	2.64%	2.68%	2.68%
Index Return (3)	1.50%	1.50%	1.50%	1.50%	1.50%
Outperformance (4)	1.07%	1.13%	1.14%	1.18%	1.18%

(1) Portfolio Return is the annualised rate of return for the portfolio for the specified period
(3) The Index Return is the RBA Cash Rate
(4) Outperformance is the excess of the Portfolio Return over the Index Return

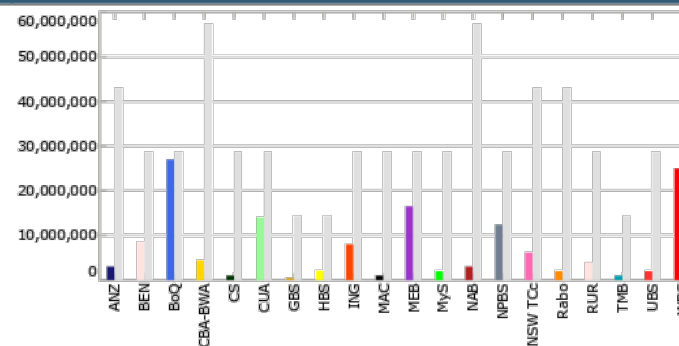
Cumberland Council
Individual Institutional Exposures Report - June 2018



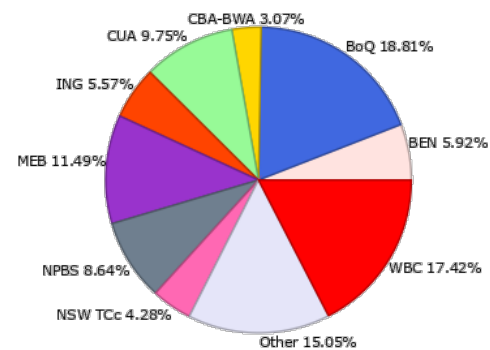
Individual Institutional Exposures

Parent Group	Credit Rating	Portfolio Exposure (\$)	% of portfolio
ANZ Group	A-1+, AA-	3,000,000	2%
Bank of Queensland	A-2, BBB+	27,000,000	19%
Bendigo and Adelaide Bank	A-2, BBB+	8,500,000	6%
Commonwealth Bank of Australia	A-1+, AA-	4,406,114	3%
Credit Suisse AG (Syd Branch)	A-1, A	1,000,000	1%
Credit Union Australia	A-2, BBB	14,000,000	10%
Greater Building Society	A-2, BBB	500,000	0%
Heritage Bank	P-2, Baa1	2,100,000	1%
ING Group	A-1, A	8,000,000	6%
Macquarie Group	A-1, A	1,000,000	1%
Members Equity Bank	A-2, BBB	16,500,000	11%
MyState Bank	P-2, Baa1	2,000,000	1%
National Australia Bank	A-1+, AA-	3,000,000	2%
Newcastle Permanent Building Society	A-2, BBB	12,400,000	9%
NSW T-Corp (Cash)	TCc, TCc	6,136,807	4%
Rabobank Australia	A-1, A+	2,000,000	1%
Rural Bank	A-2, BBB+	4,000,000	3%
Teachers Mutual Bank	A-2, BBB	1,000,000	1%
UBS AG (Aus Branch)	A-1, A	2,000,000	1%
Westpac Group	A-1+, AA-	25,000,000	17%
		143,542,921	

Individual Institutional Exposure Charts



Investment Policy Limit



Cumberland Council
Investment Summary Report - June 2018



Cash Accounts

Face Value (\$)	Current Yield	Institution	Credit Rating	Current Value (\$)	Deal No.	Reference
613,707.07	0.5000%	Commonwealth Bank of Australia	A-1+	613,707.07	250385	3010516
1,792,406.87	1.4000%	Commonwealth Bank of Australia	A-1+	1,792,406.87	533672	3010516
2,406,113.94	1.1704%			2,406,113.94		

Managed Funds

Face Value (\$)	Current Yield	Institution	Credit Rating	Fund Name	Current Value (\$)	Deal No.	Reference
3,044,312.28	1.6893%	NSW T-Corp (Cash)	TCc	Cash Facility	3,044,312.28	204877	3120516
3,092,494.91	2.0988%	NSW T-Corp (Cash)	TCc	Strategic Cash Facility	3,092,494.91	204878	3120516
6,136,807.19	1.8957%				6,136,807.19		

Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
2-Jul-18	3,000,000.00	2.6000%	Bank of Queensland	A-2	3,000,000.00	28-Nov-17	3,045,945.21	535998	45,945.21	At Maturity	3281117
10-Jul-18	2,000,000.00	3.1000%	RaboDirect	A-1	2,000,000.00	8-Dec-15	2,034,821.92	533669	34,821.92	Annually	2081215
31-Jul-18	3,000,000.00	2.5500%	National Australia Bank	A-1+	3,000,000.00	29-Aug-17	3,064,134.25	535654	64,134.25	At Maturity	3290817
20-Aug-18	3,000,000.00	2.6500%	ME Bank	A-2	3,000,000.00	21-Aug-17	3,068,391.78	535627	68,391.78	At Maturity	3210817
24-Aug-18	2,000,000.00	2.9000%	Newcastle Permanent Building Society	A-2	2,000,000.00	24-Aug-16	2,006,038.36	534282	6,038.36	Quarterly	2240816
27-Aug-18	2,000,000.00	2.8470%	Commonwealth Bank of Australia	A-1+	2,000,000.00	27-Aug-16	2,104,676.00	534276	104,676.00	At Maturity	2270816
17-Sep-18	3,000,000.00	3.1000%	Westpac Group	A-1+	3,000,000.00	14-Sep-16	3,073,890.41	534435	73,890.41	Annually	2140916
24-Sep-18	3,000,000.00	2.6200%	ME Bank	A-2	3,000,000.00	5-Dec-17	3,044,791.23	536047	44,791.23	At Maturity	3051217
15-Oct-18	2,000,000.00	2.7000%	MyState Bank	P-2	2,000,000.00	13-Oct-17	2,038,613.70	535860	38,613.70	At Maturity	3131017
25-Oct-18	1,000,000.00	3.0000%	Westpac Group	A-1+	1,000,000.00	25-Oct-16	1,020,465.75	534502	20,465.75	Annually	2251016
5-Nov-18	3,000,000.00	2.6000%	ME Bank	A-2	3,000,000.00	26-Feb-18	3,026,712.33	536311	26,712.33	At Maturity	3260218
16-Nov-18	2,000,000.00	2.9000%	Bank of Queensland	A-2	2,000,000.00	17-Nov-16	2,036,071.23	535972	36,071.23	Annually	2171116
4-Dec-18	2,000,000.00	2.8000%	Bendigo and Adelaide Bank	A-2	2,000,000.00	6-Jun-17	2,003,835.62	535316	3,835.62	Annually	3060617



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Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
10-Dec-18	3,000,000.00	2.6000%	Bank of Queensland	A-2	3,000,000.00	6-Mar-18	3,025,002.74	536349	25,002.74	At Maturity	3060318
17-Dec-18	3,000,000.00	2.6000%	Bank of Queensland	A-2	3,000,000.00	6-Mar-18	3,025,002.74	536350	25,002.74	At Maturity	3060318
19-Dec-18	3,000,000.00	2.6500%	Credit Union Australia	A-2	3,000,000.00	21-Feb-18	3,028,315.07	536249	28,315.07	At Maturity	3210218
14-Jan-19	2,000,000.00	2.8200%	Rural Bank	A-2	2,000,000.00	30-May-18	2,004,944.66	536669	4,944.66	At Maturity	3300518
21-Jan-19	3,000,000.00	2.9000%	Credit Union Australia	A-2	3,000,000.00	26-Jun-18	3,001,191.78	536792	1,191.78	At Maturity	3260618
21-Jan-19	3,000,000.00	3.1000%	St George Bank	A-1+	3,000,000.00	21-Jan-17	3,040,512.33	534850	40,512.33	Annually	2210117
29-Jan-19	1,000,000.00	2.8500%	ME Bank	A-2	1,000,000.00	29-Jun-18	1,000,156.16	536805	156.16	At Maturity	3290618
4-Feb-19	3,000,000.00	2.7700%	ME Bank	A-2	3,000,000.00	21-May-18	3,009,334.52	536650	9,334.52	At Maturity	3210518
11-Feb-19	3,000,000.00	2.7000%	Credit Union Australia	A-2	3,000,000.00	21-Feb-18	3,028,849.32	536250	28,849.32	At Maturity	3210218
22-Feb-19	2,000,000.00	2.9000%	Bank of Queensland	A-2	2,000,000.00	22-Feb-17	2,020,498.63	534972	20,498.63	Annually	2220217
6-Mar-19	3,000,000.00	2.6300%	Westpac Group	A-1+	3,000,000.00	6-Mar-18	3,005,404.11	536348	5,404.11	Quarterly	3060318
25-Mar-19	3,000,000.00	2.6400%	Westpac Group	A-1+	3,000,000.00	8-Mar-18	3,004,990.68	536375	4,990.68	Quarterly	3080318
1-Apr-19	3,000,000.00	2.6700%	Westpac Group	A-1+	3,000,000.00	19-Mar-18	3,002,633.42	536448	2,633.42	Quarterly	3190318
13-May-19	2,000,000.00	2.8500%	Rural Bank	A-2	2,000,000.00	11-May-17	2,007,964.38	535252	7,964.38	Annually	2110517
20-May-19	2,000,000.00	2.8500%	Bendigo and Adelaide Bank	A-2	2,000,000.00	19-May-17	2,006,402.74	535255	6,402.74	Annually	3190517
8-Aug-19	2,000,000.00	3.2000%	Westpac Group	AA-	2,000,000.00	8-Aug-16	2,057,336.99	534111	57,336.99	Annually	3080816
23-Aug-19	2,000,000.00	3.0000%	Newcastle Permanent Building Society	BBB	2,000,000.00	24-Aug-16	2,006,246.58	534283	6,246.58	Quarterly	2240816
26-Aug-19	2,000,000.00	3.2000%	Westpac Group	AA-	2,000,000.00	23-Aug-16	2,054,706.85	534156	54,706.85	Annually	3230816
2-Sep-19	3,000,000.00	2.8000%	Bank of Queensland	BBB+	3,000,000.00	1-Sep-17	3,069,731.51	535682	69,731.51	Annually	3010917
5-Sep-19	3,000,000.00	2.8500%	Bank of Queensland	BBB+	3,000,000.00	7-Sep-17	3,069,571.23	535760	69,571.23	At Maturity	3070917
17-Sep-19	2,000,000.00	3.2000%	Westpac Group	AA-	2,000,000.00	14-Sep-16	2,050,849.32	534436	50,849.32	Annually	2140916
8-Oct-19	3,000,000.00	2.9000%	ING Bank (Australia)	A	3,000,000.00	14-Nov-17	3,054,583.56	535957	54,583.56	Annually	3141117
21-Oct-19	3,000,000.00	2.9500%	ING Bank (Australia)	A	3,000,000.00	26-Oct-17	3,060,131.51	535892	60,131.51	Annually	3261017
9-Dec-19	2,000,000.00	2.8500%	ING Bank (Australia)	A	2,000,000.00	8-Dec-17	2,032,013.70	536073	32,013.70	Annually	3081217
21-Feb-20	1,000,000.00	3.2000%	Bank of Queensland	BBB+	1,000,000.00	22-Feb-17	1,011,309.59	534971	11,309.59	Annually	2220217



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Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency	Reference
18-May-20	1,000,000.00	3.0000%	Bank of Queensland	BBB+	1,000,000.00	19-May-17	1,003,369.86	535254	3,369.86	Annually	3190517
8-Dec-20	3,000,000.00	3.0000%	Bank of Queensland	BBB+	3,000,000.00	5-Dec-17	3,051,287.67	536048	51,287.67	Annually	3051217
8-Jun-21	2,000,000.00	3.1400%	Westpac Group	AA-	2,000,000.00	8-Jun-18	2,003,957.26	536727	3,957.26	Quarterly	3080618
99,000,000.00		2.8303%			99,000,000.00		100,304,686.70		1,304,686.70		

Floating Rate Term Deposits

Maturity Date	Face Value (\$)	Rate	Institution	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Interest Date	Reference
6-Aug-19	3,000,000.00	3.0800%	Newcastle Permanent Building Society BBSW+1.10%	BBB	3,000,000.00	8-Aug-17	3,013,670.14	535594	13,670.14	8-Aug-18	3080817
3,000,000.00		3.0800%			3,000,000.00		3,013,670.14		13,670.14		

Floating Rate Notes

Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
24-Jun-19	1,000,000.00	3.2100%	BoQ Snr FRN (Jun19) BBSW+1.10%	A-2	1,006,959.50	8-Aug-14	1,004,437.67	533902	527.67	24-Sep-18	2080814
27-Aug-19	1,000,000.00	2.8850%	UBS Snr FRN (Aug19) BBSW+0.95%	A	1,000,000.00	27-Aug-14	1,007,387.40	533691	2,687.40	27-Aug-18	2270814
27-Aug-19	1,000,000.00	2.8850%	UBS Snr FRN (Aug19) BBSW+0.95%	A	1,003,820.00	17-Sep-14	1,007,387.40	534173	2,687.40	27-Aug-18	2170914
17-Sep-19	1,000,000.00	2.9905%	BEN Snr FRN (Sep19) BBSW+0.93%	BBB+	1,000,000.00	17-Sep-14	1,003,325.11	491129	1,065.11	17-Sep-18	3170914
17-Sep-19	1,500,000.00	2.9905%	BEN Snr FRN (Sep19) BBSW+0.93%	BBB+	1,500,000.00	17-Sep-14	1,504,987.66	533675	1,597.66	17-Sep-18	2170914
28-Oct-19	1,000,000.00	3.4350%	TMB Snr FRN (Oct19) BBSW+1.40%	BBB	1,000,000.00	28-Oct-16	1,007,964.79	534460	5,834.79	30-Jul-18	3281016
6-Nov-19	1,000,000.00	3.0650%	BoQ Snr FRN (Nov19) BBSW+1.07%	BBB+	1,000,000.00	6-Nov-14	1,008,178.49	496124	4,618.49	7-Aug-18	3061114
6-Nov-19	1,000,000.00	3.0650%	BoQ Snr FRN (Nov19) BBSW+1.07%	BBB+	1,000,000.00	6-Nov-14	1,008,178.49	533673	4,618.49	7-Aug-18	2061114
24-Feb-20	500,000.00	3.3900%	GBS Snr FRN (Feb20) BBSW+1.45%	BBB	502,730.00	15-Sep-17	501,636.43	535783	1,764.66	24-Aug-18	3150917
3-Mar-20	1,000,000.00	3.0950%	MAC Snr FRN (Feb20) BBSW+1.10%	A	1,000,000.00	3-Mar-15	1,009,729.45	502272	2,289.45	3-Sep-18	3030315
20-Mar-20	3,000,000.00	3.3927%	CUA Snr FRN (Mar20) BBSW+1.30%	BBB	3,002,640.00	19-Sep-17	3,015,277.37	535800	3,067.37	20-Sep-18	3190917



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Floating Rate Notes

Maturity Date	Face Value (\$)	Current Coupon	Security Name	Credit Rating	Purchase Price (\$)	Purchase Date	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date	Reference
20-Mar-20	500,000.00	3.3927%	CUA Snr FRN (Mar20) BBSW+1.30%	BBB	500,925.00	28-Sep-17	502,546.23	535801	511.23	20-Sep-18	3280917
20-Mar-20	1,500,000.00	3.3927%	CUA Snr FRN (Mar20) BBSW+1.30%	BBB	1,500,000.00	20-Mar-17	1,507,638.69	535160	1,533.69	20-Sep-18	2200317
6-Apr-20	500,000.00	3.2900%	ME Bank Snr FRN (Apr20) BBSW+1.25%	BBB	502,965.00	1-Sep-17	504,980.89	535763	3,875.89	6-Jul-18	3010917
6-Apr-20	2,000,000.00	3.2900%	ME Bank Snr FRN (Apr20) BBSW+1.25%	BBB	2,006,700.00	15-May-17	2,019,923.56	535233	15,503.56	6-Jul-18	3150517
7-Apr-20	900,000.00	3.3950%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB	907,083.00	24-Aug-17	910,476.12	535630	6,948.12	9-Jul-18	3240817
7-Apr-20	3,000,000.00	3.3950%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB	3,033,480.00	30-Nov-17	3,034,920.41	535999	23,160.41	9-Jul-18	3301117
7-Apr-20	1,000,000.00	3.3950%	NPBS Snr FRN (Apr20) BBSW+1.35%	BBB	1,000,000.00	7-Apr-15	1,011,640.14	533676	7,720.14	9-Jul-18	2070415
29-Apr-20	1,000,000.00	3.1850%	CS Snr FRN (Apr20) BBSW+1.15%	A	1,000,000.00	29-Apr-15	1,012,480.14	533688	5,410.14	30-Jul-18	2290415
28-Jul-20	1,000,000.00	2.9350%	WBC Snr FRN (Jul20) BBSW+0.90%	AA-	1,000,000.00	28-Jul-15	1,010,945.48	507261	4,985.48	30-Jul-18	3280715
18-Aug-20	1,000,000.00	3.0350%	BEN Snr FRN (Aug20) BBSW+1.10%	BBB+	1,000,000.00	18-Aug-15	1,008,568.63	533677	3,658.63	20-Aug-18	2180815
29-Mar-21	2,100,000.00	3.3405%	HBS Snr FRN (Mar21) BBSW+1.23%	Baa1	2,100,000.00	29-Mar-18	2,098,725.39	536457	384.39	27-Sep-18	3290318
16-Apr-21	1,000,000.00	3.3500%	ME Bank Snr FRN (Apr21) BBSW+1.27%	BBB	1,000,000.00	17-Apr-18	1,006,333.56	536509	6,883.56	16-Jul-18	3170418
25-Jan-23	1,000,000.00	3.1050%	BEN Snr FRN (Jan23) BBSW+1.05%	BBB+	1,000,000.00	25-Jan-18	997,984.52	536142	5,614.52	25-Jul-18	3250118
6-Feb-23	500,000.00	3.3950%	NPBS Snr FRN (Feb23) BBSW+1.40%	BBB	501,370.00	21-Mar-18	499,757.88	536444	2,557.88	7-Aug-18	3210318
9-May-23	3,000,000.00	2.8550%	ANZ Snr FRN (May23) BBSW+0.90%	AA-	3,000,000.00	9-May-18	3,005,206.85	536582	12,436.85	9-Aug-18	3090518
33,000,000.00		3.1977%			33,068,672.50		33,210,618.75		131,942.98		

**DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-131**

Attachment 2

**Economic and Investment
Portfolio Commentary June 2018**

Cumberland Council Economic and Investment Portfolio Commentary June 2018

Global issues:

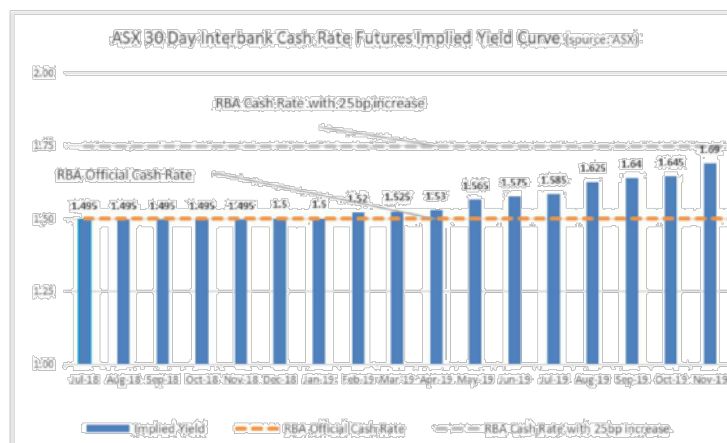
- While tensions have eased between US and North Korea following their summit in June, the trade tensions between the US and most industrialised countries, including many of its allies, remain heated. The first stage of US/Chinese tariffs are set to kick off in early July. China's retaliatory sanctions are set to target products from solid Republican states – those that voted in strong numbers for Pres. Trump.
- Despite the concerns of a trade war, the US economy continues to show signs of solid growth with the Federal Reserve raising the benchmark Fed Funds rate by 25bps to 1.75% in June.
- In Europe, concerns of Italy's new government pushing for an exit from the Euro have eased with denials from the Minister of Finance. Meanwhile, Euro area inflation remains well below target and forecasts are for only modest growth leaving interest rates likely on hold until at least 2020.

Domestic issues:

- In Australia, the latest GDP data revealed a higher than expected growth rate of 3.1%p.a. led by solid export trade. Despite the healthy result, economists remain cautious as the household sector remains weak. Consumer spending was the slowest in a year as wage growth remains stagnant.
- The latest jobs data showed a drop in the unemployment rate to 5.4% and gain of 12,000 jobs, but all were part-time roles as full-time positions fell for the month.

Interest rates

- Global trade uncertainty and weakness in the domestic household sector has contributed to the market pushing rates lower. Now the market is pricing in no change to Australia's official cash rate through at least November 2019:





- Short dated term deposit rates ended the month between 5-15 basis points higher across various time periods, mirroring moves in bank bill swap rates. The best indicative 3-month TDs from Australian majors closed out the month in the 2.75%-2.80% area, up 15 basis points from May. The majors' 12 month rates increased 5-10 basis points to the 2.75%-2.80% range. Some lower rated banks are offering rates in the 2.85%-2.90% range across 3-12 months as banks have been actively seeking funds closing out the financial year.

Investment Portfolio Commentary

Council's investment portfolio posted a return of 2.57%pa for the month of June versus the bank bill index benchmark return of 1.86%pa. For the 2017/2018 financial year, the investment portfolio returned 2.68%pa, exceeding the bank bill index benchmark's 1.78%pa by 0.90%pa.

Without marked-to-market influences, Council's investment portfolio yielded 2.70%pa for the month. This is based on the actual interest rates being received on existing investments and excludes the underlying changes to the market value of the securities/deposits.

During the month of June, Council's investment portfolio had \$7m of term deposits mature with original terms of 10 months, 1 year and 3 years and a weighted average rate of 2.65%pa. New investments totalling \$6m amongst 7 month and 3 year term deposits were made with a weighted average rate of 3.07%.

Council has a well-diversified portfolio invested among a range of term deposits and floating rate notes from highly rated Australian ADIs. 72% of the portfolio is spread among the top three credit rating categories (A long term/A2 short term and higher) and NSW T-Corp cash managed funds. It is expected that Council can continue to achieve above benchmark returns with prudent investment selection for its short and long term holdings.

Disclaimer: The statements and opinions contained in this report are based on currently prevailing conditions in financial markets and are so contained in good faith and in the belief that such statements and opinion are not false or misleading. In preparing this report, Prudential Investment Services Corp has relied upon information which it believes to be reliable and accurate. Prudential Investment Services Corp believes that this report and the opinions expressed in this report are accurate, but no warranty of accuracy or reliability is given. Prudential Investment Services Corp does not warrant that its investigation has revealed all of the matters which a more extensive examination might disclose. This report may not be reproduced, transmitted, or made available either in part or in whole to any third party without the prior written consent of Prudential Investment Services Corp. AFS Licence No. 468145.

Item No: C07/18-132

RESPONSE TO NOTICE OF MOTION - COUNCIL ADMINISTRATION BUILDING

Responsible Division: Corporate & Community
Officer: Group Manager Property Development and Buildings
File Number: SC483
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

This report has been prepared in response to the *Notice of Motion - Council Administration Building* (Min.158 Item C05/18-94), resolved at the Ordinary Meeting of Council held on 16 May 2018. The resolution requires that a report be provided to Council on possible locations and high level costings for a new Cumberland Council Administration Building, with the aim of accommodating all staff in one building.

RECOMMENDATION

That Council:

1. **Receive this report, noting the two potential locations identified for the development of a new Cumberland Council Administration Building.**
2. **Amend the 2018/2019 Capital Works Program to include a budget to engage an external consultant to undertake a detailed feasibility study of the two preferred sites and allocate funding as part of the Quarter 1 2018/2019 Budget Review process.**
3. **Provide a further report following the completion of the detailed feasibility study of the two preferred sites for Council's consideration.**

REPORT

At the Ordinary Meeting of Council held on 16 May 2018, Council considered the *Notice of Motion – Council Administration Building* (Min.158, Item C05/18-94) and subsequently resolved:

“That:

1. *Council identify and provide a report regarding possible locations for a new Cumberland Council Administration Building.*
2. *The location needs to address the following requirements as a minimum;*
 - a) *Close proximity to a well serviced railway and bus station that allows staff to commute from a wider area*

- b) *As close as possible to the centre of the LGA providing equidistant travel and access for residents*
 - c) *Minimal or no disruption to Council staff or services*
 - d) *Minimal or no cost for relocation of staff in the interim or during construction*
 - e) *Sufficient land holdings to incorporate a one stop shop with ample staff, commuter and resident parking.*
3. *Approximate costings for construction to be provided by an internal assessment conducted by the relevant Council officers."*

In determining the possible locations for a new Cumberland Council Administration Building, Council officers have undertaken a full review of Council's key property asset holdings within the Local Government Area, and conducted relevant site analysis to determine the suitability of each key site. An outline of this is included in *Attachment 1* to this report.

Through undertaking the site analysis, two key sites have been identified as possible locations for a new Council Administration Building. These locations are the existing Council administration site in Merrylands and the Granville commuter carpark site.

Site 1 - Existing Council Administration Site in Merrylands

The subject site incorporates the Council Administration Building, Merrylands Library, Merrylands Community Centre, the Holroyd Centre and on-site carpark. Merrylands Baptist Church is not included as part of the subject area.

*Figure 1: Subject Site Map excluding the Baptist Church Site
(Existing Council Office Building in Merrylands)*



The site is bounded by a range of residential low-mid and high-rise developments on the south, east and west. The existing stock is predominately residential flat buildings that capitalise on the excellent connectivity to the Merrylands Centre.

The site is well located for vehicle access, public transport and pedestrian access via Memorial Avenue, Newman Street, Miller Street and through-site links. The combined access to buses and the railway station make Merrylands an important centre in providing connectivity with the Sydney CBD and the surrounding inner-west district.

Site Summary

Site Area (approximate)	9,000m ²
Zoned	B4 Mixed Use
FSR	5:1
Gross Floor Area	45,000m ²
Height of Buildings	<p>Subject site is within zones T2 (29m) and W1 (41m) in relation to maximum building height.</p> <p>T2 approximate site area is 3,000m² (approximately 10 storeys).</p> <p>W1 approximate site area is 6,000m² (approximately 14 storeys).</p>

Construction Cost Estimates

Building costs per square metre	\$3,465/m ² *	
Potential Gross Floor Area (80% efficiency) Comprising of mixed used developments (commercial and residential), for example: <ul style="list-style-type: none"> • Ground floor to second floor (Council Administration Building) • Third floor to fifth floor (leasable commercial offices) • Sixth floor and above (residential) 	36,000m ²	
Total Construction cost estimates	\$3,465/m ² x 36,000m ²	\$124,740,000
Council Requirement	9,000m ²	\$31,185,000
Excess Capacity (for potential non-Council use)	27,000m ²	\$93,555,000
Underground parking cost estimates (two levels)	5,250m ² x \$1,755/m ² *	\$9,214,000

350 car spaces** x 15m²/car space		
Estimated demolition costs (including demolition and disposal of non-contaminated excavated building materials)		\$2,000,000
Total Estimated Cost		\$135,954,000
		Say \$136,000,000
Council Estimated Cost		\$42,400,000
<p>* Based on Rawlinson's "Australian Construction Handbook" 2018, Edition 36.</p> <p>**Due to its close proximity to bus and train connections, it is anticipated that a portion of Council staff/workers use public transport to commute to work.</p>		

It should be noted that as part of the Merrylands City Centre Revitalisation Business Case Review, the consultants are required to make a clear recommendation as to the preferred location for a new Council Administration Building to support the revitalisation. As part of this project, the sites nominated for review include the Memorial Avenue Carpark, McFarlane Street Carpark and existing Merrylands Council Administration Building.

Site 2 - Granville Commuter Carpark Site

The subject site is bounded by the railway line on the north, low-rise residential on the south, bus interchange on the east and Granville Memorial Park on the west.

The site is currently used as an on-grade carpark for approximately 120 car spaces mainly servicing those who drive to Granville Station to access public transport services.

Figure 2: Subject Site Map (Granville Commuter Carpark)



Site Summary

Site Area (approximate)	3,800m ²
Zoned	B4 Mixed Use
FSR	6:1
Gross Floor Area	22,800m ²
Height of Buildings	52m (approximately 17 storeys)

Construction Cost Estimates

Building costs per square metre	\$3,465/m ² *	
Potential Gross Floor Area (80% efficiency) Comprising of mixed used developments (commercial and residential), for example: <ul style="list-style-type: none"> • Ground floor to eighth floor (Council Administration Building) • Ninth floor to eleventh floor (leasable commercial offices) • Twelfth floor and above (residential) 	18,240m ²	
Construction cost estimates	\$3,465/m ² x 18,240m ²	\$63,202,000
Council Requirement	9,000m ²	\$31,185,000
Excess Capacity (for potential non-Council use)	9,240m ²	\$32,017,000
Underground parking cost estimates (five levels)	5,250m ² x \$1,755/m ²	\$9,214,000
350 car spaces** x 15m²/car space		
Total Estimated Cost		\$72,416,000
		Say \$72,500,000
Council Estimated Cost		\$40,400,000

* Based on Rawlinson's "Australian Construction Handbook" 2018, Edition 36.

** Due to its close proximity to bus and train connections, it is anticipated that a portion of Council staff/workers use public transport to commute to work. Some commuter carpark may be retained on site. However, the loss of commuter carpark at this site may be offset by a new multi-level carpark at the Granville library/community centre site when the Granville Multipurpose Centre is built which will include a new library and multipurpose community centre.

COMMUNITY ENGAGEMENT

An extensive stakeholder and community engagement process would be required should Council wish to proceed to progress this project in the future.

POLICY IMPLICATIONS

Council is currently developing a Property Policy and Strategy, and the new Council Administration Building project aligns to the strategic direction of Council.

RISK IMPLICATIONS

As this report is only preliminary information, there are no current risk implications for Council associated with this report.

FINANCIAL IMPLICATIONS

The estimated costings outlined in this report are high level internal assessments of construction cost estimates. These estimations were conducted by relevant Council Officers to enable Council to consider the financial implications associated with the construction of a new Council Administration Building.

Each of the identified sites have development potential for accommodating the full complement of Council's staff. Both sites also allow for additional commercial uses on the excess space created through maximising the developable space. Regardless of which site may be progressed, both locations allow for additional commercial and community outcomes on the remaining site. The objective will be to create the desired outcome based on the most commercially effective option, taking into account the full developable capabilities of each site.

Should Council wish to proceed with the two preferred sites for further feasibility, there are financial implications associated with a detailed feasibility analysis of development options, which is estimated to cost \$200,000. It is therefore recommended that Council amend the 2018/2019 Capital Works Program to engage an external consultant to undertake a detailed feasibility study of the two preferred sites and that funding be allocated as part of the Quarter 1 2018/2019 Budget Review process.

It should also be noted that Council has recently undertaken works to maximise office space for Council staff at both the Auburn and Merrylands Administration Buildings. As a result, there is no additional space within the current office buildings to accommodate new staff. Should Council not wish to progress this project, it is likely that additional office space will be required in the future to accommodate permanent Council staff on an ongoing basis. This will also have financial implications for Council.

CONCLUSION

This report responds to the *Notice of Motion - Council Administration Building* (Min.158 Item C05/18-94), resolved at the Ordinary Meeting of Council held on 16 May 2018. It provides an overview of the possible locations and an internal assessment of

construction cost estimates for a new Cumberland Council Administration Building to support the Council amalgamation.

Should Council wish to progress this matter further, it is recommended that a detailed assessment including site feasibilities, concept designs and cost models of the two preferred sites be undertaken by a suitably qualified consultant for further consideration by Council.

ATTACHMENTS

1. Site Analysis - Single Council Administration Building

**DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-132**

Attachment 1

**Site Analysis - Single Council
Administration Building**

New Cumberland Council Administration Building Site Analysis

Needs Analysis	
Possible Number of Indoor Staff	600
Accommodation Per Staff	10 sqm
Gross Floor Area (GFA) Required	6,000 sqm
Circulation Per Staff	5 sqm
Total GFA Required	9,000 sqm

Site Locations	Site Particulars						
Council Owned Sites	Estimated Site Area (SQM)	FSR	Height (M)	GFA (SQM)	Potential GFA (80% efficiency)	Meets Needs?	Proceed Further?
Wentworthville							
1 Wentworthville Community Centre / Library / Redgum	8,150	Not listed	20	8,150	6,520	No	No
2 Kingsway Carpark	4,450	2	20	8,900	7,120	No	No
Merrylands							
1 McFarlane Street Carpark	4,100	8.5	65	34,850	27,880	Yes	Yes
2 Memorial Avenue Carpark (including Cincotta Carpark & Old Church Building)	6,250	2 & 5	26 & 53	19,250	15,400	Yes	Yes
3 Existing Council Office Building Site	9,000	5	29 & 41	45,000	36,000	Yes	Yes
Granville							
1 Commuter Carpark	3,800	6	52	22,800	18,240	Yes	Yes
2 Community Centre / Library / Carpark	3,100	1	12	3,100	2,480	No	No
Auburn							
1 Existing Council Office (excluding Police)	5,650	5	38	28,250	22,600	Yes	Yes
2 Northumberland Building Site	4,650	5	38	23,250	18,600	Yes	Yes
Lidcombe							
1 Carpark / Community Centre / Library	2,350	5	36	11,750	9,400	Yes	Yes
2 John Street Carpark	2,250	5	32	11,250	9,000	Yes	Yes
Guildford							
1 Foodworks & Adjacent Carpark	4,150	1.5 & 2	20 & 12	7,800	6,240	No	No

Resolution Requirements		
Central Location	Close to Transport	Commercial Value
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
Yes	Yes	Yes
No	Yes	No
No	Yes	No
No	Yes	No
No	No	No
No	Yes	No

Preliminary Site Assessment
Proceed Further?
No - A new Council Administration Building in a prime location may not be the highest and best use of the site. No - Heritage issue & acquisition of Cincotta carpark required.
Yes
Yes
No - Did not address all resolution requirements. No - Did not address all resolution requirements.
No - Did not address all resolution requirements. No - Did not address all resolution requirements.
No - Did not address all resolution requirements. No - Did not address all resolution requirements.
No - Did not address all resolution requirements.

Item No: C07/18-133

ADOPTION OF PETITION GUIDELINES - POST EXHIBITION

Responsible Division: Corporate & Community
Officer: Group Manager, Corporate and Customer
File Number: HC-06-06-2/04
Community Strategic Plan Goal: *Transparent and accountable leadership*

SUMMARY

This report recommends the adoption of the *Petition Guidelines* following a period of public exhibition.

RECOMMENDATION

That Council adopt the *Petition Guidelines* as outlined in Attachment 1 to this report.

REPORT

Council acknowledges that petitions provide a method where the community can communicate their views to Councillors and Council staff.

The *Petition Guidelines* (the Guidelines) were developed with the intention of providing easy to follow guidance to the community on the process for petitions submitted to Council. At the Ordinary Meeting of Council held on 16 May 2018, Council resolved to place the *Draft Petition Guidelines* on public exhibition for a period of 28 days.

The introduction of the *Petition Guidelines* and the accompanying *Petition Lodgement Form* will guide and assist the community in effectively lodging petitions. The Guidelines include a simple format for all petitions submitted to Council. This ensures that Councillors receive completed petitions with sufficient detail for action before tabling them for discussion at a Council meeting.

Council received 2 submissions during the 28 day exhibition period, of which neither were opposed to the introduction of a guideline for petitions. A summary of these submissions and Council's response is outlined in the following table:

Submission – Key Points	Council’s Response
<ul style="list-style-type: none"> - Petition guidelines should allow for online petitions. - Provision for anonymous petitions should be considered with a caveat that Council may require a contact person before a response/action can be undertaken. - A petition should be weighted equally for consideration to other forms of communications to Council e.g. 10 separate resident emails to Council should be equal to 10 signatures on an organised petition. 	<ul style="list-style-type: none"> - There are provisions for online petitions within the <i>Petition Guidelines</i>. - Anonymous petitions cannot be validated and as such, it is not recommended that such a provision be included. - Council accepts that all forms of customer feedback are vital to service delivery, and as such Council considers that 10 separate emails on a specific matter are of equal importance as a petition with 10 signatures. No changes recommended.
<ul style="list-style-type: none"> - No objection to having petition guidelines. - Consideration should be given to those who are not “flash with a pen”. 	<ul style="list-style-type: none"> - Online petitioning is provided for within the Guidelines, otherwise a constituent is able to verbally raise a matter or complaint directly with a Councillor over the phone or with Council via the Customer Contact team.

Council has now addressed all public feedback and recommends the *Petition Guidelines* be adopted by Council as included in Attachment 1 to this report.

COMMUNITY ENGAGEMENT

Council publicly exhibited the *Petition Guidelines*, along with a sample petition, for a period of 28 days from 30 May 2018 to 27 June 2018 both on Council’s website and in local newspaper publications.

Council had 44 visits to the ‘have your say’ community engagement website during the public exhibition period, with 8 people downloading the sample petition provided.

Submissions were received from 2 respondents. Council has formally responded to both respondents who made a submission.

POLICY IMPLICATIONS

There are no policy implications for Council associated with this report.

RISK IMPLICATIONS

If Council does not adequately address petitions in a transparent, consistent and timely manner, there is potentially a reputational risk to Council.

The *Petition Guidelines* will allow Council to provide an avenue for petitioners to present their views to Council in an organised and pragmatic manner.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

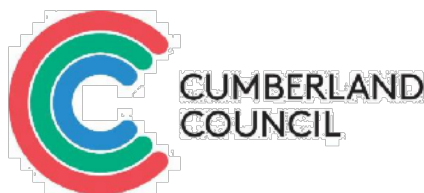
The *Petition Guidelines* outline how Council will address all petitions submitted to Council and provides an easy to follow guide and template for the community to utilise when submitting petitions. Council has considered and addressed all public feedback received and therefore, it is recommended that the attached *Petition Guidelines* be adopted.

ATTACHMENTS

1. Petition Guidelines

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-133

Attachment 1
Petition Guidelines



PETITION GUIDELINES

PURPOSE

Council expects that the views of the community are effectively communicated to Councillors and Council staff, and considered in decision-making processes. These guidelines aim to establish a consistent approach to the management of petitions, to ensure they are managed in a timely and effective manner.

SCOPE

These guidelines apply to all petitions submitted to Council, all persons submitting petitions, and all Councillors and Council staff managing petitions.

DEFINITIONS

Petition	A formal written request to Council, typically signed by a number of people, seeking action or special consideration of a particular matter, that Council is authorised to determine.
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GUIDELINES

1. Content of Petitions

Petitions on the following matters will be considered by Council, in accordance with these guidelines:

- Matters relating to Council's responsibilities; and
- Matters which affect the Council or communities in the Cumberland Local Government Area (LGA), as long as Council is in a position to exercise a degree of influence.

Where a petition relates to a matter in which Council has no degree of control or influence, the petition can be returned to the main petition contact accompanied by an explanation. However, Council may consider making representations on behalf of the community to the relevant organisation where it sees a significant impact on its communities.

The person lodging the petition, the 'chief petitioner', should ensure the petition meets the following criteria:

- Be signed by 10 or more persons.
- Be made by persons that have a direct interest in Cumberland Council, such as residents, ratepayers, business stakeholders, or in some other capacity.

Cumberland Council Petition Guidelines

- Is legible, written in English and does not contain disrespectful or offensive language.
- If written in a language other than English, the petition must be accompanied by a certified translation (including contact details of the translator).
- Includes a clear and concise statement identifying the purpose of the petition.
- Identifies the subject matter of the petition and the action requested of Council.
- Includes the names, addresses and signatures of the persons who support the petition.
- Includes the name, address and contact details of the chief petitioner / main contact, otherwise Council will assume the first signatory is the main petition contact.

1.1 Online Petitions

Council will consider online petitions signed through a website which contain the following:

- The purpose, subject matter of the petition and the action requested of Council.
- The names and email addresses of the persons supporting the petition.
- Online signatures of the persons supporting the petition – electronic petitions may be signed online, usually through a website.
- Total number of people electronically signing the petition, which must be electronically signed by 10 or more persons.

2. Submitting a Petition

Petitions may be provided directly to the Mayor, Councillors, or addressed to Council's General Manager.

Petitions can be submitted to Council through the following methods:

- Mail – PO Box 42, MERRYLANDS NSW 2160
- Email – council@cumberland.nsw.gov.au
- In Person – via one of our Customer Service Centres located at:
 - 16 Memorial Avenue, MERRYLANDS NSW 2160 – between 8.00am to 4.30pm
 - 1 Susan Street, AUBURN NSW 2144 – between 8.30am to 4.00pm

3. Receiving Petitions

Petitions sent to Council, or addressed to Council's General Manager, will be acknowledged and directed to the relevant section within Council for consideration and action. Petitions may also be provided to Councillors directly.

In some cases, Council may be able to resolve the petitioners' request directly, by requesting the relevant Council staff to take appropriate action. In such cases, Council will notify the main petition contact to notify of the matter's resolution and explain what actions were taken.

In cases where a petition is tabled by a Councillor at a Council meeting, Council will consider the matter and decide what action (if any) will be taken. Any resolutions of Council will be published in the minutes of the Council meeting. The main petition contact will also be notified of the resolution of Council within 10 working days.

4. Excluded Petitions

In some cases, petitions may not comply with Council's *Petition Guidelines* and will be deemed an 'excluded petition'. The main petition contact will be notified if a petition is deemed an excluded petition, and reasons for the decision will be provided. The types of petitions listed below are deemed excluded petitions:

Cumberland Council Petition Guidelines

- Any petition relating to a planning decision already determined by Council staff, a Council committee, or a resolution of Council.
- Any petitions considered by Council to be vexatious, offensive or inappropriate.

5. Information Contained in Petitions

Information contained in petitions, including personal information, is deemed to be voluntarily offered by petition signatories on the understanding that their personal information contained in the petition would be forwarded to Council. Personal information of petition participants is collected by Council in accordance with section 8 of the *Privacy and Personal Information Protection Act 1998* (NSW).

All records will be stored in Council's Electronic Records Management System and may be disclosed to Councillors, Council officers, consultants to Council or members of the public. Council is obligated to allow inspection of its records, in accordance with the provisions of the *Government Information (Public Access) Act 2009*.

RELATED LEGISLATION

Government Information (Public Access) Act 2009
Local Government Act 1993
Local Government General Regulation 2005
Privacy and Personal Information Protection Act 1998

RELATED DOCUMENTS AND COUNCIL POLICY

Code of Meeting Practice

AUTHORISATION & VERSION CONTROL

Procedure Owner	<i>Group Manager, Corporate and Customer</i>
Date Adopted / By Whom	
Version No / Date last Reviewed	<i>1.0</i>
TRIM Number	<i>RM0047954/2018</i>
Next Review Date	<i>18/07/2020</i>

Item No: C07/18-134

ADOPTION OF MEDIA POLICY - POST EXHIBITION

Responsible Division: Corporate & Community
Officer: Group Manager Communications Marketing & Engagement
File Number: SC543
Community Strategic Plan Goal: *Transparent and accountable leadership*

SUMMARY

The purpose of this report is to seek adoption of the *Media Policy* following a period of public exhibition.

RECOMMENDATION

That Council adopt the *Media Policy* as outlined in Attachment 1 to this report.

REPORT

At the Ordinary Meeting of Council held on 16 May 2018, Council resolved to place the *Draft Media Policy* on public exhibition for a period of 28 days, subject to:

1. The words “upon advice from the Group Manager Communications, Marketing and Engagement” being deleted from the final section of the table on Page 3.
2. Removal of the word “written” from dot point 1 in the Employees section on Page 4.

Council responds to and generates a continuous cycle of media activity in order to meet its commitment to inform stakeholders and regularly promote activities, decisions, events, achievements and policy changes relevant to the community.

Council is committed to maintaining open and transparent communications through two-way engagement with its stakeholders. Establishing and maintaining a reputation for delivering accurate communications and strengthening relationships with media agencies is central to achieving this goal.

COMMUNITY ENGAGEMENT

The *Draft Media Policy* was developed in consultation with key stakeholders (e.g. Council staff, Councillors, and the Internal Ombudsman). Consideration was also given to external media policies, related Council strategies and relevant legislation.

The *Draft Media Policy* was placed on public exhibition from 29 May 2018 to 27 June 2018. This was promoted through Council's e-news and advertisements placed in the *Auburn Review* and *Parramatta Advertiser*.

There was a total of 32 visits to the 'Have Your Say' community engagement page during the public exhibition period, with 8 downloads of the policy document.

There were no submissions received during the public exhibition period and therefore no changes are proposed.

POLICY IMPLICATIONS

Council does not currently have an adopted *Media Policy* in place. Adoption and implementation of this policy will:

- Define a streamlined approach to managing the Council's media activity.
- Identify key stakeholders.
- Mitigate risk and reduce the opportunity for miscommunication.
- Inform Council officers involved in the media process of their role and responsibilities attached to media activity and privacy legislation.
- Support the delivery of a strategic media program for the Council.
- Highlight requirements when handling personal information.
- Reiterate Council's commitment to a proactive media program.

RISK IMPLICATIONS

Without an adopted *Media Policy*, Council is exposed to significant reputational risks associated with the potential release of inconsistent external messaging and inaccurate statements.

FINANCIAL IMPLICATIONS

There are no financial implications for Council associated with this report.

CONCLUSION

The attached *Media Policy* outlines clearly defined roles and responsibilities as a basis for accountable, ethical and transparent behaviour and decision-making associated with all media engagement either received or instigated by Council. A cohesive approach to media with defined roles and responsibilities will assist the organisation to add reputational and relationship value while ensuring the organisation communicates in an open and transparent manner.

Council received no submissions during the public exhibition period and it is therefore recommended that the attached *Media Policy* be adopted with no further change.

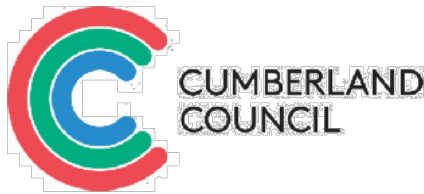
If adopted, the policy will be uploaded to the Council website and disseminated throughout the organisation to ensure staff are aware of their responsibilities.

ATTACHMENTS

1. Media Policy

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-134

Attachment 1
Media Policy



Media Policy

BACKGROUND

Aligning to Cumberland Council's Community Strategic Plan 2017-2027, Council is committed to building stronger relationships with the local community and openly engaging with media to maximise, reach and facilitate the efficient dissemination of relevant, accurate and timely information.

Council's ability to reach and inform a wide range of stakeholders is supported by a proactive media program and designated in-house media services to support both Council and its staff.

PURPOSE

The Policy aims to:

- Contribute to a cohesive and proactive media relations program.
- Assist in adding reputational value to the organisation.
- Set clear stakeholder roles and responsibilities.
- Mitigate risk and reduce the opportunity for miscommunication and distribution of inaccurate information.
- Identify Council's authorised spokespersons.
- Provide consistency for Council officials when dealing with the media.

SCOPE

This Policy establishes the Council's procedures for responding to and initiating media contacts. It applies to all Council officials, which includes Councillors, Council staff, Council committee members, conduct reviewers and delegates of Council.

For the purpose of this policy, media comprises all print, broadcast and online media as well as management of media enquiries coming into council as a result of public speaking engagements, social media posts and other forms of communication where it could be reasonably expected that the comments might be recorded or circulated to the wider community.

POLICY STATEMENT

In administering its media program and community information, Council ensures that it complies with the *NSW Local Government Act 1993* No.30 and the *Government Information (Public Access) Act 2009* No.52.

DEFINITIONS

Media: Newspapers, magazines, journals, radio, television, journalists, digital media and all forms of communication distributed to a wider audience.

Media comment: Verbal statement issued by Council formal channels that states its position on a matter of formal business, Council policy of public interest.

Media statement: Written statement issued by Council formal channels that states its position on a matter of formal business, Council policy of public interest.

Media release: A written, pre-approved statement, issued by council to the media, used to communicate with the community to respond to an issue or to improve knowledge of council services and activities.

Council official: All Councillors and members of Council staff including temporary and casual employees, volunteers, service providers and contractors employed by Council.

PRINCIPLES

Openness and transparency are guiding principles of the Council.

Council aims to regularly promote and inform stakeholders on activities, decisions, events and achievements relevant to the community. A proactive approach to the release of information is maintained, unless there is an overriding public interest against disclosure.

Only certain persons designated in this policy are authorised to communicate with the media on behalf of Council.

REQUIREMENTS (ROLES)

Each stakeholder plays a role in the Council's ability to engage with media effectively and deliver accurate information.

All Council officials	Council officials are not to comment on any confidential matters (such as staff, personal information, legal advice, and commercial-in-confidence matters). The roles of various Council officials regarding contact with the media are listed below in more detail.
Mayor	Council's official spokesperson on all policy matters and key decisions and an authorised signatory for letters to the editor on policy issues.
Deputy Mayor	Acts as the Mayor's delegated spokesperson if the Mayor is not available.
Councillors	Provides the media with comment while clearly indicating it is their own personal opinion and does not represent the official position of Council.
General Manager	The General Manager is the Council's official spokesperson on all operational and administrative issues and an authorised signatory for letters to the editor on related issues.
Internal Ombudsman	The Internal Ombudsman Shared Service (IOSS) with the endorsement of the IOSS Management Committee, may issue media statements and make public comment on any matters

	relating to the IOSS. Any media enquiry in relation to the IOSS should be referred in the first instance to the Internal Ombudsman who, as appropriate, will liaise with the General Manager and the Group Manager Communications, Marketing and Engagement to keep them apprised.
Communication Manager, Communications Officer/s	Coordinates all media related materials with delegated authority to liaise with media and prepare media responses on behalf of Council. All media enquiries must be sent to media@cumberland.nsw.gov.au
Employees, contractors, volunteers	Individuals employed by Cumberland Council are not authorised spokespeople of the organisation, unless they have received delegation from the General Manager.

RESPONSIBILITIES

Statements and responses to the media should be made in writing. This will assist Council in preparing accurate and consistent information while also maintaining accurate records.

Communications, Marketing and Engagement Group:

- The Communications, Marketing and Engagement Group is the primary point of contact for media enquiries and maintaining relationships with local and mainstream media.
- The Communications, Marketing and Engagement Group coordinates and monitors day-to-day media activity and enquiries while ensuring the Policy is implemented across the organisation.
- All media release content and key messages must be reviewed and approved by the Group Manager Communications, Marketing and Engagement.
- Media-related advice and training is delivered by the Council's Communications, Marketing and Engagement Group. This may include advice on strategic messaging, permissions and approvals prior to media release or newsletter distribution.
- Written comment which quotes the Mayor, the General Manager or Council staff must be approved by that person or their nominated representative before being issued.
- The Communications, Marketing and Engagement Group provides advice and support to the Mayor and General Manager as required on proactive and reactive media.

Mayor:

- The Mayor is Council's official spokespersons on all policy matters and key decisions made by Council.
- The Mayor may nominate another Councillor to speak on a particular matter.
- The Mayor is to approve all media releases from the Council where he is the spokesperson.

Councillors:

- Each Councillor has a right to express a personal opinion on any issue, speak on behalf of the community they represent, whether or not that opinion or proposal reflects Council's official position. Councillors must carefully identify the role in which they speak or write.
- Whenever Councillors publicly express their own opinions they must make it clear they are speaking for themselves, unless delegated by the Mayor, unless they are supporting a Council position.

