Council Meeting

Wednesday, 20 March 2019
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 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 (Deputy Mayor) 0418 459 527 Glenn.Elmore@cumberland.nsw.gov.au
Clr Paul Garrard 0414 504 504 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
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   Nil

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   Nil

14 Presentation of Petitions
   Nil

15 Closed Session Reports
   Nil
Item No: C03/19-28

MINUTES OF THE ORDINARY MEETING OF COUNCIL - 06 MARCH 2019

Responsible Division: Finance & Governance
Officer: Director Finance & Governance

RECOMMENDATION

That Council confirm the minutes of the Ordinary Meeting of Council held on 6 March 2019.

ATTACHMENTS

1. Draft Minutes - 6 March 2019
Minutes of the Council Meeting 6 March 2019

Meeting commenced at 6:30pm

Present:
Greg Cummings (Mayor) Councillor
Glenn Elmore (Deputy Mayor) Councillor
Ned Attie Councillor
George Campbell Councillor
Steve Christou Councillor
Paul Garrard Councillor
Ross Grove Councillor
Ola Hamed Councillor
Kun Huang Councillor
Lisa Lake Councillor
Joseph Rahme Councillor
Suman Saha Councillor
Eddy Sarkis Councillor (arrived 7:00pm)
Michael Zaiter Councillor
Tom Zreika Councillor
Hamish McNulty General Manager
Melissa Attia Director People & Performance
Daniel Cavallo Director Environment & Planning
Brooke Endycott Director Community Development
Peter Fitzgerald Director Works & Infrastructure
Richard Sheridan Director Finance & Governance

Also Present:
Charlie Ayoub Group Manager Corporate & Customer
Adrian Burns Group Manager Parks & Recreation
Carol Karaki Governance Coordinator
Laith Jammal Governance Administration Officer

Opening Prayer
The opening prayer was read by Rev. Bob Dennis from Merrylands Baptist 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 General Manager, Hamish McNulty 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
The Mayor, Councillor Cummings declared a non-pecuniary, significant interest in Item C03/19-24 as he is a patron of the Greystanes Football Club. As such, the Mayor exited the Chamber during the consideration of this item.

Councillor Grove declared a pecuniary interest in Item MM03/19-2 as he is a former shareholder in Cleanaway. As such, Councillor Grove exited the Chamber during the consideration of this item.

Confirmation of Minutes
Min.431 C03/19-18 Minutes of the Ordinary Meeting of Council - 20 February 2019

Note: Councillor Campbell raised a correction to be made in the Minutes of the Ordinary Council Meeting held on 20 February 2019. Point 2 of Minute 430, the word “procession” should be replaced with “possession”.

Resolved (Attie/Campbell)
That Council confirm the minutes of the Ordinary Meeting of Council held on 20 February 2019.

Min.432 MM03/19-2 Mayoral Minute - Recycling

Note: Councillor Grove exited the Chamber at 6:37pm during the consideration of this item as he had declared a pecuniary interest in this item.

Resolved (Cummings)
That Council:

1. Sign up to Local Government NSW’s campaign, Save Our Recycling, to advocate that 100% of the Waste Levy collected by the NSW Government be reinvested in waste avoidance, recycling and resource recovery;
2. Make representation to the local State Member(s), in support of this campaign; and

3. Write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for 100% reinvestment of the waste levy collected each year into waste avoidance, recycling and resource recovery.

Public Forum:

Speakers on General Items

<table>
<thead>
<tr>
<th>Speaker</th>
<th>Subject</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dr John Brodie</td>
<td>Post Amalgamation Enquiries</td>
<td>Guildford</td>
</tr>
</tbody>
</table>

Speakers on Items on the Council Meeting Agenda

<table>
<thead>
<tr>
<th>Speaker</th>
<th>Item #</th>
<th>Suburb</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms Darine Abi-Daher</td>
<td>C03/19-22 – Response to Notice of Motion – Ramadan Street Food Event</td>
<td>Granville</td>
</tr>
<tr>
<td>Mr Shady Elriche</td>
<td>C03/19-22 – Response to Notice of Motion – Ramadan Street Food Event</td>
<td>Guildford</td>
</tr>
<tr>
<td>Ms Julie Overton</td>
<td>C03/19-24 – Development of a Skate Park for Greystanes</td>
<td>Greystanes</td>
</tr>
<tr>
<td>Mr Daniel Collins</td>
<td>C03/19-24 – Development of a Skate Park for Greystanes</td>
<td>Pemulwuy</td>
</tr>
<tr>
<td>Mr Craig Bamsley</td>
<td>C03/19-24 – Development of a Skate Park for Greystanes</td>
<td>Greystanes</td>
</tr>
<tr>
<td>Mr Andrew Overton</td>
<td>C03/19-24 – Development of a Skate Park for Greystanes</td>
<td>Greystanes</td>
</tr>
<tr>
<td>Mr Eamonn Donohoe</td>
<td>C03/19-24 – Development of a Skate Park for Greystanes</td>
<td>Greystanes</td>
</tr>
</tbody>
</table>

Councillor Grove returned to the Meeting at 6:40pm during the consideration of this item.

Councillor Rahme left the Meeting at 6:43pm and returned to the Meeting at 6:44pm during the consideration of this item.

Councillor Christou left the Meeting at 7:04pm and returned to the Meeting at 7:08pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:06pm and returned to the Meeting at 7:09pm during the consideration of this item.

Councillor Attie left the Meeting at 7:06pm and returned to the Meeting at 7:10pm during the consideration of this item.

The Mayor, Councillor Cummings advised that items C03/19-22 and C03/19-24 will be considered following Items by Exception.
Min.433 Items by Exception

Resolved (Attie/Hamed)
At this time of the meeting, all items on the agenda not called for discussion were moved collectively, as shown:

That item numbers C03/19-20, C03/19-23, C03/19-25 and C03/19-26 be moved in bulk.

Min.434 C03/19-20 Australian Local Government Association (ALGA) - National General Assembly of Local Government

Resolved (Attie/Hamed)
That Council:

1. Give consideration to nominating the Mayor and/or Councillor(s) to attend the 2019 National General Assembly of Local Government to be held in Canberra from 16 – 19 June 2019; and
2. Give consideration to submitting motion(s) to the 2019 National General Assembly of Local Government.

Min.435 C03/19-23 Adoption of Cumberland Innovate Reconciliation Action Plan (RAP) 2019 - 2021 - Post Exhibition

Resolved (Attie/Hamed)
That Council adopt the Cumberland Innovate Reconciliation Action Plan (RAP) 2019 - 2021 as outlined in Attachment 1 of this report.

Min.436 C03/19-25 Condition of Local Government Area

Resolved (Attie/Hamed)
That Council receive and note the report.

Min.437 C03/19-26 Cumberland Traffic Committee - Minutes of meeting held on 6 February 2019

Resolved (Attie/Hamed)
That the minutes of the Cumberland Traffic Committee meeting held on 6 February 2019 be received and the recommendations contained therein be approved.
Min.438 C03/19-22 Response to Notice of Motion - Ramadan Street Food Event

Motion (Hamed/Campbell)

That Council:

1. Deliver a one night Ramadan Street Food Event in the Granville Town Centre as part of Council’s Events Program 2018/19.

2. Reallocation $50,000 within the approved 2018/19 budget to deliver the event as part of the Quarter 2 Budget Review process (from the Iftar Dinner budget and unspent funds from Council’s Staff Functions and Activities budget).

3. Approve the associated road closures for the event, subject to the concurrence of the Traffic Committee.

4. Apply a 50% discount to the adopted Event Stall Hire Fees and Charges for the Ramadan Street Food Event in 2019.

Amendment (Zreika/Attie)

Replace the word “Granville” in point 1 of the Motion with “Auburn”.

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

A division was called, the result of the division required in accordance with Council’s Code of Meeting Practice is as follows:

Councilor(s) For the Amendment: Attie, Christou, Garrard, Grove, Rahme, Sarkis, Zaiter and Zreika.

Councilor(s) Against the Amendment: Campbell, Cummings, Elmore, Hamed, Huang, Lake and Saha.

The Amendment moved by Councillor Zreika seconded by Councillor Attie then became the motion as follows:

Motion (Zreika/Attie)

That Council:

1. Deliver a one night Ramadan Street Food Event in the Auburn Town Centre as part of Council’s Events Program 2018/19.

2. Reallocation $50,000 within the approved 2018/19 budget to deliver the event as part of the Quarter 2 Budget Review process (from the Iftar Dinner budget and unspent funds from Council’s Staff Functions and Activities budget).
3. Approve the associated road closures for the event, subject to the concurrence of the Traffic Committee.

4. Apply a 50% discount to the adopted Event Stall Hire Fees and Charges for the Ramadan Street Food Event in 2019.

The motion moved by Councillor Zreika seconded by Councillor Attie on being Put to the meeting was declared CARRIED.

A division was called, the result of the division required in accordance with Council’s Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Campbell, Christou, Elmore, Garrard, Grove, Hamed, Huang, Lake, Rahme, Saha, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Cummings

Councillor Grove left the Meeting at 7:26pm and returned to the Meeting at 7:29pm during the consideration of this item.

Councillor Christou left the Meeting at 7:32pm and returned to the Meeting at 7:34pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:41pm and returned to the Meeting at 7:43pm during the consideration of this item.

Councillor Sarkis left the Meeting at 8:10pm and returned to the Meeting at 8:11pm during the consideration of this item.

Min.439 C03/19-24 Development of a Greystanes Skate Park

Note: The Mayor, Councillor Cummings exited the Chamber at 8:15pm during the consideration of this item as he had declared a non-pecuniary, significant interest in this item. The Deputy Mayor, Councillor Elmore assumed the Chair accordingly.

Resolved (Sarkis/Grove)

That Council:

1. Defer the matter pending a further report to Council on the feasibility of establishing a Skate Park in Gipps Rd Park, and that the Skate Park be incorporated into Council’s Open Space and Recreation Strategy.
2. Receive a briefing from the facilitator of the community forum which was held on 10 November 2018.
Council Meeting
20 March 2019

Councillor Saha left the Meeting at 8:15pm and returned to the Meeting at 8:17pm during the consideration of this item.

Councillors Hamed and Huang left the Meeting at 8:15pm and returned to the Meeting at 8:25pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:30pm and returned to the Meeting at 8:33pm during the consideration of this item.

Councillor Christou left the Meeting at 8:34pm and returned to the Meeting at 8:36pm during the consideration of this item.

The Mayor, Councillor Cummings assumed the Chair at 8:42pm following the consideration of this item.

Min.440 C03/19-21 Federal Assistance Grants Cumberland - Status of Correspondence sent to Federal Members

Motion (Garrard/Attie)
That Council communicate to the respective Members of Parliament who neglected to make representations on Council’s behalf, its extreme disappointment in their lack of endeavour in representing Council, and request assurances that they have made representation on Council’s behalf.

Amendment (Campbell/Hamed)
That Council write to the Members of Parliament who have not yet responded to Council’s letter and request assurances that they have made representation on Council’s behalf.

The Amendment moved by Councillor Campbell seconded by Councillor Hamed on being Put to the meeting was declared LOST.

A division was called, the result of the division required in accordance with Council’s Code of Meeting Practice is as follows:

Councilor(s) For the Amendment: Campbell, Christou, Elmore, Hamed, Huang, Lake and Saha.

Councilor(s) Against the Amendment: Attie, Cummings, Garrard, Grove, Rahme, Sarkis, Zaiter and Zreika.

The motion moved by Councillor Garrard seconded by Councillor Attie on being Put was declared CARRIED on the voices.

Councilor Sarkis left the Meeting at 8:42pm and returned to the Meeting at 8:48pm during the consideration of this item.
Councillor Zaiter left the Meeting at 8:43pm and returned to the Meeting at 8:55pm during the consideration of this item.

Min.441 C03/19-27 Notice of Motion - Granville Town Centre Parking Supply

Resolved (Hamed/Sarkis)
That Council seek a report on parking supply in the Granville Town Centre, including details of the location and number of spaces for both time limited and unlimited parking, and options for increasing the supply of parking.

Min.442 C03/19-19 Legal Register February 2019

Resolved (Attie/Zreika)
That Council receive this report.

Min.443 Leave of Absence – Councillor Sarkis

Note: Councillor Sarkis requested Leave of Absence for the Council Meeting to be held on 20 March 2019 as he will be overseas.

Resolved (Garrard/Zreika)
That Councillor Sarkis be granted Leave of Absence for the Council Meeting to be held on 20 March 2019.

The Mayor, Councillor Cummings closed the meeting at 9:01pm.

Chairperson__________________ General Manager__________________
Item No: C03/19-29

INVESTMENT REPORT - FEBRUARY 2019

Responsible Division: Finance & Governance
Officer: Director Finance & Governance
File Number: A-05-01/05
Community Strategic Plan Goal: A resilient built environment

SUMMARY

This is a report from the Director Finance & Governance providing an update on the performance of Council’s investment portfolio to 28 February 2019.

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 28 February 2019 and an update of the investment environment.

Council Investments as at 28 February 2019

Council’s investment portfolio has a current market value of $141,359,693. This represents a premium of $1,168,137 above the face value of the portfolio being $140,191,555 and generates a 2.92% average purchase yield. The following table reflects Council’s holding in various investment categories.

<table>
<thead>
<tr>
<th>Categories</th>
<th>Face Value ($)</th>
<th>Current Value ($)</th>
<th>Current Yield (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonds</td>
<td>4,750,000</td>
<td>4,805,396</td>
<td>3.0474</td>
</tr>
<tr>
<td>Cash</td>
<td>7,851,395</td>
<td>7,851,395</td>
<td>1.2146</td>
</tr>
<tr>
<td>Floating Rate Notes</td>
<td>32,500,000</td>
<td>32,728,461</td>
<td>3.2296</td>
</tr>
<tr>
<td>Floating Rate Term Deposit</td>
<td>3,000,000</td>
<td>3,005,360</td>
<td>3.1054</td>
</tr>
<tr>
<td>Managed Funds</td>
<td>7,090,160</td>
<td>7,090,160</td>
<td>4.0202</td>
</tr>
<tr>
<td>Term Deposits</td>
<td>85,000,000</td>
<td>85,878,921</td>
<td>2.8568</td>
</tr>
<tr>
<td><strong>Total Cash Assets</strong></td>
<td><strong>140,191,555</strong></td>
<td><strong>141,359,693</strong></td>
<td><strong>2.9245</strong></td>
</tr>
</tbody>
</table>
**Investment Portfolio Performance**

The investment returns for the month year-to-date of 28 February 2019 outperformed the current month benchmark and exceeded the Year to date benchmark.

**Performance – Current Month 28 February 2019**

For the month of February, Council’s portfolio generated interest earnings of $310,230. This is $45,867 lower than the budget of $356,097 and outperformed the AusBond Bank Bill Index by 1.65%, as detailed below:

<table>
<thead>
<tr>
<th>Monthly Results</th>
<th>Income</th>
<th>Budget</th>
<th>Variance</th>
<th>Portfolio Performance</th>
<th>AusBond BB Index</th>
<th>Outperformance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Portfolio</td>
<td>310,230</td>
<td>356,097</td>
<td>45,867</td>
<td>3.93%</td>
<td>2.28%</td>
<td>1.65%</td>
</tr>
</tbody>
</table>

**Performance – Year to date 28 February 2019**

For the year to date, Council’s portfolio generated interest earnings of $2,767,305 This is $81,472 lower than the budget of $2,848,777 and outperformed the AusBond Bank Bill Index by 0.80%, as per below:

<table>
<thead>
<tr>
<th>FYTD Results</th>
<th>Income</th>
<th>Budget</th>
<th>Variance</th>
<th>Portfolio Performance</th>
<th>AusBond BB Index</th>
<th>Outperformance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Portfolio</td>
<td>2,767,305</td>
<td>2,848,777</td>
<td>81,472</td>
<td>2.84%</td>
<td>2.04%</td>
<td>0.80%</td>
</tr>
</tbody>
</table>

**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 the total value of 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 February 2019
2. Economic and Investment Portfolio Commentary February 2019
DOCUMENTS ASSOCIATED WITH REPORT C03/19-29

Attachment 1
Investment Summary Report
February 2019
Investment Summary Report
February 2019
Cumberland Council
Investment Summary Report - February 2019

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### Cumberland Council
Executive Summary - February 2019

#### Investment Holdings

<table>
<thead>
<tr>
<th>By Product</th>
<th>Face Value ($)</th>
<th>Current Value ($)</th>
<th>Current Yield (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bonds</td>
<td>4,730,609.00</td>
<td>4,805,295.70</td>
<td>3.047%</td>
</tr>
<tr>
<td>Cash</td>
<td>7,851,395.38</td>
<td>7,851,395.38</td>
<td>1.214%</td>
</tr>
<tr>
<td>Floating Rate Note</td>
<td>32,509,669.00</td>
<td>33,736,468.05</td>
<td>3.235%</td>
</tr>
<tr>
<td>Floating Rate Term Deposits</td>
<td>3,000,000.00</td>
<td>3,005,269.01</td>
<td>2.195%</td>
</tr>
<tr>
<td>Managed Funds</td>
<td>7,990,269.05</td>
<td>7,990,269.05</td>
<td>4.023%</td>
</tr>
<tr>
<td>Term Deposit</td>
<td>85,900,000.00</td>
<td>85,878,921.10</td>
<td>2.858%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>140,191,555.41</td>
<td>141,359,683.17</td>
<td>2.924%</td>
</tr>
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</table>

#### Investment Policy Compliance

<table>
<thead>
<tr>
<th>Total Credit Exposure</th>
<th>Term to Maturity</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1, A-1+, A, T1G</td>
<td>Portfolio Exposure</td>
</tr>
<tr>
<td>A, A-2, P-2</td>
<td>Investment Policy Limits</td>
</tr>
<tr>
<td>Best, MM</td>
<td>Portfolio Exposure</td>
</tr>
</tbody>
</table>

#### Investment Performance

![Graph showing investment performance]

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# Cumberland Council
**Actual Interest Report - February 2019**

## Budgeted vs Actual Returns

<table>
<thead>
<tr>
<th>Monthly Income</th>
<th>YTD Actual</th>
<th>YTD Budgeted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>July 2018</strong></td>
<td>345,443</td>
<td>356,097</td>
</tr>
<tr>
<td><strong>August 2018</strong></td>
<td>355,088</td>
<td>709,451</td>
</tr>
<tr>
<td><strong>September 2018</strong></td>
<td>357,796</td>
<td>1,658,246</td>
</tr>
<tr>
<td><strong>October 2018</strong></td>
<td>356,757</td>
<td>1,414,983</td>
</tr>
<tr>
<td><strong>November 2018</strong></td>
<td>356,345</td>
<td>1,751,128</td>
</tr>
<tr>
<td><strong>December 2018</strong></td>
<td>357,123</td>
<td>2,208,330</td>
</tr>
<tr>
<td><strong>January 2019</strong></td>
<td>348,722</td>
<td>2,467,976</td>
</tr>
<tr>
<td><strong>February 2019</strong></td>
<td>310,230</td>
<td>2,767,306</td>
</tr>
</tbody>
</table>

- Actual Income YTD
- Budgeted Income YTD
### Individual Institutional Exposures Report - February 2019

<table>
<thead>
<tr>
<th>Parent Group</th>
<th>Credit Rating</th>
<th>Portfolio Exposure ($)</th>
<th>% of Portfolio</th>
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<tbody>
<tr>
<td>AMP Bank</td>
<td>A-1, A</td>
<td>2,059,600</td>
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</tr>
<tr>
<td>ANZ Group</td>
<td>A-1, AA</td>
<td>5,255,000</td>
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</tr>
<tr>
<td>Bank Australia</td>
<td>A-2, BBB</td>
<td>1,000,000</td>
<td>1%</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>A-2, BBB</td>
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<td>Bendigo and Adelaide Bank</td>
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<tr>
<td>Commonwealth Bank of Australia</td>
<td>A-1, AA</td>
<td>19,351,395</td>
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<td>Credit Suisse AG (Syd Branch)</td>
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<tr>
<td>Credit Union Australia</td>
<td>A-2, BBB</td>
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<tr>
<td>Greater Bank</td>
<td>A-2, BBB</td>
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<td>0%</td>
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<tr>
<td>Heritage Bank</td>
<td>P-3, Real</td>
<td>2,360,000</td>
<td>1%</td>
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<tr>
<td>ING Bank (Australia)</td>
<td>A-1, A</td>
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<td>Macquarie Group</td>
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<td>Members Equity Bank</td>
<td>A-2, BBB</td>
<td>12,900,000</td>
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<tr>
<td>NAB (Cash)</td>
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<td>0%</td>
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<tr>
<td>Residential Permanent Building Society</td>
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</tr>
<tr>
<td>RWC T-Corp (Cash)</td>
<td>TCC, TCC</td>
<td>7,060,140</td>
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<tr>
<td>Rural Bank</td>
<td>A-2, BBB</td>
<td>2,000,000</td>
<td>1%</td>
</tr>
<tr>
<td>Teachers Mutual Bank</td>
<td>A-2, BBB</td>
<td>1,000,000</td>
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<tr>
<td>Westpac Group</td>
<td>A-1, AA</td>
<td>10,000,000</td>
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**Total:** 140,193,655
# Cumberland Council

## Investment Summary Report - February 2019

### Cash Accounts

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<tr>
<th>Face Value ($)</th>
<th>Current Yield</th>
<th>Institution</th>
<th>Credit Rating</th>
<th>Current Value ($)</th>
<th>Deal No.</th>
<th>Reference</th>
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<tbody>
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<tr>
<td>1,143,883.88</td>
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<tr>
<td><strong>7,851,615.38</strong></td>
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### Managed Funds

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<tr>
<th>Face Value ($)</th>
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<th>Fund Name</th>
<th>Current Value ($)</th>
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<th>Reference</th>
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<tr>
<td>4,046,378.83</td>
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<td>NSW T-Corp (Cash)</td>
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<td>Cash Fund</td>
<td>4,046,378.83</td>
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<tr>
<td>2,042,781.29</td>
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<td>NSW T-Corp (Cash)</td>
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<td><strong>7,089,159.12</strong></td>
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### Term Deposits

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<th>Purchase Price ($)</th>
<th>Purchase Date</th>
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<th>Deal No.</th>
<th>Accrued Interest ($)</th>
<th>Coupon Frequency</th>
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<tr>
<td>4-Mar-19</td>
<td>3,090,000.00</td>
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<td>3,091,664.38</td>
<td>527381</td>
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<td>A-2</td>
<td>3,090,000.00</td>
<td>21-Apr-19</td>
<td>3,094,615.25</td>
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<td>45,912.33</td>
<td>Annually</td>
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<td>A-2+</td>
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<td>527802</td>
<td>28,021.92</td>
<td>At Maturity</td>
<td>3394718</td>
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## Cumberland Council
### Investment Summary Report - February 2019

<table>
<thead>
<tr>
<th>Term Deposits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maturity Date</strong></td>
</tr>
<tr>
<td>1-Jul-19</td>
</tr>
<tr>
<td>22-Jul-19</td>
</tr>
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<td>9-Aug-19</td>
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<td>23-Aug-19</td>
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<td>26-Aug-19</td>
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<td>2-Sep-19</td>
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<td>5-Sep-19</td>
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<tr>
<td>17-Sep-19</td>
</tr>
<tr>
<td>8-Oct-19</td>
</tr>
<tr>
<td>21-Oct-19</td>
</tr>
<tr>
<td>18-Nov-19</td>
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<tr>
<td>9-Dec-19</td>
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<tr>
<td>9-Dec-19</td>
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<td>16-Mar-20</td>
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<td>8-Mar-20</td>
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<tr>
<td>22-Mar-21</td>
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<tr>
<td>8-Mar-21</td>
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| 85,000,000.00 | 2.8560% | 85,000,000.00 | 85,078,923.10 | 878,923.10 |

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Page 10 of 12
### Floating Rate Term Deposits

<table>
<thead>
<tr>
<th>Maturity Date</th>
<th>Face Value ($)</th>
<th>Rate</th>
<th>Institution</th>
<th>Credit Rating</th>
<th>Purchase Price ($)</th>
<th>Purchase Date</th>
<th>Current Value ($)</th>
<th>Deal No.</th>
<th>Accrued Interest ($)</th>
<th>Next Interest Reference Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-Aug-19</td>
<td>3,000,000.00</td>
<td>3.1954%</td>
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<td>3,000,000.00</td>
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### Floating Rate Notes

<table>
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<tr>
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<th>Face Value ($)</th>
<th>Current Coupon</th>
<th>Security Name</th>
<th>Credit Rating</th>
<th>Purchase Price ($)</th>
<th>Purchase Date</th>
<th>Current Value ($)</th>
<th>Deal No.</th>
<th>Accrued Interest ($)</th>
<th>Next Coupon Reference Date</th>
</tr>
</thead>
<tbody>
<tr>
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<td>1,073,227.24</td>
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<td>5,837.24</td>
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<tr>
<td>3-Mar-20</td>
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<td>7,565.48</td>
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<tr>
<td>20-Mar-20</td>
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<tr>
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<tr>
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## Floating Rate Notes

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$32,501,060.00, 3.2296%  
$32,504,852.50, 3.2296%  
$32,736,098.75, 3.4614%  

## Fixed Rate Bonds

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<th>Purchase Date</th>
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$4,750,000.00, 3.0474%  
$4,727,492.50, 3.0474%  
$4,803,395.70, 3.1507%  

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Attachment 2
Economic and Investment Portfolio Commentary February 2019
Global issues:

- In the US, behind all the political noise, a decently sound economy continues to reveal itself. The latest GDP release showed higher than expected growth, +2.6% pa, with consumer spending and business investment leading the way.

- Growing optimism of an eventual US/Chinese trade agreement has helped financial markets recover from late-2018 volatility. The March 1st deadline for escalating tariffs on Chinese goods into the US has been postponed as reports from inside the trade talks reveal both sides are motivated for a resolution.

Domestic issues:

- In Australia, the release of the Hayne Royal Commission review of the financial services industry was trumpeted loudly but had relatively isolated impact on industries (i.e. mortgage brokers) and banks (i.e. NAB). With the market expecting harsher measures leading up to the report’s release, major bank bond and share prices all improved when the recommendations were revealed.

- At its monthly meeting, the RBA board openly acknowledged their concern for the continuing drop in house prices. Since their peak in Sept 2017, Sydney prices are now down 12% and Melbourne prices are down 8%. Meanwhile, the average Perth home price is at its 2009 level.

Interest rates:

- The RBA shifted its interest rate sentiment from a bias for an increase to a neutral stance. The market reacted with further declines in the Cash Rate Futures, which is now pricing in a full 25bp rate cut by February 2020.
• Reflecting the market's sentiment toward future cuts to the cash rate, term deposit rates declined across all maturities. The best indicative 3-month TD from an Australian major at month end was 2.87%, down over 10bps from January. Likewise, the major banks’ best 12 month rate was at 2.65%, down from 2.75% the month prior. The best rates among the lower rated banks were in the 2.70% area across 3-12 months range, off 5bps.

Investment Portfolio Commentary

Council’s investment portfolio posted a return of 3.93% for the month of February versus the bank bill index benchmark return of 2.28%. For the financial year to date, the investment portfolio returned 2.84% pa, exceeding the bank bill index benchmark’s 2.04% pa by 0.80% pa.

Floating rate notes performed strongly during the month, recovering all of their losses for the financial year, as markets cheered the recommendations made in the Banking Royal Commission Report - recommendations that did not contain any drastic measures that would have impacted the core businesses of banks. In addition, Council’s recently purchased fixed rate bonds performed very strongly as market interest rates continued to fall during the month.

During February, Council’s investment portfolio had $8m in 9mo, 1yr & 2yr term deposits mature with a weighted average rate of approximately 2.81% pa. A total of $6m was reinvested in 11mo and 2yr term deposits at an average rate of 2.86% pa while Council also purchased a new $2.25m 5 year fixed rate bond from ANZ at a yield of 3.11% pa. Council has a well-diversified portfolio invested among a range of term deposits and floating rate notes from highly rated Australian ADIs. 79% 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 not guaranteed 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. 466145.
Item No: C03/19-30

PENDLE HILL COMMUTER CAR PARK

Responsible Division: Finance & Governance
Officer: Director Finance & Governance
File Number: HC-25-05-4/03
Community Strategic Plan Goal: A great place to live

SUMMARY

Council has been working with Transport for NSW (TfNSW) and key stakeholders involved in developing a new commuter car park in Pendle Hill, adjacent to Civic Park, as per Council Resolution (Min. 101, Item 071/16).

RECOMMENDATION

That Council:

1. Note this report; and
2. Continue to liaise with Transport for NSW to identify a suitable location for a commuter car park in the Pendle Hill area.

REPORT

Since the Ordinary Meeting of Council on 3 August 2016, Council has been working with TfNSW and key stakeholders on the options around the location, design and operational impacts of the proposed multi-level commuter car park in the car park on Billabong Street, Pendle Hill. Below is the resolution of that Meeting.

Min. 101 ITEM 071/16 – PENDLE HILL STATION AND MERRYLANDS STATION RAIL PROPOSED COMMUTER CARPARK UPGRADES

i) That Council provide ‘in principle’ support to the proposal submitted by TfNSW for commuter car parking in Pendle Hill, subject to receiving legal advice, and to the following matters being resolved:

1. The termination of any agreement over the land at Lots 34 and 35 DP 13009 for use at the community centre.
2. An application to the Minister requesting Council to enter into a lease with TfNSW over the land required for the proposed commuter car park up to 99 years.
3. Determination of a value for 18 Billabong Street, Pendle Hill to be incorporated as part of the proposal for the expansion of the commuter car park at Pendle Hill.
4. That Council make representation to the State Government to fulfil its election commitment of an additional 130 car park spaces at Pendle Hill.

Over the past two years, in conjunction with TfNSW, Council has been in consultation with Cassia, who occupy the community centre regarding a proposal to relocate Cassia from their current premises at 18 Billabong Street, Pendle Hill, both temporarily and permanently.

Upon review of some of the concept designs for the proposed multi-level car park and community centre, Council considered that the site of the existing on-grade car park near Civic Park was not the ideal location for a structure of this nature.

As a result, Council requested TfNSW to undertake a more detailed and specific community consultation process to better inform the project of the demand for a commuter car park in this location. This request included consultation with commuters in the neighbouring areas of Toongabbie, Girraween and Wentworthville, all of whom may be expected to use a commuter car park in Pendle Hill. TfNSW, at this point in this project, advised that they are not resourced or prepared to undertake this more detailed market analysis for the project.

Council officers have engaged with TfNSW to make recommendations for other non-Council owned sites in the vicinity, but TfNSW have limited budget for any land transactions as their commuter car park strategy is dependent on land being made available for infrastructure “free of charge” by other government agencies.

Council management and TfNSW continue to look at other suitable sites within the LGA which could be suitable for commuter car parking stations for partnering for development and operations.

COMMUNITY ENGAGEMENT

Over the past two years, Council has met with Cassia, Local Ward Councillors and State MP’s on several occasions to work through the most suitable plans for a car park in Pendle Hill which also involves the relocation of Cassia’s operations.

In October 2018, following a briefing of Councillors it was requested that TfNSW conduct a more comprehensive and detailed community consultation and engagement process to understand the supply and demand of commuter car parking in the region surrounding Pendle Hill. TfNSW consider that their previous demand studies from 2016 remained valid, and are not prepared to undertake, at their cost, further consultation and engagement either within or around Pendle Hill.

Council will continue to engage and consult with TfNSW and the community to explore new opportunities across the LGA for commuter car parking.

POLICY IMPLICATIONS

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

A decision by TfNSW to abandon their plans for a commuter car park in Pendle Hill is likely to result in additional unmet car parking demand in the area and surrounding railway stations of the LGA.

That being said, there is some concern from Council that the visual impact of a multi-level commuter car park on the edge of Civic Park in Pendle Hill is unacceptable.

FINANCIAL IMPLICATIONS

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

CONCLUSION

TfNSW have declined Council’s request to undertake more in-depth analysis, demand studies and community engagement and consultation on the proposed commuter car park in Pendle Hill.

Council considers that the proposed multi-level commuter car park at the proposed site in Billabong Street, Pendle Hill adjacent to Civic Park is not the most appropriate location for such a structure.

Therefore, Council is unable to proceed with the resolution of 3 August 2016 but can continue to make representation to TfNSW for additional commuter parking.

ATTACHMENTS

Nil
Item No: C03/19-31

**ADOPTION OF NEW MODEL CODE OF CONDUCT & PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT**

Responsible Division: Finance & Governance  
Officer: Director Finance & Governance  
File Number: HC-06-06-2/04  
Community Strategic Plan Goal: *Transparent and accountable leadership*

**SUMMARY**

This report recommends that Council adopt the newly released *Model Code of Conduct* and *Procedures for the Administration of the Code of Conduct*, as prescribed on 14 December 2018.

**RECOMMENDATION**

That Council adopt the new *Model Code of Conduct* and *Procedures for the Administration of the Code of Conduct* as attached to this report.

**REPORT**


The 2018 Model Code of Conduct and Model Code Procedures were prescribed on 14 December 2018. Councils are required to adopt the new Model Code of Conduct and Model Code Procedures within 6 months of prescription. Therefore, Council’s adoption of these documents is required by 14 June 2019.

Key changes to the new Model Code of Conduct include:

- Incorporation of the pecuniary interest provisions previously contained in the *Local Government Act 1993* and Regulation.

- New standards relating to discrimination and harassment, bullying, work health and safety, behaviour at meetings, access to information and maintenance of council records.

- New rules governing the acceptance of gifts including mandatory reporting.
A new ongoing disclosure requirement for councillors and designated persons requiring disclosure of new interests in returns of interests within three months of becoming aware of them.

Councillors will be required to disclose in their returns of interests whether they are a property developer or a close associate of a property developer.

A Councillor workshop was held on 13 February 2019 in relation to the new Model Code of Conduct, outlining all key changes.

A copy of the prescribed Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct in the Cumberland Council Policy template are attached to this report. These versions are unchanged to the content contained in the Office of Local Government document. These documents are in Council’s template for the purposes of Policy management protocols and consistency.

Training sessions for all Council Officials on the new Model Code of Conduct will be conducted in 2019, after the Model Code of Conduct and Model Code Procedures are adopted.

COMMUNITY ENGAGEMENT

As Council is adopting the Model Code of Conduct and the Procedures for Administration of the Code of Conduct as prescribed and with unchanged content to the versions published on the Office of Local Government website, there are no consultation processes for Council associated with this report.

POLICY IMPLICATIONS

Adoption of the newly prescribed Model Code of Conduct and Model Code Procedures will rescind the previously adopted versions, which were based on the Office of Local Government - Model Code of Conduct and Model Code Procedures of 2013.

RISK IMPLICATIONS

Adoption of the newly prescribed Model Code of Conduct and Model Code Procedures will ensure Council is complying with the Local Government Act 1993, as the new Code of Conduct must be adopted by Council by 14 June 2019.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The new Model Code of Conduct and Procedures for the Administration of the Code of Conduct were prescribed on 14 December 2018. Councils are required to adopt these documents by 14 June 2019. It is recommended that Council endorse these key documents.
ATTACHMENTS

1. Model Code of Conduct
2. Procedures for the Administration of the Model Code of Conduct
DOCUMENTS ASSOCIATED WITH REPORT C03/19-31

Attachment 1
Model Code of Conduct
## Code of Conduct

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PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:
- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (e.g. volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".
Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA the Local Government Act 1993

administrator an administrator of a council appointed under the LGA other than an administrator appointed under section 66

committee see the definition of “council committee”

complaint a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.

council includes county councils and joint organisations

council committee a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to

council committee member a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee

council official includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers

councillor any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations

conduct includes acts and omissions

delegate of council a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

designated person a person referred to in clause 4.8

election campaign includes council, state and federal election campaigns

environmental planning
instrument has the same meaning as it has in the "Environmental Planning and Assessment Act 1979"

general manager includes the executive officer of a joint organisation

joint organisation a joint organisation established under section 400O of the LGA

local planning panel a local planning panel constituted under the "Environmental Planning and Assessment Act 1979"

mayor includes the chairperson of a county council or a joint organisation

members of staff of a council includes members of staff of county councils and joint organisations

the Office Office of Local Government

personal information information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion

the Procedures the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation

the Regulation the Local Government (General) Regulation 2005

voting representative a voting representative of the board of a joint organisation

wholly advisory committee a council committee that the council has not delegated any functions to
PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct
3.1 You must not conduct yourself in a manner that:
   a) is likely to bring the council or other council officials into disrepute
   b) is contrary to statutory requirements or the council’s administrative
      requirements or policies
   c) is improper or unethical
   d) is an abuse of power
   e) causes, comprises or involves intimidation or verbal abuse
   f) involves the misuse of your position to obtain a private benefit
   g) constitutes harassment or bullying behaviour under this code, or is
      unlawfully discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care
   and diligence in carrying out your functions under the LGA or any other Act.
   (section 439).

Fairness and equity
3.3 You must consider issues consistently, promptly and fairly. You must deal with
   matters in accordance with established procedures, in a non-discriminatory
   manner.

3.4 You must take all relevant facts known to you, or that you should be reasonably
   aware of, into consideration and have regard to the particular merits of each
   case. You must not take irrelevant matters or circumstances into consideration
   when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute
   a breach of clauses 3.3 or 3.4.

Harassment and discrimination
3.6 You must not harass or unlawfully discriminate against others, or support others
   who harass or unlawfully discriminate against others, on the grounds of sex,
   pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality,
   disability, transgender status, infectious disease, carer’s responsibilities or
   political, religious or other affiliation.

3.7 For the purposes of this code, “harassment” is any form of behaviour towards a
   person that:
      a) is not wanted by the person
      b) offends, humiliates or intimidates the person, and
      c) creates a hostile environment.

Bullying
3.8 You must not engage in bullying behaviour towards others.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
      a) a person or a group of people repeatedly behaves unreasonably towards
         another person or a group of persons and
b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
   a) aggressive, threatening or intimidating conduct
   b) belittling or humiliating comments
   c) spreading malicious rumours
   d) teasing, practical jokes or 'initiation ceremonies'
   e) exclusion from work-related events
   f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
   g) displaying offensive material
   h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
   a) performance management processes
   b) disciplinary action for misconduct
   c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
   d) directing a worker to perform duties in keeping with their job
   e) maintaining reasonable workplace goals and standards
   f) legitimately exercising a regulatory function
   g) legitimately implementing a council policy or administrative processes.

**Work health and safety**

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
   a) take reasonable care for your own health and safety
   b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
   c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
   d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
   e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
   f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

**Land use planning, development assessment and other regulatory functions**

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly.
You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

**Binding caucus votes**

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

**Obligations in relation to meetings**

3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).

3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.

3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

   a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or

c) deliberately seek to impede the consideration of business at a meeting.
PART 4  PECUNIARY INTERESTS

What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
   (a) your interest, or
   (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
   (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

4.4 For the purposes of clause 4.3:
   (a) Your "relative" is any of the following:
      i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
      ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
      iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
   (b) "de facto partner" has the same meaning as defined in section 21C of the Interpretation Act 1987.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
   (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
   (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
   (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:
   (a) your interest as an elector
   (b) your interest as a ratepayer or person liable to pay a charge
   (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is
offered to the public generally, or to a section of the public that includes persons who are not subject to this code

(d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code

(e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)

(f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee

(g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company

(h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership

(i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
   i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
   ii) security for damage to footpaths or roads
   iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract

(j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)

(k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA

(l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor

(m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
(n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
(o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

4.8 Designated persons include:
(a) the general manager
(b) other senior staff of the council for the purposes of section 332 of the LGA
(c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
(d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

4.9 A designated person:
(a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
(b) must disclose pecuniary interests in accordance with clause 4.10.

4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

**What disclosures must be made by council staff other than designated persons?**

4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

4.15 The staff member’s manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

**What disclosures must be made by council advisers?**

4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person’s interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

**What disclosures must be made by a council committee member?**

4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.

4.19 For the purposes of clause 4.18, a “council committee member” includes a member of staff of council who is a member of the committee.

**What disclosures must be made by a councillor?**

4.20 A councillor:

(a) must prepare and submit written returns of interests in accordance with clause 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

**Disclosure of interests in written returns**

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a councillor or designated person, and

(b) 30 June of each year, and

(c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
(a) they made and lodged a return under that clause in the preceding 3 months, or
(b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.

4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
(a) at any time during which the matter is being considered or discussed by the council or committee, or
(b) at any time during which the council or committee is voting on any question in relation to the matter.

4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.

4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council
committee member, or the councillor’s or council committee member’s spouse, de facto partner or relative, is:

(a) a member of, or in the employment of, a specified company or other body, or

(b) a partner of, or in the employment of, a specified person.

Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor’s or council committee member’s interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:

(i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or

(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and

(b) the pecuniary interest arises only because of an interest of the councillor in the councillor’s principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person’s principal place of residence, and

(c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

(a) be in the form set out in schedule 3 of this code and contain the information required by that form, and

(b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

(a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

(b) that it is in the interests of the electors for the area to do so.

4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.
PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.

5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.

5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.

5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member’s manager. In the case of the general manager, such a disclosure is to be made to the mayor.

5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

   a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly
close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household

b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.

c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.

d) membership, as the council’s representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter

e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1

f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.

5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or

b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken
to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

**Political donations**

5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
   a) made by a major political donor in the previous four years, and
   b) the major political donor has a matter before council,
   you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.

5.17 For the purposes of this Part:
   a) a "reportable political donation" has the same meaning as it has in section 6 of the Electoral Funding Act 2018
   b) "major political donor" has the same meaning as it has in the Electoral Funding Act 2018.

5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

**Loss of quorum as a result of compliance with this Part**

5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary
conflict of interest in the matter is permitted to participate in consideration of the matter if:

a) the matter is a proposal relating to:
   i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
   ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area,

b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and

c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

b) that it is in the interests of the electors for the area to do so.

5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

**Other business or employment**

5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.

5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member’s council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.

5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member’s council duties.

5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
   a) conflict with their official duties
   b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
   c) require them to work while on council duty
   d) discredit or disadvantage the council
   e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

**Personal dealings with council**

5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.
PART 6 PERSONAL BENEFIT

6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.

6.2 A reference to a gift or benefit in this Part does not include:
   a) a political donation for the purposes of the Electoral Funding Act 2018
   b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
   c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
   d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
      i) the discussion of official business
      ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
      iii) conferences
      iv) council functions or events
      v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.

6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

6.5 You must not:
   a) seek or accept a bribe or other improper inducement
   b) seek gifts or benefits of any kind
   c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
   d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
g) personally benefit from reward points programs when purchasing on behalf of the council.

6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
   a) the nature of the gift or benefit
   b) the estimated monetary value of the gift or benefit
   c) the name of the person who provided the gift or benefit, and
   d) the date on which the gift or benefit was received.

6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value
6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of $50. They include, but are not limited to:
   a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $50
   b) gifts of alcohol that do not exceed a value of $50
   c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
   d) prizes or awards that do not exceed $50 in value.

Gifts and benefits of more than token value
6.9 Gifts or benefits that exceed $50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.

6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds $50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.

6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person
associated with that person or organisation, during the same 12-month period would exceed $50 in value.

6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"
6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence
6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.
PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.

7.2 Councillors or administrators must not:
   a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
   b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
   c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
   d) contact or issue instructions to any of the council’s contractors, including the council’s legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.

7.3 Despite clause 7.2, councillors may contact the council’s external auditor or the chair of the council’s audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.5 Members of staff of council must:
   a) give their attention to the business of the council while on duty
   b) ensure that their work is carried out ethically, efficiently, economically and effectively
   c) carry out reasonable and lawful directions given by any person having authority to give such directions
   d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
e) ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

**Inappropriate interactions**

7.6 You must not engage in any of the following inappropriate interactions:

a) councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters

b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters

c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor

d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council

e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting

f) councillors and administrators being overbearing or threatening to council staff

g) council staff being overbearing or threatening to councillors or administrators

h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media

i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make

j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community

k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals

l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council’s general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.
PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information
8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).

8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.

8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.

8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.

8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information
8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information
8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.
Use of certain council information

8.9 In regard to information obtained in your capacity as a council official, you must:
   a) subject to clause 8.14, only access council information needed for council business
   b) not use that council information for private purposes
   c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
   d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.

8.11 In addition to your general obligations relating to the use of council information, you must:
   a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
   b) protect confidential information
   c) only release confidential information if you have authority to do so
   d) only use confidential information for the purpose for which it is intended to be used
   e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
   f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
   g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

8.12 When dealing with personal information you must comply with:
   a) the Privacy and Personal Information Protection Act 1998
   b) the Health Records and Information Privacy Act 2002
   c) the Information Protection Principles and Health Privacy Principles
   d) the council’s privacy management plan
   e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
   a) the representation of members with respect to disciplinary matters
   b) the representation of employees with respect to grievances and disputes
   c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
   a) for the purpose of assisting your election campaign or the election campaign of others, or
   b) for other non-official purposes.

8.19 You must not convert any property of the council to your own use unless properly authorised.

**Internet access**

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

**Council record keeping**

8.21 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.

8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.

8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of
whether the original intention was to create the information for personal
purposes.

8.24 You must not destroy, alter, or dispose of council information or records, unless
authorised to do so. If you need to alter or dispose of council information or
records, you must do so in consultation with the council’s records manager and
comply with the requirements of the State Records Act 1998.

Councillor access to council buildings
8.25 Councillors and administrators are entitled to have access to the council
chamber, committee room, mayor’s office (subject to availability), councillors’
rooms, and public areas of council’s buildings during normal business hours and
for meetings. Councillors and administrators needing access to these facilities at
other times must obtain authority from the general manager.

8.26 Councillors and administrators must not enter staff-only areas of council
buildings without the approval of the general manager (or their delegate) or as
provided for in the procedures governing the interaction of councillors and council
staff.

8.27 Councillors and administrators must ensure that when they are within a staff only
area they refrain from conduct that could be perceived to improperly influence
council staff decisions.
PART 9 MAINTAINING THE INTEGRITY OF THIS CODE

Complaints made for an improper purpose

9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.

9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
   a) to bully, intimidate or harass another council official
   b) to damage another council official’s reputation
   c) to obtain a political advantage
   d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
   e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
   f) to avoid disciplinary action under the Procedures
   g) to take reprisal action against a person for making a complaint alleging a breach of this code
   h) to take reprisal action against a person for exercising a function prescribed under the Procedures
   i) to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.

9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
   a) injury, damage or loss
   b) intimidation or harassment
   c) discrimination, disadvantage or adverse treatment in relation to employment
   d) dismissal from, or prejudice in, employment
   e) disciplinary proceedings.

Compliance with requirements under the Procedures

9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.

9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral
submission invited under the Procedures will not constitute a breach of this clause.

9.8 You must comply with a practice ruling made by the Office under the Procedures.

9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the Public Interest Disclosures Act 1994.

Complaints alleging a breach of this Part

9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.
SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

   address means:

   a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
   b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
   c) in relation to any real property, the street address of the property.

   de facto partner has the same meaning as defined in section 21C of the Interpretation Act 1987.

   disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

   a) the allotment of shares in a company
   b) the creation of a trust in respect of property
   c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
   d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
   e) the exercise by a person of a general power of appointment over property in favour of another person
   f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person’s own property and to increase the value of the property of another person.

   gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money’s worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.
interest means:

a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made

relative includes any of the following:

a) a person’s spouse or de facto partner
b) a person’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
c) a person’s spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
d) the spouse or de factor partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. Interests etc. outside New South Wales: A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. References to interests in real property: A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has
an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. *Gifts, loans etc. from related corporations*: For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.
Part 2: Pecuniary interests to be disclosed in returns

Real property
5. A person making a return under clause 4.21 of this code must disclose:
   a) the street address of each parcel of real property in which they had an interest on the return date, and
   b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
   c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
   a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
   b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.

