

# CUMBERLAND CITY COUNCIL

## Council Meeting

*Wednesday, 21 February 2024 at  
6:30pm*

Cumberland City Council Chambers

Merrylands Service Centre, 16 Memorial Avenue, Merrylands

## Councillor Contact Details

### Granville Ward

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

### Greystanes Ward

Clr Diane Colman	0400 279 200	Diane.Colman@cumberland.nsw.gov.au
Clr Greg Cummings	0417 612 717	Greg.Cummings@cumberland.nsw.gov.au
Clr Eddy Sarkis	0425 348 000	Eddy.Sarkis@cumberland.nsw.gov.au

### Regents Park Ward

Clr Kun Huang	0418 911 774	Kun.Huang@cumberland.nsw.gov.au
Clr Sabrin Farooqui	0400 322 999	Sabrin.Farooqui@cumberland.nsw.gov.au
Clr Helen Hughes	0400 264 534	Helen.Hughes@cumberland.nsw.gov.au

### South Granville Ward

Clr Glenn Elmore	0418 459 527	Glenn.Elmore@cumberland.nsw.gov.au
Clr Paul Garrard	0414 504 504	Paul.Garrard@cumberland.nsw.gov.au
Clr Mohamad Hussein	0400 281 726	Mohamad.Hussein@cumberland.nsw.gov.au

### Wentworthville Ward

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

## **Statement of Ethical Obligations**

### **Oath or Affirmation of Office**

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of councillor in the best interests of the people of Cumberland and Cumberland City Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

### **Conflicts of Interest**

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

For information on Council services and facilities please visit [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)



## ORDER OF BUSINESS

*All Council Meetings are livestreamed via Council's website. An audio/visual recording of the meeting is published following the meeting. Recordings remain on Council's website for a period of 12 months and are archived following this.*

### **1 Opening of Meeting**

### **2 Opening Prayer / Acknowledgement of Country / National Anthem**

### **3 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link**

### **4 Confirmation of Previous Minutes**

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### **5 Disclosures of Interest**

### **6 Mayoral Minutes**

Nil

### **7 Public Forum / Presentation of Petitions**

### **8 Items Resolved by Exception**

### **9 Reports to Council**

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C02/24-470 Cumberland Local Planning Panel - Reappointment of Chairs,  
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### **10 Reports of Council Committees**

Nil

### **11 Motions Pursuant to Notice**

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Material.....173

### **12 Motions to Alter or Rescind Council Resolution**

Nil

### **13 Questions with Notice**

Nil

**14 Closed Session Reports**

Nil

**15 Confidential Attachments from Open Reports**

C02/24-465 Legal Report

1. Litigation register

*Note: Included in Closed Business Paper in accordance with Section 10A(2)(g) of the Local Government Act as the information involves advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

C02/24-468 Community Grants - Round 2 2023/2024 Funding Recommendations

1. Community Grants Round 2 Applications

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

C02/24-468 Community Grants - Round 2 2023/2024 Funding Recommendations

2. Community Grants Round 2 Evaluation Report

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

**16 Resolutions passed in Closed Session****17 Other / General Matters****18 Close**

Item No: C02/24-464

## **MINUTES OF THE ORDINARY MEETING OF COUNCIL - 07 FEBRUARY 2024**

Directorate: Governance and Risk  
Responsible Officer: Director Governance and Risk

### **RECOMMENDATION**

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**That Council confirm the minutes of the Ordinary Meeting of Council held on 07 February 2024.**

### **ATTACHMENTS**

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1. Draft Council Minutes - 7 February 2024 [↓](#)



DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-464

Attachment 1  
Draft Council Minutes - 7  
February 2024



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## Minutes of the Council Meeting 07 February 2024

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### PRESENT

#### Councillors

Lisa Lake (Mayor)	Councillor
Ola Hamed (Deputy Mayor)	Councillor
Steve Christou	Councillor
Diane Colman	Councillor
Greg Cummings	Councillor
Glenn Elmore	Councillor
Sabrin Farooqui	Councillor
Paul Garrard	Councillor
Kun Huang	Councillor (via Audio-Visual Link – joined 6:37pm)
Helen Hughes	Councillor
Mohamad Hussein	Councillor (arrived 6:41pm)
Joseph Rahme	Councillor (arrived 6:31pm)
Suman Saha	Councillor
Eddy Sarkis	Councillor
Michael Zaiter	Councillor

#### Officers

Peter Fitzgerald	General Manager
Melissa Attia	Director Corporate Performance (Deputy General Manager)
Daniel Cavallo	Director Environment & Planning
Brendan Govers	Director City Services
Nicole Byrn	Director Community & Culture
Charlie Ayoub	Director Governance & Risk
Colin McFadzean	General Counsel
Carol Karaki	Manager Governance
Bianca Mourched	Coordinator Governance

The Mayor, Councillor Lake declared the meeting open at 6:30pm.

#### Opening Prayer

The opening prayer was read by Reverend Danelle McLeay from Merrylands Baptist Church.

#### Acknowledgement of Country

The Mayor, Councillor Lake 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 Lake asked all of those in attendance to stand for the playing of the Australian National Anthem.

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#### Min.635 Apologies / Requests for Leave of Absence/ Requests for Attendance by Audio-Visual Link

##### Motion (Zaiter/Saha)

That in accordance with Clause 5.24 of the *Code of Meeting Practice*, Council approve the attendance of Councillor Huang at this meeting via Audio/Visual Link due to work commitments.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Colman, Cummings, Elmore, Farooqui, Hamed, Hughes, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Christou and Garrard.

Councillor Huang joined the Meeting at 6:37pm following the consideration of this item.

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### Notice of Live Streaming of Council Meeting

The Mayor, Councillor Lake advised that the Council meeting was being streamed live on Council's website and all in attendance must ensure their speech to the Council is respectful and use appropriate language.

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### Confirmation of Minutes

#### Min.636 C02/24-452 Minutes of the Ordinary Meeting of Council - 06 December 2023

##### Motion (Saha/Hamed)

That Council confirm the minutes of the Ordinary Meeting of Council held on 06 December 2023 and 13 December 2023 (*As resumed from the Council Meeting adjourned on 6 December 2023*).

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.



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

Councillor Elmore declared a Significant, Non-Pecuniary interest in relation to Item C02/24-456 Letter of Offer for 4-4A Terminal Place, Merrylands as he is on the Sydney Central Planning Panel which will determine this matter in future, and as such, he will leave the Chamber prior to any discussion in relation to the matter.

Councillor Hamed declared a Significant, Non-Pecuniary interest in relation to Item C02/24-456 Letter of Offer for 4-4A Terminal Place, Merrylands as she is on the Sydney Central Planning Panel which will determine this matter in future, and as such, she will leave the Chamber prior to any discussion in relation to the matter.

Councillor Sarkis declared a Less than Significant, Non-Pecuniary interest in relation to Item C02/24-458 Draft Pendle Hill Town Centre Public Domain Plan - Post Exhibition as his family own property near the area subject of the report, and as such, he will leave the Chamber prior to any discussion in relation to the matter.

The General Manager declared a Pecuniary interest in item AR02/24-1 Notice of Motion to Alter Council Resolution - C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024 as the item directly related to his employment. As such, the General Manager indicated that he would be exiting the Chamber upon the consideration of this item.

Councillor Hussein entered the meeting at 6:41pm during the Declarations of Interest.

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**Request for Adjournment – Prayer Break**

The Mayor, Councillor Lake advised that she was in receipt of a request for a prayer break adjournment at 8:00pm. In accordance with clause 5.8 of the *Code of Meeting Practice*, the Mayor ruled that she will adjourn the Meeting for a period of 10 minutes after the first item that concludes around 8:00pm to allow Councillors to pray.

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**Granville Train Disaster Memorial Service**

At this point in the Meeting, the Mayor read out an appreciation email in relation to the recent Granville Train Disaster Memorial Service held by Council from Chief Inspector Gary Raymond a member of the Granville Train Disaster Association.

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**Min.637      MM02/24-46 Mayoral Minute - Australia Day Honours 2024****Motion (Lake)**

That Council:

1. Congratulate Councillor Sabrin Farooqui, Mr David Allan Williams, Mr Sarkis Chahine Karam, Mr Peter Bacha, and the late Mr John Edward Glennon on being awarded the Medal of the Order of Australia.
2. Organise a Mayoral reception to congratulate individuals awarded the Medal of the Order of Australia, including the family of the late Mr John Edward Glennon.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

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**Public Forum:**

**Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb	Interest
Mr Alex Doyan	AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island	Regents Park	Resident
Mrs Roula Christodoulides	AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island	Regents Park	Owner
Mr Roydon Ng	C02/24-461 Notice of Motion - Response to proposed changes to Planning Policy for parts of Berala and Lidcombe	Lidcombe	Resident

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**Min.638      Alteration of Order of Business**

**Motion (Hughes/Colman)**

That in accordance with Clause 8.2 of the *Code of Meeting Practice*, Council alter the order of business to allow Items AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island and C02/24-461 Notice of Motion - Response to proposed changes to Planning Policy to be brought forward for consideration at this time of the Meeting.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

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**Min.639      AR02/24-2 Notice of Motion to Alter Council Resolution - CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island**

Pursuant to Notice, Councillors Hughes, Garrard and Christou move that Council alter the below resolution of Council made at the Council Meeting on 6 December adjourned to 13 December 2023 CTC-23-187- Kibo Road, Regents Park - Proposed Refuge Island.

Min.624

That:

1. The proposed Refuge Island with associated signage and line marking on Kibo Road, Regents Park (adjacent to Kibo Reserve) be finalised and included in Council's Capital Works Program.
2. Council liaise with Australia Post for the relocation of the mailbox.
3. The affected / concerned residents be notified of Council's resolution.

**Motion (Hughes/Garrard)**

That the proposed Pedestrian Crossing with associated signage and zebra line marking on Kibo Road, Regents Park (adjacent to Kibo Reserve) be finalised in accordance with the plan and included in Council's Capital Works Program by a referral back to the Traffic Committee.

The Motion on being Put was declared **LOST**.

Councillor(s) For the Motion:                      Christou, Cummings, Garrard, Hughes, Rahme, Sarkis and Zaiter.

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

Councillor Rahme left the Meeting at 7:14pm and returned to the Meeting at 7:17pm during the consideration of this item.

Councillor Rahme left the Meeting at 7:19pm and returned to the Meeting at 7:22pm during the consideration of this item.

At this point of the meeting, Councillors Garrard, Christou and Hughes rose and called for a Division. The Mayor noted that the Division had already occurred, with a vote through a show of hands which will result in the recording in the Minutes of the Councillors who voted for or against the Motion. Councillor Garrard questioned this ruling, and the Mayor adjourned the meeting.

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**ADJOURNMENT**

**7:35pm**      The Mayor, Councillor Lake adjourned the meeting to seek clarification advice on the *Code of Meeting Practice*, in accordance with the above.

**7:47pm**      The Mayor, Councillor Lake upon reassembling, asked for a Motion to proceed with the business.



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**Min.640      Motion to Proceed with Business****Motion (Garrard/Christou)**

That Council continue with the business of the meeting.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore,  
Farooqui, Garrard, Hamed, Huang, Hughes,  
Hussein, Lake, Rahme, Saha, Sarkis and  
Zaiter.

Councillor(s) Against the Motion: Nil.

Upon the resumption of the meeting, through the General Manager, the General Counsel confirmed that the Mayor's ruling in relation to the request for a Division was in accordance with the *Code of Meeting Practice*.

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**Min.641      C02/24-461 Notice of Motion - Response to proposed changes to Planning Policy for parts of Berala and Lidcombe.****Motion (Farooqui/Huang)**

That with respect to the recently proposed changes to planning policy for parts of Berala and Lidcombe, Council:

1. Undertake community information sessions with the affected residents in Lidcombe and Berala to understand the proposed planning changes.
2. Request that staff from the relevant state agencies attend the information sessions.
3. Write to the State Government outlining the community's feedback on the proposal.
4. Opposes the proposed changes to Berala and Lidcombe town centre without the infrastructure development and consultation with the local community.

**Amendment (Hughes/ Garrard)**

Replace point 4 wording with the below and ensure point 3 of the original motion becomes point 4 (with the below being point 3).

3. Opposes the proposed changes to the Berala and Lidcombe town centres due to existing zoning, the current neighbourhood amenity, and lack of general infrastructure

**ADJOURNMENT**

**8:34pm** The Mayor, Councillor Lake adjourned the meeting in accordance with Clause 15.13 of the *Code of Meeting Practice*.

**8:48pm** The Mayor, Councillor Lake upon reassembling, asked for a Motion to proceed with the business.

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**Min.642 Motion to Proceed with Business****Motion (Colman/Hamed)**

That Council continue with the business of the meeting.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Debate on the Item subsequently continued.

The Amendment on being Put was declared **LOST**.

Councillor(s) For the Amendment: Christou, Cummings, Garrard, Hughes, Rahme and Sarkis.

Councillor(s) Against the Amendment: Colman, Elmore, Farooqui, Hamed, Huang, Hussein, Lake, Saha and Zaiter.

The Motion of being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Saha and Zaiter.

Councillor(s) Against the Motion: Rahme and Sarkis.

During the consideration of this item, Councillor Colman raised a point of order, citing an alleged breach of the *Code of Meeting Practice* by Councillor Garrard, stating that Councillor Garrard made a concerning remark. The Mayor, Councillor Lake asked Councillor Garrard to withdraw and apologise. Councillor Garrard proceeded to replace his remark, and did not apologise.

During the consideration of this item, Councillor Rahme raised a point of order, citing an alleged breach of Clause 15.11(d)(e) of the *Code of Meeting Practice* by Councillor Colman, stating that Councillor Colman made an unfavourable remark about Councillor

Garrard. The Mayor, Councillor Lake advised that she did not hear the comment however this can be further reviewed following the meeting through the meeting recording.

Councillor Christou left the Meeting at 8:03pm and returned to the Meeting at 8:05pm during the consideration of this item.

Councillor Sarkis left the Meeting at 8:11pm and returned to the Meeting at 8:13pm during the consideration of this item.

Councillor Huang left the Meeting at 8:29pm and returned to the Meeting at 8:31pm during the consideration of this item.

Councillor Huang returned to the Meeting at 8:49pm following the adjournment during the consideration of this item.

Councillor Farooqui returned to the Meeting at 8:49pm following the adjournment during the consideration of this item.

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**Min. 643      Items Resolved by Exception****Motion (Cummings/Hamed)**

That Council adopt items C02/24-454, C02/24-459, C02/24- 460, C02/24- 462 and C02/24-463 on the Council Agenda as per the recommendations in the reports.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion:	Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.
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Councillor(s) Against the Motion:	Nil.
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**C02/24-454 Investment Report - November 2023*****Resolved by Exception***

That Council receive the November 2023 Investment Report.

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**C02/24-459 Tom Adams Oval Naming - Post Exhibition*****Resolved by Exception***

That Council installs the proposed commemorative plaque in honour of the late Thomas (Tom) Adams and updated identification signage associated with the naming at Roberta Street Park, Greystanes, as outlined in this report.

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**C02/24-460 Report on Variations for Development Standards  
Approved Under Delegation - October to December 2023 Quarter*****Resolved by Exception***

That Council receive and note this report.

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**C02/24-462 Tender Evaluation Report - Norman Park Playspace  
Upgrade RFx574*****Resolved by Exception***

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Civilscape Pty Ltd (ANB 18 623 204 062) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, for \$499,729.00 ex GST.
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

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**C02/24-463 Tender Evaluation Report - Rosnay (Auburn) Golf  
Course Irrigation Upgrade RFx648*****Resolved by Exception***

That Council:

1. Accept the Tender Evaluation Panel's recommendation to award the contract to Never Stop Irrigation Pty Ltd (ABN 90 107 666 606) in accordance with Clause 178(1)(a) of the *Local Government (General) Regulation 2021*, for \$527,748.62 ex GST (Provisional Sum \$112,000 ex GST)
2. Delegate to the General Manager the authority to execute the contract and any associated documents.

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**Min.644 C02/24-453 Ordinary Council Meeting Schedule - Remainder of  
Council Term 2024****Motion (Colman/Hamed)**

That Council adopt the Ordinary Council Meeting Schedule for the remainder of the current Council term as outlined in the report.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore,  
Farooqui, Garrard, Hamed, Huang, Hughes,



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Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

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**Min.645 C02/24-455 Investment Report - December 2023**

**Motion (Christou/ Garrard)**

That Council receive the December 2023 Investment Report.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Huang left the Meeting at 9:16pm and returned to the Meeting at 9:21pm during the consideration of this item.

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**Min.646 C02/24-456 Letter of Offer for 4-4A Terminal Place, Merrylands**

**Note:** Councillors Elmore and Hamed exited the Chamber at 9:21pm prior to the consideration of this item as they had declared a Significant, Non-Pecuniary interest in this item. They returned to the Meeting following the consideration of this item at 9:29pm.

**Motion (Colman/Saha)**

That Council:

1. Endorse in-principle the letter of offer for 4-4A Terminal Place, Merrylands, regarding the dedication of land for the purpose of open space and local roads, including associated works (as required by Council), and associated offsets of local infrastructure contributions, as outlined in this report.
2. Note that the Council resolution on the letter of offer will be considered as part of the assessment for the development applications on the site.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Farooqui, Garrard, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.



Councillor Huang left the Meeting at 9:22pm and returned to the Meeting at 9:23pm during the consideration of this item.

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**Min.647      C02/24-457 Letter of Offer for 15 Neil Street, Merrylands**

**Motion (Sarkis/Farooqui)**

That Council:

1. Endorse in-principle the letter of offer for 15 Neil Street, Merrylands, regarding the dedication of land for the purpose of open space and associated works (as required by Council), use of a surplus value of contributions already paid, and associated offsets of local infrastructure contributions, as outlined in this report.
2. Note that the Council resolution on the letter of offer will be considered as part of the assessment for the modification application on the site.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha, Sarkis and Zaiter.

Councillor(s) Against the Motion: Nil.

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**Min.648      C02/24-458 Draft Pendle Hill Town Centre Public Domain Plan - Post Exhibition**

**Note:** Councillor Sarkis exited the Chamber at 9:29pm prior to the consideration of this item as he had declared a Less than Significant, Non-Pecuniary interest in this item. He subsequently did not return to the meeting.

**Motion (Saha/Colman)**

That Council:

1. Adopt the Pendle Hill Town Centre Public Domain Plan as provided in Attachment 1.
2. Pursue opportunities for Federal and State grants to support the implementation of the Pendle Hill Town Centre Public Domain Plan.

The Motion on being Put was declared **CARRIED** Unanimously.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha and Zaiter.

Councillor(s) Against the Motion: Nil.

Councillor Christou left the Meeting at 9:31pm and returned to the Meeting at 9:33pm during the consideration of this item.

Councillor Farooqui left the Meeting at 9:31pm and returned to the Meeting at 9:35pm during the consideration of this item.

Councillor Huang left the Meeting at 9:31pm and returned to the Meeting at 9:33pm during the consideration of this item.

Councillor Huang left the Meeting at 9:36pm and returned to the Meeting at 9:37pm during the consideration of this item.

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**AR02/24-1 Notice of Motion to Alter Council Resolution - C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024**

**Note:** The General Manager exited the Chamber prior to the consideration of this item at 9:38pm and returned to the Chamber following the consideration of this item at 9:59pm, as he had declared a Pecuniary Interest in this item.

During the consideration of this item, Council proposed to consider the matter further in closed session, due to the matter relating to personnel matters in accordance with Section 10A(2)(a) of the *Local Government Act 1993*.

Councillor Rahme left the Meeting at 9:40pm and returned to the Meeting at 9:41pm during the consideration of this item.

Councillor Farooqui left the Meeting at 9:41pm and returned to the Meeting at 9:42pm during the consideration of this item.

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**Min.649 Closed Session**

At this stage of the meeting being 9:50pm, the Mayor advised that in accordance with Section 10A(2)(a) of the *Local Government Act 1993*, it is proposed to move into Closed Session to consider the following item:

Item AR02/24-1 as the item contains the following:

(2) *The matters and information are the following—*

(a) *personnel matters concerning particular individuals (other than councillors),*

**Motion (Zaiter/Elmore)**

That in accordance with S.10A(2)(a) of the *Local Government Act 1993*, enter into Closed Session to consider Item AR02/24-1.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha and Zaiter.

Councillor(s) Against the Motion: Nil.

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**Min.650      AR02/24-1 Notice of Motion to Alter Council Resolution - C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024**

Pursuant to Notice, Councillors Garrard, Christou and Hughes move that Council alter the below resolution of Council made at the Council Meeting on 6 December adjourned to 13 December 2023 C12/23-451 Draft Performance Agreement for Cumberland Council General Manager for the Period 1 July 2023 to 30 June 2024.

**Min.631**

That Council:

1. Adopt the *Draft Performance Agreement for Cumberland Council General Manager for the period 1 July 2023 to 30 June 2024*, as provided under Attachment 1 to this report subject to deletion of the tier 3 weightings leaving the tier 1 and tier 2 weightings.
2. Note that this agreement, once adopted will form the basis on which the mid-year review of the General Manager's performance will be conducted (in February 2024 consistent with the Procedure for the Review of the Performance of the General Manager).
3. Receive a report in July 2024 to nominate a third panel member to form the Review Panel, to conduct the review of the General Manager's performance for the period 1 July 2023 to 30 June 2024 as per the *Procedure for the Review of the Performance of the General Manager*.
4. Conduct the annual review of the General Manager's performance on or as close as possible to 1 August 2024.

**MOTION**

That Council:

1. Adopt the *Draft Performance Agreement for Cumberland Council General Manager for the period 1 July 2023 to 30 June 2024*, as provided under Attachment 1 to this report subject to deletion of the tier 3 weightings leaving the tier 1 and tier 2 weightings subject to the following inclusions:
  - That the General manager undertake initiatives to improve compliance around illegally parked trucks on residential roads
  - That the town centres cleanliness be improved
  - That customer service performance be improved whereby staff become more accountable to ratepayer requests
2. Note that this agreement, once adopted will form the basis on which the mid-year review of the General Manager's performance will be conducted (in February 2024 consistent with the Procedure for the Review of the Performance of the General Manager).
3. Receive a report in July 2024 to nominate a third panel member to form the Review Panel, to conduct the review of the General Manager's performance for



the period 1 July 2023 to 30 June 2024 as per the *Procedure for the Review of the Performance of the General Manager*.

4. Conduct the annual review of the General Manager's performance on or as close as possible to 1 August 2024.

The Motion to alter the resolution of Council made at the Council Meeting on 6 December 2023 and 13 December 2023 (*As resumed from the Council Meeting adjourned on 6 December 2023 – Min. 631*) was declared **LOST**.

Councillor(s) For the Motion: Colman, Cummings, Elmore, Farooqui, Hamed, Huang, Hussein, Lake, Rahme, Saha and Zaiter.

Councillor(s) Against the Motion: Christou, Garrard and Hughes.

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**Min.651      Open Session****Motion (Colman/Hamed)**

That Council resume the public meeting.

The Motion on being Put was declared **CARRIED**.

Councillor(s) For the Motion: Christou, Colman, Cummings, Elmore, Farooqui, Garrard, Hamed, Huang, Hughes, Hussein, Lake, Rahme, Saha and Zaiter.

Councillor(s) Against the Motion: Nil.

On resumption of the public meeting at 9:58pm, the Mayor, Councillor Lake read out the resolution made in Closed Session.

Note: Councillor Sarkis was not recalled to the meeting following him exiting the Chamber due to a declaration of interest made earlier in the meeting, being for Item C02/24-458 Draft Pendle Hill Town Centre Public Domain Plan - Post Exhibition.

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**Other/General Business**

Nil

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The Mayor, Councillor Lake closed the meeting at 9:59pm.

Chairperson\_\_\_\_\_

Item No: C02/24-465

## LEGAL REPORT

Directorate: General Manager  
Responsible Officer: General Counsel  
Community Strategic Plan Goal: *Providing Local Leadership*

## SUMMARY

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This report provides Council with a summary of legal proceedings in which Council is involved.

## RECOMMENDATION

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**That the report be received.**

## REPORT

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This report provides Council with a summary of the status of litigation for which Council is a party to. It does not include the following types of legal proceedings:

- Proceedings that are managed by Council's insurers;
- Local Court proceedings involving an appeal against a parking fine; and
- Proceedings for the recovery of debts where those proceedings are being run by Council's external debt collection agency.

The report is current to 31 January 2024. It does not capture changes that have occurred between that date and the date the report is considered by Council.

## COMMUNITY ENGAGEMENT

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

## POLICY IMPLICATIONS

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

## RISK IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

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

## CONCLUSION

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This is an information report with the legal register of current litigation provided as a confidential attachment.

## ATTACHMENTS

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1. Litigation register (confidential)  
Note: Included in Closed Business Paper in accordance with Section 10A(2)(g) of the Local Government Act as the information involves advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item No: C02/24-466

## **INVESTMENT REPORT - JANUARY 2024**

Directorate: Corporate Performance  
Responsible Officer: Director Corporate Performance (Deputy GM)  
Community Strategic Plan Goal: *Delivering Sustainable Infrastructure and Services*

### **SUMMARY**

This report provides an update on the performance and compliance of Council's investment portfolio for the month of January 2024.

### **RECOMMENDATION**

**That Council receive the January 2024 Investment Report.**

### **REPORT**

Included in this report are the following items that highlight Council's investment portfolio performance for January 2024.

#### ***Council Investments as at 31 January 2024***

Council's investment portfolio has a current market value of \$228,710,053 and has returned 4.46% in the last 12 months. The following table reflects Council's holding in various investment categories:

Categories	Face Value (\$)	Purchase Price (\$)	Current Value (\$)	12 Month Return (%)
Bonds	10,050,000	10,039,975	10,166,547	3.51
Cash	4,877,787	4,877,787	4,877,787	3.85
Floating Rate Note	45,000,000	45,017,440	45,238,444	4.86
Managed Funds	13,075,335	12,000,000	13,075,335	7.07
Term Deposit	152,000,000	152,000,000	155,351,940	4.32
	<b>225,003,122</b>	<b>223,935,202</b>	<b>228,710,053</b>	<b>4.46</b>

*Face Value = capital value to be repaid upon maturity*

*Purchase Price = capital value +/- premiums or discounts*

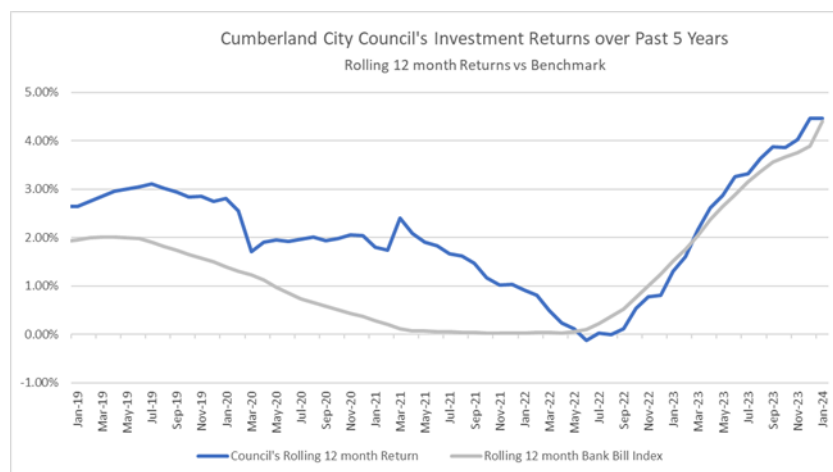
*Current Value = current market value + accrued interest*

## ***Investment Portfolio Performance***

Council's investment portfolio returned 0.45% (actual) for the month on a marked-to-market basis versus the bank bill index benchmark's 0.37% return. Council's managed fund investments may experience monthly volatility as financial markets undergo changes in outlook. However, such investments are expected to yield a favourable return over the long term. For the past 12 months, the investment portfolio has returned 4.46% versus the bank bill index benchmark's 4.00%.

As at 31 January 2024 the cumulative interest earned was \$6,744,213. This is \$1,642,963 higher than the year-to-date budget of \$5,101,250.

The performance chart below shows Council's rolling 12 monthly return versus benchmark over the past 5 years. Each data point is the 12 month return for the stated month end:



## **COMMUNITY ENGAGEMENT**

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

## **POLICY IMPLICATIONS**

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

## **RISK IMPLICATIONS**

Preservation of capital is the prime objective of the investment portfolio. Investments are placed in a manner that seeks to ensure security and safeguarding of the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters that is both set in Council's Investment Policy and guided by the investment advisor.

## **FINANCIAL IMPLICATIONS**

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



## CONCLUSION

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Council hereby certifies that the investments listed within this report have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2021* and Council's Investment Policy.

