

# CUMBERLAND CITY COUNCIL

## Council Meeting

*Wednesday, 3 March 2021 at 6:30pm*

Cumberland City Council Chambers

Merrylands Service Centre, 16 Memorial Avenue, Merrylands

## Councillor Contact Details

### Granville Ward

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

### Greystanes Ward

Clr Eddy Sarkis (Deputy Mayor)	0418 306 918	Eddy.Sarkis@cumberland.nsw.gov.au
Clr Greg Cummings	0417 612 717	Greg.Cummings@cumberland.nsw.gov.au
Vacant	-	-

### 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 Paul Garrard	0414 504 504	Paul.Garrard@cumberland.nsw.gov.au
Clr Tom Zreika	0400 805 303	Tom.Zreika@cumberland.nsw.gov.au
Clr Glenn Elmore	0418 459 527	Glenn.Elmore@cumberland.nsw.gov.au

### Wentworthville Ward

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

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## ORDER OF BUSINESS

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- 1 Opening Prayer / Acknowledgement of Country / National Anthem**
- 2 Notice of Live Streaming of Council meeting**
- 3 Apologies / Requests for Leave of Absence**
- 4 Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**
- 5 Confirmation of Previous Minutes**  
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- 6 Mayoral Minutes**  
Nil
- 7 Public Forum / Presentation of Petitions**
- 8 Items Resolved by Exception**
- 9 Reports to Council**  
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Nil  
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Nil  
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Item No: C03/21-684

## **MINUTES OF THE ORDINARY MEETING OF COUNCIL - 17 FEBRUARY 2021**

Responsible Division:

Finance & Governance

Officer:

Director Finance & Governance

### **RECOMMENDATION**

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**That Council confirm the minutes of the Ordinary Meeting of Council held on 17 February 2021.**

### **ATTACHMENTS**

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1. Draft Minutes - 17 February 2021 [↓](#)



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-684

Attachment 1

Draft Minutes - 17 February 2021



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## Minutes of the Council Meeting 17 February 2021

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**Present:**

Steve Christou (Mayor)	Councillor
Eddy Sarkis (Deputy Mayor)	Councillor
Ned Attie	Councillor (arrived 6:37pm)
George Campbell	Councillor (via web conferencing)
Greg Cummings	Councillor
Glenn Elmore	Councillor
Paul Garrard	Councillor
Ola Hamed	Councillor (via web conferencing)
Kun Huang	Councillor
Lisa Lake	Councillor
Joseph Rahme	Councillor (via web conferencing)
Suman Saha	Councillor
Michael Zaiter	Councillor
Tom Zreika	Councillor (via web conferencing)
Hamish McNulty	General Manager
Melissa Attia	Director Community & Organisation Development
Daniel Cavallo	Director Environment & Planning
Richard Sheridan	Director Finance & Governance
Brendan Govers	Acting Director Works & Infrastructure

**Also Present:**

Colin McFadzean	General Counsel
Carol Karaki	Acting Executive Manager Corporate Services
Olivia Shields	Senior Governance Officer

The Mayor, Councillor Christou declared the meeting open at 6:33pm.

**Opening Prayer**

The opening prayer was read by Pastor Edward Conteh from the Auburn Salvation Army.

**Acknowledgement of Country**

The Mayor, Councillor Christou read 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 past, present and emerging."*

**National Anthem**

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

**Notice of Live Streaming of Council Meeting**

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

**Apologies/Leave of Absence**

Nil

**Declarations of Pecuniary & Non Pecuniary Conflicts of Interest**

There were no declarations of interest.

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**Confirmation of Minutes**

**Min.1021      C02/21-674 Minutes of the Ordinary Meeting of Council - 3 February 2021**

**Resolved (Cummings/Attie)**

That Council confirm the minutes of the Ordinary Meeting of Council held on 3 February 2021.

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**Public Forum:****Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb
Roydon Ng	C02/21-681 Westmead - Submission on the Draft Westmead 2036 Place Strategy and Inclusion of Westmead South Precinct in Council's Strategic Planning Work Program	Lidcombe

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**Min.1022      Suspension of Standing Orders**

**Resolved (Sarkis/Garrard)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council suspend standing orders to allow Item C02/21-681 to be brought forward for consideration at this time of the Meeting.

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**Min.1023      C02/21-681 Westmead - Submission on the Draft Westmead 2036 Place Strategy and Inclusion of Westmead South Precinct in Council's Strategic Planning Work Program**

**Resolved (Garrard/Attie)**

That Council:



1. Endorse the draft submission on the *Draft Westmead 2036 Place Strategy* in Attachment 2 and forward to the Department of Planning, Industry and Environment including the following:
  - a) Enhanced connectivity – Call for NSW Government to immediately honour its commitment to widen the Bridge Road rail overpass.
  - b) Commuter Parking – Express the need for a clear plan to accommodate the demand for increased commuter parking, free short stay parking and residential parking in Westmead South.
  - c) Social Infrastructure – Express strong concern about overcrowding in the current school infrastructure and the need for a clear plan to address the anticipated increase in children numbers from the implementation of the Westmead Strategy.
2. Delegate authority to the General Manager to finalise the draft submission, including minor typographical changes.
3. Endorse that Westmead South precinct be included in Council's strategic planning work program, as provided in Attachment 3, with the following activities to be undertaken prior to further reports being considered by Council:
  - a. Completion of background analysis
  - b. Early community consultation on the planning proposal
  - c. Preparation of draft planning proposal
  - d. Preparation of draft planning controls associated with the planning proposal
  - e. Consideration of draft planning proposal by the Cumberland Local Planning Panel
  - f. Councillor briefings prior to early community consultation and prior to consideration by the Cumberland Local Planning Panel.

**Carried Unanimously**

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**Min.1024      Resumption of Standing Orders**

**Resolved (Attie/Cummings)**

That in accordance with Clause 8.2 of the Code of Meeting Practice, Council resume the normal order of business.

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**Min.1025      Matter of Urgency – Councillor Huang**

Councillor Huang raised a Matter of Urgency regarding the remarks made by the Mayor to the Sydney Morning Herald in regards to Council's cultural events.

The Mayor advised Councillor Huang that he did not believe the matter of urgency raised was of great urgency. The Mayor proceeded to put the Motion before the Chamber.

The Motion to have the Matter of Urgency be considered on being put 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:

Councillor(s) For the Motion: Campbell, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Christou, Cummings, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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**Min.1026 Matter of Urgency – Councillor Saha**

Councillor Saha raised a Matter of Urgency regarding the remarks made by the Mayor to the Sydney Morning Herald in regards to Council's cultural events.

The Mayor advised Councillor Saha that he did not believe the matter of urgency raised was of great urgency. The Mayor proceeded to put the Motion before the Chamber.

The Motion to have the Matter of Urgency be considered on being put 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:

Councillor(s) For the Motion: Campbell, Elmore, Hamed, Huang, Lake and Saha.

Councillor(s) Against the Motion: Attie, Christou, Cummings, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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**Min.1027 Items by Exception****Resolved (Sarkis/Elmore)**

That Council adopt items C02/21-675, C02/21-677, C02/21- 678, C02/21- 679 and C02/21-680 on the Council Agenda in bulk as per the recommendations in the reports.

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**Min.1028 C02/21-675 Legal Report****Resolved (Sarkis/Elmore)**

That the report be received.

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**Min.1029 C02/21-677 Australian Local Government Association (ALGA) - National General Assembly of Local Government****Resolved (Sarkis/Elmore)**

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That Council:

1. Confirm its participation in the annual ALGA National General Assembly 2021.
2. Give consideration to nominating the Mayor and/or Councillor(s) to attend the 2021 National General Assembly of Local Government to be held in Canberra from 20 – 23 June 2021; and
3. Give consideration to submitting motion(s) to the 2021 National General Assembly of Local Government.

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**Min.1030      C02/21-678 Monthly Management Accounts December 2020**

**Resolved (Sarkis/Elmore)**

That Council receive the information contained in this report.

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**Min.1031      C02/21-679 Investment Report - January 2021**

**Resolved (Sarkis/Elmore)**

That Council:

1. Receive the 31 January Investment Report.
2. Note the recommendation of Prudential Investments to increase the medium term growth fund from 5% of total balance to 10% noting this change is compliant with the Investment Policy.

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**Min.1032      C02/21-680 Report on Variations to Development Standards Approved under Delegation - October to December Quarter**

**Resolved (Sarkis/Elmore)**

That Council note this report.

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**Min.1033      C02/21-676 Quarter 2 Performance Report on the Operational Plan 2020-21 and Quarterly Budget Review Statement**

**Motion (Elmore/Saha)**

That Council:

1. Receive the report.
2. Approve the revised estimates of income and expenditure for 2019/20 contained in the Quarterly Budget Review Statement.
3. Remove the duplication of Granville Park Renewal Works and add Auburn South Community and Recreation Centre to the program subject to the availability of funding.

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**Amendment (Zaiter/Sarkis)**

That Council:

1. Receive the report.
2. Approve the revised estimates of income and expenditure for 2019/20 contained in the Quarterly Budget Review Statement.
3. Remove the duplication of Granville Park Renewal Works.

The Amendment moved by Councillor Zaiter seconded by Councillor Sarkis on being Put was declared CARRIED on the casting vote of the Mayor.

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 Amendment: Attie, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

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

The Amendment moved by Councillor Zaiter seconded by Councillor Sarkis then became the motion.

The motion moved by Councillor Zaiter seconded by Councillor Sarkis on being Put was declared CARRIED to become the resolution of Council (as shown in the amendment).

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, Christou, Cummings, Garrard, Rahme, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion: Campbell, Elmore, Hamed, Huang, Lake and Saha.

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**C02/21-677 Australian Local Government Association (ALGA) - National General Assembly of Local Government**

This item was dealt with earlier in the meeting.

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**C02/21-678 Monthly Management Accounts December 2020**

This item was dealt with earlier in the meeting.

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**C02/21-679 Investment Report - January 2021**

This item was dealt with earlier in the meeting.



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**C02/21-680 Report on Variations to Development Standards  
Approved under Delegation - October to December Quarter**

This item was dealt with earlier in the meeting.

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**C02/21-681 Westmead - Submission on the Draft Westmead 2036  
Place Strategy and Inclusion of Westmead South Precinct in  
Council's Strategic Planning Work Program**

This item was dealt with earlier in the meeting.

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**Min.1034 Closed Session****Resolved (Elmore/Cummings)**

At this stage of the meeting being 7:25pm, the Mayor advised that in accordance with Section 10a of the *Local Government Act 1993* the meeting would move into Closed Session, with the members of the press and public excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action was taken as the items listed were within the following provisions under Section 10a of the *Local Government Act*:-

- (2) *The matters and information are the following:*
- (b) *the personal hardship of any resident or ratepayer.*
- (d) *commercial information of a confidential nature that would, if disclosed*
- (iii) *reveal a trade secret.*

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**Min.1035 Open Session****Resolved (Elmore/Attie)**

Council returned to Open Session at 8:05pm to resolve the below Confidential Items:

C02/21-682 Local Infrastructure Contributions on Complying Development Certificate  
for 25 Daniel Street, Granville

C02/21-683 Proposed New Council Administration Building - Completed Feasibility  
Study

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**Min.1036 C02/21-682 Local Infrastructure Contributions on Complying  
Development Certificate for 25 Daniel Street, Granville****Resolved (Attie/Zaiter)**

That Council:

1. Note the contents of the report.
2. Endorse that Option 1 be applied in relation to local infrastructure contributions for Complying Development Certificate (CDC2020-0170) at 25 Daniel Street, Granville.

Councillor Hamed left the Meeting at 7:29pm and returned to the Meeting at 7:30pm during the consideration of this item.

Councillor Hamed left the Meeting at 7:31pm and returned to the Meeting at 7:32pm during the consideration of this item.

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**Min.1037      C02/21-683 Proposed New Council Administration Building - Completed Feasibility Study**

**Resolved (Attie/Rahme)**

That Council:

1. Receive the report.
2. Endorse that Council requires the amount of approximately 13,000 sqm for an Administration Building and proceed to an Expressions of Interest (EOI) process after a workshop has been conducted.
3. Include in the scope of the EOI, the Council Administration Building with sufficient carparking and any additional community benefits.
4. Receive a report following the EOI process for determination.

The motion moved by Councillor Attie seconded by Councillor Rahme on being Put 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, Christou, Garrard, Rahme, Sarkis, Zaiter and Zreika.

Councillor(s) Against the Motion:      Campbell, Cummings, Elmore, Huang, Lake and Saha.

The Mayor, Councillor Christou left the Meeting at 7:38pm. The Deputy Mayor, Councillor Sarkis assumed the Chair accordingly. The Mayor, Councillor Christou returned to the Meeting and assumed the Chair at 7:39pm.

Councillor Hamed left the Meeting at 7:40pm and returned to the Meeting at 7:41pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:52pm and returned to the Meeting at 7:54pm during the consideration of this item.

Councillor Hamed left the Meeting at 8:03pm during the consideration of this item and did not return to the Meeting.

The Mayor, Councillor Christou closed the meeting at 8:06pm.

Chairperson \_\_\_\_\_ General Manager \_\_\_\_\_





Item No: C03/21-685

**PROPOSED GRANTING OF EASEMENT THROUGH GREYSTANES SPORTSGROUND**

Responsible Division: Finance & Governance  
Officer: Director Finance & Governance  
File Number: 8713701  
Community Strategic Plan Goal: *A resilient built environment*

**SUMMARY**

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This report recommends that Council grant an easement through Greystanes Sportsground at 812 Merrylands Road, Greystanes to an adjoining property owner in accordance with their Development Consent.

**RECOMMENDATION**

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**That Council:**

1. In accordance with S.77 (1)(H) of the *Local Government Act 1993*, Council approve the creation of an easement from the rear of 2 Curra Place through part of Greystanes Sportsground at 812 Merrylands Road, Greystanes in accordance with DA2020/0017, subject to an independent valuation and compensation being paid to Council;
2. The final easement location and design be subject to expert advice of Council's Engineering team; and
3. The easement approval be subject to concurrence from Sydney Water and public notice being undertaken.

**REPORT**

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The subject property development application, DA2020/0017 for 2 Curra Place, Greystanes (Lot 6, DP 238723) was received by Council on 4 August 2020. The proposal sought approval for demolition of existing structures and construction of a two-storey attached dual occupancy with Torrens title subdivision into 2 lots. The site is approximately 15.67m from the front to rear.

As part of the assessment of the development, a referral was made to Council's Development Engineers for review. Following the review, it was recommended that the following deferred commencement conditions, relating to stormwater discharge on Council's Greystanes Sportsground, be imposed on the development.

**Stormwater Discharge and Drainage Easement**

There is no drainage easement adjacent to the rear boundary; therefore, a drainage easement is required to be created in favour of the property to be developed over the

downstream property/Council's reserve, to permit the disposal of stormwater to Council's stormwater drainage system.

### Creation of Drainage Easement

A drainage easement is required to be created in favour of the property to be developed over the downstream property/Council's reserve, to permit the disposal of stormwater to Council's stormwater drainage system.

All details as per section 7.8 of Council's On-site Stormwater Detention (OSD) Policy shall be provided and the drainage easement location shall not disturb any structures or root zone of existing trees within the property/properties. All trees within, overhanging or within 5m of proposed easement shall be accurately indicated. Documents relative to the creation of the easement are to be lodged with NSW Land Registry Services. All costs associated with the creation of easements shall be borne by the applicant. Downstream property owner's consent is to be provided as part of the easement creation.

An image of the proposed easement location is shown in yellow below.



As the subject property is required to drain via gravity to Council's stormwater system, the applicant submitted a stormwater plan demonstrating the proposed disposal method.

The proposed system is connected to an existing stormwater pipe/headwall owned by Sydney Water.

Council engineers are supportive of the proposal subject to a detail design.

It is requested that Council support the creation of the easement.

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**COMMUNITY ENGAGEMENT**

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

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**POLICY IMPLICATIONS**

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

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**RISK IMPLICATIONS**

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

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**FINANCIAL IMPLICATIONS**

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Council will command a level of compensation for this easement. This will be subject to an independent valuation report and must be paid by the applicant prior to granting of the easement.

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**CONCLUSION**

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It is now recommended that Council grant the easement through Greystanes Sportsground at 812 Merrylands Road, Greystanes to an adjoining property owner in accordance with their approved Development Consent.

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**ATTACHMENTS**

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Nil



Item No: C03/21-686

## **ROAD CLOSURE AND SALE OF PART OF FINNS LANE, MERRYLANDS**

Responsible Division: Finance & Governance  
Officer: Director Finance & Governance  
File Number: 8716582  
Community Strategic Plan Goal: *Transparent and accountable leadership*

### **SUMMARY**

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This report provides an update on the road closure process of part of Finns Lane, Merrylands and recommends that Council proceed with the road closure process, following a public notification process, and execute a sale process to the adjoining property owners in accordance with independent valuation.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Approve the permanent closure of Finns Lane between McFarlane Street and Main Lane, Merrylands.**
- 2. Prepare an amendment to the new Cumberland Development Control Plan to reflect changes to Finns Lane, Merrylands.**
- 3. Delegate authority to the General Manager to execute all documents to finalise the road closure.**
- 4. Delegate authority to the General Manager to sell that part of Finns Lane between McFarlane Street and Main Lane, Merrylands in accordance with the range of values in the independent valuation subject to the creation of an Easement outlined in the valuation report.**

### **REPORT**

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#### **Background**

On 16 February 2016, the former Holroyd Council resolved to provide in principle agreement to the closure of Finns Lane, between Main Lane and McFarlane Street, Merrylands, subject to traffic modelling. The traffic modelling confirmed that it supported the closure of part of Finns Lane, Merrylands and thus the sale of the land. The matter however was deferred as a result of Council's amalgamation.

On 3 April 2019, following the amalgamation of Council, an update on the proposed road closure and sale of part of Finns Lane, Merrylands was provided to Council and resolved in accordance with Min. 478, Item C04/19-55:

*“That Council delegate authority to the General Manager to consider any submissions made to Council with respect to the closing of a portion of Finns Lane, Merrylands, and to report to Council about this matter.”*

## Public Exhibition

The proposed road closure of part of Finns Lane, Merrylands was placed on public exhibition for a period of 28 days from 28 May 2019 to 25 June 2019. Twenty-two (22) submissions were received from the public and nearby landowners, and two (2) submissions were received from notifiable authorities. A summary of all submissions is attached to this report (Attachment 1) for Council’s consideration, including appropriate actions taken or required to resolve any objections.

The main concerns cited by the local community indicated traffic, pedestrian and parking concerns. Council has prepared an updated traffic assessment as part of the Traffic Management Plan (TMP) process to address the concerns that were raised from the public during consultation. The TMP was approved by Council’s Traffic Committee along with concurrence from Roads and Maritime Services (Attachment 2) and it was advised that the proposed road closure will not have an adverse impact on the surrounding roads and traffic flow. An easement for pedestrian access will also be created as part of the disposal process to ensure a portion of the laneway will be dedicated as a pedestrian pathway.

All submissions received during public consultations have been considered and addressed by Council. It is recommended that Council proceed to endorse the permanent closure and sale of part of Finns Lane, Merrylands.

## Amendments to the new Cumberland Development Control Plan

Minor amendments to Council’s Development Control Plan (DCP) will be required, as the planning controls are not fully consistent with the proposed road closure of part of Finns Lane, Merrylands. It is recommended that minor revisions are made to the Cumberland DCP to ensure the planning controls are consistent with Council’s resolution.





## COMMUNITY ENGAGEMENT

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The proposed road closure of part of Finns Lane, Merrylands was placed on public exhibition for a period of 28 days from 28 May 2019 to 25 June 2019. Twenty-two (22) submissions were received from the public and nearby landowners, and two (2) submissions were received from notifiable authorities. A summary of all submissions is attached to this report (Attachment 1) for Council's consideration, including appropriate actions taken or required to resolve any objections.

## POLICY IMPLICATIONS

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

## RISK IMPLICATIONS

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To alleviate risk associated with pedestrian traffic. An easement for pedestrian access will also be created as part of the disposal process to ensure a portion of the laneway will be dedicated as a pedestrian pathway.

## FINANCIAL IMPLICATIONS

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Sale proceeds for Finns Lane will be allocated to Roads Capital Budget as per requirements of the Road Act. To avoid creating a reserves the works can be prioritised within 12 months in capital works program.

## CONCLUSION

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It is recommended that Council approve the permanent closure of part of Finns Lane, Merrylands and proceed with the sale of the land with the adjoining property owners, in accordance with independent valuation.

## ATTACHMENTS

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1. Summary of Submissions [↓](#)
2. Approval Letter - Traffic Management Plan [↓](#)
3. Valuation Report (confidential)





DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-686

Attachment 1  
Summary of Submissions



## Summary of Submissions - Proposed Closure of a Public Road - Part of Finns Lane, Merrylands

Summary of Submissions received during the 28-day Public Exhibition Period from 28 May 2019 to 25 June 2019.

In total, twenty-four (24) submissions were received during public exhibition period – twenty-two (22) submissions from the public/owners of land adjoining the property and two (2) submissions from notifiable authorities. The following table summarises

Theme	Comments/suggestions	Council's response
<b>Proposed road closure – Part of Finns Lane, Merrylands</b>	Support was given in favour of the proposed road closure.	Submissions were acknowledged.
<b>Traffic Concerns</b>	The submissions received suggest that the proposed road closure will increase traffic congestion as it will increase the traffic flow onto other roads and laneways now and in the future when the area is developed.	<p>Council has prepared an updated traffic assessment as part of the Traffic Management Plan (TMP) process to address the concerns that were raised from the public during consultation. The TMP was approved by Council's Traffic Committee along with concurrence from Roads and Maritime Services.</p> <p>The impact of reassigned traffic will be minimal due to the low volume of traffic which will be reassigned to multiple route options.</p>
<b>Parking Access</b>	The submissions received had concerns on how the access point will be maintained and managed for the car parking spaces located on Finns Lane, Merrylands as the entry point will be affected.	The metal barriers from the rear of 18 -20 McFarlane Street, Merrylands will be removed to create a new access point for the car parking spaces. The access point will be maintained from Main Lane, Merrylands.

Theme	Comments/suggestions	Council's response
<b>Emergency and Service Loading Requirements</b>	The submissions received had concerns on how accessibility will be maintained for emergency services and service loading requirements. Does Council have an alternative lane or replacement point?	There are no additional provisions provided for emergency vehicles or heavy vehicles as alternate routes remain available.
<b>Pedestrian Access</b>	How will pedestrian access on Finns Lane, Merrylands be maintained? Concerns were raised that the proposed road closure will "create an unsafe environment, including pedestrian, lighting and accessibility".	An easement for pedestrian access will also be created as part of the disposal process to ensure a portion of the laneway will be dedicated as a pedestrian pathway.
<b>Council's Development Control Plans (DCP) &amp; SJB's Report to Council</b>	The report recommended by SJB Architects, that was adopted by Council and reflected in the Development Control Plan, is not in line with the proposed road closure of part of Finns Lane, Merrylands.	Minor amendments to Council's DCP will be required, as the planning controls are not in line with the proposed road closure of part of Finns Lane, Merrylands.
<b>Notifiable authorities - Crown Lands</b>	Crown Lands requested the following information: <ol style="list-style-type: none"> <li>1. Proof that the road is not a Crown road;</li> <li>2. Declaration/evidence of construction that the road will remain vested in Council upon closure; and</li> <li>3. Clear diagram of the proposed area with an adjoining Lot/DP</li> </ol>	Council published a notice in the Government Gazette of New South Wales, in accordance with <i>Section 16</i> of the <i>Roads Act 1993</i> on the 9 August 2019, dedicating the land known as Finns Lane, Merrylands as a public road. Council also provided a construction declaration, that ensures that the road will remain vested in Council after closure, and a clear diagram of the proposed area with an adjoining Lot/DP. Subsequently, Crown Lands have withdrawn their objection to the proposed road closure.

Theme	Comments/suggestions	Council's response
<b>Notifiable authorities - Endeavour Energy</b>	Endeavour Energy advised that there are underground cables on site that require an easement to be created. In addition, the streetlight on the portion of the proposed closure will be required to be relocated or removed as it was confirmed that streetlights are not to remain within closed roads.	Council has engaged a consultant, Rygate Surveyors, to assist Council in its road closure process and to create an easement for the underground cables. The removal/relocation of the streetlight will be relocated and/or removed by the adjoining owners as part of the sale process of part of Finns Lane, Merrylands.



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-686

Attachment 2  
Approval Letter - Traffic  
Management Plan







## Traffic Management Plan

### Proposal for permanent road closure of Finns Lane (Between McFarlane Street & Main Lane), Merrylands

#### Introduction

Cumberland Council have submitted a Traffic Management Plan (TMP) prepared by Cardno, in accordance with the Transport for NSW Procedures for Use in the Preparation of a Traffic Management Plan. Council proposes the permanent road closure of Finns Lane (between McFarlane Street & Main Lane), Merrylands.

#### Details

The closure of Finns Lane between Main Lane and McFarlane Street stops vehicles taking short cuts through Finns Lane to access McFarlane Street. The closed section of Finns Lane is to be incorporated into the adjoining development with the condition that a pedestrian arcade is to be created. There are array of alternate routes (such as Military Road, Merrylands Road, Pitt Street then McFarlane Street, or Pitt Street, Terminal Place, Merrylands Road, Pitt Street then onto McFarlane Street) that exist to access McFarlane Street.

As part of the assessment, traffic surveys were undertaken in November 2019. The surveys showed a total of 65 to 85 vehicles during the peak hours to utilise this portion of Finns Lane. This is mainly due to the on-street and off-street parking found along McFarlane Street. The impact of reassigned traffic will be minimal due to the low volume of traffic which will be reassigned to multiple route options.