8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

Gifts
9. A person making a return under clause 4.21 of this code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
    a) it did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a period of 12 months or less, or
    b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
    c) the donor was a relative of the donee, or
    d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel
12. A person making a return under clause 4.21 of this code must disclose:
    a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
    b) the dates on which the travel was undertaken, and
c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
   a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
   b) was made by a relative of the traveller, or
   c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
   d) did not exceed $250, unless it was among gifts totalling more than $250 made by the same person during a 12-month period or less, or
   e) was a political donation disclosed, or required to be disclosed, under Part 3 of the Electoral Funding Act 2018, or
   f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
   g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
   a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
   b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
   c) the nature of the interest, or the position held, in each of the corporations, and
   d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
   a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
   b) required to apply its profits or other income in promoting its objects, and
   c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

**Interests as a property developer or a close associate of a property developer**

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

- *close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

- *property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

**Positions in trade unions and professional or business associations**

21. A person making a return under clause 4.21 of the code must disclose:

- the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and

- the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and

- a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

**Dispositions of real property**

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.
**Sources of income**

26. A person making a return under clause 4.21 of this code must disclose:
   a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
   b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
   a) in relation to income from an occupation of the person:
      (i) a description of the occupation, and
      (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
      (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
   b) in relation to income from a trust, the name and address of the settlor and the trustee, or
   c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed $500, or is not reasonably expected to exceed $500, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

**Debts**

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
   a) on the return date, and
   b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:
   a) the amount to be paid did not exceed $500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and

(ii) the amounts to be paid exceeded, in the aggregate, $500, or

b) the person was liable to pay the debt to a relative, or
c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
d) in the case of a debt arising from the supply of goods or services:
   (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
   (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures
34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.
SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21

‘Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.

3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

Important information
This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.
The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2009 and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

**Disclosure of pecuniary interests and other matters** by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor’s or designated person’s signature]

[date]

<table>
<thead>
<tr>
<th>A. Real Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Sources of income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of occupation</th>
<th>Name and address of employer or description of office held (if applicable)</th>
<th>Name under which partnership conducted (if applicable)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Sources of income I received from a trust since 30 June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and address of settlor</td>
</tr>
</tbody>
</table>
3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June
Sources of other income I received at any time since 30 June
[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

| C. Gifts |
|------------------|------------------|
| Description of each gift I received at any time since 30 June | Name and address of donor |

<table>
<thead>
<tr>
<th>D. Contributions to travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E. Interests and positions in corporations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and address of each corporation in which I had an interest (if interest or held a position at any time since 30 June)</td>
</tr>
</tbody>
</table>

| F. Were you a property developer or a close associate of a property developer on the return date? (Y/N) |

<table>
<thead>
<tr>
<th>G. Positions in trade unions and professional or business associations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at any time since 30 June</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>H. Debts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June</td>
</tr>
</tbody>
</table>
I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time.

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property.

J. Discretionary disclosures
SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37

1. This form must be completed using block letters or typed.

2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information
This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.
Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the day of 20 .

<table>
<thead>
<tr>
<th>Pecuniary interest</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)</td>
<td></td>
</tr>
<tr>
<td>Relationship of identified land to the councillor [Tick or cross one box.]</td>
<td>☐ The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). ☐ An associated person of the councillor has an interest in the land. ☐ An associated company or body of the councillor has an interest in the land.</td>
</tr>
<tr>
<td>Matter giving rise to pecuniary interest¹</td>
<td></td>
</tr>
<tr>
<td>Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land)² [Tick or cross one box]</td>
<td>☐ The identified land. ☐ Land that adjoins or is adjacent to or is in proximity to the identified land.</td>
</tr>
<tr>
<td>Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</td>
<td></td>
</tr>
</tbody>
</table>

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.
<table>
<thead>
<tr>
<th>Proposed change of zone/planning control</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Effect of proposed change of zone/planning control on councillor or associated person</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Insert one of the following: “Appreciable financial gain” or “Appreciable financial loss”]</td>
<td></td>
</tr>
</tbody>
</table>

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor’s signature

Date

[This form is to be retained by the council’s general manager and included in full in the minutes of the meeting]
Attachment 2

Procedures for the Administration of the Model Code of Conduct
Procedures for the Administration of the Model Code of Conduct

**AUTHORISATION & VERSION CONTROL**

<table>
<thead>
<tr>
<th>Policy Number</th>
<th>POL-002</th>
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</thead>
<tbody>
<tr>
<td>Policy Owner</td>
<td>Director Finance &amp; Governance</td>
</tr>
<tr>
<td>Date Adopted</td>
<td></td>
</tr>
<tr>
<td>Version No</td>
<td>2.0</td>
</tr>
<tr>
<td>TRIM Number</td>
<td>RM0031517/2019</td>
</tr>
<tr>
<td>Review Date</td>
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</tbody>
</table>
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<td>12</td>
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</tbody>
</table>
PART 1  INTRODUCTION

These procedures ("the Model Code Procedures") are prescribed for the administration of the *Model Code of Conduct for Local Councils in NSW* ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2006* ("the Regulation"). Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) and joint organisation to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

In adopting procedures for the administration of their adopted codes of conduct, councils and joint organisations may supplement the Model Code Procedures. However, provisions that are not consistent with those prescribed under the Model Code Procedures will have no effect.

Note: References in these procedures to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code Procedures, joint organisations should adapt them to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

Note: In adopting the Model Code Procedures, county councils should adapt them to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Note: Parts 6, 7, 8 and 11 of these procedures apply only to the management of code of conduct complaints about councillors (including the mayor) or the general manager.
PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA the Local Government Act 1993

administrator an administrator of a council appointed under the LGA other than an administrator appointed under section 66

code of conduct a code of conduct adopted under section 440 of the LGA

code of conduct complaint a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures

complainant a person who makes a code of conduct complaint

complainant councillor a councillor who makes a code of conduct complaint

complaints coordinator a person appointed by the general manager under these procedures as a complaints coordinator

conduct reviewer a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager

council includes county councils and joint organisations

council committee a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to

council committee member a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee

councillor any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the
boards of joint organisations and chairpersons of joint organisations

council official any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

delegate of council a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

external agency a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police

general manager includes the executive officer of a joint organisation

ICAC the Independent Commission Against Corruption

joint organisation a joint organisation established under section 4000 of the LGA

mayor includes the chairperson of a county council or a joint organisation

members of staff of a council includes members of staff of county councils and joint organisations

the Office the Office of Local Government

investigator a conduct reviewer

the Regulation the Local Government (General) Regulation 2005

respondent a person whose conduct is the subject of investigation by a conduct reviewer under these procedures

wholly advisory committee a council committee that the council has not delegated any functions to
PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

3.1 The council must by resolution establish a panel of conduct reviewers.

3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.

3.3 The panel of conduct reviewers is to be established following a public expression of interest process.

3.4 An expression of interest for members of the council’s panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.

3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
   a) an understanding of local government, and
   b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1994, and
   c) knowledge and experience of one or more of the following:
      i) investigations
      ii) law
      iii) public administration
      iv) public sector ethics
      v) alternative dispute resolution, and
   d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.

3.6 A person is not eligible to be a conduct reviewer if they are:
   a) a councillor, or
   b) a nominee for election as a councillor, or
   c) an administrator, or
   d) an employee of a council, or
   e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
   f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
   g) a person who has a conviction for an indictable offence that is not an expired conviction.

3.7 A person is not precluded from being a member of the council’s panel of conduct reviewers if they are a member of another council’s panel of conduct reviewers.

3.8 An incorporated or other entity may be appointed to a council’s panel of conduct reviewers where the council is satisfied that all the persons who
will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.

3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.

3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.

3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council’s panel of conduct reviewers with the Office’s consent.

3.14 To be appointed to a council’s panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.

3.15 An internal ombudsman appointed to a council’s panel of conduct reviewers may also exercise the functions of the council’s complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council’s complaints coordinator and has been appointed to the council’s panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.

3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council’s panel of conduct reviewers.

The appointment of complaints coordinators

3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body
associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.

3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.

3.19 The general manager must not undertake the role of complaints coordinator.

3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the purpose of receiving and managing reports of wrongdoing under the Public Interest Disclosures Act 1994.

3.21 The role of the complaints coordinator is to:
   a) coordinate the management of complaints made under the council’s code of conduct
   b) liaise with and provide administrative support to a conduct reviewer
   c) liaise with the Office and
   d) arrange the annual reporting of code of conduct complaints statistics.
PART 4  HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.

4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
   a) complaints about the standard or level of service provided by the council or a council official
   b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
   c) complaints about the policies or procedures of the council
   d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.

4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.

4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.

How may a code of conduct complaint about a council official other than the general manager be made?

4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.

4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council’s code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.

4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.

4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.

4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant’s preferences in deciding how to deal with the complaint.

4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council’s code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.
PART 5  HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
   a) is not a code of conduct complaint, or
   b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
   c) is trivial, frivolous, vexatious or not made in good faith, or
   d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
   e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council’s code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one
requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.

5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.

5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.

5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.

5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.

5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of
a code of conduct complaint under this clause is not to be taken as a
determination that there has been a breach of the council’s code of
conduct.

5.15 Where the general manager resolves a code of conduct complaint under
clause 5.14 to the general manager’s satisfaction, the general manager
must notify the complainant in writing of the steps taken to resolve the
complaint and this shall finalise the consideration of the matter under
these procedures.

5.16 Sanctions for breaches of the code of conduct by delegates of council
and/or council committee members depend on the severity, scale and
importance of the breach and may include one or more of the following:
   a) censure
   b) requiring the person to apologise to any person or organisation
      adversely affected by the breach in such a time and form specified
      by the general manager
   c) prosecution for any breach of the law
   d) removing or restricting the person’s delegation
   e) removing the person from membership of the relevant council
      committee.

5.17 Prior to imposing a sanction against a delegate of council or a council
committee member under clause 5.16, the general manager or any
person making enquiries on behalf of the general manager must comply
with the requirements of procedural fairness. In particular:
   a) the substance of the allegation (including the relevant provision/s
      of the council’s code of conduct that the alleged conduct is in
      breach of) must be put to the person who is the subject of the
      allegation, and
   b) the person must be given an opportunity to respond to the
      allegation, and
   c) the general manager must consider the person’s response in
deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

5.18 The general manager must refer all code of conduct complaints about
administrators to the Office for its consideration.

5.19 The general manager must notify the complainant of the referral of their
complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

5.20 The general manager must refer the following code of conduct complaints
about councillors to the Office:
   a) complaints alleging a breach of the pecuniary interest provisions
      contained in Part 4 of the code of conduct
b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)

c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct

d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.

5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.

5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council’s code of conduct.

5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager’s satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.
How are code of conduct complaints about the general manager to be dealt with?

5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
   a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
   b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
   c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.

5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.

5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.

5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council’s code of conduct.

5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor’s satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.

5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.
How are complaints about both the general manager and the mayor to be dealt with?

5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
   a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
   b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.

5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.

5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
   a) the complainant consents in writing to the disclosure, or
   b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
   c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
   d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
   e) it is otherwise in the public interest to do so.

5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.

5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.

5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

**Code of conduct complaints made as public interest disclosures**

5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council’s internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.

5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.

5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

**Special complaints management arrangements**

5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
  
a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
  
b) impeded or disrupted the effective administration by the council of its code of conduct, or
  
c) impeded or disrupted the effective functioning of the council.

5.50 A special complaints management arrangement must be in writing and must specify the following:
  
a) the code of conduct complaints the arrangement relates to, and
  
b) the period that the arrangement will be in force.

5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.

5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.

5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.

5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.

5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.
PART 6  PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.

6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
   a) a panel of conduct reviewers established by the council, or
   b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.

6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.

6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
   a) they have a conflict of interest in relation to the matter referred to them, or
   b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
   c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds $100,000, or
   d) at the time of the referral, they or their employer are the council’s legal service provider or are a member of a panel of legal service providers appointed by the council.

6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.

6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.

6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.

6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.

6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
   a) comply with these procedures in their consideration of the matter, or
   b) comply with a lawful and reasonable request by the complaints coordinator, or
   c) exercise their functions in a timely or satisfactory manner.

6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
   a) to take no action
   b) to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
c) to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour

d) to refer the matter to an external agency

e) to investigate the matter.

6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.

6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.

6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.

6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.

6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.

6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council’s code of conduct.

6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.

6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.

6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
a) that the complaint is a code of conduct complaint for the purposes of these procedures, and
b) that the alleged conduct is sufficiently serious to warrant investigation, and
c) that the matter is one that could not or should not be resolved by alternative means.

6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:
a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer’s recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer’s recommendation.
6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.

Complaints assessment criteria

6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
   a) whether the complaint is a code of conduct complaint for the purpose of these procedures
   b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
   c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
   d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
   e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
   f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
   g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
   h) whether the issue(s) giving rise to the complaint have previously been addressed or resolved
   i) any previous proven breaches of the council's code of conduct
   j) whether the conduct complained of forms part of an ongoing pattern of behaviour
   k) whether there were mitigating circumstances giving rise to the conduct complained of
   l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
   m) the significance of the conduct or the impact of the conduct for the council
   n) how much time has passed since the alleged conduct occurred
   o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.
PART 7  INVESTIGATIONS OF CODE OF CONDUCT
COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL
MANAGER

What matters may a conduct reviewer investigate?

7.1 A conduct reviewer (hereafter referred to as an “investigator”) may
investigate a code of conduct complaint that has been referred to them by
the complaints coordinator and any matters related to or arising from that
complaint.

7.2 Where an investigator identifies further separate possible breaches of the
code of conduct that are not related to or arise from the code of conduct
complaint that has been referred to them, they are to report the matters
separately in writing to the general manager, or, in the case of alleged
conduct on the part of the general manager, to the mayor.

7.3 The general manager or the mayor or their delegate is to deal with a
matter reported to them by an investigator under clause 7.2 as if it were a
new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

7.4 The investigator must at the outset of their investigation provide a written
notice of investigation to the respondent. The notice of investigation must:
   a) disclose the substance of the allegations against the respondent, and
   b) advise of the relevant provisions of the code of conduct that apply
to the alleged conduct, and
   c) advise of the process to be followed in investigating the matter, and
   d) advise the respondent of the requirement to maintain
      confidentiality, and
   e) invite the respondent to make a written submission in relation to
      the matter within at least 14 days or such other period specified
      by the investigator in the notice, and
   f) provide the respondent the opportunity to address the investigator
      on the matter within such reasonable time specified in the notice.

7.5 The respondent may, within 7 days of receipt of the notice of investigation,
request in writing that the investigator provide them with such further
information they consider necessary to assist them to identify the
substance of the allegation against them. An investigator will only be
obliged to provide such information that the investigator considers
reasonably necessary for the respondent to identify the substance of the
allegation against them.

7.6 An investigator may at any time prior to issuing a draft report, issue an
amended notice of investigation to the respondent in relation to the matter
referred to them.

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7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.

7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
   a) advise them of the matter the investigator is investigating, and
   b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
   c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.

7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.

7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.

7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.

7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.

7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.
How are investigations to be conducted?

7.15 Investigations are to be undertaken without undue delay.

7.16 Investigations are to be undertaken in the absence of the public and in confidence.

7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.

7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.

7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
   a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
   b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
   c) refer the matter to an external agency.

7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.

7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council’s code of conduct.

7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about
the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.

7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.

7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.

7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.

7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.

7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.

7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.
Final investigation reports

7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.

7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.

7.35 The investigator’s final report must:
   a) make findings of fact in relation to the matter investigated, and,
   b) make a determination that the conduct investigated either,
      i. constitutes a breach of the code of conduct, or
      ii. does not constitute a breach of the code of conduct, and
   c) provide reasons for the determination.

7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
   a) that the council revise any of its policies, practices or procedures
   b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
   c) that the respondent be counselled for their conduct
   d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council’s representative
   e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
   f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
   g) that findings of inappropriate conduct be made public by publishing the investigator’s findings and determination in the minutes of the council meeting at which the matter is considered
   h) in the case of a breach by the general manager, that action be taken under the general manager’s contract
   i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
   j) in the case of a breach by a councillor, that the council resolves as follows:
      i. that the councillor be formally censured for the breach under section 440G of the LGA, and
      ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
a) that the council revise any of its policies, practices or procedures
b) that a person or persons undertake any training or other education.

7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
   a) the seriousness of the breach
   b) whether the breach can be easily remedied or rectified
   c) whether the respondent has remedied or rectified their conduct
   d) whether the respondent has expressed contrition
   e) whether there were any mitigating circumstances
   f) the age, physical or mental health or special infirmity of the respondent
   g) whether the breach is technical or trivial only
   h) any previous proven breaches
   i) whether the breach forms part of an ongoing pattern of behaviour
   j) the degree of reckless intention or negligence of the respondent
   k) the extent to which the breach has affected other parties or the council as a whole
   l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
   m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
   n) whether an educative approach would be more appropriate than a punitive one
   o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
   p) what action or remedy would be in the public interest.

7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.

7.40 At a minimum, the investigator’s final report must contain the following information:
   a) a description of the allegations against the respondent
   b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
   c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
   d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
   e) a description of any attempts made to resolve the matter by use of alternative means
   f) the steps taken to investigate the matter
   g) the facts of the matter
h) the investigator’s findings in relation to the facts of the matter and the reasons for those findings
i) the investigator’s determination and the reasons for that determination
j) any recommendations.

7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.

7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:
   a) the investigator’s findings in relation to the facts of the matter and the reasons for those findings
   b) the investigator’s determination and the reasons for that determination
   c) any recommendations, and
   d) such other additional information that the investigator considers may be relevant.

7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator’s report to the general manager or, where the report relates to the general manager’s conduct, to the mayor, and this will finalise consideration of the matter under these procedures.

7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator’s report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.

7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator’s report to the general manager or, where the report relates to the general manager’s conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor’s conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager’s conduct.

7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the
investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).

7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.

7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of interest in relation to the matter unless otherwise required to do so under the code of conduct.

7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.

7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.

7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.

7.53 Prior to imposing a sanction, the council may by resolution:
   a) request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
   b) seek an opinion from the Office in relation to the report.

7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.

7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.

7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.

7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.

7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
   a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
   b) that the respondent be counselled for their conduct
   c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
   d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
   e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
   f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
   g) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach
   h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
   i) in the case of a breach by a councillor:
      i. that the councillor be formally censured for the breach under section 440G of the LGA, and
      ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.
7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.

8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.

8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.

8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.

8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

Practice rulings

8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).

8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
8.9 Where the Office makes a practice ruling, all parties must comply with it.

8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator’s determination and recommendation by the Office.

8.12 A review under clause 8.11 may be sought on the following grounds:
   a) that the investigator has failed to comply with a requirement under these procedures, or
   b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
   c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.

8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.

8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.

8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.

8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.

8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.

8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office’s review in writing and the reasons for its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
   a) the complaints coordinator must provide a copy of the Office’s determination in relation to the matter to the general manager or the mayor, and
   b) the general manager or mayor must review any action taken by them to implement the sanction, and
   c) the general manager or mayor must consider the Office’s recommendation in doing so.

8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
   a) the complaints coordinator must, where practicable, arrange for the Office’s determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
   b) the council must:
      i. review its decision to impose the sanction, and
      ii. consider the Office’s recommendation in doing so, and
      iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.

8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.

9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
   a) the non-compliance is isolated and/or minor in nature, or
   b) reasonable steps are taken to correct the non-compliance, or
   c) reasonable steps are taken to address the consequences of the non-compliance.
PART 10 PRACTICE DIRECTIONS

10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

10.2 The Office will issue practice directions in writing, by circular to all councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)

b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period

c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints

d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period

e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period

f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and

g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.
PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office’s consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office’s consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.

12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.

12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
   a) the complainant
   b) the complaints coordinator
   c) the Office, and
   d) any other person the general manager or their delegate considers should be notified of the determination.

12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.

12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the Government Information (Public Access) Act 2009 or to receive information under the Public Interest Disclosures Act 1994 in relation to a complaint they have made.
Item No: C03/19-32

OUTSTANDING CONSTRUCTION BONDS BY SUBURB

Responsible Division: Finance & Governance
Officer: Director Finance & Governance
File Number: HC-12-01
Community Strategic Plan Goal: Transparent and accountable leadership

SUMMARY

At the Council Meeting of 6 February 2019, Council considered Item No: C02/19-6, Adoption of Construction Bonds Management Policy - Post Exhibition, and resolved as follows:

“That Council adopt the Construction Bonds Management Policy as outlined in Attachment 1 of this report subject to the following:

1. Amend point 3 on page 3 of the Policy to add the words “in the general area in which the bonds were collected.”

2. That a further report be provided to Council which outlines the unclaimed bond sums received from each suburb.”

This report provides a table of information by suburb on the unclaimed construction bonds.

RECOMMENDATION

That Council receive this report.

REPORT

The below table provides a summary of the 6,285 construction bonds that are recorded as paid and currently outstanding.

The $16.7m in outstanding bonds includes all bonds; the value of bonds from 2014 to 2019 is $10.3m, the balance for the period 2011 to 2013 is $1.1m and the remaining balance of 7 years old is $5.3m.

Council is currently advertising the 7 year old bonds from 1991 to 2010, as per Section 2 of the Construction Bonds Management Policy.
<table>
<thead>
<tr>
<th>Suburb</th>
<th>Quantity</th>
<th>Value ($)</th>
<th>% Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn</td>
<td>7</td>
<td>10,500</td>
<td>0.06%</td>
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<tr>
<td>Chester Hill</td>
<td>8</td>
<td>21,010</td>
<td>0.13%</td>
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<tr>
<td>Fairfield</td>
<td>9</td>
<td>14,984</td>
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<td>Girraween</td>
<td>500</td>
<td>1,411,919</td>
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<td>Granville</td>
<td>59</td>
<td>147,846</td>
<td>0.89%</td>
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<tr>
<td>Greystanes</td>
<td>1,158</td>
<td>2,191,540</td>
<td>13.13%</td>
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<td>Guildford</td>
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<td>984,756</td>
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<td>Guildford West</td>
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<td>798,820</td>
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<td>Holroyd</td>
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<td>3,799,578</td>
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<td>Parramatta</td>
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<td>Pemulwuy</td>
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<td>Pendle Hill</td>
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<tr>
<td>Prospect</td>
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<td>0.06%</td>
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<tr>
<td>Smithfield</td>
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<td>South Wentworthville</td>
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<td>Toongabbie</td>
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<td>Wentworthville</td>
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<td>1,254,383</td>
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<td>Woodpark</td>
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<tr>
<td>Yennora</td>
<td>83</td>
<td>378,565</td>
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<tr>
<td><strong>Total</strong></td>
<td>6,285</td>
<td>16,687,133</td>
<td>100%</td>
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**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 with this report.

FINANCIAL IMPLICATIONS

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

CONCLUSION

This report provides information to Council which outlines the unclaimed bond sums received from each suburb.

ATTACHMENTS

Nil
Item No: C03/19-33

ROAD NAMING FOR TWO NEW STREETS IN PROPOSED SUBDIVISION, LOT 12 DP1175686, PALMER STREET, GUILDFORD WEST.

Responsible Division: Environment & Planning
Officer: Director Environment & Planning
File Number: 2017/52/1
Community Strategic Plan Goal: A resilient built environment

SUMMARY

This report seeks Council approval to place on public exhibition proposed names for two new roads that will be constructed as part of the subdivision of Lot 12 DP 1175686. This lot is bounded by Albert, Palmer and Frank Streets, Guildford West.

RECOMMENDATION

That Council:

1. Endorse the proposed preferred names of Cottage Circuit (New Road 1) and Basin Parkway (New Road 2), together with the alternative road names for both roads, for public exhibition; and

2. Proceed with finalisation of these preferred road names with the NSW Geographical Names Board (GNB) following public exhibition, subject to no objections being received. If objections are received, a further report will be provided to Council.

REPORT

A new residential subdivision is in progress at Lot 12 DP 1175686, Palmer Street, West Guildford (refer to Figure 1). The site originally formed part of the Guildford Pipehead water supply facility but was identified as surplus to requirements. As a result, the subject lot was rezoned for residential development. The residential subdivision includes two new roads that require naming. Council has the responsibility for nominating names for new roads within the Cumberland Local Government Area.
Proposed Road Names

New Road 1

The street suffix ‘Circuit’ has been chosen as New Road 1 forms a loop or circuit from Palmer Street. The preferred name for New Road 1 is:

- **Cottage Circuit** – proposed in recognition of the workers cottages which were constructed in the late 1800s and early 1900s to support the Pipehead operations. The Headworks Engineers Residence cottage, constructed circa 1913, is still standing and fronts Parkes Street. This name has a historical relationship to the Guildford Pipehead Facility.

The alternative names proposed for New Road 1 are:

- **Banani Circuit** – name put forward by the applicant. The word ‘Banani’ is of Indian origin and means ‘Evergreen Forest’. The applicant justifies the use of this name as the final development will be surrounded by green trees, shrubs, panoramic landscaping and an existing canal which will create an environment similar to a green forest.

- **Headworks Circuit** – proposed in recognition that the Pipehead facility is the Headquarters for the Water Board’s former Headworks organisation for the supply of bulk water to Sydney and includes a wide range of buildings and ancillary structures to facilitate this purpose. This name has a historical relationship to the Guildford Pipehead Facility.

New Road 2

The street suffix ‘Parkway’ has been chosen as New Road 2 will have a plantation of trees on either side. The preferred name for New Road 2 is:

- **Basin Parkway** - proposed in recognition of the basin that the Lower Canal flowed into. This was a key component of Pipehead Deck. This name has a historical relationship to the Guildford Pipehead Facility.
The alternative names proposed for New Road 2 are:

- **Gulshan Parkway** – the word Gulshan is of Iranian origin and means ‘Garden’. The applicant justifies the use of the name that the future development will give the vibe of passing through a beautiful garden.

- **Shapla Parkway** - the word ‘Shapla’ is of Iranian origin and means Beautiful and very quiet. The applicant justifies the use of the as the New Road 2 is small, beautiful with trees on both the sides and would be silent and calm in future owing to short length of the road.

The applicant put forward the following names for the proposed new roads:

- New Road 1 – Banani, Busundhara or Motijheel Circuit
- New Road 2 – Gulshan or Shapla Parkway

These names have not been considered as preferred road names as they do not have a historical relationship to the site. Banani, Gulshan and Shapla have been included as alternative names. Busundhara and Motijheel were not considered as alternative road names either road as they are both difficult to pronounce, and there were already sufficient alternatives.

**Other Road Names Considered**

The following road names were also considered due to their historical relationship to the site. However they were not supported by the GNB:

- **Canal Circuit** – not supported as there is a Canal Road located approximately 1.3km away in the suburb of Greystanes.
- **Pipeline Parkway** – not supported as it is too similar to the existing Pipehead Crescent which is located within the same development less than 1km away.
- **Reservoir Parkway** – not supported as it is a duplication with Reservoir Road located approximately 6km away in the suburb of Prospect.

**Geographical Names Board**

The proposed and alternative road names need to meet the requirements of the NSW Geographical Names Board (GNB) and the NSW Addressing User Manual (September 2016) as part of the road naming process.

Council has contacted the GNB for preliminary advice on all the nominated road names. The GNB advises the proposed and alternative names are acceptable.

**COMMUNITY ENGAGEMENT**

As part of the road naming process, Council will need to place the proposed and alternative names on public exhibition for four (4) weeks. The community will be invited to make submissions.
Should any submissions be received opposing the proposed and alternative names be received during the exhibition period, a report to Council addressing these submissions would be provided.

POLICY IMPLICATIONS

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

RISK IMPLICATIONS

Any further delays to the finalisation of this road name could have adverse impacts on the ability of emergency services to attend to this location.

FINANCIAL IMPLICATIONS

Upon gazettal of the road name through the NSW Geographical Names Board, street signs will need to be prepared and installed at appropriate locations.

There are no further implications associated with this report.

CONCLUSION

This report recommends Council endorse the proposed and alternative road names for public exhibition, as these have been received and are acceptable to the Geographical Names Board (GNB). The preferred names of Basin Parkway and Cottage Circuit have a historical relationship to the Guildford Pipehead Facility.

If there is no community objection to the names, Council officers will initiate the process to finalise the naming of the two roads for Lot 12 DP 1175686 with the GNB.

ATTACHMENTS

1. Applicant's Proposed Street Names
Attachment 1
Applicant's Proposed Street Names
Commentary for Street Name Proposal for the Development at 12 Palmer Street, Guildford West

Council: Cumberland Council
Developer: Universal Property Group Pty Ltd
Property: Lot 12 DP 1175686
DA: 52/2017 [LEC-2017/00126814]

Project Description:

The Site location is in Guildford in the Local Government Area of the Holroyd City which is 26 km west of Sydney’s CBD. The surrounding vicinity of the property comprises of houses and various residential developments. The proposed development is for the construction of a residential community including apartments and multi-dwelling houses.

The development also consists of the construction of two new roads which needs to be named.

A. First Road name proposal: New road no. 1 & 2 Start at existing Palmer Street and end at Palmer Street made a Circular pathway for which we are proposing following road names “Banani’ Circuit/’Basundhara’ Circuit/’Motijheel’ Circuit for the Council’s review, analysis and approval.

Option 1: ‘Banani’ Circuit
Origin: India
Meaning: ‘Evergreen Forest’.
Explanation: The final development of the project site will be surrounded by green trees, shrubs, panoramic landscaping and an existing canal which will create an environment similar to a green forest that’s why Banani Circuit chosen. The past history described that this area was suffering from drought till 1888 and it was the Upper Nepean Scheme which came up with a water supply solution in this location. The scheme not only met the water demands but also eventually transformed the place into a green suburb. Considering all these facts, Banani (Evergreen Forest) should be a beautiful and pleasant name. The Indian version of the name is chosen appreciating the multicultural habitation in nearby area.

In this context, the name ‘Banani’ Circuit seems to be apt and matches with the interpretation of existing road name history and meaning. Palmer means the habitation place for the people who visited holy places such as holy paradise, natural forests, mountains and pilgrim places.

As an analogy, the knowledge and understanding of the Palmers will expand further and creates a Banani for future generation.
To resolve the problem of water shortages which had been exacerbated by the region’s increasing population and periods of drought in this region "Upper Nepean Scheme" had been implemented. According to this scheme, water would be directed from the Nepean River and its tributaries (the Avon, Cataract and Cordeaux) through a system of tunnels, canals and aqueducts known as the Upper Canal, down to Prospect Reservoir and from there through the Lower Canal to the Pipe head Basin. The Pipe head Basin was the junction at which the Lower Canal joined the 72" pipeline that would convey water to the screening facility at Potts Hill Reservoir and from there to the Crown Street Reservoir and reservoirs at Woollahra, Paddington and Waverley.

In respect to the connectivity and past history of saving life from drought the upper Nepean scheme passing through this site. To attribute the importance of this scheme, the word Banani sounds ethnic. This name is pretty new and, it would be unique as there is no other road with the same name in Australia. The proposed road starts and ends at Palmer Street in the form of a loop or circuit that’s why ‘Circuit’ added along with ‘Banani’.

**Option 2: ‘Basundhara’ Circuit**

**Origin:** India

**Meaning:** ‘The holy land Earth’

**Explanation:** An outstanding land for residing in the well-established Western Sydney Metro suburb. Due to its prime location and past history ‘Basundhara Circuit’ is chosen. In regards to Palmer, its origin was from Anglo-Norman French which means the pilgrim who travelled to the Holy Land and carried back palm leaves as a sign of proof. The name Basundhara Circuit seems to be an appropriate match in relation to the history of the existing Street’s name Palmer.

Pipe head has been the operational ‘headworks’ since 1888 for the Upper Nepean Scheme, Sydney’s first reliable water supply. The scheme was the first of its kind in NSW, harvesting water in the Southern Highlands and transporting it via canals, aqueducts and pipelines. The Storage was initially only at Prospect, but later major storages were added at Cataract, Cordeaux, Avon and Nepean.

Now the pipelines have not become obsolete, but by virtue of boosters, are still key components of Sydney’s water supply system. It was the changeover from open canal to No. 1 pipeline that gave Pipe head its name. The site is now arguably the most important operations and control centre for Sydney’s water supply system (Sydney Water, 2005)

In respect to the site locality and importance, the word Basundhara sounds indigenous as its roots belong to 16th Century’s late India. The name Basundhara seems to be an appropriate match in relation to the history of the existing Street’s name Palmer. The people who visit the holy places gain eternal knowledge and wisdom through their self-restraint Endeavours and the place where they stay becomes Holy. Additionally, we have also proposed plantation of
trees along both the sides of road and the area would be as natural as the earth surface. The
proposed road starts and ends at Palmer Street in the form of a loop or circuit that’s why
‘Circuit’ added along with ‘Basundhara’.

Option 3: ‘Motijheel’ Circuit

Origin: India

Meaning: ‘Pearl Lake’.

Explanation: Due to prime location and attractive green view of this development this name
‘Motijheel Circuit’ is chosen. The name Motijheel seems to be a best match for the proposed
street name as the meaning sounds rational in respect to the existing street name Palmer.
The name Palmer can be compared to Pearl which means a person or thing of great worth.
The Palmers are also people of great knowledge, wisdom, worth and the people who extends
their help to the surrounding environment. The name Motijheel would increase the integrity
of the overall area as the street names would be in conjunction with each other.

In addition, the pipelines display superb late 19th century hydraulic construction techniques
which were state-of-the-art technology of the time in Australia. Also, the three pipelines laid
side by side illustrate the advancements in major pipeline construction over a span of some
37 years. Pipeline No.1 (1888) was constructed from wrought iron, Pipeline No. 2 (1900) from
mild steel and Pipeline No.3 (1925) from electrically welded steel plates. The significance
attached to these pipelines stems from their association as an integral element with the
Upper Nepean Scheme, Sydney’s first reliable water supply. The scheme was the first of its
kind in NSW.

The pipes are a visual feature of the landscape along which they run. The physical curtilage of
the Pipehead to Potts Hill Pipelines extends to the boundary of Sydney Water Corporation
land along the route of the pipelines. The curtilage includes the pipelines and all infrastructure
associated with the pipelines such as valve houses, flow metres, cross-connections and
pumping stations (s.170 register, 1990).

In conclusion, ‘Motijheel Circuit’ is the perfect choice for this road name, the word Motijheel
sounds valuable asset which denotes existing pipe lines nearby canal. The proposed road
starts and ends at Palmer Street in the form of a loop or circuit that’s why ‘Circuit’ added
along with ‘Motijheel’.
B. **Second Road name proposal:** The proposed new road-1 starts at Banani Circuit/ Basundhara Circuit/ Motijheel Circuit (new road names as described above) and ends at Frank Street (existing road name) in the form of a straight line.

**Option 1:** ‘Gulshan’ Parkway  
*Origin: Iran*  
*Meaning: ‘Garden’*  
*Explanation:* This road users will be entitled to enjoy a magnificent garden located just beside the pathway. The amazing landscaping will give a vibe of passing through a beautiful garden. Promoting the multicultural residents to be living in the development, a synonym of Garden from different language has been chosen which is good to hear and spell. Moreover, there is a significant community of people with similar culture and custom reside in this area who are from Countries like Iran, Iraq and Lebanon. So, we have preferred the Iranian synonym of Garden.

In regards to connecting Frank Street, The name Frank origin was from Medieval Latin which means Open and Honest. ‘**Gulshan Parkway**’, is a good match as the road has plantation of trees proposed on either sides. The word Gulshan means Garden and the future road would resemble a small straight road with good greenery and tree paths. As an irony, we can interpret that people with open and honest mind (Frank Street) would need a path (Gulshan Parkway) to achieve that knowledge and wisdom (Palmer Street).

**Option 2:** ‘Shapla’ Parkway  
*Origin: Iran*  
*Meaning:* Shapla means ‘**Beautiful and very quiet**’ and talks like a water lily  
*Explanation:* This road passing through a park with magnificent landscaping and alongside a canal which feel like very pleasant that’s why this road name proposed as ‘**Shapla Parkway**’. The proposed road is matching with connecting Frank Street, The Frank origin was from Medieval Latin which means open and honest. In regards to name Shapla, it suits the location of the road and also matches with the situation. The meaning beautiful and quiet is perfect as the proposed road is small, beautiful with trees on both the sides and would be silent & calm in future owing to short length of the road.

Shapla Parkway is the perfect matches with the past history of this area. The past history described that this area was suffering from drought till 1888 and it was the Upper Nepean Scheme which came up with a water supply solution in this location. The scheme not only met the water demands but also eventually transformed the place into a green, Calm and quite suburb.
SUMMARY

This report presents the minutes of the Cumberland Heritage Committee meeting held on 12 February 2019.

The Committee made a number of suggestions and recommendations during consideration of agenda items, some of which require specific Council approval in order to proceed.

This report also recommends that Cumberland Local Heritage Rebate Program (Rebate Program) and the Cumberland Local Heritage Awards (Awards) are held in 2019, as recommended by the Committee.

RECOMMENDATION

That Council:

1. Receive the minutes of the Cumberland Heritage Committee meeting held on 12 February 2019;

2. Endorse the recommendation of the Cumberland Heritage Committee, as detailed in those minutes, to make minor changes to three (3) categories to the Awards;

3. Adopt the Heritage Rebate Program Guidelines, as amended and undertake the Rebate Program in 2019 accordingly;

4. Adopt the Heritage Awards Guidelines, as amended and, undertake the Awards in 2019 accordingly;

5. Receive and note the motion carried by the Committee to acknowledge the excellent work of the staff involved in organising the bus and walking tour of heritage sites in Granville; and
6. Receive and note the motion by the nominees of the Auburn Heritage Sub-Committee.

REPORT

Committee Meeting

The first meeting of the Cumberland Heritage Committee (Committee) was held at the Merrylands Service Centre on Monday, 12 February 2019.

Under the Terms of Reference (ToR) for the Committee, the minutes of meetings are to be endorsed by the Meeting Convener and subsequently reported to Council to the next available Ordinary Meeting of Council. The endorsed minutes of the meeting are provided at Attachment 1.

Within the minutes are a number of recommendations of the Committee, which require Council resolution. These are detailed below.

Cumberland Local Heritage Rebate Program 2019

A report on the Rebate Program was provided to the Committee for consideration prior to, and for discussion at, the meeting of 12 February 2019 as an agenda item (Attachment 2).

This report, supported by the Rebate Program Guidelines, outlined the intent of the Rebate Program, and the overall process. It noted that the budget of the Rebate Program had increased from $20,000 in previous years to $50,000 as per Council’s resolution (C04/18-66) at its meeting on 18 April 2018 and allocated within the FY2019/2020 budget. The report, therefore, recommended that an amendment be made to the Rebate Program Guidelines to reflect this increased level of funding.

The Committee supported the intent of the Rebate Program and recommended that it be run in 2019 as per the approach outlined in the report (Attachment 2) and as per the proposed amended guidelines (Attachment 3).

Cumberland Local Heritage Awards Program 2019

A report on the Awards was provided to the Committee for consideration prior to, and for discussion at, the meeting of 12 February 2019 as an agenda item (Attachment 4).

The report proposed changes to two (2) categories, Category 5 – Writing Competition and Category 6 – School Poster Competition. The proposed changes are:

- Category 5 – Writing Competition consisted of two divisions in 2018, one being for fiction and the other for non-fiction works. As no non-fiction entries were received in 2018, it was therefore recommended that both divisions be combined with participants provided the opportunity to submit either fiction or non-fiction entries.
• It was proposed that the name of Category 6 – School Poster Competition be amended to Category 6 - Artwork Competition to more accurately reflect this category and to also increase the appeal of this category to both primary and high school students. It was also proposed that the scale (size) of the art entry be adjusted to encourage entries (A1 to A3). All entries received for this category in 2018 were in A3 size despite the A1 recommended size.

The Awards guidelines were amended to reflect these proposed changes.

The Committee recommended that the Awards be run in 2019 as per the approach outlined in the report (Attachment 4) and as per the proposed amended guidelines, but with the following changes:

• Expand Category 2 - Restoration and Development to include adaptive reuse and make corresponding changes to the Awards guidelines and the category nomination form.

• Change of the sketch for the Category 4 colouring template.

As per the Committee’s recommendation, these changes have been made (Refer to Attachment 5 for full details on these Awards).

Motions

Two (2) motions were raised at the Committee meeting and are listed as follows:

1) Clr. Lake put forward a motion to acknowledge the excellent work of the staff involved in organising the bus and walking tour of heritage sites in Granville in December 2018, and this was carried by the Committee.

2) Nominees of the Auburn Heritage Sub-Committee put forward a motion that a detailed report be prepared for the Old Lidcombe Police Station at 11 John Street, Lidcombe and the Old Lidcombe Post Office at 1A Taylor Street, Lidcombe to ensure the preservation of these two heritage sites, which were noted to be under threat by neglect. The motion noted that the report should detail for each site:

• What measures have been adhered to or neglected regarding heritage compliance,

• How the owners have complied with conditions of any Development Application, and

• What guarantees are in place to ensure future compliance and maintenance? For example, why have missing roof tiles on the old Police Station not been replaced in order to maintain and protect the structure?

The first motion is included in this resolution for consideration by Council. A report is currently being prepared by Council staff on the details outlined in the second motion.
COMMUNITY ENGAGEMENT

Subject to endorsement of the Council resolution to proceed with the Awards and Rebate Program in 2019, the following engagement will be undertaken between late April 2019 and mid June 2019:

- Letter notifications will be sent to owners of all heritage listed properties and properties located within heritage conservation areas across the Cumberland Local Government Area (LGA), advising them of the Rebate Program and the Awards and inviting applications and/or entries respectively.

- Notices will be placed in local newspapers and on Council’s website to announce the opening of the Rebate Program and the Awards. Further information, including nomination forms for the Awards (Attachment 6) and application form for the Rebate Program (Attachment 7), will also be available from Council’s website, the Customer Service Centres at Auburn and Merrylands, and local Council libraries.

- Letters will be sent to all high schools and primary schools in the Cumberland LGA to advise that the Awards are being held and inviting entries.

- A media statement can be released to promote the opening of the Rebate Program and the Awards as a positive news story.

POLICY IMPLICATIONS

The Committee seeks to make amendments to three (3) categories under the Awards, and this has been reflected in the revised Awards Guidelines. The Guidelines for the Rebate Program have also been updated to reflect the increased level of funding from $20,000 in previous years to $50,000 in 2019 as per Council’s resolution (C04/18-66) at its meeting on 18 April 2018 and allocated within the FY2019/2020 draft budget.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report, in that the Awards and Rebate Program are existing Council commitments and included in current work programs.

FINANCIAL IMPLICATIONS

Additional funding support for the administration of the Heritage Committee has been included in the FY2019/20 draft budget, aligned within Council’s resolution.

The total cost of all nominated prizes of the Awards and the Awards Ceremony is at $6,800. These funds have been allocated in the FY2019/20 draft budget.

The Rebate Program has a budget of $50,000, which has been included in the FY2019/2020 draft budget.
Whilst the Auburn Heritage Sub-Committee has yet to formally convene, the motion put forward by nominees of this sub-committee can be addressed by Council staff. However, the costs and resourcing implications of this request will be monitored so that the financial and risk implications of any such future requests can be reported accurately.

CONCLUSION

The Committee met on 12 February 2019. The recommendations of the Committee are detailed in the attached minutes and in this report.

ATTACHMENTS

1. Minutes of the Cumberland Heritage Committee meeting of 12 February 2019 (endorsed by Convener)
2. Cumberland Local Heritage Rebate Program - report to Cumberland Heritage Committee (for meeting of 12 February 2019)
3. Cumberland Local Heritage Rebate Program Guidelines - proposed amendment on 12 February 2019
4. Cumberland Local Heritage Awards Program - report to Cumberland Heritage Committee (for meeting of 12 February 2019)
5. Cumberland Local Heritage Awards Program Guidelines - proposed amendment on 14 February 2019
Attachment 1

Minutes of the Cumberland Heritage Committee meeting of 12 February 2019 (endorsed by Convener)
Minutes of the Cumberland Heritage Committee Meeting
Council Chambers at the Merrylands Service Centre, 16 Memorial Avenue, Merrylands.

Tuesday, 12 February 2019.

Start time: 6.00 pm

Attendance
Heritage Committee Community Members (CM):

<table>
<thead>
<tr>
<th>Name</th>
<th>In Attendance (Yes/No)</th>
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<tbody>
<tr>
<td>Edmund Beebe (EB)</td>
<td>Yes</td>
</tr>
<tr>
<td>Reno Magro (RM)</td>
<td>No – Apology provided</td>
</tr>
<tr>
<td>Filomena Molinaro (FM)</td>
<td>Yes</td>
</tr>
<tr>
<td>Josephine Moncrieff (JM)</td>
<td>No – No apology received</td>
</tr>
<tr>
<td>Julie Nixon (JN)</td>
<td>Yes</td>
</tr>
<tr>
<td>Janaki Paudel (JP)</td>
<td>Yes</td>
</tr>
<tr>
<td>Cecilia Peralta (CP)</td>
<td>Yes</td>
</tr>
<tr>
<td>Greg Skelly (GS)</td>
<td>Yes</td>
</tr>
<tr>
<td>Kerryn Stanton (KS)</td>
<td>Yes</td>
</tr>
<tr>
<td>Dorothy Warwick (DW)</td>
<td>Yes</td>
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Councillors:

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<tr>
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<tr>
<td>Clr. Garrard (Chair)</td>
<td>Yes</td>
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<tr>
<td>Clr. Lake</td>
<td>Yes</td>
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<tr>
<td>Clr. Campbell</td>
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Council Staff:

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<thead>
<tr>
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<tbody>
<tr>
<td>Monica Cologna (MC)</td>
<td>Yes</td>
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<tr>
<td>Neelam Pradhananga (NP)</td>
<td>Yes</td>
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<tr>
<td>Daniel Cavallo (DC)</td>
<td>Yes</td>
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<tr>
<td>Fiona McDermott (FM)</td>
<td>Yes</td>
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Council Heritage Advisor:

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<tr>
<th>Name</th>
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<tr>
<td>Ron Edgar – FORM Architects (RE)</td>
<td>Yes</td>
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</table>

Guests

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<thead>
<tr>
<th>Name</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Corinne Softley</td>
<td>Yes</td>
</tr>
<tr>
<td>Ruth Berendt</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Confirmation of Minutes

The Cumberland Heritage Committee (Committee) confirmed the meeting minutes of the Committee meeting held on 20 November 2018.

The Committee formally welcomed Edmund Beebe, Daniel Cavallo, Director Environment and Planning, briefly introduced himself, and Fiona McDermott, Team Leader Urban Planning, was also introduced.

Cllr. Lake's motion to acknowledge the excellent work of the staff involved in organising the bus and walking tour of heritage sites in Granville was carried.

Item 1: Presentation on the Cumberland Heritage Study

Corinne Softley and Ruth Berendt from Extent Heritage presented on the council-wide heritage study currently being undertaken.

It was noted that the key objectives of the study are:

- Review of existing items of environmental heritage that fall in the Cumberland Local Government Area (LGA) and are listed in the three (3) Local Environmental Plans (LEP) – Auburn LEP 2010, Holroyd LEP 2013 and the Parramatta LEP 2011
- Identification of potential heritage items for listing
- Identification of potential heritage items for de-listing
- Preparation of a thematic history

A copy of the inventory sheet template was circulated to all members of the heritage committee.

The presentation highlighted the two-stage process of the study in which members of the heritage committee can get involved, which were:

- Reviewing and providing comment on the inventory sheet template.
- Nominating potential properties for listing on the updated heritage register.
- Sharing any available historical resources.

It was noted that all suggestions/feedback from the Committee for the heritage study should be sent to Council (not Extent Heritage) via email, preferably in a consolidated manner.

Any feedback on the inventory sheet template by Committee members should be sent by 26 February 2019. Suggestions for potential properties for listing on the updated heritage register and any available historical resources can be sent at any time up to 10 September 2019. Further guidance will be provided by Council staff on the format for provision of feedback and the email address for this feedback to be sent.

RE requested the possibility of accessing background information used to inform the study. MC noted this is likely to be beyond the scope of the heritage study.
EB noted that social housing may form a theme of the study. Extent Heritage took note of this.

KS inquired about the mechanism that will be put in place to collect the community’s ideas and/or feedback on the identification of potential properties for listing. It was noted that the heritage study is based on technical specialist advice. Upon completion of the study, an LEP amendment would need to be made to allow addition of properties identified by the listing to the Cumberland LEP. The process of an LEP amendment would include community consultation as per legislative requirements.

**Item 1: Actions**

- Committee members (CM) to review the inventory sheet template and provide feedback by 26 February 2019.
- CM to provide a consolidated list of potential properties for consideration for listing by 10 September 2019.
- CM to consolidate any historical resources to be shared with Extent Heritage and send to Council by 10 September 2019.
- NP to provide further guidance to the Committee on how feedback should be provided.