## ATTACHMENTS

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1. Investment Report January 2024 [↓](#)
2. Investment Commentary January 2024 [↓](#)



DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-466

Attachment 1  
Investment Report January 2024





**Investment Summary Report  
January 2024**

**Cumberland City Council**  
Investment Summary Report - January 2024**Contents**

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Investment Performance Report	Page 8
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Individual Institutional Exposures Report	Page 10
Investment Cashflows Report	Page 11

## Cumberland City Council

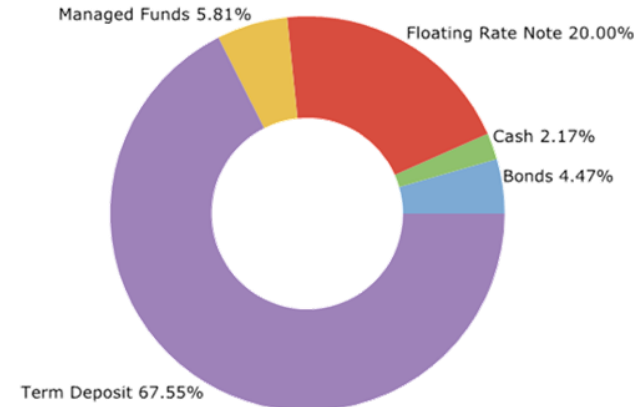
Executive Summary - January 2024



### Investment Holdings

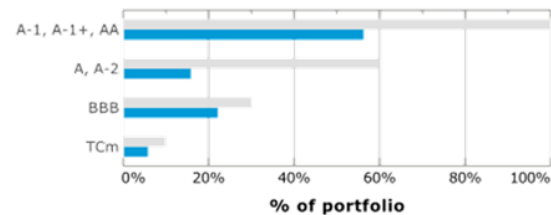
By Product	Face Value (\$)	Purchase Price (\$)	Current Value (\$)	12 Month Return (%)
Bonds	10,050,000	10,039,975	10,166,547	3.51
Cash	4,877,787	4,877,787	4,877,787	3.85
Floating Rate Note	45,000,000	45,017,440	45,238,444	4.86
Managed Funds	13,075,335	12,000,000	13,075,335	7.07
Term Deposit	152,000,000	152,000,000	155,351,940	4.32
<b>Total</b>	<b>225,003,122</b>	<b>223,935,202</b>	<b>228,710,053</b>	<b>4.46</b>

### Investment Holdings



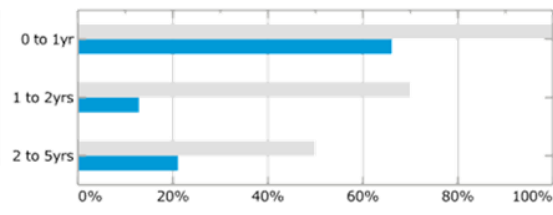
### Investment Policy Compliance

#### Total Credit Exposure

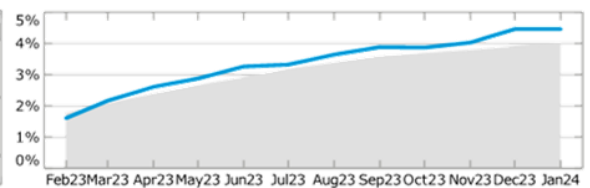


### Investment Policy Compliance

#### Term to Maturity



### Investment Performance



Portfolio Exposures Investment Policy Limits

Portfolio Exposures Investment Policy Limit

AusBond BB Index Rolling 12 month Return  
Portfolio Rolling 12 month return

## Cumberland City Council

### Investment Summary Report - January 2024



#### Cash Accounts

Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Current Value (\$)	Deal No.
3,877,787.18	4.1000%	Commonwealth Bank of Australia	A-1+	3,877,787.18	250385
1,000,000.00	4.3500%	Commonwealth Bank of Australia	A-1+	1,000,000.00	533672
<b>4,877,787.18</b>	<b>4.1513%</b>			<b>4,877,787.18</b>	

#### Managed Funds

Face Value (\$)	Monthly Return	Institution	Credit Rating	Capital Base (\$)	Current Value (\$)	Deal No.	Fund Name
13,075,334.56	0.7655%	NSW T-Corp (MT)	TCm	12,000,000.00	13,075,334.56	538647	Medium Term Growth Fund
<b>13,075,334.56</b>					<b>13,075,334.56</b>		

#### Term Deposits

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency
13-Feb-23	13-Feb-24	365	4,000,000.00	5.0100%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,193,811.51	543822	193,811.51	At Maturity
17-Feb-23	15-Feb-24	363	4,000,000.00	4.9000%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,187,408.22	543840	187,408.22	At Maturity
7-Mar-22	4-Mar-24	728	3,000,000.00	1.7100%	Westpac Group	A-1+	3,000,000.00	3,007,870.68	542412	7,870.68	Quarterly
6-Mar-23	27-Mar-24	387	4,000,000.00	5.1000%	Bank of Queensland	A-2	4,000,000.00	4,185,556.16	543891	185,556.16	At Maturity
3-Apr-23	3-Apr-24	366	4,000,000.00	4.9000%	AMP Bank	A-2	4,000,000.00	4,163,243.84	543982	163,243.84	At Maturity
1-Jun-23	3-Apr-24	307	4,000,000.00	5.0600%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,135,857.53	544140	135,857.53	At Maturity
2-May-23	1-May-24	365	4,000,000.00	4.9000%	AMP Bank	A-2	4,000,000.00	4,147,671.23	544056	147,671.23	At Maturity
28-Jun-23	28-May-24	335	4,000,000.00	5.6000%	Bendigo and Adelaide Bank	A-2	4,000,000.00	4,133,786.30	544240	133,786.30	At Maturity
30-Nov-23	29-May-24	181	4,000,000.00	5.3700%	Suncorp Bank	A-1	4,000,000.00	4,037,075.07	544677	37,075.07	At Maturity
4-Aug-23	5-Jun-24	306	4,000,000.00	5.5200%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,109,492.60	544352	109,492.60	At Maturity
1-Jun-23	5-Jun-24	370	4,000,000.00	5.0700%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,017,224.11	544142	17,224.11	SemiAnnually
8-Aug-23	11-Jun-24	308	4,000,000.00	5.5100%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,106,878.90	544358	106,878.90	At Maturity
4-Aug-23	12-Jun-24	313	4,000,000.00	5.5200%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,109,492.60	544353	109,492.60	At Maturity
22-Jun-23	25-Jun-24	369	4,000,000.00	5.5900%	Bank of Queensland	A-2	4,000,000.00	4,137,223.01	544219	137,223.01	At Maturity
8-Aug-23	1-Jul-24	328	4,000,000.00	5.5300%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,107,266.85	544357	107,266.85	At Maturity
4-Sep-23	9-Jul-24	309	4,000,000.00	5.2000%	National Australia Bank	A-1+	4,000,000.00	4,085,479.45	544462	85,479.45	At Maturity
27-Jul-23	26-Jul-24	365	3,000,000.00	5.5500%	AMP Bank	A-2	3,000,000.00	3,086,215.07	544340	86,215.07	Annually
19-Aug-22	19-Aug-24	731	4,000,000.00	4.1500%	Westpac Group	A-1+	4,000,000.00	4,033,200.00	543198	33,200.00	Quarterly
28-Aug-23	27-Aug-24	365	4,000,000.00	5.4200%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,093,253.70	544432	93,253.70	At Maturity
28-Aug-23	27-Aug-24	365	4,000,000.00	5.4200%	Commonwealth Bank of Australia	A-1+	4,000,000.00	4,093,253.70	544433	93,253.70	At Maturity
4-Sep-23	3-Sep-24	365	4,000,000.00	5.2100%	National Australia Bank	A-1+	4,000,000.00	4,085,643.84	544459	85,643.84	At Maturity
6-Sep-23	4-Sep-24	364	4,000,000.00	5.2500%	National Australia Bank	A-1+	4,000,000.00	4,085,150.68	544474	85,150.68	At Maturity



## Cumberland City Council

### Investment Summary Report - January 2024



#### Term Deposits

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Rate (%pa)	Institution	Credit Rating	Purchase Price (\$)	Current Value (\$)	Deal No.	Accrued Interest (\$)	Coupon Frequency
24-Aug-22	24-Sep-24	762	4,000,000.00	4.4200%	Westpac Group	A-1+	4,000,000.00	4,033,422.47	543213	33,422.47	Quarterly
29-Nov-23	15-Oct-24	321	4,000,000.00	5.5000%	Suncorp Bank	A-1	4,000,000.00	4,038,575.34	544674	38,575.34	At Maturity
29-Aug-22	29-Oct-24	792	4,000,000.00	4.4500%	Westpac Group	A-1+	4,000,000.00	4,031,210.96	543244	31,210.96	Quarterly
1-Nov-23	5-Nov-24	370	4,000,000.00	5.5500%	Westpac Group	A-1+	4,000,000.00	4,055,956.16	544607	55,956.16	At Maturity
29-Nov-23	26-Nov-24	363	4,000,000.00	5.5200%	Suncorp Bank	A-1	4,000,000.00	4,038,715.62	544675	38,715.62	At Maturity
30-Nov-23	27-Nov-24	363	4,000,000.00	5.4600%	Suncorp Bank	A-1	4,000,000.00	4,037,696.44	544678	37,696.44	At Maturity
6-Dec-23	10-Dec-24	370	4,000,000.00	5.2600%	Suncorp Bank	A-1	4,000,000.00	4,032,856.99	544702	32,856.99	At Maturity
13-Dec-22	11-Dec-24	729	3,000,000.00	4.5600%	Commonwealth Bank of Australia	A-1+	3,000,000.00	3,011,305.96	543649	11,305.96	SemiAnnually
17-Feb-23	17-Feb-25	731	4,000,000.00	4.8700%	Commonwealth Bank of Australia	AA-	4,000,000.00	4,016,099.42	543841	16,099.42	SemiAnnually
28-Jun-23	25-Jun-25	728	4,000,000.00	5.5500%	Bendigo and Adelaide Bank	BBB+	4,000,000.00	4,132,591.78	544241	132,591.78	At Maturity
6-Dec-23	9-Dec-25	734	4,000,000.00	5.3000%	Bank of Queensland	BBB+	4,000,000.00	4,033,106.85	544701	33,106.85	Annually
20-Jul-23	21-Jul-26	1097	4,000,000.00	5.4000%	Bank of Queensland	BBB+	4,000,000.00	4,115,989.04	544330	115,989.04	Annually
27-Jul-23	27-Jul-26	1096	4,000,000.00	5.4500%	AMP Bank	BBB	4,000,000.00	4,112,882.19	544341	112,882.19	Annually
5-Aug-22	4-Aug-27	1825	3,000,000.00	4.6000%	Bank of Queensland	BBB+	3,000,000.00	3,067,298.63	543151	67,298.63	Annually
31-Aug-22	30-Aug-27	1825	4,000,000.00	5.0000%	Bank of Queensland	BBB+	4,000,000.00	4,084,383.56	543267	84,383.56	Annually
28-Jun-23	28-Jun-28	1827	4,000,000.00	5.4000%	Bank of Queensland	BBB+	4,000,000.00	4,129,008.22	544246	129,008.22	Annually
29-Nov-23	22-Nov-28	1820	4,000,000.00	5.5300%	Bank of Queensland	BBB+	4,000,000.00	4,038,785.75	544676	38,785.75	Annually
			<b>152,000,000.00</b>	<b>5.1370%</b>			<b>152,000,000.00</b>	<b>155,351,940.43</b>			<b>3,351,940.43</b>

#### Floating Rate Notes

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Rate (%pa)	Security Name	Credit Rating	Purchase Price (\$)	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date
29-Aug-19	18-Jul-24	1785	4,000,000.00	5.3800%	BoQ Snr FRN (Jul24) BBSW+1.03%	A-2	4,021,640.00	4,013,134.25	538417	8,254.25	18-Apr-24
12-Aug-19	30-Jul-24	1814	2,500,000.00	5.1243%	SUN Snr FRN (Jul24) BBSW+0.78%	A-1	2,495,800.00	2,503,501.96	538383	701.96	30-Apr-24
7-Aug-19	7-Aug-24	1827	3,000,000.00	5.1672%	MAC Snr FRN (Aug24) BBSW+0.80%	A-1	3,000,000.00	3,041,333.89	538349	36,524.32	7-Feb-24
29-Aug-19	29-Aug-24	1827	2,000,000.00	5.1581%	ANZ Snr FRN (Aug24) BBSW+0.77%	A-1+	2,000,000.00	2,022,586.00	538412	18,088.68	29-Feb-24
4-Feb-20	4-Feb-25	1827	4,000,000.00	5.4672%	NPBS Snr FRN (Feb25) BBSW+1.12%	BBB	4,000,000.00	4,050,365.63	539180	52,125.63	5-Feb-24
10-Mar-22	17-Mar-25	1103	2,000,000.00	5.0525%	WBC Snr FRN (Mar25) BBSW+0.69%	AA-	2,000,000.00	2,016,806.32	542437	12,458.22	18-Mar-24
13-May-22	23-May-25	1106	1,500,000.00	5.6482%	RACQ Snr FRN (Mat 25) BBSW+1.25%	BBB+	1,500,000.00	1,512,240.25	542776	16,248.25	23-Feb-24
22-Apr-22	29-Oct-25	1286	3,000,000.00	5.4564%	BoQ Snr FRN (Oct25) BBSW+1.10%	BBB+	3,000,000.00	3,006,565.41	542666	1,345.41	29-Apr-24
15-Feb-23	24-Feb-26	1105	2,250,000.00	5.8786%	RACQ Snr FRN (Mat 26) BBSW+1.50%	BBB+	2,250,000.00	2,267,534.18	543828	25,004.18	26-Feb-24
6-May-21	6-May-26	1826	2,000,000.00	4.9772%	BoQ Snr FRN (May26) BBSW+0.63%	BBB+	2,000,000.00	2,003,566.93	541296	23,726.93	6-Feb-24
18-Aug-21	24-Aug-26	1832	2,400,000.00	4.7886%	NAB Snr FRN (Aug26) BBSW+0.41%	AA-	2,400,000.00	2,403,845.81	541749	21,725.81	26-Feb-24
9-Sep-21	15-Sep-26	1832	4,000,000.00	4.8300%	SUN Snr FRN (Sep26) BBSW+0.48%	A+	4,000,000.00	3,980,487.12	541883	25,407.12	15-Mar-24
16-Jan-24	23-Oct-26	1011	1,800,000.00	5.9450%	GSB Snr FRN (Oct26) BBSW+1.60%	BBB	1,800,000.00	1,807,248.40	544802	2,638.60	23-Apr-24
21-Oct-21	27-Oct-26	1832	2,000,000.00	5.1564%	BoQ Snr FRN (Oct26) BBSW+0.80%	BBB+	2,000,000.00	1,986,367.63	542003	847.63	29-Apr-24

## Cumberland City Council

### Investment Summary Report - January 2024



#### Floating Rate Notes

Purchase Date	Maturity Date	Term Days	Face Value (\$)	Rate (%pa)	Security Name	Credit Rating	Purchase Price (\$)	Current Value (\$)	Deal No.	Accrued Interest (\$)	Next Coupon Date
10-Nov-23	17-Nov-26	1103	2,250,000.00	5.9305%	POL Snr FRN (Nov26) BBSW+1.55%	BBB	2,250,000.00	2,277,783.99	544638	27,783.99	19-Feb-24
11-Jan-22	14-Jan-27	1829	1,500,000.00	5.0502%	CBA Snr FRN (Jan27) BBSW+0.70%	AA-	1,500,000.00	1,500,903.22	542234	3,528.22	15-Apr-24
17-Feb-22	25-Feb-27	1834	3,200,000.00	5.0975%	NAB Snr FRN (Feb27) BBSW+0.72%	AA-	3,200,000.00	3,223,575.67	542353	29,495.67	26-Feb-24
8-Dec-22	14-Dec-27	1832	1,600,000.00	5.6041%	SUN Snr FRN (Dec27) BBSW+1.25%	A+	1,600,000.00	1,620,597.30	543632	12,037.30	14-Mar-24
			<b>45,000,000.00</b>	<b>5.2926%</b>			<b>45,017,440.00</b>	<b>45,238,443.96</b>			<b>317,942.17</b>

#### Fixed Rate Bonds

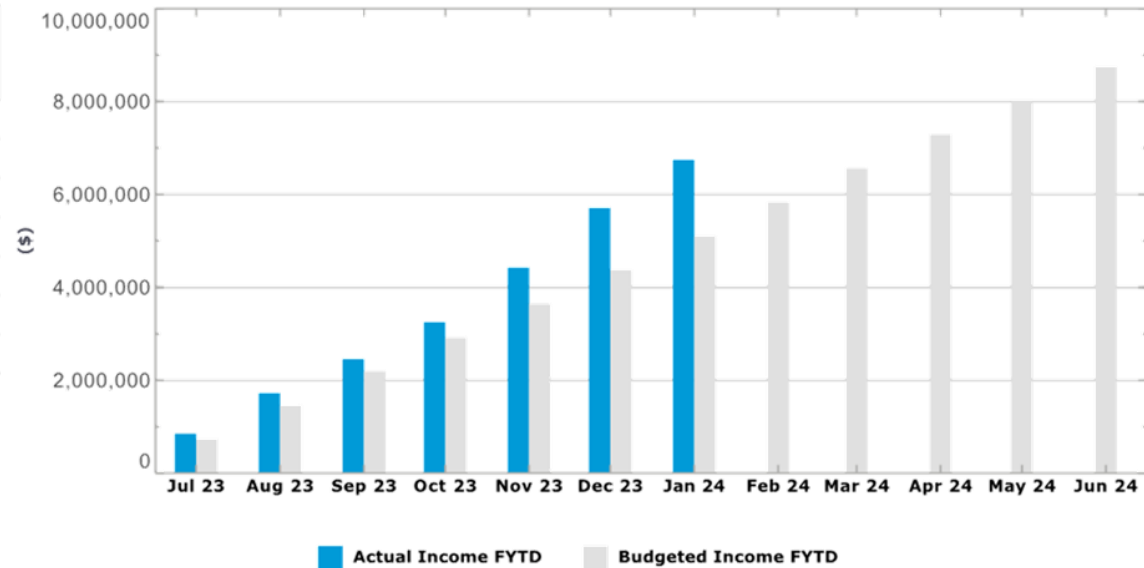
Purchase Date	Maturity Date	Term Days	Face Value (\$)	Rate (%pa)	Security Name	Credit Rating	Purchase Price (\$)	Current Value (\$)	Deal No.	Accrued Interest (\$)	Purchase Yield
8-Feb-19	8-Feb-24	1826	2,250,000.00	3.1000%	ANZ Snr Bond (Feb24) 3.10%	A-1+	2,250,000.00	2,283,005.24	537488	33,548.23	3.1125%
6-May-22	12-May-25	1102	2,500,000.00	4.0500%	ANZ Snr Bond (May25) 4.05%	AA-	2,499,800.00	2,506,377.75	542750	22,252.75	4.0530%
9-Aug-22	11-Aug-25	1098	2,300,000.00	3.9000%	WBC Snr Bond (Aug25) 3.90%	AA-	2,291,375.00	2,320,034.24	543159	42,183.24	4.0340%
16-Aug-22	22-Aug-25	1102	1,600,000.00	4.4000%	SUN Snr Bond (Aug25) 4.40%	A+	1,598,800.00	1,621,710.61	543181	31,182.61	4.4270%
7-Sep-23	14-Sep-26	1103	1,400,000.00	4.9460%	MAC Snr Bond (Sep26) 4.946%	A+	1,400,000.00	1,435,418.75	544493	26,632.31	4.9460%
			<b>10,050,000.00</b>	<b>3.9835%</b>			<b>10,039,975.00</b>	<b>10,166,546.59</b>			<b>4.0220%</b>

**Cumberland City Council**  
Actual Interest Report - January 2024

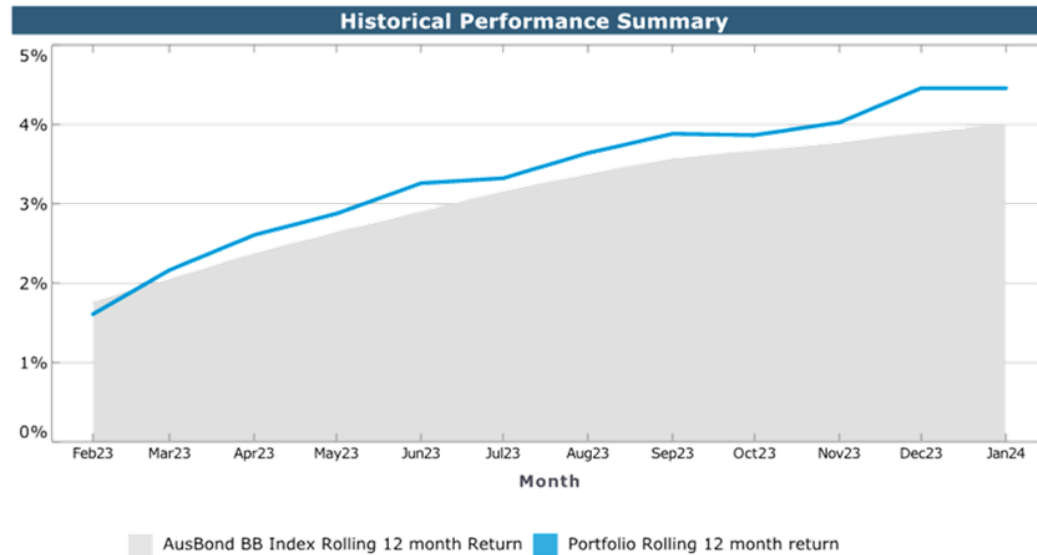


**Budgeted vs Actual Returns**

	Monthly Income (\$)	YTD Actual (\$)	YTD Budgeted (\$)
July 2023	845,692	845,692	728,750
August 2023	878,432	1,724,124	1,457,500
September 2023	731,657	2,455,781	2,186,250
October 2023	794,656	3,250,437	2,915,000
November 2023	1,173,706	4,424,143	3,643,750
December 2023	1,284,583	5,708,726	4,372,500
January 2024	1,035,487	6,744,213	5,101,250



**Cumberland City Council**  
Investment Performance Report - January 2024



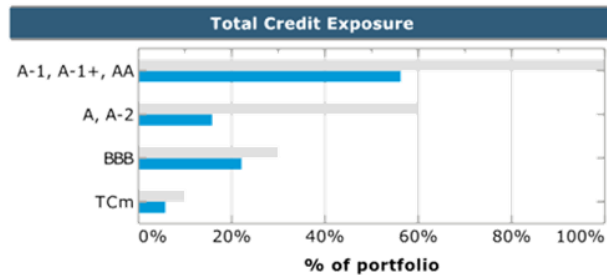
Historical Performance Summary (Annualised)					
	1 Month	3 Months	6 Months	FYTD	12 months
Portfolio Return (1)	5.40%	6.21%	5.09%	5.09%	4.46%
Index Return (2)	4.44%	4.41%	4.30%	4.33%	4.00%
Outperformance (3)	0.96%	1.80%	0.79%	0.76%	0.46%

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

Historical Performance Summary (actual)					
	1 Month	3 Months	6 Months	FYTD	12 months
Portfolio Return (1)	0.45%	1.53%	2.54%	2.97%	4.46%
Index Return (2)	0.37%	1.09%	2.15%	2.53%	4.00%
Outperformance (3)	0.08%	0.44%	0.39%	0.44%	0.46%

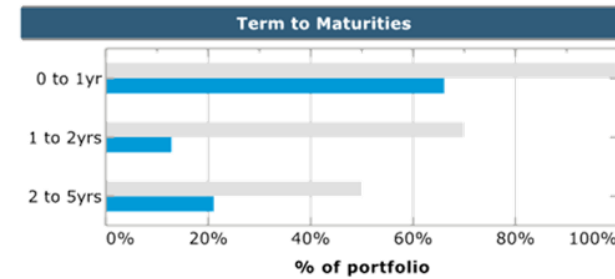
(1) Portfolio Return is the annualised rate of return for the portfolio for the specified period  
 (2) The Index Return is the Bloomberg AusBond Bank Bill Index  
 (3) Outperformance is the excess of the Portfolio Return over the Index Return

**Cumberland City Council**  
Investment Policy Compliance Report - January 2024



■ Portfolio Exposure ■ Investment Policy Limit

Credit Rating		Exposures		Policy Max	
		(\$)	(%)		
Long Term	AA	17,900,000			
Short Term	A-1	25,500,000			
Short Term	A-1+	83,127,787			
		<b>126,527,787</b>	<b>56%</b>	<b>100%</b>	✓
Long Term	A	8,600,000			
Short Term	A-2	27,000,000			
		<b>35,600,000</b>	<b>16%</b>	<b>60%</b>	✓
Long Term	BBB	49,800,000			
		<b>49,800,000</b>	<b>22%</b>	<b>30%</b>	✓
Short Term	TCm	13,075,335			
		<b>13,075,335</b>	<b>6%</b>	<b>10%</b>	✓
		<b>225,003,122</b>	<b>100%</b>		



■ Portfolio Exposure ■ Investment Policy Limit

Policy Minimum		Exposures		Min
		(\$)	(%)	(%)
Less than 3 months		43,203,122	19%	10% ✓
Between 3 months and 1 year		105,500,000	47%	20% ✓
Policy Maximum		Exposures		Max
		(\$)	(%)	(%)
Between 1 and 2 years		28,900,000	13%	70% ✓
Between 2 and 5 years		47,400,000	21%	50% ✓
		<b>225,003,122</b>		

✓ = compliant  
✗ = non compliant

## Cumberland City Council

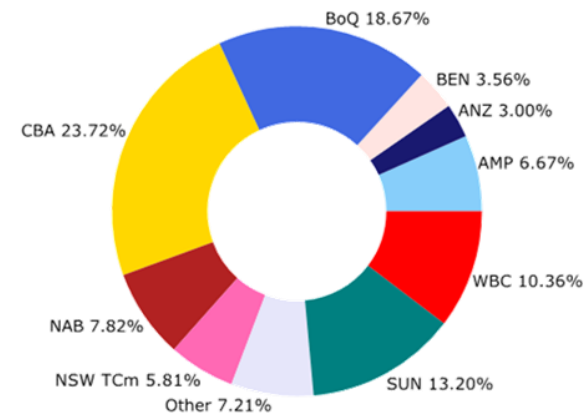
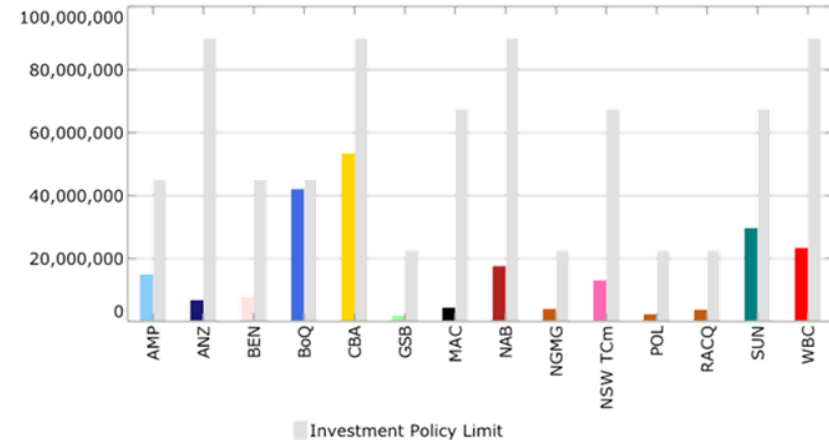
### Individual Institutional Exposures Report - January 2024



#### Individual Institutional Exposures

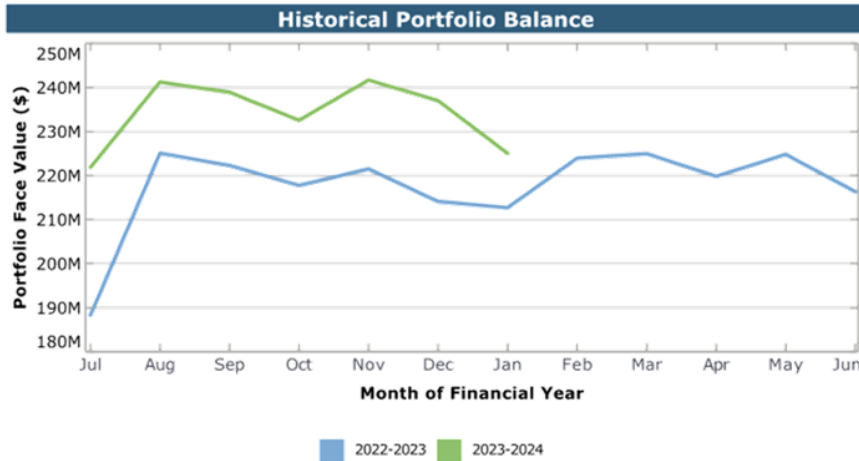
Parent Group	Credit Rating	Portfolio Exposure (\$)	% of portfolio
AMP Bank	BBB, A-2	15,000,000	7%
ANZ Group	A-1+, AA-	6,750,000	3%
Bank of Queensland	A-2, BBB+	42,000,000	19%
Bendigo and Adelaide Bank	A-2, BBB+	8,000,000	4%
Commonwealth Bank of Australia	A-1+, AA-	53,377,787	24%
Great Southern Bank	BBB, A-2	1,800,000	1%
Macquarie Bank	A-1, A+	4,400,000	2%
Members Banking Group	A-2, BBB+	3,750,000	2%
National Australia Bank	A-1+, AA-	17,600,000	8%
Newcastle Greater Mutual Group	A-2, BBB	4,000,000	2%
NSW T-Corp (MT)	TCm, TCm	13,075,335	6%
Police Bank Ltd	A-2, BBB	2,250,000	1%
Suncorp Bank	A+, A-1	29,700,000	13%
Westpac Group	A-1+, AA-	23,300,000	10%
		<b>225,003,122</b>	

#### Individual Institutional Exposure Charts





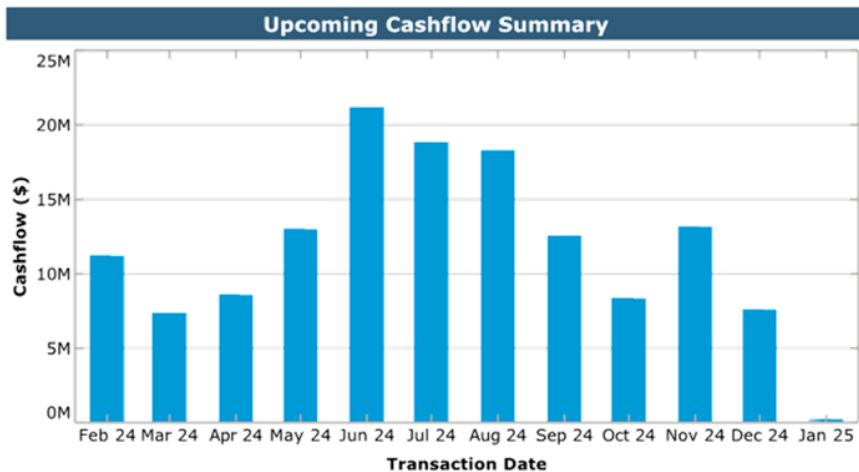
**Cumberland City Council**  
Investment Cashflows - January 2024



**Historical Portfolio Balance**

	2023-2024	2022-2023
July	\$221,834,523	\$188,287,626
August	\$241,234,698	\$225,042,736
September	\$238,887,959	\$222,277,972
October	\$232,534,249	\$217,732,383
November	\$241,658,710	\$221,480,048
December	\$236,992,528	\$214,079,789
January	\$225,003,122	\$212,689,697
February		\$223,933,293
March		\$224,928,431
April		\$219,808,280
May		\$224,787,407
June		\$216,321,077

**Average 12 month Portfolio Balance** 228,993,690



**Upcoming Cashflow Summary**

	Amount
February 24	\$11,196,772
March 24	\$7,359,002
April 24	\$8,564,454
May 24	\$12,982,849
June 24	\$21,187,302
July 24	\$18,841,957
August 24	\$18,288,382
September 24	\$12,563,224
October 24	\$8,336,057
November 24	\$13,170,686
December 24	\$7,582,670
January 25	\$211,520





DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-466

Attachment 2  
Investment Commentary January  
2024





## Cumberland City Council Economic and Investment Portfolio Commentary January 2024

### Investment Portfolio Commentary

Council's investment portfolio returned 0.45% (actual) for the month on a marked-to-market basis versus the bank bill index benchmark's 0.37% (actual) return. For the past 12 months, the investment portfolio has returned 4.46% versus the bank bill index benchmark's 4.00%.