- When Councillors speak 'for the Council', when delegated by the Mayor, they must express and support Council's entire policy on the issue at hand.

General Manager:

- The General Manager is the Council's official spokesperson on all operational and administrative issues and an authorised signatory for letters to the editor on related issues.
- The General Manager may nominate other employees to act as spokespeople for the Council only for operational or administrative matters.
- Information provided to the media of a controversial, legal or ethical nature requires pre-approval of the General Manager and/or the Mayor.

Internal Ombudsman:

- The Internal Ombudsman Shared Service with the endorsement of the Internal Ombudsman Shared Service Management Committee, may issue media statements and make public comment on any matters relating to the Internal Ombudsman Shared Service.
- Where the Internal Ombudsman Shared Service considers it to be in the public interest, or in the interest of a person or the member Council, the Internal Ombudsman Shared Service may, with the endorsement of the Internal Ombudsman Shared Service Management Committee, publish a report relating generally to the performance of duties under the Internal Ombudsman Shared Service Governance Charter or to a case investigated by the Internal Ombudsman Shared Service, whether or not the matters in the report are the subject of a report to Council under the Governance Charter.
- The Internal Ombudsman will liaise with the Group Manager Communications, Marketing and Engagement to ensure Council is aware of ongoing communication.

Employees (including contractors and volunteers):

- No employee is to address any enquiry from the media without prior approval from the General Manager.
- Contractors or service providers employed by Council must refer all media enquiries relating to Council to the Group Manager Communications, Marketing and Engagement.
- Media enquiries received outside of the Council's Communications, Marketing and Engagement Group must be redirected to media@cumberland.nsw.gov.au or contact the Communications Manager on 8757 9000.
- Staff members may prepare draft media release content. However, material must be provided to the Communications, Marketing and Engagement Group for review and approval prior to distribution.
- Employees may access media outlets in their personal capacity as residents or ratepayers but should be mindful of their obligations under Council's Code of Conduct. When acting in a personal capacity, staff should be aware of their association with Cumberland Council and must not imply that they are speaking on behalf of Cumberland Council, or discuss their work or any matter relating to Council.

MEDIA ACCESS TO COUNCIL INFORMATION AND PROPERTY

Allocated seating will be provided for media outlets at all Council meetings. Requests from media outlets to film or photograph Council staff, facilities, meetings and events must be referred to the Communications, Marketing and Engagement Group for determination in consultation with relevant Council staff.

RECORD KEEPING

The Communications, Marketing and Engagement Group will maintain a record of media enquiries and responses. All media releases will also be posted to Council's website. All records are to be stored in the Council's Electronic Records Management System.

OTHER EXTERNAL COMMUNICATIONS

Staff must seek prior approval from their manager to speak at any external conference or presentation, and should only speak publicly about their area of expertise.

Where possible, external communications that may attract media attention – such as presentations or other publications – should be brought to the attention of the Group Manager Communications, Marketing and Engagement prior to release by emailing media@cumberland.nsw.gov.au

MISUSE OF INFORMATION

Staff must not misuse information gained in their official capacity and they must take care to maintain the integrity and security of official documents and information for which they are responsible. All personal information gained in the course of employment with the Council should be treated as being confidential.

Staff may only disclose official information or documents acquired in the course of his or her employment when authorised to do so or when required in the course of duty or by law (e.g. under the *Government Information (Public Access) Act 2009*; or when called to give evidence in court, except where there is a claim of privilege available).

Staff may issue information that is either public knowledge or that would be given to any member of the public seeking that information. If there is uncertainty as to whether information is public knowledge, the matter should be treated as being confidential until advised otherwise by a Group Manager (refer to the Council's Code of Conduct).

PRIVACY LEGISLATION

Any officer involved with media-related matters and making available information to the public should be familiar with the *NSW Privacy and Personal Information Protection Act 1998 (PPIP Act)*. Any information that is about an individual, whose identity could reasonably be ascertained from the information, is "personal information". Officers dealing with the media should be familiar in particular with the provisions relating to accuracy and disclosure of personal information.

Personal information can only be provided to the media if:

- The person has consented; or
- The disclosure to the media is directly related to the purpose for which the information was collected, and the Council has no reason to believe that the individual concerned would object to the disclosure; or
- The individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10 of the *PPIP Act*, that information of that kind is usually disclosed to the media.

If there are any doubts as to what can or cannot be made available to the media, then the officer should contact the Manager Governance and Risk on 8757 9000. If doubt still exists,

then the matter should be referred directly to NSW Information and Privacy Commission (telephone 1800 472 679) for advice.

BREACHES

Breaches of this Policy may be dealt with in accordance with [Cumberland Council's Code of Conduct](#) available at www.cumberland.nsw.gov.au

RELATED LEGISLATION

[Local Government Act 1993 \(NSW\) No. 30](#)
[Government Information \(Public Access\) Act 2009 \(NSW\) No.52](#)
[Anti-Discrimination Act 1977 \(NSW\) No.48](#)
[Privacy and Personal Information Protection Act 1998 \(NSW\) No. 133](#)
[Work Health and Safety Act 2011 \(NSW\) No.10](#)
[Copyright Amendment \(Digital Agenda\) Act 2000](#) (Cth)
[Copyright Act 1968](#) (Cth)
[Independent Commission Against Corruption Act 1988 NSW No. 35](#)

RELATED DOCUMENTS AND COUNCIL POLICY

[Cumberland Council Print and Digital Newsletter Guidelines](#)
[Cumberland Council Code of Conduct 2017](#)
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AUTHORISATION AND VERSION CONTROL

Policy Number	<i>[Policy number]</i>
Policy Owner	<i>Group Manager Communications, Marketing and Engagement</i>
Date Adopted	<i>[Date (and Council Resolution No.)]</i>
Version No	<i>[Revision No.]</i>
TRIM Number	<i>[TRIM/Policy Register Reference]</i>
Review Date	<i>April 2020</i>

Item No: C07/18-135

PLANNING PROPOSAL AND DRAFT DCP CONTROLS FOR WOODVILLE ROAD NEIGHBOURHOOD CENTRE PRECINCT, CORNER OF LANSDOWNE STREET, MERRYLANDS

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: SC185
Community Strategic Plan Goal: *A resilient built environment.*

Request lodged	Lodged with Parramatta City Council in May 2015.
Proponent	Knight Frank Pty Ltd on behalf of Wiltex Wholesale Pty Ltd.
Company details	Wiltex Wholesale Pty Ltd ACN: 000461245 Registered NSW 16/06/1964.
Address	246-264 Woodville Road (former John Cootes site), 244 Woodville Road and 2-4, 6, 8-8a, 10-12 and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands (Site). Refer to Figure 1.
Proposal summary	Rezoning of land and increase in height and floor space ratio (FSR) controls for approximately 500 apartments and 6,000m ² of retail.
Site description	The total site area, subject to the planning proposal is 2.84ha. The Proponent's land holding is 2.6ha.
Existing zoning and planning controls	<ul style="list-style-type: none"> • Zone: part B6 Enterprise Corridor/part R2 Low Density Residential • Maximum building height: 12m for B6 zone; 9m for R2 zone • FSR: 1.5:1 for B6; 0.5:1 for R2 zone
Gateway Determination zoning and controls	<ul style="list-style-type: none"> • Zone: B4 Mixed Use • Maximum building height: 31m (approximately 9 storeys) • FSR: 2:1
Recommended zoning and planning controls	<ul style="list-style-type: none"> • Zone: part B2 Local Centre/part R4 High Density Residential • Maximum building height: 31m for B2 zone; 24m for R4 zone • FSR: 2.4:1 for B2 zone; 1.5:1 for R4 zone (average 2:1) • Development near zone boundaries flexibility: 12m
Disclosure of political donations and gifts	<ul style="list-style-type: none"> • Disclosure statement provided by the Proponent indicates no political donations or gifts were made.

SUMMARY

The purpose of this report is to provide Council with a summary of the submissions received during the formal community consultation for the Woodville Road Planning Proposal and draft Development Control Plan (DCP) controls and seek a resolution on how to proceed. The Planning Proposal seeks to rezone land to facilitate a mixed-use neighbourhood centre on the site at Woodville Road, Merrylands (the former John Cootes Warehouse Site). A draft site-specific DCP section (Woodville Road Neighbourhood Centre Precinct Controls) has been prepared to provide detailed controls to guide the redevelopment of this site.

A Gateway Determination was issued by the Department of Planning and Environment (DP&E) for a rezoning to B4 Mixed Use, a maximum building height of 31m (equivalent to approximately 9 storeys), and a Floor Space Ratio (FSR) of 2:1 for the Site in June 2016, shortly after the formation of Cumberland Council.

At its meeting of 20 December 2017 Council resolved to place the draft DCP controls on public exhibition with the Planning Proposal and receive a further report on submissions received, following formal community consultation. Because the Planning Proposal already had Gateway approval for exhibition, this is the first time that Council will be considering a report on the rezoning. This report recommends the proposal be amended to a split B2 Local Centre and R4 High Density Residential zone with commensurate development standards, and only proceed subject to the renegotiation of a satisfactory planning agreement for public benefit. It is also recommended that the draft DCP controls be adopted.

RECOMMENDATION

That Council:

- 1. Amend the Planning Proposal for the Woodville Road Neighbourhood Centre site, as indicated in Attachment 1, to:**
 - a. B2 Local Centre zone with a maximum height of 31m and maximum FSR of 2.4:1 at the front of the site; and**
 - b. R4 High Density Residential zone with a reduced maximum height 24m and reduced maximum FSR of 1.5:1 at the rear of the site.**
- 2. Endorse the amended Planning Proposal to forward to the Department of Planning & Environment for finalisation, subject to the negotiation of a planning agreement to the satisfaction of Council.**
- 3. Indicates that the draft planning agreement, to be reported to Council for a decision prior to public notice, should include provision for contribution towards:**
 - a. Local open space (preferably on-site)**
 - b. District open space, recreation and sporting facilities (off-site)**
 - c. Community centre, youth and library facilities (off-site)**

- d. Child care facilities (possibly on-site)
 - e. Public domain improvements (on-site and adjoining the site)
 - f. Roads and traffic upgrades (including off-site)
 - g. Public affordable housing (preferably on-site)
 - h. Administration costs
- 4. Adopt the draft Development Control Plan (DCP) controls at Attachment 2 as a site-specific section '*4.1.12 Woodville Road Neighbourhood Centre Precinct*' of the *Parramatta DCP*, to come into effect on the date that the LEP Amendment commences.
 - 5. Delegate to the General Manager authority to make minor non-policy corrections or formatting changes to the draft DCP controls prior to it coming into effect.
 - 6. Should the Planning Proposal proceed, name and refer to this new Centre as the '*Merrylands East Neighbourhood Centre*'.

REPORT

Background

A Planning Proposal request was originally submitted to the former Parramatta City Council on 26 May 2015 by Knight Frank Pty Ltd (the Proponent) on behalf of the owners of the former John Cootes warehouse site at 264 Woodville Road, Merrylands. Concerns about the density proposed and traffic issues were raised by officers of Parramatta City Council, which led to the lodgement of a revised Planning Proposal in October 2015. The Planning Proposal was accompanied by urban design, transport impact, economic impact, environmental and contamination studies.

On 7 December 2015, Parramatta City Council resolved to seek a Gateway Determination from the NSW Department of Planning and Environment (DP&E). The Planning Proposal was transferred to Cumberland Council in mid-2016, as part of the post-amalgamation transitional arrangements. A Gateway Determination from the Department, dated 24 June 2016, was received by Cumberland Council on 16 August 2016 (see Attachment 4). The Gateway Determination specified a further reduced Floor Space Ratio (FSR) and the addition of a number of properties, for which the Proponent submitted an updated planning report, updated urban design report and updated traffic impact assessment.

Draft DCP controls were developed by Cumberland Councils Planning Group to provide more detailed guidance for any future development of the site, should the planning proposal proceed. These were reported to the Cumberland Independent Hearing and Assessment Panel (IHAP) in September 2017 for consideration and review, followed by a further report in November 2018. The draft DCP controls were then reported to Council in December 2017 and on 20 December 2017 Council resolved to place the controls on formal public exhibition with the Planning Proposal and public benefit offer (which would be implemented via a planning agreement).

Land to which this Planning Proposal Applies

The Planning Proposal request received by the former Parramatta City Council was for land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands. 244 Woodville Road and 6, 10 and 12 Lansdowne Street were included in the Planning Proposal by the Gateway Determination.

The total site of the Planning Proposal is approximately 2.84 ha in size, of which 2.6 ha is currently owned by the Proponent. The site comprises a freestanding warehouse building of approximately 3,330m², and several single residential dwellings. The location of the site and its context is shown in Figure 1.

The land surrounding the site includes:

- Detached dwellings on Lansdowne Street and Highland Street (zoned R2).
- A mix of detached dwellings and two 4 storey mixed use buildings directly opposite the Site.
- A service station and fast food retailing south of the site (zoned B6).
- Granville South Public School, located immediately south of the Site, and listed as a Heritage Item (1243) in *Parramatta LEP 2011*.

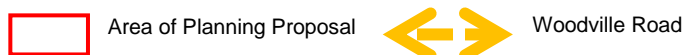


Figure 1: Site location and context

Current and Historical Planning Provisions

The site is currently zoned part B6 Enterprise Corridor and part R2 Low Density Residential under the *Parramatta LEP 2011*. The maximum building heights are currently part 9m and part 12m, and the maximum FSR standards for the site are part 0.5:1 (Lansdowne Street) and part 1.5:1 (Woodville Road & Highland Street).

The zoning along Woodville Road has changed several times since 1996. The land zoning history is shown below in Table 1.

Table 1 – Land zoning history

<i>LEP Year</i>	<i>Zone</i>	<i>Main Associated Land Use Forms</i>
1996	Residential 2(a)	Low density residential forms
2001	Mixed Use 10	High density residential flat buildings with some ground floor commercial
2011 (Current)	Mostly R2 Low Density Residential Limited B6 Enterprise Corridor	Low density residential forms Bulky good and employment uses

The B6 zoned land, located on and to the south of the Site, reflects the historical evolution of an informal strip centre type land use over many years. Mixed use buildings (4 storey apartment with ground floor retail) located opposite the subject land on Woodville Road are zoned R2 and were approved prior to the land being downzoned from Mixed Uses 10 in 2011. Consequently, the current zoning patterns do not reflect the actual development types and their distribution in this location on Woodville Road.

Policy Context

The *Woodville Road Urban Design Study (Woodville Road Study)* was prepared by Parramatta City Council in 2015. The *Draft Woodville Road Strategy* was prepared, based on this study, by Parramatta City Council in late 2015. As part of this work, the Site had been the subject of detailed testing to determine the most appropriate land use and built outcomes. Both documents identified the Site as being appropriate and ideally located for a mixed use neighbourhood shopping centre, due to its location and ability to fill the 'gap' between the catchments of the Merrylands and Guildford centres.

The *Draft Woodville Road Strategy* was exhibited by the former Parramatta City Council from 24 February 2016 to 25 March 2016, however, was not finalised due to Council amalgamations. The original Planning Proposal request was lodged with Parramatta City Council in May 2015, after the completion of the Study, but prior to the release of the Draft Strategy.

The state planning framework has been amended since the lodgement of the Planning Proposal request. The Planning Proposal assessment report (at Attachment 1) outlines the consistency of the Planning Proposal with the following:

- *Greater Sydney Region Plan: A Metropolis of Three Cities*
- *Our Greater Sydney 2056: Central City District Plan*
- *Draft Centres Policy – Planning for Retail and Commercial Development*
- Applicable Ministerial Directions (s 9.1 Directions)
- Relevant State Environmental Planning Policies (SEPPs)

The Planning Proposal is considered to be generally consistent with the *Cumberland Community Strategic Plan 2017 – 2027* in that it forms part of a strategic approach to the needs of an increasing population, creating a new centre on Woodville Road, at a Metro bus transport hub with frequent services to Parramatta CBD. Locally, the proposed centre will enable a better sense of community and a more liveable place to call home, as well as improving access to services, facilities and local jobs.

Planning Proposal

A summary of the original Planning Proposal (May 2015), the amended Planning Proposal (October 2015), and the Gateway Determined Planning Proposal that was publicly exhibited is provided in Table 2 below.

Table 2 – Summary of Versions of Planning Proposal

<i>LEP Provision</i>	<i>Existing Provisions</i>	<i>Original Planning Proposal (May 2015)</i>	<i>Revised Planning Proposal (Oct 2015)</i>	<i>Gateway Determined Proposal (Exhibited)</i>
Zoning	Part B6 Enterprise Corridor, Part R2 Low Density Residential	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Max. Building Height	12m (B6 zone) 9m (R2 zone)	40m	31m	31m
Max. FSR	1.5:1 (B6 zone) 0.5:1 (R2 zone)	3.2:1	2.25:1	2:1

Parramatta City Council planners determined that the original density and heights proposed across the site could not be supported due to extent of traffic generation, the location and configuration of the proposed intersection at Kimberley Street/Woodville Road and unreasonable impacts on the adjacent school. The planning proposal request was subsequently revised to seek an FSR of 2.25:1 which the former Council endorsed for Gateway Determination and public consultation.

Gateway Determination

A Gateway Determination was received from the DP&E in June 2016 and required a number of key amendments to the planning proposal including:

- Inclusion of land at 244 Woodville Road and land at 6, 10 and 12 Lansdowne Street, Merrylands in the land to which the planning proposal applies (refer to Figures 2 and 3).
- Amendment of all references to indicate a proposed maximum FSR of 2:1 (across the site).
- Methods of achieving an appropriate transition in height to the land currently zoned R2 Low Density Residential fronting Lansdowne Street and Highland Road.
- Correction of the Explanation of Provisions and Table 3 at Page 16 to indicate that a site-specific provision for the FSR calculation applies to wintergardens.

Site specific DCP controls were considered to be necessary, particularly for addressing height transition.



Figure 2: Original Planning Proposal area requested by Proponent and endorsed by former Council (outlined in red)



Figure 3: Land required by the Gateway Determination to be included as part of the Planning Proposal (shaded yellow)

Current Planning Proposal

Following the Gateway Determination in August 2016, an updated planning report, urban design report and transport impact assessment were submitted to Council by the Proponent to reflect the larger site area and the FSR of 2:1 (as opposed to the 2.25:1 sought by the Proponent).

Modelling of Proposed LEP and DCP Controls

An urban design review of the Planning Proposal and associated concept masterplan was conducted by Council in December 2016 to model and test the building envelopes,

FSR and heights. The design review and 3D modelling results were then used to inform the spatial layout and draft DCP controls to:

- confirm the building form resulting from a maximum FSR of 2:1.
- achieve reduced development impacts on the amenity of the school.
- determine site layout arrangements and building envelope requirements needed to comply with ADG requirements.
- establish a workable urban structure, spatial arrangements and internal roads.
- provide for the spatial requirements for a large format supermarket.

Council's modelling (which produced a yield of 1.9:1) demonstrated the maximum FSR could be reasonably achieved within the proposed heights, with a suitable transition and site layout. This modelling formed the basis of the draft site-specific DCP controls.

Further modelling was undertaken in April, as advised by the Cumberland IHAP, particularly in relation to sunlight access to the proposed central park. This additional modelling is provided at Attachment 5.

Draft DCP Controls

The draft DCP controls provide specific development objectives and guidelines to:

- guide the future character of the neighbourhood centre precinct and the relationship to Woodville Road and the adjoining school.
- achieve suitable building height transition between the site and adjoining low scale residential development on Lansdowne Street and Highland Street.
- encourage a vibrant retail centre with active street frontages.
- ensure high quality public open space form and location.
- provide safe and efficient pedestrian and vehicular access to, from and through the site.

Key elements of the draft DCP controls include:

- storey controls and setbacks to achieve transition to adjoining land.
- street and side setback controls.
- location of a 2,000 m² neighbourhood park.
- location of new streets.
- future extension of Highland Street to Lansdowne Street to facilitate traffic management and transition to adjoining low scale residential areas.
- other general requirements to activate streets and encourage good building design.

The draft DCP controls were reported to the Cumberland IHAP for review on 13 September 2017. The Cumberland IHAP recommended that the matter be deferred to enable staff to consider additional material tabled by the Proponent at this meeting. The draft DCP controls were revised to incorporate preliminary comments from the Cumberland IHAP, consider material provided by the Proponent and provide greater clarity. This was then reported to the Cumberland IHAP meeting on 8 November 2017.

The Cumberland IHAP recommended that the draft DCP controls and Planning Proposal be reported to Council seeking a resolution to place them on public exhibition (see Attachment 6). At its meeting of 20 December 2017 Council resolved to place the draft DCP controls on public exhibition with the Planning Proposal and receive a further report on submissions received, following formal community consultation.

Public Submissions

The Planning Proposal, draft DCP controls and supporting documents were publicly exhibited for 46 days from 15 January 2018 to 1 March 2018 in accordance with the Gateway Determination and Council resolution. Three (3) submissions were received from public authorities and ten (10) submissions were received from the community.

Public Agency Submissions

Agencies consulted during the post-gateway public exhibition period included the NSW Department of Education (DoE), Transport for NSW (TfNSW), NSW Roads and Maritime Services (RMS), and Transdev NSW. Three (3) submissions were received: from TfNSW, the RMS and the DoE. These submissions included a range of matters to be considered as part of the Planning Proposal assessment and any future Development Application (DA).

Woodville Road is a classified road under the care, control and management of the RMS. RMS expressed concern regarding the location of the signalised intersection at Kimberley Street/Woodville Road as initially proposed by the Proponent. After liaising with RMS, the Proponent proposed road widening along the eastern edge of the Site along Woodville Road, a signalised intersection at Lansdowne Street/Woodville Road, and prohibition of exit movements from Earl Street (see Attachment 7).

This proposal is now supported by RMS 'in principle' subject to an agreement reached on the staging (i.e., trigger points linked to the development yield) of the identified road works, and the agreed road works and staging plan to be incorporated into a planning agreement between the applicant and Council. RMS also noted that any proposed staging plan should be supported by appropriate traffic analysis. This is currently in discussion between Council and the Proponent.

TfNSW emphasised the need for network improvements on Woodville Road and reiterated the need for road upgrades to be agreed with the RMS and to be incorporated into a planning agreement as part of the Planning Proposal.

DoE raised concerns about the impact of multi-storey development adjacent to the school boundaries and the potential for overshadowing and overlooking of internal and external spaces within the school. The draft DCP controls propose setbacks and storey height guidelines. A requirement for a deep soil setback of 9m along the southern boundary has been included in the draft DCP to provide a substantial landscaped buffer between the proposed development at the school boundary. Further, it is a recommendation of this report that the Planning Proposal be amended to split the

zones and reduce the maximum height and FSR standards to further increase certainty of the resulting development.

Concerns were also raised about noise, dust and traffic during construction, and the safety of vehicles and pedestrians accessing the school during peak hours. Additional controls to the DCP are recommended to assist in addressing these issues at the DA stage. Concerns were also raised about the impact on demand for teaching spaces and associated government school infrastructure. Cumberland Council will continue to work with the NSW Department of Education to address these concerns which relate more broadly across the Cumberland LGA.

A more detailed summary of the issues and concerns raised by public agencies along with Council's response can be found in Attachment 8.

Community Submissions

A total of eight (8) individual submissions were from the community (one of these was submitted three times). One (1) submission was received from the Granville South Public School P&C and another submission was received from the Proponent, who responded to matters relating to the draft DCP. The submission received from the Proponent on the draft DCP is considered at the end of this section of the report.

Key matters raised in submissions on the Planning Proposal are outlined below, and a more detailed submissions table is provided at Attachment 8.

Objections / Concerns

- *The proposed B4 zone and high density development is inappropriate for the Site, including visual, amenity and overshadowing impacts from the 31m height proposed.*

The Gateway Determination issued by the Department of Planning specified a B4 zone and a maximum building height of 31m. The Site is identified for a mixed use neighbourhood centre with medium to high density residential development in the *Woodville Road Study (2014)* and the *Draft Woodville Road Strategy (2015)*. The new centre is expected to fill a gap in the catchment for a centre, and provide a public park, increasing convenience and walkability for the surrounding area. The draft DCP will require a transition to neighbouring development, and the setback to Woodville Road will provide opportunities for increased amenity along this key route. The controls have been tested from an urban design perspective, to ensure the amenity objectives for the Site and the basic requirements of the ADG can be met.

It is recommended that the proposal be amended to a split B2 Local Centre and R4 High Density Residential zone with reduced maximum height standard at the rear half of the site to create greater certainty. This aspect is discussed further in the 'Review of the Planning Proposal and Draft DCP' section of this report.

- *Concern that the development will set an adverse precedent, encouraging further high rise in the area.*

The Site was specifically identified in the *Draft Woodville Road Strategy (2015)* for a neighbourhood centre. It was one of only three nodes identified in the strategy, and the only node identified as a centre with this level of planned intensity. As such, it is not considered that this proposal will set an undesirable precedent for the remainder of Woodville Road.

- *Concern about overlooking of the school playground adjoining the Site, and about construction noise.*

This concern is acknowledged and a 9 metre setback is required between the development and the school boundary in the draft DCP. This will be supplemented with DCP controls for deep soil planting for screening, and building design to minimise any potential for overlooking. The draft controls require development along the southern boundary of the Site to be stepped down from 9 storeys to 7 storeys to 5 storeys to facilitate better transition to the school.

Further, it is recommended that the proposal be amended to reduce the maximum height standard at the rear half of the site to create greater certainty, and that noise and vibration controls be added to the draft DCP controls. Construction noise would be considered in detail during the assessment of any future Development Application (DA).

- *Lack of infrastructure and amenities to service the proposed increase in population, including the road network, public transport, utilities, education, medical, childcare, open space and recreation facilities.*

The Planning Proposal and draft DCP controls include provision for a 2,000m² public park, new roads and an improved Lansdowne/Woodville Rd intersection. Any required upgrades to utilities would be considered in detail as part of any future Development Application (DA). Development contributions will support additional local infrastructure and facilities.

In relation to State infrastructure, it is acknowledged that additional infrastructure for schools and public transport are needed for the growing population and Council continues to advocate to Government for these. The site is well located to take advantage of any future improvements to public transport. The adjoining school is currently in consultation with the NSW Department of Education about the need for future expansion. The planning proposal also anticipates an opportunity for a large format supermarket which would provide additional services to the surrounding area.

- *Particular concerns about increased traffic impacts, namely increased traffic flow on Lansdowne Street, noise, and parking availability, due to limited public transport access.*

A traffic study was submitted with the Planning Proposal request and upgrade works required have received 'in principle' approval by the RMS. Design changes

have been made following discussions with RMS, to minimise traffic impacts. In addition, any future Development Application (DA) will need to provide a detailed traffic report, which will assist in ensuring traffic impacts of the development are minimised.

- *Concern about the quality of high rise development.*

The Planning Proposal seeks to rezone the subject site and amend the maximum building height development standard and FSR (density) development standard in the Local Environmental Plan (LEP). Draft DCP controls have been developed to guide the outcomes on the site and should the proposal proceed, detailed design and construction will be rigorously assessed against the State Policy for Design Quality of Residential Apartment Development at any future Development Application (DA) stage. High density mixed use development and residential flat buildings would need to meet the requirements of the DCP and the Apartment Design Guide (ADG), which aims to ensure quality residential development.

- *The proposed additional retail development is not feasible as the surrounding population density is insufficient to support it, and the retail component of the Planning Proposal will exacerbate the existing problem with vacant and unmaintained retail properties on Woodville Road.*

The provision of a new centre in this location is designed to act as a catalyst to revitalise Woodville Road, helping to address the vacancy issues noted in this submission. Hill PDA's Economic Assessment (October 2015) supported the feasibility of retail facilities through a catchment analysis, and identified substantial economic benefits from the Planning Proposal, which would in-turn benefit the local community.

- *The additional high rise is likely to be purchased for investment and some left vacant, which does nothing to contribute to affordability.*

The extent of future investor-owned or owner-occupier is unknown at this stage and cannot be regulated by local government. Council is, however, working to address housing affordability in a number of ways, and this issue will be looked at on a Cumberland-wide scale as part of Council's forthcoming residential housing strategy. Housing affordability is an issue across metropolitan Sydney, and a variety of measures and initiatives from both state and local government are required to address this issue. Well-located housing supply is one of the measures and part of the solution. It is also noted that Council has an *Interim Affordable Housing Policy* and is working to put in place a more comprehensive policy and scheme.

Request to Expand the Proposal

- *Expand the new zoning and FSR and height increases, especially to the north across Lansdowne Street.*

The boundaries of the site of the Planning Proposal are determined by the Gateway Determination and could not be changed. A wider precinct area is included in the draft DCP controls to ensure appropriate transitional built form and heights to surrounding residential land uses and the school. The 'Woodville Road Neighbourhood Centre Precinct' is informed by and generally consistent with the *Draft Woodville Road Strategy*. It is advised that the *Draft Woodville Road Strategy* and views provided by the public will be looked at as part of Council's comprehensive new Cumberland LEP process which has recently commenced.

Proponent Submission

A submission was received on the draft DCP controls from the Proponent. The main changes requested are summarised below, together with responses by Council planners. Attachment 8 provides a more detailed summary of the matters raised.

- *Location and a reduced number of vehicle entry points to the basement.*

The location of vehicle entry points needs to consider the safety of both vehicle users and pedestrians. A reduced number of access points reduces convenience and legibility and would likely result in car users seeking on street parking instead. The DCP controls indicate "preferred" vehicle access points, which leave some flexibility for the development assessment phase.

- *Stage 1 of the plan to include the Central Park.*

This has been incorporated into the recommended draft DCP controls.

- *A reduction of the deep soil requirement for the Central Park from 85% to 70% to allow a continuous basement between above ground structures.*

This is not supported. Dedication to Council (as proposed in the Proponent's Letter of Offer) of the park with basement parking underneath raises management and liability issues for Council. Any further loss of deep soil would also reduce the capacity of the park to provide for substantial tree planting and would reduce stormwater absorption.

- *Increased street wall heights and increased building length.*

This is not supported as street wall heights and building length are critical urban design elements that assist in the transition with the surrounding character, and in providing an appropriate human scale.

- *Reduced setback requirements.*

This is not supported, as the setbacks are designed to enhance the amenity of the public realm and Woodville Road presentation, to support greening, and to protect the school and playground from unacceptable overshadowing and overlooking.

- *Eliminate the Park Circuit around the Central Park to widen the park.*

This is not supported as it would compromise the active frontage required for the adjoining retail premises. The detail on how this is treated and managed can be discussed and considered in further detail during the preparation of any future Development Application (DA) for the site.

Review of Planning Proposal and Draft DCP Controls

Following the completion of public consultation, the Planning Proposal and the draft DCP controls have been revised to address issues that have arisen during the consideration of the submissions and during the assessment of the Planning Proposal itself. It is recommended that a number of changes be made to the Planning Proposal and draft DCP controls which remain generally consistent with the Proponents desired outcome and the strategic intent for the site, but ensure a greater level of certainty for the resulting development that would eventuate. These are discussed below.

The Planning Proposal at Attachment 1 and the draft DCP controls at Attachment 2 have been updated to include the recommended changes. Changes to the exhibited draft DCP controls are shown in red and a summary is provided at Attachment 3.

Land Use Zoning

The Gateway Determination provided for the Planning Proposal to be zoned B4 Mixed Use. This is problematic given the objectives of the zone B4 Mixed Use under the *Parramatta LEP 2011* are “*To support the higher order zone B3 Commercial Core while providing for the daily commercial needs of the locality*” and “*To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre*”. Cumberland Council does not currently consist of any land zoned B3 Commercial Core, and the site is such a distance from the Parramatta City Centre that it does not conceivably have a direct relationship with the Parramatta CBD B3 zone. It is noted that the City of Parramatta Council used the B4 Mixed Use zone to provide for a complimentary mix of employment generating and residential uses around its B3 Commercial Core.

In Cumberland, the B4 Mixed Use is currently used for larger Town Centres such as Merrylands, Granville, Auburn and Lidcombe and it is expected that this approach would continue under the new Cumberland LEP. As such, it is not considered to be the appropriate zone for a lower order neighbourhood centre in this location.

A review of available zones was undertaken and it was determined that a combination of the B2 Local Centre and R4 High Density Residential zones would be most appropriate to facilitate the Planning Proposal concept masterplan intentions.

The objectives of the B2 Local Centre zone are broadly consistent with the objectives of the Planning Proposal for the front of the site, which are:

- to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- to encourage employment opportunities in accessible locations.
- to maximise public transport patronage and encourage walking and cycling.
- to encourage the construction of mixed use buildings that integrate suitable commercial, residential and other developments and that provide active ground level uses.

The B2 Local Centre zone permits various uses with consent including commercial premises (retail, business and office premises), community facilities, child care centres, and medical centres with shop top housing (apartments) above. Solely residential buildings (such as residential flat buildings) are not permitted and ground floor would be required to be an active, non-residential use such as retail or business premises. This is consistent with the expressed intention for the front of the site and would ensure that this vision would be realised.

The R4 High Density Residential zone permits residential flat buildings, consistent with the expressed intent for the rear of the site, but also permits 'fringe of centre' uses such as child care centres, community facilities and a small neighbourhood (convenience) shop. This would ensure the vision would be realised at the rear of the site.

It is recommended that the proposed B4 zone be replaced by a split B2 Local Centre zone and R4 High Density Residential zone, with the zone boundary placed along the eastern edge of the proposed secondary street alignment. The *Parramatta LEP 2011* has, under clause 5.3, provision for flexibility for development near zone boundaries and it is recommended that such flexibility be applied to within 12m of the recommended zone boundary to enable reasonable flexibility in the future detailed design and approval of development. It is anticipated that a revised Gateway Determination would be required due to the extent of changes proposed.

Height of Buildings and Transition to Surrounding Area

The Gateway Determination proposed a maximum building height of 31m (equivalent to approximately 9 storeys) and maximum FSR of 2:1 across the entire site. This was based on the concept masterplan and Proponents intent expressed for the site. Broadly consistent with the masterplan, the draft DCP controls provide for the tallest (9 storey) buildings to be located along Woodville Road, with a step down to 7 storey buildings in the middle of the Site, 5 storeys along the southern boundary of the Site adjoining the school, and 3 and 4 storey heights along Lansdowne Street and Highland Street.

The height transition to the school is important to minimising overshadowing of the school's play areas, addressing a key concern of the school and DoE; and the transition to Highland Street is important to ensuring a reasonable visual impact and transition to surrounding residential areas. While the LEP could not be as detailed as the DCP, it is considered that the maximum height standard in the R4 zone

recommended for the rear of the site should be reduced to 24m to reflect the tallest height intended for any part of this half of the site under the masterplan concept and draft DCP controls. Given that this is a decrease to the FSR standard which remains generally consistent with the expressed outcomes of the proposal; it is considered that this change would not warrant re-exhibition.

The draft DCP controls would then provide further detail in relation to the location of higher components and the number of storeys adjacent to boundaries. The number of storeys along Lansdowne Street in the 'Stage C' area under the DCP is proposed to be increased from 2 storeys to 4 storeys in response to the submission by the Proponent, which will also provide greater equity for the two owners at 10 and 12 Lansdowne Street. The amount of height increased in Stage C is notionally equivalent to the height decreased for the portion of the development along the southern boundary, enabling the FSR achievable for the Site to remain unchanged. These proposed changes have been reflected in the recommended draft DCP controls at Attachment 2 and are summarised in the table at Attachment 3.

Floor Space Ratio

The planning proposal submitted by the former Parramatta City Council for Gateway Determination sought an FSR of 2.25:1. This FSR was not supported by DP&E and the Gateway Determination required that the planning proposal be amended to reflect a maximum FSR of 2:1 across the site. In their latest submission on the draft DCP, the proponent indicated it may not be possible to achieve an FSR of 2:1 and meet the requirements of SEPP 65 and the Apartment Design Guide (ADG).

Council's most recent 3D modelling estimated that an FSR of 1.9:1 could be feasibly achieved, based on achieving ADG compliance, appropriate setbacks and good design outcomes. This is generally consistent with the high density scenario in the *Woodville Road Study*, which produced an FSR of 1.83:1 and the proponent's submission that with the proposed DCP controls *"it may not be possible to (fully) achieve an FSR of 2:1 and meet the requirements of SEPP 65 and the Apartment Design Guide (ADG)"*. It should be noted that FSR standards are a 'maximum' that may not always be fully released.

It is recommended that the FSR be split along the same lines as the zone split, to ensure that density and building bulk is concentrated at the front of the site and that floor space is not 'funnelled' away from commercial at the front into additional residential at the rear. Based on the concept masterplan and the draft DCP envelopes, it is the maximum FSR standards should be a 2.4:1 for the B2 zone at the front 1.5:1 for the R4 zone at the rear. This results in an average maximum FSR across the site of just under 2:1, of which a compliant development should be able to reasonably achieve 90%-100%, depending on the detailed design at DA stage.

Given that the average is substantially the same, and that the recommended FSR standards remain generally consistent with the expressed outcomes of the proposal; it is considered that these changes would not warrant re-exhibition.

Neighbourhood Centre Layout, Structure, Character and Access

The retail Main Street, the Secondary Street, Highland Street East-West Connection, and the Park Circuit form the key roads that break up the larger Site into human scaled blocks.

Controls for footpaths of 4.5m along the Main Street, 3.5m footpaths along the Secondary Street and street setbacks of a minimum of 4m in all other streets are stipulated in the draft DCP controls. To achieve this, minor amendments been made to the draft DCP controls recommended by this report. Similarly, to increase clarity on the active street frontage streets in the Site, minor amendments have been made to the sections to show details such as ground floor use, awnings, and setbacks.

A requirement for a minimum of 35m of active street frontage along Lansdowne Street from the intersection of Woodville Road has been added to the draft DCP controls. A minimum of 80% glazed facade for the ground floor along the Woodville Road frontage (retail component) has also been added to avoid blank walls and provide street address.

Proposed Local Park

As per the Cumberland IHAP recommendation, further modelling of the proposed built form envelopes was undertaken and it was demonstrated that a minimum of two hours of direct sunlight to a minimum of 50% of the proposed public open space between 12pm-2pm at the winter solstice is achievable with the proposed location and built form controls in the draft DCP controls and SEPP 65 / ADG compliance can be achieved.

Controls have been added to ensure a high quality neighbourhood park is provided. It is anticipated that the park will be dedicated to Council, and discussions are continuing with the Proponent. Any access links to the basement parking is suggested on the northern edge of the park as opposed to the southern edge to ensure large trees and an understorey of shrubs can be planted in the 9m deep soil setback adjoining the school.

Air Quality and Noise Abatement

Air quality and noise abatement concerns have been addressed through proposed inclusion of site-specific controls in the *Parramatta LEP 2011* to exclude wintergardens on Woodville Road from the calculation of FSRs (as stipulated in the Gateway Determination), and the inclusion of controls in the draft DCP on air quality, and noise and vibration. An acoustic report will also be required at DA stage.

Traffic Infrastructure

Signalisation of the intersection of Woodville Road and Lansdowne Street with road widening along the eastern boundary of the Site (Woodville Road), and prohibition of exit movement from Earl Street onto Woodville Road, is required to facilitate the intended development of the site. The provision of this infrastructure by the Proponent

linked to the development yield and staging of development on the Site, is currently being discussed with the Proponent and will be the subject of a separate Council report on the draft planning agreement.

Voluntary Planning Agreement

A revised public benefit offer (which would form the basis of a Voluntary Planning Agreement VPA) has been received from the Proponent in association with the amended Planning Proposal (Attachment 9). The Proponent is offering the creation and dedication to Council of the following:

- a public park of over 2,000m², including embellishment works.
- a publicly accessible 6.5m setback along the Woodville Road frontage, with walkways, street trees and an opportunity for a transit plaza (subject to RMS and State Transit approval).
- new public roads connecting Highland Street and Lansdowne Street.
- signalisation of the intersection of Woodville Road and Lansdowne Street.

The Proponent seeks an offset against all the development contributions that would otherwise be payable from the subsequent DAs for this site. Currently a 1% development levy applies; however this will likely be replaced with a s7.11 contribution in the near future which is expected to better provide for local infrastructure related to development, including sporting and recreation facilities, library and community facilities, as well as road network improvements and local open space.

Cumberland Council adopted the *Cumberland Planning Agreements Policy and Guidelines* on 6 September 2017. Section 1.2 of these Guidelines states that the controls in these guidelines apply to any draft planning agreement that has not yet been exhibited. A draft planning agreement for the Site has not been exhibited; however, this Planning Proposal and an initial offer of a planning agreement were lodged with the former Parramatta City Council in May 2015. On this basis, Cumberland Council officers had not strictly applied the policy, nor negotiated beyond the general offer made to date.

Nevertheless, in negotiating the planning agreement, the objectives of the guidelines as well as the requirements of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, should be taken into account.

The formal negotiation phase of the planning agreement would commence following a decision made in relation to proceeding with the Planning Proposal. During this negotiation Council officers would seek more specific details of the benefits proposed and their timing in relation to the project; as well as clarification about which offerings are a direct requirement of the development of the site or wider public benefit that would be reasonable to offset against monetary contribution payable.

It would be prudent for Council to indicate at this stage its position and broad expectations in relation to the planning agreement outcomes. It is recommended that a contribution (financial and/or land and/or works) be made towards the following public infrastructure and facilities:

- Local open space (preferably on-site)
- District open space, recreation and sporting facilities (off-site)
- Community centre, youth and library facilities (off-site)
- Child care facilities (possibly on-site)
- Public domain improvements (on-site and adjoining the site)
- Roads and traffic upgrades (including off-site)
- Public affordable housing (preferably on-site)
- Administration costs

All of these have been included in the recommendation of this report, though Council may wish to exclude some. It is noted that the 1% levy under the Parramatta s94A (s7.12) Plan would normally only be considered sufficient to fund open space, community facilities and administration costs. A separate report will be provided to Council for consideration of the draft planning agreement. It is recommended that proceeding with the Planning Proposal be subject to the negotiation of a satisfactory draft planning agreement. This this would then be finalised while the DP&E is finalising the LEP Amendment, with the final planning agreement and any submissions received reported back to Council for final decision.

COMMUNITY ENGAGEMENT

This report addresses submissions received during the formal community consultation in relation to the Planning Proposal and draft DCP controls for the Woodville Road Neighbourhood Centre Precinct. The consultation was undertaken in accordance with the Gateway Determination, Council resolution and legislative requirements, as detailed earlier in this report.

Should Council resolve to proceed, a draft planning agreement will be negotiated, after which the Planning Proposal will be forwarded to the DP&E to make the LEP amendment and publish it on the NSW Legislation website.

The adopted DCP controls for the Precinct would be implemented via an amendment to the *Parramatta DCP 2011*. A notice will be placed in local newspapers to advise of the date of commencement.

A draft planning agreement will be considered by Council and then publicly notified in accordance with the EP&A Act.

POLICY IMPLICATIONS

This report recommends that Council amend the Planning Proposal and proceed to finalisation the amendment to the *Parramatta LEP 2011*. This comprises the amendment to land use zoning, maximum height of buildings and FSR maps, as well as a development near zone boundaries flexibility provision, and site-specific provision to exclude gross floor area (GFA) for wintergardens from the calculation of FSRs for apartments fronting Woodville Road.

This report also recommends that Council adopt the draft DCP controls for the Precinct as an amendment to the *Parramatta DCP 2011*. This DCP amendment would come into force on the same date as the LEP amendment comes into force.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report.

FINANCIAL IMPLICATIONS

Financial implications have been discussed in the section on Voluntary Planning Agreement. There are no other financial implications associated with this report.

CONCLUSION

The exhibited Planning Proposal reflected the approach endorsed by the former Parramatta City Council and the DP&E Gateway Determination. Draft DCP controls for the Precinct were developed to provide more detailed guidance and meet Gateway requirements. Following advice from the Cumberland IHAP, the draft DCP controls were reported to Council in December 2017.

Formal community consultation was undertaken in relation to the Planning Proposal and draft DCP controls in accordance with the Gateway Determination and Council resolution from 15 January 2018 to 1 March 2018. Additional overshadowing analysis was undertaken during the public exhibition period.

In response to submissions received a review of the Planning Proposal has been undertaken. It is recommended that the proposal be amended to a split B2 Local Centre and R4 High Density Residential zone with commensurate development standards (with reduced maximum heights and FSR at the rear of the site) to provide a greater level of certainty that the intended land use and built form outcomes will eventuate.

It is appropriate that this proposal only proceed to the DP&E for finalisation subject to the renegotiation of a satisfactory planning agreement for public benefit. The draft Planning Agreement will be the subject of a separate Council report for Council's consideration, prior to public notification.

A review of the draft DCP controls for the Precinct was also undertaken and a number of changes have been recommended in response to submissions. It is recommended that the draft DCP controls, with these changes, be adopted as an amendment to the *Parramatta DCP 2011* and that it come into force on the same date as the LEP amendment coming into effect.

ATTACHMENTS

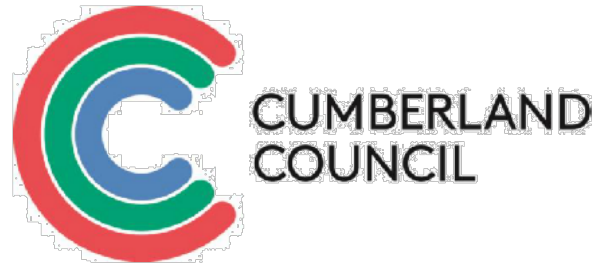
1. Planning Proposal - Woodville Road Neighbourhood Centre
2. Draft Woodville Road Neighbourhood Centre Precinct DCP Controls

3. Table of Proposed Amendments to Draft DCP Controls
4. Gateway Determination - Woodville Road Planning Proposal - June 2016
5. Overshadowing analysis of Proposed Central Park
6. Cumberland IHAP Minutes - 8 November
7. Proposed road works provided to the RMS by the Proponent
8. Summary of Submissions - Woodville Road Planning Proposal
9. Draft letter of Offer

**DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135**

Attachment 1

**Planning Proposal - Woodville
Road Neighbourhood Centre**



PLANNING PROPOSAL

Woodville Road, Merrylands

(244 and 246-264 Woodville Road, 2-4, 6, 8-8A, 10-12 and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands)

July 2018

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

Document History

Proponent versions:

No.	Author	Version
1.	Knight Frank Town Planning	May 2015
2.	Knight Frank Town Planning	October 2015
3.	Knight Frank Town Planning	August 2016

Parramatta City Council versions:

No.	Author	Version
1.	Parramatta City Council	7 December 2015 - Council Meeting recommending Gateway Determination

Cumberland Council versions:

No.	Author	Version
1.	Cumberland Council	16 August 2017 – amended post-Gateway Determination (highlighted text)
2.	Cumberland Council	3 July 2018 – amended post-exhibition to reflect evolution of Planning Proposal

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INTRODUCTION

This Planning Proposal explains the intended effect of, and justification for, the proposed amendment to *Parramatta Local Environmental Plan 2011 (Parramatta LEP 2011)*. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment guides, *A Guide to Preparing Local Environment Plans* (Aug 2016) and *A Guide to Preparing Planning Proposals* (Aug 2016).

Background

On 26 May 2015, Parramatta City Council received a planning proposal request and supporting documents from Knight Frank Town Planning on behalf of landowners, affecting land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands.

244 Woodville Road and 6, 10 and 12 Lansdowne Street, Merrylands were added to the Planning Proposal site as per the Gateway Determination (issued in 2016).

The total site area of the Planning Proposal is approximately 2.84 ha in size. A list of relevant lot and deposited plan numbers are included in Table 1 below:

Table 1 – Lot and Deposited Plan Numbers

Property Address	Lot and Deposited Plan
248 Woodville Road	Lot 2 DP 204284
256 Woodville Road	Lots 4-7 DP 128586 & Lot 1 DP 433824
258-264 Woodville Road	Lot 2581 DP 803841 & Lot 1 DP 382912
19 Highland Street	Lot F DP 382911
6 Lansdowne Street	Lot B DP 409259
8 Lansdowne Street	Lot F DP364338 & Lot 2 DP 385967
10 Lansdowne Street	Lot D DP 364338
12 Lansdowne Street	Lot C DP 364338
14 Lansdowne Street	Lot A DP 344408
16 Lansdowne Street	Lot 81 DP 128805
8A Lansdowne Street	Lot 1 DP 385967
244 Woodville Road	Lot A DP 379850
246 Woodville Road	Lot B & C DP 379850
2 Lansdowne Street	Lot 1 DP 204284 & Lot A DP 418199
4 Lansdowne Street	Lot A DP 409259

The existing site development comprises a freestanding warehouse building, which previously contained a furniture retailer (John Cootes) and several single residential dwellings. The site, as it fronts Woodville Road, is part of a low scale informal strip centre development.



Figure 1 – Location of subject land of this Planning Proposal

Current Controls and Context

Under *Parramatta LEP 2011*, the Site:

- is zoned part B6 Enterprise Corridor and part R2 Low Density Residential (refer to **Figure 6** in Part 4 - Mapping);
- has a maximum building height of part 12m (4 storeys) and part 9m (3 storeys) (refer to **Figure 7** in Part 4 - Mapping); and
- has a maximum floor space ratio (FSR) of part 1.5:1 and part 0.5:1 (refer to **Figure 8** in Part 4 - Mapping).

The land surrounding the Planning Proposal is subject to the *Parramatta LEP 2011* and, as illustrated in Figures 6-8, includes:

- detached dwellings on Lansdowne Street and Highland Street zoned R2 Low Density Residential with a maximum FSR of 0.5:1 and building height of 9m;
- detached dwellings and two 4 storey mixed use buildings directly opposite the land at 237 and 249 – 253 Woodville Road, zoned R2 Low Density Residential and with a maximum FSR of 0.5:1 and building height of 9m;
- a service station and fast food retailing to the south with a common boundary to the Planning Proposal site, zoned B6 Enterprise Corridor with a maximum FSR of 1.5:1 and building height of 12m; and
- Granville South Public School to the south with a common boundary to the Planning Proposal site, which is classified as a General Heritage Item (Item 1243) and is zoned part B6 Enterprise Corridor with a maximum FSR of 1.5:1 and height of 12m and part zoned R2 Low Density Residential with a maximum FSR of 0.5:1 and building height of 9m.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal seeks to amend the *Parramatta LEP 2011* to facilitate the future re-development of the Site for mixed use purposes comprising residential, community, recreation and commercial uses. Specific objectives and outcomes of the Planning Proposal are:

- to facilitate the development of the Site as a new mixed-use neighbourhood centre and in doing so, become the catalyst for further urban renewal along the Woodville Road corridor.
- improved accessibility via a range of street and connectivity works including the proposed Main Street between Woodville Road and Highland Street, and a local street connecting Lansdowne Street to the Central Park.
- ensure the future built form and scale of development respects the surrounding built context and users (both existing and future).

PART 2 - EXPLANATION OF PROVISIONS

This Planning Proposal seeks to amend the *Parramatta LEP 2011* in relation to the height and floor space ratio (FSR) controls.