Public transport services are not affected by the closures as there are no public transport services that utilise Finns Lane. There are no additional provisions provided for emergency vehicles or heavy vehicles as alternate routes remain available. The closure of Finns Lane is for vehicle-based traffic only and as such, will improve the safety of cyclists or pedestrians.

Public consultation has been undertaken with surrounding businesses and residents through a letterbox drop and an advertisement in the Auburn Review. The traffic utilising Finns Lane is not expected to result in any noticeable impacts in adjoining Council areas.

**Recommendation**

The submission from the Cumberland Council has satisfactorily addressed the necessary requirements of the TMP and the proposal road closure of Finns Lane (between McFarlane Street & Main Lane), Merrylands is **RECOMMENDED FOR APPROVAL**. Subject to the following condition;

- Detailed design and plans are submitted to local traffic committee for review – prior to construction.

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**RECOMMENDED**

**Ram Sritharan**  
Traffic Engineering Officer - South  
Network and Safety Services



5/11/2020

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**CONCURRENCE**

**Kshitij Shah**  
Network & Safety Services Manager – South  
Network and Safety Services



06/11/2020

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**APPROVAL**

**Nicolas Kocoski**  
Senior Manager Network & Safety Services – South East  
Network and Safety Services



10/11/2020

Item No: C03/21-687

## **2-36 CHURCH STREET, LIDCOMBE - POST-EXHIBITION REPORT ON PLANNING PROPOSAL AND VOLUNTARY PLANNING AGREEMENT**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: PP2019/1  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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The Planning Proposal for 2-36 Church Street, Lidcombe was endorsed by Council at its meeting of 20 May 2020 for a Gateway Determination. The resolution also required the preparation of an acceptable Voluntary Planning Agreement.

Following receipt of a Gateway Determination by the Department of Planning, Industry and Environment, and in accordance with Council's resolution, Council officers prepared and exhibited a Planning Proposal and draft Voluntary Planning Agreement. This report outlines the feedback received during exhibition, and proposed amendments to the Voluntary Planning Agreement requested by the Proponent and considered acceptable by Council officers following exhibition.

It is recommended that Council endorses the revised Voluntary Planning Agreement for re-exhibition and, subject to no significant objections on the Agreement being received, delegates authority to execute the Voluntary Planning Agreement. It is also recommended that Council finalise the Planning Proposal.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Adopt the recommended planning controls for 2-36 Church Street, Lidcombe, as previously resolved by Council, being:**
  - a. Increase the Height of Buildings controls from:**
    - 14.9 metres to 22 metres
    - 16.9 metres to 32 metres
    - 22.9 metres to 40 metres
    - 27 metres to 40 metres
  - b. Increase the Floor Space Ratio controls from 1:29:1, 1.49:1, 2.49:1 and 2.6:1 to 3.2:1.**
- 2. Finalise the Planning Proposal (Attachment 1), as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title.**

3. **Note that this Local Environmental Plan amendment will be published in the Government Gazette upon finalisation.**
4. **Endorse the revised Voluntary Planning Agreement (Attachment 2), noting that the amendments relate to the timing of payment and minor administrative changes only, with the scope and value of the public benefit offer the same as previously agreed by Council.**
5. **Endorse the revised Voluntary Planning Agreement be re-exhibited for a period of 28 days.**
6. **Endorse and delegate authority to the Mayor and General Manager to execute the revised Voluntary Planning Agreement on behalf of Council for 2-36 Church Street, Lidcombe, subject to no significant objections on the Agreement being received during re-exhibition.**

## REPORT

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### Background

A Planning Proposal request was lodged with Cumberland City Council on 14 November 2019 for 2-36 Church Street, Lidcombe which sought to increase the maximum Height of Building and Floor Space Ratio controls for the site under the *Auburn Local Environmental Plan (LEP) 2010* for this site.

On 8 April 2020, Council officers reported the Proponent's Planning Proposal and preliminary public feedback to the Cumberland Local Planning Panel with a recommendation that the proposal be supported, subject to reduced Height of Building and Floor Space Ratio controls. The Panel expressed general support for the recommendation and advised Council to weigh the social benefits of the proposal against concerns about overshadowing of Rookwood graves and the inconsistency with the Lidcombe Town Centre Strategy.

At its ordinary meeting of 20 May 2020, Council considered a report on the Proponent's Planning Proposal, along with the Panel's advice and preliminary public feedback. Council resolved to proceed to Gateway with an amended Planning Proposal with a maximum Height of Building control of 40 metres and a maximum Floor Space Ratio control of 3.2:1. Council also resolved to prepare a Voluntary Planning Agreement to capture public benefit arising from the proposal.

A Gateway Determination was issued for the proposal in 24 July 2020, endorsing for the Planning Proposal to proceed to statutory public exhibition.

### Public Exhibition

The draft Planning Proposal and draft Voluntary Planning Agreement were publicly exhibited for a period of 28 days, from 18 November 2020 to 15 December 2020. During this time, the exhibition material was made available on Council's website and in hard copy form at selected Customer Service Centres and Libraries. Owners and occupiers within a 400-metre radius of the site received written notification. Council also consulted with NSW Heritage and Transport for NSW.

No community submissions were received in response to the exhibition.

Public authority submissions were received from NSW Heritage and Transport for NSW. The submissions are summarised below:

- NSW Heritage does not object to the proposal but notes that Council's broader strategic planning identifies height limits of up to 60 metres in Lidcombe town centre. Careful consideration is to be given to ensure that Planning Proposals along to boundaries of the Cemetery and Necropolis avoid or minimise overshadowing and view impacts.
- Transport for NSW requested revised traffic modelling, a revised Traffic and Parking Impact Assessment and an Electro Magnetic Field (EMF) analysis of the proposed childcare centre. Initially this information was required prior to finalisation of the Planning Proposal; however, Transport for NSW provided subsequent advice confirming that the requested information, with the exception of the EMF analysis, could be provided at the Development Application stage. The Proponent has provided an EMF analysis to Council, confirming that a childcare centre is suitable for this location and is unlikely to be impacted by electromagnetic fields from the nearby railway line.

### **Voluntary Planning Agreement**

Council endorsed a draft Voluntary Planning Agreement for exhibition at its meeting of 4 November 2020. The Agreement provides for a monetary contribution to fund public domain, open space and drainage improvements in the Lidcombe Town Centre. The draft Voluntary Planning Agreement was exhibited concurrently with the Planning Proposal in accordance to statutory and policy requirements.

Following exhibition of the Voluntary Planning Agreement, the Proponent sought changes to the terms and conditions, namely the timing of payment of monetary contributions and other minor administrative amendments which are considered reasonable and acceptable. It is proposed that the monetary contribution (\$4,750,000) be paid in instalments as follows:

- (a) \$1,850,000 to be paid as a lump sum before the earlier of the following:
  - (i) prior to any Construction Certificate being issued for any part of Building A or Building B which is only made permissible by the LEP Amendment, or
  - (ii) 30 June 2023.
- (b) \$2,900,000 to be paid as a lump sum before the earlier of the following:
  - (i) prior to any Construction Certificate being issued for any part of Building C or Building D which is only made permissible by the LEP Amendment, or
  - (ii) 30 June 2023.

While the scope and value of the public benefit offer as agreed by Council have not changed, the timing of payment is considered a material change and therefore warrants re-exhibition of the Voluntary Planning Agreement for a period of 28 days.

It is recommended that Council endorses the revised Voluntary Planning Agreement, exhibits it for a period of 28 days and, subject to no significant objections to the Agreement during re-exhibition, delegates authority to execute the Voluntary Planning Agreement and have it registered on title.

## Planning Proposal

It is recommended that Council finalise the Planning Proposal, as delegated by the Minister, following execution of the Voluntary Planning Agreement and registration on title. It is noted that minor changes have been made to the Planning Proposal post-exhibition, namely a statement to the effect that the childcare centre is a suitable use for the site and is unlikely to be exposed to unacceptable levels of electromagnetic fields from the nearby railway line.

## COMMUNITY ENGAGEMENT

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Community engagement on the proposal is outlined in the main body of the report.

## POLICY IMPLICATIONS

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Policy implications are outlined in the main body of the report.

## RISK IMPLICATIONS

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There are minimal risk implications for Council associated with this report. The report's recommendation stipulates that the Voluntary Planning Agreement must be executed by both parties and registered on title prior to the Local Environmental Plan amendment being finalised.

## FINANCIAL IMPLICATIONS

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Financial implication for Council regarding the Voluntary Planning Agreement are outlined in the main body of the report.

## CONCLUSION

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As required by Council's resolution on 20 May 2020, Council officers prepared and exhibited a Planning Proposal and draft Voluntary Planning Agreement. This report outlines the feedback received during exhibition and provides an overview of the next steps required to finalise the Planning Proposal and Voluntary Planning Agreement.

## ATTACHMENTS

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1. Planning Proposal [↓](#)
2. Revised Voluntary Planning Agreement [↓](#)
3. NSW Heritage Submission [↓](#)
4. Transport for NSW Submission [↓](#)
5. Transport for NSW Further Advice [↓](#)
6. Gateway Determination [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-687

Attachment 1  
Planning Proposal







CUMBERLAND  
CITY COUNCIL

# PLANNING PROPOSAL

2-36 Church Street, Lidcombe



Proposal to facilitate development of the site for an integrated residential neighbourhood with a mix of social, affordable and private housing and a child care centre.

FOR FINALISATION

Feb 2021

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## Supporting Documents

Gateway Determination  
Cumberland Local Planning Panel Advice  
Cumberland Council Resolution  
Design Report  
Heritage Impact Statement  
Social Impact Statement  
Traffic Impact Statement  
EMF analysis  
Planning Agreement Letter of Offer  
Planning Agreement and Explanatory Note – Revised Feb 2021

## Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

## Introduction

Cumberland City Council (Council) prepared this Planning Proposal in response to a request made by Urbis on behalf of Billbergia Pty Ltd (the Proponent) for land at 2-36 Church Street, Lidcombe (the site).

The site is owned by the NSW Land and Housing Corporation, who seeks to redevelop the site as part of the *Communities Plus Program*. The purpose of the Program is to fast-track the delivery of high quality integrated residential areas with a strong sense of place, close to transport, employment and community facilities.

Sydney Central City Planning Panel issued development consent for the site in December 2019. This approval was based on the current controls of the site, and involves construction of 262 apartments.

The purpose of this planning proposal is to achieve greater social, affordable and private housing outcomes on the site through changes in the height and floor space ratio controls.

The form and content of this Planning Proposal complies with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (2016).

## Site location and context

The site is located at 2-36 Church Street, Lidcombe.

Lidcombe is part of the Central City District, 18km west of the Sydney CBD and 8km to the east of the Parramatta CBD (Figure 1). Lidcombe Railway Station is a major station in the Sydney Trains network, serviced by the T1 Western Line, the T2 Inner West & Leppington Line, the T3 Bankstown Line and the T7 Olympic Park line. There are also four bus stops located within a five- minute walk of the site, providing access to a range of local and cross-regional bus services.

The local context map at Figure 2 shows that the site is in close proximity to Lidcombe Town Centre (400m), Lidcombe Train Station (350m) and John Street retail area (300m). There is a light industrial area to the east of the site and Rookwood Cemetery to the south.



Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

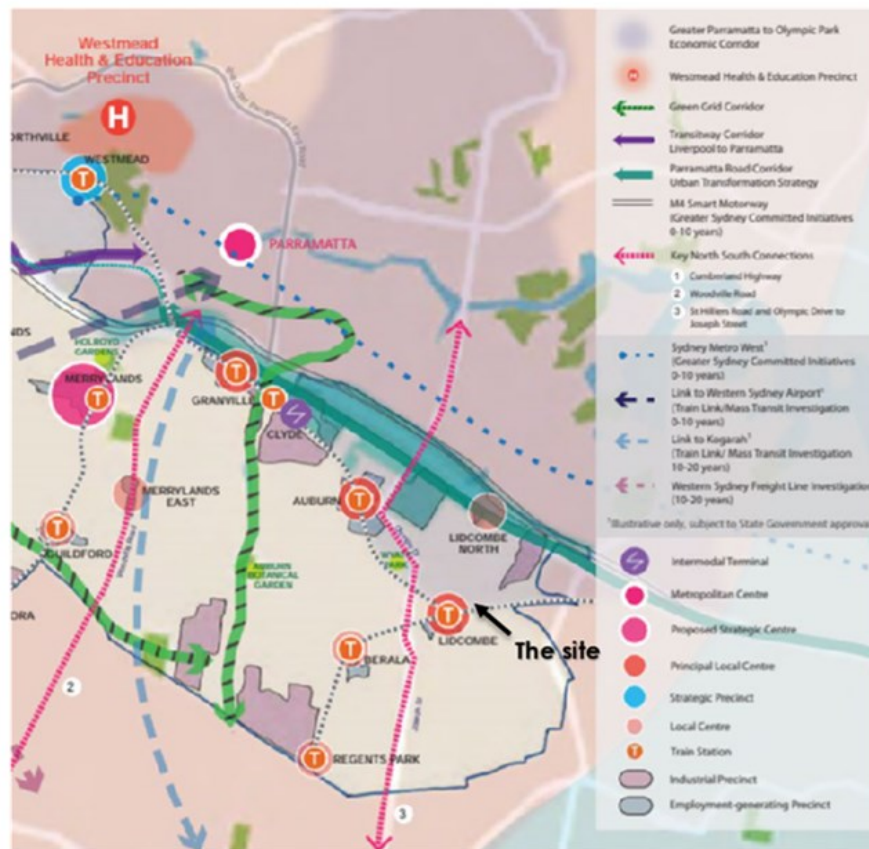


Figure 1: Regional Context Map



Figure 2: Local context map

## Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

### Site description

The site is legally described as Lot 1 DP 1259904. It is an irregular shaped allotment with a total area of 10,132.7sqm, with a 307 metre frontage to Church Street, 297 metre rear boundary adjoining a railway corridor, and 20 metre western boundary. It is currently vacant and unoccupied.



Figure 3 – The Site (outlined in red)

### Surrounding development

The surrounding locality is characterised as follows:

- **North** – Church Street, with one and two storey low and medium density residential developments beyond, with the exception of development opposite 2 Church Street, Lidcombe, being 81 Church Street, Lidcombe, which is maintained to an 8 storey residential flat building.
- **East** – Church Street, with the railway corridor and industrial development beyond.
- **South** – Railway corridor, with Railway Street and Rookwood Cemetery beyond.
- **West** – Railway land, with Church Street beyond, and residential flat buildings of 8 and 6 storeys beyond located at 81 Church Street, Lidcombe.



Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

## Existing planning controls

The site is subject to the following planning controls contained in *Auburn Local Environmental Plan 2010* (Auburn LEP 2010).

### Land Zone

The site is zoned R4 High Density Residential.

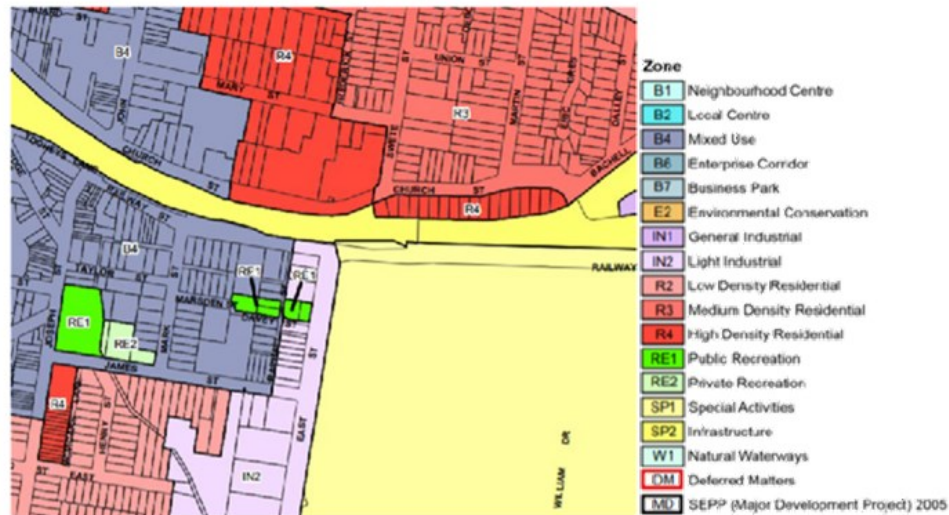


Figure 4 – Existing Land Zone (Extract from Auburn LEP LZN\_007)

### Height of Building:

There are currently four different Height of Buildings controls applied to the site, from west to east: 27m, 22.9m, 16.9m and 14.9m.

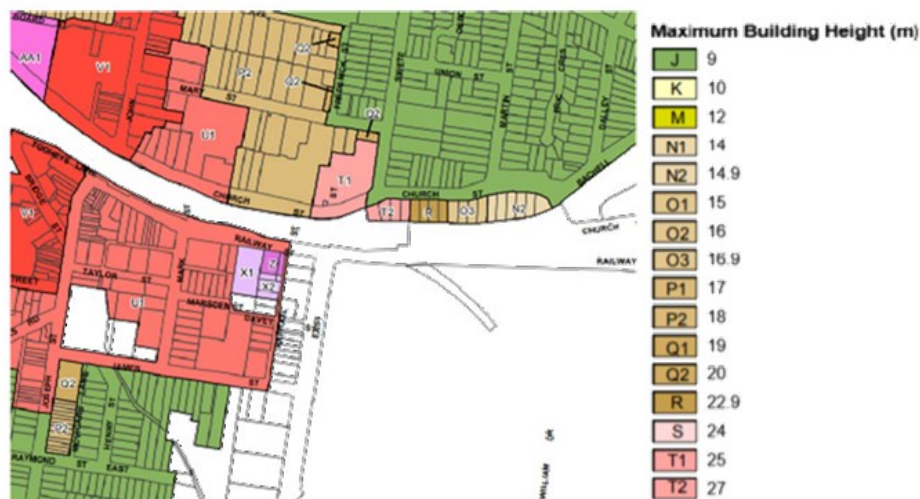


Figure 5 – Existing Height of Buildings (Extract from Auburn LEP HOB\_007)

Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

### Floor Space Ratio:

There are currently four different Floor Space Ratio controls applied to the site, from west to east: 2.6:1, 2.49:1, 1.49:1 and 1.29:1 (Figure 6).

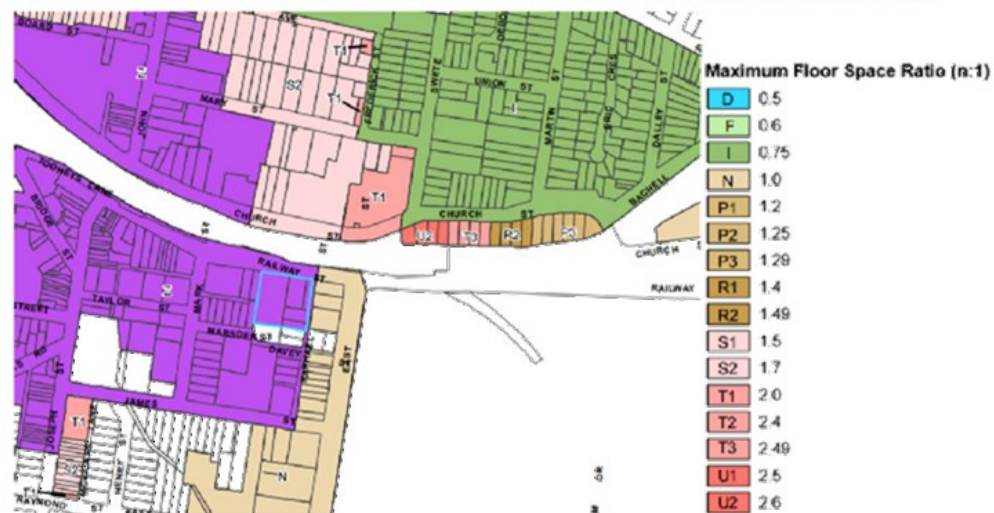


Figure 6 – Existing Floor Space Ratio (Extract from Auburn LEP FSR\_007)

### Heritage

The site does not contain a heritage item, is not part of a heritage conservation area, and an AHIMS search undertaken on 9 April 2019 by Urbis shows no known Aboriginal sites or places on the site. Nearby heritage items include:

- Archaeological Site A56 'Lidcombe Signal Box' a locally significant item on Railway Street, between Mark and East Streets (south side of railway lines).
- Rookwood Cemetery to the south of the site is identified as Archaeological Site No. A00718. This is a State listed item.



Figure 7: Nearby heritage items (Extract from Auburn LEP HER\_007)



## Part 1 – Objective and intended outcome

In December 2019, the Sydney Central City Planning Panel approved a development application (DA94/2019) for construction of 4 residential apartment buildings on the site, ranging in height from 4 to 10 storeys, with a total of 262 apartments (including 53 social housing apartments), basement parking for 335 vehicles and construction of a roundabout at the Martin Street and Church Street intersection.

The purpose of this planning proposal is to provide for greater social, affordable and private housing and a child care centre on the site, through changes in the height and floor space ratio controls. The proposal will further reinforce Lidcombe as an urban centre with good access to public transport, community facilities and services.

The intended outcome is a new integrated residential neighbourhood with approximately 384 apartments, with a mix of social, affordable and private housing and a child care centre.

## Part 2 – Explanation of Provisions

In order to achieve the objective and intended outcome, the Planning Proposal seeks to amend Height of Building and Floor Space Ratio mapping in *Auburn Local Environmental Plan 2010* as follows:

Table 1: Proposed changes to planning controls

Planning control	Existing	Proposed
Height of building	14.9m	22m
	16.9m	32m
	22.9m	40m
	27m	40m
Floor space ratio	1.29:1	3.2:1
	1.49:1	
	2.49:1	
	2.6:1	

See Part 4 of this Planning Proposal for thumbnail images of proposed mapping.

## Part 3 – Justification

### Section A – Need for the Proposal

#### Q1. Is the Planning Proposal a result of any strategic study or report?

No, Council prepared the Planning Proposal in response to a request by the Proponent. The proposal is considered to have both strategic and site-specific merit and is supported by the Cumberland Local Planning Panel and Council.

#### Advice from Cumberland Local Planning Panel

On 8 April 2020, Council Officers reported the Proponent's Planning Proposal and preliminary public feedback to the Cumberland Local Planning Panel (the Panel) with a recommendation that the proposal be supported, subject to reduced Height of Building and Floor Space Ratio controls (LPP015/20).

The Panel provided the following advice:

1. *[The proposal] has strategic merit and site specific merit. The availability of this large, centrally located vacant site in public ownership is unique and provides an opportunity for social and affordable housing.*
2. *The Panel generally supports the recommendation made by the Council Officers of an amended Planning Proposal with reduced heights and FSR over the controls proposed by the proponent's Planning Proposal subject to what appears below.*
3. *The Panel is not persuaded by the urban design justification for the height and density proposed in the Planning Proposal by the proponent and considers that it is inconsistent to the controls proposed for the adjacent Lidcombe Town Centre Strategy.*
4. *The Panel is concerned at the overshadowing of some of the graves in the adjacent Rookwood Cemetery and Necropolis in mid-winter bearing in mind that the cemetery is a heritage site of State Significance and the advice of the NSW Heritage Office has not at this stage been obtained.*
5. *Notwithstanding the above, the proponent of the Planning Proposal argues that there will be significant social benefit in the additional heights and floor space providing much needed social and affordable housing. The Panel generally accepts this submission of the proponent.*
6. *On the advice of the proponent before the Panel the difference between the proponents' Planning Proposal and the amended Planning Proposal of the Council Officers is estimated to be a loss*

## Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

*of 15 to 18 social housing units and approximately 27 to 30 affordable housing units.*

- 7. The Panel advises Council to weigh these social benefits arguments against the concerns for overshadowing of Rookwood graves and the inconsistency with the Lidcombe Town Centre Strategy.*

**Council resolution to proceed to Gateway**

At its ordinary meeting of 20 May 2020, Council considered a report on the Proponent's Planning Proposal, along with the Panel's advice and preliminary public feedback (C05/20-441).

Council resolved to prepare an amended planning proposal seeking a maximum Height of Building control of 40 metres and a maximum Floor Space Ratio control of 3.2:1, and proceed to Gateway.

**Q2. Is the Planning Proposal the best means of achieving the objectives and outcomes, or is there a better way?**

Yes, the Planning Proposal is considered the best means of achieving the objectives and outcomes. The scale and density of development sought by the Proponent cannot be achieved under the existing Height of Building and Floor Space Ratio controls for the site or via a Clause 4.6 variation. It is not considered appropriate to increase the height or floor space ratio controls for surrounding lands.

**Section B – Relationship to strategic planning framework****Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?****Greater Sydney Region Plan**

The Greater Sydney Region Plan outlines a vision for Sydney to 2056 as a global metropolis of three cities – Western Parkland City, Central River City and Eastern Harbour City.

Lidcombe is part of the Central River City and identified as a Local Centre with strategic importance in meeting the needs of the wider metropolitan region.

The proposal is consistent with the following planning objectives of the Greater Sydney Region Plan.



Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

**Table 2: Consistency with Greater Sydney Region Plan**

Direction/Objective	Consistency
<i>Objective 10: Greater housing supply</i>	The proposal provides a greater amount of housing supply than would be possible if there were no change to the height and floor space ratio control. It is estimated that the site would be able to accommodate an additional 122 apartments under the proposed controls.
<i>Objective 11: Housing is more diverse and affordable</i>	the proposal aims to deliver a range of housing types, sizes and tenures, increasing housing diversity and affordability
<i>Objective 14: Integrated land use and transport creates walkable and 30-minute cities</i>	The proposal provide additional housing within walking distance of Lidcombe station. The level of service offered by Lidcombe Station is greater than other centres, and provide a greater level of opportunity for the future residents to access jobs and services.

**Central City District Plan**

The Central City District Plan sets out the aspirations and priorities for livability, productivity and sustainability within the Central City District, which includes Lidcombe town centre. Significant population growth is anticipated over the next 20 years and this is expected to transform many parts of the District from a suburban to an urban environment.