**Item 2: Update on Action Items from Previous Minutes**

*Wheel and Plaque at Wentworthville Railway Station*

The Committee recommended at its 20 November 2019 meeting to approach the Minister for Transport and Infrastructure again after receiving a response from Mark Coure MP, the Parliamentary Secretary for Transport and Infrastructure. The Committee felt that Mr Coure’s response did not adequately address the concerns raised by Council in its letter dated 11 September 2018.

Another letter has been drafted by Strategic Planning staff to be sent to the Minister with input from Cnr. Lake. In addition to the concerns raised in Council’s previous letter to the Minister, the newly drafted letter highlighted that whilst Holroyd Council was consulted during the reinstatement works at Wentworthville Railway Station, the focus was on the memorial fountain, which is the heritage listed item. The letter also noted the complaints made by the community about the poor location of the wheel and plaque.

The submission made by the former Holroyd Council on 5 January 2015 was attached to the letter. Current photos of the wheel and plaque were also attached to the letter highlighting its poor location. The letter requested that the Minister address the concerns raised by Council by:

- Moving the wheel and the plaque from their current locations to a position that is next to each other on a wall west of the station stairs, and
- Improving the contrast between the dark colour of the wheel and its dark background. Possible solutions may include the addition of a board behind the wheel that is of a lighter colour to act as a contrast between the wheel and its current brick background.
Item 2: Actions
- Council to send letter to the Minister for Transport and Infrastructure and copy to Julia Finn MP.

Display of historic items of the former Councils
This was discussed as part of agenda item 7.

Item 3: Cumberland Local Heritage Rebate Program 2019
The Committee considered the report outlining the recommendation for the Cumberland Local Heritage Rebate Program (Rebate Program) to be run in 2019 in accordance with the Rebate Program Guidelines and as outlined in that report. It is proposed that the Rebate Program open on 1 May 2019 and close on 14 June 2019 to coincide with the National Trust’s Heritage Festival.

In the report, minor changes were proposed to the Cumberland Local Heritage Rebate Program 2019 guidelines, primarily to reflect the change in level of funding available from $20,000 to $50,000 as approved by Council (C04/18-68) at its meeting on 18 April 2018 and allocated within the FY2019/2020 budget.

After considering the report, the Committee recommended that the approach outlined in the report and Guidelines be forwarded to Council for endorsement.

Item 3: Actions
- Present to Council for endorsement the approach agreed upon by the Committee on the proposal for the Rebate Program be run in 2019 as outlined in the report presented to the Committee and in accordance with the amended Rebate Program Guidelines.

Item 4: Cumberland Local Heritage Awards Program 2019
The Committee considered the report outlining the recommendation for the Cumberland Local Heritage Awards Program (Awards) to be run in 2019 in accordance with the Awards Guidelines and as outlined in that report. It is proposed that the Awards open on 1 May 2019 and close on 14 June 2019 to coincide with the National Trust’s Heritage Festival and to run at the same time as the Rebate Program.

In the report, changes were proposed to Category 5 – Writing Competition and Category 6 – Artwork Competition. Category 5 consisted of two divisions in 2018, one being for fiction and the other for non-fiction works. As no non-fiction entries were received in 2018, it was recommended that both divisions be combined with participants provided the opportunity to submit either fiction or non-fiction entries.

It was proposed that the name of Category 6 – School Poster Competition be amended to Category 6 - Artwork Competition to more accurately reflect this category and to also increase the appeal of this category to both primary and high school students.
It was proposed that the National Heritage Trust Festival theme for 2019 be adopted but with the text in the announcement and application form for this category to be worded appropriately for primary and high school students. The scale (size) of the art entry was adjusted to encourage entries (A1 to A3). All entries received for this category in 2018 were in A3 size despite the A1 recommended size.

The report proposed that amendments be made to the Awards Guidelines to reflect the changes proposed to Category 5 and Category 6. Changes were also proposed to the nomination and entry forms of all categories to increase clarity.

Council staff presented to the Committee a sketch prepared by Strategic Planning staff for this year’s Category 4 – Keeper of the Stone (Children’s Heritage Award), which is a colouring in competition. As the sketch was considered to be too similar to one used by the former Holroyd Council previously, the Committee recommended that the sketch be amended and provided other suitable ideas for the template.

RE also suggested that Category 2 – Restoration and Development be expanded to heritage properties that that have undergone adaptive reuse. It was noted that this may highlight interesting projects that have had undergone sensitive adaptive reuse, for example, industrial buildings into apartments.

After considering the report, the Committee recommended that the approach outlined in the report and Awards Guidelines be forwarded to Council for endorsement with the recommend change of the Category 4 colouring in competition template and the expansion of Category 2 – Restoration and Development to include adaptive reuse.

Item 4: Actions

- KS to send Strategic Planning staff photos that might be suitable for the Category 4 colouring template.
- Expand Category 2 - Restoration and Development to include adaptive reuse and propose corresponding changes to be made to the Awards guidelines.
- Present to Council the approach agreed upon by the Committee on the proposal for the Awards be run in 2019 as outlined in the report presented to the Committee, in accordance with the amended Awards Guidelines, and with the changes recommended by the Committee for a change of the sketch for the Category 4 colouring template and for the expansion of Category 2 - Restoration and Development to include adaptive reuse.

Item 5: Update on the Cumberland Local Heritage Sub-Committees

A report on the Local Heritage Sub-Committees was reported to the 21 November 2018 Council Meeting. Council considered this report and resolved that Council allocate funding for a new position, and set up an Auburn Local Heritage Sub-Committee, once a new Heritage Committee Administration Officer has been appointed. Council also resolved that EB be invited to join the Committee.

EB has been invited to join the Committee and has accepted. He is also present at today’s meeting.
Item 5: Actions
- No actions.

Item 6: Cumberland Heritage Networking Event on 26 February 2019
The Auburn Heritage Sub-Committee and Granville Historical Society have agreed to present at the networking event. The presentations will be approximately 15 minutes in duration with 15 minutes for Q&As. The event will be held at The Atrium, Auburn Service Centre, 1 Susan Street, Auburn at 6.00pm.

Inquiries were made as to whether other groups and individuals could be invited to the networking event such as the Lidcombe Heritage Group. Council staff advised that the networking event is open to the public and any interested individuals or groups are encouraged to attend. Information on the networking event is also available on Council’s website.

Item 5: Actions
- KS to invite the Lidcombe Heritage Group to attend the Cumberland Heritage Networking Event and advise them to RSVP with Council staff.

Item 7: Display of Historic Items of the Former Councils
MC noted that based on the recommendation made by the Committee at its 20 November 2018 meeting to determine where to display the historic items of the former Councils, Council staff undertook an assessment of all feasible spaces in the Auburn and Merrylands Service Centres, and the Auburn and Granville Town Halls.

A copy of the assessment carried out was presented to the Committee.

MC noted that the assessment has assisted in identifying the spaces available for the display of historic items and noting the large number of spaces, also highlighted the need to focus display of historic items to one building to start with. She suggested that the Merrylands Service Centre could be a good starting point for the display of historic items.

The Committee noted that this assessment is a good starting point. However, Cdr. Lake expressed a desire to see historic items displayed as soon as possible, and the Committee was in general agreement. It was also agreed that the Merrylands Service Centre should be the focus at the outset.

MC provided an update that Council’s Community and Culture team are working to resource this project and have sought the interest of any members of the Committee who wish to be involved in the selection of items for display.

Item 7: Actions
- The Community and Culture team to work with the Strategic Planning team to implement this initiative. Strategic Planning Team to brief them.
- CM to inform NP if they are interested in working with the Community and Culture team to select items for display by Friday, 22 February 2018.
- Community and Culture team with any interested members of the Committee to select items and display in the Merrylands Service Centre.
Item 8: Projects of the Former Auburn Council

Cllr. Campbell spoke about the Liberty Plains Book, and how the former Auburn Committee wanted to add to the book. Discussions took place about the rewriting of the entire book and the huge amount of time and expenses associated with that. Cllr. Campbell believes that the book should be updated rather than re-written.

DW noted the Holroyd approach of the photographic history book they produced. Other committee members commented that people don’t want to get bogged down with a detailed book, and that a photographic coffee table book is ideal.

RE spoke about the value of reference books.

Cllr. Lake indicated there is a huge amount of resources in the libraries and recommended we take stock of what we have. It was suggested that the books published on the built history of the Cumberland LGA be identified. Cllr. Garrard indicated it would be good to have this list for the Networking Event on 26 February, however Cllr. Lake indicated this may be difficult as all eight (8) libraries are preparing for an event on 20 February, which does not leave much time.

The Committee noted that other sources besides Council’s libraries should also be explored.

Item 8: Actions

- Cllr. Campbell to contact Terry Kass to identify how the Liberty of Plains book could be updated (carry over action from previous meeting).
- NP to request Council library staff to prepare a list of books on the built history of the Cumberland LGA for circulation at the next meeting on 2 July 2019 or beforehand, if possible.
- NP to invite library staff to the next Committee meeting on 2 July 2019 to speak briefly on the collection of books on the built history of Cumberland LGA.

Item 9: Other Matters

Cumberland Heritage Committee Meeting Dates

MC noted the dates for meetings and events in 2019, determined after consultation with the Committee in late 2018:

- Cumberland Heritage Committee Meeting
  Tuesday, 12 February 2019, 6.00pm – 8.00pm
- Cumberland Heritage Networking Event
  Tuesday, 26 February 2019, 6.00 pm – 7.30 pm
- Site visit of Awards nominations
  Tuesday, 2 July 2019, 4.00pm – 6.00pm
- Cumberland Heritage Committee Meeting
  Tuesday, 2 July 2019, 6.00pm – 9.00pm

- Cumberland Heritage Awards Ceremony
  Tuesday, 10 September 2019, 5.30pm – 6.30pm

- Cumberland Heritage Committee Meeting
  Tuesday, 10 September 2019, 6.30pm – 8.30pm

- Cumberland Heritage Committee Meeting
  Tuesday, 26 November 2019, 6.00pm – 8.00pm

Motion by the Auburn Heritage Sub-Committee Nominees

Nominees of the Auburn Heritage Sub-Committee put forward a motion that a detailed report be prepared for the Old Lidcombe Police Station at 11 John Street, Lidcombe and the Old Lidcombe Post Office at 1A Taylor Street, Lidcombe to ensure the preservation of these two heritage sites, which were noted to be under threat by neglect. The motion noted that the report should detail for each site:

- What measures have been adhered to or neglected regarding heritage compliance,
- How the owners have complied with conditions of any Development Application, and
- What guarantees are in place to ensure future compliance and maintenance? For example, why have missing roof tiles on the old Police Station not been replaced in order to maintain and protect the structure?

The motion put forward by the nominees for the Auburn Heritage Sub-Committee was carried by the Committee and will be reported to Council, including financial and resourcing implications.

It was requested that Council’s compliance officers inspect the two addresses from a compliance perspective and see whether any action needs to be taken.

MC and EB noted the limitations to Council’s powers to enforce the maintenance of private property.

Auburn Ambulance Station

KS noted that there is a lease sign on the Auburn Ambulance Station and that this may be the first change of use since the 1930s. She inquired about what the Committee can do to ensure an appropriate use is approved by Council.

MC and RE noted that all changes of use are required to undergo a Development Application process during which a detailed assessment is undertaken by Council to ensure the proposed development/change of use is appropriate. Furthermore, a Development Application would result in appropriate signage placed at the site to inform the community about the proposal and to enable the local community to make
comment on the proposal. Once a Development Application is lodged, it would also appear on the Development Application tracking website.

Cumberland Heritage Study

Cllr. Garrard inquired if the heritage study would look at the facades of the buildings in the Auburn Town Centre and other town centres within the Cumberland LGA. He noted the prevalence of air conditioning units on the facades facing South Parade in Auburn.

MC noted the potential for a future main street study. It was suggested that it would be useful to look at what Parramatta and Ashfield Council has done.

Grants for State listed heritage properties

KS noted that heritage grants are open. EB clarified that the grants are for State-listed items.

EB requested Council staff to email KS/Committee information about grants available for State-listed heritage properties.

Item 9: Actions

- Present the motion raised by the nominees of the Auburn Heritage Subcommittee and carried by the Committee for endorsement by Council, including financial and resourcing implications.
- Council’s compliance officers to inspect the two addresses from a compliance perspective and see whether any action needs to be taken.
- NP to email KS/Committee information about grants available for State-listed heritage properties.

Item 10: Next Meeting

The next meeting is scheduled to commence at 6.00 pm on Tuesday, 2 July 2019 at the Merrylands Service Centre. A site visit of the Awards nominations will take place on the same date prior to this meeting. The meeting point for the bus and other details will be forwarded to the Committee closer to the date.

The meeting closed at 7.32 pm.
Attachment 2

Cumberland Local Heritage Rebate Program - report to Cumberland Heritage Committee (for meeting of 12 February 2019)
CUMBERLAND LOCAL HERITAGE REBATE PROGRAM 2019

Responsible Division: Environment and Infrastructure
Officer: Group Manager Planning
File Number: SC 481 (SUB 488)

SUMMARY

The Cumberland Local Heritage Rebate Program (herein ‘Rebate Program’) aims to assist and encourage owners of heritage listed properties in the Local Government Area (LGA) to undertake positive work on their properties to improve the appearance of these valuable assets. The Rebate Program recognises the additional costs that can be involved in undertaking works to properties, such as restrictions on materials that may be used or the need for specialised tradespeople and/or equipment.

This report recommends that the Rebate Program be run in 2019 in accordance with the Cumberland Local Heritage Rebate Program Guidelines. It is also proposed that the Rebate Program is run to coincide with the National Trust’s Heritage Festival.

RECOMMENDATION

That the Cumberland Local Heritage Committee:

1. Recommend that the Cumberland Local Heritage Rebate Program run in 2019 in accordance with the Cumberland Local Heritage Rebate Program Guidelines and as outlined in the report.

REPORT

Background

The Cumberland Local Heritage Rebate Program was run in 2017 and 2018. This program was based on similar initiatives of the former Holroyd and Parramatta City Councils. In 2018, the Rebate Program was run from 30 April 2018 to 15 June 2018 to coincide with the National Trust Heritage Festival. The National Trust Heritage Festival is an annual event.

The aim of the Rebate Program is to assist and encourage owners of heritage listed properties in the LGA to undertake positive work to their properties to improve the appearance of these valuable assets. The Rebate Program recognises the additional costs that can be involved in undertaking works to heritage properties such as restrictions on materials that may be used or the need for specialised tradespeople and/or equipment.

All private owners of heritage listed properties, and private owners of properties located within a heritage conservation area, within the Cumberland LGA are eligible to enter. The Rebate Program is a part of a wider Council effort to promote greater interest in the history and heritage of the area.
Cumberland Local Heritage Rebate Program Guidelines

The Cumberland Local Heritage Rebate Program Guidelines (herein ‘Guidelines’), adopted by Council on 5 April 2017 and amended on 28 March 2018, provide the policy for the running of the Rebate Program and are provided at Attachment 1. The Guidelines outline the following:

- Background
- Aim of the program
- Invitation to apply
- Eligible projects
- Projects not funded
- Assessment criteria
- Level of funding available
- Timing of projects
- What applicants need to do
- The process
- Further information

The annual total Council budget for the Program has increased from $20,000 in previous years to $50,000 in 2019 as per the resolution (C04/18-66) made by Council at its meeting on 18 April 2018 and allocated within the FY2019/20 budget. This increased budget of $50,000 recognises the number of heritage items and heritage property owners that are within the Cumberland LGA and so the larger potential number of applicants for the Rebate Program. It is from this budget that rebate funding will be allocated to successful applications for projects to heritage items. The level of rebate funding allocation per property will be up to 50% of the project cost to a maximum of $4,000 (whichever is less).

Program Commencement and Assessment

It is proposed that the timing for the Rebate Program coincide with the annual National Trust Heritage Festival, which runs from 18 April 2019 to 19 May 2019. Applications for the Rebate Program are proposed to open on Wednesday, 1 May 2019 and close on Friday, 14 June 2019. This period of just over six (6) weeks is consistent with previous years and will allow sufficient time for potential applicants to obtain quotes and complete the application form. These dates will also allow the Rebate Program to run concurrently with the Cumberland Local Heritage Awards (the subject of a separate report).

Applications for the Rebate Program will be invited via letters mailed to eligible property owners, as well as notices in local newspapers, local libraries, and Council’s customer service and on Council’s website. It is proposed that the application form for the Rebate Program be amended for clarity, and to reinforce the mandatory requirement for photographs and quotes to be provided as part of the application. The application form used in 2018 is provided at Attachment 2 whereas the application form proposed for 2019 is provided at Attachment 3.
Received applications will be reviewed by Council officers and Council’s Heritage Advisor to determine eligibility of the proposed works. The applications and the Heritage Advisor’s comments (in a report) will then be provided to the Cumberland Local Heritage Committee (Committee) for their consideration at the next meeting. The Committee is then to discuss each application and agree on those to be recommended as successful, and the amount of funding to be allocated, which then forms the recommendation to Council.

**Proposed Timeline**

The proposed timeline for the 2019 Cumberland Local Heritage Rebate Program is as follows:

<table>
<thead>
<tr>
<th>Week commencing</th>
<th>Preparation for the Rebate Program. Letters sent to owners of heritage properties inviting applications for the 2019 Rebate Program.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday 22 April 2019</td>
<td></td>
</tr>
<tr>
<td><strong>Wednesday 1 May 2019</strong></td>
<td><strong>Applications open for the Rebate Program.</strong></td>
</tr>
<tr>
<td>Tuesday 30 April 2019 to Wednesday 1 May 2019</td>
<td>Notices to appear in local newspapers.</td>
</tr>
<tr>
<td>Tuesday 14 May 2019 to Wednesday 15 May 2019</td>
<td></td>
</tr>
<tr>
<td>Tuesday 28 May 2019 to Wednesday 29 May 2019</td>
<td></td>
</tr>
<tr>
<td><strong>Wednesday 1 May 2019 to Friday 14 June 2019</strong></td>
<td>Information available from the Council website, local libraries and customer service.</td>
</tr>
<tr>
<td><strong>Friday 14 June 2019</strong></td>
<td><strong>Applications close for the 2019 Rebate Program.</strong></td>
</tr>
<tr>
<td>Friday 14 June 2019 to Friday 21 June 2019</td>
<td>Council Officers and Heritage Advisor review applications, prepare advice and prepare the report for consideration by the Heritage Committee.</td>
</tr>
<tr>
<td>Tuesday 25 June 2019</td>
<td>Report and rebate applications to be sent to the Heritage Committee.</td>
</tr>
<tr>
<td><strong>Tuesday 2 July 2019</strong></td>
<td><strong>Heritage Committee Meeting to discuss and agree recommendation for successful applications and funding allocation.</strong></td>
</tr>
<tr>
<td>August 2019 (Tentative)</td>
<td>Report to Council with Committee recommendations of successful Rebate applications.</td>
</tr>
<tr>
<td>August/September 2019</td>
<td>Notify all Rebate applicants of outcome.</td>
</tr>
</tbody>
</table>
COMMUNITY ENGAGEMENT

Letters will be sent to all private owners of items of heritage listed properties and properties within a conservation area, within the Cumberland LGA inviting them to submit an application for a Rebate. A brochure, providing an overview of the Rebate Program will also be included with the letter. Copies of this brochure will also be available from Council’s Customer Service in Auburn and Merrylands Council offices and all local libraries within Cumberland.

Notices will also be placed in local newspapers and on Council’s website and social media platforms advising of the opening of the Rebate Program and inviting applications. A media statement will also be released to promote the opening of the Cumberland Rebate Program as a positive news story.

The media statement, newspaper advertisement and letters to owners of heritage properties for the Rebate Program may be combined with those of the Cumberland Local Heritage Heritage Awards, if both initiatives are run in 2019.

POLICY IMPLICATIONS

The Cumberland Local Heritage Rebate Program Guidelines adopted in April 2017 and amended in March 2018 will require an amendment to reflect the change in level of funding available from $20,000 to $50,000 (See Attachment 4). Upon Council endorsement of the amended Guidelines, those Guidelines will then form Council policy for the Awards.

FINANCIAL IMPLICATIONS

There are sufficient funds available in the current budget for the 2019 Rebate Program. The program has a total budget of (up to) $50,000 to be allocated to successful Rebate applications.

CONCLUSION

It is proposed to run the Cumberland Local Heritage Rebate Program in 2019 as outlined in this Report.

ATTACHMENTS

2. Cumberland Local Heritage Rebate Program Application Form 2018.
4. Amended Cumberland Heritage Rebate Program Guidelines.
Attachment 3

Cumberland Local Heritage Rebate Program Guidelines - proposed amendment on 12 February 2019
CUMBERLAND LOCAL HERITAGE REBATE PROGRAM GUIDELINES

This policy was adopted by Council at its meeting held on 5 April 2017 and was amended on 28 March 2018. Proposed amendment on 12 February 2019.

Background
The Cumberland Local Heritage Rebate Program (Rebate Program) is established by Cumberland Council and applies to the Cumberland Local Government Area (LGA) established on 12 May 2016.

Aim of the Rebate Program
The aim of the Rebate Program is to assist and encourage owners of heritage items in the LGA to undertake positive work to their properties to improve the appearance of these valuable assets. It recognises the additional costs that can be involved in undertaking works to heritage items or properties such as restrictions on materials that may be used or the need for specialised tradespeople and/or equipment.

The Rebate Program is part of a wider Council effort to generate greater interest in the history and heritage of the area.

Invitation to Apply
Private owners of heritage listed buildings, and private owners of properties located within a heritage conservation area, within the Cumberland LGA are invited to apply for an allocation of funding under Council’s Rebate Program.

The application form identifies the supporting information that is to be provided with the applicant. If this supporting information is not provided, the application may not be accepted and so will not be assessed.

Only one application is to be lodged for a heritage item or property in that year. That application is to detail all works proposed (the project) for which the rebate is being sought.

Eligible Projects
Rebates may be allocated to projects that will benefit heritage items. Funding is not allocated to the owners of heritage items.

Eligible projects include those which involve the repair or maintenance of, or reinstatement of missing items on, privately owned heritage properties and buildings. Eligible projects are to be located on the exterior of the building such as front fences, verandahs, windows / stained glass, roofing and decorative details.

Projects not Funded
Funding will generally not be provided for the following types of projects:
• Where the building is publicly (government) owned.
• Where assistance is available from another source.
• Where substantial assistance has been previously provided.
• Where the applicant has not completed other assisted projects.
• For routine maintenance as would apply to any property eg tidying gardens, gutter clearing, or general cleaning.
• For the purchase of a building, site or moveable item.
• For new additions to a heritage item.
• For the relocation of a heritage item.
• For any work inside the building such as internal repairs, electrical work, kitchens or bathrooms.
• Replacing original material unnecessarily.
• Where the works to the building have been completed prior to lodgement of a rebate program application.

Assessment Criteria
The Council, in assessing the priority of an application, will take the following matters into account. Please note that it is not necessary for a project to meet all of these criteria.

• The applicant’s ability to demonstrate technical and financial responsibility with regard to the project, and demonstrated ability to complete the project within their estimated timeframe (within 12 months is considered ideal for most projects).
• The degree to which the applicant is financially contributing to the project (minimum of 50% of the total project cost).
• Projects which clearly complement broader conservation objectives eg projects which implement key findings of heritage studies or projects in conservation areas.
• Projects which would encourage others to better conserve their heritage items.
• Projects involving a building of higher heritage value to the community eg the restoration of an important local heritage house such may have been positively discussed in local media.
• Projects which are highly visible to the public eg the replacement of a verandah to a building on a main street, or visible from railway station.
• Projects which have high public accessibility eg a church, childcare centre or community hall.
• Projects which are in an area that has received little or no funding.
• Projects involving aspects of heritage which have received little or no funding eg historic gardens.
• Projects subject to conservation controls where the owner is able to show hardship arising from conservation work required to the item.
• Urgent projects to avert a threat to a heritage item.
• The eligibility of the proposed works for funding.
Level of Funding Available
The annual total Council budget for the Program is to be $520,000 unless otherwise resolved by Council. It is from this budget that the rebate funding is allocated to the successful applications for projects to heritage items.

Each year, the level of rebate funding allocation per application will be limited to a maximum of $4,000. Applicants will be required to provide at least 50% of the project cost.

For some projects, applicants may be required to contribute more than 50%. For example, works that have a total project cost of $10,000, Council may contribute the maximum $4,000 and the property owner (applicant) will need to pay $6,000.

The allocated funding to a project is paid as a reimbursement to the applicant after all costs have been paid, all proposed works have been completed to the satisfaction of Council, and evidence of that payment, such as the paid tax invoice or receipt, is provided to Council.

Timing of Projects
From approval, applicants will have up to 12 months to complete the project, unless a longer timeframe has been approved by Council due to the nature of the project. In this case, the project must be completed within that approved timeframe.

What Applicants Need To Do
1. Background research.
   It will assist the application if it is demonstrated why the works proposed are appropriate from a heritage point of view. This may require some research such as:
   - Council may have information on the building.
   - Library may have photos or information.
   - A long-time resident on the street may have knowledge.

2. List the work to be carried out.
   Detail will be required on the works proposed to be carried out. This should be put down in a clear item by item schedule.
   Applicants may contact Council to check whether the proposed works would be eligible for funding.

3. Obtain quotes for the proposed works.
   Quotes will be needed and at least two (2) quotes must be provided with the application.
   If the project is a smaller task that the applicant will be undertaking themselves, evidence is needed of the cost of the materials that will be used. In the case of DIY (do-it-yourself) work, funding may be provided for the materials only. DIY projects should be discussed with Council to ensure they are appropriate.
4. Select colours and materials.
   Determine the colours and materials that are suitable for the heritage building or
   item and are proposed to be used in the project.

5. Prepare a sketch plan
   A sketch plan may be needed to show where on the building or item the work is
   to be done. Large jobs may require plans drawn up by a qualified heritage
   architect.

6. Take photographs
   Photographs of the building or item and close-up photos of the parts that are
   to be done must be provided.
   proposed heritage works are to be provided with the application.

7. Application form.
   Complete the application form and attach all the supporting information.

8. Send the completed Application Form to the General Manager, Cumberland
   Council. Attn. Strategic Planning via one of the following ways:

   Email (as one single document) to council@cumberland.nsw.gov.au
   Subject Line: Heritage Rebate Program Application – Attn Strategic Planning.

   Post: PO Box 42, Merrylands NSW 2160
         Attn: Strategic Planning

   Hand Deliver: Merrylands Service Centre at 16 Memorial Avenue,
                 Merrylands or
                 Auburn Service Centre at 1 Susan Street, Auburn.

The Process
Following the receipt of applications for Council’s Heritage Rebate Program funding,
the Cumberland Heritage Committee will consider all applications received and make
an assessment based on the criteria listed above and the information provided in the
application. The Cumberland Heritage Committee will then make a recommendation
of the successful applications. That recommendation will be provided to Council for
determination.

All applicants will be notified by letter of the outcome of their application. The letter
notification to the successful applicants will state the works that have been approved
and the amount of rebate funding allocated to that project.

Given that the Council’s funding for the Heritage Rebate Program is limited, there is
no guarantee that an application will be successful on the basis that it complies with
the assessment criteria.
For successful applications, the applicant is to advise Council of the completion of the project and forward to Council the paid receipts/tax invoices for the work done. Council officers will then inspect the work to ensure it has been carried out in accordance with the proposal approved by Council. The rebate (cheque from Council) will then be forwarded for the amount as stated on the notification letter. Monies are forwarded after the work has been completed and all costs paid by the applicant – rebate funding as part of this program is provided as a reimbursement of costs incurred and not a direct payment of costs.

It should also be noted that applications involving major works to heritage items may require formal building and development consent from Council. Further information on how to submit those applications can be obtained by contacting Council’s Duty Planner.

Further Information
Further information in relation to the Cumberland Local Heritage Rebate Program can be obtained by contacting Council’s Strategic Planning section on (02) 8757 9000.
Attachment 4

Cumberland Local Heritage Awards Program - report to Cumberland Heritage Committee (for meeting of 12 February 2019)
CUMBERLAND LOCAL HERITAGE AWARDS 2019

Responsible Division: Environment and Infrastructure
Officer: Group Manager Planning
File Number: SC 481 (SUB 488)

SUMMARY

The Cumberland Local Heritage Awards (herein ‘Awards’) aims to support and promote heritage properties within the Local Government Area (LGA) and reflects the value attached to heritage by the community. The Awards show Council’s appreciation for those who have an active role in preserving and maintaining local heritage, and those who demonstrate an interest in learning about local history.

This report recommends that the Awards be run in 2019 in accordance with the Cumberland Local Heritage Awards Guidelines. It is also proposed that the Awards be run to coincide with the National Trust’s Heritage Festival.

RECOMMENDATION

That the Cumberland Local Heritage Committee:

1. Recommend that the Cumberland Local Heritage Awards run in 2019 in accordance with the Cumberland Local Heritage Awards Guidelines and as outlined in the report.

REPORT

Background

Cumberland Council ran the Cumberland Local Heritage Awards in 2017 and 2018. Last year, the Awards were run from 30 April 2018 to 15 June 2018 to coincide with the National Trust Heritage Festival. The National Trust Heritage Festival is an annual event around a theme.

The aims of the Awards are to:
   a) Promote the value and benefits of heritage to the community;
   b) Commend owners for their valuable work in conserving and maintaining heritage;
   c) Recognise work undertaken by owners of heritage significant properties;
   d) Involve and educate schoolchildren about local history and heritage; and
   e) Promote the conservation of heritage within the LGA.

The Cumberland Local Heritage Awards were based on the heritage award initiatives of the former Holroyd and Parramatta City Councils.

Two (2) new categories were added in 2018 to the four (4) categories from the previous year. It is proposed that the Awards in 2019 continue with the six (6) categories as in 2018 but with minor changes. The six (6) proposed categories are:
Category 1 – Best Maintained Heritage Property
Category 2 – Restoration and Development
Category 3 – Historesearch: Researching our Local History
Category 4 – Keeper of the Stone (Children’s Heritage Award)
Category 5 – Writing Competition
Category 6 – Artwork Competition

Cumberland Local Heritage Awards Guidelines

The Cumberland Local Heritage Awards Guidelines (‘Guidelines’) provides the policy for the running of the Awards and for each identified category:

- An overview of the category;
- Details the entry and assessment criteria;
- Outlines the nominees/applicant responsibilities; and
- Outlines the judges’ responsibilities.

The Guidelines, adopted by Council at its meeting on 5 April 2017 and amended in March 2018, are provided at Attachment 1.

Awards Categories

Category 1 – Best Maintained Heritage Property

This category recognises the work of property owners to maintain and enhance the appearance of a heritage property.

Owners of privately owned heritage listed properties and privately owned properties located within a heritage conservation area, within the Cumberland LGA are eligible to apply.

This category is proposed to be run as in 2018.

Category 2 – Restoration and Development

This category recognises work done to restore or develop a property to highlight and enhance the appearance of the heritage property.

Owners of privately owned heritage listed properties and privately owned properties located within a heritage conservation area, within the Cumberland LGA are eligible to apply.

This category is proposed to be run as in 2018.

Category 3 – Historesearch: Researching our Local History

This category encourages individuals/groups/organisations to research an item or person or event or place of local history, which may be presented in written or visual art form.
It is proposed to adopt the National Heritage Trust festival theme for 2019, being “Connecting People, Places and the Past”.

This category is proposed to be run as in 2018.

Category 4 – Keeper of the Stone (Children’s Heritage Award)
This category encourages primary school children to learn about, and be involved in, local heritage through a colouring-in competition.

It is proposed that the National Heritage Trust festival theme for 2019 be adopted, and the image to be coloured in reflect this theme.

The category comprises two Divisions, being:
- Division 1 comprising Kindergarten to Grade 2 (inclusive).
- Division 2 comprising Grade 3 to Grade 4 (inclusive).

This category is proposed to be run as in 2018.

Category 5 – Writing Competition
This category encourages upper primary school children in grades 5 and 6 to learn about, be involved in, and reflect on what heritage means to them. The category is run as a writing competition.

It is proposed that the National Heritage Trust festival theme for 2019 be adopted but with the text in the announcement and application form for this category to be worded appropriately for upper primary school students.

The category comprises two Divisions, being:
- Division 1: Short Story Competition (Fiction)
- Division 2: Essay Competition (Non-fiction)

No entries were received for Division 2 Essay Competition (Non-fiction) in 2018. It is therefore recommended that both divisions be combined with participants provided the opportunity to submit either fiction or non-fiction entries.

This will require an amendment to the Guidelines. The proposed amended Guidelines forms Attachment 2.

Category 6 – Artwork Competition
This category encourages primary and high schools within the Cumberland LGA to engage and encourage students to learn about, and be involved in, local heritage. This category is for a group entry and is run as a visual art competition with a theme based on the National Trust Heritage Festival. It is proposed that the name of this category be amended from ‘School Poster Competition’ to ‘Artwork Competition’ to more accurately reflect this category and to also increase the appeal of this category to both primary and high school students.
It is proposed that the National Heritage Trust festival theme for 2019 be adopted but with the text in the announcement and application form for this category to be worded appropriately for primary and high school students. The scale (size) of the art entry has also been adjusted to encourage entries.

The category comprises two Divisions, being:
- Division 1: Kindergarten to Grade 6 (Primary School)
- Division 2: Grade 7 to Grade 12 (High School)

The proposed change of name of the category will require an amendment to the Guidelines (See Attachment 2).

**Entry Forms**
In preceding years, the nomination form for Category 1 – Best Maintained Heritage Property and Category 2 – Restoration and Development were integrated as a single form. For 2019, it is proposed that separate nomination forms are developed for each of these two categories to reflect their different documentation requirements. Nomination forms for Categories 1 and 2 have also been amended to increase clarity.

Photos of the property now form a mandatory requirement for Category 1. Similarly, before and after photos for Category 2 must now be submitted as a mandatory requirement, as well as description of the works undertaken.

The entry forms for Category 3 – Historesearch: Researching our Local History and Category 4 – Keeper of the Stone (Children’s Heritage Award) have been amended to increase clarity.

The entry form for Category 5 – Writing Competition has been amended to reflect the proposed changes to this category and increase clarity.

The entry form for Category 6 – Artwork Competition has been amended to reflect the proposed change in the name of the category and to increase clarity.

**Program Commencement and Assessment**
It is proposed that the timing for the Awards coincide with the annual National Trust Heritage Festival, which runs from 18 April 2019 to 19 May 2019. As per previous years, this would also run concurrently with the proposed Cumberland Local Heritage Rebate Program for 2019 (the subject of a separate report).

It is proposed that entries open on Wednesday, 1 May 2019 and close on Friday, 14 June 2019. This nomination period of just over six (6) weeks is consistent with previous years, and is timed to avoid the 2-week school holiday period of 13 to 28 April 2019.
The assessment and judging by the Cumberland Local Heritage Committee (Committee) of entries and applications received may then occur in July 2019. The presentation of Awards to the respective category winners would be held in early September 2019.

**Proposed Timeline**

The proposed timeline for the 2019 Cumberland Local Heritage Awards is as follows:

<table>
<thead>
<tr>
<th>Week commencing</th>
<th>Preparation for the Awards.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday 22 April 2019</td>
<td></td>
</tr>
<tr>
<td><strong>Wednesday 1 May 2019</strong></td>
<td><strong>Entries open for the Awards Program.</strong></td>
</tr>
<tr>
<td><strong>Tuesday 30 April 2019 and Wednesday 1 May 2019</strong></td>
<td>Notices to appear in local newspapers,</td>
</tr>
<tr>
<td><strong>Tuesday 14 May 2019 and Wednesday 15 May 2019</strong></td>
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<td></td>
</tr>
<tr>
<td><strong>Wednesday 1 May 2019 to Friday 14 June 2019</strong></td>
<td>Information available from the Council website, local libraries and customer service.</td>
</tr>
<tr>
<td><strong>Friday 14 June 2019</strong></td>
<td><strong>Entries close for the 2019 Awards.</strong></td>
</tr>
<tr>
<td><strong>Friday 14 June 2019 to Friday 21 June 2019</strong></td>
<td>Council Officers shortlist entries for Category 4, collate entries for all other categories, and prepare a report for consideration by the Heritage Committee.</td>
</tr>
<tr>
<td><strong>Tuesday 25 June 2019</strong></td>
<td>Report and Awards entries to be sent to the Heritage Committee.</td>
</tr>
<tr>
<td><strong>Tuesday 2 July 2019</strong></td>
<td><strong>Heritage Committee Meeting to discuss and select winners of each category.</strong></td>
</tr>
<tr>
<td><strong>August 2019 (Tentative)</strong></td>
<td>Report to Council with Committee recommendations of successful Heritage Awards winners.</td>
</tr>
<tr>
<td><strong>August/September 2019</strong></td>
<td>Notify winners of outcome.</td>
</tr>
<tr>
<td><strong>Tuesday 10 September 2019</strong></td>
<td>Awards Presentation Ceremony.</td>
</tr>
</tbody>
</table>

**Cumberland Local Heritage Awards Ceremony**

The 2018 Awards Ceremony was held at The Holroyd Centre in Merrylands. The scale of the Awards Ceremony was expanded in 2018 from approximately 40 persons in the previous year to about 80 persons.

As the Awards Ceremony was very successful in 2018, it is proposed that it be held on 10 September 2019 at The Holroyd Centre with approximately the same number
of guests. The anticipated cost of the Awards Ceremony in 2019 is $2,095 (Please see ‘Financial Implications’ section below).

COMMUNITY ENGAGEMENT

Letters will be sent to all private owners of heritage listed properties and properties within heritage conservation areas within the Cumberland LGA inviting entries to categories 1 and 2 of the Awards. A brochure, providing an overview of all Award Categories, will be included with the letter. Copies of this brochure will also be available from Council’s Customer Service in the Auburn and Merrylands Council offices, and all local libraries within the Cumberland LGA.

Letters will be sent to all high schools in the LGA inviting entries to Category 3 HistoResearch and Category 6 Artwork Competition. Letters will be sent to all primary schools in the LGA inviting entries to Category 4 Keeper of the Stone, Category 5 Writing Competition and Category 6 Artwork Competition. Copies of the competition entry forms will also be provided. The entry form for Category 4 includes the colouring-in stencil.

Notices will be placed in local newspapers, Council’s website and social media platforms advising of the opening of the Awards and inviting entries. A media statement will also be released to promote the opening of the Awards as a positive news story.

The media statement, newspaper advertisement and letters to owners of heritage properties for the Awards may be combined with those of the Cumberland Local Heritage Rebate Program, if both initiatives are run in 2019.

POLICY IMPLICATIONS

The Cumberland Local Heritage Awards Guidelines adopted in April 2017 and amended in March 2018 will require an amendment to reflect the proposed changes to Category 5 Writing Competition and Category 6 School Poster Competition (See Attachment 2). Upon Council endorsement of the amended Guidelines, those Guidelines will then form Council policy for the Awards.

FINANCIAL IMPLICATIONS

It is estimated that the total cost of the prizes for the 2019 Awards will be approximately $6,785. There are sufficient funds allocated to the Awards under the Strategic Planning Budget to cover this cost.

<table>
<thead>
<tr>
<th>Items</th>
<th>2017 costs</th>
<th>2018 costs</th>
<th>2019 anticipated costs</th>
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<tr>
<td>PRIZES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category 1</td>
<td>$979 (Bronze plaque)</td>
<td>$1028.5 (Bronze plaque)</td>
<td>$1100 (Bronze plaque)</td>
</tr>
<tr>
<td>Category 2</td>
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<td>$1000 (Prize is up to the value of $1000)</td>
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<tr>
<td>Category 3</td>
<td></td>
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Council Meeting  
20 March 2019

Cumberland Local Heritage Committee Meeting  
12 February 2019

<table>
<thead>
<tr>
<th>Category</th>
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<th>Cost</th>
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<tr>
<td>Category 4</td>
<td>$319 (Keeper of the Stone engraving) $150 (winner) $150 (runner-up) $319 (Keeper of the Stone engraving) $150 * 2 (Two winners) = $300</td>
<td>$350 (Keeper of the Stone engraving) $150 * 2 (Two winners) = $300</td>
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<tr>
<td>Category 5</td>
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<tr>
<td>Category 6</td>
<td>Not applicable</td>
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</tr>
<tr>
<td>Frames</td>
<td></td>
<td>$8.66 * 20 = $133.2</td>
</tr>
<tr>
<td>Total Cost for Prizes</td>
<td></td>
<td>$1 598</td>
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**AWARDS CEREMONY**

**Catering**  
Organised by the GWM's office. So these costs are approximate.  
Water, juice, tea, coffee, biscuits on arrival  
Hot finger foods  
Estimated cost: $18 * 40 pax = $720  
Organised by the Holroyd Centre.  
Water, juice, tea, coffee, biscuits on arrival  
Hot finger foods  
Approx. 80 pax  
$18.08 per person  
Total cost: $1 446.5  
Proposed to be organise by the Holroyd Centre.  
Water, juice, tea, coffee, biscuits on arrival  
Hot finger foods  
Approx. 80 pax  
$20 per person  
Total cost: $1 600

**Venue**  
$0  
$495 (fixed rate for Cumberland Council) Waratah Room, The Holroyd Centre  
$495 (fixed rate for Cumberland Council) Waratah Room, The Holroyd Centre

**Total Cost**  
**Awards Ceremony**  
$720  
$1 945.1  
$2 095

**Total Cost**  
**Heritage Awards**  
$2 318  
$6 104.3  
$6 785

**CONCLUSION**

The Awards recognise efforts of private property owners to maintain and enhance local heritage items, and encourages residents, particularly school children, to learn about and appreciate local history and heritage.

It is proposed to run the Awards in 2019 as outlined in this Report. This will required some changes to the Guidelines as outlined in Attachment 2.

Nomination forms and entry forms for the Awards have been amended to increase clarity and to reflect the proposed amendments to Categories 5 and 6, and form Attachment 3.
ATTACHMENTS

2. Amended Cumberland Local Heritage Awards Guidelines.
3. Nominations and Entry Forms
Attachment 5

Cumberland Local Heritage Awards Program Guidelines - proposed amendment on 14 February 2019
CUMBERLAND LOCAL HERITAGE AWARDS GUIDELINES

This policy was adopted by Council at its meeting of 5 April 2017 and amended on 28 March 2018. Proposed amendment on 14 February 2019.

Category 1 - Best Maintained Heritage Property

OVERVIEW OF CATEGORY
To recognize the work of property owners to maintain and enhance the appearance of a heritage property.

ENTRY AND ASSESSMENT CRITERIA (Conditions of Entry)

a) The property generally presents well to the street and is well maintained.
b) The property shows no visible signs of deterioration when viewed from the street.
c) The property has a well-maintained garden that complements the dwelling.
d) The maintenance of the property enhances its character and charm.
e) The property adds value to the character of the street.

NOMINEES’ RESPONSIBILITIES (Conditions of Entry)

1. Fill in the nomination form nominating a property.
2. Ensure that the property is privately (non-government) owned.
3. Ensure that the property is currently listed on one of the following: the Holroyd Local Environmental Plan (LEP) 2013, Auburn LEP 2010 or Parramatta LEP 2011; and that it is located within the Cumberland Local Government Area (LGA).
4. Obtain the permission of the landowner to nominate the property.
5. Include photos of the property with the nomination (mandatory requirement).
6. Obtain the landowner’s permission for judges to view the property from the street and allow Council officers to take a photo of the property from the street.

JUDGES’ RESPONSIBILITIES
Judging will be undertaken by the Cumberland Heritage Committee. The judging process will be as follows:

1. Assess each nomination submitted with each standard nomination form including any submitted photos and other information.
2. View properties from the street (optional).
3. Allocate a score out of ten for each of the five assessment criteria (as listed above).
4. Total the scores for each entry, the entry with the highest score is identified as the Awards Category Winner.
5. Present scores to Council’s Group Manager, Planning to confirm the Awards Category winner.
PRIZES
Winner - Bronze plaque and framed certificate

Category 2 - Restoration and Development *(Including Adaptive Reuse)*

OVERVIEW OF CATEGORY
To recognise work done to restore or develop a property to highlight and enhance the appearance of the heritage property. *This includes the adaptive reuse of a heritage item which respects its heritage characteristics.*

ENTRY AND ASSESSMENT CRITERIA (Conditions of Entry)
a) The restoration/development *adaptive reuse* works have significantly enhanced the character and charm of the property.
b) The restoration/development *adaptive reuse* works are sympathetic to its heritage significance.
c) The restored/developed property presents well to the street.
d) The restoration/*adaptive reusedevelopment* works have removed any visible signs of deterioration when viewed from the street.
e) The restoration/*adaptive reusedevelopment* works provide visible evidence of the owner’s commitment to the preservation of heritage.

NOMINEES’ RESPONSIBILITIES (Conditions of Entry)
1. Fill in the nomination form nominating a property.
2. Ensure that the property is privately (non-government) owned.
3. Ensure that the property is currently listed on one of the following: the Holroyd LEP 2013, Auburn LEP 2010 or Parramatta LEP 2011; and that it is located within the Cumberland LGA.
4. Obtain the permission of the landowner to nominate a property.
5. Obtain the landowner’s permission for judges to view the property from the street and allow Council officers to take a photo of the property from the street.
6. Provide details of the *The nominee must provide details of the restoration/development* *adaptive reuse* work carried out on the property *mandatory requirement* *(if possible, p
6-7. Provide photos showing before restoration and after restoration/*adaptive reuse works should *(mandatory requirement)*be included with the nomination).
7-8. The nominee must be *Ensure that all the restoration/*adaptive reuse* development works nominated were carried out within the last two years.

JUDGES’ RESPONSIBILITIES
Judging will be undertaken by the Cumberland Heritage Committee. The judging process will be as follows:
1. Assess each nomination submitted with each standard nomination form, submitted photos or and other information.

2. View properties from the street (optional).

3. Allocate a score out of ten for each of the five assessment criteria (as listed above).

4. Total the scores for each entry, the entry with the highest score is identified as the Awards Category Winner.

5. Present scores to Council’s Group Manager, Planning to confirm the Awards Category Winner.

PRIZES
- Bronze plaque and framed certificate

**Category 3 - HistoResearch: researching our local history**

**OVERVIEW OF CATEGORY**
Participants (individuals or groups/organisations) are invited to research an item or person or event or place of local history and reflect on the National Trust Heritage Festival theme of that year. The research may be presented in either a written (text based) form such as an essay or poetry; or visual art form such as photographic / digital, mixed media or other works. The research may include heritage studies, archaeological preservation, or any other effort in the heritage field.

**ENTRY AND ASSESSMENT CRITERIA (Conditions of Entry)**

a) The work makes a substantial contribution towards preserving, enhancing, interpreting or highlighting Cumberland’s heritage.

b) The individual or group has made an extraordinary effort with regards to heritage.

c) The work raises awareness and understanding of Cumberland’s heritage.

d) The work displays an outstanding appreciation of heritage.

**NOMINEES’ RESPONSIBILITIES (Conditions of Entry)**

1. Fill in the nomination form.

2. Submit the nominated work or details of the work with the completed nomination form.

3. Ensure that the nominee is at least 14 years of age.

4. Ensure that the work is related to an element of Cumberland’s history and heritage.

5. Ensure that the owner of the work has given permission for the work to be nominated for this award.

6. **Ensure that only one entry is permitted per person or organisation** (i.e. historical society, research group, etc.).
7. **Ensure that the content must** demonstrate that an element of primary research has been undertaken; that the content is the original work of the entrant; and that any information sources are appropriately referenced.
JUDGES’ RESPONSIBILITIES
Judging will be undertaken by the Cumberland Heritage Committee. The judging process will be as follows:

1. Assess work submitted with each standard nomination form.
2. Allocate a score out of ten for each of the four-assessment criteria (as listed above).
3. Total the scores for each entry, the entry with the highest score is identified as the Awards Category Winner.
4. The Cumberland Heritage Committee may only award an entry as the winner if it is considered to be of a high standard and meets all the conditions of entry and category criteria.
5. Present the scores to Council's Group Manager, Planning to confirm the Awards Category winner.

PRIZES
Total value of each prize option is up to $1,000. Choice of either:

(i) Accommodation for 1 night at one of three pre-determined heritage listed properties in the Blue Mountains and framed certificate. OR
(ii) Bridgeclimb Sydney gift voucher for three people and three tickets for a walking tour of The Rocks Sydney and framed certificate.

Category 4 - Keeper of the Stone (Children’s Heritage Award)

OVERVIEW OF CATEGORY
To encourage primary school children to learn about, and be involved in, local heritage. The category is run as a colouring-in competition utilising a stencil image based on the theme of the National Trust Heritage Festival for that year.