In order to achieve the desired objectives, the following amendments to the *Parramatta LEP 2011* are proposed:

1. Amend the zoning in the **Land Zoning Map** (Sheet LZN_006 and Sheet LZN_011) from part B6 Enterprise Corridor and part R2 Low Density Residential to part B2 Local Centre and part R4 High Density Residential, as shown in **Figure 11** (in Part 4) of this Planning Proposal.
2. Amend the maximum building height in the **Height of Buildings Map** (Sheet HOB_006 and Sheet HOB_011) from part 9 metres and 12 metres to a maximum of part 24m and part 31 metres, as shown **Figure 12** (in Part 4) of this Planning Proposal.
3. Amend the maximum FSR in the **Floor Space Ratio Map** (Sheet FSR_006 and Sheet FSR_011) from part 0.5:1 and part 1.5:1 to part 1.5:1 and part 2.4:1 and, as shown in **Figure 13** (in Part 4) of this Planning Proposal.
4. To introduce a site-specific provision to exclude gross floor area (GFA) for wintergardens from the calculation of FSRs for apartments fronting Woodville Road. This is proposed through the addition of a new clause 6.13 to the *Parramatta LEP 2011*.

The above proposed amendments would need to be legally drafted and included within the *Parramatta LEP 2011*.

Gateway Determination

The NSW Department of Planning and Environment issued a Gateway Determination to progress the Planning Proposal, with certain amendments, and exhibit it. The Planning Proposal, originally prepared by Knight Frank Town Planning on behalf of Wiltex Pty Ltd (the Proponent), has been amended by Cumberland Council to reflect the requirements of the Gateway Determination and to rectify minor drafting issues. This Planning Proposal has been further amended after the post-Gateway exhibition, in response to issues raised and further analysis.

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

The Gateway Determination required properties in other ownerships and which would otherwise be isolated as a result of the Planning Proposal to be included in the Planning Proposal, being 244 Woodville Road and 6, 10 and 12 Lansdowne Street, Merrylands. The Planning Proposal has been altered to incorporate these properties, and now affects land at 244 and 246-264 Woodville Road, 2-4, 6, 8-8a, 10-12 and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands (Site). The subject Site (revised) is shown in Figure 1 (previous pages).

The Planning Proposal was exhibited from 15 January 2018 to 1 March 2018 in accordance with the Gateway Determination.

An extension to the Gateway Determination timeframe was provided extending the date for completion to 1 July 2018. A further extension was sought in late June to enable the finalisation of the Planning Proposal.

The Gateway Determination (Attachment 3) specifically required the Planning Proposal to address height transitions between the Site and the lower scale surrounding areas, and the Planning Proposal has been amended accordingly. Height transitions have been addressed via a site-specific draft Woodville Road Neighbourhood Centre Precinct Development Control Plan (DCP), which has been prepared for inclusion under Part 4 of the *Parramatta DCP 2011* to provide detailed development principles and controls for achieving height transitions (Attachment 2). In addition, the Planning Proposal has been amended post-Gateway in terms of the proposed zoning, maximum height and FSR after the Post-Gateway exhibition, as outlined in Part 4 and Figures 11-13.

2.1 Other relevant matters

2.1.1 Development Control Plan

A draft DCP has been prepared to provide detailed development controls required to manage the development of the land. The draft DCP would include objectives and provisions to:

- achieve building height transitions between the Site and adjoining low scale residential development on Lansdowne Street and Highland Street;
- guide the future character of the neighbourhood precinct and the relationship to Woodville Road and the adjoining School;
- encourage a vibrant retail centre;
- ensure high quality public open space; and
- provide safe and efficient pedestrian and vehicular access to, from and through the Site.

2.1.2 Voluntary Planning Agreement

A preliminary offer to enter into a voluntary planning agreement (VPA) accompanies the Planning Proposal (Attachment 8). This will be assessed separately and a draft VPA will be exhibited.

PART 3 - JUSTIFICATION

This part describes the reasons for the proposed outcomes and development standards in the Planning Proposal.

3.1 Section A - Need for the Planning Proposal

This section establishes the need for the Planning Proposal in achieving the key outcomes and objectives.

3.1.1 Is the Planning Proposal a result of any study or report?

The *Woodville Road Urban Design Study* (Woodville Road Study) was prepared by Parramatta City Council in November 2014. The *Draft Woodville Road Strategy* was prepared, based on this study, by Parramatta City Council in late 2015. The Site has been the subject of detailed testing in both these documents to determine the most appropriate land use and built outcomes. Both documents identified the Site as being appropriate and ideally located for a mixed use neighbourhood centre.

The *Draft Woodville Road Strategy* was exhibited by Parramatta City Council from 24 February 2016 to 25 March 2016. It was not adopted, however, due to Council amalgamations in May 2016. The Planning Proposal was lodged after the completion of the *Woodville Road Study* in May 2015.

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

Consideration has been given to achieving the intended outcomes of the Planning Proposal by awaiting the next Council or local government area wide review of the *Parramatta LEP 2011* or the preparation of the Cumberland LEP. However, given that this planning proposal request was lodged in 2015, and the comprehensive Cumberland LEP will not be completed until mid-2020, a Planning Proposal accompanied by a site-specific DCP is considered the most effective means of achieving the intended outcomes.

Another alternative considered was to seek a variation to the current FSR and building height development standards under clause 4.6 of the *Parramatta LEP 2011*. However, the level of FSR and height variation being sought is considered too significant for approval via the development application process under clause 4.6.

The Planning Proposal is, therefore, considered the best means of achieving the intended objectives for the Site as the current zoning or principal development standards neither permit the type, nor extent of development envisaged for the Site under this Planning Proposal.

3.2 Section B - Relationship to strategic planning framework

This section assesses the relevance of the Planning Proposal to the directions outlined in key strategic planning policy documents.

3.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Greater Sydney Region Plan: A Metropolis of Three Cities

The recently released *Greater Sydney Region Plan: A Metropolis of Three Cities* provides direction for Sydney's liveability, productivity, and sustainability, and for the location of housing, employment, infrastructure and open space. The plan identifies a housing target across Sydney of 725 000 new homes by 2036 and sets out a new plan for the city's future over the next two decades.

The plan aims to align infrastructure and growth to restructure economic activity and access across the three cities that will make up Greater Sydney. Cumberland is within the Central River City, which will have Parramatta as a CBD.

The Planning Proposal will enable a mixed use neighbourhood centre, comprising approximately 500 dwellings, commercial uses and a Park. Accordingly, the Planning Proposal is consistent with a number of key objectives and actions contained in the strategy, being:

- Objective 10 – Greater housing supply
- Objective 12 – Create great places that bring people together
- Objective 22 – Investment and business activity in centres
- Objective 30 – Urban tree canopy cover is increased
- Objective 31 – Public open space is accessible, protected and enhanced

Our Greater Sydney 2056: Central City District Plan

The *Our Greater Sydney 2056: Central City District Plan* promotes the provision of housing and employment in areas with easy access to transport and other services. The Planning Proposal is considered to specifically address four of the key priorities for the Central City District, as discussed in Table 2:

Table 2 – Consistency with the Central City District Plan

Planning Priorities	Consistency
Providing housing supply, choice and affordability, with access to jobs, services and public transport (Planning Priority C5)	The Planning Proposal is expected to provide a diversity of housing choice with mainly 1, 2 and 3 bedroom units and some townhouses. The Planning Proposal would potentially yield approximately 500 dwellings, significantly increasing the diversity of housing choice in the immediate area, all within close proximity to bus services and the new neighbourhood centre.
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority C6)	<p>The <i>Woodville Road Urban Design Study</i> reviewed the existing land use pattern and built form of the corridor, identified strategic opportunities and constraints, and recommended future development options and built forms. The study identifies the subject land as being a key site for a mixed use centre due to its location and ability to fill the 'gap' between the catchments of the Merrylands and Guildford centres. The <i>Draft Woodville Road Strategy</i> anticipates that development of the Site would act as a catalyst for the renewal of the Woodville Road corridor.</p> <p>The proposed redevelopment would renew a currently underutilised site into a mixed use neighbourhood centre focused around a new public Central Park and new streets and would diversify housing choice. This would yield significant amenity improvements for the immediate</p>

	<p>population and the Woodville Road corridor more generally.</p> <p>A large format supermarket is anticipated, which would anchor the provision of new retail facilities.</p>
Increasing urban tree canopy cover and delivering Green Grid connections (Planning Priority C16)	<p>A deep soil setback of 10m along Woodville Road and the proposed planting of trees within the setback would increase urban tree canopy cover and improve amenity.</p>
Delivering high quality open space (Planning Priority C17)	<p>New road works with landscaped streets, as part of the proposed development, would result in good pedestrian connectivity and access to the proposed park of at least 2000 m². This would ensure residents in the development have good access to public open space and would improve access to public open space for existing residents in the area.</p> <p>Discussions are taking place between Council and the Proponent to ensure the open space is of a high quality.</p>

Draft Centres Policy

The *NSW Government's Draft Centres Policy - Planning for Retail and Commercial Development* was released as a consultation draft in April 2009 to provide a planning framework for the development of new and existing retail and commercial centres in NSW. Whilst the draft policy has not been formally adopted by Government, it does provide a useful indicator or measure of desirable planning outcomes against which to assess aspects of the Planning Proposal. The Planning Proposal is considered to specifically address a number of the principles embodied in the policy, as follows in Table 3:

Table 3 – Consistency with the Draft Centres Policy

Principles	Consistency
Principle 1 – Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.	<p>The Planning Proposal meets the principle of reducing car journeys through the co-location of residential, retail and commercial development, with other social and community facilities in one location. The Planning Proposal provides a focal point for the community through the provision of public open space and retail services.</p>
Principle 2 – The planning system should be flexible enough to enable centres to grow, and new centres to form.	<p>The policy notes that where it is not possible to accommodate growth in existing centres, or where there is significant market demand, new centres will need to be identified and land zoned to permit retail and commercial development and that some lower-order centres might expand and take on greater importance at the expense of others, or new centres may form and compete with more established centres.</p> <p>The subject land is a key site for a small mixed use centre due to its location and ability to fill the 'gap' between the catchments of the Merrylands and Guildford centres. The site has potential to act as a catalyst for the renewal of the Woodville Road corridor.</p>
Principle 6 – Retail and commercial development should be well designed to ensure it contributes to the amenity, accessibility, urban context and sustainability of centres.	<p>The <i>Draft Woodville Road Strategy</i> attempts to stimulate economic renewal and investment in the area while delivering an appropriate transition to the adjoining residential areas. It determines the most appropriate land use pattern for this corridor and aims to create a neighbourhood centre at the Site, which will act as a catalyst for the renewal of the Woodville Road corridor.</p>

3.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Cumberland Community Strategic Plan 2017 - 2027

The *Cumberland Community Strategic Plan 2017- 2027* was adopted by Cumberland Council in June 2017 and is a 10 year plan for the future growth and development of Cumberland. Based on extensive community engagement, this plan identifies six strategic goals for Cumberland, being:

- Strategic Goal 1 – A great place to live
- Strategic Goal 2 – A safe accessible community
- Strategic Goal 3 – A clean and green community
- Strategic Goal 4 – A strong local economy
- Strategic Goal 5 – A resilient built environment
- Strategic Goal 6 – Transparent and accountable leadership

This Planning Proposal is broadly consistent with goals 1, 2, 3, 4 and 5 in that it will:

- provide residential development within a planned neighbourhood centre.
- provide for a greater diversity and mix of housing types than is currently permitted under the R2 and B6 zoning.
- provide for improved amenity and accessibility via provision of a new public park, landscaped streetscapes, and improved pedestrian connections.
- ensure the development of the Site provides some benefits for the community and is part of a wider strategic vision for Woodville Road.

Draft Woodville Road Strategy 2015

The *Woodville Road Study 2014* and the *Draft Woodville Road Strategy 2015* represent the Parramatta City Council's investigations and consideration of potential future redevelopment along Woodville Road.

The *Woodville Road Study 2014* reviewed the existing land use pattern and built form of the corridor, identified strategic opportunities and constraints and recommended future development options and built forms. It identifies the subject land as being a key site for a mixed use centre due to its location and ability to fill the 'gap' between the catchments of the Merrylands and Guildford centres.

The objective of the *Draft Woodville Road Strategy 2015* was to provide new development opportunities that balance the need to provide new housing and to revitalise Woodville Road. The *Draft Woodville Road Strategy 2015* recommends changes to the land zoning, height and FSR controls for the majority of properties fronting Woodville Road, two development nodes at the intersection of Merrylands Road/Woodville Road and Guildford Road/Woodville Road, and the Site as a potential neighbourhood centre (Figure 2). Five strategic objectives were identified by the *Draft Woodville Road Strategy 2015*, being:

- Strategic Objective 1 – Creating a new neighbourhood centre
- Strategic Objective 2 – Enhancing connections to established centres
- Strategic Objective 3 – Design quality
- Strategic Objective 4 – Provide new housing

- Strategic Objective 5 – Managing Woodville Road as a key transport route



Figure 2 – Location of Site within the Draft Woodville Road Strategy 2015

The need for a new neighbourhood centre corresponded with the Site being a significant landholding (2.6 ha) under single ownership. This provided Parramatta City Council an opportunity to masterplan a significant portion of the corridor to create a new centre without the need for amalgamation, which is the site for this Planning Proposal. The *Draft Woodville Road Strategy 2015* proposed the Site to be zoned B4 Mixed Use with an FSR of 2.25:1 and a height of 3 – 9 storeys.

The *Draft Woodville Road Strategy 2015* was reported to Parramatta City Council at its meeting of 23 November 2015. Both the Council report and the draft Strategy itself acknowledge this Planning Proposal. The report detailed the status of this Planning Proposal and indicated that the Planning Proposal would involve a more detailed site specific assessment of the capability of this Site.

As the *Draft Woodville Road Strategy* was not adopted by Parramatta City Council (due to Council amalgamations in May 2016), the planning controls applicable to Woodville Road are those that are currently contained in the *Parramatta LEP 2011*.

3.2.3 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) to the Site and proposed development is provided in the Table 4 below.

Table 4 – Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)/Deemed SEPPs	Consistent		N/A	Comment
	Yes	No		
SEPP No.55 - Remediation of Land	✓			The Site is currently zoned for urban purposes, being B6 Enterprise Corridor and R2 Low Density Residential. A limited environmental and hazardous materials assessment was undertaken in June 2014 for the majority of the site. As the report did not indicate whether the land is suitable, or will be suitable, after remediation for residential use, an Environmental Site Investigation was undertaken to further assess the environmental risk and potential liabilities posed by the Site in March 2016. A review of both documents indicates that the land could be made suitable for residential uses after remediation. Controls have been placed in the draft DCP to require a remedial action plan to be submitted to Council for assessment and comment prior to the determination of the development application (DA).
SEPP No.64 Advertising and Signage			✓	To be considered at DA stage, if required.
SEPP No.65 Design Quality of Residential Flat Development	✓			Compliance requirements considered at a higher level during the assessment of the Planning Proposal. Detailed compliance with the SEPP to be demonstrated at the time of making a DA for the Site's redevelopment.
SEPP (Affordable Rental Housing) 2009			✓	To be considered at DA stage, if required.
SEPP (Housing for Seniors or People with a Disability) 2004			✓	To be considered at DA stage, if required.
SEPP (BASIX) 2004			✓	Detailed compliance with BASIX requirements of the SEPP to be demonstrated at DA stage.
SEPP (Exempt and Complying Development Codes) 2008			✓	The SEPP may apply to future development of the Site.
SEPP (Infrastructure) 2007	✓			It is noted that any proposal/DA for the Site will require referral to the Roads & Maritime Services (RMS) in accordance with clause 104 (Traffic Generating Development) of the SEPP given its proximity to a classified road, being Woodville Road.
SEPP (State and Regional Development) 2011	✓			The future re-development of the Site may be deemed 'regional development' as the capital investment value

				is likely to be over \$30 million. To be determined at DA stage.
SEPP (Vegetation in Non-Rural Areas) 2017			✓	The number of trees on the Site is not substantial. Any proposed removal will be assessed at DA stage.
Sydney Harbour Catchment Regional Environmental Plan 2005			✓	The water quality of the catchment would be ensured through storm water controls in the <i>Parramatta DCP 2011</i> .

3.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is generally consistent with the relevant Section 9.1 Ministerial Directions in that it achieves and/or gives effect to the principles, aims, objectives or policies set out in the directions. Table 5 addresses the relevant directions.

Table 5 – Consistency with s.9.1 Ministerial Directions

Ministerial Directions – Summary	Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	<p>This direction applies to the Planning Proposal as it will affect land within an existing business zone. The Planning Proposal is considered to be consistent with this direction as the proposed zone and FSR controls would enable a higher potential employment generating floor space than under current planning controls.</p> <p>As per the Hill PDA <i>Woodville Road, Merrylands Economic Assessment</i> (Oct 2015) submitted by the Proponent, the proposed development is expected to:</p> <ul style="list-style-type: none"> result in employment growth through a net increase of 345 full-time and part-time jobs on site (consistent with objective 1a); and result in a potential gain in floor space for employment uses (consistent with objective 1b). <p>Although the development would result in a net loss in land zoned B6 for bulky goods employment, it would lead to an increase in employment generating uses through the retail and commercial component incorporated into the mixed use development to be zoned B2 Local Centre with an additional permitted use identified through Schedule 1 in the <i>Parramatta LEP 2011</i> to permit residential flat buildings and town houses. As per the economic assessment, the proposed development is also expected to generate +2200 construction jobs.</p> <p>The proposed rezoning would result in a potential gain in floor space for employment uses. With the Site currently vacant, the development proposes to include more than 6000 m² retail space anchored by a large format supermarket.</p>
2. Environment and Heritage	
2.1 Environmental Protection Zones	<p>The Site and surrounds are not zoned for environmental protection purposes nor are they identified as such in the <i>Parramatta LEP 2011</i>. The area is not currently identified on Council's LEP maps relating to Riparian Lands & Waterways, Landslide Risk and Biodiversity. Accordingly, the environmental attributes of the Site are not considered so significant as to warrant the inclusion of site-specific provisions that facilitate the protection of any sensitive areas.</p>

2.3 Heritage Conservation	The Site is not heritage listed. The future re-development of the Site at the suggested densities is not considered to have any adverse impacts upon the heritage listed buildings occurring within the Granville South Public School site. These buildings occur along the Woodville Road frontage and are separated visually from the Site by a 7/11 service station, convenience store and a number of retail food outlets.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>This Direction applies to the Planning Proposal as it affects land within a zone where significant residential development is proposed.</p> <p>Part of the Site is already zoned for residential purposes. However, the Planning Proposal would achieve and promote many of the requirements contained in this direction (4a-d, 5a-5b), as follows:</p> <ul style="list-style-type: none"> • The Planning Proposal would broaden the current choice of building types in the local area/market. It would provide in the order of 500 residential dwellings comprising 1, 2 and 3 bedroom units. • The Planning Proposal is expected to make efficient use of existing infrastructure and services, particularly in terms of sewer and water with any necessary Site amplifications to be investigated at DA stage. • In terms of access, the Site is within walking distance of local bus (<100m) and cycle distance to rail services (1.7 km to Merrylands Train Station and 1.8 km to Guildford Train Station) and can be accessed via the adjacent major arterial road corridor. • The Site and surrounding residential areas including Woodville Road, Lansdowne Street and Highland Street are already serviced with sewer, water, power supply and telecommunications. This matter would be considered in greater technical details at DA stage. • The Planning Proposal seeks to increase the permissible density over the subject land (not decrease it) and is therefore consistent with Direction 3.1.
1.4 Integrating Land Use and Transport	<p>This direction applies to planning proposals that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for Planning and Development</i> (DUAP 2001), and • <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). <p>The Site has limited public transport connectivity and is considered to be somewhat inconsistent with this direction. It is located outside the reasonable walking catchment (800m) to the nearest train stations at Merrylands (1.7 km walking distance) and Guildford (1.8 km walking distance). However, the Site is within 100 metres of a bus stop, with one bus service running along Woodville Road between Parramatta and Bankstown 7 days per week, generally at 30 minute intervals.</p> <p>The <i>Draft Woodville Road Strategy</i> recognises the potential for the area to provide an increase in housing choice in an infill area in close proximity to a number of local centres. The aim of the strategy is to create a neighbourhood centre at the Site, which is expected to act as a potential catalyst for the renewal of the Woodville Road corridor.</p> <p>Due to the availability of current transport options, the strategic importance of the Site to the renewal of the Woodville Road corridor and the Site being ideally</p>

	located to take advantage of any future transport enhancements, it is considered that any inconsistency with this Direction is of minor significance. The Gateway Determination also concurred that this inconsistency is of a minor significance.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	<p>This Planning Proposal is considered to be inconsistent with this direction as an acid sulfate soils study, required when an intensification of land uses is proposed, has not been prepared. This inconsistency is considered to be of minor significance given that:</p> <ul style="list-style-type: none"> • The Site is subject to a Class 5 Acid Sulfate Soils classification; and • The matter will be further considered at DA stage under clause 6.1 of the <i>Parramatta LEP 2011</i>.
4.3 Flood Prone Land	The Site is not known to be flood affected.
4.4 Planning for Bushfire Protection	The Site does not adjoin bushland, nor is it known to be adversely affected by bushfire hazards.
6. Local Plan Making	
6.1 Approval and Referral Requirements	The Planning Proposal does not propose any such provisions listed in Direction 6.1.
6.2 Reserving Land for Public Purposes	<p>No new reservations are proposed, nor are they proposed to be reduced by the Planning Proposal. However, the proposed intersection design at Lansdowne Street and the widening of Woodville Road to accommodate an additional lane would require a widening of the road reservation. This would become the subject of future discussion and assessment by both Council and the RMS.</p> <p>The Park is proposed to be dedicated to Council as part of a VPA and will not be identified on the Land Reservation Acquisition Map.</p>
6.3 Site Specific Provisions	<p>The Planning Proposal proposes the introduction of a site-specific clause to exclude wintergardens in apartments fronting Woodville Road from being included in the calculation of Gross Floor Area. Overuse of this provision would be addressed by ensuring that the area of the wintergarden to be excluded from the calculation of FSR is equal to the minimum balcony area required under the <i>Parramatta DCP 2011</i> controls.</p> <p>As the inclusion of a wintergarden component in the Planning Proposal is considered to be advantageous to address air quality issues along Woodville Road, it is considered that the use of a site-specific clause can be justified in this instance as of minor significance.</p>

3.3 Section C - Environmental, social and economic impact

This section considers the potential environmental, social and economic impacts which may result from the Planning Proposal.

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

The Site is not known to include any such species, populations or ecological communities or their habitats. The land is already zoned for urban purposes and is located within a well-established urbanised area of Woodville Road corridor. The Site is largely devoid of vegetation (tree cover). These matters can, if required, be further addressed at the DA stage.

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The Planning Proposal has considered various likely environmental effects such as heritage, contamination, construction and noise impacts, flooding, and water and energy use.

Heritage

The Site is not heritage listed but is located next to the Granville South Public School, which is a heritage item. The future re-development of the Site at the suggested densities is not considered to have any adverse impacts upon the listed buildings occurring within the Granville South Public School site. These buildings occur along the Woodville Road frontage and are separated visually from the Site by a 7/11 service station, convenience store and a number of retail food outlets.

Contamination

There are reasonable grounds to believe that the Site may be contaminated, due to its industrial history and condition as described in the environmental and hazardous materials study provided by the Proponent. A further Environmental Site Investigation was undertaken by the Proponent to characterise potential contamination and assess environmental risk. A review of both documents indicates that the land could be made suitable for residential uses after remediation. The draft DCP has been amended to require a remedial action plan to be submitted to Council for assessment prior to the determination of the DA.

Construction and Noise Impacts

Concerns have been raised by the NSW Department of Education and the Granville South Public School P&C in regards to potential construction impacts and disruption due to noise, dust and traffic during the construction of the proposed development. Controls on contamination, air quality, and noise and vibration have been added to the draft DCP. It is also anticipated that Construction Management Plans would be developed in consultation with the School as part of the DA process to ensure demolition and construction activities have minimal impact on students, parents and staff.

Development facing Woodville Road is likely to be affected by noise and air pollution due to the high volume of traffic along the Woodville Road corridor. Controls have been included in the draft DCP for development facing Woodville Road to ensure adequate air quality and noise abatement measures. A 10m setback along Woodville Road with the planting of trees and shrubs within this setback and an upper-level setback of 4m is also expected to improve the amenity of the Woodville Road corridor for both residents and the wider community.

Flooding, Water and Energy Use

The Site is not flood affected. Water and energy use would be considered under BASIX and at the DA stage.

3.3.3 How has the Planning Proposal adequately addressed any social and economic effects?***Social Impacts***

The Planning Proposal is expected to have a positive social effect, particularly in its efficient utilisation of existing infrastructure and services. It will take advantage of its strategic position within the wider Woodville Road renewal corridor and in the planned creation of a neighbourhood centre function within the Site, comprising a range of convenience retailing and community infrastructure.

The proposed rezoning would result in the following community benefits:

- Provision of a 2000m² Central Park surrounded by active uses and in close proximity to the Main Street.
- Provision of over 6000m² of retail outlets anchored by a large format supermarket, widening the retail offer for residents and the neighbouring community.
- Potential provision of a mix of dwelling types to cater for different age and income groups in Cumberland, including students, families and senior residents.
- Reduced car trips by providing increased population density within walking proximity to a bus stop, school and planned neighbourhood retail centre.
- A 10m deep soil setback along Woodville Road with the planting of trees and shrubs within this setback to green the corridor.

There is the potential for the Planning Proposal to have an impact on the surrounding uses. The Planning Proposal will address this by:

- managing the interface of the development on the Site with surrounding residential uses and the Granville South Public School through a site-specific DCP.
- managing construction and noise impacts through the development of Construction Management Plans as part of the DA process.

Economic

The Planning Proposal will help meet housing in the area and provide employment. Given the Site's proximity to the school and access to public transport, a mixed use development is considered appropriate for the proposed location. The mixed use development is also expected to create additional demand for retail and business services, helping to support the viability of the neighbourhood centre.

Hill PDA's *Woodville Road, Merrylands Economic Assessment* (October 2015) submitted by the Proponent found there are considerable economic benefits of amending the zoning on the Site. The likely primary trade area (PTA) east of the railway line is a walkable catchment of 400m to 800m. This is an area of 3,800 people that is expected to increase to 6,700 people by 2031 (Figure 3). The Planning Proposal also offers the most proximate alternative for food and grocery

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

shopping for Merrylands residents west of the railway line using private motor vehicle.

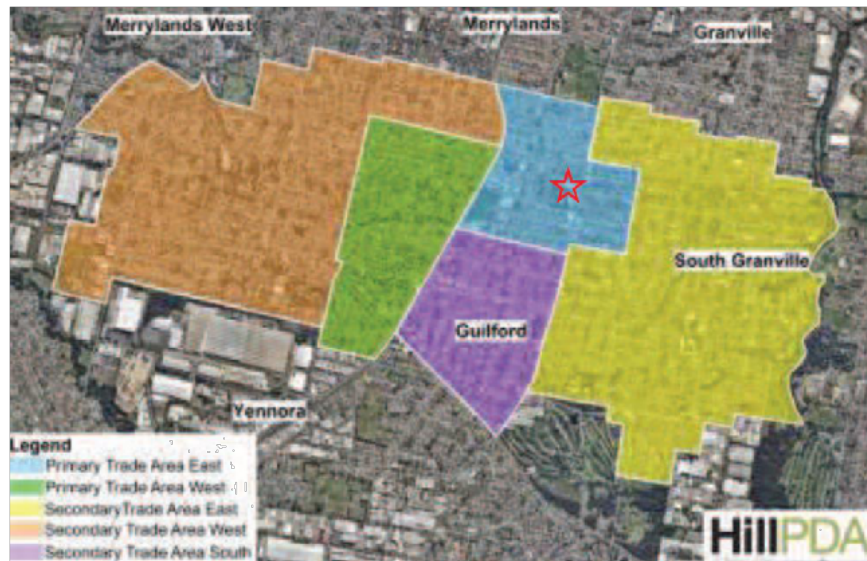


Figure 3 – Site's main trade areas (Source: Hill PDA)

The Planning Proposal is also likely to have a wider, but much thinner, secondary trade area (STA) extending into the suburbs of Guilford, South Granville, Guildford West and Merrylands West. The total main Woodville Road, Merrylands Economic Assessment trade area (PTA and STA combined) is an area of 44,000 people expected to increase to 62,000 by 2031.

The retail component of the proposed development would achieve total retail sales of around \$51m in 2019. The \$51m of retail sales would be redirected from competing centres. Guildford Village would experience the strongest impact equivalent to an 8.8% loss of trade in 2019, followed by Greystanes and West Merrylands (5.4% and 5% loss of trade). All other centres would experience impacts of less than 5%, which is considered insignificant. Over time, this impact is expected to lessen across all the surrounding centres as these centres would capture an increasing amount of retail expenditure as a result of population and expenditure growth in their respective trade areas. Indeed, over the 2014 to 2019 period, all centres would experience an increase in trading levels despite the Planning Proposal. On this basis, the trading impacts would be acceptable and would not threaten the role, function or commercial viability of any existing centre.

The Planning Proposal would lead to a net increase in jobs, salaries generated and value-add to Gross Domestic Product. The Planning Proposal would generate additional economic activity during the period of construction and stimulate further investment in the locality. Following full development, the PTA is likely to house almost 13,500 people, which would warrant a large format supermarket based shopping centre - generally considered to be around 9,000 to 10,000 residents in the metropolitan area.

The provision of a centre at the Site would widen the retail offer for residents in the trade area and serve the growing community within the suburb of Merrylands. The neighbourhood centre would

also provide a shopping destination and would contribute towards ensuring Merrylands is a desirable and sustainable place in which to live, work and shop.

3.3.4 How has the Planning Proposal adequately addressed any other planning matters?

Land Use Planning

Situated 6km from Parramatta CBD and 1.7 km from Merrylands, the Site is well positioned for increased density in order to locate housing with access to employment opportunities (Figure 4).



Figure 4 – Proposed Neighbourhood Structure in the *Draft Woodville Road Strategy 2015*

For comparative purposes, the local centre of Merrylands West allows FSRs of 2.2:1, 2.4:1 and 2.8:1 and a maximum building height of up to 23 m (7 storeys) whereas the local centre of Guildford allows for an FSR of 2:1 and a maximum building height of up to 17 m (5 storeys). These are both higher order centres, however, compared to a neighbourhood centre desired for the Site. The density proposed within the Planning Proposal is greater than that of a typical Neighbourhood Centre and more in line with a Local Centre such as Merrylands West or one located on a heavy rail line such as Guildford.

Merrylands West and Guildford local centres are comprised of small lots under fragmented ownership that would require significant site amalgamation to support any significant uplift in

density. As the Site is large, with the majority under single ownership (2.6 ha out of 2.84 ha), it offers an opportunity to provide higher density with a greater design outcome.

Applying a FSR of 2:1 and a maximum height of up to 31m (9 storeys) to the Site is, therefore, considered to be appropriate despite it being a neighbourhood centre and not a local centre.

FSR Assessment

Parramatta City Council received a planning proposal request for the land initially at a FSR of 3.6:1 in 2015; however, a number of FSR scenarios have been considered. Table 6 below illustrates the FSR options considered for the Site under the *Woodville Road Urban Design Study*, the revised FSR scenarios prior to the reporting of the Planning Proposal to Parramatta City Council for gateway assessment, and the maximum FSR specified for the Site in the Gateway Determination.

Table 6 – FSR Scenarios for the Site to Gateway

Scenarios	FSR	Height of Buildings
<i>Woodville Road Urban Design Study</i>		
Low	1.42:1	4 – 5 storeys (12 – 18.4m)
Medium	1.53:1	3 – 9 storeys (12 – 30.4 m)
High	1.86:1	3 – 12 storeys (12 – 39.4 m)
<i>Proponent's Preliminary Proposal</i>		
Concept Masterplan (March 2015)	3.6:1	Predominantly 12, 14 and 18 storeys
<i>Proponent's Formal Planning Proposal</i>		
Revision A (26 May 2015)	3.2:1	
Revision B (12 October 2015)	2.25:1	
<i>Parramatta City Council</i>		
Council Assessment	2:1	
Council Resolution	2.25:1	
<i>Gateway Determination</i>		
Maximum	2:1	9 storey maximum

Following Gateway Determination, modelling and site testing was undertaken by Cumberland Council and the revised concept master plans submitted by the Proponent were considered in the process of developing the DCP to determine the suitability of an FSR of 2:1. On the basis of this modelling and further consideration of the Planning Proposal after the Post-Gateway exhibition, it is recommended that the FSR for the site identified in the Gateway Determination be revised as follows (Table 7), primarily to achieve a more appropriate transition of development type and scale to the surrounding lower density development:

Table 7 – Proposed Amendment to the Planning Proposal

Gateway Determination	Proposal
FSR 2:1	Part 2.4:1 (eastern part, Figure 11) Part 1.5:1 (western part, Figure 11)
It is also recommended that the zone and maximum building height be amended as follows:	
Gateway Determination	Proposal
Zone: B4	Part B2 Local Centre (eastern part, Figure 12) Part R4 High Density Residential (western part, Figure 12)
Maximum height: 31m	Part 31m (eastern part, Figure 13) Part 24m (western part, Figure 13)

Urban Design

Some of the urban design issues identified during Parramatta City Council's assessment of the Planning Proposal included the following:

- buildings shown in the Planning Proposal not compliant with the ADG in relation to separation between the buildings;
- the need for site-specific controls in the *Parramatta LEP 2011* to be introduced to exclude wintergardens on Woodville Road from the calculation of FSRs; and
- overlooking of school children accessing the play areas during recess and lunch, as well as before and after school.

These issues have been addressed through proposed controls in the draft DCP (Attachment 2) that is consistent with the ADG and SEPP 65, and a site-specific control is proposed to be introduced in the *Parramatta LEP 2011* in regards to wintergardens.

The draft DCP was developed for the 'Woodville Road Neighbourhood Centre', which consists of the site area defined as the 'key site' in the draft DCP and residential lots surrounding the Site. It provides detailed controls on the location and configuration of the built form and setbacks, transition to adjacent lower density residential properties, and access into the Site.

The draft DCP is based on an analysis of the Site constraints, suitable development forms for a neighbourhood centre and the testing of the Proponent's preferred development concept and urban design study, a revised version of which was submitted to Council in August 2016.

The Planning Proposal aims to transform a large island site into a series of human-scale blocks, which connect to the existing neighbourhood. Urban design considerations that have been addressed through the draft DCP are outlined as follows in Table 8:

Table 8 – Urban design considerations

Urban design consideration	How it has been addressed in the DCP
The context of the overall Site as part of an emerging strip centre and as part of a wider neighbourhood centre.	<ul style="list-style-type: none"> • Deep soil setback of 10m along Woodville Road to allow future road and carriageway widening. • Division of the Site into human-scale blocks with internal roads and laneways connecting the Site internally and with the surrounding road network. • Entry into the Site via Woodville Road only permissible via a proposed signalised intersection at Lansdowne Street.
Vibrant, pedestrian friendly, self-sufficient neighbourhood centre	<ul style="list-style-type: none"> • Establishment of 'Main Street', Park and residential development. • 6000 m² of retail floorspace, which is anticipated to be anchored by a large format supermarket. • Active street frontages along the Main Street, Secondary Street, and around the Park. • Quality public spaces and amenities. • Adequate footpath widths along the active street frontage and adequate street setback along other streets. • Requirement for a public domain concept plan for all applications involving new roads, laneways and the new park to be submitted during the DA stage.
Human-scale design	<ul style="list-style-type: none"> • Varying heights through the Site with tallest buildings (9 storeys)

Transition in scale between key development site and lower scale residential development	<p>along Woodville Road, 7 storey buildings in the middle of the Site, and 3 and 4 storey buildings along Highland and Lansdowne Street.</p> <ul style="list-style-type: none"> Street wall height of two storeys along internal streets including the Main Street and a street wall height of three storeys along Woodville Road. Upper level setbacks of 3.5m for development within the Site and an upper level setback of 4m for development facing Woodville Road.
Quality open space	<ul style="list-style-type: none"> Park to be a minimum of 2000 m² and fully embellished. 85% to be deep soil planting zones. More than 50% of the Park to receive direct sunlight between 12pm and 2pm during the winter solstice.
Visual interest in the built form	<ul style="list-style-type: none"> Various controls on how to achieve architectural diversity, building elements, maximum linear length of the building.
Traffic and parking	<ul style="list-style-type: none"> Preferred vehicle entries denoted in the draft DCP from Lansdowne Street and Secondary Street East-West. Requirement for a detailed traffic study to be submitted with any DA for the Site.

Traffic Engineering and Site Access

The planning proposal request submitted by the Proponent to Parramatta City Council proposed a signalised intersection at Kimberley Street and Woodville Road. Concerns were raised by Parramatta City Council and the RMS about access to the Site from Woodville Road and the proposed intersection as this would have required significant reworking of traffic arrangements and would have adversely affected the smooth flow of southbound traffic along Woodville Road.



Figure 5 – Proposed signalised intersection at Lansdowne Street.

The location of the signalised intersection was subsequently moved to Lansdowne Street and Woodville Road (Figure 5), and this change was reflected in the updated Transport Impact Assessment submitted by the Proponent. The Main Street within the Site is a one-way street with a left-out only onto Woodville Road. A right-turn bay would be provided for south-bound vehicles along Woodville Road wishing to turn into Lansdowne Street.

The RMS has provided road design comments and has also noted that agreement should be reached on the staging (i.e., trigger points linked to the development yield) of the identified road works and agreed road works with associated staging plan to be incorporated into a planning agreement between the proponent and Council. This will be addressed as part of the VPA.

In terms of accessing the Site, the *John Cootes Site 246-264 Woodville Road, Merrylands Transport Impact Assessment* prepared by GTA (for the Proponent) only addressed issues of traffic generation, but did not consider issues of detailed design around the functioning of loading bays and how commercial deliveries would be undertaken. The Proponent made a submission during the public exhibition period to locate both the loading bay entry and vehicle entry to basement parking in the same location along Lansdowne Street. Although a potential for conflict was noted with the location of both the loading bay entry and vehicle entry next to each other, as the DCP indicates 'indicative entry/exit points', an amendment to the DCP was not considered appropriate, allowing flexibility for the design details to be assessed at the DA stage.

The Proponent also made a submission for a secondary vehicle entry at Highland Street, which will compromise pedestrian safety due to the conflict between pedestrians (parents pick up and drop off their children along Highland Street) and vehicles. To address these issues, additional controls relating to pedestrian safety have been added in the draft DCP.

Council's engineers have also raised concerns in regards to the methodology used in the transport impact assessment submitted by the Proponent in which modelling of Lansdowne Street/Woodville Road and Oxford Street/Woodville Road have been undertaken in isolation and not as a network. The traffic generation rate of 4.6 vph/100sqm for the residential component of the proposal is also lower than the RMS guidelines of 5.6 vph/100sqm, and the report does not explain how this generation rate was derived. Furthermore, modelling of the priority control for the intersection of Lansdowne Street and the Secondary Street has not been undertaken. These have been added as a requirement in the draft DCP for any future traffic studies that are a requirement for DAs lodged for the Site or part therefore to identify and address traffic generation issues associated with the overall development of the Site.

3.4 Section D - State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal will deliver community and road infrastructure needed to service the Site. Some infrastructure such as the Park will benefit the users of the development and also serve the wider community.

It is noted the Site and surrounding residential areas are currently serviced with sewer, water, power supply and telecommunications. Any Site redevelopment would seek to access these existing utilities. This matter, including any required amplifications, will be a matter for consideration and technical investigation at the DA stage.

Public transport access is limited and additional public transport servicing the Site would be of great benefit.

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

State public authorities were consulted during the post-gateway public exhibition period from 15 January 2018 to 1 March 2018 in accordance with the Gateway Determination. These authorities included the NSW Department of Education, Transport for NSW (TfNSW), the RMS, and Transdev NSW.

The public exhibition of the draft DCP was done together with the Planning Proposal.

Three (3) submissions were received from public authorities, being TfNSW, the RMS and the NSW Department of Education. None of these authorities raised an objection to the Planning Proposal or draft DCP provisions, but did include a range of matters to be considered as part of the Planning Proposal assessment and any future development application.

Woodville Road is a classified road under the care, control and management of the RMS. The RMS expressed concern regarding the location of the signalised intersection at Kimberley Street/Woodville Road as initially proposed by the Proponent. After closely liaising with the RMS, the Proponent proposed road widening along the eastern edge of the Site along Woodville Road, a signalised intersection at Lansdowne Street/Woodville Road, and prohibition of exit movements from Earl Street (Attachment 6). This proposal is supported by the RMS 'in principle' subject to an agreement reached on the staging (i.e., trigger points linked to the development yield) of the identified road works, and the agreed road works and staging plan to be incorporated into a planning agreement between the applicant and Council. The RMS also noted that any proposed staging plan should be supported by appropriate traffic analysis. Council is currently discussing this with the Proponent.

TfNSW emphasised the need for network improvements on Woodville Road and reiterated the need for road upgrades to be agreed with the RMS and to be incorporated into a VPA as part of the Planning Proposal.

The NSW Department of Education raised concerns about the impact of multi-storey development adjacent to the School boundaries and the potential for overshadowing and overlooking of internal and external spaces within the School. A deep soil setback of 9m along the southern boundary of the Site as stipulated in the draft DCP is expected to provide a sufficient landscaped buffer with large, mature trees and an understorey of shrubs. Furthermore, design guidelines for development along the southern boundary of the Site to avoid such impacts have been incorporated into the draft DCP.

Concerns were also raised about noise, dust and traffic during construction, and the safety of vehicles and pedestrians accessing the School during peak hours. These issues have been addressed via additional controls in the draft DCP.

Concerns were also raised about the impact on demand for teaching spaces and associated government school infrastructure. Cumberland Council will work together with the NSW Department of Education to address these concerns.

A summary of the issues and concerns raised by public agencies along with Council's response can be found in Attachment 7.

PART 4 - MAPPING

This section contains the mapping for this Planning Proposal in accordance with the DP&E's guidelines on LEPs and Planning Proposals.

4.1 Existing controls

This section contains map extracts from the *Parramatta LEP 2011*, which illustrate the current controls applying to the Site:

- Figure 6 illustrates the existing part B6 Enterprise Corridor and part R2 Low Density Residential zoning over the Site.
- Figure 7 illustrates the existing part 9m (3 storey) and part 12m (4 storey) height limits applying to the Site.
- Figure 8 illustrates the existing part 0.5:1 and part 1.5:1 FSR controls applying to the Site.
- Figure 9 illustrates the heritage sites located adjacent to and nearby the Site.
- Figure 10 illustrates the flooding extent in the vicinity of the Site.

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

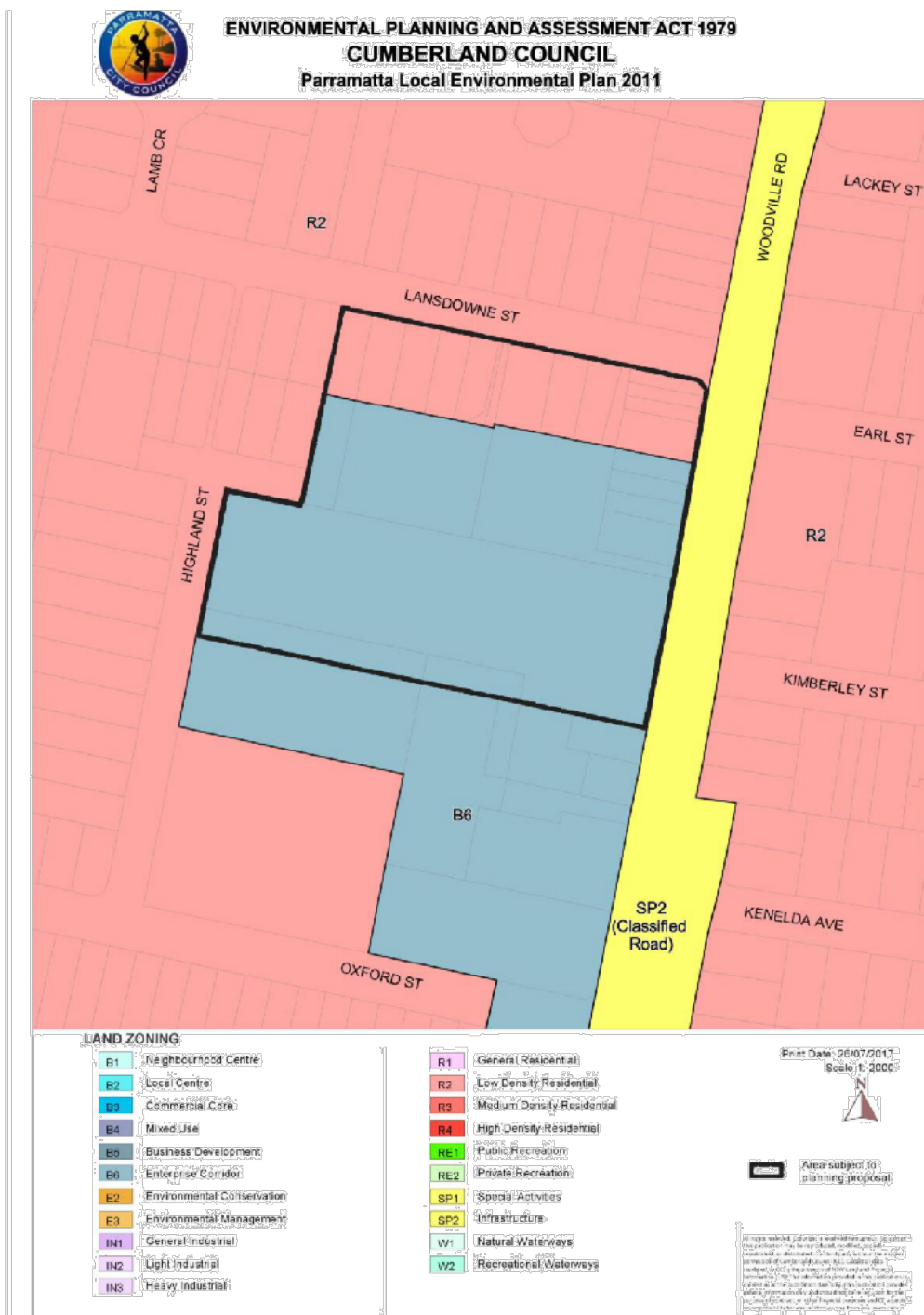


Figure 6 - Existing zoning, Parramatta LEP 2011 Land Zoning Map.

Figure 6 above illustrates the existing part B6 Enterprise Corridor and part R2 Low Density Residential zoning over the Site.

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

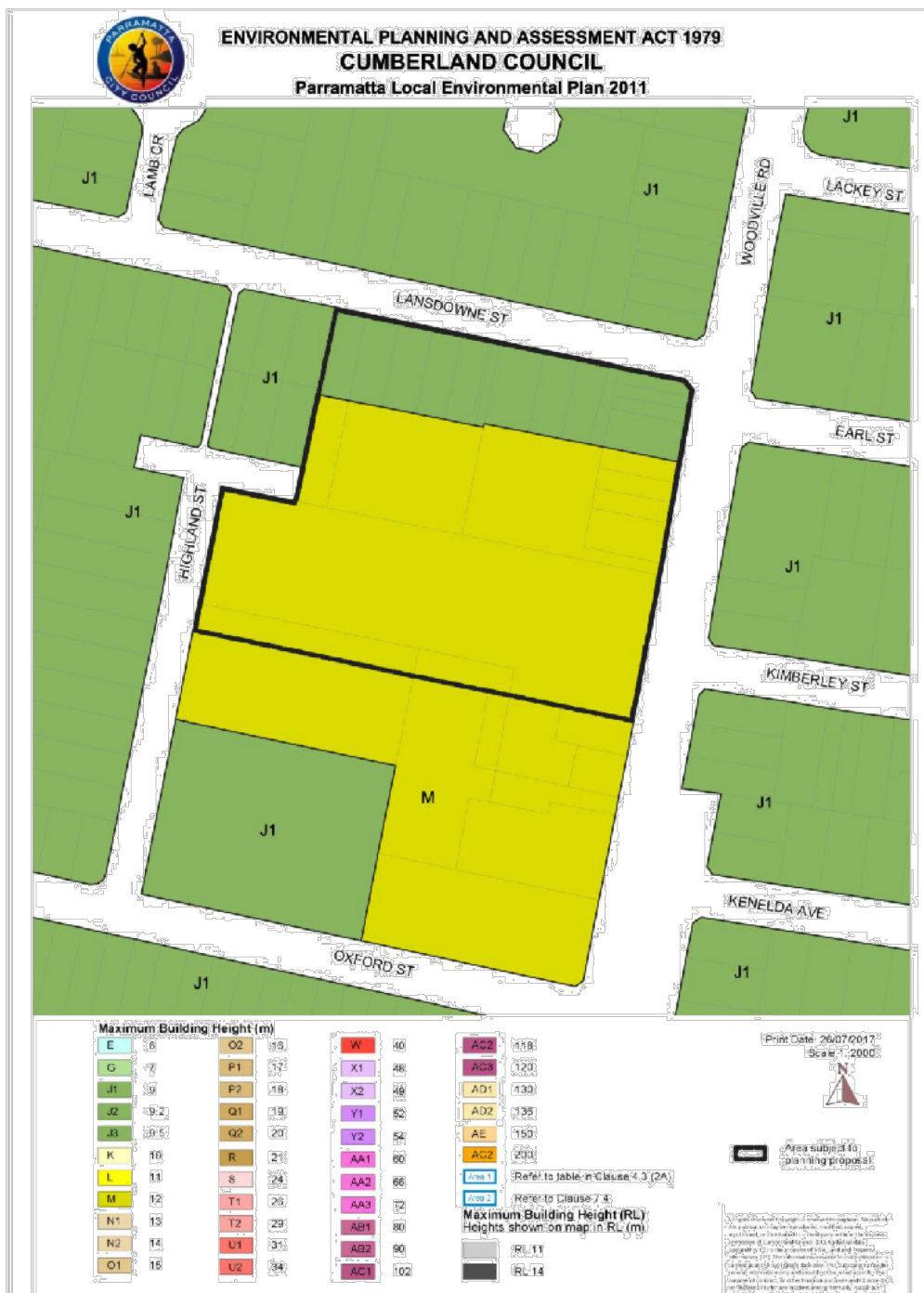


Figure 7 - Existing building heights, Parramatta LEP 2011 Height of Buildings Map

Figure 7 above illustrates the existing part 9m (3 storey) and part 12m (4 storey) height limits applying to the Site.

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands



Figure 8 - Existing FSR, Parramatta LEP 2011 Floor Space Ratio Map

Figure 8 above illustrates the existing part 0.5:1 and part 1.5:1 FSR controls applying to the Site.

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

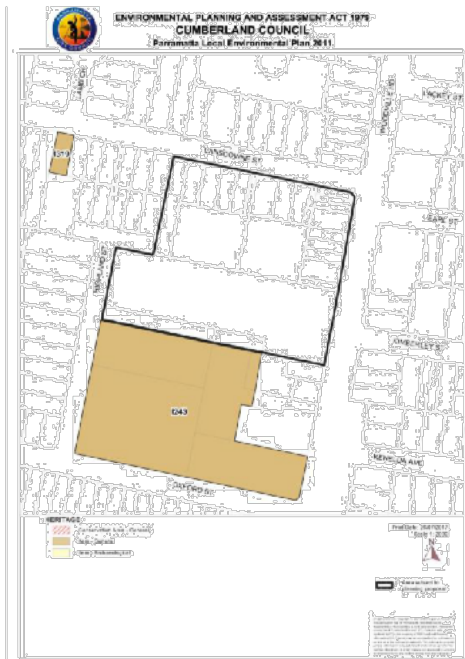


Figure 9 - Existing heritage items, Parramatta LEP 2011 Heritage Map

Figure 9 above illustrates the heritage sites located adjacent to and nearby the Site.