The proposal is generally consistent with the following Planning Priorities of the Central City District Plan:

**Table 3: Consistency with Central City District Plan**

Theme	Priority	Consistency
Livability	<i>Planning Priority C5. Providing housing supply, choice and affordability, with access to jobs and services</i>	The proposal seeks to deliver additional housing in close proximity to established services and public transport

Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

**Table 3: Consistency with Central City District Plan**

	<i>Planning Priority C6. Creating and renewing great places and local centres, and respecting the District's heritage.</i>	<p>The proposal for a new residential apartment development within 400m of Lidcombe train station and the town centre will encourage users of the site to utilise public transport and to walk.</p> <p>The proposal is located far enough away from identified local heritage items and is therefore unlikely to have an impact on them.</p>
Productivity	<i>Planning Priority C9. Delivering integrated land use and transport planning and a 30-minute city</i>	The proposal will facilitate the provision of additional housing in close proximity to the Lidcombe train station and associated railway lines, providing more people with 30 minute access to their nearest Metropolitan centre

**Q4. Will the planning proposal give effect to Cumberland City Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

**Cumberland 2030: Our Strategic Planning Statement**

*Cumberland 2030 is aligned with the Greater Sydney Region Plan and Central City District Plan, providing a strategic, coordinated approach to effectively manage growth and development in the local area.*

*The proposal is considered to be consistent with the following Planning Priorities of Cumberland 2030: Our Local Strategic Planning Statement.*

Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

**Table 4: Consistency with Cumberland 2030: Our Strategic Planning Statement**

Priority	Consistency
<i>Planning Priority 5. Delivering housing diversity to suit changing needs</i>	The proposal will deliver a variety of apartment types including social and affordable housing apartments.
<i>Planning Priority 6. Delivering affordable housing suitable for the needs of all people at various stages of their lives</i>	The proposal will deliver affordable and social housing
<i>Planning Priority 11. Promoting access to local jobs, education opportunities and care services:</i>	The proposal will deliver additional housing opportunities close to the employment and education facilities that are located in close proximity to the Lidcombe Town Centre and adjoining employment areas.

**Cumberland Community Strategic Plan 2017-2027**

This plan was developed by Cumberland City Council in close consultation with the Cumberland community. It identifies the community's vision for the future, the strategies in place to achieve it, and how progress towards or away from the vision will be measured. The plan identifies six strategic goals and a number of accompanying outcomes, activities and measures.

The Proposal is considered to be a broadly consistent with the plan as outlined below:

**Table 5 – Consistency with Cumberland Community Strategic Plan 2017-2027**

Strategic Goal	Outcome	Consistency
A great place to live	We live healthy and active lifestyles	The Planning Proposal promotes and fosters healthy, active, creative, culturally rich and socially connected communities due to the proposed mixed of affordable, social and private housing, and the sites location

Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

**Table 5 – Consistency with Cumberland Community Strategic Plan 2017-2027**

		on the fringe of the Lidcombe town centre that will promote walkable communities.
A safe, accessible community	We feel safe in all areas of Cumberland at all times	The Planning Proposal facilitates new development that incorporates the principles of CPTED.
	We have equal access to local services and facilities	The subject site is located in an area where residents can either walk or take public transport to local services and facilities, including those to Lidcombe and Auburn town centres.
A strong local economy	We have access to jobs locally and in our region	The Planning Proposal places additional affordable, social and private housing in close proximity to job opportunities.
	We have access to great local education and care services	The Planning Proposal places additional housing in close proximity to a range of education and community facilities.
A resilient built economy	Our planning decisions and controls ensure the community benefits from development	The Planning Proposal seeks to facilitate the desired redevelopment through the appropriate planning pathway and seeks to align with the strategic vision for the area.
	We have a range of transport options that connect our town centres and to wider Sydney	The proposal provide additional housing within walking distance of Lidcombe station. The level of service offered by Lidcombe Station is greater than other centres, and provides a greater level of opportunity for the future residents to access jobs and services.
Transparent and accountable leadership	Decision making is transparent, accountable and based on	Should a Gateway Determination be issued to proceed, the Planning Proposal will be publicly



Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

**Table 5 – Consistency with Cumberland Community Strategic Plan 2017-2027**

	community engagement	exhibited in accordance with statutory requirements.
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**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes, the proposal's consistency with applicable SEPPs is outlined below.

**Table 6: Consistency with applicable SEPPs**

SEPP	Comment
Draft SEPP (Environment)	Consistent. The Planning Proposal does not contain provisions that contradict or would hinder application of the SEPP in relation to the Sydney Harbour catchment.
SEPP (Infrastructure) 2007	The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by (amongst other things) identifying matters to be considered in the assessment of development adjacent to particular types of development. The proposed development is identified as traffic generating development to be referred to the Roads and Maritime Services [now Transport for NSW] in accordance with Schedule 3 of the SEPP. The Traffic Impact Assessment concludes that the road network has sufficient capacity for anticipated traffic levels.
SEPP (Building Sustainability Index: BASIX) 2004	BASIX requirements will be complied with and will be addressed in a subsequent DA for the proposed development.
SEPP No. 55 Remediation of Land	Clause 6 of SEPP 55 requires that in the event of a change of land use, the planning authority must consider whether the land is contaminated, if the land can be suitably remediated for the proposed use and that the authority is satisfied that this remediation is sufficient for the proposed uses on the land. The residential land use of the site will not change as a result of the planning proposal. Future development applications will be subject to SEPP 55.
SEPP No. 65 Design Quality of	The future DA for the proposed development will need to consider SEPP65 requirements.



Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

Table 6: Consistency with applicable SEPPs

Residential Apartment Development	
SEPP No. 70 Affordable Housing (Revised Schemes)	SEPP70 recognises that there is a need for affordable housing within each area of the State. The future DA for the proposed development will consider the SEPP70 affordable housing requirements.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions under 9.1 of the Act?**

Yes, the planning proposal's consistency with applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* is discussed below.

Table 7: Consistency with relevant Ministerial Directions

Direction	Comment
2.3 Heritage Conservation	<p>Schedule 5 of the Auburn LEP identifies that the site adjoins Archaeological Site No. A56 'Lidcombe Signal Box' a locally significant item on Railway Street, between Mark and East Streets (south side of railway lines). Rookwood Cemetery to the south of the site is identified as Archaeological Site No. A00718. This is a State listed item. The proposal is not expected to have impacts upon these items.</p> <p>An AHIMS search undertaken on 9 April 2019 by Urbis shows no known Aboriginal sites or places on the site.</p>
<b>1. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	The proposal is consistent with the objectives of this direction as it seeks to provide a variety and choice of housing types, while making efficient use of existing infrastructure and services. It is located where there is good existing access to infrastructure and services. The proposal will minimise impacts on the environment and resource lands.

Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

Table 7: Consistency with relevant Ministerial Directions

3.4 Integrating Land Use and Transport	The proposal is consistent with the direction. The subject site is located close to the Lidcombe Town Centre and is within walking distance of the Lidcombe train station. The increased density on the site will support the patronage of the station and accords with the key direction from the State Government, which seeks to co-locate increased densities within the wider catchment of public transport nodes.
<b>2. Regional Planning</b>	
5.10 Implementation of Regional Plans	The proposal is consistent with the Greater Sydney Region Plan, as outlined in the response to question 3 above.

## Section C – Environmental, social and economic impact

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

No, the site is not known to contain critical habitats, threatened species or ecological communities, therefore the likelihood of any significant adverse impacts are minimal.

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

### Built form

- The range in building heights encourage a stepped form from west to east away from the Lidcombe town centre, consistent with the approach to current planning controls on the site and the Lidcombe town centre Planning Controls Strategy. Building heights in the Lidcombe town centre on the northern side of the railway line will graduate east to west from 29 metres, 36 metres, 38 metre, 55 metres to 60 metres. On the southern side of the railway line, the building heights will graduate east to west from 45 metres, 55 metres to 60 metres
- The proposed Height of Building and Floor Space Ratio controls will result in a built form that minimises interface impacts on adjoining residential properties.

## Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

**Traffic and Parking Impacts**

- The Traffic Impact Assessment confirms that any potential negative traffic impacts arising from the proposed development can be appropriately managed.
- There are likely to be a number of beneficial impacts resulting from the proposed altered traffic arrangements due to the provision of access driveway directly connecting with Church Street to the east of Swete Street, whereby turning movements will be restricted to left in/ left out by virtue of a central median.
- The proposal will also create a fourth southern approach to the existing junction of Church Street and Martin Street and the modification of the intersection control to operate under traffic signal control, further benefitting the locality.

**Heritage**

- The subject site is not a listed heritage item under the Auburn LEP 2010, nor is it located within a heritage conservation area. There are no known archaeological items on the site.
- The Heritage Impact Statement confirms that the proposal is unlikely to result in any adverse impacts on nearby heritage items (Lidcombe Signal Box and Rookwood Cemetery).

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

- The proposal will provide a mixed tenure residential development consisting of private, affordable and social housing, contributing to an increase in housing supply for different market segments
- It will increase the number of people living close to existing services facilities and infrastructure, including public transport
- Redevelopment of the currently vacant and unoccupied site will help to activate the site for a mix of residential and community uses provide opportunities for passive surveillance.
- There will be a temporary increase in employment opportunities as a result of construction jobs.



Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

## Section D – State and Commonwealth Interests

### Q10. Is there adequate public infrastructure for the Planning Proposal?

- Yes. The site is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services existing and planned within the area.
- It will reinforce existing investment in public transport infrastructure, through increased patronage of the existing Lidcombe train station.

### Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of relevant State and Commonwealth public authorities were sought as part of the statutory exhibition process. Under Condition 3 of the Gateway determination, Council was required to consult with Department of Premier and Cabinet – NSW Heritage and Transport NSW under section 3.34(2)(d) of the Act.

Public authority feedback is summarised below:

- NSW Heritage does not object to the proposal but notes that Council's broader strategic planning identifies height limits of up to 60 metres in Lidcombe town centre. Careful consideration is to be given to ensure that Planning Proposals along to boundaries of the Cemetery and Necropolis avoid or minimise overshadowing and view impacts.
- Transport for NSW requested revised traffic modelling, a revised Traffic and Parking Impact Assessment and an Electro Magnetic Field (EMF) analysis of the proposed childcare centre. Initially this information was required prior to finalisation of the Planning Proposal; however, Transport for NSW provided subsequent advice confirming that the requested information, with the exception of the EMF analysis, could be provided at the Development Application stage.
- The Proponent has provided an EMF analysis to Council, confirming that a childcare centre is suitable for this location and is unlikely to be impacted by electromagnetic fields from the nearby railway line.

Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

## Part 4 – Mapping

Proposed LEP map extracts are shown in Figure 8 and Figure 9 below.



Figure 8: Proposed Height of Buildings  
(40m, 32m and 22m from west to east)



Figure 9: Proposed Floor Space Ratio  
(3.2:1 across the site)

Planning Proposal for 2-36 Church Street, Lidcombe (PP1/2019)

## Part 5 – Community Consultation

The Planning Proposal and Voluntary Planning Agreement were exhibited for a period of 28 days, from Wednesday, 18 November 2020 to Tuesday, 15 December 2020. During this time, copies of the proposal and supporting documents may be viewed on Council's website and in hard copy form at selected Council Administration Centres and Libraries. Notification letters will also be sent to owners and occupiers within a 400-metre radius of the site. No community submissions were received in response to the exhibition.

## Part 6 – Project Timeline

The project timeline is provided below. It is noted that the Gateway determination requires the Plan to be finalised by 24 April 2021 and that Council has delegation to finalise the Plan.

Milestone	Actual/anticipated date
Gateway determination issued by Department of Planning, Industry and Environment authorising Council to proceed to exhibition	24/07/2020
Revise Planning Proposal as required by Condition 1 (a) of the Gateway determination	11/11/2020
Statutory exhibition period & consultation with relevant government agencies	18/11/2020 – 15/12/2020
Report to Council on community and public agency submissions	March 2021
Submit for finalisation	April 2021

DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-687

Attachment 2  
Revised Voluntary Planning  
Agreement







## Deed

### **2-36 Church Street, Lidcombe Planning Agreement**

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

**Cumberland City Council  
Lidcombe Church Property Pty Ltd  
New South Wales Land and Housing Corporation**

Date:

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## 2-36 Church Street, Lidcombe Planning Agreement

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## 2-36 Church Street, Lidcombe Planning Agreement

### Summary Sheet

#### Council:

**Name:** Cumberland City Council  
**Address:** PO Box 42 MERRYLANDS NSW 2160  
**Telephone:** (02) 8757 9000  
**Email:** council@cumberland.nsw.gov.au  
**Representative:** The General Manager (Mr Hamish McNulty)

#### Developer:

**Name:** Lidcombe Church Property Pty Ltd (ABN 48 627 115 762)  
**Address:** Suite 101, 25 Angas Street, MEADOWBANK NSW 2114  
**Telephone:** 0416050637  
**Email:** paul.addison@billbergia.com.au  
**Representative:** Paul Addison

#### Landowner:

**Name:** New South Wales Land and Housing Corporation  
**Address:** Level 5, 219-241 Cleveland Street, Strawberry Hills NSW 2120  
**Telephone:** 0431 701 384  
**Email:** naveen.chandra@facs.nsw.gov.au  
**Representative:** Naveen Chandra, Executive Director, Delivery Division North, Department of Planning, Industry and Environment

#### Land:

See definition of *Land* in clause 1.1.

#### Development:

See definition of *Development* in clause 1.1.

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Cumberland City Council  
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New South Wales Land and Housing Corporation

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**Development Contributions:**

See Clause 9 and Schedule 1.

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

See clause 8.

**Security:**

See Part 4.

**Registration:**

See clause 17.

**Restriction on dealings:**

See clause 18.

**Dispute Resolution:**

See Part 3.

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Cumberland City Council  
Lidcombe Church Property Pty Ltd  
New South Wales Land and Housing Corporation

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## 2-36 Church Street, Lidcombe Planning Agreement

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

### Parties

**Cumberland City Council** ABN 22 798 563 329 of PO Box 42 MERRYLANDS  
NSW 2160 (**Council**)

and

**Lidcombe Church Property Pty Ltd** ABN 48 627 115 762 of Suite 101, 25  
Angas Street, MEADOWBANK NSW 2114 (**Developer**)

and

**New South Wales Land and Housing Corporation** ABN 24 960 729  
253 of Level 5, 219-241 Cleveland Street, Strawberry Hills NSW 2120 (**Landowner**)

### Background

- A The Landowner owns the Land.
- B The Land is the subject of the Planning Proposal.
- C On 11 December 2019, the Sydney Central City Planning Panel approved a development application (DA94/2019; Panel decision PPSSCC-11) Development consent has been granted for construction of four residential apartment buildings of 4-10 storeys in height, with 262 apartments and basement car parking on the Land.
- D The Landowner has entered into the Project Delivery Agreement with the Developer.
- E The Developer has sought and the Council supports the Planning Proposal so as to accommodate an additional 112 residential units from the number currently approved.
- F The Developer has offered to make Development Contributions in accordance with this Deed in connection with the Planning Proposal to provide the shared value uplift of Land because of the making of the LEP Amendment.

### Operative provisions

## Part 1 - Preliminary

### 1 Interpretation

- 1.1 In this Deed the following definitions apply:



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

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

**Authority** means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

**Bank Guarantee** means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by an Australian bank or an insurer that has not less than a 'A-' credit rating from Standard & Pools.

**Building A** means any building in the Development generally located on the part of the Land marked as 'Building A' on the Proposed Development Plan.

**Building B** means any building in the Development generally located on the part of the Land marked as 'Building B' on the Proposed Development Plan.

**Building C** means any building in the Development generally located on the part of the Land marked as 'Building C' on the Proposed Development Plan.

**Building D** means any building in the Development generally located on the part of the Land marked as 'Building D' on the Proposed Development Plan.

**Claim** includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

**Construction Certificate** has the same meaning as in the Act.

**Contribution Value** means the \$ amount agreed between the Parties as the value of a Development Contribution made under this Deed.

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

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

**Development** means any development on the Land, within the meaning of the Act, in accordance with a Development Consent (as modified or substituted from time to time under the Act) granted as a result of the making of the LEP Amendment.

**Development Application** has the same meaning as in the Act.

**Development Consent** has the same meaning as in the Act.

**Development Contribution** means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s7.4(3)(g) of the Act.

**Dispute** means a dispute or difference between the Parties under or in relation to this Deed.

**Gross Floor Area** means the gross floor area (within the meaning of the LEP) of the Development, from time to time.

**GST** has the same meaning as in the GST Law.

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**GST Law** has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

**Item** means an item specified in Column 1 of Schedule 1.

**Land** means the land identified as Lot 1 in DP 1259904 and shown on the Location Plan.

**LEP** means the *Auburn Local Environmental Plan 2010*.

**LEP Amendment** means the amendment of the LEP resulting from the Planning Proposal.

**Location Plan** means the plan in Schedule 2.

**Party** means a party to this Deed.

**Planning Proposal** means the document proposing amendments to the LEP for which a gateway determination was issued on 24 July 2020 (as altered from time to time) under s3.34 of the Act and as varied pursuant to s3.35 of the Act, proposing an:

- (a) increase in the height of building control under the LEP for the Land from part 14.9 m, 16.9 m, 22.9 m, 27 m to part 22 m, 32 m and 40 m; and
- (b) increase in the floor space ratio under the LEP for the Land from part 1.29:1, 1.49:1, 2.49:1 and 2.6:1 to 3.2:1.

**Project Delivery Agreement** means the agreement between the Developer and the Landowner to redevelop the Land for the purpose of an integrated neighbourhood as part of the Landowner's *Communities Plus* program under which the Developer is to deliver a mix of social, affordable and private residential units and key community infrastructure.

**Proposed Development Plan** means the plan in Schedule 3.

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

**Security** means a Bank Guarantee to the satisfaction of the Council indexed in accordance with the *Consumer Price Index (All Groups – Sydney)* published by the Australian Bureau of Statistics from the date of this Deed.

1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.
- 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
- 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.



**2-36 Church Street, Lidcombe****Cumberland City Council****Lidcombe Church Property Pty Ltd****New South Wales Land and Housing Corporation**

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- 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Deed includes the agreement recorded in this Deed.
- 1.2.14 A reference to a Party to this Deed includes a reference to the employees, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.
- 1.2.17 Notes appearing in this Deed are operative provisions of this Deed.

## **2 Status of this Deed**

- 2.1 This Deed is a planning agreement within the meaning of s7.4(1) of the Act.

## **3 Commencement**

- 3.1 This Deed commences and has force and effect on and from the date when the Parties have:
  - 3.1.1 all executed the same copy of this Deed, or
  - 3.1.2 each executed separate counterparts of this Deed and exchanged the counterparts.
- 3.2 The Parties are to insert the date when this Deed commences on the front page and on the execution page.

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Cumberland City Council  
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New South Wales Land and Housing Corporation

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#### **4 Application of this Deed**

- 4.1 This Deed applies to the Land, the LEP Amendment and to the Development.

#### **5 Warranties**

- 5.1 The Parties warrant to each other that they:
- 5.1.1 have full capacity to enter into this Deed, and
  - 5.1.2 are able to fully comply with their obligations under this Deed.

#### **6 Further agreements**

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

#### **7 Surrender of right of appeal, etc.**

- 7.1 The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this Deed.

#### **8 Application of s7.11, s7.12 and s7.24 of the Act to the Development**

- 8.1 This Deed does not exclude the application of s7.11 and s7.12 of the Act to the Development.
- 8.2 The benefits under this Deed are not to be taken into consideration when determining a Development Contribution under s7.11 of the Act in relation to the Development.
- 8.3 This Deed does not exclude the application of s7.24 to the Development.

### **Part 2 – Development Contributions**

#### **9 Provision of Development Contributions**

- 9.1 The Developer is to make Development Contributions to the Council in accordance with Schedule 1, any other provision of this Deed relating to the making of Development Contributions and otherwise to the satisfaction of the Council.

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**Cumberland City Council**

**Lidcombe Church Property Pty Ltd**

**New South Wales Land and Housing Corporation**

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- 9.2 Any Contribution Value specified in this Deed in relation to a Development Contribution does not serve to define the extent of the Developer's obligation to make the Development Contribution.
- 9.3 The Council is to apply each Development Contribution made by the Developer under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.
- 9.4 Despite clause 9.3, the Council may apply a Development Contribution made under this Deed towards a public purpose other than the public purpose specified in this Deed if the Council reasonably considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.
- 9.5 If Development Consent is granted or modified, to allow additional Gross Floor Area beyond 10,088m<sup>2</sup>, the Developer is to pay additional Development Contributions to the Council for each additional metre square of Gross Floor Area in the amount of \$471 per metre square not later than 7 days after the grant of Development Consent or the modification of the Development Consent.

## **10 Payment of monetary Development Contributions**

- 10.1 Monetary Development Contributions that are required to be paid under this Deed are to be indexed from the date of this Deed to the date of payment in the same way that monetary contributions are indexed under the relevant contributions plan made under s7.18 of the Act that is applicable to the Development.
- 10.2 A monetary Development Contribution is made for the purposes of this Deed when the Council receives the full amount of the contribution payable under this Deed in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.

## **Part 3 – Dispute Resolution**

### **11 Dispute resolution – expert determination**

- 11.1 This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:
- 11.1.1 the Parties to the Dispute agree that it can be so determined, or
- 11.1.2 the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- 11.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.

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- 11.3 If a notice is given under clause 11.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 11.4 If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 11.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 11.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 11.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

## **12 Dispute Resolution - mediation**

- 12.1 This clause applies to any Dispute arising in connection with this Deed other than a Dispute to which clause 11 applies.
- 12.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 12.3 If a notice is given under clause 12.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 12.4 If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 12.5 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 12.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 12.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

## **Part 4 - Enforcement**

### **13 Security for performance of obligations**

- 13.1 The Developer is to provide Security to the Council in the following amounts and at the following times in relation to the performance of its obligations under this Deed:
  - 13.1.1 \$2,900,000.00 before any Construction Certificate is issued for any part of Building A or Building B which is only made permissible by the LEP Amendment, unless the Developer has already paid the Council the \$2,900,000.00 instalment of monetary Development Contributions



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referred to in Column 4 of Schedule 1 in which case the Security under this clause 13.1.1 is not required to be provided,

13.1.2 \$1,850,000 before any Construction Certificate is issued for any part of Building C or Building D which is only made permissible by the LEP Amendment, unless the Developer has already paid the Council the \$1,850,000 instalment of monetary Development Contributions referred to in Column 4 of Schedule 1 in which case the Security under this clause 13.1.2 is not required to be provided.

- 13.2 The Council may call-up and apply the Security in accordance with clause 14 to remedy any breach of this Deed notwithstanding any other remedy it may have under this Deed, under any Act or otherwise at law or in equity.
- 13.3 The Council is to release and return the Security or any unused part of it to the Developer within 14 days of completion of the obligation to which the Security relates.
- 13.4 The Developer may at any time provide the Council with a replacement Security.
- 13.5 On receipt of a replacement Security, the Council is to release and return the Security that has been replaced to the Developer.
- 13.6 If the Council calls-up the Security or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement Security to ensure that the amount of Security held by the Council equals the amount it is entitled to hold under this Deed.
- 13.7 The Developer is to ensure that the Security provided to the Council is at all times maintained to the full current indexed value.

## **14 Breach of obligations**

- 14.1 If the Council reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:
  - 14.1.1 specifying the nature and extent of the breach,
  - 14.1.2 requiring the Developer to:
    - (a) rectify the breach if it reasonably considers it is capable of rectification, or
    - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
  - 14.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.

If the Developer fails to fully comply with a notice referred to in clause 14.1, the Council may, without further notice to the Developer, call-up the Security provided by the Developer under this Deed and apply it to remedy the Developer's breach.

- 14.2 Any costs incurred by the Council in remedying a breach in accordance with clause 14.1 may be recovered by the Council by either or a combination of the following means:

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**New South Wales Land and Housing Corporation**

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- 14.2.1 by calling-up and applying the Security provided by the Developer under this Deed, or
- 14.2.2 as a debt due in a court of competent jurisdiction.
- 14.3 For the purpose of clause 14.2, the Council's costs of remedying a breach the subject of a notice given under clause 14.1 include, but are not limited to:
  - 14.3.1 the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
  - 14.3.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
  - 14.3.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 14.4 Nothing in this clause 14 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

## **15 Enforcement in a court of competent jurisdiction**

- 15.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 15.2 For the avoidance of doubt, nothing in this Deed prevents:
  - 15.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
  - 15.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

## **Part 5 – Registration & Restriction on Dealings**

### **16 Registration of this Deed**

- 16.1 The Parties agree to register this Deed for the purposes of s7.6(1) of the Act.
- 16.2 Not later than 10 days after the commencement of this Deed, the Developer is to deliver to the Council in registrable form:
  - 16.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Developer, and
  - 16.2.2 the written irrevocable consent of each person referred to in s7.6(1) of the Act to that registration.
- 16.3 The Developer is to do such other things as are reasonably necessary to enable registration of this Deed to occur.
- 16.4 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land once the Developer has completed its obligations under this Deed to the reasonable satisfaction



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of the Council or this Deed is terminated or otherwise comes to an end for any other reason.

## **17 Restriction on dealings**

- 17.1 The Developer is not to:
- 17.1.1 sell or transfer the Land, other than a Final Lot, or
  - 17.1.2 assign the Developer's rights or obligations under this Deed, or novate this Deed,
- to any person unless:
- 17.1.3 the Developer has, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
  - 17.1.4 the Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Deed, and
  - 17.1.5 the Developer is not in breach of this Deed, and
  - 17.1.6 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- 17.2 Subject to clause 17.3, the Developer acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 17.1.
- 17.3 Clause 17.1 does not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

## **Part 6 – Indemnities & Insurance**

### **18 Risk**

- 18.1 The Developer performs this Deed at its own risk and its own cost.