The category comprises two Divisions, being:

- Division 1 comprising Kindergarten to Grade 2 (inclusive).
- Division 2 comprising Grade 3 to Grade 4 (inclusive).

A winner is selected from each Division. Of those Division winners, one will be determined as the overall winner of the Category, and the other as the runner-up of the Category.

ENTRY AND ASSESSMENT CRITERIA (Conditions of Entry)

a) The work presented is creative and innovative.
b) The work provides original insight into what “heritage” means to Cumberland’s young residents.
c) The work highlights the character and spirit of the Cumberland LGA.
d) The work displays an appreciation of heritage.
e) The work contributes to Council’s understanding of the views of our young residents regarding “heritage”.

NOMINEES’ RESPONSIBILITIES (Conditions of Entry)
1. Fill in the entry form and colour in the stencil image.
2. Submit the nominated work with the completed entry form.
3. Ensure that the owner of the work has given permission for the work to be nominated for this award.
4. Ensure that owners of the works submitted are in Kindergarten to Grade 4.

JUDGES’ RESPONSIBILITIES
All entries will be divided into their respective Division.
Twenty (20) entries will be shortlisted for each Division. Shortlisting of entries will be undertaken by Council Officers within the Strategic Planning Unit.

Judging of the shortlisted entries will be undertaken by the Cumberland Heritage Committee. The judging process will be as follows:
1. Assess work submitted with each standard entry form.
2. Each member from the Cumberland Heritage Committee votes for the top five (5) entries of each Division.
3. Tally the votes received for the entries of each Division. The entry in each division with the most votes is declared the winner. Where an equal number of votes are received by two or more entries in a Division, the members are to agree the winning entry.
4. With reference to the winning entry of each division only, the members must then agree the overall winner of the Category with the other division winner being the runner-up of the Category.
5. Present the Award Category Winner and Runner-up to Council’s Group Manager, Planning to confirm the Award Category Winner and Runner-up.

PRIZES
Overall Winner
• To care for the Cumberland Heritage Stone for 12 months.
• $150 book gift voucher.
• Framed certificate.

Overall Runner-Up
• $150 book gift voucher.
• Framed certificate.
Category 5 – Writing Competition

OVERVIEW OF CATEGORY

To encourage upper primary school children in grades 5 and 6 to learn about, be involved in, and reflect on what heritage means to them. The category is run as a writing competition with a theme based on the National Trust Heritage Festival for that year. Entries may be either fiction (e.g., short stories) or non-fiction (e.g., essays) with a maximum word limit of 700 words.

The category comprises two Divisions, being:

- Division 1: Short Story Competition (Fiction)
- Division 2: Essay Competition (Non-fiction)

The word limit for both Division 1 and Division 2 categories is 700 words.

ENTRY AND ASSESSMENT CRITERIA (Conditions of Entry)

a) The work presented is creative and innovative (only for Division 1 for fiction entries) or the work reflects evidence of research and thinking (only for Division 2 for non-fiction entries).

b) The work provides an original insight into what “heritage” means to Cumberland’s young residents currently studying in grades 5 and 6.

c) The work highlights the character and spirit of the Cumberland LGA.

d) The work contributes to Council’s understanding of the views of our young residents regarding “heritage”.

e) The work adheres to the stipulated word limit.

NOMINEES’ RESPONSIBILITIES (Conditions of Entry)

1. Fill in the entry form.
2. Submit the work with the completed entry form.
3. Ensure that the nominee is currently in grade 5 or 6.
4. Ensure that the work is related to an element of Cumberland’s history and heritage.
5. Ensure that the work adheres to the stipulated word limit.
6. Ensure that the owner of the work has given permission for the work to be submitted for this award.
7. Only one entry is permitted per student.
8. Submission must demonstrate that the content is the original work of the entrant.

JUDGES’ RESPONSIBILITIES

Judging of the entries will be undertaken by the Cumberland Heritage Committee. All entries will be divided into their respective Division. The judging process will be as follows:

1. Assess work submitted with each standard entry form.
2. Each member of the Cumberland Heritage Committee allocates a score out of ten for the assessment criteria (as listed above).
3. Total all judges’ scores for each entry. The entry in each division with the highest total score is declared the winner. Where an equal score is received by two or more entries in a Division, the members are to agree the winning entry.
4. The Judge/s may only award an entry as the winner if it is considered to be of a high standard and meets all the conditions of entry and category criteria.

5. Present the Award Category Division 1 and 2 Winners and Runner-up to Council’s Group Manager, Planning to confirm the Award Category Winners and Runner-up.

PRIZES
Division 1 (Short Story Competition) Winner: $200 book gift voucher and framed certificate.

Overall Runner-up: $100 book gift voucher and framed certificate.

Category 6 – School Poster Artwork Competition

OVERVIEW OF CATEGORY
To encourage primary and high schools within the Cumberland Local Government Area to engage and encourage students to learn about, and be involved in, local heritage. This category is for a group entry and is run as an poster artwork competition with a theme based on the National Trust Heritage Festival for that year.

The category comprises two Divisions, being:
- Division 1: Kindergarten to Grade 6 (Primary School)
- Division 2: Grade 7 to Grade 12 (High School)

Posters-Artwork can include drawings, paintings, collages, computer graphics or stylised photographs. Entries can reference real events (either historical or current), buildings and places, well known public figures from present day or from history, and historical eras.

Entries can be submitted in either soft copy (electronic) or hardcopy (physical) format. The work should adhere to the maximum stipulated size of A1-A3 or another dimension with a maximum area of 0.5 m². Any digital designs must be a minimum of 300dpi. Any text should be legible from a distance and easy distinguishable from background colours.

Only one entry/Multiple entries per class may be submitted. Multiple entries from one school will be accepted.

ENTRY AND ASSESSMENT CRITERIA (Conditions of Entry)

a) The work presented is creative and innovative.

b) The work provides an original insight into what “heritage” means to Cumberland’s young residents.

c) The work highlights the character and spirit of the Cumberland LGA.
d) The work displays an appreciation of heritage.

e) The work contributes to Council's understanding of the views of our young
residents regarding "heritage".

f) The work adheres to the stipulated size and resolution requirements.

NOMINEES' RESPONSIBILITIES

1. Fill in the entry form.

2. Submit the work with the completed entry form.

3. Ensure that the work is related to an element of Cumberland's history and
heritage.

4. Only one entry is permitted per class. Multiple entries from one school will be
accepted.

5. Ensure that the work adheres to the stipulated size and resolution
requirements.

6. Ensure that the content must demonstrate its originality.

JUDGES’ RESPONSIBILITIES

All entries will be divided into their respective Division.

Judging of entries will be undertaken by the Cumberland Heritage Committee. The
judging process will be as follows:

1. Assess work submitted with each standard entry form.

2. Each member of the Cumberland Heritage Committee allocates a score out of
ten for each of the six (6) assessment criteria (as listed above).

3. Each member will then vote for the best entry of each Division.

4. Tally the votes received for the entries of each Division. The entry in each
division with the most votes is declared the winner. Where an equal number of
votes are received by two or more entries in a Division, the members are to
agree the winning entry.

5. The Judge/s may only award an entry as the winner if it is considered to be of
a high standard and meets all the conditions of entry and category criteria.

6. Present the Award Category Division 1 and 2 Winners to Council's Group
Manager, Planning to confirm the Award Category Winners.

PRIZES

Division 1 (Kindergarten to Grade 6) Winner: $400 book gift voucher and framed
certificate.

Division 2 (Grade 7 to Grade 12) Winner: $400 book gift voucher and framed
certificate.
Item No: C03/19-35

DRAFT PROSPECT HILL PLAN OF MANAGEMENT

Responsible Division: Works & Infrastructure
Officer: Director Works & Infrastructure
File Number: SC493
Community Strategic Plan Goal: A great place to live

SUMMARY

Cumberland Council has recently completed a process to prepare a Draft Plan of Management incorporating a Landscape Masterplan, in accordance with the legislative requirements of the NSW Local Government Act (1993), for Prospect Hill in Pemulwuy.

This report details the results of submissions received during the public exhibition period and recommends the adoption of the Prospect Hill Plan of Management.

RECOMMENDATION

That Council adopt the Prospect Hill Plan of Management incorporating the Prospect Hill Landscape Masterplan, as included in Attachment 1 and 2 of this report.

REPORT

At the Ordinary Meeting of Council held on 21 November 2018, Council resolved to place the Draft Prospect Hill Plan of Management on public exhibition for community feedback in accordance with Section 38 of the NSW Local Government Act (1993) (Min. 353).

Council received 5 submissions during the 56 day public exhibition period. Council has formally responded to all respondents who made a submission and notified them of the consideration of this item at this Council meeting.

A summary of all submissions received and Council’s response is outlined in Attachment 4.
In accordance with Attachment 4, Council has now addressed all public feedback and recommends the *Prospect Hill Plan of Management* as included in Attachment 1 of this report be adopted by Council.

**Land Categorisation**

In accordance with *Section 36* of the *NSW Local Government Act (1993)*, the community land within the open space study area has been identified as an area of cultural significance. As such this land has been categorised accordingly to reflect its cultural significance.

**COMMUNITY ENGAGEMENT**

In accordance with the requirements of the *Local Government Act (1993)*, the public exhibition of Draft plans of management and the undertaking of a public hearing are required to confirm the category of community land, prior to its adoption by Council.

The *Draft Prospect Hill Plan of Management* was placed on public exhibition for a total of 56 days which commenced on Wednesday 28 November 2018 and concluded on Tuesday 22 January 2019.

The exhibition period comprised of:

- The 28 day period for public exhibition
- The 14 day minimum for community response following the conclusion of public exhibition
- An additional 14 days was also incorporated into the exhibition period to ensure sufficient opportunity for community feedback over the Christmas/ New Year holiday period.

Details of the public exhibition and public hearing were notified to the local community and stakeholders through:

- Advertisements published in the Auburn Review on 27 November and the Parramatta Advertiser on 28 November 2018. Separately a media release was also distributed on 5 December 2018.
- Invitations emailed to primary stakeholder contacts including Council’s Aboriginal and Torres Strait Islander Consultative Committee, the Deerubbin Local Aboriginal Land Council, the NSW Heritage Council, and the NSW Office of Environment and Heritage.
- Notifications were also hand delivered to all residential properties and posted to all commercial premises within a 400 metre radius of the Prospect Hill open space area.
- Council’s ‘Have Your Say’ online web page provided further information and downloadable copies of the draft plan.

All notifications invited community feedback by post, email or online. Hard copies of the *Draft Plan of Management* were also made available at Council’s Merrylands and

Council had 315 visits to the ‘Have Your Say’ community engagement website during the public exhibition period which included 199 people who downloaded a copy of the Draft Prospect Hill Plan of Management document.

Additionally, Council appointed a consultant to preside over the public hearing, which was held from 6.00 to 7.30pm at the Merrylands Service Centre, on Friday 13 December 2018.

The public hearing was attended by ten (10) community members, two (2) Council Officers and two (2) consultants. Details of the issues raised during the public hearing are included in the consultant’s Public Hearing Report (Attachment 3).

Council’s ATSIC Committee have also been kept informed of progress at their quarterly ordinary meetings.

**Proposed Amendments**

It is proposed that the Draft Landscape Masterplan which is incorporated within the Draft Prospect Hill Plan of Management is updated to reflect the alternative location of the car park and caretaker residence as detailed in the changes to the document recommendation tabled above. The revision is included in attachment 2 of this report.

There are no other significant issues that warrant modification or the re-exhibition of the Draft Prospect Hill Plan of Management.

**POLICY IMPLICATIONS**

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

**RISK IMPLICATIONS**

Adoption of this report will ensure Council is compliant with the Local Government Act 1993.

**FINANCIAL IMPLICATIONS**

Funding for improvement works in the Draft Prospect Hill Plan of Management Action Table will be considered in the development of Council’s future Capital Works Program.

**CONCLUSION**

The Prospect Hill Plan of Management has been prepared to guide the ongoing management and development of the Prospect Hill open space area.

The Draft Prospect Hill Plan of Management incorporating the Draft Prospect Hill Landscape Masterplan is now recommended for adoption by Council.
ATTACHMENTS

1. Draft Prospect Hill Plan of Management
2. Draft Prospect Hill Landscape Masterplan
3. Public Hearing Report
4. Summary of Submissions
DOCUMENTS ASSOCIATED WITH REPORT C03/19-35

Attachment 1
Draft Prospect Hill Plan of Management
Draft Prospect Hill Plan of Management
November 2018
Prospect Hill Plan of Management

February 2019

Prepared for
Cumberland Council

 Adopted by Cumberland Council day month 2019
Prospect Hill

PLAN OF MANAGEMENT

Prepared For

Cumberland Council

By

Phillips Marler

in association with
Parkland Planners

February 2019

Adopted by Cumberland Council day month 2019

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<td>IM/SH</td>
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<td>5</td>
<td>28.02.19</td>
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WELCOME TO COUNTRY

I would like to welcome you all to the traditional land of the Darug people. I am Auntie Mavis Halvorton and I am a Darug Elder.

I am a direct descendant of Marla Locke, one of the first Darug women mentioned in the histories of the colonists. I have lived on Darug land for all of my life. So have most of the Darug people, some of whom are here today.

My people lived in and on this land for thousands of years before the colonists came. We have never given up our land. It was taken from us. We still have a close relationship with our land.

I pay my respect of my ancestors and generations past. I pay my respects to my people who still live on this land.

Now many people from many lands have come to settle here.

On behalf of my ancestors and in honour of their memory, I acknowledge that this land is now home to many different people from different parts of the world. I hope that they learn to love this land and respect it.

I welcome you all to Darug land and encourage you all to look after the land, as it is precious not just to the Darug people but to all people.
WELCOME TO COUNTRY

ACKNOWLEDGEMENTS

ABBREVIATIONS

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ACKNOWLEDGEMENTS

Cumberland Council

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Christine Deamer  Manager Open Space Planning and Design
Martha Mebour     Public Art Co-ordinator
Susan Miles        Senior Landscape Architect
Teresa Russo       Crime Prevention Officer
Beatrice Sesay     Capacity Building Officer (ATSICC Co-ordinator)

Attending representatives from the Aboriginal and Torres Strait Islander Consultative Committee and the local Aboriginal community

Aunty Sandra Lee
Aunty Cleonie Quayle
Uncle David Williams
Jeanice Corso
Trudy Healey
Lyn Leeson
Raelene Locke-Billedo
Paul Mackey
Djon Mundine
Julie Nixon
Des Smith
Chris Tobin
Melissa Williams
Cllr Greg Cummings - Mayor

ABBREVIATIONS

ATSICC        Aboriginal and Torres Strait Islander Consultative Committee
LEP           Local Environmental Plan
LGA           Local Government Area
OEH           Office of Environment and Heritage
SHR           State Heritage Register
EXECUTIVE SUMMARY

1 Introduction

This Plan of Management applies to land which includes part of the State Heritage Register (SHR) curtilage area for Prospect Hill, north of Butu Wargun Drive in Pemulwy.

This Plan of Management applies to allotments currently classified as community land and road reserve under the jurisdiction of Cumberland Council, as well as portions of two privately owned adjacent properties which are within the State Heritage Registered curtilage area for Prospect Hill.

Prospect Hill is of significant cultural importance, especially to the people of the Darug nation.

Since early European exploration and settlement from 1788 Prospect Hill has undergone significant physical and cultural change.

Given its cultural and historic landscape importance, Prospect Hill – also known as Mar-Rong Reserve - was entered on the NSW State Heritage Register on 16 October 2003.

This Plan of Management will be an important supporting document for an application to the NSW Office of Environment and Heritage to declare Prospect Hill as an Aboriginal Place of Significance.

The process of preparing this Plan of Management is set out below.

<table>
<thead>
<tr>
<th>Stages</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCEPTION</td>
</tr>
<tr>
<td>REVIEW BACKGROUND INFORMATION</td>
</tr>
<tr>
<td>COMMUNITY AND STAKEHOLDER ENGAGEMENT</td>
</tr>
<tr>
<td>PREPARE FINAL DRAFT PLAN OF MANAGEMENT</td>
</tr>
<tr>
<td>PUBLIC EXHIBITION</td>
</tr>
<tr>
<td>for minimum of 42 days (including 28 days exhibition and 14 days for receipt of submissions)</td>
</tr>
<tr>
<td>ADOPITION</td>
</tr>
<tr>
<td>IMPLEMENTATION</td>
</tr>
</tbody>
</table>

2 Description of Prospect Hill

Key features of Prospect Hill are:

☐ is a place significant to the Cannemegal-Warmull Clan of the Darug Nation who were the traditional custodians of the area prior to the arrival of Europeans

☐ the area of significant early interactions between Aboriginal people and European settlers
a natural topographic feature rising to 112 metres in height above sea level, forming one of the highest points between the coast and the Blue Mountains

a unique 360-degree view of Sydney from the top of the hill

extensive grasslands on the eastern slopes.

Prospect Hill is largely undeveloped with few built structures as follows.

<table>
<thead>
<tr>
<th>Structure</th>
<th>Description</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two water tanks</td>
<td>Concrete, metal</td>
<td>To be assessed</td>
</tr>
<tr>
<td>Fencing and gates</td>
<td>Chain wire fencing</td>
<td>New, excellent condition</td>
</tr>
<tr>
<td></td>
<td>Metal gates</td>
<td></td>
</tr>
<tr>
<td>Stairs and hand rail</td>
<td>Wooden stairs with hand rail to traverse steep sections of the informal path to the top of the hill</td>
<td>Good</td>
</tr>
</tbody>
</table>

Prospect Hill is visited by Aboriginal groups for education of school children, and local residents who like to walk there for exercise and to enjoy the view. Prospect Hill is a significant venue to the Aboriginal community for annual NAIDOC Week and Reconciliation Day (3 May) events which attract increasing numbers of people including dignitaries and school children, from all over Sydney and further afield. Several Aboriginal Heritage Tours led by Aboriginal elders have been held in recent years. Prospect Hill is a site of focus for local schools as teachers are required to teach Aboriginal culture as a core part of the primary and high school curriculum concerning Australian heritage.

3 Planning context

The legislation most affecting use and management of Prospect Hill is the Local Government Act 1993, and the Environmental Planning and Assessment Act 1979.

Due to the cultural significance of Prospect Hill, Cumberland Council supports its categorisation as Area of Cultural Significance (Section 36D of the Local Government Act 1993). The land proposed to be categorised as Area of Cultural Significance.

Several plans control development within the SHR curtilage area for Prospect Hill:

- Prospect Hill Conservation Management Plan 2005
- Prospect Hill Heritage Landscape Study and Plan 2008
- Prospect Hill Heritage Interpretation Plan 2009

Land covered by this Plan of Management at Prospect Hill is zoned RE1 Public Recreation and E2 Environmental Conservation under the Holroyd Local Environmental Plan 2013. The Clunies Ross Street road closure and the two privately owned lots to the west are unzoned as they are subject to the SEPP (Western Sydney Employment Area) 2009.

4 Basis for Management

Values and roles of Prospect Hill are listed below.
<table>
<thead>
<tr>
<th>Value</th>
<th>Roles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>Place for cultural celebration</td>
</tr>
<tr>
<td>• Aboriginal</td>
<td>Place for cultural education</td>
</tr>
<tr>
<td>• Aesthetic</td>
<td>Meeting place</td>
</tr>
<tr>
<td>• Archaeological</td>
<td>Reminder about past land uses — farming, quarrying, scientific research</td>
</tr>
<tr>
<td>• Historical</td>
<td>Landmark</td>
</tr>
<tr>
<td>• Technical/research</td>
<td></td>
</tr>
<tr>
<td>Social</td>
<td></td>
</tr>
<tr>
<td>Open space and recreation</td>
<td>Open space in an increasingly developed area</td>
</tr>
<tr>
<td></td>
<td>Buffer between residential and commercial development</td>
</tr>
<tr>
<td>Environmental</td>
<td>Place for informal recreation</td>
</tr>
<tr>
<td></td>
<td>Environmental conservation</td>
</tr>
<tr>
<td></td>
<td>Fauna habitat</td>
</tr>
</tbody>
</table>

Council's objectives for management of Prospect Hill by value are outlined below.

<table>
<thead>
<tr>
<th>Value</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>- Protect the integrity of the Prospect Hill State Heritage Registered Area</td>
</tr>
<tr>
<td></td>
<td>- Manage Prospect Hill according to the Conservation Management Plan, Heritage Landscape Study, and Heritage Interpretation Plan.</td>
</tr>
<tr>
<td></td>
<td>- Research and document the history of the Prospect Hill State Heritage Registered Area and its role in the history of Sydney.</td>
</tr>
<tr>
<td></td>
<td>- Educate the community on the history and role of the site.</td>
</tr>
<tr>
<td></td>
<td>- Utilise the history of the site as a theme in its development.</td>
</tr>
<tr>
<td></td>
<td>- Because the topography of the ridgeline lends itself to prime viewing, to locate these within the pedestrian network, consistent with the Prospect Hill Heritage Landscape Study and Plan, and the Prospect Hill Heritage Interpretation Plan.</td>
</tr>
<tr>
<td></td>
<td>- Consult with local community groups to ensure that future development reflects the historical relevance of the past.</td>
</tr>
<tr>
<td>Open space and recreation</td>
<td>- Retain the open grass hill character as open space and preserve the distinctive ridgeline.</td>
</tr>
<tr>
<td></td>
<td>- Improve the quality of open space area by replacing overhead transmission lines to underground cables or preferably to re-route electrical infrastructure around the outside of the open space area.</td>
</tr>
<tr>
<td>Environmental</td>
<td>- Maintain the prominence of Prospect Hill as a significant remnant geologic and topographic element. Site and design development at critical locations so that views of the ridgeline are maintained.</td>
</tr>
<tr>
<td></td>
<td>- Retain and add to existing trees on Prospect Hill, consistent with the Prospect Hill Conservation Management Plan, thereby forming large stands of trees to provide a visual buffer to built form when viewed from the top of Prospect Hill.</td>
</tr>
<tr>
<td></td>
<td>- Ensure continuation of green corridors from existing conservation areas through the riparian corridor and up onto Prospect Hill.</td>
</tr>
</tbody>
</table>

Footnote: 

1 Holland Development Control Plan Rev E August 2013
The vision for Prospect Hill is to:

- create Prospect Hill as a site of cultural significance and interpretation for future generations
- retain the prominence of Prospect Hill as a significant geological and topographical site
- enhance the site as a place for primarily reconciliation events
- create a safe place for the local community with green spaces and public facilities.
- be a place for local community – public safety, green space, facilities, activities and events
- interpret cultural heritage for future generations.

The primary considerations for future use of and development at Prospect Hill are its State Heritage Register listing, its categorisation of community land as Area of Cultural Significance under the Local Government Act 1993 and the Local Government (General) Regulation 2005, and its potential to be declared as an Aboriginal Place.

5 Action Plan

Issues and other considerations set out in the action plan are:

<table>
<thead>
<tr>
<th>Cultural Issues</th>
<th>Open space and recreation issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to ceremonial site</td>
<td>Pedestrian link to Marrong Reserve</td>
</tr>
<tr>
<td>Reconciliation Stone</td>
<td>Pedestrian and cycle links to and from adjoining residential and employment areas</td>
</tr>
<tr>
<td>Formal gathering and events</td>
<td>Viewing opportunities</td>
</tr>
<tr>
<td>Prospect Hill community group</td>
<td>Seating</td>
</tr>
<tr>
<td>Aboriginal Place</td>
<td>Butu Wargan Drive road closure</td>
</tr>
<tr>
<td>Name of Prospect Hill</td>
<td>Children’s play opportunity</td>
</tr>
<tr>
<td>Anti-social behaviour</td>
<td>Environmental issues</td>
</tr>
<tr>
<td>Cultural centre</td>
<td>Planting and revegetation</td>
</tr>
<tr>
<td>Aboriginal community garden</td>
<td>Grassland</td>
</tr>
<tr>
<td>Vehicle access to cultural centre</td>
<td>Waste disposal</td>
</tr>
<tr>
<td>Community education and interpretation</td>
<td>Soil quality and contamination</td>
</tr>
<tr>
<td>Water tanks</td>
<td>Soil erosion</td>
</tr>
<tr>
<td>Caretaker’s residence</td>
<td>Fauna habitats and wildlife corridors</td>
</tr>
<tr>
<td>Public art</td>
<td>Water Sensitive Urban Design (WSUD)</td>
</tr>
<tr>
<td>Visual</td>
<td>Management issues</td>
</tr>
<tr>
<td></td>
<td>Land acquisition and community land</td>
</tr>
<tr>
<td></td>
<td>Authorised vehicle access</td>
</tr>
<tr>
<td></td>
<td>Funding</td>
</tr>
</tbody>
</table>

PROSPECT HILL PLAN OF MANAGEMENT - FINAL PARKLAND PLANNERS - PHILIPS MARLER
Key proposed high priority and short-term actions and changes to Prospect Hill include to:

- make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974.
- prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazettal of the Aboriginal Place.
- erect a fence around the ceremonial site.
- relocate and place the Reconciliation Stone.
- obtain approval for construction of a cultural centre and associated gardens.
- establish a walking track along the ridgeline between the lookout at Prospect Hill and Reconciliation Rise.
- establish a walking track along the ridge line between the lookout at Prospect Hill, Warin Avenue and the Clunies Ross Street cul-de-sac.
- construct unobtrusive viewing areas at Prospect Hill, and south of the hill looking south-east using low maintenance materials.
- provide seating at entry points, along pathways and at viewing points.
- remove exotic vegetation such as pine trees and weeds.
- liaise with Aboriginal groups about planting of native species.
- provide bins for rubbish at entry points.
- negotiate with private land owners for Council to either manage or purchase by private treaty or compulsory acquisition Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814.
1 INTRODUCTION

1.1 What Is A Plan Of Management?

A Plan of Management is a statutory document which provides the framework for managing community land, and outlines how that land is intended to be used, improved and maintained into the future.

The Local Government Act 1993 requires Councils to prepare Plans of Management for all community land in their jurisdiction to ensure it is effectively managed.

This Plan of Management incorporates a Landscape Masterplan to illustrate proposed changes and to facilitate the establishment of facilities for the users of the land.

1.2 Land To Which This Plan Of Management Applies

This Plan of Management applies to land which includes part of the State Heritage Register (SHR) curtilage area for Prospect Hill, north of Butu Wargun Drive in Pemulwuy, as shown in Figure 1.

This Plan of Management applies to allotments currently classified as community land and road reserve under the jurisdiction of Cumberland Council, as well as portions of two adjacent properties which are within the State Heritage Registered curtilage area for Prospect Hill.

PROSPECT HILL PLAN OF MANAGEMENT – FINAL
PARELAND PLANNERS – PHILLIPS MARLER
Figure 1  Land included in this Plan of Management
1.3 Significance of Prospect Hill

Prospect Hill is of significant cultural importance, especially to the people of the Darug nation.

Since early European exploration and settlement from 1788 Prospect Hill has undergone significant physical and cultural change.

Given its cultural and historic landscape importance, Prospect Hill – also known as Mar-Rong Reserve - was entered on the NSW State Heritage Register on 16 October 2003. The Statement of Significance reads:

The Prospect Hill area has state significance due to its unique combination of significant landscape features, potential archaeological site, and association with important historical phases. As a dolerite outcrop rising to a height of 117 metres above sea level, Prospect Hill is a rare geological and significant topographic feature providing expansive views across the Cumberland Plain (Ashton, 2000).

The site is significant as a major reference point for early explorers from 1788, and as the site of a number of the earliest farms in New South Wales, which were established in 1791 (Higginbotham, 2000). Prospect Hill is also associated with Aboriginal frontier warfare during the early days of the colony, and as the site of one of the first Aboriginal/European reconciliation meetings held in 1806 involving Samuel Marsden and Prospect Aboriginal groups (Flynn 1997).

Through its ongoing pastoral and rural use, the site has the potential to provide archaeological evidence of early farming practice and settlement (Higginbotham 2000). The landscape of Prospect Hill is likely to be one of the only remaining areas of rural land within the local and regional area that has retained its long-term pastoral use since the earliest days of the colony.

Key features of Prospect Hill are:

- is a place significant to the Cannemegal-Warmull Clan of the Darug Nation who were the traditional custodians of the area prior to the arrival of Europeans
- the area of significant early interactions between Aboriginal people and European settlers
- a natural topographic feature rising to 112 metres in height above sea level, forming one of the highest points between the coast and the Blue Mountains
- a unique 360-degree view of Sydney from the top of the hill
- extensive grasslands on the eastern slopes.
1.4 Background to this Plan of Management

Given the significance of Prospect Hill to the Aboriginal community, Cumberland Council’s Aboriginal and Torres Strait Islander Consultative Committee (known as the ATSIC Committee) has expressed a strong desire for Prospect Hill to be declared an Aboriginal Place of Significance. These places are important to Aboriginal people for social, spiritual, historic and commemorative reasons. The ATSIC Committee approved the preparation of a Plan of Management and Landscape Masterplan for Prospect Hill at their meeting on 2 November 2016. At that meeting the ATSIC Committee wanted the following processes to commence:

1. The ATSIC Committee to support the preparation of a Plan of Management, incorporating a Landscape Masterplan for Prospect Hill

2. Consultation for the preparation of a Plan of Management and Landscape Masterplan for Prospect Hill is expected to include:
   a) Primary stakeholder workshops (ATSIC Committee and Council representatives)
   b) Public exhibition of the draft Plan of Management incorporating Landscape Masterplan
   c) Public hearing of the draft Plan of Management incorporating Landscape Masterplan
   d) NSW Office of Environment and Heritage
   e) The draft Plan of Management incorporating in the Action List, as a high priority item, that an application be made to the NSW Office of Environment and Heritage for Prospect Hill to be declared an Aboriginal Place

3. Adoption of the Plan of Management incorporating a Landscape Masterplan by Council

4. Apply to the NSW Office of Environment and Heritage for Prospect Hill to be declared an Aboriginal Place in consultation and as approved by Council’s ATSIC Committee

This Plan of Management will be an important supporting document for an application to the NSW Office of Environment and Heritage to declare Prospect Hill as an Aboriginal Place of Significance.

This is the first Plan of Management to be prepared for Prospect Hill. It will complement the Draft Plan of Management for Marrong Reserve to the south which was prepared for Lend Lease in 2014, and the Lakewood Estate Riparian Corridor to the east adopted in 2018.

1.5 Aims and objectives of this Plan of Management

The primary objective of this Plan of Management is to guide the future management and development of Prospect Hill, while taking into account the cultural and physical significance of the site.

Cumberland Council’s objectives and desired outcomes are to prepare a Plan of Management for Prospect Hill which:
- meets the requirements of the Local Government Act 1993 for management of community land, and other relevant legislation.
- includes clear and achievable management strategies which reflects Council’s corporate and planning goals and policies.
- reflects the values and desired outcomes of engagement with the Aboriginal community, local residents, and other stakeholders.
Identifies and considers cultural heritage, environmental, open space and recreational values, and the balancing of such values.

- determines priorities for future assets, embellishment works, and maintenance requirements.
- includes a Landscape Masterplan which shows spatial actions.

1.6 Process of preparing this Plan of Management

The process of preparing this Plan of Management, consultations with stakeholders and the community, and documents produced at each stage, are shown in Figure 2.

Engagement with the community is an important part of the preparation of this Plan of Management. It allows the community the opportunity to have a say in the planning process and to contribute to the range of values, issues and desires when preparing the Plan of Management.

Cumberland Council began the community consultation process for this Plan of Management in March 2018. The consultation process is outlined in Figure 2.

Members of the Cumberland ATSC Committee, as well as other interested Aboriginal people, attended an Aboriginal Stakeholders Forum on 5 April 2018. The outcomes of the Aboriginal Stakeholders Forum are in Appendix A.

A Community Forum attended by local residents was held in Penrith on 3 May 2018. The outcomes of the Community Forum are in Appendix B.

The report of the public hearing held on 13 December 2018 is in Appendix C.
### Figure 2  Process of preparing this Plan of Management

<table>
<thead>
<tr>
<th>CONSULTATIONS</th>
<th>STAGES</th>
<th>OUTPUTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Meeting with Council's Project Manager</td>
<td>INCEPTION</td>
<td></td>
</tr>
<tr>
<td>- Site inspections with Council staff and ATSIC Committee members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Review background reports, plans</td>
<td>REVIEW BACKGROUND</td>
<td>INFORMATION</td>
</tr>
<tr>
<td>- Meetings with Council staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Council staff workshop</td>
<td>COMMUNITY AND STAKEHOLDER</td>
<td>Presentations to Aboriginal Stakeholders</td>
</tr>
<tr>
<td>- Council Advisory Committees: Aboriginal, Access</td>
<td>ENGAGEMENT</td>
<td>Forum and Community Forum</td>
</tr>
<tr>
<td>- Aboriginal Stakeholders Forum 5 April 2018</td>
<td></td>
<td>Minutes of Forums</td>
</tr>
<tr>
<td>- Community Forum 3 May 2018</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Office of Environment and Heritage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review by Council staff</td>
<td>PREPARE DRAFT PLAN OF</td>
<td>Draft Plan of Management Draft Landscape</td>
</tr>
<tr>
<td></td>
<td>MANAGEMENT</td>
<td>Masterplan</td>
</tr>
<tr>
<td>- Copy to Chief Executive of Office of Environment and Heritage</td>
<td>PUBLIC EXHIBITION</td>
<td>Draft Plan of Management Draft Landscape</td>
</tr>
<tr>
<td>- Council letterhead and flyer posted to primary stakeholders, including</td>
<td>for 36 days (including</td>
<td>Masterplan</td>
</tr>
<tr>
<td>Council's Aboriginal and Torres Strait Islander Consultative Committee,</td>
<td>statutory 28 days exhibition</td>
<td></td>
</tr>
<tr>
<td>Local Aboriginal Land Council, NSW Heritage Council, NSW Office of</td>
<td>and 14 days for receipt</td>
<td></td>
</tr>
<tr>
<td>Environment and Heritage</td>
<td>of submissions)</td>
<td></td>
</tr>
<tr>
<td>- Posters on site and at local shopping centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Flyers to local residents and businesses within 400 metres radius of the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>study area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Letters/emails to community groups, residents and other stakeholders</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Notices placed in local newspapers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Documents and plans on display at Council's customer service centres and</td>
<td>Written submissions to</td>
<td></td>
</tr>
<tr>
<td>libraries, and on Council’s website</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>- Facebook post</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Public hearing / community meeting 13 Dec 18</td>
<td>Public hearing submissions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and report</td>
<td></td>
</tr>
<tr>
<td>Resolution by Cumberland Council with any proposed amendments as a result</td>
<td>ADOPTION</td>
<td>Council report Plan of Management and</td>
</tr>
<tr>
<td>of Council's consideration of submissions</td>
<td></td>
<td>Landscape Masterplan for Prospect Hill</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IMPLEMENTATION</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Feedback from the Office of Environment and Heritage on the Draft Plan of Management is in Appendix D.

The Draft Plan of Management and Landscape Masterplan for Prospect Hill was placed on public exhibition for public comment for 56 days, which is longer than the 28 days for exhibition and 14 days for receipt of comments required by the Local Government Act 1993. The public exhibition began on Wednesday 28 November 2018 and ended on Tuesday 22 January 2019. The Draft Plan of Management and Landscape Masterplan were on display at Council’s customer service centres and libraries, and on Council’s website.

The public exhibition was publicised by:
- Council letterhead and flyer posted to primary stakeholders, including Council’s Aboriginal and Torres Strait Islander Consultative Committee, Local Aboriginal Land Council, NSW Office of Environment and Heritage
- Posters placed on site and at the Pamulway shopping centre
- Flyers distributed to local residents and businesses within 400 metres radius of the study area
- Letters/emails to community groups, residents and other stakeholders
- Notices placed in the Cumberland Council column in local newspapers: Auburn Review on 27 November 2018, and Parramatta Advertiser on 28 November 2018
- Facebook post on 5 December 2018
- News item in the Parramatta Advertiser on 9 January 2019.

A public hearing / community meeting was held on 13 December 2018 to receive submissions on the proposed categorisation of Prospect Hill as Area of Cultural Significance, and any other questions and comments about the Draft Plan of Management. The separate public hearing report contains the submissions and recommendation for categorisation as Area of Cultural Significance.

Submissions received from the public and organisations during the public exhibition and from the public hearing were considered, and appropriate changes made to finalise the Plan of Management following Council’s resolution and consideration of submissions.

1.7 Contents of this Plan of Management

1.7.1 Local Government Act 1993

Requirements of the Local Government Act 1993 for the contents of a Plan of Management, and where they can be found in this Plan, are listed in Table 1.

<table>
<thead>
<tr>
<th>Requirement of the Local Government Act</th>
<th>How this plan satisfies the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management</td>
<td>Section 2</td>
</tr>
</tbody>
</table>
### Requirement of the Local Government Act

<table>
<thead>
<tr>
<th>Requirement of the Local Government Act</th>
<th>How this plan satisfies the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.</td>
<td>Section 2</td>
</tr>
<tr>
<td>Categorisation of community land</td>
<td>Section 3</td>
</tr>
<tr>
<td>Core objectives for management of the land.</td>
<td>Section 3</td>
</tr>
<tr>
<td>The purposes for which the land, and any such buildings or improvements, will be permitted to be used.</td>
<td>Section 4</td>
</tr>
<tr>
<td>The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.</td>
<td>Section 4</td>
</tr>
<tr>
<td>A description of the scale and intensity of any permitted use or development.</td>
<td>Section 4</td>
</tr>
<tr>
<td>Authorisation of leases, licences or other estates over community land.</td>
<td>Section 4</td>
</tr>
<tr>
<td>Objectives and performance targets.</td>
<td>Section 5</td>
</tr>
<tr>
<td>Means by which the plan’s objectives and performance targets will be achieved.</td>
<td>Section 5</td>
</tr>
<tr>
<td>Means for assessing achievement of objectives and performance targets.</td>
<td>Section 5</td>
</tr>
</tbody>
</table>

### Section 360 of the Local Government Act 1993 further requires in a Plan of Management for community land comprising Area of Cultural Significance:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>How this plan satisfies the Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>A statement that the land is an Area of Cultural Significance because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance.</td>
<td>Section 3</td>
</tr>
<tr>
<td>Categorisation as an Area of Cultural Significance</td>
<td>Section 3</td>
</tr>
<tr>
<td>Identify objectives, performance targets, and other matters that:</td>
<td>Section 5</td>
</tr>
<tr>
<td>- are designed to protect the area</td>
<td></td>
</tr>
<tr>
<td>- take account of the features of the site identified by Council’s resolution that declares the land is an Area of Cultural Significance</td>
<td></td>
</tr>
</tbody>
</table>

### 1.7.2 Management Plan for an Aboriginal Place

This Plan of Management also includes some elements of a formal Management Plan for a declared Aboriginal Place (Office of Environment and Heritage, 2017). Other elements would be completed after further engagement with the Aboriginal community and OEH either at the same time or after the Aboriginal Place is gazetted.

#### Table 2 Elements of a Management Plan for an Aboriginal Place

<table>
<thead>
<tr>
<th>Element of a Management Plan</th>
<th>Where found in this Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A statement of cultural values of the Aboriginal Place, including whether it is a men’s or women’s site.</td>
</tr>
<tr>
<td>2</td>
<td>Threats to the place, an assessment of risk of harm and ways in which significant threats will be treated.</td>
</tr>
<tr>
<td>3</td>
<td>Other uses of the area ie. recreational, economic</td>
</tr>
<tr>
<td>Element of a Management Plan</td>
<td>Where found in this Plan</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>4</td>
<td>Appropriate fire regimes</td>
</tr>
<tr>
<td>5</td>
<td>Activities that may require Aboriginal Heritage Impact Permits issued under Part 6 of the National Parks and Wildlife Act 1974, and maps of where these activities are authorised under a permit</td>
</tr>
<tr>
<td>6</td>
<td>The treatment of culturally sensitive information in accordance with a section 161 notice</td>
</tr>
<tr>
<td>7</td>
<td>Ongoing management actions, who is responsible for doing them, and what consultation arrangements are needed</td>
</tr>
<tr>
<td>8</td>
<td>A process for periodic monitoring and recording of Aboriginal Place site conditions</td>
</tr>
<tr>
<td>9</td>
<td>Funding and resources</td>
</tr>
</tbody>
</table>
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2 DESCRIPTION OF PROSPECT HILL

2.1 Location and context

Figure 3 shows the location of Prospect Hill at Pemulwy in the Cumberland local government area. Prospect Hill is approximately 9 kilometres west of the Parramatta CBD, and 32 kilometres north-west of the Sydney CBD.

Land uses immediately adjoining Prospect Hill are Marrong Reserve to the south, employment lands to the west, and recent or pending residential development in Pemulwy to the north and east.

Prospect Hill is part of an open space network that links into Prospect Creek and regional open space at Gipps Road and Hyland Road Regional Parklands.
Figure 3  Location and context of Prospect Hill
2.2 Cultural history of Prospect Hill

2.2.1 Indigenous context

The Cannemegal-Warmull clan of the Darug nation has traditional ties to the land known as Prospect Hill.

Before 1788, Prospect Hill was an important marker, navigational element and vantage point in the landscape. Its Aboriginal name is recorded as Marrong or Mar-rong (Musecape Pty Ltd, 2009). Similarly, Conybeare Morrison (2005) suggested Prospect Hill was a major reference point for the Aboriginal people living on the Cumberland Plain, to whom it was known as Mar-rong or Mur-rong. Marrong can be partially interpreted as a pathway, route or way forward and may represent a landmark within a songline, or a significant way of passage across a landscape.

It is believed that indigenous groups remained for only short stays along the ridge, with more permanent camps occurring along Prospect Creek (Government Architects Office, 2008).

Traditionally, a peak or crest of a landform is culturally and spiritually a male centre of cultural activity associated with a vantage point, ceremonies and hunting; whereas a female centre of cultural activity is associated with watercourses, food gathering and the care of children. Some people, particularly traditional Aboriginal women, feel uncomfortable going to the top of Prospect Hill for cultural reasons.

The current significance of Prospect Hill as a place of reconciliation is signified by the Reconciliation Stone below.
2.2.2 European exploration and settlement

Historical events

A compilation of historical events relating to Prospect Hill since the first settlers discovered Prospect Hill in 1788 is in Appendix E.

Key events in the history of Prospect Hill are as follows:

- 1788: Governor Phillip and Surgeon John White lead an expedition party in search of fertile land, and on 26 April 1788 climb the hill. Phillip's account states that the exploration party saw from Prospect Hill 'for the first time since we landed Carmethen Hills (Blue Mountains) as likewise the hills to the southward.'

- 1791: Governor Phillip provided 30-acre grants around the base of Prospect Hill on the southern and eastern sides to 13 ticket-of-leave convicts. The land is cleared for agriculture, which provokes organised resistance from local Aboriginal people.

- June 1802: Aboriginal resistance leader Pemulwuy was shot and killed. Pemulwuy's son Tedbury continued the resistance.

- 3 May 1805: Reverend Samuel Marsden facilitated a meeting to reconcile the local Aboriginal clans and the soldiers and settlers, with Darug women and Prospect Hill settler John Kennedy acting as intermediaries.

- 1808: First major land grant to William Lawson. 550 acres to the west of Prospect Hill which increases to 3,000 acres.

- 1819: Lawson increases land holding and to 3000 acres buying surrounding grants

- 1823: W. Lawson builds Veteran Hall on Prospect Hill

- 1836-1837 Nelson Lawson inherits land and increases land holdings around the Prospect site. Builds Greytunes House on the slopes of Prospect Hill, just south of the SHR area.

- 1880: Creation of Prospect Reservoir subsumes the majority of William Lawson's land.

- Mid 1800s: quarrying of the basalt plug at Prospect Hill was under way.

- 1929 Veteran Hall demolished

- Early 1940s: Anecdotal reports indicate part of the site was used as a shooting range by allied soldiers during World War II.

- 1946: The Commonwealth acquired land for the CSIRO site, with further acquisition in 1963.

- Early 1950s: sheep were pastured for research purposes on the CSIRO site

- 2000: the CSIRO site is the primary research centre of the Division of Animal Production

- 1999: SEPP 59 was gazetted, which rezoned land on Hill's eastern side for regional open space and housing, for employment land to the west.

- 2002: the former CSIRO site north of Nelson's Ridge was vacated and sold to Stockland.

- 2003: Prospect Hill was entered on the NSW State Heritage Register in October.

- 2016-17: following residential development in Pemulwuy, Stockland (2016) and Boral (2017) transferred land to Cumberland Council.

Historical sites and items

Two water tanks which were evident in the 1943 aerial photograph are on site.
2.3 Ownership and management

Figure 4 shows the land parcels included in this Plan of Management. Property details for these land parcels are listed in Table 3.

The total land area covered by this Plan of Management is approximately 6.7 hectares.

2.3.1 Council owned land

Cumberland Council owns three parcels of land in the study area: Lot 669 DP 1148337, Lot 202 DP 1028208, and the Clunies Ross Street Road Reserve. These Council-owned lots comprise some 83% of the study area.

2.3.2 Private land

SHR easement areas within adjacent allotments - Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814 - are privately owned. Council intends to acquire these parcels at some time in the future to consolidate jurisdiction and to ensure consistent management of the SHR area.
Figure 4  Land tenure – Prospect Hill
Table 3  Property details of Prospect Hill

<table>
<thead>
<tr>
<th>Land parcel</th>
<th>Lot 669 DP 1148387</th>
<th>Part Lot 202 DP 1121844</th>
<th>Clunies Ross Street Road Reserve</th>
<th>Part Lot 107 DP 1028208</th>
<th>Part Lot 901 DP 1078814</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>Cumberland Council</td>
<td>Cumberland Council</td>
<td>Cumberland Council</td>
<td>PGL No 1 Pty Ltd</td>
<td>The Trust Company Limited</td>
</tr>
<tr>
<td>Subject approximate area (ha)</td>
<td>4.0980</td>
<td>0.5569</td>
<td>0.7879</td>
<td>0.9701</td>
<td>0.2707</td>
</tr>
<tr>
<td>Zoning</td>
<td>E1 Public Recreation</td>
<td>SEPP (Western Sydney Employment Area) 2009</td>
<td>SEPP (Western Sydney Employment Area) 2009</td>
<td>SEPP (Western Sydney Employment Area) 2009</td>
<td></td>
</tr>
<tr>
<td>Easements</td>
<td>18m wide transmission line – PT385713. 2m wide underground cables – DP 1058563.</td>
<td>Eastern side 18m wide 33 kv (overhead) transmission line.</td>
<td>1m wide underground cables – DP 1079204(F).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other encumbrances</td>
<td>Existing Ø375 &amp; Ø450 stormwater drainage.</td>
<td>Restriction on the use of land associated with onsite detention of storm water – DP 1030744(J).</td>
<td>Restriction on the use of land &quot;No clearing or construction allowed within the area designated without consent of the Authority benefited&quot;. This authority is Heritage Council of New South Wales – DP 1030744(H,V,N).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Western side existing 11kv (overhead) transmission lines.</td>
<td>NSW Heritage Council has interest.</td>
<td>Right of carriageway variable width – DP 1040113(A).</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2.3.3 Road reserves

The study area includes land designated as road reserve incorporating part of Clunies Ross Street as shown in Figure 4. This area does not have an identifying lot and Deposited Plan (DP) number. Resource allocation is required for maintenance.

The categorisation and inclusion of road reserves in a Plan of Management is not required under the Local Government Act 1993. However as road reserves require resources to manage and maintain them in a similar manner as though they are classified as community land they are included in this Plan. This Plan of Management recommends changing the road reserve to a community land title.

2.3.4 Easements

Part Lot 202 DP 1121844 is subject to a transmission line easement.

East and west side transmission line easements are required through the Clunies Ross Street road reserve to accommodate overhead power lines. They should be replaced by subgrade power cables or preferably re-routed around the outside of open space area and be addressed prior to the construction of a building, such as the proposed community centre, in order to align to the objectives of the open space area.

2.3.5 Covenants

The SHR area is dedicated for public park and reserve.

Covenants, encumbrances and other interests and restrictions on land use are listed in Table 3.

2.3.6 Key stakeholders

Several organisations have a responsibility and/or an interest in managing Prospect Hill as set out below.