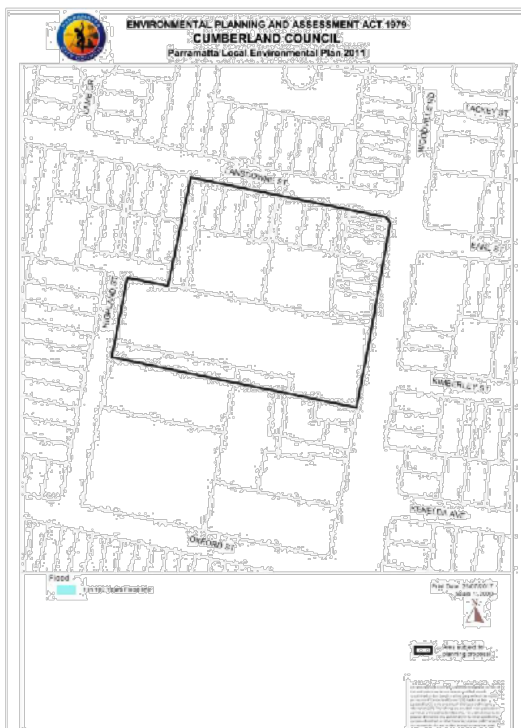


Figure 10 - Existing flooding extent, Parramatta LEP 2011 Flooding Map

Figure 10 above illustrates the flooding extent in the vicinity of the Site.

4.2 Proposed controls

The figures in this section (Figures 11, 12 and 13) illustrate the proposed zoning, building height, floor space ratio and minimum lot size controls sought by this Planning Proposal.

- Figure 11 illustrates the proposed zoning for the Site.
- Figure 12 illustrates the proposed maximum building height.
- Figure 13 illustrates the proposed FSR for the Site.

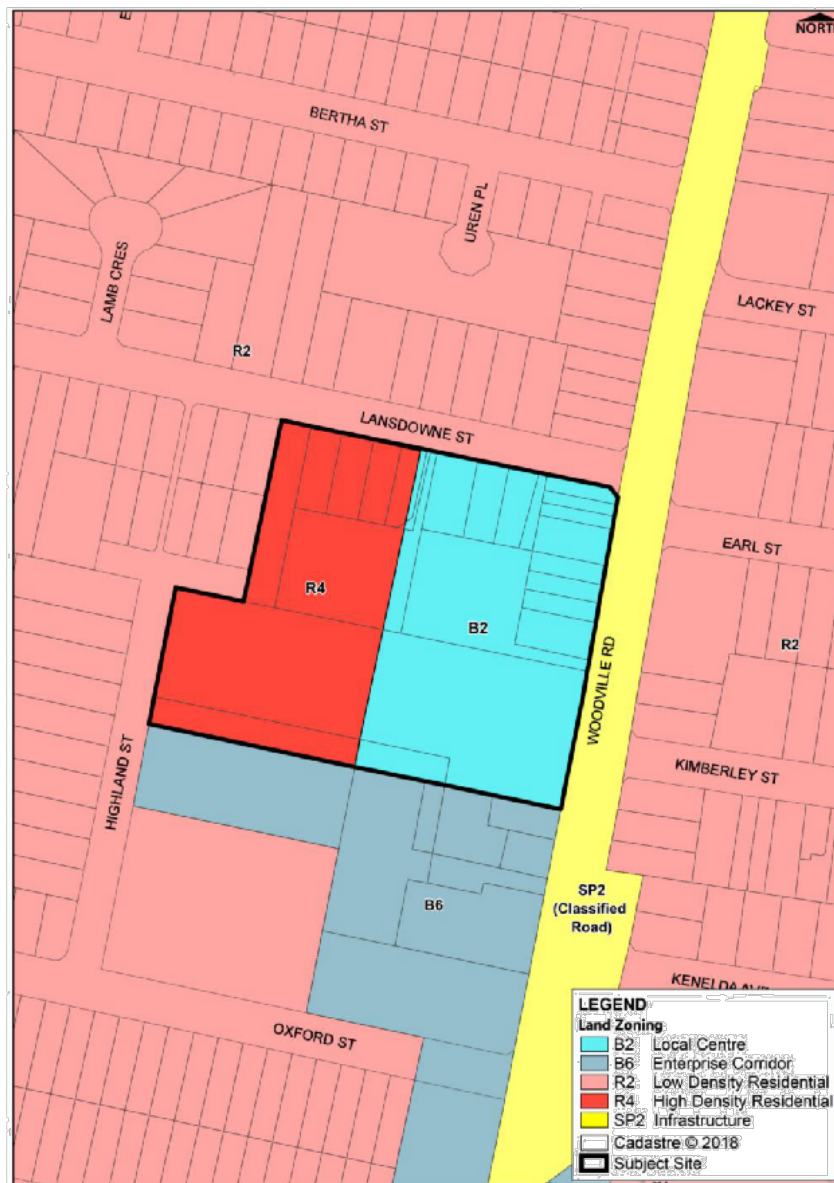


Figure 11 - Proposed amendment to the Parramatta LEP 2011 Land Zoning Map

Figure 11 above illustrates the proposed B2 Local Centre zone and R4 High Density Residential zone for the Site.

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

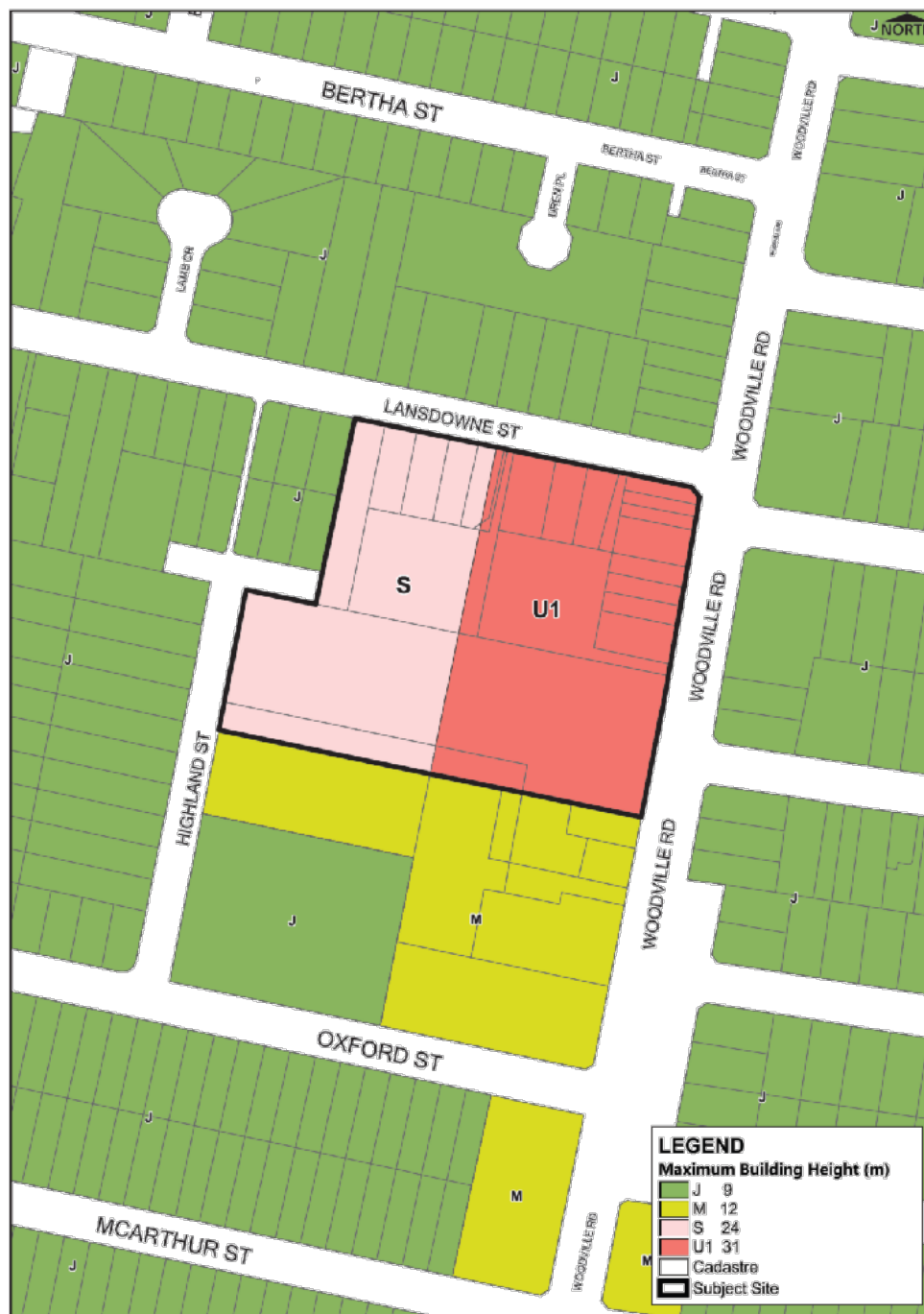


Figure 12 - Proposed amendment to the Parramatta LEP 2011 Height of Building Map

Figure 12 above illustrates the proposed maximum building height over the Site, being a maximum of 31m (approximately 9 storeys) for the eastern half of the site (proposed zone of B2 Local Centre), and a maximum of 24m for the western half of the site (proposed zone of R4 High Density residential).

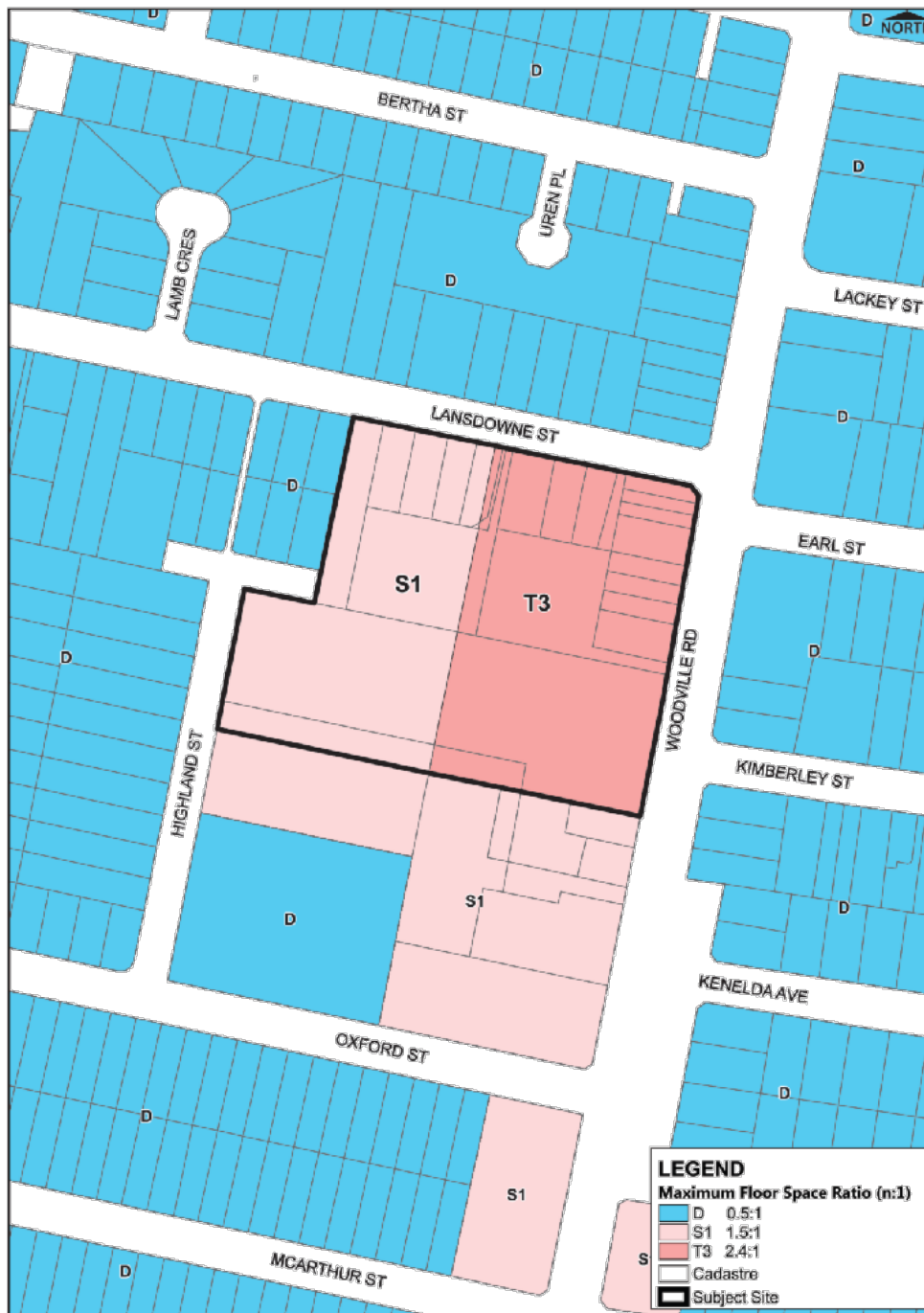


Figure 13 - Proposed amendment to the Parramatta LEP 2011 Floor Space Ratio Map

Figure 13 above illustrates the proposed FSR for the Site: 2.4:1 for the eastern half (proposed zone of B2 Local Centre) and 1.5:1 for the western half (proposed R4 High Density Residential Zone). It is noted that the proposed FSRs equate to an overall FSR for the site of approximately 2:1, and that the FSRs as proposed in Figure 13, will result in a better transition to surrounding lower scale development.

PART 5 - COMMUNITY CONSULTATION

Ten (10) submissions were received by Cumberland Council from the community. Two of these were duplicates, and thus, eight (8) submissions were considered. One (1) submission was received from the Granville South Public School P&C and another one (1) submission was received from the Proponent who responded to matters relating to the draft DCP.

Granville South Public School P&C raised concerns regarding the height of the building proposed adjacent to the School grounds and the building setback from the School boundary. During the process of determining the distribution of heights within the Site, overshadowing of the School play area and classrooms was taken into consideration. A deep soil 9m setback along the southern boundary of the Site seeks to minimise overshadowing of the School play areas.

Overlooking into the School property will be minimised through controls that have been added into the draft DCP relating to the orientation and design of buildings adjoining the School boundary. The proposed deep soil setback of 9m will also allow large trees (with a minimum 10 metres mature height) with an understorey of shrubs (1.5m – 3m) and ground cover to be grown.

Concerns were also raised about noise pollution during the demolition and construction of the Site, and the resulting disruption to classes. Additionally, the Granville South Public P&C raised concerns about air quality and asbestos. Controls have been added to the draft DCP on air quality, contamination, and noise and vibration. Construction management plans would also be developed after the DA stage in collaboration with the School. It is also anticipated that the School will be contacted to seek input during the DA stage.

To address safety concerns for students whilst crossing Woodville Road, the Granville South Public P&C suggested that Council look into alternative options for crossing such as an overpass across Woodville Road. Whilst Council acknowledges the safety concerns of students crossing Woodville Road, an overpass is not specifically required as a result of the Planning Proposal and would need to be requested from the RMS.

A summary of issues raised in the six (6) submissions from the community that can reasonably be considered under the Planning Proposal and that have been addressed through this Planning Proposal are listed briefly below:

- Strategic planning content and zoning matters
- Infrastructure provisions
- Economic considerations
- Traffic and transport
- Urban design
- Proximity of proposed development to primary school
- Draft Woodville Road Planning Strategy
- Housing affordability

A summary of these issues and concerns raised by Granville South Public School P&C along with Council's response can be found in Attachment 7.

Planning Proposal – 244, 246-264 Woodville Rd, 2-4, 6, 8-8a, 10-12, 14-16 Lansdowne St, & 19 Highland St, Merrylands

Issues raised by the Proponent on the draft DCP have been considered throughout this Planning Proposal. A summary of these issues along with Council's response can be found in Attachment 7.

PART 6 - PROJECT TIMELINE

An alteration to the Gateway was provided extending the date for completion to 1 July 2018.

Date of Gateway:	24 June 2016
Date of Public Exhibition:	15 January 2018 – 1 March 2018
Submission to Department for Finalisation:	October 2018
Finalisation:	December 2018

Council has requested a further revision of the Gateway to extend the date for finalisation of the LEP.

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135

Attachment 2

Draft Woodville Road
Neighbourhood Centre Precinct
DCP Controls



Parramatta Development Control Plan 2011

DRAFT

4.1.12 Woodville Road Neighbourhood Centre Precinct (Including Former John Cootes Warehouse Site)

June 2018

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4.1.3	Dundas Precinct	4.1-12
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4.1.12 Woodville Road Neighbourhood Centre

Desired Future Character

In recognition of existing development patterns and the opportunity to provide local services and facilities within walking distances of established neighbourhoods with access to Woodville Road, this part of the DCP provides guidelines and development controls for the development of a future neighbourhood centre precinct (Figure 4.1.12.1). **Where there is an inconsistency between this document and provisions contained elsewhere in the Parramatta DCP 2011, the site specific controls contained in this section shall apply to the extent of the inconsistency.**

The neighbourhood centre precinct is to be developed taking into account the scale of adjoining residential development and the capacity of local road networks. Woodville Road and its capacity to accommodate future public transport options is a key development parameter for the neighbourhood precinct. The precinct is to be developed as a walkable neighbourhood centre **around a new neighbourhood park and** having good urban design that encourages the development of **public-quality** open spaces and buildings with a high level of amenity and design quality. This section of the DCP defines the neighbourhood centre precinct, its urban structure and key relationships.



Figure 4.1.12.1
Woodville Road Neighbourhood Centre Precinct

Objectives

In addition to general objectives listed in Section 4.1 Town and Neighbourhood Centres of this DCP, specific objectives of this precinct are identified below:

- O.1 Ensure that future development does not prejudice the efficient delivery of future public transport solutions along Woodville Road by ensuring development is setback to allow future road and carriageway widening.
- O.2 Ensure that the scale of development on **both sides of** Woodville Road is compatible with achieving a balanced development outcome within the precinct.
- O.3 Provide development controls to ensure that individual land parcels are developed in accordance with these principles.
- O.4 Ensure transition in scale between the main road frontage of key development sites within the precinct and surrounding lower scale residential development and the school.
- O.5 Ensure that the development provides for the greening of Woodville Road.**
- O.6 Development within the neighbourhood precinct is to be generally in accordance with Figure 4.1.12.2 Precinct Principles.



**Figure 4.1.12.2
Precinct Principles**

Key Sites

Description and Location

For the purposes of this DCP, the Woodville Road Planning Proposal key site (which includes the former John Cootes Warehouse Site) is defined as 244 and 264 Woodville Road, Merrylands and 2,4,6,8-8a,10,12 and 14-16 Lansdowne Street and 19 Highland Street, Merrylands as shown in Figure 4.1.12.3 Key Site (Woodville Road Planning Proposal).

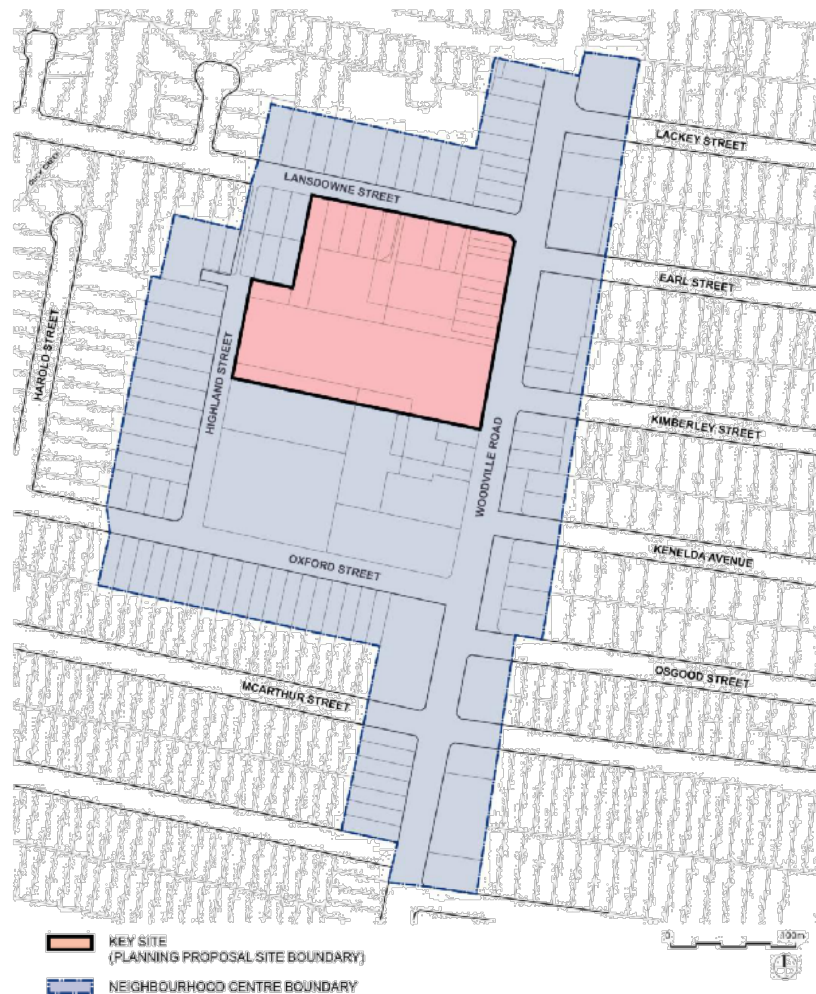


Figure 4.1.12.3
Key Site (Woodville Road Planning Proposal)

Desired Character

The development of the land is to facilitate the establishment of a “main street” for the development site, full line supermarket and residential development that complements the surrounding residential areas at a density appropriate for the site, its location and development context. Development of the land is to contribute to the character and sustainability of the Woodville Road Neighbourhood Centre Precinct.

Development of the land is to provide a mixture of commercial and residential floor space, ~~and public open and community~~ space for a neighbourhood centre. Development is to have a layout which provides ~~quality public~~ open spaces, reduced car dependency and a walkable neighbourhood environment. The development of the site is to provide a variety of building heights to allow a transition to adjoining residential development and ~~to minimise overlooking and overshadowing of~~ the Granville South Public School.

Development Application Requirements

Refer to Cumberland Council's website (www.cumberland.nsw.gov.au) and Development Assessment Unit for development application requirements.

Controls

C.1 In addition to these standard requirements, all development applications are to provide:

- ~~Economic~~ Retail assessment, which includes but is not limited to ~~Retail~~ Commercial Floor Space ~~Impact Assessment Analysis~~ for mixed use developments;
- Public Domain Concept Plan (for ~~all Stage A development applications applications involving new roads, laneways and the new park~~) for Stage A development;
- A detailed traffic study;
- A remedial action plan;
- An acoustic report; and
- A travel plan.

Structure, Form and Density**Objectives**

- O.1 To define the desired future layout and general form and density of development on the land.
- O.2 To ensure the density of development on the land is suitable to its location, context and development capacity.
- O.3 To facilitate the integration of the development of this key site with adjoining development and the neighbourhood centre precinct.

Design Principles

- P.1 The development of the land is to establish a "main street" within the site, a neighbourhood park and suitable connections (pedestrian and visual) with adjoining development.
- P.2 Any supermarket ~~is to be~~ be suitably located within the development site.
- P.3 The development of the land is to allow for ~~appropriate transition changing land uses and future potential to the surrounding residential land uses and the Granville South Public School development patterns within the wider neighbourhood centre precinct.~~

P.4 The development of the land is to allow for a diversity of dwelling types including town houses facing Highland Street.

Controls

C.1 Development is to achieve a transition in height to adjoining development, and is to be generally in accordance with Figure 4.1.12.4 Site Structure and Land Use Plan.



Fig 4.1.12.4
Site Structure and Land Use Plan

Lot Consolidation and Minimum Street Frontage

Objectives

- O.1 To prevent the creation of isolated development sites and facilitate the efficient delivery of infrastructure.
- O.2 To assist in the delivery of well-designed built forms and streetscapes.

Design Principles

- P.1 Development ~~are to should~~ be delivered in suitably sized and configured development parcels that facilitate the delivery of infrastructure.
- P.2 Buildings ~~are to should~~ have appropriate horizontal to vertical proportions that relate to the size of street frontages and be designed to minimise the impact of carpark entrances.

Controls

- C.1 Lots shall have a minimum street frontage as shown in Table 4.1.12.a.

Table 4.1.12.a: Minimum Street Frontage

STREET	MINIMUM STREET FRONTAGE	INTENTION
Woodville Road	30m	To encourage the consolidation of land and development of suitable building forms
Lansdowne Street	20m	
Highland Street	20m	

- C.2 Development is not to result in the creation of isolated sites that cannot be developed in compliance with relevant planning controls in Parramatta LEP 2011 and this section of the DCP. Where this is not possible, Council will require documentary evidence, including an independent land valuation, that reasonable attempts have been made to purchase an isolated site based on a fair market value, and which includes any expenses incurred by the owner of the isolated site in the sale of the land.
- C.3 Where amalgamation with any isolated site is not achievable, applicants will be required to demonstrate that the development of the separate sites can be feasibly achieved, which will require:
 - provision of a feasible building envelope for the isolated site, indicating height, setbacks and site coverage (building and basement);
 - identification and assessment of the likely impacts the two developments will have on each other including solar access and visual and acoustic privacy; and
 - identification, assessment and mitigation of the impacts of the separate development of the isolated site or sites on the streetscape. This will require an applicant/s to document how the development of ~~either of the two~~ both sites respond to the character of the streetscape and achieve a suitable built form and satisfactory level of amenity including solar access and visual and acoustic privacy.

- C.4 Development should be designed and planned in relation to the development parcels (as a minimum size and configuration) shown in Figure 4.1.12.5 Preferred Lot Consolidation. Consolidation into larger allotments will be considered.

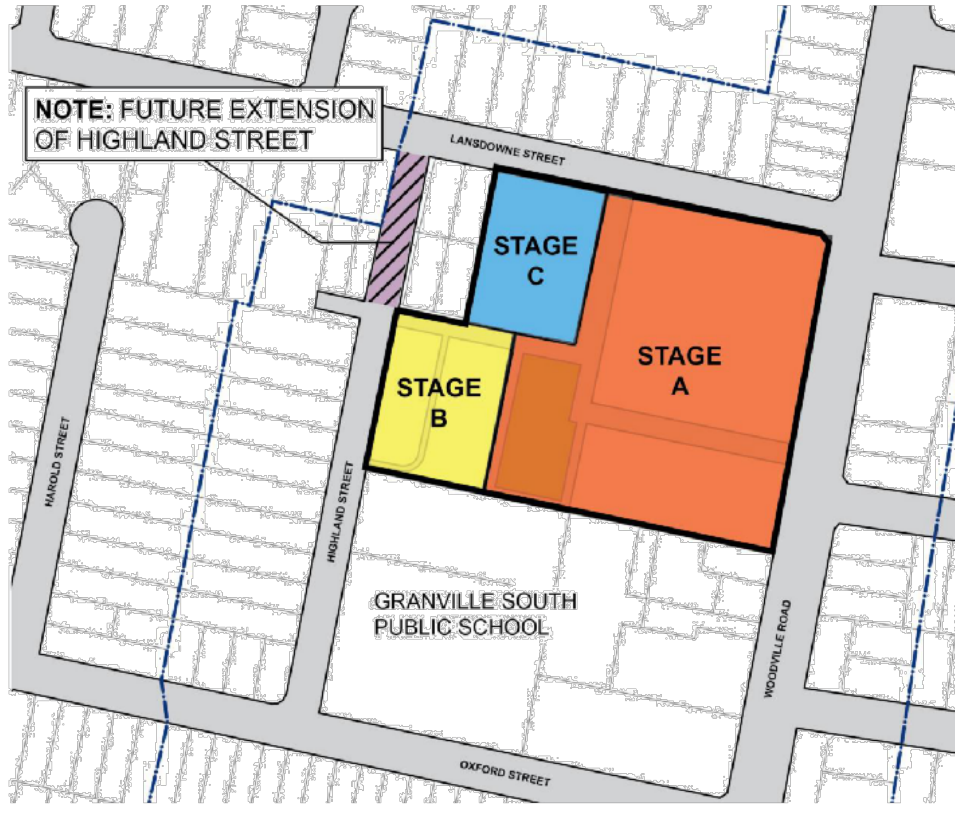


Figure 4.1.12.5
Preferred Lot Consolidation

Building Heights

To achieve suitable urban design outcomes, including appropriate transition in scale to surrounding development, a range different building heights are required across this key site to deliver up to, but not more than, the maximum FSR of 2:1 and maximum building height of 31m on any one part of the development sites as tested and presented in the following development controls.

Design Principles

- P.1 Distribute building heights within the key site to reinforce the site structure and achieve a height transition to adjoining development.
- P.2 Reduce the bulk of development by providing variations in individual building heights, massing and scale and visual permeability within the site through the distribution of different building heights.

Controls

- C.1 Development shall not impact on solar access or create overshadowing of the playground or sporting fields of the Granville South Public School or limit the development potential for future educational facilities to accommodate population growth.
- C.2 The height of buildings is to be in accordance with Figure 4.1.12.6 Building Heights and Figure 4.1.12.7 Height Transitions. Refer to **Landscaped Area** (in this part of the DCP) for private and communal open space requirements.



Figure 4.1.12.6
Building Heights (to be read in conjunction with Figure 4.1.12.8 Setbacks)

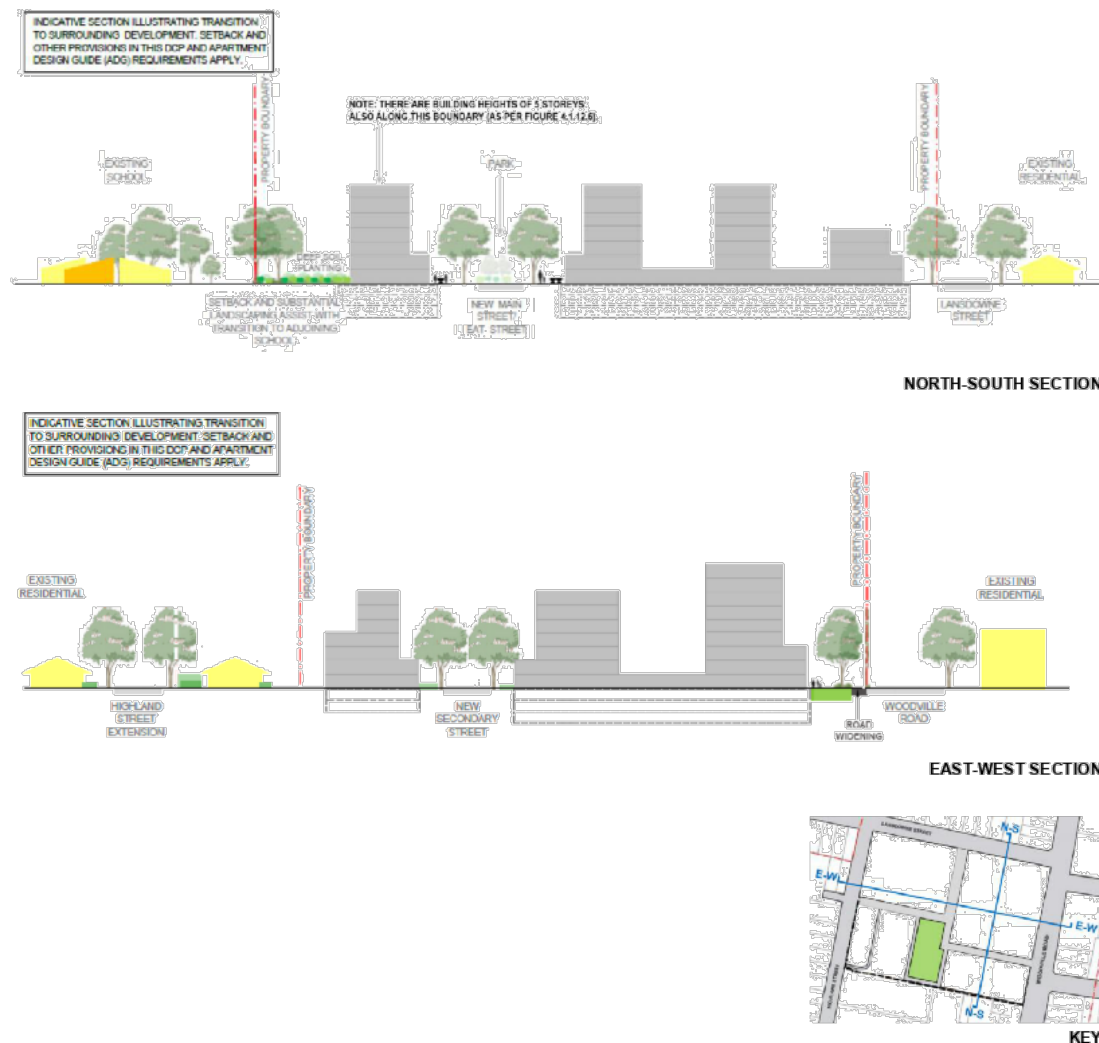


Figure 4.1.12.7
Height/Scale Transitions

Setbacks

Objectives

- O.1 To ensure that development does not limit the provision of public transport options or improvements on Woodville Road.
- O.2 To ensure that development relates to the street hierarchy, and contributes to a suitable scale and street character.
- O.3 To establish the new roads identified in the Site Structure Plan and Land Use Plan (Figure 4.1.12.4).

- O.4 To maintain the amenity of Granville South Public School by minimising overshadowing and overlooking of the school grounds.

Design Principles

- P.1 Sufficient land is to be provided for an additional road lane on the western side of Woodville Road to facilitate public transport improvements, traffic management and to allow provision of substantial landscaping along Woodville Road (refer to Figure 4.1.12.10).
- P.2 ~~Encourage and permit suitable zero side setbacks for development fronting the western side of Woodville Road to facilitate consistent building frontages and streetscapes.~~ Provide a continuous street wall along Woodville Road on both sides of Main Street.
- P.3 The tower or upper storey elements of multi storey mixed used buildings are to be set back to reduce the mass and bulk of buildings.
- P.4 Provide landscaping along boundaries, with deep soil planting with mature plants particularly along the southern boundary between the development and the adjoining School, to obscure sight lines for optimum visual privacy.

Controls

- C.1 ~~Street and boundary~~ Minimum setbacks are to be in accordance with Figure 4.1.12.8 Setbacks.
- C.2 Unless otherwise identified, street setbacks are to be in alignment with the predominant existing street setbacks for each street within the neighbourhood precinct.
- C.3 Development on the western side of Woodville Road between Oxford Street and Lansdowne Street is to comply with Figure 4.1.12.10 - Woodville Road Setbacks (Western Side - Lansdowne to Oxford Street).
- C.4 New Streets and new street setbacks ~~as well as setbacks along the development facing Highland Street and Lansdowne Street~~ are to be generally in accordance with Figure 4.1.12.9 New Streets – Sections, Figures 4.1.12.11_A-E Street Sections, and Figure 4.1.12.11_AA.
- C.5 Large tree planting (a minimum 10 metres mature height at 8m centre-to-centre) with an understorey of shrubs (1.5m – 3m) and ground cover must be provided along the boundary on the southern side (adjacent the school). The large tree planting within a deep soil zone is to be incorporated at the southern end of the park.
- C.6 The southern façade of the proposed development adjoining the school must be designed to maintain the visual privacy of the school.

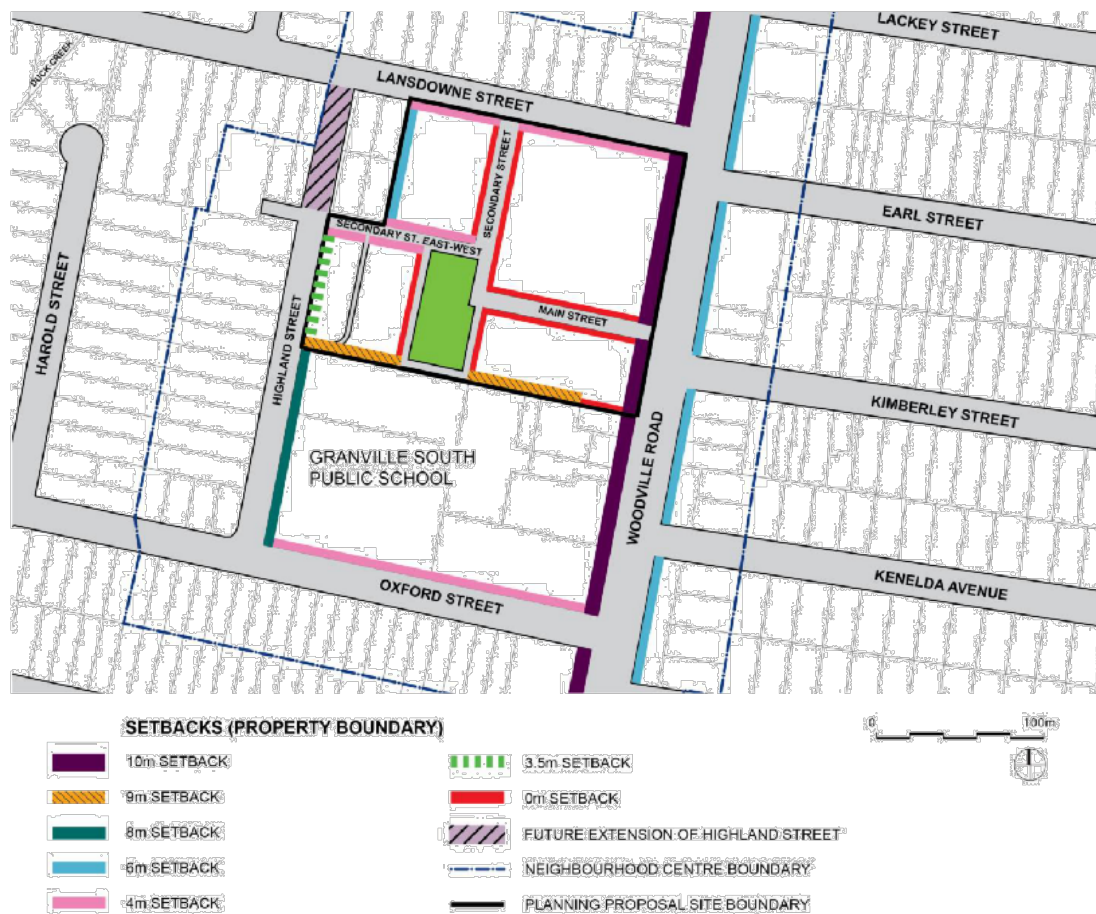


Figure 4.1.12.8
Setbacks



Figure 4.1.12.9
New Streets - sections

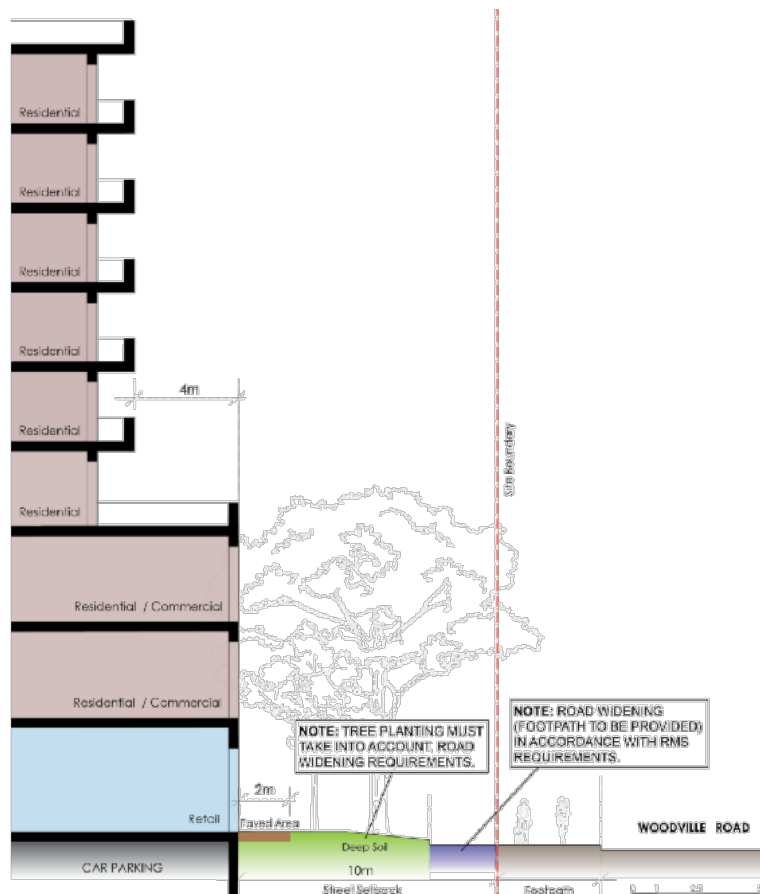


Figure 4.1.12.10
Woodville Road Setbacks (W-W)

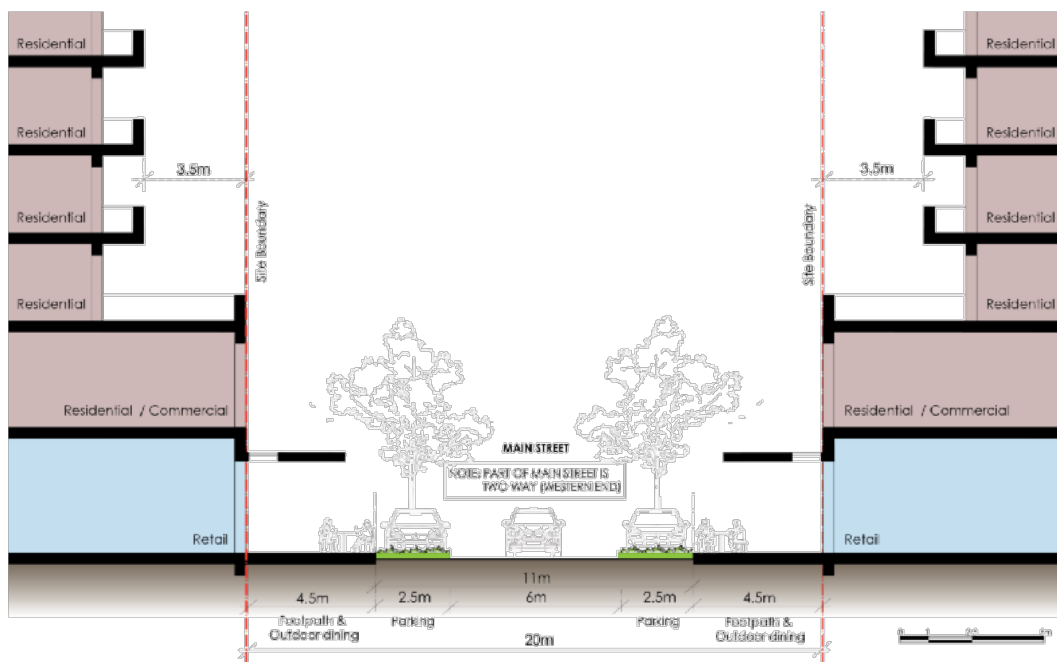


Figure 4.1.12.11_A
Section A-A: Main Street

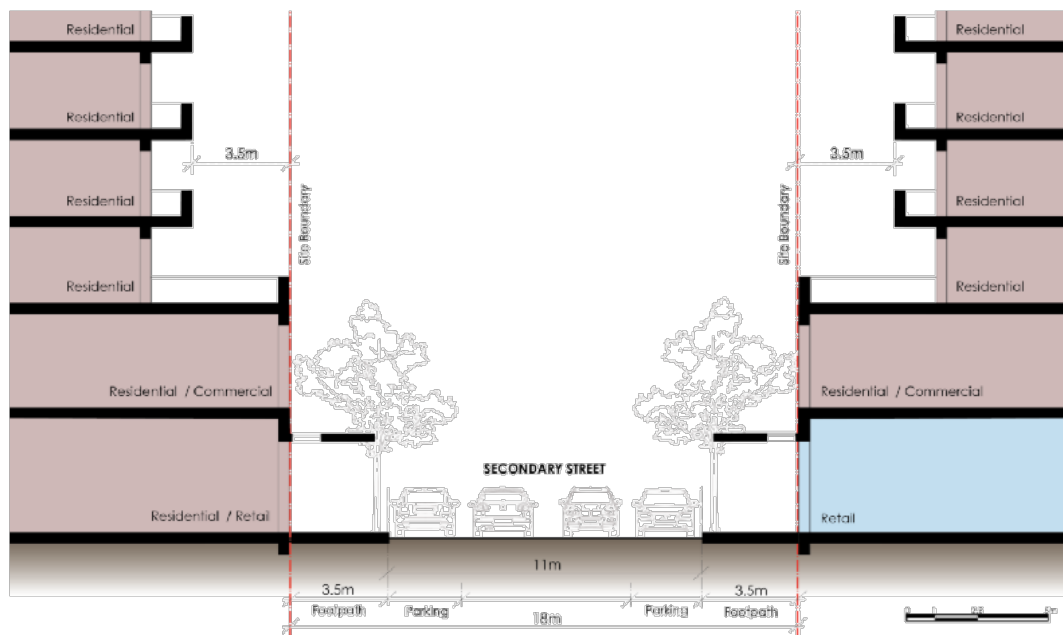


Figure 4.1.12.11_B
Section B-B: Secondary Street

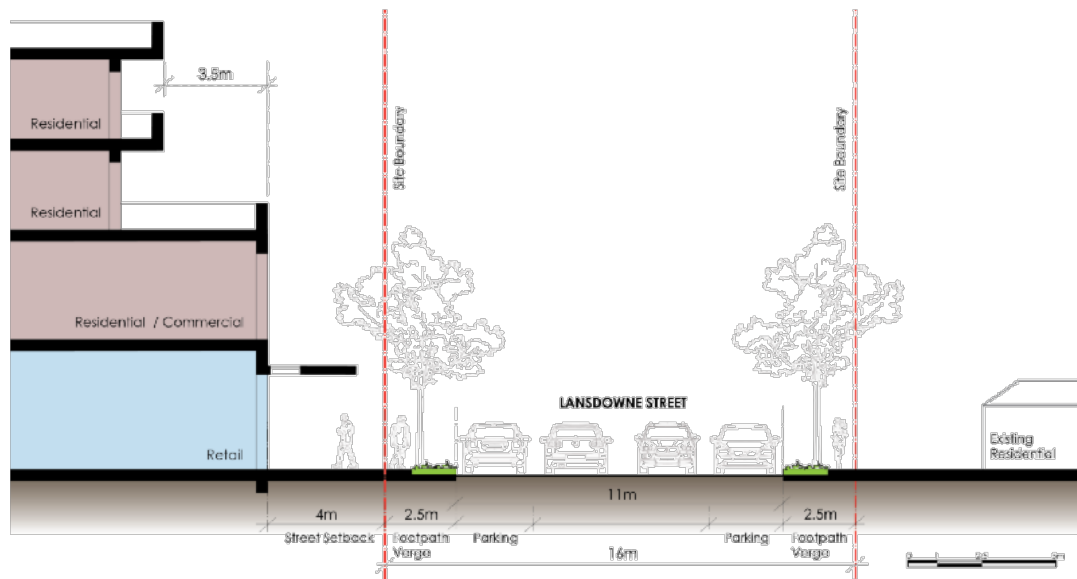


Figure 4.1.12.11_C
Section C-C: Lansdowne Street

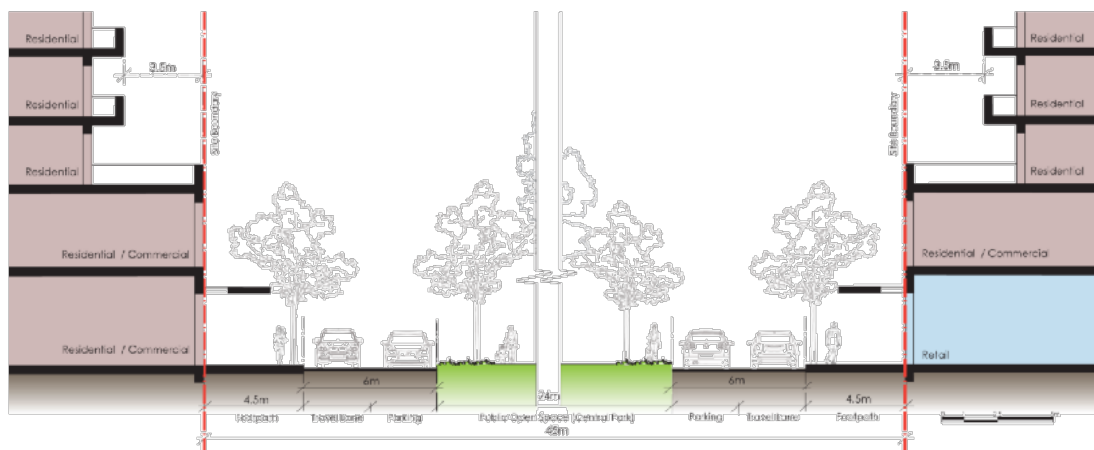


Figure 4.1.12.11_D
Section D-D: Public Open Space (Neighbourhood park)

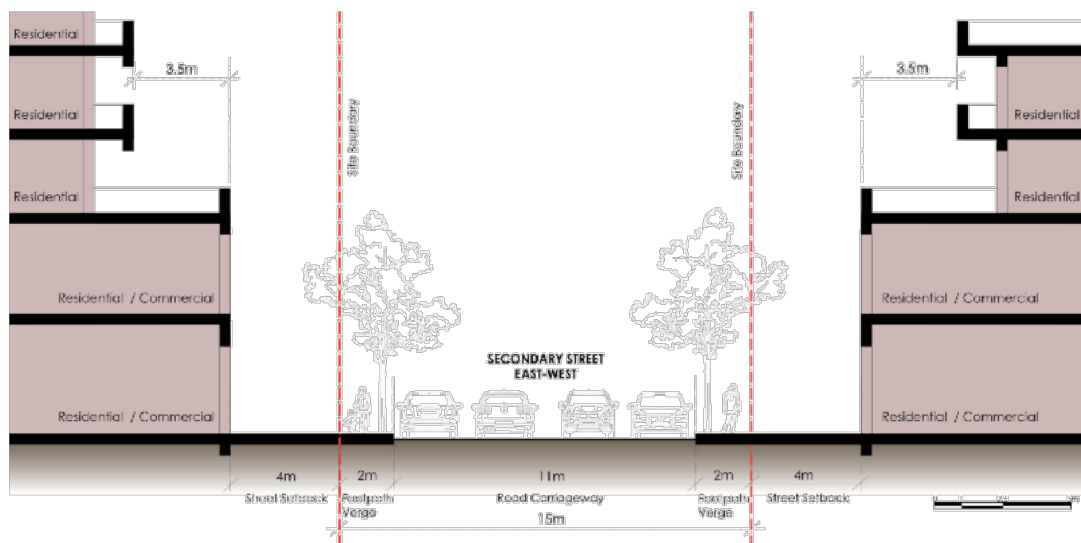


Figure 4.1.12.11_E
Section E-E: Secondary Street Extension (East-West)

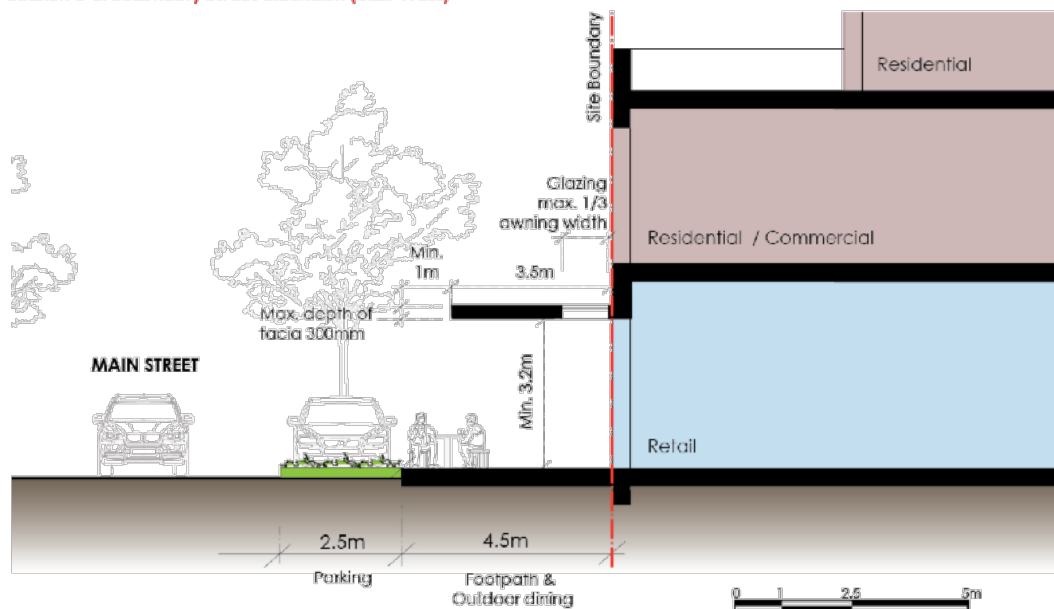


Figure 4.1.12.11_AA
Detail AA: Public Domain Interface - Main Street

Landscaped area

Controls

For residential flat buildings and residential components of mixed use developments:

C.1—A minimum of 10m² of private open space per dwelling is to be provided with a minimum dimension of 2.5m.