The NSW TCorpIM Medium Term Fund (+0.77% actual) had another good return for the month aided largely by continuing strong performance in global share markets as easing inflation pressures are providing a boost to confidence.

During January, Council had \$8m in deposits mature with terms of 6 and 10 months paying an average of 5.15%pa. A \$3m 5yr CBA Fixed Rate Bond paying 3%pa also matured during the month. Council took advantage of a newly issued senior ranked bond from the Great Southern Bank for its long term portfolio. Council invested \$1.8m in the 2.75yr FRN paying quarterly interest of 3mo BBSW +1.60%pa, its first quarterly rate is 5.945%.

Council's investment performance had reflected the downward trend in interest rate markets over recent years accelerated by pandemic related interest rate cuts. With inflation pressures building, interest rates increased sharply over much of 2022, causing negative marked-to-market returns on existing bonds and FRNs over that period. Throughout 2023 and into 2024, the higher rates being received on new investments and FRN rate resets have been flowing through to the rolling 12mo figure which is again exceeding the benchmark's performance.

Council has a well-diversified portfolio invested among a range of term deposits, fixed and floating rate bonds from highly rated Australian ADIs as well as growth assets via holdings in the NSW TCorp Medium Term Growth Fund. It is expected that Council's portfolio will achieve above benchmark returns over the medium/long term with prudent investment selection and holding the securities for the recommended time horizons of their asset classes.

### Global issues:

- In its latest economic outlook, the International Monetary Fund projected global growth of 3.1% this year – the same pace as in 2023 and an upgrade from its previous forecast of 2.9%. Predictions of a global recession have receded, with inflation easing faster than economists anticipated. Central bankers, including the US Federal Reserve, are expected to begin cutting interest rates in the coming months.
- Middle East problems and possible supply side threats (including from higher shipping costs flowing from the Red Sea problems) along with still sticky services inflation could pose short term risks to the fall in inflation.
- In the US, the economy performed very strongly in the second half of 2023 despite rising interest rates. In the December quarter, Gross Domestic Product (GDP) grew



by an annualised 3.3% pace beating expectations of a 2% increase. However, the nation's GDP is expected to weaken over the course of 2024.

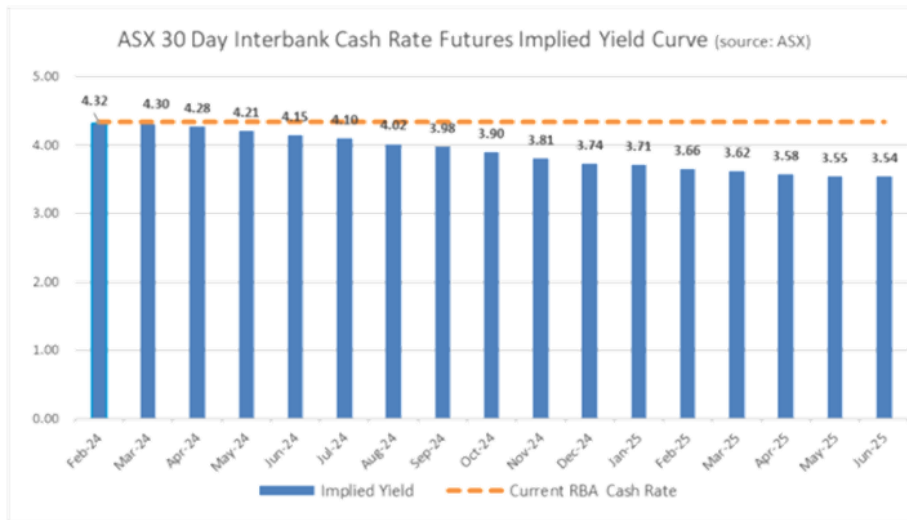
- US inflation rose to 3.4% year over year (yoy) in December with higher-than-expected energy and food prices and still sticky services inflation. But the trend remains down with more declines likely in the months ahead as high increases in January and February last year drop out of annual calculations.
- While the struggling Chinese property market continues to be a drag on the nation's overall economic growth, the high profile bankruptcy ruling in Hong Kong against Evergrande, once the jewel of China's property sector, is expected to have only marginal repercussions globally.
- Global (and domestic) shares and bonds performed had another solid month in January as inflation pressures continued their downward trend in many countries and talk of interest rate cuts becomes a common theme. Australian shares gained over 1% over the month and its rolling 12 month return is over 7%. US and European markets both gained 1.7% in January resulting in rolling annual returns of 20% and 11% respectively.

#### **Domestic issues:**

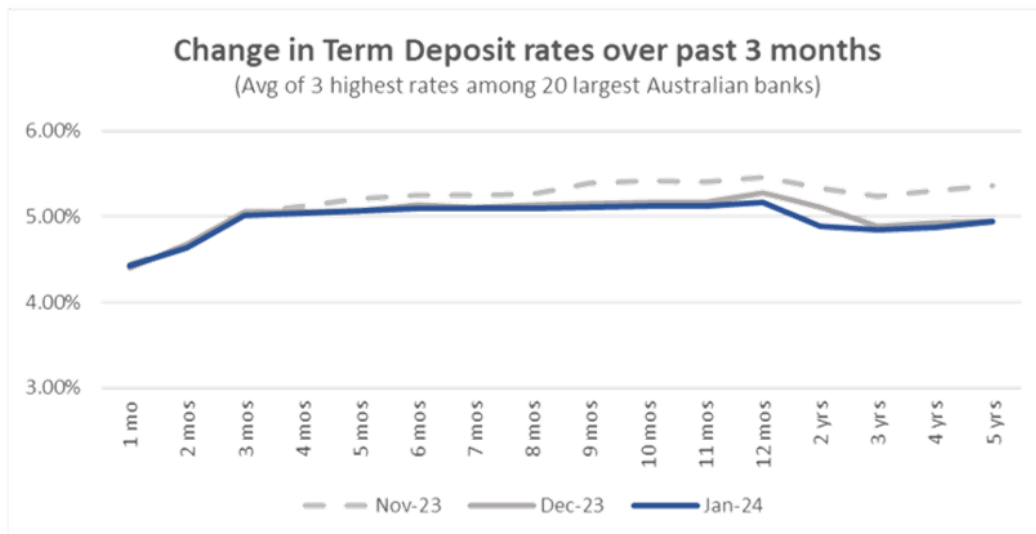
- Inflation fell more than economists expected for the quarter ending December. The CPI slowed to 0.6% in the Dec quarter taking the year-over-year figure to 4.1%, down from 5.4% for yoy September.
- This is the smallest quarterly rise since March 2021, and annual inflation has fallen from a peak of 7.8% a year ago. The main contributors to the fall were Clothing & Footwear while the Insurance, Alcohol & Tobacco, Housing, and Health sectors all recorded increases of over 5% over the past 12 months.
- While Australian inflation is higher than that in the US and Europe this mainly reflects the fact that it lagged on the way up, lagged by around 3 to 6 months at the top and so is lagging on the way down.

#### **Interest rates**

- With no RBA Board meeting in January, the RBA's official cash rate remained at 4.35%.
- The softer-than-expected inflation results released at the end of the month raised expectations that the RBA's most aggressive monetary policy tightening cycle in 30 years is coming to an end and that rate cuts could be coming in the second half of the year.
- The market is pricing in as much as 80bps in rate cuts by mid-2025:



- In January, term deposit rates were little changed from last month, with the exception of the 1 to 2 year range where rates dropped off by 10-20 basis points as the market continues to adjust its pricing to reflect a reprieve from any further rate hikes in this cycle and projection of interest rate cuts starting this year.



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



Item No: C02/24-467

## QUARTER 2 2023/24 BUDGET REVIEW STATEMENT

Directorate: Corporate Performance  
Responsible Officer: Director Corporate Performance (Deputy GM)  
Community Strategic Plan Goal: *Providing Local Leadership*

### SUMMARY

---

The attached Quarterly Budget Review Statement (QBRs) refers to the period ended 31 December 2023. The QBRs indicate that Council's overall financial position has remained sound.

### RECOMMENDATION

---

**That Council approve the revised estimates of income and expenditure for 2023/24 contained in the Quarterly Budget Review Statement.**

### REPORT

---

Clause 203(2) of *the Local Government (General) Regulation 2021* (the Regulation) requires that Council's Responsible Accounting Officer prepare and submit a QBRs that shows, by reference to the estimate of income and expenditure set out in the Operational Plan adopted by Council for the relevant year, a revised estimate of the income and expenditure for that year.

The QBRs, compiled for the information of Council and the community, provides a summary of Council's financial position at the end of each quarter as to its progress against both the original Operational Plan and the last revised budget, as well as any recommended revisions identified as part of the budget review process.

#### ***Quarterly Budget Review Statement***

As at the end of Quarter 2, Council is forecasting a recurring budget surplus of \$3.5m; this forecast assumes that realised cost savings measures continue, and that remaining income estimates are met.

There continues to be some pressures on Council expenditure due to the current high inflationary environment, particularly relating to asset maintenance costs. Any additional expenditure amounts identified in this report have been through a business case assessment to ensure accurate calculations and value for money.

Council's budgeted accounting surplus, as was reported in Quarter 1, had been adjusted from the \$4m reported in the adopted Operational Plan, to \$3.5m excluding capital income. The net adjustment was required to cover the cost of 10 additional staff

in the domestic waste area. The Quarter 2 forecast remains at a \$3.5m budgeted surplus.

Report	Current Budget 000s	Revised Budget 000s	Budget Movements 000s
Operating Income	238,799	239,930	1,131
Capital Income	23,093	25,495	2,402
<b>Total Revenue</b>	<b>261,892</b>	<b>265,424</b>	<b>3,532</b>
Operating Expenses	235,262	236,386	1,124
Net Operating Result from Continuing Operations	<b>26,630</b>	<b>29,038</b>	<b>2,408</b>
Net Operating Result before Capital Items	<b>3,537</b>	<b>3,543</b>	<b>6</b>

### **Cash Forecast**

The projected Cash and Investments position of Council is forecast to decrease slightly to \$207.5m. Council's estimated unallocated cash balance is forecast to finish at \$10.0m. The final unrestricted cash amount will be dependent on the movements of Council's payables and receivables balances at 30 June 2024. Any amount above \$10m in unrestricted funds will be allocated to the community and infrastructure reserves per Council policy.

### **COMMUNITY ENGAGEMENT**

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

### **POLICY IMPLICATIONS**

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

### **RISK IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

The current budget maintains Council's forecast surplus to \$3.5m and an unrestricted cash balance of above \$10m. It should be noted that the \$3.5m operational surplus will be distributed to the external waste and stormwater reserves as required under local government regulations.

Whilst budget and cash surpluses have been maintained, external pressures may continue to have ramifications for Council income and expenditure. This will continue to be monitored and any changes to forecast will be reported to Council.

### **CONCLUSION**

As at the end of the third quarter, Council's net operating result before capital is projected to finish the year at a surplus of \$3.5m. Council is forecast to finish the



2023/24 financial year in a positive cash position. Close monitoring of Council's income is required to ensure that Council's financial positioning in the medium to longer term remains on course to be achieved.

## **ATTACHMENTS**

---

1. Q2 2023/24 Quarterly Budget Review Statement [↓](#)
2. Q2 2023/24 Major Project Update - Merrylands CBD Drainage [↓](#)
3. Q2 2023/24 Major project update - Civic Park Pendle Hill Wetland Improvement Project [↓](#)



DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-467

Attachment 1  
Q2 2023/24 Quarterly Budget  
Review Statement



## Cumberland City Council

**Quarterly Budget Review Statement**  
for the period 01/10/23 to 31/12/23

<b>Table of contents</b>	<b>page</b>
1. Responsible accounting officer's statement	2
2. Income & expenses budget review statement's	3
3. Capital budget review statement	4
4. Cash & investments budget review statement	5
5. Contracts & other expenses budget review statement	8

Cumberland City Council

**Quarterly Budget Review Statement**  
for the period 01/10/23 to 31/12/23**Report by responsible accounting officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

**31 December 2023**

It is my opinion that the Quarterly Budget Review Statement for Cumberland City Council for the quarter ended 31/12/23 indicates that Council's projected financial position at 30/6/24 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

**Signed:** Tony Chahine**date:** 6/02/2024

Responsible Accounting Officer

Cumberland City Council			Quarterly Budget Review Statement			
			for the period 01/10/23 to 31/12/23			
Income & expenses budget review statement						
Budget review for the quarter ended 31 December 2023						
Income & expenses - Council Consolidated						
(\$000's)	Original budget 2023/24	Approved Changes Sep QBRs	Revised budget 2023/24	Variations for this Dec Qtr	Projected year end result	Actual YTD figures
Income						
Rates and annual charges	161,664	1,791	163,455	-	163,455	163,586
User charges and fees	33,317	45	33,362	943	34,305	18,347
Other revenue	7,971	1,014	8,985	(1,294)	7,691	3,684
Grants and contributions - operating	19,801	1,208	21,009	332	21,341	7,758
Grants and contributions - capital	13,310	9,784	23,093	2,402	25,495	19,889
Interest and investment income	5,708	3,142	8,850	-	8,850	5,837
Other Income	2,638	352	2,991	(2)	2,989	1,775
Net gain from disposal of assets	150	-	150	1,148	1,298	1,297
Total income from continuing operations	244,559	17,336	261,895	3,529	265,424	222,174
Expenses						
Employee benefits and on-costs	89,389	571	89,959	527	90,487	44,836
Materials and services	89,826	3,201	93,027	16	93,043	47,514
Borrowing costs	610	-	610	302	911	519
Depreciation and amortisation	43,329	3,587	46,916	308	47,224	23,431
Other expenses	4,079	671	4,750	(29)	4,722	2,399
Total expenses from continuing operations	227,231	8,031	235,262	1,124	236,386	118,700
Net operating result from continuing operations	17,327	9,306	26,633	2,405	29,038	103,474
Net Operating Result before Capital Items	4,018	(478)	3,540	3	3,543	83,585

Cumberland City Council				Quarterly Budget Review Statement		
				for the period 01/10/23 to 31/12/23		
Capital budget review statement						
Budget review for the quarter ended 31 December 2023						
Capital budget - Council Consolidated						
(\$000's)	Original budget 2023/24	Approved changes Sep QBRS	Revised budget 2023/24	Variations for this Dec Qtr	Projected year end result	Actual YTD figures
Capital expenditure						
New assets						
- Land & buildings	6,660	(2,781)	3,730	250	3,980	2,025
- Parks & Open Spaces	12,592	6,502	19,699	2,404	22,102	10,073
- Roads, Bridges, Footpaths	1,000	6,457	7,457	207	7,664	2,540
- Storm Water Drainage	-	-	-	-	-	-
- Other	1,915	50	1,965	-	1,965	1,068
Renewal assets (replacement)						
- Land & buildings	9,997	109	10,106	(1,547)	8,559	1,054
- Parks and Open Spaces	7,899	(1,081)	6,363	575	6,938	1,638
- Plant & equipment	2,700	(500)	2,200	-	2,200	1,329
- Roads, bridges, footpaths	18,381	4,937	23,318	393	23,712	11,398
- Storm Water Drainage	4,293	1,745	6,039	245	6,284	1,753
Total capital expenditure	65,438	15,439	80,877	2,527	83,404	32,878
Capital funding						
Rates & other untied funding	29,346	(1,032)	28,314	(88)	28,226	9,175
Capital grants & contributions	3,079	7,775	10,742	912	11,654	2,780
Reserves:						
- s7.11 Restrictions/Reserves	21,101	(6,576)	14,525	2,404	16,929	9,246
- Other External Restrictions/reserves	2,590	11,075	13,560	105	13,665	7,063
- Internal restrictions/reserves	9,322	4,197	13,736	(806)	12,930	4,614
Total capital funding	65,438	15,439	80,877	2,527	83,404	32,878
Net capital funding - surplus/(deficit)	-	-	-	-	-	-



Cumberland City Council			Quarterly Budget Review Statement for the period 01/10/23 to 31/12/23			
Cash & investments budget review statement						
Budget review for the quarter ended 31 December 2023						
Cash & investments - Council Consolidated						
(\$000's)	Original budget 2023/24	Sep QBRs	Revised budget 2023/24	Variations for this Dec Qtr	Projected year end result	Actual YTD figures
Externally restricted <sup>(1)</sup>						
Developer contributions						
Accessibility & Traffic	7,980	3,720	11,700	2,065	13,765	14,069
Administration	1,472	228	1,700	(43)	1,657	1,694
Car Park	(1,500)	(100)	(1,600)	(61)	(1,661)	(1,698)
Community Facilities	19,431	4,473	23,904	221	24,125	24,658
Drainage	(2,359)	49	(2,310)	121	(2,190)	(2,238)
Local Transport	489	(20)	469	(15)	454	464
Merrylands Town Centre	50	(50)	-	-	-	-
Open Space	35,805	9,605	45,410	(1,692)	43,718	44,684
Public Domain	19,300	(0)	19,300	(832)	18,467	18,875
Woodville Ward	1,720	(1,415)	305	(62)	243	249
S94A Levies	4,017	1,313	5,330	(297)	5,034	5,145
SEPP 59 Agreements (Pem)	4,986	2,152	7,138	(386)	6,751	6,901
S7.12 Levies - under a plan	4,368	1,324	5,692	42	5,734	5,861
Total developer contributions	95,759	21,279	117,038	(940)	116,098	118,663
Other external reserves						
Domestic Waste Management External Reserve	7,885	556	8,440	(79)	8,361	9,264
Stormwater Levy External Reserve	1,879	1,898	3,777	115	3,892	4,951
Specific Purpose Grants External Reserve	13,406	(5,684)	7,722	(4)	7,718	7,972
Total other external reserves	23,170	(3,230)	19,939	32	19,971	22,187
Total externally restricted	118,929	18,049	136,978	(908)	136,070	140,850
(1) Funds that must be spent for a specific purpose						
Internally restricted <sup>(2)</sup>						
Employee Leave Entitlements - Internal Reserve	7,204	89	7,293	-	7,293	7,293
S355 Park Committee	157	(157)	-	-	-	0
Marrong Reserve South from Boral	3,154	0	3,154	-	3,154	3,154
SRV Reserve	-	1,188	1,188	1,342	2,530	7,684
Woodville Reserve	534	94	628	(93)	535	534
Merryland CBD Low Cost Loan	-	(0)	(0)	-	(0)	3,629
Land Reserve	8,182	(1,525)	6,657	916	7,573	6,657
Financial Assistance Grant Reserve	6,107	3,276	9,383	-	9,383	9,383
Voluntary Planning Agreements	5,327	66	5,393	-	5,393	5,393
Civic Risk	5,049	937	5,986	-	5,986	5,986
Infrastructure Reserve	5,681	13,862	19,543	(770)	18,773	19,728
Community Reserve	916	474	1,390	(620)	770	1,154
Total internally restricted	42,311	18,304	60,615	776	61,391	70,596
(2) Funds that Council has earmarked for a specific purpose						
Unrestricted (ie. available after the above Restrictions)	10,000	623	10,623	(569)	10,054	22,531
Total Cash & investments	171,240	36,977	208,216	(702)	207,514	233,977

Cumberland City Council

**Quarterly Budget Review Statement**  
for the period 01/10/23 to 31/12/23

**Cash & investments budget review statement**

**Comment on cash & investments position**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$233,977

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/12/23

**Reconciliation status**

The YTD cash & investment figure reconciles to the actual balances held as follows:

**\$ 000's**

Cash at bank (as per bank statements)		6,266
Investments on hand		230,726
less: unpresented cheques	(Timing Difference)	(44)
add: undeposited funds	(Timing Difference)	120
less: identified deposits (not yet accounted in ledger)	(Require Actioning)	(3,092)
add: identified outflows (not yet accounted in ledger)	(Require Actioning)	1
less: unidentified deposits (not yet actioned)	(Require Investigation)	-
add: unidentified outflows (not yet actioned)	(Require Investigation)	-
<b>Reconciled cash at bank &amp; investments</b>		<b>233,977</b>
<b>Balance as per QBRS review statement:</b>		<b>233,977</b>
Difference:		-

Cumberland City Council

**Quarterly Budget Review Statement**  
for the period 01/10/23 to 31/12/23

**Consultancy & legal expenses budget review statement**

Expense	YTD expenditure (actual dollars)	Budgeted (Y/N)
Consultancies	1,561,306	Y
Legal Fees	386,643	Y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

**Details**

Consultancies		YTD Actual	YTD Budget	Full Year Budget
City Operations	Waste- Domestic Waste Management	3,350	15,000	45,000
Environment & Planning Systems	Section 7.11 Contributions	-	-	92,000
Community Development	Sector Development	-	2,500	9,500
Environment & Planning	Director Planning & Environment	204,822	131,564	204,532
City Planning and Development	Development Assessment	814	-	-
Director City Services	Director City Services	41,842	100,000	200,000
Environment & Planning Systems	Trees are Tops In Cumberland – Education Blitz	1,319	9,500	10,000
Strategy & Improvement	Corporate Planning & Performance	18,366	20,991	47,000
Environment & Planning Systems	Greening our Cities	424	-	-
Environment & Planning Systems	Next-generation Green Prototype Carpark for Urban Resilience	3,650	15,696	15,696
Environment & Planning Systems	Greening our Cities - Stage 3	106,126	114,839	164,839
Strategy & Improvement	Improvement & Implementation	27,074	27,779	110,000
Environment & Planning Systems	Greening our Cities - Stage 4	-	-	27,560
Governance & Procurement	Governance	-	5,000	10,000
Finance	Financial Services	15,300	19,800	50,000
Customer Experience & Technology	Technology Services Administration	35,810	30,000	60,000
Human Resources	Human Resources Services	8,392	30,000	75,000
Audit, Safety & Risk	Risk & Audit	8,000	10,000	20,000
General Manager	GM Administration	115,470	90,000	150,000
Internal Ombudsman	Internal Ombudsman	-	5,250	10,500
Strategic Communications	Strategic Communications	-	2,400	6,000
Customer Experience & Technology	Customer Experience	30,890	35,031	50,890
Assets, Capital & Facilities	Assets	-	3,000	9,500
Environment & Planning Systems	Open Space Planning	5,300	5,300	5,300
Governance & Procurement	Procurement Administration	-	5,000	10,000
Property Transactions	Properties	40,971	19,000	38,000
City Operations	Play Equipment	-	-	10,000
Property Transactions	Property Development	1,818	5,000	10,000
Engineering and Building	Traffic Engineering	9,861	9,861	9,861
City Planning and Development	Strategic Planning	273,190	300,000	300,000
Community Wellbeing	Children's Community Projects	8,250	13,650	21,595
City Planning and Development	Westmead South Strategy	495,084	536,136	976,136
City Planning and Development	Heritage Rebate Program	2,188	1,000	2,000
Customer Experience & Technology	Technology Services	7,118	11,667	35,000
Customer Experience & Technology	Corporate Information Systems	95,879	94,248	202,418
		<b>1,561,306</b>	<b>1,669,211</b>	<b>2,988,327</b>

Legal Fees		YTD Actual	YTD Budget	Full Year Budget
City Operations	Waste- Domestic Waste Management	-	5,000	15,000
Environment & Planning	Director Planning & Environment	-	-	5,000
City Planning and Development	Development Assessment	9,200	40,400	80,000
Director City Services	Director City Services	-	4,998	9,996
Environmental Health & Development Services	Development Operations	-	34,441	50,000
Environmental Health & Development Services	Environmental Health	-	2,000	4,000
City Operations	Environmental Protection	5,412	2,828	5,500
General Manager's Unit	Executive Support	1,611	15,000	30,000
Community & Culture	Director Community & Culture	-	3,000	5,000
Finance	Rates Administration	116,594	85,000	170,000
Corporate Performance	Director Corporate Performance	2,777	2,500	5,000
General Manager	GM Administration	232,439	112,000	150,000
Governance & Procurement	Procurement Administration	-	5,000	10,000
Property Transactions	Properties	6,656	12,500	25,000
Property Transactions	Property Development	-	5,000	10,000
General Counsel	General Counsel	11,953	29,000	40,000
		<b>386,643</b>	<b>358,667</b>	<b>614,496</b>

