
PROPOSED CATEGORISATION OF PROSPECT HILL

PUBLIC HEARING REPORT

FINAL REPORT

28 FEBRUARY 2019



CUMBERLAND COUNCIL

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Parkland Planners

ABN: 33 114 513 647

PO Box 41
FRESHWATER NSW 2096

tel: (02) 9938 1925
mob: 0411 191 866

sandy@parklandplanners.com.au

www.parklandplanners.com.au

DIRECTOR: Sandy Hoy

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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 Pemulwuy, 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



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



Former quarry on western side of Prospect Hill



Path, steps to Prospect Hill from Reconciliation Rise



View south to Prospect Hill from water tanks



Water tanks



Eastern boundary of Prospect Hill at Durawi Street



View west to Prospect Hill from Durawi 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:

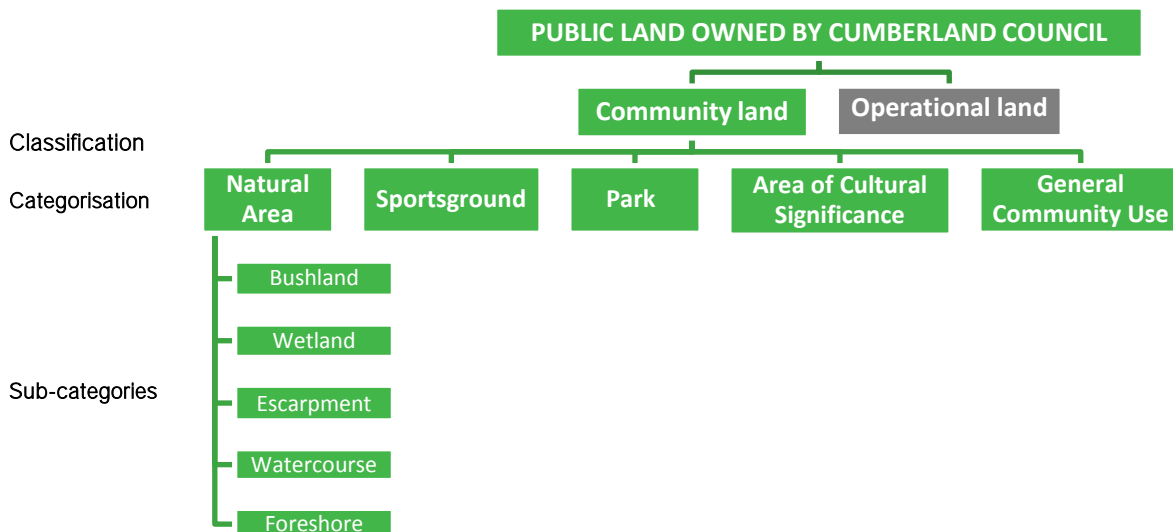
- ❑ verbal submissions made at the public hearing held on 13 December 2018.
- ❑ written submissions received at the public hearing and received by Council during the public exhibition from 28 November 2018 to 22 January 2019.

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.

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.

Figure 4 Draft Landscape Masterplan for Prospect Hill





Circulation & Elements Plan
Prospect Hill
Draft Landscape Masterplan


 Date: 26th October 2018
 For Public Exhibition



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 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.

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.

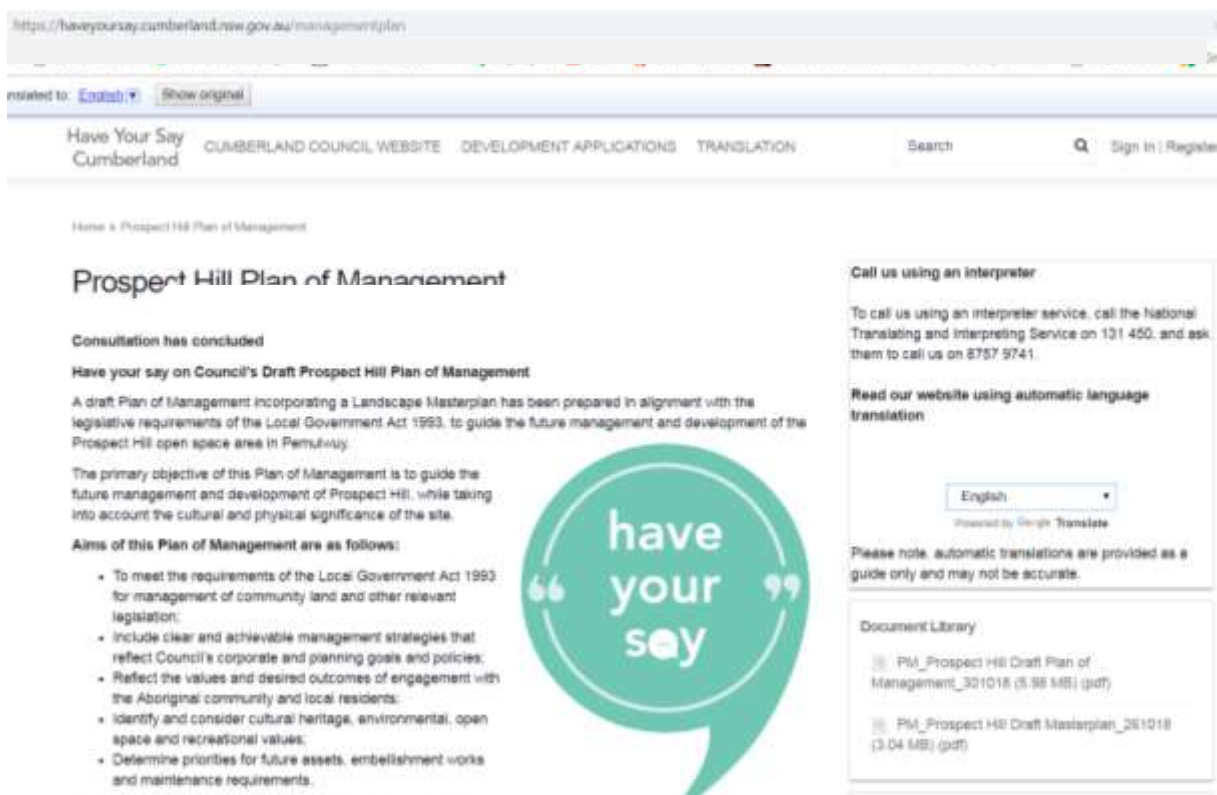
The various ways in which Cumberland Council notified the community of the public exhibition and public hearing are outlined below. All notifications invited comments by post, email and online.