~~C.2 A minimum of 10m² of communal open space per dwelling is to be provided.~~

C.1. The rear setback area is to be a deep soil landscaped area for the following:

- where residential development is proposed at ground level
- ~~if where~~ a site adjoins a development with residential at ground level or a residential zone

Open Space and Public Domain

Objectives

- O.1 To ensure that a ~~high quality public~~ neighbourhood ~~park~~ is provided.
- O.2 To ensure that the public domain is integrated with existing and potential future public domain and open spaces within the neighbourhood centre precinct.
- O.3 ~~To ensure the neighbourhood park has a sense of place and to establish it as the focal point of the neighbourhood precinct.~~
- O.4 ~~To achieve a variety of spaces that are inclusive of particular needs and desires of key community groups such as children, young people, older people, people on low incomes and people with a disability.~~
- O.5 ~~To integrate the management of stormwater into the design of public open spaces.~~
- O.6 ~~To integrate public art to create a more visually interesting and culturally diverse public domain.~~

Design Principles

- P.1 ~~Public open space to be designed to include clear, accessible, safe and convenient linkages to the surrounding streets and community inside and outside the neighbourhood precinct.~~
- P.2 ~~Landscaping and choice of materials is to respond to the character of each space and is to unite and relate to other spaces throughout the neighbourhood precinct.~~
- P.3 ~~Design of open space is to be of the highest quality with suitable landscaping, well integrated public art and appropriately varied soft and hard surface design.~~
- P.4 ~~Vehicular movements through the neighbourhood park are to be generally restricted except for emergency vehicles, servicing and special events.~~
- P.5 ~~Useable and sustainable green space at ground level and roof top gardens and vertical gardens are to be provided and integrated with building design.~~
- P.6 ~~Vertical gardens are encouraged to street wall height.~~

Controls

- C.1 A public domain concept plan for the development of the site or any part thereof is to be provided with **the first a**-Development Application for the land. The plan must:
- provide for deep soil planting zones;
 - show how a high amenity public domain will be achieved on Woodville Road;
 - provide an indicative landscape design, including details and indicative costs for street furniture, street trees, landscaping works, materials and utilities;
 - indicate how street trees and other planting arrangements are to be provided on all new streets to Council's specifications.
- C.2 Development proposing outdoor dining must comply with Council's Outdoor Dining Policy and Guidelines.
- C.3 A fully embellished neighbourhood **park "Urban-Park"** not less than 2,000 square metres in area is to be provided, to a design approved by Council and located as shown in Figure 4.1.12.4 Site Structure and Land Use Plan. **A concept plan is to be provided with the lodgement of the first DA for the Site.**
- C.4 **A minimum of 85% of the ~~public~~ neighbourhood park ~~Park~~ is to be deep soil zone, and the total area of the ~~public~~ neighbourhood park ~~Park~~ is to be excluded from all deep soil calculations associated with private development.**
- C.5 The neighbourhood park is to:
- a) **provide the primary green public open space to act as the heart of the neighbourhood precinct;**
 - b) **provide for primarily soft landscaping and deep soil planting including mature plants. Avoid basement parking beneath the neighbourhood park;**
 - c) **provide both passive and active recreation spaces;**
 - d) **be landscaped to include native trees;**
 - e) **provide a safe play area for children which is to be visually and physically connected to the main park area;**
 - f) **include play elements integrated into the landscape design and enable informal play;**
 - g) **be dedicated to Council and Council engineers are to be consulted prior to the design of all internal roads within the precinct.**
- C.6 **All elements are to be vandal and graffiti resistant.**
- C.7 **Design of the public domain is to be integrated with stormwater management.**
- C.8 **All internal roads not in Council's ownership must be maintained at all times. Note: Council will not accept dedication of roads with basement parking underneath.**

Building Elements, Architectural Diversity and Articulation

Objectives

- O.1 To ensure building design contributes to street, public domain and residential amenity.
- O.2 To reduce visual bulk and scale, add visual interest and avoid "boxlike" designs.

- O.3 To achieve architectural diversity and add visual interest.
- O.4 To ensure that development enhances and contributes to the streetscape and desired future character of the neighbourhood.

Design Principles

- P.1 Building design is to include elements that vertically articulate facades and which frame public spaces and contribute to or define the public domain.
- P.2 Buildings are to be designed to deliver high quality architecture through the use of faced articulation, materials selection and use of vertical gardens where appropriate.

Controls

- C.1 ~~The development is to comply with As shown in~~ Table 4.1.12.a.
- C.2 Buildings within the development site are to be designed as distinctive “families” of building elements (including building entrances, balconies, balustrades, awnings and pergolas)
- C.3 To achieve architectural diversity, buildings that are located adjacent to or opposite to one another are not to be the same or similar in design
- C.4 The maximum linear length of any building is to be maximum 65m.
- C.5 Where a development site frontage is in excess of 65m in length, two or more buildings with different architectural expressions ~~must should~~ be developed to front the street or public domain.
- C.6 Buildings in excess of 45m long must be designed as at least two distinct ‘building components’ which are to:
 - not exceed 25m in length with a preferred length of 20m (Refer Figure 4.1.12.12_A)
 - have a building separation of minimum 6m for the full height of the building
 - have their own distinctive architectural character
- C.7 Full height gaps are to be provided between buildings consistent with the building separation provisions of the Apartment Design Guide (ADG) for solar access and visual connections. Where possible, building breaks are to be aligned with streets and lanes in the surrounding area or proposed streets and lanes.

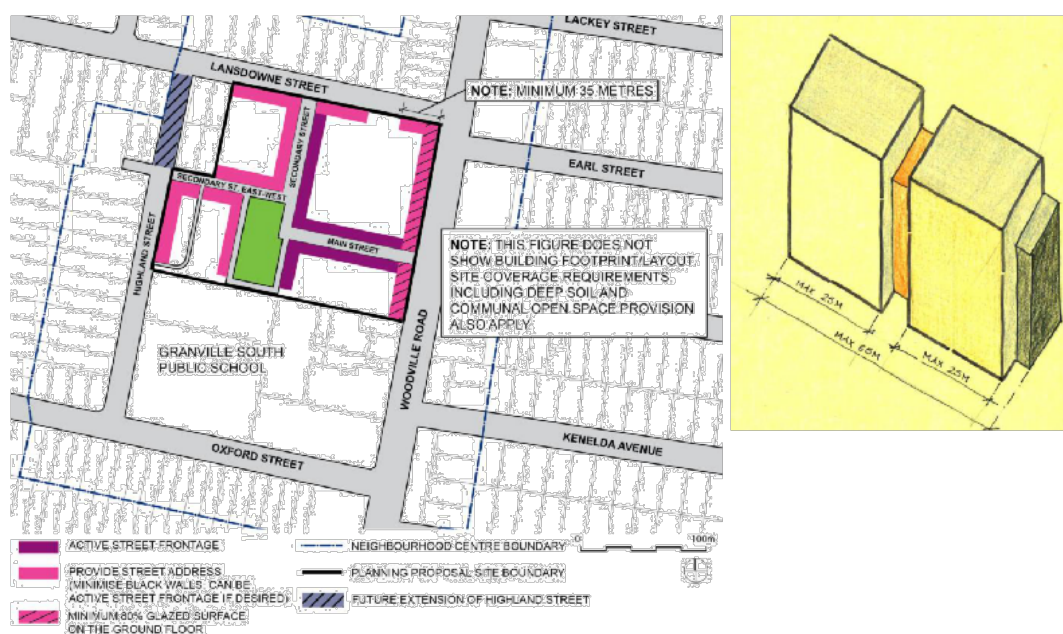


Figure 4.1.12.12
Street Frontage

Figure 4.1.12.12_A
Building Articulation /
Maximum Building Length

Table 4.1.12.a – Building Elements

BUILDING ELEMENT	CONTROLS	INTENTION
Ground Level Activation	As shown in Figure 4.1.12.12 Building Elements	Activate Woodville Road, main internal street and neighbourhood park.
Blank Walls	<p>Ground floor uses on Woodville Road and the new Main Street are to be activated. Building facades are to avoid large unbroken expanses of glass and/or solid, unarticulated materials.</p> <p>A minimum of 80% glazed surface is to be provided on the ground floor along Woodville Road.</p> <p>Opaque or blank façade walls for ground floor uses are to be limited to 30% of a building street frontage on Landsdowne Street and secondary streets.</p>	<p>To ensure:</p> <ul style="list-style-type: none"> Activation of the main street and Woodville Road to link public, semi-private and private space. Blank walls will not be provided for the length of any secondary street permitted. To contribute to a fine grain, pedestrian-scale environment
Awnings	Where ground floor commercial/retail is proposed, continuous awnings are to be provided, with new awnings the same height as, or the average of, the two adjacent awnings.	To provide weather protection and for pedestrian comfort.
BUILDING ELEMENT	CONTROLS	INTENTION
Upper Level Setbacks	<p>Woodville Road (western side) 4m setback above 3 storeys</p> <p>Landsdowne Street, Main Street, Secondary Street, Secondary Street East-West, development fronting park. 3.5m setback above 2 storeys</p>	Articulate building facades, reduce bulk, create a human scale appropriate for a neighbourhood centre
Wintergardens	To be provided fronting Woodville Road but not to be included in the GFA for FSR calculations	To encourage Wintergardens on Woodville Road
Parking	Basement parking is to be provided for all developments and each development parcel.	Traffic management and building design.

Loading Bays	Entrances and exits are not permitted on Woodville Road and are to be in accordance with Part 3.6.2 of this DCP. Vehicle entry and loading bay entry to be well separated.	Traffic management and building design.
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Traffic Management and Parking

Objectives

- O.1 To manage traffic impacts and ensure that development does not unreasonably impact on the traffic conditions on Woodville Road and local roads.
- O.2 To ensure suitable parking and traffic management arrangements are identified prior to development of the land and are used to inform the preparation of Development Applications.
- O.3 To ensure vehicle entries and loading bay entries do not compromise pedestrian safety.
- O.4 To increase the use of active transport and reduce vehicle use.

Controls

- C.1 A detailed traffic study will be submitted with any Development Application for the site or part thereof. It will:
 - (i) identify and address traffic generation issues associated with the overall development of the site.
 - (ii) include modelling of the Lansdowne Street/Woodville Road and Oxford Street/Woodville Road intersections as a network and not as individual intersections.
 - (iii) include modelling of the priority control for the intersection of Lansdowne Street and the Secondary Street and determine whether a roundabout is required at that intersection.
- C.2 The traffic study is to comply with the Roads and Maritime Services *Traffic Modelling Guidelines* (2013).
- C.3 Ensure any site vehicle access points are located to avoid conflict with pedestrians and vehicles accessing the school.
- C.4 All traffic and parking arrangements are to be in accordance with Section 3.6 of this DCP.
- C.5 No driveway vehicle access from Woodville Road is permitted.
- C.6 A travel plan will be submitted with any Development Application for the site or part thereof to reduce car trips and encourage the use of sustainable transport

Contamination

Objectives

- O.1 To ensure that the changes of land use will not increase the risk to public health or the environment.
- O.2 To ensure that any remediation to the land will not increase the risk to the users of the adjoining school and surrounding residential development.
- O.3 To link decisions about the development of land within the information available about contamination.

Design Principles

- P.1 A remedial action plan for the development of the site or any part thereof is to be provided with a Development Application for the land. The plan must be prepared in accordance with the NSW Environment Protection Authority Guidelines *Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites* (1997a) and the National Environment Protection (Assessment of Site Contamination) Measure (2013 Amendment).

Controls

- C.1 All contamination arrangements are to be in accordance with Section 2.12.4 of this DCP.

Air Quality**Objectives**

- O.1 To ensure that development fronting Woodville Road provides an acceptable level of air quality for the users and occupants.
- O.2 To encourage the inclusion of wintergardens along development fronting Woodville Road.
- O.3 To ensure that demolition and construction in the neighbourhood centre does not adversely impact the air quality for users of the adjoining school and surrounding residential development.

Design Principles

- P.1 Reduce the formation of urban canyons to avoid motor vehicle air transmissions and other pollutants from becoming trapped and ensure dispersion. Appropriate setbacks on the upper stories of multi-level buildings can help to avoid urban canyons.

- P.2 Consider building siting and orientation to incorporate an appropriate separation between sensitive land uses and the road. The location of living areas, outdoor space and bedrooms and other sensitive uses (such as childcare centres) must be as far as practicable from the major source of air pollution.
- P.3 Ventilation design and open-able windows should be considered in the design of development located adjacent to roadway emission sources. When the use of mechanical ventilation is proposed, the air intakes must be sited as far as practicable from the major source of air pollution.
- P.4 Using vegetative screens, barriers or earth mounds where appropriate to assist in maintaining local ambient air amenity. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway.

Controls

- C.1 Air quality must be considered early in the design process for development fronting Woodville Road.
- C.2 Air quality design considerations must be based on the above design principles and as per the NSW Department of Planning Development Near Rail Corridors and Busy Roads – Interim Guideline (2008).

Noise and Vibration

Objectives

- O.1 To ensure appropriate measures are taken to ensure noise and vibration is managed for development facing Woodville Road.
- O.2 To ensure noise emissions from the development including but not limited to proposed mechanical plant, air conditioners, automatic roller doors, ventilation plant for the underground car park) are minimised.
- O.3 To ensure noise emissions during the demolition, remediation of land and construction of the development is managed to minimise impact on the adjoining school and nearby residential development.

Design Principles

- P.1 To ensure the following LAeq levels are not exceeded for residential development:
- In any bedroom in the building: 35dB(A) at any time 10pm – 7am
 - Anywhere else in the building (other than a garage, kitchen, bathroom or hallways): 40dB(A) at any time.

Controls

-
- C.1 An acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (AAS). The report is to consider noise intrusion from the road and measures to ensure compliance with the SEPP (Infrastructure) 2007.
 - C.2 The report must also consider noise emissions from the development including but not limited to proposed mechanical plant (air conditioners, automatic roller doors, ventilation plant for the underground car park), and access and egress to loading and car parking areas.
 - C.3 Consideration is required for the demolition/remediation/construction noise and vibration intrusion for the proposed development.
 - C.4 The acoustic report must be prepared in accordance with *the Noise Policy of Industry* (2017), NSW Government Department of Planning *Development Near Rail Corridors and Busy Roads – Interim Guidelines* (2008), and the NSW Environment Protection Authority *Interim Construction Noise Guideline* (2009).
 - C.5 Construction management plans are to be prepared prior to the commencement of any construction on site.

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135

Attachment 3

Table of Proposed Amendments
to Draft DCP Controls

ATTACHMENT 3:

Table of Proposed Amendments to the Draft 'Woodville Road Neighbourhood Centre Precinct' DCP Controls

<i>Draft Development Control Plan Reference</i>	<i>Proposed Amendment</i>
4.1.12 Woodville Road Neighbourhood Centre > Desired Future Character	An objective to '...ensure that the development provides for the greening of Woodville Road' has been added.
Figure 4.1.12.2 Precinct Principles	The figure has been amended to include the Park Circuit (one way slow zone shown in orange) and to clarify other precinct principles.
Key Sites > Desired Character	Reference to 'community space' removed. Council's Community and Culture section has advised that they are not seeking any space/facility in this location. The DCP however does not preclude the provision of uses which may include privately run community uses, such as child care centres.
DA Requirements > Controls	The standard requirements for all DAs have been amended. An 'economic assessment' has been changed to a 'retail assessment', and a remedial action plan, an acoustic report, and a travel plan have been added, for consistency with Council's requirements
Structure, Form and Density > Design Principles	The following design principle was added: P.4 The development of the land is to allow for a diversity of dwelling types including town houses facing Highland Street North-South. P.3 was amended to provide greater clarity.
Figure 4.1.12.4 Site Structure and Land Use Plan	The figure has been amended to include the Park Circuit (one way slow zone).
Lot Consolidation and Minimum Street Frontage > Figure 4.1.12.5 Preferred Lot Consolidation	Figure has been amended to include the Park as part of the first stage.
Building Heights > Figure 4.1.12.6 Building Heights Figure title changed to be read in conjunction with Figure 4.1.12.8 Setbacks	Height increased in a portion of Block C along Highland Street East-West from 2 to 4 storeys.

<i>Draft Development Control Plan Reference</i>	<i>Proposed Amendment</i>
Building Heights > Figure 4.1.12.7 Height/Scale Transitions	The North-South and East-West site sections amended to increase clarity and to reflect potential built outcomes based on provisions provided in the draft DCP controls and in compliance with the ADG.
Setbacks > Design Principles	<p>To increase clarity, the design principle 'Encourage and permit suitable zero side setbacks for development fronting the western side of Woodville Road to facilitate consistent building frontages and streetscapes' was reworded as 'Provide a continuous street wall along Woodville Road on both sides of Main Street'.</p> <p>The following design principle was added: P.4 Provide landscaping along boundaries, particularly with the boundary between the development and the adjoining school, to obscure sight lines for optimum visual privacy.</p>
Setbacks > Controls	<p>Some controls have been amended to increase clarity. The following two controls have been added to address overlooking from development adjoining the school boundary into the school open spaces and play areas:</p> <p>C.5 Large tree planting (a minimum 10 metres mature height at 8m centre-to-centre) with an understorey of shrubs (1.5m – 3m) and ground cover must be provided along the boundary on the southern side (adjacent the school). The large tree planting within a deep soil zone is to be incorporated at the southern end of the park.</p> <p>C.6 The southern facade of the development adjacent the school must be designed to maintain the visual privacy of the school.</p>
Figure 4.1.12.8 Setbacks	Figure has been amended to clarify the setbacks. To encourage active frontage along the Main street and Secondary street, and on the western edge of the Central Park, a zero metre setback has been introduced with a wider footpath. Future extension of Highland Street has been more clearly articulated.

<i>Draft Development Control Plan Reference</i>	<i>Proposed Amendment</i>
Figure 4.1.12.9 New Streets - sections	Section E-E along Highland Street East-West has been added.
Sections W-W, A-A to E-E, AA	<p>These sections have been amended to provide clarity to the street setbacks and upper level setbacks.</p> <p>The Woodville Road section has been revised to more clearly illustrate location of the deep soil and the area required for widening of Woodville Road.</p> <p>The section for the Main Street has been amended from a street setback of 2.5m and a 2m allocation for footpath and outdoor dining to a zero metre setback with a 4.5m allocation for footpath and outdoor dining. As the Main Street is a one-way street exiting left-out onto Woodville Road, Section A-A has been changed to show this.</p> <p>A detailed section for the public domain interface along Main Street has also been provided.</p> <p>The setback for development around the Park Circuit was shown with a 2.5m setback and a 2m footpath. This has been amended to show a zero metre setback and a 4.5m footpath in the draft DCP.</p> <p>A section for the Highland Street extension (East-West) has been added.</p>
Landscaped Area > Controls	Two controls that duplicate the ADG controls have been removed.
Open Space and Public Domain > Objectives, Design Principles and Controls	A number of objectives, principles and controls have been added to ensure the neighbourhood park is of a high quality and inclusive of the needs of the community.
Figure 4.1.12.12 Street Frontage	Figure has been amended to provide greater clarity in relation to the active street frontage and to ensure the façade along Woodville Road will have a minimum of 80% glazed surface (retail component).

<i>Draft Development Control Plan Reference</i>	<i>Proposed Amendment</i>
Table 4.1.12.b	Amendments made to add controls for upper level setback on secondary street East-West. A control on vehicle entry and loading bay entry has also been added.
Traffic Management and Parking > Objectives and Controls	Objectives and controls have been added to provide details on what a traffic study should include when submitted at the DA stage, and to ensure conflict is avoided with pedestrians and vehicles accessing the school. A travel plan has also been required to reduce car trips and encourage the use of sustainable transport.
Contamination > Objectives, Design Principles and Controls	This section has been added to the DCP.
Air quality > Objectives, Design Principles and Controls	This section has been added to the DCP.
Noise and Vibration > Objectives, Design Principles and Controls	This section has been added to the DCP.

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135

Attachment 4

Gateway Determination -
Woodville Road Planning
Proposal - June 2016



Mr Malcolm Ryan
Interim General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160

Our ref: 16/01723

Dear Mr Ryan

Planning Proposal for 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands (PP_2016_PARRA_001_00)

I am writing regarding the request made by the former Parramatta City Council for 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 Parramatta Local Environmental Plan 2011 to rezone land at Woodville Road, Lansdowne Street and Highland Street, Merrylands.

The proposal seeks to rezone the subject land to B4 Mixed Use; increase the maximum height of buildings to 31m; increase the maximum floor space ratio to 2.25:1, and exclude the wintergarden floor area from the FSR calculation for proposed units fronting Woodville Road.

Following the *Local Government (City of Parramatta and Cumberland Council) Proclamation 2016* on 12 May 2016, the subject land has been incorporated into the newly formed Cumberland Council Local Government Area. As the Gateway determination was made after the proclamation date, Cumberland Council is now responsible for taking this planning proposal forward in accordance with the attached determination.

As delegate of the Greater Sydney Commission, I have determined that the planning proposal should proceed subject to the conditions in the Gateway determination. I have also considered the nature of the planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make the plan given the significance of the proposal.

I have agreed that any inconsistency with Section 117 Direction 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

I appreciate the former Parramatta City Council's intent to revitalise the Woodville Road Corridor. Following an assessment of the matter, however, I have not agreed with the density for the site proposed by the former Parramatta City Council. The proposed maximum floor space ratio (FSR) of 2.25:1 is not supported owing to inconsistency with *A Plan for Growing Sydney* and limited access to high frequency public transport. Consequently, the proposed FSR controls have been reduced to a

scale that is no greater than controls within the Merrylands and Guildford village centres.

I have also taken this opportunity to include other properties within the site area. The inclusion of these sites will allow for the orderly development of the precinct.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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. Council's request to draft and finalise the LEP should be made 8 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 Commission may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

I recognise that Cumberland Council did not request a Gateway determination for this planning proposal. In these circumstances, Council's assistance in progressing this proposal is appreciated and, should the need arise, the Department remains available to support Council in this endeavour.

Should you have any queries in regard to this matter, please contact Mrs Catherine Van Laeren, Director of the Sydney Region West Office of the Department, on (02) 9860 1520.

Yours sincerely,

 8 August 2016
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway Determination



Planning & Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2016_PARRA_001_00) to amend Parramatta Local Environmental Plan 2011 to rezone land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street and 19 Highland Street, Merrylands to B4 Mixed Use, increase the maximum height of buildings to 31m, increase the maximum floor space ratio to 2.25:1 and enable wintergardens within residential development fronting Woodville Road that exclude the wintergarden floor area from the FSR calculation.

I, the Deputy Secretary, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act* that an amendment to the *Parramatta Local Environmental Plan 2011* to rezone land at Woodville Road, Merrylands to B4 Mixed Use, increase the maximum height of buildings to 31m, increase the maximum floor space ratio to 2.25:1 and enable wintergardens within residential development fronting Woodville Road that exclude the wintergarden floor area from the FSR calculation proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:

- (a) include a full list of Lot and DP numbers;
- (b) correct the table numbering on page 8 from Table 3 to Table 1;
- (c) correct the Explanation of Provisions and Table 3 at page 16 to indicate that a site specific provision for the FSR calculation applies to wintergardens;
- (d) remove comments on page 16 regarding s.117 Direction 7.1 Implementation of a Plan for Growing Sydney;
- (e) the Explanation of Provisions, proposed maps and any other relevant references within the document describing the proposal are to be amended to indicate a proposed maximum FSR of 2.0:1;
- (f) include land at 244 Woodville Road and land at 6, 10 and 12 Lansdowne Street, Merrylands in the land to which the plan applies. These sites are to be zoned to B4 Mixed Use, with a maximum height of buildings of 31m and a maximum FSR of 2.0:1; and
- (g) outline the proposed method to achieve an appropriate transition in height from the subject site to the land located to the west currently zoned R2 Low Density Residential fronting Lansdowne Street and Highland Street.

2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:

- (a) the planning proposal must be publicly available for a minimum of 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 identified in

PP_2016_PARRA_001_00 (16/01723)

section 5.5.2 of 'A Guide to Preparing LEPs' (Department of Planning and Infrastructure 2012)

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- o Department of Education and Communities;
- o Transport for NSW — Roads and Maritime Services;
- o Transport for NSW — State Transit Authority of NSW; and
- o City of Parramatta Council.

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

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.

Dated 24th day of June 2016



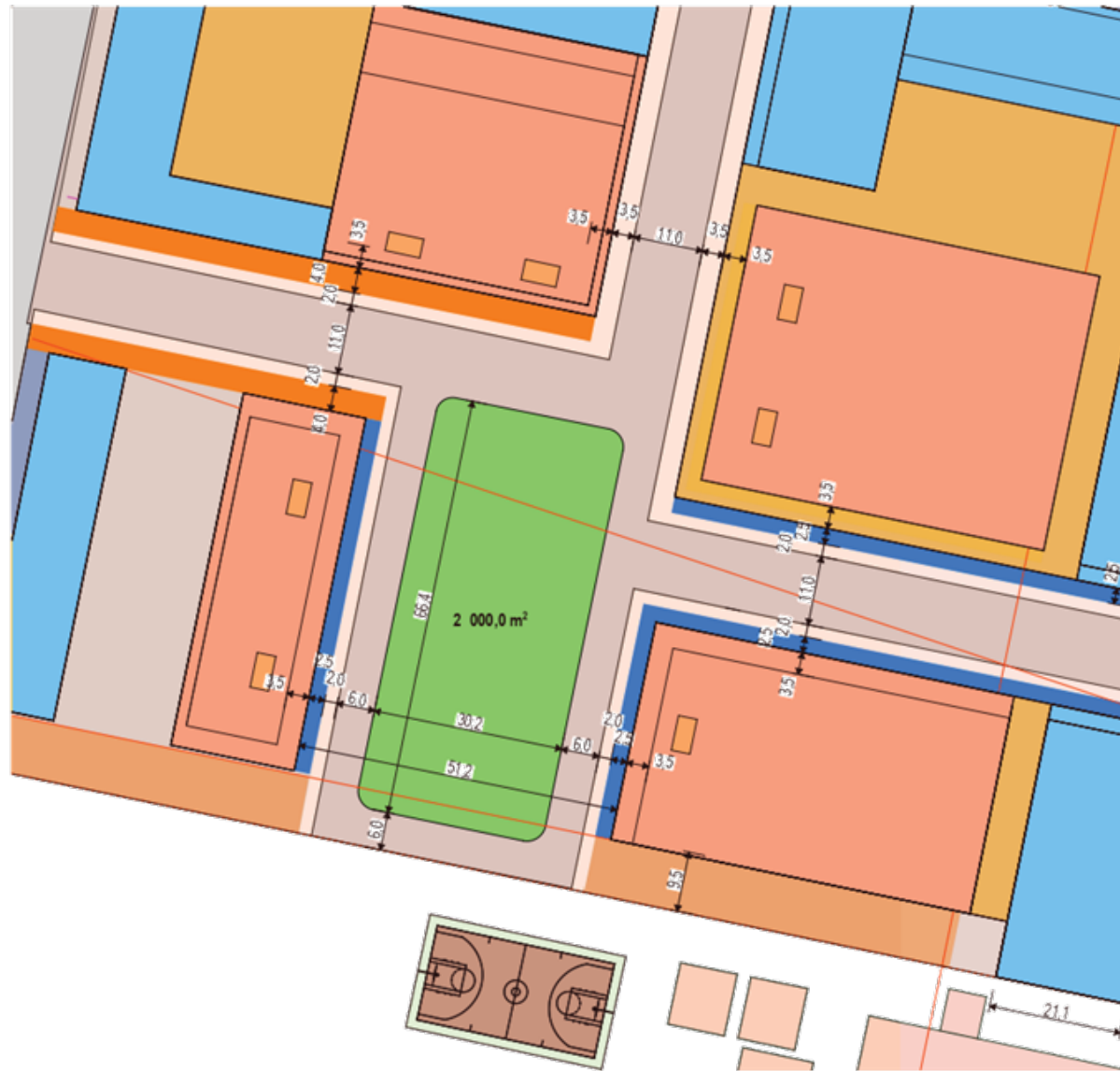
Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Greater Sydney Commission

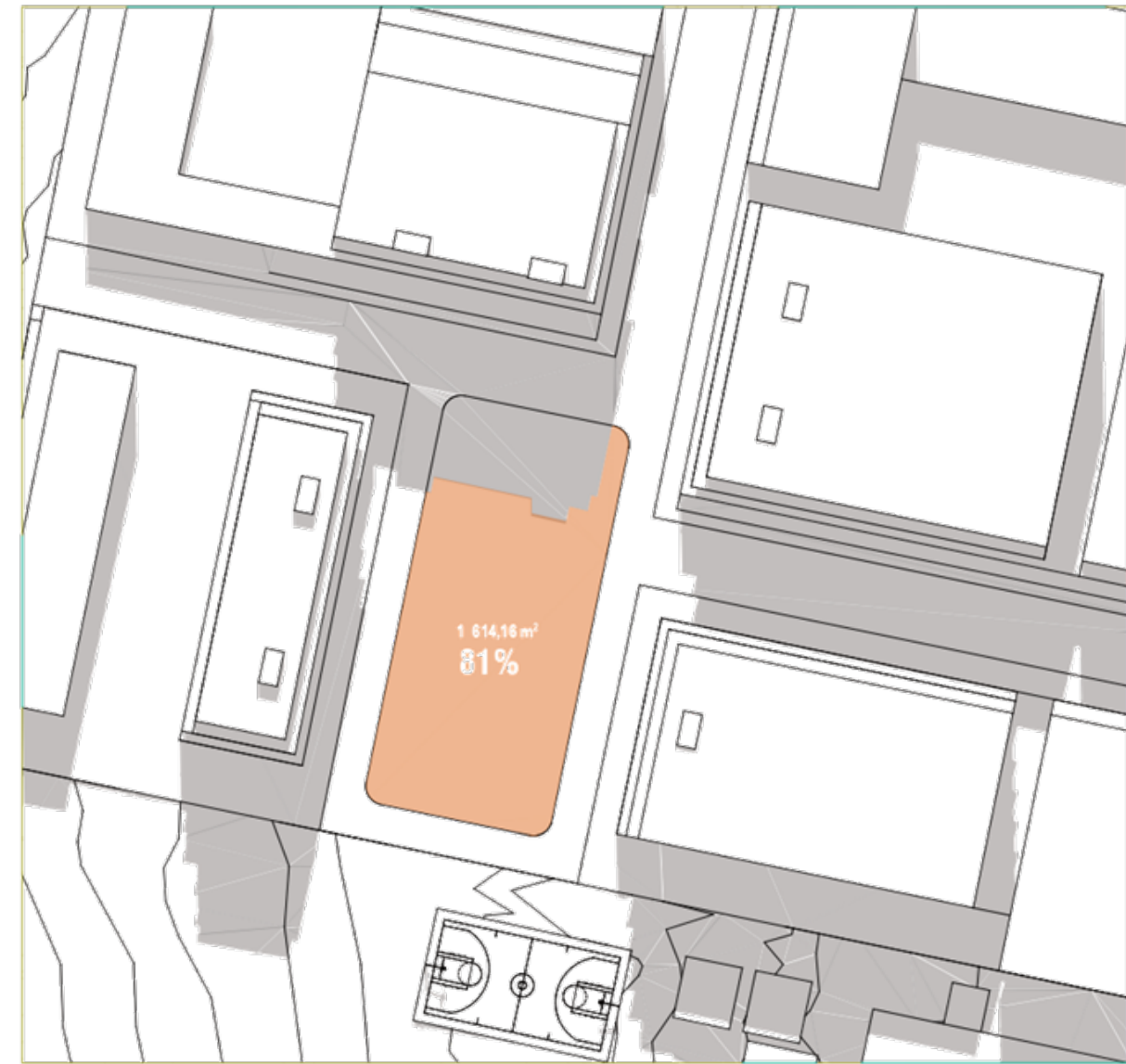
PP-2016-PARRA-001-00 (16/01723)

DOCUMENTS
ASSOCIATED WITH
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Attachment 5
Overshadowing analysis of
Proposed Central Park

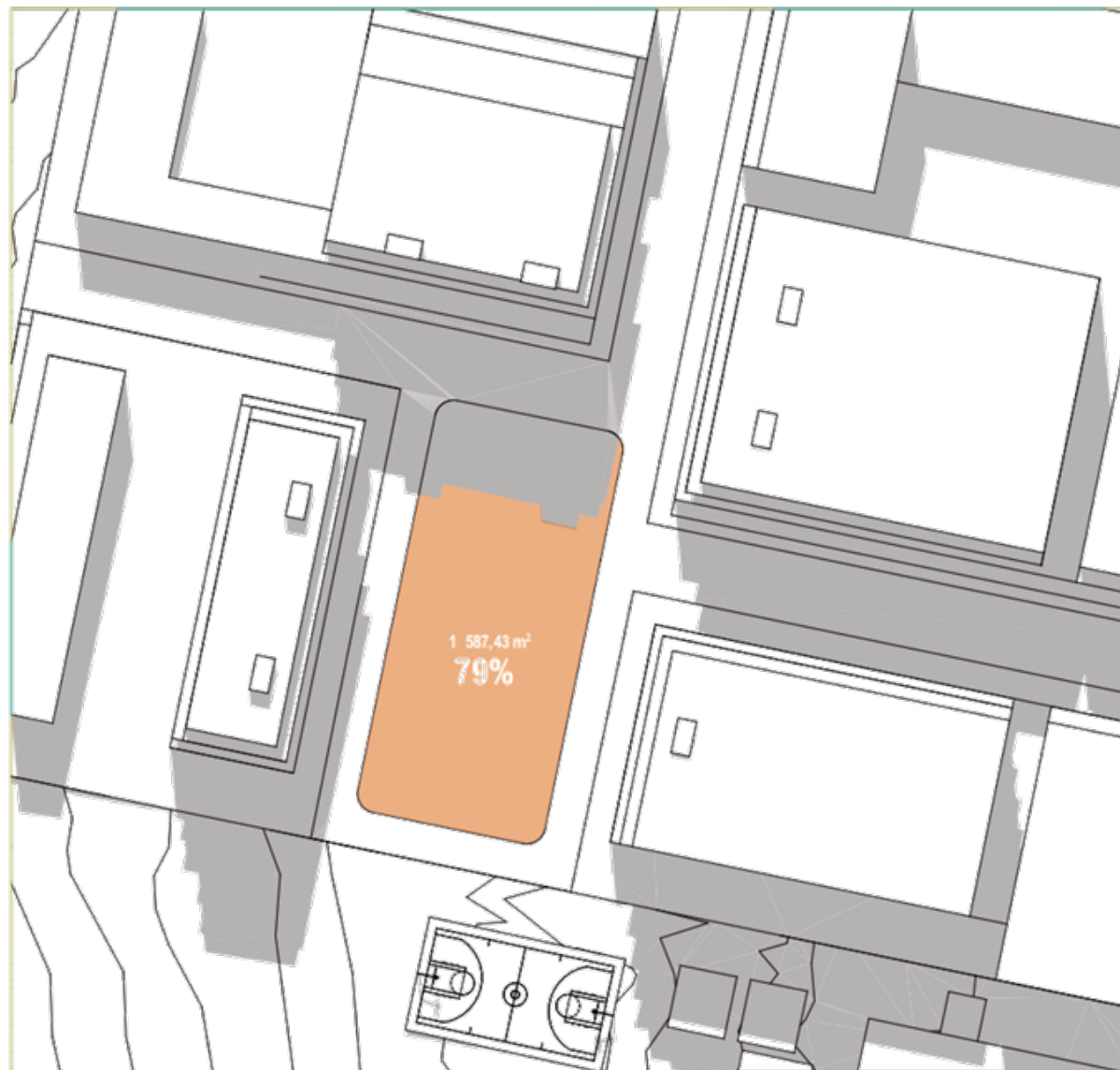


Modelled DCP Setbacks
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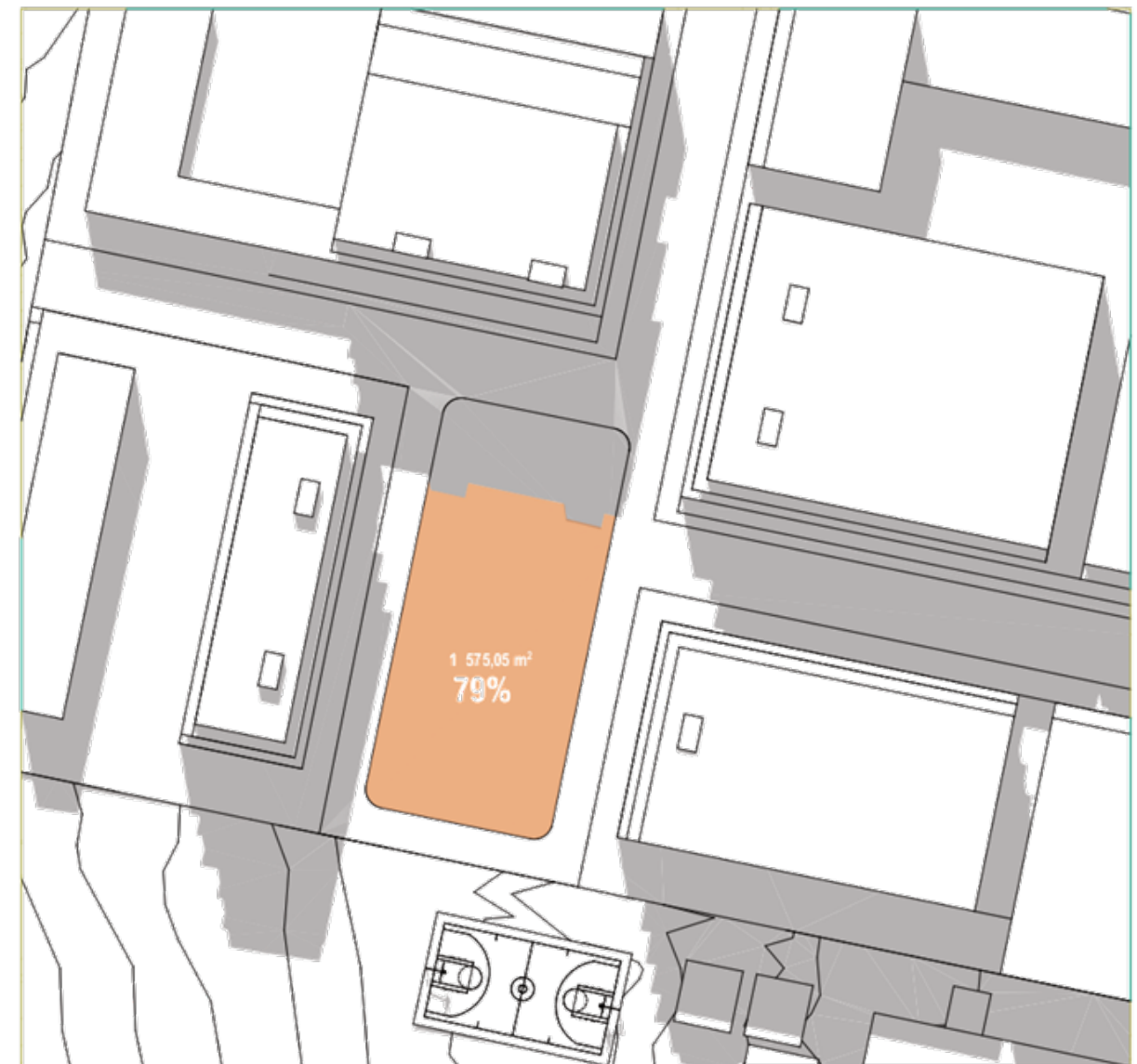


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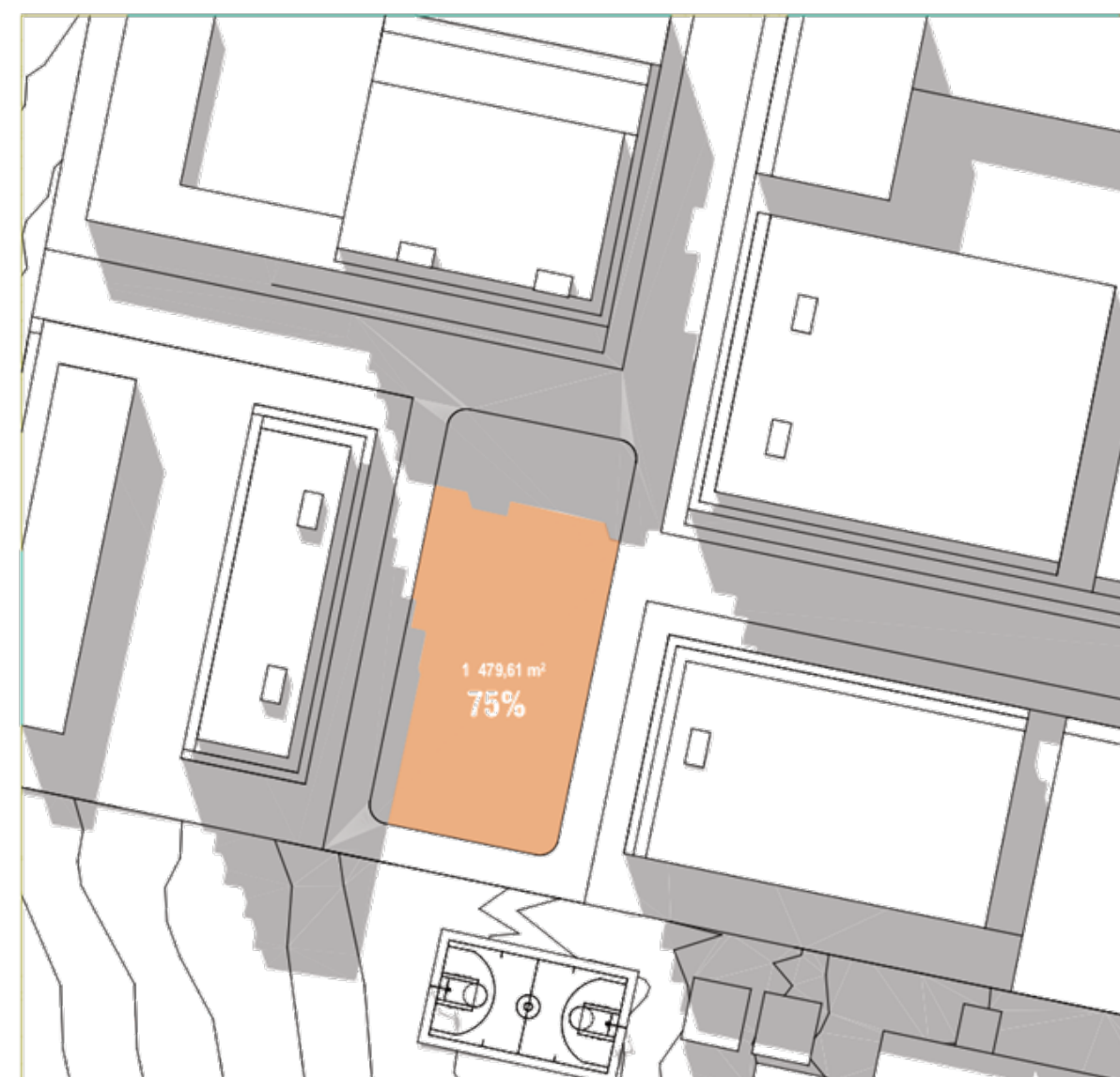


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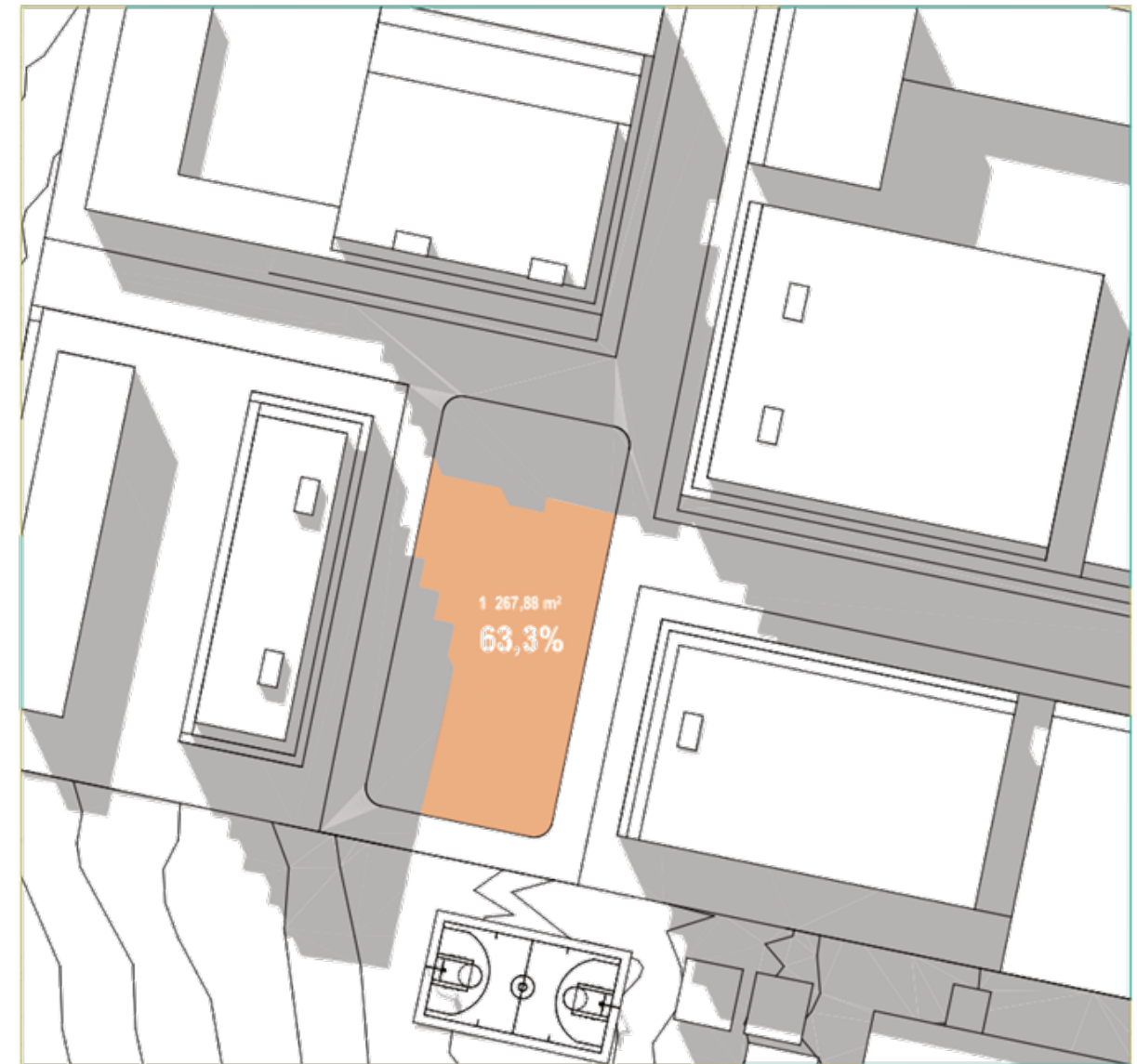


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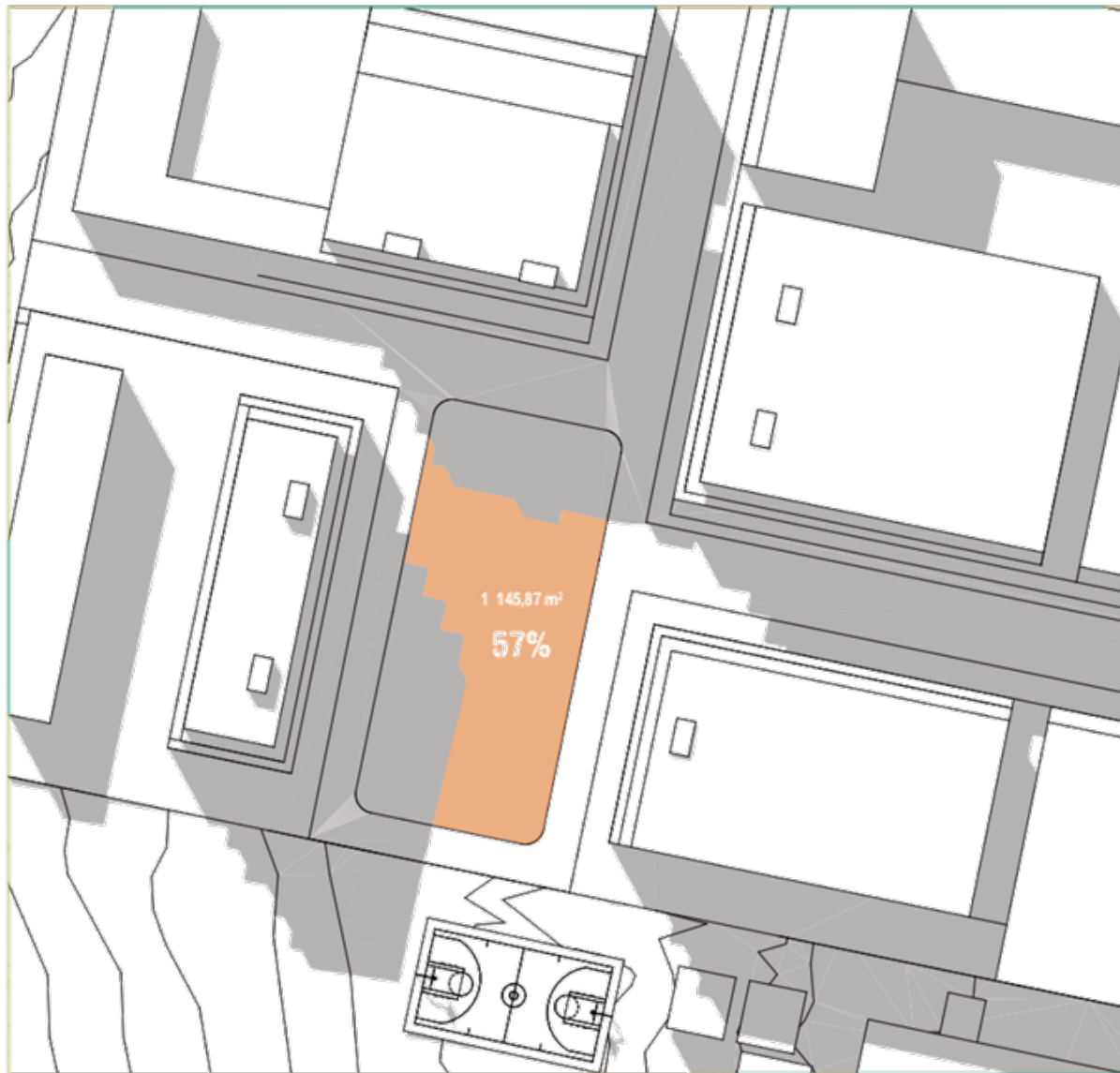


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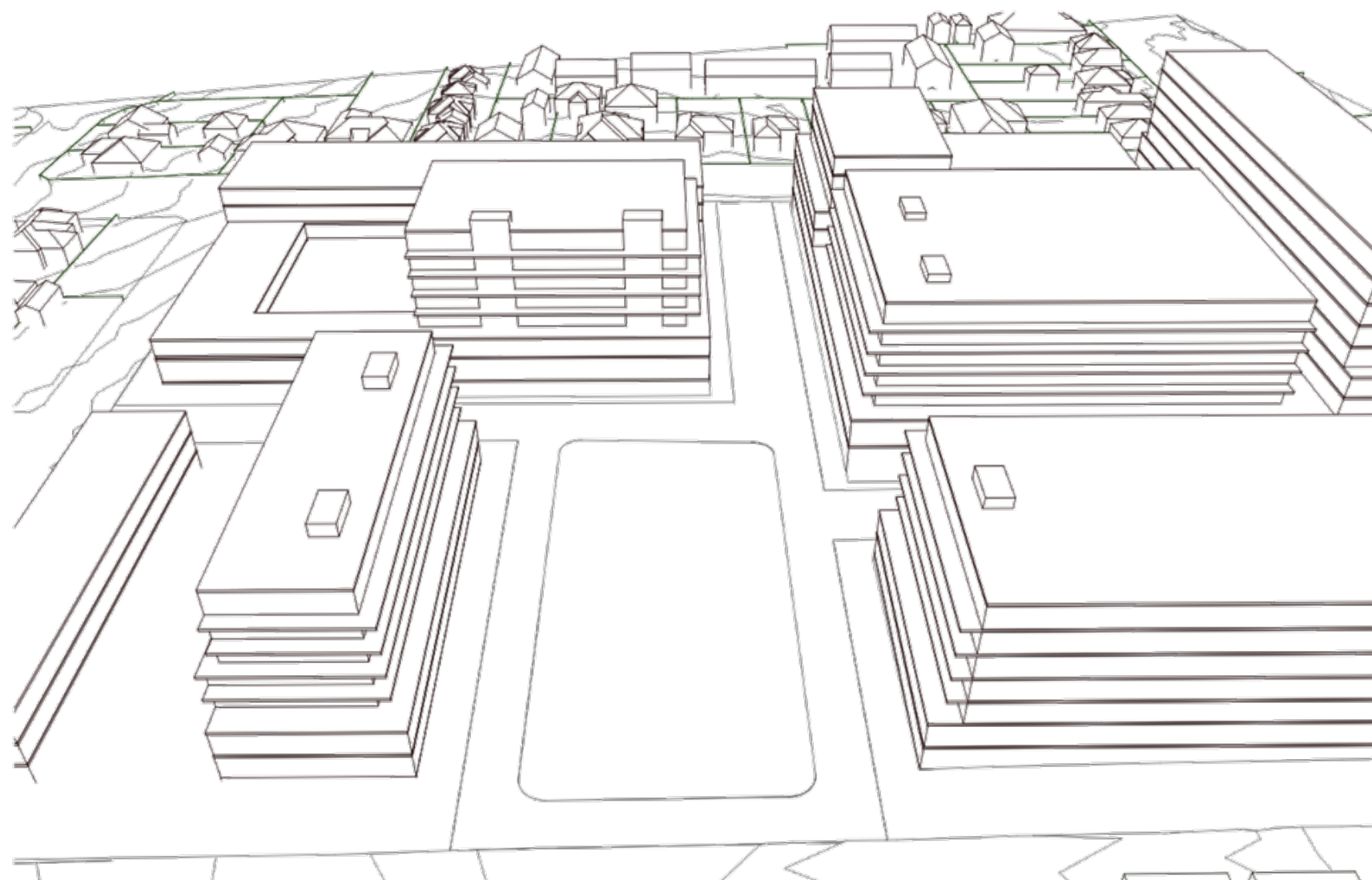


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3D diagram for shadow diagram
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DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135

Attachment 6
Cumberland IHAP Minutes - 8
November

For: Julie Walsh (Deputy Chairperson), Brian McDonald , Stuart McDonald and Bruce Simpson

Against: Nil

Reasons for decision:

The Panel could not be satisfied that there is adequate disabled access.