Cumberland City Council

**Quarterly Budget Review Statement**  
for the period 01/10/23 to 31/12/23

**Contracts budget review statement**

Budget review for the quarter ended 31 December 2023  
**Part A - Contracts listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract value	Start date	End date
D & M Excavations & Asphalt Pty Ltd	Heavy patching - Hawkesbury Rd Westmead	\$55,140.80	22/12/2023	31/01/2024
Elliam as trustee for the Dreis family trust	Norford Park - Remediation Works	\$100,479.50	20/12/2023	31/05/2024
Civilscape Pty Ltd	Darmania Avenue Park, Greystanes Playspace Upgrade	\$236,130.36	18/12/2023	30/04/2024
REES ELECTRICAL PTY LIMITED	Ray Marshall Reserve Field 3 Floodlighting Upgrade	\$204,600.00	14/12/2023	30/04/2024
Seek Limited	SEEK Advertising package	\$70,000.00	14/12/2023	13/12/2025
PHILLIPS MARLER	Lidcombe Remembrance Park Upgrade-Design Consultant	\$202,031.50	11/12/2023	30/04/2024
PLANET ENTERTAINMENT OPERATIONS PTY LTD	Water Slides - Cooling Cumberland - Beat the Heat Ca	\$231,316.40	8/12/2023	16/02/2024
REES ELECTRICAL PTY LIMITED	Granville Park Floodlighting Lux lighting Upgrade	\$191,358.20	7/12/2023	19/01/2024
SAVILLS PROJECT MANAGEMENT PTY. LTD.	Guildford Pool Modernisation Project Management	\$203,500.00	4/12/2023	31/12/2024
Tilt Industrial Design Pty Ltd	Professional Services- artist engagement	\$132,000.00	4/12/2023	4/12/2024
PLANTABOX PTY LTD	Guildford Laneway Public Domain Upgrade	\$449,994.60	4/12/2023	30/04/2024
GHD Pty Ltd	Virtual Engagement Rooms	\$32,612.80	4/12/2023	4/12/2024
Schindler Lifts Australia Pty Ltd	Lidcombe Carpark Elevator	\$249,480.00	2/12/2023	30/06/2024
SULLIVANS CONSTRUCTIONS PTY LTD	Purdie Lane Toilet Block	\$475,035.52	1/12/2023	14/06/2024
Pool Covers Australia Pty Ltd T/A Just Covers	Thermal Pool Covers	\$53,751.50	1/12/2023	30/06/2024
Water Technology Pty Ltd	Risk Report - CSIRO Basin Dam Risk Report	\$59,029.30	1/12/2023	31/03/2024
Collaborative Design Space Pty Ltd	Install of Media and Coach's boxes	\$94,028.00	30/11/2023	12/04/2024
Asplundh Tree Expert (Aust) Pty Ltd	Mona park, Harold moon playground Upgrade	\$334,817.16	30/11/2023	15/03/2024
BlueDog Fences Australia BlueDog Fences Australia	Eric Tweeddale Stadium New Picket Fence	\$201,223.00	28/11/2023	16/02/2024
NOPPEN AIR PTY LTD	Auburn Town Hall - Sommerville Room	\$45,023.00	28/11/2023	23/02/2024
Flemming Contracting Pty Ltd	5th Hole Demolish and Construct	\$149,473.54	27/11/2023	2/02/2024
SYDNEY EVENT SERVICES PTY LTD	2023 Diwali Street Celebrations	\$38,500.00	27/11/2023	29/12/2023
H G SPORTS TURF (AU) PTY LTD	Supply and Installation of Xtragrass	\$82,368.00	27/11/2023	26/01/2024
Asplundh Tree Expert (Aust) Pty Ltd	Jack and Jill Reserve	\$335,443.30	17/11/2023	30/06/2024
D & M Excavations & Asphalt Pty Ltd	Robillard St Asphalt Restoration	\$49,500.00	16/11/2023	8/12/2023
The Trustee for HMG UNIT TRUST	Eric Tweeddale Stadium - installation of seats	\$49,955.40	16/11/2023	31/03/2024
Cushman & Wakefield Project Services Aust Pty Ltd	Buildings Condition Audit	\$374,000.00	16/11/2023	30/06/2024
COLEMANS SECURITY FENCING PTY LTD	Replacement fence at Linwood House	\$27,148.00	13/11/2023	15/12/2023
Landmark Products Ltd	Supply of Building to provide additional storage	\$105,919.00	13/11/2023	30/04/2024
HB Vision Bldg Pty Ltd	Lintel and kerb replacement	\$56,430.00	13/11/2023	29/02/2024
Tooljooa Pty Ltd	Aquatic Weed Management Pemulwuy Lake	\$32,411.50	13/11/2023	30/04/2024
ZIMP Pty Ltd	Lidcombe Carpark Electrical Upgrade	\$27,225.00	9/11/2023	30/06/2024
Mega Fencing	Daniel St Park Fence Replacement	\$114,400.00	7/11/2023	31/03/2024
TELSTRA LIMITED	Telstra Pits	\$80,000.00	1/11/2023	29/06/2024
DCA Cities Holdings Pty Ltd	Pinforce Software and Support	\$37,272.40	1/11/2023	30/04/2024
Rapid Map Services Pty Ltd	Open Space Condition Audit	\$320,562.00	1/11/2023	30/04/2024
INNOVAC PTY LTD	Supply of seating material, Product is Innwood	\$48,666.20	1/11/2023	30/11/2023
ELLIS AND SONS GROUP PTY LTD	Shade /Umbrellas Wenty Pools	\$77,880.00	31/10/2023	9/02/2024
Hunter Valley Amusement Hire Pty Ltd T/A All Fun Rides	2023 Turkiye Centenary Celebrations	\$21,188.00	29/10/2023	30/11/2023
Dys Events	2023 Turkiye Centenary Celebrations	\$24,596.00	27/10/2023	30/11/2023
GROWTH CIVIL LANDSCAPES PTY LTD	Phillips Park Playground Upgrade	\$995,633.44	26/10/2023	31/03/2024
The Green Horticultural Group	Eric Tweeddale Stadium	\$28,532.85	26/10/2023	24/11/2023
Aces Security, Allied Security Management Pty Ltd, Egroup Pty Ltd, Wrightway Security Services Pty Ltd	Major Events - Security and Crowd Management	Schedule of rate (estimated values \$135,000)	23/10/2023	22/10/2025
Coates Hire Service, Sydneywide Partyhire Pty Ltd, The Trustee for THE MICHAEL REGINALD SCARCE FAMILY TRUST, TPH Hire Services Pty Ltd, Pillagers Hiring Service Pty Ltd, FESTIVAL HIRE (NSW) PTY LIMITED T/A Festival Hire	Major Events - Infrastructure and Equipment	Schedule of rate (estimated values \$305,000)	23/10/2023	22/10/2025
Sophia Louise Odling T/A Sophi Odling	Muralist Artwork for Guildford laneway	\$77,000.00	19/10/2023	29/02/2024
Mott MacDonald Australia Pty Limited	Auburn Basketball Centre Civil & Structure Consultant	\$52,580.00	16/10/2023	29/02/2024
Enviro Beds Pty Ltd	Collection & Processing of Dumped Mattresses - West	\$25,300.00	16/10/2023	1/12/2023
The Muller Family Trust T/A Fortuna Dinero Pty Ltd	Litter Prevention Strategy, Action Plan and Roadmap	\$67,650.00	10/10/2023	3/03/2024
Haskoning Australia Pty Ltd	Duck Creek and Duck River Overland Flow Study	\$148,115.00	10/10/2023	3/10/2024
COLEMANS SECURITY FENCING PTY LTD	Gipps Road Sports Complex Fence Renewal	\$138,171.00	9/10/2023	9/01/2024
Data#3 Limited	Veeam License, Support and Maintenance	\$28,037.35	9/10/2023	9/10/2024
The Trustee for HMG UNIT TRUST	Toongabbie Community Centre Flooring & Down Pipes	\$32,489.60	5/10/2023	9/01/2024
Brightly Software Australia Pty Ltd	Asset Management	\$75,420.92	1/10/2023	30/09/2024
Nexon Asia Pacific Pty Ltd	Nexon Asia Pacific	\$110,000.00	1/10/2023	1/10/2025
WESTERN SYDNEY UNIVERSITY	Monitoring and Evaluation Westinvest Projects	\$154,000.00	1/10/2023	28/02/2025
Links Modular Solutions Pty Ltd	Links Modular Systems Licencing	\$46,431.00	1/10/2023	1/10/2025
Data#3 Limited	Various Licencing and Support	\$200,000.00	1/10/2023	1/10/2025
HITECH GROUP AUSTRALIA LIMITED	Hi Tech Support	\$27,538.50	1/10/2023	1/10/2025
Apple Pty Limited	Apple Store	\$200,000.00	1/10/2023	4/10/2025
TELSTRA LIMITED	telstra pits	Schedule of rate (estimated values \$200,000)	1/10/2023	31/12/2024

**Notes:**

- Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
- Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
- Contracts for employment are not required to be included.

DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-467

Attachment 2

Q2 2023/24 Major Project Update  
- Merrylands CBD Drainage





## Project Summary Report – Merrylands CBD Major Drainage Upgrade

Construction Commencement Date: March 2021 (CBD Project)

Estimated "Practical Completion" Date: Forecast mid 2024 (CBD Project)

Total Project Budget (Includes Design and Negotiations): \$31,500,000

Main Contractor: Landmark (WIKa); Statewide Civil (Neil St); CA&I (CBD)

Project Status: January 2024

### Project Background and Scope

The original CBD project was contained to the upgrade of the stormwater drainage system associated with the Stocklands Proposed development (233, 249-259 Merrylands Road & 52-54 McFarlane Street) and generally bounded by Merrylands Road, Treves Street, McFarlane Street and Finns Lane. This part of the project included design, negotiations with property owners and adjustment to building structures to enable the new stormwater upgrades and roads to be constructed. The Project Control Group expanded the scope to include other major development areas within Merrylands which are affected by drainage upgrades, namely Landmark Development (1-11 Neil Street) and Dylam/Rositano (224-240 Pitt Street, 4 & 4A Terminal Place) and HB Home Improvements (13 – 15 Neil Street). The purpose of the project is to consolidate the drainage infrastructure to enable the most cost-efficient method of controlling floodwaters in the Merrylands CBD and to enable proposed development to be less encumbered by stormwater infrastructure. In order to achieve these outcomes, agreements have or are currently being established with some of the property owners/developers in the form of Work in Kind Agreements (WIKa) and/or Voluntary Planning Agreements (VPA).

### Project Status

The Landmark WIKa has been finalised. Work commenced on-site October 2018 and was completed October 2020.

The Contract to carry out road and drainage works on the HB Home Improvements site was awarded to Statewide Civil in January 2020. Works commenced in late February 2020 and were completed in December 2021.

Adjustment to building structures in the CBD to enable the construction of the new stormwater and roads was complete in December 2020. Contract for road and drainage and other infrastructure upgrades was awarded to CA&I in December 2020. Works commenced in March 2021 and the majority of works were completed December 2022.

Sydney Water has now approved the replacement of the Sydney Water culvert under Addlestone Rd in the CBD. The final works are now proceeding with a likely completion date of mid 2024.



### Budget Summary

The total project budget for this project is \$31.5m. (All figures below exclude GST).

To date total spend on this project over its life totals \$28,935,953.

A breakdown of the project expenditure for 2023/24 is in the following table (note all figures exclude GST):

Project Description	Actual 31 Dec 2023	Commitments	Approved Budget	Proposed Q1 budget	Uncommitted
Merrylands CBD Drainage	\$1,555,578	\$2,601,556	\$3,946,977	\$4,191,977	\$34,843

DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-467

Attachment 3

Q2 2023/24 Major project update  
- Civic Park Pendle Hill Wetland  
Improvement Project



## Project Summary Report – Civic Park Pendle Hill Wetland Improvement

**Construction Commencement Date:** April 2023  
**Estimated “Practical Completion” Date:** Forecast April 2024  
**Total Project Budget (Includes Design and Negotiations):** \$16.7m  
**Main Contractor:** CA&I Pty Ltd  
**Project Status:** December 2023

### PROJECT Background and Scope

The project, valued at over \$15 million, has been jointly funded by Cumberland Council and the NSW Government’s WestInvest program. It will include improvements to the Pendle Creek wetlands, a new nature playspace and outdoor fitness facilities, picnic areas, half-court basketball, carpark and upgrades to pathways and lighting. The objective of the project is to deliver an enhanced park for the Pendle Hill community.

### Project Status

Project commenced in April 2023 and will be completed in April 2024, weather permitting.

### Park Works:

- Site is securely fenced off from public with vehicle access gate installed on Targo Rd
- Temporary asphalt footpath (Targo Rd to Billabong St) with CCTV & solar lights are operational
- Existing playgrounds & furniture items have been cleared
- Majority of overhead cables and poles removed
- Hydraulical works to park 100% complete
- Electrical works 90%. Works include lightpole footings, conduits, etc
- Drainage works to park 99% complete
- Footpath works underway 65% complete
- Playground works underway (Play 95% complete, Fitness 95% complete and Nature play 50% complete)
- Walls underway 80% complete
- Amenities/Exeloo block installed, with services connection to follow

### Wetland Works:

- Site clearing – East & West banks have been cleared of existing vegetation
- Temporary weir and pump installed. Creek has been de-watered
- Dredging of creek complete
- Bridge 1 & 2 complete
- Trash rack complete
- Billabong St GPT and Parkland Ave carpark GPT complete
- Gabion walls underway 100% complete

### Budget Summary

To date total spend on this project over its life totals \$11,235,807.

A breakdown of the project expenditure for 2023/24 is in the following table (note all figures exclude GST):

Project Description	Actual 31 Dec 2023	Commitments	Approved Budget	Proposed Q2 budget	Uncommitted
Civic Park & Pendle Hill Wetland Improvement Project	\$8,083,883	\$5,380,721	\$13,500,000	\$13,500,000	\$35,396











Item No: C02/24-468

## COMMUNITY GRANTS - ROUND 2 2023/2024 FUNDING RECOMMENDATIONS

Directorate: Community and Culture  
Responsible Officer: Director Community and Culture  
Community Strategic Plan Goal: *Supporting Community Health, Safety and Wellbeing*

### SUMMARY

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This report provides Round 2 funding recommendations under the three streams (Community Participation, Employment and Education Pathways, and Small Grants) of the Community Grants Program for Council's consideration.

### RECOMMENDATION

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#### That Council:

1. **Adopt the 18 applications recommended for funding in Attachment 1 and allocate the \$174,318 from the 2023/2024 Community Grants Program budget.**
2. **Delegate to the General Manager the authority to execute the grant dispersions and any associated documents.**
3. **Advise all successful applications of the funding allocations from the Community Grants Program 2023/2024 and provide feedback and assistance to applicants that were unsuccessful.**
4. **Attach a table of the successful applicants to the Minutes.**

### REPORT

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#### 2023/2024 Community Grants Program Guidelines and Promotion

In accordance with the Community Grants and Donations Policy, detailed Guidelines for the Community Grants Program were made publicly available (included under Attachment 3).

The program was open from 30 October 2023 to 1 December 2023.

The Grants Program was promoted widely using the following methods:

- The Guidelines and Application form were available on Council's website.
- Promotion of the Grants Program through Council's social media channels.
- Emails were sent to community groups and key stakeholders.

Three streams of the Community Grants Program were offered:

- Community Participation
- Employment and Education Pathways
- Small Grants

In accordance with the Policy and the Guidelines, submitted applications were assessed against the published assessment criteria.

### **Grant Support Program**

To assist applicants to develop their grant applications, Council provided the opportunity to book a timeslot to receive tailored one on one advice on their project and grant application, and a total of 11 applicants took up this option. A group information session was also provided with 40 attendees at this session.

### **Assessment Process**

The Community Grants Program is a competitive process with application assessed against the published criteria. Applications submitted for funding under the Program were assessed in two stages. This included:

#### **Stage 1: Eligibility Assessment**

Council's grant administrators conducted an eligibility assessment of all applications submitted. These included applications being submitted on time, being complete and meeting all eligibility criteria.

#### **Stage 2: Assessment Panel**

An internal assessment panel consisting of relevant Council staff were convened to review and rank eligible applications against the assessment criteria. The panel consisted of staff from a cross-section of service areas.

### **Assessment Outcomes**

A total of \$ 180,000 across three funding streams was available in Round 2, 2023/2024 Council received a total of 38 applications.

Of the applications received, 18 are recommended for funding in this Round. Applications not recommended for this round of funding have either; not met the eligibility criteria, have incomplete or insufficient information, or did not rate as highly against the assessment criteria.

The following table provides a summary of the assessment outcomes:

<b>Funding Stream</b>	<b>Number of Projects recommended</b>	<b>Total \$ recommendation</b>
Community Participation	13	\$147,280
Education and Employment Pathways	3	\$23,038
Small Grants	2	\$4,000
<b>Total amount available in this round \$180,000</b>	18	\$174,318

The full list of applications for Round 2, 2023/2024 is included in Attachment 1: 'Community Grants Program 2023/2024 Applications Round 2'.

A detailed 'Community Grants Evaluation Report' is included in Attachment 2. Council staff will provide all unsuccessful applicants with an opportunity to receive tailored feedback on their grant application. This will provide applicants with an opportunity to improve their application and resubmit to future rounds of the Community Grants Program.

## **COMMUNITY ENGAGEMENT**

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Council will notify all applicants of the outcome of their application. Unsuccessful applicants will be offered feedback and supported to reapply for a subsequent round of funding.

Information about the Cumberland Community Grants Program including detailed guidelines will be widely promoted and made available to the community for the Community Grants Program Round 3 (4 March 2024).

## **POLICY IMPLICATIONS**

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

## **RISK IMPLICATIONS**

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Successful applicants will be required to enter into a funding agreement with Council and meet all requirements of project delivery, reporting and acquittal.

## **FINANCIAL IMPLICATIONS**

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A total of \$180,000 is available in the Community Grants Program 2023/2024 budget for Round 2 to fund the projects as recommended.

Community Grants Program	Annual Budget	Budget Available Round 2	<i>Recommended Round 2 funding in this report</i>
	\$500,000	\$180,000	\$174,318

## CONCLUSION

The Cumberland Community Grants Program aims to support the delivery of services and programs that build a vibrant and sustainable Cumberland. Funded projects should deliver increased participation in community activities and address identified social issues. The projects recommended aim to deliver significant community benefits across the Cumberland LGA.

Council has put in place appropriate acquittal and accountability measures for recipients of the Community Grants Program to ensure funds are spent in accordance with the Guidelines.

## ATTACHMENTS

1. Community Grants Round 2 Applications (confidential)  
Note: Included in Closed Business Paper in accordance with Section 10A(2)(c) of the Local Government Act as the information involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
2. Community Grants Round 2 Evaluation Report (confidential)  
Note: Included in Closed Business Paper in accordance with Section 10A(2)(c) of the Local Government Act as the information involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.
3. Community Grants Program Guidelines [↓](#)
4. Community Grants and Donations Policy [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-468

Attachment 3  
Community Grants Program  
Guidelines





CUMBERLAND  
CITY COUNCIL



# Cumberland Community Grants Program

## Guidelines

[www.cumberland.nsw.gov.au/community-grants-program](http://www.cumberland.nsw.gov.au/community-grants-program)





## Contents

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Community Participation	7
Employment and Education Pathways	11
Small Grants	14

For more information, please contact:

**Grants Team**

☎ 8757 9745 | 8757 9800

✉ [communitygrants@cumberland.nsw.gov.au](mailto:communitygrants@cumberland.nsw.gov.au)

📍 16 Memorial Avenue, Merrylands NSW 2160

# The Cumberland Local Government Area

Cumberland is one of the most culturally diverse Local Government Areas (LGAs) in NSW. Over 237,000 (ABS 2022) residents have chosen to live here, making it also one of the most populous LGAs in NSW.

Our community vision for the future of Cumberland is "Welcome, Belong, Succeed". Council is determined that all its residents, businesses and visitors feel they are welcome; where people and families from different cultural backgrounds can come together and belong; and where anyone, through hard work and with the support of their community can succeed.

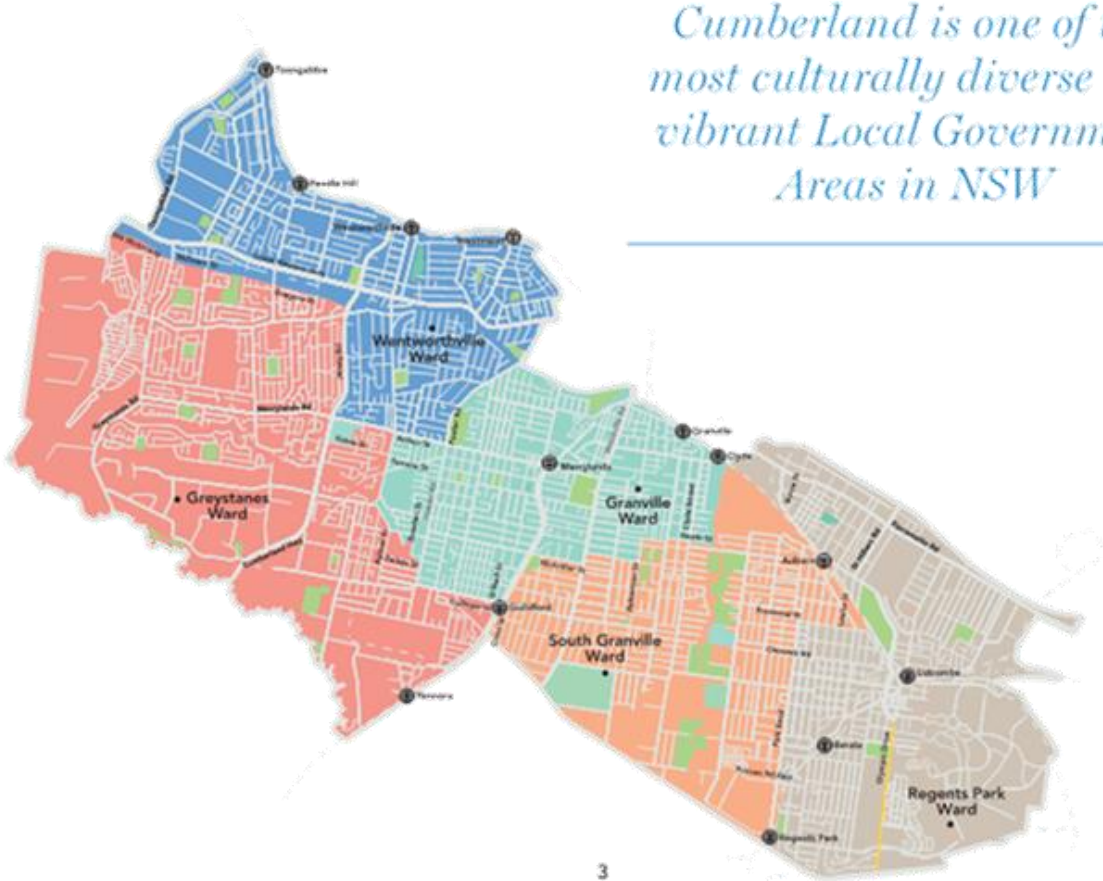
The Cumberland City Council Community Grants Program aims to support the achievement of this vision.

This document is intended to be used to complement Cumberland City Council's Community Grants and Donations Policy. This guide provides an easy-to-understand explanation of the current grant program and its funding streams, and the assessment criteria used by Council to make grant decisions.

Council seeks to enhance the use of public funds through well-managed grant processes. Grant programs are linked to the Council's goals and provide an integrated approach to growing Cumberland socially, culturally, economically, and environmentally.

The Community Grants and Donations Policy can be found at: <https://www.cumberland.nsw.gov.au/council-policy-documents>

*Cumberland is one of the most culturally diverse and vibrant Local Government Areas in NSW*





# General Eligibility Criteria

## Eligible Applications

- Residents of the Cumberland LGA must be the primary beneficiaries of the project.
- Applicants must be a legally registered and incorporated not-for-profit organisation (or group).
- Unincorporated groups may be auspiced by incorporated not-for-profit organisations.
- Applicants must have a current registered Australian Business Number (ABN).
- Applicants must be currently located or delivering services in or have specialist expertise not currently available in the Cumberland Local Government Area (LGA).
- Applicants must be able to provide proof of public liability insurance (minimum of \$10 million cover) and any other insurances required to deliver the project which may include professional indemnity, workers compensation or volunteer accident insurance.
- Applications must be for a specific project.
- Projects must address an identified funding priority.
- Projects must be well defined with a clear budget.
- Projects must demonstrate that any ongoing or recurrent costs can be met by the organisation once grant funding has been expended.
- The organisation must demonstrate the capacity to manage funds and deliver the project.
- Projects must be delivered between the dates specified for each grant round.
- All requests for funding must go through the Community Grants Program. Unsolicited requests for donations will not be accepted.



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## Ineligible Applications

- Duplicating of Council services or programs.
- Breaching existing Council policy.
- Not meeting the identified priority needs of the Cumberland LGA.
- Applications from government departments, schools, for-profit businesses, or political parties.
- Applications from charities for general donations.
- Applications for fundraising, operational expenditure (e.g. admin, insurance), shortfalls in funding from other government departments or completed (retrospective) projects.
- Projects that rely on repeated funding from Council.
- Organisations that have not submitted acquittal reports for projects funded by Cumberland Council or have debts with Council.
- Organisations already funded under another application stream.

## What can help your application?

- Council values and recognises the importance of an applicant's financial and in-kind contributions. Demonstrating a commitment of financial support to a project is considered favourably.
- Provide statistics or evidence of the need or value of your project.
- Engage with your intended audience and gather its views to support your application.
- Identify achievable outcomes and determine who will be responsible for these.
- Register for Council's online grants system and complete the application in full including providing quotes or additional documents to support your application.
- Identify and engage community partners that may be able to help you deliver your project.
- Speak to Council's Community Development Team.
- Ensure your application is clear and understandable.

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# Community Participation



## Grant stream objectives:

- To aid in the delivery of effective programs that support the diverse needs and interests of the Cumberland LGA.
- To enhance community participation in the development and delivery of programs.
- To create positive connections between residents of Cumberland.
- To further develop existing skills, knowledge, and access to opportunities for residents and organisations.
- To maximise access and usage of community resources, services and facilities including equity of access for special needs groups.
- To encourage collaboration and partnerships.

## Expected funding outcomes:

<b>Community</b>	<ul style="list-style-type: none"> <li>• Supports the wellbeing of residents of the Cumberland community.</li> <li>• Delivers positive social, economic, cultural, recreational, or environmental benefits to residents of the Cumberland community.</li> <li>• Builds a positive profile of Cumberland and/or support an individual, group or organisation to represent the Cumberland Local Government Area or community.</li> </ul>
<b>Domestic and Family Violence</b>	<ul style="list-style-type: none"> <li>• Increase the provision of domestic violence services and support, particularly those with an outreach component.</li> <li>• Address the underlying drivers of violence against women (primary prevention programs).</li> </ul>
<b>Education</b>	<ul style="list-style-type: none"> <li>• Address barriers to education, training, employment, and technical learning opportunities to attain strong employment outcomes for newly arrived migrants and refugees, people with disability, young people disengaged from education and the long term unemployed.</li> <li>• Encourage the participation and involvement of parents in the education of their children and to improve their capacity to support learning at school.</li> <li>• Improve education outcomes for young people.</li> </ul>
<b>Environmental Sustainability</b>	<ul style="list-style-type: none"> <li>• Develop and deliver environmental education programs, events, or initiatives.</li> <li>• Encourage community pride and cleanliness in the Cumberland LGA.</li> <li>• Increase awareness of the 3 R's (Reduce, Reuse and Recycle waste) and promote available waste services to improve our environmental footprint.</li> <li>• Increase biodiversity and provide habitat.</li> </ul>

<b>Health and Wellbeing</b>	<ul style="list-style-type: none"> <li>• Programs that improve health literacy in the community, including those that make it easier for Cumberland residents understand and access health-related information, and to be able to make the best decisions about their health.</li> <li>• Provide opportunities to increase participation of women and girls.</li> <li>• Promote physical activity that improves fitness levels and general health and wellbeing.</li> <li>• Projects that combine social, recreational, and physical activities to promote stress management, and physical wellbeing.</li> <li>• Prevent and raise awareness of mental health, substance abuse and lifestyle diseases such as diabetes, obesity, and coronary heart disease.</li> <li>• Promote the use of active transport such as walking, cycling and use of public transport.</li> <li>• Nutrition and cooking programs that promote nutritious food for good health.</li> <li>• Improve the health and wellbeing of young people.</li> </ul>
<b>Safety</b>	<ul style="list-style-type: none"> <li>• Improve crime prevention and public safety outcomes including addressing community perceptions of crime and safety.</li> <li>• Provide programs and support for victims of crime.</li> <li>• Provision of education or services addressing drug and alcohol awareness and/or dependency.</li> <li>• Improve the safety of young people.</li> </ul>
<b>Social cohesion, participation, and accessibility</b>	<ul style="list-style-type: none"> <li>• Promote cross-cultural understanding, community harmony and peace building.</li> <li>• Improve access to services and increased participation in community life by isolated residents, including older people, people with disability, refugees, people seeking asylum and people from culturally and linguistically diverse backgrounds.</li> <li>• Address barriers to service access and community participation by Aboriginal and Torres Strait Islander communities in the Cumberland LGA.</li> <li>• Support the work of local volunteers.</li> <li>• Deliver community education to increase skills and knowledge of Australian systems.</li> <li>• Provide support for people with disability including carers of people with disability.</li> <li>• Improve access to services that address homelessness, housing stress and the drivers of homelessness, including outreach services, living skills programs, and programs targeting key demographic groups within the Cumberland community such as adult men, older women, and asylum seekers.</li> <li>• Support and celebrate cultural diversity through projects and programs that promote intercultural understanding.</li> </ul>





## Available Funding:

Applications can be made for up to \$15,000.

## Timeframe

This grant stream has three rounds for application per year.  
Grants must be spent within 12 months of successful applicant receiving funding.

	Round 1	Round 2	Round 3
Opening Date	17 July 2023	30 October 2023	4 March 2024
Closing Date	18 August 2023	1 December 2023	4 April 2024

## Stream eligibility and exclusions

- Applications must be for a specific project, either the establishment of a new project or to significantly expand an existing project.
- Projects must be completed within 12 months of a successful applicant receiving funding.
- Applicants must be a legally registered, incorporated not-for-profit organisation with an ABN.
- Unincorporated groups may be sponsored (auspiced) by incorporated not-for-profit organisations.
- Projects must demonstrate that any ongoing costs or recurrent costs can be met by the organisation once grant funding has been expended.