Table 4 Key stakeholders in Prospect Hill

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Responsibility / Interest in Prospect Hill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aboriginal groups</td>
<td></td>
</tr>
<tr>
<td>- Gannawarmal-Warnulik Clan</td>
<td>Traditional owners with cultural ties to the land</td>
</tr>
<tr>
<td>- Darug elders and people</td>
<td>Management and use</td>
</tr>
<tr>
<td>- Cumberland ATSIC Committee</td>
<td>Advice, management, approval</td>
</tr>
<tr>
<td>Cumberland Council</td>
<td></td>
</tr>
<tr>
<td>- Land owner</td>
<td>Management</td>
</tr>
<tr>
<td>- Maintenance</td>
<td>Funding</td>
</tr>
<tr>
<td>- Responsibility to acquire private land</td>
<td></td>
</tr>
<tr>
<td>Private land owners</td>
<td></td>
</tr>
<tr>
<td>Office of Environment and Heritage</td>
<td></td>
</tr>
<tr>
<td>- Administration and management of SHR Area</td>
<td></td>
</tr>
<tr>
<td>- Support, review and approvals regarding SHR Areas and Aboriginal Places</td>
<td></td>
</tr>
<tr>
<td>- Responsibility to acquire private land</td>
<td></td>
</tr>
<tr>
<td>Local residents</td>
<td></td>
</tr>
<tr>
<td>- Neighbours</td>
<td></td>
</tr>
<tr>
<td>- Users</td>
<td></td>
</tr>
</tbody>
</table>
2.4 Physical description

2.4.1 Climate

The long-term temperature and rainfall averages for Prospect Reservoir, the closest meteorological station to Prospect Hill, shows:
- a mean annual maximum temperature of 23.2°C, peaking above 27.0°C in December-February.
- mean annual minimum temperature of 12.3°C, with mean lowest temperatures below 10°C in May to September.
- mean annual rainfall of 872 mm with highest rainfall occurring in January to March.

2.4.2 Topography, geology and soils

Prospect Hill rises 112 metres above sea level, lying centrally in the Cumberland Plain. Panoramic views from the top of the hill are available east to the Sydney CBD, North Sydney, St Leonards, Chatswood and Parramatta; and north-east to Bella Vista homestead. On a clear day the Blue Mountains to the west and the Southern Highlands to the south can be seen from the peak of the study area.

Prospect Hill is Sydney’s largest body of igneous rock. Conybeare Morrison (2005) identified that Prospect Hill is a Tertiary basalt or dolerite plug which produces rich black earths formed on the basaltic material of the chilled margin of the intrusion, with podzolised types formed on the Triassic series on the lower slopes. Soils on the Council-owned Lot 669 DP 1148337 and Lot 202 DP 1121844 are identified as ‘Moderate Salinity Potential’ in the Holroyd Local Environmental Plan 2013.
Prospect Hill is a free-standing knoll which is separated from Marrong Reserve to the south at a saddle by Butu Wargun Drive (Government Architects Office, 2008).

The topography has been drastically altered by quarrying activities. Prior quarrying carved out the Prospect Hill landform on several sides, with steep embankments and unstable slopes. Quarried areas are shown in Figure 5.
Figure 5  Quarried areas at Prospect Hill
Several ridgelines slope downhill from the crest of Prospect Hill, with the most significant ridgeline sloping in an approximately northerly direction at an average slope of 1:15. The average slope from the top of the hill to the eastern boundary is 1:10. Steep slopes have been formed by quarrying on the southern side of the hilltop. The western side of the study area is gently undulating to flat.

A preliminary site investigation of Lot 669 DP 1148337 was undertaken by Stockland Development Pty Ltd in 2016 and, with reference to the NSW Environment Protection Authority ‘Guidelines for Consultants Reporting on Contaminated Sites’ and Council’s Contaminated Land Policy, the potential for contamination of Lot 669 was considered low without further need for investigation.

2.4.3 Hydrology and drainage

As the highest point in the vicinity, the north-south ridgeline of Prospect Hill diverts stormwater easterly and westerly respectively. Stormwater falling on Prospect Hill drains to the Greystanes Creek catchment which flows into the Parramatta River, the main tributary of Sydney Harbour.

2.4.4 Flora and fauna

Vegetation

The natural vegetation community within the Prospect Hill SHR Area is Moist Shale Woodland, which is a critically endangered ecological community under the Commonwealth Environmental Protection and Biodiversity Act 1999 and an Endangered Ecological Community in the NSW Biodiversity Conservation Act 2016.

Moist Shale Woodland occurs where there is increased rainfall on clay soils derived from Wannamatta Shale.

Canopy trees characteristic of Moist Shale Woodland include Spotted Gum (Corymbia maculata), Forest Red Gum (Eucalyptus tereticornis), and Grey Box (Eucalyptus moluccana), with smaller tree species including Hickory Wattle (Acacia implexa) and Sydney Green Wattle (Acacia parramattensis subsp. parramattensis).

The vegetation on Prospect Hill has been highly modified as a result of land clearing for previous agricultural, pastoral and quarrying activities. Today the vegetation is characterised by a row of planted trees adjacent to boundary lines, scattered shrubs, weeds, and extensive pasture grassland on the north-eastern slope.
Fauna

Kangaroos are frequently sighted at Prospect Hill and it is likely that other native species that have not been recorded are also present.

Introduced animals typical of urban environments are also known to inhabit Prospect Hill. Ongoing monitoring, treatment or control may occur from time to time in response to primary pests where possible, such as by implementing or extending fox abatement programs.

There are no known endangered fauna species associated with the site.

Fire regime

Fire is a natural and necessary part of the Australian landscape, particularly of the woodland forest and grassland typical of remnant vegetation in Prospect Hill.

Fires are an expression of anti-social behaviour by people who trespass on the site. The effects of a recent deliberately lit fire on vegetation at Prospect Hill is shown below. This behaviour is expected to diminish with the ongoing activation of the parkland area in line with proposed embellishments implemented as part of this plan and Landscape Masterplan.

Three are currently no Asset Protection Zones defined within the Prospect Hill curtilage area associated with the development of adjacent properties as recommended by the NSW Rural Fire Service.
2.5 Access and circulation

Figure 6 shows the current access points and circulation routes within Prospect Hill.

Vehicle and pedestrian access to Prospect Hill is limited due to inter-allotment gates and fencing on the site, and the adjoining road network. A 1.8 metre high chain wire fence and vehicle access gate has recently been installed along Warin Avenue.

Unauthorised pedestrian access through the fencing at the top of the hill is available from Reconciliation Rise, and from Warin Avenue/Durawil Street at the foot of the hill.

Gated vehicle access to Prospect Hill is available from Reconciliation Rise, Clunies Ross Street and Warin Avenue. Vehicle access via Butu Wargun Drive was recently prevented by Council installing temporary barriers on the roadway to discourage people accessing the hill area for anti-social activities.

Unformed paths with a set of wooden steps extend between the Reconciliation Rise entry point to the top of Prospect Hill.

The Holroyd Bike Plan shows an existing cycle route along Butu Wargun Drive. The nearest implemented cycle routes are located along Butu Wargun Drive and Reconciliation Rise, and Clunies Ross Street from the Wombat Street intersection.
2.6 Structures

Prospect Hill is largely undeveloped with few built structures as follows.

Table 5: Built structures and condition

<table>
<thead>
<tr>
<th>Structure</th>
<th>Description</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two water tanks</td>
<td>Concrete, metal</td>
<td>To be assessed</td>
</tr>
<tr>
<td>Fencing and gates</td>
<td>Chain wire fencing, Metal gates</td>
<td>Near, excellent condition</td>
</tr>
<tr>
<td>Stairs and Hand rail</td>
<td>Wooden stairs with hand rail to traverse steep sections of the informal path to the top of the hill</td>
<td>Good</td>
</tr>
</tbody>
</table>

The physical condition of Prospect Hill has declined through activities such as quarrying and anti-social activities such as littering. Anti-social use of the area is evident from broken fencing, fire pits, littering and some illegal dumping. The ongoing development of passive recreational facilities and increased activation of the open space area is expected to diminish this behaviour over time.
Electricity power lines are located on the western and southern edges of Lot 669 DP 1148337, and on the eastern and western side of the road reserve at the cul-de-sac end of Clunies Ross Street. The power lines and fencing divide the site and visually detract from the integrity of the Prospect Hill SHR Area. A high pressure gas pipeline sign is located within Lot 202 behind the western and southern corner of Lot 669.

There is no known water or sewer infrastructure installed at the site. Drainage pits are located as part of surrounding road infrastructure.

2.7 Activities at Prospect Hill

Previous uses of Prospect Hill include agriculture, quarrying, and scientific research.

Today Prospect Hill is visited by Aboriginal groups for education of school children, and local residents who like to walk there for exercise and to enjoy the view.

The Prospect Hill area is the site of the first Aboriginal – European reconciliation held in Sydney. On 3 May 1803, a group of Aboriginal women together with a young free settler, John Kennedy, facilitated a meeting on Prospect Hill between the Aboriginal leaders of the Darug clan and European settlers headed by Rev John Marsden. This was the first recorded act of reconciliation between Indigenous people and Europeans in Australia, and brought about an end to the ongoing conflict in Parramatta and Prospect. At the Council meeting on 3 May 2011, Council resolved that an annual commemoration be organised to recognise this event and since then this event has been commemorated on 3rd May each year in a ceremony on Prospect Hill.

Prospect Hill is a significant venue to the Aboriginal community for annual NAIDOC Week and Reconciliation Day (3 May) events which attract increasing numbers of people including dignitaries and school children, from all over Sydney and further afield. Reconciliation Day has been commemorated at Prospect on 3 May every year since 2010.
Reconciliation Day Event 3 May 2018

Cumberland Aboriginal Heritage Tour 11 April 2018

The Discover Cumberland Aboriginal Heritage Tour took place on Friday 14 July 2017 to celebrate Aboriginal culture and history. The tour was part of the Cumberland Locale Festival: Stories of the People and Places of Cumberland and NAIDOC Week Program. The tour provided participants with the opportunity to discover the stories and places of Aboriginal cultural significance and heritage in Cumberland, including the site of the First Act of Reconciliation in NSW. The guided bus and walking tour across Cumberland from Auburn to Prospect Hill was led by Aboriginal tour guides who shared insightful knowledge about the history and cultural heritage of some of the significant places of Cumberland. The importance of the Aboriginal tradition was expressed through a Welcome to Country, Smoking Ceremonies, a sit down bush tucker buffet cuisine and cultural performances.

The Sydney Sacred Music Festival launch held at Prospect Hill in 2016 was a cultural event created in consultation and partnership with the Darug elders.

A Cumberland Aboriginal Heritage Tour that took place on 11 April 2016 was guided by Uncle David Williams and Aunty Jadinta Tobin.
Prospect Hill is a site of focus for local schools as teachers are required to teach Aboriginal culture as a core part of the primary and high school curriculum concerning Australian heritage.

2.8 Maintenance

Maintenance of Prospect Hill currently includes replacement of damaged fences and gates, removal of litter, and mowing according to Council’s Maintenance Service Levels.

2.9 Financial management

No income is currently derived from use of Prospect Hill.

General rate revenue is proportionally applied to the Capital Work Program over the long term.

Grant funding from the 2017/18 NSW Stronger Communities Fund is currently available to establish pathway access at Prospect Hill.

Funding is also available from developer contributions as part of the Section 94 Developer Contributions Plans, and grant funding as opportunities for grant funding arise.

Maintenance and capital costs are primarily part of operational service levels.
3 PLANNING CONTEXT

3.1 Introduction

This section outlines the legislative and policy framework applying to Prospect Hill. Full versions of the legislation outlined below is found online at www.legislation.nsw.gov.au and www.austlii.edu.au.

Further information about Cumberland Council's corporate strategic planning, and other plans and policies are available on Council's website at www.cumberland.nsw.gov.au.

3.2 Planning context

The planning context of Prospect Hill is shown in Table 6. The legislation most affecting use and management of Prospect Hill is the Local Government Act 1993, and the Environmental Planning and Assessment Act 1979.

Several plans control development within the SHR curtilage area for Prospect Hill:

- Prospect Hill Conservation Management Plan 2005
- Prospect Hill Heritage Landscape Study and Plan 2008
- Prospect Hill Heritage Interpretation Plan 2009

A summary of other relevant legislation and planning documents is in Appendix F.

This Plan of Management must be prepared in accordance with the provisions contained within other relevant legislation and policy guidelines, including but not limited to those listed in Table 6.

3.3 Legislation applying to Prospect Hill

3.3.1 Local Government Act 1993

Requirements of a Plan of Management for community land

Most of Prospect Hill is either owned by Cumberland Council or is dedicated for public park and reserve as a consequence of the positive covenant under the SHR listing. The Council-owned land is classified as community land under the Local Government Act 1993. Community land must be managed according to the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005. Community land:

- must have a Plan of Management prepared for it, which sets out guidelines for use and management of the land. Until a Plan of Management is adopted, the nature and use of the land must not change.
- must be kept for the use of the general community, and must not be sold.
- cannot be leased or licensed for a period of more than 21 years, or for 30 years with consent from the Minister.
<table>
<thead>
<tr>
<th>Table 6</th>
<th>Strategic planning context of Prospect Hill</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Land use planning</td>
</tr>
<tr>
<td>Common-wealth</td>
<td>Native Title Act 1993</td>
</tr>
<tr>
<td></td>
<td>Dividing Fences Act 1991</td>
</tr>
<tr>
<td>Sydney</td>
<td>Directions for a Greater Sydney 2017-2056</td>
</tr>
<tr>
<td>Regional</td>
<td>Revised Draft Central City District Plan</td>
</tr>
<tr>
<td>Cumberland LGA</td>
<td>Holroyd Local Environmental Plan 2013</td>
</tr>
</tbody>
</table>
## Land use planning

<table>
<thead>
<tr>
<th>Cultural heritage</th>
<th>Open space/recreation planning</th>
<th>Environmental planning</th>
<th>Community planning</th>
<th>Access planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hafroyd Cultural Plan 2015</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumberland Culture and Activation Plan (in prep.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumberland Reconciliation Action Plan 2018-2021 (in prep.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cumberland Public Art Guidelines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Prospect Hill

<table>
<thead>
<tr>
<th>Prospect Hill</th>
<th>Prospect Hill Plan of Management</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Heritage Interpretation Plan</td>
</tr>
<tr>
<td></td>
<td>for Prospect Hill 2009</td>
</tr>
<tr>
<td></td>
<td>Prospect Hill Heritage Landscape Study and Plan 2008</td>
</tr>
<tr>
<td></td>
<td>Prospect Hill Conservation Management Plan 2005</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Categorisation

Due to the cultural significance of Prospect Hill, the Area of Cultural Significance category (Section 36D of the Local Government Act 1993) applies to Prospect Hill. This categorisation is confirmed by the recommendations of the public hearing report. The land categorised as Area of Cultural Significance is shown in Figure 7.

The basis for categorising land within Prospect Hill as Area of Cultural Significance is according to the guidelines set out in Clause 105 of the Local Government (General) Regulation 2005 as follows:

Land should be categorised as an Area of Cultural Significance under section 36 (4) of the Act if the land is:

(a) an area of Aboriginal significance, because the land:
   (i) has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or
   (ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or
   (iii) is of significance or interest because of Aboriginal associations, or
   (iv) displays physical evidence of Aboriginal occupation (for example, items or artefacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or
   (v) is associated with Aboriginal stories, or
   (vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or

(b) an area of aesthetic significance, by virtue of:
   (i) having strong visual or sensory appeal or cohesion, or
   (ii) including a significant landmark, or
   (iii) having creative or technical qualities, such as architectural excellence, or

(c) an area of archaeological significance, because the area contains:
   (i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artefacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or
   (ii) any other deposit, object or material that relates to the settlement of the land, or

(d) an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or

(e) an area of technical or research significance, because of the area’s contribution to an understanding of Australia’s cultural history or environment, or

(f) an area of social significance, because of the area’s association with Aboriginal life after 1788 or the area’s association with a contemporary community for social, spiritual or other reasons.
Leases, licences and other Estates

Leases, licences and other estates formalise the use of community land. Such activities should be compatible with any zoning or reservation; provide benefits, services or facilities for users of the land; and be authorised under the Plan of Management for the land. The terms and conditions of any authorisation should ensure proper management and maintenance of the area or facility, and that the interests of the Council and the public are protected.

A lease is normally required where exclusive control of all or part of an area is proposed. A licence may be granted where intermittent or short-term occupation of an area is proposed. The term "estate" is wide and includes many rights over land that can be granted. An estate is defined as an "interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity."

There are restrictions on the ability of Council to grant leases, licences and other estates over community land. Council may only grant a lease, licence or other estate if:

- the Plan of Management expressly authorises the lease.
- the purpose of the lease is consistent with the core objectives for the category of land.
- the lease is for a permitted purpose listed in the Local Government Act 1993.

Refer to Section 4.7 for authorised leases, licences and other estates.

3.3.2 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EPA Act) establishes the statutory planning framework for environmental and landuse planning in NSW through:

- State Environmental Planning Policies (SEPPs).
- Local Environmental Plans (LEPs). The Holroyd Local Environmental Plan 2013 applies to Prospect Hill.

The EPA Act requires that "environmental impacts" are considered in land use planning and decision making. Such environmental impacts include Aboriginal heritage. Parts 3, 4 and 5 of the EPA Act, together with associated regulations, schedules and guidelines are most relevant to Aboriginal heritage.

Parts 4 and 5 of the EPA Act also set out processes for approving development applications for structures and works on public and private land in the Cumberland local government area.

3.3.3 National Parks and Wildlife Act

All Aboriginal sites in NSW are protected under the National Parks and Wildlife Act 1974, which is administered by the NSW Office of Environment and Heritage (OEH).

Part 6 of the Act outlines specific protection for Aboriginal heritage as follows:

- s.84: the Minister for the Environment may declare any place that is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place.
- s.86: penalties for harming or desecrating Aboriginal objects and places.
- s.87: defences to prosecution and exemptions, including the process of due diligence.
- s.89A: requirement to notify the Director-General when finding a new site.
- s.90: issues and use of Aboriginal Heritage Impact Permits.
- s.900: the role of the Aboriginal Heritage Information Management System (AHIMS).
Part 6: where harm to an Aboriginal object or place cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) can be issued by the Chief Executive of OEH.

Part 6a, Division 1-3: the Director-General’s right to issue stop-work orders, interim protection orders, and remediation directions.

Declaring an Aboriginal Place under Section 84 of the National Parks and Wildlife Act 1974 is a way of recognising and legally protecting Aboriginal heritage on public and private land in NSW. The Office of Environment and Heritage assesses and recommends the declaration and gazettal of Aboriginal Places throughout NSW.

Given the inherent historical and cultural significance that characterises Prospect Hill, which includes the meeting of reconciliation in 1805, recognition under the State Heritage Register listing as well as the early planning and development by Cumberland Council, it has been anticipated that Prospect Hill would be the subject of an Aboriginal Place nomination.

Cumberland Council has prepared this Plan in consultation with Council’s ATSIC Committee and representatives from the Local Aboriginal community. Council supports endorsement of Prospect Hill as a declared Aboriginal Place as a subsequent action of this Plan of Management.

3.3.4 Heritage Act 1977

Prospect Hill is listed on the State Heritage Register as an item of State Heritage Significance. An item on the SHR cannot be altered unless the Heritage Council of NSW has issued an approval, or an exemption from the need to obtain an approval has been granted.

The Prospect Hill Conservation Management Plan and the Prospect Hill Heritage Landscape Study and Plan have been endorsed by the Heritage Council.

A Section 60 application for alterations, approvals or exemptions is required by the Heritage Council as the consent authority.

3.4 Council plans and policies

3.4.1 Holroyd Local Environmental Plan 2013

Land covered by this Plan of Management at Prospect Hill is zoned RE1 Public Recreation and E2 Environmental Conservation. The Clunies Ross Street road closure and the two privately owned lots to the west are unzoned as they are subject to the SEPP (Western Sydney Employment Area) 2009.
The Holroyd LEP 2013 recognises the State heritage significance of Prospect Hill through its listing in Schedule 5 Environmental Heritage of the LEP. Council-owned lots 669 and 202 at Prospect Hill are listed as Heritage Item-General in the Holroyd LEP 2013.

3.4.2 Holroyd Development Control Plan (DCP) Part P 2013

Part P of the Holroyd Development Control Plan 2013 sets out Council’s objectives and design guidelines for the Prospect Hill State Heritage Registered Area (refer to Section 4.3).
4 BASIS FOR MANAGEMENT

4.1 Introduction

The Commonwealth, State, regional and local planning context applying to Prospect Hill was outlined in Section 3. This section draws on the previous section, and defines the specific roles and objectives for Prospect Hill, based on community values and management directions of Cumberland Council.

The needs and requirements of Cumberland Council (as land owners and managers), the Aboriginal community (as custodians of the land), residents (as neighbours and users of the land), and current and future visitors (as users of the land) are reflected in the recommended management actions in Section 5.

4.2 Values and roles of Prospect Hill

4.2.1 Introduction

The Cumberland and wider community value various aspects of Prospect Hill for different reasons. The Aboriginal community and local residents have expressed how the site is important and special to them by articulating their values during community engagement forums which have informed the preparation of this Plan of Management.

Using values as the basis of this Plan of Management ensures that this plan will be valid longer than one based on simply addressing issues. Issue-driven Plans of Management can quickly become out of date. Values change at a much slower pace than issues do. Values may remain constant for generations, therefore once values are documented, issues can easily be dealt with as they arise consistent with the values. New issues that arise over time very often cannot be dealt with easily unless a new Plan of Management is prepared.

By understanding the reasons why the community values Prospect Hill, the roles that the community expects the site to play in the future may be determined. This Plan of Management is based on protecting, conserving and enhancing the values of Prospect Hill. Desired outcomes, management strategies and actions which are consistent with these values have been developed.

4.2.2 Values of Prospect Hill

The stakeholder and community engagement process for this Plan of Management revealed a strong sense of connection with Prospect Hill, with the desire to ensure the protection of the site’s cultural, open space, recreational and environmental values. Community values are also reflected in the description, history, and assessment of significance which accompany the State Heritage Area listing; and by stakeholder engagement conducted by the Government Architect’s Office in 2008.

Aboriginal

These comments regarding aboriginal perspectives are based on consultation and communication with our local elder Aunty Sandra Lee (Darug) and as represented by Uncle David Williams (Bundjalung), during engagement with members of the Cumberland ATSC Committee in 2018, and stakeholder engagement conducted by the Government Architect’s Office in 2008.

There are numerous aspects to the Aboriginal cultural significance of Prospect Hill.
Prospect Hill is within the traditional area of the Cannemegal-Warmull Clan, a tribe of the Darug nation.

Broadly Aboriginal people across Metropolitan Sydney and beyond see it as a destination and site for heritage preservation for all people, and want to have an ongoing say in its future. Indeed, first peoples internationally show interest in key sites of resistance. Our local ATSI elders have been leaders for many years in their work towards the site’s preservation.

Prospect Hill is significant as a meeting place for Aboriginal people:

“It’s a gathering place to acknowledge first people were present, what happened there, connect stories to there, and a gathering place for the locals and anybody else.”
Melissa Williams, 2019

Members of Council’s ATSC Committee explained that Prospect Hill, particularly the top of the hill, is a sacred Aboriginal spiritual and ceremonial place as a men’s area. As typical to many cultures worldwide, the tops of landforms are highly significant as survey and vantage points. Members note that Prospect Hill has been geographically altered by the removal of the original peak through quarrying and the building of a road that now divides the hill between Butu Wargun Drive and Reconciliation Rise.

The Sydney Sacred Music Festival launch in 2016 was a cultural event created in consultation and partnership with Darug elders. Our local Darug Elder Aunty Sandra Lee supported culturally respectful performances by William Barton, a specialist and highly renowned didgeridoo (yidaki) player and his mother Delmae Barton, accompanying with operatic vocals, who shared both modern and traditional themes of their country and people, the Murr’s from Queensland.
The Prospect Hill area is important for Aboriginal interpretation which is reflected in Jacqui Douglas’ ‘Pemulwy Park – The Big Hand’ (August 2002). It was not supported in its proposed form within the Prospect Hill Heritage Interpretation Plan (Muscape, 2009) however it could be adapted by amending its form to better suit site parameters within the Prospect Hill open space.

The lower part of the hill is significant because of the former agricultural use, and use by allied soldiers during World War II.

The presence of crows flying around and sitting on the fences is spiritually significant and is reflected in the naming of Butu Wargun Drive which leads up to Prospect Hill. Butu Wargun, the Darug name for Crow, is the totem for the Bidjigal warrior Pemulwy who united the clans from La Perouse to Prospect as he led the resistance against European settlers.

Prospect Hill is an educational place to the Aboriginal community and honouring significant Aboriginal people such as Pemulwy is important to the Aboriginal community. Aboriginal elders teach children about Pemulwy and other Aboriginal people, to inspire the younger generations. They want to teach local Aboriginal history and values to both Aboriginal and non-Aboriginal people. Prospect Hill is also a site of focus for local schools due to Aboriginal culture being a core part of the primary and high school curriculum concerning Australian heritage.

Aboriginal people want to be caretakers and custodians of the land to preserve it for future generations. They have expressed an interest for more active cultural experiences and participation in activities that cultivate a greater awareness of local Aboriginal heritage. Prospect Hill and Marrong Reserve and their association with Pemulwy and European settlement have the potential to deliver meaningful themes in context with this significant heritage site.

The Aboriginal significance of Prospect Hill should be interpreted in consultation with Aboriginal people. Interpretative motifs and media for Aboriginal elements should be in harmony with Aboriginal cultural traditions and incorporate the possum motif, which is a local Darug totem, where appropriate.

There is potential for interpretation to be expressed through cultural tours and school groups in line with the establishment of facilities at the site.
There is a great opportunity for further cultural and heritage interpretation of the site working with aboriginal artist facilitators and elders. Collaborative landscape design with artist planner involvement could be considered.

Prospect Hill should be rehabilitated and named an Aboriginal Place.

Prospect Hill should be connected to other Aboriginal sites and local parks such as Marrong Reserve, Lakewood Estate Riparian Corridor, Prospect Creek corridor, and Gipps Road and Hyland Road Regional Parklands.

Vegetation communities should be pre-European where possible.

Aesthetic

Prospect Hill is Sydney’s largest body of igneous rock, which rises to a prominent height of 112 metres above sea level and provides expansive panoramic views across the Cumberland Plan in all directions. Sydney city to the east and the Blue Mountains to the west are clearly visible.

The landscape of Prospect Hill retains an essential rural character, which is increasingly rare in the locality.

Archaeological

No archaeological relics or cultural objects have been identified in the Prospect Hill SHR Area. However, Prospect Hill SHR Area has archaeological potential for Aboriginal and early European settlement which should be considered in its management.

Historical

Prospect Hill is associated with important historical events, including:

- an important orientation point for early explorers from 1788, including the first time the explorers saw the Blue Mountains
- land grants made at its base in 1791 for establishment of some of the earliest farms in NSW. The original boundaries of some Crown grants (Lisk and Rowe) at Prospect Hill are evident.
- Aboriginal frontier warfare against early settlers during the early days of the colony 1797–1802, culminating in the death of frontier leader Pennalwa
- a place of attempted reconciliation between Reverend Samuel Marsden and Prospect Aboriginal groups on 3 May 1805. The conference led to the end of the conflict for the Aboriginal clans around Parramatta and Prospect (Karskens, 1993).

Pasture grasses and plough furrows evident from early farms on Prospect Hill are of high national significance.

Technical/Research

Through its continual pastoral and rural use since 1791 Prospect Hill has the potential to provide archaeological evidence of early historical settlement or agricultural techniques used (Higginbotham, 2000).

Materials quarried from the Prospect Hill quarry were used in major construction and road building projects in Sydney, including Woronora Dam, Sydney Opera House, Overseas Passenger Terminal at Circular Quay and the Cahill Expressway.
The former CSIRO Division of Animal Production located at the foot of Prospect Hill was used continually for agricultural research purposes for the sheep and wool industry from the early 1950s to the early 2000s. Scientists associated with the CSIRO facility include Dr. Ian Clunies Ross, naturalist Charles Darwin on his visit in January 1836 to observe the geology, and Professor T.W. Edgeworth David.

The former quarries are an outdoor classroom for education in geology and soils.

Social

The former quarry and the CSIRO site has significance and value to the former employees and their families, and for the scientists who carried out work which is of importance to Australia’s cultural history (Perumal Murphy Wu, 2000).

Open space and recreation

Prospect Hill is a regional open space which is valued by the local community as a place to walk, reflect, and enjoy the views from the top of the hill.

Environmental

Prospect Hill and its distinctive ridgeline is:
- the headwater of the Graysstanes Creek catchment
- a reminder of the original remnant Moist Shale Woodland vegetation
- an expanse of grassland.
- a place for nature-based recreation/ environmental studies.

The roles of Prospect Hill are its desired functions, and the ways in which the site may achieve the goals for areas of cultural significance and the open space system as a whole. The desired roles of Prospect Hill form the basis for making decisions about the future management of the site. The major roles of Prospect Hill are presented below.

Table 7  Roles of Prospect Hill

<table>
<thead>
<tr>
<th>Value</th>
<th>Roles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>Place for cultural celebration</td>
</tr>
<tr>
<td></td>
<td>Place for cultural education</td>
</tr>
<tr>
<td></td>
<td>Meeting place</td>
</tr>
<tr>
<td></td>
<td>Reminder about past land uses – farming, quarrying, scientific research</td>
</tr>
<tr>
<td></td>
<td>Landmark</td>
</tr>
<tr>
<td>Open space and recreation</td>
<td>Open space in an increasingly developed area</td>
</tr>
<tr>
<td></td>
<td>Buffer between residential and commercial development</td>
</tr>
<tr>
<td></td>
<td>Place for informal recreation</td>
</tr>
<tr>
<td>Environmental</td>
<td>Environmental conservation</td>
</tr>
<tr>
<td></td>
<td>Fauna habitat</td>
</tr>
</tbody>
</table>
4.3 Management objectives

The objectives for Prospect Hill relate to Council’s management goals in the Cumberland Community Strategic Plan, zoning under the Holroyd Local Environmental Plan 2013, the core objectives for community land specified within the Local Government Act 1993, and Council’s objectives for Prospect Hill in the Holroyd Development Control Plan – Part P 2013.

4.3.1 Cumberland Council vision, goals and outcomes

Council’s vision for the future of Cumberland in its Community Strategic Plan 2017-27 is:

Welcome, Belong, Succeed

To achieve the vision, Council has set out strategic goals and outcomes relevant to Prospect Hill as follows:

Table 8  Strategic goals and outcomes for Cumberland

<table>
<thead>
<tr>
<th>Strategic goal</th>
<th>Outcomes</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 A great place to live</strong></td>
<td>We have positive connections within our local community through our local programs and services that reflect our unique identity</td>
<td>Programs that provide access to arts and culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Events and activities reflect our diverse mix of cultural backgrounds</td>
</tr>
<tr>
<td></td>
<td>We have high quality community facilities and spaces that fit our purposes</td>
<td>Council helps foster the creative arts and culture</td>
</tr>
<tr>
<td></td>
<td>We live healthy and active lifestyles</td>
<td>Facilities and services promote healthy lifestyles</td>
</tr>
<tr>
<td><strong>2 A safe accessible community</strong></td>
<td>We feel safe in all areas of Cumberland at all times</td>
<td>Safety is maintained in public areas through infrastructure and programs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Continued strengthening of partnerships with Council, local Police, RMS and community safety groups to address specific areas of safety</td>
</tr>
<tr>
<td><strong>3 A clean and green community</strong></td>
<td>We have great natural and green spaces that suit a variety of uses</td>
<td>Green space is protected through policy there are strategies in place to ensure it is utilised in a sustainable way</td>
</tr>
<tr>
<td></td>
<td>We value the environment and have measures in place to protect it</td>
<td>Council embraces and champions sustainable practices for itself and in the community</td>
</tr>
<tr>
<td></td>
<td>Our public places are clean and attractive</td>
<td>Infrastructure in public places is well maintained to ensure community pride in them</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Waste collection practices reflect a commitment to having clean public spaces</td>
</tr>
</tbody>
</table>
4.3.2 Zoning

The Council-owned lots in the study area are zoned RE1 Public Recreation and E2 Environmental Conservation. The objectives of each zone are as follows.

Objectives of RE1 Public Recreation zone are to:
- enable land to be used for public open space or recreational purposes.
- provide for a range of recreational settings and activities and compatible land uses.
- protect and enhance the natural environment for recreational purposes.

Objectives of the E2 Environmental Conservation zone are to:
- protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- promote cultural interpretation and scientific study of the natural environment.

4.3.3 Core objectives for community land categorised as Area of Cultural Significance

The Local Government Act 1993 identifies core objectives for management of each category of community land. Council must manage the community land according to these core objectives. Any additional Council objectives for the land must comply with the core objectives established within the Act. The importance of the prescribed core objectives is to ensure that any activities or uses of the land are consistent with the core objectives for that category of land.

The core objectives for management of community land categorised as an Area of Cultural Significance (Section 361 of the Local Government Act 1993) are:

1. The core objectives for management of community land categorised as an Area of Cultural Significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

2. Those conservation methods may include any or all of the following methods:

(a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the Area of Cultural Significance,

(b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,

(c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,

(d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),

(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

4.3.4 Council objectives for Prospect Hill

Council's objectives for management of Prospect Hill by value are outlined below.

Table 9  Objectives for management of Prospect Hill

<table>
<thead>
<tr>
<th>Value</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural</td>
<td>- Protect the integrity of the Prospect Hill State Heritage Registered Area</td>
</tr>
<tr>
<td></td>
<td>- Manage Prospect Hill according to the Conservation Management Plan, Heritage Landscape Study, and Heritage Interpretation Plan.</td>
</tr>
<tr>
<td></td>
<td>- Research and document the history of the Prospect Hill State Heritage Registered Area and its role in the History of Sydney.</td>
</tr>
<tr>
<td></td>
<td>- Educate the community on the history and role of the site.</td>
</tr>
<tr>
<td></td>
<td>- Utilise the history of the site as a theme in its development.</td>
</tr>
<tr>
<td></td>
<td>- Because the topography of the ridgeline lends itself to prime viewing, to locate these within the pedestrian network, consistent with the Prospect Hill Heritage Landscape Study and Plan, and the Prospect Hill Heritage Interpretation Plan.</td>
</tr>
<tr>
<td></td>
<td>- Consult with local community groups to ensure that future development reflects the historical relevance of the past.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Open space and recreation</th>
<th>Retain the open grass hill character as open space and preserve the distinctive ridgeline.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Improve the quality of open space area by replacing overhead transmission lines to underground cables or preferably to re-route electrical infrastructure around the outside of the open space area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Environmental</th>
<th>Maintain the prominence of Prospect Hill as a significant remnant geologic and topographic element. Site and design development at critical locations so that views of the ridgeline are maintained.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Retain and add to existing trees on Prospect Hill, consistent with the Prospect Hill Conservation Management Plan, thereby forming large stands of trees to provide a visual buffer to built form when viewed from the top of Prospect Hill.</td>
</tr>
<tr>
<td></td>
<td>Ensure continuation of green corridors from existing conservation areas through the riparian corridor and up onto Prospect Hill.</td>
</tr>
</tbody>
</table>

4.4 Vision for Prospect Hill

The following sections of this document outline specific strategies and actions to address management issues consistent with the goals and objectives for Prospect Hill outlined above, and consistent with community values.

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Footnote: 2 Hobroyd Development Control Plan 7 August 2015
The vision for Prospect Hill is to:
- Create Prospect Hill as a site of cultural significance and interpretation for future generations
- Retain the prominence of Prospect Hill as a significant geological and topographical site
- Enhance the site as a place for primarily reconciliation events
- Create a safe place for the local community with green spaces and public facilities.
- Be a place for local community – public safety, green space, facilities, activities and events
- Interpret cultural heritage for future generations.

4.5 Permitted uses and developments

4.5.1 Introduction

It is not possible to forecast every activity or structure that may occur at Prospect Hill in the future. New activities, elements and structures may be proposed in response to a proposal for use of the land, or because funding or another opportunity becomes available, or to address a need or management issue that may not be evident when preparing this Plan of Management.

In accordance with the Local Government Act 1993, Council must expressly authorise proposed activities and developments on community land. Such authorisation in a Plan of Management gives "in principle" support for certain activities to proceed to the development assessment stage. However, this Plan does not in itself imply or grant consent for these activities.

4.5.2 Legislative requirements

Heritage and cultural significance

The primary considerations for future use of and development at Prospect Hill are its State Heritage Register listing, its categorisation of community land as Area of Cultural Significance under the Local Government Act 1993 and the Local Government (General) Regulation 2005, and its potential to be declared as an Aboriginal Place.

State Heritage Register listing

Future use and development at Prospect Hill should reflect its national to local cultural and historic landscape heritage significance.

The Minister for Planning granted Standard Exemptions for Works Requiring Heritage Council Approval\(^3\) under Section 57(1) of the Heritage Act 1977 on 11 July 2008 to streamline approval for works to heritage items. However, the General Conditions state that the Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which could affect traditional access by Aboriginal people.

The standard exemptions relevant to Prospect Hill apply to:
- excavation [No. 4]

\(^3\) Heritage Council of NSW
minor activities with little or no adverse impact on heritage significance (No. 7)
change of use (No. 9)
new buildings (No. 10)
temporary structures (No. 11)
landscape maintenance (No. 12)
signage (No. 13)
safety and security (No. 16).

Categorisation of community land

According to the Local Government Act 1993, uses and structures on land classified as community land must be consistent with the guidelines for each relevant category and the core objectives of the relevant category. The guidelines and core objectives for the Area of Cultural Significance category which applies to Prospect Hill were outlined above.

All activities which are consistent with the guidelines for categorisation as an Area of Cultural Significance, and which meet the core objectives of that categorisation, are expressly authorised by this Plan.

Such activities would include:
- traditional indigenous practices
- ceremonies
- conservation methods to retain and enhance cultural significance, including protective care and maintenance, restoration, reconstruction, adaptive reuse, and preservation.
- interpretation
- education.

Other legislation

Permissible uses of and developments in Prospect Hill must also be in accordance with other relevant legislation, particularly:
- the zoning under the Holroyd Local Environmental Plan 2013.
- development controls in the Holroyd Development Control Plan 2013 – Part P.
- uses for which leases, licences and other estates may be granted on community land under the Local Government Act 1993.
- Complying development in accordance with SEPP (Infrastructure) 2007.
- Commonwealth legislation.

Zoning

All proposed uses, development and building works in this Plan of Management need to be permissible under the applicable zoning in the Holroyd Local Environmental Plan 2013, and assessed if required through a Development and Building Application process consistent with the Environment Planning and Assessment Act 1979.

Works permitted under the RE1 Public Recreation and E2 Environmental Conservation zones are listed in Table 10.
### Table 10 Permissible uses and developments of Public Recreation and Environmental Conservation zones

<table>
<thead>
<tr>
<th>Permissible without development consent</th>
<th>E1 Public Recreation</th>
<th>E2 Environmental Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental protection works</td>
<td></td>
<td>Environmental protection works</td>
</tr>
<tr>
<td>Permissible with development consent</td>
<td>Centre-based child care facilities</td>
<td>Building identification signs</td>
</tr>
<tr>
<td></td>
<td>Community facilities</td>
<td>Business identification signs</td>
</tr>
<tr>
<td></td>
<td>Environmental facilities</td>
<td>Environmental facilities</td>
</tr>
<tr>
<td></td>
<td>Information and educational facilities</td>
<td>Information and educational facilities</td>
</tr>
<tr>
<td></td>
<td>Kiosks</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recreation areas</td>
<td>Recreation areas</td>
</tr>
<tr>
<td></td>
<td>Recreation facilities (indoor)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recreation facilities (major)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recreation facilities (outdoor)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Respite day care centres</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Roads</td>
<td>Roads</td>
</tr>
<tr>
<td></td>
<td>Signage</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Water Recreation structures</td>
<td></td>
</tr>
<tr>
<td>Prohibited</td>
<td>Business premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Hotel or motel accommodation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industries</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Multi dwelling housing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Recreation facilities (major)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Residential flat buildings</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Restricted premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Retail premises</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Seniors housing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Service stations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Warehouse or distribution centres</td>
<td>Any other development</td>
</tr>
<tr>
<td></td>
<td>Any other development</td>
<td></td>
</tr>
</tbody>
</table>

Commonwealth legislation

Under the *Telecommunications Act 1997 (C’th)*, "low impact" installations are permissible without Council approval.

#### 4.5.3 Authorised uses and developments

The Holroyd Development Control Plan 2013 – Part P requires that future use, landscape interventions, heritage interpretation and vegetation management of the Prospect Hill State Heritage Registered Area is informed by and consistent with the following documents:

- Prospect Hill Conservation Management Plan (Conyeare Morrison, 2005)
- Prospect Hill Heritage Landscape Study and Plan (NSW Government Architect’s Office, 2008)
- Prospect Hill Heritage Interpretation Plan (MUSEcape, 2009).
Principles
The principles for use and development of Prospect Hill are based on the policies of the Prospect Hill Conservation Management Plan (Coombeare Morrison, 2005), the Prospect Hill Heritage Landscape Study and Plan (Government Architect’s Office, 2008), and from community engagement.

The key principles for future uses and development of Prospect Hill emphasised by the Aboriginal community are:

- respect for the cultural significance of Prospect Hill
- minimal structures and uncluttered in keeping with the cultural significance of Prospect Hill
- uses related to cultural events, education and interpretation.

The local community said:

- allow access to and use by local residents
- minimise impacts of activities at Prospect Hill on local residents.

Objectives in the Prospect Hill Heritage Landscape Study and Plan (Government Architect’s Office, 2008) are to:

- protect the Integrity of Prospect Hill’s crown and ridgeline
- minimise earthworks to protect remnant vegetation and seed bank

Relevant policies in the Conservation Management Plan are:

- development (built or landscaped) should be sympathetic and visually sensitive to the significance of the Prospect Hill SHR Area. (CMP Policy 74, 75)
- structures (e.g. signs, furniture, bins, lights) or fabric introduced within the SHR Area should minimise visual intrusion, conform to a high standard of design and be based on a well-considered system. (CMP Policy 76)
- new fabric built or landscaped in the Prospect Hill SHR Area must be (a) sympathetic to its significance, (b) readily identifiable as such and (c) totally reversible where possible. (CMP Policy 94, 95).

Authorised uses and developments
This Plan of Management authorises the following uses and developments at Prospect Hill:

Table 11  Authorised uses and developments at Prospect Hill

<table>
<thead>
<tr>
<th>Uses / activities</th>
<th>Developments / structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art, including painting, sculpture</td>
<td>Art work – temporary and permanent</td>
</tr>
<tr>
<td>Barbecues – within the curtilage of the cultural centre only</td>
<td>Bicycle related storage facilities including bicycle racks</td>
</tr>
<tr>
<td>Bush fire hazard reduction</td>
<td>Bins and other waste receptacles</td>
</tr>
<tr>
<td>Bash regeneration and rehabilitation</td>
<td>Bridges (walking, cycling, access for people with disabilities)</td>
</tr>
<tr>
<td>Ceremonies such as Welcome to Country</td>
<td>Children’s play equipment</td>
</tr>
<tr>
<td>Conservation methods to retain and enhance cultural significance, including protective care and maintenance, restoration, reconstruction, adaptive reuse, and preservation</td>
<td>Community facilities</td>
</tr>
<tr>
<td>Community gardens</td>
<td>Cultural centre</td>
</tr>
</tbody>
</table>
Council Meeting
20 March 2019

Children’s play
Cultivation and collection of bush foods and medicines
Cultural events
Cycling
Delivering a public address or speech
Dog exercise (on-leash at all times with waste picked up and disposed of off-site)
Earthworks
Easements to private property: temporary or permanent access across the site where appropriate and in compliance with the requirements of the Local Government Act 1993 and other relevant legislation and policy. Strict controls on vegetation and land management may be imposed.
Education (cultural, environmental and the like)
Entry during the day
Environmental protection works
Environmental management and monitoring
Filming, subject to Council approval
Filling or draining of land
Fire trails
Flora, fauna and archaeological surveys
Interpretation
Lighting for Aboriginal ceremonies
Motorised vehicle access (except maintenance and emergency vehicles)
Nature study including birdwatching
Past control (Invertebrate and vertebrate)
Photography
Picnics
Running/jogging
Traditional Aboriginal practices
Walking

Drainage works: only where complementary to the natural drainage patterns on the land, and where essential to protect tracks, roads, services, or other facilities on the land.
Educational facilities
Environmental facilities
Fencing
Food preparation and related facilities
Flagpoles or smart poles
Information boards and other facilities
Irrigation and drainage structures and systems
Landscaping, including landscape structures or features
Lighting: where essential for public safety and the protection of assets while not affecting nocturnal animal habitat. Consider solar lighting options to improve sustainability and reduce energy costs.
Picnic tables and barbecues
Recreation areas
Recreation facilities (outdoor)
Refreshment kiosk/small cafe (but not restaurants)
Roads
Seating: selective placement of seating only along walking tracks and in lookout areas where suitable for rest points and views.
Shelters and shade structures
Signage – directional, interpretive, regulatory
Toilets or rest rooms
Vehicle access and parking (emergency and authorised vehicles only)
Viewing area/platform
Walking tracks and paths, boardwalks, ramps, stairways, gates
Water tanks
Work sheds or storage required in connection with the maintenance of the land

Other uses/activities and developments/structures are permitted if they are consistent with this Plan of Management.

Proposed cultural centre

Members of the Cumberland ATSIC Committee have expressed their desire for an Aboriginal cultural centre to be established at Prospect Hill. Refer to the Landscape Masterplan for the proposed location and footprint of the centre.

The desired features of the cultural centre are:
- located below the ridge line, in the gully between the ridgelines to the north of hill, away from the sacred crest of the hill, and where the spirits line up.
- a low-slung two-storey building with materials of colours which are visually unobtrusive from the top of the hill
- spaces for educational classes and talks
- spaces to display Aboriginal artefacts and artwork

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a visual and auditory sensory room
food preparation area / kitchenette / refreshment kiosk / small cafe
amenities for visitors
covered outdoor areas
parking for authorised vehicles.

A caretaker’s residence could be possible adjacent to a new carpark in Lot 107 DP 1028208. The resident caretaker, who would ensure that the site is protected from wilful damage and treated with cultural respect, would contact Council’s security contractor or Police should the need arise.

A garden for Aboriginal agriculture and education would complement the cultural centre building. The garden would be large enough to grow plants such as wheat, rice, traditional flowering grains, bush foods, traditional medicine plants, and native grasses for weaving.

Development approval

Proposed development and building works at Prospect Hill which are consistent with this Plan of Management (excluding activities permitted without development consent) would be subject to development and building applications in accordance with the Environmental Planning and Assessment Act 1979 and the Holroyd Local Environmental Plan 2013. This Plan of Management would form an important part of the required development and building applications and approvals for the proposed activities and works.

Approvals for development works at Prospect Hill will be granted where endorsed by Council and the wider community, and when necessary approvals from other organisations have been obtained.

Development within the vicinity of the Prospect Hill State Heritage Register Area may require a Heritage Impact Assessment to accompany development applications. The need for a heritage assessment is at the discretion of Council. If required, the Heritage Assessment shall be in accordance with the Prospect Hill Conservation Management Plan (Combeare Morrison, 2005), Prospect Hill Heritage Landscape Study and Plan (NSW Government Architect’s Office, 2008), and Prospect Hill Heritage Interpretation Plan (MUSEcaps, 2000).

Where a broad Heritage Assessment of the interface between the Prospect Hill State Heritage Register Area and the adjoining sites has been undertaken, a Statement of Environmental Effects addressing this Heritage Assessment must be submitted with all Development Applications.

All approved activities requiring development consent would be subject to Council’s standard conditions, approval processes, Pricing Policy and Fees and Charges if relevant. A temporary licence would need to be issued by Council as part of the approval process prior to Prospect Hill being used for such activities.

Discovery of cultural objects

Interested Aboriginal people would be invited to monitor clearing and preliminary ground work at Prospect Hill in the event that cultural objects are exposed during the works. If Aboriginal cultural material is unearthed, works are to be postponed to await archaeologist advice with any material archived as finally determined by ATSIC in consultation with the NSW Office of Environment and Heritage.

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*Holroyd Development Control Plan 2013 – Part P*
In the event that European archaeological evidence is unearthed during any works an archaeologist should visit the site to advise on potential significance and appropriate management procedures, and the Heritage Council should be notified under Section 146 of the *Heritage Act 1977*.