ITEM C043/17 - DEVELOPMENT APPLICATION FOR LOT 4012, DRIFTWAY DRIVE, PEMULWUY

Note: Rejhan Tahiri and Patrick Colucci addressed the panel on this item.

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that the Panel does not consider the modification to fall within section 96 (1A) of the Environmental Planning and Assessment Act 1979 as being "of minimal environmental impact". Therefore the Panel does not have the power to determine it.

For: Julie Walsh (Deputy Chairperson), Brian McDonald , Stuart McDonald and Bruce Simpson

Against: Nil

Reasons for decision:

The Panel's reason is stated above.

ITEM C044/17 - DRAFT DEVELOPMENT CONTROL PLAN - WOODVILLE ROAD NEIGHBOURHOOD CENTRE, MERRYLANDS (INCLUDING FORMER JOHN COOTES WAREHOUSE SITE)

Resolved unanimously by the Cumberland Independent Hearing and Assessment Panel (CIHAP) that:

1. The Draft Development Control Plan and updated planning proposal be placed on public exhibition for 28 days.
2. Following the completion of the public exhibition, a report be prepared for the Cumberland IHAP and Council on the planning proposal and Draft DCP, including any issues raised in submissions, and any comments from relevant State Agencies received.
3. Prior to or during the public exhibition period of the draft DCP Council officers give further consideration to the transition in scale and built form between indicative building envelopes and the Granville South Public School. Following this consideration the document be amended to include additional north-south cross sections through the site to more clearly demonstrate the built form relationship between the Granville South Public School site and anticipated development to the north.

4. Prior to the or during the public exhibition period of the draft DCP Council officers undertake further modelling of the proposed built form envelopes with the desired outcome of achieving minimum of two hours of direct sunlight to a minimum of 50 percent of the proposed public open space between 12 pm – 2 pm at the winter solstice.
5. The public exhibition documentation to include information regarding points 3 and 4 above.

For: Julie Walsh (Deputy Chairperson), Brian McDonald , Stuart McDonald and Bruce Simpson

Against: Nil

Reasons for decision:

The Panel has made the above recommendation to ensure greater controls around transition of development and greater amenity of the public park.

The open session of the meeting here opened at 2:34 p.m. The Chairperson delivered the Cumberland Independent Assessment Panel's resolutions to the Public Gallery.

The meeting terminated at 2.37 p.m.

Signed:

Chairperson

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135

Attachment 7

Proposed road works provided to
the RMS by the Proponent





DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135

Attachment 8
Summary of Submissions -
Woodville Road Planning
Proposal

Attachment 7: Summary of Submissions

a) Submissions from Public Agencies

Reference	Key Issues	Council Response
Transport for NSW (TfNSW)	The Planning Proposal identifies the need for significant road network improvements on Woodville Road. Any road upgrade works should be agreed with the Roads and Maritime Services (RMS) and incorporated into a Voluntary Planning Agreement (VPA) as part of the proposal.	This is noted and the feedback provided by the RMS has been taken into consideration.
RMS	<p>The RMS has provided 'in-principle' support to carry out minor road widening along the length of Woodville Road to accommodate an additional northbound lane on Woodville Road, to provide a signalised intersection at Lansdowne Street/Woodville Road, and to prohibit exit movements from Earl Street.</p> <p>This in principle support is subject to an agreement reached on the staging (i.e., trigger points linked to the development yield) of the identified road works, and the agreed road works and staging plan incorporated into a planning agreement between the Proponent and Council.</p>	Council is currently in discussions with the Proponent regarding the identified road works and a staging plan.
NSW Department of Education	<p>Concerns raised about the impact of the multi-storey development, particularly adjacent to the Granville South Public School boundary (School) and the potential for overshadowing and overlooking of internal and external spaces within the School.</p> <p>Concerns were also raised about the construction impacts and disruption due to noise, dust and traffic due to the large scale development next to the School. It is noted that Construction Management Plans should be developed in consultation with the School Principal to ensure demolition and construction activities have minimal impact on students, parents and staff.</p> <p>The potential for a reduction in the safety and convenience for vehicle and pedestrian access to the School site was raised given the nature of the School as high activity centres, and the pronounced traffic generation during the AM and PM peak.</p> <p>Concerns were also raised about the impact on demand for teaching spaces and associated School infrastructure.</p>	<p>The draft DCP stipulates a 9 metre deep soil setback along the southern boundary of the Site to allow planting of large trees with an understorey of shrubs to provide visual privacy to the School.</p> <p>The issue of overlooking and privacy will be addressed in greater detail as it relates to the orientation and design of buildings adjoining the School boundary during the development application stage. Overlooking can be mitigated in many ways; for example, adjusting the new building's orientation, the positioning and treatment of windows, and the installation of fencing and privacy screens. These design principles have been incorporated into the draft DCP.</p> <p>Should the proposal proceed, construction management plans would be prepared at Development Application stage (DA) before any construction works begin. It is anticipated that the NSW Department of Education will be contacted to provide input during the DA stage.</p> <p>The draft DCP indicates the preferred entries to the Site as being via Lansdowne Street, and Highland Street East-West to minimise potential conflict between school users and other vehicular traffic generated by the development, and to ensure dispersion of traffic through a number of entry points along local roads. It is noted that the school AM and PM peak is different to the work day AM and PM peaks, and any new development on the subject site (whether residential, retail, commercial or community)</p>

		<p>will be required to provide parking as part of each development.</p> <p>Council will continue to work with the NSW Department of Education and the School to ensure potential demand for teaching spaces and school infrastructure are understood and planned for across Cumberland.</p>
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b) Submissions from the Community (Submissions 1 – 6)

Reference	Key Issues	Council Response
STRATEGIC PLANNING CONTEXT AND ZONING MATTERS		
Submission 1, 2, 3, 5 and 6	<p><i>Appropriateness of the proposed zone and density in the area.</i></p> <p>Suggested that the Planning Proposal did not consider other more suitable zone options such as the B6 Zone (12m).</p> <p>Suggested that high rise development is not required in suburban Merrylands.</p> <p>Suggested that areas around Merrylands and Guildford Station would be better suited to a higher density rezoning than the Planning Proposal.</p> <p>Concern that higher densities will lead to increased noise, overcrowding and higher crime rates.</p> <p>Concern that the population density in surrounding areas is insufficient to justify the need for the Site of the Planning Proposal to be rezoned B4 Mixed Use.</p> <p>Concern that the Planning Proposal will set a precedent and provide support for rezoning of other surrounding areas, resulting in a change in the suburban landscape of the neighbourhood.</p> <p><i>Potential to expand the proposed provisions to surrounding areas</i></p> <p>Introduce planning provisions for areas adjacent to the Site (specifically for areas on the north side of Lansdowne Street and Woodville Road to Lamb Crescent and through to Bertha Street) to allow for appropriate zoning, height</p>	<p>A Gateway Determination was issued in 2016, prior to the planning proposal being transferred to Cumberland) for the subject planning proposal, which did not raise an issue with the proposed B4 zone.</p> <p>The proposal for the development of a mixed use neighbourhood centre at the Site was an outcome of a wider study undertaken by Parramatta Council in November 2014 titled the <i>Woodville Road Urban Design Study</i>, and the subsequent <i>Draft Woodville Road Strategy (2015)</i>.</p> <p>The study reviewed the existing land use pattern and built form of the corridor, identified strategic opportunities and constraints and recommended future development options. Both the study and strategy identified the site as being a key site for a mixed use centre due to its location and ability to fill the 'gap' between the catchments of the Merrylands and Guildford centres. The site is one of 3 nodes identified in this strategic work, and as such, is not considered to set a precedent in any way.</p> <p>The area surrounding Merrylands Station is separately being considered for revitalisation, with a number of major planning proposals either underway or recently completed.</p> <p>The proposed redevelopment includes a proposed new public park and significant amenity improvements for the Woodville Road corridor and its immediate population.</p> <p>A site-specific Development Control Plan has been developed for the Woodville Road Neighbourhood Precinct, which includes the Site, with detailed provisions to achieve height transitions from proposed development on the Site to Lansdowne Street and Highland Road, and mitigate other impacts to adjacent land. The draft DCP includes setback, building separation and upper-storey setback controls to manage the transition of proposed development on the Site to surrounding properties.</p> <p>Expansion of the DCP provisions will be considered as part of the comprehensive review of the DCP (Stage 2).</p>

	<p>and FSR transitions from the Site to surrounding lower density</p> <p>Requests that the draft DCP for the Woodville Road Neighbourhood Centre be amended to include the entirety of No. 17 and 19 Lansdowne Street in the Neighbourhood Centre Precinct.</p>	
INFRASTRUCTURE PROVISION		
Submissions 1, 2 and 5	<p><i>Lack of infrastructure and amenities to service an increased population.</i></p> <p>Concern that Council is allowing 'overdevelopment'.</p> <p>Insufficient infrastructure to support growth such as roads, public transport, water and sewerage, education and medical services.</p> <p>Concern about strain on childcare services, insufficient open space, sporting fields and facilities, indoor court facilities, pool facilities.</p> <p>Concern that some development approved in the area of the Site is of poor quality.</p>	<p>The delivery of road and community infrastructure is integral to the delivery of the development. The development proposes a number of internal roads that link the mixed use neighbourhood centre to Highland Street, Lansdowne Street and Woodville Road.</p> <p>Council is currently in discussions with the Proponent on the provision of infrastructure that is of benefit to the wider community and development contributions.</p> <p>All consultation with agencies as required by the Gateway Determination has now been completed, and not significant issues were raised in terms of utility provision. The proposal will be further referred at DA stage.</p> <p>Any development approved must also demonstrate compliance with Council's development controls, the <i>Apartment Design Guide</i> (ADG) and <i>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</i> (SEPP 65) as well as <i>National Construction Code</i> standards.</p>
ECONOMIC CONSIDERATIONS		
Submissions 2, 3 and 5	<p><i>Feasibility of additional retail development in the area</i></p> <p>Concern that retail developments have repeatedly failed in the area, and that this is exacerbated by the lack of easily accessible customer parking.</p> <p>Concern that there is insufficient demand for more retail development in this area.</p> <p>Concern that properties in the area are sitting vacant and unmaintained.</p> <p>Concern that population density in surrounding areas is sufficient to require or sustain a shopping/business district.</p>	<p>The Hill PDA <i>Woodville Road, Merrylands Economic Assessment</i> (Oct 2015) submitted by the Proponent in October 2015 found there are considerable economic benefits of amending the zoning on the Site. The likely primary trade area (PTA) east of the railway line is a walkable catchment of 400m to 800m. This is an area of 3,800 people that is expected to increase to 6,700 people by 2031. The Planning Proposal also offers the most proximate alternative for food and grocery shopping for Merrylands residents west of the railway line using private motor vehicle.</p> <p>The Proposal is also likely to have a wider, secondary trade area (STA) extending into the suburbs of Guilford, South Granville, Guildford West and Merrylands West. The total primary and secondary trade area combined is an area of 44,000 people expected to increase to 62,000 by 2031.</p> <p>The <i>Draft Woodville Road Strategy</i> (2015) identified the site as suitable for a local/neighbourhood centre, as it would fill the current gap between existing centres at Guildford and Merrylands.</p> <p>The DCP also requires applicants submit a retail assessment for mixed use developments at the DA stage. The feasibility of commercial and retail uses can be further assessed by the land owner at DA stage to investigate the most appropriate uses for these spaces.</p> <p>Parking for these retail premises will be provided underground accessible via Lansdowne Street, and other internal roads in the Site.</p>

TRAFFIC AND TRANSPORT		
Submissions 1, 2 and 3	<p>Concern that the Site has limited access to high frequency public transport.</p> <p>Merrylands and Guildford station are approximately 1.7km away and residents will most likely drive, leading to increased traffic.</p> <p>Cars using Lansdowne Street to escape traffic on Woodville Road. Concerns that Planning Proposal will increase traffic flow through Lansdowne Street.</p> <p>Concerns there will be an increase in noise and disruptions due to increased traffic.</p> <p>Concerns that the Planning Proposal will reduce parking for residents living around the Site.</p>	<p>Whilst the Site has limited access to high frequency public transport, it is located approximately 1.7 km from Merrylands and Guildford stations and at a distance which could be covered by bicycle. The draft DCP has also required the development of a travel plan at the DA stage to reduce car trips and encourage the use of sustainable transport.</p> <p>The draft DCP also requires a traffic study to be submitted with any future DA, which will require traffic modelling and recommendations on how to address potential traffic impacts of the development.</p> <p>To ensure the development does not affect traffic flow and movement, the Planning Proposal has been reviewed by the RMS who have provided in-principle support to the proposal by the Proponent for minor road widening along the eastern length of Woodville Road to accommodate an additional northbound lane on Woodville Road, a signalised intersection at Lansdowne Street/Woodville Road, and prohibition of exit movements from Earl Street.</p> <p>The Main street within the Site is a one-way street with a left-out only onto Woodville Road. A right-turn bay would be provided for south-bound vehicles along Woodville Road wishing to turn right into Lansdowne Street.</p>
URBAN DESIGN		
Submissions 2, 3 and 6	<p><i>Proposed height and associated impacts</i></p> <p>Concerns about the proposed maximum height of 31m (9 storeys). These are expressed regarding the visual impact of high rise development and the impact this will have on the amenity of the area.</p> <p>Concerns that the Planning Proposal will have overshadowing impacts.</p> <p>There is concern that this Planning Proposal will set a precedent for high rise development in the area.</p>	<p>The maximum building height of 31m is provided for in the Gateway Determination issued by the Department of Planning and Environment. The draft DCP details building heights for the Site to facilitate an appropriate transition to the surrounding residential development. The boundaries of the Site adjoining Lansdowne Street and Highland Street anticipate a maximum height of 3-4 storeys, with greater building heights located in the southern and eastern portions of the Site.</p> <p>The Site has been subject to intensive testing to ensure overshadowing impacts and impacts to the amenity of the area are appropriate. The draft DCP contains various controls to ensure any impacts on adjoining properties are minimised. Any future DA for the Site will be required to comply with various requirements (solar access, overshadowing, building separation, building articulation, etc.) contained in the SEPP 65 and the ADG.</p> <p>The <i>Draft Woodville Road Strategy (2015)</i> identified the Site as suitable for a mixed use neighbourhood centre and since no other site along the corridor is proposed to receive another centre of a similar scale, it is unlikely to set a precedent for high rise development of this scale in the area.</p>

PROXIMITY OF PROPOSED DEVELOPMENT TO GRANVILLE SOUTH PUBLIC SCHOOL		
Submission 2	Concerns that residents in the new buildings adjoining the Granville South Public School (School) above ground floor will have a view of the School's playground.	Design principles have been incorporated into the draft DCP to address overlooking into the School. Overlooking and privacy will also be addressed at the DA stage.
DRAFT WOODVILLE ROAD STRATEGY		
Submission 4	The submission queries the status of the <i>Draft Woodville Road Strategy</i> and how this relates to the Planning Proposal.	The <i>Draft Woodville Road Strategy (2015)</i> was initially prepared by Parramatta Council. Whilst this strategy has not been adopted by Cumberland Council, this has informed the extent of the proposed new Woodville Road Neighbourhood Centre and the draft DCP.
HOUSING AFFORDABILITY		
Submission 5	Concerns about reduced affordability for young Australians to enter the housing market. Opportunity to provide low cost housing for homeless people or veterans	Council is working to address affordable housing in a number of ways, including via an affordable housing policy. In the case of this site, public affordable housing may be able to be negotiated with the proponent. Further at DA stage, the proponent may elect to provide private/community affordable housing to take advantage of State policy incentives. Council will continue this work, and will work towards meeting the requirements of the Greater Sydney Commission's <i>Central City District Plan</i> .
Granville South Public School P&C	<p>Granville South Public School P&C raised concerns regarding the height of the building proposed adjacent to the school grounds and the building setback from the school boundary. It was suggested that the height of the building adjacent to the school be lowered from seven storeys to three storeys and for the building setback to be increased from 9m as is currently specified in the draft DCP.</p> <p>Concerns were also raised about noise pollution during demolition and construction on the Site, and the resulting disruption to classes, particularly to classrooms along the boundary.</p> <p>Concerns about air quality and asbestos were also raised.</p> <p>To address safety concerns for students whilst crossing Woodville Road, it was suggested that Council look into alternative options for crossing such as an overpass across Woodville Road.</p>	<p>The DCP specifies setback requirements to maximise the separation between the school and the potential new development. The 9m setback allow for a substantial landscape buffer. Building heights have been considered at length during the development of the draft DCP, which seeks to balance the need for good design outcomes with the requirements of the Gateway Determination (which sets a maximum building height of 31m and a maximum FSR of 2:1).</p> <p>In addition the DCP requires the southern façade of the proposed development adjoining the School to be designed to maintain the visual privacy of the School (for example careful placement of windows and balconies, and use of opaque glass).</p> <p>An overshadowing analysis has been undertaken to assess the impact of the adjacent buildings on overshadowing of the school play areas close to the southern boundary of the Site, particularly during mid-winter between 12pm and 2pm. The analysis shows that whilst there will be some overshadowing of some of the classrooms close to the boundary with the site, the multipurpose basketball court remains in full sun on the shortest day in mid-winter, with most of the surrounding playground areas with minimal or partial overshadowing, noting that mid-winter is the worst case scenario.</p> <p>Controls have also been added in the draft DCP to address contamination, air quality, and noise and vibration. Construction management plans are required to be prepared before any construction works begin. It is anticipated that the School will also be contacted to provide input during the development application stage, should the proposal proceed.</p> <p>Whilst Council acknowledges the safety concerns of students crossing Woodville Road, an overpass is not</p>

		specifically required as a result of the Planning Proposal and would need to be requested from the RMS.
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c) Submission on the draft Woodville Road Neighbourhood Precinct
Development Control Plan (by the proponent)

No	Key Issues	Council Comments
1	The Woodville Road Planning Proposal key site is independent to whether or not the extension of Highland Street is to take place.	The provision in the draft DCP for the extension of Highland Street to Lansdowne Street allows any future redevelopment (of lots next to this proposed extension) to provide for this extension.
2	<p>The suggested vehicle entry points into the Site are proposed to be reduced from 5 to 3 main entry points with the main entry from Lansdowne Street and secondary entry from Highland Street.</p> <p>It is proposed that the loading bay and vehicle entry be placed alongside each other on Lansdowne Street.</p>	<p>The location of the preferred vehicle entry points in the draft DCP has taken into account principles of minimising conflict with School traffic, and dispersion of traffic through a number of entry points along local roads.</p> <p>The location of the preferred loading bay entry and preferred vehicle entry to basement retail and commercial carpark next to each other along Lansdowne Street is not supported as this will create conflict. Loading bay entries and vehicle entries should be separated. Concurrence with the RMS is required at development application (DA) stage.</p> <p>The proposed vehicular access off Highland Street North-South adjacent the school boundary is not supported. This will create a conflict between pedestrians and vehicles, and compromise pedestrian safety as Highland Street is used for pick up and drop off of students. It is recommended that secondary access be provided along Highland Street East-West. Furthermore, given the suggested vehicle entry along Highland Street North-South will have potential impact on the amenity of the existing land owners on Highland Street, community consultation would be required as this proposed access via Highland Street North-South did not form part of the publicly exhibited DCP.</p> <p>The noted entries in the DCP are 'preferred' access points into the Site. It is anticipated that finalisation of such entry points will take place at the DA stage.</p>
3	Suggested that the lot consolidation diagram should be consistent with the intended Staging Plan including the delivery of the Central Park in the first stage.	This is noted and the draft DCP has been amended accordingly in Figure 4.1.12.5 <i>Preferred Lot Consolidation</i> .
4	<p>Suggested that the Planning Proposal has minimal overshadowing impact to the playground or sporting fields of the School.</p> <p>Please note that the following section refers to Blocks as outlined in the DCP's Figure 4.1.12.5 - <i>Preferred Lot Consolidation</i>.</p> <p>Suggested that a 2 storey podium component in Block C is replaced with 4 storeys to create a continuous 4 storey edge as a transition to residential development to the west of Block C.</p> <p>Suggested that building height to the southern part of Block A facing the Central Park be stepped down</p>	<p>The solar access diagram in the submission is noted. Council's own envelope modelling and testing of the building form in the draft DCP has revealed that a minimum of two hours of direct sunlight to a minimum of 50% of the proposed public park is achieved between 12 – 2 pm during the winter solstice.</p> <p>A 4-storey block in Block C is supported as ADG building separation requirements apply, should the block to the west be developed. A street wall height of 2 storeys with an upper level setback of 3.5m is required along Highland Street East-West as shown in Figure 4.1.12.11_E in the draft DCP.</p> <p>The suggested step down of heights to the southern part of Block A from 9 to 7 to 4 should be pursued should it result in a better design outcome. The draft DCP has been amended, however, to require a step down of heights from 9 storeys to 7 storeys and 5</p>

	<p>from 9 to 7 and to 4 storeys abutting the Central Park.</p> <p>Suggested that Design Principles to provide privacy be applied along the interface with the School boundary as a result of the suggestion to reduce the setback with the School from 9m to 6m.</p>	<p>storeys along the southern boundary of the Site. This reduction of two storeys in height for development along the southern boundary and facing the Central Park should not reduce the potential to achieve the FSR in the Proponent's concept plan as two storeys have been increased in Block C.</p> <p>The proposed reduced setback of 6m on the southern boundary of the Site adjacent to the School and to the east of public park is not supported. A minimum of a 9m deep soil setback is required along the School boundary (both to the east and west of the Central Park) to ensure visual privacy to the School. Furthermore, design principles to provide privacy to the School have also been added to the draft DCP.</p>
5	<p>Suggested that the following amendments to street setbacks be made.</p> <p>(a) 2.5m setback throughout the Main Street and Highland Street East-West.</p> <p>(b) 6m setback to the southern portion of Block A abutting the School Grounds.</p> <p>Suggested that the upper level setback on development on the Western side of Woodville Road between Oxford Street and Lansdowne Street be reduced from 4m to 3m with a street wall height of four storeys as opposed to three storeys.</p> <p>Suggested that an additional Street Section be added for the western portion between Block B and Block C.</p>	<p>The proposed reduced street setback of 2.5m along Highland Street East-West is not supported. This street is envisioned to be a 'green link' into the Site, leading to the park.</p> <p>The Main Street is envisioned as an eat street and therefore, the setback has been reduced to zero with a footpath of 4.5m. Refer to Figure 4.1.12.11_A in the draft DCP.</p> <p>As noted above, the reduced setback of 6m of the southern portion of Block A facing the school grounds from 9m as indicated in the draft DCP is not supported as this is insufficient to allow the school adequate visual privacy.</p> <p>The increase of street wall height along Woodville Road from 3 storeys to 4 storeys and the reduction of the upper level setback from 4m to 3m are not supported. This will result in an overwhelming built form and streetscapes of poor scale. The street wall height and setback for development along Woodville Road as noted in the draft DCP is required to enhance amenity for residential dwellings along Woodville Road. The upper level setback of 4m will ensure a human scaled pedestrian environment with consistent built form and sky views, and will also help mitigate traffic noise.</p> <p>The addition of a new section E-E is noted and an amendment has been made to the draft DCP accordingly. Refer to Figure 4.1.12.11_E in the draft DCP.</p>
6	<p>Suggested that the Park Circuit around the Central Park be eliminated from the draft DCP and the park be extended to the south and west and the size of the park be increased to over 2,600 m².</p> <p>Suggested that the deep soil zone for the Central Park be reduced from 85% to 70% to allow for connectivity below the park from the proposed Highland Street access to basement parking.</p>	<p>Noted, however, the proposed circuit around the park will be required by the DCP to ensure a public/private interface essential to activate the active frontage. The circuit around the park will also provide adequate separation and a street edge. The paved surface of the circuit would consist of a 6m one way laneway with a trafficable lane and a parking lane. This change has been reflected in the DCP. Refer to <i>Figure 4.1.12.2 Precinct Principles</i>.</p> <p>Basement parking below roads to be dedicated to Council is not supported, however may be considered in cases where the roads are to be part of a community title.</p> <p>A minimum of 85% deep soil zone is required for the park. Any access under the park should be minimised and provided along the northern edge to allow deep soil planting along the southern boundary of the Site adjoining the School.</p>
7	<p>Suggested that the proposed development will exceed the maximum linear length in the draft DCP of 65m due to the proposed retail floor plate on the ground floor.</p> <p>Suggested that the proposed residential buildings be allowed to not exceed the maximum of a 35m</p>	<p>The increase in the linear length of the building and its articulation is not supported as the objective of the relevant clauses in the draft DCP is to:</p> <ul style="list-style-type: none"> • Reduce the visual bulk and scale, and • Ensure development will enhance and contribute to the streetscape and desired character.

	length (instead of the 25m length specified in the DCP) with a preferred length of 30m (as opposed to 20m as specified in the draft DCP).	
8	Suggested to increase the street wall heights along Lansdowne Street, the Main Street, Secondary Street, and development fronting the Central Park from 2 storeys to 4 storeys and reduce the upper level setback from 3.5m to 3m.	<p>The increase of street wall height from 2 storeys to 4 storeys and the reduction of the upper level setback from 3.5m to 3m are not supported.</p> <p>Street wall heights along Lansdowne Street, Highland Street East-West, the Main Street, the Secondary Street and the Park Circuit are to be 2 storeys as per the draft DCP. All upper level setbacks for these streets are to be 3.5m (See Sections A-A to E-E).</p> <p>A two storey street wall height will respect and integrate with the lower scale built form and suburban character along Lansdowne Street and Highland Street and will protect the low rise residential area. The proposed height and massing/scale reflects the established scale and assists in maintaining amenity of the public realm.</p>
9	<p>Suggested that a consolidated basement across the Site accessed from Lansdowne Street and Highland Street North-South can minimise the floor area required for vehicle circulation and limit the depth/extent of excavation.</p> <p>Further suggested that the consolidated basement parking would allow a greater level of active frontages while improving pedestrian safety and visitor parking. The consolidated basement could potentially be shared between residential and retail uses.</p>	<p>Providing a car park with fewer access points is likely to discourage the use of the car park and encourage parking on adjacent local roads. It is advisable to provide more access points via the internal road network as shown in the Figure 4.1.12.4 <i>Site Structure and Land Use Plan</i> to encourage on-site parking.</p> <p>It is anticipated that finalisation of the entry points to the Site and the design of the basement parking will take place at the DA stage.</p>

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-135

Attachment 9
Draft letter of Offer



11 May 2018

Ms Monica Cologna
Manager Strategic Planning
Cumberland Council
16 Memorial Avenue
Merrylands NSW 2160

By email: Monica.Cologna@cumberland.nsw.gov.au

Dear Ms Cologna

**Woodville Road Neighbourhood Centre
246-264 Woodville Road, Merrylands**

I refer to your letter dated 4 May 2018 and our subsequent meeting on 7 May, at which I was accompanied by Mr Ron Maginness.

Our various submissions to Council have outlined the significant public benefits for the local community generated by the Woodville Road Neighbourhood Centre including:

- A. New public open space
- B. Improved vehicle and pedestrian traffic circulation and safety
- C. New amenity generated by retail / commercial precinct
- D. Employment for the local community, generating 380 permanent jobs (2,214 jobs created during construction)
- E. Improving housing choice and diversity

A range of open space and infrastructure public benefits will be created as part of the development and dedicated to Council, as depicted in Appendix 1 including:

- 1. a new public Village Park of 2,635 square metres, including embellishment works, providing a safe environment set back from Woodville Road for social interaction which is not otherwise provided for in the local area;
- 2. 1,400 square metres to facilitate a generous 6.5 metre setback along the property's significant Woodville Road frontage for new pedestrian walkways, street tree landscaping and an opportunity to introduce a new transit plaza (subject to RMS and State Transit approval).
- 3. new public roads connecting Highland Street and Lansdowne Street, providing an alternative vehicular route to access Woodville Road improving local traffic circulation, and alleviate significant traffic congestion along Oxford Street and Highland Street, whilst addressing safety concerns raised by Granville South Public School;
- 4. signalisation of the intersection of Woodville Road and Lansdowne Street as endorsed by Roads and Maritime Services (RMS), significantly improving safety of right in / right out traffic movement to / from Lansdowne Street onto Woodville Road.

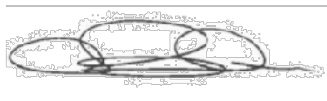
2. Woodville Road Neighbourhood Centre

We confirm Council's representations that:

1. By submitting this proposal, Council "does not envisage that this will delay the reporting process" to complete the requirements of the Gateway Determination issued by the NSW Department of Planning and Infrastructure on 26 June 2016;
2. Council does not propose to apply the Planning Agreements Policy adopted in September 2017 given the Gateway Determination predates this policy; and
3. The above public benefits will be recognised by Council as contributions of open space and infrastructure and will exclude application of other contributions to the development.

Should you require any additional information, please contact me by email on mbaliva@elanorinvestors.com.

Yours sincerely



Michael Baliva
Elanor Investors Group
Head of Real Estate

3. Woodville Road Neighbourhood Centre

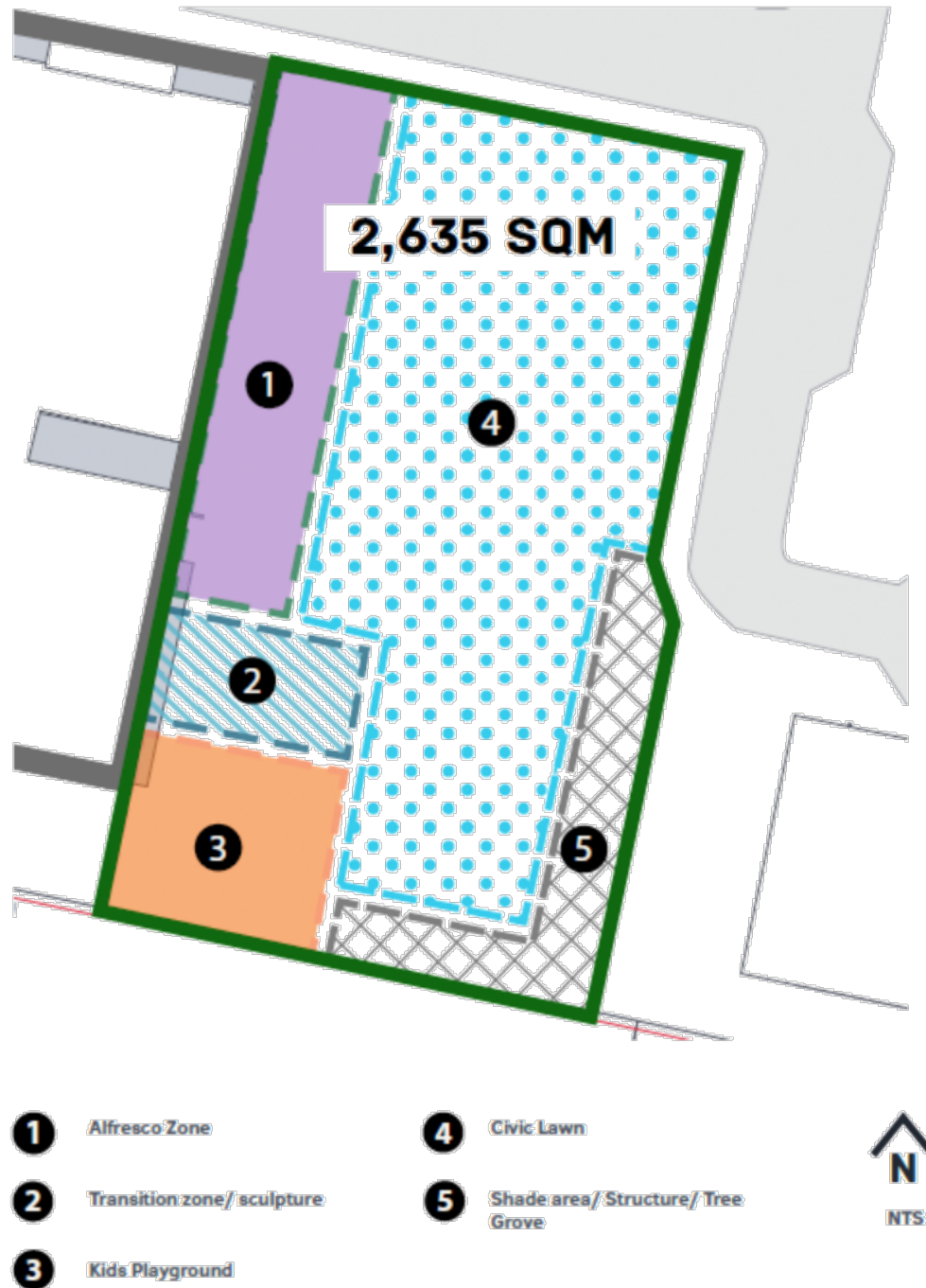
Appendix 1



- New 2,635 square metre public Village Park, including embellishments, as outlined in Appendix 2
- 1,400 square metres providing 6.5m setback with new pedestrian walkways and tree landscaping of Woodville Road frontage (and opportunity for a new transit plaza) as outlined in Appendix 3
- New public roads connecting Highland Street to Lansdowne Street, providing alternative vehicular route to Woodville Road, improving local traffic circulation and alleviating traffic congestion along Oxford Street and addressing safety concerns of Granville South Public School
- Signalisation of intersection of Woodville Road and Lansdowne Street, as endorsed by RMS, significantly improving safety of right in / right out traffic movement to / from Lansdowne Street onto Woodville Road

4. Woodville Road Neighbourhood Centre

Appendix 2



5. Woodville Road Neighbourhood Centre

Appendix 3 – Open Space Setbacks along Woodville Road

1,400 square meters along the property's significant Woodville Road frontage will provide for a generous 6.5 metre open space setback (which when combined with the 3.5-4 metre road verge width provides a 10 metre separation between Woodville Road and the development) for new pedestrian walkways and landscaping with broad tree canopies, improving the environment for pedestrians and contribute to the corridor's attractiveness. This setback could also allow for a new transit plaza, subject to RMS and State Transit approval.



Elanor Investors Group | Level 38, 259 George Street, Sydney NSW 2000 | www.elanorinvestors.com

Item No: C07/18-136

**PLANNING PROPOSAL - MINIMUM LOT AREA FOR LOW-MEDIUM DENSITY
DUAL OCCUPANCY HOUSING**

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: S-57-63
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

Land related to the Proposal	R2 Low Density Residential and R3 Medium Density Residential zones
Proposed Planning Controls	Insert an LEP clause setting minimum lot area standard provisions for dual occupancies
Disclosure of political donations and gifts	Nil

This report seeks a Council resolution to prepare a Planning Proposal for submission to the Department of Planning and Environment (DP&E or Department) for Gateway Determination to enable the deferral of the State governments Low Rise Medium Density Housing Code (the Code) within Cumberland, as requested by Council resolution on 6 June 2018.

This report has been prepared following a receipt of a response and recent meeting with DP&E where the Council was advised to submit a Planning Proposal by 27 July 2018. This report outlines three potential scenarios as options for Council's consideration and implementation during the deferral period.

The DP&E has clarified that deferrals are only being granted for the Part B3B Low Rise Medium Density Code for a limited time, and are only being considered in order for Councils to make relevant preparations, such as transferring minimum lot area controls into their LEPs. After this time period lapses the Codes full provisions will take effect. This report presents Council an opportunity to minimise the impact of the State Government's Code on low density residential zones within Cumberland LGA.

RECOMMENDATION**That Council:**

- 1. Prepare a Planning Proposal to amend the Auburn Local Environmental Plan 2010, Holroyd Local Environmental Plan 2013 and Parramatta Local Environmental Plan 2011 to introduce a minimum lot area for dual occupancy development within Cumberland LGA.**

2. **Nominate 600m² as the minimum lot area for the development of dual occupancies within Cumberland LGA.**
3. **Consult with the community and the Local Planning Panel on the Planning Proposal, following Gateway Determination by the Department of Planning and Environment.**

REPORT

The Department of Planning and Environment (DP&E) released the new *Low Rise Medium Density Housing Code* (the Code) and an associated Design Guide, which commence this month. Complying development under the State Code is a fast-track approval that can be issued by a certifier, without Council officer merit assessment or opportunity for neighbours to make submissions.

The Code forms a new section of the *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes)* 2008. It will allow two-storey manor houses and terraces as complying development in the R3 Medium Density Residential zones where multi dwelling housing is currently permitted under Cumberland's three *Local Environmental Plans (LEPs)*. It will also allow dual occupancies (with Torrens subdivision) as complying development in both the R2 Low Density Residential and R3 Medium Density Residential zones.

The Code provides a 400m² minimum lot area requirement for dual occupancies. The Code's standards will apply to the new development for the above listed housing types unless the lot area provisions are contained within an LEP. DCP provisions will not apply to such complying development.

At the Ordinary Meeting of 6 June 2018 Council considered a report prepared by Council officers following a review of the Code. This report identified a number of concerns about the Code's inconsistency with Council's Local Environmental Plans (LEPs) and Development Control Plans (DCPs). Three LEPs, namely *Auburn LEP 2010, Holroyd LEP 2013 and Parramatta LEP 2011* apply within the Cumberland LGA. These are each supported by a DCP which provide more detailed guidance.

The Council 6 June 2018 resolved [Item C06/18-106] that:

"Council write to the Minister for Planning requesting a deferral of the commencement of the Low Rise Medium Density Housing Code within Cumberland until a new Housing Strategy and draft Cumberland comprehensive Local Environmental Plan is completed, consistent with the deferral granted to other Councils."

Consistent with this resolution, a letter requesting a deferral of the commencement of the Code within Cumberland was sent to the DP&E. Council has subsequently received correspondence from the Acting Executive Director, Planning Policy at the Department advising that in response to Council's request the Code will be deferred in the Cumberland local government area (LGA), meaning that applicants will not be able

to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. (See attachment 1).

At a recent meeting, DP&E staff advised that councils who have their minimum lot area controls in their DCPs will be required to submit Planning Proposals by 27 July 2018, in order for the Department to agree to continue the 12 month deferral from the Code. In any case, the amendment could take up to 12 months from commencement and so should not be delayed if it is to be in place by 1 July 2019. The draft Amendment was published on 5 July and has commenced. (See attachment 2).

This Planning Proposal would need to outline the issues that would result from the application of the controls in the Code, given the inconsistencies of the Code with Council's Local Environmental Plans (LEPs) and Development Control Plans (DCPs).

Due to the limited time available, it is recommended that the Planning Proposal be prepared and submitted for a Gateway Determination as soon as possible following the Council Meeting on 18 July 2018, should Council decide to proceed.

It is further recommended that, in this instance, the planning proposal be referred to the Cumberland Local Planning Panel (CLPP) for advice following the Gateway Determination, due to the timeframe imposed by the DP&E.

The Code Provisions

This report outlines three scenarios for Council's consideration which seek to minimise the adverse impacts of the Code as it applies to the R2 and R3 zones of Cumberland. Council's preferred scenario would form the basis of a planning proposal to amend the relevant LEPs accordingly.

The new planning controls proposed would not change the zoning, height of buildings, or floor space ratio in the LEPs. Rather the proposed amendments seek to incorporate minimum lot area controls for dual occupancies in the LEPs that apply within the Cumberland LGA.

Minimum lot area and width for dual occupancy in The Code

The Code provides for a minimum lot area of 400m² for a dual occupancy consisting of two adjacent dwellings on R2 or R3 zoned land, unless Council's LEP has a different control. It also provides for a minimum lot width of 12m, where there is access to more than one street (i.e. a corner site, or site with rear-lane access), and defaulting to 15m otherwise. Unlike the minimum lot area provision, the minimum lot width in the Code will override any controls in an LEP.

The Code also permits a dual occupancy of one dwelling above part of another dwelling (i.e. two storey dual occupancy) on a minimum lot area of 400m² and a minimum lot width of 15m. The other development standards for this type of housing are the same standards set for manor houses.

Existing Controls within Cumberland

The *Parramatta LEP 2011* has a minimum lot area for dual occupancies of 600m². This would become the minimum under the Code and override the Codes 400m² minimum standard for the former Parramatta LGA (Woodville Ward) area.

However, this would not be the case for the remainder of the Cumberland LGA. The minimum lot area (or site area) controls for these areas are contained within the DCP, rather than the LEP, and the DCP will have no effect on complying development under the Code. As such, the minimum lot area for a dual occupancy as complying development would become 400m² for most of Cumberland.

Dual occupancies are mostly developed in the Low Density residential zones because higher yielding multi dwelling housing development is permitted in the R3 Medium Density Residential zone. A comparison of the minimum lot areas for dual occupancies within the R2 Low Density Residential zone is as follows:

Area	Attached Dual Occupancy	Detached Dual Occupancy
East (Auburn DCP 2010)	450m ²	600m ²
Centre (Parramatta LEP 2011)	600m ²	600m ²
West (Holroyd DCP 2013)	500m ²	500m ²

It is noted that currently at least 900m² (450m² each) is required for Torrens subdivision of dual occupancies under the Auburn LEP provisions and 450m² is the minimum in the R3 Medium Density zone under the Holroyd DCP.

Scenarios

Three scenarios are provided to address minimum lot areas for dual occupancies for Council's consideration. All three scenarios propose that a minimum lot area control be added to the Auburn and Holroyd LEPs. This is to ensure that at least the standard in R2 Low Density Residential zones does not drop to such a level (400m²) that it would be a de-facto, unplanned and underserviced medium density zone.

Scenario 1

Scenario 1 would move the existing lot area requirements for dual occupancies from the current *Auburn DCP 2010* and *Holroyd DCP 2013* to the relevant LEPs (refer to Figure 1). As noted above, *Parramatta LEP 2011* already has a minimum lot area of 600m² for dual occupancies, so no change would be required.

This scenario would essentially maintain the status quo and would present as the least change. Incorporating the current DCP controls into the LEPs allows future development to be generally consistent with the planned residential density under each set of Plans. (Refer to Attachment 3 – Scenario 1 map).

However, Scenario 1 does not provide an easily understood, consistent approach to minimum lot area across Cumberland that is easy for the community to understand. The complying development buildings would no longer be subject to merit assessment of the design, impacts and submissions from neighbours. Buildings become ‘tighter’ and more difficult to design well on smaller lots. Further, while Auburn had the lowest lot area requirements in the R2 Low Density Residential zone, these could not previously be Torrens subdivided. The ability to Torrens subdivide dual occupancies as complying development will increase the prevalence of this form of development and the intensification of the Low Density Zones.

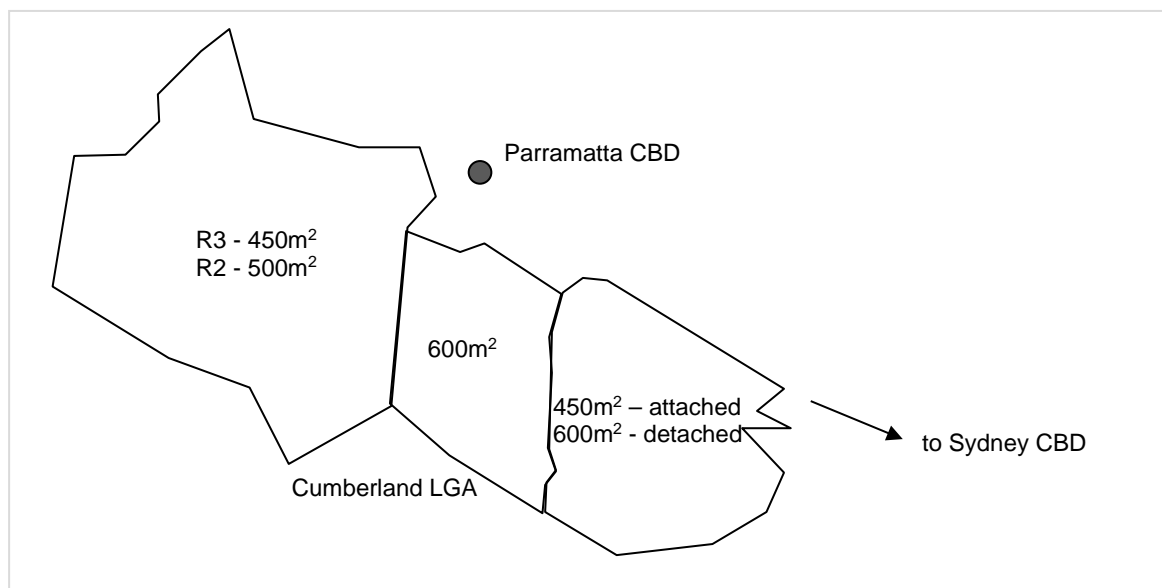


Figure 1. Scenario 1

Scenario 2

In an alternative approach, Scenario 2 would:

- apply the minimum 500m² lot area (from the Holroyd DCP) to attached dual occupancies in all R2 and R3 zones in the Auburn and Holroyd LEPs, and
- apply the minimum 600m² lot area (from the Auburn DCP) to detached dual occupancies in all R2 and R3 zones in the Auburn and Holroyd LEPs, and
- maintain the minimum 600m² lot area for attached and detached dual occupancies in all R2 and R3 zones in the *Parramatta LEP 2011*. (see Figure 2)

Scenario 2 would increase the minimum lot area requirement for attached dual occupancies by 50m² for the former Auburn LGA, though this is considered reasonable given merit assessment is being removed and Torrens subdivision introduced. It would also increase by 50m² for the R3 zone in the former Holroyd LGA, though minimal dual occupancy development occurs within this zone as discussed earlier. As can be seen from the maps at Attachment 3 - Scenario 2 map, this would not affect a large significant number of lots, but would provide a more consistent approach within the Cumberland LGA. Scenario 2 represents a middle ground between the Scenarios 1 and 3. It is noted that with this scenario, Council would need to address this further as part of the development of the one single LEP for Cumberland.