## Assessment Criteria

Applications will be assessed using the following criteria:

### Project

- Project has clear aims and objectives.
- Project has clearly identified activities.
- Project is achievable within the proposed timeframe.
- Evidence of community need for the project.
- Project addresses a funding outcome identified in the Community Participation Stream.
- Evidence of consultation and/or engagement undertaken during the project development with potential participants and partners.
- Residents of Cumberland LGA are primary beneficiaries.
- Project implementation includes specific strategies for special needs groups.

### Budget

- Does the project present good value for money in terms of:
  - Number of people involved
  - Is the project financially viable, i.e. is the budget realistic?
  - Clear costings for all aspects of the project
  - Are the resources required to deliver the project clearly identified?

### Project outcomes

- Project outcomes identified.
- Project outcomes achievable.
- Methods for evaluation/measuring project outcomes suitable to project.
- Demonstrated link between project need, project activities and intended project outcomes.

### Capacity to manage projects

- Demonstrated ability to manage funds or will be assisted by a reputable organisation.
- Demonstrated ability in project management and/or is a well-managed organisation overall.
- Employs capable workers or has engaged capable volunteers.
- Demonstrated ability to engage community members targeted in the application.





# Employment and Education Pathways



## Grant stream objectives and expected funding outcomes:

- Improve career outcomes and create education and training pathways for Cumberland residents.
  - Residents identifying as Aboriginal or Torres Strait Islander
  - Refugees who have settled in the Cumberland Local Government Area.
- Help young people into education, training and/or employment. Increase accessibility to employment and create education and training pathways for Cumberland residents with a particular focus upon:
  - Residents identifying as having a disability

## Available Funding:

Applications can be made for up to \$15,000 per project.

## Timeframe

This grant stream has three rounds for application per year. Grants must be spent within 12 months of receiving them.

	Round 1	Round 2	Round 3
Opening Date	17 July 2023	30 October 2023	4 March 2024
Closing Date	18 August 2023	1 December 2023	4 April 2024

## Stream eligibility and exclusions

- Applications must be for a specific project, either the establishment of a new project or to significantly expand an existing project.
- Projects must be completed within 12 months of a successful applicant receiving funding.
- Applicants must be a legally registered, incorporated not-for-profit organisation with an ABN.
- Unincorporated groups may be sponsored (auspiced) by incorporated not-for-profit organisations.
- Projects must demonstrate that any ongoing costs or recurrent costs can be met by the organisation once grant funding has been expensed.



## Assessment Criteria

Applications will be assessed using the following criteria:

### Project

- Project has clear aims and objectives.
- Project has clearly identified activities.
- Project is achievable within the proposed timeframe.
- Evidence of community need for the project.
- Project addresses a funding outcome identified in the Employment and Education Pathways.
- Evidence of consultation and/or engagement undertaken during the project development with potential participants and partners.
- Residents of Cumberland LGA are primary beneficiaries.
- Project implementation includes specific strategies for special needs groups.

### Budget

- Does the project present good value for money in terms of:
  - Number of people involved
  - Is the project financially viable, i.e. is the budget realistic?
  - Clear costings for all aspects of the project
  - Are the resources required to deliver the project clearly identified?

### Project outcomes

- Project outcomes identified.
- Project outcomes achievable.
- Methods for evaluation/measuring project outcomes suitable to project.
- Demonstrated link between project need, project activities and intended project outcomes.

### Capacity to manage projects

- Demonstrated ability to manage funds or will be assisted by a reputable organisation.
- Demonstrated ability in project management and/or is a well-managed organisation overall.
- Employs capable workers or has engaged capable volunteers.
- Demonstrated ability to engage community members targeted in the application.



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## Small Grants



### Grant stream objectives and expected funding outcomes:

- Requests for financial assistance to an individual or organisation for a cause worthy and of benefit to the Cumberland Community. This may include but is not limited to:
  - Community fundraising activities
  - Contributions towards a community-based activity or event

### Available Funding:

Applications can be made for up to \$2,000.

### Timeframe

This grant stream has three rounds for application per year. Grants must be spent within 12 months of receiving them.

	Round 1	Round 2	Round 3
Opening Date	17 July 2023	30 October 2023	4 March 2024
Closing Date	18 August 2023	1 December 2023	4 April 2024

### Stream eligibility and exclusions

- Applications can be made for a not-for-profit organisation, charity, or an individual. Individuals applying for funding must be a resident of the Cumberland Local Government Area.
- Projects must be completed within 12 months of successful applicant receiving funding.
- Projects must demonstrate that any ongoing or recurring costs can be met once grant funding has been spent.

### Assessment criteria

Applications will be assessed using one or more of the following criteria:

- A project or initiative that supports the well-being of residents in the Cumberland community.
- Projects that deliver positive social, economic, cultural, recreational, or environmental benefits to the residents of the Cumberland community.
- Projects or initiatives that aim to build a positive profile of Cumberland and/or support and individual, group or organisation to represent the Cumberland LGA or community.
- Project has clear aims/objectives.
- Project is achievable within proposed timeframe.
- Evidence of community need for the project.

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CUMBERLAND  
CITY COUNCIL**Cumberland City Council**

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DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-468

Attachment 4  
Community Grants and Donations  
Policy



CUMBERLAND  
CITY COUNCIL

# Community Grants and Donations Policy

## AUTHORISATION & VERSION CONTROL

Policy Number	POL-019
Policy Owner	Director Community & Culture
Date Adopted	3 August 2022
Version No	3
Document ID	6473795
Review Date	September 2024

## PURPOSE

This Policy outlines the framework under which all grants and donations made by Council to the community will be governed. It ensures Council meets legislative requirements prescribed in Section 356 of the *Local Government Act* as the decision-making authority for approval of the granting of funds. It also seeks to ensure all grants and donations deliver social, economic, cultural, recreational, and environmental benefits to local communities.

## SCOPE

This Policy applies to all grant-making activity and donations provided by Cumberland City Council as per Section 356 of the *Local Government Act* and independent of the regular procurement of goods, works and services.

This Policy applies to all aspects of grant and donation programs, including their design, application processes, decision making, agreement making, monitoring and support services. It also covers requests and granting of fee waivers for the use and hire of Council facilities and open spaces, which are considered as a monetary contribution made by Council within the context of this Policy. It includes the Community Grants Program and Emergency Relief Fund.

This policy excludes:

- Incoming and outgoing funds for corporate sponsorship, which will be governed by the *Corporate Sponsorship Policy*.
- Subsidies for use of community facilities which are reflected in Council's Fees and Charges.
- Financial assistance programs classified as rebate schemes, which provide retrospective funding.
- Other fee for service arrangements with not-for-profit organisations.

All Councillors, Council employees, contractors and consultants are responsible for implementing this Policy.

## DEFINITIONS

- **GRANT:** A sum of money given to an organisation or individual for a specified purpose. A grants program awards funds on a competitive basis using clear and accountable policies and procedures and the effectiveness of grants is measured through monitoring and evaluation processes.
- **AUSPICE:** An agreement where an incorporated organisation agrees to apply for funding or resources on behalf of an applicant that is not incorporated. If the application is successful, the auspicing organisation then administers the resources on behalf of the applicant and is legally responsible for ensuring that the terms of the agreement are met.
- **FINANCIAL ASSISTANCE:** Payment given to an individual or organisation which are not commensurate with a reciprocal benefit received by Council. Financial assistance includes both grants and donations.

## POLICY STATEMENT

In administering grant and donation programs, Council is to ensure that it complies with *Section 356 of the Local Government Act 1993* which makes provisions for Council to grant financial assistance to others for the purpose of exercising its functions.

## PRINCIPLES

The purpose of this Policy is to ensure the administration of Cumberland City Council's grants programs are guided by the following principles:

- **Robust planning and design** which underpins efficient, effective, economical, and ethical administration of financial assistance programs including the establishment of effective risk management processes.
- **Probity and transparency** in decision making which reflects ethical behaviour, in line with Council's Code of Conduct, and complies with public reporting requirements.
- **Governance and accountability** in which a robust governance framework is established that clearly defines the roles and responsibilities of all relevant stakeholders; establishes the policies, procedures and guidelines and administration processes that comply with all relevant legal and policy requirements; and supports public accountability for decision-making, financial assistance, and performance monitoring.
- **Access and equity** in administration of financial assistance programs to support the diverse needs, interests, and aspirations of the community.
- **Collaboration and partnership** in which effective consultation and a constructive and cooperative relationship between Cumberland City Council, financial assistance recipients and other relevant stakeholders contribute to achieving more efficient, effective, and equitable financial assistance administration.
- **Capacity building** which focuses on further developing existing skills, knowledge, and access to opportunities for residents and organisations.
- **Outcomes focussed** on which grants administration focuses on maximising the achievement of strategic directions and lasting outcomes rather than outputs.
- **Achieving value with public money** which involves the careful consideration of costs, benefits, options, and risks.
- **Proportionality** in which key program design features and related administrative processes are commensurate with the scale, nature, complexity, and risks involved in the granting activity.
- **Commitment to continual improvement** with regular review and evaluation of grant making processes to ensure legislative requirements are met, program objectives reflect Council's strategic directions and best practice innovations are utilised.

## REQUIREMENTS

1. Cumberland City Council's grant programs must align with outcomes identified in Council's Community Strategic Plan, Delivery Program and Operational Plan and specific community priorities outlined in the guidelines for Community Grants Program and Emergency Relief Fund.
2. Detailed guidelines for Council's grant programs will be publicly available. The guidelines will outline the funding priorities, eligibility and assessment criteria, and administration practices, including application processes, decision making, agreement making, monitoring and support services.
3. Changes to the funding pool for all financial assistance programs must be approved by Council.
4. Council will actively promote and invite applications for all rounds of the funding programs. Applications will only be accepted during the advertised round dates for each funding program.
5. Applications will only be accepted by submission through Council's online grant management system and will not be accepted via hard copy or email.
6. All applicants must meet the requirements specified in the guidelines of Council's funding programs to be eligible for funding.



7. Council will not provide funding to an activity that has already been funded, or that can be readily assisted by any other existing Government funding program, or that is the core business of other Government departments.
8. Council will not fund activities that duplicate existing services or programs within the local area.
9. Assessment of applications will be undertaken by a panel of Council staff. Where appropriate, the assessment panel may seek the advice of external agencies to ensure projects funded meet proposed outcome areas and community priorities.
10. Recommendations for funding will be recorded with reference to the assessment criteria.
11. Recommendations for funding will be reported to a Council meeting for determination. Any variances to recommendations proposed by Councillors will be recorded in the minutes of the Council meeting and reflected in the final resolution of Council.
12. Allocations of all funding support will be included in Council's annual report.
13. Applications will be ineligible for funding if the applicant undertakes canvassing or lobbying of Councillors or employees of Cumberland City Council in relation to their application during the application and assessment process.
14. All applicants will be notified of the outcome of their application within a timely manner.
15. Successful applicants may only hold one grant at a time and must provide an acquittal for this grant and have no outstanding debts to Council, prior to applying for a subsequent round of funding.
16. Successful applicants must enter into a funding agreement with Council and meet all requirements of project delivery, reporting and acquittal. Applicants who do not complete an approved acquittal, will not be eligible to apply for any further funding with Council.
17. Council reserves the right to request return of funds should the funding recipient not use the funds for the specified purpose.
18. All funded activities must comply with relevant legislation and Council approvals. This includes meeting legislative requirements that ensure financial assistance recipients are delivering projects in an accessible and equitable manner.

## RELATED LEGISLATION

- Section 356 of the *Local Government Act 1993*.
- Department of Local Government Circular - Ref. 06-32 - Provision of Financial Assistance under Section 356 of The Local Government Act - Developing a Financial Assistance Policy

## RELATED DOCUMENTS AND COUNCIL POLICY

- Cumberland City Council Community Strategic Plan
- Cumberland Delivery Program and Operational Plan including Fees and Charges
- Cumberland City Council Sponsorship Policy and Guidelines
- Cumberland Community Grants Program Guidelines
- Emergency Relief Fund Guidelines
- Australian National Audit Office, *Implementing Better Practice Grants Administration*, 2013

Item No: C02/24-469

## **DRAFT SUBMISSION ON DEVELOPMENT APPLICATION DA2023/0130 - 109A CHURCH STREET, LIDCOMBE**

Directorate: Governance and Risk  
Responsible Officer: Director Governance and Risk  
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

### **SUMMARY**

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Following a Council resolution in August 2023, this report presents a draft submission to the Sydney Central City Planning Panel relating to development application DA2023/0130 for a proposed food and garden organics transfer station at 109A Church Street, Lidcombe for Council's consideration and adoption.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Adopt the submission as attached to this report, opposing the proposed development.**
- 2. Ensure a copy is forwarded to the Sydney Central City Planning Panel prior to this matter being determined.**

### **REPORT**

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At the Ordinary Meeting of Council held on Wednesday, 16 August 2023, Council resolved (Min. 504) as follows:

*"1. That Council request the General Manager to:*

- a) Undertake a review of Council's Development Control Plan with respect to the written notification requirements for development applications for designated development, with a view to extending the area for such notification and report back to Council at a future meeting, and*
  - b) Take steps to arrange for an external planning consultant to prepare a draft submission to the Sydney Central City Planning Panel that can be considered for adoption and formal submission by the elected body of Council that reflects opposition to the application by the elected body on public interest grounds.*
- 2. That any financial implications associated with the adoption of this Mayoral minute be funded from Council's legal operational budget."*

In accordance with the above resolution, Council engaged an external planning consultant to prepare the draft submission, taking into consideration submissions received via the community consultation process undertaken. The process was managed internally by the Director Governance & Risk, to ensure appropriate segregation of duties between the process for the preparation of this submission and Council's Planning and Environment Directorate, responsible for reviewing this application and completing an assessment report for this matter.

The draft submission is attached to this report, under Attachment 1, for consideration and adoption of Council prior to formal submission to the Sydney Central City Planning Panel, in accordance with Council's previous instruction.

## **COMMUNITY ENGAGEMENT**

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The development application, DA2023/0130, was originally publicly notified for a period of 28 days between 29 May 2023 until 25 June 2023. Following community feedback, Council extended the notification period until 14 July 2023. In response, over 1,900 submissions were received.

Council also held a public information session with the community on 13 August 2023.

## **POLICY IMPLICATIONS**

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

## **RISK IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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

## **CONCLUSION**

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The attached draft submission on DA2023/0130 for a proposed food and garden organics transfer station at 109A Church Street, Lidcombe has been prepared by an external consultant in accordance with the Council resolution of 16 August 2023.

Should Council adopt the draft submission, a formal submission will be made to the Sydney Central City Planning Panel reflecting opposition to the development application by the elected body on public interest grounds.

## **ATTACHMENTS**

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1. Draft Submission [↓](#)
2. Sydney District & Regional Planning Panels Operational Procedures [↓](#)

DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-469

Attachment 1  
Draft Submission





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24 January 2024

Sydney Central City Planning Panel

**DA2023/0130 – 109A Church Street, Lidcombe**  
**Demolition of existing buildings and construction and operation of an organic waste transfer station**

**Introduction**

BBF Town Planners are instructed by Cumberland Council to make this submission to the subject Development Application.

We have examined the relevant documents, plans, and reports including the Environmental Impact Statement (EIS) prepared in support of the DA.

Our review finds that the Development Application:

- due to its type, intensity, and scale, would negatively impact upon the amenity of sensitive land and is inappropriate for the site.
- inadequately addresses the assessment matters relevant to the site.
- provides insufficient operational management provisions to mitigate its impacts and provide appropriate assurances to the community.

In our opinion, the DA should be refused.

**REASONS FOR OBJECTION**

Cumberland Council object to the proposed development of a waste transfer station (involving organic / putrescible waste) on the subject site for the following reasons:

**1 Site unsuitable**

The proposal involves a waste transfer station involving the movement, storage, and handling of putrescible waste, known to be odorous, close to residential dwellings (70m) and within a 200m radius of established communities, including the Lidcombe Local Centre and other sensitive land uses in the local context, to the north and west of the site.

The handling and storage of putrescible waste is known to generate offensive odours. It will also generate pests and vermin.

The operation of the facility is proposed over extended hours, 6 days per week, 6am to 10pm Monday to Friday, and 8am to 6pm on Saturdays.



The intensity of the land use involves 80,000 tonnes of waste per annum translating to 118 truck movements per day with the likelihood for noise, odour, and road safety impacts.

The operation of the facility will include a range of noise and odour sources with the potential to generate amenity impacts on nearby communities.

Storage of putrescible waste has the potential to generate hazardous and offensive gases that present a high fire risk close to residential land.

The site's location in proximity to residential development combined with the type, scale, and intensity of the proposed land use make it inappropriate for the location.

## 2 Hours of operation

The DA proposes hours of operation from 6:00 am to 10:00 pm (16 hours / day) Monday to Friday and 8am to 6pm on Saturday, 6 days per week (no operations on Sunday and public holidays). These hours are excessive for the location (70m from residential land) in terms of DCP control Part D - Development in Industrial Zones, 2.12 Operational management, Control C1 and C2 which relevantly, state:

*"C1. Where an industrial site is located adjoining or adjacent to, or within 200m of residential development, or where in the opinion of Council, truck movements associated with the industry will intrude on residential streets, hours of operation shall generally be restricted to 7am to 6pm Monday to Saturday with no work on Sundays".*

*"C3. Where an extension to the above hours is required due to the nature of the activities to be undertaken, a detailed submission shall be lodged with Council, demonstrating how environmental impacts can be minimised to acceptable levels to support the proposed extended hours of operation inclusive of an acoustic report and operation management plan".*

Furthermore, the objectives of this control are relevant to the DA (repeated at Annexure 1). The DA is non-compliant with this DCP control, noting the DA:

- does not provide justification of the proposed operating hours
- does not propose an enforceable truck route plan, and may involve trucks entering the residential area
- does not assess the noise from large waste trucks on the residential environment.

In the circumstances the hours of operation are a key assessment consideration, without sufficient justification in the DA and with insufficient provisions contained within the Operational Management Plan accompanying the DA.

## 3 Odours / air quality

The Odour assessment report (Appendix I of the DA) finds the proposal acceptable based on mathematical formula and assumptions. However, the proposed Odour Management System is, by its own characterisation, a Concept Design, based on a range of assumptions (modelled parameters).

Whilst modelled by experts in the field, it is by nature, subject to many variables with potential for different results in the operation of the facility.



The odour assessment is not based on modelling of other waste facilities with comparable circumstances, scale, and proximity to residential land.

The assessment cannot be entirely relied upon to ensure that appropriate amenity levels will be achieved to the sensitive land uses near the property. If the site was significantly distanced from established communities, this issue may be less significant, however being 70m from residential land, the potential odour impacts are a key consideration.

The proposal has the potential to severely impact on the quality of life for nearby residents. Therefore, there needs to be the appropriate assurances that odour from the site can be controlled and not adversely impact on the established local communities.

This issue goes towards the unsuitability of the site for the intensity and type of development proposed.

### **3.1 Truck odour**

We observe that the odour modelling accompanying the DA excludes odours from trucks travelling to and from the site, including trucks that may wait/queue within the local road network. The odour management plan states the following:

*"All waste vehicles leaving the site containing light and/or potentially malodorous wastes will be securely sheeted or enclosed at all times".*

This provision provides inadequate detail and assurance that the waste being transported to / from the site will have an appropriate impact in terms of its odours. Addressed further in section 9 below.

The DA provides insufficient consideration of these matters. There is no enforceable truck route plan. There is no assessment of the impact of loaded waste trucks queuing and waiting to enter the site. There is no consideration of the impacts and management of this issue.

## **4 Health and safety impacts**

### **4.1 Fire safety**

A 'fire services plan' accompanies the DA, however it is inadequately detailed and does not provide an assessment of the fire risk presented by the DA.

The EIS report states on page xii: *"Fires are known to occur at waste management facilities. Mitigation measures, such as a fire suppression system and back to base monitoring would be implemented, in accordance with Building Code of Australia (BCA) and NSW Fire and Rescue guidelines for Fire Safety in Waste Facilities".*

The SEARs require (inter-alia):

*"Details of the size and volume of stockpiles and their arrangements to minimise fire spread and facilitate emergency vehicle access; and*

*The measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Fire and Rescue guideline Fire Safety in Waste Facilities dated 27 February 2020".*

In response to the fire risk, there is inadequate expert assessment accompanying the DA. There is no building code assessment report. Waste stockpiling volumes and heights are not

adequately quantified. The fire services plan accompanying the DA provides inadequate details and responses to the environmental assessment requirements.

#### **4.2 Hazard Issue (fire, vermin, odour)**

It is noted that the DA states that waste will not be stored on-site for longer than 24 hours.

*“No stockpiling of raw putrescible materials would be stored over 24-hours under normal operating conditions”*

However, no operation is proposed on a Sunday (after 6pm on a Saturday), meaning that waste received on a Saturday would not be cleared from the site until Monday exceeding the maximum 24 hours on a weekly basis (under ‘normal operating conditions’). This aspect is contrary to the odour assessment that accompanies the DA.

The DA omits to detail the size and volume of stockpiles and their arrangements. The management, size, limitations of these aspects have the potential to generate fire risk, vermin and odour impacts from the facility.

### **5 Noise impacts**

Like the Odour assessment, the noise assessment (Appendix J of the DA) finds the proposal acceptable based on mathematical formula and assumptions. The assessment is based on an operational concept, for example, in section 1.2 the report states (emphasis added):

*“Primary noise generating sources from the site are expected to include truck movements, operational machinery and equipment associated with the development”.*

At 5.2.2 the report states:

*“At this stage of the project, the location of major plant items and the exact selection to be installed are not known. As such, a detailed assessment of noise associated from engineering services cannot be undertaken”.*

As noted above, the DA proposes operation 6 days per week, 6:00 am to 10:00 pm (16 hours / day) Monday to Friday and 8am to 6pm on Saturday. These hours are excessive for the location which is 70m from residential land and exceed the provisions established in DCP controls C1 and C2 of 2.12 (previously referenced).

There is potential for queuing of waste trucks (bringing waste to the site) on the local public road network noting the site is said to have the capacity to accommodate 5 trucks at any one time. These trucks have the potential to have noise impacts on the local residential communities. The noise report excludes the assessment of this truck noise.

Despite the nature and number of additional vehicle movements proposed by the DA, this noise is not assessed by the DA.

For these reasons we find that the DA proposes a type of land use that is too offensive and too intense for the location and therefore should be refused.

#### **5.1 Actual noise Impacts**

We understand from the noise report that the specific noise sources and levels are unspecified. The assessment is subject to variables with potential for different results. The modelled assumptions may or may not be accurate and may or may not be implemented in the operation

of the facility. It is also noted that the assessment is not based on modelling of other waste facilities or with comparable circumstances, scale, and proximity to residential land.

## 6 Truck / transport Impacts

The DA proposes:

- receipt of 80,000 tonnes of organic / putrescible waste per annum/ 286 days per year translating to 280 tonnes per day (source: traffic report by EB Traffic Solutions).
- use of 20m Articulated Vehicles (large, heavy trucks)
- 59 trucks per day (or 118 truck movements per day- in and out)
- 16 hours / day operation, Monday to Friday - 6 trucks / hour
- Physical capacity for 5 trucks to be present onsite at any one time.

In response, the following key transport related issues are noted:

The level of annual waste tonnage (80,000) has a direct relationship to number of truck movements (in and out of the site), noise, and odour impacts. Noise and odour impacts from transport are inadequately assessed in the accompanying noise and odour assessment reports.

As previously noted, there is potential for queuing on the local public road network of waste trucks bringing waste to the site. These trucks have the potential to have noise and odour impacts on the local residential communities.

An enforceable truck route plan, that avoids impacting residential streets, does not accompany the DA. Heavy waste trucks travelling to or from the site are inappropriate for local residential streets.

## 7 Intensity and scale

The proposed intensity and scale of the DA is excessive for the location which is close to established residential communities.

The DA has failed to adequately assess other suitable locations where larger buffers to sensitive land may be achieved.

The intensity, hours of operation and scale of the DA is unsupported and unjustified by the accompanying information, noting there are various information omissions which are separately addressed within section 9 below.

## 8 Public interest, local character and land value

Public interest matters are generally reflected in the above responses to the various matters that have the potential to inappropriately impact on the residential amenity within the local area,

The Land and Environment Court's principle regarding local character (*Project Venture Developments Pty Ltd v Pittwater Council*<sup>1</sup>) is relevant, in that the DA has the potential to result

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<sup>1</sup> *Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191- at 22-31





in adverse physical amenity impacts on nearby residential land in relation to noise and odour. The following excerpts from the principle are relevant to the assessment:

*At 24, "Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites".*

*At 25, "The physical impacts, such as noise, ...and constraining development potential, can be assessed with relative objectivity".*

There is potential for negative impacts on the value of properties from odours and noise resulting from the location and intensity of the DA.

Relevantly, the DA does not comply with DCP control Part D, Control C1 and C2 related to the restrictions on the hours of operation when the location of noise generating industries close to residential land (previously addressed).

The site's location in proximity to residential development combined with the type, scale, and intensity of the proposed land use make it inappropriate for the location.

## 9 Inadequate information

Cumberland Council note the following information which is considered inadequate to respond to the SEARs and justify approval by of the DA.

- Inadequate justification that the proposed development should be given consent to operate outside of regular hours is appropriate to accommodate the proposed development.
- Odours and noise from trucks travelling to and from the site are not assessed.
- Quantification and size limits to waste stockpiles – no quantification is provided. This has direct implications for fire risk, pest control, odour emissions, truck movements and overall development intensity.
- Inadequate analysis of potential alternative land to accommodate the proposed development – required by Chapter 3 "Hazardous and offensive development" of State Environmental Planning Policy (Resilience and Hazards) 2021, Section 3.12 Matters for consideration by consent authorities, which states:

*"(d) any feasible alternatives to the carrying out of the development and the reasons for choosing the development the subject of the application (including any feasible alternatives for the location of the development and the reasons for choosing the location the subject of the application)*

*(e) any likely future use of the land surrounding the development".*

- Truck arrival coordination to manage / prevent queuing on the local public road network noting the site is said to have the capacity to accommodate 5 trucks at any one time.
- Road network modelling analysis to assess road / congestion and truck movement impacts.
- Means, measures, strategies, and operational management procedures to control vermin / pests, that is, aside from, and in addition to the employment of a pest contractor.
- Hazard – fire risk. There is inadequate expert assessment accompanying the DA. There is no building code assessment report. This SEARs requirement is unsatisfied.



- Hazard - liquid from organic waste. The volumes of liquid produced from the protrusible waste is not detailed. It has the potential to be hazardous to the environment. It has the potential to be flammable and a therefore a fire safety risk to local communities. It has the potential to adversely impact the local amenity.
- Hazard – gas emissions. For example, methane gas is known to be a biproduct of decomposing putrescible waste. There appears to be inadequate assessment of the production, management and impact of these gas emission hazards.
- Inadequate justification that the site is appropriate to accommodate the nature, scale, and intensity of the proposed development and that the proposed development is suitable for the site.

## 10 Conclusion

Cumberland Council strongly objects to the proposed development in its entirety.

The proposed development represents an inappropriate development of the land that would negatively impact the local community. The development application has made inadequate provision to address its impacts.

We respectfully submit that the proposed development fails to meet the merit assessment considerations pertaining to the land, is not in the public interest and therefore should be refused.

Yours sincerely,



Michael Haynes  
**Director - BBF Town Planners**



### **Annexure 1 - objectives of DCP control 2.12 Operational management (Part D - Development in Industrial Zones)**

- "01. The hours of operation are managed to ensure residential amenity is protected.*
- 02. Ensure potential adverse environmental, public health and amenity impacts from industrial developments are adequately controlled.*
- 03. Development incorporates measures needed to protect the community from dangerous or hazardous goods storage and hazardous processes or uses.*
- 04. Ensure that the use of the land does not create an offensive noise or add significantly to the background noise level of a locality.*
- 05. Minimise impact of noise on sensitive receivers through appropriate design and measures.*
- 06. Provide a pleasant working environment and a high level amenity within industrial areas.*
- 07. Ensure adequate operational arrangements are provided for the development.*
- 08. Minimise unacceptable impacts on surrounding land uses and the transport/road network".*

## Annexure 2 - Planning principle for plans of management

Adequacy or appropriateness of a plan of management to the particular use and situation

*Renaldo Plus 3 Pty Limited v Hurstville City Council* [2005] NSWLEC 315- external sitelaunch at 53-55:

53 Management Plans (or similarly named documents) provide further details on the operation of a particular use that may not necessarily be appropriate as conditions of consent. Management Plans are a well known concept in environmental law (*Transport Action Group Against Motorways Inc v Roads & Traffic Authority* [1999] NSWCA 196 at par 122) and can be used in a range of different circumstances. Often, and is the case in this application, the contents of a Management Plan are critical to the decision of whether a development application should be approved or refused.

54 In considering whether a Management Plan is appropriate for a particular use and situation, the following questions should be considered:

1. Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval?
2. Do the requirements in the Management Plan require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case?
3. Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action?
4. Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?
5. Can the people the subject of the Management Plan be reasonably expected to know of its requirements?
6. Is the Management Plan to be enforced as a condition of consent?
7. Does the Management Plan contain complaint management procedures?
8. Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?