4.5.4 Restricted and prohibited activities

Activities that are prohibited or restricted within Prospect Hill include, but are not limited to:

- camping
- circuses and carnivals
- clearing of native vegetation for views or for any other purpose
- clearing or construction on Part Lot 901 DP 1078814 without consent of the Heritage Council of New South Wales
- collection of rocks, soil, timber (alive or dead), or leaf litter without approval
- consumption of alcohol where indicated by ordinance regulations
- discharging of firearms
- dumping of any waste
- entry to the fenced area after sunset unless associated with an activity organised by an Aboriginal Trust group
- exercising dogs off the leash
- fireworks
- helicopter landings
- horse riding
- hunting
- lighting of fires, except for Aboriginal Welcome to Country and other ceremonies, and bush fire mitigation
- playing golf or golf practice
- radio and telecommunications devices; prohibit installation if possible, and consult with authorities on design, siting and installation of low impact facilities if required
- remote control vehicle operation including aircraft, cars and drones
- restriction on the use of Part Lot 107 DP 1028208 associated with onsite detention of storm water
- sporting activities including field archery
- unauthorised entry and use of motorised vehicles.

4.5.5 Scale and intensity of future uses and development

The scale and intensity of future uses and development at Prospect Hill is dependent on:

- the nature of the approved future uses and developments.
- the Landscape Masterplan for Prospect Hill (Figure 9).
- the carrying capacity of Prospect Hill.
- approved development applications.

The benchmarks for the scale and intensity of future uses and developments permissible at Prospect Hill will be cultural considerations, and physical disturbance and damage to the site.
Members of the Darug nation, the Cumberland ATSIC Committee and the Deerrubin Local Aboriginal Land Council would be invited to monitor use of the site and bring any concerns to the attention of Council.

The physical impacts of activities and uses should be regularly monitored. Review of permissible activities and developments will occur if site monitoring shows any deterioration from the present condition of Prospect Hill resulting from those activities or developments.

Any works undertaken at Prospect Hill shall be undertaken to minimise disturbance to the site. Such measures include:

- using materials which are visually sympathetic to the natural environment.
- incorporating pollution control measures into drainage systems to minimise debris, nutrients and other chemicals entering waterways.
- using and retaining on-site resources wherever possible.
- leaving acid sulfate soils undisturbed wherever possible.
- disposing of waste material off site and in a manner not affecting the natural vegetation or that encourages the spread of weeds.
- restoring areas following works to the maximum extent.
- encouraging service and utility suppliers to comply with the guidelines of this Plan, and to undertake community engagement where essential services are required.

It is intended that part of the site is fenced with palisade fencing with access gates to protect the culturally significant area at the top of the hill. Public access to the fenced area would be available during the day, with the gates closed at night except during cultural events and ceremonies.

Events such as the annual Reconciliation Day ceremony have the potential to attract hundreds of people. Such events will require an event management plan to be prepared and approved by Council.

Design considerations

Access

Access to new facilities on the site and any refurbishment of those structures will be provided according to Australian Standard 1428 (Parts 1 – 4) Design for Access and Mobility.

Access and seating for people with disabilities should comply with the Disability Discrimination Act and the Building Code of Australia.

Council recognises in the Holroyd Development Control Plan 2013 – Part P that difficult grades on Prospect Hill means that a desired maximum grade of 15% for walking tracks will not be achieved at Prospect Hill. As such, walking tracks up to Prospect Hill will only be provided to link with strategically located lookout points. The design and location of this path(s) is to be in accordance with the Prospect Hill Conservation Management Plan, Heritage Landscape Plan, and Heritage Interpretation Plan.

Access pathways will be constructed at grade as close to 1:20 as possible. Pedestrian paths will be a minimum 1.8 metres wide to allow two motorised wheelchairs to pass safely.

Structures

Minimal structures are permitted at the top of Prospect Hill to minimise visual and physical clutter and to protect the cultural significance.
Building envelopes should be consistent with the Holroyd Development Control Plan 2013.

Design, materials used and construction of proposed structures would be consistent with the guidelines in the Prospect Hill Heritage Landscape Study and Plan (Government Architect’s Office, 2008).

Amenities

Public toilets can be considered as part of the cultural centre

Picnic shelters can be considered in the Aboriginal gardens.

Small structures to be avoided near or on the crown of the hill.

Picnic tables and seating to be carefully placed on the Hill to provide rest points but not to clutter viewpoints.

Structures will require regular inspections and maintenance to keep them in a functional condition and to protect the safety of users.

Sustainable development

All facilities and infrastructure (new and renewed), and maintenance of the site will integrate sustainability principles in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD).

All new buildings and/or refurbishments of the site will be low-scale, and of architecture and built form appropriate to the heritage significance of the site and the local climate.

Landscaping

Landscaping will be consistent with the Holroyd Development Control Plan 2013 and the Prospect Hill Heritage Landscape Study and Plan (Government Architect’s Office, 2008).

Public art

Public art should be expressed in a culturally respectful way. It should reflect the cultural themes of the place, be low key, and avoid locations in key vistas.

Interpretive installations and public art should be limited on the site to locations within the proximity of the cultural centre and associated gardens and the playspace at the corner of Warin Avenue and Durawie Street.

In terms of interpretation there is a clear sightline from the peak of the hill to an open area at the corner of Baraka Crescent and Nijong Drive, which is in close proximity to an archaeological artefact which has the potential as a site for artwork expression of female cultural values. This sightline has the potential to facilitate Aboriginal Heritage Tour interpretation.

Interpretation and Signage

Historic events and stories will be told through tours with Aboriginal people and interpretive signage to be combined with directional signage at the start of tracks.

Signage can be intrusive and should be avoided on the top of the hill or significant spaces around the cultural centre.
Boundary fencing

Discreet boundary fencing on the eastern slope of Prospect Hill should run at the base of the grassed slope along the top of the quarried cut and run towards the southern boundary.

Fencing to the north and west of the hill should follow the boundary at the Clunies Ross Street entry and run towards Reconciliation Drive.

A low safety fence is required along the eastern edge of the north/south ridgeline.

Gates across the hill should be open by day and closed at night.

4.6 Leases, licences and other estates over community land

4.6.1 What are leases and licences?

A lease will be typically required where exclusive use or control of all or part of Prospect Hill is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities in the reserve justifies such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the reserve is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

The definition of “estate”, under Section 21 of the Interpretation Act, 1987, includes other rights over land, such as easements, including “interest, charge, right, title, claim, demand, lien and encumbrance, whether at law or in equity”.

Leases and licences can be entered into by Council for public or private purposes, providing they are consistent with the major objectives of this Plan of Management.

4.6.2 Existing leases, licences and other estates

No leases or licenses currently apply to community land in Prospect Hill.

An easement for transmission lines applies to Part Lot 202 DP 1121844.

4.6.3 Future leases and licences

The Local Government Act 1993 requires that any lease, licence or other estate over community land is authorised by a Plan of Management. Leases, licences and other estates formalise the use of community land. Activities must be compatible with the zoning and categorisation of the land; and provide benefits, services, or facilities for users of the land. Terms and conditions of a lease, licence or other estate should reflect the interest of the Council, protect the public, and ensure proper management and maintenance.

Any future leases, licences or other estates of Prospect Hill are authorised by this Plan of Management, provided the proposed use is consistent with the permissible uses and structures listed in Section 4.6.

Leasing and licensing will be in accordance with Council’s objectives and principles as outlined in its Community Strategic Plan. Depending on the nature of the proposed lease or licence, Council would develop specific objectives and requirements tailored to the proposed use.
Occupation of community land by leases, licences and other estates that apply to Prospect Hill are set out in Sections 46 and 47 of the Local Government Act 1993. In respect of community land in general and a natural area in particular, a lease, licence or other estate may only be granted over Prospect Hill for:

- a purpose expressly authorised in this Plan of Management.
- purposes which are consistent with the guidelines and core objectives for the Area of Cultural Significance category of the community land.
- activities appropriate to the current and future needs of the community in relation to a number of wide public purposes, including public recreation and physical and cultural development.
- for short-term casual purposes, including the playing of a musical instrument or singing for a fee or reward, engaging in a trade or business, delivering a public address, and filming for cinema or television. However, the use or occupation of community land for these short-term casual purposes is only permitted if the activity does not involve erecting a permanent building or structure.
- for the purpose of providing underground pipes, conduits or other connections to connect premises adjoining the community land to a Council facility or other public utility provider located on the land.

### 4.6.4 Lease and licence periods

The maximum period for leases and licences on community land allowable under the Local Government Act is 21 years, or 30 years if consent from the Minister is obtained (including any period for which the lease or licence could be renewed by the exercise of an option) for purposes consistent with the categorisation and core objectives of the particular area of community land. Community land may only be leased or licensed if public notice is given according to the requirements of the Local Government Act.

Under Section 47, Council may grant a lease, licence or other estate exceeding five years if it gives public notice of the proposal to the owner, the public and all stakeholders, and invites and considers public submissions. If an objection to the proposal is made, Council may not grant a lease, licence or other estate without consent of the Minister for Local Government.

For proposed leases, licences and other estates of five years or less, Council must publicly advertise the proposal in the same way as for leases, licences and other estates over 5 years. Final approval of the lease rests with Council, but the Minister for Local Government has the discretion to call in a proposed lease and determine the matter in place of Council. However, some short-term and other types of leases, licences and other estates, such as providing underground pipes and connections, are exempt from the need to advertise.

### 4.6.5 Sub-leasing

Where a lease arrangement has been entered into with Council for community land, sub-leasing of the land must be in accordance with the requirements of Section 42C of the Local Government Act. Under Section 42C, community land which is subject to a lease cannot be sub-let for a purpose other than:

- the purpose for which the land was to be used under the lease.
- refreshment kiosks, dances and private parties in the case where land is leased to a sporting club.

### 4.6.6 Commercial uses

Commercial activities at Prospect Hill may operate with Council approval if they:

- complement the cultural values of Prospect Hill.
- do not impact on other values.
support the use of Prospect Hill for low-key cultural and environmental education activities, such as guided walks, mobile food / beverage vans at special events.

- support or complement other permissible activities and developments.
- do not unduly impact on other users or on local residents.
- pose no threat to public safety.

Proposals for commercial activities should be considered on their specific merits. Conditions should apply in each case to ensure the above requirements are met.

Any proposed commercial uses must be approved by the Cumberland ATSIC Committee.

4.6.7 Short-term casual hire

All short-term casual hire of Prospect Hill will be in accordance with Section 24 and 25 of the Local Government (General) Regulation 2005. To be considered as casual hire, activities must not:

- involve the erection of any building or structure of a permanent nature.
- continue for more than three consecutive days.
- continue to recur for a period of more than 12 months in the case of uses occurring more than once. Each occurrence must be no more than 3 consecutive days, not including Saturday and Sunday.

Fees for short term, casual bookings will be in accordance with the fees and charges as published in Cumberland Council’s current fees and charges schedule.

4.6.8 Emergency purposes

Community land may be used for emergency purposes, including training, when the need arises.

4.6.9 Leases and licences by tender

Section 46A of the Act requires that Plans of Management must specify purposes for which a lease, licence or other estate may be granted only by tender. A lease or licence for a term exceeding five years may be granted only by tender, unless it is granted to a non-profit organisation. However, Council may apply a tender process in respect to granting any particular lease, licence or estate.

Leases and licences applying to Prospect Hill for which tenders must be called are for:

- commercial activities.
- a period of five years or more.

4.6.10 Private purposes

Section 46 of the Local Government Act 1993 generally prevents Councils from granting leases, licences or other estates over community land for private purposes. However, the Act does enable short-term casual licences to be issued by Councils for purposes prescribed by the Regulation. The purpose of the lease, licence or other estate must still be consistent with the core objectives for the Area of Cultural Significance category of community land.
4.6.11 Exclusive occupation

Exclusive use of any area of community land is not desirable, as Prospect Hill should be available for use by anyone in the community. Exceptions are uses where the exclusion of the public is desirable for cultural reasons, security and public safety. Express authorisation is granted for a caretaker to live in a residence on the site.

The exclusive occupation or use of Prospect Hill is only permitted for the purposes of:
- a lease, licence or other estate to which Sections 47 and 47A of the Act applies.
- a sub-lease or other title derived from the holder of such a lease, licence or other estate.

4.7 Acquisition and dedication of land

This Plan of Management applies to Prospect Hill within the boundary as shown in Figure 1. Additions to the boundaries of Prospect Hill may be possible through dedication of land or acquisition of suitable adjoining properties.

Cumberland Council has identified privately owned Part Lot 107 DP 1028208 and Part Lot 901 DP 1078814 for possible future acquisition because they are part of the Prospect Hill SHR Area.

Acquisition of part of all of any other adjoining properties will be considered, subject to appropriate allocation of funding.

Dedication of adjoining land to add to Prospect Hill may be accepted if the land:
- supports the cultural heritage values and objectives outlined in this Plan.
- is at least in good condition.
- is accessible.

Ongoing maintenance requirements of land dedications must also be considered.
5 ACTION PLAN

5.1 Landscape Masterplan

The Landscape Masterplan for Prospect Hill is in Figure 9. The Masterplan illustrates the works and actions in the following Action Plan that are proposed to be implemented to achieve the objectives and desired outcomes for Prospect Hill.

Key proposed high priority and short-term actions and changes to Prospect Hill include to:

- make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974.
- prepare a Management Plan for the Declared Aboriginal Place within 12 months of gazetta of the Aboriginal Place.
- obtain approval for construction of a cultural centre and associated gardens.
- implement access path and lookout from Reconciliation Rise to the peak of Prospect Hill as located within the Landscape Masterplan.
5.2 Action Plan

5.2.1 Introduction

Actions required to realise the vision and to resolve management issues at Prospect Hill (consistent with the community’s values for Prospect Hill) are presented in the following tables. Table headings are explained as follows:

<table>
<thead>
<tr>
<th>Issue</th>
<th>Consideration or problem to be addressed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective</td>
<td>Reflects the value of Prospect Hill, and provides direction for the action.</td>
</tr>
<tr>
<td>No.</td>
<td>Actions numbered according to value, and management actions</td>
</tr>
<tr>
<td>C</td>
<td>Cultural</td>
</tr>
<tr>
<td>O</td>
<td>Open Space and Recreation</td>
</tr>
<tr>
<td>E</td>
<td>Environmental</td>
</tr>
<tr>
<td>M</td>
<td>Management</td>
</tr>
<tr>
<td>Action</td>
<td>Specific task or action required to address issues, consistent with the strategy.</td>
</tr>
<tr>
<td>Priority</td>
<td>Importance or urgency of the action:</td>
</tr>
<tr>
<td></td>
<td>High Short-term actions to be completed</td>
</tr>
<tr>
<td></td>
<td>Medium Mid-term actions to be completed</td>
</tr>
<tr>
<td></td>
<td>Low Long-term actions to be completed</td>
</tr>
<tr>
<td></td>
<td>Ongoing A continuing responsibility</td>
</tr>
<tr>
<td></td>
<td>Annually Action to be undertaken on a yearly basis</td>
</tr>
<tr>
<td>Responsibility</td>
<td>Section within Council, or another organisation responsible for implementing the action.</td>
</tr>
</tbody>
</table>

The Council Section or external organisation listed first in the Action Plans has the primary responsibility for implementing the action.

Responsibilities within Council for implementing actions are:

| CD | Community Development |
| EP | Environment and Planning |
| FG | Finance and Governance |
| PP | People and Performance |
| WI | Works and Infrastructure |

Other organisations responsible for certain actions are:

| ATSICC | Aboriginal and Torres Strait Islander Consultative Committee |
| OEH | Office of Environment and Heritage |

Performance Target

The desired outcome in implementing and achieving the action.

Monitoring Method

How Council intends to measure its performance in implementing and achieving the action over time.
### 5.2.2 Actions for cultural values

#### Table 12 Actions related to cultural values

<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>No.</th>
<th>Action</th>
<th>Priority</th>
<th>Responsibility</th>
<th>Performance target</th>
<th>Method of measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to ceremonial site</td>
<td>Protect the Aboriginal heritage significance of Prospect Hill.</td>
<td>C.1</td>
<td>Remove existing chain-link boundary fences and gates.</td>
<td>High</td>
<td>Council WI</td>
<td>Existing fences and gates removed</td>
<td>Capital works program</td>
</tr>
<tr>
<td></td>
<td>Restrict undesirable pedestrian and vehicle access to Prospect Hill.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>C.2</td>
<td>Erect a palisade fence including gates around the ceremony site as shown on the Landscape Masterplan.</td>
<td>High</td>
<td>Council WI</td>
<td>Palisade fence and gates erected</td>
<td>Capital works program</td>
</tr>
<tr>
<td>Reconciliation Stone</td>
<td>Relocate the Reconciliation Stone to Prospect Hill.</td>
<td>C.4</td>
<td>Relocate and place the Reconciliation Stone at Prospect Hill following the implementation of palisade fencing.</td>
<td>High</td>
<td>Council WI, CD ATSICCC</td>
<td>Reconciliation Stone is relocated to desired location.</td>
<td>Agreement by ATSICCC</td>
</tr>
<tr>
<td>Formal gathering and events</td>
<td>Provide for cultural gatherings and events</td>
<td>C.5</td>
<td>Establish a ceremonial plaza above the cultural centre site with paving, flagpoles and a setting for the Reconciliation Stone. This space will be for formal events and serve as a 'break out' space from the cultural centre after construction.</td>
<td>High</td>
<td>Council WI, CD ATSICCC</td>
<td>Ceremonial plaza established</td>
<td>Ceremonies and events held</td>
</tr>
<tr>
<td>Prospect Hill community group</td>
<td>Establish a community group for stakeholders with an interest in Prospect</td>
<td>C.6</td>
<td>Establish a Prospect Hill Elders Trust or similar interest group under Section 355 of the Local Government Act to liaise with the ATSICCC through Council.</td>
<td>High</td>
<td>Council CD</td>
<td>Group is established</td>
<td>Council processes followed</td>
</tr>
<tr>
<td>Issue</td>
<td>Objective</td>
<td>No.</td>
<td>Action</td>
<td>Priority</td>
<td>Responsibility</td>
<td>Performance target</td>
<td>Method of measurement</td>
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</tr>
<tr>
<td>Hill</td>
<td></td>
<td></td>
<td>If this group is established, support supervision of educational work programs and rehabilitation schemes under the guidance of the Elders Trust.</td>
<td>Ongoing</td>
<td>Council CD</td>
<td>Education, work and rehabilitation programs are undertaken</td>
<td>Elders Trust feedback to ATSICC and Council</td>
</tr>
<tr>
<td>Aboriginal Place</td>
<td>Further recognise the significance of Prospect Hill to Aboriginal people.</td>
<td></td>
<td>Make an application to the NSW Office of Environment and Heritage for Prospect Hill to be declared as an Aboriginal Place under the National Parks and Wildlife Act 1974 in consultation with and as approved by Council's ATSICC Committee.</td>
<td>High</td>
<td>Council EP ATSICC</td>
<td>Prospect Hill is declared as an Aboriginal Place.</td>
<td>Written advice and gazetted of declaration from OEH</td>
</tr>
<tr>
<td>Name of Prospect Hill</td>
<td>Consider a dual name for Prospect Hill</td>
<td></td>
<td>Consult with all stakeholders about the possibility of changing the name of Prospect Hill to a dual name.</td>
<td>Medium</td>
<td>Council CD ATSICC</td>
<td>Consultation completed.</td>
<td>Decision about dual name</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>If agreed, apply to the Geographical Names Board to register the new name.</td>
<td>Medium</td>
<td>Council CD WI</td>
<td>Name registered</td>
<td>Advice in writing from GNM</td>
</tr>
<tr>
<td>Anti-social behaviour</td>
<td>Restrict anti-social behaviour at Prospect Hill</td>
<td></td>
<td>Designate Prospect Hill as an alcohol-free zone.</td>
<td>Medium</td>
<td>Council CD</td>
<td>No-consumption of alcohol at Prospect Hill</td>
<td>Reports to Council, Security patrols</td>
</tr>
<tr>
<td>Cultural centre</td>
<td>Establish a cultural centre to honour Pemulwuy and tell the story of the site.</td>
<td></td>
<td>Obtain approvals to construct the cultural centre.</td>
<td>Medium</td>
<td>Council EP WI CD OEH</td>
<td>Development consent</td>
<td>Report to Council</td>
</tr>
<tr>
<td>Issue</td>
<td>Objective</td>
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<td>Action</td>
<td>Priority</td>
<td>Responsibility</td>
<td>Performance target</td>
<td>Method of measurement</td>
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<tr>
<td>C14</td>
<td>Aboriginal people and reconciliation.</td>
<td>Medium</td>
<td>Council WI, CD</td>
<td>Construction complete</td>
<td>Construction certificate issued</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C15</td>
<td>Aboriginal community garden Reflect traditional Aboriginal activities</td>
<td>Medium</td>
<td>Council CD ATSIC</td>
<td>Garden established</td>
<td>Planting healthy and established</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C16</td>
<td>Place interpretative signage at the garden.</td>
<td>Medium</td>
<td>Council CD ATSIC</td>
<td>Signage installed</td>
<td>Observation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C17</td>
<td>Vehicle access to cultural centre Cater for authorised vehicle access to Prospect Hill</td>
<td>Medium</td>
<td>Council WI</td>
<td>Vehicle access from Clunes Ross Street</td>
<td>Capital works program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C18</td>
<td>Provide small bus drop off and parking for people with disabilities under the centre and bus parking bay on Clunes Ross Street</td>
<td>Medium</td>
<td>Council WI</td>
<td>Bus parking constructed</td>
<td>Capital works program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C19</td>
<td>Design and construct off-road car parking at the Clunes Ross Street entry.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Parking on the edge of the site</td>
<td>Capital works program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C20</td>
<td>Ensure adequate parking for people with disabilities is provided on site</td>
<td>Medium</td>
<td>Council WI</td>
<td>Access for people with disabilities to the cultural centre and pedestrian bridge</td>
<td>Capital works program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Issue</td>
<td>Objective</td>
<td>No.</td>
<td>Action</td>
<td>Priority</td>
<td>Responsibility</td>
<td>Performance target</td>
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<tr>
<td>Minimise parking conflicts on local residents from visitors to Prospect Hill</td>
<td>C.21</td>
<td>Install signs to direct visitors to parking spaces in Gunies Ross Street and Butu Wargun Drive west.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Signs installed</td>
<td>Minimal visitor parking on local streets in Pemulwuy</td>
<td></td>
</tr>
<tr>
<td>Community education and interpretation</td>
<td>C.22</td>
<td>Provide a framework for interpretation. Connect Prospect Hill with other culturally important places.</td>
<td>Medium</td>
<td>Council CD ATSCC</td>
<td>Interpretation Plan prepared</td>
<td>Report to Council</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C.23</td>
<td>Consider reinterpreting the Pemulwuy Park motif to fit and align with the bush food and medicine area of the cultural centre and/or the community accessible area of the park at lower Darawil Street.</td>
<td>Medium</td>
<td>Council CD ATSCC</td>
<td>Decision about reinterpretation of the Pemulwuy Park motif</td>
<td>Agreement among stakeholders</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C.24</td>
<td>Name the community area at Darawil Street Pemulwuy Park.</td>
<td>Medium</td>
<td>Council CD ATSCC</td>
<td>Name agreed</td>
<td>Agreement among stakeholders</td>
<td></td>
</tr>
<tr>
<td></td>
<td>C.25</td>
<td>Install interpretive signage at Prospect Hill, the Butu Wargun Drive west entry point, and at the Warlin Avenue entry point.</td>
<td>Medium</td>
<td>Council CD, WI</td>
<td>Signage installed</td>
<td>Capital works program</td>
<td></td>
</tr>
<tr>
<td>Water tanks</td>
<td>C.26</td>
<td>Interpret the abandoned 19th century quarry on the hillside of the former CSIRO site, the other former quarries on the site, and the WWII rifle target used by Allied soldiers.</td>
<td>Medium</td>
<td>Council CD, WI</td>
<td>Interpretation plan prepared and implemented</td>
<td>Agreement among stakeholders</td>
<td></td>
</tr>
<tr>
<td>Water tanks</td>
<td>C.27</td>
<td>Retain the water tanks on the site as part of the pre</td>
<td>Low</td>
<td>Council WI</td>
<td>Water tanks</td>
<td>Observations</td>
<td></td>
</tr>
<tr>
<td>Issue</td>
<td>Objective</td>
<td>No.</td>
<td>Action</td>
<td>Priority</td>
<td>Responsibility</td>
<td>Performance Target</td>
<td>Method of Measurement</td>
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</tr>
<tr>
<td>Caretaker’s residence</td>
<td>Maximize the security of the cultural centre and garden</td>
<td>C.28</td>
<td>Consider the feasibility of a caretaker’s residence at the Clunies Ross Street entry.</td>
<td>Low</td>
<td>Council CD, WI, EP, ATSICC</td>
<td>Decision made about proceeding with caretaker’s residence</td>
<td>Report to Council</td>
</tr>
<tr>
<td>Public art</td>
<td>Provide opportunities for Indigenous cultural art</td>
<td>C.29</td>
<td>Seek opportunities for artists to work with Darug elders on permanent and temporary art, and performances.</td>
<td>Ongoing</td>
<td>Council CD ATSCC</td>
<td>Opportunities for permanent and temporary art, and performances</td>
<td>Art and performance activities</td>
</tr>
<tr>
<td></td>
<td>Cultivate purpose and inclusion for Indigenous detainees within correctional services and juvenile justice</td>
<td>C.30</td>
<td>Incorporate reconciliation imagery as desired by the Aboriginal community</td>
<td>Ongoing</td>
<td>Council CD ATSCC</td>
<td>Reconciliation imagery agreed and incorporated</td>
<td>Positive feedback from stakeholders</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C.31</td>
<td>Incorporate opportunities to participate in artwork programs that express the themes of reconciliation appropriate to Prospect Hill</td>
<td>Ongoing</td>
<td>Council CD ATSCC</td>
<td>Artwork programs held</td>
<td>Positive feedback from stakeholders</td>
</tr>
<tr>
<td>Visual</td>
<td>Protect the physical and visual curtilage to and from Prospect Hill SHR Area, including the skyline.</td>
<td>C.32</td>
<td>Place power poles and electricity lines underground.</td>
<td>Low</td>
<td>Council WI Electricity provider</td>
<td>Unimpeded view of the ridge line from the lower slopes.</td>
<td>Observations</td>
</tr>
</tbody>
</table>

PROSPECT HILL PLAN OF MANAGEMENT - FINAL PARKLAND PLANNERS - PHILIPS NAKER
### 5.2.3 Actions for open space and recreation values

<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>No.</th>
<th>Action</th>
<th>Priority</th>
<th>Responsibility</th>
<th>Performance target</th>
<th>Method of measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian link to Marrong Reserve</td>
<td>Reconnect the significant landforms of Prospect Hill and Marrong Reserve for pedestrians, people with disabilities and wildlife</td>
<td>0.1</td>
<td>Establish a walking track along the ridgeline between the lookout at Prospect Hill and Reconciliation Rise.</td>
<td>High</td>
<td>Council WI</td>
<td>Walking track constructed</td>
<td>Capital works program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.2</td>
<td>Construct a steel pedestrian bridge over Butu Wargun Drive between Prospect Hill and Marrong Reserve.</td>
<td>Low</td>
<td>Council WI</td>
<td>Pedestrian bridge constructed</td>
<td>Capital works program</td>
</tr>
<tr>
<td>Pedestrian and cycle links to and from adjoining residential and employment areas</td>
<td>Encourage pedestrian and bicycle access to experience Prospect Hill. Increase connections and legibility of surrounding sites and walks within the Prospect/Pemulwuy area. Design for universal access.</td>
<td>O.3</td>
<td>Establish a walking track along the ridge line between the lookout at Prospect Hill, Warlin Avenue and the Clunies Ross Street cul-de-sac. The design and location of this path is to be in accordance with the Prospect Hill Conservation Management Plan, Heritage Landscape Plan and Heritage Interpretation Plan.</td>
<td>High</td>
<td>Council WI</td>
<td>Walking track constructed</td>
<td>Capital works program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.4</td>
<td>Define shareway connections from the existing shareway routes through the Prospect Hill open space.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Shareway connections defined</td>
<td>Capital works program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.5</td>
<td>Provide bicycle parking rails or stands at the southern entry point at Reconciliation Rise and at the northern entry point at Clunies Ross Street.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Bike parking provided</td>
<td>Use of bike parking</td>
</tr>
<tr>
<td>Issue</td>
<td>Objective</td>
<td>No.</td>
<td>Action</td>
<td>Priority</td>
<td>Responsibility</td>
<td>Performance target</td>
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<tr>
<td>Viewing opportunities</td>
<td>Optimise opportunities to experience the view from Prospect Hill while not impeding views from lower ground</td>
<td>0.6</td>
<td>Construct unobtrusive viewing areas at Prospect Hill, and south of the hill looking south-east using low maintenance materials recommended in the Prospect Hill Heritage Landscape Study and Plan (Government Architect's Office, 2000).</td>
<td>High</td>
<td>Council WI</td>
<td>Viewing areas constructed</td>
<td>Capital works program</td>
</tr>
<tr>
<td></td>
<td>Views to remain open and unchanged on the crest of Prospect Hill to experience the historic vistas</td>
<td></td>
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<td></td>
<td>Retain views to the cultural centre place to from the southern area of the site.</td>
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<td></td>
<td>Enhance views north from Marrong Reserve.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Seating</td>
<td>Provide opportunities for visitors to Prospect Hill to enjoy views, rest and reflect</td>
<td>0.7</td>
<td>Provide seating at entry points, along pathways and at viewing points.</td>
<td>High</td>
<td>Council WI</td>
<td>Seating installed</td>
<td>Capital works program</td>
</tr>
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PROSPECT HILL PLAN OF MANAGEMENT - FINAL Parkland Planners – Phillips Matter

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<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
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<th>Action</th>
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<th>Method of measurement</th>
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</thead>
<tbody>
<tr>
<td>Butu Wargun Drive road closure</td>
<td>Revitalize the closed crossover section between Butu Wargun Drive and Reconciliation Rise</td>
<td>0.8</td>
<td>Replace concrete road barriers with feature barriers or removable bollards</td>
<td>Medium</td>
<td>Council WI</td>
<td>Concrete road barriers replaced</td>
<td>Positive feedback from community</td>
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<td></td>
<td></td>
<td>0.9</td>
<td>Upgrade crossover section with plaza style paving</td>
<td>Medium</td>
<td>Council WI</td>
<td>Paving Installed</td>
<td>Positive feedback from community</td>
</tr>
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<tr>
<td></td>
<td></td>
<td>0.10</td>
<td>Plant additional trees to enhance the space.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Trees planted and thriving</td>
<td>Inspections</td>
</tr>
<tr>
<td>Children’s play opportunity</td>
<td>Provide opportunities for play and discovery for local and visiting children at Prospect Hill</td>
<td>0.11</td>
<td>Engage with the local and Aboriginal community about a theme design for a local Indigenous/natural children’s playground at the foot of the slope close to Durawil Road.</td>
<td>Medium</td>
<td>Council WI, CD ATSIC</td>
<td>Agreement on theme design for playground</td>
<td>Playground design</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.12</td>
<td>Construct the playground close to Durawil Road.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Playground constructed</td>
<td>Positive feedback from local community</td>
</tr>
<tr>
<td></td>
<td></td>
<td>0.13</td>
<td>Include play and discovery opportunities at the cultural centre and garden.</td>
<td>Medium</td>
<td>Council WI, CD</td>
<td>Play and discovery opportunities at cultural centre and garden</td>
<td>Positive feedback from cultural centre visitors</td>
</tr>
</tbody>
</table>
5.2.4 Actions for environmental values

Table 14  Actions related to environmental values

<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>No.</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Regenerate Moist Shale Woodland species to resemble the natural landscape</td>
<td>E.1</td>
<td>Retain remnant species of Moist Shale Woodland.</td>
<td>Ongoing</td>
<td>Council EP</td>
<td>Moist Shale Woodland species retained</td>
<td>Inspections</td>
</tr>
<tr>
<td></td>
<td>prior to European settlement while maintaining views.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Regenerate existing and plant Moist Shale Woodland species ranging from</td>
<td>E.2</td>
<td>Retain tree planting on the southern fence line.</td>
<td>Ongoing</td>
<td>Council EP</td>
<td>Trees on southern fence line retained</td>
<td>Inspections</td>
</tr>
<tr>
<td></td>
<td>canopy trees to grass species as shown on the Landscape Masterplan,</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>consistent with the Prospect Hill Heritage Landscape Study and Plan</td>
<td>E.3</td>
<td>Remove exotic vegetation such as pine trees and weeds.</td>
<td>High</td>
<td>Council EP</td>
<td>Exotic vegetation removed</td>
<td>Council works program</td>
</tr>
<tr>
<td></td>
<td>(Government Architect’s Office, 2008).</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>E.4</td>
<td>Liaise with Aboriginal groups about planting of native species.</td>
<td>High</td>
<td>Council EP ATSICC</td>
<td>Agreement about native species planting</td>
<td>Species list and planting plan</td>
</tr>
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<td></td>
<td></td>
<td>E.5</td>
<td>Mass, structural planting of grasses, shrubs, ground covers (up to 1 m</td>
<td>Medium</td>
<td>Council EP ATSICC</td>
<td>Plantings at cultural centre thriving</td>
<td>Council works program</td>
</tr>
<tr>
<td></td>
<td>in height) around the cultural centre.</td>
<td></td>
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<td></td>
<td>E.6</td>
<td>Plant scattered trees, shrubs and ground cover on western industrial</td>
<td>Medium</td>
<td>Council EP ATSICC</td>
<td>Boundary plantings thriving</td>
<td>Council works program</td>
</tr>
<tr>
<td></td>
<td>boundary and eastern Durawil Street boundary.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>E.7</td>
<td>Boundary buffer planting on the western boundary and to the carpark.</td>
<td>Medium</td>
<td>Council EP ATSICC</td>
<td>Boundary plantings thriving</td>
<td>Council works program</td>
</tr>
<tr>
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<tr>
<td></td>
<td></td>
<td>E.8</td>
<td>Involve the local and Aboriginal community in Bushcare activities.</td>
<td>Ongoing</td>
<td>Council EP ATSICC</td>
<td>Participation in Bushcare activities</td>
<td>Feedback from Aboriginal people</td>
</tr>
</tbody>
</table>

PROSPECT HILL PLAN OF MANAGEMENT – FINAL PARKLAND PLANNERS – PHILIP WALKER
<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>No.</th>
<th>Action</th>
<th>Priority</th>
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<th>Performance target</th>
<th>Method of measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grassland</td>
<td>Retain the rural character of the grassland at Prospect Hill</td>
<td>E.9</td>
<td>Erect rural safety fencing along the boundary of the SHR Area which is not palisade fenced.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Rural safety fencing erected</td>
<td>Capital works program</td>
</tr>
<tr>
<td>Waste disposal</td>
<td>Minimise litter</td>
<td>E.10</td>
<td>Provide bins for rubbish at entry points</td>
<td>High</td>
<td>Council WI</td>
<td>Bins installed</td>
<td>Capital works program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>E.11</td>
<td>Provide opportunities for disposal of rubbish</td>
<td>Ongoing</td>
<td>Council CD, WI</td>
<td>No litter left on site after events</td>
<td>Inspections</td>
</tr>
<tr>
<td>Soil quality and contamination</td>
<td>Understand the extent of any soil contamination on the site</td>
<td>E.12</td>
<td>Undertake a geotechnical investigation into contamination of the site.</td>
<td>Medium</td>
<td>Council WI, EP</td>
<td>Geotechnical status of the site established</td>
<td>Geotechnical report</td>
</tr>
<tr>
<td>Soil erosion</td>
<td>Minimise soil erosion</td>
<td>E.13</td>
<td>Rehabilitate eroded areas.</td>
<td>Medium</td>
<td>Council WI, EP</td>
<td>Eroded areas rehabilitated</td>
<td>Report from soil scientist</td>
</tr>
<tr>
<td>Fauna habitats and wildlife corridors</td>
<td>Connect fauna habitats and wildlife corridors between Prospect Hill and adjoining areas</td>
<td>E.14</td>
<td>Integrate fauna access and crossings in all fencing and bridge works.</td>
<td>Medium</td>
<td>Council WI, EP</td>
<td>Fauna movement facilitated</td>
<td>Fauna movement monitoring</td>
</tr>
<tr>
<td>Water Sensitive Urban Design (WSUD)</td>
<td>Embrace Water Sensitive Urban Design principles on the site</td>
<td>E.15</td>
<td>Use Water Sensitive Urban Design principles in the design and operation of the cultural centre.</td>
<td>Medium</td>
<td>Council WI, ATS/KC</td>
<td>WSUD included in cultural centre design</td>
<td>Sustainability star rating of building</td>
</tr>
<tr>
<td></td>
<td></td>
<td>E.16</td>
<td>Assess the structural integrity of the water tanks and whether they are suitable for future use for water storage.</td>
<td>Medium</td>
<td>Council WI</td>
<td>Condition and function of water tanks established</td>
<td>Report to Council</td>
</tr>
</tbody>
</table>
### Management actions

#### Table 15  Management actions

<table>
<thead>
<tr>
<th>Issue</th>
<th>Objective</th>
<th>No.</th>
<th>Action</th>
<th>Priority</th>
<th>Responsibility</th>
<th>Performance target</th>
<th>Method of measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land acquisition and community land</td>
<td>Bring privately owned land in the Prospect Hill open space area into public ownership</td>
<td>M.1</td>
<td>Negotiate with private land owners for Council to either manage or purchase by private treaty or compulsory acquisition Part Lot 107 DP 1023808 and Part Lot 901 DP 1078814.</td>
<td>High</td>
<td>Council EP</td>
<td>Private land in the study area becomes public land</td>
<td>Land title documents</td>
</tr>
<tr>
<td></td>
<td>Facilitate public access to the State Heritage Register land</td>
<td>M.2</td>
<td>Place notices in the NSW Government Gazette dedicating all lands to community land as required.</td>
<td>Medium</td>
<td>Council EP</td>
<td>Dedication to community land</td>
<td>Gazette notices</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.3</td>
<td>Register the untitled Road Reserve.</td>
<td>Low</td>
<td>Council EP</td>
<td>Road reserve has land title</td>
<td>Land title documents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.4</td>
<td>Establish an easement for the electrical transmission and gas line.</td>
<td>Low</td>
<td>Council EP</td>
<td>Easement established</td>
<td>Land title documents</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M.5</td>
<td>Remove the need for easements by re-routing essential infrastructure in consultation with essential service providers or if necessary, replace overhead transmission lines with subgrade cables, considered prior to the construction of a building.</td>
<td>Low</td>
<td>Council EP, IW</td>
<td>Infrastructure re-routed or replaced</td>
<td>Council works program</td>
</tr>
<tr>
<td>Authorised vehicle access</td>
<td>Facilitate authorised vehicle access</td>
<td>M.6</td>
<td>Provide access points for maintenance and emergency vehicles off Clunies Ross Street and Reconciliation Rise.</td>
<td>Medium</td>
<td>Council IW</td>
<td>Access for maintenance and emergency vehicles</td>
<td>Positive feedback from authorised vehicle drivers</td>
</tr>
<tr>
<td>Funding</td>
<td>Maximise funding available to implement the Plan of Management</td>
<td>M.7</td>
<td>Apply to sources of grant funding to implement recommended actions.</td>
<td>Ongoing</td>
<td>Council IW, CD, EP, ATSIC</td>
<td>Funding received</td>
<td>Record of grant funding</td>
</tr>
</tbody>
</table>

PROSPECT HILL PLAN OF MANAGEMENT - FINAL
PARC LAND PLANNERS - PHILIPS NABER
6 IMPLEMENTATION

6.1 Management

Cumberland Council will continue to manage Prospect Hill, in partnership with key stakeholders, including the Aboriginal community and the wider Cumberland and local Pemulway community.

Aboriginal people want to be caretakers and custodians of the land to preserve it for future generations. Inclusive participation of the Aboriginal community in the care, management and maintenance of Prospect Hill will be encouraged. Such participation may be in the form of a Section 355 Committee, with expansion of an elders trust entity and potential for educational work programs.

6.2 Funding sources

6.2.1 Introduction

Funding is integral to implementing this Plan of Management. There are several approaches that Cumberland Council can take in funding the implementation of this Plan of Management. Council as land owner and manager is likely to fund most of the proposed improvements.

6.2.2 Council funding

General

The implementation of this Plan of Management is achieved through its linkage with Council’s Community Strategic Plan, operational budgets, and capital works programs.

Funding arrangements for Prospect Hill need to address recurrent costs of management and maintenance, together with capital costs for new facilities or upgrading works. Council currently funds management and maintenance costs through its annual budget allocation, and uses capital funds and Section 94 funding for capital and non-recurrent works.

Staging of works will be necessary so Council can fulfil its overall funding obligations across the Cumberland local government area within the resources available to Council. Actions listed in the Action Plans have been prioritised, which will assist in preparing forward open space work programs and annual budgets. This Plan will therefore provide direction for future works at Prospect Hill.

Section 94 contributions

Council currently enters into planning agreements, or levies contributions or works in kind from developers towards the cost of upgrading facilities, including open space, to meet the needs of new development.

Partnerships

There is an opportunity to develop further partnerships with the Aboriginal community, residents, local community groups and interested people in relation to improvements and ongoing management, such as through a Bushcare program and by sponsorship from local businesses.

6.2.3 Grants

Commonwealth and State government grants are available to assist with capital works and improvement project costs at Prospect Hill. Council considers submitting applications for grants as funding opportunities from various agencies arise.
6.3 Implementation of this Plan of Management

Once Cumberland Council adopts this Plan of Management it is Council's responsibility to implement this Plan of Management. Council must only allow uses or developments that are in accordance with the principles and objectives of this Plan of Management.

Implementation of this Plan of Management will be monitored with the preparation of capital works programs and budgets scheduled in response to community expectations, user requirements, the availability of funding, and other circumstances as they arise. Performance standards and works programs for administration, maintenance and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council's Resourcing Plan.

Funding for management of Prospect Hill will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

6.4 Reporting

Council will report on the progress of implementing this Plan of Management in the following ways:

- council's integrated Planning and Reporting framework
- achieved and proposed actions in its quarterly and annual reports.
- through the preparation of capital works and maintenance budgets.

6.5 Review of this Plan of Management

Review of this Plan of Management will be undertaken in line with the establishment of facilities, taking into account community expectations and the strategic planning objectives of Cumberland Council.

In accordance with the Local Government Act, updates to the Plan of Management will include consultation with the community, with their comments incorporated into the review process.

The Action Plan tables should be reviewed and revised within the framework of Council's budget, Capital Works Program, annual report, changing priorities, and availability of funding.
REFERENCES

Cumberland Council (2017) Cumberland Community Strategic Plan 2017-2027.
A ABORIGINAL STAKEHOLDERS FORUM
Aboriginal Stakeholders Forum

Thursday 5 April 2018, 5:30pm - 7:30pm

Cumberland Council, Merrylands Service Centre, Memorial Avenue, Merrylands

**Attendance**

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aunty Sandra Lee</td>
<td>Senior Local Darug Elder</td>
</tr>
<tr>
<td>Aunty Cleonie Quayle</td>
<td>Local Aboriginal Elder</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>ATSIICC - Chairperson - Local Aboriginal Elder</td>
</tr>
<tr>
<td>Joanne Corso</td>
<td>ATSIICC</td>
</tr>
<tr>
<td>Chris Haberacht</td>
<td>ATSIICC</td>
</tr>
<tr>
<td>Trudy Healey</td>
<td>Western Sydney University</td>
</tr>
<tr>
<td>Lyn Leeson</td>
<td>ATSIICC - Western Sydney Reconciliation</td>
</tr>
<tr>
<td>Raelene Locke-Billode</td>
<td>ATSIICC</td>
</tr>
<tr>
<td>Paul Mackey</td>
<td>Local Community Member</td>
</tr>
<tr>
<td>Djon Mundine</td>
<td>Local Aboriginal Community</td>
</tr>
<tr>
<td>Julie Nixon</td>
<td>ATSIICC</td>
</tr>
<tr>
<td>Des Smith</td>
<td>Fairfield City Council - Aboriginal Project Officer</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>Local Darug Elder</td>
</tr>
<tr>
<td>Melissa Williams</td>
<td>Local Aboriginal Community - Western Sydney University</td>
</tr>
<tr>
<td>Cir Greg Cummings</td>
<td>Cumberland Council – Councillor – Mayor – ATSIICC</td>
</tr>
<tr>
<td>Christine Deamer</td>
<td>Cumberland Council – Manager Open Space Planning and Design</td>
</tr>
<tr>
<td>Susan Millos</td>
<td>Cumberland Council – Senior Landscape Architect</td>
</tr>
<tr>
<td>Adam Ford</td>
<td>Cumberland Council – Landscape Architect</td>
</tr>
<tr>
<td>Beatrice Sesay</td>
<td>Cumberland Council – Capacity Building Officer</td>
</tr>
<tr>
<td>Julie Marler</td>
<td>Phillips Marler</td>
</tr>
<tr>
<td>Daniel Hughes</td>
<td>Phillips Marler</td>
</tr>
<tr>
<td>Sandy Hay</td>
<td>Parkland Planners</td>
</tr>
</tbody>
</table>

**APOLOGIES**

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncle Rex Gorby</td>
<td>ATSIICC</td>
</tr>
<tr>
<td>Joanne Backskin</td>
<td>Local Government NSW - Senior Policy Officer (Aboriginal)</td>
</tr>
<tr>
<td>Aroha Grover</td>
<td>Blacktown City Council</td>
</tr>
<tr>
<td>Steve Randall</td>
<td>Deerubbin Local Aboriginal Land Council</td>
</tr>
<tr>
<td>Steven Ross</td>
<td>Parramatta City Council - Aboriginal and Torres Strait Islander Community Capacity Building Officer</td>
</tr>
</tbody>
</table>
**Smoking ceremony** – Chris Tobin

**Welcome to Country** – Aunty Sandra Lee

**Explanatory notes**

Grateful thanks are extended to everyone who attended the forum for sharing their beliefs, thoughts and ideas.

Permission was sought from and granted by people attending to take photographs to recognise the significance of the coming together of the people at this forum.

Permission was sought from and granted by people attending to undertake an audio recording of the forum to reflect what was said as accurately as possible.

The summary notes from the meeting below list the key points made by people attending the forum. More detail can be obtained from the full transcript of the meeting.