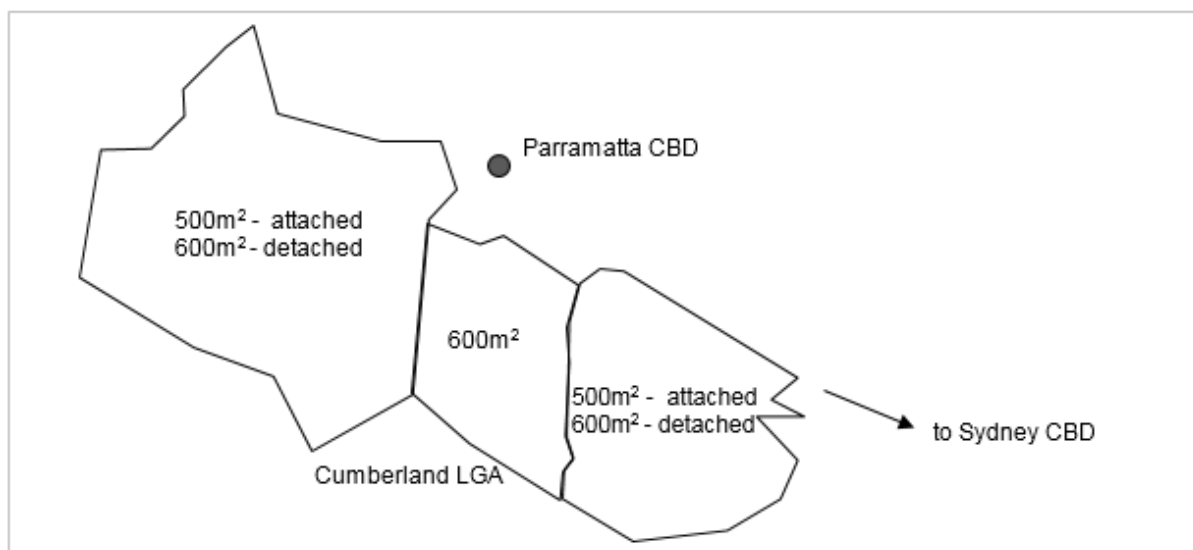


Figure 2. Scenario 2

Scenario 3

A third scenario, Scenario 3, would be to require a consistent minimum lot area for dual occupancies throughout the entire Cumberland LGA, applying the existing minimum 600m² lot area under the *Parramatta LEP 2011* (and for detached dual occupancies under the *Auburn DCP*) to both the *Auburn LEP 2010* and the *Holroyd LEP 2013* (Figure 3).

Scenario 3 delivers a uniform approach to lot areas for dual occupancy development across Cumberland LGA (Refer to Attachment 3 - Scenario 3 map). The proposed minimum lot area of 600m² ensures that the sufficient areas are available for adequate landscaping, setbacks and a built form that does not detract from the local residential character. It would best maintain a density that is consistent with the planned Low Density Residential zoning and the associated planned infrastructure.

Whilst the Code will still have some impact when it comes to force, the increased minimum lot area under this scenario would provide the greatest potential for reasonable design outcomes, and allow more space around the building and between driveways for on street parking and street tree planting. Given the lag in infrastructure provision, this scenario is likely to have the least impact of the three scenarios identified on infrastructure such as schools and hospitals.

Scenario 3 would increase of the minimum lot area for former Auburn and Holroyd LGAs by 150m² and 100m² respectively. Again, this is considered reasonable given merit assessment of design and impact is being removed. Dual occupancy development is not currently highly prevalent in the east (because of current Torrens subdivision limitations) and will be introduced to this area under the State Low Rise Medium Density Code. It is also noted that there are more large (600m²+) lots available in the central-west area of Cumberland compared to the far west and east, and sufficient to ensure that there would continue to be ample opportunity for small

residential developers on the most suitably sized lots. This is also the most consistent with the standard for most comparable Sydney Councils.

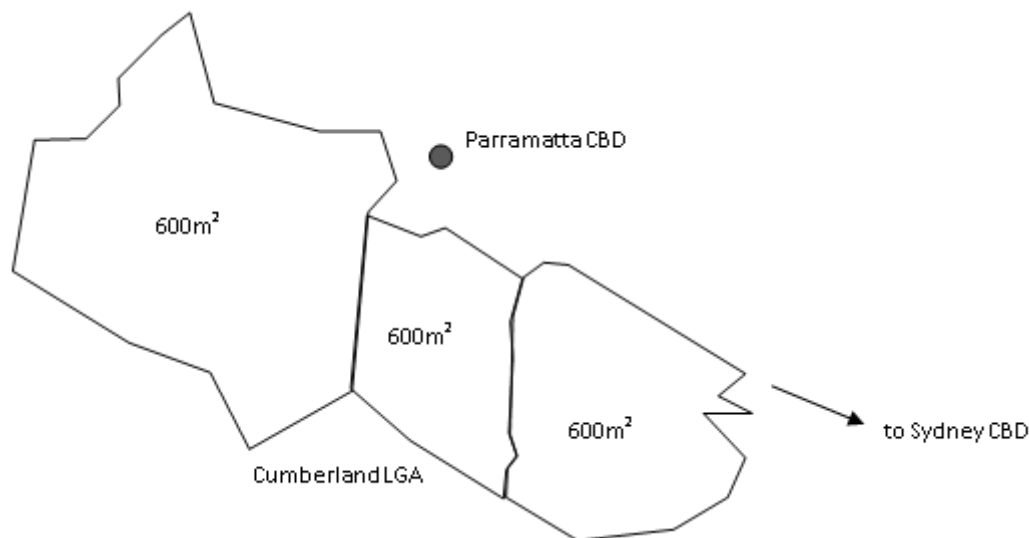


Figure 3. Scenario 3

Scenario Density Comparison

A comparison of each of the scenarios (including the 'do nothing' scenario where the Codes 400m² minimum would apply), the resulting number of eligible lots and projected dwellings densities in the R2 Low Density Residential zone over the medium and long term is provided below:

Scenario	Minimum lot areas	Eligible sites	Forecast R2 zone density	
			Medium Term	Longer Term
Do Nothing (Code Standard Applies)	400m ² (all - ALEP & HLEP) 600m ² (all - PLEP)	30,258 lots	>17 dw/ha	>25 dw/ha
Scenario 1	450m ² (R3 zone - HELP) 450m ² (attached - ALEP) 500m ² (R2 zone - HLEP) 600m ² (detached - ALEP) 600m ² (all - PLEP)	25,888 lots	>16 dw/ha	>25 dw/ha
Scenario 2	500m ² (attached - ALEP, HLEP) 600m ² (detached - ALEP, HLEP) 600m ² (all - PLEP)	24,268 lots	>16 dw/ha	>24 dw/ha
Scenario 3	600m ² (all - ALEP, HELP, PLEP)	13,747 lots	15 dw/ha	20 dw/ha

Note: In the table above, ALEP is the Auburn LEP area, HLEP is the Holroyd LEP area and PLEP is the Parramatta LEP area. Cumberland R2 zone is approx. 3,000 ha.

Over 25 dwellings per hectare is generally considered to be medium density, and this is reflected in statements in the State governments 'Medium Density Guide'. 15 dwellings per hectare is traditional suburban low density and R2 zones are currently around 14 dwellings per hectare.

Pemulwuy, a medium density residential suburb in a remote location away from major transport, has a density of 18 dwellings per hectare and will reach 22 dwellings per hectare on completion. It is car-dependent, so has a high level of car ownership and experiences street car parking issues. As it has developed over the past 15 years the additional pressure it has placed on road networks and car parking at stations has been visible. Scenarios 1 and 2 reach this density across Cumberland's R2 zone in the medium term and exceed it in the longer term.

Recommended Scenario

Whilst each of the three scenarios outlined have merit, this report recommends Council pursue Scenario 3 (that is increasing the minimum lot area to 600m² for dual occupancies in the R2 and R3 zone) for the following reasons:

- Increasing the minimum lot area for dual occupancy development (in comparison to the alternative 400m² minimum lot area in the Code) will allow for building forms, landscaped areas and vehicle access provision that is more compatible with the low density residential character and would better maintain a reasonable level of amenity for residents.
- The 600m² lot area would maintain a somewhat low density population density in largely car-dependent areas which have not been planned for medium density development, limiting the impact on existing road network, parking, stormwater and social infrastructure.
- This 600m² lot area would enable planting or retention of tree canopy on private land which is important to manage the urban heat island effect in central Sydney.
- The consistent application of a 600m² lot area across Cumberland would be simple and easy for the community to understand.

Once the deferral period ends, the Code will have an impact on the 'take-up' and form of development in the R2 and R3 zones. However the more cautious approach outlined in Scenario 3 seeks to manage this impact in low density residential zones as best as possible within the parameters set by DP&E, at least in the interim. The forthcoming preparations of Council's Housing Strategy and Council's Comprehensive LEP will enable further review of the minimum lot area provisions under which ever scenario Council elects to pursue.

COMMUNITY ENGAGEMENT

The proposed process involves a deviation from Council's normal practice of early consultation, however this is considered to be reasonable in the circumstances given the urgency of the matter. Formal community consultation would be undertaken

following gateway determination, in accordance with the conditions listed on the determination as per section 3.34(2) of the Environmental Planning and Assessment Act 1979. The community would be engaged by a letter mail out, notices in local newspapers, notices on Council website and information at customer service centres and libraries.

It is important to note that Council can reconsider the minimum lot area after consultation, and again as part of the wider residential housing strategy developed as part of the new Cumberland LEP. Delaying the planning proposal at this stage would result in the Codes 400m² minimum applying in all but the Parramatta LEP area.

POLICY IMPLICATIONS

There are significant policy implications for Council associated with this report, outlined for each of the scenarios. The report proposes amendments to three LEPs by introducing a minimum lot area requirement for the development of dual occupancies and by excluding lands from the Code.

RISK IMPLICATIONS

There are minor risk implications for Council associated with this report. The report recommends Council prepare a Planning Proposal to amend three LEPs and exclude certain lands from the Code. The Planning Proposal also seeks a deferral of the commencement of the Code within Cumberland until a Residential Housing Strategy and Cumberland comprehensive LEP is completed.

If the Code is applicable to Cumberland at its commencement day on 6 July 2018 without submitting the Planning Proposal to amend Cumberland's the LEPs and the associated map, the Code will permit complying development applications to be reviewed and approved by private certifiers for these types of developments in the R2 and R3 zones across Cumberland, rather than requiring a merit based assessment of a Development Application.

FINANCIAL IMPLICATIONS

There are minimal direct financial implications for Council associated with the work recommended by this report. There are financial implications relating to the efficient provision and maintenance of infrastructure associated with not proceeding with an LEP amendment to introduce a minimum lot size for dual occupancies.

CONCLUSION

Further to the report of 6 June 2018, this report provides Council with the Departments response to the request for an exemption to the Low Rise Medium Density Code and outlines three potential scenarios for amending the LEPs applying to the Cumberland LGA.

This report recommends Council pursue Scenario 3, which would which would introduce a consistent 600m² minimum lot area standard for dual occupancies across the low density residential zones of Cumberland LGA.

The forthcoming preparation of Council's Residential Housing Strategy as part of the preparation of the new comprehensive Cumberland LEP would enable density and lot size to be considered again in more detail, in the context of infrastructure provision, local character and amenity.

A Planning Proposal will be required to implement these recommended amendments. Whilst all of the scenarios would be effective, Scenario 3 is considered to best minimise the impacts of the mandatory Code at this stage, particularly in terms of amenity in the R2 Low Density Residential zone, as well as pressure on existing infrastructure.

ATTACHMENTS

1. DP&E Response to Council Request for Exemption to LRMDH Code
2. Codes SEPP Further Amendment - Deferred Application to Cumberland
3. Lot Size Map - Scenario 1, 2 and 3

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-136

Attachment 1

DP&E Response to Council
Request for Exemption to LRMDH
Code



Your ref: IRF18/3695

Mr Hamish McNulty
Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Attn: Mr Brendan Govers, Acting Deputy General Manager, Environment & Infrastructure

Dear Mr McNulty

I refer to our recent correspondence on the Low Rise Medium Density Housing Code (the Code).

Many councils are commencing with implementation of the Code on 6 July 2018.

Where councils have requested further time a deferral has been granted by the Minister. As such, I am writing to advise that in response to your request, the Code will be deferred in the Cumberland local government area until 1 July 2019.

For your council area this will mean that applicants will not be able to lodge a complying development application for dual occupancies, manor houses or terraces until 1 July 2019. Applicants will also not be able to lodge a development application for manor houses or terraces until 1 July 2019, unless your Local Environmental Plan already permits this form of housing.

We encourage you to remain engaged with your community about the housing requirements for your local area during this time. If you have questions about preparation of local housing strategies or planning proposals, please contact Ms Ann-Maree Carruthers, Director, Sydney Region, West, on 02 9274 6270.

The Department's website will be updated, and further information can be found at planning.nsw.gov.au/Policy-and-Legislation/Housing/Medium-Density-Housing.

Should you have any further questions in relation to the temporary deferral, I have arranged for Ms Lynne Sheridan, Director, Codes and Approval Pathways, to be available to assist. Ms Sheridan can be contacted on 02 9274 6423.

Yours sincerely



Deborah Brill
Acting Executive Director
Planning Policy

920 Pitt Street Sydney NSW 2000 Tel 02 9230 9000 Fax 02 9230 9000 Email info@cumberland.nsw.gov.au

**DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-136**

Attachment 2

**Codes SEPP Further Amendment
- Deferred Application to
Cumberland**



New South Wales

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018

under the

Environmental Planning and Assessment Act 1979

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Published LW 5 July 2018 (2018 No 370)

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018 [NSW]

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) Further Amendment 2018 [NSW]
Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017

Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017

[1] Schedule 1 [2]

Insert after the definition of *Low Rise Medium Density Housing Code*:

manor house means a residential flat building containing 3 or 4 dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall or floor, and
- (b) at least 1 dwelling is partially or wholly located above another dwelling, and
- (c) the building contains no more than 2 storeys (excluding any basement).

[2] Schedule 1 [2]

Insert after the definition of *Medium Density Design Guide*:

multi dwelling housing (terraces) means multi dwelling housing where all dwellings are attached and face, and are generally aligned along, 1 or more public roads.

[3] Schedule 1 [18], Part 3B, Division 7, heading

Omit the heading. Insert instead:

Division 7 Miscellaneous

[4] Schedule 1 [18], clause 3B.63

Insert after clause 3B.62:

3B.63 Deferred application of Part to land in certain local government areas

- (1) This Part (other than this clause) does not apply to or in respect of land in a deferred area.
- (2) For the purposes of this clause, land is in a *deferred area* if the land is in any of the following local government areas:

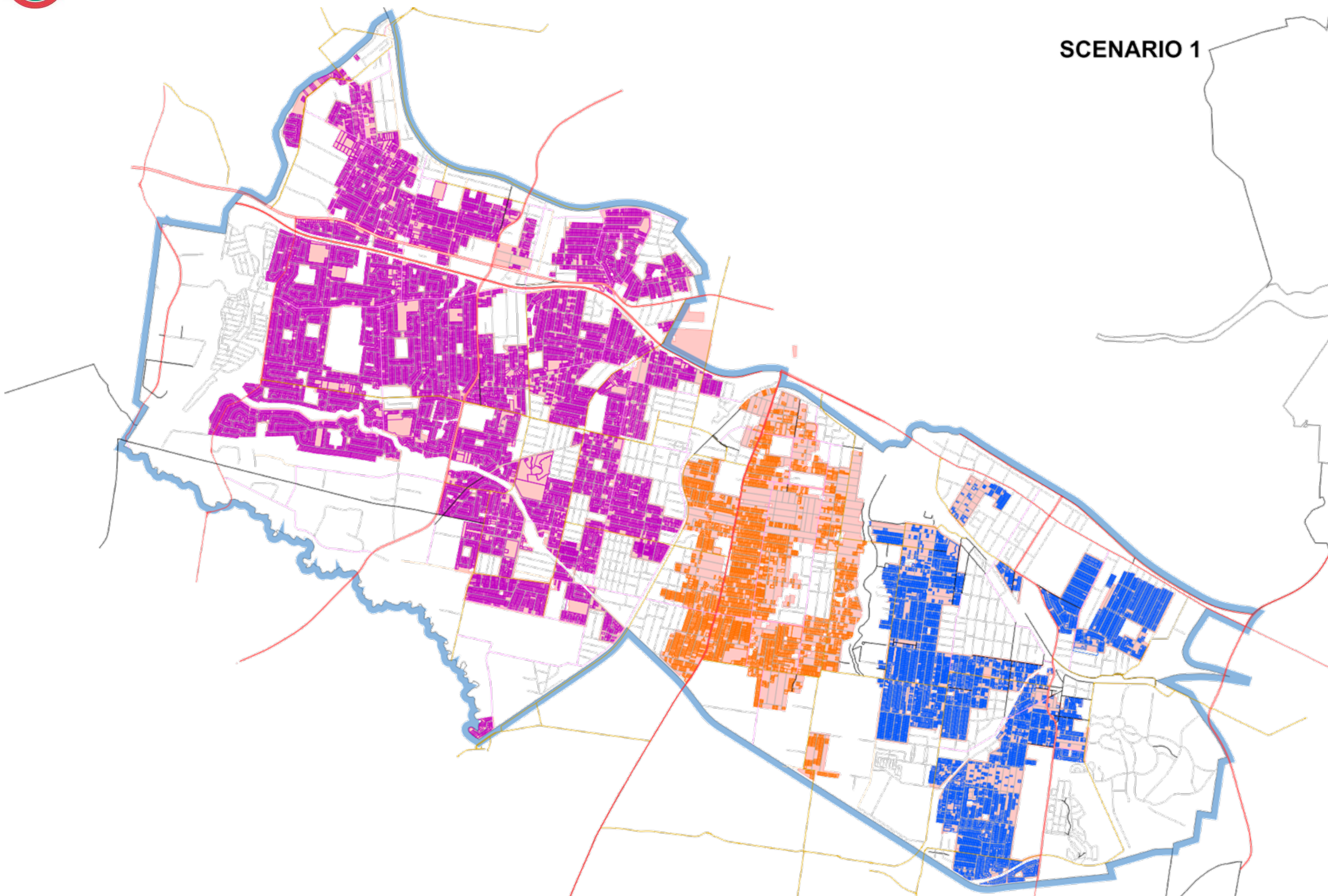
Armidale Regional, Ballina, Bayside, Bellingen, City of Blue Mountains, Burwood, Byron, Camden, City of Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, City of Coffs Harbour, Cumberland, Georges River, City of Hawkesbury, Hilltops, Hornsby, Hunter's Hill, Inner West, Kiama, Lane Cove, Mid-Coast, Mid-Western Regional, Moree Plains, Mosman, Narromine, Northern Beaches, City of Parramatta, City of Randwick, City of Ryde, City of Shellharbour, City of Shoalhaven, Snowy Monaro Regional, Strathfield, Sutherland Shire, City of Sydney, Tamworth Regional, The Hills Shire, Tweed, Upper Lachlan Shire, City of Willoughby, Wingecarribee, Wollondilly, City of Wollongong, Woollahra, Yass Valley.
- (3) This clause ceases to have effect on 1 July 2019.

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-136

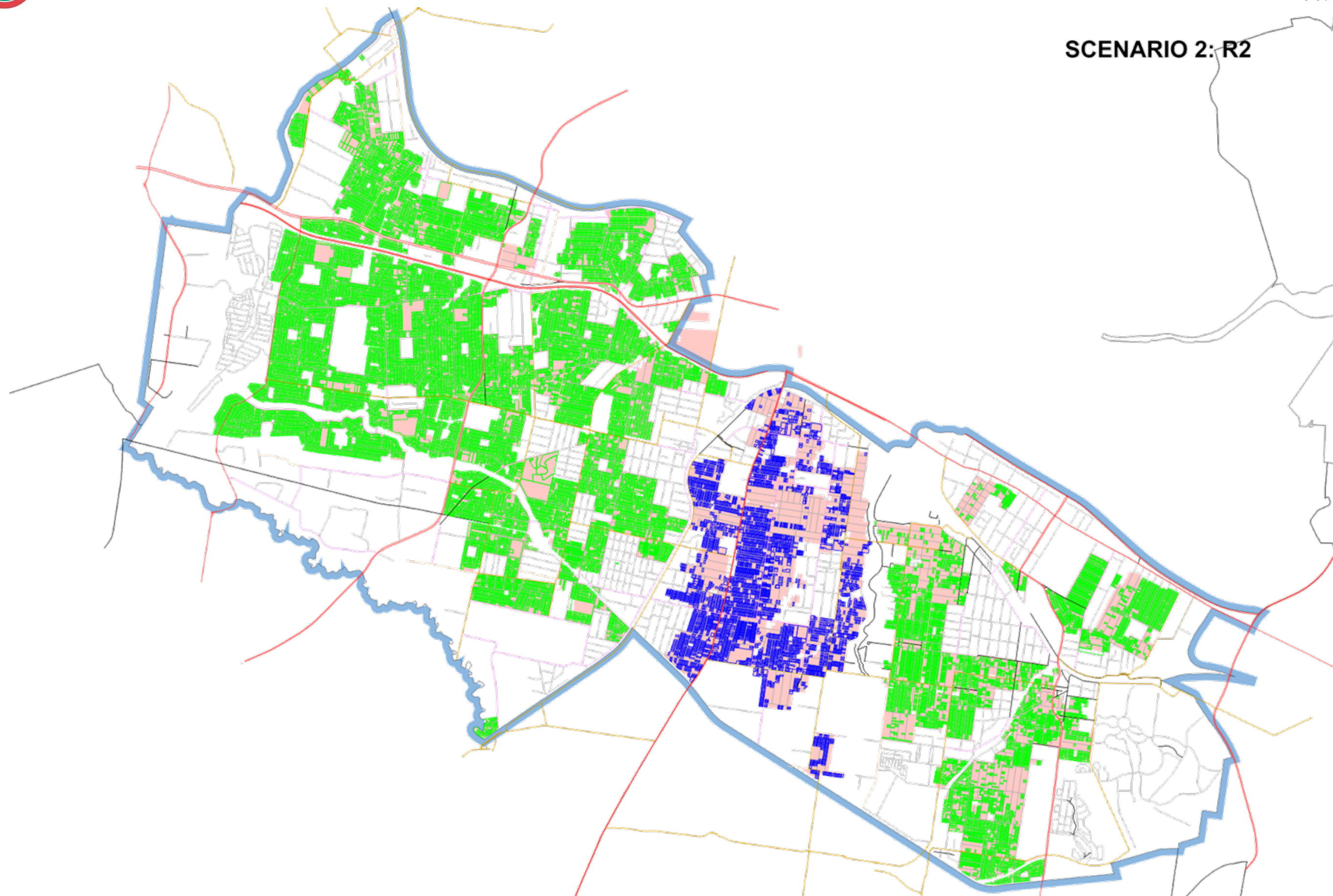
Attachment 3

Lot Size Map - Scenario 1, 2 and
3

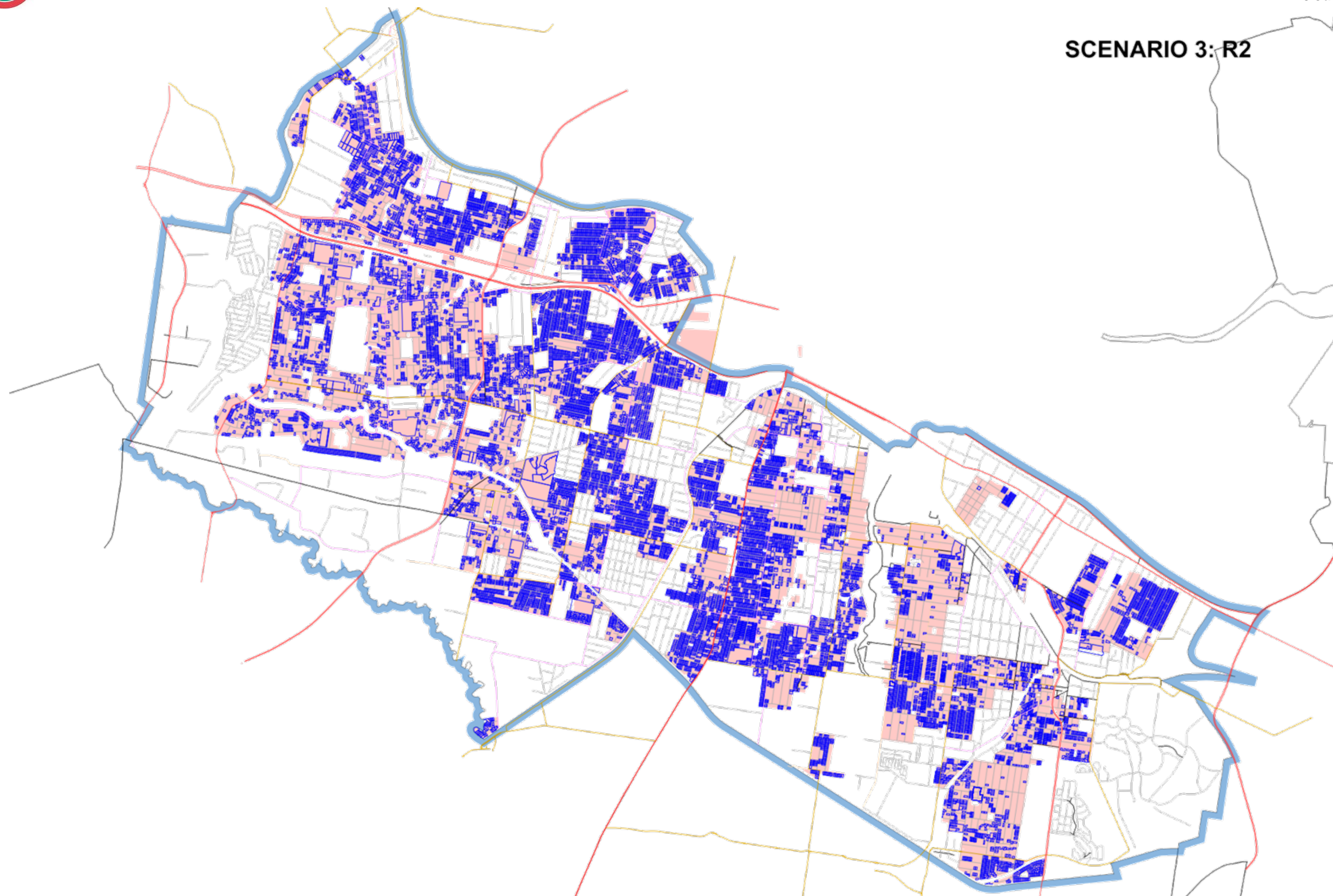
SCENARIO 1



SCENARIO 2: R2



SCENARIO 3: R2



Item No: C07/18-137

HYLAND ROAD RESERVE - REVIEW OF APPROPRIATE USES

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Parks and Recreation
File Number: PK-HYLAR-1
Community Strategic Plan Goal: *A great place to live*

SUMMARY

Prior to the formation of Cumberland Council, in early 2016 the former Holroyd City Council received a proposal to lease community land at Hyland Road Reserve, Greystanes (part of Lot 2 in DP 525167), for use as a community facility.

During April and May 2016 Council exhibited a proposal by the Maori group Nga Uri o Rahini to lease land at Hyland Road Reserve, Greystanes, in accordance with Section 47, Clause (1)-(3) of the Local Government Act 1993 (LG Act). The proposal was seeking to enter into a lease agreement for a period of 21 years with the land to be used as a Marae and Cultural Centre.

Subsequent to this exhibition of the proposal, Council received reports in August 2016 and November 2016 which deferred a decision being made on the matter until at the Ordinary meeting of 7 June 2017, Council under Administration, considered a final report on the proposal which concluded that the leasing process be abandoned due to the lack of a specific cultural link between the Maori community and the site; the financial capacity of the proponent (Nga Uri o Rahini); and the proposed extended length of lease.

On the basis of this conclusion, Council resolved the following:

“That Council:

- 1. Abandon the current process relating to the proposed leasing of the subject land at Hyland Road Reserve, Greystanes;*
- 2. Undertake a review of appropriate uses for the site and report the outcome of the review back to Council. (Minute 127 Item 084/17)”*

This report addresses the second resolution and provides details of the review of appropriate uses of the site, consistent with its RE1 Public Recreation zoning, ‘community land’ classification and ‘general community use’ categorisation and also seeks Council support to develop a masterplan and park design for the Hyland Road Reserve that is consistent with the future use of the site for a community facility.

RECOMMENDATION

That Council:

1. **Develop a masterplan and park design for the Hyland Road Reserve in keeping with the objectives and strategies documented in the *Gipps Road & Hyland Road Regional Parklands Plan of Management 2013*.**
2. **Ensure the design is consistent with the potential future use of the site for a community facility, in accordance with the Reserve's General Community Use categorisation under the Local Government Act 1993.**

REPORT

Prior to the formation of Cumberland Council, in early 2016 the former Holroyd City Council received a proposal for the lease of community land at Hyland Road Reserve, Greystanes (part of Lot 2 in DP 525167), for use as a community facility.

During April and May 2016 Council exhibited a proposal by the Maori group Nga Uri o Rahini to lease land at Hyland Road Reserve, Greystanes, in accordance with Section 47, Clause (1)-(3) of the Local Government Act 1993 (LG Act). The proposal was seeking to enter into a lease agreement for a period of 21 years with the land to be used as a Marae and Cultural Centre.

In response to the receipt of this proposal Council received reports in August 2016, November 2016 and at the Ordinary meeting of 7 June 2017 when Council under Administration considered a final report on the proposal which concluded that the leasing process be abandoned and that a review of the appropriate uses for the site be undertaken and reported back to Council.

This report presents the findings of this review of appropriate uses for the Hyland Road Reserve site and has been informed by:

- A context review of surrounding land uses (existing and proposed)
- The statutory land use framework - The Gipps Road & Hyland Road Regional Parklands Plan of Management and Masterplan 2013
- Environmental heritage values/issues
- Preliminary findings of the draft *Cumberland Open Space and Recreation Strategy*, and
- A land-use assessment of Hyland Road Reserve.

Context Review of the Site & Surrounding Land Uses (existing and proposed)

The Hyland Road Reserve is a 15.16 hectare site situated between Greystanes and Pemulwuy (as illustrated in Attachment 1).

The site comprises remnant Cumberland Plain Woodland intermixed with open native grasslands.

It is bounded to the east by the Hyland Road Park Wetlands and Riparian Corridor and the Greystanes 2(a) residential area, to the south by Hyland Road Park (the site for proposed future sports fields), to the north by Munro Street Park and to the west by the Lower Prospect Canal shared pathway and a future residential area (Pemulwuy Southern Residential Lands).

The Reserve currently has no facilities and is used for low key passive recreation such as walking and dog walking. It is isolated physically and visually from surrounding land uses, with no passive surveillance, and will remain so until development of the Pemulwuy Southern Residential Lands to the west and the planned Hyland Road Park sports facilities to the south.

Pemulwuy Southern Residential Lands

A Development Application (DA) for the Pemulwuy Southern Residential Lands, comprising 154 residential lots, 6 open spaces and 2 super lots, is currently being assessed by Council.

Based on the 2016 Pemulwuy occupancy rate of 3.09, the DA would generate a potential future population of 476 people.

This population would provide additional demand for use of the Hyland Road Reserve but would also, through providing enhanced passive surveillance, reduce the site's isolation and potential for harbouring criminal and anti-social activities.

Council's Planning Department has advised that the anticipated time frame for determination of the DA is July-September 2018, depending on the resolution of various outstanding planning issues.

Marrong Reserve

Marrong Reserve forms a substantial part of the Prospect Hill State Heritage Register (SHR) Area. The other part of the SHR Area comprises the Prospect Hill Reserve. The Reserves were established during the precinct planning for development of the State Environmental Planning Policy 59 lands following adoption of the SEPP in 1999. They are listed as items of State Significance (NSW Heritage Act 1977).

Marrong Reserve comprises 20 hectares of undulating ridgeline with a storm-affected pine plantation, cultural plantings and remnant stands of Eucalypts. It contains the highest point within the area, rising 117m above sea level.

The Reserve was transferred to Council by Boral Property Group in two stages during 2017. Boral had previously enhanced the Reserve with a footpath network, lookouts and interpretive signage in the northern section of the Reserve.

Vehicular and pedestrian access to the southern sections of the Reserve will be formalised with development of the Southern Residential Lands.

Following this, Marrong Reserve has the potential to link to Hyland Road Reserve via the Lower Prospect Canal Reserve. This potential was recognised in the *Prospect Hill Heritage Landscape Study and Plan* (April 2008) which summarised the SHR's 'Aboriginal and landscape values', including:

'connect to other Aboriginal sites, local parks (Prospect Creek corridor, Gipps Rd reserve)'.

Hyland Road Park

Hyland Road Park is immediately to the south of Hyland Road Reserve and Hyland Road.

The *Gipps Road and Hyland Road Masterplan* (2013) identifies a range of sports facilities and structures for the Park, including:

- Turf cricket/competition soccer field and associated amenities and clubhouse
- Secondary cricket field/dual soccer fields
- Multi-purpose field
- Outdoor tennis/netball courts
- Indoor Sports Centre

A significant proportion of the site is ex-landfill. Council has recently commenced a Landfill Closure Plan (LCP) for the site in accordance with Environment Protection Authority standards. The LCP entails an investigatory drilling program (to determine the boundaries of the landfill area), an environmental monitoring program, a capping strategy and capping earthworks.

Based on preliminary advice, the impact of the LCP on the proposed sports facilities at the site (as articulated in the *Gipps Road & Hyland Road Masterplan 2013*) will not be clear until early to mid-2019.

The drilling and monitoring programs will determine the design and implementation of the capping strategy which may or may not be compatible with the development of sports facilities.

Statutory Land Use Framework

The key land use framework document is the *Gipps Road & Hyland Road Regional Parklands Plan of Management and Master Plan* (2013).

Hyland Road Reserve is one of three parks (the others being Hyland Road Park and Gipps Road Playing Fields) managed under this Plan of Management (PoM).

The PoM identifies Objectives, Significance, Planning Considerations (zoning and categorisation), Management Strategies and Implementation Actions for the three parks.

The PoM's objectives and the land use zoning for Hyland Road Reserve are of key relevance for this report. These are summarised below with the PoM's other elements summarised at Attachment 2.

Objectives

Specific objectives of the PoM, relevant to the future uses of Hyland Road Reserve, are:

- Ensure that the parklands are conserved for sporting and recreational purposes
- Ensure the park is a visually attractive, safe environment, available and accessible for use by all sectors of the community
- Manage, develop, protect, restore, enhance and conserve the environmental values of the park, to ensure it is sustainable for future generations whilst being visually attractive, and operates with minimum impact on adjoining land holders

Zoning

Hyland Road Reserve is zoned RE1 'public recreation' in the former Holroyd Council's Local Environment Plan (LEP). The objectives of this zone are to:

- Enable land to be used for public open space or recreational purposes.
- Provide a range of recreational settings and activities and compatible land uses.
- Protect and enhance the natural environment for recreational purposes.

The permitted and prohibited uses of the RE1 zone are summarised in the following table:

Item	Uses
Permitted without consent	Environmental protection works
Permitted with consent	Centre-based child care facilities
	Community facilities
	Environmental facilities
	Information and education facilities
	Kiosks
	Recreation areas
	Recreation facilities (indoor)
	Recreation facilities (major)
	Recreation facilities (outdoor)
	Respite day care centres
	Roads
	Signage
	Water recreation structures
Prohibited	Any development not specified above

For public reserves, the Infrastructure SEPP 2007 overrides local planning provisions on permissibility and waives the need for consent for most Council-initiated recreation developments.

However, where there are likely to be significant environmental impacts, infrastructure proposals that do not need planning consent will still require environmental assessment under Part 5 of the Environmental Planning and Assessment (EP&A) Act.

Environmental Heritage Values/Issues

In conjunction with the assessment of the Marae Cultural Centre, Council commissioned a peer review of Council's 2009 Flora and Fauna Survey of the proposed Cultural Centre site.

Key findings of the review undertaken by Keystone Ecological of relevance to the future uses of Hyland Road Reserve include the following:

- The central grassy area is overwhelmingly dominated by exotic grasses and its contribution to Cumberland Plain Woodland is minimal
- The area to the north of the Marae proposal comprises remnant Cumberland Plain Woodland and this "should be the focus for future retention and conservation management of Cumberland Plain Woodland, and used as an offset for any losses of native vegetation in other parts of the site"
- Additionally, the riparian corridor is of particular importance due to the existence of two endangered Ecological Communities (i.e. River Flat Eucalypt Forest and Swamp Oak Floodplain Forest)
- For this reason, and also because of the proximity (to the north) of Critically Endangered Cumberland Plain Woodland, a comprehensive Fauna and Flora Impact Assessment will be required with any development proposal for the site

Cumberland Open Space and Recreation Strategy

The Strategy is being prepared for Council by consultants and will be completed in September 2018. Preliminary key findings include the following:

- While Cumberland has an overall adequate quantity of open space, there are significant gaps in quality – in terms of presentation, maintenance, access, configuration of sites and a lack of diversity in design across different sites
- Insufficient tree canopy in many parks
- A need for improved 'access for all'
- Insufficient focus on increasing physical activity, health and community well-being

These findings support initiatives to provide improvements to Hyland Road Reserve consistent with the management strategies and implementation plan articulated in the *Gipps Road & Hyland Road Regional Parklands Plan of Management and Master Plan* (2013) and summarised above.

Land Use Assessment

Due to the complexity of the rezoning process (i.e. planning proposal, Council review, gateway determination, technical studies, public exhibition, referrals) and the absence of an urgent need for other, non-RE1 permissible, public land uses in the Greystanes-Pemulwuy locality, the land use assessment was confined to those land-uses permissible under the RE1 zoning, namely:

- Community facilities
- Centre-based child care facilities
- Environmental facilities
- Kiosks
- Information and education facilities
- Recreation areas - park, gardens, playground
- Recreation areas – community sports
- Recreation facilities (indoor)
- Recreation facilities (outdoor)
- Recreation facilities (major)
- Respite day care centres
- Water recreation structures

The definitions of these land-uses, as included in Council's LEP as well as land-use opportunities assessments are provided at Attachment 3 and Attachment 4 of this report.

Land Use Assessment Findings

The assessment determined that the site is suitable for recreation (both indoor and outdoor) and a range of community facilities (e.g. child care, cultural or community centre). Some of these uses are complementary (e.g. a child care centre within a passive park setting; community centre in an environmental setting).

Choosing the optimal use or uses is subject to future developments and interdependencies, including:

- The Southern Lands residential development, which will underpin viable use of the reserve and provide 'passive surveillance', and
- The Hyland Road Park Landfill Closure Plan which will determine what facilities can be accommodated on that site and which have the potential to be 'transferred' to Hyland Road Reserve.

COMMUNITY ENGAGEMENT

Community engagement will be undertaken as part of the proposed park design and masterplan process.

POLICY IMPLICATIONS

There will be a requirement to complete a new park design and masterplan should this report be accepted and Council support the recommendations. Additionally any community or recreational facilities that are constructed or allowed to be constructed by others will require relevant statutory documentation to proceed.

RISK IMPLICATIONS

Should the park design process not occur or not be managed effectively there is a risk that the development of the site will not occur or occur in a way that will negatively impact the local community giving rise to lost community opportunities, potential poor image and financial loss for Council.

FINANCIAL IMPLICATIONS

A design and community engagement consultancy budget will be required, to be reforecast in current budgets or included in a future budget.

CONCLUSION

Based on the context and document reviews and the assessment of permissible uses Hyland Road Reserve can be utilised for a number of appropriate uses including the provision of community facilities, a childcare centre or recreational infrastructure both indoor and outdoor.

A number of appropriate uses are subject to interdependencies and future developments.

Accordingly it is recommended that Council undertake a park design program to identify the enhancements that will best address the local and wider community's passive recreation, social and educational needs, consistent with protecting and improving the site's significant environmental values.

This park design should reflect the objectives of the *Gipps Road & Hyland Road Regional Parklands PoM* and the environmental constraints detailed in Keystone Ecological's *Peer Review and Constraints Assessment*.

Any future Council provided enhancements and facilities should take place in conjunction with development of the Southern Residential Lands to ensure adequate use of and demand for the site as well as to ensure the safety and comfort of users from the increased passive surveillance.

It is also concluded that, notwithstanding Council's resolution to abandon the process for the proposed leasing of land for a Marae Cultural Centre, the findings of the specialist reports and advice from Council technical officers, demonstrate that there appears to be no planning or technical grounds (environmental, traffic, heritage) which would prevent Council from developing a child-care centre or other community facility or entering into a lease agreement with a community organisation to develop a cultural or community facility on the site sometime in the future.

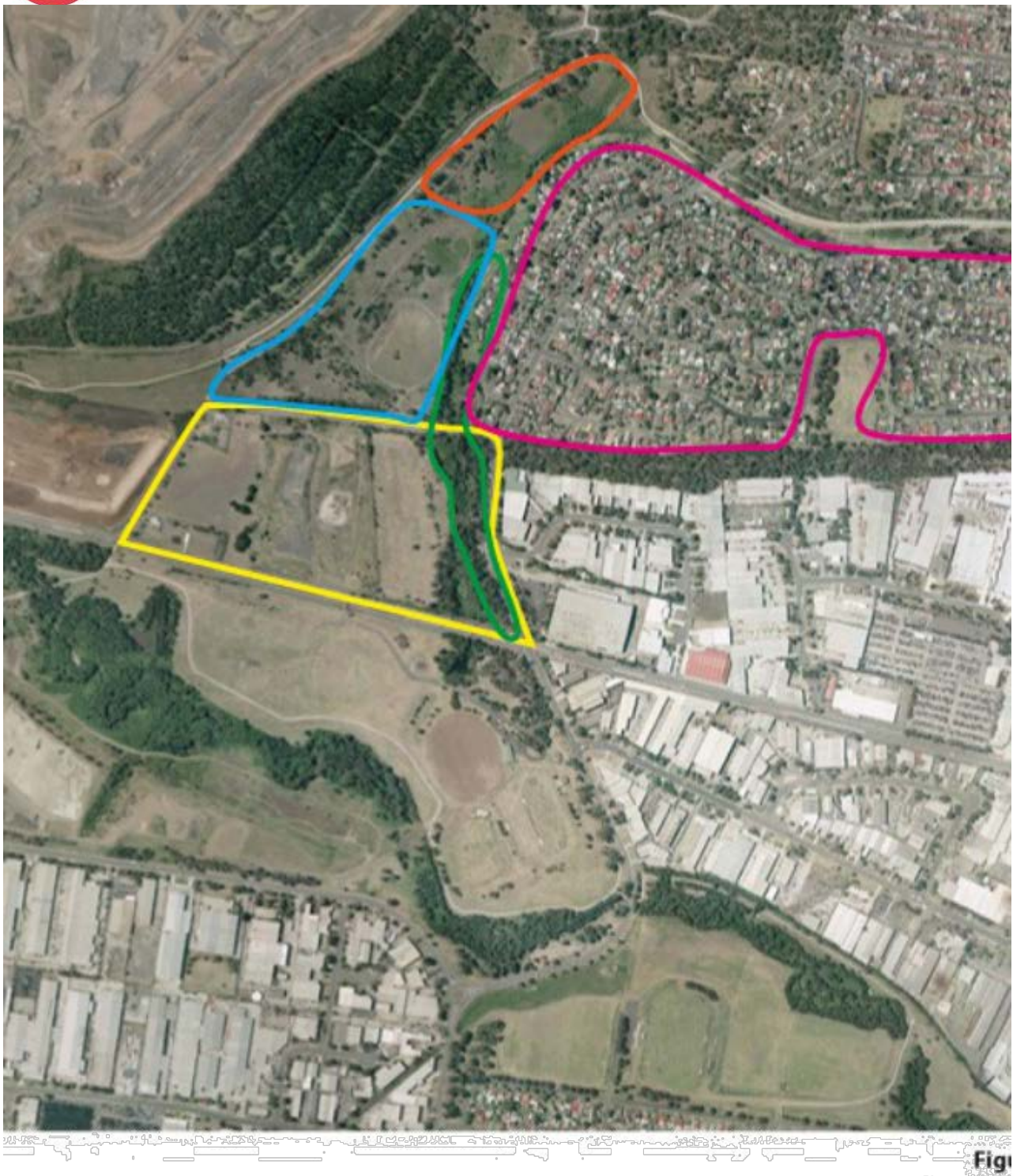
Any park design should also optimise the park's environmental and community recreation values and opportunities but also be sufficiently flexible so as not to preclude a future community facility such as a child care centre or a sports field and/or indoor sports centre development, in the event that the Hyland Road Park LCP precludes such facilities on that site.

ATTACHMENTS

1. Aerial Map - Hyland Road Reserve
2. Attachment 2 - Gipps Road & Hyland Road Regional Parklands Plan of Management and Master Plan (2013)
3. Attachment 3 - RE1 Public Recreation Zone – Permissible Use Definitions
4. Attachment 4 - Land Use Assessment Table

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-137

Attachment 1
Aerial Map - Hyland Road
Reserve



Fig



DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-137

Attachment 2

Attachment 2 - Gipps Road &
Hyland Road Regional Parklands
Plan of Management and Master
Plan (2013)

ATTACHMENT 2

Gipps Road & Hyland Road Regional Parklands Plan of Management and Master Plan (2013)

Site Features & Significance

The parklands are deemed to have regional significance and when developed will be “an example of sports oriented parklands that effectively cater for active and passive recreational use as well as environmental initiatives”.

The Hyland Road Reserve contains areas of remnant Cumberland Plains Woodland with significant environmental values within the Munro Creek riparian corridor on the eastern edge of the site.

The visual amenity of the site is provided by some regenerated areas and open, weed-infested grass areas.

The site is isolated from residential areas and attracts anti-social activities such as rubbish dumping.

Land Classification & Categorisation

Hyland Road Reserve is classified as Community Land.

Under the Local Government Act, all Community Land must be categorised in accordance with the Local Government (General) Regulation 1999.

The Reserve is, accordingly, categorised as ‘General Community Use’.

Under the Regulation, the requirements and core objectives for the ‘General Community Use’ land category are as follows:

Guidelines for categorisation	The land may be made available for use for any purpose for which community Land may be used, whether by the public at large or by specific sections of the public as long as it is not required to be categorised as a natural area and does not satisfy the guidelines for categorisation as a natural area, sports ground, park or an area of cultural significance.
Core objectives	<p>To promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <ul style="list-style-type: none"> (a) In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and (b) In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities)

Management Strategies & Implementation Plan

The Plan of Management's adopted values for the Parklands are:

- A multi-functional Parklands addressing a variety of community needs
- A flexible Parklands catering for both local and district usage with minimal conflict
- A landscape setting of renewal and ongoing evolution
- A landscape setting that enhances the quality of active and passive recreational use and optimises the parks role as an urban open space providing 'green relief'

The specific action strategies and priorities for the Hyland Road Reserve are as follows:

Strategy	Detail	Priority
Site Facilities	<ul style="list-style-type: none"> • Potential development of the Marae Cultural Centre, comprising a 2.5 Ha site with 3 buildings 	L
Access and circulation	<ul style="list-style-type: none"> • Provide a formal path network to improve access to north of Reserve 	H
	<ul style="list-style-type: none"> • Provide a formal path network to improve access to the regional cycle network 	H
	<ul style="list-style-type: none"> • Formalise entry to Reserve with signage and vehicle barrier 	H
Parkland and landscape improvements	<ul style="list-style-type: none"> • Develop the parkland to immediate north of Hyland Road (consistent with potential adaptation for proposed Marae Cultural Centre) with maintained turf grass areas and shade trees that may promote a passive recreation use and/or lend itself to informal sporting use 	H
	<ul style="list-style-type: none"> • Bushland regeneration (Cumberland Plain Woodland) 	M
	<ul style="list-style-type: none"> • Native tree planting with native grass understorey (for enhanced amenity and reduced maintenance) 	M
	<ul style="list-style-type: none"> • Native tree planting in turf area (for enhanced amenity and shade) 	M

**DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-137**

Attachment 3

**Attachment 3 - RE1 Public
Recreation Zone – Permissible
Use Definitions**

ATTACHMENT 3

RE1 Public Recreation Zone – Permissible Use Definitions

Land-use type	Definition
Recreation areas	A place used for outdoor recreation that is normally open to the public, and includes: (a) a children's playground, or (b) an area used for community sporting activities, or (c) a public park, reserve or garden or the like, and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).
Recreation facilities (indoor)	A building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club
Recreation facilities (outdoor)	A building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water- ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).
Recreation facilities (major)	A building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.
Water recreation structures	A structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

Environmental facilities	A building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.
Kiosks	Premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.
Centre-based child care facilities	<p>(a) a building or place used for the education and care of children that provides any one or more of the following:</p> <ul style="list-style-type: none"> (i) long day care (ii) occasional child care (iii) out-of-school-hours care (including vacation care), (iv) preschool care, or <p>(b) an approved family day care venue (within the meaning of the</p> <p>(v) <i>Children (Education and Care Services) National Law (NSW)</i>)</p>
Information and education facilities	A building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.
Community facilities	<p>A building or place:</p> <ul style="list-style-type: none"> (a) owned or controlled by a public authority or non-profit community organisation, and (b) used for the physical, social, cultural or intellectual development or welfare of the community, <p>but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.</p>
Respite day care centres	A building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-137

Attachment 4
Attachment 4 - Land Use
Assessment Table

ATTACHMENT 4

Land-use opportunities assessment table

Land-use type	Opportunities	Constraints/Issues
Community facilities	<p>Community facilities are possible on this site and the interest shown by community groups in the site indicate that there is a desire for or need in this area for a community operated facility.</p> <p>A community facility would activate a currently underutilised site and would support the future population of the Southern Residential Lands development</p>	<p>Remote, non-town centre location; lack of passive surveillance and limited public transport access although the T Way runs close by.</p> <p>Council has not identified this reserve or surrounding area as a priority area in the LGA in terms of community facility needs and gaps and thus does not feel it is a suitable site for direct delivery by Council. The previous Hyland Road Youth Centre facility is an indicator for this position.</p>
Centre-based child care facilities	<p>There is a significant unmet demand for child-care facilities in Pemulwuy (current long waiting list for the 65-place Pemulwuy Centre).</p> <p>Council's is currently investigating additional accommodation options</p>	<p>Currently the site is identified as too remote for a child-care service. However, with development of the Southern Residential lands and Hyland Road Park, the site would provide a viable location for a childcare centre (if integrated with activated parkland) to service the Southern Residential Lands and the unmet demand in the developed areas to the north.</p>
Environmental facilities	<p>Given the site's substantial environmental values (the provision of low-key environmental and environmental education facilities (i.e. walking track loops, environmental interpretation panels, shaded seats) is a key opportunity.</p> <p>Such facilities have potential to be connected to the future Marrong Reserve, Prospect Hill</p>	<p>Need to regenerate bushland and enhance water quality in conjunction with providing facilities.</p>

Land-use type	Opportunities	Constraints/Issues
	trail network, the Lower Prospect Canal regional cycleway and any future community facilities based on the Reserve.	
Kiosks	Depends on core use of the site	Only warranted if high use facilities are built on site – e.g. indoor sports centre, synthetic sports field
Information and education facilities	None except those described under Environmental facilities	The site is unsuitable for information facilities due to remote, non-town centre location; lack of passive surveillance and limited public transport access
Recreation area – park, gardens, playground	Due to its proximity to existing and proposed residential areas and its environmental values, the Reserve is well suited to passive recreation developments such as parkland, playgrounds, gardens and picnic areas. Such facilities would complement the more ‘active’ facilities to the south as identified in the <i>Gipps Road & Hyland Road Regional Parklands Masterplan</i> – thereby ensuring a balance of ‘active’ and ‘passive’ recreation facilities in the precinct.	Currently, the Reserve is relatively remote and sparsely used and has high potential for anti-social activities. Accordingly, passive recreation development should be undertaken in conjunction with the development of Hyland Road Park (depending on the outcomes of the Hyland Road Park LCP) and/ or the Southern Residential Lands development.