### **19 Release**

- 19.1 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

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## 20 Indemnity

- 20.1 The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

## Part 7 – Other Provisions

### 21 Annual report by Developer

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

### 22 Review of Deed

- 22.1 The Parties agree to review this Deed every 2 years, and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 22.2 For the purposes of clause 22.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 22.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 22.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 22.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.
- 22.5 A failure by a Party to agree to take action requested by the other Party as a result of a review referred to in clause 22.1 (but not 22.4) is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

### 23 Notices

- 23.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
- 23.1.1 delivered or posted to that Party at its address set out in the Summary Sheet, or

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- 23.1.2 emailed to that Party at its email address set out in the Summary Sheet.
- 23.2 If a Party gives the other Party 3 business days' notice of a change of its address or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.
- 23.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 23.3.1 delivered, when it is left at the relevant address,
- 23.3.2 sent by post, 2 business days after it is posted, or
- 23.3.3 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 23.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

## **24 Approvals and Consent**

- 24.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- 24.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

## **25 Costs**

- 25.1 The Developer is to pay to the Council the Council's costs of preparing, negotiating, executing and stamping this Deed on an indemnity basis, and any document related to this Deed within 7 days of a written demand by the Council for such payment.
- 25.2 The Developer is also to pay to the Council the Council's reasonable costs of enforcing this Deed within 7 days of a written demand by the Council for such payment.

## **26 Entire Deed**

- 26.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 26.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

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## **27 Further Acts**

- 27.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

## **28 Governing Law and Jurisdiction**

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

## **29 Joint and Individual Liability and Benefits**

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

## **30 No Fetter**

- 30.1 Nothing in this Deed shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

## **31 Illegality**

- 31.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

## **32 Severability**

- 32.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 32.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.



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### 33 Amendment

- 33.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with clause 25C of the Regulation.

### 34 Waiver

- 34.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 34.2 A waiver by a Party is only effective if it:
- 34.2.1 is in writing,
  - 34.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
  - 34.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
  - 34.2.4 is signed and dated by the Party giving the waiver.
- 34.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 34.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 34.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

### 35 GST

- 35.1 In this clause:
- Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice** have the meaning given by the GST Law.
- GST Amount** means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.
- GST Law** has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
- Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.
- Taxable Supply** has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

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- 35.2 Subject to clause 35.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 35.3 Clause 35.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- 35.4 No additional amount shall be payable by the Council under clause 35.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 35.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 35.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
- 35.5.2 that any amounts payable by the Parties in accordance with clause 35.2 (as limited by clause 35.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 35.6 No payment of any amount pursuant to this clause 35, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 35.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 35.8 This clause continues to apply after expiration or termination of this Deed.

## **36 Explanatory Note**

- 36.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 36.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Deed.



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## Schedule 1

(Clause 9)

### Development Contributions

Column 1	Column 2	Column 3	Column 4
Item/ Contribution	Public Purpose	Manner & Extent	Timing

#### A. Monetary Contributions

- |  |  |   |  |
|--|--|---|--|
| 1. \$4,750,000 and any additional amount under clause 9.5. | Public domain, open space and drainage improvements in the Lidcombe Town Centre. | One half of the estimated land value uplift based on the Gross Floor Area of the Development and subject to clause 9.5. | <p>\$4,750,000 to be paid in instalments as follows:</p> <p>(a) \$1,850,000 to be paid as a lump sum before the earlier of the following:</p> <p>(i) prior to any Construction Certificate being issued for any part of Building A or Building B which is only made permissible by the LEP Amendment,</p> <p>(ii) 30 June 2023.</p> <p>(b) \$2,900,000 to be paid as a lump sum before the earlier of the following:</p> <p>(i) prior to any Construction Certificate being issued for any part of Building C or Building D which is only made permissible by the LEP Amendment,</p> <p>(ii) 30 June 2023.</p> |
|--|--|---|--|

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## Schedule 2

(Clause 1)

## Location Plan



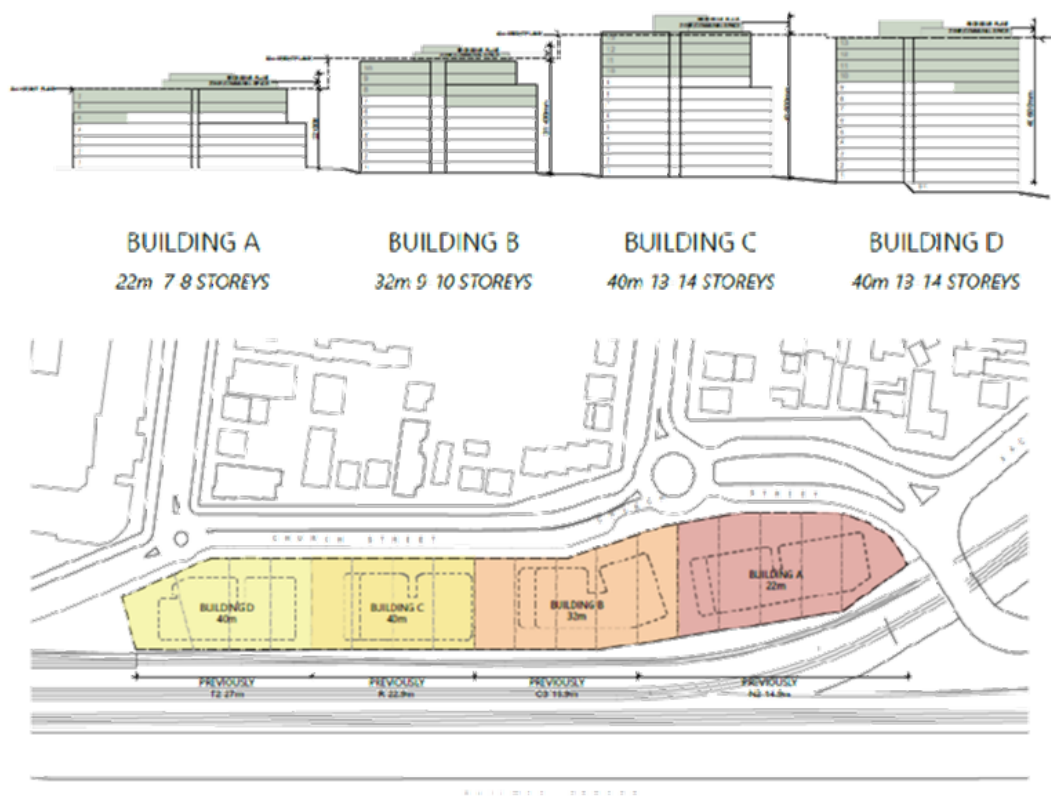
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### Schedule 3

(Clause 1)

### Proposed Development Plan



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## Execution

Executed as a Deed

Dated:

---

**Signed Sealed and Delivered on behalf of the Council**

---

General Manager

---

Witness

---

Mayor

---

Witness

---

**Signed Sealed and delivered on behalf of the Developer** in  
accordance with s127(1) of the Corporations Act (Cth) 2001

---

Name/Position

---

Name/Position

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**Signed Sealed and delivered on behalf of the Landowner** in  
accordance with [Drafting Note: LAHC to provide execution details]

---

Name/Position

---

Name/Position

DRAFT

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New South Wales Land and Housing Corporation

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## Appendix

(Clause 36)

*Environmental Planning and Assessment Regulation 2000*

(Clause 25E)

## Explanatory Note

### Draft Planning Agreement

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

### Parties

**City of Cumberland City Council** ABN 22 798 563 329 of PO Box 42 MERRYLANDS NSW 2160 (**Council**)

and

**Lidcombe Church Property Pty Ltd** ABN 48 627 115 762 of Suite 101, 25 Angas Street, MEADOWBANK NSW 2114 (**Developer**)

and

**New South Wales Land and Housing Corporation** ABN 24 960 729 253 of Level 5, 219-241 Cleveland Street, Strawberry Hills NSW 2120 (**Landowner**)

### Description of the Land to which the Draft Planning Agreement Applies

This draft Planning Agreement applies to Lot 1 in DP 1259904 as shown in Schedule 2.

### Description of Proposed Development

This draft Planning Agreement applies to the planning proposal submitted by the Developer and supported by the Council for which a Gateway determination was issued on 24 July 2020 (as altered from time to time) under s3.34 of the Act and as varied pursuant to s3.35 of the Act, proposing:



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- (a) increasing the height of building control for the Land under the Auburn Local Environmental Plan 2010 from part 14.9 m, 16.9 m, 22.9 m, 27 m to part 22 m, 32 m and 40 m; and
- (b) increasing the floor space ratio for the Land under the Auburn Local Environmental Plan 2010 from part 1.29:1, 1.49:1, 2.49:1 and 2.6:1 to 3.2:1.

This draft Planning Agreement applies to the development, within the meaning of the Act, on the Land in accordance with a Development Consent (as modified or substituted from time to time under the Act) granted as a consequence of the making of the LEP Amendment.

## **Summary of Objectives, Nature and Effect of the Draft Planning Agreement**

### **Objectives of Draft Planning Agreement**

The objectives of the Draft Planning Agreement are to provide funding for public domain, open space and drainage improvements in the Lidcombe Town Centre.

### **Nature of Draft Planning Agreement**

The Draft Planning Agreement is a planning agreement under s7.4 of the EPA Act. It is a voluntary agreement, under which the Developer makes Development Contributions (as defined in clause 1.1 of the Draft Planning Agreement) for various public purposes (as defined in s 7.4(2) of the EPA Act).

### **Effect of the Draft Planning Agreement**

The Draft Planning Agreement:

- requires monetary contributions to be paid by the Developer in instalments,
- requires financial security to be provided,
- relates to the taking effect of the Planning Proposal and the carrying out by the Developer of the Development,
- does not exclude the application of s 7.11 and s7.12 of the EPA Act to the Development,
- does not exclude the application of s 7.24 of the EPA Act to the Development,
- is to be registered on the titles to the Land,
- imposes restrictions on the Developer transferring the Land or part of the Land or assigning an interest under the Agreement,
- provides a dispute resolution method where a dispute arises under the agreement, being mediation and expert determination,
- provides that the agreement is governed by the law of New South Wales,
- provides that the A New Tax System (Goods and Services Tax) Act 1999 (Cth) applies to the agreement.

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## Assessment of the Merits of the Draft Planning Agreement

### The Planning Purposes Served by the Draft Planning Agreement

The Draft Planning Agreement:

- promotes and co-ordinates the orderly and economic use and development of the land to which the Planning Agreement applies,
- captures the shared uplift value of land through the delivery of public services and public amenities.

The Draft Planning Agreement provides a reasonable means of achieving these planning purposes by requiring the Developer to make monetary contributions to Council, to facilitate public domain, open space and drainage improvements in the Lidcombe Town Centre.

### How the Draft Planning Agreement Promotes the Public Interest

The Draft Planning Agreement promotes the public interest by:

- promoting the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and
- enabling the funding and provision of public domain improvements and public facilities for the benefit of the public and to address demand arising from the Development.

### For Planning Authorities:

#### ***Development Corporations - How the Draft Planning Agreement Promotes its Statutory Responsibilities***

N/A

#### ***Other Public Authorities - How the Draft Planning Agreement Promotes the Objects (if any) of the Act under which it is Constituted***

N/A

#### ***Councils - How the Draft Planning Agreement Promotes the Elements of the Council's Charter***

The Draft Planning Agreement promotes the elements of the Council's charter by:

- the management of lands and other assets so that current and future local community needs can be met in an affordable way,
- working with others to secure appropriate services for local community needs,
- promoting Council's long-term strategic planning on behalf of the local community.

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***All Planning Authorities – Whether the Draft Planning Agreement  
Conforms with the Authority’s Capital Works Program***

Yes

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

This Draft Planning Agreement contains requirements that must be complied with before any Construction Certificate is issued for any part of a building in the Development which is only made permissible by the LEP Amendment.

DRAFT



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-687

Attachment 3  
NSW Heritage Submission







Our Ref: DOC20/958095

Mr Hamish McNulty  
General Manager  
Cumberland Council  
[council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au)

Attention: Ms Sarah Sheehan, Senior Strategic Planner  
[sarah.sheehan@cumberland.nsw.gov.au](mailto:sarah.sheehan@cumberland.nsw.gov.au)

### Planning Proposal – 2-36 Church Street, Lidcombe

Dear Mr McNulty

Thank you for the opportunity to comment on the planning proposal to amend the planning controls for 2-36 Church Street, Lidcombe under *Auburn Local Environmental Plan 2010* (LEP), as follows:

- increase the height of buildings from a range of heights between 17.7 and 28.1 metres to a range of heights between 22 and 40 metres, and
- introduce a floor space ratio of 3.2:1.

Heritage NSW has reviewed Council's Planning Proposal and supporting Heritage Impact Statement, prepared by Weir Phillips Heritage and Planning, and provide comment in relation to considerations under the *Heritage Act 1977* (the Act).

### State Heritage

The planning proposal site is located to the north of the State Heritage Register (SHR) listed 'Rookwood Cemetery and Necropolis' (SHR 00718), which is also listed in two separate parts under Auburn LEP.

It is understood that Council's Local Planning Panel raised concerns with the potential overshadowing of the Cemetery and Necropolis from the planning proposal and sought independent heritage advice. The heritage impact statement found that:

- the proposed increase in height would not cause overshadowing at any time of day
- existing vegetation and the railway corridor would partially screen the site from the Cemetery
- proposed buildings heights on the site would be varied to break up the massing of the group and reduce their visual impact as they diminish in scale to the east, and
- that the proposed works will not block or reduce significant view corridors towards or from the Cemetery, as these views are mainly obtained from the southern side of the railway corridor.

As such, no objection is raised to this planning proposal. It is noted that Council's broader strategic planning has identified height limits of up to 60 metres in Lidcombe town centre. Careful consideration needs to be given to ensure that planning proposals along to boundaries of the Cemetery and Necropolis avoid or minimise overshadowing and view impacts.

**Section 170 Register**

The planning proposal site is directly to the north of 'Lidcombe Railway Station Group' which is listed on the RailCorp Section 170 Register. If you have not already done so, Council should consult with RailCorp in relation to any potential impacts caused by the planning proposal.

**Local Heritage**

There is a further Local Heritage Item identified in the planning proposal 'Lidcombe Signal Box' (A56). As this item is listed under Auburn LEP, Cumberland Council is the consent authority, and the assessment and consideration of any impacts on this item rests with Council.

Prior to finalisation of the planning proposal, Council should be satisfied that all necessary due diligence, assessments and notifications have been undertaken.

If you have any questions please contact James Sellwood, Senior Heritage Programs Officer, Strategic Planning and Relationships at Heritage NSW by phone on 02 9274 6354 or by email at [james.sellwood@environment.nsw.gov.au](mailto:james.sellwood@environment.nsw.gov.au).

Yours sincerely



**Alice Brandjes**  
**Senior Team Leader, Strategic Planning and Relationships**  
**Heritage Act Programs**  
**Heritage NSW**  
As delegate of the Heritage Council of NSW

14 December 2020

DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-687

Attachment 4  
Transport for NSW Submission







15 January 2021

TfNSW Reference: SYD20/01406/01

Mr Hamish McNulty  
The General Manager  
Cumberland City Council  
PO Box 42  
Merrylands NSW 2160  
Attention: Sarah Sheehan

Dear Mr McNulty,

**PLANNING PROPOSAL TO AMEND AUBURN LOCAL ENVIRONMENTAL PLAN  
2010 FOR DEVELOPMENT OF SITE – 2-36 CHURCH STREET, LIDCOMBE**

Transport for NSW (TfNSW) appreciates the opportunity to provide comment on the above proposal which was referred to us by correspondence dated 18 November 2020.

It is noted that the planning proposal seeks to amend the Auburn Local Environmental Plan 2010 (LEP 2010) to intensify residential yield and non-residential uses of a child care centre and a retail tenancy. It is noted the zoning of the land is R4 High Density Residential. Specifically, the planning proposal seeks to:

- Increase the maximum height of buildings within the site from the current controls which range from 14.9m and 16.9m to 27m and 22.9m, to 22m and 32m with 40m maximum for the portions that are currently 22.9m and 27m
- Increase the Floor Space Ratio of development within the site from the current range of 2.6:1, 2.49:1, 1.49:1 and 1.29:1 (from west to east) to a blanket maximum 3.2:1
- Increase the gross floor area permitted within the site to 32,425m<sup>2</sup>

It is noted that the December 2019 development consent proposed site access arrangements are to be retained, including:

- the construction of a 600mm wide central median within Church Street, extending between Swete Street and Martin Street; and
- the modification of the intersection of Church Street and Martin Street to a single lane circulating roundabout with the creation of a fourth approach on the southern side.

TfNSW advises that additional information is required from the proponent relating to the proposal, and provides comments expanding on this at **Attachment A** for consideration. We strongly recommend these matters are addressed *prior* to the final consideration of the planning proposal to assist in its determination (unless specified at the DA stage).

Thank you for the opportunity to provide advice on the subject planning proposal and the extension of time granted to respond. Should you have any questions or further enquiries in relation to this matter, Rachel Davis would be pleased to take your call on phone (02) 8849 2702 or email: [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

Yours sincerely,



Cheramie Marsden  
**Senior Manager Strategic Land Use**  
**Land Use, Networks & Development, Greater Sydney**

**Transport for NSW**  
27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124  
P 131782 | [Wtransport.nsw.gov.au](http://Wtransport.nsw.gov.au) | ABN 18 804 239 602

**Attachment A: TfNSW Comments on 2-36 Church Street, Lidcombe**  
(January 2021)

TfNSW provides the following comments on the above planning proposal to be addressed prior to the consideration of any approval, or where specified, at the DA stage:

**Traffic Modelling**

TfNSW requests that the traffic modelling be expanded to include the intersection of Church Street and John Street to assess the impact of the proposed development and the electronic copies of the SIDRA modelling files be provided for review and comment.

**Traffic and Parking Impact Assessment**

The report is rather traffic focused and should be expanded to cover the assessment of all transport modes. An indication of the public and sustainable transport trips should be provided and assessed against existing infrastructure in the vicinity of the site, then identifying any improvements required. A future year (recommended 10 year future) should also be assessed to support the planning proposal.

In addition, maximum parking rates to support the uplift in residential yield and proposed child care centre should be provided with justification to support the assumption of a 60% reduction from typical traffic generation rates of a child care centre for this proposal, and provide clarity on how this will affect parking rates for the centre. TfNSW is happy to discuss appropriate car parking rates with Council and DPIE to assist.

**Sydney Trains**

Sydney Trains advises that if this proposal proceeds, that any additional excavation on site for the basement car park to accommodate additional parking needs will need to be carefully considered by Geotechnical and Structural Engineers, with relevant investigation and reporting to take place to ensure a full understanding of potential impacts on the rail corridor and rail infrastructure. It is paramount that the developer approach Sydney Trains early in the design process (as part of pre-DA discussion) to ensure that all relevant Sydney Trains matters of consideration are taken into account and are incorporated in the future design of the development. These considerations include, but are not limited to, geotechnical and structural details and construction methodology (no rock anchors/bolts within TAHE land).

The Planning Proposal and changes to the building design below ground and above ground, must maintain an acceptable setback distance from the common boundary, between the site and the rail corridor.

In relation to the proposed new use of child care centre, the proponent should do an EMF analysis to see if any risks are present from Sydney Trains operations. The EMF analysis should be prepared *prior* to approval of the planning proposal in the case it is then determined that the child care centre use is not suitable in that location due to EMF. Consideration to the acoustic impact should be taken into account and addressed adequately in any future DA submissions.

Sydney Trains granted concurrence with 'Deferred Commencement' and Operational Condition to DA-94/2019 on 15 November 2019. The Sydney Trains conditions for DA-94/2019 remain valid and applicable and must be complied with in addition to any subsequent changes relating to Modification Applications, and any future conditions/concurrence granted for DA's relating to the subject planning proposal.

DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-687

Attachment 5

Transport for NSW Further Advice



**Sarah Sheehan**

---

**From:** Tricia Zapanta <Tricia.Zapanta@transport.nsw.gov.au>  
**Sent:** Friday, 29 January 2021 12:27 PM  
**To:** Sarah Sheehan  
**Cc:** Cheramie Marsden; Rachel Davis; Jacob Blanck; Rita Nakhle  
**Subject:** Response to TfNSW comments on Planning Proposal for 2-36 Church Street, Lidcombe

Hi Sarah,

Apologies for the delay – I've just returned from leave and your emails regarding this proposal.

The traffic matters raised in our letter in relation to the need for further traffic and transport assessments including traffic modelling for the Church Street / John Street intersection and future transport requirements to support development can be considered at the DA stage, subject to this being specified at the DA stage. It is noted that the proposal was granted development consent in late 2019, with this PP seeking an additional 122 apartments above the current DA approval in addition to new land uses such as the child care centre which would not have been assessed as part of the supporting studies for the previous DA.

In this regard, Sydney Trains confirms their position in relation to the need for further assessments, as follows:

- The Geotechnical/Structural issues, construction methodology and setback issue, are raised to ensure the proponent/Council are aware of such issues – and to ensure they are taken into account and addressed in the development design and DA submission stage.
- The advice relating to pre-DA discussion still stands and is strongly suggested that it is taken up by the proponent.
- The comment relating to EMF analysis should be considered and actioned prior to PP approval – as it may determine whether a child care centre use is at all suitable in that location.

For your consideration and discussion with the proponent.

Regards

Tricia Zapanta  
Strategic Landuse  
Planning & Programs, Greater Sydney  
Transport for NSW  
E: [Tricia.Zapanta@transport.nsw.gov.au](mailto:Tricia.Zapanta@transport.nsw.gov.au)  
M: 0456 613 698

Please note: My work days are Tuesday to Friday



Transport  
for NSW

---

**From:** Sarah Sheehan [mailto:[Sarah.Sheehan@cumberland.nsw.gov.au](mailto:Sarah.Sheehan@cumberland.nsw.gov.au)]  
**Sent:** Wednesday, 27 January 2021 10:39 AM  
**To:** Rachel Davis <[Rachel.Davis@transport.nsw.gov.au](mailto:Rachel.Davis@transport.nsw.gov.au)>  
**Cc:** Cheramie Marsden <[Cheramie.Marsden@transport.nsw.gov.au](mailto:Cheramie.Marsden@transport.nsw.gov.au)>  
**Subject:** RE: Response to TfNSW comments on Planning Proposal for 2-36 Church Street, Lidcombe



Hi Rachel, just following up on my email from Friday. Would it be possible to have a response by the end of the week/early next week as we are meeting with the Proponent and need to confirm next steps.



**SARAH SHEEHAN**  
SENIOR STRATEGIC PLANNER

16 Memorial Avenue, PO Box 42 Merrylands NSW 2160  
T +61 2 8757 9947  
E [Sarah.Sheehan@cumberland.nsw.gov.au](mailto:Sarah.Sheehan@cumberland.nsw.gov.au)  
W [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

---

**From:** Sarah Sheehan  
**Sent:** Friday, 22 January 2021 10:29 AM  
**To:** [Rachel.Davis@transport.nsw.gov.au](mailto:Rachel.Davis@transport.nsw.gov.au)  
**Cc:** 'Cheranie.Marsden@transport.nsw.gov.au' <[Cheranie.Marsden@transport.nsw.gov.au](mailto:Cheranie.Marsden@transport.nsw.gov.au)>  
**Subject:** Response to TfNSW comments on Planning Proposal for 2-36 Church Street, Lidcombe

Hi Rachel,

Thank you for sending us comments on the above proposal.

The Proponent's traffic engineer, Stanbury Traffic Planning, considered your comments and provided the attached response.

Would you mind reviewing their comments and let us know if you support their request to address the outstanding matters at DA stage?

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DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-687

Attachment 6  
Gateway Determination





## Gateway Determination

**Planning proposal (PP\_20\_CUMBE\_003\_00):** to amend the height of building and floor space ratio controls to facilitate the development of an integrated residential neighbourhood with a childcare centre.

I, the Director, Central (GPOP) at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Auburn Local Environmental Plan (LEP) 2010 to amend the height of building and floor space ratio controls for the purpose of an integrated residential neighbourhood and child care centre should proceed subject to the following conditions:

1. Prior to public exhibition, the proposal be updated to address the following:
  - (a) Update the proposed maps to ensure consistency with the lettering approach used by Council and insert a legend.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with Department of Premier and Cabinet – NSW Heritage and Transport NSW under section 3.34(2)(d) of the Act. The Department of Premier and Cabinet – NSW Heritage and Transport NSW is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 24<sup>th</sup> day of July 2020



**Christine Gough**  
**Director, Central (GPOP)**  
**Central River City and Western**  
**Parkland City**  
**Department of Planning, Industry and**  
**Environment**

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



Item No: C03/21-688

## **RESPONSE TO NOTICE OF MOTION - MAIN STREET PROGRAM FOR THE SOUTH STREET AREA IN GRANVILLE**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: SC483  
Community Strategic Plan Goal: *A resilient built environment*

### **SUMMARY**

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This report outlines the proposed scope and implementation approach for a Main Street Program focussed on the South Street area at Granville. It is recommended that Council endorse the Program to leverage the area's existing strengths and position for future opportunities.

### **RECOMMENDATION**

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**That Council endorse the proposed scope and implementation approach for the Main Street Program at the South Street area in Granville.**

### **REPORT**

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#### **Context**

At the meeting on 4 November 2020, Council considered Notice of Motion C11/20-599 and resolved:

*"That Council:*

- 1. Undertake a 'Main Street Program' within the 'South Street Environs' of the Granville Town Centre to maximise the existing commercial opportunities, and to identify future improvements and opportunities to ensure that the Granville Town Centre is strategically positioned to address its future economic profile;*
- 2. Further, that any implementation of a 'Main Street Program' be carried out utilising existing financial resources at no further cost to Council; and*
- 3. A report come to Council outlining the scope and future implementation."*

Currently, Granville town centre is a pedestrian scale centre focused around a main street, train station and bus interchange, a heritage precinct and the new Granville Centre. The main street – South Street – is characterised by small businesses, including many cafes and restaurants, and at times attracts high volumes of pedestrians. The town centre is also in close proximity to a range of community facilities, including the Granville Town Hall and The Granville Centre, as well as a range of education facilities and local parks.