3.1.2 Online notification

Council notified the community of the public exhibition of the Draft Plan of Management and the public hearing on its website at <https://haveyoursay.cumberland.nsw.gov.au/managementplan>.

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**



A public hearing is being held to confirm the inclusions within the draft Plan of Management and the community is invited to attend. Please register your details below.

Ways to view the Plan

To download a copy of the documents please click on the right hand side of this page under Document Library.
Copies of the Plan are also available in Council's customer service centres and libraries.

If you would like a hard copy of the Plan posted to you please phone 8757 9547, or email bella.shamal@cumberland.nsw.gov.au

PUBLIC HEARING **SUBMISSIONS**

Register here

Consultation

Key Dates

Submissions Accepted
28 November 2018 – 22 January 2019

Public Hearing
13 December 2018

Who's listening

ADAM FORD OF

Landscape Architect
Cumberland Council

Phone: 8757 9000
Email: adam.ford@cumberland.nsw.gov.au

Bella Shamal BS

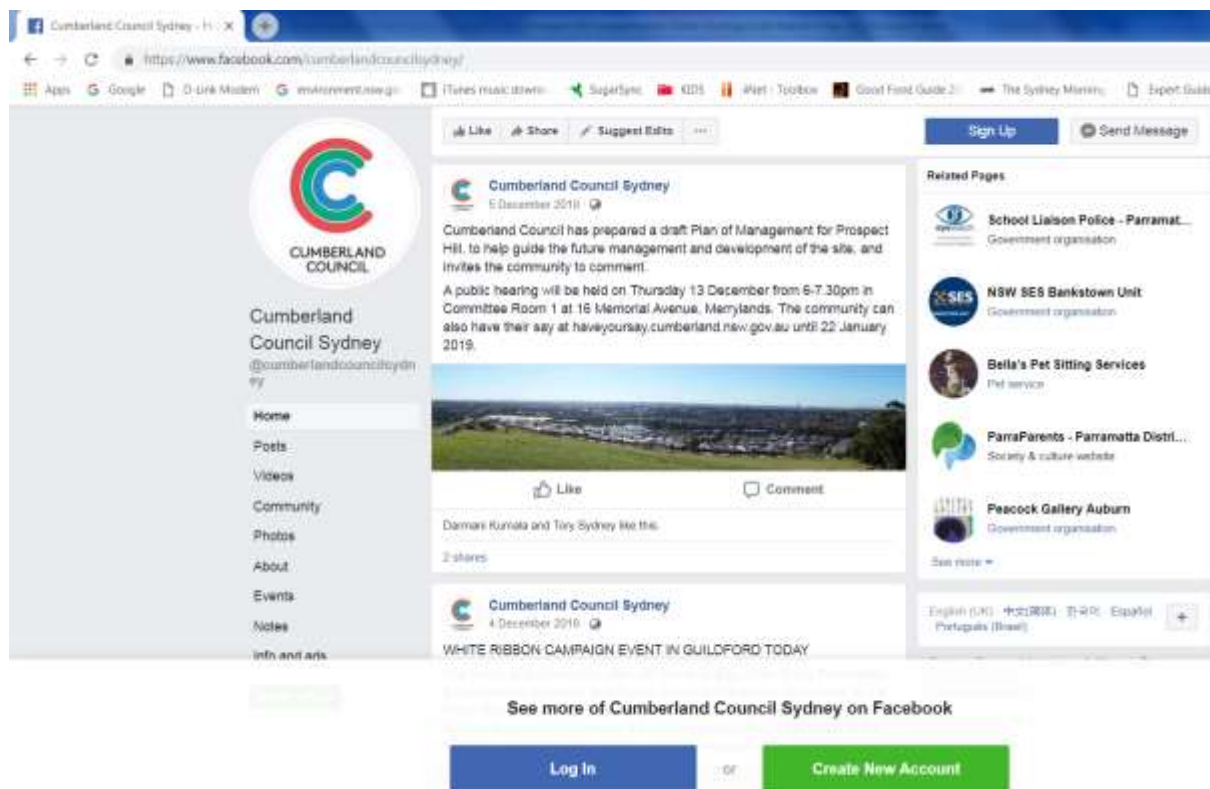
Engagement Officer
Cumberland Council

Phone: 8757 9000
Email: bella.shamal@cumberland.nsw.gov.au

REGISTER
to have your say

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.

Figure 7 Newspaper notification about the public hearing



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. We've prepared 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 flagship Christmas event, Christmas in the Gardens, will be held on Saturday 8 December from 5-10pm at Auburn Botanic Gardens, Chisholm 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, Dr. Seuss-themed foods and an open air movie screening of 'The Grinch'.

Our seniors Christmas lunches 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 the community for your patronage, the libraries are hosting 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.

Clr Greg Cummings

The draft Plan of Management defines the future management and development priorities as prescribed by its categorization under the Local Government Act.

A Public Hearing for these inclusions will be held between 6pm and 7.30pm on Thursday 13 December 2018 in Committee Room 1, Cumberland Council Service Centre, 16 Memorial Avenue, Merrylands.

Should you have any enquiries in relation to the draft Plan of Management, please contact Council's Landscape Architect, Adam Ford on **8757 9626**.

Reverse Vending Machines Kiosks

Reverse vending machines are a key part of container deposit systems, which see 70% to almost 100% of all drink containers returned for recycling. Cumberland Council has selected the below sites as suitable for reverse vending machines as part of the NSW Container Deposit Scheme aimed at reducing waste from used drink containers. The sites are to be located within the car parking areas of:

- Holroyd Gardens
- Central Gardens Nature Reserve
- Auburn Botanic Gardens

For more information please contact Cumberland Council's Senior Property Coordinator, Frank Qureshi on **8757 9303**.

Proposed Developments

Multi-Dwelling

The exhibition period for the following application is from 27 November 2018 to 11 December 2018.

File: DA-329/2018