**Key points made about Prospect Hill**

<table>
<thead>
<tr>
<th>Name</th>
<th>Comment</th>
<th>Action/ outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cllr Greg Cummings</strong></td>
<td>Prospect Hill is of national significance because of the meeting that took place on Prospect Hill-Marrong between the first nations people and the first settlers on 3 May 1805 to resolve the conflict between them.</td>
<td>All to note</td>
</tr>
<tr>
<td><strong>Julie Nixon</strong></td>
<td>The Prospect Hill Heritage Landscape Study and Plan should be a base for information about the site, because it is detailed, a lot of consultation and Council work went into the plan, and the Aboriginal community expected the actions contained in the Plan would be followed through.</td>
<td>The document is available in the Council library for reference. Adam Ford to distribute report to the ATSICC members</td>
</tr>
<tr>
<td><strong>Uncle David Williams</strong></td>
<td>Soil contamination of the hill is likely as shown by core samples for the CSIRO site, and chemicals used on the Boral site. Julie Nixon added that asbestos had been cleaned up recently.</td>
<td>All to note</td>
</tr>
<tr>
<td><strong>Uncle David Williams</strong></td>
<td>Uncle David has considered some safe locations for the reconciliation stone. He suggested all those interested go up to the hill to have a look, and Uncle David would point out those spots. As the hill is an Aboriginal spiritual place the stone should be located without &quot;bricks and mortar&quot; structures. The stone needs to be secured on the side closest to residents for surveillance so it won’t be damaged.</td>
<td>Beatrice to organise a site visit</td>
</tr>
<tr>
<td><strong>Cllr Greg Cummings</strong></td>
<td>This group should decide where the reconciliation stone should be located.</td>
<td>All to note</td>
</tr>
<tr>
<td><strong>Cllr Greg Cummings</strong></td>
<td>The event on 3 May 1805 has been commemorated by Council since 2010. As a ceremonial place, the bottom border of the site should be palisade fenced so it could be open during the day and secured at night. The site needs to be secured because it is such a unique site. On special occasions it could be opened up for night viewing if the local Aboriginal community think that is appropriate. Viewing platforms could be considered if appropriate.</td>
<td>All to note</td>
</tr>
<tr>
<td>Name</td>
<td>Comment</td>
<td>Action/ outcome</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Cllr Greg Cummings</strong></td>
<td>It is an Aboriginal place and should be classified as such. The Darug women meeting with John Kennedy as a go-between for the white settlers and Reverend Marsden was a major turning point. The colonial war which Pemulwuy led lasted for 12 years, after which his son Tedbury continued the war. The Darug paid a penalty where over a three day conference it was agreed that 6 Darug warriors would be handed in to the white settlers. The warriors were identified, hanged down and exterminated.</td>
<td>All to note</td>
</tr>
<tr>
<td>Lyn Leeson</td>
<td>The reconciliation imagery has to include the treaty, because some Aboriginal people ask why do we have to reconcile, it's a white man’s crime.</td>
<td>All to note</td>
</tr>
<tr>
<td><strong>Cllr Greg Cummings</strong></td>
<td>Darug People walked from Parramatta to Marrong.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>Prospect Hill is an educational place. Uncle David explains to school children that Pemulwuy was Australia’s first gang leader, which they understand. Uncle David takes children from Juvenile Justice to the hill to explain that they have their own heroes, and that has turned their lives around because they have something to go on.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>The crows coming back to sit on the fence and fly around is spiritual.</td>
<td>All to note</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>The “reconciliation” is one-sided and hasn’t happened yet. We don’t manage our country, and pay rent to live here. It would be a mistake to name the hill something like Reconciliation Hill, put the stone in the middle, and make it about reconciliation because it hasn’t happened yet.</td>
<td>All to note</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>Chris learned from an elderly lady that her husband remembers engravings on a rock before the hill was quarried.</td>
<td>All to note</td>
</tr>
<tr>
<td><strong>Cllr Greg Cummings</strong></td>
<td>The hill is now at least 20 metres lower due to the quarry. The highest point is One Tree Hill (south of the study area) which has two trees on it. There would have plenty of Aboriginal engravings on the basalt.</td>
<td>All to note</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>Part community and mixed use of the hill, such as bike riding, would be disappointing. Because it’s a high place I would not like to see rock concerts and other things there. Leave aboriginal cultural heritage as it is, and don't do shared uses, make money out of it, or build on it.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>People can get to the top of the hill as they have done to the highest point at the centre hill in Marrong. The top of the hill is all about ceremony and spiritual. We want to decide who does what there when the site is secure. We want Aboriginal people as caretakers, and for kids to learn about what happened. Aboriginal people are part of it and are connected to it.</td>
<td>All to note</td>
</tr>
<tr>
<td><strong>Cllr Greg Cummings</strong></td>
<td>The lower part of the hill isn’t very significant. The CSIRO grew crops and ran sheep on the lower part, and the American service personnel had a rifle range there during World War II.</td>
<td>All to note</td>
</tr>
<tr>
<td>Name</td>
<td>Comment</td>
<td>Action/outcome</td>
</tr>
<tr>
<td>-----------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Julie Nixon</td>
<td>A cultural centre could be considered to tell the story of reconciliation and the history.</td>
<td>All to note</td>
</tr>
<tr>
<td>Cr Greg Cummings</td>
<td>A cultural centre could be below the ridge line and set in the gully to leave the sacred part of the hill sacred.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>The location of the cultural centre has to consider the high ground, line of vision, and the spirits have to line up, which would need to be physically shown.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>All the infrastructure, such as disability access, needs to be put in place. Build a steel bridge between Prospect Hill and Marraong for pedestrians and people using wheelchairs. Make sure anything vertical on the hill is not an eyesore. The bridge should be high enough for B-doubles to pass under.</td>
<td>All to note</td>
</tr>
<tr>
<td>Julie Nixon</td>
<td>Fencing should be protection from those seeking to do harm. The school fencing would be hard to drive vehicles through.</td>
<td>All to note</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>A caretaker is a good idea.</td>
<td>All to note</td>
</tr>
<tr>
<td>Julie Nixon</td>
<td>If vandals are slowed down that would help protect the place. Vandalism may be less likely with community ownership of the lower section, and education of school children.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>The ceremony site is most important. Uncle David indicated the desirable location of a fence around the ceremony site. Amenities blocks etc. can go on that level too.</td>
<td>All to note</td>
</tr>
<tr>
<td>Cr Greg Cummings</td>
<td>Butu Wargun Drive and Reconciliation Rive will not be open to through traffic due to resident complaints about anti-social behaviour. The height of the bridge could be low enough to allow emergency vehicles to pass through. Fire vehicles attend fires on Prospect Hill. If it is open during the day and closed at night, and secured for special ceremonies at night, you would have quite a significant site.</td>
<td>All to note</td>
</tr>
<tr>
<td>Lyn Leeson</td>
<td>A garden for aboriginal agriculture that included wheat and rice, and traditional flowering grains, would be wonderful. That would require people with knowledge of agriculture. The garden would be educational.</td>
<td>All to note</td>
</tr>
<tr>
<td>Aunty Sandra Lee</td>
<td>An aboriginal garden in full bloom is at the Grantham Estate at Seven Hills. It is an Aboriginal flag done in a circle in the middle and then the plants are growing all the way around it.</td>
<td>All to note</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>Themed talks on agriculture and the colonial wars could be held at the cultural centre.</td>
<td>All to note</td>
</tr>
<tr>
<td>Name</td>
<td>Comment</td>
<td>Action/outcome</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Clr Greg Cummings</td>
<td>On one side of the hill is the catchment for Toongabbie Creek and the Parramatta River. On the other side is the catchment for Prospect Creek which flows into the Cooks River and Botany Bay.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>The hand theme was in the original interpretation plan and signified reconciliation. It would be under the flight path to attract visitors.</td>
<td>All to note</td>
</tr>
<tr>
<td>Julie Nixon</td>
<td>The size of the demonstration garden could be up to 3 times the size of this room, large enough for people to walk around and engage with the spaces.</td>
<td>All to note</td>
</tr>
<tr>
<td>Aunty Cleonie Quayle and</td>
<td>Weaver need grasses that could be grown in the garden. Weaving and gardening could be related to the cultural centre. Resources for aboriginal enterprises are seasonal and can be scarce.</td>
<td>All to note</td>
</tr>
<tr>
<td>Lyn Leeson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>A live-in caretaker is necessary, because the site is being opened up and people have phones, the spot is significant and a spiritual place as a men’s area.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>The cultural centre would have instructional rooms and visual aids.</td>
<td>All to note</td>
</tr>
<tr>
<td>Aunty Cleonie Quayle</td>
<td>The cultural centre would be large enough to run educational programs.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>Partner with primary schools to give them tasks to do for a year, and then give other schools a turn. School children would learn why it was called Blacktown and the true enactment history.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams and</td>
<td>The cultural centre would be state of the art and include indoor areas and outdoor (garden, covered areas) areas.</td>
<td>All to note</td>
</tr>
<tr>
<td>Julie Nixon</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Melissa Williams and Aunty</td>
<td>The cultural centre needs to be a hybrid. Examples are the Karlijn Visitor Centre in Tom Price WA mixed with something like the Campbelltown Arts Centre, and Tjapukai Aboriginal Cultural Park in Cairns which showcases the culture and they have a restaurant that cooks bush tucker.</td>
<td>All to note</td>
</tr>
<tr>
<td>Cleonie Quayle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aunty Cleonie Quayle</td>
<td>Aboriginal people need a place to gather, and to just sit and yam to hand down cultural knowledge such as teaching children to play the didgeridoo.</td>
<td>All to note</td>
</tr>
<tr>
<td>Julie Nixon and Melissa</td>
<td>Want to display artefacts and artwork. Museum meets Library.</td>
<td>All to note</td>
</tr>
<tr>
<td>Williams</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Julie Nixon</td>
<td>The list of landscape values in the document that the Government Architects Office prepared is very relevant. It says to use Prospect Hill as a cultural park, and involve all interested parties in the process, and provide framework for interpretation opportunities for indigenous public art. That section in particular is extremely important towards the cultural centre so please refer to that.</td>
<td>All to note</td>
</tr>
<tr>
<td>Julie Nixon</td>
<td>The cultural centre should have an aboriginal related sensory room, like the small sensory room at the National Maritime Museum which is a simple, relaxing, low-light area with lounge chairs and a screen showing fish swimming.</td>
<td>All to note</td>
</tr>
<tr>
<td>Name</td>
<td>Comment</td>
<td>Action/outcome</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
<tr>
<td>Chris Tobin</td>
<td>It’s useful for the plan of management to know that we still consider the whole country ours, it’s just we don’t get a say. We teach our kids to respect other peoples’ beliefs. The process is to do all the planning and talking with other stakeholders. That’s why that little special area will be appropriate for the rest of the community to allow us to have our way on that one.</td>
<td>All to note</td>
</tr>
<tr>
<td>Melissa Williams</td>
<td>Aboriginal people are giving over knowledge. When the knowledge is being given over, we need in the legal requirement that we have a co-creation set of rules in terms of ownership. When we talk about collecting information and we look at potentially a knowledge bank of that information, we need to make sure we’ve got rights built in, in terms of the ownership of that knowledge and it’s in trust to the keepers of that knowledge being the local aboriginal elders. Those rules need to be built around this whole process. Taking a photograph of the aboriginal people in the room, and them giving me their story and intellectual property in that photograph, means that under arts law they don’t own the photo, the photographer owns it. It needs to say in the release forms of those to take pictures that it is co-created with the aboriginal person. Because this is quite new in terms of the English side of things getting into the legal instrument, we still need to build those rules and that language into this process so it’s truly partnering with the aboriginal community.</td>
<td>Council and consultants to acknowledge in documents produced for the Plan of Management and Landscape Master Plan that the photographs taken during and after the meeting are co-created with each Aboriginal person in the photo.</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>The fences is to keep people out, and to control that particular section of it. The original idea was for Parramatta Council to finish their walkways and paths up the tributaries. Come up Toongabbie Creek, across Prospect Hill, down Prospect Creek, and back at La Perouse.</td>
<td>All to note</td>
</tr>
<tr>
<td>Melissa Williams</td>
<td>It’s very important that we talk about clan and country. We talk about the country Darug. The clan is a different concept. The Cammeraygal-Warmull Clan is the clan which this land is on. No clan can speak on behalf of another. They’ve got their own law structures, and we need to be mindful about how we approach the protocols in this process. There are also traditional owners versus members versus community members. All of that needs to be structured out in the language.</td>
<td>Council to resolve protocols about engaging with the Cammeraygal-Warmull Clan of the Darug Nation.</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>It was decided to show that reconciliation is progressing in our neighbourhood which is the former Holroyd. There were dual names on the specific areas and other things we got in our neighbourhood to show that’s what that means, which shows that we’re in partnership or reconciliation or reconciled. And those things were taken from the Darug history and local clans and passed by this committee. When you’re going somewhere like in the Americas you’ll see the local red Indian name and also the English translation. Probably Marrong - Prospect Hill might be the name.</td>
<td>All to note</td>
</tr>
<tr>
<td>Name</td>
<td>Comment</td>
<td>Action/ outcome</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Melissa Williams</td>
<td>Suggestions for a name should be taken back to our consultation groups rather than coming up with a name now on the spot. We will then come back with a response.</td>
<td>People attending the meeting to consult with their consultation groups about the matters raised at the meeting, and report back to the ATSIC meeting on 1 May 2018.</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>Everyone here tonight will talk to people they know and ask what they think. If they don’t agree they may ring Beatrice and her community development team, or someone else.</td>
<td></td>
</tr>
<tr>
<td>Melissa Williams</td>
<td>We’re in a very disenfranchised area. There’s a lot of different aboriginals from bloodline countries but who are community people. The borders still aren’t sorted.</td>
<td>All to note</td>
</tr>
<tr>
<td>Melissa Williams</td>
<td>We need a process about how we are going to carry out the cultural protocols. That needs to be clearly articulated because it’s very important when milestones happen that people are very clear who was spoken to, how they were spoken to, and what happened. That’s how in aboriginal affairs we need to make sure it is clearly mapped. The ATSIC Committee will drive how it consults.</td>
<td>Council to resolve protocols about engaging with the Aboriginal community and the ATSIC Committee for the Plan of Management and Landscape Master Plan</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>After discussion of points for and against, the senior elders of this country must agree to an idea or it doesn’t go ahead. Local talent that’s from country is preferred but if the talent can’t be found we go further afield.</td>
<td>All to note</td>
</tr>
<tr>
<td>Djen Mundine</td>
<td>You have an incredible opportunity to do something different here. Honouring aboriginal people and honouring Pemulwuy would be something different to start with. You have a real opportunity where you’ve got a space that’s untouched. When things are untouched in the rest of Sydney that means there will be a big housing development or blocks of units on it. You’ve got the time here to do something here that’s really good. The idea of the Aboriginal cultural centre is amazing. The garden could be a large area of grown wild grasses or native grasses for weaving, weaving materials which needs to be on a reasonably large scale. It’s a beautiful thing when you sit in an area of native in native grasses for both foods and for weaving materials. You have an incredible opportunity that’s different to other places in Sydney where they’ve come up with false names for this aboriginal person and that aboriginal person around the harbour.</td>
<td>All to note</td>
</tr>
<tr>
<td>Chris Tobin</td>
<td>It would help people to understand that the first shots fired on Australian soil were at Prospect Hill. Settlers on the early farms were given a gun between the two of them. A mob of aboriginal arrived back home, the settlers got scared, shot at them, and then they burnt their huts which was a traditional sign of no, you’ve come along without asking. Governor Phillip had given 30 acres, and then 30 acre woodland and then the 30 acres for settlement. After the trouble with the settlers, he gave orders to cut down the bush for security reasons, so they could see the aboriginal people. That kind of story could be relayed at the cultural centre. It’s also for other communities to know why this place is important as an aboriginal cultural place.</td>
<td>All to note</td>
</tr>
<tr>
<td>Name</td>
<td>Comment</td>
<td>Action/ outcome</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>Feedback about what has been discussed at this meeting will come back through the advisory group.</td>
<td>Provide feedback for the ATSIC Committee meeting on Tuesday 1 May</td>
</tr>
<tr>
<td>Melissa Williams</td>
<td>It is a special place. First and foremost, there's a spiritual connection and the honouring needs to take place as the prime. Commercial is second to that. It's a gathering place to acknowledge first people were present, what happened there, connect stories into there, and a gathering place for the locals and anybody else. And then from there, it's an opportunity to commercialise as well.</td>
<td>All to note</td>
</tr>
<tr>
<td>Paul Mackey</td>
<td>It's very important that you get the cultural garden in. It's a big yard and it's got to be the grasses. You have to do the signage as far as the bush is what the natives used them for, like the ones you can actually rub on for mosquito repellent. There's bush tomatoes, placards, displays that can actually teach us poor simple white folk who don't know much about it, so that gives a bit of education to them and it's a cultural walk for them along the way. You've got a lot of cultural signs and points and a bit of the local language and turn it into English so that people can understand and get a feeling for the land. I hear a few of you say my land, but the land owns you, you don't own the land.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>The women did most of the gardens. It was supposed to come up along Parramatta River, all the way up Toongabbie Creek, across the top. Our seniors told the white fellows what was what. They formulated their first pharmaceutical companies, powdered or liquefied it, and we got to buy it back. Once you get an idea, and that will be a base. When I stood on the top of the Grand Canyon and realised again how insignificant we all are. I've been to Ayers Rock, I've been to Katherine Gorge, all these places. And you get a message if you're not supposed to be there. That's how I want people to see the vision. We'll give Mount Rushmore a run for their money. I don't think small, I think big because this is a national picture.</td>
<td>All to note</td>
</tr>
<tr>
<td>Uncle David Williams</td>
<td>If you go to any sort of aboriginal place of significance, mother nature does all the work, we respect that.</td>
<td>All to note</td>
</tr>
</tbody>
</table>
The photograph below was co-created with people who attended the Aboriginal Stakeholder Forum:

Standing, left to right: Daniel Hughes, Paul Healey, Julie Marler, Des Smith, Beatrice Sesay, Reelene Billedo, Jeanice Corso, Trudy Healey, Christopher Habericht, Uncle David Williams, Susan Miles, Djon Mundine, Adam Ford.

Seated, left to right: Julie Nixon, Aunty Sandra Lee, Melissa Williams, Aunty Clonie Quayle
B  COMMUNITY FORUM
Meeting notes from Community Forum

Prospect Hill Plan of Management and Landscape Masterplan

Date: 03/05/18  6:00pm to 7:30pm

Location: Allan G. Ezzy Community Centre Hall, 1 Newport Street Pemulwuy

Attendance:

10 community members attended the Community Forum.

People attending from Cumberland Council and the consultant team:

<table>
<thead>
<tr>
<th>Name</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christine Deaner</td>
<td>Cumberland Council</td>
</tr>
<tr>
<td>Adam Ford</td>
<td>Cumberland Council</td>
</tr>
<tr>
<td>Susan Miles</td>
<td>Cumberland Council</td>
</tr>
<tr>
<td>Teresa Russo</td>
<td>Cumberland Council</td>
</tr>
<tr>
<td>Martha Labour</td>
<td>Cumberland Council</td>
</tr>
<tr>
<td>Julie Marler</td>
<td>Phillips Marler</td>
</tr>
<tr>
<td>Georgia McDonald</td>
<td>Phillips Marler</td>
</tr>
<tr>
<td>Sandy Hoy</td>
<td>Parkland Planners</td>
</tr>
</tbody>
</table>

Introductions

Christine Deaner welcomed those attending on behalf of Cumberland Council.

Christine acknowledged the meeting was being held on Darug country.

Christine introduced Council staff and the consultant team.

Christine noted that 3 May is the anniversary of the first recorded attempt at reconciliation between the Darug people and settlers at Prospect Hill.

Sandy Hoy asked community members to introduce themselves.
Most people attending the Community Forum are local residents living in Pemulwuy. They have been residents of Pemulwuy ranging from 6 months, to one person whose family bought land in the 1940s and was raised in the area.

Initial concerns were raised about vandalism and safety.

**Purpose of the Forum**

Julie Marler explained that the purpose of the Forum is to establish the values and culture of Prospect Hill. Council is keen to consider all ideas and aspirations for Prospect Hill.

**Agenda**

Sandy outlined the agenda for the Forum.

**Site Area**

Julie Marler described Prospect Hill, with the main points:

- The boundary area was shown on a map
- Relationship between Marrong – Butu Wargun Drive – Prospect Hill
- Vegetation includes weeds
- Quarrying and man-made interventions over time
- Road blocked off
- Improved pedestrian access
- Plans are not prescribed just yet

**Statement of Significance**

Julie read the Statement of Significance for Prospect Hill in the State Heritage Register listing. Prospect Hill is significant for many reasons including:

- Views and topography
- Site of Aboriginal use for generations
- Death of Pemulwuy happened on this site.

The Statement of Significance will influence the Plan of Management.

**Contents of the Plan of Management**

Sandy outlined the contents of the Plan of Management. The contents include values (what is important or special about an area) and the categorisation of community land.

Teresa Russo explained the background to anti-social activities at Prospect Hill and Marrong Reserve, and actions undertaken by Council in response:

- In the last 6-7 years Council has been working intensively to limit people loitering and starting fires.
- Council closed the road with bollards which are not permanent. Approval from Council’s Traffic section is required to make the closure permanent.
- CCTV cameras were installed, but after 1 week were pulled down. The cameras are still there but will need to be relocated when the road is closed. The camera on Reconciliation Rise will be turned towards the gate to get footage of any entry.
- The gate at the Clunies Ross Street entrance has also been damaged. Council is working closely with property owners.
- Lighting has deterred young people.
- Issues on Driftway Drive have occurred since, so CCTV is needed there.
Use for barbecues seems to have quietened down.
Police are doing extra patrols.
Council is working with residents and has found this very helpful. Teresa left her business cards and asked the community members to get in touch with her if needed.

Community members are aware of anti-social behaviour at the top of the hill, but were not told when the bollards were installed. They asked that Council communicates with local residents about the road closure and anti-social behaviour.

Process of preparing the Plan of Management and Landscape Masterplan

Julie outlined the process of preparing the Plan of Management and Landscape Masterplan.

Discussion

Points for discussion were:
- Values of Prospect Hill
- What’s Important or special about Prospect Hill?
- What does Prospect Hill mean to a local resident?
- Vision for Prospect Hill
- Opportunities for the site and for the Pemulway community
- Other issues

Comments and questions from community members, and responses from Council staff and the consultants are as follows.

Site significance
- Appreciate the site is significant. Would like to see it as a place of reflection.
- A natural area representing the previous rural Cumberland Plain. Not much of the Cumberland Plain Woodland is left. Protect the site and link it to Prospect Reservoir.
- Make a place for local fauna. It could be brilliant if it was done right.
- Does any heritage significance apply off the hill?

Public access
- What would being open to the public look like? There are no plans just yet – Council wants to know how you want to use the site.
- It is a significant place for all people. The location is amazing, particularly the view. Being able to share it with others is special.
- Worried about the site being opened up for people’s enjoyment. How to protect it being tarnished by people who don’t respect it?
- We have seen fires being started in Marrong Reserve. Fortunately, a house has not been lost to fire yet.

Parkland vision
- Protect, manage and treat the space like a parkland.
- Want to take the kids there for walks.
- Appreciate the open space.
- The walk up the hill could be hazardous.
- Stockland told us it was going to be a park when we bought our property.
- The site is zoned as public recreation for open space/parkland.
Day/night access
- Put fencing and gates around the site.
- Agree that it should be open to the public during the day, but would like to see it closed after dark.
- Perfect place for gathering for fireworks.

Open character/minimal structures on the hill top
- The Reconciliation Day was great. Aboriginal elders don’t want clutter.
- Such a magnificent view up the top of the hill, which is better than at Marrong.
- Doesn’t want overuse with buildings, picnic tables, barbecues etc.
- Keep the site as open as possible with minimal structures.
- Somewhere to sit down with information about the past and the significance of the site, and to admire the view.
- Any development should be subtle to preserve the significance.
- Would want shade at the top.

Vegetation
- Some park vegetation blocks the view.
- Concerns about plants on the hill regarding erosion. Smaller vegetation/trees to prevent erosion. Shrubs would not stop views.

Access to Prospect Hill
- Neighbours don’t want the hill opened to the whole world.
- Allow visitation to the hill while not impacting neighbours
- Preserving but allowing access for locals, and protecting their privacy in their residences.
- Concerns about how people in adjacent streets would access the hill.
- Encourage people to walk to the site instead of drive.
- Funnelling off to different sides of the site so visitors and vehicles don’t disturb the residents in side streets.
- Parking should be on the Clunies Ross side on employment lands, not on the residential side.
- What council has learnt from surrounding areas should be considered
- Would be nice to have green space, but need paths and roads to allow for use of space
- Consider parking in the masterplan.
- Would help to extend parking – people currently leave long vehicles in the street.

Cultural centre
- Attended Reconciliation Day today, and walked up there with Uncle David. He mentioned that they have plans to display Aboriginal heritage in a building. How will people access that building? Will it open the road there? Would rather it not be accessed via Butu Wargun Drive.
- We have been talking to Uncle David and others about a building, but haven’t worked out the details. What council decides to do with the road closure will help determine what we do.

Playground
- As views are mostly to the east, and much of the hill has overgrown vegetation and weeds, could a playground fit in?
- A playground could be considered on the lower reaches of the hill. Not on top of the hill, but maybe lower down.
- What about the other side of the ridge? Could be a playground be on the western/north side near the cultural centre as this would not impact the views.
- Picnicking and the information centre will not block views to/from the hill.
Consider a natural playground, picnic tables etc. on the western side, which would not disturb the view.

Connection to Marrong Reserve
- Support for a connection to Marrong Reserve.
- A pedestrian bridge between Marrong Reserve and Prospect Hill was suggested by ATSICC. Access for people with disabilities and prams etc. could be via an access circuit, ramps. There are lots of ways to get up the hill and to navigate to/around the site. We don’t want the community to be cut off. Edges should merge into the streets and connections.

Grassland
- The grassland would be peaceful and pretty, especially looking down from the top of the hill.
- Too much – we would lose calmness.
- The lower parts of the site should also be protected.

Cultural connections
- Great walls – connecting into larger cultural picture
- Different councils are talking about wider cultural connections

Closure of Butu Wargun Drive
- Why is the road there? Why can’t the connections be blocked off?
- Its appearance makes people think there is no ownership. The connection is challenging. Marrong Reserve is a good comparison, especially in terms of vegetation. A structure won’t be built on top of the hill. There may be a solution with treatment of the road as a more natural connection.
- The end of Marrong roadway could be extended for a Prospect Hill link.
- Temporary, removable bollards or bollards that sink into the road would allow Butu Wargun Drive to be closed to restrict night time access. Then the road would look less in your face or like a war zone.
- We are considering an ‘elegant’ road closure as part of considering arrival at the site.

Alcohol-free zone
- An alcohol-free zone would be worth talking about to combat antisocial behaviour. Alcohol is not desirable if it is a culturally significant site.

Timeframe for public exhibition
- When is the timeframe for public exhibition?
- We are aiming for September, but there is a process to go through.

With no further comments or questions, the meeting finished at 7:20pm.
The public hearing report was submitted to Cumberland Council on 28 February 2019.

An extract of the submissions made, and the assessment and recommendations made by the chair of the public hearing are set out below.

CONSIDERATION OF SUBMISSIONS

Introduction

Ten local residents and community members attended the public hearing, and five written submissions from local residents and community members were made during the public exhibition period.

Most people who attended the public hearing and/or made a written submission which mentioned the proposed categorisation of community land either supported the proposal to categorise community land at Prospect Hill as Area of Cultural Significance, or did not have any objections.

The questions raised and submissions made are set out below.

Submissions

Submissions about categorisation of Prospect Hill

Support categorisation of Prospect Hill as Area of Cultural Significance

☐ I support the proposed community land classification
☐ The site is nationally significant
☐ No-one would disagree with the Area of Cultural Significance category
☐ It (categorisation as Area of Cultural Significance) should have been done sooner
☐ The Park category for the play space area is possible, but support the Area of Cultural Significance category to help with grant funding
☐ Will the Area of Cultural Significance categorisation help Council acquire the remaining land at Prospect Hill?

Support categorisation of Prospect Hill as Park

☐ There is potential for the lower open space area adjacent to Warner Avenue and Durawil Street to be categorised as Park.

Other submissions about the Draft Plan of Management

Other verbal and written submissions made in the public hearing or in response to the public exhibition of the Draft Plan of Management that do not relate to the categorisation of Prospect Hill are listed below for Council’s information:

☐ Congratulate Council and stakeholders on their progress so far on negotiating and planning for this significant and prominent public asset, which is as historically, culturally and environmentally significant as Rookwood Cemetery at the eastern gateway of Cumberland Council’s area
☐ When will implementation of the Plan of Management occur? What is the priority of actions?
☐ How can people access the play space on the lower section of the hill? Concern about potential vehicle access. Unless the grass is slashed it is not easy to walk across.
Council Meeting
20 March 2019

Has the impact of increasing demand for parking associated with increasing use of Prospect Hill on local residents been considered? Has a traffic management plan been prepared?

Concern about above-ground parking on site. The site is a special place which has traditionally been accessed on foot. It is wrong to allocate the site for parking. Parking should occur on Clunies Ross Street and Reconciliation Rise. There is no justification in the Draft Plan of Management for parking. Look at alternative ways of providing parking.

Object strongly to wasting a small part of the site for exposed car parking, which can be provided inexpensively off site in nearby road reserves (I do not object to limited accessible parking under the proposed cultural building). Visitors without special needs should continue to approach the site on foot, as they have always done. Parking is not the best use of available funding cultural site.

There is not enough car parking space in Clunies Ross Street. Underground car parking is a brilliant concept.

Batu Wargun Drive should be open. Our community needs more artery roads as we have thousands living in Pemulwuy with only 3 roads open. With the surrounding areas using Pemulwuy Marketplace and the roads as a shortcut, we need more open roads diverting traffic away from the three current streets open at the moment. Batu Wargun has been closed to the public and we cannot get our families up the hill. One is a very old lady and another has a disability. What is happening here?

Concern about losing the bus link between Reconciliation Rise and Batu Wargun Drive.

Suggest that the future 'ridgeline' pedestrian bridge be subject to a design/arts competition to encourage the best cultural/artistic/functional design for this prominent 'gateway/bridge'.

Where will the footpath at the bottom of Durawil Street be placed?

Will the proposed park for children have swings?

Access to the playground should be only during daylight hours because of the fence and gate. If the play space is open after dark residents are concerned about parking and anti-social behaviour and drinking of people hanging out there at night.

Concern is of breach of privacy from the park area proposed adjacent to Durawil Street. Patrons of the park will have direct view from an elevated height of properties on Durawil Street. It is noted that these properties have bedrooms and living areas facing the street.

This breach of privacy will be accompanied with security concerns due to the proposed 24 hour access to the park.

There will be increased traffic to Durawil Street, including parking on the street at all hours due to the proposed park. Durawil Street is a narrow one way street, and already there are significant breaches of drivers travelling the wrong way and/or speeding on the street.

Based on this, the submission is that the proposed park adjacent to Durawil Street be relocated to the Clunies Ross side of the hill, or scrapped altogether.

Will the park be lit at night?

How will grass fires be managed?

Concern about the impacts of the informal spaces on the western side on residents in terms of parking and anti-social behaviour.

What is the need to acquire lands currently under private ownership at Prospect Hill?

Should Marrong Reserve also be categorised as Area of Cultural Significance?

Assessment of submissions about proposed categorisation

The State Heritage Area listing of Prospect Hill, supported by background information in the Prospect Hill Conservation Management Plan, affords an Important cultural significance to Prospect Hill. For these reasons Prospect Hill was proposed to be categorised as Area of Cultural Significance in the Draft Plan of Management.
The verbal and written submissions received from local residents and community members at the public hearing and during the public exhibition demonstrated support for the categorisation of Area of Cultural Significance.

One community member suggested that the proposed playspace area on the lower open space area adjacent to Warin Avenue and Durawi Street could be categorised as Park. This is a valid suggestion, given the guideline for categorisation of community land as Park in the Local Government (General) Regulation 2005 is:

Land which is, or proposed to be, improved by landscaping, gardens or the provision of non sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.

Further, the core objectives for management of the Park category of community land are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities;
- provide for passive recreational activities or pastimes and for the casual playing of games;
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

In addition, Cumberland Council recognises that open space for passive recreation by the local community is limited on the northern side of Pemulwy, and so a local park with playspace at this location another on the Driftway Drive side of the Lakewood open space will provide an ideal distribution of play amenity within the locality.

On balance, the Area of Cultural Significance category is the appropriate category for the whole study area of Prospect Hill because:

- the whole study area is listed on the State Heritage Register. Any “encroachment” of other management objectives applying to parts of Prospect Hill dilutes its State Heritage Area significance.
- the local community recognises its historic and cultural significance.
- the categorisation of the proposed playspace area as Area of Cultural Significance would not preclude a playspace perhaps with an Aboriginal theme, with design and other cultural input from the local community, and otherwise in keeping with an area of cultural significance.

RECOMMENDATIONS

Based on the representations and written submissions to the public hearing on 13 December 2018 and written submissions made to Council by 22 January 2019, there is no compelling reason to change the categorisation of Area of Cultural Significance which was proposed in the Draft Prospect Hill Plan of Management 2018.

My recommendations to Cumberland Council regarding the proposed categorisation of community land in Prospect Hill are that Council:

- note the verbal and written submissions made in Section 4.
- categorise the community land in Prospect Hill as Area of Cultural Significance as shown in Figure 7 of the publicly exhibited Draft Prospect Hill Plan of Management 2018, and shown in Figure 8 below.
Figure 8  Proposed categorisation of Prospect Hill

Source: Prospect Hill Draft Plan of Management 2018
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D OFFICE OF ENVIRONMENT AND HERITAGE

Insert when advice received
E  HISTORY OF PROSPECT HILL

Prospect Hill is the site of the first Aboriginal – European reconciliation held in Sydney. On 3 May 1805, a group of Aboriginal women together with a young free settler, John Kennedy, facilitated a meeting on Prospect Hill between the Aboriginal leaders of the Darug clan and European settlers headed by Rev John Marsden. This was the first recorded act of reconciliation between Indigenous people and Europeans in Australia, and brought about an end to the ongoing conflict in Parramatta and Prospect. At the Council meeting on the 3rd May 2011, Council resolved that an annual commemoration be organised to recognise this event and since then this event has been commemorated on 3rd May each year in a ceremony on Prospect Hill.

Refer Chapter 1.3 Background Development from Prospect Hill Heritage Landscape Study and Plan, Government Architect’s Office, April 2008.

Extract follows this page.
1.3 Background / Development History

The following is a summary of the development history of Prospect Hill and surrounding lands, indicating the changes to the landscape, see and ecosystem, over time. Historical events have been grouped under broad categories, such as Aboriginal Occupation and Early European Land Explorations, Improved Settlement and European Agricultural Development and Today. Where historical summaries have been extracted from the CHP which should be referred to for greater detail. All map references are included at the end of this section to provide a visual representation.

Aboriginal Occupation and Early European Land Explorations

Prospect Hill was used as a vantage point and, in the 19th century, a lookout for a British expedition through the area, referring to the place as "Mountway Hill." The Aboriginal peoples in the area practiced limited short stays along the river; more permanent camps would have occurred along Prospect Creek.

With the arrival of the First Fleet in 1788, an early expedition party led by Captain Arthur Phillip, including John Harris and Henry Miller, sailed from Botany Bay in search of more fertile land. Prospect Hill quickly became a landmark reference point for the Europeans and their favourable conditions for agriculture and the presence of timber, evident today.

Land Tenure

In 1790, Governor Philip began to offer land grants to individual convicts to work a cleared farm at the lookout and around the Prospect Hill area. The Crown

Grant.

In 1843, James Wallis purchased the land from the Phillip family. The property was sold to William Lawton in 1843 to the west of the Prospect Hill area, which was later passed to 200 acres in subsequent years. In 2009, the property had been cleared and the landscape was restored to its original condition, including the original orchard and gardens that have been developed (2020).

PROSPECT HILL PLAN OF MANAGEMENT - FINAL
PARLIMENTS PLANNERS - PHILIPS MARLER
Industrial Development

In 1895, Alfred Simpson Bailey inherited 75 acres of the east of the SP area, from his brother, William. He then began his vegetable growing enterprise with the purchase of surrounding land. 

Greytown is a Scottish term meaning grey stones, in reference to the basalt outcrops found on Prospect Hill, used for building. The settlement of Greytown, a new town, was established by the Scottish Government in 1846. 

Some mining companies leased land from the Government, while others purchased the property from the Government. The SP Mines, established in 1851, was one of the largest producers in the region, supplying various iron and other materials to the region's growing industries. 

In 1892, the SP Mines were acquired by the New South Wales Government, which then sold the land to private developers. The SP Mines continued to operate until 1918, when it was closed due to declining demand. 

The SP Mines played a significant role in the development of the region, providing a source of iron and other materials for the local industries. The mining operations continued until the 1960s, when the industry began to decline. 

 Prospect Hill Plan of Management - Final
Parkland Planner - Philip Marler
Agricultural Development

In addition to the quarry activities in the area, Prospect had also been used for agricultural and pastoral purposes since the early land grants given to ex-convicts. The Council for Scientific and Industrial Research Organisation (CSIRO) who were established in 1926 and responsible for research into the fields of primary, secondary, and tertiary industry were in need of a rural laboratory complex and field station. Suitable land (48 hectares) was chosen at Prospect including the North Eastern corner of the SHR Area to conduct research into sheep, wool and improving the productivity and fertility of animals. Prior to the Commonwealth purchasing the site in 1947, the land had passed through various ownerships, from the original land grants, to surviving family members, quarry companies and the United States Military who briefly established a military camp in the closing years of WWUI. In 2003, CSIRO decided to relocate all their research activities to other sites they owned. During CSIRO's 50 years of operation and ownership at Prospect, numerous scientific achievements were achieved in addition to the erection of 40 buildings (offices and laboratories) to the north western portion of the site and the creation of an artificial lake from the damming of Greystones Creek.

Today

In 1999 the State Government adopted State Environment Planning Policy 59 which rezoned a number of land holdings across Western Sydney for employment and residential purposes including the Greystones Estate owned by Boral and the CSIRO lands. The Prospect Hill SHR Area was predominantly designated as public open space as part of the precinct plans for the development of the SERA 5B lands and is listed as an item of State Significance (NSW Heritage Act 1977). The redevelopment of these sites is currently in progress, the extent to which will be discussed in the following pages.
PROSPECT HILL PLAN OF MANAGEMENT - FINAL
PARKLAND PLANNERS - PHILIPS MARLER

1935: Aboriginal Land Proprietorship of Prospect Hill (then known as 'Prospect Hill') is vested in the Aboriginal Land Council.

1935: Consensus for the construction of a permanent settlement and the commencement of agricultural activities on Prospect Hill.

1935: First major land grant - 500 acres to the north of the Prospect Hill Reserve given to William Lawson.

1935: W. Lawson begins development of the land, establishing a farm and establishing a settlement.


1935: The town of Prospect Hill is surveyed and named 'Prospect Hill' on the map of the area.


1935: Blue Metal Limited (now called EMU in 1973) acquires shares in the property from Glynfords Estate, which owns the land.

1935: Potential gold deposits are discovered.

1935: Prospect and Wollongong Industries continue to explore for gold.

1935: Prospect Hill is listed on the New South Wales State Heritage Register (NSW SHR Reg No. 577).

1935: EMU Limited (Blue Metal Industries Limited) acquires one of the largest mining operations in the region, with numerous prospecting and exploration rights for gold and other mineral resources.

1935: EMU Limited acquires the property, which becomes a significant driver for the growth and future development of the region.

1935: A portion of CSIRO's site (now known as the 'Pit') is leased to the Commonwealth for the construction of the new motorway.

1935: Prospect Hill is listed on the Federal Heritage Register (FHR Reg No. 309).

1935: CSIRO conducts research activities on the site and sells its land holdings to Stockland Corporation for commercial residential development.

1935: CSIRO sells part of its land to Stockland Corporation for commercial residential development.

1935: Amendment to the SHP to allow for the development of a commercial residential project.
F PLANNING CONTEXT

F.1 Commonwealth legislation

Native Title Act 1993

Native title may exist in places where native and indigenous people continue to follow their traditional laws and customs and have maintained a link to their country, and where it has not been extinguished or refused recognition because of acts done or allowed by government.

Native title may exist on vacant Crown land, or beaches, oceans, seas, reefs, rivers, creeks, swamps and other waters that are not privately owned.

This Act provides for the recognition and protection of native title, and establishes a mechanism for determining claims for native title.

Where a development is proposed native title should be investigated before the proposal proceeds.

Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is a legal framework to protect and manage nationally and internationally important flora and fauna, ecological communities and heritage places that are defined in the Act as matters of national environmental significance.

The Cumberland Plain Moist Shale Woodlands and Shale-Gravel Transition Forest is listed as a threatened ecological community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

Under this legislation any works and activities within Prospect Hill that have, may have or are likely to have a significant impact on matters of national significance are subject to strict controls. Any such works and activities require approval from the Federal Minister for the Environment, separate from and in addition to any State approvals required.

Disability Discrimination Act 1992

The Disability Discrimination Act 1992 is a Commonwealth Act that aims to eliminate, as far as possible, discrimination against people with disabilities in many areas, including access to premises. The Act also aims to promote recognition and acceptance in the community that people with disabilities have the same fundamental rights as the rest of the community.

The Act covers a range of areas including sport and recreation, and access to premises. The Act requires that people be able to access any building which the public is entitled to enter or use through the primary entrance used by the general public. It further requires that people should have access to any services and facilities provided in those buildings.

The NSW Anti-Discrimination Act 1997 also makes it unlawful to discriminate on the ground of disability.

F.2 State government legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through State Environmental Planning
Policies (SEPPs), Regional Environmental Plans (REPs) — now deemed SEPPS — and Local Environmental Plans (LEPs). The EPA Act also sets out processes for approving development applications for structures and works on public and private land in the Cumberland local government area.

State Environmental Planning Policy 19 — Bushland in Urban Areas

The Environmental Planning and Assessment Act 1979 made provision for the preparation of the State Environmental Planning Policy No. 19-Bushland in Urban Areas, in 1986.

While large tracts of land have been set aside on the outskirts of Sydney in National Parks, concern has been expressed at the decline in both quality and quantity of bushland in the Sydney Metropolitan Area. It is fortunate that a small portion of Sydney’s natural bushland has been retained on public open space. SEPP 19 was designed to ensure that these areas are protected and preserved, and further urban bushland areas are retained in the Sydney Region. The Policy does not apply to land administered by the National Parks and Wildlife Service, State Forests of NSW, other statutory authorities, or privately owned bushland.

Under SEPP 19, bushland means land on which there is vegetation that is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation. Section 8 of SEPP 19 applies to bushland zoned or reserved for public open space.

SEPP 19 generally aims to protect and preserve bushland in urban areas because of its natural heritage value, aesthetic value, and value as a recreational, educational and scientific resource.

The specific aims of SEPP 19 are to:
- protect the remnants of plant communities which were once characteristic of land now within an urban area.
- Retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term.
- Protect rare and endangered flora and fauna species.
- Protect habitats for native flora and fauna.
- Protect wildlife corridors and vegetation links with other nearby bushland.
- Protect bushland as a natural stabiliser of the soil surface.
- Protect bushland for its scenic value and to retain the unique visual identity of the landscape.
- Protect significant geological features.
- Protect existing landforms, such as natural drainage lines, watercourses and foreshores.
- Protect archaeological relics.
- Protect the recreational potential of bushland.
- Protect the educational potential of bushland.
- Maintain bushland in locations which are readily accessible to the community.
- Promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.

SEPP 19 states that Plans of Management shall be consistent with the aims of the Policy. In respect of the bushland to which it applies, a Plan of Management should describe and analyse the bushland, and specify measures to be taken to:

☐ implement the specific aims of the Policy.
☐ enable recreational use of the bushland.
☐ reduce hazard from bushfire.
prevent degradation of bushland.
restore and regenerate degraded areas of bushland.

SEPP 19 also sets out matters that a consent authority must consider when assessing development within areas zoned for urban bushland or in an adjoining area.

State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017

The SEPP – Vegetation in Non-Rural Areas 2017 regulates clearing of native vegetation in urban local government areas, as well as urban environmental zones across the state, where clearing does not otherwise require development consent under the EPA Act.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Clause 19 states that as part of the study area is included in the Former CSIRO Site, Penrith Employment Land Precinct Plan 2005 Cumberland Council as the consent authority must take the precinct plan into consideration when granting consent for development on land to which the SEPP applies.

Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 ensures a balanced approach to land management and biodiversity conservation in NSW, including ways to assess and manage the biodiversity impacts of development, a new State Environmental Planning Policy for impacts on native vegetation in urban areas, and a risk-based system for regulating human and business interactions with native plants and animals.


This act aims to protect the environment in New South Wales from air, water and noise pollution through implementation of policies, licences, audits, notices and conditions.

Companion Animals Act 1998

The Companion Animals Act 1998 aims to promote responsible animal ownership in NSW. Under the Act, dogs in public places must be on a lead under the effective control of a competent person, except in a declared off-leash area. Dogs are prohibited within 10 metres of children's play areas, food preparation/consumption areas, and recreation areas where dogs are prohibited by the local authority. If a dog defecates in a public place, the dog owner must remove and dispose of it in a rubbish receptacle. The Act also outlines restrictions on domestic cats.

Noxious Weeds Act 1993

The Noxious Weeds Act 1993 allows for an invasive plant which has a detrimental impact on human or animal heath, the environment, or agriculture to be declared noxious. The main intent of the Act is to restrict the spread of weeds and to protect landholders from weed invasion.

Weeds may be declared noxious within a specific local government area, or across New South Wales. The decision to declare a plant as a weed can be revised as weed categories change over time.

Under the Act, Cumberland Council is authorised to require land occupiers to control noxious weeds on a property. When an occupier fails to control weeds, Council may issue a notice for control of the weed. If an occupier fails to comply with the notice, Council may enter the property and destroy the weeds. Council may also issue a penalty notice or prosecution for offences under the Act.
Circulation & Elements Plan
Prospect Hill
Draft Landscape Masterplan

Date: 19th February 2019
For Council Review
Formulate a Vision for the Precinct
- Create Prospect Hill as a site of cultural significance and interpretation for future generations
- Retain the prominence of Prospect Hill as a significant geological and topographical site
- Enhance the site as a place for special events
- Create a safe place for the local community with green spaces and public facilities
- A place for local community – public safety, green space, facilities, activities and events
- Interpretation of cultural heritage for future generations

1. Topography, Geology and Soils
- Ensure the topography of the site both natural and cut remain no further changes to be determined
- The crest of the hill to be retained

Major Structures
1. Cultural Centre
- Consider the proposed wish of the Cumberland ATSIC committee to create an Aboriginal Cultural Centre at Prospect Hill
- Investigate the design of a two-storey building in the gully between the ridge line to the north of the hill
- Design to be visually unobtrusive, adopting sustainable principles
- Create spaces for interaction and talks
- Provide a space for Aboriginal artworks and artefacts
- Consider a visual and auditory sensory room
- Include kitchen facilities and toilet amenities
- Covered outdoor areas
- Parking for authorised vehicles

2. Carpark
- Consider the feasibility of a carpark’s residencies at the Clunes Ross Street entry, approx 80m²
- Provide a site compound 

3. Cultural elements
- The Reconciliation Stone is a significant artifact and will be located close to the cultural centre in the carpark area
- 3 flag poles to be located close to the Reconciliation Stone
- Existing water tanks to be retained on site as part of pre-CRIBA fixtures of the site

4. Gardens for Aboriginal agriculture and education
- Consider an interpretive, productive garden in association with the cultural centre
- The garden will be terraced on the slope
- Upper: Shrub – bush foods, traditional medicines
- Lower slopes – area of wheat, rice, traditional cleaning grasses and native grasses for weaving

5. Pedestrian Bridge from Manning Crescent to Prospect Hill
- Reconstruct the significant landfillers of Manning Crescent and Prospect Hill with a landscaped pedestrian bridge
- Explore the potential of alternative pathways
- Make provision for leisurely movement on the bridge

6. Planning and Regeneration
- Tree planting to be retained on the southern front line
- Max, structural planting of grasses, shrubs, grassed slopes (up to 1m in height) around cultural centre
- South-west trees, shrubs and ground cover plantings to western industrial boundary and eastern Durran Street boundary
- Regeneration of Mosman Shale Woodland planting association

7. Vehicles
- Link new cultural centre car park with vehicle access road from Clunes Ross Street
- Provide a safe and smooth drop off and disabled parking under the trees
- Design and construct off-road car parking in the Clunes Ross Street reserve
- Continue vehicle access to park via maintenance gate on Van’s Avenue

8. Interpretation and Signage
- Historic events and stories will be told through texts with Aboriginal people and interpretative signage to be combined with directional signage at the start of trails
- Signage can be unobtrusive and should be available on the top of the hill or significant spaces around the cultural centre

9. Boundary Fencing
- Discontinue electronic security palisade fencing (1.8m) high on the eastern slope of Prospect Hill
- Should run at the base of the steep slope along the top of the eastern boundary
- Continuous security palisade fencing (1.2m) high to the north and west of the hill should follow the boundary at the Clunes Ross Street entry and run towards Reconciliation Drive
- Allow safety fence to be removed along the eastern edge of the north/south-hilgine
- Gates across should be open by day and closed at night
- A 0.8m high palisade fence to be installed along the Durran Street/ Van’s Avenue boundary

10. Formal Gathering and Events
- The south-west quadrant area is a natural amphitheatre for events and performances and should remain an open flexible space
- Above the cultural centre a ceremonial place with paving, flagstones and a setting for the Reconciliation Stone will be for formal events and serve as a ‘walk out’ space from the building

11. Buses and Road Closure
- Closer to continue to block vehicle entering from Reconciliation Drive
- Maintain pedestrian through access through the road closure
- Plant additional trees to enhance the space

12. Recreation
- Children play and discovery is to be part of the Cultural Centre and gardens
- A local play space for Farnham residents will be located at the front of the slope close to Durran Street
- Encourage passive recreation and access to Prospect Hill
- Increase connections and legibility of surrounding sites and walkways

13. Amenities
- Public toilets can be considered as part of the cultural centre
- Picnic shelters can be considered in the Aboriginal gardens
- Small structures to be avoided in or on the steep of the hill
- Picnic tables and seating to be carefully placed on the hill to provide east points but not clutter view lines
DOCUMENTS ASSOCIATED WITH REPORT C03/19-35

Attachment 3
Public Hearing Report
PROPOSED CATEGORISATION OF PROSPECT HILL
PUBLIC HEARING REPORT

FINAL REPORT

28 FEBRUARY 2019
CUMBERLAND COUNCIL

PROPOSED CATEGORISATION OF PROSPECT HILL

PUBLIC HEARING REPORT

FINAL REPORT

28 FEBRUARY 2019

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PROPOSED CATEGORISATION OF PROSPECT HILL - PUBLIC HEARING REPORT
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PROPOSED CATEGORISATION OF PROSPECT HILL – PUBLIC HEARING REPORT
1 INTRODUCTION

1.1 Purpose of this report

The purpose of this report is to convey to Cumberland Council the verbal and written submissions made in relation to a public hearing held on 13 December 2018 and the public exhibition of the proposed categorisation of community land in the Draft Plan of Management for Prospect Hill (the site).