Figure 1 Granville Town Centre

At a strategic level, Granville is identified as a Principal Local Centre under Cumberland 2030: Our Strategic Local Planning Statement. The vision for a Principal Local Centre is a location that provides access to a Strategic Centre within 30 minutes, with access to a high frequency train service, as well as a location that is supported by a mix of higher order commercial and retail services, and community facilities.

### **Current and potential initiatives for Granville Town Centre**

There are several current and potential initiatives to support and enhance the built environment and public domain within the Granville Town Centre. These initiatives align with and inform the scope and implementation of a Main Street Program for the South Street area.

#### Smart Cities Pilot Project

The Granville Smart Cities pilot project is currently underway, jointly funded by Council and the Australian Government. As part of the pilot, a series of smart sensors have been installed throughout the centre to collect data on traffic, parking, waste generation, temperature and humidity, and pedestrian movement. This initiative will provide insights and analysis to support future planning and design for the centre.

### Land use planning review

Council has also identified a land use planning review for the Granville Town Centre and immediate surrounds during 2021 and 2022 as part of Council's work program. This was commenced and further information will be provided as this progresses.

### Your High Street Grant Application

Following Council's resolution in December 2020, Council officers have submitted an application for funding under the NSW Government's Your High Street Program to improve the amenity and functionality of South Street, Granville. Proposed works identified in the application include the installation of footpath 'parklets', overhead decorative lighting, and additional vegetation and planning along the central median. If successful, works will be undertaken during the 2021-22 financial year.

### Summer Fund – Festival of Place Program

Council has recently applied for funding under the NSW Government's Summer Fund 'The Festival of Place' Program to support free, small scale activations and events in and around the Granville Town Centre. These types of activities are intended to promote Granville as a destination for locals and visitors and support existing businesses and, if successful, will be held in 2021.

### **Main Street Program**

A Main Street Program for the South Street area at Granville has been developed for consideration by Council. The Program is consistent with the Notice of Motion in using existing financial resources; however, further opportunities have been identified that could leverage funding programs from other levels of government or could be staged in the future when Council's financial position is improved. While South Street is the focus, adjoining areas in the Granville town centre and surrounds have also been identified to provide a holistic approach for the Program.

The Program seeks to build on existing strengths for Granville and the South Street area, which include:

- Close proximity to transport infrastructure and services, providing local and regional access to the location
- Focus area for food and dining with a range of small and medium sized businesses, providing a strong attractor for residents, visitors and workers
- Unique local character, reflecting its history, community diversity and existing local facilities

The Program proposes a range of activities and initiatives on three key themes. Based on these themes, a range of initiatives and indicative timing have been identified for inclusion in the Program. Further details on the proposed Program are in Table 1.

It is recommended that Council endorse the scope and implementation approach for the Main Street Program, as outlined in Table 1. Subject to Council endorsement,

Council officers will progress the activities and initiatives identified in the Program that have not yet commenced.

Theme	Proposed Activity or Initiative	Indicative Timing
<b>Business activation and engagement</b>  Working with businesses and stakeholders to maximise opportunities for the South Street area	Engage businesses and stakeholders on purpose of Main Street program*	2020-21
	Enhance online and social media marketing of South Street area*	2020-21
	Extend the Shop Local Campaign with a targeted effort for the South Street area*	2020-21
	Work with businesses on marketing campaign for the South Street area*	2020-21
	Progress short term opportunities with business and stakeholders following engagement outcomes*	2021-22
<b>Events and attractions</b>  Showcasing the South Street area as a place for events and attractions	Promote The Granville Centre as a place for events*	2020-21 and 2021-22
	Investigate opportunities to leverage events with local business*	2020-21 and 2021-22
	Deliver Festival of Place Program (subject to successful application)*	2020-21
	Use The Granville Centre to showcase local heritage items and history of the area*	2021-22
	Establish tour events to showcase food and heritage in the South Street area*	2021-22
<b>Infrastructure and place</b>  Improving built form and public space outcomes for the South Street area	Complete Smart Cities Pilot Project*	2020-21
	Progress land use planning review for Granville town centre*	2020-21 and 2021-22
	Prepare a Public Domain Plan for Granville Town Centre*	2020-21 and 2021-22
	Prepare collateral for a Granville Heritage and Parks Trail*	2020-21 and 2021-22
	Deliver public domain works from Your High Street Program (subject to Council application being successful)*	2020-21 and 2021-22
	Design and deliver works associated with the Public Domain Plan**	2021-22 onwards

\* Uses existing financial resources \*\* Additional financial resources required to progress, to be considered on case by case basis

**Table 1 Proposed Main Street Program for South Street Area in Granville**



## COMMUNITY ENGAGEMENT

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Previous community engagement for the Granville area, including South Street, has been undertaken as part of earlier initiatives, such as the Smart Cities Pilot Project and preparation of the Your High Street Grant Application.

Some of the activities and initiatives identified in the Main Street Program will require further consultation and engagement with the community, business and stakeholders.

## POLICY IMPLICATIONS

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Activities progressed for the Main Street Program would support delivery of strategic directions identified in the *Cumberland City Community Strategic Plan* and *Cumberland 2030: Our Local Strategic Planning Statement*.

## RISK IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

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Most activities and initiatives identified in the Main Street Program can be undertaken using existing resources.

The initiatives related to additional funding are based on potential future infrastructure works. These will be assessed and considered for funding at the appropriate time.

## CONCLUSION

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Following Council's resolution on the Notice of Motion, a report has been prepared on the proposed scope and implementation approach for a Main Street Program focussed on the South Street area at Granville. It is recommended that Council endorse the Program to leverage the area's existing strengths and position for future opportunities.

## ATTACHMENTS

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Nil





Item No: C03/21-689

**PIPPITA RAIL TRAIL – PRELIMINARY FEASIBILITY REPORT**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: CS-208  
Community Strategic Plan Goal: *A resilient built environment*

**SUMMARY**

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Pippita Rail Trail is the proposed conversion of the unused Abattoirs Line, that once serviced the industrial area which was located where Olympic Park now resides, into a cycleway running alongside the current Olympic Park Rail Line, from Olympic Park to Lidcombe Station.

This report outlines the findings of a preliminary feasibility report on the proposed Pippita Rail Trail, in response to a resolution by Council in August 2020 to investigate the proposal. The report identifies broad strategic merit for the Pippita Rail Trail, with a preliminary cost estimate provided based on initial work undertaken. However, as the State Government owns significant parts of the corridor and has a role in funding and approval for this type of project, it is recommended that Council consult with relevant State Government agencies to confirm their interest and in-principle support to progress the Pippita Rail Trail.

**RECOMMENDATION**

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**That Council:**

- 1. Note the Preliminary Feasibility Report for the Pippita Rail Trail, as provided at Attachment 1.**
- 2. Consult with relevant State Government agencies to confirm their interest and in-principle support to progress the Pippita Rail Trail.**
- 3. Provide a further report to Council on the outcomes of consultation with relevant State Government agencies.**

**REPORT**

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***Background***

At the Ordinary Meeting on 19 August 2020, Council considered a report on the NSW Public Spaces Legacy Program, which is aimed at enhancing the provision of public spaces through the targeted allocation of funding (up to \$5.5 million) to eligible Council's. At the meeting, Council also received a presentation from a local cycling advocacy group, proposing Council seek funding under the Public Spaces Legacy Program to deliver the Pippita Rail Trail. Council resolved to prepare a submission to the Department of Planning, Industry and Environment for Cumberland City Council to

participate in the NSW Public Spaces Legacy Program, and (separately) investigate the feasibility of the Pippita Rail Trail project.

### ***Pippita Rail Trail – Preliminary Feasibility Report***

Council officers have prepared a preliminary feasibility report for the Pippita Rail Trail. The report considered the relative strategic merit of the proposal, along with preliminary cost estimates to deliver the project.

#### Strategic Merit

There is broad strategic merit in progressing the Pippita Rail Trail. *Cumberland 2030: Our Local Strategic Planning Statement* advocates for a range of transport options that connect our town centres and employment hubs, both locally and to Greater Sydney. Key actions under this priority area include:

- Supporting greater walking and cycling in the Cumberland area, including targeted investments to support access to centres, corridors, and public transport services.
- Connections of parks and cycle ways within the District and adjoining local government areas.

The Pippita Rail Trail would deliver on the above actions by providing an active transport connection between the Lidcombe Town Centre and Olympic Park. It would also provide additional north-south connectivity over Parramatta Road and the M4 Motorway, consistent with the overall strategic transport aims of *Cumberland 2030: Our Local Strategic Planning Statement*.

Notwithstanding, several potential cycleway projects have been identified across the City, including the Duck River and Prospect Reservoir Green Grid Priority Corridors, and Wentworthville to Westmead Health and Education Precinct link. The Pippita Rail Trail would need to be further investigated and prioritised with respect to these other projects.

#### Preliminary Cost Estimate

The Preliminary Feasibility Report identified initial costs associated with progressing detailed design and construction of the Pippita Rail Trail, including planning approvals, project management, construction, and commissioning works. The preliminary cost estimate for the project is in the range of \$7.8 million to \$15.6 million, which equates to a range of \$2.6 million to \$5.2 million per kilometre. A detailed feasibility assessment is needed to determine the full scope of the project and verify the preliminary cost estimates.

#### Applicability for the Public Spaces Legacy Program

Council recently received confirmation from the Department of Planning, Industry and Environment that it has met the first phase performance requirements of the Public Spaces Legacy Program Participation Agreement and is now invited to formally nominate a project to receive funding (submission due 10 March 2021). Whilst the Pippita Rail Trail broadly meets the objectives of the Program, the preliminary cost

estimate for the project exceeds the funding allocation and, as the project is only at a preliminary feasibility stage, is unable to be delivered within the specified timeframe for the Program.

### **Next Steps**

The Preliminary Feasibility Report identified that consultation is required with State Government agencies to confirm their interest and in-principle support for the proposal. As the State Government owns significant parts of the corridor and has a role in funding and approval for this type of project, it is recommended that Council consult with relevant State Government agencies to confirm their interest and in-principle support to progress the Pippita Rail Trail. Subject to Council endorsement, Council officers will progress consultation on the proposal and a further report will be provided to Council.

### **COMMUNITY ENGAGEMENT**

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There are no community consultation processes for Council associated with this report. Consultation would be undertaken with State Government agencies.

### **POLICY IMPLICATIONS**

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The development of the Pippita Rail Trail would align with Council's strategic vision for active transport as outlined in *Cumberland 2030: Our Local Strategic Planning Statement*.

### **RISK IMPLICATIONS**

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The Pippita Rail Trail is reliant on land owned by the NSW Government. Therefore buy-in from relevant agencies is required, and should be secured upfront, prior to any further detailed planning or commitment towards the project by Council.

The Pippita Rail Trail would also need to be appropriately prioritised in the context of other projects identified throughout the City. Other projects may be assessed as having higher priority in the short-medium term.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

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The Pippita Rail Trail was proposed by a cycling advocacy group, and as a result, Council resolved to investigate the feasibility of the project. The report outlines the outcomes of the Preliminary Feasibility Report and next steps for the proposal.

### **ATTACHMENTS**

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1. Pippita Rail Trail – Preliminary Feasibility Report (January 2021) [↓](#)





DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-689

Attachment 1

Pippita Rail Trail – Preliminary  
Feasibility Report (January 2021)





# PIPPITA RAIL TRAIL PRELIMINARY FEASIBILITY REPORT

JANUARY 2021



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## Overview

- Pippita Rail Trail is the proposed conversion of the unused Abattoir line into a cycleway, running alongside the Olympic Park rail line, from Olympic Park to Lidcombe Station.
- Cumberland 2030: Our Local Strategic Planning Statement aims to increase north-south links across the Parramatta Road Corridor, which the project would deliver. However, the planned Duck River Corridor would also deliver this link and has greater strategic merit.
- The preliminary cost estimate as part of the initial feasibility assessment is between \$7,800,000 and \$15,600,000. This includes planning and approvals, project management, construction and commissioning works.
- As the project is reliant on land owned by the NSW Government, discussions are required with NSW Government agencies to confirm their interest in the project.
- Should Council support the project as a concept to progress in more detail, it is recommended that a detailed feasibility assessment be undertaken.

## Introduction

The 'Rail Trail' program identifies and converts unused rail lines into cycling connections. Transport for NSW (TfNSW) have planned and delivered numerous rail trails across NSW. These projects include the future construction of over 90km rail conversion between Bentley and Crabbes Creek Rail Trail in the Northern Rivers, and a Richmond to Vale Rail Trail in the Hunter Valley. These conversions are aimed at increasing tourism and improving the health and wellbeing of the local communities.

At a Council meeting on the 19 August 2020, Cumberland City Council was approached by a local cycling group advocating for Council to prepare a feasibility study for their Pippita Rail Trail proposal. The Pippita Rail Trail proposal would involve the conversion of the unused Abattoirs line built in 1911, previously providing freight transport in the Camelia area, into a cycleway. If constructed, the trail would provide a 3km cycling route connecting Lidcombe Station in the south to Sydney Olympic Park in the north.

The cycling group proposed that Council apply for the NSW Public Spaces Legacy Program (PSLP) to fund the project. Cumberland Council is eligible to apply for this 'incentive grant program' if it meets certain criteria, such as reducing rezoning decision times by 33 percent. If the criteria are met, the program provides up to \$5.5 million, which can go towards new or improved public open space.

At the Council Meeting, a unanimous decision was made by Council to apply for participation in the NSW PSLP. Council also resolved to investigate the feasibility of the Pippita Rail Trail proposal.



*Structure plan of proposed Pippita Rail Trail presented to Cumberland City Council*





## Policy Context

Overall, increasing cycling has become a priority at both State and Council level, and this is evident in their strategic documents. Both levels of government have prioritised where, what and when cycling infrastructure and programs should be implemented. It is important to understand where the Pippita Rail Trails fits into the broader strategic context.

As a relatively new Council, Cumberland is currently developing new planning controls and strategic documents. The recently completed Local Strategic Planning Statement, *Cumberland 2030*, refers to cycling and gives effect to the broader planning directions from the Greater Sydney Commission's *Central City District Plan*. It is therefore an opportune time to consider cycling connections within the Cumberland LGA.

In general, there is some strategic merit for construction of the Pippita Rail Trail outlined in *Cumberland 2030*. The document broadly supports making cycling an easy option for residents, workers and visitors to get around. There is also argument that the Pippita Rail Trail will support connections to centres, corridors and public transport services by providing a link between the Lidcombe Town Centre and Olympic Park. Local residents may need to be consulted to understand the importance and potential usage of the link before any conclusion could be made. The link would also provide greater north-south connections over Parramatta Road and the M4 Motorway, identified as a strategic aim in *Cumberland 2030*.

More specific priorities in *Cumberland 2030* suggest that this project may not be the best 'value for money' or a priority for the NSW Government. The Central City District Plan and *Cumberland 2030* have already identified the Duck River Corridor as an important link and opportunity to provide north-south links between Parramatta and Olympic Park, as well as Cumberland LGA. A feasibility study would need to confirm the value of this connection over other links such as the Duck River Corridor. Other key cycleway links such as Wentworthville to Westmead Health and Education precinct and Prospect Creek Corridor to Merrylands also need to be investigated and prioritised.

It should also be noted that the City of Canterbury Bankstown have recently exhibited their *draft Active Transport Action Plan 2020-2030* and have identified connecting a cycleway to the Duck River Corridor as a high priority. This corridor has the second highest priority of the 12 cycleway links proposed in the LGA.

## Site Visit

Council Officers conducted a preliminary site visit to sections of the proposed rail trail. The majority of the site was closed to the public and site observations were made outside the site boundary.

In its current state, the site is dilapidated, but still used as an access road in parts by TfNSW and AusGrid. At the southern entrance (Lidcombe) to the proposed trail site is a gate and driveway for vehicle access. The driveway exits onto Bachell Street, a busy street with a speed limit of 60km/h.



1. View from Bachell St, Lidcombe towards existing rail corridor
2. View from adjacent industrial land in Bachell St looking north along proposed corridor. Existing rail/Ausgrid access track is visible and rail line is obscured by trees

The trail runs alongside the Olympic Park line, which is separated by a fence, powerlines and established trees. A cement works and other light industrial land uses, border the majority of the western side of the proposed trail.

There are poor sight lines along the length of the proposed corridor, potentially making the area unsafe at night. The industrial site on the western side is closed at night and sightlines from the apartment buildings on the eastern side of the Olympic Park Line are blocked by trees. In addition, the area is poorly lit, and provision of lighting along the length of the trail would be necessary.

The bridge crossing Parramatta Road is not currently in use and fenced off. It would need to be assessed for structural integrity as part of a feasibility assessment if the project is to proceed.



1. View from proposed corridor looking north towards bridge crossing Parramatta Road to Olympic Park
2. View of bridge, crossing the M4 Western Motorway, facing north connecting onto Olympic Park



## Preliminary Cost Estimates

The preliminary cost estimate for the project (which would need to be verified by a more detailed feasibility assessment) is in the range of \$7,800,000 to \$15,600,000. The approximate length of the proposed cycleway is 3km, which equates to a cost of between \$2,600,000 and \$5,200,000 per kilometre. Costs are detailed in the following table.

Item	Preliminary Cost Estimate
Planning and approvals	\$200,000 - \$400,000
Surveying, investigation and design	\$300,000 - \$400,000
Preliminary works and site preparation	\$500,000 - \$1,500,000
Service re-location	\$500,000 - \$2,000,000
Construction	\$2,500,000 - \$3,000,000
Lighting	\$1,000,000 - \$1,500,000
Parramatta Road Bridge and M4 Western Motorway Bridge -Structural Investigation	\$100,000 - \$250,000 *Could be higher if asbestos contamination is high
Parramatta Road Bridge and M4 Western Motorway Bridge repairs (provisional)	\$500,000 - \$3,500,000
Removal and restoration of contaminated land	\$500,000 - \$3,000,000
Contingency	\$1,000,000 - \$2,000,000
Project management	\$700,000 - \$1,400,000
<b>Total</b>	<b>\$7,800,000 - \$15,600,000</b>

*Pippita rail trail preliminary cost estimate*

## SWOT

The following SWOT analysis provides a breakdown of the development and construction of the Pippita Rail Trail. This analysis is based on the site visit, local strategic planning knowledge, and basic understanding of construction related activities and costs.

S	W	O	T
Strength	Weakness	Opportunities	Threats
Provides north-south link between Olympic Park and Lidcombe.	The Duck River Corridor has already been identified as a priority north-south link.	Provides residents in Lidcombe with a safe connection to facilities in Olympic Park.	The land could have multiple landowners, making development more challenging.
Provides health a wellbeing benefits by providing safe cycling links.	The link could attract a high cost that may not be a strategic priority.	Increases the status of Lidcombe Town Centre as a local centre.	Poor sight lines along the corridor could reduce safety or perceptions of safety.
	Site is currently used as an access corridor for Ausgrid and Transport for NSW.	Engagement with local community may identify the trail as strategically important.	Unplanned costs associated with aging infrastructure (bridge), contamination and potential relocation of power poles.
	Southern exits onto a busy road requiring further safety considerations along Bachell Street.		Construction may require closure of Parramatta Road and the Olympic Park rail line.
	Potential wasted funding conducting feasibility study if project does not proceed.		A Health Impact Assessment may identify proximity to cement works, on western side, as a health hazard for cyclists.

## Next Steps

Conducting a feasibility study will be the first major milestone in delivering the project. Due to the relative complexity of developing the project, compared to building cycling paths on Council owned land, the steps needed to develop a feasibility report could present unforeseen risks and costs. However, the following table outlines the recommended next steps for the Pippita Rail Trail feasibility study.



### Interest and Agreement

State Government interest will be essential moving forward with the Pippita Rail Trail feasibility study. This will include securing agreement from the Department of Planning, Industry and Environment (DPIE) that constructing the Pippita Rail Trail has strategic merit.

Transport for NSW (TfNSW) will also need to confirm interest in collaborating with Council on the project. They will likely grant access to the site and relinquish ownership of the land to Council once the project is complete.

### Step 1.

Confirm interest, access and strategic merit with DPIE and TfNSW.



### Activities, Costs and Permits

If agreement from the relevant government departments is secured, there is a list of activities that will need to be identified, and relevant budgets and permits attained to move forward with the feasibility study. This could involve:

- Identifying utilities ownership, such as sewerage and electrical poles, for permits, and any information to include in the detailed feasibility report.
- A methodology outlining the necessary steps of the detailed feasibility study.
- Any costings for consultant work
- Identifying the potential risks, such as site contamination and unforeseen construction, which will require contingency plans. Costings will also need to be considered.
- Identifying a project team, including how many, how long, and who needs

### Step 2.

Prepare a project methodology, contingency plans and budget.

### Step 3.

Conduct detailed feasibility report.

to be involved in the detailed feasibility study.



#### Outcomes and Funding

Consultation with engineering and the final feasibility study will provide a budget estimate of the costs for project delivery. Depending on this outcome, a funding source will need to be secured.

It is noted that the preliminary cost estimate for the project exceeds the allocation provided under the Public Spaces Legacy Program, and is unlikely that the project could be delivered within the timeframe specified under this Program. Council would need to identify alternate funding such as TfNSW Walking and Cycling Program.

#### Step 4.

Assess detailed feasibility report outcomes against Council's cycling infrastructure priorities.

#### Step 5.

Identify funding opportunities to deliver the project.

It is also recommended that outcomes should be communicated with the original proponents of the Pippita Rail Trail and other relevant stakeholders.

## Conclusion

The Pippita Rail Trail was proposed by a cycling advocacy group, and as a result, Council resolved to investigate the feasibility of the development and construction of this proposal. Construction of the site is dependent on multiple factors, including interest and consent from relevant State Government bodies (landowners) in the first instance, and costs associated with construction.

However, considering the interest from the cyclist group and the benefit of building positive relationships with the community, it is worthwhile gauging interest from relevant government bodies, and potentially conducting a detailed feasibility study, noting the costs involved. The outcomes of the detailed feasibility study (subject to consent from the landowners of the proposed route) could then be considered in the context of Council's broader planning towards walking and cycling, including key priorities such as the Duck River Corridor and the Westmead-Wentworthville shared cycle path, and other funding sources be investigated.



Item No: C03/21-690

**NSW PUBLIC SPACES LEGACY PROGRAM - PROJECT NOMINATION AND FUNDING APPLICATION**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: SC426  
Community Strategic Plan Goal: *A resilient built environment*

**SUMMARY**

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Cumberland City Council is participating in the NSW Public Spaces Legacy Program, which aims to enhance the provision of public spaces across NSW. Council is eligible for up to \$5.5 million in funding for public spaces, subject to supporting economic development through the timely processing of development applications and other planning measures. Council resolved to participate in the Program in August 2020 and Cumberland's involvement was confirmed by the Department of Planning, Industry and Environment.

In February 2021, Council received confirmation from the NSW Department of Planning, Industry and Environment that it has met the first phase of development assessment performance targets, as required by the NSW Public Space Legacy Program Participation Agreement. This qualifies Council to nominate a project for funding under the Program, as set out in the Program Guidelines.

It is recommended that Council prepare and submit an application for funding under the NSW Public Spaces Legacy Program to design and deliver the Merrylands Civic Square project. This project is recommended as it will enhance key public domain areas for Cumberland's proposed strategic centre, aligns with strategic planning work and urban development in this location, and can be completed by the end of 2022 as required under the Program. An application for the project is due to the Department of Planning, Industry and Environment by 10 March 2021.

**RECOMMENDATION**

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**That Council prepare and submit an application for funding of up to \$5.5 million under the NSW Public Spaces Legacy Program to design and deliver the Merrylands Civic Square project.**

**REPORT**

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***Background***

In August 2020, the NSW Government announced the \$250m NSW Public Spaces Legacy Program to enhance the provision of public spaces across NSW. Cumberland City Council is eligible for up to \$5.5 million in funding for public spaces, subject to supporting economic development through the timely processing of development

applications and demonstration of Cumberland City's contribution towards housing supply in Greater Sydney.

At its meeting on 19 August 2020, Council considered a report on the requirements for the program and considerations for Cumberland City, and resolved to prepare a submission to participate in the NSW Public Spaces Legacy Program. A range of potential projects were identified in the report that could be further considered should Council be invited to submit a project nomination.

Following the submission to participate in the Program, Council was invited by the Department of Planning, Industry and Environment to participate in the Program. Under the first phase of the Program, Council has:

- exceeded its targets for the median development application processing time (target of 86 days, actual of 78 days as of January 2021);
- submitted long standing applications to the Sydney Central City Planning Panel in accordance with agreed commitments; and
- submitted the Cumberland Local Environmental Plan to the Department of Planning, Industry and Environment for finalisation.

In February 2021, Council received confirmation from the Department of Planning, Industry and Environment that we have met the first phase performance targets, as required by the NSW Public Space Legacy Program Participation Agreement. Council is therefore invited to submit a detailed public and open space project proposal to receive funding under the NSW Public Spaces Legacy Program.

### ***Program Objectives and Assessment Criteria***

The objectives of the NSW Public Spaces Legacy Program in terms of public and open spaces are to:

- Support investment in the creation of high-quality public and open spaces to create a lasting community benefit.
- Address critical open space shortfalls and improve the quality of existing public and open spaces.

To meet the objectives of the program, successful projects are required to address the criteria set out in the Guidelines, including:

- Will the project provide a broad range of benefits for the community?
- Is the project inclusive?
- Does the project fill a gap in the open space network?
- Does the project benefit the broader district or regional community?