55 It is appropriate that each of these questions are addressed individually.

In *Amazonia Hotels Pty Ltd v Council of the City of Sydney* [2014] NSWLEC 1247- external sitelaunch, Pearson C set out at (72) that the Commissioners had decided that the planning principle in *Renaldo Plus 3 Pty Ltd v Hurstville City Council* [2005] NSWLEC 315 should be retained but revised to require that, where a Plan of Management is appropriate, it should be incorporated in the conditions of consent. As a consequence, the sixth question in *Renaldo* is reworded to read:

*Is the Management Plan incorporated in the conditions of consent, and to be enforced as a condition of consent?*





DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-469

Attachment 2

Sydney District & Regional  
Planning Panels Operational  
Procedures





# **Sydney District & Regional Planning Panels Operational Procedures**

September 2022

These procedures are provided for general guidance and information only and are made available on the understanding that the NSW Department of Planning and Environment (Department) is not providing legal advice.

The Department has compiled the procedures in good faith, exercising all due care and attention.

The procedures do not affect or replace relevant statutory requirements.

Where an inconsistency arises between the provisions of the procedures and relevant statutory provisions, the statutory requirements prevail.

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The procedures are not intended to give rise to any rights, claims, benefits, privileges, liabilities, or obligations with respect to matters the subject of the procedures.

It should be noted that the procedures may be affected by changes to legislation at any time and/or be subject to revision without notice.

It is recommended that independent advice be sought in respect of the operation of the procedures and the statutory requirements applying to Sydney District and Regional Planning Panels under the *Environmental Planning and Assessment Act 1979*.

Sydney District and Regional Planning Panels Operational Procedures  
© State of New South Wales through the NSW Department of Planning and Environment  
August 2022  
NSW Department of Planning and Environment  
Four Parramatta Square, 12 Darcy Street, Parramatta, NSW 2150.  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## Definitions

*Capital Investment Value* or *CIV* has the same meaning as 'capital investment value' defined in the Dictionary in Schedule 7 of the *Environmental Planning and Assessment Regulation 2021*.

*Commission* means the Greater Cities Commission.

*Council* means the council for the local government area in which the land the subject of a panel matter is located.

*Days* means calendar days unless otherwise stated.

*Department* means the Department of Planning and Environment.

*Development Application* or *DA* means an application for consent under Part 4 of the *Environmental Planning & Assessment Act 1979* to carry out development but does not include an application for a complying development certificate.

*District* means any part of the Greater Cities Region, or other region of the State, declared to be a district by the Minister.

*EP&A Act* means the *Environmental Planning & Assessment Act 1979*.

*EP&A Regulation* means the *Environmental Planning & Assessment Regulation 2021*.

*Greater Sydney Region* means the region comprising the local government areas as described in Schedule 1 of the *Greater Cities Commission Act 2022*.

*GCC Act* means the *Greater Cities Commission Act 2022*.

*LALC* means Local Aboriginal Land Council.

*LEP* means local environmental plan.

*LGA* means local government area.

*LGNSW* means Local Government NSW.

*LG Act* means the *Local Government Act 1993*.

*LPP* means local planning panel.

*Minister* means the Minister for Planning.

*Panel* or *Planning Panel* means a Sydney District Planning Panel or Regional Planning Panel constituted under Schedule 2 of the *Environmental Planning & Assessment Act 1979*.

*Planning Panel meeting* means a public briefing meeting or a public determination meeting.

*Planning proposal* has the same meaning as a 'planning proposal' under section 3.33 of the *Environmental Planning & Assessment Act 1979*.

*Planning Systems SEPP* or *PS SEPP* means the *State Environmental Planning Policy (Planning Systems) 2021*.



*Regional Planning Panel* means a regional planning panel constituted under clause 10 of Schedule 2 of the *Environmental Planning & Assessment Act 1979*.

*Regionally significant development* means development that meets criteria set out under Part 2.4, Part 3.3 and Schedule 6 of the *State Environmental Planning Policy (Planning Systems) 2021*.

*Planning proposal authority or PPA* means the public authorities identified under section 3.32 of the *Environmental Planning & Assessment Act 1979*.

*SCC* means a Site Compatibility Certificate issued under the *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

*Secretariat* means the Planning Panels Secretariat of the Department which provides technical and administrative support to Planning Panels.

*Secretary* means the Secretary of the Department of Planning and Environment.

*Strategic Planning Panel* means a Sydney District or Regional Planning Panel convened for the specific function of considering a strategic or Aboriginal land planning matter.

*Sydney District Planning Panel* means a Sydney district planning panel constituted under clause 9 of Schedule 2 of the *Environmental Planning & Assessment Act 1979*.

*Transport and Infrastructure SEPP* means the *State Environmental Planning Policy (Transport and Infrastructure) 2021*

*Unique submission* means a submission which is in substance unique, distinctive or unlike any other submission. It does not mean a petition or any submission that contains the same or substantially the same text. Separate unique submissions may be made in relation to the same issue. One individual, or one household, could potentially submit multiple unique submissions.

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## 1. Introduction

The Planning Panels were introduced in NSW on 1 July 2009 to strengthen decision making for regionally significant development and certain other planning functions under the EP&A Act.

These procedures relate to the operation of the Sydney District Planning Panels and Regional Planning Panels.

The Planning Panels are independent bodies representing the Crown and are not subject to the direction of the Minister, except on matters relating to Planning Panel procedures or where the Minister issues a formal direction under the EP&A Act.

These procedures are the Planning Panels charter and have been developed to explain the objectives, powers, and authorities of the Planning Panels. They also detail the means of operating the Planning Panels and clarify the roles of various parties in the work of the Planning Panels.

The procedures should be read in conjunction with the Local Environmental Plan Making Guidelines, relevant Planning Circulars and the Planning Panels Code of Conduct which explains the standard of conduct expected of Planning Panel members.

These procedures will be kept under review and may be amended periodically.

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## 2. Defining the regions and districts

Planning Panels are constituted for each region of the State (other than the Greater Sydney Region), and each district of the Greater Sydney Region (see sections 2.12, 3.2 and Part 3 of Schedule 2 of the EP&A Act).

The nine Planning Panels are the:

- Hunter and Central Coast Regional Planning Panel,
- Northern Regional Planning Panel,
- Southern Regional Planning Panel,
- Western Regional Planning Panel,
- Sydney Eastern City Planning Panel,
- Sydney North Planning Panel,
- Sydney South Planning Panel,
- Sydney Central City Planning Panel, and
- Sydney Western City Planning Panel.

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### 3. Functions of Planning Panels

#### 3.1 Functions

The principal functions of Planning Panels are to determine regionally significant DAs and undertake rezoning reviews of planning proposals. Other functions of Planning Panels include:

- determining Crown DAs,
- determining modification applications for regionally significant development,
- determining DA reviews,
- determining SCCs,
- undertaking independent reviews for specific Local Aboriginal Land Council lands,
- advising the Minister or the Secretary upon request, and
- preparing planning proposals if they are directed to be a planning proposal authority.

**Note:** Section 2.15 of the EP&A Act contains the functions that may be exercised by Planning Panels.

**Note:** In relation to preparing planning proposals, see Chapter 14 of this Operational Procedures.

#### 3.2 Legislation

Legislation governing Planning Panels includes:

- the EP&A Act for the constitution and functions of Planning Panels and obligations in respect to councils, with the following key provisions:
  - Division 2.4 and Schedule 2 provides for the constitution of Planning Panels, member appointments, functions and general procedures,
  - Division 3.4 allows for a Planning Panel to act as the planning proposal authority and undertake planning proposal reviews,
  - Section 4.5 specifies that a Planning Panel is the consent authority for regionally significant development, and
  - Section 4.7 sets out the consent functions of a Planning Panel which are to be exercised by the relevant council.
- the EP&A Regulation contains provisions for where a Planning Panel is exercising consent authority functions,
- the Planning System SEPP sets out in Parts 2.4, 3.3 and Schedule 6 development declared to be regionally significant,
- the Transport and Infrastructure SEPP sets out the process for consideration and determination of relevant applications for Site Compatibility Certificates.

#### 3.3 Classes of regionally significant development

The Planning System SEPP identifies the types of development classified as regionally significant (see Parts 2.4, 3.3 and Schedule 6 of the SEPP). The relevant Planning Panel will be the consent authority for regionally significant development.

**Note** State significant development or development within the City of Sydney cannot be declared as regionally significant development (see section 4.7 of the EP&A Act).

On lodgement of a DA, the council will decide if a DA is regionally significant development.

The capital investment value (CIV) is relevant for some regionally significant development and should be calculated at the time of lodgement. Councils should request a quantity surveyor's certificate or another relevant expert assessment to confirm the CIV from the applicant. The CIV is to be calculated in accordance the Planning Circular PS 21-020 (or as updated).

The Planning Panels determine applications to modify consent for regionally significant development under section 4.55(2) of the EP&A Act which seek to modify:

- new or amended conditions of consent imposed by the Panel;
- development for which the applicant or landowner is:

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- the council,
- a councillor,
- a member of council staff who is principally involved in the exercise of council's functions under the Act,
- a member of the NSW or Commonwealth Parliament, or
- a relative (within the meaning of the *Local Government Act 1993*) of a person referred to above;
- development that is subject to 10 or more unique submissions by way of an objection; or
- development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

All other modification applications under sections 4.55(2), 4.55(1) or 4.55(1A) to development consents granted by a Panel are to be determined by the relevant council. A court granted consent may be modified by a Panel under section 4.56 if it is in relation to regionally significant development.



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## 4. Membership of Planning Panels

(Part 4, Schedule 2 of the EP&A Act)

### 4.1 Chairs and Members

Each Panel consists of 5 members:

- 3 members, including the chair, appointed by the Minister (State members), and
- 2 members appointed by the relevant council (council members).

Property developers and real estate agents are not eligible to be members of a Panel.

The agenda of a Panel meeting may include consideration of multiple matters, each located in different council areas. The council members may change from time to time, depending on the LGA in which the matter under consideration is located.

Panel members can be appointed to more than one Panel, either as a Panel member and/or as an alternate member.

When there is a vacancy on a Panel, the Minister in the case of a State member, and the relevant council in the case of a council member, will appoint another member to that vacancy.

Terms of appointment for Panel members (both State and council members), must not exceed 3 years. Members are eligible for re-appointment. A State member of a Sydney District Planning Panel must not be a member for more than 9 years in total.

The Secretariat is responsible for maintaining a register of all Panel members.

The chair (or, in the absence of the chair, a deputy chair, or a person elected by the members) presides at Panel meetings. The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Note:** In relation to the membership of a Planning Panel responsible for preparing planning proposals, see further Chapter 14 of this Operational Procedures.

### 4.3 Expertise requirements for members appointed by the Minister

All Panel members appointed by the Minister, including alternates, must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.

### 4.4 Council members

Two council members are appointed by each council. At least one council member must have expertise in one or more of the following areas: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, or tourism.

To reduce the opportunity to improperly influence panel members councils should consider appointing a minimum of 4 alternate members to enable regular rotation.

### 4.5 Selection of council members

Each council determines how their members are selected. In selecting members, councils should have regard to any conflict of duties that would be created for a person nominated to the Panel if they are in any way responsible or involved in the assessment of matters to be determined by the Panel or involved in voting or deliberating on matters that come before the Panel.

When appointing its nominees to a panel, council should require a statutory declaration to be signed by proposed nominees stating that they are not property developers or real estate agents, as required by section 2.13 of the Act. Council should also arrange probity checks. These checks should include, at a minimum:

- a. public register of real estate agents check
- b. bankruptcy record check
- c. National Police check (ACIC).

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This is in line with the checks and declarations required for State members.

Councils are not restricted to nominating people from the council's local area. They can appoint, terminate, and reappoint members at any time, and can determine the duration of each appointment. Generally, so as to ensure the greatest degree of continuity for the Panels, councils should consider appointing members for the maximum term of 3 years. However, councils should reconsider if the nominations to the Panels are appropriate within 12 months following a council election.

Following a change to its nominees, council is to forward the new member's contact details to the Secretariat as soon as possible and this must be a minimum of 14 days before any meeting at which they will act as a Panel member.

If a council fails to nominate 1 or more council members, a Panel may still exercise its functions in relation to the area of the council concerned.

#### **4.6 Payment of council members**

Councils determine the fees they pay their Panel members. The Minister has provided guidance to all councils on appropriate rates of remuneration for travel and subsistence allowances for their members.

Each council is responsible for making any payments to its Panel members when they attend Panel meetings.

#### **4.7 Alternate members**

The Minister may at any time appoint a person to be the alternate of another member appointed by the Minister and may revoke any such appointment.

A council may also at any time appoint a person to be the alternate of a member nominated by the council and may revoke any such appointment.

Any changes are to be notified in writing to the Secretariat as soon as possible and at least 14 days before undertaking any Panel business.

The alternate will act in the place of the member with all the powers of the member. Although a member may be appointed as an alternate for two or more members, they will only have one vote on any Panel decision.

#### **4.8 Rotation of members**

To ensure there is a level of randomisation involved in which panel members and alternates hear a matter, all members are required to regularly rotate with alternate members. This will reduce opportunities for panel members to be improperly influenced. The chair is to determine the frequency of rotation in consultation with the Planning Panel secretariat.

Following a matter being deferred, where possible the same members should reconvene to finalise the determination.

## **5. Code of Conduct considerations**

### **5.1 Planning Panels Code of Conduct**

All Panel members must comply with the Planning Panels Code of Conduct when exercising their functions as a Panel member and make impartial merit-based decisions in accordance with their statutory obligations. The latest version of the Planning Panels Code of Conduct is available online at [www.planningpanels.nsw.gov.au](http://www.planningpanels.nsw.gov.au). On appointment each Panel member must acknowledge in writing that they will abide by the Planning Panels Code of Conduct.

### **5.2 Declaration of interests**

On being informed of a matter to come before the Panel members should consider if they have an actual, potential or reasonably perceived conflict and, if so, declare the conflict and take any appropriate action, such as allowing an alternate member to take their place.

Panel members are required to complete and sign a declaration of interest form in relation to each matter which is considered by the Panel, either before, or at the commencement of, the Panel's determination proceedings. Any verbal declarations are to be recorded in writing.

To avoid any perceptions of bias, and to meet requirements of the Code of Conduct, councillors who have previously deliberated or voted on a matter that is to come before the Panel (such as a submission from the council on a DA for regionally significant development, a related voluntary planning agreement or a planning proposal) must stand aside from their place on the Panel and allow council's nominated alternative member to take their place. Alternatively, the member may choose to not participate in the deliberations or voting on the matter at the council (or council committee) meeting. They should also not remain in the council chamber during the council's deliberations.

### **5.3 Representations to Planning Panel members**

If a Panel member is approached by any person about a matter to come before the Panel, the Panel member must not discuss the matter.

Any person that approaches a Panel member should be encouraged to make a written submission to the council planning staff for DAs during the exhibition period, or if the matter relates to a planning proposal for which the Panel is the PPA, to the Secretariat. Issues raised in submissions will be addressed in the assessment report to be provided to the Panel.

### **5.4 Interactions with third parties about matters before the Planning Panel**

Panel members are not to discuss any matter that is to be considered by the Panel with councillors, the applicant, their consultants, parties who have made a submission, or any other person with an interest in the matter outside of a Panel briefing, meeting or site visit.

### **5.5 Public meetings organised by the council or community about the proposed development**

To avoid any perception of bias, Panel members should avoid attending public meetings about a proposed development organised by members of the community or council, unless the meeting has been organised at the request of the Panel.

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## 6. Administration

Administration and support for the Panels is provided by the Planning Panels Secretariat. Support includes:

- scheduling of meetings, briefings, and site visits,
- preparing and issuing agendas,
- notification of meetings,
- arranging for travel and accommodation for State appointed Panel members,
- preparing records of decision (with assistance from council),
- arranging for the audio recording of public Panel meetings,
- record keeping for the Panels, and
- being the first point of contact for councils to notify a Panel of any decision made by the Panel which is the subject of a merit appeal in the Land and Environment Court.

The Secretariat is the first point of contact for all Panel matters and publishes a wide range of information on its website:

[www.planningportal.nsw.gov.au/planningpanels](http://www.planningportal.nsw.gov.au/planningpanels)

The contact details for the Secretariat are:

phone: (02) 8217 2060

email: [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)



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## 7. Government information, privacy and complaints

### 7.1 Right to information and privacy management

The Department assists Planning Panels in managing applications made under the *Government Information (Public Access) Act 2009* and the *Privacy and Personal Information Protection Act 1998*.

For applications of this nature visit the Department's website at:

<http://www.planning.nsw.gov.au/About-Us/Right-to-Information/How-Can-I-Access-Information>

### 7.2 Complaints

The Department assists Planning Panels in managing complaints. Complaints are investigated and managed in accordance with the Department's Management of Complaints Policy.

Dissatisfaction with determinations of the Planning Panels will not be regarded as a complaint.

If you wish to make a complaint visit the Department's website at: telephone, write or email the Department at:

<https://www.planning.nsw.gov.au/Contact-Us?>

Complaints made in this way will be recorded in the Department's Complaints Register and will be allocated to the appropriate level for investigation and response.

If you are not satisfied with a response, you can ask for the issue to be considered by a more senior officer.

Code of conduct complaints will be dealt with under the Planning Panels Code of Conduct.

At any time, a person can complain to external bodies such as the Independent Commission Against Corruption (ICAC), the Ombudsman, or the Audit Office of NSW. Allegations of corrupt conduct, misconduct, or serious waste of resources are encouraged to be made directly to these organisations.

Complaints about council, councillors, council staff or local planning panels should be directed to the relevant council.



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## 8. Monitoring, review, and reporting

The Secretariat monitors the progress of DAs referred to the Panels. It is expected that council will complete its assessment report within 60 days after the close of the public exhibition period.

The performance of the Panels is monitored and reported in the Department's Annual Report.

Once a planning assessment is completed by the council and referred to the Panel, the Panel will be expected to:

- d. determine the matter within 2 weeks (14 calendar days) for development and modification of consent applications; and
- e. provide its advice within 2 weeks (14 calendar days) on planning proposals.

To ensure assessment and determination times are not subject to delay:

- a. Panel chairs are obliged to work with senior council staff to ensure that key issues are addressed during assessment, in order to minimise the number of deferrals by the panel at determination stage.
- b. Should an application experience unreasonable delays in excess of 180 calendar days from lodgement the Panel chair may require the council to report the matter to the Panel within 4 weeks for determination.

**Note:** The requirements relating to the timeframes for assessing development applications under the *Environmental Planning and Assessment Regulation 2021* must be considered by Panels.

### 8.1 Availability of information

The Secretariat makes a range of information publicly available on its website, including:

- Panel notices with dates, locations, meeting format and times (at least 7 days before the Planning Panel meeting),
- the relevant council's assessment report and recommendation (at least 7 days before the Panel meeting),
- records of briefings and Panel meetings, Determinations and Statements of Reasons, decisions on rezoning reviews and Site Compatibility Certificates, resolutions of the Planning Panels and any advice provided by the Panels to the Minister, Secretary or GCC, as relevant,
- audio recordings of Panel meetings, and
- a schedule of meeting dates reserved for Panel business.

Councils remain responsible for receiving, notifying and exhibiting DAs and supporting documents in accordance with statutory provisions and council's own notification and exhibition requirements set out in its community participation plan and for issuing the notice of determination.

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## 9. Liability and indemnification

Panel members are excluded from personal liability as long as the act or omission was done in good faith for the purpose of carrying out their duties under the EP&A Act (see s 2.28 of the EP&A Act).

The NSW Government extends insurance indemnity cover to Panel members. For indemnification provisions to apply Panel members must act honestly and in accordance with the Panel Code of Conduct in the performance of their responsibilities.

For further information please contact the NSW Self Insurance Corporation (icare) at:  
<https://www.icare.nsw.gov.au>

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## 10. Roles of councils and other panels

### 10.1 Role of councillors and council staff

The elected council and council staff have different roles in the assessment of DAs. Under the *Local Government Act 1993*, the independence of council staff is protected in the preparation of advice and recommendations. Staff members are not subject to direction by the council or by a councillor as to the content of any advice or recommendation made by the staff member. Equally, a council or councillor is not bound by the advice or recommendation made by a member of staff.

### 10.2 Assessment role

Council staff undertake the assessment of a DA. The assessment of a DA includes accepting the DA, consultation, concurrence and obtaining general terms of approval from an agency if required, carrying out community participation requirements and assessment of the matters set out in 4.15 of the EP&A Act. The assessment is documented in a report with recommendations. The report is then considered by the person or body that is the consent authority.

Council is responsible for carrying out community participation requirements on behalf of the Panels (see section 4.7(2)(d) and Division 2.6 of the EP&A Act).

The Department undertakes the assessment of planning proposals and applications for site compatibility certificates referred to the Panels.

### 10.3 Determination role

Historically, one of the roles of an elected council has been to determine or make decisions on DAs in their capacity as a consent authority. There are occasions, however, where the determination role is performed by other people or bodies, either because the council has delegated that function, or because it has been conferred upon another person or body. For example, where local planning panels have been introduced, elected councils no longer determine DAs (see section 2.17 of the EP&A Act).

The Panel for the area in which the development is to be carried out is the consent authority for regionally significant development (see section 4.5 of the EP&A Act).

### 10.4 Post-determination role

Council staff are responsible for post-determination functions including:

- notifying Panel determinations on DAs (see sections 4.7(2)(e), 4.18 and 4.59 of the EP&A Act),
- registering Panel development consents on the NSW Planning Portal (see sections 4.7(2)(e) and 4.20 of the EP&A Act), and
- monitoring and enforcing compliance with conditions of the development consent.

The notice of determination should be issued once council receives a copy of the endorsed and final determination from the Panel. The notice of determination must include all conditions imposed by the Panel, including any additional or amended conditions.

The council has no power to amend conditions or include additional conditions following the Panel's determination.

Council will advise any person who made a submission on the DA of the determination.

The council continues to be responsible for the monitoring of, and enforcing compliance with, any conditions of the development consent.

Where an application has been approved subject to a 'deferred commencement' condition council is responsible for determining whether the requirements of the condition have been met (see section 4.16(3) of the EP&A Act). Council advises the chair of the Panel in writing when the matter specified in the condition has been satisfied (see section 277(2) of the EP&A Regulation).

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### 10.5 Support provided to Planning Panels by councils

Planning Panels are entitled on request to the general manager of a council, to use the staff and facilities of the relevant council, have access to council records, and any other assistance or action for the purpose of carrying out their functions (see section 2.27 of the EP&A Act).

It is expected that use of council facilities such as meeting rooms would be arranged prior to Panel meetings.

Support, such as recording the written decisions of the Panel, audio recording of Panel meetings, copying of documents and the provision of professional advice, may also be required.

Generally, the relevant council bears the administrative and council staffing costs associated with Panel meetings. Administrative costs may include those associated with the meeting venue and set up, the attendance of council staff, as well as administrative support.

The chair and members of a Panel will need to be mindful of the regular duties and responsibilities of council staff when requests for assistance are made. Requests by members of Panels for support and assistance from councils should be made through the chair to the general manager (or other person nominated by the general manager) of the council concerned.

### 10.6 Role of design review panels

Design review panels are established by councils either formally under *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* with the approval of the Minister, or informally to bring special design expertise to the assessment of certain types of DAs.

Design review panels that are properly integrated in the assessment process are an effective tool which helps to improve the quality of design outcomes. The quality of design has a bearing on many, but not all, of the matters considered in the assessment of a DA.

The role of design review panels in the assessment of applications is not changed by the fact that the application is to be determined by a Panel. However, it is generally more effective in terms of design quality outcomes and timeliness if the design review panel is convened at the pre-DA stage or early in the assessment phase.

Council assessment officers and the Panels should consider the advice of the design review report in their assessment reports and in making a determination. The design review report may be used in the following ways:

- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the reasonable recommendations of the design review panel have been followed
- as evidence for refusing development consent where the advice of the design review panel has not been adopted

In some instances, the Panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal.  
**No return to design review panel**
- Application will require minor modifications – to be managed via conditions of consent.  
**No return to design review panel**
- The application will require significant modification, the extent and nature of which requires advice from the design review panel.  
**Return to design review panel**



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**10.7 Role of local planning panels**

Although similar in operation, the roles of local planning panels and the Sydney district and Regional Planning Panels do not overlap. Local planning panels determine all DAs that meet criteria set by the Minister.



## **11. Development application and assessment**

### **11.1 Pre-development application meetings**

Pre-DA meetings between applicants and assessment officers are commonly used to inform lodgement requirements and likely assessment pathways before applications are submitted to the consent authority.

Applicants are encouraged to meet with council before lodging a DA, and to respond to the advice of council when preparing the DA.

Applicants should consider the Local Government Design Review Panel manual in relation to pre-application design reviews and the requirements to be met in that process.

### **11.2 Making of development applications**

DAs for regionally significant development are made to the relevant local council.

In the case of development located in two or more LGAs, a separate DA must be lodged with the councils of each LGA. Additionally:

- each DA should only address that part of the development located on land in the relevant LGA,
- neighbouring councils may wish to consider setting up joint assessment procedures, if appropriate, and
- the Panel will determine each DA separately (although the determinations may be made concurrently).

### **11.3 Notification to the Secretariat**

Within 7 days of receiving a DA for regionally significant development, the council registers the DA with the Secretariat.

The registration is made via the NSW Planning Portal. Documents can be automatically linked via the NSW Planning Portal meaning that DA documents and any updated information are electronically transmitted to the Secretariat.

The Secretariat advises relevant Panel members of the DA once the registration is accepted. The DA documents, including the application form are made available to Panel members electronically via the NSW Planning Portal.

These documents allow Panel members to become familiar with the development and to identify if they have any potential conflicts of interest prior to their review of the assessment report and before determining the application.

### **11.4 Kick-off briefing and timing for determination**

Generally within 28 days of the lodgement of a DA, the Secretariat will arrange a Kick-off briefing between the Panel, relevant council staff and the applicant. At this meeting, the applicant will be invited to outline the DA to the Panel, and the Panel chair will identify key issues including areas where further information is required. Importantly, for larger matters, the Panel chair will outline a timeframe for a subsequent briefing between all parties (generally around day 128 since lodgement), and an estimated date for determination (generally no more than 250 days since lodgement).

### **11.5 Public exhibition of development applications by council**

Public exhibition of the DA is undertaken by council staff in accordance with the requirements of the EP&A Act, EP&A Regulation and Council's Community Participation Plan or any relevant development control plan or policy of council. Public exhibition can commence or occur after the Kick-off briefing.

Notification of exhibition, including letters and advertisements, should contain appropriate statements to advise:

- that the {name of relevant} Panel is the consent authority for the application,

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- that submissions made in respect of the application should be made to {name of relevant} Council, but will be provided to the Panel and may be viewed by other persons with an interest in the application,
- names and addresses of submitters will be provided to the Panel for notification purposes, and
- other information required by the EP&A Act or EP&A Regulation.

#### **11.6 Requests for additional information**

It is the applicant's responsibility to provide adequate information and technical reports on potential impacts of the proposed development.

Holding a pre-DA meeting with council staff will often clarify council requirements for the lodgement of an application. However, the applicant may be requested by council staff to provide further information or reports to properly address all relevant aspects of the development, or to enable an assessment report to be completed.

During the assessment process the Panel may identify issues at a briefing that must be addressed or clarified in council's assessment report, and for which council may request further information.

Amended plans or additional information for a DA must be lodged with council.

#### **11.7 Status reports**

Councils must advise the Secretariat if it is evident that there are difficulties in assessing the DA or the assessment report will not be completed within the timeframe indicated in the referral notification.

The Secretariat tracks the progress of DAs registered with it and requests status updates from council for DAs lodged for 70 days or more.

Where a response or concurrence from public agencies delays the assessment of a DA, a council can ask the Secretariat for assistance to ensure the agency responds to council in a timely manner.

Where there is an ongoing and unreasonable delay in the processing of a DA, council may be requested by the Panel to complete its assessment without further delay.

#### **11.8 Assessment of the development application**

The council that received the DA is responsible, through its staff, for the assessment of the application.

It is council's responsibility to prepare an assessment report addressing all statutory requirements and properly considering all issues. Usually councils will rely on their own professional staff, however where they do not have the technical expertise required in-house, they may engage external expertise. All costs associated with the preparation of the assessment report are to be covered from application fees, which are retained by council.

The assessment report must clearly identify how the proposal meets the relevant requirements for regionally significant development, and that the Panel is responsible for determining the application.

The assessment report must include a recommendation on the proposed development:

- if the recommendation is for approval of the application, the report must include recommended conditions of consent, and
- if the recommendation is for refusal, the report must include reasons for refusal based on the assessment in the report.

The chair of the Panel may request without prejudice draft conditions of consent where council's report recommends refusal.

In considering an application, a Panel may request additional information to assist in its determination of the application.