Site: 1 Stanley Road, Lidcombe; Lot 1 DP 11574
Proposed: Demolition of existing dwelling, ancillary structures and construction of new 2-storey multi-dwelling housing with attic, basement parking and strata subdivision
Contact: Rennie Rounds, **8757 9930**

Boarding House

The exhibition period for the following application is from 27 November 2018 to 11 December 2018.

File: DA-340/2018
Site: 98 St Hilliers Road, Auburn; Lot 1 DP 1135754
Proposed: Demolition of existing single-storey house and construction of a 6-storey boarding house over basement parking
Contact: Bianca Chiu, **8757 9408**

Cumberland Council invites public comment on these Development Proposals before making a decision. Plans for the proposals may be inspected at Council's Administration Building, Merrylands Office Customer Services Counter, 16 Memorial Avenue, Merrylands and Auburn Office Customer Services Counter, Civic Place, 1 Susan Street, Auburn, between 8.30am and 4pm, Monday to Friday (public holidays accepted). Any person wanting to lodge a submission may do so up until 4pm on the closing day of the exhibition period.

Any submission made in regard to an application may be accessed by third parties under the Government Information (Public Access) Act 2009 and may be reproduced in whole or in part in Council reports and in court proceedings.

Disclosure of Political Donations or Gifts

If you have made a political donation or gift to or for the benefit of a political party, an elected member, group, candidate, local Councillor or Council employee, you may be required to make a formal disclosure pursuant to section 147 to the Environmental Planning and Assessment Act 1979 (EP & A Act). For more information on your obligations and to obtain a disclosure form if needed, please visit Council's website cumberland.nsw.gov.au

Merrylands Service Centre hours are 8am to 4.30pm, Monday to Friday. Auburn Service Centre hours are 8.30am to 4pm, Monday to Friday. All correspondence should be addressed to the General Manager. Ordinary Council Meetings of Cumberland Council are held at 6.00pm on the first and third Wednesday of each month (except in January) at the Merrylands Administration Building, 16 Memorial Avenue, Merrylands. For more information on Council Meetings, please call 8757 9000 or visit our website.

Cumberland Council | 16 Memorial Avenue (PO Box 42), Merrylands NSW 2160
General Manager: Hamish McNulty

T 8757 9000 F 9840 9734 W cumberland.nsw.gov.au
 E council@cumberland.nsw.gov.au f Cumberland Council Sydney

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
- Council's Auburn, Granville, Greystanes, Lidcombe, Merrylands, Regents Park and Wentworthville Libraries.

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 Deaner 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.

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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 Durawi 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 Butu 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 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 Pemulwuy, 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.

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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