Projects can achieve these objectives by either creating new high-quality public and open spaces through land acquisition or unlocking underutilised land, connecting the

network through new or improved trails and linkages, or significantly enhancing the quality of existing public and open spaces. As a legacy program, projects should aim to make a significant and lasting positive impact for future generations.

### ***Merrylands Civic Square project***

Council officers have reviewed the Public Spaces Legacy Program Guidelines and Assessment Criteria and identified the Merrylands Civic Square project as being suitable to support an application for funding. This was also identified in the Council report of August 2020 as a project that could be considered under the Program.

The Merrylands Civic Square project will provide a new vibrant heart to the City Centre, providing a multipurpose civic space with a strong connection and interaction with adjoining developments. It will encourage pedestrian movement and provide a safe and inviting place to meet, relax, and celebrate community.

The Merrylands Civic Square project addresses the key criteria for funding under the Program, as it will enhance key public domain areas for Cumberland's proposed strategic centre, aligns with strategic planning work and urban development in this location, and can be completed by the end of 2022 as required under the Program. Initial officer level advice from the Department of Planning, Industry and Environment indicates that the project is the type of application the Program is intended to support.

It is recommended that Council endorse the preparation and submission of a formal application for funding of up to \$5.5 million under the NSW Public Spaces Legacy Program to design and deliver the Merrylands Civic Square project. Applications are due by 10 March 2021.

## **COMMUNITY ENGAGEMENT**

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Should Council be successful in its submission for funding under the NSW Public Spaces Legacy Program, community consultation will be undertaken on the Merrylands Civic Square project in accordance with statutory requirements.

## **POLICY IMPLICATIONS**

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The outcomes of the NSW Public Spaces Legacy Program support the delivery of strategic directions identified in the Community Strategic Plan and Cumberland 2030: Our Local Strategic Planning Statement.

## **RISK IMPLICATIONS**

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As an application is required to be submitted by 10 March 2021, a decision is required by Council at this meeting to ensure the application is made on time.

Should Council be successful, risks in the delivery of improvements to assessment times and the delivery of the project will be managed using existing frameworks.

## **FINANCIAL IMPLICATIONS**

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If successful, the NSW Government will allocate up to \$5.5 million for Council to deliver the project. Funding for the project will be confirmed through a funding agreement and

will be released through design and construction milestones. Some design funding will be available midway through the performance monitoring period and construction funding to be committed once the performance targets have been met in mid-2021.

The design process will provide further confidence on the total cost of the project, including options for staging of delivery and scope items covered as part of the project. Additional funding to deliver aspects of the project above the allocation of the grant could be provided through funding already collected under local infrastructure contributions or through Council's capital budget.

## CONCLUSION

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This report outlines the detailed application criteria for the NSW Government's Public Spaces Legacy Program and opportunities for Cumberland City Council. It is recommended that Council prepare and submit an application to the Department of Planning, Industry and Environment for funding to design and deliver the Merrylands Civic Square project.

## ATTACHMENTS

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1. Letter to Council from Department of Planning, Industry and Environment – 3 February 2021 [↓](#)
2. NSW Public Legacy Spaces Program Guidelines – August 2020 [↓](#)
3. NSW Public Legacy Spaces Program – Advice for detailed public open space project proposals [↓](#)

**DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-690**

**Attachment 1**

**Letter to Council from Department  
of Planning, Industry and  
Environment – 3 February 2021**





Planning,  
Industry &  
Environment

IRF21/317

3 February 2021

Cumberland City Council

Dear Mr Hamish McNulty

Thank you for participating in the NSW Public Spaces Legacy Program and supporting the economic recovery from the COVID19 pandemic.

I am pleased to advise that Council has met the first phase development assessment performance targets for the period up to 31 December 2020, as required by your Participation Agreement. This qualifies Council to nominate projects for funding under the Program, up to the value of the grant allocation set out in the Program Guidelines.

You are invited to nominate projects by submitting an application to the Department of Planning, Industry and Environment on or before 10 March 2021.

Information to help you prepare your submission is provided in the attached Fact Sheet. FAQs and an application form will be made available on the Program webpage by Monday 8 February 2021 at [www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/NSW-Public-Spaces-Legacy-Program](http://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/NSW-Public-Spaces-Legacy-Program). You are also encouraged to attend a webinar to be held next **Tuesday 9 February at 11am**. You can register for the webinar by [clicking here](#).

Successful nominations will be confirmed by 20 April 2021 and successful councils will be issued a funding agreement shortly thereafter. To secure the grant funding councils will be required to sign and return the funding agreement by 21 May 2021.

If Council's nominated projects are approved and the agreement executed, a portion of the grant allocation will be provided up-front. This initial funding will assist with detailed planning, design and documentation.

This letter is not confirmation of funding for your nominated projects. Therefore, you are advised to not make any public announcements regarding this funding or make any commitments to the projects at this stage. The Department will be in contact regarding an announcement once the projects are approved.

I note that access to the balance of your overall allocation will be contingent on Council continuing to achieve the development assessment performance targets set out in the Performance Agreement, through to 30 June 2021, and meeting the obligations under the funding agreement.

Thank you again for your participation in this program. The Department looks forward to working with you to support the delivery of your project and will be in touch periodically to assist you with your application. If you have any questions in the meantime, the program team would be happy to assist and can be contacted at [publicspaceslegacy@planning.nsw.gov.au](mailto:publicspaceslegacy@planning.nsw.gov.au).

Yours sincerely



**Martin Reason**  
Executive Director, Infrastructure and Place



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-690

Attachment 2  
NSW Public Legacy Spaces  
Program Guidelines – August  
2020





# The NSW Public Spaces Legacy Program

Program Guidelines  
August 2020

Updated 19 August 2020



### Acknowledgement

NSW Department of Planning, Industry and Environment acknowledges the traditional custodians of the land and pays respect to all Elders past, present and future.

Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: NSW Public Spaces Legacy Program

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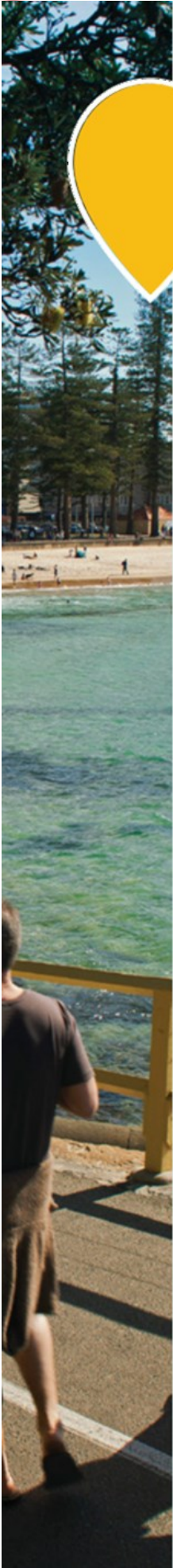
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## Introduction

Councils across NSW have achieved significant improvements in their planning assessment processes over recent years. This has been complemented by ongoing work in strategic planning such as the preparation of local strategic planning statements and the review of councils' Local Environmental Plans.

The economic impact of the COVID-19 pandemic creates an imperative to seek even greater speed in assessment, to ensure that good planning decisions can be made as quickly as possible. This will aid economic recovery by helping to unlock construction jobs, economic activity and broader public benefits. It will also provide confidence in the planning system by giving a definitive response on proposals as early as possible.

Further process improvements will require an allocation of resources to achieve faster assessment decisions.

The NSW Public Spaces Legacy Program recognises this resource impact by offering a financial incentive for councils that are responding to the COVID-19 pandemic by setting and achieving higher assessment performance targets in the short to medium term.

COVID-19 has shown the extent to which people value their public spaces, with half of people surveyed spending more time outdoors during the pandemic. This fund is about seizing the opportunity to build on that momentum and to create a positive public space legacy for our future.

As the COVID-19 period has demonstrated, access to quality open and public space is central to community and individual health and can be a driver of economic performance.

The NSW Public Spaces Legacy Program will provide long-term value by funding new and/or improved high-quality public and open spaces ensuring a legacy well beyond the COVID-19 economic recovery period.

## Planning Reform Action Plan

The Government has recently announced a broad Planning Reform Action Plan to create a more timely, certain and transparent planning system. The Action Plan includes measures to reduce assessment times for planning proposals, regionally significant development applications and major projects, implement the next stage of ePlanning, provide new resources for the NSW Land and Environment Court, reduce concurrence and referral cases between agencies, and review application fees with a link to speed of assessment.

This includes the Faster Assessments Program which will combine new resources with system improvements to slash assessment times. This involves a commitment by the NSW Government to reduce timeframes for:

- Rezoning decisions by 33 per cent;
- Decisions on development applications for larger, regionally significant projects by 25 per cent time; and
- Decisions on major projects of significance to the State by 17 per cent.

This measure will help to stimulate the economy by reducing developer holding costs, administrative costs around preparation of development applications and minimizing the time spent navigating the planning system.

## Objectives of the NSW Public Spaces Legacy Program

The NSW Public Spaces Legacy Program will support the Planning Reform Action Plan by providing incentives and guidance to councils seeking to match the objectives of the Faster Assessments Program through their own local assessment acceleration program. The objectives of the NSW Public Spaces Legacy Program are to:

- improve development assessment speeds and planning proposals (rezoning);
- bring forward construction and the opportunity for jobs and economic activity in the short to medium term;
- support investment in the creation of high-quality public and open spaces to create a lasting community benefit; and
- address critical open space shortfalls and improve the quality of existing public and open spaces.



## Why high-quality public and open space?

New South Wales has many well-loved public spaces, streets, parks, bushland areas, beaches, and waterways. These places contribute to making our communities attractive, healthy and liveable. The COVID-19 pandemic has made us realise how valuable these places are.

Public and open space contributes to the growth of healthy and sustainable communities by promoting access to nature, culture, sport and recreation. It improves a place's appeal to visitors and enhances quality of life. As our communities grow and change, it is essential that public spaces are accessible and that the open space network is planned, designed and delivered to ensure future community needs are met.

Public and open space is land that has been set aside from development to accommodate recreation or relief from the built environment. It can be used for purposes such as personal and social recreation, sport and physical activity, active transport corridors, waterway and riparian corridors, biodiversity and fauna conservation, and visual and landscape amenity. It includes natural areas and linkages, foreshore areas, parklands, sports grounds and courts, children's play spaces, public streets and linear walking, cycling, and equestrian tracks. These are integral to the character and life of urban areas. Open space can be categorised as local, district or regional open space and can be parklands, natural areas and foreshore areas.

High-quality public and open spaces are recognised through excellence in planning, design, community engagement and ensuring the community is able to get there, stay, and participate.



## Structure of Program & Eligibility

Funding is available to councils that can demonstrate a significant acceleration of their planning decision process between 1 September 2020 and 30 June 2021.

Councils can apply for an upper limit of funding as outlined in Table 1 – Funding Allocations, below. Councils have been categorised according to Australian Bureau of Statistics Classification of Local Government and Office of Local Government groupings, which is based on broad demographic variables including population, location, size and economy.

The funding for each council reflects the potential positive impact on local economies and job creation arising from their assessment program and—to a lesser extent—the likely cost of delivering public and open space upgrades. Additional funding is available to some councils that have been identified as having a significant shortfall in open space as determined in detailed analysis of open space provision by Department of Planning, Industry and Environment.

In order to maintain integrity in the reporting process, the program is available to the 68 councils across NSW that either are currently using or are mandated to use the ePlanning system.

To be eligible for funding, councils must:

1. Identify benchmark performance and opportunities to improve that performance; and
2. Commit to a local assessment acceleration program, including measurable targets, that achieve significant performance improvement; and
3. Be operating on the ePlanning platform – or mandated to adopt the ePlanning platform – at the commencement of the program.





**Table 1 – Funding Allocations**

OLG Category	Councils	Upper limit per council
Metropolitan developed councils (with open space shortfall)	Bayside Council, Burwood Council, Camden Council, Canterbury-Bankstown Council, Cumberland Council	\$5.5M
Metropolitan developed council	Blacktown City Council, Willoughby City Council, Council Of The City Of Sydney, The Hills Shire Council, Woollahra Municipal Council, Northern Beaches Council, Mosman Municipal Council, The Council Of The Municipality Of Hunters Hill, Waverley Council, Lane Cove Municipal Council, North Sydney Council, Inner West Council, Sutherland Shire Council, Ryde City Council, City Of Parramatta Council, Randwick City Council, Liverpool City Council, Strathfield Municipal Council, Fairfield City Council, Ku-Ring-Gai Council, City Of Canada Bay Council, Georges River Council	\$4.75M
Metropolitan fringe council	Wollondilly Shire Council, Central Coast Council, Blue Mountains City Council, Penrith City Council, Hawkesbury City Council, The Council Of The Shire Of Hornsby, Campbelltown City Council	\$4.0M
Regional city council	Coffs Harbour City Council, Cessnock City Council, Dubbo Regional Council, Maitland City Council, Clarence Valley Council, Shoalhaven City Council, Port Stephens Council, Tweed Shire Council, Byron Shire Council, Albury City Council, Port Macquarie-Hastings Council, Mid-Coast Council, Lake Macquarie City Council, Wingecarribee Shire Council, The Council Of The Municipality Of Kiama, Shellharbour City Council, Wollongong City Council, Armidale Regional Council, Newcastle City Council	\$3.0M
Large rural and Rural council	Cootamundra-Gundagai Regional Council, Snowy Valleys Council, Tenterfield Shire Council, Cowra Shire Council, Uralla Shire Council, Leeton Shire Council, Forbes Shire Council, Gunnedah Shire Council, Hilltops Council  Kyogle Council, Upper Hunter Shire Council, Yass Valley Council, Glen Innes Severn Shire Council, Moree Plains Shire Council, Murrumbidgee Council	\$2M

Categories are based on the Australian Bureau of Statistics Australian Classification of Local Government Office of Local Government Groupings.

<https://yourcouncil.nsw.gov.au/wp-content/uploads/2018/05/Australian-Classification-of-Local-Government-and-LOG-group-numbers.pdf>

## How to apply

### 1. Visit the website:



[dpie.nsw.gov.au/publicspaceslegacy](https://dpie.nsw.gov.au/publicspaceslegacy)



### 2. Submit your completed application to:

[publicspaceslegacy@planning.nsw.gov.au](mailto:publicspaceslegacy@planning.nsw.gov.au)

## Your application

Councils are encouraged to submit an application that demonstrates how it will meet four key requirements:

1. Substantially accelerate planning assessments between 1 September 2020 and 30 June 2021; and
2. Commit to completing regionally significant development applications that have been under assessment for more than 180 days by 31 December 2020; and
3. Further commit to delivering on housing and jobs growth, by:
  - for metropolitan councils, exhibiting updated local environmental plans to incorporate housing or employment supply for at least 6-10 years, by 30 June 2021; or
  - for regional councils, finalising local strategic planning statements by 30 September 2020; and
4. Commit to delivering rezonings that have been under assessment for more than 4 years, by 30 June 2021.

Nominations should include a brief description of a public or open space project or projects that can be delivered by 31 December 2022 and that will meet the assessment criteria – public and open space as outlined below.

## Assessment criteria – accelerated planning

To be eligible for funding the council must make a commitment to accelerate its median assessment timeframe for development applications by 20% between 1 September 2020 and 30 June 2021. The improvement target is to be benchmarked against evidence of councils' assessment performance over the past 2-3 years.

Councils will be expected to identify in their submission, regionally significant development applications (to be determined by a regional panel), that have been in the planning system for more than 180 days and commit to their determination by 31 December 2020.

Councils will also be required to provide a project outline plan for accelerating rezoning decisions. The outline plan should show how the council will complete rezoning proposals that have been under assessment since July 2016 to help deliver the 33% reduction in rezoning timeframes. In metropolitan Sydney councils should show how they will update their local

environmental plans to ensure there is 6-10 years of housing or employment supply capacity, by 30 June 2021. For regional councils the application should identify how they will ensure the early delivery of their Local Strategic Planning Statement.

The Department of Planning, Industry and Environment will consider the strategic capacity of the council, the volume of DAs it considers and median assessment timeframes when reviewing the proposed targets. Councils can make representations to set performance targets lower than 20% or propose longer deadlines for decisions, where they can demonstrate that they have successfully undertaken an assessment acceleration program in recent years or can provide substantial justification for the proposed timeframes. Councils can provide evidence such as data of annual volume of DAs, annual median assessment timeframes and housing supply capacity.





## Assessment criteria – public and open space

Funding will be provided for projects that deliver new or upgraded public and open spaces. The program will support the design and delivery of:

- Open spaces and parklands including regional and district open spaces and linear parklands; or
- Trails and strategic open space linkages including recreational improvements of riparian corridors and easements that contribute to the delivery of important corridors identified in Regional Plans or endorsed Local Strategic Planning Statements (for example, in Greater Sydney, the Green Grid); or
- Foreshore and riverfront precincts, including improvements for water-based recreation such as launching small watercraft, access to waterways for swimming, trails and picnic areas; or
- Civic plazas, town squares and main street precincts that improve connections between public space, promote walkability and greater accessibility; or
- Heritage works associated with any of the above

Project nominations should have strategic alignment to Government strategies such as:

- Council strategies, such as Local Strategic Planning Statements or other strategic documents such as open space and recreation strategies, urban design plans, town centres or economic strategies, active travel and transport plans.
- Long term open space network outcomes, such as the Sydney Green Grid, Council open space and recreation strategies etc that demonstrate a long-term change and benefit for the community.
- Inclusive play spaces aligned with the Everyone Can Play Guidelines.

Projects should support the delivery of the Premier's Priority of increasing access to quality green, open and public space and align with the principles of Greener Places.

Councils are encouraged to put forward projects that, ideally:

- increase social cohesion and recreational deficiencies in vulnerable communities;
- are in areas of known open space or recreational deficiencies;
- are of district or regional importance and deliver a significant open space legacy;
- create a broad range of community benefit including environmental and liveability outcomes;
- improve the quality of public and open space and enable safe and flexible use through embellishment works;
- fills in gaps in the open space network; and
- enable increased community access to public and open space.


Projects can include land acquisition for the purpose of creating new open space in areas where council has documented and published evidence of an existing deficiency in open space.

Councils are encouraged to submit projects that demonstrate innovative approaches to public or open spaces which increase community access, inclusivity and flexible use. Projects that will increase the diversity of recreational experiences and opportunities for communities will be well considered.

Design services will only be funded as part of the delivery of a project. Master planning or design services will not be funded in isolation.

Where projects are for the upgrade, extension or replacement of existing infrastructure applications will need to demonstrate how the project provides significant increase in benefit than is currently existing (i.e. improved economic, environmental or social benefits).

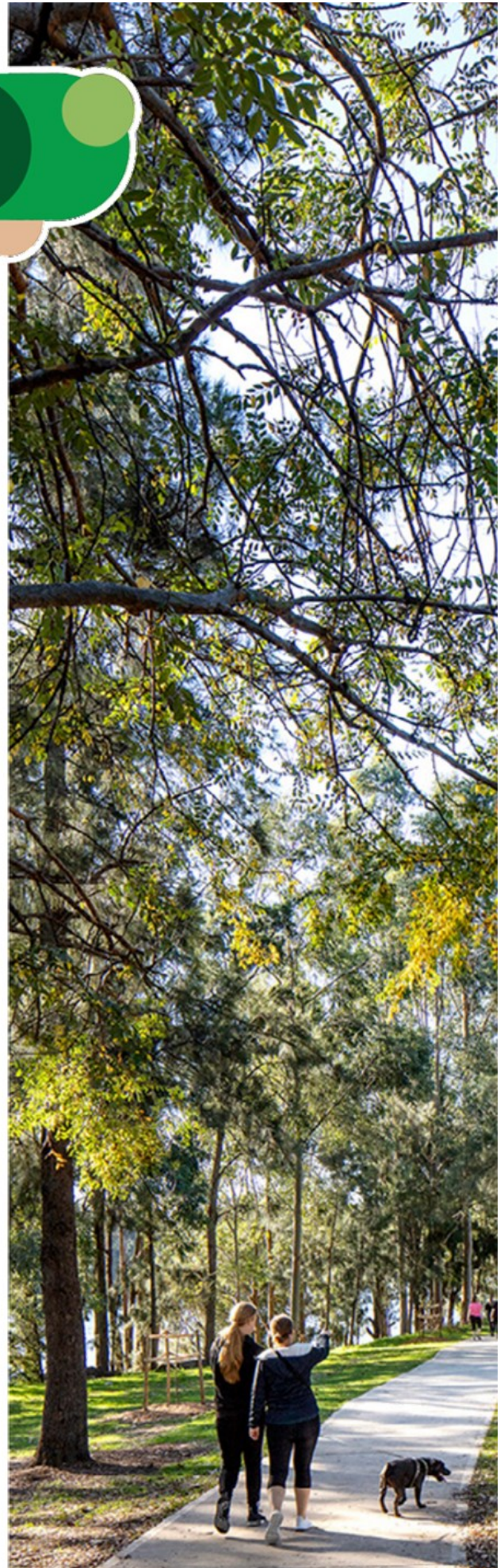




Projects must be undertaken on land that is freely and openly accessible to the public, and is Community Land and/or Crown Lands that are under the care, control and management of the council.

The following projects will not be eligible for funding under the NSW Public Spaces Legacy Program

- Projects outside of NSW
- Purchase of land for purposes other than open space creation
- Funding of personnel or staff positions
- Events, marketing, branding, advertising or product promotion
- Projects requiring ongoing funding from the NSW Government
- Retrospective funding to cover any project component that is already complete/underway
- Maintenance works
- Projects which are considered to be part of council's usual ongoing maintenance and management of a site (including ongoing reserve management, asset maintenance or replacement of existing infrastructure).
- Construction and planning of organised sporting facilities, including club houses and synthetic sports fields.
- Commercial operations and buildings, including club rooms.
- Road works including routine upgrading of footpaths, kerbs and car parks, with the exception of car parks that support the use and access to open space areas.
- Public art pieces as a singular project. Note public art that is integrated in to a wider public and open space project will be considered.
- Projects that require the public to pay a fee to access the site.



## Process

Applications will be assessed by an interagency assessment panel of NSW Government representatives, overseen by a probity advisor.

The panel will assess the proposed council acceleration programs against the mandatory criteria outlined above. If the performance targets meet the requirements, the council will be eligible for funding and will – subject to entering a funding agreement with the Department of Planning, Industry and Environment – be able to access the funding as outlined in Table 2 below.

Note that public and open space projects will be confirmed for funding eligibility against the assessment criteria – public and open space, prior to funding being transferred.

Council will report their performance against targets, in the prescribed form, monthly from 30 September 2020 to 30 July 2021. Performance will be monitored to the end of the performance monitoring period to confirm commitments have been reached. If targets are not reached at the end of either monitoring period, the funding agreement will expire.

Councils will be responsible for delivering the project within the budget set out in the funding agreement.

Prior to receiving the first round of funding under the program, the council will submit a detailed project proposal that details the project's alignment with the assessment criteria above and the council's capability to deliver the project including:

- evidence that the project will provide value for money and that the budget is realistic for the scale and impact of the project.
- clear strategies for engagement of the community, participants and stakeholders.
- a statement of technical ability and resources to effectively deliver the project, (including a project budget and risk assessment); and
- a schedule showing that the project will be complete by 31 December 2022.

**Table 2 – Funding and Monitoring Milestones**

Stage	% of allocation	Milestone
Planning & design	10%	After end of monitoring period 1 (1 September 2020 to 31 December 2020)
Construction & acquisition	50%	After end of monitoring period 2 (1 January 2021 to 30 June 2021)
Completion	40%	End of construction (prior to 31 December 2022)



## Timeframes – Nomination & Selection Process

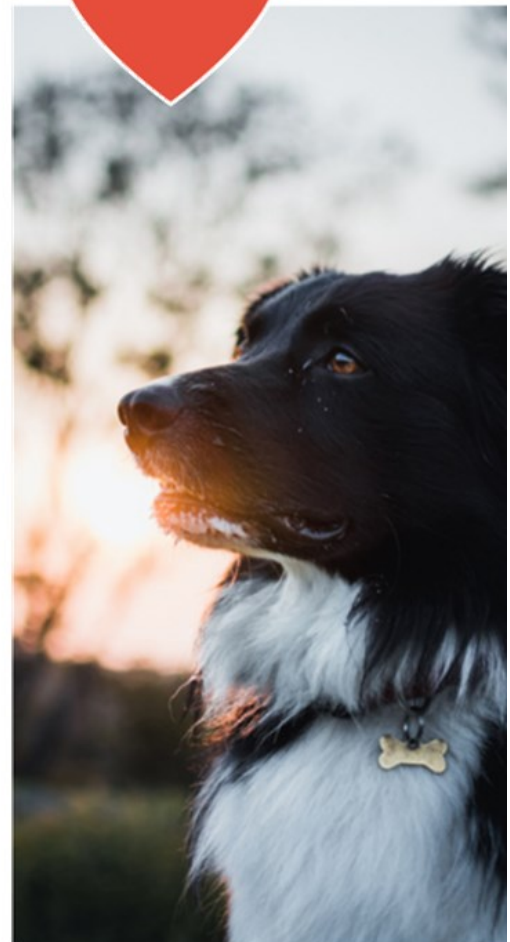
**Table 3 - Program Schedule**

Action	Date
Applications open	5 August 2020
Applications due	28 August 2020
Assessment acceleration monitoring period commences	1 September 2020
Participation agreements offered to shortlisted councils	14 September 2020
Participation agreements returned to DPIE	25 September 2020
Successful councils invited to submit detailed public and open space project proposals	1 February 2021
Funding agreements issued to participating councils. Detailed planning & design period for open space project(s) commences	1 March 2021
Construction commences (after)	1 August 2021
Construction complete	31 December 2022

## Submission of applications

Applications are due by 28 August 2020.