Council assessment officers (and the Panels) should consider the advice of any design review report in their assessment reports and in making a determination. The design review report may be used in the following ways:

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- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the reasonable recommendations of the design review panel have been followed
- as evidence for refusing development consent where the advice of the design review panel has not been adopted

In some instances, the Panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal.  
**No return to design review panel**
- Application will require minor modifications – to be managed via conditions of consent.  
**No return to design review panel**
- The application will require significant modification, the extent and nature of which requires advice from the design review panel.

**Return to design review panel**

#### **11.9 Varying development standards**

Where a DA includes a variation to a development standard, an application under clause 4.6 of the relevant LEP is required. Council's assessment report includes an assessment of the application against the relevant statutory provisions.

The function of obtaining concurrence from the Secretary under clause 4.6 is a matter for the council. However, where concurrence is assumed, the council does not need to obtain concurrence. The Panel will determine whether a clause 4.6 application is well founded on the basis of the applicant's justification.

#### **11.10 Local infrastructure contributions**

The assessment report should address contributions required in accordance with the council's relevant contributions plan (see section 7.11 and 7.12 of the EP&A Act). The Panel is able to impose additional or different contributions than those set out in the contributions plan. For Crown developments, councils should address contributions in accordance with the relevant planning circular (Circular No. D6, issued September 1995 or as updated).

#### **11.11 Special infrastructure contributions and certification requirements**

If the development falls within a special contributions area the council should address the relevant requirements in its assessment report and recommend appropriate conditions in accordance with the Ministerial direction (see section 7.24 of the EP&A Act).

The council must address any "Satisfactory Arrangements" clause in the applicable LEP in its assessment report. These clauses usually state that development consent must not be granted by a consent authority until arrangements to the satisfaction of the Secretary have been made to contribute to regional or State infrastructure. A Panel cannot provide consent to the DA until the Secretary (or delegate) of the Department has certified in writing that satisfactory arrangements have been made.

#### **11.12 Development subject to delays in determination**

An applicant with a DA that has a CIV between \$10 million and \$30 million can refer the DA to the relevant Panel for determination if it remains undetermined for 120 days after being lodged with council (see Schedule 6 of the Planning Systems SEPP). The referral process is outlined below:

- when making a referral, applicants must use the Regional Development Request form available on the Panels website,



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- the applicant is to complete the relevant part of the form and submit it to **both** the relevant council and the Secretariat,
- once the council receives the referral form it cannot determine the DA until a decision has been made regarding whether the Panel will have the function of determining the DA, however council can continue to assess the DA,
- the council sends the completed referral form and copies of all DA documents, to the Secretariat within seven days. Council should also send its explanation for the delay in completing its assessment,
- the chair will consider the information in the referral form and advise the Secretariat if the referral is accepted (i.e. the applicant is not responsible for a delay in the application), generally within 14 days of the applicant making the referral. The chair will consider a number of matters in making this decision, including:
  - permissibility and zoning, including whether the determination is dependent on a rezoning,
  - whether the determination is dependent on a voluntary planning agreement or the approval of a masterplan or DCP,
  - whether the landowner's consent has been provided,
  - whether the required referrals and concurrences have been obtained,
  - whether there have been requests for further information, and what the responses were to those requests, and
  - if council has considered the DA and the outcome of that consideration,
- once the chair decides, the Secretariat will notify the council and the applicant as to whether the development is regionally significant development,
- if the referral is not accepted the chair must advise the reason(s) for not accepting the referral,
- if the referral is accepted, council completes the assessment of the application and prepares an assessment report for submission to the Secretariat, and
- a briefing with council may be held prior to determination.

#### 11.13 Council representation to the Planning Panel

An elected council may make a submission on a DA within their LGA that is to be determined by a Panel up to seven days before the Panel meeting.

After the assessment report is sent to the Secretariat, it may be given to the elected council to assist in its decision as to whether it will be making a submission to the Panel. The elected council's submission should not be prepared by persons involved in the assessment of the application but could be prepared by another council officer, or a consultant.

A council submission should not be specifically referenced in the assessment report or recommendations prepared by the council staff. If council makes a submission, a staff representative or individual Councillors may register to address the Panel at the meeting to express the views of council.

Councillors who are also Panel members have an independent role because they have been nominated by their council as its nominee to the Panel.

#### 11.14 Submission of assessment report to the Secretariat

The completed assessment report and recommendation is to be immediately uploaded to the NSW Planning Portal such that it is sent via electronic means to the Secretariat.

The assessment report is not to be endorsed or presented to the elected council before being sent to the Secretariat.

The following items are to be uploaded to the NSW Planning Portal:

- assessment report and any attachments and recommendations (including conditions),
- the Council Assessment Report cover sheet (available on the Planning Panels website),

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- final architectural drawings and plans and other reports that the assessing officer considers that the Panel may require in order to make an informed decision,
- copies of each submission received in respect of the DA
- a completed List of Submitters (available on the Planning Panels website) containing the names, postal addresses and email addresses (if provided) of every person or body who made a submission to allow the Secretariat to notify submitters of the details of the Panel meeting,
- in the case of petitions, only the name and address of the head petitioner should be provided, if that person can be identified, and
- the final number of unique submissions received.

**Note:** Council's assessment report must include a summary and assessment of all submissions so that the Planning Panel can consider the submissions as part of the assessment of the DA. Based on the details provided by council, the Secretariat will notify persons who made submissions of the time, date and venue of the Panel meeting at which the relevant application will be considered. Councils should also upload copies of any late submissions to the NSW Planning Portal and, where necessary, provide further assessment if the issues are not already covered in council's assessment report.

#### **11.15 Written submissions to the Planning Panel**

All written submissions must be sent directly to council to be considered as part of the assessment of the DA.

Submissions sent to the Panel will be given to council for assessment. If additional late information is received from the applicant it will be published on the NSW Planning Portal for transparency. Panels will not normally accept information "in confidence" that is not also given to council. However, if confidentiality is requested, the reason must be clearly stated as to why it is confidential and relevant to the assessment matter before the Panel and the chair will consider the request.

#### **11.16 Rezoning, development control plans and planning agreements**

Where a DA is lodged concurrently with a planning proposal seeking the rezoning of land under the LEP Council's assessment report must address the DA against the proposed zoning. Council is responsible for progressing the planning proposal. The Panel cannot determine a DA to approve such development until the land is rezoned to permit that development.

Where the provisions of an environmental planning instrument require a development control plan (DCP), (previously known as a master plan) to be adopted by the council before granting development consent, it is the responsibility of council to prepare and adopt the DCP prior to sending the assessment report to the Panel. In such circumstances, the Panel will not determine the application until the DCP is adopted by the council.

If a planning agreement is proposed, it should be negotiated by council staff. Council's assessment report for the Panel would normally make reference to any planning agreement and its relationship to the DA. The planning agreement would normally be exhibited by the council before the assessment report is provided to the Panel, and the planning agreement would be provided to the Panel as part of the supporting documentation for the DA.

The Panel may only impose a condition of consent requiring a planning agreement be entered into if the condition reflects the terms of any offer made by the applicant to enter into a planning agreement (see section 7.4 of the EP&A Act).

#### **11.17 Referral of Crown development applications with a CIV less than \$5 million**

Crown DAs with a CIV greater than \$5 million are regionally significant development. Crown DAs with a CIV under \$5 million can be referred to the relevant Panel (see section 4.33 of the EP&A Act) by either:

- the applicant where council (or LPP, if relevant) has not determined in the prescribed period, or
- the council at any time including before the end of the prescribed period.



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Before the end of the prescribed period, only a council (not the applicant) can refer an application to the Panel.

For Crown DAs with a CIV of less than \$5 million where a council or LPP seeks to refuse consent or impose a condition to which the applicant has not provided their agreement, the application is also to be referred by council to the relevant Panel (see section 4.33(2) of the EP&A Act).

The referral to the Panel must be in writing. Additional procedures for the referral, including the requirement to notify the other party in writing of the referral are set out at sections 4.33(6) and section 4.33(7) of the EP&A Act.

Once the application is referred to a Panel, the council registers the DA on the NSW Planning Portal and uploads its assessment report to the NSW Planning Portal for the Planning Panel to consider.

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## 12. Determination of development applications

### 12.1 Determining regionally significant development applications

Planning Panels determine regionally significant development as the consent authority.

For contentious matters, where the DA has attracted 10 or more unique submissions by way of objection, the Panels will generally hold a public determination meeting to consider the DA. Refer to **Schedule 1** for more information on the detailed procedures for Panel meetings.

The purpose of the public determination meeting is for the Panel to hear views of the community and other interested parties, such as the applicant and the council, on the DA before the Panel makes a decision.

Public determination meetings may be held wholly or partly by audio link, audio visual link or other electronic means (EP&A Act Schedule 2 clause 25(4)). Such meetings must be recorded with the recording made publicly available on the Planning Panel website.

After reviewing written submissions on a DA, considering the recommendation in council's assessment report and hearing from those wishing to address the Panel, the Panel may determine the application or defer its decision for reasons that will be stated in the meeting record.

In circumstances where the DA is the subject of less than 10 unique submissions by way of objection a Panel is able to determine the application by an electronic circulation of papers.

In some instances, the Panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal.  
**No return to design review panel**
- Application will require minor modifications – to be managed via conditions of consent.  
**No return to design review panel**
- The application will require significant modification, the extent and nature of which requires advice from the design review panel.  
**Return to design review panel**

### 12.2 Obligation to consult council – if adverse financial impacts

A Panel must not make a decision that will have, or that might reasonably be expected to have, a significantly adverse financial impact on a council without first consulting the council (see section 2.26 of the EP&A Act).

The consultation must be in writing, with the council being given a specified time to respond in writing. Where a briefing with the general manager (or nominee) is to be held to discuss the matter, all relevant Panel members should be present, and a meeting record and outcomes should be sent to the Secretariat.

### 12.3 Determining Crown development applications

A consent authority for Crown development cannot refuse consent to a Crown DA except with the approval of the Minister, nor can it impose a condition on a development consent for Crown development except with the approval of the applicant or the Minister.

This requirement applies to Crown development that is to be considered by a Panel, where the application is for regionally significant development, or where the DA is referred to the Panel under Division 4.6 of the EP&A Act.

Where the Panel wishes to either refuse an application or impose conditions not agreed by the applicant, or where a Panel fails to determine the DA within the prescribed period, the applicant or the

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Panel may refer the DA to the Minister. The Minister may then direct the Panel to approve or refuse the Crown DA within a specified time.

#### **12.4 Determining DAs for coastal protection works**

Certain coastal protection works are classified as regionally significant development. Where a Panel is to determine a DA for coastal protection works the chair and the council nominated members will remain on the panel, however the State members will be replaced by members appointed by the Minister who have expertise in coastal engineering or coastal geomorphology (see EP&A Act Schedule 2 clause 20(2) and clause 8A, Schedule 6 of the Planning System SEPP).

#### **12.5 Delegation to council to determine applications**

If the Minister agrees, Panels may delegate the determination of applications to councils, a local planning panel of a council or the general manager or other staff of council (see section 2.16(2) of the EP&A Act). Delegation may be for development in a specified area, for a class of application, or be made on a case-by-case basis.

In situations where the determination is delegated, councils must:

- register the application on the NSW Planning Portal,
- inform and update the Secretariat on the processing of the application as requested, and
- provide a copy to the Secretariat of all determination documents, including the assessment report and Notice of Determination.

The chair of the relevant Planning Panel may request the council to not exercise the delegated function in certain circumstances.

Any determination made by council under delegation is a decision of the Panel.

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## 13. Reviews and appeals

### 13.1 Decision reviews

Planning Panels also review decisions made on DAs by the Panels (see Division 8.2 of the EP&A Act). The Council notifies the Panel when a request to review a decision has been lodged through lodging it on the NSW Planning Portal. The Panel reviewing the decision will be comprised of different members to those members that made the original decision and will be called the Decision Review Panel of the [relevant] Planning Panel.

**Note** that decision reviews cannot be requested where the following applies:

- the time to lodge a legal appeal has passed,
- a merit appeal has been determined regarding the DA, or
- it is an application for complying development, a Crown DA or a designated development DA.

The Decision Review Panel may ask to be briefed on the decision review request, either by the applicant, Council staff undertaking the assessment, or other experts engaged to assess the application.

The circumstances where this may be needed include where the applicant for the DA has amended the development the subject of the original DA since the original determination.

If needed, the Decision Review Panel may also hold a site visit or public briefing meeting.

Council must prepare an additional assessment report to the Decision Review Panel if the DA or application to modify a development consent has been amended after its initial determination, or if submissions have been made following any further notification.

A Decision Review Panel will only need to hold a public determination meeting if the application was exhibited and 10 or more unique submissions by way of objection were received.

Council must give written notice to the applicant of the result of the review within 7 days of the completion of the review.

### 13.2 Appeals against a Planning Panel determination

#### *Merit appeals*

An applicant who is dissatisfied with a determination or deemed refusal of an application may lodge a merit appeal to the Land and Environment Court within six months against the decision as provided for in the EP&A Act.

**Note:** An application is deemed to have been refused if it is not determined within 40 days, or 60 days if the application is for designated or integrated development, requires concurrence of a concurrence authority or is accompanied by a biodiversity development assessment report and that proposes a discount in the biodiversity credits required under the report to be retired.

If the development is designated development, then an objector to the development who is dissatisfied with a determination may also lodge a merit appeal in the Land and Environment Court within 28 days as provided for in the EP&A Act.

The council for the area will be the respondent for any merit appeal against a determination made by a Panel on a development application. The council is subject to the control and direction of the Panel in connection with the conduct of the appeal.

The council is to give notice of the appeal to the Planning Panel. It must do this by notifying the Secretariat. Notification to the Panel must be made no more than seven days after the council receives notice of the appeal and must advise whether the council will be actively defending the appeal.

**Note:** Each Planning Panel chair has delegated authority to act as the Planning Panel's representative to provide instructions and seek legal advice in relation to appeals. Planning Panel delegations are published on the Planning Panels website.



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The Panel will determine its level of involvement in an appeal, and what directions (if any) it wishes to issue to the council, on a case-by-case basis. While a Panel has the power to direct and control the council, it may choose not to exercise the power. If a Panel wishes to take a more active role in a council's conduct of the appeal, the Panel can exercise its powers to control and direct council. In some circumstances the Panel may seek to join proceedings and act as the respondent in the place of the council.

Council is to:

- 1) provide the Panel with a copy of the application commencing the appeal within 7 days of the council being served with it,
- 2) provide the council's proposed statement of facts and contentions to the Panel at least 7 days before the earlier of:
  - a) the day of the first directions hearing for the appeal or
  - b) the day the statement is proposed to be filed,
- 3) identify in the council's statement of facts and contentions the steps taken by the council to notify the Panel of the appeal, and any response received by the council, and
- 4) provide the Panel, within 3 days, with:
  - a) a copy of any directions or orders made by the Court in relation to the appeal,
  - b) the dates on which the Court has arranged a conciliation conference under section 34 or section 34AA of the *Land and Environment Court Act 1979*,
  - c) the dates on which the appeal will be heard,
  - d) a copy of any judgment of the Court in relation to the appeal.
- 5) Request instructions if a conciliation conference has been arranged:
  - a) as to any agreement that might be reached between the parties as to the terms of a decision in the proceedings that would be acceptable to the parties, at least 14 days before the conciliation conference is held, and
  - b) as to any proposed in principle agreement that is reached between the parties at or after the conciliation conference, at the time of or no later than 2 days after an in-principle agreement is reached and before any written agreement is executed.

The Panel is to respond to requests from council for instructions within 7 days of the request.

#### *Deemed Refusals*

A Panel may determine a DA even though it is subject to a deemed refusal appeal. When a deemed refusal appeal has been filed with the Court, the usual practice is for council's assessment officer to complete their assessment report.

Applications may be deemed to have been refused before a Panel has been briefed on the application. Where a Panel has not been briefed on an application that is subject to an appeal, the Panel may request a briefing from the council.

#### *Judicial review and civil enforcement proceedings*

Any person may commence judicial review or civil enforcement proceedings in the Land and Environment Court against a Panel determination. Unlike merit appeals, in these types of proceedings the Panel will be named as a respondent.

A submitting appearance may be filed by the Panel if the grounds of challenge are not related to the powers or procedures of the Panel in determining the application.



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*Appeals against determinations where council is the applicant*

The Panel will be the respondent in merit appeal and judicial review proceedings in the Land & Environment Court where council is the applicant.

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## 14. Planning proposals - Strategic Planning Panels

Planning Panels also undertake LEP making functions, including:

- acting as the planning proposal authority in relation to LEP making if directed by the Minister and in certain circumstances,
- undertaking administrative reviews in relation to LEP making,
- overseeing Aboriginal land planning proposals, and
- providing advice to the Minister or the Secretary on matters relevant to LEP making.

**Note:** The Independent Planning Commission undertakes these functions if directed by the Minister in relation to LEP making for the City of Sydney LGA.

### 14.1 Strategic Planning Panels

When convened for specific strategic and Aboriginal land planning functions a Planning Panel will be known as the Strategic Planning Panel of the [relevant] Planning Panel.

### 14.2 Strategic Planning Panel members

The constitution of a Strategic Planning Panel is to comply with the EP&A Act and this Chapter 14 of the Operational Procedures.

A Strategic Planning Panel will consist of 5 members:

- 3 members, including the chair, appointed by the Minister (State members), and
- 2 members appointed by the relevant council (council members).

At least 2 of the State members appointed by the Minister must have expertise in strategic planning (district or regional strategic planning). The State members may be members or alternate members, so long as they have relevant strategic or Aboriginal land planning expertise.

For matters relating to Aboriginal land planning, specifically land in a development delivery plan made under the Planning Systems SEPP, at least 1 of the State members with strategic planning expertise should also identify as being Aboriginal or Torres Strait Islander or have expertise in Aboriginal land planning.

**Note:** This Chapter should be read together with Chapter 4 of this Operational Procedures.

### 14.3 Reviews

A Strategic Planning Panel may conduct certain LEP related reviews, including:

- Rezoning reviews — that may be requested by a proponent before a planning proposal has been submitted to the Department for a Gateway determination,
- Independent reviews — that may be requested by a LALC before a planning proposal for land subject to a development delivery plan made under the Planning Systems SEPP has been submitted to the Department for a Gateway determination.

The Department's LEP Making Guidelines sets out how to apply for a rezoning review, fees and costs, eligibility requirements and information the council or proponent must provide for reviews to be undertaken.

### 14.4 Rezoning reviews

The Department will provide the Strategic Planning Panel with the rezoning planning proposal, council's comments on the proposal and a summary briefing report for review.

The Strategic Planning Panel will be briefed by the proponent and council and may request a site visit to assist in its consideration of any matter relevant to the planning proposal. All briefings or site visits should follow the procedures set out in Schedule 1 of this Operational Procedures.

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*Assessment and Determination*

The Strategic Planning Panel's review and determination are to be in accordance with the LEP Making Guidelines.

The Strategic Planning Panel will assess the rezoning planning proposal, having regard to the matters outlined in the LEP Making Guidelines and determine whether the planning proposal has:

- strategic merit, and
- site-specific merit.

Planning proposals that do not reasonably meet the strategic and site-specific merit tests are unlikely to proceed to a Gateway determination.

The Department will monitor the progress of the rezoning review to achieve an outcome within a target of 100 days of receiving the initial rezoning review request.

*Recommendation*

If the Strategic Planning Panel recommends that the planning proposal should proceed to a Gateway determination, it will:

- notify the relevant council that the Strategic Planning Panel will assume the PPA role, if the council has refused to support the planning proposal, or
- identify the PPA (either council or itself) where council has not made a determination on a planning proposal but has informed the panel in writing prior to the Strategic Planning Panel meeting of its nomination.

*Planning Proposal Authority*

The Strategic Planning Panel may be directed to be the PPA for a planning proposal by the Minister.

The Strategic Planning Panel has delegated authority to direct itself to be the PPA in the following cases:

- a. in a case where the recommendation relates to a proposed instrument relating to land owned by a Local Aboriginal Land Council and to which Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 applies:
  - i. before the recommendation was made, a written request to prepare a planning proposal has been submitted to the Department of Planning and Environment by the Local Aboriginal Land Council, or
- b. in any other case:
  - i. before the recommendation was made, a written request to prepare a planning proposal has been submitted to the council, and
  - ii. after the recommendation was made, the council has been given an opportunity to be the planning proposal authority, unless the council has previously refused to support the request to prepare a planning proposal.

**Note:** The appointment function under s 3.32(2)(c) of the EP&A Act has been delegated by the Minister to the Planning Panels and the Independent Planning Commission under an instrument of delegation.

**14.5 Independent reviews**

An independent review is an administrative review process closely aligned with rezoning reviews. Independent proposal reviews give LALCs an opportunity for an independent body to give advice on planning proposals for land subject to a development delivery plan made under the Planning Systems SEPP.

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### *Assessment and Determination*

When a Strategic Planning Panel is undertaking an independent review, it must consider the:

- strategic merit - consideration must be given to the consistency of the planning proposal with the relevant development delivery plan for the land, and
- site-specific merit - consideration must be given to the social and economic benefit to the Aboriginal community facilitated by the proposal.

The Strategic Planning Panel must determine whether or not to recommend that a planning proposal be submitted for a Gateway determination under section 3.34 of the EP&A Act.

Further detail on the independent review process can be found in Planning Circular PS 22-001 Independent review of planning proposals for identified Aboriginal land, or as updated.

### **14.6 Planning Proposal Authority**

As the PPA, the Strategic Planning Panel performs functions that a council normally would in preparing a LEP. This includes:

- submitting a planning proposal that satisfies the requirements of section 3.33 of the EP&A Act including any requirements issued by the Secretary for a Gateway determination,
- undertaking any necessary agency consultation prior to public exhibition of the planning proposal,
- exhibiting the planning proposal in accordance with the terms of the Gateway determination (if all relevant Gateway conditions have been met Panel endorsement to proceed to exhibition is not necessary),
- considering a recommendation report, addressing submissions received during public exhibition,
- holding a public meeting if the planning proposal is the subject of 10 or more unique submissions by way of objection following public exhibition,
- if required by the Minister, conducting a review of the planning proposal if there has been any delay in the matter being finalised, or if for any other reason the Minister considers it appropriate to do so,
- providing a revised planning proposal to the Minister following consideration of any submission or report during community consultation or for any other reason,
- submitting a request to the Department, as delegate of the Minister, that the LEP be legally drafted and made.

The Minister (or delegate) remains responsible for determining the planning proposal.

The Secretary is responsible for making arrangements for the drafting of any required LEP to give effect to the final proposals of the PPA.

### **14.7 Support provided to the Planning Panel in its role as PPA**

The Secretariat are to provide any necessary support for agency and community consultation (public exhibition) and can facilitate the provision of technical support from other parts of the Department and briefings to the Strategic Planning Panel.

### **14.8 Strategic Planning Panel decisions and advice to be made publicly available**

A Strategic Planning Panel will need to make decisions throughout the LEP making process when undertaking reviews or acting as PPA. Decisions of the Strategic Planning Panel must be made publicly available on the relevant Planning Panels website within 7 business days of any decision.

### **14.9 Community consultation**

There is no requirement for a Strategic Planning Panel meeting to be held prior to determining a rezoning review. The Gateway determination details requirements, if any, for community consultation on planning proposals. The Strategic Planning Panel may hold Panel meetings at any time, at the discretion of the chair, and request briefings from relevant parties at any time.



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Submissions received as part of the public exhibition of a planning proposal for which the Strategic Planning Panel is the PPA must be made publicly available on the Panels' website.

## **15. Site compatibility certificates**

Panels determine applications for SCCs made under section 3.14 of the Transport and Infrastructure SEPP.

Written applications are to be lodged with the Department. The Department prepares an assessment of the application and a recommendation for the relevant Panel. The Panel considers the application and the Department's assessment report and those matters set out at section 3.14(6) of the SEPP. The Panel may determine an application by issuing a SCC or refusing to do so.

The Panel may request a briefing and/or a site visit to assist in its considerations.

A briefing or site visit will be attended by the Panel and Department staff and follow the procedures set out in Schedule 1.

Decisions on SCCs will generally be made by a resolution following a circulation of papers in accordance with the procedures set out in Schedule 1.



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## **Schedule 1: Procedures for briefings, meetings and decisions.**

### **1 Briefings and site visits**

The chair may agree to a site visit or a briefing prior to a Planning Panel making a decision or providing advice on a matter.

A site visit or briefing is solely to identify and clarify issues with the proposal. Panel members will not offer opinions on the merits of the proposal or ask those involved with the assessment of the proposal for their opinion or recommendations at site visits or briefings.

However, the Panel may identify issues that it expects to be addressed or clarified in any assessment report.

A site visit or briefing will be attended by the Panel and relevant council or Department assessment staff or other persons engaged in the assessment of the DA or matter to be determined by the Panel. Secretariat staff may also attend site visits and briefings. In some circumstances, other parties, including the applicant or people who made submissions on an application or matter may also be invited to attend a site visit or briefing. The invitation of parties is at the discretion of the chair.

Briefings on DAs may include a presentation by council assessment staff on key elements of the proposal and the planning controls that affect it (such as zoning), and an overview of issues of concern arising through the Council's assessment or raised in submissions. The timing of the submission of the assessment report and tentative date for a determination may also be discussed.

The assessment officer briefing the Panel during a site visit should have available a set of large-scale plans and be able to point out relevant features of the site and the proposed development.

Only Panel members who will sit on the Panel to determine the matter should attend the briefing.

Briefings and site visits on planning proposals and site compatibility certificates follow the same format, with Departmental staff briefing the Panel.

It is not mandatory that the Panel be briefed prior to considering a matter. However, the Panel will typically hold a Kick-off briefing within 28 days of the DA being lodged. At this Kick-off briefing, the Panel chair will identify key issues, any areas where further information is to be requested and set out a timetable for the next phases of the assessment process, including the estimated timing for determination. Where there is an additional assessment briefing, it should take place no later than 128 days after the lodgement of the DA. The assessment of a DA should not be delayed for a briefing to occur.

Panel members may identify further issues where they need clarification or more information. A Panel may request briefings with council or Department staff or the applicant at any time to clarify any element of the proposal and the assessment report prior to the Panel making its decision.

Briefings are not determination meetings and Panel members should not make any comment that would indicate pre-determination of the matter.

The chair should take into consideration the availability of all members of the Panel and any other necessary persons when deciding to conduct a site visit.

Entry to any private land may only take place with the express permission of the owner of the land, and it is the responsibility of council staff, in relation to a DA, or Department staff in relation to a planning proposal, to seek owner's consent when required.

A written record of the briefing or site visit is made including time, date, attendees, any declarations and key issues discussed and is published on the Planning Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

It may be appropriate to invite the applicant or proponent to attend a briefing or site visit when:

- it would be beneficial to gain a joint understanding between the Panel, council and applicant of the key issues and timing for resolution relating to a DA or planning proposal,
- the Panel could benefit from additional technical explanation on a complex matter,

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- the development or other options are still being considered (e.g. if a major re-design has been requested by the council), or if
- material to be presented may be commercially sensitive or confidential.

Site inspections and briefings are not public meetings of the Panel.

## **2 Meetings**

The Panel may meet on-line, in-person or a combination of both. The Panel will generally conduct its business on-line.

### *Public briefing meetings*

If the matter before the Panel attracts significant community interest, the Panel may consider calling a public briefing meeting.

Public briefing meetings are held to hear submissions in a public forum and to meet with key stakeholders to discuss unresolved issues. Community groups and individuals may register to speak to the Panel at the public briefing meeting. Public briefing meetings are held at the discretion of the Panel. A recording will be made of public briefing meetings and made available on the Planning Panel website.

Panel members should not make any comment that would indicate pre-determination of the application at a public meeting.

### *Determination meetings*

For contentious matters, where a DA has attracted 10 or more unique submissions by way of objection, the Panels will generally hold a public determination meeting to consider the DA.

Notice of a public determination meeting is given at least 7 days before the meeting. Notice of the meeting (including the time, date, meeting format and if relevant, venue for the meeting) are:

- notified on the Panels website, and
- given to every person who made a submission to the council (in the case of petitions, only the head petitioner).

The meeting agenda, any business papers, assessment reports and attachments (including any representations made by council) are distributed to members of the Panel and uploaded on the Planning Panels website in advance of the meeting.

People wishing to address the Panel must register prior to the meeting.

The chair determines the order of presentations to the Panel and the amount of time given to each speaker. At the meeting, it is acceptable to provide the Panel with written material which summarises the matters to be presented to the panel by the speaker. However, written material must be kept to a minimum. Any written material provided may be made available on the Planning Panel website.

## **3 Procedures for public meetings**

Planning Panel meetings are to be conducted in public.

### *Meeting dates and agendas*

Expected determination timeframes for DAs are estimated soon after the DA is lodged and referred to the Planning Panels. Regular status updates on DAs ensure that DAs are determined in a timely manner. Briefings and meetings are scheduled on an as-needs basis. Generally, Panels will have a regular schedule of proposed meeting dates that is determined at the beginning of each year by the Secretariat in consultation with the chair. Meeting dates can be utilised for any Panel related business including public briefing meetings, Panel briefings including Kick-off briefings and site visits, meetings with relevant Government agencies (eg concurrence authority) or Panel meetings. Panel public determination meetings are generally arranged within 14 days of receiving council's assessment report.