This report, as it relates to the public hearing and the proposed community land categorisation in the Draft Prospect Hill Plan of Management (the Draft Plan of Management) prepared in October 2018, has been prepared under Section 40A of the Local Government Act 1993 (the Act).

1.2 Land covered by this report

1.2.1 Location of Prospect Hill

This report addresses the proposed categorisation of Prospect Hill at Penulwuy, which is classified as community land under the Local Government Act 1993. The location of Prospect Hill is in Figure 1.

Figure 1  Location of Prospect Hill

PROPOSED CATEGORISATION OF PROSPECT HILL – PUBLIC HEARING REPORT
1.2.2 Features of Prospect Hill

A detailed description of Prospect Hill is in the Draft Plan of Management. Key features of Prospect Hill are that it:

- is a place significant to the Cannemegal-Warmuli Clan of the Darug Nation who were the traditional custodians of the area prior to the arrival of Europeans
- is an area of significant early interactions between Aboriginal people and European settlers
- is a natural topographic feature rising to 112 metres in height above sea level, forming one of the highest points between the coast and the Blue Mountains
- allows a unique 360-degree view of Sydney from the top of the hill
- is characterised by extensive grasslands on the eastern slopes.

View from Prospect Hill east to Parramatta CBD

View of Prospect Hill from Reconciliation Rise

View south from Clunies Ross Street

View from Prospect Hill north towards Clunies Ross Street
1.2.3 Cultural significance of Prospect Hill

The historical and cultural significance of Prospect Hill is summarised as:

- Prospect Hill is the site of the first Aboriginal – European reconciliation held in Sydney on 3 May 1805
- The site is listed on the State Heritage Register (SHR)
- Former land uses include farming, quarrying, a shooting range, and agricultural research
- Significant portions of open space were transferred to Council ownership by Stockland in 2016 and Boral in 2017
Today Prospect Hill is visited by Aboriginal groups for cultural events and education of school children, and by local residents who like to walk there for exercise and to enjoy the view.

Reconciliation Day Event at Prospect Hill on 3 May 2018

More information about the historical and cultural significance of Prospect Hill can be obtained from Conybeare Morrison (2005) *Prospect Hill Conservation Management Plan.*

1.3 Background

Cumberland Council has prepared a Draft Plan of Management for Prospect Hill, in which community land in Prospect Hill is proposed to be categorised as Area of Cultural Significance.

Under the *Local Government Act 1993* Council must hold a public hearing, chaired by an independent facilitator, regarding proposed categorisation of community land.

If Council approves the proposed categorisation, Prospect Hill will be managed as an Area of Cultural Significance.

1.4 This report

The remainder of this report presents the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation of community land, and submissions regarding the proposed categorisation of community land in Prospect Hill in the Draft Plan of Management. These submissions comprise:

- verbal submissions made at the public hearing held on 13 December 2018.
- written submissions received at the public hearing and received by Council during the public exhibition from 28 November 2018 to 22 January 2019.
2 PLANNING CONTEXT

2.1 What is community land?

The Local Government Act 1993 sets out a range of requirements that Cumberland Council is legally bound to adhere to, including the management of public land.

Figure 2 Community land categorisation

The Local Government Act requires that all public land owned by Council must be classified as "community" or "operational" land (Section 26).

Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister’s consent or up to 30 years with the Minister’s consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period of time, and can be sold.

2.2 What are the categories of community land?

The Local Government Act 1993 requires that all land owned by the Council which is classified as community land be categorised.

Community land may be categorised as one or more of the following under Section 36(4):

- a natural area.
- a sportsground.
- a park.
- an area of cultural significance.
- general community use.

PROPOSED CATEGORISATION OF PROSPECT HILL – PUBLIC HEARING REPORT
Land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- bushland.
- wetland.
- escarpment.
- watercourse.
- foreshore.
- a category prescribed by the regulations.

2.3 Proposed categorisation of Prospect Hill

Prospect Hill is proposed to be categorised as Area of Cultural Significance as shown in Figure 3 below.

Figure 3  Proposed categorisation of Prospect Hill

The reasons given by Cumberland Council for the proposed categorisation as Area of Cultural Significance are that:

- the Area of Cultural Significance category reflects the history and cultural significance of the site
- the Area of Cultural Significance category is the best fit of all five categories of community land for the management direction for Prospect Hill as shown on the Draft Masterplan for Prospect Hill in Figure 4.
2.4 What are the guidelines for categorising community land?

2.4.1 Recommendations for categorising community land

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the Local Government (General) Regulation 2005.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:
“Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision.”

Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children’s play equipment in another. Council is able to categorise land as part ‘Natural Area – Bushland’ and part ‘Park’. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community.”

2.4.2 Guidelines for categorising community land as Area of Cultural Significance

The guidelines for categorisation of community land as Area of Cultural Significance under Clause 105 of the Local Government (General) Regulation 2005 as follows:

Land should be categorised as an Area of Cultural Significance under section 36 (4) of the Act if the land is:

(a) an area of Aboriginal significance, because the land:

(i) has been declared an Aboriginal place under section 64 of the National Parks and Wildlife Act 1974, or

(ii) whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or

(iii) is of significance or interest because of Aboriginal associations, or

(iv) displays physical evidence of Aboriginal occupation (for example, items or artefacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or

(v) is associated with Aboriginal stories, or

(vi) contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or

(b) an area of aesthetic significance, by virtue of:

(i) having strong visual or sensory appeal or cohesion, or

(ii) including a significant landmark, or

(iii) having creative or technical qualities, such as architectural excellence, or

(c) an area of archaeological significance, because the area contains:

(i) evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artefacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or

(ii) any other deposit, object or material that relates to the settlement of the land, or
2.5 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the Local Government Act 1993. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the Act.

The core objectives for the Area of Cultural Significance category of community land in Section 36H of the Local Government Act 1993 are:

(1) The core objectives for management of community land categorised as an Area of Cultural Significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

(2) Those conservation methods may include any or all of the following methods:

(a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the Area of Cultural Significance,

(b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,

(c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,

(d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),

(e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.

(3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

2.6 Plans of Management for community land

Council must prepare a Plan of Management for its community land (Section 36(1)). Community land is required to be used and managed according to a Plan of Management applying to the land (Section 35).
Requirements of the Local Government Act for the contents of a Plan of Management are:

- a description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management
- a description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management
- categorisation of community land
- core objectives for management of the land
- the purposes for which the land, and any such buildings or improvements, will be permitted to be used
- the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise
- a description of the scale and intensity of any such permitted use or development
- authorisation of leases, licences or other estates over community land
- performance targets
- means for assessing achievement of objectives and performance targets.

2.7 Public hearing for categorisation of community land

2.7.1 Why hold a public hearing to categorise community land?

A public hearing is required under Section 40A of the Local Government Act if the proposed Plan of Management is either categorising (that is, the Plan of Management has not been previously been prepared and adopted by Council, or has not categorised community land), or re-categorising (changing the adopted category) the land covered by the Plan of Management.

Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.

2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed categorisation of Prospect Hill.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

a) A Councillor or employee of the Council holding the public hearing.

b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

2.7.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than 4 days after it has received the final report from the person presiding at the public hearing. This report will be presented to Council for their information when it considers categorising Prospect Hill, and adopting any proposed amendments to the Draft Plan of Management for Prospect Hill.
3 THE PUBLIC HEARING

3.1 Advertising and notification

3.1.1 Public notice requirements for draft Plans of Management

Section 38 of the Local Government Act 1993 states that Councils must give "public notice" of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

The various ways in which Cumberland Council notified the community of the public exhibition and public hearing are outlined below. All notifications invited comments by post, email and online.

3.1.2 Online notification


Council's online 'Have your Say' page provided further information regarding the draft Plan of Management, including downloadable copies of the draft plan, Council Officer contact details and an online comments register.

Figure 5 Public exhibition and public hearing information on Council's website

[Image: Public exhibition and public hearing information on Council's website]
Notice of the public exhibition and public hearing was also posted on social media (Facebook) on 5 December 2018.

Figure 6   Facebook post about the public hearing

3.1.3 Newspaper notices

The public exhibition period and public hearing notification details were advertised in the Auburn Review Pictorial on 27 November 2018 and the Parramatta Advertiser on 28 November 2018.
Announcements

MAYOR’S COLUMN

Christmas is coming to Cumberland

Christmas is coming to Cumberland and Council have a range of activities and ideas to help you get into the festive spirit. With a fun-filled program to bring Christmas cheer to residents.

To celebrate the festive season in Cumberland, Christmas trees will stand proudly in town centres, large. Merry Christmas banners will line the streets, pop-up street performances and activities will entertain residents, their friends and families.

Our Regina Christmas event, Christmas in the Gardens, will be held on Saturday 10 December from 5-10pm at Auburn Botanic Gardens, Chatham Road, Auburn. The Gardens will be turned into a magical Grinch-themed wonderland for one special night of Christmas lights, Christmas carols by local community groups, free rides and Christmas activities. Or, Swiss-themed foods and an open air movie screening of ‘The Grinch’.

Our senior Christmas lunch will be held in each Ward from 27 November until 11 December. At Cumberland libraries from 3 until 12 December, Santa will be visiting for stories, songs and lots of fun, and as a way to say thank you to you the community for your patronage, the libraries are having free morning teas from 17 to 20 December.

There are tonnes of activities for residents of all ages. Head to cumberland.nsw.gov.au/Christmas to find out what’s happening near you.

Cllr Greg Cummins

Plan of Management for Prospect Hill in Penrith

A Draft Plan of Management 2019-2024 has been prepared within the legislative requirements of the Local Government Act 1993 to guide the future management and development of the Prospect Hill open space area in Penrith.

The Public Exhibition of the draft plan will be for a 60-day period, commencing on Wednesday 28 November 2018 and concluding on Tuesday 22 January 2019, and the community is invited to provide comments during this period.


Submissions will be received until close of business on 5.00pm on Tuesday 22 January 2019 by:
• Online: http://www.cumberland.nsw.gov.au
• Email: council@cumberland.nsw.gov.au

Council’s Draft Plan of Management 2019-2024

Proposed Developments

Multi-Dwelling

The exhibition period for the following application is from 27 November 2018 to 11 December 2018.

Site: 1-5 Stanley Road, Lalor Park NSW 2147

Proposed: Demolition of existing dwelling and construction of 6-storey residential building with 46 units

Contact: 1800 688 288

Boarding House

The exhibition period for the following application is from 27 November 2018 to 11 December 2018.

Site: 111 St Williams Road, Auburn NSW 2144

Proposed: Demolition of existing single-storey house and construction of a 6-storey boarding house for 66 residents

Contact: 1800 688 288

Cumberland Council invites public comment on the developments proposed before making a decision. Plans for the proposals may be inspected at Council’s Administration Building, Marylands Office, Customer Services Centre, 16 Memorial Avenue, Marylands and Auburn Office Customer Services Centre, Club Place, 1 Swan Street, Auburn, between 9:30am and 4:30pm, Monday to Friday (public holidays excepted). Any person wishing to lodge a submission may do so up until 5.00pm on the closing date of the exhibition period.

Any submission made in respect of an application may be held by third parties under the Freedom of Information (Public Access) Act 2009 and may be reproduced in whole or in part in Council records and in print proceedings.

Disclosures of Political Donations or Gifts

If you have made a political donation or gift to the Member of a political party or an elected member, group, candidate, leader, employee or Council employee, you may be required to make a formal disclosure pursuant to section 147 of the Environmental Planning and Assessment Act 1979 (EPAA). For more information on your obligation and to obtain a disclosure form, please visit the Cumberland Council website.

Cumberland Council
16 Memorial Avenue (PO Box 42), Marylands NSW 2160

General Manager: Hamil McNulty

General Manager: Hamil McNulty
T 02 8757 9000 F 1800 688 288 M cumberland.nsw.gov.au E cumberland@cumberland.nsw.gov.au W Cumberland Council Sydney

Figure 7 Newspaper notification about the public hearing
3.1.4 Notification of local residents

Council letterhead and flyer notifications for the public exhibition period and public hearing date were distributed to all residential and commercial premises within a 400 metre radius of the study area.

Poster notifications were displayed around the study area, adjacent parks and the local shopping centre.

3.1.5 Notification of stakeholders

Council letterhead and flyer notifications for the public exhibition period and public hearing date were posted to primary stakeholders, including Council's Aboriginal and Torres Strait Islander Consultative Committee, the Local Aboriginal Land Council, the NSW Heritage Council and the NSW Office of Environment and Heritage.

3.2 Availability of the draft Plan of Management

The draft Plan of Management for Prospect Hill showing the proposed categorisation could be viewed online on Council's website at haveyoursay.cumberland.nsw.gov.au.

Hard copies of the draft Plan of Management were also made available at:
- Council's Merrylands and Auburn Customer Service Centres

3.3 Attendance at the public hearing

As required under Section 47G of the Local Government Act 1993, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

Attendance sheets show that 10 community members attended the public hearing. Most people attending the hearing are residents in Pemulwuy.

Council staff present to represent Cumberland Council, provide information, and answer questions during the public hearing were:
- Christine Deane, Manager Open Space Planning and Design
- Adam Ford, Landscape Architect

Cr Greg Cummings, Mayor of Cumberland, also attended the hearing.

3.4 The public hearing

Ms Hoy opened the public hearing at 6:05 pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation of community land, and the requirement for public hearings, based on a background information document distributed to people attending the public hearing.
Verbal submissions regarding the proposed categorisation of community land in Prospect Hill were received at the hearing. No written submissions that raised issues to be addressed in the Draft Plan of Management were tabled at the hearing. Other comments and questions about Prospect Hill were noted but are outside the scope of this report.

The content of the submissions which are relevant to the proposed categorisation and changes to the Plan of Management are outlined in more detail in Section 4 of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 7:15 pm.

3.5 Submissions

Several people asked a question or made a comment about the proposed categorisation of land, or changes to the Plan of Management at the public hearing. Those questions and comments were noted by the chairperson and are listed in Section 4.

The closing date for written submissions online, by mail or email on the proposed categorisation and changes to the Plan of Management was advertised as 22 January 2019. Written submissions could be made by:

- Online: haveyoursay.cumberland.nsw.gov.au
- Email: council@cumberland.nsw.gov.au
- Post:

  The General Manager
  Cumberland Council
  PO Box 42
  Merrylands NSW 2160

Five written submissions are also considered in Section 4.
4 CONSIDERATION OF SUBMISSIONS

4.1 Introduction

Ten local residents and community members attended the public hearing, and five written submissions from local residents and community members were made during the public exhibition period.

Most people who attended the public hearing and/or made a written submission which mentioned the proposed categorisation of community land either supported the proposal to categorise community land at Prospect Hill as Area of Cultural Significance, or did not have any objections.

The questions raised and submissions made are set out below.

4.2 Submissions

4.2.1 Submissions about categorisation of Prospect Hill

Support categorisation of Prospect Hill as Area of Cultural Significance

- I support the proposed community land classification
- The site is nationally significant
- No-one would disagree with the Area of Cultural Significance category
- It (categorisation as Area of Cultural Significance) should have been done sooner
- The Park category for the play space area is possible, but support the Area of Cultural Significance category to help with grant funding
- Will the Area of Cultural Significance categorisation help Council acquire the remaining land at Prospect Hill?

Support categorisation of Prospect Hill as Park

- There is potential for the lower open space area adjacent to Warin Avenue and Durawin Street to be categorised as Park.

4.2.2 Other submissions about the Draft Plan of Management

Other verbal and written submissions made in the public hearing or in response to the public exhibition of the Draft Plan of Management that do not relate to the categorisation of Prospect Hill are listed below for Council's information:

- Congratulate Council and stakeholders on their progress so far on negotiating and planning for this significant and prominent public asset, which is as historically, culturally and
environmentally significant as Rookwood Cemetery at the eastern gateway of Cumberland Council’s area

- When will implementation of the Plan of Management occur? What is the priority of actions?

- How can people access the play space on the lower section of the hill? Concern about potential vehicle access. Unless the grass is slashed it is not easy to walk across.

- Has the impact of increasing demand for parking associated with increasing use of Prospect Hill on local residents been considered? Has a traffic management plan been prepared?

- Concern about above-ground parking on site. The site is a special place which has traditionally been accessed on foot. It is wrong to allocate the site for parking. Parking should occur on Clunies Ross Street and Reconciliation Rise. There is no justification in the Draft Plan of Management for parking. Look at alternative ways of providing parking.

- Object strongly to wasting a small part of the site for exposed car parking, which can be provided inexpensively off site in nearby road reserves. I do not object to limited accessible parking under the proposed cultural building. Visitors without special needs should continue to approach the site on foot, as they have always done. Parking is not the best use of available funding cultural site.

- There is not enough car parking space in Clunies Ross Street. Underground car parking is a brilliant concept.

- Batu Wargun Drive Should be open. Our community needs more artery roads as we have thousands living in Pemulwuy with only 3 roads open. With the surrounding areas using Pemulwuy Marketplace and the roads as a shortcut, we need more open roads diverting traffic away from the three current streets open at the moment. Batu Wargun has been closed to the public and we cannot get our families up the hill. One is a very old lady and another has a disability. What is happening here?

- Concern about losing the bus link between Reconciliation Rise and Batu Wargun Drive.

- Suggest that the future ‘ridgeline’ pedestrian bridge be subject to a design/arts competition to encourage the best cultural/artistic/functional design for this prominent ‘gateway/bridge’.

- Where will the footpath at the bottom of Durawi Street be placed?

- Will the proposed park for children have swings?

- Access to the playground should be only during daylight hours because of the fence and gate. If the play space is open after dark residents are concerned about parking and anti-social behaviour and drinking of people hanging out there at night.

- Concern is of breach of privacy from the park area proposed adjacent to Durawi Street. Patrons of the park will have direct view from an elevated height of properties on Durawi Street. It is noted that these properties have bedrooms and living areas facing the street.

- This breach of privacy will be accompanied with security concerns due to the proposed 24 hour access to the park.

- There will be increased traffic to Durawi Street, including parking on the street at all hours due to the proposed park. Durawi Street is a narrow one way street, and already there are significant breaches of drivers travelling the wrong way and/or speeding on the street.

- Based on this, the submission is that the proposed park adjacent to Durawi Street be relocated to the Clunies Ross side of the hill, or scrapped altogether.

- Will the park be lit at night?

- How will grass fires be managed?

- Concern about the impacts of the informal spaces on the western side on residents in terms of parking and anti-social behaviour.

- What is the need to acquire lands currently under private ownership at Prospect Hill?
Should Marrong Reserve also be categorised as Area of Cultural Significance?

4.3 Assessment of submissions about proposed categorisation

The State Heritage Area listing of Prospect Hill, supported by background information in the Prospect Hill Conservation Management Plan, affords an important cultural significance to Prospect Hill. For these reasons Prospect Hill was proposed to be categorised as Area of Cultural Significance in the Draft Plan of Management.

The verbal and written submissions received from local residents and community members at the public hearing and during the public exhibition demonstrated support for the categorisation of Area of Cultural Significance.

One community member suggested that the proposed playspace area on the lower open space area adjacent to Warin Avenue and Durawil Street could be categorised as Park. This is a valid suggestion, given the guideline for categorisation of community land as Park in the Local Government (General) Regulation 2005 is:

*Land which is, or proposed to be, improved by landscaping; gardens or the provision of non sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.*

Further, the core objectives for management of the Park category of community land are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities,
- provide for passive recreational activities or pastimes and for the casual playing of games,
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

In addition, Cumberland Council recognises that open space for passive recreation by the local community is limited on the northern side of Penrith, and so a local park with playspace at this location and another on the Driftway Drive side of the Lakewood open space will provide an ideal distribution of play amenity within the locality.

On balance, the Area of Cultural Significance category is the appropriate category for the whole study area of Prospect Hill because:

- the whole study area is listed on the State Heritage Register. Any "encroachment" of other management objectives applying to parts of Prospect Hill dilutes its State Heritage Area significance.
- the local community recognises its historic and cultural significance.
- the categorisation of the proposed playspace area as Area of Cultural Significance would not preclude a playspace perhaps with an Aboriginal theme, with design and other cultural input from the local community, and otherwise in keeping with an area of cultural significance.
5 RECOMMENDATIONS

5.1 Recommendations

Based on the representations and written submissions to the public hearing on 13 December 2018 and written submissions made to Council by 22 January 2019, there is no compelling reason to change the categorisation of Area of Cultural Significance which was proposed in the Draft Prospect Hill Plan of Management 2018.

My recommendations to Cumberland Council regarding the proposed categorisation of community land in Prospect Hill are that Council:

- note the verbal and written submissions made in Section 4.
- categorise the community land in Prospect Hill as Area of Cultural Significance as shown in Figure 7 of the publicly exhibited Draft Prospect Hill Plan of Management 2018, and shown in Figure 8 below.

Figure 8  Proposed categorisation of Prospect Hill

Source: Prospect Hill Draft Plan of Management 2018
5.2 Adoption of proposed categorisation

Council must agree to the proposed categorisation of community land as set out in the Draft Prospect Hill Plan of Management 2018 before resolving to adopt the proposed amendments to the Plan of Management.

Section 114 of the Local Government (General) Regulation 2005 states that if Council receives any submission objecting to a categorisation of land in the Plan of Management, and the Council adopts the Plan of Management without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the Plan of Management must state the Council’s reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council intends to adopt the proposed categorisation of Area of Cultural Significance as was set out in the Draft Plan of Management, it must state the reasons why it did not make changes to the categorisation in response to the objections received in its resolution to adopt the Plan of Management. However, there were no submissions which objected to the proposal to categorise the community land in Prospect Hill as Area of Cultural Significance.

If Council decides to alter the proposed categorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the Local Government Act 1993).

5.3 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the Local Government Act 1993 to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- send a copy of the public hearing report to the people who attended the public hearing and/or made a written submission.
- keep a copy of the public hearing report for inspection at Council’s Merrylands and Auburn Customer Service Centres and libraries.
- post an electronic copy of the public hearing report on Council’s website.

Sandy Hoy
Director
Parkland Planners

28 February 2019
DOCUMENTS ASSOCIATED WITH REPORT C03/19-35

Attachment 4
Summary of Submissions
### Summary of Submissions

<table>
<thead>
<tr>
<th>Comments / Suggestions</th>
<th>Council response</th>
<th>Changes to document</th>
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</thead>
<tbody>
<tr>
<td><strong>Submission 1:</strong></td>
<td></td>
<td></td>
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<tr>
<td>- Residents propose security palisade fencing with lockable gates along cnr Warin Ave &amp; Durawi St.}</td>
<td>- Prospect Hill is currently secured by chain wire fencing which is frequently trespassed and cause for continuous anti-social activities. The hilltop area is consistently disturbed by trespassers who are attracted to both the view and the isolation within the currently undeveloped site. The Landscape Masterplan proposes security palisade fencing with lockable gates to secure the primary ceremonial / hilltop area and lower fencing with open entries with a playspace at the lower level area adjacent to Warin Ave and Durawi St. A local community playspace at this location is desirable to facilitate an ideal distribution of playspace facilities within the locality. It is anticipated that these activities at the hilltop will be limited by site activation and security fencing. All hour access to the lower level area and the proposed playspace adjacent to Warin Ave and Durawi St is not expected to be any more vulnerable to anti-social activities than currently occurs in other open space areas within Pemulwuy. In relation to traffic, issues are being addressed as part of CTC-18-181 which includes an expanded consultation area to include the residents of Durawi St.</td>
<td>No change is recommended for Submission 1.</td>
</tr>
</tbody>
</table>

**Quote 1:**
“Our concerns focus on the intentional behaviour and character of persons who would want to access this unlit space at night and with the site’s history of unwanted activity and incidents.”

**Quote 2:**
“...the streets surrounding Prospect Hill has a frequent gathering of a large number of street ‘hoons’ who use the streets for their kerbside meets which includes areas opposite and adjacent to the proposed playspace.”

**Quote 3:**
“The top of the hill and the ceremony site has suffered vandalism, graffiti, removal of fauna and trees, drug users and discarding drug paraphernalia, litter and general degradation...”

**Quote 4:**
“...instances of arson that destroy trees
<table>
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<tr>
<td>and endanger property and homes.”</td>
<td>An elevated aspect from a park or playspace into a residential property typically occurs at numerous locations throughout the LGA. Residential aspect assists surveillance and inhibits anti-social activities.</td>
<td>No change is recommended for Submission 2.</td>
</tr>
</tbody>
</table>

Submission 2:
- “We believe our privacy will be compromised by making a park and play area in the proposed location (adjacent to Durawi St) as this area is elevated and will cause direct viewing into our front bedroom which will result in increased noise.”

Submission 3:
- “Concern is of breach of privacy from the park area proposed adjacent to Durawi St which proposes 24hr access to the park. Patrons of the park will have a direct view from an elevated height onto properties along Durawi St.”
- “Increased traffic and 24hrs parking is also expected along Durawi St which is a narrow one way street which already has contrary driving direction and parking issues.
- For these reasons this submission proposes the park (playspace) is relocated to the Clunies Ross side of the hill, or scrapped all together.”
- An elevated aspect from a park or playspace into a residential property typically occurs at numerous locations throughout the LGA. Residential aspect assists surveillance and inhibits anti-social activities.
- Traffic issues are being addressed as part of CTC-18-181 which includes an expanded consultation area to include the residents of Durawi St.
- A park or playspace on the Clunies Ross or western side of the Prospect Hill open space was investigated within the development processes of the Landscape Masterplan and the utility of spatial uses within the open space study area was better served by locating agricultural gardens on the western ridgeline and a play facility on the lower level area adjacent to Warin Ave and Durawi St. Open space for passive recreation by the local community is limited on the northern side of
<table>
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<th>Comments / Suggestions</th>
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<tr>
<td></td>
<td>Pemulwuy and a local park with playspace at this location and another on the Driftway Dr side of the Lakewood open space will provide an ideal distribution of play facilities for local residents within the locality.</td>
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<tr>
<td>Submission 4:</td>
<td></td>
<td>No change is recommended for Submission 4.</td>
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<tr>
<td>- “Butu Wargun Drive should be open. We need more open roads diverting traffic away from the 3 current streets open at the moment (in Pemulwuy). Butu Wargun Drive has been closed to the public and we cannot get our families up the hill.”</td>
<td>- The thoroughfare of vehicular traffic through Pemulwuy is outside of the projects parameters and will be considered separately by Traffic Engineers. Vehicular proximity to the Prospect Hill open space is currently available from Clunies Ross St or Reconciliation Rise.</td>
<td></td>
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<tr>
<td>Submission 5:</td>
<td></td>
<td>A change is recommended for Submission 5:</td>
</tr>
<tr>
<td>“As raised at the public hearing, I:</td>
<td></td>
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<tr>
<td>- support the proposed community land classification (categorisation)</td>
<td>- Support for the currently proposed ‘Area of Cultural Significance’ Local Government Act category is noted.</td>
<td></td>
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<tr>
<td>- congratulate Council and stakeholders on their progress so far for this historically, culturally and environmentally significant prominent public asset</td>
<td>- Appreciation for progress by Council and stakeholders is noted.</td>
<td></td>
</tr>
<tr>
<td>- suggest the proposed pedestrian bridge over Butu Wargun Dr be subject to a design competition to encourage a best design for this prominent gateway bridge”</td>
<td>- A competition for the design of a prominent pedestrian bridge across Butu Wargun Drive can be considered in consultation with Council’s ATSICC.</td>
<td></td>
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<tr>
<td>- object strongly to wasting a small part of the site for exposed car parking which can</td>
<td>- In response to the amount of proposed car parking at the hearing, the quantity and</td>
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<tr>
<td>Comments / Suggestions</td>
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<tr>
<td>be provided through nearby on street parking (under the cultural building is acceptable) as parking is not the best use of available funding.</td>
<td>location of the proposed large carpark was raised at Council’s ATSICC Ordinary Meeting held on 5 February 2019. The Committee supported revising the quantity and location of car parking and the caretaker residence from the western ridgeline to the Clunies Ross road reserve. The merits of the alternative location include the preservation of natural ground levels, expansion of the agricultural gardens and to centralise high ground impacting features to areas which have already been significantly impacted. The road reserve was significantly excavated prior to the State Heritage Register (SHR) listing. The alternative location aligns with the objectives of the SHR, Prospect Hill strategic plans and Council’s ATSICC.</td>
<td>Masterplan which is included within the Draft Plan of Management is recommended. The new revision of the Draft Landscape Masterplan is included in Attachment 2 of this report.</td>
</tr>
</tbody>
</table>
Item No: C03/19-36

TENDER EVALUATION REPORT - MONA PARK CHANGEROOMS UPGRADE

Responsible Division: Works & Infrastructure
Officer: Director Works & Infrastructure
File Number: T-2018-034
Community Strategic Plan Goal: A great place to live

SUMMARY

This report outlines the outcome of the tender evaluation process for tender No. T-2018-034 for the construction of Mona Park Changerooms Upgrade and recommends that Council award the tender to Axis Constructions Pty Ltd (ABN 79 002 482 359).

RECOMMENDATION

That Council:

1. Accept the Evaluation Panel's recommendation to award the Contract for the construction of Mona Park Changerooms Upgrade to Axis Constructions Pty Ltd (ABN 79 002 482 359) in accordance with Clause 178(1)(a) of the Local Government (General) Regulation 2005, for an amount of $747,678.00 ex GST as the most advantageous and best value offer received.

2. Delegate to the General Manager the authority to execute the contract and any associated documents.

REPORT

Tender Information

<table>
<thead>
<tr>
<th>Tender Number:</th>
<th>T-2018-034</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tender Title:</td>
<td>Mona Park Changerooms Upgrade</td>
</tr>
<tr>
<td>Advertising:</td>
<td>7 August to 30 August 2018</td>
</tr>
</tbody>
</table>

Background

This tender is for the construction of the Mona Park Changerooms Upgrade as identified in Council’s 2018/19 Capital Works Program.
Tender Process

Tenders were invited by way of public invitation. Advertisements announcing the public invitation were placed in the Sydney Morning Herald, Auburn Review, NSW e-Tender websites on 7 August 2018 and the Parramatta Advertiser on 8 August 2018.

The invitation documents called for prospective tenderers to submit lump sum tenders for an agreed scope of works to construct upgraded changing rooms at Mona Park in Auburn.

A mandatory pre-tender meeting was held at the proposed work site within Mona Park on Monday, 13 August 2018 to allow tenderers to become familiar with latent site conditions and Council requirements for the work.

The following addendum was issued to all prospective tenderers during the invitation period.

- Addendum No.1 was issued on Wednesday, 22 August 2018. The Addendum also included Minutes of the pre-tender meeting

The tender portal closed at 2pm on Thursday, 30 August, 2018.

Details of Tenders Received

The following tenders were received:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>ABN</th>
</tr>
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<tbody>
<tr>
<td>AGM Construction Pty Ltd</td>
<td>75 074 512 507</td>
</tr>
<tr>
<td>Avant Constructions Pty Ltd</td>
<td>79 001 432 524</td>
</tr>
<tr>
<td>Axis Constructions Pty Ltd</td>
<td>79 002 482 359</td>
</tr>
<tr>
<td>Elite Commercial Solutions Pty Ltd</td>
<td>96 092 042 905</td>
</tr>
<tr>
<td>Kellyville Building Pty Ltd</td>
<td>57 117 300 517</td>
</tr>
<tr>
<td>MW Civil Engineering Constructions Pty Ltd</td>
<td>72 095 173 032</td>
</tr>
<tr>
<td>Sudiro Constructions Pty Ltd</td>
<td>17 002 039 330</td>
</tr>
<tr>
<td>Adaptive Pty Ltd ATF Adaptive Trust t/a Dezign</td>
<td>30 841 898 791</td>
</tr>
<tr>
<td>We Build Australia Pty Ltd</td>
<td>40 169 084 600</td>
</tr>
</tbody>
</table>

Weighted Evaluation

Each tender received was scored against each of the weighted evaluation criteria as stated in the tender document and agreed by the Tender Evaluation Panel. The weighted criteria included requirements to demonstrate:
Each Tender Evaluation Panel Member assessed and evaluated each of the tenders received independently and scored these in accordance with the predetermined weightings. The individual Tender Evaluation Panel Member assessments were discussed by the panel and a consensus score was agreed for each evaluation criteria.

The combined final assessment ranking is as follows:

<table>
<thead>
<tr>
<th>Tenderer</th>
<th>Ranking</th>
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<tbody>
<tr>
<td>Axis Constructions Pty Ltd</td>
<td>1</td>
</tr>
<tr>
<td>Kellyville Building Pty Ltd</td>
<td>2</td>
</tr>
<tr>
<td>Elite Commercial Solutions Pty Ltd</td>
<td>3</td>
</tr>
<tr>
<td>Avant Constructions Pty Ltd</td>
<td>4</td>
</tr>
<tr>
<td>Sudiro Constructions Pty Ltd</td>
<td>5</td>
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<tr>
<td>MW Civil Engineering Constructions Pty Ltd</td>
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<tr>
<td>AGM Construction Pty Ltd</td>
<td>7</td>
</tr>
<tr>
<td>We Build Australia Pty Ltd</td>
<td>8</td>
</tr>
<tr>
<td>Adaptive Pty Ltd ATF Adaptive Trust t/a Design</td>
<td>9</td>
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</tbody>
</table>

Further details in relation to the Tender Evaluation Panel’s assessment is included under Attachment 1, which is included as a confidential item with this report.

The Tender Evaluation Panel concluded that the tender received from Axis Constructions Pty Ltd, which achieved the highest score, represents the best value option for Council.

COMMUNITY ENGAGEMENT

Council invited open tenders for a period of 24 days (minimum 21 days) in accordance with Clause 167 of the Local Government (General Regulation).

POLICY IMPLICATIONS

The tender process was undertaken in accordance with Council’s Procurement Framework and Procedures.

FINANCIAL IMPLICATIONS

The 2018/19 Budget for the construction of Mona Park Changerooms Upgrade is $520,000. The total project budget, including a construction contingency and project management costs is $795,000. It is proposed to fund the balance of the project costs, $275,000, from the 2019/20 Capital Works Program.
CONCLUSION

This report outlines the outcome of the tender evaluation process for tender No. T-2018-034 for the construction of Mona Park Changerooms Upgrade and seeks Council endorsement and resolution to award the tender to Axis Constructions Pty Ltd.

This tender for the construction of the Mona Park Changerooms Upgrade is identified in Council’s 2018/19 Capital Work Program. Tenders were invited by way of public invitation.

Nine tenderers submitted lump sum tenders and each tender received was scored against pre-selected weighted evaluation criteria.

The final assessment ranking of tenders resulted in Axis Constructions Pty Ltd being the preferred tenderer.

ATTACHMENTS

1. Tender Evaluation Report (confidential)
2. Tender Evaluation Scoresheet (confidential)
Item No: C03/19-37

PARKING FINE CONCESSIONS

Responsible Division: Works & Infrastructure
Officer: Director Works & Infrastructure
File Number: HC-24-05-25
Community Strategic Plan Goal: A safe accessible community

SUMMARY

This report provides information relating to the NSW Government’s review of parking fines and in particular, the option for Councils to now opt-in to provide parking fine concessions within the Local Government Area (LGA). This includes information provided by the Treasurer and an analysis of any financial impact on Cumberland Council, through implementation of the identified concessions.

RECOMMENDATION

That Council write to the NSW Treasurer, advising of Council’s decision not to opt-in to reduced parking fines within the Cumberland Local Government area.

REPORT

Background

In June 2018, the NSW Government announced plans to undertake a review of parking and other fines which included reducing the penalty amounts for a limited range of parking offences by 25%, in areas where NSW Government rangers patrol. These areas include Sydney Olympic Park, Centennial Park, Royal Botanic Gardens and Parramatta Park. At that time, interest was also sought from Council’s throughout NSW in reducing the fine amount for 10 specific offences under the Road Rules 2014, from $112 to $80.

In responding to a media enquiry relating to this matter (via the Parramatta Advertiser – 27 June 2018), Cumberland Council reiterated that the amount of each infringement notice is determined through legislation, with any change to the fine amounts being facilitated through Revenue NSW. For consistency across NSW, this is communicated by way of the Local Government Fixed Penalty Handbook. Council therefore advised that they would be guided by Revenue NSW regarding any changes to penalty amounts.

In December 2018, the NSW Treasurer (Hon Dominic Perrottet) wrote to all Councils advising that the Government had made the necessary regulatory changes to allow Councils to reduce their fines. This correspondence also identified that the list of 10
specific offences had been expanded to include 52 offences under the *Road Rules 2014* and was accompanied by a request for Councils to reply by 1 January 2019, should they wish to opt-in under the new legislation. A range of subsequent dates was also presented, should Councils wish to opt-in after that time.

With a break in Council Meetings over the Christmas period, Council responded prior to the 1 January 2019 deadline advising that a report would be prepared for Council’s consideration and resolution in early 2019.

**Financial Implications**

In determining the potential financial implications associated with Council choosing to opt-in and subsequently reduce the listed penalty amounts from $112 to $80, a review of infringements issued during the 2017/18 financial period was undertaken. This revealed that 28% of the total infringements issued related to parking offences subject to the current initiative. The financial implication of applying a reduced fine amount to these infringements is presented below in Table 1.

**Table 1 – 2017/18 Financial Year**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of infringements issued related to the current initiative</td>
<td>4,210</td>
</tr>
<tr>
<td>Total value of infringements @ $112 each</td>
<td>$472,864</td>
</tr>
<tr>
<td>Total value of infringements @ $80 each</td>
<td>$337,760</td>
</tr>
<tr>
<td>Reduction in revenue</td>
<td>$135,104</td>
</tr>
</tbody>
</table>

An increase to staff resources within the Parking Patrol Team during the current operating period resulted in a projected increase in fines received for the 2018/19 financial period. A review of infringements issued at the end of Quarter 2 (July – December 2018) has therefore also been undertaken which revealed that 29% of the total infringements issued related to parking offences subject to the current initiative. The financial implication of applying a reduced fine amount to these infringements is presented below in Table 2.

**Table 2 – 2018/19 Financial Year (at end of Quarter 2)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of infringements issued related to the current initiative</td>
<td>3,738</td>
</tr>
<tr>
<td>Total value of infringements @ $112 each</td>
<td>$418,656</td>
</tr>
<tr>
<td>Total value of infringements @ $80 each</td>
<td>$299,040</td>
</tr>
<tr>
<td>Reduction in revenue (based on 6 months)</td>
<td>$119,616</td>
</tr>
<tr>
<td>Reduction in revenue (based on 12 months)</td>
<td>$239,232</td>
</tr>
</tbody>
</table>
Council would therefore need to consider the ongoing reduction in revenue received through parking infringements and the potential impact on services this reduction in revenue may have.

Community Interest

Correspondence from the Treasurer’s Office indicated that “broad consultation revealed overwhelming support from the community for fine reductions”. Council has only received one enquiry from the Federation of Indian Associations of NSW (FIAN), in relation to this matter. In this correspondence, FIAN has primarily related their support to an associated NSW Government initiative that commenced on 31 January 2019, under which a 10 minute grace period has been implemented for paid parking of more than 1 hour. No further justification was provided.

COMMUNITY ENGAGEMENT

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

POLICY IMPLICATIONS

It is considered that a reduction in the penalty amount associated with some parking related offences will erode the current deterrent for motorists who choose to park illegally and also compromise programs currently aimed at improving road safety and traffic congestion.

It would also contradict the support Council’s Parking Officers receive from local businesses, in recognising that a fair and effective system of parking enforcement promotes a turnover of available parking spaces throughout Cumberland’s commercial areas and allows customers better access to those businesses.

RISK IMPLICATIONS

By not proceeding with the proposed reduction in fines, there is a potential reputational risk to Council through possible adverse media coverage.

FINANCIAL IMPLICATIONS

The financial implications for Council associated with this report are detailed above. In this regard, should Council opt-in to this NSW Government initiative, it is estimated that Council will need to reduce its projected revenue from fines received for the 2019/20 financial year by approximately $250,000.

CONCLUSION

Based on the information contained in this report, it is not considered to be in Council’s best interests to opt-in to the NSW Government initiative, to reduce the penalty amount associated with the identified list of parking offences under the Road Rules 2014.
The reduction in revenue is anticipated to impact Council’s budget by approximately $250,000 (for the 2019/20 financial year) and any effort to absorb that cost may result in a reduction in services provided.

It is therefore recommended that Cumberland Council maintain status quo and advise the NSW Treasurer of this decision.

ATTACHMENTS

Nil
Item No: C03/19-38

TENDERING EXEMPTION - RPS GROUP PTY LTD - MERRYLANDS CBD CULVERT UPGRADE PROJECT

Responsible Division: Works & Infrastructure
Officer: Director Works & Infrastructure
File Number: HC-23-06-17
Community Strategic Plan Goal: A great place to live

SUMMARY

This report seeks to gain Council’s endorsement to extend the scope of works that are included in the tendering exemption provided by Council in its resolution (minute 305) to report C10/18-201 considered at the 17 October 2018 Ordinary Meeting of Council.

RECOMMENDATION

That Council:

1. Approve an exemption to invite Tenders in accordance with s55(3)(i) of the Local Government Act 1993, as achieving a satisfactory result by inviting tenders is considered unlikely given the existing contractor is already providing project management services to Council that are directly related to the proposed additional scope of works.

2. Endorse the engagement of RPS Group Pty Ltd for the provision of Project Management Services for the Merrylands Neil Street precinct (HB Home Improvements), to the total maximum value of $190,800 excluding GST.

REPORT

Council at its Ordinary meeting on 17 October 2018 considered report C10/18-201, Tendering Exemption – RPS Group Pty Ltd – Merrylands CBD Culvert Upgrade Project. This report sought Council’s resolution to exempt the engagement of RPS Group from the Tender process and to set a budget for the exempt engagement. Council resolved (Minute 305) as follows;

That Council:

1. Approve an exemption to invite Tenders in accordance with s55(3)(i) of the Local Government Act 1993. As achieving a satisfactory result by inviting tenders is considered unlikely given the existing contractor is already providing project management services to Council that are directly related to the proposed additional scope of works.
2. Endorse the engagement of RPS Group Pty Ltd for the provision of Project Management Services for the Merrylands Neil Street precinct culvert upgrade project, to the total maximum value of $244,800 excluding GST.

As indicated in the subject report the project management services to be provided by RPS Group Pty Ltd were for works on the Neil Street sites being developed by Landmark Group Pty Ltd and Dyldam Pty Ltd. At that time these sites were in active negotiation with Council or had Works in Kind Agreements active.

Subsequent to the October report discussions with the developer of the site 1-11 Neil Street, Merrylands, HB Home Improvements have occurred and now progressed to a point at which Council needs to formalise project management services for the civil works that are to occur on this site. As outlined in the previous report Council has reviewed the requirements for both of these construction projects and has determined that due to the scale and the technical requirements of the projects, it would not be feasible to burden existing Council personnel with the management of this project given existing capabilities and workloads.

In order to ensure Council has the appropriate project management controls in place, it proposed that Council endorse the direct engagement of RPS Group Pty Ltd as a single source procurement activity, for the HB Home Improvements site.

The attached proposal from RPS Group Pty Ltd exceeds the current tender thresholds and policy, however should Council choose to run a tender process for these services then it is possible that there may be interface issues between different project managers operating on the adjacent projects.

COMMUNITY ENGAGEMENT

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

POLICY IMPLICATIONS

Section 55(3)(i) of the Local Government Act 1993 allows Councils to enter into ‘a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders’.

RISK IMPLICATIONS

The current recommendation will provide oversight to the building of the stormwater culvert by Council’s preferred tenderer for its portion of the culvert construction. RPS Group has provided project management services for the finalisation of the culverts designs, specifications and construction methodologies on behalf of Council. This involvement not only provides superior knowledge of the infrastructure, but also directs management engagement with the design engineers and public services agencies that will ensure that Council’s interests are promoted in a coordinated manner.
FINANCIAL IMPLICATIONS

The proposal sought from the RPS Group has been provided on an hourly rate basis with an upper estimate value provided. This is due to the uncertainties around the project management resources required due to the timings of works on the HB Improvement site, the extent of quality assurances processes required and the stage of negotiations with Dyldam on the WIKA for their development. Whilst it is unlikely that the upper value estimate will be reached, it is a value that is in total above the tender threshold amount when considered as one package of works.

As outlined in the previous report to Council a process of comparison market prices was conducted which revealed that the submitted rates by RPS Group are at the lower end of the market spectrum.

Due to the nexus that will be achieved by the provision of the project management services by a single provider and the coordination of works on adjoining sites it is not proposed to seek additional funding from Council at this time. The Merrylands Capital Project Control Group is tasked with the oversight of the budget for the Merrylands Culvert works, which now incorporates the works in the Merrylands Neil Street precinct. As such the Project Control Group will monitor the activities of the RPS Group.

As provided in the previous report the cost of performing these services can be funded from within the existing capital budgets.

CONCLUSION

Section 55(3)(i) of the Local Government Act 1993 allows Councils to enter into a contract without tendering when there is extenuating circumstances, or potential for uncompetitive and unreliable tenders to be submitted. Additionally, the proposal from RPS Group Pty Ltd provides the best value for money whilst mitigating all risks associated with the management of the project.

It is therefore recommended that Council endorse the attached proposal from RPS Group Pty Ltd on the basis as outlined above, as extenuating circumstances exist that would not achieve a more satisfactory result.

ATTACHMENTS

1. Proposal From RPS Group Pty Ltd (confidential)
NOTICE OF MOTION - STAFF ALLOCATIONS AND RESOURCES - STREET AND TOWN CENTRE CLEANING

Councillor: Ned Attie
File Number: SC483

SUMMARY

Pursuant to Notice, Councillor Attie submitted the following Motion.

NOTICE OF MOTION

That:

1. A report including but not limited to the following, be provided to Council regarding staff allocations and resources that are currently in use for street and town centre cleaning along with verge mowing and the general state of the LGA:
   a) The number of staff Council employs to undertake the general cleaning of the LGA including any contractors used;
   b) The number of teams and what area they look after including the number of streets they are responsible for;
   c) The number of street sweepers council owns and where and when they are deployed including how often they are used;
   d) Which town centres are cleaned and how often;
   e) The cost of implementing an LGA wide verge mowing service for the community;
   f) The number of staff and/or teams required to increase the current level of services to an acceptable standard;
   g) Any equipment required to increase the current level of services to an acceptable standard;
   h) A draft service model to evenly distribute cleaning staff and crews across the LGA; and
   i) The cost implications for increasing the required resources above to meet community expectations.

2. The report include an LGA wide total amount for the above and also have the results divided in 3 parts with respect to items 1, 2 and 3.

3. The division of the 3 parts will be the East of the LGA from Rookwood cemetery to Duck River, the Centre of the LGA being the former Woodville Ward and the West of the LGA from the Merrylands Railway Line to Prospect Reservoir.

4. The report not include waste collection services, that is the collection of domestic/commercial waste bins.
5. If required, the report include staff recommendation for future expansion of the cleaning services to our town centres and wider LGA for budget purposes.

RESOURCING IMPLICATIONS

This report can be provided with existing Council resources.

GENERAL MANAGER ADVICE

This report will be prepared for the 5 June 2019 Council meeting.

ATTACHMENTS

Nil