Acknowledgement of receipt of application will be via return email.



### Advice and guidance

The Department of Planning, Industry and Environment will provide an online briefing to councils in the week commencing 10 August.

The Department is also available to provide information to potential applicants on interpretation of these guidelines, including types of projects eligible for funding.

For inquiries or more information email:  
[publicspaceslegacy@planning.nsw.gov.au](mailto:publicspaceslegacy@planning.nsw.gov.au)

## Program management

Councils are asked to nominate a project manager for each project and to notify the Department of any changes to the role. Councils are responsible for project management and budgetary control.

### Payment of grants

Payment of grants will be subject to review of costs and the achievement of milestones as set out in the funding agreement and generally in accordance with Table 3 above.

### Reporting and monitoring

As part of the Funding Agreement, the successful applicants will be required to submit project progress reports. Progress reports may include photographs and evidence of progress. The Department will also expect Councils to use ePlanning processes to track the delivery of development applications.

### Project launch and promotion

A communication pack will be provided to grant recipients to provide approved key messages, branding, logos and multimedia to help you promote the project and Program and acknowledge the funding contribution.

It is a condition of grant funding that the Minister for Planning and Public Spaces, NSW Government and the Secretary, Department of Planning, Industry and Environment be:

- invited to attend any formal launch event (including commencement and completion ceremonies);
- advised four weeks prior to any formal event; and
- acknowledged for their contribution on all communications and media for the project.

### Project completion

A final report is required at the completion of projects and is to be included with the submission of final payment claims.

This report should be accompanied by photographs and any other evidence of project completion. Councils will be required to collect data to help evaluate the fund, individual funded projects and community satisfaction.

Data requirements will be detailed in funding agreements and a reporting template provided.

### Insurance requirements

Organisations applying for funding through this program must have a minimum public liability insurance cover of \$20 million.

We recommend, though it is not a condition of funding, that applicant organisations have personal accident and professional indemnity insurance. Organisations that employ staff must comply with the NSW *Workplace Injury Management and Workers Compensation Act 1998*.









[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-690

Attachment 3

NSW Public Legacy Spaces  
Program – Advice for detailed  
public open space project  
proposals



## NSW Public Spaces Legacy Program

Advice for detailed public and open space project proposals

*Thank you for your participation in the [NSW Public Spaces Legacy Program](#). COVID-19 has shown the extent to which people value their public spaces and this fund is about building on that momentum to create a positive public space legacy for our future.*

*Your Council has been invited to submit a detailed public and open space project proposal. The detailed project proposal requires an articulation of the project's alignment with the assessment criteria outlined in the [Program Guidelines](#) (the Guidelines). This information sheet is to assist councils in responding to the assessment criteria.*

### Objectives

The objectives of the NSW Public Spaces Legacy Program in terms of public and open spaces are to:

- support investment in the creation of high-quality public and open spaces to create a lasting community benefit; and
- address critical open space shortfalls and improve the quality of existing public and open spaces.

Projects can achieve these objectives by either **creating new** high-quality public and open spaces through land acquisition or unlocking underutilised land, **connecting the network** through new or improved trails and linkages or significantly **enhancing the quality** of existing public and open spaces. As a legacy program, projects should aim to make a significant and lasting positive impact for future generations.

Please note, where projects are for the upgrade, extension or replacement of existing infrastructure, applications will need to demonstrate how the project provides a significant increase in benefit than is currently provided.

### Funding allocations and assessment

The assessment process will take into account your maximum funding allocation.

Some councils were identified in the Guidelines as having an open space shortfall and therefore qualify for the maximum funding allocation. These councils will be expected to demonstrate how they are increasing the amount of open space in their LGA (ie. through land acquisition or expanding existing open spaces in areas of significant open space shortfall).





## NSW Public Spaces Legacy Program

Advice for detailed public and open space project proposals

### Assessment criteria

Below is a series of questions based on the assessment criteria in the Guidelines that can help you prepare your detailed submission. As a legacy program, projects will need to articulate how they will make a significant and lasting positive impact for future generations. We encourage you to refer to the [Draft NSW Public Spaces Charter](#) for further guidance around how to plan for high quality public and open spaces.

To meet the objectives of the program, successful proposals will be required to address the criteria set out in the Guidelines, including:

**Will the project provide a broad range of benefits for the community?** This could include social benefits (such as increased opportunity for community gathering, contribution to community identity etc), health benefits (such as increased access to active recreational opportunities), environmental benefits (such as improved visual amenity, reduced urban heat-island effect etc) and/or economic benefits (activation of town centres, creation of destinations etc).

**Is the project inclusive?** Does it encourage a broad range of community members to use the space? Does it better enable people to 'get there, stay, play and participate'? This could be through its location, flexible design, multifunctional spaces or improved accessibility, amenity and safety.

**Does the project fill a gap in the open space network?** Does it address identified open space or recreational deficiencies (particularly in areas of greatest need or in vulnerable communities)? Does it increase the diversity of recreational experiences and opportunities for communities? This could be through unlocking underutilised land, creating new public and open spaces or providing new recreational opportunities in line with identified community need.

**Does the project benefit the broader district or regional community?** This could be through provision of a large new or upgraded public open space, trail or path that serves multiple suburbs, the LGA or broader. Or a project that fills a gap in the network that has flow on positive impacts to the broader community (such as providing a missing link in a strategic trail or path). Or the project is located in a significant location that functions as a key community gathering place for the broader community.

### A reminder of what is included

The NSW Public Spaces Legacy Program will support the design and delivery of:

- Open spaces and parklands including regional and district open spaces and linear parklands
- Trails and strategic open space linkages including recreational improvements of riparian corridors and easements that contribute to the delivery of important corridors identified in Regional Plans or endorsed Local Strategic Planning Statements (for example, in Greater Sydney, the Green Grid)
- Foreshore and riverfront precincts, including improvements for waterbased recreation such as launching small watercraft, access to waterways for swimming, trails and picnic areas
- Civic plazas, town squares and main street precincts that improve connections between public space, promote walkability and greater accessibility
- Heritage works associated with any of the above.



## NSW Public Spaces Legacy Program

Advice for detailed public and open space project proposals

### A reminder of what is excluded

The following projects will not be eligible for funding under the NSW Public Spaces Legacy Program:

- Projects outside of NSW
- Projects that require the public to pay a fee to access the site
- Purchase of land for purposes other than open space creation
- Funding of personnel or staff positions
- Events, marketing, branding, advertising or product promotion
- Projects requiring ongoing funding from the NSW Government
- Retrospective funding to cover any project component that is already complete/underway
- Projects which are considered to be part of council's usual ongoing maintenance and management of a site (including ongoing reserve management, asset maintenance or replacement of existing infrastructure).
- Construction and planning of organised sporting facilities, including club houses and synthetic sports fields.
- Commercial operations and buildings, including club rooms.
- Road works including routine upgrading of footpaths, kerbs and car parks, with the exception of carparks that support the use and access to open space areas.
- Public art pieces as a singular project. Note public art that is integrated in to a wider public and open space project will be considered.

**NOTE:** Design services will only be funded as part of the delivery of a project. Master planning or design services will not be funded in isolation.

### Who to contact with any questions

Please contact [publicspaceslegacy@planning.nsw.gov.au](mailto:publicspaceslegacy@planning.nsw.gov.au).

© State of New South Wales through Department of Planning, Industry and Environment 2020. The information contained in this publication is based on knowledge and understanding at the time of writing (February 2020). However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Department of Planning, Industry and Environment or the user's independent adviser.





Item No: C03/21-691

## RESPONSE TO NOTICE OF MOTION - CONSTRUCTION OF FOOTPATHS

Responsible Division: Works & Infrastructure  
Officer: Director Works & Infrastructure  
File Number: SC483  
Community Strategic Plan Goal: *A safe accessible community*

### SUMMARY

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This report provides a response to the Notice of Motion – Construction of Footpaths resolved at the Ordinary Meeting of Council on 7 October 2020 (Min.867 C10/20-573).

This report also recommends that Council place the New Footpath Construction Policy on public exhibition and following this, report back to Council on the outcome of the public exhibition.

### RECOMMENDATION

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#### That Council

1. **Note that the cost of providing footpaths within the area bound by Hampstead Road, Parramatta Road, Macquarie Road and Rawson Street, Auburn would be \$331,000, and that funding does not exist in the current financial year to deliver these works.**
2. **Place the draft New Footpath Construction Policy on Public Exhibition, with the outcome of this to be reported back to Council.**

### REPORT

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At the Ordinary Meeting of 7 October 2020, Council considered Notice of Motion (Item No: C10/20-573) to bring a report to Council on the construction of footpaths in the area bound by Hampstead Road, Parramatta Road, Macquarie Road and Rawson Street, Auburn. Council resolved (Min.867):

*“That:*

1. *Council provide a report for the area bound by Hampstead Road, Parramatta Road, Macquarie Road and Rawson Street including identifying a funding source in the budget.*
2. *The report identify the following:*
  - a) *The roads requiring widening*
  - b) *The areas that require concrete footpaths*
3. *In addition, Council write to the neighbours requesting that they cut the verges.”*



Council's Assets team has provided a cost estimate for the streets identified, these are included in attachment 1, the overall cost estimate for these works are \$331,000. Any footpaths in this area would be required to be funded from Council's general revenue as no reserve exists to fund these works. No general funds are available in the current financial year to fund these works. Flyers have been delivered to residents about the need for residents to assist with the mowing of the verge adjacent to their properties.

Council's Strategic Planning Team have confirmed that there are no streets within the subject area that have been identified as requiring widening. This has also been confirmed by Council's Technical Services section.

There are currently around 850kms of footpaths within the Cumberland City Council area, predominantly built in concrete, with approximately 160kms of streets with no footpath on one side of the street. Providing a footpath to these streets would have an estimated construction cost of \$32million and on today's funding levels take over 21 years to complete. This would also add annually \$640,000 in depreciation and a minimum of \$162,000 in maintenance costs.

Historically, Council has prioritised new footpaths on an ad hoc mix on the basis of residents requests, requests from executive and elected community officials and officer chosen streets. The result of this approach has led to a list of requests, that have had some degree of communication back to the originator, and a list of works which would take over 3 years of program to deliver at the current funding levels.

Therefore, it is proposed that Council develop a New Footpath Construction Policy that will guide the delivery of new footpaths. A Draft policy is attached for Council's consideration.

Council will construct and maintain a footpath network throughout the Cumberland City Council LGA to provide appropriate pedestrian linkages to properties, public and private facilities in accordance with the following principles:

- Council will provide a new fit for purpose paved footpaths where requested, identified, appropriate and practical to install and supported by the local community and considered viable.
- Generally, Council will provide a footpath on one side of a road only, unless road conditions require a path on both sides.
- New footpath requests will be prioritised giving consideration to the road hierarchy, pedestrian usage volume, importance of access, safety improvements, availability of existing footpath in streets, missing links within the existing path, network access to public transport, planning zones and special needs.
- In the provision of footpaths, Council will have regard for the needs of people with a disability.



- New footpath construction program will be prepared giving considerations to prioritised requests and based on Assets Management Principles to ensure equitable distribution of an improved network.
- Footpaths will be constructed to the relevant current Australian Standards using quality materials and fit for purpose. Materials and construction techniques used will be suitable and appropriate for the location and selected with consideration of the lifecycle costs of the footpath. As a general principle; footpaths are constructed with concrete, asphalt, segmental pavers, and have a minimum width of 1.2 metres.
- Footpaths are constructed within the standard longitudinal grade and cross falls to comply with Australian standards for pedestrian and disability access where site constraints allow.
- Appropriate pedestrian kerb ramps will be installed at intersections when new footpath construction is being undertaken.
- Where new footpaths are required to be constructed as a result of development, full costs of construction of the footpaths are to be borne by the developer, subject to Council's planning and development guidelines as a condition of the development approval.
- Where Council undertakes a program of constructing footpaths in residential areas, costs will be funded from Council's resources.
- Driveways –
  - a) Council will reconstruct driveways only where the new path level necessitates this to eliminate trip hazards.
  - b) Where no driveway exists or where a driveway has not been constructed to Council standards, then Council shall not be liable to construct a new driveway. The property owners can construct a driveway at their cost by engaging Council's contractors and Council will waive the inspection fees.

## COMMUNITY ENGAGEMENT

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Should Council adopt the recommendation of this report, the draft New Footpath Construction Policy will be placed on public exhibition, for the required period.

## POLICY IMPLICATIONS

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Should Council adopt the recommendation of this report, the outcome from the public exhibition, or any feedback and direction from Council will be considered in the development of the policy and reported to Council for its consideration.

## RISK IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

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As identified in the report, there is no funding available for construction of the footpaths in the Notice of Motion identified within this financial year.

## CONCLUSION

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Council at its Ordinary Meeting of 7 October 2020, considered Notice of Motion to bring a report to Council on the construction of footpaths in the area bound by Hampstead Road, Parramatta Road, Macquarie Road and Rawson Street, Auburn. This report has advised that the construction cost providing footpaths to the location identified would be \$331,000 and that no general funds are available in the current financial year to fund these works.

The report also identified that Council currently considers requests for new footpaths on an ad hoc basis and currently a back log of request exists, that would take over 3 years at the current funding levels to complete.

The report also recommends that Council place the Draft New Footpath Construction Policy on public exhibition and the outcome of this be reported to Council.

## ATTACHMENTS

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1. Cost Estimates for New Footpaths, Auburn [↓](#)
2. Draft New Footpath Policy [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-691

Attachment 1  
Cost Estimates for New  
Footpaths, Auburn



Cost Estimates for New Footpath Constructions - Auburn

Cost estimate for construction of new concrete standard residential footpath including associated pram ramps, minor adjustments to vehicular crossings, utility pit adjustments and tree removals.

STREET	SUBURB	FROM	TO	SIDE	LENGTH	ESTIMATED COST
Wentworth Street	Auburn	Hampstead Road	Goldsmith Lane	Northern side	255	\$70,000
Belimla Street	Auburn	Hampstead Road	Goldsmith Lane	Northern side	254	\$70,000
Beemra Street	Auburn	Hampstead Road	End	Southern side	211	\$58,000
Campbell Street	Auburn	Hampstead Road	Karrabah Road	Northern side	180	\$50,000
Argyle Street	Auburn	Hampstead Road	Kihilla Road	Northern side	141	\$38,000
Goldsmith Lane	Auburn	Verona street	Belimla Street	Eastern Side	160	\$45,000
<b>Total</b>						<b>\$331,000</b>





DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-691

Attachment 2  
Draft New Footpath Policy





## New Footpath Construction Policy

### AUTHORISATION & VERSION CONTROL

<b>Policy Number</b>	<i>[Policy number]</i>
<b>Policy Owner</b>	<i>Director Works and Infrastructure</i>
<b>Date Adopted</b>	<i>[Date (and Council Resolution No.)]</i>
<b>Version No</b>	<i>[Revision No.]</i>
<b>ECM Number</b>	<i>[ECM/Policy Register Reference]</i>
<b>Review Date</b>	<i>[Insert date / period policy next to be reviewed]</i>

*New Footpath Construction Policy*

## BACKGROUND / INTRODUCTION

Footpaths play an important role within the Cumberland City Council, providing a means of access to community facilities, services, public transport and open spaces. The provision of footpaths make communities more liveable and better connected and people healthier and physically active. Footpaths also have a considerable visual impact on the streetscape of Council area and contributes to the attractiveness of the streets and public spaces.

The Council provides and maintains footpaths in the areas of need wherever appropriate and practical to install. Due to financial constraints, Council has to adopt priorities for the construction of new footpaths.

## PURPOSE

The purpose of this policy is to outline Cumberland City Council's commitment and responsibilities in providing safe and accessible footpath network throughout the LGA. The Policy provides guidelines for the standards, priorities and source of funding for the installation of new paved footpaths.

This policy is supported by the New Footpath Construction Procedure that outlines the criteria for prioritisation of new paved footpath constructions.

## SCOPE

This Policy and related procedure apply to the entirety of Cumberland City Council Local Government Area. This policy applies to all new footpath requests and construction of footpaths within public road reserves.

It can also serve as a guide for cycle ways and parks within open space area, these areas are however subject to their own strategies and /or Plan of Management.

## DEFINITIONS

Word	Definition
Road Reserve	The area from the property boundary to property boundary
Road Pavement	The sealed area between the two kerb lines intended for the movement of vehicles
Footpath	The improved area of the verge for pedestrians to use
Verge	The area from the property boundary to the kerb or edge of the pavement
Paved Footpath	A path constructed using segmental block pavers, concrete, asphalt or sprayed bituminous surfacing
LGA	Local Government Area
CBD	Central Business District is the commercial and business centres of the Local Government Area
Road Hierarchy	Categories of roads according to their functions and capabilities



*New Footpath Construction Policy***POLICY STATEMENT**

Cumberland City Council is committed to provide safe pedestrian access throughout the LGA to make local roads more pedestrian friendly and improve pedestrian connectivity.

Council supports active transport to benefit the health and wellbeing of our residents and to minimise the impact of monitored transportation on the environment.

**PRINCIPLES**

Council will construct and maintain a footpath network throughout the Cumberland City Council LGA to provide appropriate pedestrian linkages to properties, public and private facilities in accordance with the following principles:

- Council will provide a new fit for purpose paved footpaths where requested, identified, appropriate and practical to install and supported by the local community and considered viable.
- Generally, Council will provide a footpath on one side of a road only, unless road conditions require a path on both sides.
- New footpath requests will be prioritised giving consideration to the road hierarchy, pedestrian usage volume, importance of access, safety improvements, availability of existing footpath in streets, missing links within the existing path, network access to public transport, planning zones and special needs.
- In the provision of footpaths, Council will have regard for the needs of people with a disability.
- New footpath construction program will be prepared giving considerations to prioritised requests and based on Assets Management Principles to ensure equitable distribution of an improved network.
- Footpaths will be constructed to the relevant current Australian Standards using quality materials and fit for purpose. Materials and construction techniques used will be suitable and appropriate for the location and selected with consideration of the lifecycle costs of the footpath. As a general principle; footpaths are constructed with concrete, asphalt, segmental pavers, and have a minimum width of 1.2 metres.
- Footpaths are constructed within the standard longitudinal grade and cross falls to comply with Australian standards for pedestrian and disability access where site constraints allow.
- Appropriate pedestrian kerb ramps will be installed at intersections when new footpath construction is being undertaken.
- Where new footpaths are required to be constructed as a result of development, full costs of construction of the footpaths are to be borne by the developer, subject to Council's planning and development guidelines as a condition of the development approval.

*New Footpath Construction Policy*

- Where Council undertakes a program of constructing footpaths in residential areas, costs will be funded from Council's resources.
- Driveways –
  - a) Council will reconstruct driveways only where the new path level necessitates this to eliminate trip hazards.
  - b) Where no driveway exists or where a driveway has not been constructed to Council standards, then Council shall not be liable to construct a new driveway. The property owners can construct a driveway at their cost by engaging Council's contractors and Council will waive the inspection fees.

**REQUIREMENTS**

All new footpath construction must have a budget provision to allow expenditure.

Any new footpath provision in a street without footpaths will require consultation with all residents in that street, because of the impact on verges and crossovers. This has to be balanced against the aim to ensure equal access capacity for elderly and people with disabilities to any property within Cumberland Council area.

Council staff are required to investigate all new footpath requests to scope, cost estimate and prioritise to determine if it is to be included in the footpath requests list. All works will be included in construction program subject to annual budget allocation for construction of new footpaths.

**RELATED LEGISLATION**

Roads Act 1993  
Local Government Act 1993  
Local Government (General) Regulation 2005  
Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulations 2000  
Protection of the Environment Operations Act 1997  
Protection of the Environment Operations (General) Regulations 2009  
Protection of the Environment Operations (Waste) Regulations 2014  
NSW Work Health and Safety Act 2011  
NSW Work Health and Safety Regulation 2011

**RELATED DOCUMENTS AND COUNCIL POLICY**

Community Strategic Plan  
Delivery Plan  
Development Control Plan  
Council Standard Drawings  
Council Construction Standards and Specifications  
New Footpath Construction Procedure  
Road and Transport Assets Management Plan  
Long term Financial Plan  
Australian Standards

Item No: C03/21-692

**QUARTERLY PROGRESS REPORT ON COUNCIL CONSULTATIVE AND ADVISORY COMMITTEES**

Responsible Division: Community and Organisation Development  
Officer: Director Community and Organisation Development  
File Number: 8689135  
Community Strategic Plan Goal: *Transparent and accountable leadership*

**SUMMARY**

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This report presents the Draft Minutes of the Consultative and Advisory Committee meetings held since October 2020.

**RECOMMENDATION**

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**That Council receive the Draft Minutes of the Consultative and Advisory Committee meetings held as listed in the report and included under Attachments 1, 2 and 3.**

**REPORT**

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***Progress Report on Council Committee Meetings***

The following three Committee meetings were held since October 2020:

<b>Committee</b>	<b>Meeting Date</b>	<b>Number of Attendees (exc. Council Staff)</b>
Aboriginal and Torres Strait Islander Consultative Committee	10 November 2020	10
Events Advisory Committee	26 November 2020	7
Access and Safety Committee	3 December 2020	12

The Draft Minutes of each of the above Committee meetings are included under Attachments 1, 2 and 3 of this report.

**COMMUNITY ENGAGEMENT**

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

## POLICY IMPLICATIONS

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Council's Consultative and Advisory Committees are recognised as one method for involving the community in Council's decision-making processes in the *Community Engagement and Participation Strategy*.

All Consultative and Advisory Committees of Council and their members are expected to comply with the Code of Conduct and supporting policies.

## RISK IMPLICATIONS

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All new Committee members undertake an induction process to ensure they are aware of their obligations under the Code of Conduct and supporting policies.

## FINANCIAL IMPLICATIONS

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

## CONCLUSION

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This report provides the Draft Minutes of the Consultative and Advisory Committee meetings held since October 2020.

## ATTACHMENTS

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1. Draft Minutes of Meeting - Aboriginal and Torres Strait Islander Consultative Committee - 10 November 2020 [↓](#)
2. Draft Minutes of Meeting - Events Advisory Committee - 26 November 2020 [↓](#)
3. Draft Minutes of Meeting - Access and Safety Committee - 3 December 2020 [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-692

Attachment 1

Draft Minutes of Meeting -  
Aboriginal and Torres Strait  
Islander Consultative Committee -  
10 November 2020





Cumberland City Council

**CUMBERLAND CITY COUNCIL ABORIGINAL AND TORRES STRAIT ISLANDER CONSULTATIVE COMMITTEE (ATSICC)**

Draft Minutes of Meeting held on Tuesday, 10 November 2020 at 6.00pm in Committee Rooms, Council Administration Building, Merrylands.

**1. Opening of Meeting**

Uncle Dave Williams opened the meeting with an Acknowledgement of Country and welcomed all attendees to the Aboriginal and Torres Strait Islander Consultative Committee of Cumberland City Council.

**2. Record of Attendance, Introductions and Apologies**

*Aboriginal and Torres Strait Islander Consultative Committee Community Members*

Name	In Attendance (Yes/No)
Ashlee Kearney	No (Apology provided)
Bel Dixon	No
Christopher Haberecht	No
Aunty Cleonie Quayle	No
Corina Marlow	Yes
Uncle David Williams ( <i>Chairperson</i> )	Yes
Emma Chapman	No (Apology provided)
Julie Nixon	Yes
Leanne Unie Day	No
Lyn Leerson	No
Margaret Gong	Yes
Kerrie Kenton	No
Raelene Billeto ( <i>Deputy Chairperson</i> )	Yes
Trudy Healey	Yes
Uncle Rex Sorby	No
Wayne Trindall	No (Apology provided)

*Councillors*

Name	In Attendance (Yes/No)
Councillor Greg Cummings (delegate for Councillor Steve Christou, Mayor)	Yes
Councillor Ned Attie	No (Apology provided)

*Council Staff*

Name	In Attendance (Yes/No)
Adam Ford, Landscape Architect	Yes
Kristina Tito, Arts and Cultural Projects Producer	Yes
Marika Kahle, Acting Community Development Coordinator ( <i>Minutes</i> )	Yes
Michael Brown, Acting Senior Coordinator Events and Culture	Yes
Nicole Byrn, Manager Community and Culture	Yes

Cumberland City Council

*Guests*

Name	In Attendance (Yes/No)
Darrin Baker – Artist 'Naming of Things'	Yes
Dawn Hardy	No (Apology provided)
Fiona Hardy	No (Apology provided)
Rebekah Raymond, Co- Curator Ngaliya Diyam	Yes
Dennis Golding, Co- Curator Ngaliya Diyam	No (Apology provided)
Julie Jones Webb	Yes
Paul Howard, Curator Blacktown Arts Centre	No

**3. Conflicts of Interest**

No conflicts of interest were declared.

**ITEMS CONSIDERED AND DISCUSSED BY THE COMMITTEE:**

**4. Minutes of Previous Meeting**

The Minutes of the previous meeting held on Tuesday 11 August 2020, were accepted as a true and accurate record. Moved by Cllr Greg Cummings and seconded by Julie Nixon.

**5. Business Arising**

Darug Language Protocol

This item was deferred to the next meeting for further discussion once the document is re-circulated to the Committee.

MOU Gandangara Local Aboriginal Land Council

An update was provided, and some concerns were raised around the MOU and its progress.

In previous Minutes it was indicated that consultation would occur with the Committee about the MOU.

**Feedback from Committee:**

- Corina Marlow advises that an invitation for consultation has not been forthcoming yet, and there is some discussion required on the alignment between the RAP and this MOU. There needs to be an agreement that this document respectfully identifies Dharug.
- Julie Nixon advises that invitations were sent direct from Gandangara. No one attended the initial dates and then there were some sessions that were cancelled due to COVID-19.
- Julie Nixon also advises that there has now been a booklet developed by Gandangara but not endorsed by their own group yet. It is envisaged that the booklet will then go to the Committee for feedback.
- Julie Jones Webb indicates that the consultation needs to be well attended.