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Additional meetings or briefings of a Panel may be organised at the discretion of the chair and via the Secretariat.

The council notifies the Secretariat of any revised date for completion of the assessment report as soon as it is aware of any delay and advises of the reasons for the delay.

#### *The meeting time and venue*

The meeting time, meeting format and if relevant, venue is determined by the chair in consultation with relevant councils, and taking into account:

- the location of the proposed developments to be considered at the Panel meeting,
- the number of persons who have expressed an interest in the different matters to be considered at the Panel meeting,
- if the meeting is being held on site, the availability of a suitable venue and the accessibility of the proposed venue for those persons, and
- local considerations and logistics.

The meeting time, meeting format and if relevant, venue should:

- maximise accessibility to people who have expressed an interest in the matters to be considered at the meeting, and
- facilitate the open exchange of information between the Panel members and other parties.

#### *Notice of meeting*

Notice of a Panel meeting is to be given by the Secretariat at least 7 days before the meeting. Notice is given to Panel members, the general managers (or their nominee) of the councils in that region or district, every person who made a submission to the council (in the case of petitions, only the head petitioner) in respect of an item to be considered at the meeting and the applicants for those items. A notice is placed on the Panels website and may be placed in the local newspaper.

The notice is to include details of:

- the time, date and format of the meeting,
- if relevant, the venue for the meeting,
- the matter under consideration (DA/s or planning proposal),
- the availability of the assessment report, supporting documentation and recommendations, and
- other matters to be considered at the meeting.

#### *Distribution of meeting papers*

The meeting papers including assessment reports and attachments, including any representations made by councils, are to be distributed to members of the Panel and uploaded on the Panels website by the Secretariat no less than 7 days prior to the meeting.

#### *Opening and closing meetings*

The chair will open the meeting with an Acknowledgement of Country followed by introducing the Panel and its members, state the purpose of the meeting, read out any apologies and call for declarations of interest following the declarations of interest procedures.

The chair will note any site visits or briefings the panel has had the benefit of and describe the order of proceedings and time limits for speakers.

The chair may also request council staff to briefly summarise the key issues that have arisen in the assessment report.

The panel will then listen to those wishing to address the panel. After the presentations the panel will make its determination and the chair will read out the decision of the panel before closing the meeting.

#### *Declarations of interest procedures*



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The declarations of interest procedures set out below follow the requirements of the Panels Code of Conduct (Code):

1. The chair calls on Panel members to complete and sign written declarations of interest forms prior to the meeting for each panel matter (under clause 4.1 of the Code). Any verbal declarations must be recorded in writing.

**Note:** Under the Code, a panel member should declare the following interests:

- a. an actual, potential or reasonably perceived conflict of interest (see clause 3.1 of the Code),
  - b. a pecuniary interest listed under clauses 3.10 – 3.12 of the Code,
  - c. a non-pecuniary interest (see clause 3.14 of the Code),
  - d. a conflict of duties listed under clauses 3.18 – 3.25 of the Code,
  - e. a pecuniary interest or non-pecuniary interest arising from a political contribution or donation (see clause 3.26 of the Code),
  - f. a position and pecuniary interest in corporations, partnerships or other businesses that may be relevant to the activities of the Panel in accordance with the Department of Premier and Cabinet's Guidelines 'Conduct Guidelines for Members of NSW Government Boards and Committees' (see clause 4.3 of the Code),
  - g. a personal dealing with council (see clause 5.1 of the Code), and
  - h. a gift or benefit listed under clauses 5.2 – 5.6 of the Code.
2. The chair reviews the written and signed declarations and the management measures put in place for any declared interests.
  3. If the chair is satisfied that reasonable and appropriate management measures are consistent with those set out in the Code, then a note to this effect is to be made on the meeting record.
  4. Should the chair have concerns, the chair is to raise these concerns with the member and suggest additional reasonable and appropriate management measures including, if warranted, that the member not take part in the determination for the matter (see clause 3.8 of the Code).
  5. The chair is to provide the member an opportunity to respond.
  6. The chair is to consider any response prior to making a final decision on the reasonable and appropriate management measures and note the response, the decision, and the chair's reasons for the decision in the meeting record.

#### *Presentations at a Panel meeting*

The chair determines the order of presentations to the Panel. Panel members may ask questions of those making presentations. The amount of time given to each speaker is at the discretion of the chair.

At the Panel meeting, it is at the chair's discretion whether to accept written material which summarises the matters to be presented to the Panel by the speaker. Any allowed written material must be kept to a minimum.

By registering to speak at a meeting, speakers agree to being audio recorded and to the publication of that recording on the Panels website.

#### *a) Presentation by the assessment officer*

The chair may request that the assessing officer responsible for preparing the assessment report (or a representative) presents a summary of the DA or planning proposal, as the case may be, and outline any relevant assessment issues at the start of the presentations. For meeting being held in person, the assessment officer should have available at the Panel meeting a set of large-scale plans (including any amended plans).

Generally, it is council's professional planning and assessment staff that prepare DA assessment reports for the Panel's consideration.

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Where a Panel is acting in the role of the PPA for a planning proposal matter the Department provides technical assistance, which may include the provision of an assessment report for the Panel.

The assessment officer (or representative) should inform the chair of any late submissions received, and of any issues raised which may not have been addressed in the assessment report.

The assessment officer (or representative) should be present throughout the Panel meeting, so that the chair can seek clarification where necessary of assessment issues that may arise during the course of the meeting. Other technical experts from the council/Department may also be present (such as traffic engineers) and the chair may ask for clarification of specific issues. Any questions to council/Department staff can only be made by Panel members and are to be directed through the chair.

b) Presentation by the applicant or proponent

The applicant, in the case of a DA, or the proponent, in the case of a planning proposal, will be given the opportunity to outline the proposal and respond to the assessment report. The applicant/proponent may also be required to respond to submissions made at the meeting. The time allocated to the applicant/proponent, including their consultant(s), is at the discretion of the chair, but is generally 15 minutes. Additional time may be allocated where professional consultants have been engaged by the applicant/proponent to present at the meeting.

c) Presentation by people or groups who made submissions

Panel meetings enable people or groups to make a presentation to the Panel meeting. People who wish to address the Panel must register with the Secretariat prior to the meeting by contacting the Secretariat by telephone or email within the timeframe specified in the notification letter (generally two days before the Panel meeting).

For those people who are of the view that they would not be appropriately or adequately represented by any groups, they may register to speak to the Panel as individuals.

The chair will advise on the time allocated for verbal submissions which will vary from meeting to meeting depending on a number of considerations such as the number of registered speakers.

As a guide:

- individual submitters will have 3 minutes to speak,
- a speaker for a community organisation/group will have 10 minutes to present. Additional time may be allocated where professional consultants have been engaged by community groups to present at the meeting.

In addition, where a large group of people have common issues to raise at the meeting, the chair may ask that a spokesperson be appointed to speak on behalf of the group. In such cases, the spokesperson will generally be allocated more time than individual speakers.

The chair seeks to ensure that all groups or individuals who request to address the Panel are heard. Any requests for extending time limits should be made to the Panel at the meeting and may be granted at the discretion of the chair.

Speakers should focus their oral presentations on the assessment report and its recommendation rather than re-stating information outlined in their earlier written submissions. The Panel has been provided with all submissions and associated documents before the Panel meeting.

d) Presentation by people or groups that have not made a submission

The chair has the discretion to allow any member of the public to address the Panel, even if they have not made a submission or registered to speak by the relevant deadline. Considerations may include the number of persons that made submissions and have requested to address the meeting and the available time.

e) Presentation by an expert engaged by the Panel



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For the purpose of making a decision on a matter, such as a DA or a planning proposal, a Panel may obtain independent assessment reports, advice and assistance that the Panel may require, particularly in relation to complex technical matters. This would be in addition to any assessment report or other information provided by the relevant council/Department in assessing the application.

Selection of such experts is to be determined by the chair in consultation with the other Panel members.

Depending on the circumstances, the expert may submit a report with recommendations directly to the Panel. In addition, the expert may be invited to present the outcomes of their report at the Panel meeting.

The independent assessment report should be made available on the Planning Panels website prior to the meeting, except where this information includes legal advice provided to the Panel and is subject to legal professional privilege.

#### *Adjourning during a Planning Panel meeting*

A Panel may adjourn a meeting where:

- a briefing is required to hear confidential or sensitive information, and/or
- the panel wishes to confer amongst itself before reconvening the meeting for voting and determination.

Before the adjournment the panel chair publicly states the reasons for the adjournment which are recorded in the audio and written record of the meeting.

If the meeting is adjourned so that the panel may confer amongst themselves prior to making a decision, the chair briefly summarises the matters discussed in the adjournment after reconvening the meeting. The panel may discuss the matter further in the meeting and/or make its determination.

Panel discussions during adjournments are not recorded.

#### **4 Decisions and determinations**

The Panel will strive to make its decisions unanimously. Where a decision cannot be made by unanimously, the decision will be made by majority vote. The chair will have a second or casting vote if required because of an equality of votes.

##### *Quorum for a Planning Panel decisions*

A quorum is a majority of the Panel's members, including the chair, i.e. a total of three members. The decision of the Panel will be deferred if a quorum is not present.

Where conflicts of interest are known before a decision is to be made, alternate members will be used to make a quorum.

##### *The Planning Panel's consideration*

In addition to the assessment report, the Panel is to take into account all written submissions, as well as the views expressed by those addressing the Panel should a public meeting be required.

##### *Deferring the decision*

A decision may be deferred for any reason including to obtain additional information or advice.

Should the Panel determine to defer a decision on an application, it must provide a written record of the reasons for deferral.

Where the determination of a proposal is deferred pending the provision of additional information, the panel must specify the timeframe in which the information is to be provided to the council for assessment.

It is the council's responsibility to follow up on any requests for additional information or amendments from the applicant, to determine whether re-exhibition is required, and to provide a supplementary assessment report to the Panel.

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*The Panel's reasons*

The Panel must provide reasons for its decisions, which are to be recorded in the 'Determination and Statement of Reasons' template provided by the Secretariat.

The Panel may rely on the conclusions and recommendations within the assessment report, however, the Panel must identify where it has its own reasons for making the decision and where it adopts the reasons from any assessment report of Council or the Department. As part of setting out its reasons the Panel is to:

- provide a summary of the main issues raised in submissions,
- demonstrate how the Panel considered the community's concerns, and
- demonstrate how the Panel dealt with the issues raised, should they have been found to have merit i.e. requested further studies, applied appropriate conditions or, agreed with council recommendation that the applicant had satisfactorily addressed the concerns.

*Determinations on DAs*

The determination must clearly state whether a DA is unconditionally approved, approved with conditions, has a deferred commencement or refused.

Any new conditions of consent or changes to the recommended conditions of consent must be recorded.

If the Panel resolves to approve an application that is recommended for refusal, the Panel may seek a further report from the council's planning officer providing recommended conditions of consent. The Panel may request without prejudice conditions of consent before a Panel meeting if council's report recommends refusal.

The determination and statement of reasons must include the following:

- the decision of the Panel,
- the date of the decision,
- the reasons for the decision (having regard to any statutory requirements applying to the decision), and
- how community views were considered in making the decision.

DA determinations must be publicly notified in accordance with clause 20 Schedule 1 of the EP&A Act. The date that the determination has effect is the date that it is registered (by the Panel secretariat) on the NSW Planning Portal (EP&A Act s.4.20(1)). The council will provide the Notice of Determination after this date.

The decision of the Panel is not subject to a 'Rescission Motion' as in local government.

Decisions of Decision Review Panels are called a 'Review of Decision' Determination and Statement of Reasons.

*Determinations on matters other than DAs*

Decisions made by the Panels on SCCs, Rezoning Reviews and where the Panel is the PPA will include the following:

- the decision of the Panel,
- the date of the decision, and
- the reasons for the decision (having regard to any statutory requirements applying to the decision).

*Resolutions of the Panels*

The Panels may from time to time make resolutions on certain matters, e.g. to authorise the chair to provide instruction in relation to legal appeals on behalf of the Panel.

Resolutions of the Panel will be published on the Panels website.

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*Dissenting views*

If the decision (and reasons for the decision) is not unanimous, all members of the Panel (i.e. including the minority) still need to give reasons.

*Timing of Determination and Statement of Reasons*

It is preferable that the Panel record both its decision and its reasons at the time of the determination.

*Signatures*

All members of the Panel must sign the Determination and Statement of Reasons. Where one or two members are in dissent, they must still sign, as the reasons will set out their dissenting views.

**5 Transactions of business outside meetings**

A Panel can transact its business by the circulation of papers, (including the electronic transmission of the information in the papers) (known as an electronic determination) (see Schedule 2, Clause 26 of the EP&A Act). The chair and each Panel member have the same voting rights as they have at a public meeting.

The chair may decide that the Panel can complete its business through an electronic determination. These circumstances may arise when:

- there are less than 10 unique submissions by way of objection,
- the Panel has held a public meeting and deferred its decision to request specific additional information from an applicant or council (such as amended drawings) and if council, after having accepted the amended drawings, has decided that re-exhibition of is not required,
- the Panel is voting on a procedural matter, or
- the Panel is voting on a decision following a briefing in relation to a Rezoning Review, Planning Proposal or site compatibility certificate.

Prior to an electronic determination the council report and recommendation is made available on the Planning Panels website for 7 days.

Following consideration of the assessment report, the Panel advises the Secretariat of its decision and a record of decision is completed and endorsed by all members.

Resolutions approved by circulation of papers are recorded in writing and made publicly available on the Panels website within 7 days. The circulation of papers is generally done electronically and are not recorded by audio/ video record, an audio record or a transcription record.

**6 Records of proceedings**

The chair is responsible for ensuring that full and accurate records are kept of the proceedings of Panel meetings, briefings and other business.

An audio recording will be made for all public briefing meetings and determination meetings and will be published on the Panels website. By registering to speak at a meeting, speakers agree to being recorded and to the publication of that recording. Where a speaker has not registered to speak but wants to make a submission at the meeting it is at the chair's discretion and the speaker is asked to agree to being recorded and that recording being published.

Document templates for written records of proceedings are provided by the Secretariat.

Secretariat or council staff will assist in the preparation of draft written records. A copy of the unconfirmed written record is provided to all Panel members who participated in the proceedings. Panel members may submit any proposed corrections to the unconfirmed record to the Secretariat for confirmation by the chair.

Alternatively, a Panel may choose to complete and endorse the final record immediately after completing the meeting or briefing. In this case, draft records are not circulated.

When the written records have been confirmed and endorsed by the chair the written record is placed on the Panels website.



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The confirmed written record is available within 7 days of the Panel meeting or briefing.

Record details are to include:

- the opening and closing times of the meeting,
- the details of the matter considered by the Panel,
- the names of all members of the Panel, including the chair, and any other attendees at the meeting,
- any disclosure of interest made by a member, the reason for that disclosure of interest and whether the member making the disclosure participated in the discussion or determination of the matter,
- any adjournments and reasons for the adjournment,
- the names of each person heard by the Panel in respect of a matter,
- any decision of the Panel,
- reasons for the decision,
- the names of each member who voted for or against the decision, and reasons for dissent, where the decision is not unanimous, and
- the signatures of all the members making the decision.

A written record of briefings or site visits are made including time, date, attendees, any declarations and key issues discussed and are published on the Panels website within 7 days. Site visits or briefings are not recorded by audio/ video record, an audio record or a transcription record.

The Secretariat, with assistance from the relevant council, is responsible for recording decisions for Panel meetings.

Panel members are required to provide any notes made during a meeting, briefing or site inspection to the Secretariat for registration as a record. This includes handwritten or electronic notations.





Item No: C02/24-470

## **CUMBERLAND LOCAL PLANNING PANEL - REAPPOINTMENT OF CHAIRS, EXPERT MEMBERS AND COMMUNITY REPRESENTATIVES**

Directorate: Environment and Planning  
Responsible Officer: Director Environment & Planning  
Community Strategic Plan Goal: *Enhancing the Natural and Built Environment*

### **SUMMARY**

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Council has previously appointed the Chair, Alternate Chairs, Expert Members and Community Representatives for the Cumberland Local Planning Panel, with these terms expiring at the end of February 2024.

In January 2024, the Minister for Planning issued a Local Planning Panels Direction regarding the interim appointment of members from 28 February 2024 to 30 June 2024. The Direction indicates that a member is unable to serve more than two terms on the Cumberland Local Planning Panel. Council officers have reviewed the current Panel membership with reference to the recent Direction, and recommend that the Alternate Chairs, some Expert Members and some Community Representatives be reappointed in accordance with the Direction. It is noted that the Panel members have previously been appointed by Council and that there are no new members included in this recommendation.

A further report to Council will be provided to Council regarding the appointment of Chairs, Expert Members and Community Representatives for the new term of the Cumberland Local Planning Panel.

### **RECOMMENDATION**

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#### **That Council:**

- 1. Reappoint Mr Michael Leavey and Ms Elizabeth Kincade as Chairs of the Cumberland Local Planning Panel, as previously selected by the Minister for Planning, for a term up to 30 June 2024;**
- 2. Reappoint the Expert Members of the Cumberland Local Planning Panel, as previously selected by Council and outlined in Attachment 3, for a term up to 30 June 2024;**
- 3. Reappoint the Community Representatives of the Cumberland Local Planning Panel, as previously selected by Council and outlined in Attachment 3, for a term up to 30 June 2024;**

4. **Note that a further report will be provided to Council on the appointment of the Chair, Alternate Chairs and Expert Members for the new term commencing 1 July 2024, following the refresh of the chair and expert pools from which Councils make appointments to their Local Planning Panels; and**
5. **Endorse that the process to select Community Representatives on the Cumberland Local Planning Panel for the new term commencing 1 July 2024 be undertaken, and that a further report be provided to Council.**

## REPORT

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### *Panel Reappointments for the Chairs and Expert Members*

At its meeting on 16 June 2021, Council resolved to appoint the Chair, Alternate Chairs and Expert Members to the Cumberland Local Planning Panel in accordance with the legislative provisions and directions from the NSW Minister for Planning. The term of the appointment of the Chair, Alternate Chairs and Expert Members expires in February 2024. The current list of Panel Members is provided in Attachment 1.

In accordance with NSW Government requirements, Panel members are appointed for three years. The current term of members expires in February 2024. In January 2024, the Minister for Planning issued a Local Planning Panels Direction regarding the interim appointment of members from 28 February 2024 to 30 June 2024, as provided in Attachment 2. The Direction indicates that a member is unable to serve more than two terms on the Cumberland Local Planning Panel.

Council officers have reviewed the current Panel members with reference to the recent Direction. Based on this review, it is recommended that Council reappoint the Alternate Chairs as Chairs (Mr Michael Leavey and Ms Elizabeth Kincade) of the Cumberland Local Planning Panel, in accordance with statutory requirements, for a term up to 30 June 2024 as specified by the Minister for Planning. It is also recommended that Council reappoint the current Expert Members identified in Attachment 3 that are within the specific term limits for a term up to 30 June 2024 as specified by the Minister for Planning for these reappointments. It is noted that the Alternate Chairs and Expert Members have previously been appointed by Council and that there are no new members included in this recommendation.

Consistent with existing arrangements and as determined by the Minister for Planning, remuneration of the Chairs and Expert Members will not change.

In addition, Council has been advised that the Minister for Planning has requested the Department of Planning conduct an expression of interest during early 2024 to refresh the chair and expert pools from which councils make appointments to their local planning panels. A further report will be provided to Council prior to 30 June 2024 with recommendations on these appointments.

### ***Community Representatives***

At its meeting on 3 November 2021, Council resolved to appoint Community Representatives to the Cumberland Local Planning Panel in accordance with the legislative provisions and directions from the NSW Minister for Planning. The list of current Community Representatives of the Panel is outlined in Attachment 1. The term of the appointment of the Community Representatives expires in February 2024.

Council officers have reviewed the current Panel members with reference to the recent Direction. Based on this review, it is recommended that Community Representatives selected by Council are reappointed until 30 June 2024 as directed by the Minister for Planning. It is noted that the Community Representatives have previously been appointed by Council and that there are no new members included in this recommendation.

Consistent with existing arrangements and as determined by the Minister for Planning, remuneration of the Community Representatives will not change.

Given the lead times for the process and consideration by Council of Community Representatives to the Panel, it is also recommended that Council endorse the commencement of the process to select Community Representatives beyond 30 June 2024. A further report will be provided to Council with recommendations on the appointments of Community Representatives.

### **COMMUNITY ENGAGEMENT**

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

### **POLICY IMPLICATIONS**

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The recommendations in the report are consistent with legislative requirements.

### **RISK IMPLICATIONS**

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The reappointment of the Cumberland Local Planning Panel Chairs, Expert Members and Community Representatives is necessary to meet legislative requirements and to conduct Panel meetings. If a decision is not made by Council before February 2024, Council would be unable to determine development applications that are required to be referred to the Panel nor receive advice on planning proposals.

### **FINANCIAL IMPLICATIONS**

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Since the introduction of the Cumberland Local Planning Panel, Council has budgeted for the operation and costs associated with the Panel. The reappointment of Panel Members will not have any further financial implications for Council.

### **CONCLUSION**

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As the term of Panel Members is due to expire in February 2024, the purpose of this report is to reappoint the current Alternate Chairs, Expert Members and Community Representatives for a term up to 30 June 2024, as directed by the Minister for Planning.

A further report will be provided to Council on future appointments of Panel Members and Community Representatives.

## **ATTACHMENTS**

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1. List of current Cumberland Local Planning Panel Members [↓](#)
2. Ministerial Direction [↓](#)
3. Recommended List for Reappointment of Current Panel Members and Community Representatives to 30 June 2024 [↓](#)

**DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-470**

**Attachment 1**

**List of current Cumberland Local  
Planning Panel Members**





**List of current Cumberland Local Planning Panel Members**

<b>Chair</b>	<b>Alternate Chairs</b>	<b>Independent Experts</b>	<b>Community Representatives</b>
Stuart McDonald	Elizabeth Kinkade	Graham Brown	Ali Naji Alihmedawi
	Michael Leavey	Wayne Carter	Mehmet Cobanoglu
		Garry Chapman	Allan Ezzy
		Grant Christmas	Mohammad Hussein
		Helen Deegan	Michael Stephen Northey
		Marjorie Ferguson	Milorad Rosic
		Naomi Fiegel	Irene Simms
		Lindsay Fletcher	Bruce Simpson
		David Furlong	Virginia Frances Craig Sinclair
		Dennis Loether	Andrew Jason Quah
		Larissa Ozog	
		Michael Ryan	
		Donna Rygate	



DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-470

Attachment 2  
Ministerial Direction





**LOCAL PLANNING PANELS DIRECTION – INTERIM APPOINTMENT OF MEMBERS**

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*



The Hon. Paul Scully MP  
Minister for Planning & Public Spaces

Dated: 22/1/24

**Objective**

The objective of this direction is to extend the approval of chair and member pools and appoint existing chairs and members of local planning panels for an interim period from 28 February 2024 to 30 June 2024.

**Application**

This direction applies to a council that has constituted a local planning panel under the *Environmental Planning and Assessment Act 1979* (the Act).

**1. Direction 1 Continuation of the pools dated 28 February 2021 until 30 June 2024**

1.1 A council to whom this direction applies must note that the chair/alternate chair pool dated 28 February 2021 is approved until 30 June 2024.

1.2 A council to whom this direction applies must note that the expert member pool dated 28 February 2021 is approved until 30 June 2024.

**2. Direction 2 Interim appointment from the pool dated 28 February 2021**

2.1 A council to whom this direction applies is to appoint a new or reappoint the current chair/alternate chair to a local planning panel for the period covering 28 February 2024 to 30 June 2024.

2.2 A council to whom this direction applies is to appoint a new or current panel member to a local planning panel for the period covering 28 February 2024 to 30 June 2024.

2.3 Any panel member who has served two terms on a specific local planning panel cannot be reappointed, this includes community representatives. In this case, a council to whom this direction applies must appoint a new panel member from the approved pool.

2.4 During this interim appointment period a council is permitted to have a reduced number of panel members in their approved pool, that is less than the 15 independent expert members and alternate members (see Local Planning Panels Direction – Appointment of New Members dated 7 December 2022).

### 3. Direction 3 Appointment of members

3.1 A council to whom this direction applies is to require in their letter of appointment or reappointment of any new or current panel member, that the proposed member agree to abide by the *Code of Conduct for Local Planning Panel Members*, in their acceptance of appointment to the local planning panel. The **Code of Conduct for Local Planning Panel Members** is the code approved by the Minister for Planning under section 28 of Schedule 2 to the Act.

3.2 Before appointing community representatives to a panel, a council must require proposed representatives to complete a statutory declaration stating that they are not:

- a) a councillor of that or any other council, or
- b) a property developer within the meaning of section 53 of the *Electoral Funding Act 2018*, or
- c) a real estate agent within the meaning of the *Property, Stock and Business Agents Act 2002*.

**Note:** these are grounds for ineligibility for membership of a local planning panel under section 2.18 of the Act.

3.3 Before appointing community representatives to a panel, a council must also arrange probity checks for the proposed representatives which must include (but are not limited to):

- a. Search of the Public Register of real estate agents
- b. Bankruptcy Register Search
- c. A Nationally Coordinated Criminal History Check

This direction takes effect on 28 February 2024

DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-470

Attachment 3

Recommended List for  
Reappointment of Current Panel  
Members and Community  
Representatives to 30 June 2024



Recommended List for Reappointment of Current Panel Members and  
Community Representatives

Alternate Chairs	Independent Experts	Community Representatives
Elizabeth Kinkade	Graham Brown	Ali Naji Alihmedawi
Michael Leavey	Wayne Carter	Mehmet Cobanoglu
	Garry Chapman	Allan Ezzy
	Grant Christmas	Mohammad Hussein
	Helen Deegan	Michael Stephen Northey
	Naomi Fiegel	Milorad Rosic
	David Furlong	Irene Simms
	Dennis Loether	Virginia Frances Craig Sinclair
	Donna Rygate	Andrew Jason Quah





Item No: C02/24-471

## **NOTICE OF MOTION - GRANVILLE EXPRESS TRAIN LINE**

Councillor: Joseph Rahme and Steve Christou

### **SUMMARY**

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Pursuant to Notice, Councillors Rahme and Christou submitted the following Motion.

### **NOTICE OF MOTION**

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**That Council:**

- 1. Advocate to the State Government to reinstall the Express Train Services running from Granville Train Station.**
- 2. Write to the State Member for Granville, Ms Julia Finn MP and Transport Minister Jo Haylen MP asking for their support and commitment in advocating for the immediate return of Express Train Services to the Granville Line.**
- 3. Ask the State Member for Granville Ms Julia Finn MP to update Council on representations made since being elected to Government.**
- 4. Ask for a definitive timeline from the State Member for Granville Ms Julia Finn MP and Transport Minister Jo Haylen MP on when express train services will be reinstated to Granville Station.**
- 5. Acknowledge the frustration and inconvenience this matter has caused our residents over many years and gives a firm commitment to continue advocacy on this matter until we have a definitive outcome.**

### **RESOURCING/FINANCIAL IMPLICATIONS**

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Nil.

### **GENERAL MANAGER ADVICE**

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Council has previously resolved to advocate for the return of express services to Granville Station. The NSW Government has committed to reviewing the train timetable, and Council is awaiting further details of this initiative.

### **ATTACHMENTS**

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Nil



Item No: C02/24-472

## **NOTICE OF MOTION - OPPOSITION TO DRAG STORYTIME EVENTS AND MATERIAL**

Councillor: Steve Christou and Joseph Rahme

### **SUMMARY**

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Pursuant to Notice, Councillors Christou and Rahme submitted the following Motion

### **NOTICE OF MOTION**

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That:

1. Cumberland City Council does not support and will reject any encouragement or facilitation from LGNSW or any other Group, for the Council to host drag or sexualised material designed to target children.
2. Cumberland City Council supports the rights of every individual who is eligible to participate in Council events and programs.
3. Cumberland City Council does not support Motion 58 of the Business paper passed at the 2023 LGNSW Annual Conference; and
4. The General Manager write to LGNSW expressing concern that this motion was permitted on the agenda.

### **RESOURCING/FINANCIAL IMPLICATIONS**

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Nil.

### **GENERAL MANAGER ADVICE**

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Nil.

### **ATTACHMENTS**

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1. LG NSW Conference 2023 Resolution [↓](#)





**DOCUMENTS  
ASSOCIATED WITH  
REPORT C02/24-472**

**Attachment 1  
LG NSW Conference 2023  
Resolution**



**58 City of Sydney****Support for drag story time events in local government**

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That Local Government NSW:

1. Encourages and facilitates member councils to organise local events that are inclusive for LGBTQIA+ residents year-round;
2. Supports councils to facilitate community-driven safety solutions to ensure that drag story time and similar events can take place at council facilities safely for performers and attendees; and
3. Encourages member councils to ensure that drag performers receive payment in full for events that are cancelled.

**Decision: Carried**

**(Note: This motion covers the following motions set out in small font)**