Land-use type	Opportunities	Constraints/Issues
Recreation area – community sporting activities	<p>The 2013 <i>Holroyd Open Space & Recreation Strategy</i> identified a shortfall of 15 sports fields in the former Holroyd Council based on the forecast 2031 population. Of these, 4 were identified for the Hyland Road Park.</p> <p>In the event that the Capping Strategy for the Hyland Road Park LCP precludes the development of one or more of these proposed 4 fields, one or two fields could be relocated to Hyland Rd Reserve</p>	<p>Compared to Hyland Road Park, Hyland Road Reserve has higher environmental and social impact constraints – due to remnant vegetation values and proximity to residential areas.</p> <p>Council typically encounters considerable opposition to sports field proposals near residential areas (e.g. Daisy Street Park, Greystanes, soccer field proposals in 2016).</p> <p>During the community engagement for the <i>Gipps Road & Hyland Road Regional Parklands Masterplan</i>, and subsequent consultation on the Marae proposal, there was opposition from neighbouring Greystanes residents to the development of built facilities in the Reserve.</p>
Recreation facilities (indoor)	<p>The need for a major indoor sports facility was identified in the 2013 <i>Holroyd Open Space & Recreation Strategy</i> and was included in the Hyland Road Park section of the Holroyd S94 Plan and the <i>Gipps Road & Hyland Road Regional Parklands Masterplan</i>.</p> <p>In the event that the Capping Strategy for the Hyland Road Park LCP precludes the development of the indoor sports centre in that park, it could be relocated to Hyland Road Reserve.</p>	
Recreation facilities (outdoor)	<p>Most of these opportunities e.g. golf driving range, mini golf, go-karts, paint ball facility etc. are provided by the community and commercial sectors.</p>	<p>The site is too small for some of these facilities i.e. golf course, and too close to residences for others go-karts</p>

Land-use type	Opportunities	Constraints/Issues
	<p>With respect to these, there is the opportunity to seek Expressions of Interest (EOI) from interested parties.</p> <p>There is also the opportunity to provide a skate park and/or tennis courts in conjunction with an indoor sports facility if this is built on this site or immediately to the south of Hyland Road.</p>	
Recreation facilities (major)	Nil	Site too small and non-central
Water recreation structures	Nil	This use is not relevant in this location as structures include a pier, wharf, jetty or boat launching ramp.
Respite day care centres	Council's needs for additional day care centres in Cumberland are will be determined in conjunction with development of a <i>Cumberland Positive Ageing Strategy</i> in 2018-19.	Opportunities with respect to Hyland Road Reserve may be limited due to the preference for community hub/town centre location and good public transport access.

Item No: C07/18-138

ACCELERATED CUMBERLAND LOCAL ENVIRONMENTAL PLAN FUNDING OFFER

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Planning
File Number: SUB512
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

The NSW Minister for Planning has identified Cumberland as a priority Council and has offered financial support of up to \$2.5 million for Council to review the three existing Local Environmental Plans (LEPs) which currently apply and prepare a new comprehensive Cumberland LEP. Priority Councils are required by the State government to undertake their LEP reviews within an accelerated two year period, with all remaining councils in NSW required to completed their LEP reviews within a three year period (and without financial assistance).

This report seeks a resolution to participate as a priority Council in the Accelerated LEP Review Program and accept the State government's funding offer of up to \$2.5 million, subject to certain contractual conditions. This report also notes that a subsequent report will shortly be provided to Council, outlining details on the proposed approach and high level project plan for this project.

RECOMMENDATION

That Council:

- 1. Accept the Minister of Planning's offer of funding of up to \$2.5 million, as financial support for Cumberland as a priority Council to prepare a comprehensive LEP within the next two years.**
- 2. Delegate to the General Manager authority to complete and return the NSW State Government's Accelerated LEP Review Program Funding Agreement by the required date.**
- 3. Be provided with a further report on the Cumberland LEP Project, including a high level project plan, as soon as possible.**

REPORT

The NSW Minister for Planning has identified Cumberland as one of 18 priority Councils to undertake a review of their LEPs within a two year period. Financial support

of up to \$2.5 million has been offered to each of these priority councils to assist with this process (see Attachment 1). Priority councils are required by the State government to undertake their LEP reviews within an accelerated two year period, with all remaining councils in NSW required to completed their LEP reviews within a three year period (and without financial support).

The funds may be used only for studies and resources directly related to the development of the LEP. Examples include traffic and transport studies, heritage studies, open space and recreation strategies, employment lands strategies, economic analysis and residential housing strategies (including housing and social analysis. A more detailed report on the proposed approach to the Cumberland LEP Project, including a project plan, will be provided to Council after further advice has been received from the Greater Sydney Commission (GSC) in July.

Council planners are participating in a series of technical working groups run by the Department of Planning and Environment (DP&E) and the Greater Sydney Commission (GSC) on the LEP review process. The purpose of the technical working groups is to ensure all councils understand the State government's expectations in terms of LEP preparation and the requirement to address the District Plans. Councils are also required to prepare a Local Strategic Planning Statement, which will require substantial community and Councillor involvement, and must demonstrate a strong relationship with the Cumberland Community Strategic Plan.

COMMUNITY ENGAGEMENT

Acceptance of the State government's offer of priority council funding does not in itself require community engagement.

Preparation of the new comprehensive LEP for Cumberland will involve extensive community engagement, and a separate Community Participation Plan will be prepared for Council's approval.

POLICY IMPLICATIONS

The GSC's District Plans require all councils to undertake a review of their LEPs. These reviews are to be undertaken within a three year timeframe. A number of councils have been identified as priority councils and have been offered substantial State government funding to undertake an LEP review within a two year timeframe.

The preparation of a comprehensive LEP for Cumberland is considered to have a positive policy implication. The three LEPs which currently apply to Cumberland are due for review, and a consolidated LEP presents an opportunity to harmonise and update controls across the LGA.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report. Preparation of a comprehensive LEP is required by the District Plan, irrespective of whether Council accepts the State government's funding offer.

The State government's offer of funding to support the priority review of Council's LEP will be governed by certain conditions, and this funding will not be able to be used as general revenue, or for any other expenditure outside the approved project plan (for example capital works, events, or provision of unrelated services). This risk is considered minimal, and a clear project plan will be prepared, detailing the proposed expenditure of the funds and appropriate justification.

There may be difficulty in resourcing the work, however it is advised that a targeted recruitment project has commenced. Council has commenced the commissioning of some studies and commenced discussions with other Central Sydney City District Councils to for joint tendering of some consultant studies.

The risk of not accepting the State government's funding offer, means that Council will need to finance the preparation of a comprehensive LEP itself. There is a significant amount of work required to undertake this review to an appropriate standard and substantial associated costs. It is recommended that Council accepts the State government's funding offer.

FINANCIAL IMPLICATIONS

There are very positive financial implications for Council associated with this report. Being identified as one of 18 priority councils, means Council is offered up to \$2.5 million in funding to complete this work. Given the GSC's District Plans require all councils to undertake a review of their LEPs within a three years, Council would have had to allocate certain funding and resources in any case. The LEP Project is in the Strategic Planning Work Program to commence in 2018/19 and the budget includes provision for consultant studies and staff resources toward this project. The Acceleration Program will mean some additional resources will be required to deliver it in a shorter timeframe, but the funding offer would more than offset this.

The conditions associated with this funding are detailed in the Accelerated LEP Review Program Funding Agreement (Attachment 2). These conditions have been reviewed and are considered to be clear, reasonable and appropriate.

CONCLUSION

This report recommends that Council accept the State government's offer of up to \$2.5 million funding and agree to the two year timeframe for delivery. The timeframe is considered achievable with the funding and the risk and financial implications are better for Council than the alternative. Councils which are not identified as priority Councils are required to complete their LEP Reviews within a three year period, with no financial assistance.

ATTACHMENTS

1. Accelerated Cumberland LEP Report
2. Accelerated LEP Review Program Funding Agreement

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-138

Attachment 1
Accelerated Cumberland LEP
Report

Planning &
Environment

IRF18/2548

Mr Hamish McNulty
Acting General Manager
Cumberland Council
PO Box 42
MERRYLANDS NSW 2160

Dear Mr McNulty *Hamish*

I am writing in relation to the NSW Government's Housing Affordability Strategy, *A fair go for first home buyers*, which identified selected local councils to be supported to undertake a review of their local environmental plans (LEPs) within two years to ensure early alignment with the priorities of the Greater Sydney Commission's new District Plans.

As you are aware, the Minister for Planning has announced that Cumberland Council will be offered funding of up to \$2.5 million, subject to contractual conditions. Please find enclosed a proposed funding agreement outlining the conditions of the grant and a timeline for the review process.

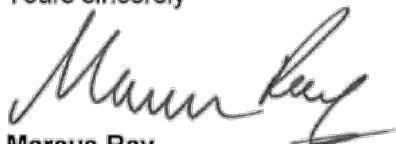
The Department of Planning and Environment and the Greater Sydney Commission will be providing support to all Sydney councils over the next two years. This includes a guide that provides a roadmap to the LEP review program and a series of technical working group meetings, which will commence in early June 2018.

Recognising the strategic importance of this initiative, councils are encouraged to seek a council resolution supporting participation in the review program. The signed agreement should be scanned and returned via email with a tax invoice for \$250,000 by Friday 20 July to denise.king@planning.nsw.gov.au.

The Department looks forward to working with Council to deliver an updated LEP within two years.

Should you have any further questions, please contact Ms Denise King, Program Manager, Office of Housing Coordination, at the Department on 8275 1021.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

22/07/2018
Encl: Proposed funding agreement

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-138

Attachment 2
Accelerated LEP Review Program
Funding Agreement



ACCELERATED LEP REVIEW PROGRAM FUNDING AGREEMENT

BETWEEN:

Name	The Crown in right of the State of New South Wales acting through the Department of Planning and Environment (the Department)
ABN	38 755 709 681
Address	320 Pitt Street, Sydney, New South Wales, 2000

AND

Name	Cumberland Council (Council)
ABN	22 798 563 329
Address	16 Memorial Ave, Merrylands NSW 2160

(the **parties**)

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BACKGROUND

- Up to eighteen councils in the Greater Sydney Region will each receive funding to review and update their local environmental plans within a certain timeframe to align with the priorities in the District Plans released by the Greater Sydney Commission in March 2018 (Project).
- The NSW Government acting through the Department has agreed to provide the Funding Amount to Council to facilitate the carrying out of the Project by Council.
- The objective of this Agreement is to document the agreed outcomes for the Project including Milestones and timing for the payment of the Funding Amount and completion of the Project.
- The Department agrees to provide, and Council agrees to accept, the Funding Amount in accordance with the terms of this Agreement.

OPERATIVE PROVISIONS

1. Definitions and Interpretation

1.1 **Dictionary:** In this Agreement, unless the contrary intention requires:

Acquittal Certificate means a report confirming that the Project has been completed and the actual cost of the Project substantially in the form specified in Attachment 4 of this Agreement.

Acquittal Date means the date specified in Item 6 of the Agreement Details as the Acquittal Date, or another date agreed between the parties in writing.

Agreement means this agreement including all the attachments.

Agreement Date means the date of the Agreement.

Agreement Details means Attachment 1 to this Agreement.

Approved Auditor is a person who is:

- registered as a company auditor under the *Corporations Act 2011* (Cth), or a member of the Institute of Chartered Accountants in Australia, or of CPA Australia or the National Institute of Accountants; and
- not a principal, member, shareholder, officer or employee of Council.

Audited Financial Statements means an organisation's accounts audited by an approved auditor in compliance with Australian Auditing Standards and Australian Accounting Standards.

Australian Accounting Standards means the standards of that name maintained by the Australian Accounting Standards Board created by section 226 of the *Australian Securities and Investments Commission Act 2001* (Cth).

Australian Auditing Standards means the standards prepared by the Auditing Standards Board of Australia and maintained by the Auditing and Assurance Standards Board created by section 227A of the *Australian Securities and Investments Commission Act 2001* (Cth) or its international equivalent as determined by that Act.

Budget means a budget for the purposes of undertaking the Project and/or performing obligations under this Agreement.

Business Day means the day which is not a Saturday, Sunday or public holiday in Sydney, NSW.

Claim means any cost, expense, loss, damage, claim, action, proceeding or other liability (whether in contract, tort or otherwise), however arising and includes legal costs.

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Completion Date means the date which Council must complete each Milestone as set out in Item 5 of the Agreement Details.

Confidential Information means any information and all other knowledge at any time disclosed (whether in writing or orally) to a party, or acquired by a party which:

- is by its nature confidential;
- is designated, or marked, or stipulated as confidential; or
- the party knows or ought to know is confidential;

but does not include information which:

- is or becomes public knowledge other than by breach of this Agreement;
- is in a party's lawful possession without restriction in relation to disclosure before the date or receipt of the information from another party or a third party;
- has been developed or acquired by a party independently of this Agreement;
- is ascertainable through independent enquiries;
- maybe or is required to be disclosed pursuant to Premier's Memorandum No. 2007-01 Public Disclosure of Information arising from NSW Government Tenders and Contracts dated 8 January 2007, as amended or updated from time to time; or
- is required to be disclosed pursuant to law, regulation, legal process or by a regulatory authority.

Conflict of Interest means an actual or perceived conflict between a person's public duty and their private or personal interest.

District Plan means each District Plan published in March 2018 by the GSC.

EP&A Act means the *Environmental Planning and Assessment Act 1979* (NSW) (as amended from time to time).

Existing Material means all Material in existence prior to the commencement of this Agreement:

- incorporated in;
- supplied with, or as part of; or
- required to be supplied with, or as part of,

the Project Material.

Funding Amount means the funding amount specified in Item 3 of the Agreement Details.

Gateway determination means a determination made by the GSC in accordance with section 3.34 of EP&A Act.

GIPA Act means the *Government Information (Public Access) Act 2009* (NSW) (as amended from time to time).

Greater Sydney Region has the same meaning it has in the *Greater Sydney Commission Act 2015* (NSW).

GSC means the Greater Sydney Commission.

GST Law means *A New Tax System (Goods & Services Tax) Act 1999* (Cth), related legislation and any delegated legislation made pursuant to such legislation.

Intellectual Property Rights includes all copyright (including rights in relation to recordings and broadcasts), all rights in relation to inventions (including patent rights), registered and unregistered trademarks (including service marks), registered designs, and all other rights resulting from intellectual activity in the literary or artistic fields whether registered or not and whether existing in Australia or not and created at any time.

Local environmental plan or LEP has the same meaning as in the EP&A Act.

LSPS means a local strategic planning statement prepared by Council in accordance with section 3.9 of EP&A Act.

Material includes documents, equipment, software, goods, information and data stored by any means including all copies and extracts of the same.

Milestone means the stages at which Council will complete key parts of the Project as set out in Item 5 of the Agreement Details.

Moral Rights means the right of integrity of authorship (that is, not to have a work subjected to derogatory treatment), the right of attribution of authorship of a work, and the right not to have authorship of a work falsely attributed as defined in the *Copyright Act 1968* (Cth).

Payment means that part of the Funding Amount released for the Project on satisfaction of each Milestone in Item 5 of the Agreement Details.

Personal Information has the same meaning as in the *Privacy and Personal Information Protection Act 1998* (NSW).

Planning proposal has the same meaning as in the EP&A Act.

Project means the project and/or associated activities described in Item 4 of the Agreement Details.

Project Material means all Material:

- brought into existence for the purpose of performing obligations under this Agreement;
- incorporated in, supplied or required to be supplied along with the Material brought into existence for the purpose of performing obligations under this Agreement; or
- copied or derived from Material referred to in this definition above.

Project Plan includes information about the Budget, activities to be undertaken in connection with the Project and timeframe for the delivery of same, in a format specified by the Department. This may include, but is not limited to studies undertaken to inform the nature of the Project.

Project Report includes information about the Project and timeframe to be provided to the Department, usually in a specified format (Attachment 3 to this Agreement). This may include, but is not limited to, financial and statistical information as well as details on the progress and/or outcomes of the Project.

Records includes documents, information and data stored by any means and all copies and extracts of the same relating to the Funding Amount or the Project.

Representative means the Department's representative or Council's representative identified in Item 1 of the Agreement Details, as the context requires.

Special Conditions means the particular requirements specified at Item 2 of the Agreement Details.

Tax Invoice Requirements means Attachment 2 of this Agreement.

Term means the duration of this Agreement, beginning on the Agreement Date and ending on the Acquittal Date.

Unexpended Funding means the Funding Amount paid to Council, or any part of the Funding Amount, that is unspent on the completion of the Project and includes any part of the Funding Amount that is committed but unspent.

Variation Form means Attachment 5 to this Agreement.

Variation means changing an aspect of the Project including changes to the Project Plan, the Milestones or the Budget. Variations must be submitted using a Variation Form and approved by the Department.

1.2 Interpretation: Except where the context otherwise requires:

- (a) a singular number includes a reference to a plural number and vice versa;
- (b) a gender includes a reference to the other genders and each of them;
- (c) any person or company will mean and include the legal personal representative, successor in title, and permitted assigns of such person or company as the circumstances may require;
- (d) words and expressions importing natural persons include partnerships, bodies corporate, associations and governmental and local authorities and agents;
- (e) any organisations, associations, societies, groups or bodies will, in the event of them ceasing to exist or being reconstituted, renamed or replaced or if the powers or functions of any of them are transferred to any other entity, body or group, refer respectively to any such entity, body or group, established or constituted in lieu thereof or succeeding to similar powers or functions;
- (f) statutes, regulations, ordinances or by-laws will be deemed for all purposes to be extended to include a reference to all statutes, regulations, ordinances or by-laws amending, consolidating or replacing same from time to time;
- (g) a month will be construed as a reference to a calendar month;
- (h) "includes" and "including" mean by way of example but without limitation;
- (i) monetary references are references to Australian currency;
- (j) where any time limit is pursuant to this Agreement falls on a Saturday, Sunday or public holiday in the State of New South Wales then that time limit will be deemed to have expired on the next Business Day;
- (k) where the parties are comprised of more than one person, each of the parties obligations will bind those persons jointly and severally and will be enforceable against them jointly and severally;
- (l) the headings used in this Agreement are for convenience only and will not affect the interpretation of this Agreement;
- (m) no rule of construction operates to the detriment of a party only because that party was responsible for the preparation of this Agreement or any part of it;
- (n) this Agreement is binding when the first party executes the Agreement; and
- (o) where there occurs a reference to the doing of anything by the Department including giving any notice, consent, direction or waiver, this may be done by any officer we duly authorise.

2. Term

- 2.1 This Agreement commences on the Agreement Date and will continue for the Term.
- 2.2 This Agreement may be extended at the sole discretion of the Department for a period and on such amended terms as agreed between the parties in writing.
- 2.3 Council must:
- (a) commence the Project no later than the Project Commencement Date specified in Item 4 of the Agreement Details; and
 - (b) complete the Project no later than the Project Completion Date specified in Item 4 of the Agreement Details.

3. Provision of Funding Amount

3.1 Funding Amount

- (a) The Department will provide up to a maximum of the Funding Amount to Council for the Project. The Funding Amount will be paid to Council by instalments as specified in Item 5 of the Agreement Details, and subject to the terms of this Agreement.
- (b) Council agrees to receive the Funding Amount in accordance with, and subject to the terms of, this Agreement.

3.2 Timing of payment: The Department will provide Payment for Milestone 1 on the Agreement Date. Prior to the Department making any subsequent Payments in accordance with clause 3, Council must provide to the Department a request for Payment with:

- (a) a valid tax invoice (including itemisation of the GST component) in accordance with the Tax Invoice Requirements for the relevant portion of the Funding Amount requested; and
- (b) a Project Report which has been prepared not more than 2 months before the date of request for Payment by Council. On request by the Department, Council must also provide additional supporting documentation relating to the Project.

3.3 Use of Total Funding Amount: Council must only use the Funding Amount for the Project.

3.4 Project Costs

Council acknowledges and agrees that the Funding Amount for the Project is the maximum amount to be paid towards the carrying out of the Project and that Council:

- (a) is responsible for any costs that may be incurred at any time that exceed the Funding Amount for the Project (whether or not Council expected to incur such costs); and
- (b) must procure any additional funding above the Funding Amount that is necessary to carry out the Project as described in this Agreement in order to ensure the Project is delivered in accordance with the terms of this Agreement.

3.5 Right to withhold funding

The Department may withhold all or part of the Funding Amount if the Department determines that Council:

- (a) has not carried out the Project (or achieved any of the Milestones) in accordance with this Agreement;
- (b) has failed to meet any reporting requirements under this Agreement;

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- (c) has not spent the Funding Amount in accordance with this Agreement; or
- (d) has breached any other term of this Agreement.

For the avoidance of doubt, if the Department withholds any part of the Funding Amount, Council must continue to perform its obligations under this Agreement.

3.6 Repayment of Funding

Without limiting the Department's rights under this Agreement, the Department may by notice in writing recover some or all of the Funding Amount from Council (as a debt due and payable on demand) in any of the circumstances set out below:

- (a) Council is paid more than the Funding Amount;
- (b) Council has incorrectly claimed a Payment of some or all of the Funding Amount;
- (c) Council abandons the Project (whether or not the Department has terminated the Agreement in accordance with clause 19) and does not resume performance of the Project within 10 Business Days after receiving notice requiring it to do so;
- (d) any part of the Funding Amount is unspent at the expiry of the Term; or
- (e) Council has not spent the Funding Amount in accordance with this Agreement.

3.7 Right to recall Funding Amount: Without limiting the Department's rights under this Agreement, if:

- (a) Council breaches this Agreement and Council fails to remedy that breach within a reasonable time following receipt of a written request from the Department; or
- (b) the Department terminates this Agreement under clause 19,

the Department may, by notice in writing, require the refund of the Funding Amount (or any part of it).

3.8 If the Department exercises its rights in accordance with clause 3.6 or clause 3.7, Council must repay or refund:

- (a) the full amount of the Funding Amount; or
- (b) the part of the Funding Amount,

as specified in the notice within 20 Business Days after the date of the notice.

3.9 If any dispute arises regarding the refund of the Funding Amount, the parties must attempt to resolve the dispute in accordance with clause 21 (Dispute Resolution).

3.10 The Department making any Payment under this Agreement does not constitute an admission that the performance of any part of the Project is in conformity with this Agreement and no Payment will be deemed to release Council from its obligations under this Agreement.

4. Bank Account

4.1 To process and record all Payments, Council must maintain either:

- (a) a separate account at a financial institution used solely in connection with the Funding, or

- (b) an existing general account at a financial institution where adequate internal financial controls are in place for the identification of the Payments,

which is an authorised deposit-taking institution, located in New South Wales, including a bank, credit union or building society ('bank account').

- 4.2 Any interest earned on the Payments held in a bank account must be used solely for the purpose of the Project.

- 4.3 If the Project and its implementation is delayed for any reason, the Payments already made under this Agreement in respect of the Project must be held in the bank account until:

- (a) they are applied solely for the purpose of the Project, or
- (b) they are required to be repaid or refunded to the Department in accordance with the terms of this Agreement.

- 4.4 Without limiting Council's obligations under this Agreement, Council must, on request from the Department, provide evidence of the separate financial controls in place in relation to the Funding Amount, including bank statements if required by the Department.

5. **Conduct of the Project and Milestones**

- 5.1 Council must:

- (a) as soon as practicable after the Agreement Date, prepare a Project Plan and provide the Project Plan to the Department for the Department's review and approval. Council must make any amendments to the Project Plan reasonably required by the Department. Once the Project Plan has been approved by the Department, Council authorises the Department to insert the approved Completion Dates in Item 5 of the Agreement Details;
- (b) carry out the Project:
- (i) lawfully, diligently, efficiently, safely, using all proper care and to a high professional standard;
 - (ii) in accordance with the terms and conditions of this Agreement and any Variation approved by the Department from time to time;
 - (iii) in accordance with all laws, policies, guidelines and reasonable directions from the Department or GSC;
 - (iv) in accordance with the Project Plan agreed to between the parties in writing and approved by the Department; and
 - (v) in accordance with any Special Conditions, and
- (c) ensure that all personnel, contractors, subcontractors or project partners employed or engaged by Council to work in connection with any part of the Project comply with the requirements in this clause.

- 5.2 Council must complete, to the satisfaction of the Department:

- (a) each Milestone; and
- (b) each obligation or requirement imposed by each Milestone,
- on or before the date specified for the completion of that Milestone.

6. Project Reporting

- 6.1 In addition to the requirement under clause 3.2(b), Council must provide a Project Report to the Department every 3 months during the Term. Council must provide the Project Reports to the Department regardless of Council's progress in carrying out the Project.
- 6.2 Each Project Report must be in the format set out in Attachment 3 to this Agreement and must address the matters specified, including the extent to which (and the times at which) Milestones have been completed, and whether the relevant outputs or outcomes in the table in Item 5 have been realised. Any major changes to the Project and any major issues arising out of the Project must be outlined in the Project Report.
- 6.3 Each Project Report must be endorsed by Council's representative identified in Item 1 of the Agreement Details before being provided to the Department.
- 6.4 Council must, within 10 Business Days after a request, provide the Department with any additional Project Report or Records the Department requires.
- 6.5 Council must participate in any survey or feedback request made by the Department, whether during or after the actual completion of the Project, including any:
- (a) confirmation questionnaire regarding the benefits of assistance received from the Department;
 - (b) independent survey of the Department's service levels and the effectiveness of assistance provided; and
 - (c) the Department's survey of Project outcomes.

7. Project Review and Evaluation

- 7.1 Council must make and keep full and accurate records of the Project including progress against the Milestones, the use of the Funding Amount, the purchase of any assets (if applicable under this Agreement) and the creation of Intellectual Property Rights in the Project (**Records**) and must retain such Records for a minimum of 7 years after expiry or termination of this Agreement.
- 7.2 The Department may at its expense during (or after) the Term in its discretion conduct audits of invoices and reports that Council has submitted to the Department pursuant to this Agreement, or any Records.
- 7.3 The Department may, at Council's cost, appoint an Approved Auditor to conduct audits under this Agreement.
- 7.4 The Department is entitled to audit the quantum of the Funding Amount expended upon the Project and for that purpose Council:
- (a) will permit reasonable access to and the copying of Council's financial and other records by any appropriate person duly authorised by the Department;
 - (b) will answer all reasonable enquiries by any person duly authorised by the Department; and
 - (c) will provide reasonable assistance to any person duly authorised by the Department in the conduct of the audit or inspection.
- 7.5 Council must if required provide the Auditor-General of NSW with access to accounting records and documentation in respect of Funding Amount provided under this Agreement.

7.6 Council's representative identified in Item 1 of the Agreement Details must keep the Department up-to-date on all matters relevant to this Agreement and must communicate with the Department's representative as required on a regular basis.

7.7 Council must give the Department further information or Records within 10 Business Days after a request, or explanations as reasonably required, before the Department accepts Council's information, explanations or significant variations.

8. Project Finalisation

8.1 Council must provide to the Department within 3 months after the actual completion of the Project, an Acquittal Certificate in the format set out in Attachment 4 to this Agreement.

8.2 The Acquittal Certificate must be endorsed by Council's representative identified in Item 1 of the Agreement before being provided to the Department.

9. Project Responsibility

9.1 Council acknowledges and agrees that it is solely responsible for delivery and completion of the Project within the terms and conditions of this Agreement.

9.2 Council remains fully responsible for the performance of the Project if Council subcontracts the performance of any part of the Project. Council must ensure that all contractors, subcontractors or project partners (if any) have appropriate skills, qualifications and experience, and hold the appropriate licences and insurances, for the work they have been engaged to perform.

9.3 Council must ensure that it, and any organisation or person engaged to carry out work, adhere to all regulatory requirements associated with carrying out the Project.

9.4 Neither NSW Government nor the Department accept any responsibility or liability for works carried out and bear no responsibility for the Project.

10. Acknowledgement and Publicity

10.1 Council must acknowledge the Funding Amount received from the Department for the Project in accordance with the NSW Government's Funding Acknowledgement Guidelines for Councils of NSW Government infrastructure grants (available at https://www.dpc.nsw.gov.au/about/publications/grants_administration/funding_acknowledgement_guidelines).

10.2 Council must, unless the Department agrees otherwise, use the NSW Government's Waratah logo as set out at <https://sc.dpc.nsw.gov.au/resources/branding/> in conjunction with all acknowledgements of NSW Government support in accordance with the Funding Acknowledgement Guidelines.

10.3 If the Department advises Council that Commonwealth Government funding forms part of the Funding Amount, then Council must, acknowledge the portion of Commonwealth funding in accordance with any requirements specified by the Department.

10.4 Council must provide the Department with at least 15 Business Days' notice of any proposed announcements, launches or public events relating to the Project, and provide an opportunity for a representative of the NSW Government to attend and speak at the launch or event.

10.5 The Department may, in its sole discretion, issue public communications on the Project, the purpose of the Project, identity of Council and the Funding Amount to Council. Where practicable to do so, the Department will give notice of such communications and their content to Council.

10.6 If the Department determines that the Project (or any part of it) is not consistent with the purposes for which Council was funded, and the Department gives Council written notice of this, Council must promptly remove the Department's acknowledgement and logo from all programs,

promotional material and other printed or electronic material and publications relating to the Project.

11. GST

- 11.1 The parties acknowledge and agree that the provision of the Funding Amount by the Department to Council is not consideration for a supply for GST purposes. The Department is not liable to pay to Council an amount equal to GST payable on the supply (**GST Amount**) in addition to the Funding Amount.
- 11.2 Despite clause 11.1, if the provision of the Funding Amount is determined to be a taxable supply liable for GST, Council acknowledges and agrees that the Funding Amount is inclusive of GST and will not be increased by the amount of Council's GST liability. Council will pay any GST Amount on the supply and will not seek reimbursement from the Department or request it to attend to payments of the GST Amount.
- 11.3 Council acknowledges that it will be liable for GST on the supply of goods and services acquired with the Funding Amount. Council will pay that GST Amount and will not seek reimbursement from the Department or request it to attend the payment of that GST Amount.
- 11.4 Subject to this clause, Council warrants that it is registered for GST purposes as at the date of this Agreement and will continue to be so for the Term.
- 11.5 Subject to this clause, any invoice rendered by Council in connection with a supply under this Agreement must conform to the requirements for a tax invoice under the GST Law as set out in the Tax Invoice Requirements.

12. Compliance with law

- 12.1 Council agrees:
- (a) to comply with all applicable standards, laws, regulations policies and statements for the Project;
 - (b) not to do anything that would cause the Department to breach its obligations under any legislation.
- 12.2 Council must hold all rights, permissions, approvals and consents required to conduct the Project and otherwise fulfil its obligations under this Agreement.
- 12.3 Council must, within 5 Business Days after receiving a written request from the Department, provide the Department with immediate access to information that the Department advises Council is required to be disclosed in accordance with the Department's obligations under the GIPA Act.

13. Indemnity and release

- 13.1 Council must at all times indemnify and keep indemnified, hold harmless and defend the Department, the Crown in right of the State of New South Wales and its officers, employees and agents (**those indemnified**) from and against any liability or loss (including reasonable legal costs and expenses), which is suffered or incurred by, or made against, any of those indemnified arising directly or indirectly from any Claim by any person as a result of or in connection with any of the following:
- (a) a breach of this Agreement by Council;
 - (b) any unlawful, wrongful, wilful or negligent act or omission of Council, or the officers, employees, agents, contractors, subcontractors or volunteers of Council, in connection with this Agreement; or

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- (c) any act or omission by Council, Council's employees, contractors or subcontractors in connection with this Agreement that is in infringement of any Intellectual Property, or privacy rights of the Department or any third party.

13.2 The liability of Council to indemnify those indemnified under this Agreement will be reduced proportionally to the extent that any unlawful, wrongful, wilful or negligent act or omission of those indemnified caused or contributed to the liability or loss.

13.3 The indemnity contained in this clause is a continuing obligation of Council separate and independent of any other responsibility of Council and will continue beyond the Term.

13.4 Council agrees to release and discharge those indemnified from any action, proceedings, Claim or demand which, but for this provision, might be brought against or made upon those indemnified.

14. Insurance

14.1 Council must take out and maintain during the Term all appropriate insurance policies including, but not limited to:

- (a) workers compensation insurance as required by law (or personal income protection insurance in the instance of Council being a business) for all employees involved in the delivery of the Project.
- (b) public liability insurance to the value of not less than \$20 million in respect of each and every occurrence and unlimited in the aggregate for any one period of cover.
- (c) insurance over all assets used in connection with the Project funded or partly funded by the Funding Amount, for their full replacement value.

14.2 On request by the Department, Council must provide a copy of valid and current certificates of currency for the insurance and/or a warranty from its insurer that the policy extends to the Department and covers potential liability arising under this Agreement.

14.3 Council must not do, permit or suffer any act, matter or thing or omission whereby the policy referred to in this clause may be vitiated, rendered void or voidable.

15. Intellectual property

15.1 Council owns the Intellectual Property Rights in all Project Material, subject to clause 15.2. Nothing in this clause affects the ownership of any Intellectual Property Rights in any Existing Materials.

15.2 Council grants, and must arrange for any relevant third party to grant, to the Department and the GSC, without cost, a perpetual, irrevocable, worldwide, non-exclusive licence (including a right of sublicense) to use the Intellectual Property Rights in the Project Material for the Specified Acts (as defined in clause 15.3).

15.3 For the purposes of clause 15, the 'Specified Acts' means any of the following classes or types of acts or omissions by or on behalf of the Department:

- (a) using, reproducing, communicating (including communicating to the public), modifying or adapting all or any part of the Project Material, with or without attribution of authorship;
- (b) supplementing the Project Materials with any other Material;
- (c) using the Project Materials in a different context to that originally envisaged.

15.4 The Department grants Council a perpetual, irrevocable, worldwide non-exclusive licence to use the Department's Existing Material (including copying it and supplying it to others), but only for

the purposes of this Agreement. Council uses any of the Department's Existing Material at its own risk.

15.5 Council must ensure that it has obtained all relevant Moral Rights consents in writing in connection with the Project Material and licences under clause 15.2. The consents must cover acts done before or after the date of the consent, and whether done by the Department or by someone claiming under or through the Department. On request by the Department, Council must provide the Department with the original of the consent.

15.6 On request by the Department, Council must bring into existence, sign or otherwise deal with any document which is considered necessary or desirable to give effect to this clause 15.

16. **Confidentiality**

16.1 **Obligation to keep confidential:** Each party must keep the Confidential Information of each other party in confidence and not disclose the Confidential Information to any person without the other party's prior written consent, subject to clauses 16.2 and 16.3.

16.2 **Limited Disclosure:** A party may disclose the Confidential Information of another party to their personnel and legal and professional advisors provided they ensure that the such persons:

- (a) keep the Confidential Information confidential; and
- (b) do not use the Confidential Information except for the purposes of this Agreement.

16.3 Council acknowledges that the Department may disclose certain information in relation to the Agreement (including Confidential Information), in accordance with the Department's obligations under the GIPA Act including making certain information about the Agreement publicly available in any disclosure log of contracts that the Department is required to maintain under the GIPA Act.

17. **Privacy**

17.1 Council will:

- (a) ensure that Personal Information that is provided by the Department or collected by Council under or in connection with this Agreement is used only for the purposes of this Agreement and is protected against loss, authorised access, use modification and disclosure, or against other misuse;
- (b) not disclose any Personal Information without the prior written consent of:
 - (i) the individual to whom the Personal Information relates; or
 - (ii) the Department,
 unless otherwise required or authorised by law;
- (c) comply with the Information Protection Principles applying to NSW public sector agencies under the *Privacy and Personal Information Protection Act 1998* (NSW) when doing any act or engaging in any practice in relation to Personal Information as if Council were an agency directly subject to that Act; and
- (d) include equivalent requirements regarding Personal Information (including this clause 18) in any subcontract entered into for conducting the Project under this Agreement.

18. **Variation**

18.1 Written agreement between the parties must be obtained for any variation to:

- (a) this Agreement; and

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(b) any of the matters outlined in the attachments to this Agreement.

18.2 A variation under clause 18.1(b) must be made in accordance with the Variation Form (Attachment 5 to this Agreement) or any other variation document required by the Department in its reasonable discretion.

19. Ending this Agreement

19.1 **Termination for default:** The Department may terminate this Agreement immediately by notice in writing to Council if any of the following occur:

- (a) Council breaches any of its obligations under this Agreement and the Department considers that the breach cannot be rectified or Council has failed to remedy a breach of this Agreement within 10 Business Days of receiving a Notice to Remedy from the Department;
- (b) Council varies the Project without the Department's written approval;
- (c) Council fails to satisfactorily meet the Milestones or deliver the Project or the Department considers that the Project is no longer viable;
- (d) Council acts in a manner that will cause damage to the Department's reputation;
- (e) Council does not use the expertise, skill, diligence and care in carrying out the Project, as outlined in this Agreement, to be expected from an experienced provider of activities of this nature;
- (f) Council is not properly certified or accredited to undertake the Project, as outlined in this Agreement; or
- (g) Council does not lawfully carry out the Project, as outlined in this Agreement, in a timely manner.

19.2 The Department is not liable to pay Council any compensation or costs if this Agreement is terminated in accordance with clause 19 and Council irrevocably and unconditionally releases the Department, the Crown in right of the State of New South Wales and their officers, employees and agents in respect of such termination.

20. Obligations when this Agreement ends

20.1 **Rights and remedies not prejudiced:** Any termination of this Agreement by the Department is without prejudice to any accrued rights or remedies of the Department.

20.2 **Survival:** Clauses 7 (Project Review and Evaluation), 13 (Indemnity and release), 14 (Insurance) 15 (Intellectual Property), 16 (Confidentiality), 17 (Privacy) and this clause 20 (Obligations when this Agreement ends) and any other clause of this Agreement which by its nature should survive termination will survive termination, expiry or repudiation of this Agreement.

21. Dispute Resolution

21.1 The parties must attempt to settle any dispute in relation to this Agreement in accordance with the following provisions, before resorting to court proceedings or other dispute resolution process.

- (a) A party claiming that a dispute has arisen must notify the other party in writing giving details of the dispute (Dispute Notice) in accordance with the requirements of clause 21.
- (b) Following receipt of a Dispute Notice, each party must refer the Dispute to a senior representative, who:

- (i) does not have prior direct involvement in the Dispute; and
- (ii) has authority to negotiate and settle the Dispute.
- (c) If the dispute is not resolved within 14 Business Days or within such further period as the parties agree in writing, from the date the Dispute Notice is received by the party to whom the Dispute Notice is given, the party which gave the Dispute Notice under clause 21.1(a) must refer the dispute to the Australian Disputes Centre Limited (ADC) for resolution in accordance with the mediation rules of the ADC.
- (d) If the dispute is not resolved within 28 Business Days (or such other period as agreed to in writing between the parties) after appointment of the mediator, or if no mediator is appointed within 28 days of the referral of the dispute to mediation, the parties may pursue any other procedure available at law for the resolution of the dispute.
- (e) Each party must pay its own costs of complying with this clause 21 and split the costs of the mediator evenly.
- (f) Nothing in this clause 21 (Dispute Resolution) will prevent either party from seeking urgent interlocutory relief.

22. Notices

22.1 **Change of contact details:** The parties must inform each other within seven (7) days of any changes to its contact details set out in Item 1 of the Agreement Details.

22.2 **Notice Requirements:** A notice under this Agreement must be:

- (a) in writing, directed to the Representative of the other party as set out in Item 1 of the Agreement Details; and
- (b) forwarded to the address, facsimile number or the email address of that Representative as set out in Item 1 of the Agreement Details.

22.3 **When a notice is served:** A notice under this Agreement will be deemed to be served:

- (a) in the case of delivery in person – when delivered to Council's address for service and a signature received as evidence of delivery;
- (b) in the case of delivery by post – on the day which is within four (4) Business Days after the date of posting;
- (c) in the case of delivery by facsimile – at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of Council; or
- (d) in the case of delivery by email – at the time sent, unless the sender is notified, by a system or person involved in the delivery of the email, that the email was not successfully sent.

22.4 **Delivery late in the day:** Notwithstanding clause 22 (Notices), if delivery or receipt of a Notice is on a day which is not a Business Day or is after 5pm on a Business Day, then it will be deemed to have been received on the next Business Day in that place.

23. General

23.1 **Entire agreement:** This Agreement constitutes the entire agreement and understanding between the parties as to the subject matter of this Agreement. Any prior arrangements, representations or undertakings as to the subject matter of this Agreement are superseded.

- 23.2 **Non-waiver:** A party does not waive a right, power or remedy if it fails to exercise or delays in exercising the right, power or remedy. A single or partial exercise of a right, power or remedy does not prevent another or a further exercise of that or another right, power or remedy. A waiver of right, power or remedy must be in writing and signed by the party giving the waiver.
- 23.3 **Conflict of interest:** Council warrants that at the date of this Agreement, no Conflict of Interest exists or is likely to arise in relation to execution of this Agreement or its subject matter. Council must immediately notify the Department, in writing, upon becoming aware of the existence, or possibility, of a Conflict of Interest and must comply with any reasonable directions of the Department to appropriately manage the Conflict of Interest, within the time frame stipulated by the Department in writing.
- 23.4 **Assignment:** Council must not assign or novate obligations or interests under this Agreement without the prior written consent of the Department.
- 23.5 **Severability:** If any part of this Agreement is prohibited, void, illegal or unenforceable, then that part is severed from this Agreement but without affecting the continued operation of the remainder of the Agreement.
- 23.6 **Relationship:**
- (a) Nothing in this Agreement is intended to create a partnership, joint venture, employment or agency relationship between the parties; and
 - (b) A party will not hold itself out to be an employee, partner, agent or representative of the other party.
- 23.7 **Applicable law:** This Agreement is governed by, and must be construed in accordance with, the laws in force in the state of New South Wales.
- 23.8 **Governing jurisdiction:** The parties submit to the exclusive jurisdiction of the courts exercising jurisdiction in the State of New South Wales and the courts of appeal therefrom.
- 23.9 **Further assurance:** Each party must promptly execute all documents and do all things required by law, or that the other party from time to time reasonably requests, to effect, perfect or complete this Agreement and all transactions incidental to it.
- 23.10 **Counterparts:** This Agreement may be signed in any number of counterparts which taken together will constitute one instrument.

EXECUTED AS A DEED on **2018.**

Signed, sealed and delivered for and on behalf of
the Crown in right of the State of New South Wales
acting through the Department by its authorised
signatory, but not so as to incur any personal liability

by
(name and position of authorised signatory)

.....
(signature of authorised signatory)

in the presence of
(name of witness)

.....
(signature of witness)

Signed, sealed and delivered for and on behalf of
Council by its authorised signatory, but not so as to
incur any personal liability

by
(name and position of authorised signatory)

.....
(signature of authorised signatory)

in the presence of
(name of witness)

.....
(signature of witness)

Accelerated LEP Review Program - Funding Agreement © Crown copyright 2018

Council	
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ATTACHMENT 1 AGREEMENT DETAILS

Item 1: Contact Details

The Department	
Address:	320 Pitt Street, Sydney NSW 2000
Representative:	
Email:	
Phone:	

Council	
Address:	
Representative:	
Email:	
Phone:	

Item 2: Special Conditions (amendments to standard conditions)

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Item 3: Funding Amount

Funding Amount:	\$2,500,000.00
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Item 4: Project

Project Commencement Date:	<ul style="list-style-type: none"> Agreement Date; or 1 June 2018, whichever occurs earlier
Project Completion Date:	30 June 2020
Project Description:	

Item 5: Payment Milestones

Milestone	Funding Amount	Completion Date
Milestone 1 Agreement Date	\$250,000.00	
Milestone 2 Approval of Project Plan	\$500,000.00	
Milestone 3 Exhibition of draft LSPS	\$625,000.00	
Milestone 4 Submission of Planning proposal for Gateway determination	\$625,000.00	
Milestone 5 Submission of Planning proposal to the Secretary to arrange for the drafting of the updated LEP Completion of the Project	\$500,000.00	30 June 2020

Note: The timeframe for the delivery of activities to be undertaken in connection with the Project will be detailed in the Project Plan approved by the Department. Those dates will inform the Completion Dates.

Item 6: Acquitting the Funding Amount

Acquittal Date	3 months after: <ul style="list-style-type: none"> actual completion of the Project; or earlier termination of this Agreement, whichever occurs first.
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To comply with the Department's reporting requirements, Council must use the Acquittal Form attached to this Agreement in Attachment 4.

Council must disclose the Funding Amount separately in Council's Audited Financial Statements both as income and any unexpended funding.



ATTACHMENT 2 TAX INVOICES

All Tax Invoices must:

- i. be addressed to the Department's head office; and
- ii. prominently be identified as "Tax Invoice".

and contain:

- iii. Council's name;
- iv. Council's ABN;
- v. the milestone payment reference (i.e. 1st milestone);
- vi. the amount requested;
- vii. the GST component (listed separately to the amount requested); and
- viii. the total amount requested.



ATTACHMENT 3 PROJECT REPORT

Part 1 – Quarterly Project Status Update Report

Council Name:		Reporting Period:	
Date of Report:		Project Manager:	
Project Manager: (Council)		Total Approved Funding	

Project Update	
What progress has occurred since the last project payment? Which milestones have been completed?	
Is there a change to the methodology, timeframe or milestones of the project as stated in the project plan and has this been submitted to the Department via a Project Variation Form?	
Any comments/issues in relation to the project? Please outline any risks or problems associated with the project.	

Funds and Expenditure (all costs exclude GST)				
Workplan Task/Component	Total Funding (Funding Agreement) ex GST	Total of all previous payments ex GST	This payment ex GST	Balance remaining ex GST

Council's Representative		Department of Planning & Environment Representative
	Signature:	
	Name:	
	Position:	
	Date:	

Part 2– Project Status Update Report when requesting a Payment Milestone

Council Name:										
Date of Report:				Reporting Period:						
Project Manager:				Project Manager:						
(Council)				Total Approved Funding						
Description of Milestone completed:										
Achievements:										
Change in methodology / timeframe										
Key Milestones:	Milestone	Target Date	Forecast Date	Status	Program Comments					
	Milestone 1			●						
	Milestone 2			●						
	Milestone 3			●						
	Milestone 4			●						
	Milestone 5			●						
	Other			●						
					^ copy colour code from below					
Status Key:		●	On Track	●	Generally on track, with minor issues		●	Off Track	●	Complete

Issues/Risks/ Escalations:	Description/Action/Response		Date Raised	Date Required	Owner
Communicati ons & Stakeholder Activities:	Key Meetings/Event	Date	Outcomes & Actions		
Key progress in this milestone					
Key activities for next milestone					
Additional Comments:					
Attachments	A. Cost Report	B. Gantt Program	C. Photographs if applicable	D. Published Reports/Materials	
Comments :					
Funds and Expenditure (all costs exclude GST)					
Workplan Task/Component	Total Funding (Funding Agreement) ex GST	Total of all previous payments ex GST	This payment ex GST	Balance remaining ex GST	

Council's representative		Department of Planning and Environment representative
	Signature:	
	Name:	
	Position:	
	Date:	



ATTACHMENT 4 ACQUITTAL CERTIFICATE

To be completed at the end of the Project.

Council's Name:		Department Branch:	
Date of Report:		Project:	
Project Manager: (Council)		Project Manager: (Department)	
Project Name:		Value of funding ex GST	
		Value of funding inc GST	

I, the undersigned, confirm that:

An amount equal to the total grant funds paid by the Department of Planning & Environment (\$.....excluding GST) has been expended on this Project in accordance with the terms and conditions of the Funding Agreement dated with the Department.

AND

A complete set of accounting and financial records relevant to the Project have been maintained.

Date:
Signature:
Name:
Council:
Position:



ATTACHMENT 5 PROJECT VARIATION

PROJECT VARIATION (Revision X) Date: _____

Between

Department of Planning and Environment ("the Department")

And

("Council")

ABN Number

1. Revised Project Plan

[Provide a brief summary of the current status of the project and why a Project Variation is required]

[Provide details of the remaining milestones and the original and revised due dates for each item.]

Revised Project Workplan

Milestone Number	Description of Milestones	Original Milestone Due Date	Revised Milestone Due Date	Responsibility	Output (to align with revised Stage Funding Amounts table)

2.Revised Stage Funding Amounts Table

Stage Number	Payment Milestone	Revised Stage Funding Amounts Due	Milestone	Payment amount ex GST	Payment amount inc GST

3.Project Reporting Schedule

Original Project Commencement Date:	
Original Project Completion Date:	
Revised Project Completion Date:	

Has a previous Project Variation been requested:	
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Revised/Additional Project Report Number	Revised Due Date

Prepared by Council:

Agreed to by Department

Signature: _____

Signature: _____

Name: _____

Name: _____

Position: _____

Position: _____

Date: _____

Date: _____

Item No: C07/18-139

RESPONSE TO NOTICE OF MOTION - CONSTRUCTION OF PUBLIC TOILET DELLWOOD STREET, SOUTH GRANVILLE

Responsible Division: Environment & Infrastructure
Officer: Group Manager - Roads & Waste
File Number: HC-17-08-2/02
Community Strategic Plan Goal: *A great place to live*

SUMMARY

This report has been prepared in response to the *Notice of Motion – Construction of Public Toilet* (Min.137 Item C05/18-76), resolved at the Ordinary Meeting of Council held on 2 May 2018.

This report recommends that Council amend the current Capital Works Program to include the construction of a public toilet on Dellwood Street, South Granville adjacent to the Dellwood Street Shops and funding be sought in the Quarter 1 2018/19 Budget Review process.

RECOMMENDATION

That Council:

- 1. Approve the construction of a public toilet within the reserve area at the Western end of the Dellwood Street Shops; and**
- 2. Amend the 2018/2019 Capital Works Program to include the construction of the public toilet and that funding be allocated as part of the Quarter 1 2018/2019 Budget Review process.**

REPORT

At the Ordinary meeting of Council on the 2 May 2018, Council considered the *Notice of Motion – Construction of Public Toilet* (Min.137 Item C05/18-76) for the construction of a public toilet at Dellwood Street, South Granville. Council resolved the following;

“That Council:

- 1. Write to the City of Parramatta Council requesting any documents in relation to the design, consultation, location and costing of the proposed toilet and any other outstanding projects at the time of amalgamation.*

2. *Officers prepare a report including a proposed design and layout drawing preferably within Council's land on Blaxcell Street, South Granville at the end of the shops without impacting on the Local Heritage of the shops.*
3. *Officers prepare an estimate of the cost of establishing the toilet.*
4. *Officers advise of possible revenue streams to fund the works."*

Council is now in receipt of all documentation relating to the project from the City of Parramatta Council. Council Officers have reviewed the documentation received including the proposed locations and results from the initial round of consultation.

The proposal to install a public amenities building on Dellwood Street, South Granville highlighted three potential areas for consideration by the community, two of the proposed areas for construction are within William Lamb Reserve, the third was within the small reserve at the Western end of the Dellwood Street shops fronting Blaxcell Street, South Granville.

Initial estimates and site feasibility assessments indicate that the most cost effective location for the construction would be the small reserve area fronting Blaxcell Street, South Granville. This location provides the best access to the underground utilities in the precinct and can be constructed within the reserve area so that there is no detrimental impact to the local heritage.

Should Council choose to proceed with the construction of a public toilet in this area then consideration should be given to installing a fully automated, single pot unisex toilet within the reserve area at a cost of \$350,000. Funds to cover the cost of these works will be sourced from Council's current Capital Works Program via the Quarter 1 2018/19 Budget Review process.

COMMUNITY ENGAGEMENT

There are no consultation processes for Council associated with this report.

POLICY IMPLICATIONS

There are no policy implications for Council associated with this report.

RISK IMPLICATIONS

There are no risk implications for Council associated within this report.

FINANCIAL IMPLICATIONS

Funds to cover the construction of the works can be sourced from this year's current capital program and applied through a first quarter adjustment.

CONCLUSION

Following receipt of the documentation from the City of Parramatta Council and the subsequent review of the site and feasibility estimates undertaken by Council staff, it

is recommended that Council proceed with the construction of a public toilet within the reserve area fronting Blaxcell Street, South Granville at the Western End of the Dellwood Street Shops.

ATTACHMENTS

1. Location of proposed toilet

DOCUMENTS
ASSOCIATED WITH
REPORT C07/18-139

Attachment 1

Location of proposed toilet