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Cumberland City Council

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**Actions or Recommendations Arising:**

- 5.1 Marika Kahle to send the Darug Language Protocol document out with the Minutes.
- 5.2 Committee to provide feedback on the Darug Language Protocol at the next meeting.
- 5.3 Uncle Dave Williams to contact Gandangara to organise face to face workshops going forward.
- 5.4 Corina Marlow to provide organisation information for the Gandangara consultation.
- 5.5 Julie Jones Webb to provide names and details of attendees (approximately 8 people) for the Gandangara consultation.

**Reconciliation Action Plan (RAP) Implementation**

Approval has been given by Reconciliation Australia to defer completion of RAP actions to August 2021 due to COVID-19.

**Local Government Aboriginal Network Conference**

Uncle Dave Williams advises that there are no current updates regarding the Conference, however if it goes ahead and is in Sydney, suggests that some people on the Committee should attend.

**6. *First Nations Arts/ Cultural Programs*****The 'Naming of Things' by artist Darrin Baker**

Darrin Baker provided an update. The 'Naming of Things' is a community project about the suburb of Pemulwuy in collaboration with Blacktown Arts Centre. Darrin Baker's art will be an installation piece. Darrin Baker describes the installation to the Committee. The outline of the installation will be attached to the Minutes.

**Feedback from Committee:**

- Uncle Dave Williams extended an invitation for a discussion and tour of Pemulwuy and Prospect Hill to get an understanding of the people who live in Pemulwuy and its history.

**First Nations Exhibition and Public Program at the Granville Centre Gallery**

Rebecca Raymond thanked the Committee for their support and guidance in the opening of First Nations Exhibition. The Exhibition will run until January 2021.

There will be continued public programs while the exhibition is on, and the Committee is welcome to provide feedback. Any Members who have not seen it yet are welcome to a tour of the Exhibition.

A virtual version of the Exhibition is underway as is a printed catalogue.

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Cumberland City CouncilParramatta Road Urban Amenity Improvement Program (PRUAIP) Public Artwork Plan

Kristina Tito provided an update. The Arts and Cultural team are working with Create NSW on public artworks to revitalise the area and open some areas to the street.

Established artists have been invited to provide the public art with strong visual impact.

RAAF Stores Park Interpretation Renewal and Memorial

Adam Ford provided an update. The Park is in Regents Park, and the project will look at a more formal memorial. Information about the area will be attached to the Minutes.

The stakeholders would like to consult the Committee for correct acknowledgements and are proposing three interpretation plaques. One of these is to acknowledge the traditional custodians of the land.

The designs will come back to the Committee before construction.

There is some further research required to ensure that the clan names are correctly acknowledged, and boundaries clarified, and this will also be brought back to the Committee.

**Actions or Recommendations Arising:**

- 6.1 The 'Naming of Things' outline of the installation to be sent out to Committee along with Minutes.
- 6.2 Adam Ford to continue research into the correct boundaries and naming protocols for RAAF Stores Park and report back at the next meeting.

**7. NAIDOC Week**

Michael Brown provided an overview on the several activities being held for NAIDOC week. The Program will be attached to the Minutes.

**Actions or Recommendations Arising:**

- 7.1 NAIDOC Week Program to be sent out with the Minutes.

**8. Prospect Hill Access and Lookout**

Adam Ford reports that there was a site meeting with representatives to discuss the progression of the project as Heritage NSW has still not endorsed it and have raised some Heritage issues which need to be worked through. The site meeting included State Ministers in attendance and Council is hoping to hear back with some progress.

The issues identified are currently being looked at with the project group to get this up and running as soon as possible.



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Cumberland City Council

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**Feedback from Committee:**

- Cllr Greg Cummings has offered to liaise with Minister McDermott where required.

**Actions or Recommendations Arising:**

- 8.1 Adam Ford to provide a progress update on Prospect Hill Access and Lookout when information is available.

**9. Elders and Representatives List**

Marika Kahle advises that Council has a list which needs to be updated. The Committee is asked to please inform if there are any additions / changes required.

Council staff will call all Elders and Representatives on the list to seek information on what contact details can be provided externally, and information about fees for welcomes / acknowledgements etc.

**Actions or Recommendations Arising:**

- 9.1 Council staff to provide the Committee with list of names.  
9.2 Committee to provide their feedback on changes to the list.  
9.3 Council staff to call people on the list to clarify details such as if they can be promoted externally or only internally, fees etc.

**10. Dates for 2021 Meetings**

As per the current schedule outlined in the Terms of Reference, meetings will be held every second Tuesday of the month, quarterly at 6.00pm:

- Tuesday 9 February 2021
- Tuesday 11 May 2021
- Tuesday 10 August 2021
- Tuesday 2 November 2021

**11. General Business**

Cllr Greg Cummings received a document from the Western Sydney Leadership Dialogue which has some interesting information regarding affordable social housing for Western Sydney <https://westernsydney.org.au/blog>

**12. Close of Meeting**

Meeting closed at 7.59pm

Next meeting: Tuesday, 9 February 2021 in Council Chambers, Council Administration Building, Merrylands.



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-692

Attachment 2

Draft Minutes of Meeting - Events  
Advisory Committee - 26  
November 2020



Cumberland City Council

**CUMBERLAND CITY COUNCIL EVENTS ADVISORY COMMITTEE**

Draft Minutes of Meeting held on Thursday, 26 November 2020 at 6.00pm in the Committee Rooms, Council Administration Building, Merrylands.

**1. Open of Meeting**

Michael Brown opened the meeting with an Acknowledgement of Country and welcomed all attendees to the first meeting of the second term of the Events Advisory Committee of Cumberland City Council.

**2. Record of Attendance, Introductions and Apologies**

*Events Advisory Committee Community Members*

Name	In Attendance (Yes/No)
Aparna Vats	Yes
Assad Cina	No
Carly Lewis	No (Apology provided)
Mohammed Al-Zoubi	Yes
Renga Rajan	Yes
Sanjeev Goyal	Yes
Yin Lan Ge	Yes

*Councillors*

Name	In Attendance (Yes/No)
Councillor Joseph Rahme	Yes
Councillor Ned Attie ( <i>Chairperson</i> )	Yes

*Council Staff*

Name	In Attendance (Yes/No)
Karen Sattler, Events Coordinator	Yes
Michael Brown, Acting Senior Coordinator Events and Culture ( <i>Minutes</i> )	Yes
Nicole Byrn, Manager Community and Culture	Yes

**3. Committee Induction**

Michael Brown presented the Committee Induction Presentation to attendees. Committee Members with further questions were invited to contact Carol Karaki and Council's Governance team.

**ITEMS CONSIDERED AND DISCUSSED BY COMMITTEE:**

**4. Election of Chairperson**

Clr Ned Attie nominated himself as Chairperson. Committee elected Clr Ned Attie as Chairperson unopposed.

Clr Ned Attie outlined some operational issues with previous Events Committees and opportunities for this Committee's term.



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Cumberland City Council

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**5. Minutes of Previous Meeting**

There were no previous Minutes to adopt as this was the first meeting of the term of this Committee.

**6. Conflicts of Interest**

No conflicts of interest were declared.

**7. Updates**Christmas in the Gardens 2020

Michael Brown provided an update on the Christmas in the Gardens program.

- The free family friendly event will be held at Auburn Botanic Gardens on Saturday, 12 December from 6pm to 9pm.
- The objectives of delivering the event align with the former Cumberland Events Strategy 2017 – 2019.
- Program features 'Carols by Heartbeat' whose credits include Carols in the Domain, livestream of Christmas Carols, *Trolls* film, meet the Characters experience with Trolls characters, Christmas lights, take home colouring activity packs, and food.
- Event capacity is limited to 500 people due to COVID Safe event delivery requirements of one person per four square metres.

**Feedback from Committee:**

- Committee would like to ensure the event is not perceived as unsuccessful due to a lower attendance number. More attendees would be good. Council officers are requested to check COVIDSafe planning requirements and allow greater number of attendees if feasible.

Cultural Events Program, Future Events Program and Events Strategy

Michael Brown outlined that Council's Events Strategy and Events Program were under review and will be developed in line with financial and strategic priorities. The former Cumberland Council Events Strategy 2017 – 2019 has now expired, and now presents the opportunity for community, stakeholders and the Events Committee to inform the development of a new Events Strategy. An Events Program can be determined following the completion of an Events Strategy to ensure that Council's Events Program is strategic and sustainable.

**Actions or Recommendations Arising:**

- 7.1 Confirm COVIDSafe event delivery requirements to allow maximum possible capacity at Christmas in the Gardens.
- 7.2 Michael Brown to send the Cumberland Events Strategy 2017 – 2019 Event Evaluation Framework to the Committee.
- 7.3 Michael Brown to send the Sponsorship Policy and example Prospectus to the Committee.

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Cumberland City Council**Feedback from Committee:**

- Acknowledged budget issues due to COVID-19.
- Events Strategy should be financially sustainable moving forward.
- Opportunity for Events Committee to rebuild Events Strategy.
- Cllr Ned Attie stated that some events cost a lot and reached only a few people relatively; outlined the opportunity to meet multiple priorities from a single event, and to build the capacity of businesses and community groups to deliver events.
- Hopeful that Sydney Cherry Blossom Festival can be held in 2021.
- Yin Lan Ge asks whether a dance group can have a place to perform at events. Cllr Ned Attie advises that Council can provide capacity building support to community groups such as a dance group to run their own events.
- Sanjeev Goyal recommends expanding the presence of Diwali across several days and increasing online presence. Cllr Ned Attie indicates that budget allocations apply.

**8. General Business**

There were no general business items raised or discussed by the Committee.

**9. Close of Meeting**

Meeting closed 7:02pm.

Next meeting: date to be advised.



DOCUMENTS  
ASSOCIATED WITH  
REPORT C03/21-692

Attachment 3

Draft Minutes of Meeting - Access  
and Safety Committee - 3  
December 2020





Cumberland City Council

**CUMBERLAND CITY COUNCIL ACCESS AND SAFETY COMMITTEE**

Draft Minutes of Meeting held on Thursday, 3 December 2020 at 4.30pm via ZOOM.

**1. Open of Meeting**

Dr John Brodie opened the meeting with an Acknowledgement of Country and welcomed all attendees to the Access and Safety Committee of Cumberland City Council.

**2. Meeting Protocols for ZOOM**

Meeting protocols for the use of ZOOM were discussed.

**3. Record of Attendance, Introductions and Apologies**

*Access and Safety Community Members*

Name	In Attendance (Yes/No)
Amit Golwala	Yes
Flavia Del Zio	No
Joanne Steinwede	Yes
Dr John Brodie ( <i>Deputy Chair</i> )	Yes
Kevin Horne	Yes (left at 5.15pm)
Lilly Velickovich	No (Apology provided)
Margaret Chapman	No (Apology provided)
Mark Kunach	Yes
Pamela Colman	Yes
Peter Simpson	Yes
Richard Silberer	Yes
Ron Gibson	Yes
Sandra McDermott	No (Apology provided)
Sanjeev Goyal	Yes
Sue Huxtable Jones	Yes (left at 5.15pm)
Zhila Hasanloo	Yes

*Councillors*

Name	In Attendance (Yes/No)
Councillor Steve Christou, Mayor ( <i>Chairperson</i> )	No (Apology provided)
Councillor Lisa Lake	Yes
Councillor Tom Zreika OAM	No

*Council Staff*

Name	In Attendance (Yes/No)
Kylie Marsden, Manager Seniors and Disability Services	Yes
Siva Sivakumar, Manager Engineering and Traffic	No (Apology provided)
Teresa Russo, Crime Prevention Officer ( <i>Minutes</i> )	Yes
Kristina Tito, Arts and Cultural Projects Producer	Yes

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Cumberland City Council**ITEMS CONSIDERED AND DISCUSSED BY COMMITTEE:****4. Minutes of Previous Meeting**

The Minutes of the previous meeting held on 3 September 2020, were accepted as a true and accurate record. Moved by Cllr Lisa Lake and seconded by Ron Gibson.

**5. General Business**Safety Updates

The following crime prevention and safety update covering the September to December 2020 period was provided to the Committee.

*Site Assessments Completed for:*

- Gipps Park, Greystanes
- Reconciliation Rise, Pemulwuy
- Girraween Park, Girraween
- CV Kelly Park, Girraween
- Ray Marshall Reserve, Granville
- Clunes Ross, Pemulwuy
- Greystanes Sports Ground, Greystanes
- Carnation Street, Greystanes
- Bathurst Street Park, Greystanes
- Cumberland Road, Greystanes
- Wentworthville Commuter Carpark, Wentworthville
- Merrylands Railway Station Carpark, Merrylands
- Lavinia Street Park, Granville

*Living Safely in Cumberland Workshops:*

The delivery of face to face workshops was suspended due to the ongoing redeployment of Police at the border and at hotel quarantine due to the COVID 19 pandemic.

Council is currently working with Multicultural Liaison Officers from both Cumberland and Auburn Police area Commands to develop an audio zoom of the Living Safely in Cumberland module content to enable members of the community to access it. These will be recorded in our top five community languages.

*Road and Pedestrian Safety at Schools:*

Council Rangers regularly patrol school areas across the LGA to identify unsafe parking practices and offences. There were 248 patrols conducted across various schools. The Highway Patrol will monitor areas where issues continue to persist.

*Community Safety and Crime Prevention Plan (CSCPP) 2021:*

The CSCPP is entering into its third year of implementation. The following update was provided to the Committee.

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- The third year of the Plan will focus on the implementation of 66 actions.
- 21 of the 66 actions are new, whilst 45 are ongoing from the previous two years.

*Safety in Town Centres:*

Council will work with Police to deliver a Business Safety Program where Police will conduct safety audits at businesses to provide advice on what they can do to improve safety at their premises.

*Safety Messaging:*

Council will deliver a safety campaign in 2021 that will focus on the delivery of five key priority community safety issues.

Various options are being explored around promoting safety messages which include sending out safety messages with Council's rates notice mail outs and utilising Council's social media platforms.

*CCTV Grant:*

In 2021, Council will work with Police to roll out a grant funded program for community and small businesses administered by the Department of Communities and Justice. The program will enable not-for-profit and incorporated community organisations as well as small businesses to apply for funding for cameras to be used at their premises.

*16 Days of Activism against Gender-based Violence:*

To mark the start of the international campaign '16 Days of Activism against Gender-Based Violence', Council in partnership with The Red Rose Foundation unveiled a red bench at Merrylands Park. The concept of the red bench is to build a permanent visual reminder that we all must work to change the ending and call out abusive behaviour in our families, neighbourhoods, and broader communities. It is hoped the red bench will be a place that inspires conversations about domestic violence and raises awareness and opportunities for this important issue to remain visible.

Council has installed a total of five benches across the LGA, one in each ward. The locations were selected strategically based on foot traffic and visibility.

**Feedback from the Committee:**

- Cllr Lisa Lake asked if there are any grants available for CCTV.
- Cllr Lisa Lake asked what is occurring now that there is no dedicated Domestic Violence role.
- Dr John Brodie asked about the results of the school patrols.
- Dr John Brodie asked what the new 21 items were, and will the Committee be kept informed.



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Cumberland City CouncilAccess Updates*Disability Inclusion Action Plan (DIAP) Update:*

- The annual Progress Report on Council's DIAP has been submitted to both the NSW Disability Council and Local Government NSW (LGNSW).
- Council staff attended an online forum hosted by LGNSW and the Department of Communities and Justice, and were informed that the deadline to have developed a new DIAP has been extended to 1 July 2022.
- The current Plan will be extended for an additional year as reporting annually against actions will still need to occur.
- It is envisaged that the four focus areas will remain the same: Positive Attitudes and Behaviours, Liveable Communities, Employment, and Systems and Processes.
- The Department of Communities and Justice are currently developing and updating guidelines and resources to assist in the development of new DIAP's.
- The NSW DIAP consultation period closes on 4 December 2020.
- Consultations on the National Disability Strategy and National Disability Insurance Scheme Outcomes Framework closes on 18 December 2020.
- Current focus items under Council's DIAP are: Accessible Communications/ Content, Staff Training, Staff Induction, Work Placements, Cumberland Employee Champion Network, and Arts Programs.

*Arts/Disability Program Development:*

Kristina Tito, Council's Arts and Cultural Projects Producer, presented on two projects that Council's Culture and Events team are developing, to seek input and feedback from the Committee.

The projects align with two strategies from Council's DIAP (1.2 and 2.4). The projects are still in their development stage and are currently not confirmed.

Project 1 is a possible partnership/program collaboration with NSW Accessible Arts to be delivered between February to August 2020. The project will involve the following:

- **Granville Centre Art Gallery (GCAG)** - Exhibition, Artist In Residency (AIR) and Workshop Program - Commissioning new work by two mid-career and / or established artists with disability for a Textiles Exhibition from 21 May to 8 August 2021. Artists to be in residence at the Granville Centre Artist in Residency Studio from February to May 2021. Artists will lead four creative workshops for local community participation throughout their residency and host an Open Studio Day - Studio Practice Showcase.
- **Granville Centre – Creative Suite Music and Audio-Visual Mentorship Program** – Council will engage a music and audio-visual artist mentor with disability to lead a creative program for four developing and or emerging artists with disability from February to August 2021. The Granville Centre will host a Performance Sharing Event in August 2021 with other program musicians from the Granville Centre Creative Suite Program.
- **Strategic Access Program Development** - Council will engage an arts worker with disability to develop access programming across the GCAG exhibitions and Granville Centre Suite sharing event in 2021.

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Project 2 is a proposed grant application (TBC) - Information, Linkages and Capacity Building Social and Community Participation Grant 2020 - 21. The grant application will be for a Granville Centre Art Gallery (GCAG) Pilot Supported Studio Program and Curator Mentorship for artists with Disability and will involve the following:

- Development of a pilot supported studio program that will enable emerging artists with disability access to creative workshops led by artists with and without disability from June 2021 to June 2022.
- Engagement of a curator with disability to work alongside the GCAG curator to develop an exhibition that showcases the contemporary work of artists with disability from October 2021 to January 2022.
- Supported studio artists will be commissioned to create a collaborative new work that will be exhibited in the above exhibition between February to April 2022.

As part of the Accessible Arts/Events and Culture Partnership/Program Collaboration and the GCAG Pilot Supported Studio Program and Curator Mentorship, the Events and Culture team would like to establish a small supportive consultative working group and are requesting a member with disability from Council's Access and Safety Committee be part of the work group. The group would be established to provide disability-led support and advice for engaged artists/arts workers with disability, and is a paid opportunity. For more information please contact Kristina Tito, Arts and Cultural Projects Producer, on 8757 9405 or email [kristina.tito@cumberland.nsw.gov.au](mailto:kristina.tito@cumberland.nsw.gov.au)

**Feedback from Committee:**

- Sue Huxtable Jones informed that she works with a disability service in Cumberland, and the community she works with are mainly people who identify with mental health. Sue Huxtable Jones will take the information to them to ask if they would like to engage however there may be some resistance with being identified as having a disability.
- Mark Kunach suggests contacting the NSW Disability Council for details of current networks in the area. Mark Kunach asked if consideration had been given to taking the artwork and displaying it in public spaces. Kristina Tito explained that at this stage this has not been considered, as an exhibition in a public space would be difficult to achieve.

***International Day of People with Disability (IDPWD):***

IDPWD is held annually on the 3 December. Council is committed to being inclusive for all. As part of the IDPWD, activities included the following:

- Staff training overview session on Accessible Communications.
- Wide Angle Film Festival (WAFF). WAFF gives everyone the opportunity to see the diversity of our communities reflected on screen. A link was distributed to staff to watch the selection of award winning International and Australian films made by and starring people with disability.
- Libraries held displays of all inclusion items and a competition asking the question "what does disability mean to me?"
- An art workshop that was initially planned has been postponed with a new date yet to be determined.
- Children, Youth and Families held a sports program at Holy Trinity Primary School



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with guest speaker Rae Anderson a paralympian.

- A video message was developed and run on Council's Facebook page.

*Western Sydney Dementia Alliance:*

The Alliance is currently working on the following:

- Developing an action plan.
- Setting priorities.
- Researching other alliances.
- Learning about what a dementia friendly community means.

*Goods on Display Draft Policy and Guidelines:*

The Goods on Display Draft Policy and Guidelines are currently on exhibition until 4pm, 8 December 2020. They have been amended as per below:

- Change one metre depth for the goods to 75cm.
- Increase display area to a maximum of 75% of shopfront length, subject to maintaining appropriate clearance from the shop entry.
- Include a provision regarding the management of shopping trolleys.

Committee members can make a submission on the Cumberland Have Your Say page accessed via Council's website.

Access and Safety Concerns as raised by Committee:

- Peter Simpson asked for an update on Accessible Bus Stops. Where is it up to and what is occurring.
- Peter Simpson raised an issue in relation to the new roundabout on the South West corner of Dunmore and Emert Streets, Wentworthville. The footpath and kerb ramp appears to not be wide enough and when crossing, wheelchair falls off the side when turning.
- Joanne Steinwede asked if there were any opportunities for conducting education and awareness activities in response to people setting off fireworks illegally.
- Zhila Hasanloo raised the issue of low hanging branches, for example between Queen Street and Civic Road, Auburn. This is a access and safety concern especially for people who are vision impaired.
- Cllr Lisa Lake asked if any members have visited the new Granville Community Centre and if they noted any access issues.
- Dr John Brodie reported that the footpath outside 249 Fowler Road, Guildford, is cracked on the edges and is starting to turn upwards, causing a trip hazard.
- The Committee were told about the app "Snap, Send & Solve" which is available to them.

**Actions or Recommendations Arising:**

- 5.1 Provide an update on the groups who applied for grants that were eligible - more information required for this.
- 5.2 Provide an update on the dedicated Domestic Violence role within the new structure.

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Cumberland City Council

- 5.3 Provide an update on what the key results are with school patrols.
- 5.4 Provide a list of the 21 new action items being addressed this year for the CSCPP
- 5.5 Provide an update on Accessible Bus Stops.
- 5.6 Provide feedback to Roads and Infrastructure about the access concerns raised and the new roundabout at Dunmore Street and Emert Street, Wentworthville.
- 5.7 Liaise with the Police on the issue of illegal fireworks.
- 5.8 Provide feedback regarding the concerns in relation to low hanging branches being a safety and access concern especially for those who are vision impaired.
- 5.9 Report the access issue raised about the cracked footpath outside 249 Fowler Road, Guildford.
- 5.10 Provide the Committee with information on the phone app "Snap, Send & Solve".

**6. Close of Meeting**

Meeting closed at 5.44pm.

Next Meeting: Thursday, 4 March 2021 in Committee Rooms, Council Administration Building, Merrylands.



Item No: C03/21-693

## **NOTICE OF MOTION - CULTURAL FESTIVALS AND MULTICULTURALISM**

Councillor: Kun Huang and Suman Saha  
File Number: SC483

### **SUMMARY**

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Pursuant to Notice, Councillors Huang and Saha have submitted the following Motion.

### **NOTICE OF MOTION**

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**That Council:**

- 1. Continue to host cultural events like Lunar New Year, Diwali, Ramadan, and the Cherry Blossom Festival. These Cultural events and activities reflect the diverse mix of cultural backgrounds in Cumberland. Council recognise that these events along with other Council host events bring us together as one community and celebrate what makes Cumberland such a wonderful place to live;**
- 2. Ask Mayor Christou to retract and apologise unreservedly for his comment made in the Sydney Morning Herald article title “Lunar New Year not part of ‘this country’s traditions’: Western Sydney Mayor”; and**
- 3. Reaffirms its commitment to Multiculturalism and recognise Australia is a modern, successful and cohesive multicultural nation and recognise events like Lunar New Year, Diwali, and Ramadan as part of Australian Celebration.**

### **RESOURCING IMPLICATIONS**

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With respect to point (1) above, the funding for these events is currently being considered in the preparation of the budget for the 2021/2022 year. This budget will be presented to Council for adoption in March/April, consistent with the annual practice and Council can choose whether to adopt or amend the recommended budget. Staffing resources exist to support the return of these events however it should be noted that the size and scale of these events may need to be revisited in comparison with previous years due to any restrictions which may apply under Public Health Orders.

### **GENERAL MANAGER ADVICE**

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Point 1 of this Notice of Motion is addressed in the resourcing implications above.

Points 2 and 3 of this Notice of Motion are not matters for staff.

**ATTACHMENTS**

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Nil



Item No: C03/21-694

## QUESTIONS ON NOTICE - SUBMITTED BY COUNCILLOR LAKE

Responsible Division: General Manager  
File Number: SC485

### QUESTION/S:

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Will the General Manager please provide an answer to the following question:

Noting the resolution of Council for Item No: C07/20-502 – Budget savings initiatives post COVID-19 dated 15 July 2020 (carried on the casting vote of the Mayor)

“That Council delegate authority to the General Manager to implement the savings and business improvement initiatives outlined in the attached report”,

Would the General Manager please identify the precise words and/or figures in the attachment to that business paper which proposed a savings initiative to not proceed with the 2021 Lunar New Year festival, and/or to not proceed with a range of Council events.

### ANSWER/S:

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The confidential report considered by Council on 15 July 2020 highlighted targeted savings in the Community and Organisation Directorate, who manage the budget for this event, which included employee savings and other costs savings. The amounts are withheld in the resolution as the report was confidential.

The attachment to the confidential report of 15 July 2020 included a list of proposed savings by Directorate. Included in the list for the Community and Organisational Development was an amount to be saved in the area labelled Projects and Supervisors. This line item included the reductions in the events budget.

The details of the savings considered by Council on 15 July 2020 were considered at some length by Council at the two day weekend workshop on 11 and 12 July 2020

It is noted that the actual changes to the budget were made as part of the first quarter review in November 2020.

### ATTACHMENTS

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Nil